

Town of Marlborough Police Reform Committee

Report of Findings and Recommendations

February 10, 2021



AL LANZETTA

Supervisor

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TOWN OF MARLBOROUGH

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On behalf of the people of the Town of Marlborough, it is my honor and responsibility to present The Town of Marlborough Police Reform Committee's Report on Findings and Recommendations to the Governor of New York, the Honorable Andrew Cuomo.

In response to the Governor's call, issued in 2020 through Executive Order 203, the Town of Marlborough undertook the effort to call together a diverse group of stakeholders to examine Police Department Policy and operating procedures. The Marlborough Police Reform Committee was able to determine the practices that served the community and identify ways to improve services that might lead to the better protection of the health, safety and welfare of a growingly diverse public.

Having been a member of that Committee, I can attest to the seriousness, earnestness, and transparency with which this group comported itself. The findings and recommendations will be incorporated into Town Policy and we will continue to reach out in our efforts to educate ourselves and others to the needs of our Community.

Sincerely,

A handwritten signature in blue ink, appearing to read "Al Lanzetta".

Al Lanzetta
Supervisor

Police Reform Executive Order

This document was created by the Town of Marlborough Police Reform Committee in response to **Governor Cuomo's Executive Order 203** which declared that every municipality with a police agency "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."

With this directive in mind, the town board worked with the Chief of Police to assemble a committee of community members, clergy, town elected officials, members of the town police department and county level representatives hailing from the offices of the District Attorney and Public Defender.

The New York State Police Reform and Intervention Collaborative Resources and Guide for Public Officials and Citizens document laid out a seven step process to guide communities. To the extent possible the committee followed or will follow these steps. They are:

- **Review the needs of the community and evaluate the department's policies and practices.**
- **Establish policies that allow police to effectively and safely perform their duties.**
- **Involve the entire community in the discussion.**
- **Develop policy recommendations resulting from this review.**
- **Offer a plan for public comment.**
- **Present a plan to the local legislative body to ratify or adopt it.**
- **Certify the plan to the state.**

Committee Members

Gerald Cocozza

Town of Marlborough, Chief of Police

Barbara Arrindell

Community Member

Howard Baker

Town of Marlborough, Town Councilman, Police Liaison

Stephanie Kaplan

Ulster County Public Defender's Office

Al Lanzetta

Town of Marlborough, Supervisor

Jeff Magliato

Community Member

Ed Molinelli

Town of Marlborough, Town Councilman, Police Liaison

Justin Pascale

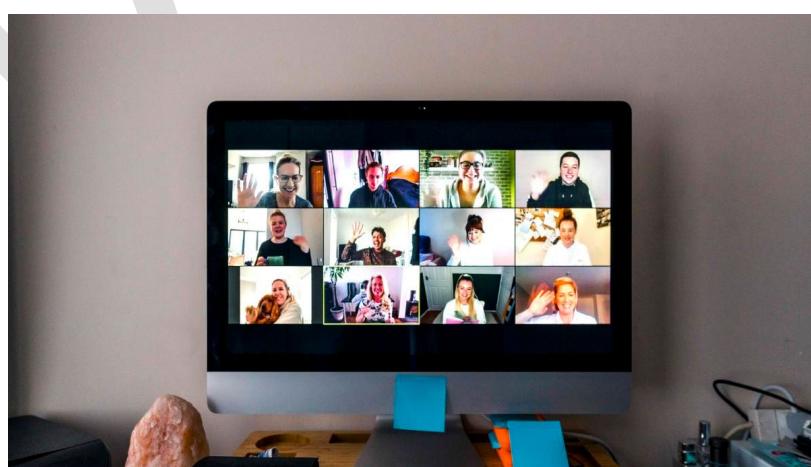
Town of Marlborough Police Sergeant

Vincent Porcelli

Community Member, Deacon, St Mary's Catholic Church, Marlboro

William Weishaupt

Ulster County District Attorney's Office



LETTER FROM THE TOWN OF MARLBOROUGH CHIEF OF POLICE



Town of Marlborough



Police Department

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In June of 2020 Governor Cuomo issued executive order 203 that required most police agencies to form a committee to review, evaluate and make changes to department policies, general police practice and functionality in light of various events that unfolded across the nation and help department to change as the community vision changes. The Town of Marlborough created such a committee and took on the task of reviewing the Marlborough Police Department Policies and operating procedures with emphasis on transparency, use of force and training (with emphasis of de-escalation training and bias training) among other policies the reform committee thought should be addressed. The daunting task was undertaken, and some great recommendations were evaluated, and changes were made.

