



VILLAGE OF BREWSTER POLICE
DEPARTMENT
BREWSTER, NEW YORK

New York State Police Reform and Reinvention
Collaborative

FOR PUBLIC REVIEW AND COMMENT



FEBRUARY 2021

Executive Order No. 203

New York State Police Reform and Reinvention Collaborative Plan

February 2021.

I. INTRODUCTION

On June 12th, 2020, Governor A. Cuomo issued an executive order directing all NYS municipalities that employ Police Officers to actively engage stakeholders in their local community to develop and implement approved plans for strategies, policies and procedures to allow transparency and acceptance among their community.

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

In August of 2020, New York State issued the “Police Reform and Reinvention Collaborative Resource and Guide for Public Officials and Citizens”. In outlining a plan for reform work, the guide suggests that in some areas “a countywide process may be useful” (page 112). In accordance with these orders, the Village of Brewster Police Department (BPD), in conjunction with Putnam County Sheriff’s Office, Town of Kent Police Department, Town of Carmel Police Department and Village of Cold Spring Police Department entered this collaborative effort to move through a county-wide process to enact police reform plans. The combined efforts have created the “Putnam County Police Policy Review Panel” (referred to as “Panel 1”) to assist in implementing the reforms envisioned by Executive Order No. 203. The Panel members consist of members of the community, leaders of not-for-profits, government officials, mental health practitioners and local law enforcement agencies.

Stakeholder committees were then established that represent different communities within the Village of Brewster area as well as Putnam County. The stakeholders were tasked with providing feedback and reports based on their findings and the public’s input, which was collected from surveys, meetings, interviews, and public discussion.

The Village of Brewster Police Department has implemented its own Review Panel (referred to as “Panel 2”) consisting of stakeholders that represent the Village of Brewster community directly. Both Panels serve to ultimately make our community a safer and more unified place to live.

The Panels considered all relevant material in preparing this reform plan, including current police strategies and procedures, model police strategies, public feedback, reports from various stakeholder groups and the requirements of Executive Order No. 203.

Although this was completed as a collaborative effort involving each municipality within Putnam County, the joint work completed by both Panels will hopefully serve as a guide to creating a reform plan that is consistent throughout the county when practical.

The reform plan is an ongoing project and the Village of Brewster will continue to seek recommendations, review policies and procedures, as well as make appropriate changing in response to the everchanging social dynamics in conjunction with community stakeholder engagement. BPD will continue their collaborative efforts and maintain an open dialogue to continue promoting cohesiveness, transparency and uniformity.

This plan will be offered for further public review and comment prior to adoption and certification by the Village Board and submitted to the state by April 1st, 2021.

II. DEMOGRAPHICS

A. Municipality Demographics:

The Village of Brewster is a small Village located in Putnam County NY, just above the New York City region in the Mid-Hudson Valley. Major roadways include U.S. Route 6, State Route 22 and Interstate 84 and 684 are just outside the jurisdiction. The Metro-North Brewster railway serves commuters directly in and out of the Village.

The Village is governed by a Mayor and Town Board. The Mayor is James Schoenig. Village Board members include Deputy Mayor Christine Piccini, George Gaspar, Tom Boissonnault and Mary Bryde.

The Village population consists of approximately 2337 residents and is the most densely populated portion of the county covering about 1 square mile. It ranks in the upper quartile for Population Density and Diversity Index when compared to other cities, towns and Census Designated Places (CDP's) in New York. The reported gender makeup is male - 62.3%; female – 37.7%. 2019 Census data indicates that the Village is comprised of 55.98% Hispanic or Latino, 36.61% non-Hispanic White, 3.22% Asian, 2.59% African American/Black, 1.13% from two or more races, 1.04% from other races and 0.42% Native American.*

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

B. Agency Demographics:

The Village of Brewster has one police department with current staffing levels set at 25 part time sworn Police Officers and 1 part time Police Chief. This includes 2 Patrol Sergeants, 1 Administrative Sergeant, 3 Detectives and 1 Administrative Officer. The Department is comprised of 26 total members, in which 3 are Hispanic, 2 are black and 2 are female. BPD provides service to its residents, guests and visitors 24/7/365 through its patrol, administrative, and Detective division. BPD always provides safety and security for all who utilize the Metro North railway within the Village.

Due to the close proximity and quick response to the surrounding Brewster area, the Village of Brewster Police Department also provides assistance to the New York State Police, Putnam County Sheriff's Office New York City Department of Environmental Protection, New York State Department of Environmental Conservation and the Metropolitan Transportation Authority Police Department.

III. ESTABLISHING REVIEW PANELS

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

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

The Police Policy Review Panel (Panel 1) met on the following dates to discuss the reform plan:

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

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

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

The Village of Brewster Police Department also established its own Community Stakeholder Review Panel (Panel 2). These members directly represent those who live and work in the Village of Brewster. The following members represent the Village community and serve as members of the panel:

- Norma Pereira
- Todd Gianguzzi
- Julie Gianguzzi
- Rosendo Martinez
- John Miller
- Tony McFadden

Panel 2 met for an in-person session following all COVID-19/CDC social distancing protocols and guidelines:

- January 9th, 2021

In addition to this meeting, Panel 2 members were advised and encouraged to participate in all the Putnam County Police Policy Review Panel (Panel 2) webinars. There were also many individual telephone sessions between Panel 2 members and the Police Chief, John Del Gardo.

Local Government officials involved in this collaborative effort is:

- James Schoenig, - Mayor, Village of Brewster
- John Del Gardo – Police Chief, Village of Brewster Police Department
- Stephanie Brocco – Administrative Officer, Village of Brewster Police Department
- Christine Piccini – Deputy Mayor, Village of Brewster
- George Gaspar – Trustee, Village of Brewster
- Tom Boissonnault – Trustee, Village of Brewster
- Mary Bryde – Trustee, Village of Brewster
- Michelle Chiudina – Village of Brewster Clerk/Treasurer

IV. COLLABORATIVE PROCESS

To ensure the plan is conceived and implemented as intended, it is crucial to gather input from the public and community stakeholders that will serve as the basis for reform ideas and priorities. A comment form was created on the Putnam County website to allow the public to submit anonymous or named comments on reforming police and policing all around Putnam County. In addition, BPD separately posted information on their website regarding Executive Order #203 seeking resident feedback. Copies of current BPD policies and procedures were posted for public review as well. Furthermore, surveys were sent to Panel 2 members referring directly to the Village of Brewster Police Department.

Panel 1 enlisted the participation of representatives from major stakeholder groups. The following stakeholder groups were established based upon applications received from the public in response to this process. Once the final applications were received on November 3, 2020, Panel 1 assigned various groups that represent the different segments of our community. A volunteer representative of each group was designated as Public Panel Representative on

November 10, 2020. Each Representative was tasked with soliciting opinions and suggestions on police reform, especially as it pertains to their specific group:

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

Each stakeholder group utilized its own methodology to collect input from the public, including but not limited to reviewing existing police policies available on the Police Policy Review Panel website, conducting surveys, holding meetings, interviewing individuals and groups, and engaging in public discussion. The stakeholder groups submitted their final reports to Panel 1 on January 12, 2021 to allow a proposed plan to be drafted.

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

(Note: Not all recommendations in this next section pertain directly to the Village of Brewster Police Department. Some areas, such as SRO's pertain directly to the Putnam County Sheriff's Office).

Putnam Families

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

Mental Health & Substance Abuse

1. Recommended Solutions
 - Require licensing from an outside State agency ensuring minimum standards and continuing education

- Development of a Community Police Review Board to assist with transparency and accountability
 - Train 911 dispatchers to use a decision tree and where appropriate avoid a police response entirely
 - Employ a 24/7 Mobile Crisis Team, embed permanent trained personnel (civilian or officers) during each shift to assist in responding to calls of this nature, or employ specialized staff that could operate across police jurisdictions and work collaboratively with law enforcement
 - Employ a collaborative team consisting of mental health and substance use disorder professional and peers to assist in dealing with individuals under emotional stress
 - Create positions such as Mental Health Peer Support Specialists and Certified Recovery Peer Advocates for departments
 - Provide training in de-escalation and Mental Health for officers dealing with situations arising due to “behavioral health”
 - Enhance general perception of the police by conducting open visits to stations, ongoing PAL events and/or coffee with a cop
 - Provide body cameras for police officers
2. Trainings
- Provide at a minimum annual cultural sensitivity, de-escalation and Crisis Intervention Training to ensure police are aware of all resources and have opportunity to ask questions and explore real life issues
 - Use virtual simulations via computer as initial training and refreshers as needed
3. Existing Best Practices
- Explore non-police alternatives to more directly intervene with individuals experiencing homelessness, substance-use disorders and mental health crises
 - Support having the County partner with outside agencies to support the police in dealing the mental health scenarios

Veterans

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

People of Color

1. Law Enforcement Assisted Diversion Program
 - Hire a LEAD program coordinator
 - Hire a LEAD advisory panel
 - Establish protocols for implementation of the LEAD program
2. Enhanced Records Management System
 - Purchase an updated CAD/RMS system for the Sheriff’s Department
 - Hire a consultant with expertise in the field of law enforcement records keeping services to conduct a needs assessment of the Putnam County Sheriff’s Department
3. Dashboard Cameras and Body Cameras

