

**TOWN OF LEWISBORO
POLICE DEPARTMENT
REFORM AND
REINVENTION PLAN**

NY Executive Order 203

On June 12th, 2020 Governor Andrew Cuomo signed NYS Executive Order 203 (EO203), requiring each local government in the State of New York to adopt a reform and reinvention plan by April 1st, 2021.

EO203 suggests that the Town consider several evidence-based policing reform and reinvention strategies. Additional procedures and policies were evaluated for the Lewisboro Police Department, along with other topics mentioned in the NYS Reform and Reinvention Collaborative Guide.

Pursuant to the directives of EO203 and subsequent guidance provided by New York State (NYS), the Lewisboro Police Department (LPD) has conducted a comprehensive review of its existing policies and procedures. The LPD, following guidelines established by the NYS Municipal Police Training Council, created and maintains a Policy Manual which is regularly reviewed and updated to reflect changes in legislation, case law, federal and state guidelines and policing best practices. Many of the policies/practices at issue were previously addressed in the policy manual or promptly addressed in updates.

Introduction

The Town Supervisor of the Town of Lewisboro, along with the Town Board, have submitted this plan pursuant to EO203. This plan was developed after a comprehensive review of policing deployments, strategies, policies, procedures and practices and in consultation with community stakeholders during the entire reform and reinvention process. This plan will ensure the LPD improves its community-oriented approach to policing strategies, while addressing any acts and/or potential racial disparities in the Town of Lewisboro.

In accordance with the mandates of EO203 and guidance provided by NYS relating to the Executive Order, the Town has engaged in a collaborative effort with a broad range of community stakeholders through several different forums. Most importantly, Supervisor Parsons established the 12 member Town of Lewisboro Committee on New York State Police Reform and Reinvention.

The LPD actively participated in this collaborative effort while conducting a full review of LPD policies and procedures. As a result of changes in legislation and the input from town residents and groups, the LPD has made important and broad-based modifications to its policies and procedures. This plan reflects the Town of Lewisboro and Lewisboro Police Department's unwavering commitment to serving all people both equally and

fairly. The Town is committed to improving upon this already strong foundation and will continue to promote fairness, transparency, trust, and legitimacy while working toward reducing and eliminating any racial disparities.

Acknowledgment

Town Supervisor Peter Parsons would like to acknowledge and thank the many community stakeholders and representatives who actively participated in this process in collaboration with the Incorporated Town of Lewisboro that resulted in the formation of the Lewisboro Police Reform and Reinvention Plan.

As a part of this process, the Town of Lewisboro Committee on NYS Police Reform and Reinvention held meetings on:

- September 24, 2020 – *Public Hearing*
- October 28, 2020 – *Use of force policy and procedure*
- November 30, 2020 – *Mental health & domestic violence policy and procedure*
- February 4, 2021 – *Discussion of individual policing experiences*
- March 3, 2021 – *Public hearing on draft*
- March 10, 2021 – *Meeting to finalize plan*

RESOLUTION ADOPTED BY THE TOWN BOARD OF THE TOWN OF LEWISBORO AT MEETINGS HELD ON AUGUST 17, 2020 & SEPTEMBER 14, 2020 RESOLUTION

RESOLVED, that the Town Board moved to establish the Police Committee on Reform and Reinvention subject to Governor Cuomo's Executive Order 203, and be it further

RESOLVED, that this Committee should have finished its work early in 2021, and be it further

RESOLVED, that the Town Board appointed the following members to the committee:

- Patti D'Agostino -- President of the Board of Directors for New Dawn
 - David Alfano -- Lewisboro Police Chief
 - Andrew Llewellyn -- Lewisboro Police Sergeant
 - Gregory Monteleone -- Lewisboro Town Prosecutor
 - Moira Morrissey -- Chief Executive Officer of Four Winds Hospital
 - Peter Parsons -- Town Supervisor
 - Andrea Rendo -- Attorney and Town Resident
 - Ron Ross -- Current Town Resident Retired School Superintendent
 - Steven Siciliano -- KLSD High School Principal
 - Richard Sklarin -- Attorney and Town Resident
 - Charlotte Biancone -- Ex-Town Employee and Current Town Resident
 - Nikki Edleman -- Local Pastor
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Public Comment Request