There were many discussions and many desires to initiate new projects that would better the department and it was quickly determined that most changes and recommendations created other issues. Funding to initiate and mandate certain recommendations became prohibitive. For example, the immediate institution of body worn cameras vs a future aspiration of developing a body worn camera capability. (Something we all agreed we wanted and needed). The committee looked at funding opportunities to help fund some of the changes. The reform committee will make recommendations that will cost money and will be challenging to accommodate budgetarily. Although money should not be a reason to omit or disregard some recommendations, the department is committed to finding any available or alternative funding and allocate this funding to accomplish our goals and institute the committee's recommendations. Some of the goals and recommendations can and will be instituted immediately while others will take time to complete and incorporate.

The Department has already begun instituting some of the recommendations on its own and even before the reform committee has made those recommendations as we saw the need for improvements. Specifically, we have participated in various training, including de-escalation training, bias training, and crisis intervention training. We will continue to pursue specific trainings until such time we have trained the entire department. Moving forward we will continue to provide training to reinforce and update all the training we go through yearly. Training is a very important part of this job and keeping officers up to date and well trained makes for a more proficient, compassionate, and transparent department.

The Marlborough Police currently have policies that help resolve service and personnel complaints and we will be adding additional guidelines and procedures that will aid the public in making a complaint or bring an issue to light so that it can be resolved and help the department grow and be more transparent.

The members of the Marlborough Police Department take their job very seriously, are committed to doing their job to the best of their ability and are held to an extremely high standard of professionalism. We have many officers that have been with the department for many years and each bring a specific skill set to the department. This makes for a well-groomed team of professionals that are eager to perform to the best of their abilities and are willing to be held accountable.

The Marlborough Police are dedicated to learning from what is happening around the nation and applying these changes, so we can better learn from the community we serve. We will continue to listen and learn from the continuous input from our community members and look forward to using this input to promote the healing of the relationship between the police and the community it serves.

I want to thank my fellow committee members for the efforts put forth, the honesty and open discussion as well as the many difficult decisions that were contemplated in this review process. I believe the collaborative efforts by all will help our policies align with the community vision as we move forward and foster an ever growing relation between the police community and the community we serve and live in.

Chief Gerald T. Cocozza Jr.

Process

The committee was formed in August. Members received a copy of the existing Town of Marlborough Police Policies and Procedures document and a copy of the NYS Guidelines for Police Reform. The committee's first meeting was held on August 24, 2020, with video conferences occurring approximately twice monthly thereafter. Discussions focused on recent arrest data, operational practices, and current policies particularly those related to training, use of force, disciplinary procedures, and complaint handling. The committee determined that a survey of the community should be done to gain a better perspective of the overall community's view of the town's police force. A flyer requesting feedback was posted physically throughout the town and on the town's website and Facebook page inviting feedback (See Appendix A). A virtual public hearing was also held to gather public feedback. In all approximately a dozen community members provided written (e-mail) or verbal feedback. That feedback was discussed by the committee and helped inform its deliberations. The committee developed a set of recommendations including changes to the existing policy and procedures. The police chief wrote amendments to the policies and procedures. As required by the Police Reform Executive Order, the committee submits this report, its recommendations, and changes to the policies and procedures to the Town Board for its review and action.

Background Information

Town of Marlborough Police Department

The Marlborough Police Department functions to provide a number of services and fulfill the needs of the community. It promotes compliance with the law, assists people in need during emergencies, provides a first line of response in dangerous and unusual situations, and strives to promote a safe environment to the town's residents and visitors.

The current police force is comprised of a chief, 7 full time officers, and 19 part-time officers, and 3 full-time, and 7 part-time dispatchers. The police officers cover three shifts per day, seven days a week. Two officers cover the 11 PM to 7 AM slot, two officers are assigned to the 7 AM to 3 PM slot, and 3 are assigned to the 3 PM to 11 PM slot. In addition, during the school year, a School Resource Officer is assigned to each of the three school buildings. That equates to 64 shifts that need to be covered every week when school is in session. The full-time officers have an average of 12.5 years on the force. The part-time police officers have an average of 11.2 years of experience. The majority of the police force is male and white. One officer is Hispanic. Two Part-time officers are female. Two full-time dispatchers and 5 part-time dispatchers are female. All administrative and operational procedures of the department are described in the Town of Marlborough Police Department Rules and Regulations manual.

