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Date: January 4, 2020

To: Honorable Joseph M. DeStefano and Members of the Middletown Common Council

From: Chief John Ewanciw

Re: 2020 City of Middletown Police Department Year-End Review

Ladies and Gentlemen,

Every year since my promotion to Chief of Police in 2017, I have been honored and privileged to present you with a detailed annual summary of the policing activities provided by the City of Middletown Police Department. This year is no exception; however, based upon the incredible challenges my agency faced in 2020, I am unsure if I can adequately express the profound level of respect and admiration I have for the brave men and women of our police department who serve this great city. This past year was unlike any other in our department's 132-year history. It seemed as if every day, we were faced with new and unprecedented threats to our organization, some visible and others much more obscure. Every one of my members overcame this adversity, and I have never been prouder to serve as their leader. In this report, I will present to you a number of figures and statistics, but these records will in no way provide an accurate or complete representation of the outstanding contributions made by each person within my organization. If this year has taught me anything, it is that the foundation of our police department remains strong, and that my officers and staff stand ever-ready to face whatever challenges we may encounter in the years ahead.

Traditionally, I begin this summary by discussing how our agency expanded upon the level of service that we provide to our residents and business owners. For likely the first time in our history, I will detail in this report how our agency spent significant effort on actually trying to reduce our footprint within the community as a result of the COVID-19 pandemic. No one could have foreseen the impact that this virus would have upon our everyday lives, which included the closing of schools, businesses, and government facilities for months on end. Prior to this event, the police department did not even have a physical lock on the front door to our building, as it had always remained open to provide immediate access to the public, twenty-four hours a day, seven days a week, for as long as anyone within our agency could remember. A worldwide pandemic changed that for us, and so much more. We locked our building except for emergencies. Restrictions on public and private gatherings, the closure of city parks and playgrounds, and mandatory facemasks all became the new reality, and the police department would be the primary organization tasked with enforcement. The tension and fear within our city was palpable, and these new regulations threatened to inflict significant damage to the

relationship our department has with our community. We were in uncharted territory, as we quickly learned that these issues were deeply polarizing, with strong positions on each side. As you know, the police department must remain an apolitical organization, and we are tasked with maintaining law and order. Our officers had no choice but to uphold their responsibilities with the highest level of professionalism, courage, and integrity, while reassuring everyone within our community that we would make it through these challenges together. I believe we were successful, and we maintained the trust of people we have sworn to serve.

Federal and state mandates surrounding COVID-19 placed a substantial enforcement burden upon the police department, but the virus also significantly impacted the way in which we conducted our traditional day-to-day activities. Our department was forced to become less proactive and more reactive to crimes, which was driven by the guidance of medical professionals that stressed decreasing face-to-face interactions. We have always prided ourselves on our ability to interact with members of our community and conduct our police activities in a friendly and respectful manner, but our work became so much more complicated. Vehicle stops, field interviews, and arrests, our traditional benchmarks to measure effective enforcement, all decreased exponentially. Much of this was due to the fact that our streets were now empty as residents and business owners remained home except for essential business and/or travel. Our courts were also closed, so if our officers made an arrest, they scrambled to arrange for virtual court arraignments and appearances before judges, prosecutors, and defense attorneys. All of our personnel were forced to adapt very quickly to a stark new reality, with the added burden of very real fears that even the simplest interaction could lead to an officer contracting the virus and risking their health, and the health and safety of their family members.

Our agency was fortunate to have had minimal COVID-19 related staff infections. This is a testament to the officers' compliance with new department regulations related to the wearing of multiple layers of personal protective equipment, social distancing procedures, and other preventative measures. During the initial stages of the pandemic, our personnel responded to hundreds of calls for service involving individuals either confirmed or suspected of having COVID-19. We implemented rigorous cleaning and sanitization protocols, and stock piled personal protective equipment that was instrumental in helping us to keep our personnel safe. Through all of these challenges, our staff remained dedicated and focused on providing residents with the highest level of service possible. As essential workers on the front line of the city's effort to combat the virus, we knew we had to get the job done, no matter the risks or barriers that were placed in front of us. I cannot overstate the level of appreciation I have for my staff for their unwavering commitment to this community during these very challenging times. Their work is not yet completed, and we remain ready to respond to the needs of our residents and business owners until the pandemic has ended.

