

NEW ROCHELLE POLICE DEPARTMENT

Special Report to City Council, July 2020

Joseph F. Schaller, Police Commissioner
Robert Gazzola, Deputy Police Commissioner

Acknowledgments

From our supervisors to our police officers to our civilian employees, we would like to thank all of the members of the New Rochelle Police Department who work tirelessly to provide a professional, community-based police service to the citizens of our city. Their dedicated service was demonstrated during the global Covid-19 Pandemic, and they should be commended for all of the hard work that they do each and every day.

A special thank you to the following members who have provided valuable information during the preparation of this report:

- Captain J. Collins Coyne, Commanding Officer, Police Services Division
- Captain Cosmo Costa, Commanding Officer, Criminal Investigations Division
- Captain George Rosenbergen, Commanding Officer, Staff Services Division
- Lieutenant Edward Hayes, Training Director
- Lieutenant Neil Reynolds, Internal Affairs Officer
- Lieutenant Robert Labarbera, Executive Officer, Staff Services Division
- Lieutenant Gary Robinson, Commanding Officer, PACT Unit
- Detective Terrence Fudge, Youth Officer, PACT Unit

New Rochelle Police Department
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Forward

This document seeks to provide a historical perspective of what the New Rochelle Police Department has done, insight in what we are currently doing, and what steps we plan to take in the future to continue to earn the trust of the people we serve. It was prepared to address specific questions posed by members of the New Rochelle City Council relative to use of force policies, and community engagement.

While we believe that we are a professional, forward thinking, progressive police agency, our goal is to continually seek improvement. We are confident that we can work together with the Mayor, City Council and members of the community to achieve this goal, and better serve the citizens of New Rochelle.

Highlights

- Continuous New York State Accreditation since 1993
- Three International awards for community policing initiatives
- Robust community interactions and programs
- Use of force and de-escalation policies updated in 2019 to reflect the “Best Practices” of National and NY State law enforcement standards
- Cutting edge training focusing on National and NY State best practices

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Introduction

Mission and Value Statements

The New Rochelle Police Department is committed to providing the citizens and guests of New Rochelle with a professional, community-oriented police service. Our mission statement serves as a guidepost to our members to provide fair and equal treatment to all people.

The mission of the New Rochelle Police Department is to provide a professional community orientated police service designed to protect life and property and maintain order while assuring fair and equal treatment to all.¹

This mission statement along with the creation of the Department's slogan, ***"Police And Community Together"*** was created in the early 1990's. This slogan is proudly displayed on our police vehicles as a promise to our community that we are part of the community. This slogan also became the name for our community affairs unit, which consists of our Youth Officers, Beat Officers, a Community Resource Officer, and Police/Youth Mentorship Officers.

Accreditation/Recognition

The New York State Division of Criminal Justice Services (NYS DCJS) has been awarding accreditation to Police Departments since 1989. The New Rochelle Police Department first applied for and was awarded accreditation in 1993. We have successfully reapplied and received accreditation ever since, making us one of the longest continuously accredited Police Departments in the State. The Department is inspected and audited by NYSDCJS every three to five years for compliance with the latest state standards and best practices on police policies and procedures. The NRPD was last re-accredited in 2018. Below is a description of the New York State Accreditation.²

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;***

¹ New Rochelle Police Department Administrative Manual (page 1)

² New York State Division of Criminal Justice Services website <https://www.criminaljustice.ny.gov/ops/accred/>

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 agencies.*

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.

International Recognition

The New Rochelle Police Department has been recognized internationally three times for our work and commitment to our community.

- 2003 – International Association of Chiefs of Police – Community Policing Award
- 2005 – International Association of Chiefs of Police/Motorola – Webber Seavey Award (highest honor from the IACP)
- 2011 – International Association of Chiefs of Police - Community Policing Award

Educational Requirements for Employment

Research studies have shown that there are many benefits associated with having college educated police officers.³ Among those benefits are

- Fewer civilian complaints
- Less likely to use force as the first responder
- Less likely to be involved in unethical behavior
- Fewer departmental disciplinary actions and internal investigations
- Improved communication skills

For the past two decades the New Rochelle Police Department has been one of the few police agencies in Westchester County to require college for both the hiring and promotional processes. Police Officer candidates must have a minimum 60 college credits, 30 credits with military service, at the time of appointment. To be promoted to the rank of sergeant or higher, members must have a minimum of a four-year college degree. Currently, the majority of our sworn officers have at least a Bachelor's Degree, and many hold advanced degrees. Three members of the Department, including the Internal Affairs Lieutenant and the Training Unit Lieutenant are licensed attorneys.

³ How Education Impacts Police Performance, By Mark Bond. <https://inpublicsafety.com/2014/07/how-education-impacts-police-performance/>

Police Functions

The Police Department is divided into three divisions, the Police Services Division, the Criminal Investigations Division and the Staff Services Division. Each are commanded by one the Department's three captains, and their Executive Officers, who hold the rank of lieutenant. Currently the Department is budgeted for 170 sworn police officers.

- **Police Services Division** (PSD) this division is comprised of the majority of the uniformed patrol officers who provide the bulk of the day-to-day routine police services.
 - **Patrol** – There are three Patrol Teams consisting of two lieutenants, four sergeants, 15-19 police officers, and five radio room Community Service Officers. These officers are scheduled to provide adequate coverage each day. The City is divided into 9 sectors, each covered by a patrol officer. Among their many duties, patrol officers respond to calls for service, answer 9-1-1 emergency calls, enforce traffic laws, and interact with the public. One lieutenant is assigned each tour to supervisor the patrol operation. A second lieutenant or a sergeant, supervises the Radio Room. Two to three patrol sergeants supervise street patrol operations each tour. Additionally, one detective serves as the Fleet Manager, and one detective is the Taxi Licensing Officer.
 - **PACT** – The Department's Community Affairs Unit is comprised of one lieutenant, one sergeant, three Youth Officers, eight Beat Officers, two Youth Mentors, and a Community Resources Officer. This unit is used primarily to address youth issues, attend community functions and meetings, and provide follow-up investigation in domestic violence cases. The City is further divided into beats. Beats are areas within the sectors where the assigned Beat officer addresses community problems specific to his/her beat.
 - **Special Operations** – The Special Operations Unit is commanded by a lieutenant, and consists of
 - **Critical Incident Unit** - CIU (one of only eleven NYS SWAT Certified Teams) which handles emergency services calls. They are also used to provide routine patrol service as needed. CIU is made up of three teams - each team consists of one sergeant and five officers, one of which is a K-9 handler.
 - **Harbor Unit** – one sergeant, four police officers and five Assistant Harbor Masters are assigned during the boating season to provide police services on the Long Island Sound along the City's coastline.
 - **Traffic Unit** – This unit is responsible for the investigation of serious motor vehicle accidents, as well as the enforcement of vehicle and traffic laws. The unit is comprised of a sergeant, two police officers, 12 Community Service Officers who enforce parking violations, and 17 school crossing guards.
- **Criminal Investigations Division** (CID) this division is made up of detectives whose main function is to conduct follow-up investigations into reported crimes.

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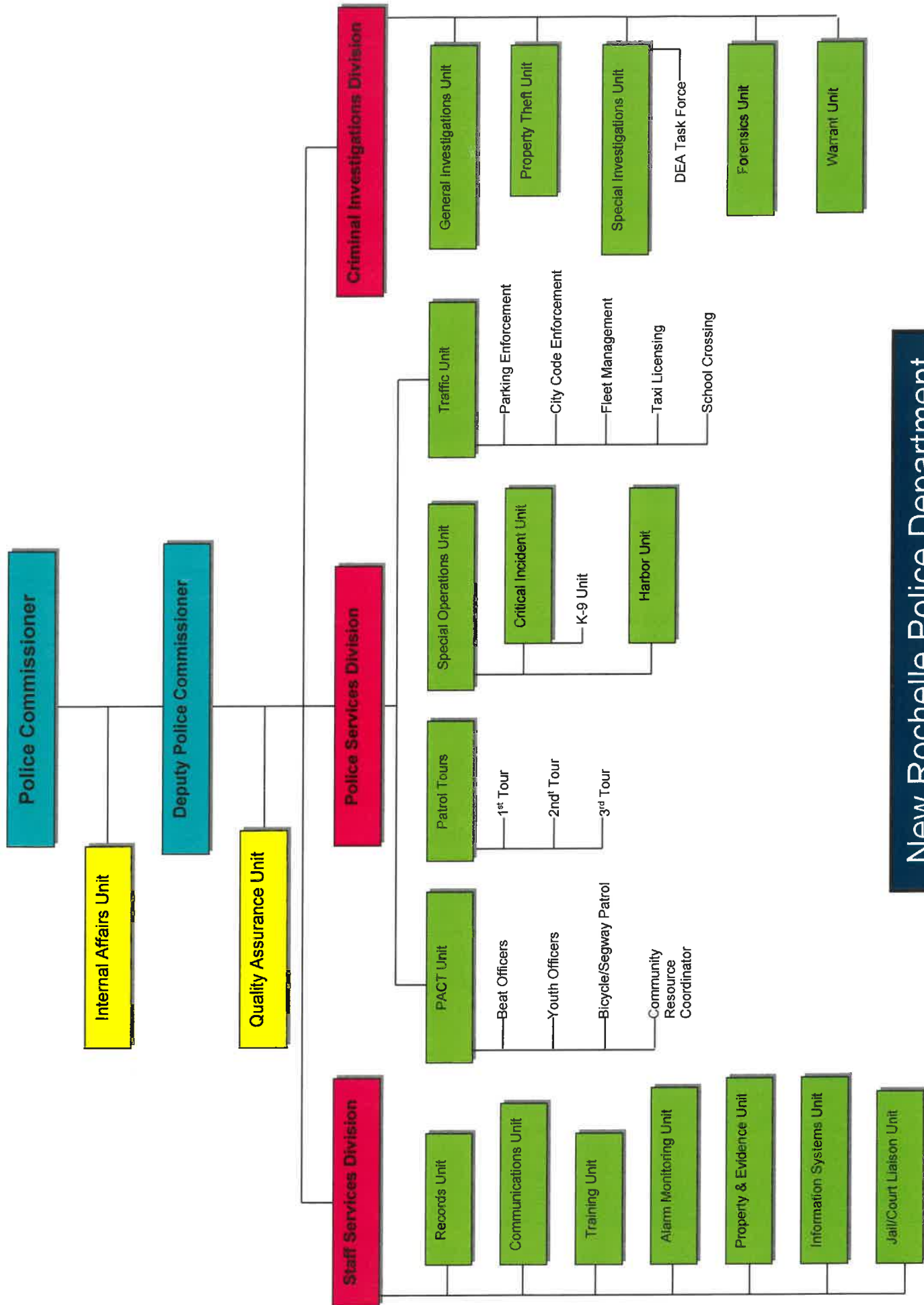
- **General Investigations Unit** – comprised of a lieutenant and seven detectives, and is responsible to investigate serious crimes against persons such as murder, assault, and robbery.
- **Property Theft Unit** - comprised of a sergeant and seven detectives, and is responsible to investigate property crime such as burglary, larceny and criminal mischief. One detective serves as the Warrant Officer.
- **Special Investigations Unit** - comprised of a lieutenant and five detectives, and is responsible to investigate narcotic and vice offenses.
- **Forensic Unit** - comprised of a sergeant and two detectives, is responsible for crime scene evidence collection and documentation.
- **Staff Services Division (SSD)** this division provides support services in the way of records management, training, and technological support and maintenance. Additionally, there is one detective assigned to the radio and telephone unit, one police officer assigned as the court liaison officer, one police officer assigned as the report review officer and one Community Service Officer assigned as the Property Room clerk.
 - **Training Unit** – a lieutenant, sergeant and detective are assigned full time to the Training Unit. They administer all of the Department's training needs.
 - **Communication Unit** – the radio room is staffed by a police supervisor (Patrol lieutenant or Patrol sergeant) and up to five civilian dispatchers/call takers. They are responsible to receive 9-1-1 emergency and routine telephone calls and dispatch police units for assistance as required.
 - **Records Unit** – seven civilian clerks maintain the Department's records and reports. They also assist with payroll, billing, personnel records, and false alarm monitoring.
 - **Discovery Unit** – three police officers and one Community Service Officer are assigned to ensure the Department is in compliance with NY State's newly enacted Discovery Law related to the timely submission of all evidence and reports associated with arrests.
 - **Information Technology** – three civilian employees are assigned to purchase, service, and maintain all of the Department's computer and technological equipment.
- **Internal Affairs** – One detective lieutenant serves as the Internal Affairs Officer

Westchester County - City Police Departments comparison

The chart below is for comparison purposes, and depicts the number of officers per 1000 residents.

Department	Approx. Population	Number of Police Officers	PO per 1000
New Rochelle	80,000	170	2.12
White Plains	60,000	200	3.33
Mt. Vernon	68,000	212	3.11
Yonkers	200,000	614	3.07

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New Rochelle Police Department Organizational Chart

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1. AGENCY ROLE

1.1 MISSION

The mission of the New Rochelle Police Department is to provide a professional community orientated police service designed to protect life and property and maintain order while assuring fair and equal treatment to all.

VISION

We will provide a quality police service that merits the public's trust and ensures the overall success and general welfare of the community.

VALUES

<u>Ethics:</u>	We will demonstrate integrity and honor in all our actions.
<u>Valuing People:</u>	We will treat everyone with dignity and respect, protecting the rights and well being of others.
<u>Loyalty:</u>	We will be loyal to the community, to the department, and its members, and to the standards of our profession.
<u>Fairness:</u>	Our decisions will be balanced--moral, legal and without personal favoritism.
<u>Authority:</u>	We recognize that our authority is derived from the people we serve.
<u>Diversity:</u>	We appreciate one another's differences and recognize that our unique knowledge, skills, abilities and backgrounds bring strength and character to our organization.
<u>Commitment:</u>	We believe that our time spent in the workplace should be devoted to the delivery of quality police services.
<u>Conduct:</u>	We recognize that our conduct, personal and professional is inseparable from the reputation of the Department and must be moral, sober and judicious.
<u>Performance:</u>	We expect everyone to work to the best of their abilities.
<u>Integrity:</u>	We recognize that our behavior must reflect honesty, sincerity, and accountability. If the law is to be honored, those who enforce it must first honor it.

1.2 GOALS AND OBJECTIVES

The goals and objectives of the New Rochelle Police Department may be divided into two categories: long range and short range.

Long range goals and objectives tend to address the continuous need for improvements in operations and service to keep abreast of advances in technology and changes in the legal, political, and social environments in which the Department must operate. They are usually developed on an annual basis in a standardized process. At the beginning of the calendar year the Police Commissioner sends a memo to the three Divisional Commanders directing them to submit a projection of their goals and objectives for the upcoming year. The Division Commanders meet with their administrative staffs, and identify and define the Division's goals and objectives

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for the year. These are submitted on a written report to the Police Commissioner. The Police Commissioner then reviews the reports with each Division Commander individually to clarify and confirm each Division's long-range goals and objectives.

Short range goals and objectives are developed to respond to specific conditions and problems as they arise. Disorderly, hazardous or offensive conditions requiring police attention are regularly identified and recorded on Department Daily Problem Sheets. Daily Problem Sheets are disseminated to Police Services Division four commanders for corrective action. Conditions requiring more strategic response are managed as individual projects and are accounted on reports specifically designed to address the requirements of the project.

Goals and objectives are evaluated at regularly scheduled Command Staff Meetings. Command Staff Meetings, which are attended by the Police Commissioner, Deputy Police Commissioner, and the Division Commanders, always include a report period in which the Division Commanders verbally report on the activity and progress in their Divisions. As long range goals and objectives are achieved, new goals and objectives are developed, usually at the beginning of the calendar year.

Short-term goals and objectives are also evaluated and modified on records generated to monitor specific problems and on the standard problem sheet. If operational supervisors determine that a problem condition has been corrected, a note is made on the Daily Problem Sheet recommending that the problem be deleted from the sheet. The Police Services Division Commander reviews the recommendation, evaluates the situation, and decides if a problem should be deleted.

2. ORGANIZATION

2.1 ORGANIZATIONAL STRUCTURE

The Table of Organization outlines the structure of the New Rochelle Police Department. The offices and units depicted on the organizational chart are responsible for carrying out all of the duties and functions of the Department. (The chart is located in the introduction to the Rules and Regulations and Manual of Procedure.)

The Police Department performs a wide range of police services and is responsible for basic police patrol and criminal investigation, and a variety of other police related services depending on community needs and Department policy. In order to discharge its responsibilities as determined above, the Department is divided into a number of Divisions and Units. The assignment of specific numbers of personnel to individual Divisions and Units varies according to need.

The majority of personnel are assigned to the Police Services Division to provide for around the clock patrol coverage.

Staffing Table

Under the current city budget, allowance has been made for 227 police and civilian employees. Personnel are broken down by rank and title as follows:

Police Commissioner	1
Deputy Police Commissioner	1
Captains	3
Lieutenants	13
Sergeants	22
Detectives	37

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Police Officers	88
Total Police Officers	165
Community Service Officers	32
Clerical Support Employees	10
Assistant Harbor Masters	4
School Crossing Guards	18
Information Systems Manager	1
Total Civilians	66
Total Employees	230

Police Commissioner

The Police Commissioner shall be the executive head of the Police Department and shall have control of the administration and discipline of the Police Department and of the equipment and buildings thereof.

The Police Commissioner, appointed by the City Manager, is the ranking member of the Police Department and shall be responsible for:

- Enforcement of all laws and ordinances within the jurisdiction of the Police Department.
- Enforcement of the provisions of the Rules and Regulations and the Manual of Procedure.
- Enforcement of orders issued by the City Manager.
- The discipline and efficiency of personnel under his command.
- The supervision of police work and all conditions throughout the City of New Rochelle requiring police activity.

Deputy Police Commissioner

The Deputy Police Commissioner is charged with responsibility for direct command and control of all members of the Department, exercised through commanding officers of the various Divisions, subject to executive management and policy direction of the Police Commissioner.

The Deputy Police Commissioner is responsible for the following duties:

- Acts for and in place of the Police Commissioner in his absence. Attends City Council Meetings, Staff Meetings, and other public functions.
- Plans and organizes Department operations under the direction of the Police Commissioner in accordance with Department rules, regulations, and procedures.
- Participates in the interview and selection process of new employees.
- Participates in the selection of personnel for Staff positions and special assignments.

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- Oversees Department training activities and makes recommendations to the Police Commissioner regarding necessary revisions.
- Formulates the Police Department budget.
- Recommends the purchase of equipment to the Police Commissioner.
- Approves and verifies all billings for Department purchases and contractual services.
- Oversees the proper care and utilization of equipment.
- Reviews and approves the Department payroll and approves all overtime worked and leave time used.
- Approves the use of the Department's confidential funds and petty cash.
- Oversees and administers personnel matters including grievances, disciplinary actions, sick and injury cases.
- Performs all other functions and duties as directed by the Police Commissioner.

Internal Affairs Unit

A supervisor who reports directly to the Police Commissioner staffs the Internal Affairs Unit (IAU). The IAU supervisor is responsible for the investigation of all complaints regarding police department employees. The complaints may be generated either internally or externally. Internal complaints are generated by supervisory personnel when personnel fail to comply with departmental rules, regulations, guidelines, policies, or by the IAU supervisor through inspections and investigations concerning employee compliance with rules, regulations, guidelines, and policies.

External complaints are complaints about police conduct that are generated by individuals who are not members of the Department. These types of complaints normally involve allegations of improper conduct on the part of police employees or questionable department procedures. Regardless of the source, seriousness or apparent lack of seriousness of the complaint, each complaint is thoroughly investigated by the IAU supervisor.

In addition to the investigation of complaints the Internal Affairs Unit conducts investigations as directed by the Police Commissioner and all incidents where officers have discharged their weapons or where prisoners in police custody have been injured.

The Internal Affairs Unit acts as liaison in civil cases between the Department and city attorneys, insurance companies and their respective investigators. He coordinates interviews with department employees and witnesses, and researches and retrieves reports and photos for a defense of these cases. He testifies as a representative of the Police Department in order to enter official documents into evidence and performs whatever other duties are necessary to accommodate the proceedings and ensure the integrity of the Department.

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Quality Assurance Unit

The Training Director and Internal Affairs Officer comprise the Quality Assurance Unit, which conducts inspections and reviews of specific areas of the Department. The purpose of the reviews is two-fold: to determine compliance with established policies and procedures to identify problem areas and opportunities for improvement that will, through training, positively enhance the Department's performance; to promote a method of operation to improve the quality and consistency of performance throughout the Department by using evaluations and a support system which includes training, guidance and follow-up review. This will be accomplished through the use of specified areas of evaluation. The evaluations are conducted on a regular basis to ensure that the quality of performance attained is continued.

Staff Services Division

The Staff Services Division is organized under the command of a police captain (Division Commander). The division provides the Department with the many auxiliary services it needs in order to operate efficiently and effectively. The Division is divided into seven units. They are the Records Unit, Communications Unit, Training Unit, Court Liaison/Jail Unit, Alarm Monitoring Unit, Property and Evidence Unit and the Information Systems Unit. Three supervisors assist the division commander in operating and managing these units.

Records Unit

The Records Unit performs most of the Department's administrative functions. Warrants, subpoenas, and other court orders issued by Federal, State, and local courts and agencies are processed and disseminated by the unit.

The unit processes requests from law enforcement agencies in need of information that this department might have, and private organizations seeking background checks on prospective employees. In addition, the unit acts as the Department's liaison with law enforcement, legal, and social agencies in managing the paperwork and communications generated by police services activities. It processes and transmits the necessary information and paperwork for state and county reimbursement of court security and prisoner transportation costs.

The unit also operates the Public Service Window, where the public may obtain copies of police reports, letters of good conduct for employment, and property held in police custody.

The unit further serves as the Department's personnel section, managing the payroll, medical claims, pension plan files, and personal employment files of the New Rochelle Police Department staff. The unit also maintains records of sick time, injured time, vacation time, and other leaves of absence.

Most of the work performed by the Records Unit is clerical in nature and is performed by civilian personnel. Under the direction of assigned Staff Services Division supervisors civilian personnel perform the following functions:

- prepare court officer billing
- prepare prisoner transfer billing
- maintain jail rosters
- log and forward subpoenas
- operate the public service window
- issue letters of good conduct
- process applications for taxi and limousine licenses
- process insurance report requests

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- conduct surveys regarding the quality of police performance
- pick up and deliver mail from and to city hall
- data entry of arrest cards, incident reports, roster file, and gas slips
- produce computer reports, monthly UCR, and special reports
- process State Liquor Authority correspondence
- data entry of moving violations, city code violations, and individual officer activity
- maintain DWI log
- process monthly void tickets list
- process return of fingerprints from DCJS & FBI
- file arrest card
- update existing B# jackets
- deposit money from register
- tow vouchers
- maintain yearly tally of officers productivity
- maintain records of the City's pension fund records

Property Clerk Unit

The Property Clerk Unit maintains control over all lost, stolen, abandoned, or recovered property or property identified as evidence that is placed into the custody of the Department. Property in the custody of the Property Clerk Unit is secured in the Records Unit safe or storage room. The Property Clerk Unit also maintains a record of the receipt of such property. (Refer to Manual of Procedure, Chapter Nine, Article 9.03, Property and Evidence for further information.)

Communications Unit

The Communications Unit of the Department receives and manages requests for emergency service in the City of New Rochelle. This unit receives requests for Police, Fire, and Emergency Medical Service. A combination of police and civilian personnel assigned to the Staff Services Division perform the line functions of ERS operators, NYSPIN operators, police dispatchers, and desk employees. A complement of these employees is on duty at all times and a sergeant assigned to the Police Services Division directly supervises them. The position of police communications officer is also assigned to the unit. This is a staff position and the officer reports directly to the Staff Services Division Commander.