- Purchase and install dashboard cameras in all vehicles
 - Require the use of body cameras on all law enforcement officials while on duty
4. Training
- Provide trauma-informed training
 - Provide emotional intelligence training to allow the police to be more accountable for their own self-care
 - Provide continued implicit bias/cultural competency training
 - Apply Critical Decision-Making Model for use by Sheriff and Sheriff Deputies in managing critical incidents, especially those involving subjects who are not armed with firearms and who may be experiencing a mental health or other crisis
 - Expand the Mental Health Department to have a mental health professional on staff in cases where law enforcement has to engage people with mental disabilities
5. Expanding Patrol Officer Recruitment
- Support changing the civil service exam scoring to pass/fail to increase the qualified pool of applicants
 - Increase number of Spanish speaking officers by administering civil service exam in Spanish
 - Include additional demographic information on the application to capture LGBTQIA, People of Color (Asian, Latinx)
6. Building Public Trust Through Transparency
- Establish open public forums for the community to raise about concerns of safety and where to report complaints. Increase visibility and accessibility of FOIL request form.
 - Increase public access to police policy/policy changes by publishing Putnam County Sheriff's Department policies online.
 - Publish Putnam County Sheriff Department's Mission Statement online. Mission statement should pledge commitment to Procedural Justice and respect for all races and gender identity should be included in the Mission statement.
 - Establish official Putnam County Sheriff Department social media accounts on Twitter and Facebook as an easy and low-cost way to inform the public about important matters and provide a platform to connect and engage with the community in a non-enforcement manner.
7. Engagement with Youth in Communities of Color
- Focus SRO duties on planning, crime prevention, evaluation, and technology improvement programs as a means to work together and solve problems in the school community.
 - Through COVID the SRO should be working daily to connect with students to maintain or build trusting relationships.
 - Appoint Youth Officer position to check in with at risk youths through home visits and one-on-one mentorship.
 - Police Athletic League program is a positive thing in the community.
8. Engagement with Communities of Color
- Expand "Coffee with a Cop" outreach to events relatable to communities of color in Putnam County such as Black History month events or Caribbean Day celebration.

- Through the Dispute Resolution Center of Hudson Valley, create on-going, public dialogue sessions with members of the public and representatives from the Sheriff's department to resolve misunderstandings and differences.
9. Hate Crime Prevention: Create a community-wide public awareness campaign that provides information, awareness, and resources for community members and victims of hate crimes.
 10. Civilian Oversight: Form a Putnam County Civilian Complaint Review Board.

Education

1. Student Resource Officer (SRO) Programs
 - Provide greater structure of the School Resource Officer ("SRO") program, including greater public awareness, improved relationship building between officers, the student body, and the administration, and better communicating the role of SROs within schools.
 - Greater training for SROs' in the area of students with disabilities.
2. Deployment: Make the Sheriff's Department more visible throughout the county
3. Procedural Justice: Create opportunities of communication via schools, such as "Meet Your SRO" programs, a column in school newsletters or information packets, or informational symposiums for parents
4. Bias
 - Make a greater effort to hire people of various and differing ethnicity and backgrounds to diversify department.
 - Connect with various groups in the school community such as ELL/ESL students to create positive relationships and stereotypes.
5. De-escalation
 - Ensure police are properly trained to deal with young adults with autism and similar mental or emotional disabilities.
 - Support use of state driver licenses/ID with markings denoting potential disability to better inform Police of individual's cognitive/social/emotional state.
6. Restorative Justice: Prioritize "restorative justice" within the department.
7. Community Based Outreach & Conflict Resolution
 - Allow SROs to spend time in the greater school community even in a casual nature.
 - Have current and past SROs collaborate in addressing outreach issues.
8. Focused Deterrence: Create a program similar to "Drug Court" that applies to students under 18 and continue working with schools on drug issues.
9. Violence Prevention & Reduction Interventions: Create an environment that encourages the reporting of sexual assaults and similar crimes and provide education to students on the topic.

Law Enforcement

1. Deployment
 - Identify new and additive federal, state, private, and non-profit funding/grants and consolidate redundant law enforcement activity as a means to fund programs aimed at eliminating bias and discrimination.
 - Pay greater attention to officer wellness and training.

- Improve officer schedules and shift management to avoid incidents related to officer fatigue.
 - Improve tracking and data accumulation of police actions to avoid over-policing marginalized communities.
2. Use of Force
- Retitle the “Use of Force” policy to “Use of Force Policy” per NYS Executive Law § 840(4)(d)(3).
 - Amend the “Use of Force” policy, making changes to the following sections:
 - § 300.1.1 Definitions – Revise definition of “Deadly Force”
 - § 300.1.1 Definitions – Add definition of “Brandish”
 - § 300.1.1 Definitions – Add definition of “Objectively Reasonable”
 - § 300.3.2 Use of Force to Effect an Arrest – Make language identical to PL § 35.30
 - § 300.3.2 Use of Force to Effect an Arrest – Add language addressing force against restrained individuals
 - § 300.5 Reporting the Use of Force – Should cite to NYS Executive Law § 837(t) and 9 NYCRR 6058
 - § 300.5.1 Notifications to Supervisors – Add language about notification after discharge of a weapon.
 - § 300.8 Training – Add language regarding EO 203
 - Ensure there is adequate oversight of our use of force policy implementation.
 - Consider creating an Internal Affairs organization if one doesn’t currently exist
3. Consider a probationary period for newly promoted officers.
4. Bias
- Hire additional female officers and officers with Spanish language skills.
 - Expand community outreach to local Hispanic organizations.
 - Consider hiring an outside consultant to conduct an Equity Audit that examines the County’s demographics in comparison to our current police force.
 - Consider recruiting directly from high schools and colleges.
 - Review leadership training and promotion policies to ensure no bias exists to exclude underrepresented communities from advancement.
 - Review and compare bias history of bias complaints compared to other law enforcement agencies and provide additional implicit bias training as needed.
 - Consider providing financial support and incentives for higher education degrees to our police officers
5. De-escalation
- Require additional annual in-service training to address Bias, Constitutional Conduct, De-escalation, and Crisis Intervention with an emphasis on sourcing high quality, rigorous, and evidence-based programs.
 - Consider creating a unit or units of non-police emergency first responders trained in Crisis Intervention Team (CIT) and De-escalation tactics.
6. Law Enforcement Assisted Diversion Programs
- Conduct these programs in collaboration with local towns and villages and communicate same to the public.
 - Consider administering the Hope not Handcuffs program at the judicial level with input from the Putnam County District Attorney.
7. Restorative Justice

- Consider a Restorative Justice program that arranges a meeting with the police officer and a social service agency representative in addition to the victim and the offender.
 - Use metrics to determine the success of our Restorative Justice program(s), such as a reduction in recidivism.
 - Consider operating Restorative Justice programs under the Probation Department and/or the District Attorney's office rather than the Sheriff's office.
 - Utilize other diversionary programs including Veteran's Treatment Court, Mental Health Court, or Alternative to Incarceration (ATI) Programs. Consider the following ATI programs for Putnam County: Mental Illness Programs, Pretrial Services, Treatment Alternatives for Safer Communities (TASC) and Drug and Alcohol Programs, Specialized Programs, Community Service Programs, and Defender Based Advocacy.
8. Community Based Outreach and Conflict Resolution
- Formally engage community members, especially those from marginalized groups, to solicit input on police officer training.
 - Expand Neighborhood Watch Programs.
 - Developing a network of police liaison volunteers to assist with police/community relations in schools, chambers of commerce, religious institutions, and other local affinity groups, especially with the Hispanic community.
 - Consider greater involvement of the Sheriff's office in support of the Putnam County Drug and Treatment Courts so police officers and the public have a chance to better understand each other.
 - Add new and diverse voices from marginalized groups into the Sheriff's Department's Community Advisory Board
 - Resurrect the Putnam County Sheriff's Citizen Academy as a means of educating the public on the interaction between police officers and community residents
 - Expand citizen collaboration programs including Junior Cadet programs, increase recruitment in local schools, and find ways to involve local youth with police officers.
9. Problem Oriented Policing and Hot Spot Policing
- Use demographic and community needs data to determine where and how many police officers are deployed.
 - Collect data on how police officers spend their time to compare to crime statistics to ensure police officers are deployed where they are needed most, not simply to meet quotas.
10. Focused Deterrence
- Consider using 10-year trend crime statistics when designing crime reduction strategies.
 - Officers should know our community, and if possible, identify suspicious people, vehicles and activities to deter the distribution of drugs and associated criminal acts in our community.
 - Use surveillance cameras to populate a database of information that can be used in preventing crime and arresting criminals.
11. Crime Prevention through Environmental Design
- Consider conducting home and business security evaluations (threat assessments) and use the results to improve safety and security.

- Safety and Security improvements such as the addition of security systems, alarms, lighting, etc., should be incorporated into County, Town, and Village Code and considered in evaluating applications to Town and Village Planning and Architectural Review Boards.
12. Model Policies Promulgated by the Municipal Police Training Council
- Survey police officers to determine the adequacy of their training.
 - Improve police training for domestic violence incidents
 - Provide police training focused on day-to-day duties such as community policing, non-violent public interaction, and crime prevention, in addition to training for violent and serious crime prevention and reaction.
 - Employ training for the proper treatment of victims and trauma-based training. Must be part of a police officer's training.
 - Provide training as needed when deploying new technology.
13. Other Recommendations
- Putnam County should work with the Courts, the Sheriff's office, and non-profit organizations to ensure we make maximum use of programs that reduce recidivism.
 - Obtain New York State Law Enforcement Agency Accreditation as soon as possible.
 - Provide body cameras for all police officers as a means to protect both officers and the public.
 - Consider holding public hearings prior to any application for Defense Dept. and/or Dept. of Homeland Security/FEMA funding for equipment and consulting.
 - Consider a mini public relations campaign utilizing both traditional and social media to create community awareness of this Putnam Police Policy Review.
 - Establish performance-based criteria for sourcing reputable and qualified partners and vendors.
 - Private businesses and institutions that use local law enforcement resources as an alternative to hiring private security should pay a fee for these services (such as Arms Acres Methadone Clinic on Old Route 6 in Carmel).
 - Consider greater use of asset forfeiture funds from the District Attorney and hiring a grant writer to obtain funding for these reforms.
 - Establish a survey on the Sheriff's Facebook page with questions about the public's interactions with police officers. This would provide positive and negative feedback and this feedback could be used to make improvements as needed.
 - Initiatives should be prioritized and placed on a timeline with milestones.
 - Ensure policies are in compliance with—if not stricter than—state law.