All officers, full-time and part-time, must successfully complete the six month Police Academy and a field training program to be considered for employment. The Police Academy (also referred to as Police Basic Training) is a certificate program organized to include learning objectives mandated by the New York State's Division of Criminal Justice Services (DCJS) state-approved police academy curriculum. Most of the Town of Marlborough police force have attended Police Academy programs offered at Ulster County or Dutchess County Community College. The Police Academy program is equivalent to 30 college credits followed by 178 hours of field training. Successful completion of the program qualifies graduates for Municipal Police Training Certification (MPTC). Once hired by the Town Board upon recommendation from the Police Chief and meeting the requirements of the civil service exam (in the case of full-time candidates) all newly hired officers go through 40 hours of on the job training prior to being assigned to active duty. No police officer works alone on any shift. Full time officers must be hired from the civil service list provided by the county. Preference is given to those candidates who live in the town or county if all other qualifications are met. Part-time officers are hired from an active pool of resumes that are received on an ongoing basis without the need to advertise. Police salaries are negotiated with the PBA and are competitive with neighboring towns.

In 2020 the police force responded to 262 motor vehicle accidents, issued 964 tickets, responded to 15,833 complaints, and performed 168 arrests. The dispatcher staff handled 19,982 calls. The breakdown of calls included 10,200 property checks, 948 school checks, 870 traffic stops, and 660 EMS assists. All of this information is reported monthly to the Town of Marlborough Town Board and recorded in the Town Board meeting minutes posted on the town's website.

To assist with mental health and emotionally disturbed persons calls the department participates in the county's Mobil Mental Health program. Mental health specialists are available from 10AM to 10PM through this program. When this service is not available or is not able to respond in a timely fashion individuals are transported to the mid-Hudson Regional Hospital in Poughkeepsie for follow-up care. To strengthen the police department's response to mental health calls one of the department's sergeants is an ambassador to the Ulster County Crisis Intervention team. This allows the department to work hand in hand with the Ulster County Mental Health unit and lobby to gain more resources for the southern part of Ulster County. The department is also participating in a new Ulster County program called ORACLE, which provides assistance on drug related mental health calls.

Use of force by the Town of Marlborough police is very limited. In the 20+ years of tenure of the current Chief of Police there has never been a fatal use of force incident. No one has ever been fired upon. The police force rarely use tasers and never use choke holds. The police force infrequently uses no-knock warrants and when they do it is coordinated with the NYS state police. Stop and frisk procedures are not used.

Disciplinary issues are handled by the sergeants or chief at the time of the incident. A written description of the incident is placed in the officer's personnel file. Written formal performance evaluations are not currently done. Complaints usually come in the form of phone calls, e-mails, or face-to-face discussions. Complaints about police behavior is rarely received.

In addition to responding to calls and complaints police department personnel are the first to appear on all EMS calls and frequently respond to car lock out calls. They provide residential security checks when requested. The SRO program and DARE programs are considered successful as they promote greater trust of the police force among our youth. The DARE program has been in existence for nearly 30 years. The police force sponsors an October Community Day, Halloween Party, and Toys for Tots drive. The PBA supports local baseball and football teams, charity drives, and contributions to DARE.

Community Feedback

The committee received responses from approximately 12 community members – mostly in the form of e-mails. The feedback is listed here in summary form. The committee's response to this feedback can be seen in the recommendations section or is covered in the police background section above.