Training Unit

A Staff Services Division supervisor who administers all department training is assigned to the Training Unit. It is the responsibility of this unit to conduct the Department's in-service training program and to arrange for the entire Department's training needs. The Training Unit also monitors all recruits as they go through the Westchester County Police Academy and upon graduation from the academy provides local orientation before the recruits are assigned to the Police Services Division.

Court Liaison/Jail Unit

The Department has two cellblocks. One cellblock contains accommodations for 18 male prisoners and the other contains accommodations for seven female prisoners. The Court Liaison Unit provides prisoner escorts between the cellblocks and the courts. The unit also reports the court's activities and performs clerical duties as they relate to police operations.

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The Staff Services Division is responsible for maintenance of the cellblocks. Community service officers assigned to the Communications Unit are assigned to provide supervision over male and female prisoners, when necessary.

Information Systems Unit

The Information Systems Unit oversees all computer equipment and operations in the Department. A civilian manager staffs the unit and other personnel are assigned as needed at the direction of the Staff Services Division commander.

Alarm Monitoring Unit

The Alarm Monitoring Unit is responsible for enforcement of the various provisions of the City of New Rochelle Alarm Systems ordinance.

Criminal Investigations Division

The Criminal Investigations Division is organized under the command of a police captain (Division Commander) and is divided into five units: General Investigations Unit, Property Theft Unit, Special Investigations Unit, the Forensic Unit and the Warrant Unit.

The division is responsible for the following functions:

- prevention of crime
- detection and arrest of criminals
- recovery of lost and stolen property
- warrant control and enforcement
- location of missing persons
- maintenance of criminal identification files
- civilian identification for governmental licenses and permits

General Investigations Unit

The General Investigations Unit is under the command of a Criminal Investigations Division supervisor and is staffed by detective personnel and police officers assigned to the division. The unit is responsible for the investigation of all crimes committed against persons, accidental and suspicious death investigations, and non-criminal administrative investigations.

Property Theft Unit

The Property Theft Unit is under the command of a Criminal Investigations Division supervisor and is staffed by detective personnel and police officers assigned to the division. The unit is responsible for investigating property-related crimes.

Special Investigations Unit

The Special Investigations Unit is under the command of a Criminal Investigations Division supervisor and is staffed by detective personnel and police officers assigned to the division. This unit bears the responsibility for investigating violations of the law pertaining to controlled substances, prostitution, gambling and the sale of alcoholic beverages.

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Forensic Unit

The Forensic Unit is under the command of a Criminal Investigations Division supervisor and it performs the following services:

- fingerprint all arrested persons
- process crime scenes for physical evidence
- maintain criminal identification records
- provide photographic services to the Department for criminal and non-criminal incidents

Designated personnel assigned to GIU, PTU, and SIU are trained to perform the forensic function and are assigned on a rotating basis to provide the Department with forensic services. A civilian clerk is assigned to the unit Monday through Friday during business hours to assist with fingerprinting duties and to perform various clerical tasks.

Warrant Unit

The warrant officer receives criminal warrants from the city court. Upon receipt of the warrant, the warrant officer completes numerous duties related to the tracking and disposition of these warrants.

Police Services Division

The Police Services Division is organized under the command of a police captain (Division Commander) and is responsible for providing uniform police services throughout the city.

The Police Services Division is divided into four units: Patrol Unit, PACT (Police And Community Together) Unit, the Special Operations Unit and the Traffic Unit.

Patrol Unit

The Patrol Unit is divided into three tours. Personnel are assigned to each tour on a permanent basis. The first tour works from midnight until 8:00 a.m. The second tour works from 8:00 a.m. until 4:00 p.m. The third tour works from 4:00 p.m. until midnight. Seven supervisors and between 21 to 24 officers are assigned to the first tour. At full strength the first tour would turn out with five supervisors and 14 officers. Seven supervisors and between 22 to 26 officers are assigned to the second tour. At full strength the second tour would turn out with four supervisors and 16 police officers. Seven supervisors and between 24 and 28 officers are assigned to the third tour. At full strength the third tour would turn out with five supervisors and 19 police officers. On each tour one supervisor is assigned as the Desk Officer/Communications Unit supervisor.

The city is divided into motorized patrol sectors, foot patrol posts and community policing beats. Patrol Unit personnel patrol the sectors and foot-posts and provide supplementary coverage to the beats.

Patrol Unit personnel provide a variety of services that include but are not limited to all of the following:

- respond to all calls for service
- conduct preliminary investigations of crime
- respond to medical emergencies
- respond to fire emergencies
- handle emotionally disturbed persons

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- investigate auto accidents
- enforce all state and local laws and ordinances
- arrest offenders

PACT Unit

The primary community- policing unit in the Department is the PACT Unit. The unit is comprised of a lieutenant, one sergeant, 6 beat officers, 2 conditions officers, 2 youth officers and the Community Resource Coordinator. The beat officers cover six beats and they are the liaison between the Department and the New Rochelle community at large. The beat officers, under the direction of the PACT Commander and supervisors, interact with school associations and officials, civic associations, business associations, church groups and youth organizations for the purpose of maintaining lines of communications between the Police Department and the community. The unit also coordinates these activities along with personnel from the Patrol Unit, Critical Incident Unit and Criminal Investigations Division.

The two youth officers assigned to PACT have primary responsibility for the investigation of crimes committed by juveniles. Additionally, they monitor locations identified as areas where juveniles congregate and engage in disorderly behavior. Youth Officers also investigate cases of missing juveniles and assist CID personnel with child protective cases involving sexual or physical abuse committed by family members or legal guardians.

The PACT Unit is also the clearing- house for information and requests for service from the Westchester Family Court, the Westchester County Department of Social Services, Child Protective Services, Crime Victims Assistance Services and the New Rochelle Board of Education.

Community Resource Coordinator

The Community Resource Coordinator is a trained counselor, under contract to the Department, who reports directly to the commander of the Police Services Division. The role of the unit is to provide crisis intervention services to residents of the City experiencing serious family and personal problems. This is accomplished through information referral and counseling.

Special Operations

The Special Operations Unit is supervised by a Police Services Division supervisor and is divided into three sections: Critical Incident Unit, Harbor Unit and SCUBA Unit.

Critical Incident Unit

The Critical Incident Unit is comprised of three teams. A sergeant, four police officers and a K-9 unit made up of a police officer and a trained police dog, staffs each team. The Department's policy on Critical Incident Unit Tactical Operations is defined in the Manual of Procedure, Chapter Five, Article 5.22C.

Members of the unit are charged with the following responsibilities:

- supplement the patrol unit in the delivery of routine police services
- provide assistance to patrol units during response to serious incidents
- primary response unit to all calls of emotionally disturbed persons
- police special events, i.e., parades, demonstrations, assemblies and labor disputes

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- respond to critical incidents such as barricaded suspects or hostage situations
- tactical entries related to felony arrest warrants, barricaded suspects, hostage situations, and any search warrant with prior information that weapons are on the premises
- K-9 response to burglary scenes, lost person investigations, weapons recovery

Harbor Unit

The Harbor Unit is a seasonal unit that operates from April through October each year. A sergeant, four police officers and between four to six assistant harbormasters are assigned to the unit. The unit patrols the waters of Long Island Sound that bound the City of New Rochelle. The primary function of the patrol is to enforce navigation laws and promote boater safety. Refer to Manual of Procedure, Chapter Five, Article 5.34, Harbor Patrol for a full description of the unit and its responsibilities.

Traffic Unit

The Traffic Unit is supervised by a Police Services Division Supervisor. A sergeant and four police officers are assigned to this unit. The Traffic Unit has five subsections: Taxi Licensing, School Crossing Guards, Parking Enforcement, City Code Enforcement and Fleet Management.

Members of the Traffic Unit are responsible for the following:

- review of all accident reports filed by members of the Department (sergeant's responsibility)
- supervision of parking enforcement officers, ordinance officers and crossing guards (sergeant's responsibility)
- investigation of personal injury and fatality auto accidents
- investigation of hit and run accidents
- investigation of public property accidents
- selective enforcement of the vehicle and traffic law with a direction towards correcting critical accident and parking problems
- coordination of funeral, parade and special demonstration escorts

The Taxi Unit is staffed by a sworn member and is responsible for the issuance of all taxi licenses and medallions. Registration of drivers and vehicle inspections is conducted annually. School Crossing Guards are assigned to key intersections near schools for the purpose of assisting elementary school children to safely cross those intersections. The Parking Enforcement Unit is comprised of seventeen community service officers. The unit provides parking enforcement throughout the city and facilitates the free flow of auto and pedestrian traffic in the downtown district of the city. Coverage is provided 7 days a week from 8:00 a.m. – Midnight.

City Code Enforcement Unit

This unit is responsible for the proactive enforcement of city code violations. Problems are identified and acted upon. Included within this unit's duties is the enforcement of city code and vehicle and traffic law statutes pertaining to abandoned vehicles. This unit is staffed on a full time basis and is made up of both police officers and community service officers.

Fleet Management

An officer assigned to the Police Services Division fills this position, which oversees the purchase and maintenance of vehicles, as well as installation of equipment in vehicles.

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2.2 JOB CLASSIFICATIONS

Each level of employment from captain to community service officer, except for the position of detective, is a permanent civil service position and has a description of general duties and distinguishing features. Assignment within a class may cover a broad range of the police function and is described below. Civilian positions, both full time and part time, are also described below.

Police Commissioner

The City Charter mandates the Office of the Police Commissioner and as the executive head of the Police Department the Police Commissioner is charged with the following duties and responsibilities:

- Maintain charge and control of the administration and discipline of the Department.
- Maintain charge and control of the buildings and equipment.
- Enforce all laws and ordinances within the jurisdiction of the Police Department.
- Enforcement of the Rules and Regulations and Manual of Procedure.
- Enforcement of orders issued by the City Manager.
- Supervision of police work and all conditions throughout the City of New Rochelle requiring police activity.

Deputy Police Commissioner

The Deputy Police Commissioner is charged with responsibility for direct command and control of all members of the Department, exercised through commanding officers of the various Divisions, subject to executive management and policy direction of the Police Commissioner.

The Deputy Police Commissioner shall perform such related assignments as may be directed by the Police Commissioner and shall be directly accountable to the Police Commissioner.

Police Captain

The rank of police captain is a civil service position for which a candidate must have satisfactorily completed not less than six months of service as a permanent police lieutenant with the New Rochelle Police Department and earned a four-year degree from an accredited college. Upon promotion to the rank of captain, a one-year probationary period must be served before permanent appointment to the position is made.

The knowledge, skills, and abilities required for this position are:

- Thorough overall knowledge of police organization and administrative practices.
- Knowledge of crime prevention and criminal investigation methods and techniques.
- Knowledge of the laws of evidence, arrest, search and seizure, and other controlling laws and ordinances.

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- Thorough knowledge of the geography of the city.
- Familiarity with the operation of the police radio system.
- The ability to analyze and assess patterns of criminal behavior in order to properly plan police activities to curtail and abate these problems.
- The ability to command, lead, and direct subordinate officers.
- The ability to deal courteously but firmly with the public.
- The general exercise of good judgement, and powers of observation, tact, and good physical condition.

The current table of organization places the rank of police captain in command of a Division. As a division commander a captain is responsible for:

- The good order, efficiency, and discipline of members of the Department under his control.
- The instruction of all members of his command in the proper performance of their duties in a manner that will render effective police service.
- Properly preparing, transmitting, using and preserving official records, reports, returns, forms, correspondence originating in or forwarded to his command.

Division commanders shall have the power to promulgate orders to members of their command, providing such orders do not conflict with existing laws, the Rules and Regulations, the Manual of Procedure, or orders of the Police Commissioner.

Police Services Division Commander. As Police Services Division commander a police captain will be responsible for the following duties:

- Directing the activities of the Police Services Division and its personnel.
- Prevention of crime and violations of public laws and ordinances, and the arrest of persons who commit these offenses.
- Suppression of public disturbances.
- Preliminary and follow-up investigations of complaints and alleged violations.
- Furnishment of aid, relief, and information to citizens as required.
- Assignment of personnel according to fundamental criteria for public protection, including neighborhood and sector characteristics, security conditions, crime incidence, and related factors.
- Assignment of personnel for overall patrol activity and traffic enforcement with a view toward achieving maximum utilization of existing manpower.
- Basic responsibility for investigation of routine complaints, unusual or suspicious conditions, vice activities observed or suspected by beat officers, suspicious persons, and for the pre-

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liminary investigations of crimes with provision for report and referral to other Divisions concerned.

- Coordinating investigative functions with the commander of the Criminal Investigations Division with a view toward relieving detective personnel of relatively minor and time consuming functions, such as service of warrants, safeguarding of crime scenes, discovery and initial reporting of suspected premises and like activities.
- Work in coordination with the commander of the Staff Services Division in order to ensure the adequate training of all personnel assigned to the Police Services Division.
- Assumes direct command of police forces on the scene of riots, serious crimes, fires or other unusual disorders.
- May be assigned to act as Deputy Police Commissioner in the latter's absence.

Criminal Investigations Division Commander. As Criminal Investigations Division commander a police captain is responsible for the following duties:

- Directs the activities of the Criminal Investigations Division and its personnel.
- Is responsible for the thorough and efficient investigation of all criminal cases assigned to the division for action.
- Is responsible for the proper discharge of investigative duties, such as the collection and preservation of evidence, interrogation of suspects, interviews of witnesses, identification of criminal elements active within the city, and preparation of cases for court trials.
- Has overall responsibility for the operation of an adequate criminal identification facility suitable for the fingerprinting of prisoners and civilians, the classification and cataloguing of prints, photography services, and the safe custody of evidence in criminal cases.
- Reviews the work and operation of the division and takes corrective measures as required.
- Assigns members of the division to conduct background investigations of police applicants and pistol permit applicants.
- Instructs police officers assigned as trainees to the division in the proper skills, methods, and techniques required of criminal investigators.
- Personally supervises investigations of serious crimes.
- May be assigned to act as Deputy Police Commissioner in the latter's absence.

Staff Services Division Commander. As the Staff Services Division commander a police captain is responsible for the following duties:

- Directs the activities of the Staff Services Division and its personnel.
- Is responsible for the coordination and control of the central records system.

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- Is responsible for all property removed to the custody of the property clerk.
- Is responsible for all personnel records.
- Is responsible for all attendance and assignment records.
- Is responsible for the Communications Unit and assigned personnel.
- Functions as Police Department personnel control officer with responsibility for planning and administering a continuous in-service training program for supervisory officers and police officers, and for coordinating recruit training programs and schedules with area or zone training administrators.
- Is responsible for the Court Liaison/Jail Unit and the assignment of personnel thereto,
- Is responsible for the continuing review of reported incidents with a direct reference towards evaluating the operational effectiveness of manpower allocation and distribution, and where necessary to make recommendations for improvement or modification.
- May be assigned to act as Deputy Police Commissioner in the latter's absence.

Police Lieutenant

The rank of police lieutenant is a civil service position for which a candidate must have earned a four-year degree from an accredited college and satisfactorily completed not less than six months of service as a police sergeant in the New Rochelle Police Department. Upon promotion to the rank of lieutenant, a one-year probationary period must be served before permanent appointment to the position is made.

The knowledge, skills, and abilities required of this position are:

- Knowledge of police organization, administration, and operation.
- Knowledge of the principles and techniques of planning, organizing, and supervising police patrol, crime prevention, crime detection, criminal investigation, police records management, communications, traffic control and training activities.
- Knowledge of all applicable laws governing police work.
- Ability to lead and direct subordinate officers and civilians.
- Ability to deal courteously but firmly with the public.
- Good judgement and powers of observation.
- Good physical condition.

Under the current table of organization police lieutenants are assigned to the following positions:

Patrol Tour Commander. As a tour commander a lieutenant is responsible for the following duties:

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- The assignment of sergeants, police officers, and civilian employees to specific duties and posts on a given shift.
- Direction of police activities at riots, serious crimes, fires, or unusual disorders as they may occur on the lieutenant's tour of duty.
- Gives instruction to subordinate officers.
- Evaluates the work performance and training needs of subordinate police, civilian, and community service personnel.
- Ensures that the Department personnel assigned to his command properly carry out the procedures and policies outlined by the Police Commissioner.

Special Operations Unit Commander. When assigned as the Special Operations Commander a lieutenant is responsible for all of the following duties:

- Oversees the activities of the Critical Incident Unit, Harbor Unit, and the SCUBA Unit.
- Plans the police response to special public events in the city such as assemblies, demonstrations, and labor disputes.
- Acts as the officer in charge at all tactical operations and activities.
- Recalled to serious incidents as needed.
- Operational control of Homeland Security issues.
- Shares Homeland Security Intel collection and dissemination duties with the Executive Officer.
- Responsible to budget and staff all Special Operations Units.
- Supervision of the Downtown area and Special Duty officers.

PACT Unit Commander. As PACT Unit commander a lieutenant is responsible for the following duties:

- Oversees the Department's community policing efforts.
- Manages beats and beat officers.
- Manages youth officers in their daily activities.
- Acts as liaison with the New Rochelle community and the Department. In this capacity the lieutenant routinely shares information with civic associations, tenants associations, neighborhood associations and watch groups, and parent teacher associations.
- Acts as a liaison between the police department and the Westchester County Family Court, Westchester County Department of Social Services, Child Protective Services, Crime Victims Assistance Services, Westchester County Department of Probation, Board of Education, and the New Rochelle Guidance Center.

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Traffic Unit Commander. The Traffic Unit is commanded by a lieutenant, the Executive Officer of the Police Services Division, and is responsible for the following:

- Serves as the Executive Officer of the Police Services Division and fills in for the Division Commander when he is unavailable.
- Reviews all accident reports and prepares traffic and safety reports for the Department of Motor Vehicles and the Department of Criminal Justice Services.
- Evaluates parking and traffic complaints and directs the assignment of personnel to alleviate such problems.
- Supervises the routine maintenance of equipment used in traffic and alcohol enforcement.
- Screens prospective job applications for community service officer and school crossing guard positions.
- Acts as liaison to the City Court in traffic matters.
- Plans the police response to special public events in the city such as parades.
- Shares Homeland Security Intel collection and dissemination duties with the Special Operations Unit Commander.

Internal Affairs Officer. When assigned as the Internal Affairs Officer a lieutenant is responsible for the following duties:

- The investigation of complaints generated against department employees.
- Sensitive and confidential investigations as directed by the Police Commissioner.
- The investigation of all incidents where a member of the Department has discharged his weapon.
- Maintains case files of all disciplinary related complaints.
- Acts as liaison between the Police Department and city attorneys and insurance companies with respect to civil cases where the Department is represented as a plaintiff or respondent.

Training Director. As the training director a lieutenant is responsible for the following duties:

- Establishment of an in-service training program for Department employees.
- Manages the Department's range and armory and conducts firearm qualifications.
- Monitor police recruits while they attend the Westchester County Police Academy training program.
- Conducts the orientation program for police recruits upon their graduation from the police academy and prior to their assignment to the Police Services Division.

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Detective Lieutenant. As a detective lieutenant assigned to the Criminal Investigations Division a lieutenant is responsible for the following duties:

- Supervises a squad of detectives and oversees the activities of subordinate supervisors assigned to the Criminal Investigations Division.
- Provides direct supervision over all major offenses that involve crimes against persons.
- At the direction of the Police Commissioner, the Deputy Police Commissioner, or the Division Commander prepares studies and reports related to criminal activities within the city.
- Assigned as the executive officer of the Criminal Investigations Division and acts in the division commander's place when he is unavailable.

Police Sergeant

The rank of police sergeant is a permanent civil service position for which a candidate must have satisfactorily completed not less than three years of service as a permanent police officer in the New Rochelle Police Department and earned a four-year degree from an accredited college. Upon promotion to the rank of sergeant, a one-year probationary period must be served before permanent appointment to the position is made.

The knowledge, skills, and abilities required of this position are:

- Practical knowledge of the fundamental principles of police administration and operations.
- Understanding of patrol responsibilities and functions.
- Practical knowledge of central complaint procedures and police records management.
- Practical knowledge of police communications.
- Familiarity with and practical knowledge of all applicable laws and ordinances governing police work.
- Good working knowledge of the fundamental principles and practices of crime detection and criminal investigation.
- Ability to be courteous but firm with the general public.
- Conscientiousness and good judgement.
- Ability to instruct and lead subordinates in police work.
- Good physical condition.

Police sergeants are assigned to all three divisions and are, depending upon their specific assignment, responsible for some or all of the following duties:

- The good order and discipline of the police officers under his control.

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- The proper transmittal of orders to subordinates.
- The inspection of police officers before they go on duty for compliance with departmental regulations.
- Makes daily reports of activities during assigned shift.
- Has immediate responsibility for periodically evaluating the performance of subordinate personnel under his supervision, and for making formal reports of such evaluations.
- Reports any breach of duty or inefficiency.
- Takes charge of preliminary investigations of serious crimes.
- Takes charge of traffic details and supervises accident investigations.
- Assumes charge of the complaint desk/Communications Unit at police headquarters on an assigned shift, receiving complaints from the public, and from other sources in person or by telephone, making official entries in department logs, booking prisoners, conducting evaluations of prisoners to determine if they are to be classified as designated risks before being placed in the police lock-up, maintaining radio communications, and maintaining the security of the police facility.
- Serves as the Department's assignment officer and is responsible for the staffing of all personnel on a 24 hour basis.
- Serves as a detective sergeant assigned to one of the units within the Criminal Investigations Division.

Police Officer

The permanent position of police officer is attained after an individual has satisfied the minimum qualifications for the position as established by the Civil Service Commission, has successfully completed the Municipal Police Training Council's Police Officer Training Course, and has completed a 64 week probationary period with the Department. In order to be appointed to the position of police officer a candidate must have earned at least 60 college credits from an accredited college, or 30 college credits from an accredited college plus 2 years of active military duty with an honorable discharge.

The knowledge, skills, and abilities required of a police officer at the entry level are:

- Practical knowledge of the basic principles of human behavior.
- Working knowledge of English grammar and spelling.
- Ability to write clearly.
- Ability to listen to and comprehend oral and written information.
- Good memory.
- Ability to accept responsibility.

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- Ability to make decisions quickly.
- Ability to remain calm and think under pressure.
- Self-discipline and initiation.
- Ability to be courteous with the public.
- Good moral character.
- Good physical condition.
- Upon the completion of the probationary period a police officer is expected to be able to demonstrate competence in the following areas:
 - Proficiency with the Department issued service weapon and a general understanding of the use of weapons and their capabilities.
 - Thorough knowledge of the geography of the city.
 - Good knowledge of the penal law, vehicle and traffic law, ABC laws, laws of arrest and detention, local laws and ordinances, Rules and Regulations and Manual of Procedure.
 - Good knowledge of what constitutes evidence and how to handle it.
 - Working knowledge of motor vehicle accident report forms, vehicle and traffic documents, and department forms.
 - Ability to conduct a proper preliminary investigation and to write an acceptable report rendering an account of the investigation.
 - Ability to get along with the public, to handle people under stress, to resolve disputes and exercise discretion and restraint when dealing with disorderly uncooperative or belligerent individuals.
- Ability to properly operate a patrol car and radio equipment.

Police officers constitute the largest number of employees in the Department. They are the main group through which services provided by the Department are delivered to the public. General patrol work is the most common assignment for police officers; however, they may also be assigned on a temporary, rotating, or long term basis to investigative, desk, communications, juvenile, or administrative functions.