Latinx

- No report or specific recommendations were furnished to Panel 1.

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

LGBTQIA+

1. Safety Responsibilities

- Require all School Resource Officers to undergo ongoing anti-bias and sensitivity training regarding LGBTQIA+ issues, specifically focusing on LGBTQIA+ youth, and transgender, non-binary, and gender nonconforming awareness.
- Require all department employees to undergo ongoing anti-bias and sensitivity training regarding LGBTQIA+ issues, specifically focusing on LGBTQIA+ youth, same-sex families, and transgender, non-binary, and gender nonconforming awareness.
- Require all Officers and affiliated professionals (Social Workers, EMTs, etc.) to undergo training specifically related to identifying potential domestic violence and abuse within LGBTQIA+ households.
- Implement and publicize a policy clearly stating whether employees may belong to, or promote and publicize, through social media or other means, any organization that has credible explicit or implicit links to domestic or international terrorism, or violent, homophobic, transphobic, racist or sexist ideologies, or any EthnoNationalist causes or campaigns
- Study, implement and publicize policies outlining standards of safety for individuals held in gender-segregated detention; clearly communicate to any potentially vulnerable person facing detention what policies are in place to ensure their protection while in police custody.

2. Community Responsibilities

- Study, implement and publicize a Civilian Complaint Board, in addition to the Community Advisory Committee, for anyone to address grievances regarding the Department through an independent body, ensuring its membership explicitly includes diverse voices from across Putnam County through the active and open recruitment of volunteers.
- Allow civilian observers to attend all anti-bias or sensitivity training sessions attended by members of the department and/or make training materials readily available to the public.
- Establish a dedicated LGBTQIA+ Outreach Coordinator to act as a liaison between the Department and community, dedicated to ongoing dialog, and researching and reporting on training opportunities and best-practices.
- Ensure detailed descriptions of all Departmental Policies are made readily available to public via the Sheriff's website, in both English and in Spanish, and commit to making available translations in any other language(s) deemed significant and necessary by the Department, by the County, by request from a Town or Village government located within Putnam County, or by a petition submitted by residents of the County demonstrating such need.

3. Administrative Responsibilities

- Remove binary gender declarations (male/female) on all departmental forms and remove such questions entirely or replace with open-ended response fields.
- Review all documents and policies for any gendered words (i.e.: "his/her," "manpower," "widow") and replace them with gender-neutral language.
- Maintain statistics for all police encounters involving voluntarily self-identifying LGBTQIA+ individuals, as witnesses, victims, or suspects, for continued analysis.

Clergy/Community Outreach/Homeless

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

V. VILLAGE OF BREWSTER POLICE DEPARTMENT REFORM PLAN

A. Statewide Enacted Reforms/Mandates

In order to address issues such as racial bias and police transparency, New York State has reviewed existing policies and procedures and recently enacted new laws to further its efforts to address inequality within the justice system. The reform items found in this section are derived directly from Executive Order No. 203.

NYS Mandated Changes	Description	VOBPD Action	Status
<p>Mandate – 1</p> <p>Civil Penalties for Filing False Reports on Member of Protected Class</p>	<p>Establishes civil penalties for falsely Summoning a Police Officer when there is no reason to believe a crime, offense or threat has been committed involving a member of a protected class. <i>(Effective June 13th, 2020).</i></p>	<p>No action needed, already in compliance</p>	<p>Complete</p>
<p>Mandate – 2</p> <p>Require Police Officers to Report the Discharge of Weapon</p>	<p>Requires a Police Officer or Peace Officer (whether on or off duty) who discharges his or her weapon under circumstances where a person could be struck by a bullet to verbally report the incident within six hours, and file a written report within forty-eight hours. <i>(Effective September 13th, 2020).</i></p>	<p>Amended Use of Force Policy</p>	<p>Complete</p>
<p>Mandate – 3</p> <p>Require the Reporting of Police Acts or Omissions Resulting in a Person’s Death to the Office of Special Investigation</p>	<p>Establishes an Office of Special Investigation within the Office of Attorney General which will have investigative authority and criminal jurisdiction for any incident involving the death of a person caused by an act or omission by a Police Officer or a Peace Officer employed as a Correction Officer or contracted by an education, public health, social service, parks or housing agency. Where an investigation concludes that the death or matters relating to the death of investigation of the death involved criminal conduct, the Office will be empowered to prosecute any such alleged offenses. <i>(Effective April 2021)</i></p>	<p>Will conduct in-service training and establish communication method with the Attorney General’s Office</p>	<p>Pending on needed actions of NYS</p>
<p>Mandate – 4</p> <p>Ban Choke Holds</p>	<p>The Eri Garner Anti Choke Hold Act create the crime of aggravated strangulation (making it a Class C Felony) and establishes criminal penalties for a Police Officer or Peace Officer who uses a chokehold that causes serious physical injury or death <i>(Effective June 12th, 2020)</i></p>	<p>Conducted in-service training, Amended Use of Force Policy</p>	<p>Complete</p>

NYS Mandated Changes	Description	VOBPD Action	Status
Mandate – 5 Require Medical Response for Arrestees	Affirms an individual’s right to medical and mental health attention while under arrest or otherwise in custody of a Police Officer or Peace Officer. Failure to provide reasonable and good faith medical assistance could result in a cause of action against the officer, representative and/or entity. <i>(Effective June 15th, 2020)</i>	Conducted in-service training	Complete
Mandate – 6 Require Policing Statistic to be Reported to the Division of Criminal Justice Services	Requires courts to compile and Publish data concerning arrests and court proceedings involving low-level offenses such as violations and traffic offenses. Such report will include aggregate and anonymized demographic information such as race, ethnicity and sex. This bill requires police departments to submit annual reports on arrest-related deaths to the Department of Criminal Justice Services, as well as the Governor and the State Legislature. <i>(Effective December 12th, 2020)</i>	Will provide any relevant data to Office of Court Administration and Division of Criminal Justice Services	Complete, as needed
Mandate – 7 Recording of Law Enforcement Activity	Provides that a person not under arrest or in the custody of a law enforcement official has the right to record police activity and to maintain custody and control of that recording and of any property or instruments used by that person to record such activities. A person in custody or under arrest does not, by that status alone, forfeit such right to record. <i>(Effective July 13th, 2020)</i>	No actions needed, already in compliance	Complete
Mandate – 8 Provide the Public Access to Personnel Records and Deputies and Correction Officers	Repeal of Civil Rights Law 50-a, which had made all personnel records used to evaluate the performance toward continued employment or promotion of Police Officers, Firefighters, Paramedics, Correction Officers or Peace Officers confidential and not subject to inspection or review without the individual’s express written consent or a court order. This legislation also amends the New York State Freedom of Information Law (FOIL), subjecting any record created in furtherance of a law enforcement disciplinary proceeding to disclosure under FOIL. The new FOIL provisions require specific sensitive personal information, including medical history, to be redacted from such records prior to being disclosed. <i>(Effective June 13th, 2020)</i>	Notification to the clerk of legislature for compliance	Complete
Mandate – 9 Creation of Law Enforcement Misconduct Investigative Office	Law Enforcement Misconduct Investigative Office (Senate Bill 3595B / Assembly Bill 10002B): Created the Law Enforcement Misconduct Investigative Office (Investigative Office) within the NYS Department of Law to review, study, audit and make recommendations regarding operations, policies, programs and practices of local law enforcement agencies. <i>(Effective 2020)</i>	Conducted in-service training	Pending on needed actions of NYS

B. Recommended Actions and Reforms

The Village of Brewster Police Department supports New York State's mission to promote police transparency and accountability. In fact, responses to the surveys by Panel 1 as well as Panel 2 were largely positive, and most responding residents do not see problematic issues with respect to policing within the Village of Brewster. Although this is a good step in the right direction, the stakeholders reviewed relevant materials as directed by Executive Order No. 203 and produced recommendations that addressed improvements which can be implemented in both the Village of Brewster and Putnam County. Both Panels worked diligently to comply with the requirements of Executive Order No. 203 since its issuance, particularly in light of constraints stemming from the COVID-19 pandemic.

It should be noted, however, that many recommendations that came from Panel 1 was directed mainly towards the Putnam County Sheriff's Office, due to their wider jurisdiction and Department size. However, surveys that were sent out to the public included questions regarding Village of Brewster Police Department and interactions with its Police Officers, as well as the surveys sent out to Panel 2 members and any feedback received from community members.

Furthermore, said recommendations and their implementation are subject to funding constraints and all applicable laws, rules, and regulations pertaining to same, including but not limited to the NYS Civil Service Law.

The reform plan is an ongoing project and the Village of Brewster will continue to take recommendations, review policies and procedures, as well as make appropriate changes in response to everchanging social dynamics. The Village of Brewster Police Department will continue their collaborative efforts and maintain an open dialogue to continue promoting reform and transparency. With that being said, there was overwhelmingly positive feedback from community members regarding the evolution of the Village of Brewster Police Department and its members.

POLICY AND PROCEDURE

The Village of Brewster Police Department is committed to having the most up to date policies and procedures that affects the Brewster community. As a result, the Village will continue to work towards implementing continued police policy reform.