Pursuant to New York State Executive Order 203, the Town of Lewisboro has formulated a draft Police Reform and Reinvention Collaborative Plan for public review and comment before its submission for approval to NYS, on or before April 1, 2021. We value your input and invite you to review the draft and forward any comments and/or input which may be submitted on a confidential and anonymous basis as follows:

Email: PoliceReform@LewisboroPD.com

Mail: [LPD Police Reform • 79 Bouton Road • South Salem, NY 10590](#)

Phone: [914-763-8903](tel:914-763-8903)

Web: <https://www.lewisborogov.com/contact>

Staffing

The LPD has been serving the Town of Lewisboro since 1956. Currently LPD consists of three full-time and 10 part-time sworn members. The Department is comprised of an Administration Division, Patrol Division, Community Policing Unit and Canine Unit.

Community-Oriented Policing and Public Trust

The Lewisboro Police Department strives to be the epitome of community policing. All officers on patrol are well-versed in community policing practices on a daily basis to foster positive relationships with residents, businesses, and visitors to the Town. These practices have served to foster open lines of communication between our police and the community. Consequently, the Department has received and acted upon information garnered through these personal contacts, as well as through social media, email, and anonymous sources.

As an integral part of its community policing philosophy, LPD currently employs three full-time officers who were born and raised in Lewisboro and attended the local schools. All three currently reside and are raising their own families in this community

The Department also maintains a presence in the community through school safety programs, such as a School Resource Officer (SRO). Additionally, officers are made available to the school district upon request, with additional officer(s) have being trained as School Resource Officers, with one in particular having a permanent post in the schools. Other examples include a K9 unit, child safety seat installation, safety day, "Coffee with a Cop", and senior citizen outreach.

Recruitment

- Under applicable law, LPD may only hire recruits and promote supervisors pursuant to New York State Civil Service law. The LPD Applicant Investigation Unit performs in-depth background investigations on potential recruits.
- Westchester County Civil Service administers tests for the titles of Police Officer, Sergeant, Lieutenant, and Chief. Following those exams, Civil Service establishes a list based on test scores, ranking the highest scoring candidate first on the list for selection.
- Town Board and police leadership recommend Westchester County and New York State reconsider existing civil service process to allow for more flexibility in hiring or explore other ways to increase opportunities to hire a more diverse police force.
- In an effort to create a more diverse Department, LPD posts information and utilizes social media platform(s) when a test becomes available.
- Westchester County Police Chief's Association has developed a recruitment video in hopes to further recruit BIPOC / LGBTQ residents of Westchester County for the upcoming 2021 entry level civil service police exam.
- Mandatory pre-employment psychological screening process for new civil service hires is conducted by a licensed professional, which can serve to screen out candidates who display and/or are potentially susceptible to any bias and/or intolerance.

Training

LPD continues its commitment to providing its officers with current, relevant and professional training on all topics regarding community policing. As part of this review process, the Police Chief has designated two specific trainings that will be an area of

focus going forward: 1) Mental Health/Crisis Intervention training/familiarization; and 2) Implicit Bias training.

Mental Health/Crisis Intervention is an initiative designed to enhance the way law enforcement and the community respond to people experiencing a mental health crisis. It is built on the development of strong partnerships between law enforcement, mental health provider agencies and advocacy groups, as well as individuals and families affected by mental illness. Crisis Intervention training consists of specialized instruction for law enforcement on how to effectively manage encounters with people experiencing behavioral health crisis due to mental illness, co-occurring substance use disorders and developmental disabilities. Topics included in this training include: signs and symptoms of mental illness, how to assess a mental health crisis, decreased need for use of force, increased officer safety, the safety and de-escalation of a mental health crisis, legal issues and confidentiality, and well as other important topics.

Implicit Bias training is designed to inform officers that bias influences everyone, while providing actionable instruction for minimizing its effects in the discharge of their daily duties. Although officers receive a bias-based policing block of instruction in the police academy, the LPD is committed to providing further training on the topic to ensure that maladaptive biases are not being used to negatively affect any individuals who interact with the LPD. The LPD has ensured that every sworn member of its staff complete an on-line course presented by the Town's insurance provider (PERMA). The LPD will consider other courses such as those provided by the Intercultural Development Inventory.