While work is performed on a daily basis under the supervision of a sergeant or higher-ranking officer, police officers are required to utilize independent judgement in performing their duties by applying relevant laws, rules, regulations, and procedures.

Police Services Division. When assigned to the Police Services Division a police officer is responsible for the following duties:

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- Patrol an assigned area, either by foot or vehicle, in an alert and aggressive manner, and to take preventive or remedial action at the scene of any crime or other situation necessitating such action.
- Conduct preliminary investigations of all offenses.
- Make arrests and enforce state laws and local laws.
- Respond to and take appropriate action at natural and man made emergencies such as traffic accidents, fires, floods, explosions, bomb scares, accidental deaths, and suicides.
- Respond to a variety of complaints or requests for service.
- Work in the Communications Unit as a police dispatcher or NYSPIN operator.
- Prepare written reports as required in conformance with department procedures.
- Refer complaints that do not require the attention of the Police Department to the proper agency.

Criminal Investigations Division. When assigned to the Criminal Investigations Division as a detective, a police officer is responsible for the following duties:

- Accept and investigate complaints of crimes.
- Accept and investigate complaints of missing persons.
- Accept and investigate incidents where persons have died unexpectedly, died in a public place, died as a result of an accident, are found dead and cannot be identified, or have died as a result of suicide.
- Act as evidence collection personnel and perform forensic duties.
- Conduct background investigations of police applicants and pistol permit applicants.

PACT Unit. When assigned to the PACT Unit as a detective, a police officer is responsible for the following duties:

- Conduct patrols of areas surrounding schools, when schools are in session, in order to prevent problems associated with large groups of students.
- Identify problems caused by juveniles and effectively patrol those areas where problems are likely to occur.
- Investigate crimes committed by juveniles and enforce all laws, ordinances, and regulations that specifically relate to children.
- Investigate reports of missing children.
- Work closely with school officials and community agencies concerned with the welfare of children.

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Communications Unit – Light Duty

Police Officers and Detectives assigned to light duty to the Communications Unit will be utilized as Dispatchers, Teletype Operators and Desk Employees.

Duties include, but are not limited to:

- Receipt of reports of crimes, fires, other emergencies or complaints requiring police, fire or ambulance service
- Transmitting alarms to County Fire and Ambulance Control
- Dispatching calls to Police and Community Service Units
- Operations of the teletype and computer terminals
- Taking and filing reports over the telephone from complainants
- Taking and filing reports from walk-in complainants at Police Headquarters
- Monitoring prisoners in the jail cell units via closed circuit television, and performing routine visual prisoner checks
- Assisting the public with directions, referrals, etc., at the Front Police Desk
- Performing varied clerical duties consistent with the operation of the Communications Unit and Front Desk

Community Service Officers

The position of community service officer is a permanent civil service position for which a candidate must possess a high school diploma, driver's license, and at least one year's prior work experience in a job where the candidate dealt with the public.

Candidates appointed to this position should possess the following knowledge, skills, and abilities in order to carry out the wide range of public safety services required of a community service officer:

- Ability to follow oral and written directions.
- Ability to learn applicable laws, rules, and regulations.
- Ability to speak clearly and communicate with others in a concise and intelligent manner.
- Ability to acquire a thorough knowledge of an emergency communications system, including switchboards, NYSPIN terminal, computer terminals, and radio equipment.
- Ability to acquire a good knowledge of inspection techniques.
- Ability to perform clerical functions, including basic typing skills and data entry.

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- Ability to acquire a thorough knowledge of the City's street plan.
- Ability to be patient and calm under stressful conditions and to exercise tact and courtesy when dealing with the public.
- Good physical condition.

Duties and Responsibilities of a community service officer:

- Operation of an emergency communications switchboard where the community service officer receives reports of crimes, fires, other emergencies or complaints requiring police, fire, or ambulance service.
- Transmits fire alarms to County Fire and Ambulance Control and/or dispatches police units to scenes of emergencies or complaints.
- Operates computer terminals.
- Maintains files and logs in the Communications Unit that relate to the business carried on therein.
- Enforces the provisions of the City Code and where appropriate, issues summonses.
- Directs and controls pedestrian and vehicular traffic at assigned locations.
- Investigates and files reports concerning areas covered by local ordinances.
- Provides general assistance to motorists and pedestrians.
- Accepts, safeguards, and makes proper disposition of property received at the complaint desk.
- Performs clerical duties as assigned.

2.3 WRITTEN DIRECTIVES

All departmental policies, procedures, rules and regulations will be developed and reviewed by the Police Commissioner and his Command Staff. Upon approval such policies, procedures, rules and regulations will be issued with the authority of the Police Commissioner.

The routine orders of the Police Department are General Orders, Special Orders, and Police Commissioner Memos.

General Orders

General Orders are issued by the Police Commissioner or by the Deputy Police Commissioner with the approval of the Police Commissioner. These orders will include notices of amendments to the Rules and Regulations and the Manual of Procedure. They will also include information on new laws, ordinances, or amendments to existing ones, and all other information pertinent to the business and function of the Department.

21st Century Policing

On December 18, 2014, President Barack Obama signed an Executive Order establishing a special task force on community policing, ***The President's Task Force on 21st Century Policing***. *"The mission of the task force was to examine ways of fostering strong, collaborative relationships between local law enforcement and the communities they protect and to make recommendations to the President on ways policing practices can promote effective crime reduction while building public trust."*⁴

The Task Force recommended six pillars for law enforcement agencies to implement

1. Building Trust and Legitimacy
2. Policy and Oversight
3. Technology and Social Media
4. Community Policing and Crime Reduction
5. Training and Education
6. Officer Wellness and Safety

In early 2015, the City Council of New Rochelle authorized the establishment of the **New Rochelle Committee on Community Policing (NRCCP)**. The NRCCP was chaired by Dr. Cathryn Lavery, Ph.D., Chair, Department of Criminal Justice at Iona College, and Michelle Rodney, Esq., Dean, School of Criminal Justice, Monroe College, and included New Rochelle City Council members Jared Rice, and Louis Trangucci. The committee consisted of 15 members which included local clergy, local attorneys, school district employees, and three members of the NRPD. The NRCCP had its inaugural meeting in June 2015, and met on several occasions thereafter to discuss and formalize a plan to best incorporate community policing practices in New Rochelle. The committee published their final report and recommendations, a copy of which is included in this document.

The NRCCP's final recommendations included

1. **Restructure the NRPD** – The recommendation was to eliminate the PACT Unit and have all police officers involved with a collaborative approach to community policing. This was based on a NYPD model, which was being implemented in NYC precincts. The Department reached out to the NYPD several times to discuss their program, however, we never had success in getting an NYPD representative to come in to explain their model. We went in another direction, keeping the PACT Unit intact, and instead created the community contacts (discussed further in this Community Outreach section of this document), which encouraged police officers on patrol to engage with the community.
2. **Increase the number of officers in the Department** – adding personnel was recognized as *"being essential to the resurrection of community policing."*

⁴ President's Task Force on 21st Century Policing. 2015. Final Report of the President's Task Force on 21st Century Policing. Washington, DC: Office of Community Oriented Policing Services. Published 2015

Although we agree that we need additional officers, this a budgetary item outside the scope of the Police Department's authority.

3. **Retrain the entire Department in the community policing philosophy** – this is an ongoing process that we have undertaken, it is discussed further in the Training section of this document
4. **Take advantage of existing programs** – this recommendation has been explored, and is discussed further in the Community Outreach section of this document.
5. **Strengthen levels of dialogue** – the recommendation was to utilize the Citizens for a Better New Rochelle more effectively to provide a safe space for constructive dialogue, and to have officers routinely available at neighborhood and civic events. Both of these have been accomplished, and is discussed further in the Community Outreach section.
6. **Aggressively seek grants that are aligned with the community policing philosophy** – The Police Department has always sought out grants to accomplish our missions. In addition to seeking out government grants, the NRPD secured funding for the *Mentors in Blue Program* from the New Rochelle Police Foundation. That program is discussed further in the Community Outreach section of this document.
7. **Enhance diversity hiring** – During the last hiring process the NRPD established a Recruitment Unit to help attract a diverse group of candidates. The Unit was made up of both minority officers and supervisors, who proactively recruited throughout the region. Additionally, we reminded our patrol officers that they were our best recruiters when engaging with the public, and specifically the black community; their words and actions could influence young peoples' desire to seek a career with our Department. Further information is discussed in the My Brother's Keeper section of this document
8. **Work closely with My Brothers' Keeper New Rochelle** – Several of our members have been involved with the New Ro MBK program, discussed further in the succeeding section of this document.
9. **NRPD volunteerism** – For decades members of the NRPD have been active volunteers in the community, this is further discussed in the Community Outreach section of this document
10. **Accountability process** – the creation of a permanent Community Policing Committee was recommended. That decision is outside the scope of the Police Department's authority, and would be better addressed through the City Council.

The following document is included in this section for reference

21st Century Policing in New Rochelle, Final Report by the New Rochelle Committee on Community Policing

New Rochelle Police Department
475 North Avenue
New Rochelle, New York 10801

21ST CENTURY POLICING IN NEW ROCHELLE

FINAL REPORT BY THE NEW ROCHELLE COMMITTEE ON COMMUNITY POLICING

Co-Chairs

Cathryn Lavery, PhD
Chair, Department of Criminal Justice
Iona College

Michele Rodney, Esq.
Dean, School of Criminal Justice
Monroe College

City Council Representatives

Hon. Jared Rice
Hon. Louis Trangucci

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Sgt. Barry Johnson
BreeAna Jones
Cynthia Lobo, Esq.
Sgt. Calvin McGee
Timothy McKnight
Claudia Perez
David Peters
Camille Edwards Thomas

Dated: November 23, 2015

LETTER FROM THE CO-CHAIRS

To the readers of this report:

In early 2015, the New Rochelle City Council authorized the formation of the New Rochelle Committee on Community Policing ("NRCCP") and allowed City Manager Chuck Strome to appoint 15 members to the NRCCP – with three of those members being recommended by Police Commissioner Patrick Carroll. After much preparation, the NRCCP commenced its work in June 2015 with its inaugural meeting.

Over the course of the past six months, the NRCCP has met on several occasions to discuss and formalize a plan for how to incorporate best Community Policing practices in New Rochelle. During this period, NRCCP members were tasked with doing research, reading relevant policing material, and bringing different perspectives to the table. With a wide variant in age, ethnicity, and professional experience amongst our members, the NRCCP provided a perfect setting for the exchange of ideas. Ultimately, these ideas became what is now included in this Final Report.

We would like to thank everyone involved who made this effort possible, especially the NRCCP members who volunteered their time to work on this issue of Community Policing. We hope that the information provided herein is useful as the City of New Rochelle strives to be a leader in providing effective community-police relationships.

Sincerely,

Cathryn Lavery, PhD
Chair, Department of Criminal Justice
Iona College
Co-Chair,
Committee on Community Policing

Michele Rodney, Esq.
Dean, School of Criminal Justice
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EXECUTIVE SUMMARY

New Rochelle is fortunate to be one of the safest cities in the country. According to a 2014 New Rochelle Police Department ("NRPD") annual report, New Rochelle was ranked 11th safest overall -- in the top 10 percent -- among cities with a population between 75,000 and 100,000. Despite the loss of 30 sworn officers in recent years due to the economic downturn, the number of violent and property (Part I) crimes were the lowest they have been in more than five decades. However, New Rochelle can become even safer by way of modern Community Policing initiatives. This is especially applicable along the Lincoln Avenue corridor, in parts of the West End, and in the downtown.

Community Policing is a philosophy that utilizes community partnerships and problem solving techniques to proactively address public safety issues such as crime, social disorder, and fear of crime. In looking at the NRPD, the NRCCP focused on the following three priorities:

- Increase levels of trust between the NRPD and the community by using positive dialogue to share information, and by promoting transparency and accountability.
- Reduce crime in New Rochelle by working with neighborhood residents to co-produce public safety.
- Ensure officer wellness and safety by providing the NRPD with the proper resources so that their health is maximized and their risk of harm is minimized.

Throughout this process, the NRCCP tried to strike a healthy balance between the needs of the community and the needs of NRPD while taking an approach that analyzed the past, the present and the future. Eventually, the focal point of NRCCP became the Police and Community Together (P.A.C.T.) Unit, a department within the NRPD headed by a supervisor and comprised of several different units.

At its zenith in 2000, the NRPD employed 187 sworn officers. With that level of personnel, the P.A.C.T. Unit was structured to host Beat Officers, Youth Officers, Housing Officers, Community Resource Officers, and Conditions Officers. However, with the number of current NRPD officers now down to 157, many of those previous positions of the P.A.C.T. Unit remain vacant. Additionally, with the reduction in the number of officers, the NRPD's ability to be involved with programs is compromised.

With national and local criminal justice reform measures that will likely reduce overall incarceration numbers over time, and with anticipated growth in New Rochelle connected to downtown development (those impacts will be separately analyzed), it is imperative that the NRPD remains prepared to handle the challenges associated with policing in the 21st century. Our ultimate goal is to bring the community and our police officers together so that we can live, work, and play in a city that is safe for all of us.

RECOMMENDATIONS

1. **Restructure the NRPD** - Restart our Community Policing program by eliminating the P.A.C.T. Unit and restructuring the department by having all officers involved with a new collaborative approach for community involvement. Instead of merely answering calls for service, a model based on New York City's new Collaborative Policing initiative should be utilized where officers spend up to 33% of their time meeting and working with community members, and identifying recurring problems and issues. Based on their levels of experience, current P.A.C.T officers should be retained in Community Policing leadership positions within the restructured department.
2. **Increase the number of officers in the department** – The addition of personnel is essential to the resurrection of community policing in the department. While the optimal number of sworn officers in the department to handle community policing in this current environment is 187, financial constraints are recognized. Accordingly, the recommendation from this committee is that an additional ten officers be added to the department in this budget cycle bringing the total number of sworn officers to 167 with the understanding that this number will likely needed to be increased as we continue toward the goals stated herein.
3. **Retrain the entire department in the community policing philosophy** – In an effort to change the culture of policing in the NRPD, and redefine some of the expectations, officers would be retrained on issues related to sensitivity, diversity, social and cultural differences, implicit racial biases, and de-escalation methods. It should be noted that this will likely take a number of years to implement and that ongoing training will be needed for the entire department.
4. **Take advantage of existing and new programs** – Already in place to different degrees are the Gang Resistance Education and Training (G.R.E.A.T) Program, Explorers Program, and Youth and Police Initiative. All efforts should be made to maximize the use of these programs, as well as to seek new programs aligned with the NRPD Community Policing philosophy.
5. **Strengthen levels of dialogue** – Utilize Citizens for Better New Rochelle more effectively to provide a safe space for constructive dialogue between the community and the NRPD. Additionally, officers should routinely be made available to be present at neighborhood and civic events.
6. **Aggressively seek grants that are aligned with the community policing philosophy** – Have someone within the NRPD that is actively looking for new grants related to community policing so that the financial burden of providing new resources may be offset.
7. **Enhance Diversity Hiring** – The makeup of the NRPD should reflect the New Rochelle community as a whole. With respect to hiring practices, timely outreach and robust

recruitment measures should be put in place to provide assistance to officer recruits in civil service test preparation.

8. **Work closely with My Brother's Keeper New Rochelle** – Become full participants in the My Brother's Keeper New Rochelle initiative which is designed to help all young people - particularly boys and young men of color - be free from violence and afforded second chances in life.
9. **NRPD volunteerism** – Encourage NRPD officers to volunteer, especially as it relates to programs associated with the youth.
10. **Accountability process** – A permanent Community Policing committee should be commissioned to collaborate with the Commissioner - or his or her designee - to receive updates on these and future recommendations, and be apprised of the progress being made to achieve the benchmarks associated within this report.

***13 members of the NRCCP voted in favor of the recommendations contained within this report, one member chose to abstain from voting, and one member was unable to be reached for a vote.**

My Brother's Keeper

On April 29, 2016, the City of New Rochelle officially accepted **President Barack Obama's My Brother's Keeper** challenge with the creation of **New Ro MBK**. Members of the New Rochelle Police Department's Training and PACT Units assisted during the development process of New Ro MBK.

Sergeant Calvin McGee, of the NRPD Training Unit, started with My Brother's Keeper on May 2, 2015 when it was initially formed in New Rochelle. Lieutenant Edward Hayes, who took over Training at the end of 2015, became a New Ro MBK member. He, along with Sgt. McGee, were part of the New Ro MBK's **Milestone 6 Safety and Second Chances Committee: Ensure that all youth remain safe from violent crime and are afforded second chances in life**. In 2017, PACT Supervisor Sergeant Barry Johnson was added to this committee. New Ro MBK promoted the Youth Police Initiative which is discussed in more detail later in this document.

Sgt. McGee and Lieutenant Hayes were subsequently replaced on the New Ro MBK committee by the PACT Unit Supervisors, Lieutenant Gary Robinson and Sergeant Kyle Wilson. Department members often provided explanations to the New Ro MBK committee on NRPD procedures, current laws/legislation and how the NRPD was interacting with the community.

In 2017, the goals of the New Ro MBK Committee **Milestone 6 Safety and Second Chances Committee: Ensure that all youth remain safe from violent crime and are afforded second chances in life** were:

- Advocacy for Raise the Age of legal responsibility legislation
- Providing summer camp information and opportunities for the approximate 5,000 New Rochelle public school students who qualify for free or discounted lunch
- Provide follow up activities and opportunities for YPI graduates
- Working with the community and police in creating safe spaces for black and brown teens and pre-teens.

The summer camp project was a priority for the Committee. Sgt. McGee and Lt. Hayes assisted with fund-raising dinners, assisting with getting information out about the program, and editing materials given to people. Seventy-four families with one hundred-one children signed up for summer camp experiences. Sixty-four children received 100% scholarships.

The committee had a table at the National Night Out event. MBK New Ro water bottles and a highlight sheet of this committee were handed out. Sgt. McGee and Lt. Hayes conducted building tours and in-depth discussions on Police Training.

In 2018, the committee goals were:

- Notes from the MBK New Ro strategic planning meeting and Lower Hudson Valley MBK Alliance quarterly meetings
- Safe spaces directory
- Second chances- how do we fulfill this mission?
- Community support of police and youth activities/programs
- Summer camp 2018 (the Summer Camp 2018 – 46 families with 65 children received scholarships).

Lt. Hayes led the Department's Recruitment effort in 2018, and did use the committee and New Ro MBK to help get the word out about the upcoming exam. The number of applicants for the 2018 New Rochelle police exam was 958, the average number for prior recent New Rochelle Police exams was 550. The Department did a very active outreach for applicants, in which we involved our entire department, and believe that was responsible for the large increase.

2016 – 2018, In connection with MBK and the New Rochelle Bar Association, Lt. Hayes (a licensed attorney) was involved with the New York State “**Raise the Age**” legislation and discussion groups via committees.

Community Outreach

Over the years the New Rochelle Police Department has provided a number of community-based outreach programs, many geared towards making positive connections with the City's youth. Below are a sample of these programs.

Active Programs

- **PACT** – Police And Community Together is both the philosophy of the Department as well as the name of our community affairs unit. The PACT unit is made up of Beat and Youth officers, as well as the Department's Community Resource Officer. The Unit's primary function is to maintain close contact with community groups and address issues and problems that may arise. They handle many of the incidents and criminal investigations involving juveniles, and conduct follow-ups for most domestic violence cases. When it was first created in the 1990's, the unit included Housing Officers who were assigned specifically to the Municipal Housing Complexes, and Beat officers who were assigned specific areas of the City to address concerns within that area. The Beat officers were often deployed on foot, bicycles and Segways which helped foster communication between them and the citizens. Unfortunately, due to financial constraints and attrition of manpower, the Housing and the Beat officers have been redeployed to assist in providing routine patrol duties. The number of police officers (rank of patrol officer to Police Commissioner) budgeted went from 189 in 2009, to 157 in 2015. Currently there are 170 officers budgeted today.⁵
- **Citizen's for a Better New Rochelle** – Started 1990s, this community group was initially formed to address problems specifically related to Council District Three. The group is co-chaired by the Police Commissioner, and one of the district's clergy. The group, consisting of police officials, clergy, community leaders and ordinary citizens meets quarterly to discuss topical issues in the community and the role of police within the community. Each meeting begins with briefings from the Police Department's Internal Affairs Officer, and the supervisor of the Special Investigations Units. Although the group's focus is remains rooted in issues affecting District Three, local and national issues are often discussed.
- **Citizens Police Academy** – This is an annual ten-week long training program for adults that is hosted by the Department's Training and PACT Units. The goal is to acquaint participants with the operations and personnel of the Police Department, providing a broad understanding of situations that police officers face.
- **Mentors in Blue** – This program is conducted by the Youth Bureau in conjunction with the Police Department. Police officers, Youth Bureau employees and high school students meet, talk and socialize. This is an informal

⁵ City of New Rochelle Adopted Budgets (2009, 2015, 2020)

place where police and the City's youth can meet and talk. The program also incorporates activities and a shared meal, which help to facilitate conversation. During the past two summers officers held a "field day" for this program at D'Onofrio Park which included various games and food.

- **Coffee with a Cop** – A program started in 2016, where police and community socialize in a relaxed setting to foster relationships. The location changes so officers can meet people from various areas of the City.
- **National Night Out** – This annual national event is held each August at the Police Headquarters and City Hall facilities. People from the entire community gather around the police station for food, fun, games and activities. It's a great opportunity for the officers and citizens to meet and have informal conversations. It is also one of the few places that you get to see Mariano Rivera grilling hot dogs.
- **Summer Fishing Trips** – This decades old tradition, a weekly fishing trip aboard the Shamrock for the City's youth, organized and supervised by the NRPD PACT officers.
- **Touch a Truck Event** – A new annual event in 2019, organized by the PACT unit where the community is invited out to Hudson Park to see, touch and explore emergency vehicles from NRPD, NRFD and other local emergency services departments. Another informal way for officers to engage the public.
- **New Roads Mentorship Program** – The New Roads Mentorship Program has been offered by the New Rochelle Police Department since 2016. It is a collaborative effort between the Police Department, the School District and the Youth Bureau. It seeks to guide at-risk, middle school age youth away from poor academic performance, disruptive behavior, criminal activity and prison, while steering them towards college, vocational training, military service and employment. The cornerstone of the program is mentorship by trusted male and female adults, members of the community, and police officers who have particular focus on the lives of youth. The program is incentive based, seeking to improve performance in school and foster acceptable social behavior. When it initially began, the Police Officer mentors were welcomed into the middle schools by the principals to meet with the program's participants. Unfortunately, since 2018, the School District and New Rochelle Board of Education have limited our access into the schools which has prevented the program to be fully utilized. We have been seeking approval of the District and Board to again allow our officers' access, and are currently working towards a mutually agreed upon Memorandum of Understanding. While there has been some progress, nothing has been finalized as of this writing. In the meantime, the officers have performed a modified version of the program, meeting with the youth on Saturdays at the Boys and Girls club for sports, activities, conversation and food. They were also able to organize a trip to Lucky Strikes Bowling in January as an incentive for the participants. The program is managed and directed by two police officers, a male and a female, from our PACT unit.
- **Community Contacts** – Since April 2019, officers on patrol have been directed to get out of their patrol cars and meet people in their sector area. They are

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encouraged to meet everyone in the community; clergy, business owners, school employees and ordinary residents. The goal of the program is to improve communication between the police and community by having officers meet community members while on patrol, but not engaged in a call for service. Since the inception of the program officers have made over 2,600 contacts. To encourage officers in this activity the Department includes community contacts as a performance measure in evaluating officers for assignments and promotions.

