

**Town of Kent Police Reform and Reinvention  
Collaborative Plan  
March 1, 2021**

**Maureen Fleming, Town Supervisor  
Kevin Owens, Chief of Police**



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**Executive Order No. 203**  
**New York State Police Reform and Reinvention Collaborative Plan**  
March 1, 2021

INTRODUCTION

On June 12, 2020, New York State Governor Andrew M. Cuomo issued an executive order directing municipalities that employ police officers to actively engage stakeholders in the local community and develop locally approved plans for the strategies, policies and procedures of local police agencies. In July of 2020, in accordance with Executive Order 203, The Town of Kent in conjunction with the Town of Kent Police Department began a collaborative effort to engage with local stakeholders and move through the process to enact a local plan for police reform and reinvention.

The following plan/report are the results of those efforts to engage and work with local stakeholders who compromised our Town of Kent Police Panel for reform and reinvention.

A. DEPARTMENT PROFILE

<b>Municipality:</b> Town of Kent
<b>Law Enforcement Agency:</b> Town of Kent Police Department
<b>Town of Kent Executive Officer:</b> Maureen Fleming, Esq., Town Supervisor
<b>Town of Kent Chief of Police:</b> Kevin Owens

**Mission Statement**

It is the mission of the Town of Kent Police Department to work in partnership with the citizens of the Town of Kent toward providing a safe environment and enhancing the quality of life consistent with the values of our community. To accomplish our mission, we will adhere to values of professionalism, integrity, responsiveness, sensitivity, respect and openness.

- **PROFESSIONALISM:** We are committed to providing professional law enforcement services by highly trained personnel accountable to our community.
- **INTEGRITY:** We are committed to demonstrating and maintaining the highest ethical standards both personally and organizationally.
- **RESPONSIVENESS:** We are committed to providing competent and effective delivery of service in response to community concerns.
- **SENSITIVITY:** We are committed to providing services in a manner sensitive to our diverse community in a bias-free manner.

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- **RESPECT:** We are committed to providing courteous police service with respect for the rights and dignity of all the people we serve.
- **OPENNESS:** We are committed to a shared and open relationship of involvement with all segments of our community.

### **Oath of Honor**

On my honor, I will never betray my profession, my integrity, character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the laws of my country, my community and the policies of the agency I serve.

### B. MUNICIPALITY DEMOGRAPHICS

The Town of Kent is a small, rural town in Putnam County consisting of approximately 43 square miles with a population of approximately 13,162 people. The 2019 US Census Bureau data indicates that the Town of Kent population consists of the following:

- White alone = 85.4%
- Black or African American alone = 4.6%
- American Indian & Alaska Native alone = 0.2%
- Asian alone = 1.6%
- Native Hawaiian & Other Pacific Islander = 0%
- Two or More Races = 2.0%
- Hispanic or Latino = 17.8%
- White alone, not Hispanic or Latino = 75.2%

The Town of Kent borders Dutchess County to the north, the Town of Putnam Valley to the west, the Town of Patterson to the east and the Town of Carmel to the south. Kent students attend the Carmel Central School District with two of the elementary schools being located within Kent. Major roadways include a small portion of the Taconic State Parkway and Interstate 84 as well as State Routes 52 and 301. The Metro-North Harlem Valley line serves rail commuters just east of the Town as well. The Town of Kent includes many bodies of water including Lake Carmel, Palmer Lake, White Pond, Sagamore Lake, Kentwood Lake, South Lake, Seven Hills Lake, Lake Ninham, Pine Pond, Canopus Lake, Lake Tibet, Waywayonda Lake, China Pond, Barrett Pond and the West Branch and Boyds Reservoirs.

The Town of Kent is governed by a Town Supervisor and Town Board. The Town Supervisor is Maureen Fleming. Town Board members include Deputy Town Supervisor William Huestis, Paul Denbaum, Jaime McGlasson and Christopher Ruthven.

### C. AGENCY DEMOGRAPHICS

The Town of Kent Police Department (hereinafter “Kent PD”) is a full-service police agency with a current staffing level of 23 full time employees, 18 of which are sworn police officers and the remaining five are civilian Dispatchers. Kent PD has one Chief, one Lieutenant, four Sergeants, one Detective Sergeant, one Detective and ten Patrol Officers. The Kent PD provides service to its residents, guests and visitors 24 hours a day, seven days a week, 365 days of the year, through its patrol, administrative and detective divisions. Kent PD also maintains excellent collaborative working relationships with neighboring police agencies and departments that operate in support roles in the town including the Putnam County Sheriff’s Office, the New York State Police, the New York City Department of Environmental Protection Police Department, the New York State Department of Environmental Conservation Police Department and the New York State Park Police. Kent PD also collaborates with neighboring county agencies in Dutchess and Westchester in order to achieve our training goals.

## I. REFORM & REINVENTION COLLABORATION PROCESS

### A. TOWN REFORM PANEL

In accordance with Governor Andrew Cuomo’s Executive Order 203, the Town of Kent PD in conjunction with the Town Supervisor solicited members of the public to participate in a Police Reform Panel. The Town advertised for this in the local free newspaper, on the Town website ([townofkentny.gov](http://townofkentny.gov)), on numerous Facebook pages affiliated with the Town such as Town of Kent and Maureen Fleming, Kent Town Supervisor which posts were then shared on the Facebook pages of groups of residents within the Town, on the Town’s public access television channel and through emails to residents. Nine volunteers stepped forward, although ultimately only seven of the nine continued to be active throughout the process. Regular weekly meetings of the panel took place via Zoom beginning on November 2, 2020 and continuing through the end of February 2021 to develop the reform plans contained in this document.

#### Membership

Town of Kent Supervisor, Maureen Fleming

Town of Kent Police Department Representatives

- Chief Kevin Owens
- Lieutenant Tara Flynn

Town Residents (Seven)

B. RELATIONSHIP TO COUNTY POLICE REFORM PROCESS

Chief Owens, Lieutenant Flynn and Supervisor Fleming attended the County Police Reform Panel meetings from August 13, 2020 through January 12, 2021. Chief Owens and Lieutenant Flynn also attended meetings with stakeholder groups identified by the County process.

C. PROCESS IMPLEMENTATION AND TIMELINE

The Town solicited for Panel members in September 2020 with a deadline of October 9, 2020 to receive applications.

Weekly meetings were convened beginning November 2, 2021 for a total of 20 meetings by March 1, 2021. On March 1, 2021 the panel finalized its plan for submission to the Town Board and the public.

II. PUBLIC PARTICIPATION & FEEDBACK CHANNELS

A. SURVEYS

**General Public Survey (see Appendix)**

This survey had 13 questions: five demographic data questions, three multiple choice questions, three yes/no questions and two fill-in-the-blanks. Notifications about the survey were posted on Facebook, the Town of Kent website and the Town's public access television channel and sent via email to more than 1,200 Town residents. A total of 263 responses were received. The Town population, excluding minors, is 10,661 as of the last census numbers in 2019. Thus, responses were received from 2.5% of the adult population of the Town.

**Police Officer Survey (See Appendix)**

A totally voluntary survey was circulated among members of the Police Department. This Survey had 11 questions: three open-ended, six multiple choice and two yes/no. Ten of the 18 members responded – equaling 55.6% of the Department.

B. COMMUNITY FEEDBACK SESSIONS

The Plan was formally submitted on March 2, 2021 at a Town Board Meeting. A Special Meeting to discuss the Plan was scheduled for Tuesday, March 9, 2021 via Zoom. The Plan will be discussed at the Town Board Meeting on March 16, 2021 and finalized.

**III. TOWN OF KENT POLICE DEPARTMENT REFORM PLAN**

The reform plan, in accordance with public feedback and the executive order requirements, consists of three sections. Section A includes NYS Mandated Changes. Section B summarizes Police Department policy revisions developed by the panel and adopted by the Department. Section C includes the panel’s recommendations and action plans in five categories: Equality & Social Justice, Transparency & Accountability, Community Relations, Operational Policies and Procedures and Training.

**A. NEW YORK STATE MANDATES**

The reform items in this section are derived directly from the Executive Order No. 203

NY State Mandated Changes	Reform Item	Description	KENT PD Action	Timeline
NYS Mandate - 1	NYSM – 1. Civil Penalties for Filing False Reports on Member of a Protected Class	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 13, 2020)</i>	No action needed.	N/A
NYS Mandate - 2	NYSM – 2. Require Police Officers to Report the Discharge of Weapons	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 13, 2020).</i>	Department policy already in place in (1999 or earlier). Officers must report over radio immediately and file report at end of shift.	Complete
NYS Mandate - 3	NYSM – 3. Require the Reporting of Police Acts or Omissions Resulting in a Person’s Death to the Office of Special Investigation	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 or investigation of the death involved criminal conduct, the Office will be empowered to prosecute any such alleged offenses. <i>(Effective April 2021)</i>	Conduct in-service training of supervisors.  Meet with the head Officer of the Office of Special Investigation.	Q1 - 2021  Complete

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NY State Mandated Changes	Reform Item	Description	KENT PD Action.	Status
NYS Mandate - 4	NYSM – 4. Ban Choke Holds	The Eric Garner Anti Choke Hold Act creates 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. (Effective June 12, 2020)	Department policy already in place in (1999 or earlier).	Complete
NYS Mandate - 5	NYSM – 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. (June 15, 2020)	Department policy already in place in (1999 or earlier).	Complete
NYS Mandate - 6	NYSM – 6. Require Policing Statistics 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. (Effective December 12, 2020)	All use of force incidents including those that lead to deaths are reported to the state.	Complete
NYS Mandate - 7	NYSM – 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. (Effective July 13, 2020)	Incorporated into Department Policies in 2020.  Include in in-service training.	Complete  Q1-2 - 2021



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NY State Mandated Changes	Reform Item	Description	KENT PD Action	Status
NYS Mandate - 8	NYSM – 8. Provide the Public Access to Personnel Records of Deputies and Correctional 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. (Effective June 13, 2020)	Department procedure already in place. Town Clerk forwards FOIL requests to the department, which complies with the request.	Complete

## B. POLICE DEPARTMENT POLICY REVISIONS

The list below summarizes policy revisions recommended by the Town Police Reform Panel and adopted by the Town of Kent Police Department.

### LAW ENFORCEMENT CODE OF ETHICS, MISSION STATEMENT AND OATH OF HONOR =

Minor edits to wording

#### POLICY 300 – USE OF FORCE

- Made updates to policy that reflect changes to NYS law
- 300.1 – added additional language to better describe objective reasonableness standard for the benefit of members of the public who will read the policy
- 300.1.1 – Definitions – added the definition of “Objectively Reasonable”
- 300.6 – added language “medical considerations to include not only physical distress or injury but also mental health issues or mental illness distress”
- This policy will be uploaded to the Town and Department websites for the public to read

#### POLICY 320 – STANDARDS OF CONDUCT

- 320.2 – added sentence to the beginning of the section “It is the policy of the Kent Police Department that officers shall conduct themselves both on and off duty in a manner that reflects high ethical standards consistent with the values and mission established by this agency and the expectations of the community it serves.”
- 320.4 – added “all current” policies to first sentence of second paragraph.
- 320.5.3 – changed the order of the sentences in the second paragraph.
- 320.5.4 – in (a) took out the word “unwelcome” and in (c) took out the words “as a result of an investigation.”
- 320.5.8 – in (h) added the wording “, or while wearing department issued uniforms or clothing that identifies a member as an officer on duty.”
- 320.5.9 – added additional sub section (r) See Department Use of Social Media Policy (322) and Speech, Expression and Social Networking Policy (1030) for further guidance.”

#### POLICY 322 – DEPARTMENT USE OF SOCIAL MEDIA

- 322.4 – in (g) added “and public relations”.
- 322.5 – modified opening sentence to include language originally in a subsection “Any content that has not been properly authorized by this policy or a supervisor is prohibited.” Also added subsection (h) “Any content that endorses, supports, opposes or contradicts any political campaign or initiative.”
- 322.6 – modified the training section to be more tailored to Kent Police specifically.

#### POLICY 401 – BIAS-FREE POLICING

- Changed title of policy from “Bias-based Policing” to “Bias-free Policing”.

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- 401.1 – changed first sentence to read “This policy provides guidance to department members that affirms the Kent Police Department’s commitment to fair and bias-free treatment of all people and to clarify the circumstances in which agency personnel may consider specified characteristics when carrying out duties.”
- 401.1.1 – changed the “Bias-based policing” definition to the one listed in the International Association of Chiefs of Police model policy. Also added the following definitions to the section: “Fair and Bias-free Treatment”, “Police Services” and “Specified Characteristics”.
- 401.3 – added more inclusive and descriptive language to the first paragraph and changed the first part of the second paragraph based on language found in the IACP model policy. Also added a third paragraph which reads “Restrictions on the use of specified characteristics do not apply to law enforcement activities or police services designed to strengthen the agency’s relationship with its diverse communities.”
- 401.5 – took out existing subsection (c) and added a new (c) which reads “Supervisors shall respond to violations of this policy with training, counseling, discipline, or other remedial intervention as appropriate to the violation.” Also added subsection (d) which reads “Supervisors shall ensure that those who report instances of biased policing are not subject to retaliation.”
- 401.6 – in first sentence replaced “objective” with “bias-free.” Also added sentence “All agency personnel will receive basic and periodic in-service training and, where deemed necessary, remedial training on subjects related to fair and bias-free policing, to include legal aspects and the psychology of bias.”

### POLICY 1010 - PERSONNEL COMPLAINTS

- Replaced existing “Personnel Complaint Form” with a “Quality of Service Evaluation Form” which enables the public to file either a personnel complaint OR commendation. All language in the policy which referenced a Personnel Complaint Form was replaced with the title of the new form.
- Will be placing this policy as well as the Quality of Service Evaluation Form on the Town and Department websites and have the forms available in the PD lobby.
- Will make the online version of the Quality of Service Evaluation Form in a fillable PDF format.
- Alongside the policy and form mentioned above, we will also post on the websites links to other agencies that the public can contact for more serious complaints.

### POLICY 1030 – SPEECH, EXPRESSION AND SOCIAL NETWORKING

- 1030.1 – added the word “public” to all forms of communication in the second paragraph
- 1030.3 – added more bullet points
- 1030.4.1 – at the end of the section added “(See the Standards of Conduct Policy Section 320.5.8 (g) for more information on improper political activity.)”

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C. RECOMMENDATIONS AND ACTION PLANS

Recommendations in section were based on panel discussions, surveys and community feedback sessions.