Administration

The Village of Brewster Police Department is currently in compliance with its training standards set forth by New York State and DCJS. Although attempts have been made to become a NYS Accredited municipality, the Department lacks funding and financial resources to meet these standards. The Village of Brewster Police Department will continue to provide training and implement policies to enhance the operations of the police department as well as meet the vision and expectations of the community.

Diversity

Changes in social dynamics have called for more diversity in many job environments, with law enforcement being no exception. Stakeholder groups have recommended that Departments make an effort to attract female officers, Hispanic officers and officers with Spanish language skills. The Village of Brewster Police Department currently employs 2 female officers, 2 black Officers, and 3 Hispanic Officers. In an effort to continue creating a more diverse work atmosphere, the Village Department plans to establish a wider base of candidates by posting open positions on social media as well as local bulletin boards and newspapers to expand its hiring radius and reach more bilingual applicants, as well as applicants from marginalized groups.

Recommendations were made for Departments to continue their efforts to attract a bigger pool of candidates in order to create more diversity within its police force. The Village of Brewster Police Department prioritizes the safety and respect of all its residents including members of the LGBTGIA+ community and does not discriminate any service to or potential candidates based upon their gender, gender identity or personal views.

Transparency and Accountability

Officer safety as well as police transparency are priorities in police reform for the Village of Brewster Police Department. It was suggested by stakeholders to have dash cameras (“dash-cams”) and body cameras in an effort to promote police transparency and accountability. Funding in this area continues to be an obstacle for the Village Department and has not permitted the availability for patrol vehicles to contain dash cameras or for all Officers to have body cameras. Currently, the Village Department has 2 traffic Officers who utilize body cameras, in which data is saved and recorded on the Departments station hard drive. BPD supports the use of dash cameras and body cameras and will continue to seek funding to support this vision.

Some stakeholder groups recommended the implementation of a process that supports police accountability and resident feedback. The Village of Brewster Police Department has implemented a “Quality of Service” form regarding personnel complaints and/or positive feedback. Quality of Service forms are available on the Department website and in the station. Complaints will be accepted by e-mail, in person, on the phone, or by mail.

DEPARTMENTAL TRAINING

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

Department employs a diverse group of members with various backgrounds, experience, training, and education.

Recently, Brewster Police Department had one Officer trained as an instructor in a specialized de-escalation training program. This program is covered over a 2-day course of instruction called “Practical De-escalation Tactics and Critical Decision-Making Instructor Course”. This is a “train the trainer” course which will enable this Officer to come back and teach the following topics to the rest of the Department: situational assessment, de-escalation methods, evaluation methods, temper control, tactical reasoning, tactical communication, and others. The Department plans to conduct a refresher training to all of its Officers on an annual basis as well.

It is important to note that de-escalation is more of a science/skill that permeates into almost all aspects of training as well. For example, de-escalation is covered in blocks of instruction relating to responding to persons with mental illness, persons with disabilities, etc. In that respect, while the BPD will continue to teach the techniques of de-escalation, they also practice and regularly train such techniques during roll call, exercises during role play scenarios, reality-based training, and use of force training.

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

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

Both Panels fully support these types of training programs and recommends all Departments utilize said programs for the benefit of their Officers and the community, subject to funding.

The stakeholder groups also recommended that Police Officers learn Spanish to help communicate with the Hispanic community and Spanish-speaking residents within the Village. Currently, the Village of Brewster Police Department uses readily available translation software like Google Translate as a resource to communicate. They also employ 3 Officers who are fluent in Spanish and are available 24/7 to assist on-duty Officers with translations.

The Panels recognize the importance of continued training for Officers. The Village Department consistently reviews federal, state, private, and non-profit funding/grants as a means to fund programs, as well as those aimed at eliminating bias and discrimination. Contingent on such funding, the Village of Brewster Police Department plans to hold additional trainings to provide increased knowledge to their Officers, which will make them better equipped to handle different and sensitive situations.

USE OF FORCE

Stakeholder groups understand that the use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. As stated in the policy itself, the guiding values of the Village Department are the respect and value of all human life and dignity without prejudice to anyone.

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

Every use of force incident, as defined by the NYS Department of Criminal Justice Services, requires a written Use of Force Report and monthly reporting to DCJS.

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

BPD has prohibited the use of the Carotid Restraint as a compliance technique, and any application of pressure to the throat, windpipe, neck, or blocking the mouth or nose of a person in a manner that may hinder breathing or reduce intake of air is prohibited unless deadly physical force is authorized.

COMMUNITY-ORIENTED POLICING AND NEIGHBORHOOD ENGAGEMENT

The Village Police Department prides itself on working closely with its community members. Being a small Department with a close-knit community fosters positive relationships between the community and the Police. Even so, stakeholder groups recommended increased community engagement to truly meet the purpose and spirit of Executive Order No 203.

Homeless In The Village

In general, there was mostly positive feedback from the public on this issue, though the Panels feel that any improvements are welcome to further improve the lives of one of the most vulnerable parts of the community.

In the Village, St. Lawrence O'Toole church opens its doors during the winter months for the homeless to sleep. There are 2 locations offered for warmth and rest. As stated before, Village Police have received mostly positive remarks regarding police response to

homelessness in and around the Village. The Putnam County Sheriff's Office maintains a full listing of homeless shelters around the county and surrounding counties and Village Police will refer those in need of service outside the Village of Brewster to the Putnam County Sheriff's Office.

Foot Patrols and Bicycle Patrols

An increase in foots patrols and bicycle patrols are planned during the warm weather months to encourage and foster Police and community relationships. A combined community-police effort restores the safety and trust of the neighborhood. Officers who better know both community issues and its residents can develop stronger partnerships, engage in pro-active problem solving and effectively identify potential issues.

Monthly Meetings

Monthly meetings with Village panel members as well as community stakeholders will be established to ensure a constructive and an open forum for police and community collaboration.

Community Engagement

The Village of Brewster Police Department plans to develop additional programs to help build community and police relationships. It has been suggested by stakeholders to conduct "open house" visits to the police station, "coffee with a cop" and additional community events and celebrations. It is the hope of the Village Police Department that these additional programs with continue to foster a positive relationship with the community.

VI. CONCLUSION

The Village of Brewster and BPD have scheduled an interactive public forum via Zoom meeting in order for the public to review this plan and offer comments and suggestions to help build stronger relationship between the community and the Police. The material gathered in this meeting will be reviewed and incorporated into our final report to the State.

The Village of Brewster and the Village Police Department both realize that plan is an on-going effort to meet and exceed not only the expectations of Executive Order #203, but to the community we serve. The Village of Brewster Police Department will continue to strive to provide the highest level of service to all those who live, work and visit the Village. Public engagement will continue to be a vital process to meeting the high standards the Village seeks to maintain.

VII. APPENDIX

- Executive Order No. 203
- Village of Brewster Police Department Policies
- Updated Department Forms
- Final Reports/Recommendations from Stakeholder Groups
- Panel Surveys



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, government has a responsibility to ensure that all of its citizens are treated equally, fairly, and justly before the law; and

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

WHEREAS, black lives matter; and

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

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

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

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

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

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

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

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

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

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

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

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



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

BY THE GOVERNOR

Secretary to the Governor

VILLAGE OF BREWSTER POLICE DEPARTMENT

POLICY # 201

TRAINING			
DATE ISSUED 01/01/2010	DATE EFFECTIVE 01/01/2010	DATE REVISED 12/01/2020	PAGE 1 OF 2

201.1 PURPOSE

The purpose of this policy is to establish general guidelines for how training is to be identified, conducted and documented. It is not meant to address all specific training endeavors or identify every required training topic. This policy will provide for the goal of professional growth and continued development of its members. By doing so, the Department will ensure its Officers possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

201.2 POLICY

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

201.3 OBJECTIVES

- Enhance the level of law enforcement service to the public
- Increase the overall effectiveness of members of service
- Ensure compliance with DCJS rules and regulations concerning law enforcement training

201.4 TRAINING PLAN

It is the responsibility of the Police Chief or designee to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and Department required training is completed by all members as needed or required. Updates and revisions may be made to any portion of the training plan at any time as deemed necessary.

201.4.1 MANDATED ANNUAL TRAINING

At a minimum, training must include firearms, legal updates and the use of force and deadly physical force. Firearms training must include actual range training.

Only Officers who are certified in Firearms Instruction may administer training for this topic.

201.5 GOVERNMENT-MANDATED TRAINING FOR POLICE OFFICERS

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

(a) Federally mandated training:

- National Incident Management System (NIMS) training.

(b) State-mandated training (General Municipal Law § 209-q):

- Newly appointed Officers must successfully complete an MPTC-approved Basic Course for Police Officers. This training must be completed within the first year from the date of original appointment. Officers may not carry or use any firearm in the performance

of their duties, except for department firearms training, until they have successfully completed the MPTC Basic Course for Police Officers, or a program that meets or exceeds the basic course requirement in use of firearms and instruction in deadly physical force.

201.6 TRAINING ATTENDANCE

All members assigned to attend training shall attend as scheduled unless previously excused by the Police Chief. Excused absences should be limited to:

- (a) Court appearances
- (b) Previously approved vacation or time off
- (c) Illness or medical leave
- (d) Physical limitations preventing the member's participation
- (e) Emergency situations

201.7 TRAINING RECORDS

The Police Chief is responsible for the creation, filing and storage of all training records. The Police Chief will ensure that all employee training records are up-to-date and properly documented for all sworn personnel. Such records will include the dates attended, the total amount of hours and the name of the course. They will ensure that accurate records are on file for all training courses sponsored by the Village of Brewster Police Department and/or any other courses attended by members.