- **Homeless and Mental Health Outreach** – A Westchester County Mental Health employee has been assigned to assist the New Rochelle Police Department with mental health and homeless outreach. She has an office in City Hall, and partners with an officer to seek out and offer assistance to the homeless population in New Rochelle. The officer and mental health worker work closely with private and public social service providers to assist with treatment and service options. The goal is to identify those in need of service, and to get them the services that are available.
- **LGBTQ+ Liaison** – A NRPD police officer has been designated as a City's police liaison to the LGBTQ+ community. She is part of the City's LGBTQ+ Outreach Committee, which meets with and provides guidance to the LGBTQ+ community.
- **Clergy Rapid Response Team** – Newly formed group of local volunteer clergy who will be notified and respond at the Department's request to scenes of potential community/police strife. The current membership consists of African-American clergy, representing numerous houses of worship located within the City.
- **Official Police Department Tours** – Conducted routinely by members of the PACT and Training Units for community members
- **Active Shooter Response Guidance** – Conducted for houses of worship, businesses and schools by members of the Training Unit
- **Patches** – New Rochelle Police Detective Christopher Greco is the founder of the Autism Awareness Challenge. The challenge, which started out locally, had Police Departments affix a Police Decal with the autism awareness puzzle design on police cars during the month of April (National Autism Awareness Month). The challenge has grown exponentially with hundreds of Police Departments worldwide sporting the autism patch during the month of April.
<https://autismspectrumnews.org/first-responders-promote-awareness-and-training-through-the-autism-patch-challenge/>.

In addition to the Autism Awareness patch, the Department acknowledges **Breast Cancer Awareness, Domestic Violence Resistance Education, and the LGBTQ+ Community** through the wearing of patches specially designed to highlight those causes.

- **Birthday Parades** – During the pandemic, officers performed dozens of celebratory parades for local children, residents, and health care workers. These parades provided some much-needed joy to people who were quarantined due to the Covid-19 pandemic.

- **My Brother's Keeper Family Fun Fest** - PACT officers participated in several events in 2019.
- **Family University**- held at NRHS each year since 2014. PACT Officers assist with workshops, and lectures with the goal of enhancing family wellness.
- **"Great Read Aloud"** - Held each year at elementary schools, PACT officers read to young children.
- **Unity in the Community** - events held each year since 2010. Numerous activities for kids, held at various locations including Lincoln Park, Boys and Girls club and Columbus School.
- **SADD Day Mock DWI accident scene** - Annual event held at the NRHS with NRPD members to display a mock auto accident, and to demonstrate the dangers of drinking and driving.
- **Youth Court** - A post arrest diversion program that the PACT officers participate in. Qualified youth who have been arrested for minor offenses are sent to a hearing among their peers. The goal is to avoid incarceration, and a criminal record.
- **Drug Court** - Another diversion program offered by the NR City Court with participation of NRPD members. Again, the goal is to divert certain qualifying drug offenders away from incarceration and towards treatment.
- **NRHS Forensic Final Exam/Crime Scene** – This is an annual event where PACT officers assist in staging mock crime scenes and judging forensic "detectives" for NRHS students enrolled in its forensic science class.
- **YMCA Healthy Kids Day** - Annual event where PACT members participate in various activities with children.
- **N.R. "Eggstravaganza" with NR Parks and Recreation** – Annual Easter event
- **"Passport to Manhood" Program** - PACT officers participated from 2016-2019 at the Boys and Girls Club.
- **Senior Citizens Expo** - and other events held at the Doyle center, since 2016
- **Various Career Days** at numerous local schools.
- **HOPE Community Services** - Assistance provided by PACT officers at annual turkey and food giveaways.
- **Meals on Wheels program** – PACT officers delivered food.
- **Fishing Derby** - PACT officers assisted at Hudson Park and NRHS lakes.
- **Numerous events at various Houses of Worship throughout the City** - Backpack giveaways, cyberbullying lecture, Stranger Danger, Feeding Westchester, Showers of Hope, Mitzvah Day
- **Annual Halloween "Trunk-or-Treat"** - Annual safe candy giveaway at Elementary Schools run by the PACT Unit.

Former Programs

- **Youth Police Initiative (YPI)** - Former program where police met with community youth for a five-day session to discuss police and community relationships. Developed by the North American Family Institute (NAFI), the Youth Police Initiative Program brings at-risk youth together with the local beat officers to share personal stories, meals, and let their guards down long enough to have the difficult and honest discussions that are necessary in order for real change to take place. We conducted four full sessions in New Rochelle, two at the Remington Boys Club, one at the Bracey Complex and one at New Rochelle High School. Six New Rochelle Police Officers completed the Train-the-Trainer program and were certified as YPI Instructors. The program was discontinued due to a lack of follow-up with the participating youth, difficulty getting additional youth participants, and lack of funding. The Department has since created the *New Roads Program* which reaches a greater number of youth, and incorporates continued engagement with the participants.
- **DARE** (1989 – 2010) Police officers were assigned to each elementary school to teach and discuss the dangers of drug use. The program was discontinued due to studies which questioned its effectiveness in achieving its goals.
- **G.R.E.A.T. (Gang Resistance Education And Training program)** (2009 - 2014) Police officers were assigned to each middle school to teach and discuss the dangers of gangs, and gang violence. It was similar to the DARE program, and was most effective in bringing police officers and city youth together for discussion. The program was discontinued when the grant funding expired.
- **Police Explorers** (2008-2011) - The Police Explorer Program is a non-profit organization, associated with the Boy Scouts of America. The New Rochelle Police Explorer Post #1701 began in October 2008, and was discontinued in the summer 2011. It was organized by PACT Detectives Terrence Fudge and Brianne Smith who served as Post Advisors. The NR Police Explorers Program was directed towards young men and women ages 14-20, who completed the 8th Grade, were in good academic standing and had an interest in Law Enforcement careers. Explorers were exposed to all aspects of law enforcement and gained valuable knowledge of police functions. During the four years that the New Rochelle Police Explorers were active, 39 young men and women participated in the program. Staffing restraints and budgetary constraints lead to the program's demise.

PBA Outreach

The New Rochelle Police Benevolent Association (PBA) is comprised of members of the Department from the rank of patrol officer to captain, separate from their bargaining units. This association provides community outreach which, while not officially sponsored by the Department, is supported by the Department. The officers'

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involvement in these events are voluntary, and performed on their own free time. While the PBA has consistently provided volunteered outreach over the years, there was a noticeable increase in volunteerism in response to the NRCCP's Final Report on 21st Century Policing.

- **Blue Santa** – a New Rochelle Police Officer dresses in a blue Santa suit and travels throughout the City with “police elves” to deliver toys to children in the lower income areas of the City. All of the toys are donated, primarily through Department members.
- **Annual Blood Drives** are organized by PBA members.
- **New Rochelle Street Fair** – PBA members volunteer to participate in the annual street fair, manning a dunk tank and handing out souvenirs to local children.
- **Soap Box Derby** - PBA sponsors soapbox derby cars and participates in the NRFD's annual event.
- **Annual Battle of the Badge** competitions held in support of local charities. PBA members compete against New Rochelle Firefighters in charity basketball and softball games to bring awareness and raise money for various charities.
- **Special Olympics Torch Run** – PBA members participate in this annual run event to raise money and awareness for the Special Olympics.

Community Outreach Goals

To be most effective many of the programs that have provided in the past required a large amount of personnel. When the Department was fully staffed at 189 sworn officers, we had a robust community engagement. In addition, having available personnel to staff special programs such as G.R.E.A.T., and The Explorers, the Department provided

- Two full time Housing officers assigned to the Bracey complex and the former Hartley complex, who engaged with the residents of those communities
- Ten Beat officers who were exclusively assigned to designated beats to address concerns specific to those beats. These officers often patrolled on foot or bicycle which put them in intimate contact with the community.

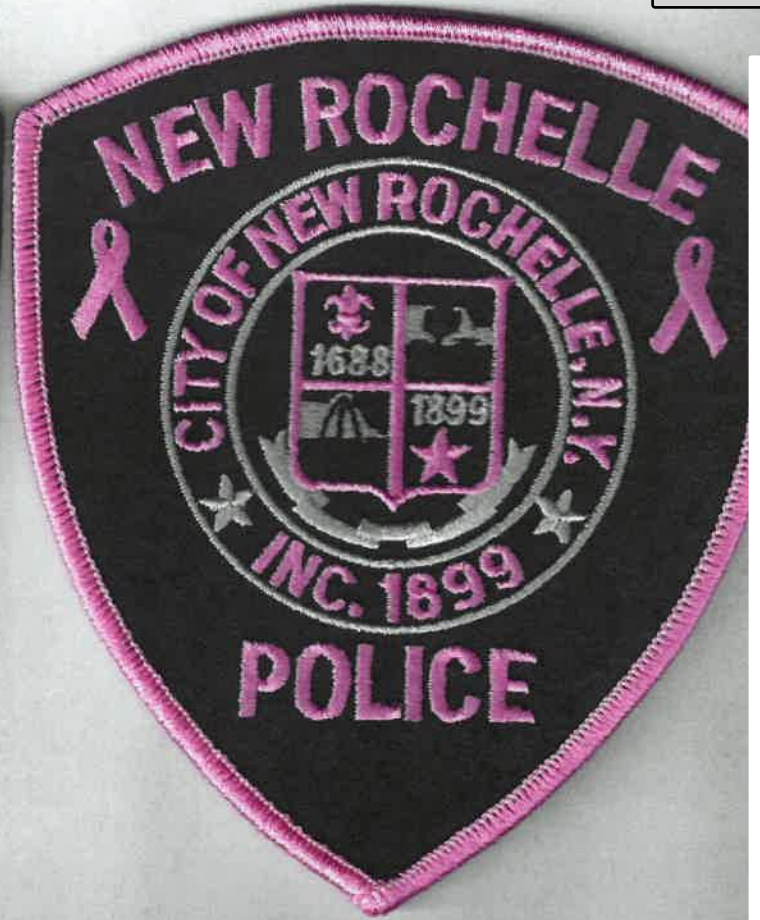
In order to provide similar services in the future, and to restore some of the more productive programs mentioned above, the Department needs to increase the staffing levels by 19 police officers. Department growth is further recommended due to the construction boom in the City's downtown and the expected increase in population and density.

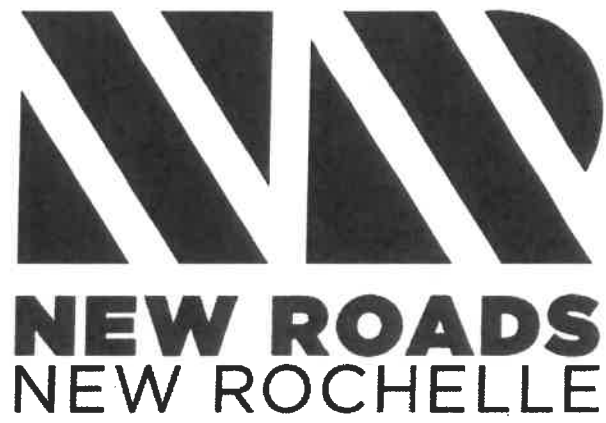
The Department will also continue to expand our use of “community contacts” where patrol officers routinely meet with members of the community.

The following document is included in this section for reference

New Roads Mentorship Program (January 2020)

New Rochelle Police Department
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Greetings,

The New Roads Youth Program has been on hold for the past few months, however we are looking forward to starting it up again in the near future. January seems like a good time for a fresh start. That being said, the program functions well when we have the support of the schools. A main component that has been absent recently. We would like to be able to interact with the students during the school day. Lunch, free periods, gym and specials is an ideal place to interact with them. Planning trips and activities on their days off as well as some Saturdays.

We believe that the short time that we did spend with the students had a tremendous impact on them. It helped them understand the importance of being on time, keeping their grades up, and trying their best to stay out of the "drama" that causes most of the turmoil within in the schools. This positive interaction is how we can start to change their perception of Police, a perception that has become contaminated recently. Officer Johnson and I experience the positive effects more often when we interact with these children and their families on calls for service.

Recently Completed Objectives

- We have obtained and organized all of the student's report cards in the program into two binders, one for Isaac and one for Albert Leonard. This allows us to meet with them and their teachers to find the subjects that they are deficient in and offer ways to try and improve their grades.
- Each student registered in the program filled out an initial permission slip with contact information. We can make contact with the students and their guardians via email and telephone.

Most Recent and Future Activities

- Last weekend we were able to take 25 students to Lucky Strike Bowling Lanes at the Palisades Mall.
- Our next Scheduled meeting is for Jan 25th, 2020 where the topic of discussion will be "Social Conduct".
- We are planning a snow tubing trip at Campgaw Mountain Ski Area for Feb 22nd, 2020

The New Roads Mentorship Program

Changing the trajectory of the lives of youth in New Rochelle

Overview

The New Roads Mentorship Program provides at-risk youth in New Rochelle an opportunity to imagine, and to realize, a positive trajectory towards adulthood. Building on a 2016 pilot program in the city, the New Roads Mentorship Program aims to engage 140 youths in grades 6 through 8 who are at risk of low academic achievement, truancy, dropping out of school, criminal activity and incarceration. Eighth grade students who have completed the program and continue on to New Rochelle high school will have an opportunity to remain in the program. The program will continue to follow students as they advance in high school so that ultimately students in grades 6 - 12 will be included.

The New Roads Mentorship Program is a collaborative effort of the New Rochelle Police Department (NRPD), New Rochelle School District and the New Rochelle Youth Bureau. It seeks to guide youth away from poor academic performance, disruptive behavior, criminal activity and prison towards college, vocational training, military service and employment. The cornerstone of the New Roads Program is mentorship by trusted male and female adults - members of the community and officers of the NRPD who have a particular focus on the lives of youth.

The New Roads Mentorship Program is directed by the New Rochelle Youth Bureau, with assistance from NRPD Officers Rob Johnson and Nicole DeCarlo, who are the Youth Engagement Officers in the City of New Rochelle. They have worked with many at-risk youths in the city and has become a role model for them. For the duration of the program, mentors and mentees will meet twice a month on Saturdays for life skills training and a curriculum-based series of discussions, along with fun, food and recreation. During these times mentors and mentees can develop lasting relationships with each other, and the youth can learn to take responsibility for the trajectory of their lives.

Why a Mentoring Program? *"The mentoring needs of youth who demonstrate the early signs of falling off track to graduate are not being fully met. A powerful research base shows that attendance, behavior, and course performance in reading and math are highly predictive of a student's likelihood to graduate from high school, and that early interventions can get students back on track – while saving schools money. Mentoring can be a powerful early intervention and more students with these risk factors could benefit from getting the preventive mentoring support they need."*

The Mentoring Effect: Young People's Perspectives on the Outcomes and Availability of Mentoring.
www.civicenterprises.net/Education

The Mentoring Effect, the first nationally representative survey of young people's perspectives on mentoring found that more than 1 in 3 young people never had any kind of adult mentor –

“naturally occurring” or structured. The study reports that youth with mentors, especially at-risk youth are more likely to engage in productive and beneficial activities that enhance self-esteem and self-confidence than those without. They were also found to set higher educational goals and to have higher rates of college attendances than their peers without mentors. Long-term mentoring relationships had particularly strong outcomes in areas such as taking on leadership positions, volunteering on a regular basis, and having higher educational aspirations. While mentors are needed for youth of all ages, younger students are particularly disadvantaged in finding mentors. Two thirds of the at-risk youth surveyed (ages 18-21) do not recall having a formal mentor in elementary school, and half do not recall having one in middle school or high school. The study reports, “Mentoring could have powerful effects if leveraged as an intervention earlier in life,” a key objective of the New Roads Program.

The City of New Rochelle

New Rochelle is a remarkable city, in no small part because of its diversity, with a mix of affluent, single-family, suburban homes on the north side, and low income, urban areas with housing projects on the south side. A third of children in New Rochelle live in single parent households, and many families struggle to maintain secure livelihoods and provide adequate nutrition for their families.

New Rochelle High School, with more than 3,400 students, reflects the city’s diverse population. “This is one of the few schools, probably in the country, where the child of a Fortune 500 executive or C.E.O. could be in the same class as a homeless child,” said Reginald Richardson, the High School Principal. “You can have a person taking college level English literature, either as an AP or dual enrollment, in the same school as a child who doesn’t speak a word of English.” (NY Times, April 6, 2018).

On average, half of the children in the school district qualify for free or reduced lunch, increasing to three-quarters in the lower income parts of the city. Given New Rochelle’s close proximity to New York City and the recent increase in downtown development, gentrification is dramatically driving up rental prices. Families are being forced from previously affordable apartments, facing housing insecurity and a growing fear of eviction.

2018 has been a challenging year for the New Rochelle community, particularly its youth. In January, a New Rochelle High School student fatally stabbed a 16 year old fellow student at an off campus location during school hours. Shortly afterwards, there was a serious altercation at another off campus location during school hours, and a second stabbing, this time, inside the school itself. In addition, acts of violence between New Rochelle and Mount Vernon students have also been on the rise.

Community members, teachers, school district administrators, and city officials rallied together to try to understand what led to these terrible events. Through meetings and deliberations including a Task Force on Reducing Violence in the Lives of Children and Youth, the city has attempted to heal and take action to protect all students and staff.

A key institution supporting the city's most vulnerable children and youth is The Boys and Girls Club of New Rochelle (BGCNR). The Club provides essential services to children living in chronic poverty including nutrition and education programs, as well as a safe place to go after school when parents and guardians are working. Nearly every member of the 2 BGCNR clubhouses qualifies for free or reduced lunch. Both clubhouses are in areas of the city with the highest crime, drug use and poverty rates. Many Club members live in single parent homes with guardians or grandparents, and the median family income is typically below \$50,000.

The New Roads Mentorship Program in Action

Background

The New Roads Mentorship Program grows out of New Rochelle's commitment to its most vulnerable youth, many of whom have a history of frequent and contentious interactions with school administrators, teachers and security officers.

The program provides support for at-risk youth to focus on a future geared toward college, vocational training, military service and a life of responsible citizenship. By working closely with students to set positive life-goals and achieve them, New Roads seeks to reduce the rate of low academic achievement, disruptive behavior in school, truancy and dropping out, negative interactions with law enforcement, and potentially, incarceration.

Police Officers play a particularly important role in the program since youth typically have both a healthy respect for, and fear of, the police. In previous programs, many youths who were fearful of the police became comfortable approaching officers to ask personal questions and seek advice. Officer Johnson and Officer DeCarlo, the Youth Engagement Officers, assists the New Rochelle Youth Bureau in facilitating the New Roads program. The officer's presence gives students an opportunity to engage with him as a human being rather than the uniform. He is an adult male who listens to youths, guides them, and is a role model for respectful and lawful behavior. School district employees have embraced the presence of a police officer whom they can trust, and who has established positive relationships with at-risk students.

Program goals

To reduce...

- School disciplinary actions
- Substance abuse
- Gang affiliation
- The incarceration rate of youth and young men in New Rochelle

And to build...

- Academic excellence
- High school graduation and college enrollment rates
- Self-esteem and self-confidence of at-risk youth
- Personal responsibility

Format

The New Roads Mentorship Program will meet every other Saturday afternoon from 12-4pm, during the months of October 2018 through May 2019. Officer Robert Johnson, in plain clothes, will assist the Youth Bureau in coordinating the sessions. Each session will begin with a welcome and headcount, followed by a one-hour group discussion focused on life-skills and other key lessons (see below). Then comes the food, sports and fun – essential ingredients to building bonds between the mentors and mentees.

A consistent schedule of structured meetings will facilitate strong bonds, and teach the youths they can rely on a trusted adult. The program is expected to continue for several years. This continuity will allow relationships to develop organically and help mentors to identify and address specific issues in the lives and homes of mentees, as well as social issues that persist in the community.

Curriculum

The curriculum focuses on the following:

➤ Self-awareness	➤ Social Conduct
➤ Interacting with Police	➤ Finances
➤ Violence Prevention	➤ First Aid and CPR
➤ Decision-making	➤ Classroom Disruptive Behavior
➤ Education	➤ Respecting Authority
➤ Health	➤ Study Skills
➤ Relationships	➤ Time Management

The Youths

The New Roads Mentorship Program will include approximately 140 at-risk youths, initially only in grades 6 through 8. Guidance counselors, school administrators and teachers will recommend youths who have demonstrated disruptive and problematic behavior in classrooms and hallways or who are at risk of moving in this direction, youths from single parent households whose parents or guardians work long hours and cannot be home after school to provide guidance, and youths who live in homes where domestic abuse, substance abuse or incarceration are part of the fabric. Some nominees for the program may already have had run-ins with law enforcement or have been identified by the Youth Bureau prior to the start of the New Roads Program.

The youths nominated for the program will not be forced to participate – they must want to be there, and parents/guardians must approve participation as well. The school personnel who recommend youths will play a vital role in the program through continuous communication with Officer Johnson about the youths' behavior and academic status. Based on a step system

of success, (see below), youths who achieve their individual behavior and academic goals, will be additionally rewarded with recreational trips organized by the program.

The Step System

Each student will start the New Roads program at step zero and will remain there until he meets specific criteria to advance a step. All students need to attain 4 steps, 1 each marking period to successfully complete the program for that year.

Attaining Steps

Students will earn steps by attaining individualized academic and behavioral goals developed in advance by Officer Johnson, the student, counselor and parent/guardian if possible.

Incentivizing Step Attainment

Students will be awarded for attaining steps by eligibility to participate in 1 program event per quarter. A student who earns all 4 steps will be eligible to participate in the New Roads end of year event. Last year's event engaged students in lunch and an epic day of paintball.

Missed Steps

When a student misses a step based on academic goals, he will be given a make up assignment in that particular class or classes. This assignment is purely for attaining steps in the program and is not intended for either make-up or extra credit in the class. When a student misses a step based on behavioral issues, he will be given an appropriate community service activity. Students must always have an opportunity to make up a step, but a make up assignment or community service activity must not be rewarded with a New Roads event.

The Step System In Action

1. A student who meets the criteria for all 4 marking periods will have attained 4 steps and will be included in the New Roads end of year event.
2. A student who meets the criteria for the final marking period, and has completed all required make up assignments for any prior missed steps will have attained 4 steps and will be included in New Roads end of year event.
3. A student who meets the criteria for the final marking period, but has not made up 1 of 3 missing assignments will have attained 3 steps and will **not** be included in the New Roads end of year event.
4. A student who meets the criteria for the final marking period, but has not made up 2 of 3 missing assignments will have attained 2 steps and will **not** be included in the New Roads end of year event.
5. A student who meets the criteria for the final marking period, but has not made up any missing assignments will have attained 1 step and will **not** be included in the New Roads end of year event.
6. Any student who is not included in the New Roads end of year event should still receive a reward or recognition for his academic success

Support of Academic Achievement

Students at both middle schools will have access to an after school study hall two days a week, staffed by students from the Iona College Education program.

Study hall will give the youth a supervised time to work on homework and prepare for exams in an academically supportive environment. 1 study hall period a week will be optional for students attaining their academic goals. Both study hall periods will be mandatory for students failing 1 or more classes.

The Mentors

Six mentors, who participated in last year's youth program, have committed to being mentors in the New Roads Mentorship Program. Several of these mentors are active members of churches and civic groups in New Rochelle. Approximately four more mentors will be selected from interested and eligible community members to be a part of this core mentoring cohort.

Every Mentor will go through a background check and will participate in a mentorship training program run by the Youth Bureau.