Category	Reform Item	Description	KENT PD Actions	Completion Timeline
Equality & Social Justice	ESJ-1. Diversify & Increase Candidate Recruitment Pools	Take proactive steps to increase the diversity of the candidate pools of newly hired officers.)	<p>Conduct outreach to community groups to increase interaction with youth and potential employees.</p> <p>Use social media to attract diverse candidates and raise awareness of available positions and Civil Service requirements</p> <p>Through the Drug Abuse Resistance and Education (DARE) program, encourage students to apply for the Police Explorer program.</p>	<p>When COVID circumstances permit</p> <p>Q4 - 2021</p> <p>When COVID circumstances permit</p>
Equality & Social Justice	ESJ-3. Expand Diversity and Implicit Bias Awareness Training	<p>Expand diversity awareness training to include marginalized populations as well as training to recognize and overcome implicit bias.</p> <p>Require Procedural Justice Training.</p>	<p>Implicit Bias Awareness:</p> <ul style="list-style-type: none"> <li>Require annual training in Implicit Bias Awareness for all KENT PD officers, per policy.</li> <li>Have all officers complete an initial training in Implicit Bias Awareness.</li> <li>Have one officer earn certification as an Implicit Bias Awareness instructor.</li> </ul> <p>Procedural Justice:</p> <ul style="list-style-type: none"> <li>Require annual Procedural Justice Training for all KENT PD officers, per policy.</li> <li>Have all officers complete an initial training in Procedural Justice.</li> <li>Have one officer earn certification as a Procedural Justice Instructor.</li> </ul>	<p>Complete</p> <p>Complete</p> <p>Q1 - 2022</p> <p>Complete</p> <p>Complete</p> <p>Complete</p>

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Category	Reform Item	Description	Reform Action	Completion Timeline
Transparency & Accountability	TA-1. Increase public awareness of existing Personnel Complaint Review Process	Inform community members of the mechanisms for initiating a personnel complaint via the Kent PD feedback form and/or the Town Supervisor/Town Board.	Highlight the revised feedback form on the Kent PD website and social media channels. Include information on the process for making a complaint directly to the Town Board.	Q3 - 2021
	Form Community Police Advisory Committee	Empanel a Town Committee that will meet at least quarterly to advise the Town Board and the Kent PD regarding community relations and Kent PD policies and procedures.	Resolution by Town Board, including appointment of a coordinator; advertise for volunteers in local press and social media channels.	Q2 - 2021
Transparency & Accountability	TA-2 Body Cameras	Implement use of body cameras for all officers while on duty.	Present results of Body Camera Pilot Program and cost estimates to Town Board.	Q2 – 2021
			Purchase/lease additional body cameras.	Q4 – 2021
			Modify policies to reflect best practices in body camera usage.	Q4 – 2021

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Category	Reform Item	Description	Reform Action	Completion Timeline
Community Relations	CR-1. Conduct Public Education on Policing Practices	Increase the transparency of policing methods and governance by educating the public on these practices.	Kent PD Community Relations Officer will post information and blogs on Kent PD website and social media channels.	2021 ongoing
Community Relations	CR-3. Strengthen Community Safety Training Programs	Increase the frequency of safety trainings for the community; develop additional programs and/or make existing programs available online where possible. These trainings help enhance their safety knowledge and support better relations.	<p>Inform the community about safety programs the Kent PD makes available to the community upon request e.g., Active Shooter, Internet Safety Scam Awareness, Car Seat Safety (Announce at Town Board meetings, post on website and social media).</p> <p>Offer one or more safety trainings online.</p> <p>Resume the DARE program.</p>	<p>Q3 - 2021</p> <p>Q1 - 2022</p> <p>When COVID circumstances permit</p>
Community Relations	CR-4. Establish & Promote Community Programs to Increase Law Enforcement Visibility in the Community	Develop and execute programs that bring law enforcement officers and citizens together in forums where they talk to one another, share thoughts and promote interactions which support the building of positive relationships.	<p>Resume community engagement programs such as "Coffee with a Cop" for department personnel to interact personally with citizens and/or to inform them about police operations and services.</p> <p>Kent PD Community Relations Officer will post films and blogs of community events on Kent PD website and social media channels.</p> <p>Develop additional community engagement programs, including online programming that can be offered during COVID.</p>	<p>When COVID circumstances permit</p> <p>When COVID circumstances permit</p> <p>Q2 - 2021</p>

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Category	Reform Item	Description	Reform Action	Completion Timeline
Operational Policies & Procedures	OPR-1. Improve Selection & Promotion Methods by Requiring Candidates to Meet Additional Standards	Require candidates to meet additional criteria to help ensure a higher quality pool of candidates for new hires and transfers from other departments.	Enhance selection methods for new hires and transfers: <ul style="list-style-type: none"> <li>Require a standardized comprehensive background investigation in accordance with LEAP standards.</li> <li>Require a psychological exam for transfers and new hires.</li> </ul>	Complete  Q1 - 2022
Operational Policies & Procedures	OPR-2. Initiate Anonymous Quality Assurance Feedback Channels	Allow citizens & officers to submit feedback anonymously via feedback form on website.	Indicate on website that anonymous complaints may be made (via phone calls, the Attorney General's Office of Special Investigation, etc.) but if individuals submit complaints anonymously they will not receive follow-up unless they contact the department at a later date.	Q3 - 2021
Operational Policies & Procedures	OPR-3. Improve Collaboration with Mental Health Agencies	Partner with Putnam County Mental Health Agencies in order establish mobile crisis unit and continue mental health training for officers.	Continue to keep lines of communication open with Putnam County for updated trainings.	Ongoing
Operational Policies & Procedures	OPR-4. Improve Support For Addressing Mental Health Challenges of Officers	Encourage/require use of existing mental health support programs.	Require that officers seek mental health services after certain kinds of incidents.  Continue to encourage use by officers and their family members of the Town's Employee Assistance Program and First Line (peer-to-peer support network).	Q4 - 2021  Ongoing
Operational Policies & Procedures	OPR-5. RMS Community Alerts System	Allow community members to enter alerts in history section of Kent PD Incident reporting system (RMS) about individuals in the household who have special considerations or heightened needs (disabilities, mental health issues, etc.)	Train dispatchers to enter the information in the RMS system in a consistent manner.  Develop web form and publicize to community via website.	Q4 - 2021  Q4 - 2021

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Category	Reform Item	Description	Reform Action	Completion Timeline
Training	T-1. Expand De-Escalation Training	Continue to incorporate de-escalation in in-service training.	<p>Seek opportunities to for personnel to obtain certification as a trainer for de-escalation techniques.</p> <p>Require participation in NYMIR (NY Municipal Insurance Reciprocal) online trainings relevant to de-escalation, communication and/or mental health challenges.</p> <p>See ESJ 3- above</p>	<p>Q4 - 2021</p> <p>Ongoing</p>



**IV. APPENDIX**

**A. GOVERNOR CUOMO'S EXECUTIVE ORDER 203**



No. 203

**EXECUTIVE ORDER**

**NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE**

**WHEREAS**, the Constitution of the State of New York obliges the Governor to take care that the laws of New York are faithfully executed; and

**WHEREAS**, I have solemnly sworn, pursuant to Article 13, Section 1 of the Constitution, to support the Constitution and faithfully discharge the duties of the Office of Governor; and

**WHEREAS**, beginning on May 25, 2020, following the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability; and

**WHEREAS**, there is a long and painful history in New York State of discrimination and mistreatment of black and African-American citizens dating back to the arrival of the first enslaved Africans in America; and

**WHEREAS**, this recent history includes a number of incidents involving the police that have resulted in the deaths of unarmed civilians, predominantly black and African-American men, that have undermined the public's confidence and trust in our system of law enforcement and criminal justice, and such condition is ongoing and urgently needs to be rectified; and

**WHEREAS**, these deaths in New York State include those of Anthony Baez, Amadou Diallo, Ousmane Zango, Sean Bell, Ramarley Graham, Patrick Dorismond, Akai Gurley, and Eric Garner, amongst others, and, in other states, include Oscar Grant, Trayvon Martin, Michael Brown, Tamir Rice, Laquan McDonald, Walter Scott, Freddie Gray, Philando Castile, Antwon Rose Jr., Ahmaud Arbery, Breonna Taylor, and George Floyd, amongst others,

**WHEREAS**, these needless deaths have led me to sign into law the Say Their Name Agenda which reforms aspects of policing in New York State; and

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

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

**WHEREAS**, black lives matter; and

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

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

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

KENT PD Reform Plan

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.



BY THE GOVERNOR

A handwritten signature in black ink, appearing to be "M. C.", written over a horizontal line.

Secretary to the Governor

GIVEN under my hand and the Privy Seal of the

State in the City of Albany this

twelfth day of June in the year two

thousand twenty.

A handwritten signature in black ink, appearing to be "Andrew M. Cuomo", written over a horizontal line.

## B. SUMMARY OF MEETINGS

September 2020: Town of Kent Supervisor Maureen Fleming solicited applications from Kent residents to join the Kent Stakeholders Panel as part of Police Reform and Reinvention.

October 2020: Kent Panel was created and consisted of the following members: Maureen Fleming, Chief Kevin Owens, Lt Tara Flynn and 9 Town of Kent residents. Meetings were conducted weekly via Zoom due to Covid-19 restrictions. Over time, the number of resident panelists dropped from 9 to 7.

Meetings Summary:

10/23/20: Initial meeting, introductions, goals of the panel, schedule of future meetings. Initial general overview of Use of Force.

11/2/20: KPD Use of Force Policy Review. Discussion topics included: KPD Taser inventory & deployment, mental health as a public health crisis and the PD's desire for a county Mobile Crisis Unit, Officer mental health and the Town EAP program, the perception of ERT equipment such as the APC (armored personnel carrier) seen as a military "tank" and discussed its use. Panel decided on creating a survey to distribute to KPD officers to try and better understand how they feel and what they would like to see happen. (see appendix for survey results)

11/9/20: A Panel Member submitted possible survey questions which were discussed at length and edited, KPD Officer Survey created. Discussion topics included: different ideas for PD community outreach, possibility of creating a Mental Health/Mental Illness/Physical Disability Registry to pre-inform officers when responding to locations and tailoring response accordingly.

11/16/20: A Panel Member submitted additional Officer Survey questions in order to facilitate the hard conversations regarding implicit bias and systemic racism. She also recommended a type of program where officers meet with BIPOC community members in a more relaxed social situation as outreach and familiarity. Discussed the outline of the NYS Police Reform & Reinvention Collaborative Guide issued by Cuomo's office. Continued to work on draft of KPD Officer Survey.

11/23/20: KPD Officer Survey was finalized and created in SurveyMonkey.com, panelists will be taking it first to work out any edits that may need to happen before its distributed to officers. Review of KPD Personnel Complaints Policy and the Personnel Complaint Form.

11/30/20: KPD Policy Review: Bias-Based Policing, Anti-Retaliation, Duty to Intercede (part of Use of Force Policy). Changing Personnel Complaint Form to Quality of Service Evaluation Form where for the public to use for complaints or commendations. Discussion topics: Order of Protection procedures, the admins of KPD must create an atmosphere and culture where officers feel safe to report misconduct, Implicit Bias and Duty to Intercede training (KPD will be participating in Spring 2021), the need for grants to help pay for more training and other programs instituted as a result of this collaborative. Different ideas for KPD transparency, public ability to make complaints without fear of retaliation. Ideas for community outreach: online forum for public to get to know officers, virtual training like citizen academy classes,

## KENT PD Reform Plan

school programs, volunteer groups like PAL (police athletic league) Kent Recreation “Live” programs online.

12/9/20: Chief discussed proposed Putnam County survey of the public by County Committee, Kent Panel decided to create a Kent Resident Community Survey of KPD only. Discussed ideas on how to distribute to the public, worked on draft of the survey using the County survey as a template. Discussion about the Black Lives Matter movement and the Thin Blue Line societal tensions and misconceptions.

12/14/20: A Panel Member sent out a link to the group for free cultural training <https://www.bestcolleges.com/blog/online-courses-racial-justice/> A Panel Member has chosen to quit the Kent Panel, rehashed last meetings discussion on Thin Blue Line. Finalized the Kent Community Survey with numerous corrections/revisions. KPD Officer Survey to be sent out today due 12/21. On 12/18/20, Supervisor Fleming made public notice (press release, website etc.) of Kent Community Survey due by 01/04/21.

12/21/20: Minor corrections to Kent Community Survey and discussion about deployment strategy. Discussion topics included: No-Knock Warrants, a Panel Member expressed interest in getting involved with Kent hired grant writer to assist with finding PD grants, KPD Officer Survey results. It is apparent from the results of the survey and the pushback by officers that the survey made them defensive. The Chief and LT will try to do a better job of explaining the Panel process and try to include them more in meetings so they understand better. Another thing that is apparent by the results is the lack of acknowledgement of inherent bias therefore it is absolutely necessary to have Implicit Bias training. Officers are in favor of mandatory mental health care after critical incidents and disturbing calls.

01/04/21: Kent Community Survey results, received 220 responses and most were positive about KPD and its officers. Discussion topics included: EAP and pre-hire psych exam, Panel suggested possibility of incorporating psych exam every few years throughout an officer’s career; possibility of putting up pics of officers on PD website so that the public can see that we have females and persons of color on the force; a Panel Member sent a link to the Panel for a film about 2 Texas Officers who created a Mental Crisis Unit, suggested a community viewing; the PD needs to do more community outreach/education such as VLOG on meeting the officers, explaining training and acknowledging social issues; the Panel’s need for guidance on constructing the final Reform Plan and how to submit it to the State.

01/11/21: Revised Quality of Service Evaluation Form to exclude gender options and other minor revisions, also discussed several revisions to KPD Standards of Conduct Policy.

01/19/21: Reviewed KPD Mission Statement & Oath of Honor as well as Code of Ethics with minor wording changes to each. Review of KPD Department Use of Social Media Policy as well as KPD Speech, Expression & Social Networking Policy. Discussed the need for KPD to utilize social media more for community outreach and education.

02/05/21: Officer Jason Knapp attended meeting and spoke about his role as Community Relations Officer/Vlogger and Procedural Justice Instructor. Discussion topics included:

## KENT PD Reform Plan

Summary of Policy Review revisions, summary of meeting notes, Reform Plan format (actionable items, goals with dates), ideas for better community outreach, PD to plan community events rather than just participating in order to better tailor to the marginalized demographics of the community but invite everyone to attend, undocumented immigrants in Kent and that KPD doesn't have a reputation as deportation agents, mental health crisis uniformity of response across all county police departments, LGBTQIA+ community policies is there a need for specific policy or that Bias-Free Policing covers the topic, CAD/RMS issues and the hope that the coming upgrade will help solve issues, making the Quality of Service Evaluation Form available in Spanish, the fact that the Town website has the ability to translate its content into numerous other languages, minor word changing in KPD Speech, Expression & Social Networking Policy. The Chief and Supervisor Fleming discussed the shortcomings of the Putnam County Reform Committee and the contentious meeting that was held a few nights earlier, the sub-committees are angry and feel their input was not solicited or included in the County's Draft Reform Plan. County's public hearing was changed from 02/09/21 to 02/17/21. On Monday's meeting the Kent Panel will go over the final Reform Plan construction. Supervisor Fleming discussed the certification process and that the Board will opt to make the Plan a Town Resolution rather than a Town Law (the choice is theirs based on the guidance from the State), will make the process easier in order to meet the April 1<sup>st</sup> deadline.

02/08/21: A Panel Member invited three representatives from the People of Color Subcommittee of the Putnam County Police Review Panel to view our meeting. A representative discussed the issue between their group and the PCSO which led to a meeting between the People of Color Subcommittee of the Putnam County Police Review Panel and Putnam County law enforcement to not take place back on 12/22/20. A representative stated that they had wanted to have the meeting on their group's zoom channel so that they could present a production they had created and also have more than three members from their group in attendance. The Sheriff did not agree to this and so therefore members from each group did not attend the meeting on the respective zoom channels. Chief Owens and Lt Flynn were not aware of the details previously. The Kent Panel was provided with the information to view the production on either the Facebook page for Putnam for Black Lives (posted on 12/28/20) or on their YouTube channel. All panel members will view the production for discussion at next week's meeting and also agreed to meet with the People of Color Subcommittee of the Putnam County Police Review Panel again at a later date. Further discussion was held on how to create the Kent Plan with a Panel Member volunteering to write the plan with the assistance of Lt Flynn. All Panel Members agreed they preferred the Steuben County model, although the DeWitt model had a good introduction. The panel also discussed Hope Not Handcuffs which is a diversion program that KPD participates in. A Panel Member to look into setting up a community event with the town and the director of the film about the Texas police officers who created a Mobile Crisis unit in their department. All panel members agreed to an actionable item to be included in the plan is for this Panel to exist even after the mandated deadline in some fashion to continue to work community outreach, public education and PD policy review.

## KENT PD Reform Plan

Putnam County Committee Meetings: Chief Owens, Lt Flynn and Supervisor Fleming attended most, if not all, of the meetings held by the County Legislature. Those meetings were held in person at the TOPS Building initially but moved to online due to Covid-19 restrictions.

08/13/20, 09/15/20, 09/29/20, 10/13/20, 10/27/20, 11/10/20, 11/24/20, 12/08/20, 12/22/20 and 01/12/21.

Additionally, Chief Owens and Lt Flynn also joined administrators from Putnam County Sheriff's Office and Carmel Police Department to meet with various Putnam Stakeholder Groups as follows:

09/29/20: Met with Putnam Defense Attorneys Joe Tock, Chris Maher, Chris York, Mary Jane Macrae and Pete Reynolds. They stated they are not seeing issues with police misconduct in areas of use of force or racial bias with their clients in Putnam County.

11/17/20: Members of Clergy from various religious institutions in Putnam County

12/01/20: Mahopac for Racial Justice

12/03/20: Sherry Grimes-Jenkins member of NAACP who is trying to get a Putnam Chapter started.

12/10/20: David Squirrel from Putnam Legal Aid-comments mirrored those of the defense attorneys as stated above.

