

Ad Hoc Committee on Community Policing Second Report to Board of Trustees: Recommendations on Proposed Lexipol Departmental Policy Chapters

As requested by the Mayor and Board of Trustees, our committee has reviewed the policy chapters proposed by Lexipol for adoption by the Cold Spring Police Department. Generally, the policies appear adequate and comprehensive. We do agree it is important, however, that any policies adopted by the Village for the Department reflect the scale and realities of the personnel and equipment the Department relies upon, as well as the scale and the character of the villagers and visitors they are hired to serve.

After a round of initial feedback from our committee, we met with Officer-in-Charge Burke on July 25th for clarifications on existing policies and general policing methods. Our comments, and in some cases, our remaining questions, were added to each document on our shared drive.

While we will not address each individual comment, there are some areas of particular interest to our committee we wish to point out here:

Gender inclusive language: Throughout these and any future written policies, language should always reflect expansive, nonbinary, gender-inclusivity. He/she, him/her, his/hers, himself/herself, etc. must always be replaced with they, them, theirs, themselves, etc.

Use of Force (Chapter 300): This policy must “raise the bar” for officers failing to intercede when observing an unnecessary use of force by a fellow officer. Officers failing to prevent an unnecessary use of force should be punished as thoroughly as the officer committing the offense.

Use of Force Boards (Chapter 301): The Use of Force Board must include civilian members either with existing knowledge of law enforcement, or who are trained for the purpose of serving on this board, and not be limited to departmental staff, the PBA, and the VBOT.

Handcuffing and Restraints (Chapter 302), Control Devices (Chapter 303), Conducted Energy Devices (Chapter 304): Per OIC Burke, both collapsible batons and “night sticks” are allowable for use by department members. The Village should adopt a clearer policy on precisely what equipment is allowable, as it does for firearms, and create a table identifying these items. Regarding the call for on-scene medical attention, a clearer policy must be written to outline exactly when outside medical attention should be called. (ie: for every use of a TASER or pepper spray vs. at the discretion of the officer vs. the request of the detainee).

Domestic Violence (Chapter 310): This is an area of particular concern to this committee as we recognize domestic violence as a crime which is often easily concealed by both perpetrators and victims. We will have additional recommendations for domestic violence-related resources in our final report. We have added a few points about investigations and record keeping to this

policy chapter: minimally, it is important that subsequent follow-up visits for domestic violence calls are mandatory, consistent, and well-documented, particularly when it comes to the potential for signs of injury, and tracking households where calls occur repeatedly.

Media Relations (Chapter 323): Currently, any requests of details of CSPD arrest or activity are only released to the media through the Freedom of Information Act, or if the investigation is taken over by another department (state or county¹.) While this policy is covering a lot of information, it should be much more explicit in what information is able to be released, when, and by whom, as all detainees are presumed innocent until proven guilty.

Community Relations (Chapter 339): This policy chapter has a great deal of overlap with the recommendations that will appear in our final report, so this chapter should not be considered complete at this time.

Immigration (Chapter 413): Our committee recommends that the CSPD remove itself entirely from any form of immigration enforcement. Unless explicitly directed by a judge on an individual basis, there is no reason for our officers to enforce, or detain in aid of the enforcement of, the civil proceedings of Federal immigration law. It is beyond the scope of expected knowledge for our officers, and phrases such as “reasonable suspicion” or “probable cause” are impossible to prove without discriminatory considerations or a suspect’s outright admission. Further, in discussion with OIC Burke, it is also clear that this policy must address the very clear need for CSPD to provide “mutual aid” to any Federal actions, when the safety of our residents is in question. While we do not wish to see our officers engaged in enforcing federal immigration laws, we do see the value in having our officers on the scene to provide local context and information, and keep our residents safe in potentially dangerous scenes.

Respectfully submitted,

Victor Burgos, Chair
Sean Conway
Gretchen Dykstra
Karen Jackson
Lithgow Osborne
Doron Weber

¹ Since our discussion with OIC Burke, the Putnam County Sheriff McConville issued a statement clarifying a new policy standard for releasing the names of arrested individuals:
<https://putnamsheriff.com/update-regarding-the-release-of-names/>