201.8 TRAINING RECORDS

The names and addresses of all Officers that have completed training in deadly physical force and the use of firearms and other weapons shall be maintained in each Officers personnel records.

DRAFT

VILLAGE OF BREWSTER POLICE DEPARTMENT

POLICY #301

STANDARDS OF CONDUCT

DATE ISSUED
01/01/2010

DATE EFFECTIVE
01/01/2010

DATE REVISED
12/01/2020

PAGE 1 OF 7

301.1 PURPOSE

The purpose of this policy is to establish standards of conduct for all members that is consistent with the values and mission of the Village of Brewster Police Department. Members are subject to provisions contained throughout the policy manual as well as any additional guidance on conduct that may be disseminated by the Department or the Police Chief. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by the Police Chief.

301.2 POLICY

Members of the Brewster Police Department are expected to treat all people with dignity and respect at all times, as well as act morally and ethically at all times whether on-duty or off-duty. Members will strictly adhere to all policies and procedures set forth herein. Failure to meet the guidelines set forth in this policy, whether on or off duty, may be cause for disciplinary action.

301.3 DIRECTIVES AND ORDERS

Police Officers are frequently required to make decisions affecting human life and liberty in difficult situations where there is little or no opportunity to seek advice and little time for reflection. Law enforcement, therefore, requires an Officer to have the stamina, intelligence, moral courage and emotional stability necessary to fairly and impartially deal with the human beings in the many complicated and potentially explosive situations which he/she encounters. The Village of Brewster Police Department will utilize all resources available and always strive to perform their duties to the best of their abilities.

Members will comply with lawful directives and orders from the Police Chief, supervisors or persons in a law enforcement position of authority, absent a reasonable and bona fide justification.

301.3.1 THE LAW ENFORCEMENT CODE OF ETHICS

The Law Enforcement Code of Ethics is adopted as a *general* standard of conduct for all sworn members of the Department. It states:

“As a law enforcement Officer, my fundamental duty is to service mankind; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder and to respect the Constitutional rights of all men to liberty, equality and justice. “

“I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in

obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature of that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.”

“I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals. I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.”

“I recognized the badge of my office as a symbol of public faith, and accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.”

301.3.2 UNLAWFUL OR CONFLICTING ORDERS

The Police Chief nor any supervisor shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or Department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order. No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal. Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, Department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued. The person countermanding the original order shall notify the person issuing the original order, indicating the action taken and the reason.

301.4 STANDARDS

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

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

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

301.5 DISCRETION

Each Officer will use the responsibility of discretion vested in his/her position and exercise it within the law. The principle of reasonableness will guide the Officer's determinations and the Officer will consider all surrounding circumstances in determining whether any legal action shall be taken.

Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word or advice rather than arrest – which may be correct in appropriate circumstances – can be a more effective means of achieving a desired end.

301.6 CAUSES FOR DISCIPLINE

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

301.6.1 GENERAL:

- (a) Members shall obey all constitutional, criminal and civil laws imposed on them as a member of the Village of Brewster Police Department and as a citizen of the State of New York and the United States of America. They will adhere to all policies and procedures in this manual as well as any other orders set forth by this Department by the Police Chief.
- (b) Any conduct or pattern of conduct that would tend to disrupt, diminish or otherwise jeopardize public trust and fidelity in law enforcement.
- (c) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
- (d) Members will never employ unnecessary force or violence and will use only such force necessary in the discharge of duty as is reasonable for safety of all persons involved. The use of force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective (unless circumstances and safety is compromised). Although the use of force is occasionally unavoidable, every Officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person. Retaliation will not be tolerated.
- (e) Initiating any civil action for recovery of any damages or injuries incurred in the course of duties without first notifying the Police Chief of such action.
- (f) Using Department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment and non-subpoenaed records.
- (g) Engaging in potentially dangerous horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (h) Unauthorized possession of, loss of or damage to Department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.
- (i) Failure of any member to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under the Brewster Police Department policies.
- (j) Failure of an employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.

- (k) The use or dissemination of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department without the express authorization of the Police Chief or a designee may result in discipline under this policy.
- (l) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Police Chief.
- (m) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of the Department or any other law enforcement agency.
- (n) Unwelcome solicitation of a personal or sexual relationship while on-duty through the use of one's official capacity.
- (o) Engaging in on-duty sexual relations including but not limited to sexual intercourse, excessive displays or public affection or other sexual conduct.
- (p) Conduct which may result in disciplinary action.

The above listed areas are broken down below for clarification purposes:

301.6.2 LAWS, RULES AND ORDERS

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

301.6.3 ETHICS

- (a) Using or disclosing one's status as a member of the Village of Brewster Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-official business or activity
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted)
- (d) Acceptance or solicitation of fees, gifts or money contrary to the rules of this Department and/ or laws of the state
- (e) Offer or acceptance of a bribe or gratuity
- (f) Misappropriation or misuse of public funds, property, personnel or services
- (g) Any other failure to abide by the standards of ethical conduct

301.6.4 DISCRIMINATION, OPPRESSION OR FAVORITISM

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

301.6.5 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of

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

301.6.6 ATTENDANCE

- (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absences or tardiness on schedule day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- (e) Excessive absenteeism or abuse of leave privileges.

301.6.7 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

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

301.6.8 EFFICIENCY

- (a) Neglect of duty
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work
- (d) Unauthorized sleeping during on-duty time or assignments

- (e) Failure to notify the Police Chief of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion

301.6.9 PERFORMANCE

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

301.6.10 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency and may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

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

301.6.11 SAFETY

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

301.6.12 INTOXICANTS

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

VILLAGE OF BREWSTER POLICE DEPARTMENT

POLICY #303

USE OF FORCE

DATE ISSUED
01/01/2010

DATE EFFECTIVE
01/01/2010

DATE REVISED
12/01/2020

PAGE 1 OF 5

303.1 PURPOSE

The purpose of this policy is to set guidelines on the reasonable use of force. The primary duty of all members of the Department is to preserve human life. Only that amount of force necessary to overcome resistance will be used to affect an arrest or take a mentally ill or emotionally disturbed person into custody. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this Department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner. Officers are permitted by New York State Penal Law Article 35 to use whatever force that is reasonable and necessary to protect the life of others and themselves from bodily harm. Only necessary force is to be used.

In addition to those methods, techniques and tool set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force.

303.1.1 DEFINITIONS

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

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

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

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

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

303.2 POLICY

All members of the service are responsible and accountable for the proper use of force under appropriate circumstances. The use of force by Officers is a matter of critical concern, both to the public and to the law enforcement community. Members are reminded that the application of force must be consistent with existing law. Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Village of Brewster Police Department recognizes the value of all human life and dignity without prejudice to anyone.

Depending upon the circumstances, both federal and state laws provide for criminal sanctions and civil liability against members of service, when force is deemed excessive, wrongful or improperly applied.

303.3 USE OF FORCE

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

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

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

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

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

303.3.1 ALTERNATIVE TATICS/DE-ESCALATION

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

303.3.2 USE OF FORCE TO EFFECT AN ARREST

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

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

- (a) Extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present.
- (b) Coerce a confession from a subject in custody.

- (c) Obtain blood, saliva, urine, or other bodily fluid or cells from an individual scientific testing in lieu of a court order where required.

303.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) Immediacy and severity of the threat to Officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the Officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of Officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with Officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the Officer.
- (l) Potential for injury to Officers, suspects and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the Officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the Officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

303.3.4 PAIN COMPLIANCE TECHNIQUES

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

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

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

303.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, Officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, Officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, Officers should not intentionally

use any technique that restricts blood flow to the head, restricts respiration, or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted.

303.4 REPORTING THE USE OF FORCE

Any use of force by a member of this office shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The Officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

303.4.1 NOTIFICATION TO POLICE CHIEF

Notification to the Police Chief shall be made as soon as practicable following the application of force in any of the following circumstances:

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

303.5 MEDICAL CONSIDERATIONS

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

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

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

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

303.6 RESTRICTED BREATHING/CHOKES HOLDS

Officers will not use choke-holds. A choke-hold shall include, but not be limited to, any pressure to the throat or windpipe which may prevent or hinder breathing to reduce intake of air.

DRAFT

VILLAGE OF BREWSTER POLICE DEPARTMENT

POLICY #304

USE OF DEADLY PHYSICAL FORCE

DATE ISSUED
01/01/2010

DATE EFFECTIVE
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12/01/2020

PAGE 1 OF 2

304.1 PURPOSE

The Village of Brewster Police Department recognizes the value of all human life and is committed to respecting the dignity of every individual. The primary duty of all members of service is to protect and preserve human life.

304.2 POLICY

The most serious act in which a Police Officer can engage is the use of deadly force. Respect for human life requires that, in all cases, firearms be used as a last resort, and then only to protect life. Members should use only the amount of deadly physical force necessary to protect human life. Where feasible, and consistent with personal safety, some warning, such as "POLICE – DON'T MOVE," should be given. Deadly force is never justified in the defense of property. Above all, the safety of the public and Officer must be the overriding concern whenever the use of firearms is considered.

Officers should have a thorough knowledge of New York State Penal Law Article 35 and should periodically review this body of law.