12/15/20: Putnam Progressives

01/14/21: Putnam Pride

02/03/21: Chief Owens and Supervisor Fleming attended County BIPOC meeting via Zoom. 7-9:30pm

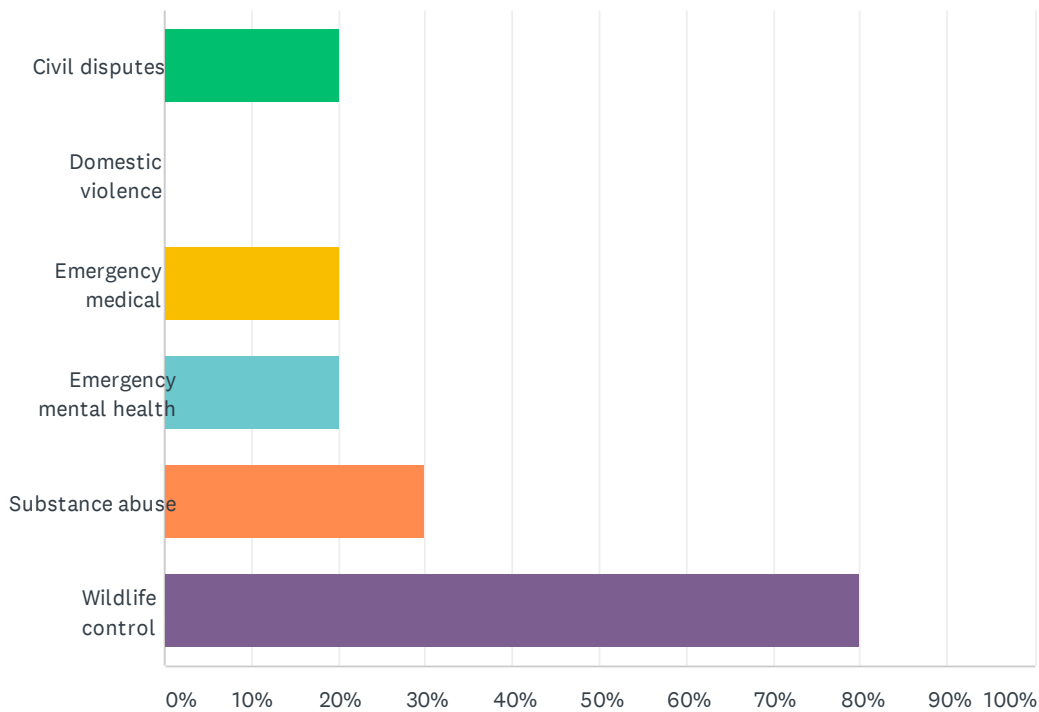
02/17/21: Public Hearing on the Draft County Police Reform Plan

KENT PD Reform Plan

C. POLICE PERSONNEL SURVEY

# Q1 What functions do you perform on the job other than law enforcement that could possibly be performed by other agencies or staff?

Answered: 10 Skipped: 0

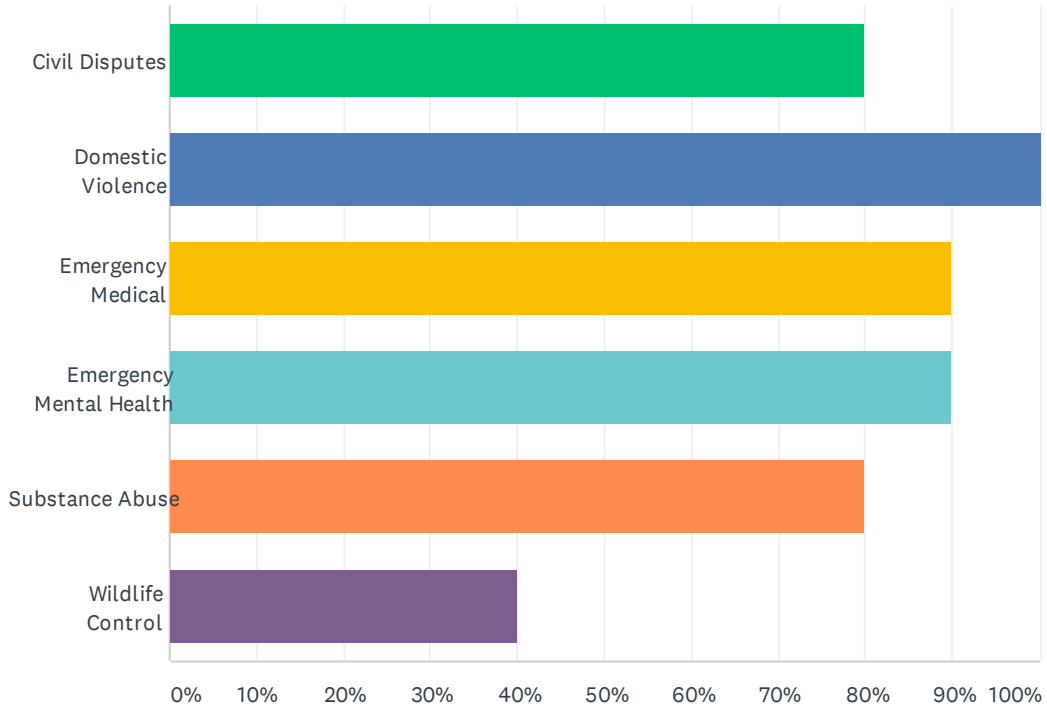


ANSWER CHOICES	RESPONSES	
Civil disputes	20.00%	2
Domestic violence	0.00%	0
Emergency medical	20.00%	2
Emergency mental health	20.00%	2
Substance abuse	30.00%	3
Wildlife control	80.00%	8
Total Respondents: 10		



## Q2 Which do you feel adequately trained for?

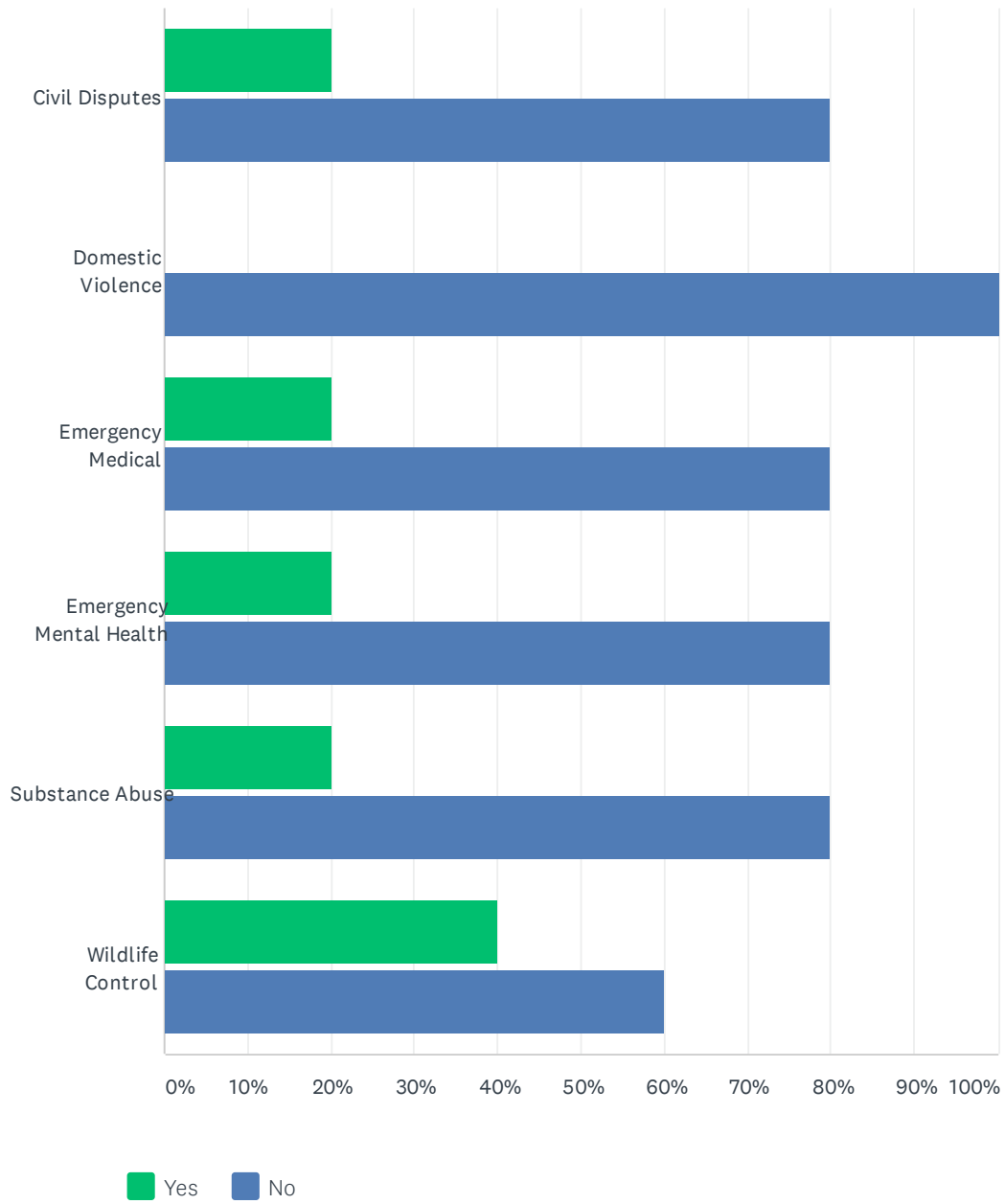
Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES
Civil Disputes	80.00% 8
Domestic Violence	100.00% 10
Emergency Medical	90.00% 9
Emergency Mental Health	90.00% 9
Substance Abuse	80.00% 8
Wildlife Control	40.00% 4
Total Respondents: 10	

### Q3 Could the community be better served by having these functions assumed by other agencies or staff?

Answered: 10 Skipped: 0

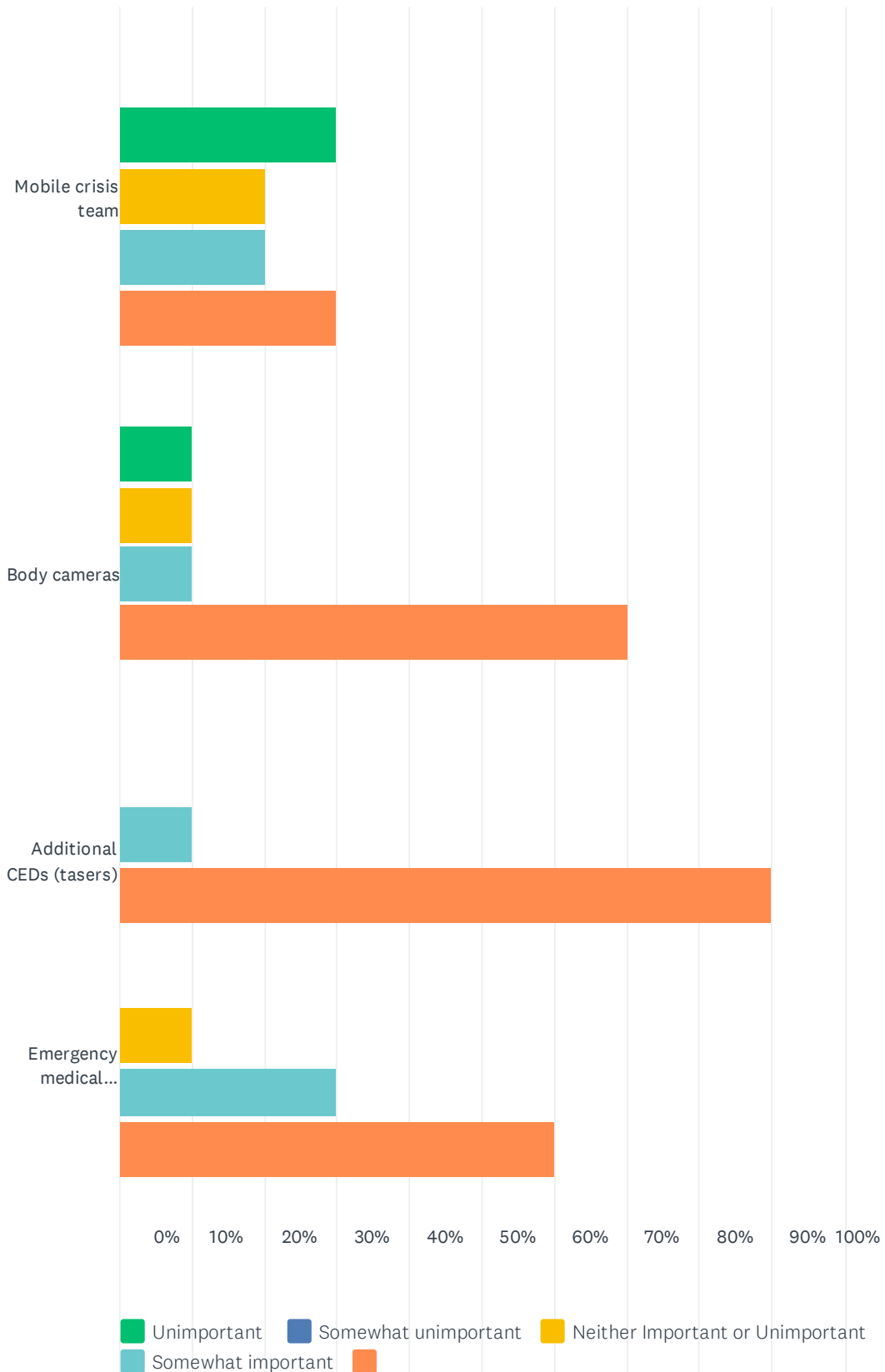


Police Reform Panel Questionnaire

	YES	NO	TOTAL	WEIGHTED AVERAGE
Civil Disputes	20.00% 2	80.00% 8	10	1.80
Domestic Violence	0.00% 0	100.00% 10	10	2.00
Emergency Medical	20.00% 2	80.00% 8	10	1.80
Emergency Mental Health	20.00% 2	80.00% 8	10	1.80
Substance Abuse	20.00% 2	80.00% 8	10	1.80
Wildlife Control	40.00% 4	60.00% 6	10	1.60