Special Events and Leadership Opportunities

New Roads will organize special events that are both fun and educational. For example, this year the youth will be invited to visit the "Hip Hop Museum", where they will learn about the origins of the music that they enjoy today. Several of the youths invited had never been to a movie theater before. There will be trips like this approximately once a marking period to places and events such as sporting events, educational institutions (e.g., West Point), recreational spaces and museums

Imagining Work and Careers

New Roads will arrange opportunities for the youths to meet successful people from a range of careers so they can learn about these fields and imagine themselves in similar roles. Particularly during the winter months when outdoor activities are limited, New Roads will invite New Rochelleans and others to speak about their work. Special guests may include business people, sports figures, lawyers and engineers, journalists and politicians, artists and musicians. Previously when New Rochelle high school has organized opportunities for students and career people to meet, students have gained insight and self-confidence from these interactions.

Budget- please see attached spreadsheet

Training

Basic

- Police Officers receive an initial 21-week basic police training/certification through a New York State Division of Criminal Justice Services (DCJS) certified Police Academy. Typically, basic training is held at the Westchester County Zone 3 Police Academy, or in the case of transfers, NYPD Academy or similar.
- All newly hired officers receive an initial NRPD orientation training, and a minimum of six-week field training with a NYS DCJS certified Field Training Officer.

Continuing Training

- Annual in-service training performed by DCJS certified instructors, and outside instructors where specialized topics may be discussed.
- Annual firearms training, including a block of instruction on NYS Penal Law Article 35 - use of force justification, de-escalation and ICAT (discussed in further detail below).
- Specialized training – provided throughout the year for members assigned to special units, or to members requiring additional training. Many of these are DCJS, FBI, International Association of Chiefs of Police, Police Executive Research Forum or similarly sponsored courses.

Command Level Executive Training

For the past two decades, the Department has been sending ranking members to specialized police executive training. Two such programs are the Senior Management Institute for Police, hosted by the Police Executive Research Forum (PERF), and the Federal Bureau of Investigations, Law Enforcement Education Development Association (FBI-LEEDA).

SMIP

SMIP is a program of the Police Executive Research Forum that provides senior police executives with intensive training in the latest management concepts and practices used in business and government. It also features discussions of the most challenging issues facing law enforcement executives today.

A demanding three-week course, SMIP brings together a faculty from top universities, successful law enforcement chief executives, and subject matter experts from the private sector. It is designed for mid- to upper-level police executives who ultimately will lead police agencies throughout the United States and other participating countries. SMIP's curriculum addresses the issues that demand the attention of today's forward-thinking law enforcement

leaders. Classes are held at the Boston University School of Law, where participants learn and reside in the university's leading classrooms and residence hall.⁶

FBI-LEEDA

FBI-LEEDA is a 501(c)(3) corporation. The majority of members of FBI-LEEDA are chief executive officers of law enforcement agencies, directors and commissioners of public safety, and elected sheriffs throughout the United States and numerous foreign countries. One of the requirements for active membership in FBI-LEEDA is to have participated in a Command Leadership Institute, the LEEDS training program at the FBI Academy, or one of the regional FBI Command Colleges located throughout the United States. Members of the association consist mostly of decision-makers from local, state and federal law enforcement agencies. In addition to FBI-LEEDA's mission to be the premier provider of leadership and management training, the association strives to provide information to its members which will enhance their ability to establish and maintain an outstanding quality of life in the communities in which they serve.⁷

Bias/Diversity training – Below is a list of some of the training provided to all NRPD officers specific to the topics of bias and diversity, many of which were provided during the annual in-service programs.

*****It should be noted that all of our training is progressive. Despite the fact that subjects such as ICAT, Use of Force, Verbal Judo, and Fair and Impartial Policing, look like they only appear once throughout many years, they are all building blocks of our training program and are reiterated throughout all of our programs and years.**

- 1997 – **NOBLE (National Organization of Black Law Enforcement Executive)**
- 1999 – **NJ Regional Community Policing Institute**
- 2000 – **Ethics Class**
- 2001 – **Profiling in Police Work NYS Attorney General's office**
- 2002 – **Cultural Diversity – Councilman Roberto Lopez**
- 2005 – **Interacting with the Non-Christian Community**
- 2007 – **The Employee in Crisis (EAP)**
- 2010 – **Community relations- Police Chaplin Rev. Smart-Sears**
- 2012 – **Disability Awareness, Joe Bravo**
- 2014 – **Responding to persons with Alzheimer's Disease**
- **Tools for Tolerance** Course at the Simon Wiesenthal Center Museum, focus on racism in America and the history of the Holocaust
- 2015 – **Mental Health Crisis Intervention**
- 2016 - **Arresting Communication** – Describes the tools necessary to communicate effectively on the street.
 - **Objectives/Goals:** Understanding how the police mind works/ constant state of prioritizing; Police are sometimes over observant/information overload; When the words and the body are in conflict - believe the body;

⁶ <https://perf.memberclicks.net/smip>

⁷ [https://fbileeda.org/page/Who we are](https://fbileeda.org/page/Who%20we%20are)

- Understanding what the officer is seeing will help to improve the reaction to the threats and to better articulate what happened after the fact.
- **Topics:** Human Communication / Body Language – Communication / Body Language and Verbal Cues of Dishonesty / Pre-Attack Indicators
 - **2017 - Introduced Integrating Communications, Assessment, and Tactics, (ICAT), de-escalation techniques.** (Scenario training was also used.) Patrol officers learn to safely and professionally resolve critical incidents involving subjects who may pose a danger to themselves or others, but who are not armed with firearms. The goal of this course was reducing the need to use deadly physical force, upholding the sanctity of life, building community trust, and protecting officers from physical, emotional and legal harm.
 - **Topics: Integrating Communications:** Active Listening...80-20 rule / Listen to understand and learn, not to respond / Avoid Distractions...contact/cover officer / Show the subject that you are listening.... Empathetic / Use silence to your advantage...slow and calm things down / Establish a rapport / Provide Options
 - **Assessment:** What's Important Now (WIN Concept) / Is the scene safe / What type of Incident are we ACTUALLY involved in / What are our objectives...what are we trying to achieve / Work as a team.... coordinated effort / Be adaptable...Consider all options...Make a Decision
 - **Tactics:** Collect Information / Tactical Pause / Effective Response / Continue to Gather Information/ Distance + Cover = Time...slow things down...as long as it takes / Tactical Positioning and Repositioning...Maintain Position of Advantage / Put Yourself in a Winnable Position
 - **2017 - Fair and Impartial Policing** - All people, even well-intentioned people have biases. Discussion of various biases. Explore what social-psychology has taught (impedes our ability). Fair and impartial police officers are more likely to be effective at solving crimes and handling disorder problems / stay safe and go home at the end of the shift / enhance & promote trust on the part of the people they serve / enhance the legitimacy of the police.
 - **Objectives/Goals:** Recognize your own human biases / understand how implicit biases can affect your own and your officers' perceptions and behavior / understand how biased policing impacts community members and the Department / reflect on the role effective officers & supervisors have in producing fair and impartial policing.
 - **Topics:** Understanding Human Biases / Fundamental Concepts of Human Biases / Pre-Judgements / Bases on Which People May Be Stereotyped and Treated Differentially / Stereotyping and Human Bias / Policing and Stereotypes / Visual Scenarios on Bias / Studies on Race making a difference with shooting decisions / Gender and Crime Implicit Bias / The Race-Crime Implicit Bias Linked to Officer Safety and Effectiveness / Stereotypes are Based, at Least in Part, on Fact / Implicit Bias Manifests in Non-Prejudiced People / Addressing Our Implicit Biases / The Impact of Biased Policing on

Community Members and the Department / Policing History and Our Communities / Policing Our Immigrant Communities / Strengthening Police Legitimacy through Procedural Justice

Procedural Justice - The procedures used by police officers where community members are treated with respect, dignity and fairness.

Taught – Action/Skill/Result, Achieving Police Legitimacy. The Supervisors Role - Supervising for Fair, Impartial, and Effective Policing.

- **2017 - Blue Courage Course** - Blue Courage enhances our law enforcement officers' capacity to serve with courage and honor by shaping a guardian's heart and mind in order to enhance capacity of our people through education, practices, tools and processes.
 - **Topics:** 21st Century Policing⁸ / Nobility of Policing / Guardian vs. Warrior Mindset / Mindfulness and Awareness / What Erodes Capacity / Dimensions of a Person/ Police Culture / Respect / Resilience/Hope/ Positive Psychology/ Health and Wellness.
- **2018 - Use of Force** – Need for first aid/care of subject, Decision Making, and ballistic protection exercises, Tactical Casualty Care, and Police Ambush Incidents.
- **2019 - Training Instructors certified in new DCJS Use of Force policy** in January and trained with all members starting in February and restated during firearms in September and October.
- **2019 - Various community policing classes.**
- **Verbal Judo** – A de-escalation course through the use of verbal communication.
- **2019 – Community Relations, Pastor Heinz (Shiloh Baptist Church), and Rev. Weaver, III (Bethesda Baptist Church).** The Pastors discussed biases within their congregations, the local community, police and throughout the country. They also discussed outreach programs offered by Lincoln Avenue Churches and listened to the opinions of officers on several bias related topics.
- **2020 – LGBTQI+ Interactions** - Class taught by Det. Diniz, NRPD's LGBTQI+ Liaison, for officers to understand what she does and the community members she interacts with.
 - **Topics:** The Acronym / Definitions / Statistics / The Genderbread Person – Gender Identity / Stereotypes / Considerations – How to Say Things / What not to Say / Barriers to Reporting Crimes / Supervisor Role / Searching and Holding Accommodations / Proper Decision-Making Principles / Gather all Information Accessible at the Time / Sanctity of Life / Dignity and Respect of the Person / Fairness / Make the Decision / Being able to Articulate the Decision
- **2020 - Principled Policing – NYS DCJS course** - This is NYS DCJS's brand new program encompassing **Procedural Justice I and II and Implicit Bias**

⁸ President's Task Force on 21st Century Policing, 2015. *Final Report of the President's Task Force on 21st Century Policing*. Washington, D.C. Office of Community Oriented Policing Services

- **Objectives/Goals:** Understand the positive effect community policing has and how it functions as the foundation for procedural justice and police legitimacy / Define and understand procedural justice and how to implement it in policing / Define police legitimacy and its importance in policing.
- **Topics:** Define procedural justice and discuss its benefits / Define legitimacy and state how to increase police legitimacy / Review the relationship between the police and the community, our Mission Statement, Vision Statement, and Values of the Department / Why are we here / Reasons for distrust / Main goals of policing / Community policing / Purpose/ Advantages / Factors affecting community policing / Three pillars of community policing / Procedural Justice / Positive Interactions = Positive outcomes / Procedural justice leads to police legitimacy / Voice - Voice breakdown pyramid / Non-verbal communication / Quality of decision making / Quality of treatment, Citizen Assessment Formula, them vs. us, the golden rule.
- **2020 - Responding to Mental Health issues and the Homeless** – The NRPD and the Westchester County Department of Community Mental Health (DCMH) created a partnership between police officers and a behavioral mental health worker, to respond to calls and develop relationships with individuals who need support, assistance and guidance in connecting to services such as housing, treatment and recovery. Officers were provided instruction on the goals of the program and the services the team would provide.
- **2020 – Implicit Bias Training** – Although the Department was capable of providing implicit bias training to our members, at the recommendation of City officials, we sought outside training for this sensitive topic. Recommended by the City was Dr. Marks, of the National Training Institute on Race & Equity (NTIRE). The Department did enter into an agreement with Dr. Marks to present Implicit Bias Training to 100 members in 2020, and an additional 100 employees in 2021. The training was to commence in June 2020, however, due to the Covid-19 Pandemic, it was cancelled. We are attempting to rescheduling the program for later this year, however, the NTIRE is still under restrictions for on-site instruction. We explored the possibility of on-line, distance learning session, but would prefer in person training due to the nature of the topic. It is unclear at this time when that will take place. As per NTIRE's literature, the training addresses the following questions: What is implicit bias? What does implicit bias look like in the real world—and in philanthropy specifically? What causes implicit bias? How is implicit bias measured? How does implicit bias affect the person who holds the bias? How does implicit bias affect the attitudes and behaviors of the targeted group? How can implicit bias be reduced/managed at the individual and organizational levels? The training includes: Highly interactive and introspective exercises, including live polling, participants completing a measure of implicit bias and discussing the results, small working group discussions regarding how to implement several recommended practices/policies to reduce bias.

Use of Force

Policy

On October 31, 2019, the New Rochelle Police Department amended its *Use of Force Policy*, changes were made in accordance with New York State Law, NYS DCJS Accreditation Standards, and Federal Case Law. The Policy is strictly guided by law and best practices, while adhering to the standard of “**Objective Reasonableness**” as dictated by the United States Supreme Court.

In addition, the policy was constructed to include guidance and recommendations from

- **New York State Governor’s Executive Law, §840**, which requires that police agencies adopt a *use of force* policy consistent with the Municipal Police Training Council **use of force model policy**
- **New York State Governor’s Executive Law, §837-t**, requiring that police departments report to NYS DCJS officers use of force for data collection
- **Police Executive Research Forum⁹ (PERF)** developed ***Integrating Communications, Assessment, and Tactics (ICAT)***, training used to assist officer in de-escalating potentially violent encounters (detailed further in the Training Section of this document).

Highlights of the Policy

- **Duty to intervene** – any officer who is present and observes another officer using force that he/she reasonably believes is not objectively reasonable given the circumstance SHALL intercede to prevent the use of unreasonable force.
- **Use of Force Report** – the Department’s internal use of force tracking form, the *Use of Force Report*, was amended and expanded to include brandishing of Department issued weapons. The policy also requires the submission of use of force reports to DCJS (as mentioned above)
- **Choke holds** – are expressly prohibited for the purpose of restraining a subject
- **Training** – the policy includes a section which requires de-escalation, and officer intervention training. While not specifically mentioned in the policy, during annual firearms training and certification *officers are trained to issue verbal warnings, if it is feasible, prior to firing their weapon*. The feasibility of issuing a verbal warning is dependent on many factors and may not be practicable in some occasions where deadly physical force against the officer or another is imminent. Training also includes the use of a computer-generated use of force simulator. The simulator projects real life scenarios on a large screen; officers must verbally work through the scenarios applying de-escalation techniques. Officers are then

⁹ Police Executive Research Forum is an independent research organization that focuses on critical issues in policing. www.policeforum.org

evaluated on their reactions and responses. The goal is to teach the officers how to de-escalate volatile situations while maintaining cover and/or concealment to “buy” time for a safe resolution.

- **Annual Review** - The Training Unit evaluates our use of force policy annually to ensure adherence with specific New York and Federal laws, NYS Accreditation standards, and industry standards. Our current policy reflects NYS DCJS standards and suggestions and is published on the City’s website.

Active Shooter/Active Killing Events

When discussing the use of force active shooter/killing events must be part of the discussion. As we have seen throughout the country, a mass causality event can occur anywhere and at any time. In response, the New Rochelle Police Department has conducted numerous active shooter training sessions, purchased special protective gear for our officers, provided numerous site security reviews for and increased the number of routine security checks made to houses of worship.

On April 17, 2018, the New Rochelle added a section to its Manual of Procedures to address the proliferation of mass casualty killings taking place in America. Chapter Five, Article 5.22D of the Manual of Procedures specifically addresses officers’ response to active killing events.

The following documents are included in this section for reference

- **New Rochelle Police Department Manual of Procedures**
 - Chapter Five, Article 5.29 – Use of Force
 - Chapter Five, Article 5.29B – Less Lethal Engagement Tools
- **New Rochelle Police Department Rue and Regulations**
 - Chapter Four, Police Use of Firearms and Force
- *June 10, 2019, Memorandum from Mike Green, NYS DCJS Executive Deputy Commissioner, Use of Force Model Policy*
- *July 9, 2019, Memorandum from Mike Green, NYS DCJS Executive Deputy Commissioner, Executive Law 837-t – Use of Force Data Collection*
- **New Rochelle Police Department Manual of Procedures**
 - Chapter Five, Article 5.22D – Response to Active Killing Incidents

**New Rochelle Police Department
Manual of Procedure**

Subject: **Use of Force**

Chapter: Five

Article: 5.29

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Date Effective: 01 Mar 92

Date Revised: 31 Oct 19

POLICY: The federal and state standards by which use of force is measured are both founded in the basic premise of objective reasonableness.¹ The amount of force that is used by the officers shall be the amount of force that is objectively reasonable under the circumstances for the officer involved to effect an arrest, prevent an escape, or in defense of themselves or others. The standard of objective reasonableness, established by the United States Supreme Court in *Graham v. Connor*, is used in this policy and is intended to provide officers with guidelines for the use of force, including deadly physical force. Agency personnel must always consider the totality of the circumstances when applying the guidelines. In certain situations, exigent circumstances may outweigh the recommendation of a specific guideline. Personnel should always be able to articulate the justification for going beyond agency policy or training.

As the Supreme Court has recognized, this reasonableness inquiry embodies "allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation."²

This policy is written in recognition of the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires a careful balancing of all interests.

PURPOSE: Law enforcement officers are authorized to use reasonable and legitimate force in specific circumstances. Federal constitutional and state statutory standards dictate when and how much force can be used. This policy is founded in these standards, but is not intended to be an exhaustive recitation of state and/or federal legal framework governing use of force. The policy is designed in accordance with Executive Law §840(4)(d)(3).

DEFINITIONS

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.³

Deadly Physical Force: Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.⁴

Physical Injury: Impairment of physical condition or substantial pain.⁵

Serious Physical Injury: Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.⁶

¹ Force which is objectively reasonable is insulated from criminal liability through Article 35 of the NYS Penal Law and civil liability by the 4th Amendment standard of objective reasonableness.

² *Graham v. Connor*, 490 U.S. 386 at 396 (1989).

³ *Graham*, 490 U.S. 396 (1989)

⁴ NY Penal Law §10(11) (McKinney 2013)

⁵ NY Penal Law §10(9) (McKinney 2013)

⁶ NY Penal Law §10(10) (McKinney 2013)

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Subject: **Use of Force**
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Date Effective: 01 Mar 92
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PROCEDURE:

1. Use of Force

- 1.1 In general terms, force is authorized to be used when reasonably believed to be necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one's self or another.⁷
- 1.2 Under the 4th Amendment of the United States Constitution, a police officer may use only such force as is "objectively reasonable" under the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene.⁸

2. Determining the Objective Reasonableness of Force

- 2.1 When used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at the time of the event.
- 2.2 Factors that may be used in determining the reasonableness of force include, but are not limited to:
 - The severity of the crime or circumstance;⁹
 - The level and immediacy of threat or resistance posed by the suspect;¹⁰
 - The potential for injury to citizens, officers, and suspects;¹¹
 - The risk or attempt of the suspect to escape;¹²
 - The knowledge, training, and experience of the officer;¹³
 - Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects;¹⁴
 - Other environmental conditions or exigent circumstances.¹⁵

3. Duty to Intervene

- 3.1 Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
- 3.2 An officer who observes another officer use force that exceeds the degree of force as described in subdivision 3.1 of this section should promptly report these observations to a supervisor.

⁷ NY Penal Law §35.30(1) (McKinney 2013)

⁸ *Graham*, 490 U.S. at 396 (1989)

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Scott v. Harris*, 550 U.S. 372 (2007)

¹² *Graham*, 490 U.S. at 396 (1989)

¹³ Analysis of cases under the 4th Amendment requires the focus to be on the perspective of a reasonable officer on the scene which includes the training and experience of the officer. *Graham v. Connor*, 490 U.S. 386 (1989), *Terry v. Ohio*, 392 U.S. 1 (1968)

¹⁴ *Sharrar v. Felsing*, 128 F. 3d 810 (3rd Cir. 1997) (numbers of officers or subjects)

¹⁵ Courts have repeatedly declined to provide an exhaustive listing of factors. *Chew v. Gates*, 27 F. 3d 1432, 1475 n.5 9th Cir. (1994)

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4. Use of Deadly Physical Force

4.1 Deadly physical force may be used by an officer to protect him/her or another person from what the officer reasonably believes is an imminent threat of serious physical injury or death.¹⁶

4.2 Deadly physical force may be used to stop a fleeing suspect where:

- The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; and,
- The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or to others.
- Where feasible, some warning should be given prior to the use of deadly physical force.¹⁷

5. Prohibited Uses of Force

5.1 Force shall not be used by an officer for the following reasons:

- To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
- To coerce a confession from a subject in custody;
- 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;
- 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.

6. Reporting and Reviewing the Use of Force

6.1 Any injuries resulting from a use of force incident shall result in appropriate and timely medical attention being provided to the injured party.

6.2 Members involved in use of force incidents as described below shall notify their supervisor as soon as practical and shall complete a departmental Use of Force Report (PD 119).

- Use of force that results in a physical injury.
- Use of force incidents that a reasonable person would believe is likely to cause an injury.
- Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
- Incidents where a Taser was intentionally discharged or accidentally discharged after being displayed.
- Incidents where a firearm was discharged at a subject.

¹⁶ NY Penal Law and §35.30(1)(c)(McKinney 2013)

¹⁷ NY Penal Law and §35.30(1), as restricted by *Tennessee v. Garner*, 471 U.S. 1 (1985) (restricting the use of deadly physical force as it relates to fleeing felons) In *Garner*, the Supreme Court uses "significant threat of serious physical harm, either to the officer or others" in describing the limited circumstances under which deadly force can be used to prevent the escape of a felon.

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6.3 The Use of Force Report (PD 119) will be filed to document any reportable use of force incident.¹⁸ This form shall be filed for incidents described in 6.2 of this Article and when:

- An officer engages in conduct which results in the death or serious bodily injury of another person.
- One of the following is initiated by an officer:
 - Brandishes, uses or discharges a firearm at or in the direction of another person;
 - Uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air;
 - Displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas;
 - Brandishes, uses or deploys an impact weapon, including, but not limited to, an ASP or baton;
 - Brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb, or long range acoustic device.

6.4 The completed PD 119 will be forwarded to the Records Unit and the Staff Services Division will submit all required information to New York State Division of Criminal Justice Services (NYS DCJS) in the manner NYS DCJS authorizes.

7. Procedures for Investigating Use of Force Incidents

- 7.1 Where practical, a supervisor should respond to the scene to begin the preliminary force investigation.
- 7.2 A supervisor that is made aware of a force incident shall ensure the completion of a Use of Force Report (PD 119) by all officers engaging in reportable use of force and, to the extent practical, make a record of all officers present.
- 7.3 Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
- 7.4 The Tour supervisor or Unit supervisor of the officer engaged in the use of force incident will conduct an investigation for all matters referenced in 6.2 of this article.
- 7.5 Failure to adhere to use of force guidelines will be handled consistent with Discipline Procedures of this Manual of Procedure, Chapter Six, Article 6.01.¹⁹

8. Training

- 8.1 All officers should receive training and demonstrate their understanding on the proper application of force.
- 8.2 Training topics will include use of force, conflict prevention, conflict resolution and negotiation, and de-escalation techniques and strategies, including, but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.²⁰

¹⁸ The PD 119 will be filed to ensure compliance with the administrative reporting requirement of NY Executive Law §837-t.

¹⁹ NY Executive Law §840(4)(d)(2)(vi)

²⁰ NY Executive Law §840(4)(d)(2)(vii)

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- 8.3 This policy is not intended to be a substitute for proper training in the use of force. Comprehensive training is the key to the real-world application of the concepts discussed within this policy.

