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Members of the City of Middletown Police and Community Panel
Middletown City Hall
16 James Street
Middletown, NY 10940

To the Members of the City of Middletown Police and Community Panel:

On June, 12, 2020, in response to nationwide protests against police brutality and other perceived constitutional rights violations, New York Governor Andrew Cuomo signed an executive order requiring all police agencies in New York State to develop a comprehensive plan for the reform and modernization of police strategies and programs. "The protests taking place throughout the nation and in communities across New York in response to the murder of George Floyd illustrate the loss of community confidence in our local police agencies — a reality that has been fueled by our country's history of police-involved deaths of black and brown people," Governor Cuomo said. "Our law enforcement officers are essential to ensuring public safety — they literally put themselves in harm's way every day to protect us. This emergency regulation will help rebuild that confidence and restore trust between police and the communities they serve by requiring localities to develop a new plan for policing in the community based on fact-finding and meaningful community input." (A copy of Governor Cuomo's Executive Order is contained in Appendix A.)

An essential component of Governor Cuomo's executive order was the requirement for each police agency to solicit input and participation from representatives from within their communities. Recent high profile police use of force incidents throughout our country have demonstrated that police departments can only be effective if they have the support and backing of the people they serve. In order to develop meaningful solutions to the complex problems facing our society today, community members with diverse knowledge and experience must be included in the decision-making process for how departments will police their neighborhoods. These individuals are tasked with helping elected officials and police administrators in reevaluating police department policies, with the primary intent of building trust, mutual respect, and legitimacy. In developing a local response, the parties must 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-orientated 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." (Executive Order #203).

Immediately after the official announcement of Governor Cuomo's executive order on police reform, City of Middletown Mayor, Joseph DeStefano, and Middletown Police Department's Chief of Police, John Ewanciw, sought to work together to begin formulating the city's response. Mayor DeStefano commissioned a diverse panel of community leaders and stakeholders, who expressed a strong desire and

commitment to work closely with police department staff to evaluate the agency's service to the Middletown community. An aggressive schedule was developed that would allow the panel to examine police policies and procedures with a specific focus on those areas identified by Governor Cuomo, and also solicit input from the public on other areas of concern that might require changes in strategy or enforcement. A summary of the results obtained during the community panel's analysis and assessment is contained below. The City of Middletown and the City of Middletown Police Department are committed to working quickly to address the concerns identified by the panel, and to continue to provide Middletown residents and business owners with the highest level of professional police services.

City of Middletown Police and Community Panel

Panel Members:

Mayor Joseph M. DeStefano – Chairman

Bishop James Rollins, former President of Middletown NAACP – Co-Chairman

Common Council President and Middletown Police Commissioner J. Miguel Rodrigues

David Hoovler – Orange County District Attorney

John Ewanciw – Chief of Police Middletown Police Department

Bishop Robert Smith – Winners' Chapel

Bishop John Williams – Faith Alive Ministries / President Board of Education for Middletown Schools

Rabbi Marcus Rubenstein – Temple Sinai

Major Mary Moore – Salvation Army

Theolonica Monk – BossLadi Entertainment

Errol Odom – Community Member

Nijel Watson – Community Member

Carolyn "Moochie Merchant – 845 Live

Lisette Izaguirre – Community member and business owner

Anthony Williams – Student Support Services Dean, Middletown High School

Freddie Williams – Board of Education for Middletown Schools

Overview of Police and Community Panel Meetings

Police and Community Panel Meeting #1 – June 30, 2020:

The first meeting of the Middletown Police and Community Panel took place on Tuesday June 30, 2020 at 7:00 PM in the Common Council Chambers of Middletown City Hall. This initial date served as an organizational meeting, identifying all of the participants, and establishing the goals and objectives for the panel members. This meeting also allowed public comment and participation, which was limited to electronic phone conferencing due to the restrictions in place for in-person gatherings as part of the COVID-19 pandemic. The meeting was administered by the panel chairman, Mayor DeStefano and Co-Chairman, Bishop James Rollins, with Chief Ewanciw also directed a significant portion of the discussion.

In anticipation of the first meeting, Mayor DeStefano tasked Chief Ewanciw with developing a detailed presentation for the panel and community members, which would provide an overview of the Middletown Police Department and highlight many of the key issues that would need to be analyzed and discussed. (A copy of that presentation is contained in Appendix B.) The presentation also identified the various existing department policies and procedures that were recognized by Governor Cuomo as essential to the proper redevelopment of police strategies, and provided the members of the panel and the community with an opportunity for comment on the effectiveness of those procedures. The meeting lasted approximately 4 hours, with extensive discussion and analysis.