In analyzing the police department's calls for service for 2020, our agency noted a slight decrease in overall call volume. Given the circumstances of the government shutdown, this was not all that unexpected. Our officers responded to a total of 33,494 blottered events, which was a decrease of 1,444 calls from 2019. Our calls ranged from the most basic requests such as a notary public, to our most serious offense, a homicide that took place on January 21st on Orchard Street. Overall crime within the City of Middletown continued to decrease, as it has done for the previous 8 years. This is a testament to the hard work and dedication of our personnel in

addressing all aspects of criminal activity, despite the pandemic. This decrease also bucks the national trend of increasing criminal activity that has been observed in cities throughout the country. Part I crimes, the more serious crimes such as burglaries, assaults, and thefts did increase slightly, breaking an 8-year trend of annual decreases. This rise in crime is likely due to a combination of factors, none of which is a lack of effort on the part of our personnel. In 2020, despite the challenges and changes to our policing strategy, our officers made 1,880 arrests, and issued 2,835 traffic tickets and 2,246 parking tickets. Our approach may not have been as successful as in years past, but I am hopeful this is only a temporary setback that will be resolved when our community returns to some semblance of normalcy in the coming year.

Another major challenge for the police department was the implementation of substantial criminal justice reforms enacted by the New York State Legislature, which took effect on January 1, 2020. These changes were the most comprehensive reforms for New York State law enforcement in the past fifty years, and consequently they came with substantial hurdles for their execution. In anticipation of these changes, our agency had already put into place a number of new policies and procedures in 2019, and we conducted in-house training with our personnel to ensure they were adequately advised how to handle the new regulations. This was critically important because the legislation largely upended the traditional procedures associated with effecting arrests and prosecuting criminal offenses in the courts. In a normal year, these changes would have been very challenging. The COVID-19 pandemic only served to complicate matters as we tried to adjust to the new procedures, creating significant barriers for our personnel as they dealt with stay-at-home orders and new “virtual” procedures.

Under the new criminal justice reforms, most non-violent offenses were no longer subject to pre-arraignment or pre-trial detention. This meant that individuals charged with these lower level offenses would be processed either in the field or inside of the police department, and then released with an appearance ticket for a future court appearance. Individuals were no longer permitted to remain in a holding cell or be remanded to the county jail pending trial. There were also new timelines and reporting requirements associated with producing evidence and paperwork for the courts, better known as discovery procedures, and these regulations placed a much larger burden on the district attorney’s office and police department to be transparent and punctual with arrest related reports and other information. The arrest and court process were designed in this manner so as to be more equitable for individuals charged with a crime, and to limit the financial impact that cash bail typically has on lower income individuals.

While criminal justice reform clearly had very admirable intentions, there were unfortunately some unintended consequences that were overlooked, which resulted in confusion and controversy within communities across the state. Our agency noted a substantial increase in the number of repeat offenders arrested for crimes such as narcotics possession, burglary, and larceny, as these were offenses that were now subject to no cash bail. These repeat offenders were a major contributing factor in the increase of Part I crimes that our agency saw in 2020, which is alarming. Fortunately, the New York State Legislature met in the summer to amend the law and address some of its shortcomings. The legislation is not perfect, but our agency has largely adjusted to the new procedures, and the internal polices put into place should ensure that the process continues to operate as smoothly as possible.

As we worked through the COVID-19 pandemic and the challenges of criminal justice reform, our agency was faced with yet another major crisis, which was brought on by the death of George Floyd at the hands of the Minneapolis Police Department. George Floyd's death was a tragedy, a clear and unmistakable example of excessive force by a police officer against a black man accused of a low-level crime. Floyd's death resulted in national unrest, and placed the actions of police officers throughout the county under a microscope. Demonstrations and protests were organized throughout the country, including right here in the City of Middletown. Faced yet again with significant adversity, our officers demonstrated their steadfast commitment to fair, unbiased, and impartial policing, supporting the participants' right to protest and ensuring their safety through multiple events. In a show of solidarity with the Middletown community, all of the officers assigned to the protest detail on Wednesday, June 3rd volunteered to retake their oath as police officers for the City of Middletown. Mayor DeStefano administered the oath on the front steps of the police department, which was captured on video and shared via our social media account. As of this report, the video was shared more than 1,600 times, and viewed by more than 140,000 people. In speaking with members of the community, I have been told several times that this action served to reduce tensions and encourage an open dialogue between the police department and our community stakeholders. Over the past several years, our agency has invested a substantial amount of time and effort in working to improve the relationship our officers have with residents and business owners in our community. This remains a work in progress, but we have heard their calls for change, and we welcome the opportunity to work with our partners on meaningful reforms.