1. Make modifications to recent bail reform legislation.
2. Assign mental health professionals to calls.
3. Police should be paid more and at least have an associate's degree.
4. Address "use of Force" with police unions who may have defended unnecessary use of force practices in the past.
5. Police should live in town.
6. It seems that just in driving by that a disproportionate number of people pulled over on Rt. 9W in our town are Hispanic or Black.
7. Our police are doing a great job in our school and across the community at large and it is underappreciated.
8. The color of patrol vehicles does not foster trust or a sense of security but rather a sense of apprehension or dread. It makes the police appear as the "enforcer" rather than members of the community.
9. Keep doing the great job you are doing.
10. Systemic racism is "BS". Police do a lot more than keep the peace – they show up for all kinds of emergencies and are underappreciated. Thank you for your service.
11. Better training is required in the use of restraint.
12. We need to provide strong support for our police force and strengthen our Law and Order image.
13. We need to make sure our police force is more transparent, strives to eliminate bias, and improves community relations.
14. Overall the police force is doing a good job. Recommend unmanned cars be parked in various locations around town to deter crime.

Arrest Data Summary

Out of concern for the ideas of unfair treatment and racial disparity, the committee reviewed arrest data in the Town of Marlborough. The Police Chief pulled arrest data from the town's police records and collected information from the other police departments that operate within Marlborough's boundaries. The data appears in the chart below.

Table 1 - Number of Arrests Town of Marlborough – Most Recent Data

	Total # of Arrests	White Arrests	Black Arrests	Hispanic Arrests
Town of Marlborough 1/1/19 -8/25/2020	294	181	78	35
UC Sheriff's Dept. 2019 and 2020	12	6	4	2
NYS Police 1/3/2019 – 9/6/2020	57	32	18	7
Total	363	219	100	44

The arrest data alone without other information and context, does not provide enough information for the committee to make a determination as to whether or not arrest numbers indicate that Black and Hispanic populations are unfairly targeted or impacted by Marlborough police department action. A major factor in the committee's inability to make a determination as to racial unfairness using the arrest numbers is the fact that the town includes the state's Rt. 9W thoroughfare. Information from the Ulster County Planning department indicates 16,000 to 30,000 people may traverse this corridor on a daily basis. This is a far higher number than people who reside in the town. Many arrests in Marlborough are traffic related and take place along this state road. The racial makeup of the pool of people from which arrests are made in Marlborough is not known. Therefore a comparison of arrests by race to the racial breakdown of the town does not provide an accurate measure to determine if particular races are unfairly negatively impacted.

This committee however recognizes the reality of implicit bias within the human condition and the impact such bias has on all aspects of life including the act of policing. The recommendations suggested by this committee for improving the police function by the town's police incorporate this idea.

Recommendations

1. Use of Force/Crisis Intervention – The main impetus for the police reform program was to review “use of force” practices by the local police force. Although we do not believe a problem exists in Marlborough regarding use of force we are recommending that the following sections of our Policies and Procedures manual be reviewed and updated and strengthened where necessary.
 - a. Update Policy and Procedures sections:
 - i. 3.22 Use of Physical Force – Significant updates were made to this section to reflect new policies regarding use of force put forth by the NYS Department of Criminal Justice Services (DCJS).
 - ii. 3.23 Non-Lethal Weapons – Reviewed and determined no updates were necessary.
 - iii. 3.24 Deadly Physical Force - Extensive updates were made to this section to reflect new policies put forth by the NYS DCJS on the use of deadly physical force.
 - iv. 3.25 Shotguns - Reviewed and determined no updates were necessary.
 - v. 3.26 Patrol Rifles - Reviewed and determined no updates were necessary.
 - vi. 3.27 Tasers – Minor update to reflect current Taser model number.
 - vii. 3.28 Discharge of Firearms – Updated to reflect a new (2020) state law regarding the handling of investigations when a firearm is discharged by an officer and a civilian is injured.
 - viii. 3.34 Mentally Ill/Emotionally Disturbed Persons – Updated to reflect the use of the Mobil Mental Health Unit, the ORACLE program, and Mid-Hudson Regional Hospital for calls of this type.
 - ix. 3.45 Domestic Violence – Updated to reflect new laws regarding appearance tickets and bail procedures.
 - b. The committee feels the use of body cameras could be a critical factor in improving policing overall. The committee has looked into the cost of the individual cameras and video storage and found that it is prohibitively expensive at this time making it impossible for local police departments to fund. We would welcome the use of such technology if sufficient funding becomes available from county, state, federal or corporate grants.
 - c. We recommend putting as many officers as possible through the 5-day face-to-face Crisis Intervention Training within operational and budgetary constraints. Five officers have received the training to date.
2. Hiring
 - a. Policies and Procedures Section - 3.58 - Personnel Rules for part-time police officers. This section was reviewed and no changes were deemed necessary.
 - b. Post openings for part-time police officers in regional newspapers to build up a more diverse pool of resumes.
 - c. Support the NYS Association of Chiefs of Police in their push for civil service reform. Their efforts would provide greater flexibility in hiring a more diverse workforce and

help create a more inclusive police department. (See letter to NYS Assembly from Chief Patrick D. Phelan, Exec. Director, NYS Association of Police Chiefs – Separate Attachment).