The presentation provided by Chief Ewanciw began with a review of the primary mission of the Middletown Police Department, and identified the four core values that guide the day-to-day operation of the agency. They are: human life, public trust, integrity, and professionalism. Chief Ewanciw explained that in every interaction, the police department seeks to balance the needs of an individual with the laws that govern our civilized society. In the execution of police duties, the officers act not for themselves, but for the good of the public, to respect and protect the rights of all individuals. Chief Ewanciw then went on to discuss the structure of the police department, explaining that it is a paramilitary organization, based upon a multi-level hierarchy of supervision, led by the Chief of Police and two administrative Bureau Commander Lieutenants.

The organizational structure of the police department was described in detail to demonstrate the various levels of oversight provided to the police personnel who operate in the field. Additionally, Chief Ewanciw highlighted the fact that the overall operation of the police department is managed via oversight from a civilian Police Commission, as established by City Charter, which is somewhat unique to the Orange County area. The Police Commission is staffed by 4 appointed Police Commissioners, each serving 4 year terms, who are appointed by the mayor. The mayor serves as the President of the Police Commission, and no more than 2 members of the commission can be from the same political party, excluding the mayor, to ensure objectiveness and impartiality. The Chief of Police is present at Police Commission meetings, but serves as a non-voting secretary. The Police Commission has as its primary duties the hiring, firing, promotion, and discipline of police personnel, and also reviews all investigations and complaints against the department or its officers. The Police Commission meets monthly, and the meetings are open to the public. A recording of meeting minutes is posted to the City of Middletown public website. Due to the COVID-19 pandemic, Police Commission meetings have recently been televised on Middletown's Channel 20.

The Middletown Police Commission was discussed in detail, as many individuals within the Middletown community are unaware of the existence of a civilian oversight police board. Civilian oversight of police departments serves to provide some level of balance to police activities, as individuals outside of the realm of policing are afforded a role in the development of policies and procedures. It is no coincidence that Governor Cuomo ordered municipal and police executives to engage community stakeholders in the police reform process. Civilians oftentimes have a very different understanding and outlook on police related activities, and their viewpoints should therefore be considered when developing policies and enforcement strategies. These are the individuals who are on the receiving end of police action, and their perspective is thus extremely valuable in assessing police performance. The fact that the City of Middletown already has a Civilian Police Commission in place, should provide the community with some measure of comfort and reassurance that the actions of the police department are not going unchecked. Individuals unhappy with some aspect of the police department have an open opportunity to petition the Police Commission to review incidents and conduct official investigations into police actions. This is an added option for an individual to pursue their recourse, in addition to the traditional means available within the police department in which a police supervisor can accept a complaint and initiate an internal investigation.

While discussing the civilian Police Commission, Chief Ewanciw reviewed the Middletown Police Department's policies as it pertains to internal investigations, personnel complaints, and disciplinary procedures. Internal investigations are initiated as a standard procedure for a number of incidents, including injuries to persons in police custody, injuries to a third party as a result of police action, injuries to police officers, and officer-involved motor vehicle accidents. These investigations then undergo a multi-layered system of review beginning with a patrol sergeant, and moving to a patrol lieutenant, a Bureau Commander, and then the Chief of Police. As an additional layer of oversight, the Middletown Police Commission recently implemented a new procedure that all of these internal investigations are now reviewed independently by the Police Commission. This helps to ensure that every incident is appropriately analyzed

and documented, and seeks to confirm that the officers involved in these types of incidents are following existing department policy and procedures, as well as the appropriate laws.

In an effort to hold officers accountable and responsible to the community, the same multi-layered system of review for internal investigation is also being implemented for all personnel complaints and disciplinary procedures against police officers. Chief Ewanciw stressed that all personnel complaints are readily accepted and fully investigated by the police department. The investigation into every incident is detailed and thorough, and can result in discipline, training and remediation, or termination of an officer involved in the incident. Chief Ewanciw reviewed the number of personnel complaints received by the agency for the previous three years, showing that the department averages only 7-9 complaints each year. These are the only complaints received by the department, despite officers responding to an average of approximately 40,000 calls for service during each of those three years. Chief Ewanciw added that the majority of investigations are either unfounded or not sustained. While some might question those results, Chief Ewanciw reassured the panel members that the supervisors responsible for oversight of police officers strive to ensure objectivity and fairness in every aspect of their investigation. The additional review by the civilian Police Commission will only serve to enhance the integrity of the department's investigations, and ensure that the services delivered by the officers meet or exceed the community's expectations.