The unrest and calls for social justice lasted for several weeks, and our agency managed or assisted with 4 large-scale demonstration. Each of these events was peaceful, and the police department effected only one arrest, after efforts to reason with an individual and encourage voluntary compliance with the agreed upon ground rules for the event failed to elicit his compliance. The arrest was made without incident and without the use of force, and the remaining participants were permitted to continue the event without interruption. I truly believe that these demonstrations were an important learning experience for everyone involved: The members of my department were able to gain valuable perspective from the individuals who organized these events, listening to their complaints and hearing their calls for change. The organizers learned from the police officers, recognizing that we are reasonable individuals who, regardless of where we might live, truly want the best for our community. I believe that our goals and the goals of the participants are very similar, and the various discussions that took place during these protests help us develop common ground upon which to build a better foundation of trust and mutual respect.

The work of the individuals involved in these protests was not done in vain. Governor Andrew Cuomo listened to their voices and quickly recognized the importance of encouraging police and community engagement to implement meaningful police reforms that would help alleviate tensions within New York State communities. In June, Governor Cuomo issued Executive Order #203 which mandated that every New York State municipality impanel a group of community stakeholders to gather and discuss police reforms. In the City of Middletown, our panel was quickly convened, and met for a series of three meetings on June 30th, July 14th, and August 11th. The members of the panel held various positions within the larger Middletown community, providing unique and valuable perspective. During these meetings, I presented detailed

information regarding various aspects of our police department and the services that we provide. We discussed key issues such as police use of force, disciplinary and complaint procedures, hiring, and community policing. In addition to the panel participants, public participation was permitted through the use of telephone calls, email, or in-person attendance at the meetings. The feedback was constructive and very beneficial to our reform process.

After the conclusion of the third panel meeting, Mayor DeStefano and I developed a comprehensive plan for implementing the necessary reforms that were identified by the panel. The plan was formally drafted and is currently under review by the members of the panel, for presentation to the Common Council. Once complete, the plan will be reviewed by the Common Council and the City of Middletown Police Commission, and a vote will be held to accept the plan for implementation within the Police Department. I am supremely confident that the reforms identified within the plan are realistic and attainable. My experience with this endeavor has provided me with renewed perspective, which I will utilize as I formulate additional policies and procedures to address the needs of our community. It is important to note that many of the concerns identified by Governor Cuomo in his Executive Order were previously addressed or in the process of being addressed by our agency. The most significant change that has resulted from our panel discussions is the implementation of department-wide body worn camera program. Effective January 6, 2021, all department personnel will be outfitted with body worn cameras, and I am hopeful that their usage will lead to more accountability and transparency for our agency. Body worn cameras require a substantial commitment on the part of the Middletown community, as the cost of this technology was estimated at \$1.5 million over the next ten years. The speed at which we were able to implement a comprehensive program should demonstrate our agency's commitment to remain at the forefront of policy and procedural development in all aspects of law enforcement. I encourage additional feedback from our community and I welcome new insight and advice.

As previously stated, our agency was fortunate to have implemented many of the identified programs Governor Cuomo outlined in his Executive Order mandating police reform. This put us in a position to provide support to our law enforcement partners throughout Orange County as they worked to implement their own reforms. This was particularly important in regards to the topic of Procedural Justice training. Procedural Justice is a concept that focuses on having police officers treat individuals with fairness and respect. It has emerged as a critically important focus for police departments to instill within their personnel as a means to improve the relationship police departments have with members of their community. Our agency first begun instructing our officers in this program in 2018. We expanded upon this training in 2019, with the second installment of Procedural Justice Training, and completed the final portion in 2020. All of our officers have now received this training, and we have seen the benefits in the form of positive feedback from residents and business owners, and a decrease in personnel complaints. This is now a cornerstone of our approach to law enforcement.

Given the focus on Procedural Justice as part of the nationwide call for police reforms, the three Procedural Justice instructors for our agency, Lieutenant Joseph Tobin, and Sergeants Jacqueline Welch and Eric Harget, began instructing police officers throughout Orange County in Procedural Justice. The lending of our department resources to this endeavor will help to ensure that this valuable training is received by all police agencies in our area, providing the Orange

County Community with a higher level of community-based police services. Education of police personnel is important, and incidents such as George Floyd's death highlight the risks of failing to instill the right values or conduct adequate training within a police agency. Despite the limitations of the COVID-19 pandemic, our agency maintained our regular level of training, utilizing alternative methods and smaller class sizes, to provide every officer within the department in excess of 25 hours of specialty training. Our officers remain readily prepared to respond to any emergency, with the highest level of skill, care, and compassion possible.