3. Training/Arrest Data – Data for the entire county in 2018 (based on 4098 arrests which includes Marlborough arrest data) showed that 34% of the arrests countywide were people of color. There are many factors that may contribute towards that seemingly large number. Although we don't have an answer for why this discrepancy is occurring we recommend the following:
 - a. Continue to pursue additional training in the areas of implicit bias, de-escalation techniques and mental health/EDP training as soon as possible within budgetary constraints. Pursue in-person training being offered by the UC Sheriff's office and online asynchronous courses in these same areas as recommended by Chief Cocozza. To the extent possible enroll in an upcoming course being offered by the UC Sheriff's office on citizen interaction. This 40 hour course is focused on de-escalation techniques and communication and enrollees will receive certification upon successful completion of this training. This training should be received by all officers.
 - b. Policies and Procedures Section 2.07 – Training – This section will be updated to reflect the addition of Crisis Intervention and Implicit Bias training for all officers.
4. Disciplinary Procedures
 - a. Policies and Procedures Section 3.53. – Disciplinary Procedures – Reviewed and determined no updates were necessary.
5. Performance Evaluations
 - a. Reinstitute yearly written performance evaluations using updated forms from the UC Sheriff's office. See separate attachment.
 - b. Policies and Procedures Section 2.26 – Replace this section to reflect the new performance evaluation forms and associated processes.
 - c. Include as a performance measurement the concept of treating all people without bias regarding any personal characteristic based on the circumstances the officer encounters.
6. Complaint Handling
 - a. Provide an easily accessible form for providing anonymous feedback and complaints regarding police operations and department personnel via town website and/or Police Facebook and that can be submitted via email, mail, fax, or in person. See separate attachment.
 - b. Policies and Procedures Section 2.15- Complaint Handling - Updates have been made to this section to clarify the complaint handing process and the new complaint form.
7. Community Relations/Transparency
 - a. Post the updated Town of Marlborough Police Policies and Procedures Manual on the town's website.
 - b. Add reporting of Use of Force statistics to monthly reports submitted to the town board by the police chief. (Already in place).
 - c. Consider painting the police emblem on the side of police cars white so that police cars are more recognizable and less foreboding.
 - d. Policies and Procedures Section 2.13 – Community Relations/Crime Prevention – This section will be updated to reflect community relations programs in effect. They include:
 - i. DARE Program

- ii. SRO Program including School Reading Program
- iii. Bicycle/Pedestrian Safety Program
- iv. Child ID Kits
- v. Gun Safety for Children
- vi. Marlborough police station tours
- vii. Child Safety/Car Seat Installation
- viii. DWI Prevention
- ix. Residence Checks/Business Checks
- x. Vehicle Lockouts
- xi. Drug Dropoff Box
- xii. Safe Internet Sales Location at Police Station
- xiii. Addiction Referrals

8. Police Recognition and Support – We believe showing strong support for the police department is a priority. We must do it in a way that fosters trust and builds respect for our officers. It must **not** be done in a way that puts forth a feeling that the police department are enforcers antagonistic to our community. Our police force must always strive to improve its relationship with our community and the feedback we've received shows that the town of Marlborough Police Department is doing just that.

Appendix A – Flyer Used to Gain Community Feedback

**The Town of Marlborough Police Reform and Reinvention Committee
is looking for your input and Recommendations.**

This is a special committee that was formed based on Governor Andrew Cuomo's executive order to explore the rules, regulations and operating procedures of the Town of Marlborough Police Department in efforts to create more transparency, eliminate any potential racial bias and improve the overall community relationship with the citizens the department serves.

The committee is looking for any input from community members, good or bad, that the community would like to share. The information will be used to shape the future of the department. Information can be relayed anonymously if preferred and will be kept confidential.

All responses must be received by November 15, 2020.

By phone or email:

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