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Subject: **Less Lethal Engagement Tools**

Chapter: Five

Article: 5.29B

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Date Effective: 31 Oct 19

Date Revised:

POLICY: Consistent with the Department's Use of Force policy, Chapter Five, Article 5.29 of this manual, a police officer may use only such force as is "objectively reasonable" under the circumstances. Agency personnel must always consider the totality of the circumstances when applying the guidelines. In certain situations, exigent circumstances may outweigh the recommendation of a specific guideline. Personnel should always be able to articulate the justification for going beyond agency policy or training.

DEFINITIONS

Oleoresin Capsicum: Oleoresin Capsicum, also known as "OC," is a non-lethal inflammatory agent, which is derived from the oils and resin of pepper plants. It causes swelling of the eyes, difficulty in breathing, and a burning sensation of the skin. Only personnel trained in the use of Oleoresin Capsicum are authorized to use it.

CS gas: The compound 2-Chlorobenzalmalononitrile, a cyanocarbon, is the defining component of tear gas commonly referred to as CS gas. Exposure causes a burning sensation and tearing of the eyes to the extent that the subject cannot keep his/her eyes open, and a burning irritation of the mucus membranes of the nose, mouth and throat, resulting in profuse coughing, nasal mucus discharge, disorientation, and difficulty breathing, partially incapacitating the subject. Only personnel trained in the use of CS gas are authorized to use it.

PD 119 Use of Force Report: A Department form filed in every instance where a member of the Department uses force as articulated in the Department's Use of Force policy, Chapter Five, Article 5.29 of this manual. (Not filed when the use of Oleoresin Capsicum / CS gas is for training purposes.)

Taser: The Taser is an electronic control weapon designed to disrupt the neuromuscular system by the use of low-level electrical impulses transmitted through wires connected to darts. The impulses cause involuntary muscle contractions intended to disorient and confuse a subject. The TASER X26P and TASER X2 are the authorized electronic control weapons for use by members of this department. Only trained personnel should use a Taser.

Impact Weapons: The impact weapons used by the New Rochelle Police Department are straight batons and ASP batons.

Less Lethal Impact Munitions (LLIM): Flexible projectiles discharged from designated 12 gauge shotguns or the 40mm Launcher intended to incapacitate a subject with less potential for causing death or serious physical injury when compared with conventional projectiles.

"Y" Bar: The "Y" bar is a containment tool used to control violent emotionally disturbed persons. It is designed to provide a distance between an emotionally disturbed person and officers while containment measures are implemented. Only trained personnel should use the "Y" bar.

PROCEDURE

1. Force Options

- 1.1 When used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at the time of the event.

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1.2 Possible force options include, but are not limited to:

- Bare-Hand Control
- Containment Tools
- Deadly Physical Force
- Impact Weapons
- Less Lethal Impact Munitions (LLIM)
- Officer Presence
- Oleoresin Capsicum / CS gas
- Taser
- Verbal Commands
- Verbal/Non-Verbal Requests and Dialogue

The above list is not exhaustive and should not be looked upon as any type of exact pattern to follow at an incident. Note: the order above is solely alphabetical.

2. Oleoresin Capsicum / CS gas

The following guidelines will be observed whenever Oleoresin Capsicum / CS gas is used:

- 2.1 Oleoresin Capsicum / CS gas is considered a force option and is not intended to replace a firearm, a police baton, or any physical control technique.
- 2.2 No officer will possess Oleoresin Capsicum / CS gas unless properly trained, and certified in its use.
- 2.3 Oleoresin Capsicum / CS gas will only be used in the following confrontational situations:
 - To defend the officer or another from violent or aggressive behavior directed towards them.
 - To control a subject who has shown him/herself to be a danger to him/herself or others and is exhibiting menacing behavior.
 - To extricate a threatening or violent subject from an area that is not conducive to safe entry by an officer.
 - To control a domestic or wild animal that is acting in a hostile manner and poses an immediate danger to the officer or another.
- 2.4 Oleoresin Capsicum / CS gas will not be used as a means of persuasion nor will it be used in the absence of any resistance or aggression.
- 2.5 The use of Oleoresin Capsicum / CS gas canisters or grenades for crowd control will only be used with the authorization of the Deputy Police Commissioner or his designee.
- 2.6 Once a subject has been debilitated by Oleoresin Capsicum / CS gas and resistance has subsided, Oleoresin Capsicum / CS gas will not be used further.
- 2.7 In all cases where Oleoresin Capsicum / CS gas has been used, a detailed accounting of such use will be documented in the corresponding incident report.

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2.8 In every instance of the use of Oleoresin Capsicum / CS gas the reporting officer will file a Use of Force report (PD 119).

2.9 Post Use Considerations

- Oleoresin Capsicum / CS gas does not require any special decontamination and within 5-10 seconds its potency should diminish allowing for the handcuffing of a suspect. Normal ventilation should remove it from an enclosed environment within forty-five minutes. Accordingly, post use procedure will be as follows:
- The subject will be removed from the contaminated area and given the opportunity for an eye/face wash.
- The subject will be monitored for any unusual allergic reactions and provided medical treatment if complications persist. The accompanying incident report will reflect the rendering of any formal medical attention.
- Officers who have been sprayed with Oleoresin Capsicum / CS gas during an incident will flush the exposed area with water and wash with soap if discomfort persists. Medical attention will be provided if adverse symptoms fail to subside.

3. Taser

The following guidelines will be observed whenever the Taser is used:

- 3.1 A Taser is not intended to replace a firearm, a police baton, or any physical control technique.
- 3.2 No officer will possess the Taser unless properly trained, and certified in its use. The Taser will be worn weak-side in the department approved holster.
- 3.3 The Taser will be used for one standard cycle (five seconds) and then the operator will evaluate the situation to determine if subsequent cycles are necessary. Multiple applications or continuous cycling of the Taser resulting in an exposure longer than 15 seconds (whether continuous or cumulative) may increase the risk of serious injury or death and should be avoided.
- 3.4 The drive stun mode should be primarily used to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between officers and the subject so that officers can consider another force option.
- 3.5 A warning should be given to a subject prior to activating the Taser unless doing so would place any person at risk. Warnings may be in the form of verbalization, display, laser painting, arcing, or a combination of these tactics.
- 3.6 Personnel should not intentionally activate more than one Taser at a time against a subject.
- 3.7 The Taser should not generally be used against pregnant women, elderly persons, young children and visibly frail persons. Personnel should evaluate whether the use of the Taser is reasonable, based upon all circumstances, including the subject's age and physical condition. In some cases, other control techniques may be more appropriate as determined by the subject's threat level to others.

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- 3.8 Personnel should not intentionally target sensitive areas (e.g., head, neck, heart, genitalia).
- 3.9 The Taser should not be used on handcuffed subjects unless doing so is necessary to prevent them from causing serious bodily harm to themselves or others and if lesser attempts of control have been ineffective.
- 3.10 The Taser should not be used against subjects in physical control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATV's, bicycles, scooters).
- 3.11 The Taser should not be used when a subject is in an elevated position where a fall may cause substantial injury or death.
- 3.12 The Taser should not be used in the known presence of combustible vapors and liquids or other flammable substances.
- 3.13 The following confrontational situations will serve as a guideline for Taser use:
 - To defend the officer or another from violent or aggressive behavior directed towards them.
 - To control a subject who has shown him/herself to be a danger to him/herself or others and is exhibiting menacing behavior.
 - To extricate a threatening or violent subject from an area that is not conducive to safe entry by an officer.
 - To control a domestic or wild animal that is acting in a hostile manner and poses an immediate danger to the officer or another.
- 3.14 Sparking of the Taser is permissible in situations where an officer determines that it is an applicable response in order to prevent/deter resistant or aggressive actions.
- 3.15 Normally, the Taser will not be used in the absence of any resistance or aggression.
- 3.16 In all cases where the Taser has been used, a detailed accounting of such use will be documented in the corresponding incident report.
- 3.17 In every instance of the use of the Taser, the Taser operator will file a Use of Force Report (PD 119).
- 3.18 Post Use Considerations
 - Once the subject is controlled and no longer poses a threat, observe the subject and note any apparent medical conditions. Provide first aid as required and request an ambulance to respond.
 - Every subject that the Taser has been used upon, including the drive stun mode, will be brought to the Emergency Room. The attending physician will remove the darts. The cartridge, trailing wires and darts will be secured and retained for any future proceedings.
 - Do not attempt to remove the darts that are impaled in a subject. Remove the cartridge from the device, wrap the trailing wires around the cartridge and send it with the subject to the Emergency Room.

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- After each usage of the Taser on a subject, the recorded data will be downloaded by the Training Unit.
- Random audits of Taser usage will be conducted by the Training Unit through downloading of the recorded data.

4. Containment Tools

The following guidelines will be observed whenever Containment Tools are used:

- 4.1 The "Y" bar is a containment tool, a force option and is not intended to replace a firearm, a police baton, or any physical control technique.
- 4.2 Containment Tools will not be deployed without the authorization of a supervisor at the incident location.
- 4.3 No officer will possess a Containment Tool unless properly trained, and certified in its use.
- 4.4 Containment Tools will not be used as a means of persuasion nor will they be used in the absence of any resistance or aggression.
- 4.5 Once the subject has been contained and effectively restrained, the Containment Tools will not be used further.
- 4.6 In all cases where Containment Tools have been used, a detailed accounting of such use will be documented in the corresponding incident report and a Use of Force Report (PD 119).
- 4.7 Post Use Considerations
 - Once the subject is controlled and no longer poses a threat, observe the subject and note any apparent medical conditions. Provide first aid as required and request an ambulance to respond, as needed.

5. Less Lethal Impact Munitions (LLIM)

The following guidelines will be followed when using LLIM's:

- 5.1 LLIM's are not intended to replace a firearm. They may be considered whenever their use could reduce the risk of serious injury or death to persons involved in an incident.
- 5.2 No officer will possess any LLIM, the designated shotgun or the 40mm launcher, unless properly trained and certified by Department Firearms Instructors in their use.
- 5.3 LLIM's will not be deployed at an incident location without the authorization of a supervisor at the incident location.
- 5.4 A warning should be given to a subject prior to the use of any LLIM unless doing so would place any person at risk.
- 5.5 The Safariland Training Academy impact area chart is the recognized department model for determining contact areas for LLIM's based on potential for injury.

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- 5.6 When engaging a target, the officer should evaluate the effectiveness of each round deployed. Compliance or incapacitation is the desired goal and all alternative target area/response considerations will be based on the circumstances the officer is encountering.
- 5.7 Whenever any LLIM is fired operationally, the reporting officer will file a Use of Force Report (PD 119).
- 5.8 Post Use Considerations
- Once the subject is controlled and no longer poses a threat, he or she will be immediately transported by ambulance to the hospital for examination. If such circumstances exist whereby transporting the subject by ambulance is not practical, the supervisor on the scene may authorize that the subject be transported to the hospital by radio car.
6. Blackjack
- 6.1 The use or possession of a blackjack while on duty is prohibited.
7. Choke Hold
- 7.1 The technique commonly known as the "Choke Hold," whereby pressure is applied to the throat or windpipe of a person in the manner that may hinder breathing or reduce intake of air of a subject is expressly prohibited solely for the purpose of restraining a subject.

New Rochelle Police Department Rules and Regulations

Chapter: Four
Subject: Firearms

Page 1 of 1

Date Effective: 01 Jan 97
Date Revised: 31 Oct 19

- 4.1. Members of the Department will be held responsible for all use of firearms.
- 4.2. Refer to Chapter Five, Article 5.29 of the Manual of Procedure for the Department's policy on the Use of Force.
- 4.3. The firing of a warning shot is prohibited.
- 4.4. The drawing of a firearm in any police action is prohibited unless there is an objectively reasonable belief on the part of the officer, at that time, that the imminent discharge of the firearm for a permitted or authorized use will be necessary.
- 4.5. Whenever a member of the Department unholsters his/her firearm during the course of an incident or investigation, it shall be reported as soon as possible to the Tour supervisor or Unit supervisor and included in the incident report. A Use of Force Report (PD 119) shall be filed. While the firearm is unholstered, the officer's finger should be off the trigger, outside of the trigger guard and along the frame of the weapon. The finger shall remain in this position until such time that firing the weapon is necessary.
- 4.6. Whenever a member of the Department discharges his/her firearm, it will be reported to the Tour Commander immediately.
- 4.7. Upon receiving a report of a firearm being discharged, the Tour Commander will immediately conduct an investigation and file a Firearms Discharge Report (PD 117) and forward same to the Deputy Police Commissioner through the appropriate Division Commander. (Refer to Chapter Eight, Article 8.02 of the Manual of Procedure for further information.)
- 4.8. If there is an injury to anyone as a result of discharging a weapon, the Internal Affairs officer will be notified and he/she will commence an investigation of the incident. His/her findings and recommendations will be forwarded to the Police Commissioner.
- 4.9. When on duty a member of the Department shall only carry the Glock service pistol and ammunition issued by the Department, unless otherwise authorized by the Police Commissioner or his/her designee.
- 4.10. The wearing of a firearm when not on duty is optional.
- 4.11. Any member of the Department, who owns, acquires or disposes of a handgun must immediately document same on a "C" form and submit the form to the Training Unit. If the handgun is owned or acquired, it must be presented to the Training Unit with the "C" form for inspection. If the handgun is being disposed of, it must be presented to the Training Unit with the "C" form for inspection, prior to disposal.
- 4.12. Any member of the Department who has not successfully completed the Department pistol qualifications within a twelve-month period shall surrender his/her service pistol to the Training Unit. The service pistol will be returned to the member upon successful completion of the Department pistol qualifications.



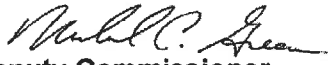
Division of Criminal Justice Services

ANDREW M. CUOMO
Governor

MICHAEL C. GREEN
Executive Deputy Commissioner

MEMORANDUM

TO: New York State Criminal Justice Executives

FROM: Mike Green 
Executive Deputy Commissioner

DATE: June 10, 2019

SUBJECT: Use of Force Model Policy

In 2015 the Municipal Police Training Council (MPTC) adopted a Use of Force Model Policy designed to give agencies guidance as they developed or refined their own policies on this important issue. This policy was developed using a panel of stakeholders and subject matter experts with a focus on best practices and legal standards. This policy was developed around the constitutional standard of objective reasonableness recognizing that this also provide officers guidance under Article 35 of the New York State Penal Law. Training provided by DCJS at both the basic and in-service level is rooted in this well-established standard.

Recent amendments to Executive Law §840 require the MPTC to develop and maintain a use of force model policy and requires agencies employing police or peace officers to adopt a policy that is consistent with the MPTC model. The MPTC, once again, convened a panel of stakeholders to review and update the policy to meet this statutory requirement. These stakeholders include the New York State Police, the New York City Police Department, the New York State Association of Chiefs of Police, the New York State Sheriff's Association, the New York State Department of Corrections and Community Supervision, the Law Enforcement Training Director's Association of New York State, and the District Attorney's Association of New York State.

This model policy, like all MPTC model policies, it is intended to provide guidance while remaining flexible to allow for local agency needs to be met. The law requires agencies to adopt a model policy consistent with this policy, however, it is strongly recommended that you review all provisions and ensure that the final policy you adopt reflects your actual practices, capabilities and guidance provided by your legal counsel. Specific attention should be paid to the sections that address: purpose, policy, reasonableness factors, reporting, and investigation. For example, policy and purpose statements can be modified to set the expectations of your members and express your intent of the policy. Agencies may choose to make portions of their own policy more restrictive if they chose which may include adding additional use of force prohibitions to those already listed in the model. The list of reasonableness factors to consider may be

expanded as your agency and legal counsel feel appropriate; however, any additions should be supported by applicable case law. Reporting and investigation procedures should be carefully reviewed and modified to meet your actual reporting and investigatory practices taking in to account supervisory staffing related capabilities.

The MPTC Use of Force Model Policy may be downloaded by clicking on the following link <https://bit.ly/2XAXFy8>. In addition to the policy, DCJS has also made available to all law enforcement an MPTC Use of Force Online Training that is consistent with this model and can be viewed by clicking on the following link:

<http://criminaljustice.ny.gov/ops/training/other/DCJS%20Use%20of%20Force%20In-Service%20Training%20-%20Storyline%20output/story.html>

DCJS also offers a 2-day Use of Force in-service training. To learn more about the training opportunities or questions about the model policy, please contact Senior Training Technician Michael Puckett at michael.puckett@dcjs.ny.gov.

Executive

* § 837-t. Use of force reporting. 1. The chief of every police department, each county sheriff, and the superintendent of state police shall report to the division, in a form and manner as defined in regulations by the division, any instance or occurrence in which a police officer, as defined in subdivision thirty-four of section 1.20 of the criminal procedure law, or a peace officer, as defined in section 2.10 of the criminal procedure law, employs the use of force as follows:

a. brandishes, uses or discharges a firearm at or in the direction of another person; or

b. uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; or

c. displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas; or

d. brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy; or

e. brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb or long range acoustic device; or

f. engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury is defined as bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss of impairment of the function of a bodily member, organ or mental faculty.

2. On an annual basis, the commissioner shall conspicuously publish on the department's website a comprehensive report including the use of force information received under subdivision one of this section during the preceding year. Such reports shall not identify the names of the individuals involved, but for each event reported, shall list the date of the event, the location disaggregated by county and law enforcement agencies involved, the town or city, and any additional relevant location information, a description of the circumstances of the event, and the race, sex, ethnicity, age, or, if unknown, approximate age of all persons engaging in the use of force or suffering such injury.

* NB Effective July 11, 2019



Division of Criminal Justice Services

ANDREW M. CUOMO
Governor

MICHAEL C. GREEN
Executive Deputy Commissioner

TO: New York State Law Enforcement Agencies

FROM: Michael C. Green, Executive Deputy Commissioner

DATE: July 9, 2019

SUBJECT: Executive Law 837-t – Use of Force Data Collection

In April 2019, Governor Andrew M. Cuomo signed into law a new section 837-t to the Executive Law pertaining to law enforcement agencies within New York State reporting use of force incidents to the Division of Criminal Justice Services (DCJS). This new law becomes effective on July 11, 2019. This memorandum will explain your reporting obligations under the law. A copy of Executive Law 837-t is attached to this memorandum.

Please be aware that this memorandum is not legal advice, it is only intended to educate law enforcement about this new provision of law. If you have specific questions regarding the law, please consult your county attorney or legal counsel. While DCJS can provide general information about the obligations of the law to law enforcement agencies, DCJS cannot provide legal advice.

Use of Force Data Collection

For reporting purposes, Executive Law 837-t requires each police department, county sheriff, and the state police to report any occurrence in which a police officer or peace officer employs use of force as listed below:

- When an officer engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury is defined as bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- When one of the following is initiated by an officer:
 - Brandishes, uses or discharges a firearm at or in the direction of another person;
 - Uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air;
 - Displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas;
 - Brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy;
 - Brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb, or long range acoustic device.

Beginning July 11, 2019, each law enforcement agency will be responsible for reporting information for their own officers who are involved in use-of-force incidents that meet the criteria of the data collection. Law enforcement agencies will be required to submit details of the incident to DCJS, including, but not limited to date of incident, agency involved, county, town/city, description of circumstances, and demographics of all persons engaging in the use of force or suffering such injury.

DCJS is currently developing a permanent data collection mechanism, which will be located on the IJ Portal. However, to comply with the statute's effective date of July 11, 2019, DCJS has created a simple online reporting tool that can be accessed by entering the following address in your web browser:

<https://www.surveygizmo.com/s3/5075589/NYS-Use-of-Force-Reporting>

Law enforcement agencies are required to report each incident of use of force as defined by the legislation. For each incident of use of force your agency reports to DCJS, please complete all portions of the online form and click on the submit button to transmit the information to DCJS as required by law.

Please contact DCJS at useofforce@dcjs.ny.gov for more information and/or questions about the use of force reporting process. I hope that this information is helpful to you and your agency. Thank you.

**New Rochelle Police Department
Manual of Procedure**

Subject: **Response to Active Killing Incidents**

Chapter: Five

Article: 5.22D

Page 1 of 1

Date Effective: 17 Apr 18

Date Revised:

POLICY: It is the policy of the New Rochelle Police Department to protect human life. The primary objective of an officer involved in an active killing incident is to protect life by stopping the killing as soon as possible.

DEFINITIONS:

Active Killing: An incident in which one or more persons have used, or are reasonably likely to use, deadly force in an ongoing manner, and where persons have been injured, killed, or are under imminent threat of death or serious bodily harm by such person(s).

Initial Responding Officer: The first officer(s) on the scene of an active killing incident tasked with locating the suspect(s) and stopping the killing.

PROCEDURE

1. Initial Response

- 1.1 When an officer is on scene where he or she reasonably believes that active killing is occurring, that officer, regardless of rank or position in our department, shall proceed in a manner to stop the active killing as soon as reasonably possible. This section authorizes a single officer response. This section shall pertain to all officers working a regular tour of duty, an overtime tour of duty, a special duty detail or a special assignment within the geographical boundaries of the City of New Rochelle.
- 1.2 Once it is reasonably believed that the active killing has stopped and the initial responding officer(s) is/are no longer tasked with stopping active killing, the procedures in Manual of Procedure Chapter Five, Article 5.22 shall be activated. The term "First Officer on Scene" shall refer to the highest ranking member immediately outside of the active killing scene who will take charge.
- 1.3 If necessary, the officer in charge will cause actions to be taken in order to evacuate and care for the injured on scene.

Discipline and Civilian Complaint Process

It is the policy of the New Rochelle Police Department to fully investigate all complaints made against its members. A police lieutenant is assigned full time as the Internal Affairs Officer and is responsible to investigate civilian complaints and report his/her findings to the Police Commissioner. Complaints may be made anonymously, in person, by mail or telephone, and complaint forms, both English and Spanish, can be obtained at Police Headquarters or on the Departments website, <https://www.newrochelleny.com/1050/Police-Department>. The Department is also exploring the possibility of creating an online portal to file civilian complaints.

There are three components to the Civilian Complaint Process – receipt of the complaint, investigation of the complaint, and disposition of the complaint. A Civilian Complaint may be made against any member of the Department. Any member of the New Rochelle Police Department can be advised about a complaint from a citizen, however, if it is received by non-supervisory personnel, that member must immediately refer the complaint to a supervisor.

A supervisor receiving a complaint will first try to determine whether or not the complaint is a misunderstanding of NRPD policies, procedures or existing NYS laws. If one exists, the supervisor should speak with the complainant and try to clarify the misunderstood policy, procedure or law. If the explanation does not resolve the issue, the complainant can still submit a Civilian Complaint form.

In cases of a minor infraction where the complainant doesn't want to file a Civilian Complaint form, the complaint will still be investigated. If the allegation involves gross misconduct and the complainant doesn't want to file a Civilian Complaint form, the receiving supervisor must complete a Civilian Complaint form and list the complainant as anonymous.

If the complaint is not about a misunderstood policy, procedure or law, the receiving supervisor refers the complaint to Internal Affairs. If Internal Affairs is not available, the receiving supervisor will start an investigation if the complaint is about a member in their division; if the complaint is not about a member in their division it will be forwarded to a supervisor from the appropriate division. In cases where a Civilian Complaint requires immediate attention, Internal Affairs will be recalled.

In addition to investigating referred Civilian Complaints, Internal Affairs will review all Civilian Complaint investigations, performed by supervisors. An investigation should include, but is not limited to, the following items when they are available:

all pertinent information about the complainant;

- photographs of all marks and injuries alleged to be the result of police misconduct
- a review of any video or audio the complainant might have

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- an interview of the complainant, witnesses, police officers
- gathering other physical evidence
- reviewing police reports
- reviewing department in-car video
- reviewing privately owned video/audio

Internal Affairs will also categorize Civilian Complaints under the acronym– F.A.D.E. any complaints that cannot be so categorized may be labeled as Miscellaneous.