In the month of August, another major incident occurred that sent shockwaves through our community. On August 29, at approximately 5:50 PM, Officer Evan Barone was ambushed and shot in the line of duty as he exited his patrol vehicle to assist a woman who had flagged him down regarding a domestic dispute. Without hesitation, Officer Barone heroically returned fire, quickly disabling the perpetrator and saving the lives of multiple individuals who were in the assailant's direct line of fire. As the Chief of Police, there is no worse feeling than receiving a telephone call that one of your officers was shot in the line of duty. Fortunately, my greatest fears were quickly allayed when I learned that Officer Barone's injury was not life threatening, and that he would likely make a full recovery after sustaining a gunshot wound to his left forearm. Immediately after the incident, the Middletown community rallied around the police department, and we received the support from countless individuals throughout our area. It was a deeply humbling experience, and I am eternally grateful for this outstanding support. Officers from throughout the Hudson Valley region came to Garnet Medical Center to be present for Officer Barone's discharge from the hospital. It was a fitting display for an officer who had exhibited the highest level of bravery and courage in the face of grave danger.

The shooting of Officer Barone is a reminder of the very difficult work that our police officers perform each day. I am hopeful that Officer Barone will return to the police department one day soon, but I want him to take the time necessary to heal from the physical and emotional wounds that the incident inflicted upon him. Officer Barone's performance under these harrowing conditions is a testament to the high level of training that our officers receive, and the commitment that he has to putting his life on the line for the people we serve. One officer-involved shooting is far too many. This incident involving an individual on parole possessing an illegal firearm highlights the need for our society to do more to get dangerous individuals and guns off of the street. Laws alone will not prevent violence against police officers and members of the public, we also need the commitment from our criminal justice system that we will hold offenders accountable through prosecution and detention policies that make sense. Our officers are dedicated to making a difference in our community, but we cannot do it alone. I therefore call on our politicians and community leaders to work together on making the changes necessary within the criminal justice system to ensure that this type of incident does not happen again. Comprehensive legislation and mandatory sentencing that targets violence is essential to making our community safer.

As a result of the COVID-19 pandemic, our agency did not engage in any of our usual community events and activities where we typically engage the public and our youth. If nothing else, this made our jobs a lot less fun. The Junior Police Academy, Cops and Cookies, basketball tournaments, the Stars and Stripes Fireworks Celebration, and countless other events are an integral part of what defines our great city. Not having the opportunity to participate in these

events was disheartening and discouraging. We managed to provide socially distanced events such as Halloween and Christmas parades, and one particularly successful endeavor was our birthday parade program. Between March and June, our agency participated in over 300 birthday celebrations in locations throughout the City of Middletown. We partnered with the Middletown Fire Department and brought small gifts to individuals celebrating their birthdays, who were otherwise unable to celebrate due to the COVID-19 pandemic. This was a small gesture, that had a big impact on improving morale throughout our department and our community. Residents and business owners throughout the various neighborhoods exited their homes and business and joined in the celebrations. It was one of the few bright moments in an otherwise difficult period of time for many in our community.

As we enter 2021, our agency remains focused on keeping our community safe from all threats, visible and invisible. The COVID-19 pandemic will likely not abate for several months, but the rollout of the vaccination has begun and I am hopeful that many of the government-imposed restrictions will soon ease. We have learned a great deal about the spirit and conviction of our community over the past year. Despite the challenges we have faced, our city remains strong and well-prepared. Moving forward, my agency will concentrate much of our efforts on forging new relationships with community leaders, residents, and business owners, and implementing the reforms identified in the Police and Community Panel discussions. We also look forward to a primary role in educating the future police officers of New York State, as the Orange County Police Academy operated by the Police Chief's Association of Orange County has officially opened for instruction on the campus of the Recreation and Parks Department on County Route 78. This will bring valuable opportunities for training and development not only for our staff, but also for the larger community through public offerings of educational law enforcement related programming. This will be a perfect opportunity to find common ground and build upon our relationship of mutual respect and trust.

In closing, I would like to thank Mayor DeStefano, Common Council President Rodrigues, and the members of the Common Council, and the Middletown Police Commission for the outstanding level of support you have provided to the Middletown Police Department over the past year. I am eternally grateful for the excellent working relationship that our agency shares with each of you, as well as with our community partners such as the Department of Recreation and Parks, the Middletown Fire Department, and the Department of Public Works. My agency looks forward to continuing our work together, and helping to move our city forward. I am confident that the challenges of 2020 will give us the insight and experience to bring new prosperity and success to our great city in 2021.

Respectfully submitted,

Chief John Ewanciw