### Q4 Which additional resources would make it easier for you to do your job? Rate the importance of each

Answered: 10 Skipped: 0

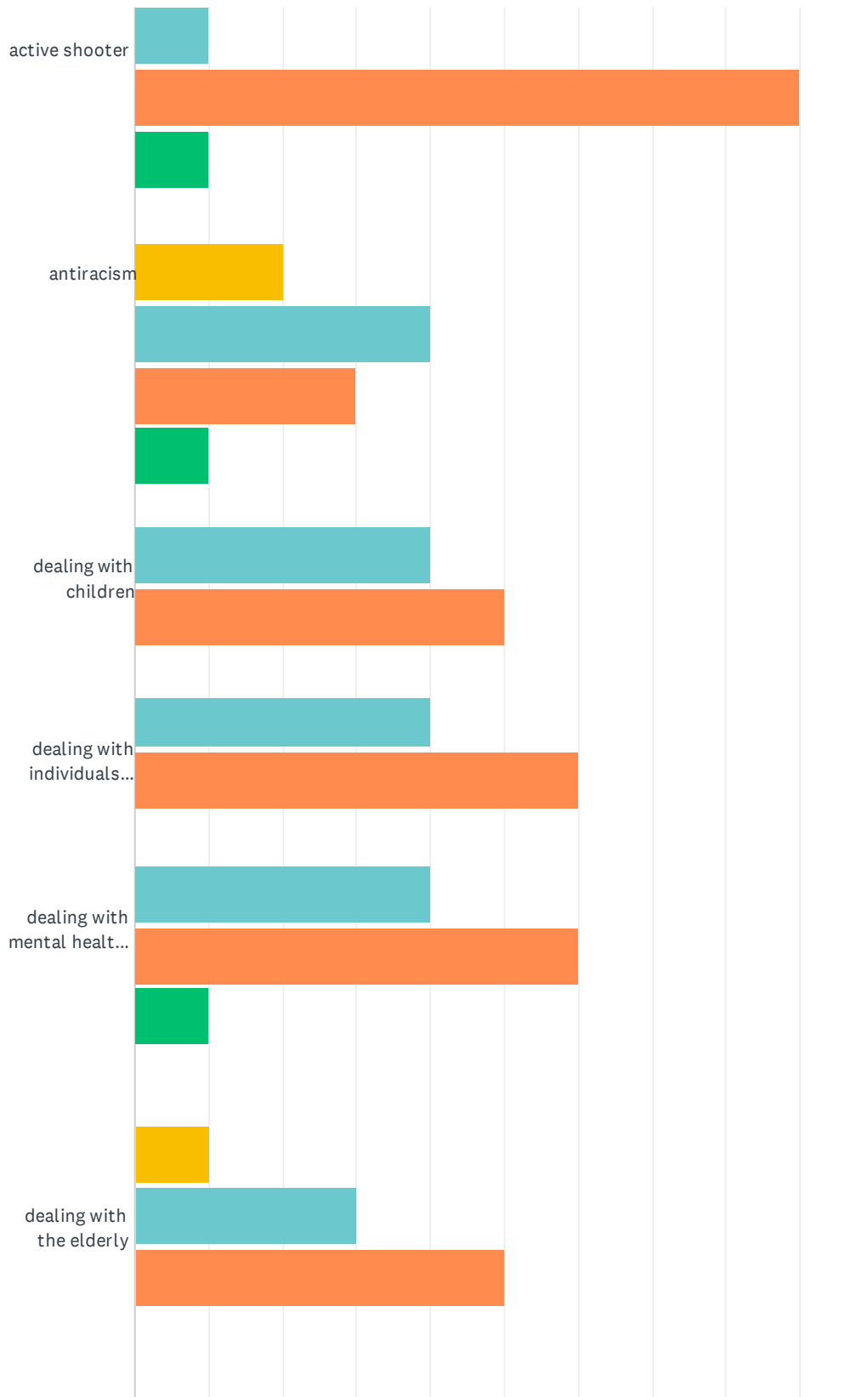


Police Reform Panel Questionnaire

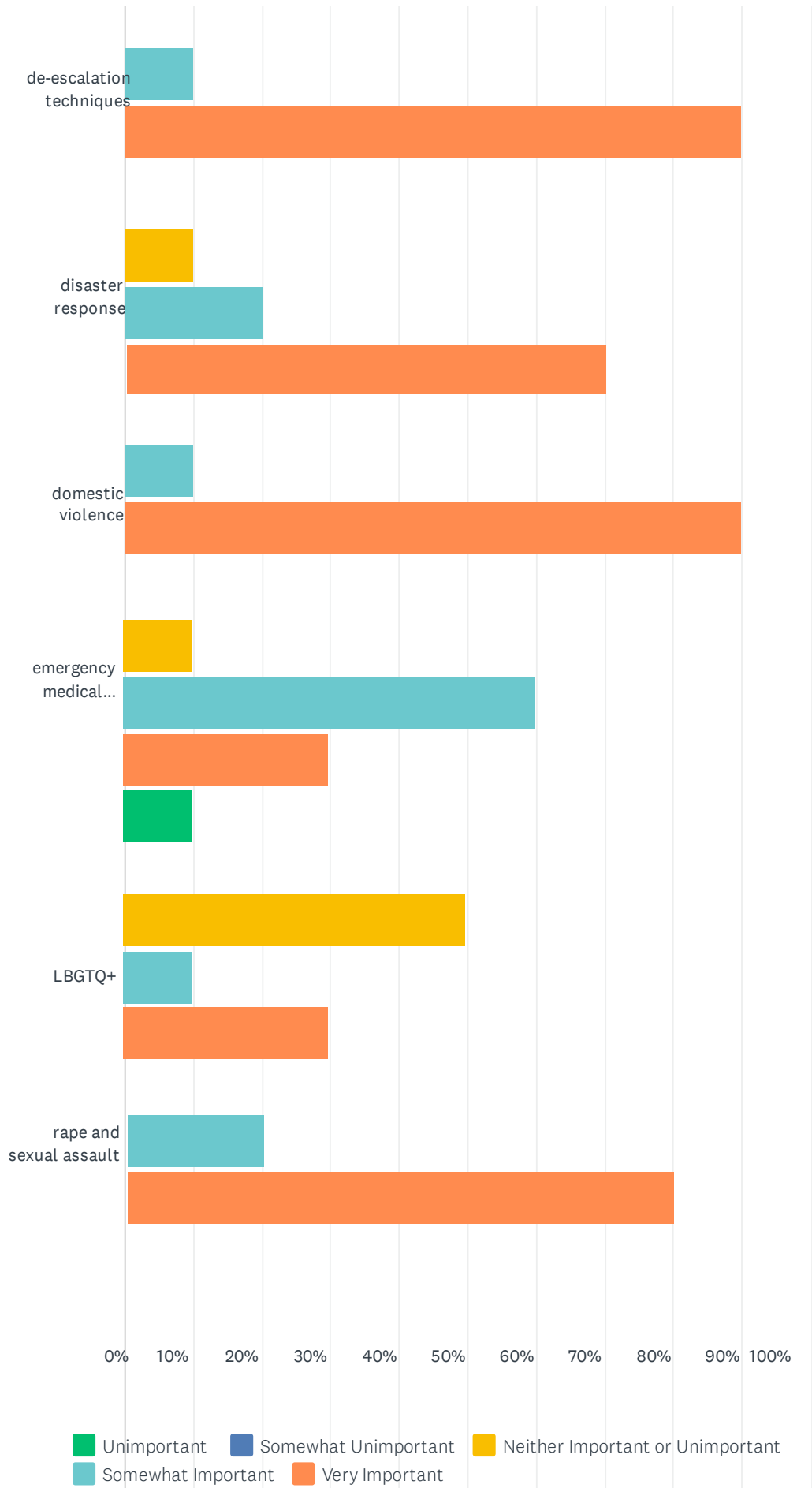
	UNIMPORTANT	SOMEWHAT UNIMPORTANT	NEITHER IMPORTANT OR UNIMPORTANT	SOMEWHAT IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
Mobile crisis team	30.00% 3	0.00% 0	20.00% 2	20.00% 2	30.00% 3	10	3.20
Body cameras	10.00% 1	0.00% 0	10.00% 1	10.00% 1	70.00% 7	10	4.30
Additional CEDs (tasers)	0.00% 0	0.00% 0	0.00% 0	10.00% 1	90.00% 9	10	4.90
Emergency medical equipment	0.00% 0	0.00% 0	10.00% 1	30.00% 3	60.00% 6	10	4.50

### Q5 What types of training would make it easier for you to do your job? Rate the importance of each.

Answered: 10 Skipped: 0



# Police Reform Panel Questionnaire



## Police Reform Panel Questionnaire

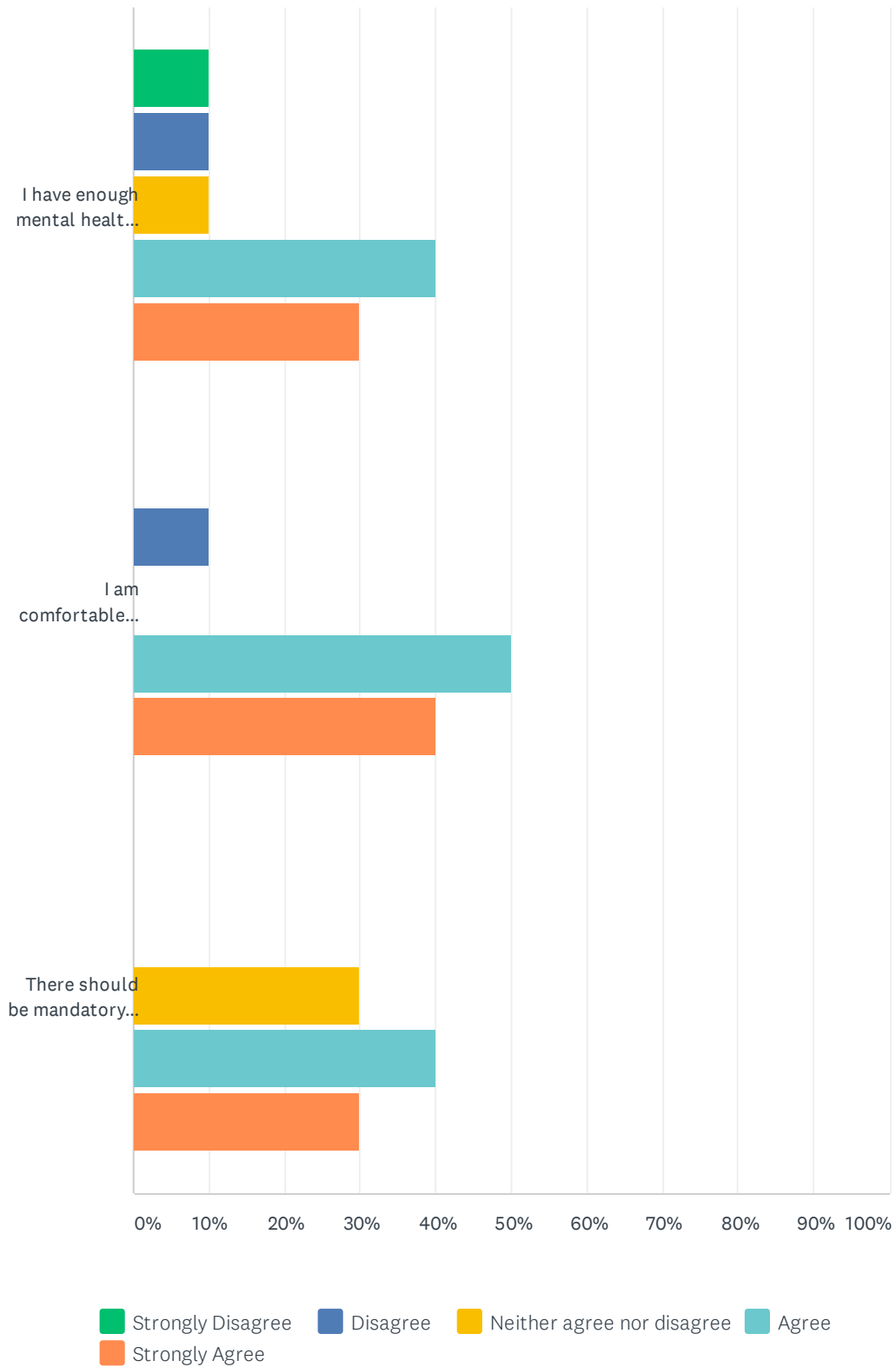
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	UNIMPORTANT	SOMEWHAT UNIMPORTANT	NEITHER IMPORTANT OR UNIMPORTANT	SOMEWHAT IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
active shooter	0.00% 0	0.00% 0	0.00% 0	10.00% 1	90.00% 9	10	4.90
antiracism	10.00% 1	0.00% 0	20.00% 2	40.00% 4	30.00% 3	10	3.80
dealing with children	10.00% 1	0.00% 0	0.00% 0	40.00% 4	50.00% 5	10	4.20
dealing with individuals with disabilities such as autism spectrum disorders	0.00% 0	0.00% 0	0.00% 0	40.00% 4	60.00% 6	10	4.60
dealing with mental health issues	0.00% 0	0.00% 0	0.00% 0	40.00% 4	60.00% 6	10	4.60
dealing with the elderly	10.00% 1	0.00% 0	10.00% 1	30.00% 3	50.00% 5	10	4.10
de-escalation techniques	0.00% 0	0.00% 0	0.00% 0	10.00% 1	90.00% 9	10	4.90
disaster response	0.00% 0	0.00% 0	10.00% 1	20.00% 2	70.00% 7	10	4.60
domestic violence	0.00% 0	0.00% 0	0.00% 0	10.00% 1	90.00% 9	10	4.90
emergency medical response	0.00% 0	0.00% 0	10.00% 1	60.00% 6	30.00% 3	10	4.20
LBGTQ+	10.00% 1	0.00% 0	50.00% 5	10.00% 1	30.00% 3	10	3.50
rape and sexual assault	0.00% 0	0.00% 0	0.00% 0	20.00% 2	80.00% 8	10	4.80



### Q6 Please indicate whether you agree or disagree with the following statements:

Answered: 10 Skipped: 0



Police Reform Panel Questionnaire

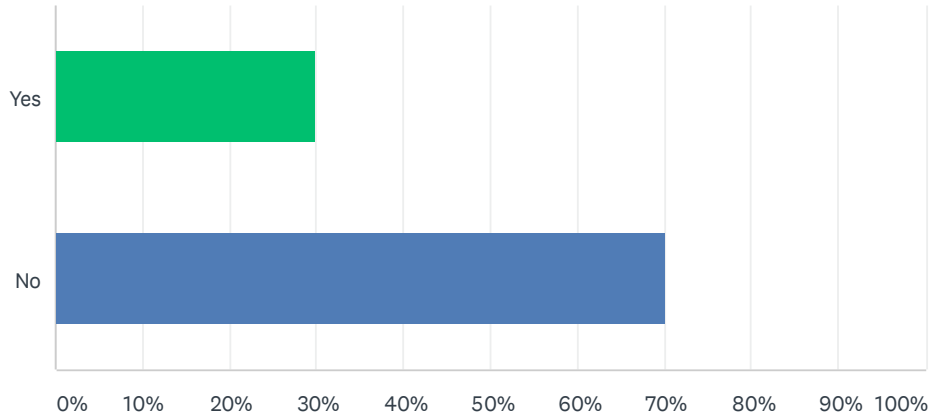
	STRONGLY DISAGREE	DISAGREE	NEITHER AGREE NOR DISAGREE	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
I have enough mental health resources available to me personally.	10.00% 1	10.00% 1	10.00% 1	40.00% 4	30.00% 3	10	3.70
I am comfortable using these resources and/or asking for support from colleagues without fear of being judged or it having negative consequences at work?	0.00% 0	10.00% 1	0.00% 0	50.00% 5	40.00% 4	10	4.20
There should be mandatory confidential mental health support after dealing with a particularly challenging situation on the job?	0.00% 0	0.00% 0	30.00% 3	40.00% 4	30.00% 3	10	4.00

**Q7 What can be done to build connections with the community, particularly with community members with black, indigenous, people of color (BIPOC)?**

Answered: 10 Skipped: 0

Q8 Should the department offer a program whereby you would get to know BIPOC members of the community on a personal level through recreational activities or informal meetings?

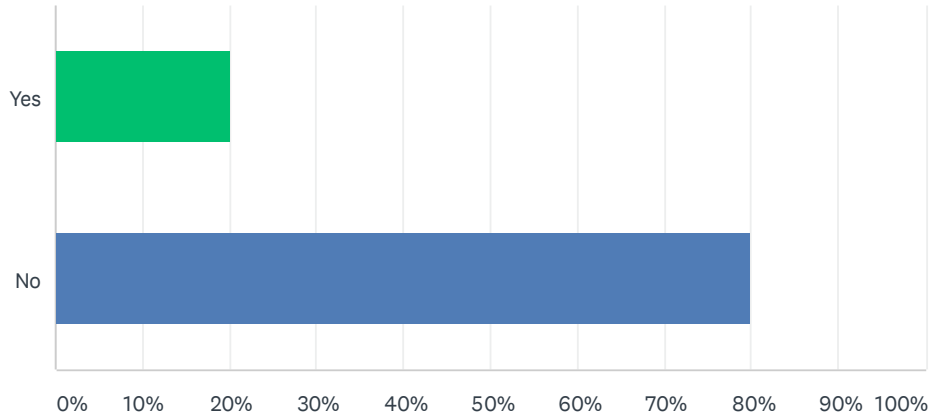
Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	30.00%	3
No	70.00%	7
TOTAL		10

### Q9 Do you feel that you have enough resources when you need to communicate with residents who need to communicate in a language other than English, including the deaf?

Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	20.00%	2
No	80.00%	8
TOTAL		10

**Q10 How can the department make it clear that non-documented individuals may safely report a crime without fear of deportation?**

Answered: 10 Skipped: 0

## Q11 What is the biggest challenge facing your department?

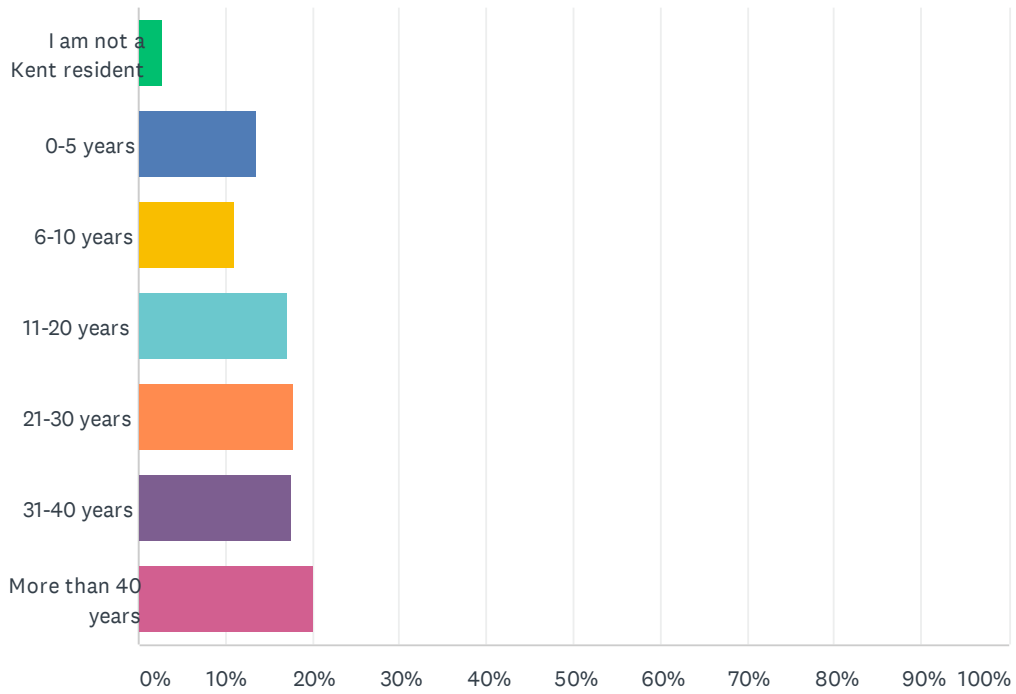
Answered: 10 Skipped: 0

D. COMMUNITY SURVEY



## Q1 How long have you resided in the Town of Kent?

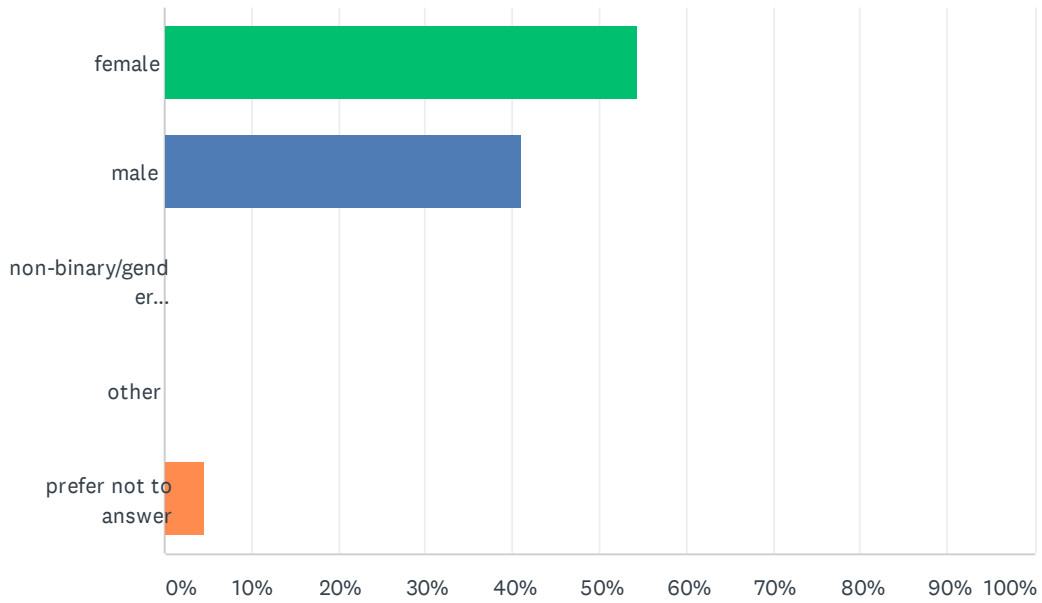
Answered: 263 Skipped: 0



ANSWER CHOICES	RESPONSES	
I am not a Kent resident	2.66%	7
0-5 years	13.69%	36
6-10 years	11.03%	29
11-20 years	17.11%	45
21-30 years	17.87%	47
31-40 years	17.49%	46
More than 40 years	20.15%	53
<b>TOTAL</b>		<b>263</b>

## Q2 What is your gender identity?

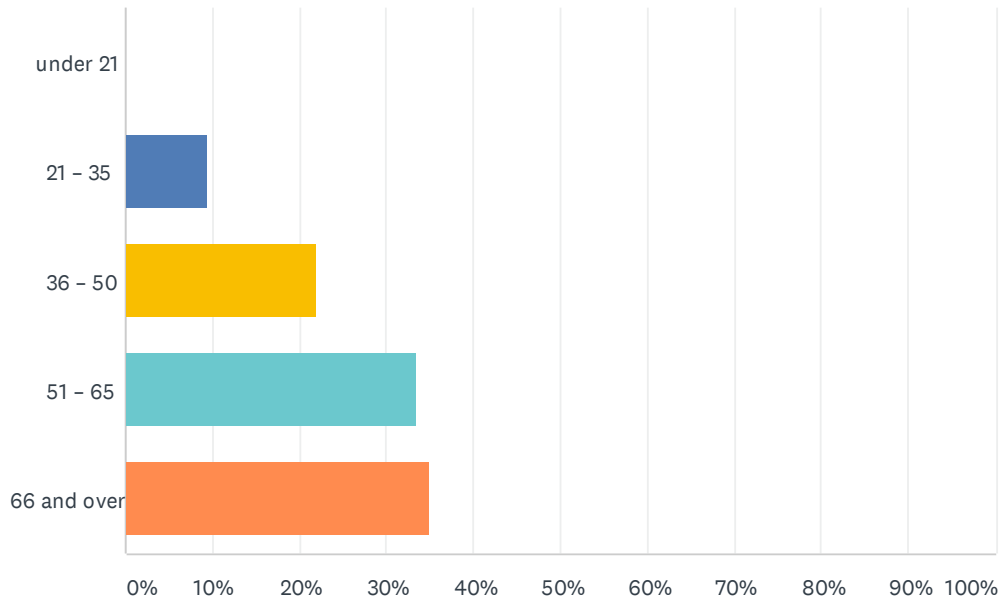
Answered: 263 Skipped: 0



ANSWER CHOICES	RESPONSES	
female	54.37%	143
male	41.06%	108
non-binary/gender nonconforming	0.00%	0
other	0.00%	0
prefer not to answer	4.56%	12
<b>TOTAL</b>		<b>263</b>

### Q3 What is your age?

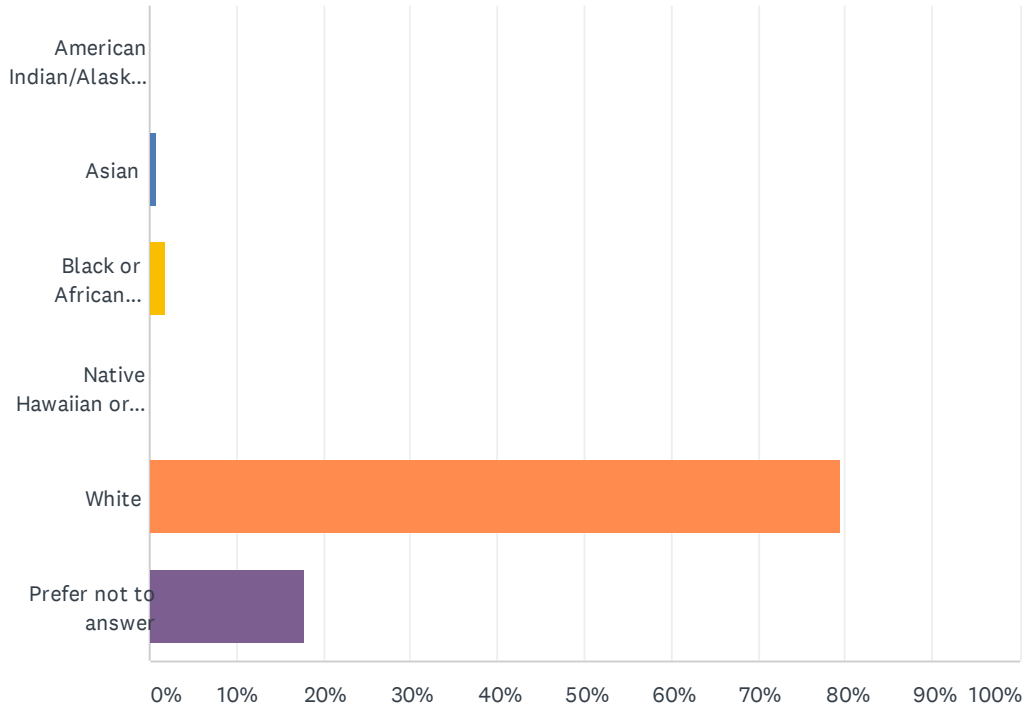
Answered: 263 Skipped: 0



ANSWER CHOICES	RESPONSES	
under 21	0.00%	0
21 - 35	9.51%	25
36 - 50	22.05%	58
51 - 65	33.46%	88
66 and over	34.98%	92
<b>TOTAL</b>		<b>263</b>

## Q4 What is your race?

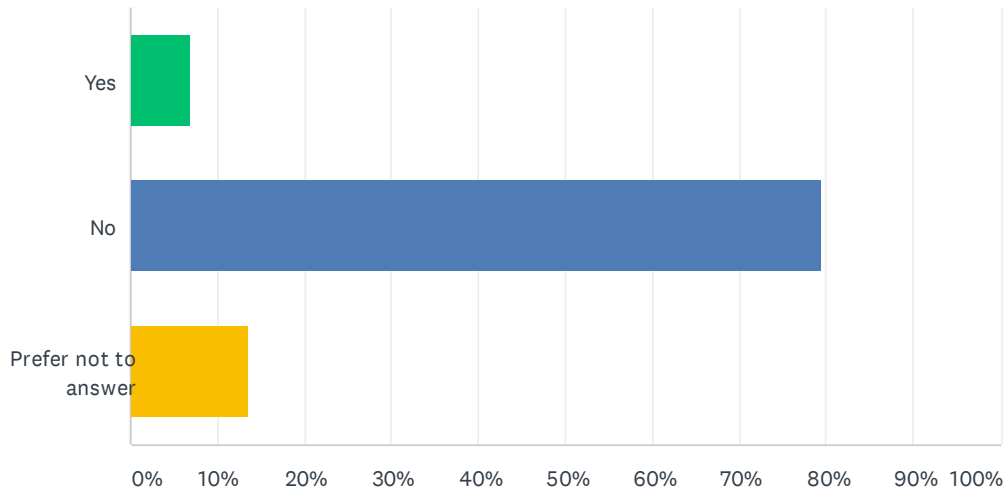
Answered: 263 Skipped: 0



ANSWER CHOICES	RESPONSES	
American Indian/Alaska Native	0.00%	0
Asian	0.76%	2
Black or African American	1.90%	5
Native Hawaiian or other Pacific Islander	0.00%	0
White	79.47%	209
Prefer not to answer	17.87%	47
<b>TOTAL</b>		<b>263</b>

## Q5 Do you identify as Hispanic or Latino?

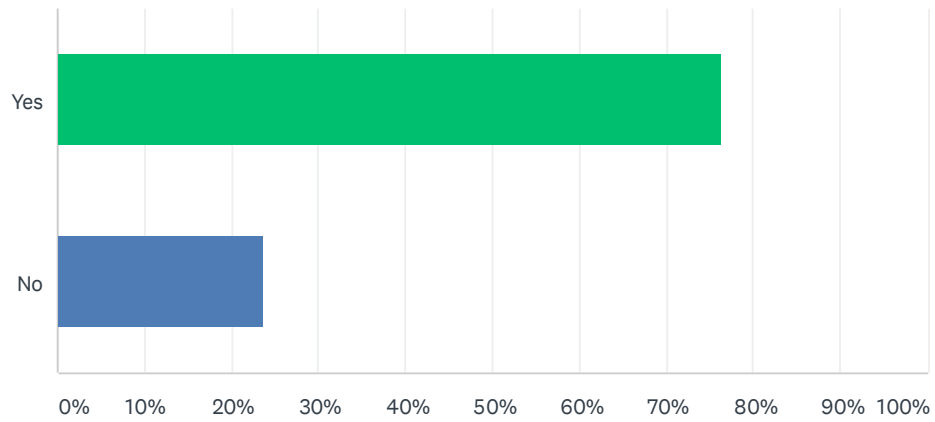
Answered: 263 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	6.84% 18
No	79.47% 209
Prefer not to answer	13.69% 36
TOTAL	263