- **F**orce
- **A**buse of Authority
- **D**iscourtesy
- **E**thnic Slur

After an investigation is complete, the findings will be reported to the Police Commissioner. Each Civilian Complaint will receive a disposition. A single complaint with multiple allegations could receive more than one disposition. A disposition of unfounded or not sustained will be approved by the Police Commissioner.

- **Unfounded** - When the investigation discloses that the allegation is not true. Complaints that are determined to be frivolous will fall within the classification of unfounded.
- **Exonerated** - When the investigation clearly established that the actions of the member that formed the basis for the complaint are not violations of law or Department policy.
- **Not sustained** -When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.
- **Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and it constituted misconduct.

If it is determined that a complaint should be Sustained, the appropriate discipline (as per NRPD Manual of Procedure Chapter 6, Article 6.01) will be determined by the Police Commissioner (or his designee), taking into account the officer's disciplinary record along with the seriousness of the action. Regardless of whether or not a Civilian Complaint has been Sustained, all complainants are notified of the results of the investigation.

New Rochelle Police Department
Civilian Complaints 2014 - 2020

	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Total Complaints	<u>18</u>	<u>21</u>	<u>32</u>	<u>20</u>	<u>25</u>	<u>25</u>	<u>14</u>
Substantiated/Sustained	<u>1</u>	<u>1</u>	<u>4</u>	<u>1</u>	<u>5</u>	<u>3</u>	<u>4</u>
Not Substantiated/Not Sustained	6	14	17	9	5	7	1
Partially Substantiated	3	N/A	N/A	N/A	N/A	N/A	N/A
Unfounded	N/A	N/A	1	8	4	2	1
Exonerated	8	5	8	N/A	10	13	5
Not Substantiated/Exonerated	N/A	N/A	2	2	N/A	N/A	N/A
Withdrawn	N/A	N/A	N/A	N/A	1	N/A	N/A
Violation Noted	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Open	N/A	N/A	N/A	N/A	N/A	N/A	3
Error in assignment	N/A	1	N/A	N/A	N/A	N/A	N/A

New Rochelle Police Department Disciplinary Process

After an investigation of a complaint where the allegation is Sustained, the appropriate discipline will follow. There are three (3) types of discipline imposed at the New Rochelle Police Department:

1. **Positive Discipline** – The process of developing employees and correcting their deficiencies through training, remedial instruction, and attitudinal conditioning.
2. **Negative Discipline** – The use of punishment in order to induce an employee to conform to accepted standards of conduct or performance. Punishment may be delivered in the form of a written reprimand, loss of leave time, suspension,

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demotion in rank, monetary fine, or, in the case of gross misconduct, general incompetence or criminal behavior, dismissal from the Department.

3. **Command Discipline** – The process under which employees who have been charged with minor infractions of Departmental Rules, Regulations, or Procedures, waive their statutory right to a hearing and agree to accept a penalty which may not exceed five days (four) loss of leave. Such penalty will be prescribed at the command level and need not have the Police Commissioner's approval before being imposed.

Civilian Complaint Discipline v. Internal Complaint Discipline

The discipline process is the same for both Civilian Complaints and Internal complaints (those generated from within the Department; usually concerning a supervisor that has observed or has knowledge of violation of rules, regulations, procedures or policies of a subordinate).

Civilian Complaint Discipline

When a Civilian Complaint investigation has been completed and there is a finding that the complaint is Sustained, the Police Commissioner will decide upon the appropriate discipline to be imposed from among three categories – Positive, Negative, and Command Discipline. After any discipline is imposed, the employee's disciplinary file is noted.

1. **Positive Discipline** – The process of developing employees and correcting their deficiencies.
 - a. Training;
 - b. Remedial instruction;
 - c. Attitudinal conditioning.
2. **Negative Discipline** – The use of punishment in order to induce an employee to conform to accepted standards of conduct or performance.
 - a. Written Reprimand;
 - b. Loss of leave time;
 - c. Suspension (without pay);
 - d. Demotion in rank;
 - e. Monetary fine;
 - f. Dismissal from the Department (cases of gross misconduct, general incompetence or criminal behavior).
3. **Command Discipline** – The process under which employees who have been charged with minor infractions of Departmental Rules, Regulations, or

Procedures, waive their statutory right to a hearing and agree to accept a penalty.

- a. May not exceed five days (four) loss of leave (such penalty prescribed at the Command level need not have the Police Commissioner's approval before being imposed).

In the cases where a Command Discipline will be imposed, the Police Commissioner may choose to offer the employee the opportunity to waive their statutory right to a Department Hearing and accept the offered Command Discipline (not to exceed five days).

Suspension

An employee may be suspended without pay for up to 30-days pending a hearing and determination of charges based on incompetence or misconduct.¹⁰ The suspended employee is required to immediately surrender his/her duty weapon, personally owned handguns, police shield and identification card. The Employee has no police power during this period.

Modified Assignment

An employee must be placed on Modified Assignment when that employee is insubordinate, refuses a drug test or refuses to obey a lawful order. While the employee receives pay, their full duty status is changed. They are required to immediately surrender their duty weapon, personally owned handguns, police shield and identification card. The employee has no police power during this period.

Hearing

A hearing is a mandatory, however, the Police Commissioner can allow the employee to waive their right to a hearing. Where an employee chooses not to waive their right, Charges and Specifications will be preferred against the employee and a Department Hearing will follow. Once there is a Hearing, despite the original penalty offered, sanctions that may be imposed will include everything up to and including Dismissal from the Department.

A hearing is conducted much the same as a trial – the employee has the right to representation by counsel, to call witnesses and to introduce evidence. Witnesses are sworn, and they are subject to cross-examination; a record of the proceedings is also kept. The Hearing officer reports their findings to the Police Commissioner. The Police Commissioner will make the final decision regarding the disposition of the complaint. If discipline is imposed, the employee's disciplinary file is noted.

¹⁰ NYS Civil Service Law § 75

The following documents are included in this section for reference

- **New Rochelle Police Department Manual of Procedures**
 - Chapter Six, Article 6.01 – Disciplinary Procedures
- **Flow Charts**
 - Civilian Complaints
 - Internal Complaints

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Manual of Procedure**

Subject: **Disciplinary Procedures**

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POLICY: Discipline within an organization requires that all employees comply with established rules, regulations, policies, and general orders; and that they obey all lawful orders issued by superior officers. In order to ensure the good order and efficiency of the Department and to maintain a professional level of service and demeanor, it will be the policy of this Department to initiate disciplinary action, Positive or Negative, in all instances of misconduct or incompetence.

DEFINITIONS

Positive Discipline: The process of developing employees and correcting their deficiencies through training, remedial instruction, and attitudinal conditioning.

Negative Discipline: The use of punishment in order to induce an employee to conform to accepted standards of conduct or performance. Punishment may be delivered in the form of a written reprimand, loss of leave time, suspension, demotion in rank, monetary fine, or, in the case of gross misconduct, general incompetence or criminal behavior, dismissal from the Department.

Command Discipline: The process under which employees who have been charged with minor infractions of Departmental Rules, Regulations, or Procedures, waive their statutory right to a hearing and agree to accept a penalty which may not exceed five days (four) loss of leave. Such penalty will be prescribed at the command level and need not have the Police Commissioner's approval before being imposed.

Personnel Complaint Form (CO 1): Department form filed by a supervisor charging an employee with a violation of Department rules, regulations or procedures. The form is filled out in quadruplicate and the blue copy is retained by the complainant, the pink copy is given to the accused employee and the white and yellow copies are forwarded to the Internal Affairs Unit where they will be filed in the employee's disciplinary file.

Command Discipline Election Report (CO 1A): Department waiver form utilized in Command Discipline situations. Documents the employee's acceptance of Command Discipline and the waiving of all rights to a hearing.

Delinquency Record (CO 2): Form on which will be recorded a brief digest of formal charges and complaints lodged against a member of the Department.

Civilian Complaint Form (CO 3): Form filed by a civilian complainant when a complaint is registered against a member of the Department and the supervisor receiving the report is someone other than the Internal Affairs Unit Officer.

Modified Assignment: A change in a member's full duty status whereby the member is required to immediately surrender his/her duty weapon, personally owned handguns, police shield and identification card.

PROCEDURE

The observation, receipt, investigation, and disposition of complaints regarding the conduct of employees will be handled according to the following guidelines:

1. Supervisory Responsibility

- 1.1 When a supervisor observes or has knowledge of a subordinate in violation of an established procedure or rule and regulation, he shall advise the subordinate of the violation and see that his behavior is corrected. If the noted behavior constitutes a minor infraction, the supervisor is given

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the discretion of whether or not to document the incident and forward the complaint for further action. Under normal circumstances a warning or advisement will suffice; however, if the employee repeatedly engages in such conduct he should be formally written up and departmental charges should be preferred.

- 1.2 When a supervisor observes a subordinate improperly performing an assigned task or becomes aware that a subordinate under his command is not performing his duties in accordance with department standards, he will instruct the subordinate on how to correct the noted inadequacies. If the given instruction fails to correct the problem the supervisor will forward a PD 37 to his commanding officer documenting the subordinate's shortcoming and request that the subordinate be assigned to the training officer for remedial instruction.
 - 1.3 If a supervisor suspects that a subordinate is under the influence of drugs or alcohol, he will immediately notify his commander. The commander will then notify the Police Commissioner, or the Deputy Police Commissioner, or his division commander and advise him of what has occurred. The determination to have the subordinate suspected of being under the influence of drugs or alcohol submit to a chemical test will be made at the direction of one of those three individuals.
 - 1.4 If, under these conditions, the subordinate appears to be a danger to himself or to anyone else the supervisor will secure the subordinate's guns and shield before relieving him of duty.
 - 1.5 When a subordinate engages in behavior that could be characterized as flagrant misconduct or insubordination, the affected supervisor will order the subordinate to immediately desist from engaging in such conduct. The supervisor will document the incident and forward the complaint to the employee's commanding officer.
 - 1.6 If a subordinate becomes disruptive in the workplace and refuses to correct his behavior, the supervisor will contact his commanding officer and advise him of the situation. If the commanding officer feels that the only way in which to rectify the situation is by immediately suspending the subordinate; the commanding officer will contact either the Police Commissioner, or the Deputy Police Commissioner, and request the authority to suspend the subordinate.
 - 1.7 Whenever a supervisor takes disciplinary action, **either Positive or Negative**, he should make a record of it. In minor cases where oral instruction or an informal verbal reprimand is given, the supervisor should make a record in his memo book or diary. Where a formal complaint is made the CO 1 will serve as the record.
2. Receipt and Investigation of Civilian Complaints
- 2.1 Complaints made by a civilian alleging misconduct on the part of an employee will be received courteously and processed without delay.
 - 2.2 Non-supervisory personnel receiving a complaint should immediately refer the complaint to a superior officer. As a general rule the complainant should be referred to the desk officer.
 - 2.3 The supervisor who initially receives the complaint should evaluate whether or not the complaint is a valid allegation of misconduct on the part of an employee or merely a lack of understanding on the complainant's part of police procedure or existing laws. When the complaint is based on a lack of understanding of policies, procedures or existing laws, the supervisor handling the

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complaint should give the complainant a thorough explanation of such policies, procedures or laws in order clarify the reason for the conduct which initiated the complaint.

- 2.4 When a supervisor from one division receives a report of misconduct concerning an employee not assigned to his division, he will contact a supervisor from that employee's division and request that such supervisor receive the complaint. If no supervisor from the affected employee's division is on duty, the supervisor who initially received the complaint will process it.
- 2.5 Where it appears that an act of misconduct has occurred the supervisor receiving the complaint will direct the complainant to the Internal Affairs Unit if available. If the Internal Affairs Officer is not available, the supervisor receiving the complaint will file a Civilian Complaint Form and initiate an investigation of the complaint. The results of the investigation will be filed in a PD 37, and the original of the PD 37 along with the Civilian Complaint Form will be placed in a sealed envelope and forwarded to the Internal Affairs Unit. A copy of the PD 37 will be forwarded to the affected employee's division commander.
- 2.6 This investigation is to be conducted as thoroughly as possible and any conditions relating to the credibility of the complainant, e.g., mental disorders, apparent influences of alcohol or drugs should be duly noted in the PD 37. If there are visible marks or injuries anywhere on the body of the complainant and such marks or injuries are alleged to be the result of police conduct, the supervisor conducting the investigation will have photographs of them taken.
- 2.7 When a complaint concerns a minor infraction and the complainant does not wish to make a formal complaint, the supervisory officer receiving the complaint will not file a Civilian Complaint Form. The supervisor will still bear the responsibility of investigating the reported infraction or, in a situation where the employee accused of the alleged infraction is not in the receiving supervisor's division, of notifying a supervisor from that employee's division and advising him of the complaint.
- 2.8 If a complaint concerns a report of gross misconduct or criminal behavior and the reporting party does not wish to make a formal complaint, the supervisor receiving the complaint will fill out a Civilian Complaint Form but will list the complainant as Anonymous.
- 2.9 If the Internal Affairs Unit supervisor is off duty and the receiving supervisor determines that a civilian complaint is so serious in nature that it requires the immediate attention of the Internal Affairs Unit, the supervisor shall request, via the Police Commissioner, the Deputy Police Commissioner or his division commander that the Internal Affairs Unit supervisor be contacted and recalled to duty. In such instances the Internal Affairs Unit supervisor will assume all responsibility for the investigation upon arrival at the scene.
- 2.10 It is essential that complete and accurate information regarding the complaint is recorded in the supervisor's investigatory report and on the Civilian Complaint Form. Information obtained should include:
 - Full name, date of birth, address, and telephone number of the complainant along with any additional information indicating where the complainant can be contacted.
 - The specifics of the allegation should be obtained, including the date, time, and location of the incident.
 - The names, dates of birth, addresses, and telephone numbers of all witnesses should be recorded.

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- Personnel involved should be identified by name and shield number.
 - A complainant seeking to register a complaint which does not involve the Department or any of its members should be referred to the agency concerned.
- 2.11 Civilian complaints referred to the Internal Affairs Unit will be fully investigated by the unit. The Internal Affairs Unit Officer will report the findings of his investigation directly to the Police Commissioner.
3. Receipt of Complaints from within the Department
- 3.1 When the complainant is a member of the Department he will prepare a CO 1 detailing the basis for the complaint. Such report will be written in a narrative form and will present a prima facie case against the accused employee regarding the alleged delinquency or misconduct. The complaint will then be forwarded up the Chain of Command to the accused employee's division commander. The endorsement and recommendations of the investigating supervisor and his immediate supervisor will be included in the CO 1. The division commander will examine the report to determine if the allegations contained therein appear sufficient to sustain a complaint. If there appears to be insufficient proof to sustain the charges, the division commander will return the report to the complainant for proper revision. If the allegations appear sufficient, the division commander will either recommend Command Discipline or forward the complaint to the Internal Affairs Unit for further investigation. If the division commander determines that there is insufficient cause for Command Discipline and that positive discipline should be administered or that no discipline is necessary, he will advise the complainant and dismiss the complaint.
- 3.2 The Deputy Police Commissioner will investigate a complaint made against a division commander.
- 3.3 The Police Commissioner will investigate a complaint made against the Deputy Police Commissioner.
- 3.4 The complaint will then be forwarded to the Internal Affairs Unit for final disposition.
4. Internal Affairs Unit Complaint Inquiry Procedures
- 4.1 The Internal Affairs Unit will complete a Personnel Complaint Form for all complaints received.
- 4.2 In instances where the complaint is made directly to the Internal Affairs Unit or the complaint originates within the Department but has not been thoroughly investigated and documented, it will be the responsibility of the Internal Affairs Unit to conduct the investigation.
- 4.3 When the allegations made in a complaint are sustained and Command Discipline is recommended, the division commander of the accused employee will conduct a meeting with such employee regarding the proposed discipline. If the employee agrees to waive his right to a hearing and accept the discipline, he will sign the Command Discipline Election Report (CO 1 A). The CO 1A will then be forwarded to the Internal Affairs Unit for final disposition.
- 4.4 When an employee refuses to accept Command Discipline or a decision has been made at the executive level of the Department not to offer Command Discipline to an employee accused of violating departmental rules, regulations, or procedures, the Internal Affairs Unit supervisor will contact the Corporation Counsel and arrange for the proper disposition of the case (Schedule a hearing).

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- 4.5 When the Internal Affairs Unit investigation classifies a case as unfounded or not sustained, such case will not be closed without the approval of the Police Commissioner or his designee.
 - 4.6 All documents relating to formal complaints will be filed in a manila folder with an Internal Affairs complaint status form attached to the outside of the folder.
 - 4.7 The Internal Affairs Unit will maintain an annual Internal Affairs Unit Control Form.
 - 4.8 After an Internal Affairs complaint is closed, it will be maintained in the file of the accused employee in the Internal Affairs Unit. If the complaint is declared "Unfounded" it will be filed apart from the file of the accused employee.
 - 4.9 No one is permitted to review any record, document, or file in the Internal Affairs Unit without the approval of the Police Commissioner.
 - 4.10 The Internal Affairs Unit will maintain the Employee Discipline Record Form, i.e., CO 2, pursuant to any formal complaint received by the unit and the related disposition.
 - 4.11 In all complaints the Internal Affairs Unit supervisor shall notify the complainant of the results of the investigation. If the investigation resulted in disciplinary action against the employee the complainant shall be advised only that, "appropriate disciplinary action has been taken." The specific disciplinary action shall not be released.
 - 4.12 In all complaint investigations conducted by the Internal Affairs Unit the officers involved will be notified, in writing, (Pink Copy of the Personnel Complaint Form) of the results of the investigation.
5. Rights of the Employee Relative to Suspension and Hearings
- 5.1 Article 75 of the Civil Service Law provides that, "Pending the hearing and determination of charges of incompetence or misconduct, the officer or employee against whom such charges have been preferred may be suspended without pay for a period not exceeding thirty days."
 - 5.2 When an employee is formally charged for violation of Departmental Rules and Regulations or other established standards the accused employee is entitled to a hearing. The hearing is mandatory and does not have to be requested by the employee. An employee may waive a hearing. Waiver of a hearing by the employee should be in writing and filed with the record of the proceeding.
 - 5.3 If the employee decides to have a hearing the Police Commissioner will appoint a hearing officer. The employee is entitled to be represented by counsel and to have witnesses testify in his behalf. Witnesses testifying for the accused employee and the Department are subject to cross-examination. All witnesses will be sworn and a verbatim stenographic record of their testimony will be made. The accused employee may also introduce such other testimony as is competent and material.
 - 5.4 The findings of the Hearing Officer will be forwarded to the Police Commissioner in a timely fashion. Based upon the hearing officer's findings, the Police Commissioner will make the final decision for the disposition of the complaint.

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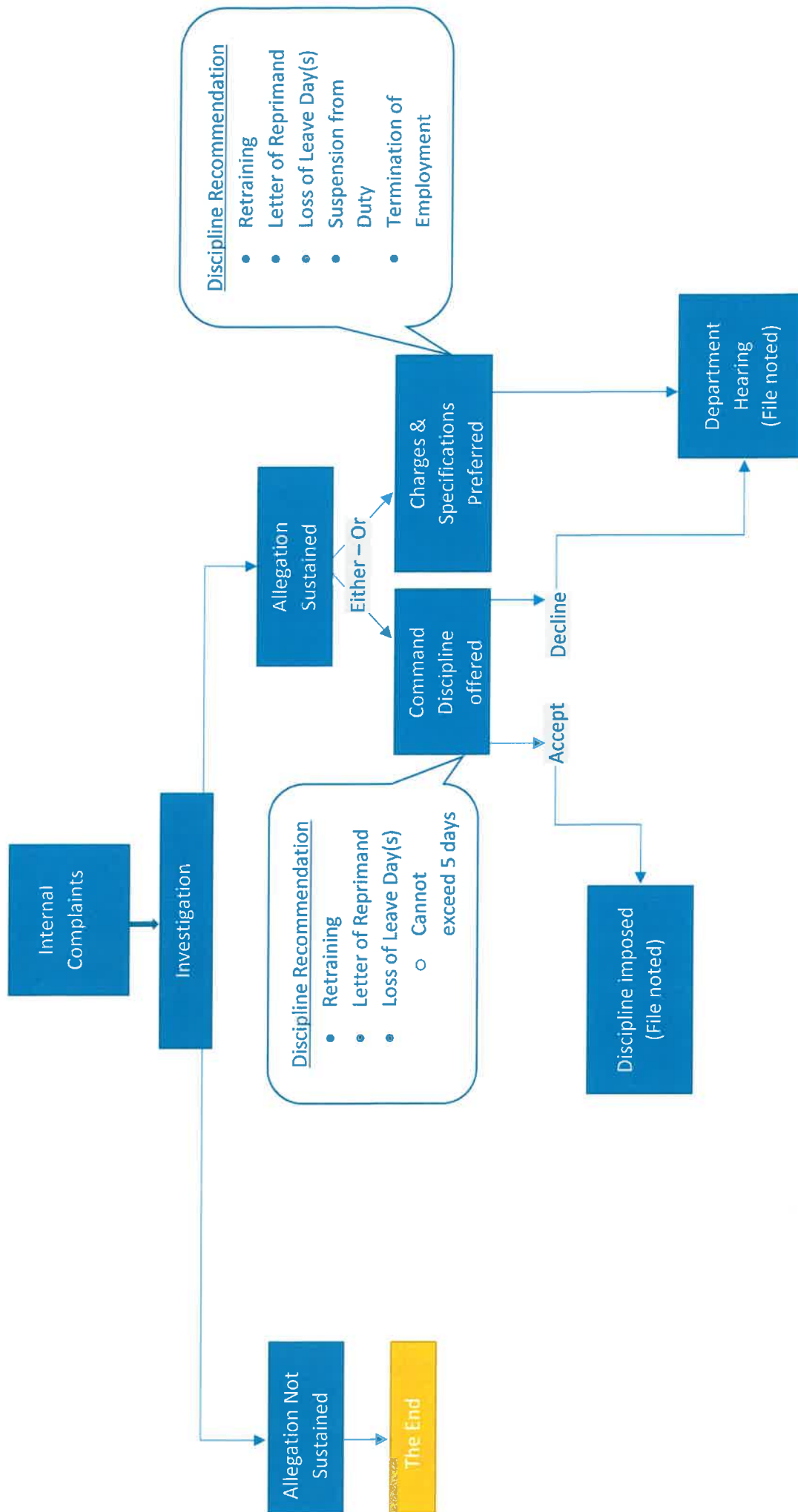
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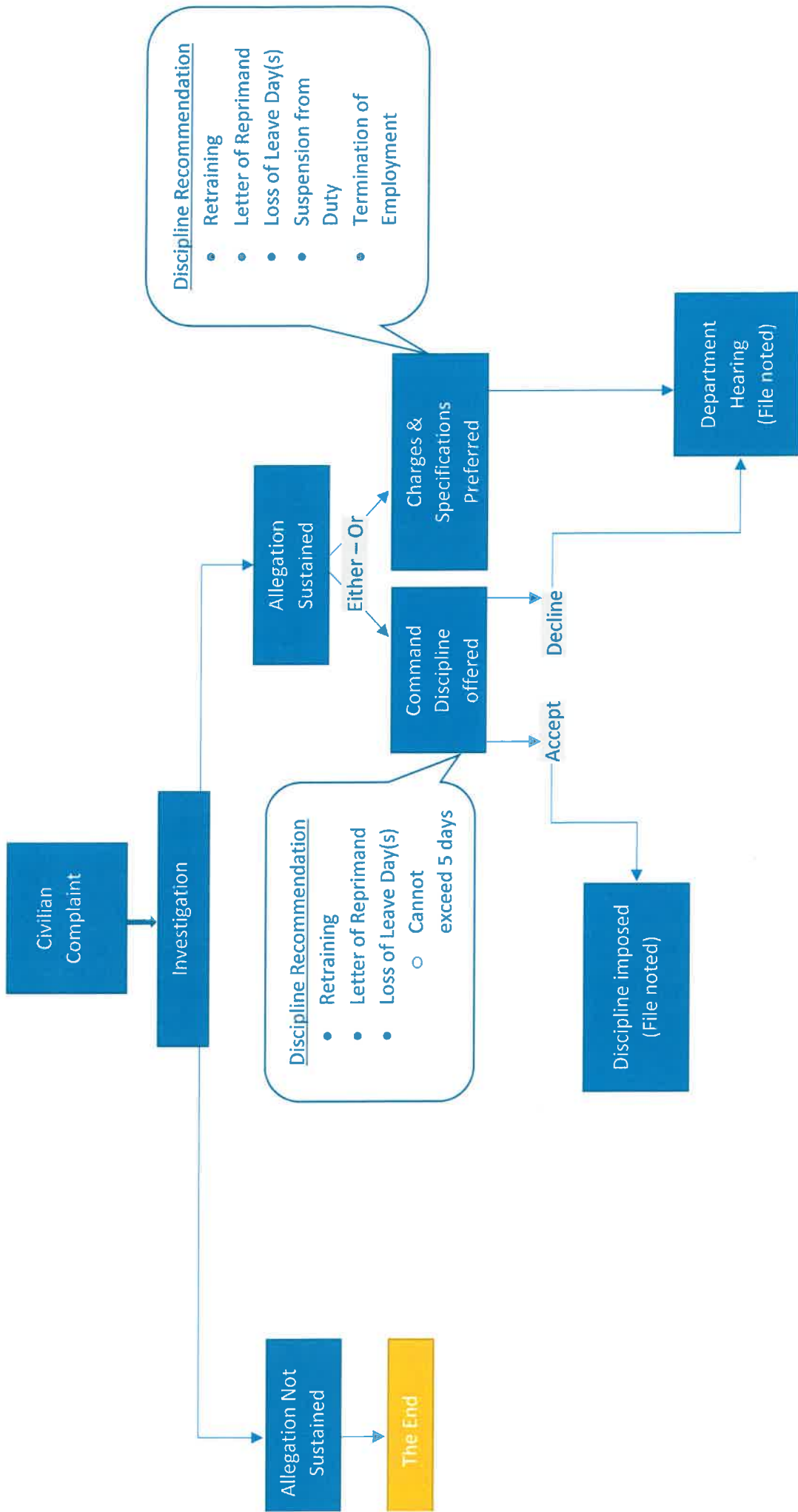
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- 5.5 Employees are reminded that while in the investigative phase of a complaint they are obligated to cooperate with all Departmental investigations. An employee who at the time of questioning appears to be a potential subject of disciplinary action shall have a right to representation by his/her union representative. The employee shall be notified of this fact in writing. If representation is requested, a reasonable amount of time will be afforded to obtain such representation. An employee's refusal to answer a question will constitute insubordination and act as grounds for disciplinary action.
- 5.6 If an employee decides to accept Command discipline such discipline cannot exceed the loss of five (5) days leave time.
6. Cause for and Proceedings Related to Modified Assignment
- 6.1 A ranking officer (member of the Department in the rank of Sergeant or above) in-charge or in-command MUST relieve a Department employee of duty and place said employee on modified assignment, pending the filing of disciplinary charges and subsequent suspension, when the employee:
- Refuses to perform assigned duties at roll call or during a tour of duty.
 - Refuses to submit to a drug-screening test as specified in Article 6.02 of the Manual of Procedure.
 - Refuses to obey a lawful order by a ranking member.
- 6.2 The ranking officer who placed the employee on modified assignment shall:
- Advise the employee that he/she is being relieved of duty and placed on modified assignment, pending the filing of disciplinary charges and subsequent suspension.
 - Secure the shield and identification card. Additionally, if the employee is a sworn member the duty weapon, as well as all personally owned handguns will be secured.
 - Immediately notify the Police Commissioner and the Division Commander of the employee placed on modified assignment.
 - Submit a PD 37 to the Division Commander of the employee placed on modified assignment, detailing the specific circumstances of the incident.