LPD Mandatory Annual Training starting 2021 :

- Domestic Violence Training
- Implicit Bias Training
- Firearms / Taser / Article 35 Use of Force Training (NYS Penal Law)
- Mental Health / Crisis Intervention Familiarization
- De-Escalation Training
- Workplace Violence, Bloodborne Pathogens, Hazard Communications, Hazwoper & Sexual Harassment Training
- Uniform In-Service Training at Westchester County Police Academy (Day 2 & Day 3) (e.g., LGBTQ community, cultural diversity, procedural and racial justice, response to persons with disabilities, officer resilience, & PTSD/Returning veterans)

LPD Supplemental Training (conducted quarterly at departmental meetings)

- 2021 legal updates to include EO203 mandates, NYS Penal Law, Civil Rights Law 50-a, Civil Rights Law 79-p, Right to Monitor, Law Enforcement Misconduct Office, as well as other legal revisions or updates which each officer is required to know.
- Use of force review, reaffirming the definition of reasonableness and necessity, misuse of force, use of force reporting and priority of life discussion.
- Ethical and moral courage and the duty to intercede/intervene.
- LPD has a zero-tolerance policy for hate crimes and incidents that are biased in nature. Officers are instructed to identify these incidents, initiate proper reporting procedures, and make the necessary notifications to appropriate special units and, if necessary, to members of the community that have a vested interest in these situations.
- Leadership, changing ourselves and our organization internally to assist in reflecting positive change on those we serve.
- Newly-acquired body worn camera system and its policy.

Department Manual

Prior to the issuing of Executive Order 203, the Town of Lewisboro had already begun a regular review of its policies and procedures. The Police Reform and Reinvention Committee was involved in several changes/inputs in topics, including Use of Force/Weapons Chapter, Domestic Violence Chapter, Mentally or Emotionally Disturbed Persons Chapter.

The newly revised LPD Department Manual will be completed by January 1, 2022. The manual will be reviewed and approved by the Town Attorney, PBA and the Town Board via resolution. The current LPD manual has been and is up to date regarding the ban on Carotid Control Holds. A new policy will be in place and effective April 1, 2021, regarding the "Duty to Intercede and Report." The new policy needs approval from the Town Attorney and PBA and requires adequate time for training all LPD officers.

Complaint Investigation and Tracking

The Lewisboro Police Department holds its members to the highest standard of professionalism and conduct as reflected in Policy (Standards of Conduct). The Department believes that multiple levels of active supervision (Sergeant, Lieutenant, and Chief of Police) ensures that its members constantly maintain the standards the community expects and appreciates. The Chief of Police is ultimately responsible for all Personnel Complaints.

- All allegations of misconduct are investigated pursuant to Policy, Personnel Complaints.
- Citizen complaints against LDP personnel may be filed in several ways:
 - through mail or email to the LPD or the Town;
 - by phone to the Police Desk or to the Town House;
 - in person at LPD HQ.
 - NYS Attorney General - <https://a.g.n.y.gov/complaint-forms>
 - Westchester County, Office of the District Attorney - <https://www.westchesterda.net/contact-us/complaint-form>
- Anonymous complaints are accepted.
- Internal Complaints may be initiated by a member of the Department. Policy on Anti-Retaliation prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.
- Complainants are directed to and interviewed by a Supervisor only. If the complainant cannot be interviewed at the time of complaint, they are to be contacted by a supervisor within 24 hours.
- Complaints are assigned a Personnel Complaint Number for tracking purposes.
- Investigative findings are provided to complainants who provide their contact information.
- If the complaint is of such a nature that investigation by LPD personnel may not be appropriate, the Chief of Police shall turn it over to NYSP Internal Affairs or the District Attorney's Investigation Bureau*.
- If the complaint involves alleged criminality, the matter is referred to the District Attorney's Office for investigation and possible criminal prosecution.
- Investigative findings are categorized as follows:
 - Sustained - Substantial evidence exists to corroborate the allegations against an officer.
 - Unfounded - Witnesses and evidence clearly and unequivocally establish that the allegation by the complainant is untrue, fabricated, or a distortion of the facts.

- Not Sustained - Insufficient evidence is available to either prove or disprove the allegation.
- Exonerated - The incident did occur; however, the actions of the member were justified, lawful and proper.