## Q6 Have you interacted directly with one or more Kent PD officers within the past five years?

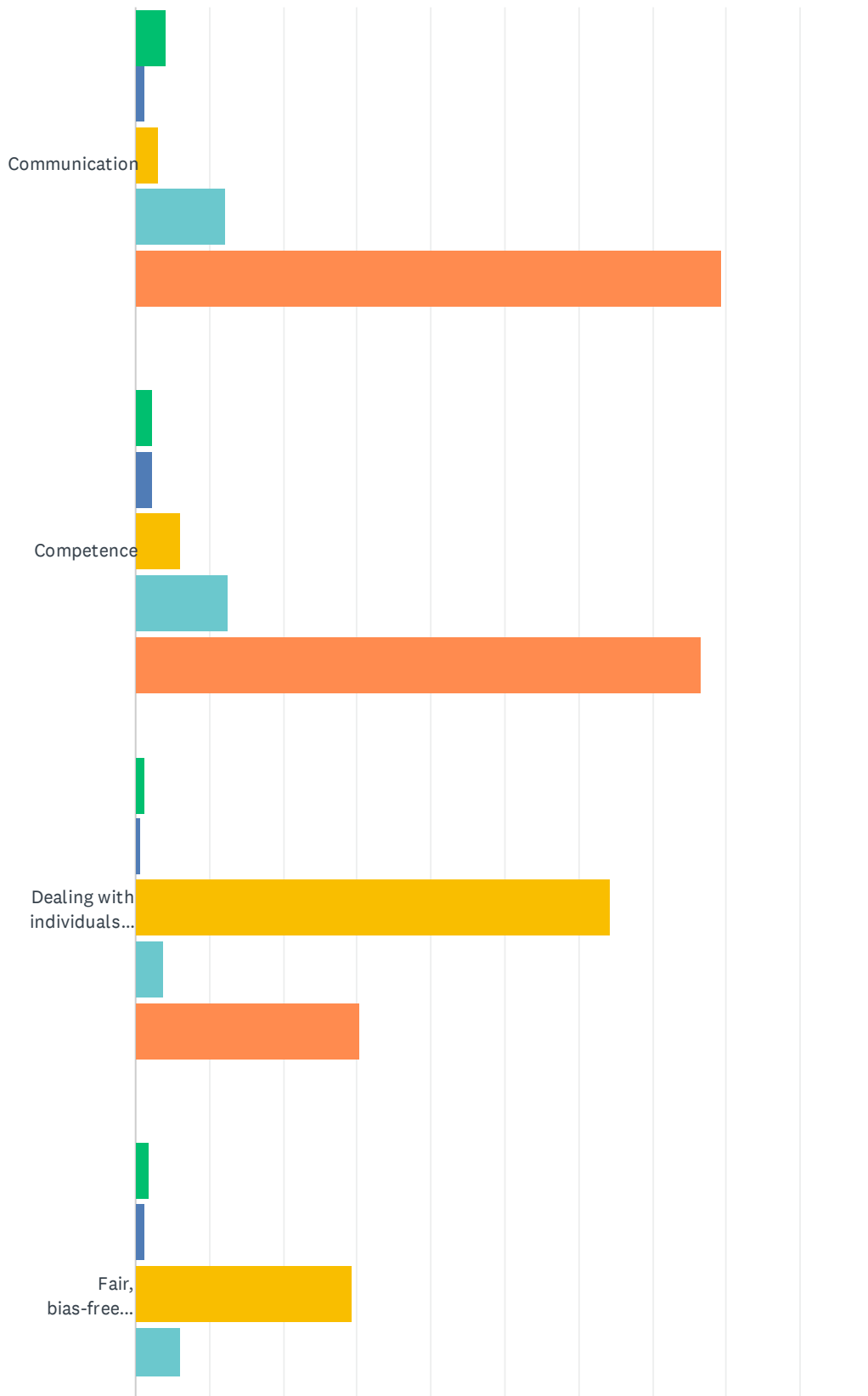
Answered: 263 Skipped: 0



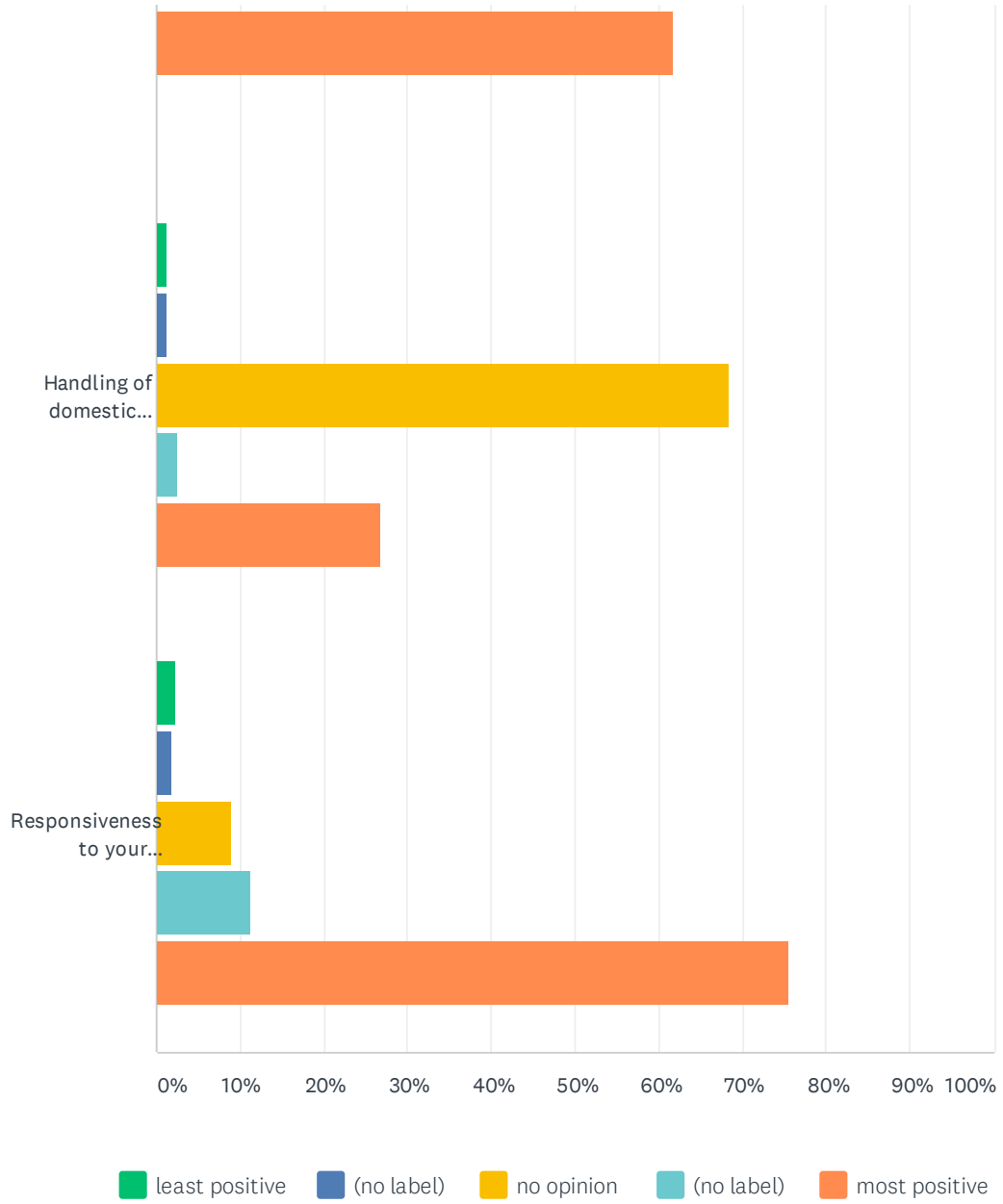
ANSWER CHOICES	RESPONSES	
Yes	76.43%	201
No	23.57%	62
TOTAL		263

### Q7 If yes to Question 6, please rate the following aspects of your specific interactions with officers of the Kent Police Department (Kent PD)

Answered: 170 Skipped: 93



# Kent Police Department Community Survey



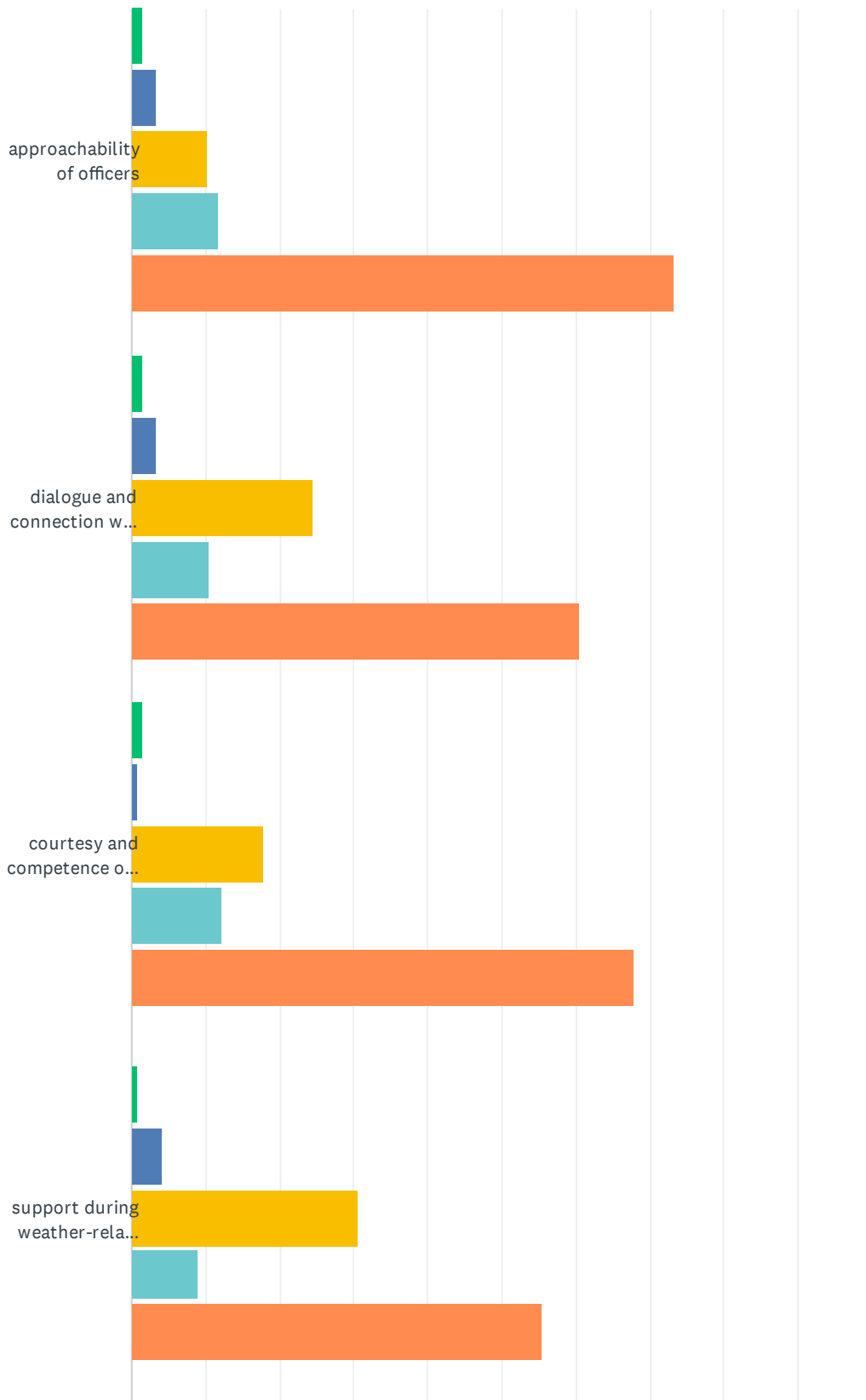


Kent Police Department Community Survey

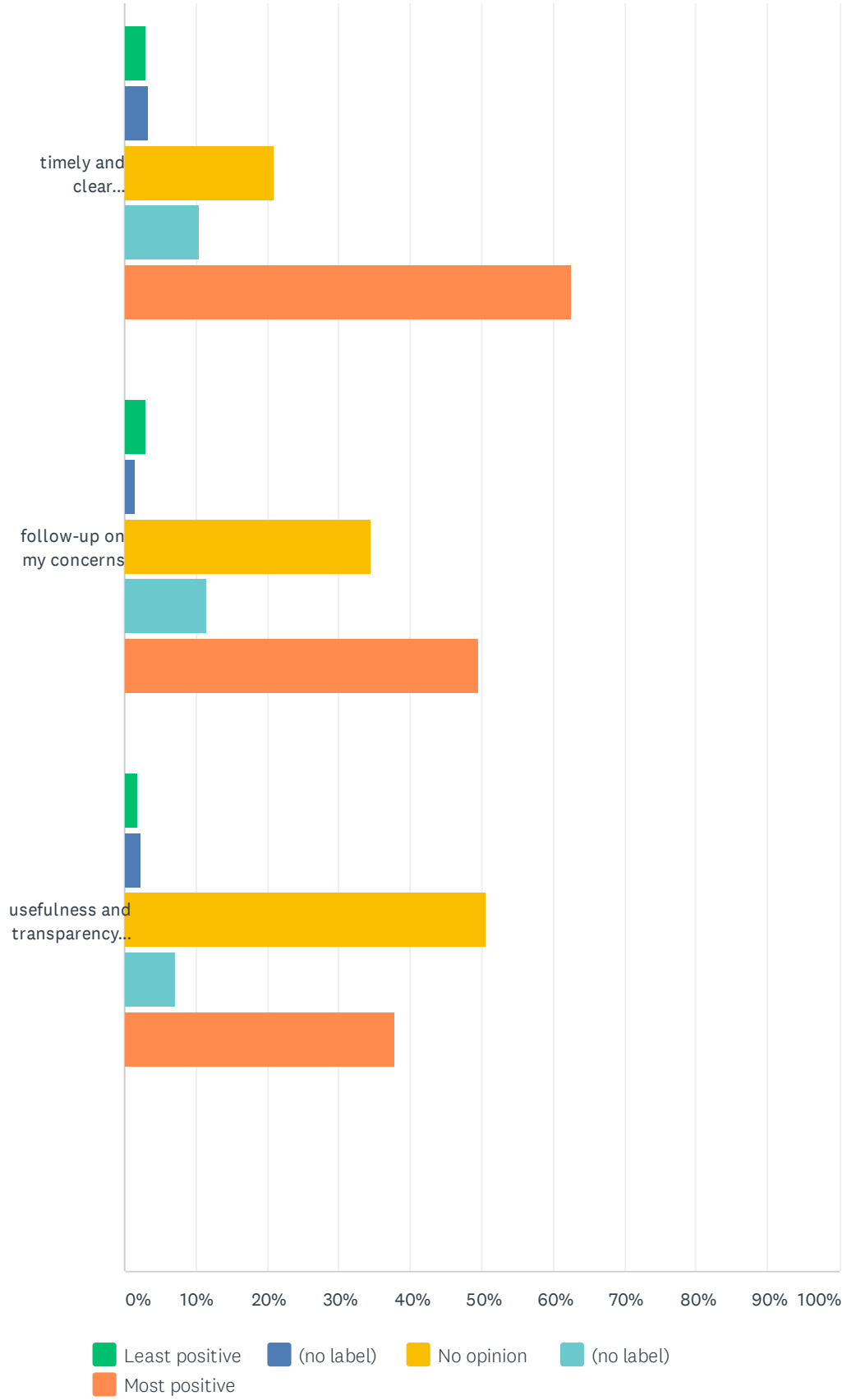
	LEAST POSITIVE	(NO LABEL)	NO OPINION	(NO LABEL)	MOST POSITIVE	TOTAL	WEIGHTED AVERAGE
Communication	4.27% 7	1.22% 2	3.05% 5	12.20% 20	79.27% 130	164	4.61
Competence	2.40% 4	2.40% 4	5.99% 10	12.57% 21	76.65% 128	167	4.59
Dealing with individuals with special needs including mental health issues, substance abuse issues, developmental disabilities, deafness, or other communication differences, etc.	1.23% 2	0.62% 1	64.20% 104	3.70% 6	30.25% 49	162	3.61
Fair, bias-free treatment regardless of race, ethnicity, age, gender, and sexual orientation.	1.80% 3	1.20% 2	29.34% 49	5.99% 10	61.68% 103	167	4.25
Handling of domestic violence, sexual assault, or similar issues	1.24% 2	1.24% 2	68.32% 110	2.48% 4	26.71% 43	161	3.52
Responsiveness to your concerns	2.38% 4	1.79% 3	8.93% 15	11.31% 19	75.60% 127	168	4.56