304.3 DEADLY PHYSICAL FORCE APPLICATIONS

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

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

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

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

304.3.1 CONSIDERATIONS

- (a) Officers shall not discharge their weapons when doing so will unnecessarily endanger innocent persons.
- (b) Officers shall not discharge their firearms in defense of property.
- (c) Officers shall not fire warning shots.
- (d) Officers shall not discharge their firearms to summon assistance except in emergency situations when someone's personal safety is endangered and unless no other reasonable means is available.
- (e) Officers shall not discharge their firearms at a dog or other animal except to protect themselves or another person from physical injury and there is no other reasonable means to eliminate the threat. Or, if an animal is so badly injured that humanity requires that it be removed from further suffering and only if such can be done in a safe manner without chance of injury to any person.

304.3.2 MOVING VEHICLES

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

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

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

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

304.3.3 NOTIFICATION TO POLICE CHIEF

Per NYS Law, any discharge of a weapon under circumstances where a person could be struck by a bullet (on or off duty) must report the incident within six hours to the Police Chief, and file a written report within forty-eight hours.



FORCE LEVELS		
Indicate the highest force level used.		
Investigations shall be conducted at the highest level when multiple levels of force are used.		
Check One: <input type="checkbox"/> Level 1 Force <input type="checkbox"/> Level 2 Force <input type="checkbox"/> Level 3 Force <input type="checkbox"/> Level 4 Force		
Blotter #:	Incident #:	Arrest #:

Part 1: (Attach continuation form for additional subjects)

Incident Date	Day	Time	Location	Tour	
#1 Subjects Name			Sex	Race	DOB
Address			City/Zip	Contact Number	
Incident Date	Day	Time	Location	Tour	
#2 Subjects Name			Sex	Race	DOB
Address			City/Zip	Contact Number	
Incident Date	Day	Time	Location	Tour	
#3 Subjects Name			Sex	Race	DOB
Address			City/Zip	Contact Number	

Part 2: List all involved officers/members, indicate the subject(s), and all the force type(s) used by numeric identifier (chart on next page, part 2a). List additional officers/members on continuation report.

Officer/Member Name	Shield Number	Force Type #	Subject # Force Used on	Supervisor on duty (If applicable)
#1				
#2				
#3				
#4				

Part 3: List all witnesses to the use of force. (If more space is need, list on continuation report).

List officers/agency members before private person witnesses. If no known witnesses, write "NO KNOWN WITNESSES" in box 1.

#1 Witness Name	Sex	Race	DOB
Address OR Agency Affiliation	City/Zip	Contact Number	
#2 Witness Name	Sex	Race	DOB
Address OR Agency Affiliation	City/Zip	Contact Number	

Part 4:

Report Prepared By	Shield #	Date/Time	Supervisor Notified	Date/Time
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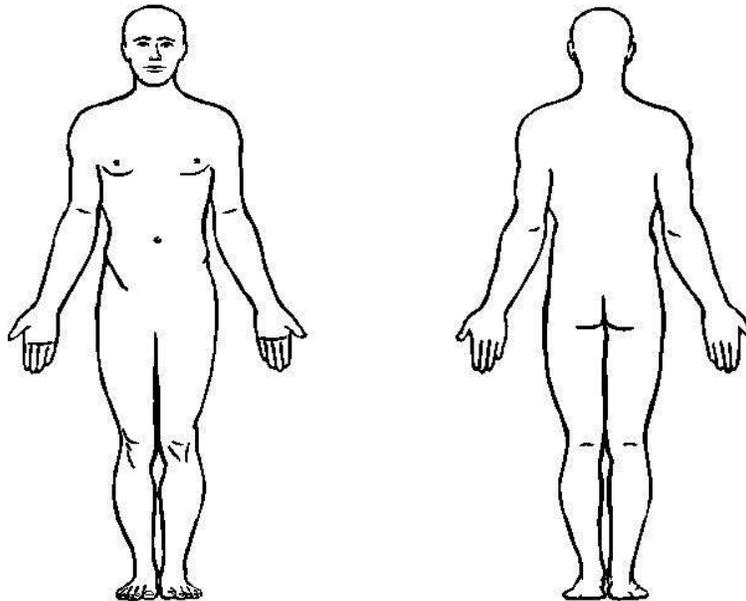
Part 2a –
 Numeric Identifiers – Type of Force Used

Use the appropriate numeric identifier.

LEVEL 1 FORCE TYPE (Lowest)			
1	A weaponless control hold technique is applied; Escort (elbow); Twist lock; Arm-bar; bent wrist	3	On -duty firearm discharged to dispatch an injured animal
2	A weaponless defense technique applied to a vulnerable area (e.g. shoulder grab, pressure point, control tactics). Excludes strikes	4	Intentionally pointing a firearm at a person
LEVEL 2 FORCE TYPE			
5	Taser (ECW) deployment – probes penetrate skin, push stun	8	Chemical Agent deployed (OC Spray) with contact
6	Taser (ECW) deployment – probes miss	9	Chemical Agent deployed (OC Spray) no contact
7	Weaponless strikes using punches and kicks	10	Non-strike use of Asp/Baton
LEVEL 3 FORCE TYPE			
10	Impact weapon (Asp/Baton) with contact to person	12	Strike to the head – other than an intentional strike to head with Impact Weapon
11	Police K9 bites clothing, skin, or injures person	13	Any use of force resulting in injury (other than level 4)
LEVEL 4 FORCE TYPE (Highest)			
14	Potentially lethal firearm discharge	17	Unintentional firearm discharge regardless of injury
15	Force resulting in death	18	Carotid Restraint (with or without loss of consciousness)
16	Force creating substantial risk of causing death	19	Other Level 4 use of force used: describe in narrative

Use the diagram below, if appropriate, and mark and “X” and the numeric identifier.
 Indicate where on the body the force was used (e.g. “X – 10”)

Subject #1



VILLAGE OF BREWSTER POLICE DEPARTMENT

POLICY #315

COMMUNITY RELATIONS

DATE ISSUED
01/01/2010

DATE EFFECTIVE
01/01/2010

DATE REVISED
12/01/2020

PAGE 1 OF 2

315.1 PURPOSE

To establish a standard policy and procedure with guidelines for community relationship-building.

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

- Hate Crimes Policy
- Communications with Persons with Disabilities Policy
- Suspicious Activity Reporting Policy

315.2 POLICY

It is the policy of the Village of Brewster Police Department to promote positive relationships between members of the Department and the community by treating community members with dignity and respect, developing relationship-building communication and by making relevant policy and operations information available to the community in a transparent manner.

315.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships.
- (b) Become reasonably familiar with schools, businesses and community groups in the village.
- (c) Work with community members to identify issues and assist in problem solving community relations and public safety.
- (d) Conduct periodic foot patrols to facilitate interaction with community members.

315.4 INFORMATION SHARING

The Police Chief will work to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in the Department operations, comments, feedback, positive events, etc.) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings
- (b) Social Media
- (c) Department website postings

315.5 SAFETY AND OTHER CONSIDERATIONS

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

315.6 COMMUNITY ADVISORY COMMITTEE

The Police Chief may establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses,

social service organizations, etc.). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

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

The Police Chief may, at his/her discretion, include the committee in the evaluation and development of policies and procedures and may ask them to review certain policies for the purpose of providing recommendations regarding various Department related operations or concerns as appropriate.

315.6.1 LEGAL CONSIDERATIONS

The Police Chief will work with the Mayor and/or Village Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and or any other associated obligations or procedures.

315.7 TRAINING

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

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

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

VILLAGE OF BREWSTER POLICE DEPARTMENT

POLICY #316

BIAS-BASED POLICING			
DATE ISSUED 01/01/2010	DATE EFFECTIVE 01/01/2010	DATE REVISED 12/01/2020	PAGE 1 OF 1

316.1 PURPOSE

To provide guidance to members that affirms the Village of Brewster Police Department's commitment to policing that is fair, objective and fosters mutual respect and cooperation between law enforcement and members of all racial, identity and cultural groups.

316.1.1 DEFINITIONS

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

316.2 POLICY

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

316.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited. However, nothing in this policy is intended to prohibit an Officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specify unlawful incidents, specific criminal patterns or specific schemes.

316.4 MEMBER RESPONSIBILITIES

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

316.5 TRAINING

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

The Police Chief will discuss any concerns with the involved Officer in a timely manner and document the incident as well. Prompt and reasonable steps will be made to address any retaliatory action taken against any member of this Department who discloses information concerning bias-based policing.

VILLAGE OF BREWSTER POLICE DEPARTMENT

POLICY #318

COMMUNICATIONS WITH PERSONS WITH DISABILITIES

DATE ISSUED
01/01/2010

DATE EFFECTIVE
01/01/2010

DATE REVISED
12/01/2020

PAGE 1 OF 3

318.1 PURPOSE

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

318.2 POLICY

It is the policy of the Village of Brewster Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees, have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities. This Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

318.3 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this Department should consider all information reasonably available to them when determining how to communicate and interact with an individual with a disability. Members must make efforts to communicate effectively with individuals with disabilities.

Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. Some factors may include, but are not limited to:

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

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

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

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever aids and services that are reasonably available under the circumstances. This may

include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter.

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

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairments are protected during a custodial interrogation, this Department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter.

318.4 REPORTING

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

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

318.5 FIELD ENFORCEMENT

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

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

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

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

318.6 COMPLAINTS

This Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this Department are able to do so. This Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the Police Chief into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

318.7 TRAINING

To ensure that all members who may have contact with disabled individuals are properly trained, the Department will provide periodic training that should include, but not be limited to:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreter related equipment

The Police Chief shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including those who are deaf, are hard of hearing, have impaired speech or vision or are blind. The Police Chief shall maintain records of all training provided and will retain a copy in each member's training file.

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VILLAGE OF BREWSTER POLICE DEPARTMENT

POLICY #319

FIRST AMENDMENT ASSEMBLIES

DATE ISSUED
01/01/2010

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PAGE 1 OF 5

319.1 PURPOSE

The purpose of this policy is to provide guidance for responding to public assemblies or demonstrations.