Statistics

Each year the New Rochelle Police Department publishes its Annual Report. The reports can be found online at <https://www.newrochelleny.com/163/Annual-Reports>. The statistics collected and tabulated are provided to the New York State Division of Criminal Justice Services and the Federal Bureau of Investigations. Once validated they are reflected in the United States Department of Justice, Federal Bureau of Investigation's *Crime in the United States* report. The following are some of the statistics which are reported on an annual basis

- Part 1 Crimes
- Total Arrests
- Crime Index Arrests
- Drug Arrests
- Driving While Intoxicated Arrests
- Juvenile Arrests
- Arrests (year to year comparison)
- Traffic Enforcement
- Parking Enforcement
- Double Parking Enforcement
- City Code Enforcement
- Crime Rate (Similar Municipalities Westchester County/NY Statewide/Nationwide)
- Department Demographics
- Sworn Personnel by Rank
- Civilian Personnel by Title
- Sworn Personnel by Age
- Sworn Personnel by Longevity
- Department Personnel by Division

The New Rochelle Police Department has also been in compliance with the Governor's Use of Force reporting since its inception in 2019. The table below shows the number of use of force incident's that have been reported to NYS DCJS

	Brandished	Used	Discharged/Deployed
Firearm	9	0	1*
OC Spray	0	0	0
Impact Weapon	0	0	0
Taser	3	2	1
Impact Munition	1	0	0
Restraint to hinder Breathing	0	0	0
Total Use of Force Incidents	17		

*Pending report to DCJS

New Rochelle Police Department
475 North Avenue
New Rochelle, New York 10801

New Rochelle Police Department – Special Report to the City Council, July 2020

In September 2018, the Department installed a new CAD/RMS system which may be capable of compiling a report of arrest and enforcement data by age and race. These categories currently are not aligned with the new juvenile ages in NYS Raise the Age legislation. On June 24, we filed a request to our CAD/RMS vendor to determine whether it is possible to reprogram our computer system to include this revision. Our request is now with their Research and Development Department for their review, and while no firm time table has been provided, we will keep on top of this issue. Once we can confirm the data's accuracy we will consider including this information in future Annual Reports.

Based on a request from City Council, the following statistics on specific calls for service is being provided:

Incident Types	2019	2020 (Jan-June)
EMS – Injured	1,039	315*
EMS – Overdose	40	26*
EMS – Sick	3,854	970*
Mental – Attempted Suicide	28	7
Mental – General Distress	320	187
Homeless Outreach	26	85

*Due to Covid-19 officers were not dispatched to routine EMS calls, only life-threatening conditions (i.e. Heart attacks, Strokes, etc.)

Equipment

Video Equipment

The Department has equipped 25 police vehicles with in-car camera systems. All of these are marked police vehicles which are used to provide the vast majority of our routine patrol services. In order to outfit the entire patrol fleet, including supervisors' vehicles, we would need to purchase and install an additional 17 systems. Our current vendor is Panasonic, so for continuity and hardware and software compatibility we have included estimates based on their product.

Estimated costs for Panasonic In-Car Camera systems for a five-year period

Item	Cost	Total (17 additional systems)
In-car camera unit	\$5,800 per unit	\$98,000
Installation	\$1,100 per unit	\$18,700
Laptop Computer	\$4,700 per unit	\$28,800 (6 computers needed)
Cellular Service	\$2,400 per year per unit	\$40,800
Computer Mounts	\$1,200 per unit	\$7,200 (6 mounts needed)
Storage Devices	\$44,000	\$44,000
Netmotion Licenses	\$300 per unit	\$5,100 (17 systems)
Total (Estimate)		\$242,600

Body Cameras

In 2015, the Department conducted a test and evaluation of Body Worn Cameras. The evaluation was conducted, in part, due to the findings in *The Final Report of The President's Task Force on 21st Century Policing*. The evaluation period lasted several months, and while the body cameras did provide useful video, it was decided at the conclusion of the testing period that the Department would not move forward with the purchase of the equipment. Several factors played into that decision including cost of labor, equipment and data storage related to the retrieval and release of the data; privacy concerns of citizens; and union issues stemming from possible improper labor practices. The Department did apply for a grant at the time of the testing phase, but was unsuccessful in its bid.

We are currently examining the costs involved in instituting body worn cameras for our patrol officers. Thus far we have received initial quotes from three vendors and will be meeting in July with representatives of these companies to review their products, services and price points. We also estimate that we would need to devote either two full time police officers, or one police officer and one civilian system engineer to administer the body camera program. In addition to the routine maintenance, and downloading of the video for discovery purposes, the duties would include the time-consuming task of

redacting the videos for the anticipated FOIL requests that we would receive from local media.

Estimated Costs for Body Worn Camera

- **\$320,000 to \$630,000 for a five-year contract** - To outfit 100 officers with body worn cameras, depending on storage costs and miscellaneous upgrades. The higher figure includes cloud-based storage, which was not available in the other quotes.
- **\$300,000** annually to increase police staffing (two additional police officers, or one additional police officer and one additional system engineer) to support and maintain the video camera program

As we prepare for the 2021 annual budget, body worn cameras and additional in-car camera systems will be requested as part of the Police Department's capital budget request.

**City of New Rochelle
Police Department**

General Order No. 5

May 20, 2015

To: All Department Personnel

From: Patrick J. Carroll, Police Commissioner

Subject: Amendment to the Manual of Procedure and Rules and Regulations

Manual of Procedure:

Chapter Two - *Body Worn Video Cameras – Testing and Evaluation*

Rules and Regulations:

Chapter Two – Personal and Professional Conduct

Amendments to the Manual of Procedure and Rules and Regulations regarding the above-referenced subject is attached. All members shall familiarize themselves with the changes and be guided accordingly.

By order of,


**Patrick J. Carroll
Police Commissioner**

**New Rochelle Police Department
Manual of Procedure**

Subject: **Body Worn Video Cameras – Testing and Evaluation**

Chapter: Two

Article: 2.12

Page 1 of 3

Date Effective: 20 May 15

Date Revised:

POLICY: This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs). The BWCs shall be used for furthering officer safety, training, assessment of officer performance, defense of complaints against personnel, and to reliably record their contacts with the public.

Any images/audio recordings identified in this policy are property of the New Rochelle Police Department. Any release, copying, or dissemination of any portion is strictly prohibited without the express written consent of the Commissioner of Police or his designee. This is to include any recorded media from Evidence.com.

DEFINITIONS:

BUFFERING Mode: The BWC continuously loops a video recording for up to 30 seconds before the recording is started by the officer. While buffering, video only (no audio) is being recorded.

EVENT Mode: Once activated by pressing the EVENT button, the BWC saves the recorded buffered video and continues to record both audio and video.

Evidence Transfer Manager (ETM): Docking unit used to recharge and upload previously recorded audio and video (stored media) from the BWC. The ETM automatically transfers all stored media to evidence.com.

Evidence.com: An online, cloud-based digital media storage repository. All media is stored in a highly secure environment, accessible only to authorized personnel.

PROCEDURE:

1. General Operating Procedures:

1.1 Administration - This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

- BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
- Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
- The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.
- To reduce unreasonable or false complaints made against officers during the course of their police duties.

1.2 When and How to Use the BWC

- The BWC will be properly affixed upon the officer's uniform at the beginning of the shift in accordance with manufacturer's guidelines.
- In order to record all situations required by this policy, the officer must maintain the BWC in a constant state of operational readiness. Operational readiness

**New Rochelle Police Department
Manual of Procedure**

Subject: Body Worn Video Cameras – Testing and Evaluation

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- shall mean that the BWC has adequate battery life/available storage, remains properly affixed to the officer's uniform and is set to buffering mode.
- Officers shall activate the event mode on the BWC to record all contacts with citizens in the performance of their official duties.
- Discretion to notify individual that they are being recorded will rest with the officer at the scene. The BWC shall remain activated in event mode until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy (see section 1.4).
- If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document in his memo book why a recording was not made, was interrupted, or was terminated and advise his supervisor immediately.
- If deactivation of BWC is necessary (e.g., personal break) the officer will document the reason that the BWC has been deactivated in the form of a recorded announcement on the BWC prior to deactivation.

1.3 Procedures for BWC Use

- Police personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of this agency. The use of personal video recorders is not authorized.
- Only those officers who have been trained are authorized to use the BWC.
- Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning.
- In the event that the BWC fails to operate or is defective, the officer shall document same in his memo book and advise his supervisor immediately.
- The supervisor shall notify a member of Technical Services and the PSD Executive Officer directly or via email immediately.
- Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Commissioner of Police or his or her designee.
- Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
- Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing via e-mail and approved by the PSD Executive Officer in accordance with state record retention laws. All requests and final decisions shall be kept on file.

1.4 Restrictions on Using the BWC - BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

- Communications with other police personnel without their permission.
- Encounters with undercover officers or confidential informants.
- When on break or otherwise engaged in personal activities.
- In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

2 Storage

- All files shall be securely downloaded no later than the end of each shift.

**New Rochelle Police Department
Manual of Procedure**

Subject: **Body Worn Video Cameras – Testing and Evaluation**

Chapter: Two

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Date Effective: 20 May 15

Date Revised:

- All captured recorded BWC media will be uploaded using the Evidence Transfer Manager (ETM) and retained in evidence.com.
- All access to BWC data (images, sounds, and metadata) must be specifically authorized by the Commissioner of Police or his designee. All access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
- Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution.

3 Supervisory Responsibilities

- Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
- Supervisors should use the system as a tool when investigating complaints against members of the department.
- The Internal Affairs Officer will at the end of each month contact the City's Law Department to ensure that there is no pending litigation which would require holding any images/audio past 120 days.

New York State Governor's Executive Order No. 203

On June 12, 2020, the Governor signed an executive order directing local governments to conduct a comprehensive review of current police practices and to develop a plan to promote community engagement and address racial bias. The plan must be completed by **April 1, 2021**, and must be adopted by the City Council. A preliminary meeting between the City Manager, City Attorneys, the Police Commissioner and Deputy Police Commissioner has already taken place to discuss this Executive Order. We will hold future meetings to discuss the creation of a community stakeholders committee. The plan must include evidence-based police strategies to include

- Use of Force policies – NRPD updated its Use of Force Policy in 2019, to meet the Governor's requirements at that time
- Procedural Justice – principle built into the NRPD's mission statement and has been reviewed in several training sessions
- Studies addressing systemic racial bias – to be provided by community stakeholders
- Diversion Programs – provided through the courts, post arrest
- Restorative Justice Practices - TBD
- Community Based Outreach and conflict resolution - TBD
- Problem-oriented policies - TBD
- Hot spot policing – NRPD analyzes problem areas and diverts resources to those areas
- Focused deterrence - NRPD analyzes problem areas and diverts resources to those areas
- Crime prevention through environmental design - TBD
- Violence prevention and reduction interventions - TBD

The following documents are included in this section for reference

- *Letter dated July 2, 2020, from the Law Office of Vince Toomey re: NYS Police Reform Legislation and Executive order*
- *Copy of NYS Governor's Executive Order, No. 203, dated June 12, 2020*

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CLIENT ALERT MEMORANDUM

TO: CLIENTS OF THE FIRM

FROM: LAW OFFICE OF VINCENT TOOMEY

DATE: July 2, 2020

RE: NYS Police Reform Legislation and Executive Order

In response to widespread protests following the tragic death of George Floyd, the New York State Legislature quickly passed a legislative package devoted to police reform. Governor Cuomo has since signed all these criminal justice bills into law along with an additional executive order related to police reform. Our office has summarized the legislation included in the package for your convenience. However, we encourage you to read the full text of each bill.

1. Section 50-a Repeal (S.8496/A.10611)

Section 50-a was enacted in 1976 to protect from public disclosure records used to evaluate police officers, firefighters, and corrections officers. Under the statute, these records could only be released to the public by employee consent or court authorization, thus providing a level of protection to law enforcement and firefighters that was not afforded to other public employees. Section 50-a has been interpreted by courts to include the protection of records related to disciplinary proceedings.

With the repeal of Section 50-a, law enforcement personnel records will be subject to similar protections as all other public employees. These records are presumed to be accessible in accordance with the Freedom of Information Law ("FOIL") and may only be withheld if they fall within one of the statutory exceptions. Any record that is not exempted by the statute must be disclosed. It appears that the repeal of 50-a applies to existing and future records, but we are still awaiting further guidance from the state.

Importantly, personal contact and health information of law enforcement employees will continue to be protected under Public Officers Law Section 87. When disclosing an officer's disciplinary records, a law enforcement agency must redact the officer's (1) medical history; (2) personal contact information; (3) social security number; and (4) use of an employee assistance program, unless such use was mandated by a disciplinary hearing that may otherwise be disclosed. Additionally, law enforcement agencies are permitted to redact disciplinary records pertaining to "technical infractions," which are defined as minor rule violations

which do not involve (1) interactions with members of the public; (2) matters of public concern; or (3) the employee's investigative, enforcement, training, supervision, or reporting responsibilities.

2. Office of Special Investigation (S.2574B/ A.1601-C)

This bill establishes an Office of Special Investigation within the Office of the Attorney General. The Office of Special Investigation has the authority to investigate any death which is caused by a police or peace officer, even if the person was not in police custody and/or the officer was not on duty. The law also gives the Office criminal jurisdiction to prosecute such incidents.

The purpose of the law is to eliminate potential conflicts of interest and improve confidence in the criminal justice system. If the Attorney General determines that the Office of Special Investigation does not have authority over a case, she must provide written notice to the district attorney of the county in which the incident occurred. If the Office of Special Investigation initiates an investigation and then (1) declines to present evidence to a grand jury or (2) presents evidence to a grand jury but the jury declines to return an indictment, the Office must publish a report of the investigation online.

3. 'New Yorker's Right To Monitor Act' (S.3253B/A.1360-A)

The 'New Yorker's Right to Monitor Act' adds a new section to the Civil Rights Law which states that a person who is not in police custody has the right to record law enforcement activity and that such person has a right to maintain custody or control of the recording as well as the device used to record the law enforcement activity. It also states that a person who is in police custody has the right to have any recording of law enforcement activity and/or property used to record law enforcement activity returned to them.

The purpose of this law is to affirm citizens' first amendment right to record public police activity. It creates a private right of action for "unlawful interference with recording a law enforcement activity," allowing a person to bring a civil action for punitive damages, injunctive relief, or other appropriate remedies if law enforcement prevents or attempts to prevent them from lawfully recording. However, if an officer prevents a recording because he or she has probable cause to arrest the person recording, the officer can use this lawful arrest as a defense in a lawsuit brought pursuant to the new law.

4. 'Eric Garner Anti-Chokehold Act' (S.6670B/ A.6144-B)

The 'Eric Garner Anti-Chokehold Act' establishes the Class C felony "aggravated strangulation." Aggravated strangulation is committed when a police officer causes serious physical injury or death by (1) committing criminal obstruction of breathing or blood circulation or (2) placing someone in a chokehold or similar restraint. It is an affirmative defense that the officer committed the conduct for a valid medical purpose.

5. Law Enforcement Misconduct Investigative Office (S.3595B/ A.10002-B)

This bill establishes the Law Enforcement Misconduct Investigative Office within the New York State Law Department. The mission of the office is to study and review law enforcement policies and make recommendations to improve policing. The Law Enforcement Misconduct Investigative Office will have authority to investigate allegations of corruption, fraud, use of excessive force, criminal activity, conflicts of interest, and abuse made against any police force and determine whether such allegations require criminal prosecution or further investigation by another agency.

Importantly, the bill requires police officers to report to the Law Enforcement Misconduct Investigative Office any information they have regarding acts of misconduct committed by other officers or department employees. If an officer knowingly fails to report such information, he or she will face removal from employment or some lesser penalty. Further, if the head of a law enforcement agency receives five or more complaints from at least five different individuals about one officer, the head of the agency must refer the complaints to the Law Enforcement Misconduct Investigative Office. However, this referral will not supersede any other actions against the named officer, including administrative proceedings. Once the Law Enforcement Misconduct Investigative Office issues a report regarding the complained of officer, the head of the law enforcement agency must advise the Governor, Temporary President of the Senate, Speaker of the Assembly, and Minority Leaders of the Senate and Assembly of what action the agency has taken in response to the report within ninety days.

6. ‘Police Statistics and Transparency (STAT) Act’ (S.1830C/A.10609)

The purpose of the ‘STAT Act’ is to provide for the collection of data concerning misdemeanors and violations, allowing researchers and the public to evaluate the effectiveness of criminal justice policies. This law requires courts to compile and publish statistical data regarding misdemeanor offenses and violations relating to the race, ethnicity, age and sex of individuals charged. It also requires police chiefs to promptly report any arrest-related death to the Division of Criminal Justice Services. The Division will publish regulations regarding this reporting requirement with more instructions.

7. Preventing The Misuse Of 911 (S.8492/A.1531-B)

In response to the now infamous Amy Cooper incident in Central Park, the state quickly enacted a law creating a civil penalty for summoning a police officer, when there is no imminent threat or crime being committed, solely because of the person’s race or other protected class.

8. Providing Medical and Mental Health Attention During Arrests (S.6601A/A.8226-B)

This legislation adds a new section to the Civil Rights Law (§28), providing that police officers and law enforcement entities have a duty to attend to the medical and mental health needs of persons under arrest or in custody. Specifically, law enforcement is required to obtain whatever assistance or treatment “reasonable and good faith attention” requires. The law also allows a person who suffers an injury or

exacerbation of an injury as a result of not receiving attention while in police custody to bring a civil action against the officers and/or law enforcement entity responsible.

9. New York State Police Body-Worn Cameras Program (S.8493/A.8674-A)

This program requires all members of the New York State Police to wear body-worn cameras while on patrol. It does not apply to local police departments but is expected to result in more local agencies implementing their use.

10. Requirement to Report The Discharge Of A Weapon (S.2575B/A.927-A)

When a police officer discharges their weapon under circumstances where a person could have been struck, whether on or off duty, the officer is now required to verbally report the incident to their superiors within six hours and submit a written report within 48 hours. This includes incidents where an officer discharges their weapon in the direction of a person. This law does not prevent an officer from invoking their constitutional right to avoid self-incrimination.

11. Executive Order No. 203: New York State Police Reform and Reinvention Collaborative

On June 12, 2020, the Governor signed an executive order directing local government entities to perform a comprehensive review of current police policies and practices and to develop a plan to promote community engagement and address racial bias. The chief executive of each local government must collaborate with the head of the police department and community “stakeholders” to develop this plan. Stakeholders include, but are not limited to, members of the police force, members of the community (especially from areas with high numbers of police interactions), non-profit and faith-based community groups, the local district attorney, the local public defender, and local elected officials.

The State Division of the Budget in consultation with the Division of Criminal Justice Services will release further guidance on this executive order for local governments to follow.

Many of your agencies, particularly those that are accredited, have policies and practices in place which meet or exceed legal requirements. Those policies should, nonetheless, be reviewed and updated to ensure compliance with particular emphasis on promoting community engagement and addressing racial bias.

If you have questions or concerns about how these changes may impact your Police Department, please contact us.



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.



GIVEN 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

Mr. C.
Secretary to the Governor

Andrew M. Cuomo