# Q8 Please rate the Kent Police Department (Kent PD) overall with respect to the following

Answered: 216 Skipped: 47



# Kent Police Department Community Survey

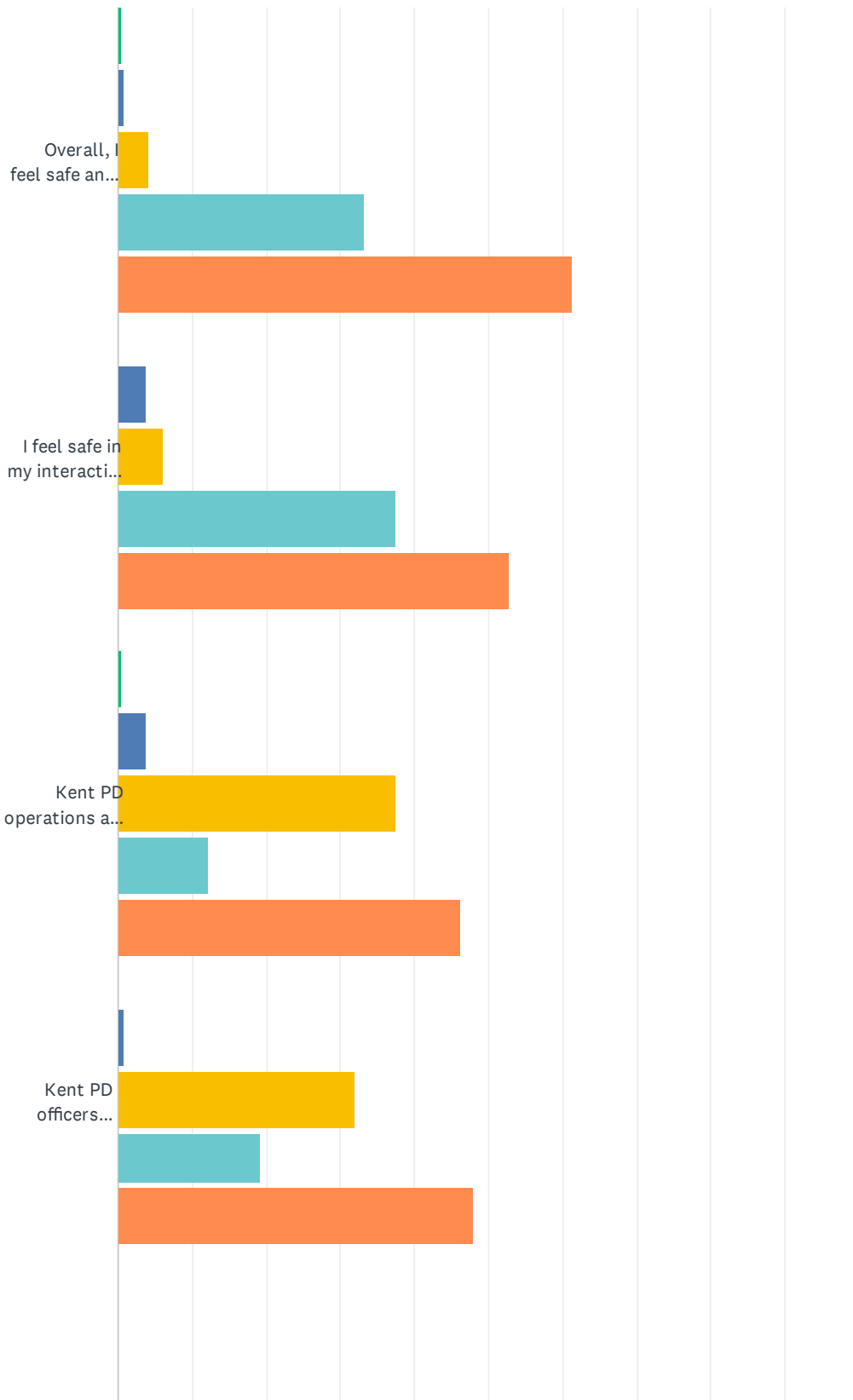


## Kent Police Department Community Survey

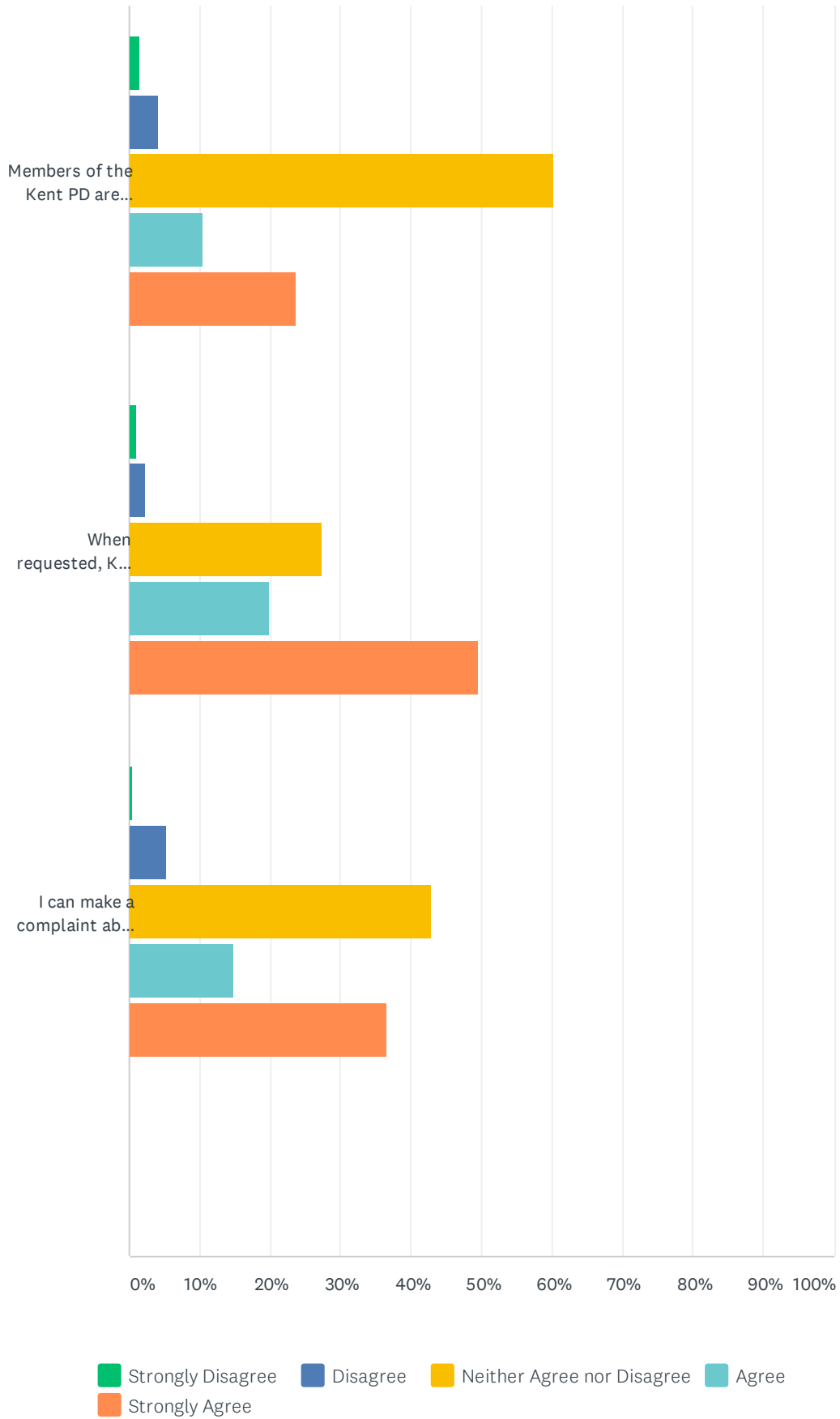
	LEAST POSITIVE	(NO LABEL)	NO OPINION	(NO LABEL)	MOST POSITIVE	TOTAL	WEIGHTED AVERAGE
approachability of officers	1.41% 3	3.29% 7	10.33% 22	11.74% 25	73.24% 156	213	4.52
dialogue and connection with community members	1.42% 3	3.30% 7	24.53% 52	10.38% 22	60.38% 128	212	4.25
courtesy and competence of dispatcher in response to calls	1.40% 3	0.93% 2	17.76% 38	12.15% 26	67.76% 145	214	4.44
support during weather-related emergencies	0.94% 2	4.23% 9	30.52% 65	8.92% 19	55.40% 118	213	4.14
timely and clear communication of appropriate information	2.84% 6	3.32% 7	20.85% 44	10.43% 22	62.56% 132	211	4.27
follow-up on my concerns	2.88% 6	1.44% 3	34.62% 72	11.54% 24	49.52% 103	208	4.03
usefulness and transparency of information on the department's website, <a href="http://www.townofkentny.gov">www.townofkentny.gov</a>	1.91% 4	2.39% 5	50.72% 106	7.18% 15	37.80% 79	209	3.77

# Q9 Please state your level of agreement with the following statements about your perceptions of the Kent PD

Answered: 217 Skipped: 46



# Kent Police Department Community Survey

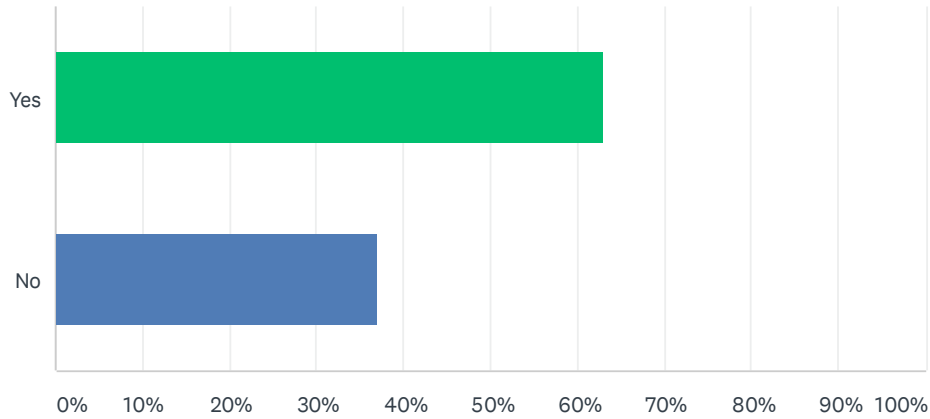


## Kent Police Department Community Survey

	STRONGLY DISAGREE	DISAGREE	NEITHER AGREE NOR DISAGREE	AGREE	STRONGLY AGREE	TOTAL	WEIGHTED AVERAGE
Overall, I feel safe and secure in my home	0.46% 1	0.92% 2	4.15% 9	33.18% 72	61.29% 133	217	4.54
I feel safe in my interactions with members my community	0.00% 0	3.70% 8	6.02% 13	37.50% 81	52.78% 114	216	4.39
Kent PD operations are free of bias regardless of race, ethnicity, age, gender, and sexual orientation.	0.47% 1	3.74% 8	37.38% 80	12.15% 26	46.26% 99	214	4.00
Kent PD officers achieve law enforcement goals without using of excessive force.	0.00% 0	0.94% 2	31.92% 68	19.25% 41	47.89% 102	213	4.14
Members of the Kent PD are adequately trained to deal with non-English speakers and with individuals with special needs including mental health issues, substance abuse issues, developmental disabilities, deafness, etc.	1.42% 3	4.27% 9	60.19% 127	10.43% 22	23.70% 50	211	3.51
When requested, Kent PD officers go "above and beyond" by competently providing non-law-enforcement services (e.g., flooded basement, wildlife problems, neighbor disputes).	0.94% 2	2.36% 5	27.36% 58	19.81% 42	49.53% 105	212	4.15
I can make a complaint about a Kent PD officer to the Kent PD or the Town Supervisor without fear of retaliation.	0.48% 1	5.24% 11	42.86% 90	14.76% 31	36.67% 77	210	3.82

Q10 Should the Town PD offer a program whereby their personnel would get to know Black, Indigenous, and People of Color (BIPOC) and/or those who identify as LGBTQIA in the community on a personal level through recreational activities or informal meetings?

Answered: 200 Skipped: 63

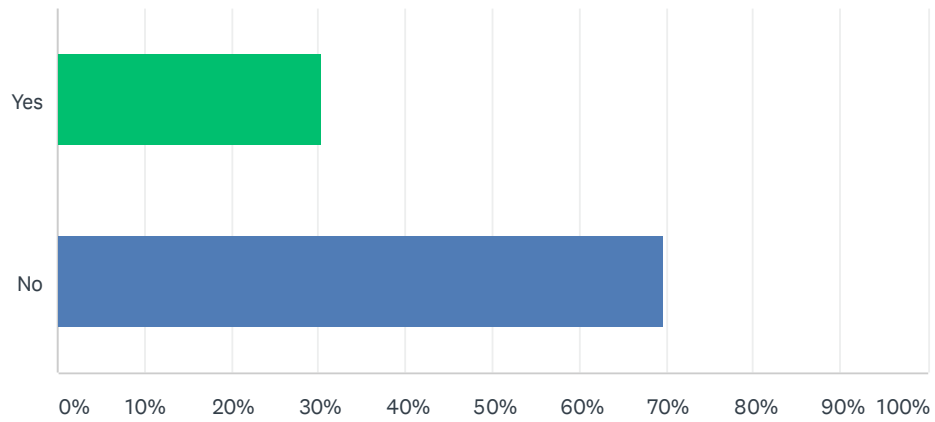


ANSWER CHOICES	RESPONSES	
Yes	63.00%	126
No	37.00%	74
TOTAL		200



## Q11 If such a program were developed, would you be interested in participating?

Answered: 208 Skipped: 55



ANSWER CHOICES	RESPONSES	
Yes	30.29%	63
No	69.71%	145
TOTAL		208

## Q12 Is there anything else you would like to tell us?

Answered: 88 Skipped: 175

**Q13 If you would like to be contacted by the Kent Police Department regarding your concerns, please provide your information below.**

Answered: 36 Skipped: 227

ANSWER CHOICES	RESPONSES	
Name	97.22%	35
Company	0.00%	0
Address	0.00%	0
Address 2	0.00%	0
City/Town	0.00%	0
State/Province	0.00%	0
ZIP/Postal Code	0.00%	0
Country	0.00%	0
Email Address	97.22%	35
Phone Number	88.89%	32

E. POLICIES AS AMENDED

## Use of Force

### 300.1 PURPOSE AND SCOPE

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties. 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 federal and state standards by which use of force is measured are both founded in the basic premise of objective reasonableness. The amount of force that is used by the officers shall be the amount of force that is objectively reasonable under the circumstances for the officer involved to effect an arrest, prevent an escape, or in defense of themselves or others. As the Supreme Court has recognized, this reasonableness inquiry embodies "allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation". This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Executive Law § 840).

The Kent Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

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

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

# Kent Police Department

## Policy Manual

### *Use of Force*

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**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.

**Brandish** - to shake, wave or display, esp. threateningly or ostentatiously, as a weapon; flourish. 2) a flourish or waving, as of a weapon (Merriam-Webster)

**Display** - 1) to put or spread before the view. 2) to make evident. 3) to exhibit ostentatiously (Merriam-Webster)

**Deploy** - 1) a. to extend (a military unit) especially in width, b. to place in battle formation. 2) to spread out, utilize, or arrange for a deliberate purpose. (Merriam-Webster)

### **300.2 POLICY**

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

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 Kent Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

#### **300.2.1 DUTY TO INTERCEDE AND REPORT**

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

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

## *Use of Force*

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### 300.2.2 PERSPECTIVE

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

### **300.3 USE OF FORCE**

Officers shall use only that 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.

The reasonableness of force will be judged from the perspective of 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 department. 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.

### 300.3.1 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 for scientific testing in lieu of a court order where required.

## *Use of Force*

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### 300.3.2 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.

### 300.3.3 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.



# Kent Police Department

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### *Use of Force*

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- (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.

#### 300.3.4 ALTERNATIVE TACTICS - 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).

#### 300.3.5 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.

#### 300.3.6 STATE RESTRICTIONS ON THE USE OF OTHER RESTRAINTS

Any application of pressure to the throat, windpipe, neck, or blocking the mouth or nose of a person in a manner that may hinder breathing or reduce intake of air or obstructs blood circulation is strictly prohibited unless deadly physical force is authorized (Exec. Law § 840) and is subject to the following guidelines and requirements:

- (a) At all times during the application of any type of neck restraint, the response of the individual should be monitored. The restraint should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had any type of neck restraint applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to a neck restraint and whether the individual lost consciousness as a result.
- (d) Any officer attempting or applying any type of neck restraint shall promptly notify a supervisor of the use or attempted use of such restraint.
- (e) The use or attempted use of any type of neck restraint shall be thoroughly documented by the officer in any related reports.

#### 300.4 DEADLY FORCE APPLICATIONS

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

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### *Use of Force*

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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.

#### **300.4.1 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.

#### **300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this department 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. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law. (Executive Law 840) As such, all officers must complete a department USE OF FORCE Report for each instance force is used. [See attachment: UFR - Updated 11182020.pdf](#)

See the Report Preparation Policy for additional circumstances that may require documentation.

## *Use of Force*

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### 300.5.1 NOTIFICATIONS TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable 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.

### 300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical and/or mental health 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, was rendered unconscious or where there is reasonable cause to believe that a person, who appears to be mentally ill or in mental distress, is conducting themselves in a manner which is likely to result in serious harm to themselves or others. Any individual exhibiting signs of physical and/or mental 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 officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another 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

## Use of Force

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(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.

See the Medical Aid and Response Policy for additional guidelines.

### 300.6.1 ADDITIONAL STATE REQUIREMENTS

An officer should take steps to obtain medical attention for a person who reasonably appears to be mentally ill and is behaving in a manner that is likely to result in serious harm to the person or to others.

Officers should document requests for medical or mental health treatment as well as efforts to arrange for such treatment.

### 300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to (Executive Law § 840):

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
  1. The content of the interview should not be summarized or included in any related criminal charges.
  2. The fact that a recorded interview was conducted should be documented in a property or other report.
  3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
  1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports, including any officers present at the incident.
- (f) Review and approve all related reports.

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### *Use of Force*

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1. Supervisors should require that officers who engaged in the use of force submit the appropriate report.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
  1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.
  1. Disciplinary actions will be consistent with any applicable disciplinary guidelines and collective bargaining agreements.

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

#### **300.7.1 LIEUTENANT RESPONSIBILITIES**

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

The Lieutenant should ensure that the Chief of Police is provided with enough information to meet the use of force reporting requirements for the DCJS (Executive Law § 837-t; 9 NYCRR 6058.3).

#### **300.8 TRAINING**

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

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

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

#### **300.9 POLICY AVAILABILITY**

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

## Attachments

## UFR - Updated 11182020.pdf

**TOWN OF KENT POLICE DEPARTMENT  
USE OF FORCE REPORT (UFR)**

Date/Time of Incident: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Incident Report #: \_\_\_\_\_

Name of Officer Using Force: \_\_\_\_\_

Subject of Use of Force:

Name: \_\_\_\_\_

DOB: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone # \_\_\_\_\_

Type of Force Used: {Check appropriate selection(s)}

Physical Force

Chemical Force

Conducted Energy Weapon\*

Impact Force

Deadly Physical Force/Firearms\*

Firearm/Taser(Brandished)

Other

\*Requires Additional Report

Instrument Used:

Type: \_\_\_\_\_

Make: \_\_\_\_\_

Model: \_\_\_\_\_

Serial#: \_\_\_\_\_

Was Subject Injured? \_\_\_\_\_

(If "Yes" Describe the injury and medical treatment provided)

\_\_\_\_\_  
\_\_\_\_\_



Was the Officer Injured? \_\_\_\_\_

(If "Yes" Describe the injury and medical treatment provided)

\_\_\_\_\_  
\_\_\_\_\_

Name of Supervisor Notified: \_\_\_\_\_

\_\_\_\_\_

Officer's Signature

\_\_\_\_\_

Date

**Officers will attach any and all reports that are pertinent to this incident.**

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**DEPARTMENTAL REVIEW:**

Was the force used appropriate and justified under the circumstances? Yes No

DCJS Use of Force Data Collection (NYS Executive Law 837-t 07/11/19): Requires PDs to report any occurrence of the following:

PO engages in conduct which results in death or SPI Yes No

PO brandishes, uses or discharges a firearm at or in person's direction Yes No

PO uses a chokehold or applies pressure to throat Yes No

PO displays, uses or deploys OC, Taser, flash bomb or acoustic device Yes No

If Yes was checked for any of the above four questions regarding Data Collection, a report must be made to DCJS via the NY ejustice portal.