**Beginning April 1, 2021, the Attorney General's Law Enforcement Misconduct Office has the authority to investigate police department complaints concerning matters such as corruption, fraud, excessive force, criminal activity, conflicts, and abuse.*

Improved Policing

As of May 2021, Lewisboro's standard Patrol will be increased to two officers as opposed to the current one officer. This will provide the Town with better overall coverage and reduced response times. It may also reduce the need for use of force by providing the first responding officer the security of knowing that he/she will have backup when required.

This Committee, with the support of the LPD, recommends the use of body-worn cameras for all officers and supervisors in the field. This will provide a real-time record in the case of a subsequent disagreement about an event. This should also provide at least a partial answer to the comment that to complain about policing would backfire on the complainer. Funds for these cameras has been appropriated by the Town Board for implementation by September 1, 2021.

Demographics of Town of Lewisboro

Population estimates, July 1, 2019: 12,522

White alone percent: 86.4%

Hispanic or Latino, percent: 6.8%

Asian alone, percent: 3.5%

Black or African American alone, percent: 1.7%

Two or More Races, percent: 1.6%

American Indian and Alaska Native alone, percent: 0.1%

Native Hawaiian and Other Pacific Islander alone, percent: 0.0%

Resource: www.census.gov/quickfacts/fact/table/lewisborotownwestchestercountynewyork#

Demographics Traffic Enforcement Data

Electronic tickets issued on Trac's from 2014 - 6/11/2020

All Race issued: 6,090

Unknown Race issued: 3,292

As of June 11, 2020, Officers of LPD can no longer issue an electronic ticket without checking a box for ethnicity (White, Hispanic, Black, Asian, Other, or Native American.) This estimates statistics of "Unknown Race issued." Accurate reports can now be made available, tracked and reviewed by supervisors periodically.

Based on Connecticut's 2015 Green Light Law and New York State's 2019 Green Light Law, which permit the states to grant drive-only licenses without regard to applicant's immigration status. Since these laws took effect, LPD has seen a dramatic decrease in Unlicensed Operators. Prior to enactment of the Green Light Law, a traffic stop may have resulted in two tickets being issued (one for the original violation; the second for unlicensed operation.) Now, that same traffic stop may result in a single ticket (original moving violation).

Conclusion

The NYS Executive Order 203 provided the Town of Lewisboro and Lewisboro Police Department with the opportunity to continue an ongoing, thorough internal review process, as well as to collaborate with community stakeholders and other interested parties. During this process, several important topics were discussed which may not have been discovered otherwise.

Community policing in Lewisboro and elsewhere has been receptive and willing to adapt openly and with the times to ensure the community's needs and expectations are met.

Summary of above recommendations:

1. Increased training (mental health, domestic violence, implicit bias, anti-racism, and de-escalation, etc.).
2. Increased patrol shifts. (Two officers on patrol instead of one, beginning May 15, 2021. This will reduce response times and provide officers with back up.)
3. Prior to September 1, 2021, institute body-worn cameras for all police officers on patrol.
4. Improved complaint procedures.
5. Implementation of ethnicity data for traffic tickets and arrests.
6. New policy will be in place and effective April 1, 2021 regarding "Duty to Intercede and Report."
7. Rewrite LPD Department Manual by January 1, 2022.

APPENDIX B

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE PLAN CERTIFICATION FORM


Instructions: The Chief Executive of each local government must complete and submit this certification and a copy of their Plan to the Director of the New York State Division of the Budget on or before April 1, 2021 at E0203Certification@budget.ny.gov.

I, PETER H. PARSONS, as the Chief Executive of THE TOWN OF LEWISBORO
(the "Local Government"), hereby certify the following pursuant to Executive
Order No. 203 issued by Governor Andrew M. Cuomo on June 12, 2020:

- ☒ The Local Government has performed a comprehensive review of current police force deployments, strategies, policies, procedures, and practices;
- ☒ The Local Government has developed a plan, attached hereto, to improve such deployments, strategies, policies, procedures, and practices (the "Plan");
- ☒ The Local Government has consulted 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) regarding the Plan;
- ☒ The Local Government has offered the Plan in draft form for public comment to all citizens in the locality and, prior to adoption of the Plan by the local legislative body, has considered the comments submitted; and
- ☒ The legislative body of the Local Government has ratified or adopted the Plan by local law or resolution.

PETER H. PARSONS

Name



Signature

TOWN SUPERVISOR

Title

MARCH 23, 2021

Date