319.2 POLICY

The Village of Brewster Police Department respects the rights of people to peaceably assemble. It is the policy of this Department not to unreasonably interfere with, harass, intimidate, or discriminate against persons engaged in the lawful exercise of their rights, while as preserving the peace, protecting life and preventing the destruction of property.

319.3 GENERAL CONSIDERATIONS

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

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

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

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

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

319.3.1 PHOTOGRAPHS, VIDEO RECORDINGS AND OTHER INFORMATION

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

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

319.4 UNPLANNED EVENTS

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

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

Initial assessment information should be promptly communicated to the Police Chief and/or supervisor on duty. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members.

319.5 PLANNED EVENT PREPARATION

For planned events, comprehensive operational plans should be developed.

319.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include, but is not limited to:

- (a) Information obtained from outreach to group organizers or leaders
- (b) Information about past and potential unlawful conduct associated with the event, similar events, or attendees
- (c) The potential time, duration, scope and type of planned activities
- (d) Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests

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

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

319.6 OPERATIONAL PLANS

An operational planning team consisting of the Police Chief and their designee with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operation plan may include, but not be limited to:

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

319.6.1 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned supervisor should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated.

319.7 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

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

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

When initial attempts at verbal persuasion are unsuccessful, the Police Chief or the authorized designee should make a clear, standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in

different languages as appropriate, made from multiple locations in the affected area and documented by audio and video, if possible. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

319.8 USE OF FORCE

Use of force is governed by current Department policy and applicable law (see the Use of Force and Handcuffing, Control Devices and Restraints policies). Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Police Chief or designee shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER (TM)s should be considered only when the participants' conduct reasonably appears to present the potential to harm Officers, themselves or others, or will result in substantial property loss or damage (see Control Devices Policy#305).

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

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

319.9 ARRESTS

The Village of Brewster Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest. Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Police Chief or the authorized designee. There must be probable cause for each arrest. If employed, mass arrest protocols should fully integrate:

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

319.10 MEDIA RELATIONS

The Police Chief should use all available avenues of communication, including press releases, briefings, press conferences and social media, to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event.

319.11 DEMOBILIZATION

When appropriate, the Police Chief or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required

reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

319.12 POST EVENT

The Police Chief or his designee member to assemble full documentation of the event, to include:

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

319.12.1 AFTER-ACTION REPORTING

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

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

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VILLAGE OF BREWSTER POLICE DEPARTMENT

POLICY # 321

CRISIS INTERVENTION INCIDENTS

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PAGE 1 OF 3

321.1 PURPOSE

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

321.1.1 DEFINITIONS

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including but not limited to an increase in the symptoms of mental illness despite treatment compliance; noncompliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

321.2 POLICY

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

321.3 SIGNS

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

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

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

321.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

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

321.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to Officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an Officer's authority to use reasonable force when interacting with a person in crisis. Officers are reminded that mental health issues, mental health crises and unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration, depending on the circumstances. An Officer responding to a call involving a person in crisis should:

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

321.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis. Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

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

Responding Officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.

- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

321.7 INCIDENT ORIENTATION

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

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her Medication.
- (b) Whether there have been prior incidents or suicide threats/attempts, and whether there has been previous Police contact.
- (c) Contact information for a treating physician or mental health professional. Additional resources and a supervisor should be requested as warranted.

321.8 SUPERVISOR RESPONSIBILITIES

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

- (a) Attempt to secure appropriate and sufficient resources, including but not limited to mental health professionals and trained Crisis Management personnel.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Police Chief.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

321.9 INCIDENT REPORTING

Officers engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances. Officers having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to Department reporting procedures or other official mental health or medical proceedings.

VILLAGE OF BREWSTER POLICE DEPARTMENT

POLICY # 400

RECRUITMENT AND SELECTION

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PAGE 1 OF 4

400.1 PURPOSE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. It is not meant to address all specific recruitment or hiring endeavors or identify every required training topic.

400.2 POLICY

In accordance with applicable federal, state, and local law, the Village of Brewster Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. This Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law. This Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

400.3 RECRUITMENT

The Police Chief, in conjunction with the Village of Brewster Mayor, will be responsible for the recruitment and selection of Village of Brewster employees. The Police Chief should employ a comprehensive strategy to employ candidates who are already as certified Police Officer by the Department of Criminal Justice System (DCJS). The Police Chief, at his/her discretion, may recruit candidates who have completed and passed the New York State Police Officer/Sheriff Civil Service examination without having received formal Police Officer training. Selection of employees will be made by a qualified and diverse pool of candidates.

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

400.4 SELECTION PROCESS

Upon confirmation of the certification by DCJS designating Police Officer status, the Police Chief shall actively strive to identify the candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, this Department shall employ a screening, background investigation and selection process that assesses cognitive and physical abilities and may include review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization

- documents (if applicable). This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes
- (e) Criminal history record check
 - (f) Oral interview with Police Chief

400.5 BACKGROUND INVESTIGATION

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

Elements of the background investigation will include verification of employment, education and residences; interviews with previous and current employers, family members, neighbors, social contacts, provided references, developed references and organizations; and review of credit history, military records, and other public records searches.

400.5.1 NOTICES

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

400.5.2 STATE NOTICES

Every applicant disqualified due to facts discovered during the background investigation by the Village of Brewster Police Department will be provided a written statement specifying the reasons for the disqualification and allowed an opportunity for rebuttal (Civil Service Law § 50).

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

400.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Police Chief should not require candidates to provide passwords, account information or access to password-protected social media accounts. The Police Chief can consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

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

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

400.5.4 RECORDS RETENTION

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

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

400.5.5 DOCUMENTING AND REPORTING

The Police Chief will maintain all documentation pertaining to the potential employment of all candidates. The file shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions

400.6 DISQUALIFICATION GUIDELINES

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

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

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

400.7 EMPLOYMENT STANDARDS

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

Validated, job-related and nondiscriminatory employment standards shall be established and shall minimally identify the training, abilities, knowledge and skills required to perform an Officer's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation.

400.7.1 STANDARDS FOR POLICE OFFICERS

Candidates shall meet the following minimum standards:

- (a) Free of any felony convictions
- (b) Citizen of the United States or permanent resident alien eligible for and has applied for citizenship
- (c) At least 21 years of age
- (d) Fingerprinted for local, state and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation
- (f) High School graduate, passed the GED or obtained a two-year, four year or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional or mental condition which might adversely affect the exercise of Police powers

- (h) Candidates must also satisfy the Municipal Police Training Council (MPTC) selection requirements

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

400.8 PROBATIONARY PERIOD

The Police Chief will assess the following conditions during probationary periods, to include but not be limited to:

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

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VILLAGE OF BREWSTER POLICE DEPARTMENT

POLICY # 401

DISCRIMINATORY HARASSMENT

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PAGE 1 OF 5

401.1 PURPOSE

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

401.2 POLICY

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

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

401.3 DEFINITIONS

Definitions related to this policy include:

401.3.1 DISCRIMINATION

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

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

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

401.3.2 RETALIATION

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

401.3.3 DISCRIMINATORY HARASSMENT

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

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

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

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

401.3.4 ADDITIONAL CONSIDERATIONS

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

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

401.3.5 UNLAWFUL DISCRIMINATORY PRACTICES AGAINST NON-EMPLOYEES

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

401.4 RESPONSIBILITIES

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

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct, or known violations of this policy to a supervisor or the Police Chief. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of

command and make the report to a higher-ranking supervisor, Police Chief or the Village of Brewster Mayor.

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

The Police Chief and/or any supervisors receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

401.4.1 COMPLAINTS OF SEXUAL HARASSMENT

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

401.4.2 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, Police Chief or Village of Brewster Mayor for further information, direction or clarification.

401.4.3 RESPONSIBILITIES/ROLE OF SUPERVISORS AND THE POLICE CHIEF

The responsibilities of the Police Chief and supervisors shall include but are not limited to (Labor Law § 201-g):

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

The Police Chief and supervisors shall be aware of the following:

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

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

401.5 INVESTIGATION OF COMPLAINTS

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

401.5.1 POLICE CHIEF RESOLUTION

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

401.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted. The Police Chief will be the designee for all formal investigations, unless otherwise delegated at the discretion of the Police Chief.

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

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

Members who believe they have been discriminated against, or harassed or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Police Chief or the Village of Brewster Mayor.

401.5.3 INVESTIGATING COMPLAINTS OF SEXUAL HARASSMENT

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

401.5.4 ALTERNATIVE COMPLAINT PROCESS

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

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

401.6 DOCUMENTATION OF COMPLAINTS

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

- (a) Approved by the Police Chief or the Village of Brewster Mayor depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

401.6.1 NOTIFICATION DISPOSITION

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

401.7 POSTING OF POLICY

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

401.8 TRAINING

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

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

VILLAGE OF BREWSTER POLICE DEPARTMENT

POLICY #402

ANTI-RETALIATION

DATE ISSUED
01/01/2010

DATE EFFECTIVE
01/01/2010

DATE REVISED
12/01/2020

PAGE 1 OF 2

402.1 PURPOSE

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

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

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

402.2 POLICY

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

402.3 RETALIATION PROHIBITED

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

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

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

402.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor or the Police Chief.

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

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

402.5 POLICE CHIEF/SUPERVISOR RESPONSIBILITIES

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

The responsibilities of the Police Chief and supervisors include, but are not limited to:

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

402.6 WHISTLE-BLOWING

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

402.7 RECORDS RETENTION AND RELEASE

The Police Chief shall ensure that documentation of investigations is maintained in accordance Department policy.