***Please note the date such report was made and by whom:*** \_\_\_\_\_

\_\_\_\_\_

Signature of Commanding Officer

\_\_\_\_\_

Date:

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## Standards of Conduct

### 320.1 PURPOSE AND SCOPE

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

### 320.2 POLICY

It is the policy of the Kent Police Department that officers shall conduct themselves both on and off duty in a manner that reflects high ethical standards consistent with the values and mission established by this agency and the expectations of the community it serves. The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

### 320.3 DIRECTIVES AND ORDERS

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

#### 320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or 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

## *Standards of Conduct*

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opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

### **320.3.2 SUPERVISOR RESPONSIBILITIES**

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

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

### **320.4 GENERAL STANDARDS**

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

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

Members shall be truthful in all matters and shall not lie, falsify, conceal, purposely distort, diminish, embellish, or fail to fully disclose facts associated with any law enforcement business.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

### **320.5 CAUSES FOR DISCIPLINE**

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

# Kent Police Department

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#### 320.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in department or Town manuals.
- (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.

#### 320.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Kent Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department 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.

#### 320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

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

Officers shall strive to maintain public trust by conducting all law enforcement business in an unbiased, fair, and impartial manner in accordance with the Bias Free Policing Policy. Officers shall interact with the public in a civil and professional manner that conveys a service orientation to foster public trust and cooperation and adheres to the concepts associated with procedural justice. Officers shall perform their duties equitably in both the enforcement of laws and the delivery of law enforcement services within the community.

#### 320.5.4 PROHIBITED RELATIONSHIPS, ASSOCIATIONS AND ESTABLISHMENTS

- (a) Solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

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- (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 with a known victim, witness, confidential informant, 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) Knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious, ethnic, or other groups or classes of individuals protected by law.
- (f) Associating on a personal, rather than official, basis with persons who are under criminal investigation, indictment, arrest, or incarceration by this or another law enforcement or criminal justice agency or who has an open and notorious criminal reputation in the community. If this type of association is unavoidable due to pre-existing familial or marital relationships, the member shall inform their supervisor of the relationship.
- (g) Participating or interfering in any investigation involving family members or persons with whom the member has a close personal or business relationship.
- (h) Entering any establishment in which the law is knowingly violated, except for in the performance of official duties.

#### 320.5.5 ATTENDANCE

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

#### 320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Undertaking any investigation or other official action that is not part of the member's regular duties without first obtaining permission from a supervisor, unless the exigency of the situation requires immediate law enforcement action.
- (c) Disclosing to any unauthorized person any active investigation information.
- (d) 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

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or financial gain or without the express authorization of the Chief of Police or the authorized designee.

- (e) 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.
- (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) Purchasing, converting to personal use, or having any claim to found, impounded, abandoned, or recovered property or any property held or released as evidence.

#### 320.5.7 EFFICIENCY

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

#### 320.5.8 PERFORMANCE

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

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- (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:
  - 1. While on department premises.
  - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
  - 3. 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:
  - (a) Unauthorized attendance while on-duty at official legislative or political sessions.
  - (b) Solicitations of political funds from any member of this agency or another governmental agency of this jurisdiction.
  - (c) Speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property.
  - (d) Soliciting contributions, signatures, or other forms of support for political candidates, parties, or ballot measures while on-duty or in uniform.
  - (e) Placing, affixing, or displaying any campaign literature or other paraphernalia in or on government-owned or controlled property, to include offices and vehicles.
  - (f) Using official authority to interfere with any election or with the political actions of other officers or the general public.
  - (g) Favoring or discriminating against any person seeking employment because of political opinions or affiliations.
- (h) Engaging in political activities during assigned working hours, or while wearing department issued uniforms or clothing that identifies a member as an officer on duty.
- (i) Any act on- or off-duty that brings discredit to this department.

#### 320.5.9 CONDUCT

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

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- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Failure to prevent or stop wrongdoing by another officer when it is safe and reasonable to do so. Officers have a duty to intervene as stated in the Use of Force Policy of this manual.
- (f) Failure to report to a supervisor as soon as possible any misconduct of which a member becomes aware when another member of the department is violating law or policy.
- (g) Engaging in horseplay that reasonably could result in injury or property damage.
- (h) Discourteous, unprofessional, disrespectful or discriminatory treatment of any member of the public or any member of this department or the Town.
- (i) Use of obscene or derogatory language while on-duty or in uniform.
- (j) Use of any language or engaging in any act that demeans, harasses, or intimidates any member of the public or any member of this department.
- (k) Criminal, dishonest or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (l) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (m) 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.
- (n) Endorsing, recommending, or facilitating the sale of commercial products or services while as an agent of this department, without the approval of the Chief of Police or his/her designee. This includes but is not limited to the use of tow services, vehicle repair shops, attorneys, bail bondsmen, or other technical or professional services. It does not pertain to referrals to appropriate governmental, community, or social services.
- (o) 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.
- (p) 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 Chief of Police of such action.
- (q) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department; which casts doubt on the member's integrity, honesty, moral judgment, or character; is contrary to good order, efficiency or morale; or tends to reflect unfavorably upon this department or its members.
- (r) See Department Use of Social Media Policy (322) and Speech, Expression and Social Networking Policy (1030) for further guidance.

#### 320.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.



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

#### 320.5.11 INTOXICANTS

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

#### 320.5.12 LEGISLATIVE RESTRICTIONS

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

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

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4. Failing to disclose an interest in any contract or business with the employing governmental entity (General Municipal Law § 801)
5. Failing to disclose an interest in property for which a variance is requested (General Municipal Law § 809)

## Department Use of Social Media

### 322.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

#### 322.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

### 322.2 POLICY

The Kent Police Department will use social media as a method of effectively informing the public about department services, issues, investigations, recruitment and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all people.

### 322.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

### 322.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

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### *Department Use of Social Media*

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Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Media releases and public relations posts.
- (h) Recruitment of personnel.

#### **322.4.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Chief's Office or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

#### **322.5 PROHIBITED CONTENT**

Any content that has not been properly authorized by this policy or a supervisor is prohibited. Additionally, content that is strictly prohibited from posting includes, but is not limited to:

- (a) Content that may be considered abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Kent Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content using a fictitious name or identity without prior approval of the Lieutenant.
- (h) Any content that endorses, supports, opposes or contradicts any political campaign or initiative.

Any member who becomes aware of content on this Department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure that any unauthorized or inappropriate content is removed from public view and investigate the cause of the entry.

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### *Department Use of Social Media*

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#### **322.5.1 PUBLIC POSTING PROHIBITED**

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

#### **322.6 MONITORING CONTENT**

The Chief of Police will appoint a supervisor to oversee and monitor the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

#### **322.7 TRAINING**

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, and dissemination and retention of information posted on department sites.

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## Bias-Free Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Kent Police Department's commitment to fair and bias-free treatment of all people and to clarify the circumstances in which agency personnel may consider specified characteristics when carrying out duties.

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

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - Discrimination in the performance of law enforcement duties or delivery of police services, based on personal prejudices or partiality of agency personnel toward classes of people based on specified characteristics.

**Fair and Bias-Free Treatment** - Conduct of agency personnel wherein all people are treated in the same manner under the same or similar circumstances irrespective of specified characteristics.

**Police Services** - Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law, but that contribute to the overall well-being of the public. These include, but are not limited to, such tasks as welfare checks; death notifications; public assistance to persons who may be lost, confused, or affected by mental or physical illness; traffic control; medical emergencies; lifesaving services; crime prevention; public information; and community engagement.

**Specified Characteristics** - For the purposes of this policy, real or perceived personal characteristics, to include but not limited to race, ethnic background, national origin, immigration status, gender, gender identity/expression, sexual orientation, religion, socioeconomic status, age, disability, or political affiliation.

### 401.2 POLICY

The Kent 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 department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited both in enforcement of the law and the delivery of police services. Agency personnel shall take equivalent enforcement actions and provide bias-free services to all people in the same or similar circumstances. This does not mean that all people

## *Bias-Free Policing*

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in the same or similar circumstances must be treated identically. Reasonable concessions and accommodations may be, and sometimes should be made, for example when dealing with people with disabilities, injury, or illness.

Agency personnel may only consider specified characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

Restrictions on the use of specified characteristics do not apply to law enforcement activities or police services designed to strengthen the agency's relationship with its diverse communities.

### **401.4 MEMBER RESPONSIBILITIES**

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

#### **401.4.1 REASON FOR CONTACT**

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

To the extent that written documentation would otherwise be completed (e.g., arrest report, incident report, etc), the involved officer should include those facts giving rise to the contact, as applicable.

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

#### **401.4.2 REPORTING TRAFFIC STOPS**

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

### **401.5 SUPERVISOR RESPONSIBILITIES**

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

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
  1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall respond to violations of this policy with training, counseling, discipline, or other remedial intervention as appropriate to the violation.

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## Policy Manual

### *Bias-Free Policing*

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- (d) Supervisors shall ensure that those who report instances of biased policing are not subject to retaliation..

#### **401.6 TRAINING**

Training on fair and bias-free policing and review of this policy should be conducted as directed by the Lieutenant. All agency personnel will receive basic and periodic in-service training and, where deemed necessary, remedial training on subjects related to fair and bias-free policing, to include legal aspects and the psychology of bias.



## Crisis Intervention Incidents

### 409.1 PURPOSE AND SCOPE

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

#### 409.1.1 DEFINITIONS

Definitions related to this policy include:

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

### 409.2 POLICY

The Kent 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. The 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.

### 409.3 SIGNS

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

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

## *Crisis Intervention Incidents*

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

### **409.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Chief of Police should designate an appropriate officer to collaborate with mental health professionals to develop an education and response protocol. It should include 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.

### **409.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to 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.

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 officers 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.

## *Crisis Intervention Incidents*

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### **409.6 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.

### **409.7 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 response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

## *Crisis Intervention Incidents*

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### **409.8 SUPERVISOR RESPONSIBILITIES**

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

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

### **409.9 INCIDENT REPORTING**

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

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

#### **409.9.1 DIVERSION**

Individuals who are not being arrested for a crime but who are being taken into custody in accordance with NYS Mental Hygiene Law should be processed in accordance with the Emergency Admissions Policy.

### **409.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS**

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

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

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## Policy Manual

### *Crisis Intervention Incidents*

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If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

#### **409.11 EVALUATION**

The officer designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

#### **409.12 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

## Anti-Retaliation

### 1004.1 PURPOSE AND SCOPE

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

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

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

### 1004.2 POLICY

The Kent 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.

### 1004.3 RETALIATION PROHIBITED

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

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

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

## *Anti-Retaliation*

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### **1004.4 COMPLAINTS OF RETALIATION**

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

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

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

### **1004.5 SUPERVISOR RESPONSIBILITIES**

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

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

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

## *Anti-Retaliation*

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### **1004.6 COMMAND STAFF RESPONSIBILITIES**

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

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

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

### **1004.7 WHISTLE-BLOWING**

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

### **1004.8 RECORDS RETENTION AND RELEASE**

The Chief of Police shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

### **1004.9 TRAINING**

This policy should be reviewed with each new member.

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



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## Personnel Complaints

### 1010.1 PURPOSE AND SCOPE

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

### 1010.2 POLICY

The Kent Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The 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 and the requirements of any collective bargaining agreements.

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

### 1010.3 PERSONNEL COMPLAINTS

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

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

#### 1010.3.1 COMPLAINT CLASSIFICATIONS

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

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

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

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

# Kent Police Department

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### *Personnel Complaints*

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#### 1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

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

#### **1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

##### 1010.4.1 QUALITY OF SERVICE EVALUATION FORMS

Quality of Service Evaluation Forms forms will be maintained in Communications of the police facility and be accessible through the department website. Forms may also be available at other Town facilities.

Quality of Service Evaluation Forms in languages other than English may also be provided, as determined necessary or practicable.

##### 1010.4.2 ACCEPTANCE

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

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

#### **1010.5 DOCUMENTATION**

Supervisors shall ensure that all formal and informal complaints are documented on a Quality of Service Evaluation Form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible. All forms will be maintained in a file and subject to review by the Chief of Police.

#### **1010.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

# Kent Police Department

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### *Personnel Complaints*

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#### 1010.6.1 SUPERVISOR RESPONSIBILITIES

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

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

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

- (a) Ensuring that upon receiving or initiating any formal complaint, a Quality of Service Evaluation Form is completed.
  - 1. The original form will be directed to the Lieutenant, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Lieutenant or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
  - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
  - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on the form and forward it to the Lieutenant.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Lieutenant and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Ensuring that the Chief of Police or his/her designee, promptly contact the Supervisor's Office if the complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Lieutenant, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) 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.

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### Personnel Complaints

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- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

#### 1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES OTHER EMPLOYEES

Whether conducted by a supervisor or the Lieutenant, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Kent 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 by the Chief of Police or the Lieutenant 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) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.
- (i) 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.

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

#### 1010.6.3 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; Second Class Cities Law § 137; Town Law § 155; Village Law § 8-804).

#### 1010.6.4 ADMINISTRATIVE INVESTIGATION FORMAT

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

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

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

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

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

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

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

#### 1010.6.5 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 department 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.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

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

## *Personnel Complaints*

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

### **1010.6.6 COMPLETION OF INVESTIGATIONS**

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

### **1010.6.7 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS**

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

### **1010.7 ADMINISTRATIVE SEARCHES**

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

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

### **1010.8 ADMINISTRATIVE LEAVE**

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

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.
- (d) May be on leave without pay pending the hearing of charges (Town Law § 155).

### **1010.9 CRIMINAL INVESTIGATION**

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

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

## *Personnel Complaints*

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

The Kent Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

### **1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

#### **1010.10.1 LIEUTENANT RESPONSIBILITIES**

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

The Lieutenant may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Lieutenant may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

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

#### **1010.10.2 CHIEF OF POLICE RESPONSIBILITIES**

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

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
  1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.

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2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response, or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

#### 1010.10.3 HEARING BY TOWN BOARD

A hearing shall be conducted by the Town Board or as prescribed by the rules and regulations of the Town Board as provided in Town Law § 155.

The employee shall be entitled to five days' notice of the hearing and have an opportunity to be heard in his/her defense. The employee has the right to a public hearing and to be represented by counsel (Town Law § 155).

#### 1010.10.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

#### **1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police 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 Chief of Police to consider.
- (d) In the event that the Chief of Police 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 Chief of Police on the limited issues of information raised in any subsequent materials.



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#### **1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

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

#### **1010.13 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a reprimand, withholding of salary, extra hours, suspension without pay or termination of employment. The employee has the right to appeal using the procedures established by Town Law § 155.

#### **1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

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

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

#### **1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES**

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

# Speech, Expression and Social Networking

## 1030.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Kent Police Department.

This policy applies to all forms of public communication including, but not limited to, film, video, print media, public or private speech and use of all Internet services, including the Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

## 1030.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Kent Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

## 1030.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using any form of public communication. Speech and expression that may negatively affect the safety of Kent Police Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.

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- Disclosing the address of a fellow department member.
- Otherwise disclosing where another officer can be located off-duty.
- Disclosing any active investigation information.
- Disclosing any confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.

#### **1030.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the safety, performance and public-trust needs of the Kent Police Department, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members. Examples may include:
  1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
  2. Expression that demonstrates support for criminal activity.
  3. Participation in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorifies or endorses dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Kent Police

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Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### 1030.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Kent Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video or public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Kent Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502). (See the Standards of Conduct Policy Section 320.5.8(g) for more information on improper political activity).

#### 1030.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

## *Speech, Expression and Social Networking*

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### **1030.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

### **1030.7 TRAINING**

Subject to available resources, the Department should provide training regarding the limitations on speech, expression and use of social networking to all members of the Department.