402.8 TRAINING

This policy should be reviewed with each new member.

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

VILLAGE OF BREWSTER POLICE DEPARTMENT

POLICY #403

PERSONNEL COMPLAINTS

DATE ISSUED
01/01/2010

DATE EFFECTIVE
01/01/2010

DATE REVISED
12/01/2020

PAGE 1 OF 7

403.1 PURPOSE

This policy provides guidelines for reporting, investigating and disposition of complaints regarding the conduct of the Village of Brewster Police Department employees. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or by any other member, nor shall this policy apply to a criminal investigation.

403.2 POLICY

The Village of Brewster Police Department takes seriously all complaints regarding the services provided by the Department and conduct of its members.

This Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law and municipal and county rules.

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

403.3 PERSONNEL COMPLAINTS

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

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

During the investigation, all Officers will be interviewed. Statements from any witness will also be made verbally and in writing.

All complaints will be handled with respect and promptly given to the Police Chief. The Police Chief will then conduct an investigation regarding the matter. The Police Chief will take all alleged misconduct seriously and take reasonable steps to prevent future occurrences of any misconduct by said member (if applicable).

403.3.1 COMPLAINT CLASSIFICATION

During the investigation, all Officers will be interviewed. Statements from any witness will also be made verbally and in writing.

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

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

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

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

403.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

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

403.4 AVAILABILITY AND ACCEPTABLE OF COMPLAINTS

Personnel complaint forms will be available at the Village of Brewster Police Department.

All complaints will be courteously accepted by any Department member and promptly given to the appropriate supervisor or Police Chief. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor or the Police Chief. If a supervisor or the Police Chief is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor or Police Chief to contact the complainant. The Police Chief or a supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate. Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

403.5 DOCUMENTATION

The Police Chief or a supervisor shall ensure that all formal and informal complaints are documented. The Police Chief or supervisor shall ensure that the nature of the complaint is defined as clearly as possible. The complaint will be forwarded to the Police Chief, if applicable, for endorsement and retention.

403.5 ADMINISTRATIVE INVESTIGATIONS

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the Police Chief, unless delegated otherwise by the Police Chief or, unless the Police Chief is the

complainant, or the Police Chief is the accused or has any personal involvement regarding the alleged misconduct. The Police Chief may direct that another supervisor investigates any complaint.

The Police Chief or supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation. The responsibilities may include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Police Chief, who will initiate appropriate action (if applicable).
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately. If the matter is resolved and no further action is required, the Police Chief or supervisor will note the resolution on a complaint form to be filed in the members' official personnel file.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Police Chief will be notified as soon as practicable.
- (e) Investigating a complaint as follows:
 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses
 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken (if applicable)
- (f) Ensuring that the procedural rights of the accused member are followed.
- (g) Ensuring interviews of the complainant are generally conducted during reasonable hours.

403.5.1 ADMINISTRATIVE INVESTIGATION PROCEDURES UNDER CIVIL SERVICE LAW

Whether conducted by the Police Chief or supervisor, the following applies to employees covered by Civil Service Law (Civil Service Law § 75):

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Village of Brewster Police Department or other reasonable and appropriate place
- (c) No more than two interviewers should ask questions of an accused employee
- (d) Prior to any interview, an employee should be informed of the nature of the investigation
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a Garrity advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include

- conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications)
- 2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor
- (h) All employees subjected to interviews that could result in discipline have the right to have a certified or recognized union representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
 - 1. The employee shall be informed in advance and in writing of the right to representation
 - 2. If the employee is unable to find representation within a reasonable time, the interview will proceed
- (i) All employees shall provide complete and truthful responses to questions posed during interviews.
- (j) No employee may be compelled to submit to a psychological stress evaluator examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Labor Law § 735).

403.5.2 ADMINISTRATIVE INVESTIGATION PROCEDURES FOR EMPLOYEES

Whether conducted by the Police Chief, a supervisor or designee, the following applies to employees:

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

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

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

403.5.3 NOTICE OF CHARGES

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

403.5.4 NOTICE OF CHARGES

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

Introduction - Include the identity of the members, the identity of the assigned investigator(s), the initial date and source of the complaint

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

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

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

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

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

403.5.6 DISPOSITIONS

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

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

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

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

Substantiated - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the Police Chief shall take appropriate action with regard to any additional allegations.

403.5.7 COMPLETION OF INVESTIGATIONS

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

403.5.8 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

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

403.6 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct. Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

403.7 ADMINISTRATIVE LEAVE

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

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

403.8 CRIMINAL INVESTIGATION

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

The Police Chief shall be notified as soon as practicable when a member is accused of criminal conduct. The Police Chief may request a criminal investigation by an outside law enforcement agency. A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation. No disciplinary action should be taken until an independent administrative investigation is conducted.

403.9 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Police Chief (unless the investigation was handled by Police Chief). The Police Chief may accept or modify any classification or recommendation for administrative action.

403.9.1 POLICE CHIEF'S RESPONSIBILITIES

Upon receipt of any written recommendation for administrative action by a supervisor/investigator, the Police Chief shall review the recommendation and all accompanying materials. The Police Chief may modify any recommendation and/or may return the file to the supervisor/investigator for further investigation or action.

Once the Police Chief is satisfied that no further investigation or action is required by staff, the Police Chief shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary

action is proposed, the Police Chief shall provide the employee with a written notice that includes the reasons for the proposed disciplinary action and a copy of the charges (Civil Service Law § 75).

The employee shall be given an opportunity to respond in writing to the Police Chief within eight days of receiving the notice. Upon a showing of good cause by the employee, the Police Chief may grant a reasonable extension of time for the employee to respond. Once the employee has completed his/her response, or if the employee has elected to waive any such response, the Police Chief shall consider all information received in regard to the recommended discipline. The Police Chief shall render a timely written decision to the employee and specify the grounds and reasons for discipline and the effective date of the discipline.

403.10 PRE-DISCIPLINE EMPLOYEE RESPONSE

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

- (a) The response is not intended to be an adversarial or formal hearing
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Police Chief to consider
- (d) In the event that the Police Chief elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Police Chief on the limited issues of information raised in any subsequent materials

403.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

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

403.12 POST-DISCIPLINE APPEAL RIGHTS

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

403.13 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

Probationary members may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Police Chief and/or designee. In cases where an individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate, the probationary period may be extended at the discretion of the Police Chief.

403.14 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained by the Police Chief.



VILLAGE OF BREWSTER POLICE DEPARTMENT
208 Main Street
Brewster, NY 10509
914-804-8442

Quality of Service Evaluation Form

Instructions: Share your thoughts and opinions about the Village of Brewster Police Department. We encourage you to provide feedback about any recent experience you have had or interaction with its member(s). The information you offer is appreciated and will be used to improve the quality we provide. Please complete as many of the below fields as possible so that we can properly evaluate your comments. *(Personal information will not be disclosed to the public, unless required law).*

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

Information about you:

Last Name: _____ First Name: _____ DOB: _____

Street Address: _____ City: _____ State: _____ Zip: _____

Home Phone: _____ Cell Phone: _____ Male Female

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

Last Name: _____ First Name: _____ DOB: _____

Street Address: _____ City: _____ State: _____ Zip: _____

Home Phone: _____ Cell Phone: _____ Male Female

What is their relationship to you? _____

Village of Brewster Police Department Officer Information:

Name and Badge #: _____ Car number: _____

Name and Badge #: _____ Car Number: _____

Provide your comments in the space provided below. Please provide if you'd like to be contacted:

*Email completed form to police@brewstervillage-ny.gov OR print and mail to the address listed above. Forms may also be hand delivered.

FOR DEPARTMENT USE ONLY

Date and Time Received:

Initials:



VILLAGE OF BREWSTER POLICE DEPARTMENT
APPLICATION FOR PUBLIC ACCESS TO RECORDS
PURSUANT TO THE FREED OF INFORMATION LAW (FOIL)
(Article 6, N.Y. Public Officers Law)

Department Use Only
Stamp date application received

PLEASE PRINT OR TYPE INFORMATION

I hereby apply to inspect the following records (BE SPECIFIC):

The records pertain to the following person(s) (circle title if applicable):

Defendant/Complainant/Driver

Defendant/Complainant/Driver

The records (check one): DO pertain to me personally
 DO NOT pertain to me personally

Date of incident: _____

Place of incident: _____

Description of incident: _____

Reason for request: _____

Are the requested records a list of names and addresses that will be used for commercial or fund-raising purposes? YES NO

- CONTINUED ON NEXT PAGE -

FEE NOTICE: The Village of Brewster Police Department may charge photocopy fees and postage, payable in advance, for copies of records furnished hereunder, as authorized by law.

APPLICANT INFORMATION

_____	_____
Name (Print)	Signature
_____	_____
Title	Representing
_____	_____
Mailing Address	City, State, Zip
_____	_____
Daytime Telephone Number	Date

Preferred delivery method (check one):

- _____ Applicant requests copy(ies) of record(s) via mail
- _____ Applicant requests copy(ies) of record(s) fax
- _____ Applicant requests digital copy(ies) of record(s) via e-mail
- _____ Applicant will pick up copy(ies) of record(s) when available
- _____ Applicant will inspect the record(s). No copy(ies) requested

_____ Request Approved	
_____ Request Approved with portion (s) redacted	
_____ Request Denied	
_____ Insufficient data to perform search	
_____ Record(s) is/are not maintained by this Department	
_____ Records (s), after a diligent search, cannot be found	
_____ Request acknowledged. Approximate date on which determination is expected to issue: _____.	

Signature of Officer accessing records	_____
	Date