District Attorney Hoovler spoke briefly about personnel complaints within Orange County, as his office occasionally fields some of these complaints and initiates investigations into police officer conduct. District Attorney Hoovler stated that the statistics presented by Chief Ewanciw regarding the limited number of personnel complaints received by the police department are consistent with the number of personnel complaints received by police departments throughout Orange County. There are almost 30 different law enforcement agencies that operate within the county, and these departments respond to more than 200,000 calls for service each year to more than 380,000 residents. The percentage of police related complaints across all of these agencies is minimal, and this is a testament to the hard work and dedication of the various police officers that serve the Orange County community. District Attorney Hoovler asked the panel members and the community to keep these statistics in mind, as they provide better perspective for the professional work that police officers perform in Middletown and throughout Orange County.

Rabbi Rubenstein and several other panel members expressed some concern regarding the impartiality of internal investigations that are conducted by members of the Middletown Police Department against other members of the same police department. It was suggested that these investigations should be handled by an independent third party or at least another police department. Chief Ewanciw and District Attorney David Hoovler explained that certain types of incidents may result in other police agencies investigating the conduct of police officers, such as for deadly physical force encounters or criminal investigations. These investigations are very detailed and require this additional measure of oversight. For day-to-day activities such as basic use of force incidents and officer-involved vehicle accidents, the multi-layered review of incidents through multiple supervisors within the agency is very effective in obtaining objective and impartial results. Mayor DeStefano added that the civilian Police Commission also closely monitors these types of incidents, and reviews every internal investigation that is completed by the police department. If there is any evidence that the investigation is not complete or does not contain all of the necessary details and information, the Police Commission can order additional investigative actions or more thorough examination of the incident. Additionally, individuals who file a personnel complaint can seek direct assistance from the Police Commission if they are not satisfied with the results of their investigation. For these reasons, the community should be very confident that the actions of police officers are properly supervised and reviewed.

In furthering the discussion on internal investigations, Chief Ewanciw spoke in more detail about the use of force by Middletown police officers, as a significant portion of internal investigations are centered upon

these incidents. Police use of force remains one of the most controversial aspects of policing because force frequently results in injuries to civilians or police officers, and many individuals believe that officers utilize excessive force or are too quick to resort to force as a means for taking control of a situation. Chief Ewanciw provided an in-depth analysis of the City of Middletown Police Department's Use of Force policy. The chief began by presenting a model of the police department's use of force continuum, describing all of the force options available to police officers out in the field, including hand tactics, pepper spray, Taser conducted electrical weapons, impact weapons (police batons), and firearms. Chief Ewanciw pointed out that police choke holds are not permitted by department policy, unless deadly physical force is authorized. Chief Ewanciw also detailed the policy's requirement that all uses of force be reported to a supervisor as soon as possible after an incident. Uses of force are then formally documented and tracked. Chief Ewanciw stated that the decision by an officer to use force is situationally dependent upon the conditions that an officer might be experiencing out in the field. Force may be as basic as a police officer's physical presence, or it can escalate to deadly physical force in which the officer uses a firearm or any other weapon likely to cause death or serious bodily harm.

Chief Ewanciw further explained that police officers utilize force in direct response to the behavior and actions of an individual with whom they have contact. Force is utilized as a last resort, after all methods of de-escalation and persuasion have been exhausted. Chief Ewanciw admitted that all police use of force incidents are uncomfortable and difficult for everyone to watch. This does not mean that the police are acting inappropriately, however. Police officers are tasked with taking control of extremely violent and dangerous individuals, who will stop at nothing to avoid being taken into police custody. These incidents are highly adversarial, and require advanced training and preparedness on the part of the police officer. City of Middletown police officers receive annual training on the use of force and on de-escalation techniques. In all training and use of force investigations, the police department strongly emphasizes the fact that use of force incidents place officers and suspects at an extremely high risk of injury, and all use of force must be reasonable, necessary, authorized, and non-reckless.

The Middletown Police Department has had great success in training personnel in the proper and appropriate use of force, which can be measured by the percentage of calls for service that result in a police use of force. On average, approximately 0.017% of calls for service result in a use of force. Overwhelmingly, Middletown police officers resolve incidents peacefully. Chief Ewanciw presented the use of force statistics pertaining to arrests for the years 2017-2019, which revealed that only about 2% of all arrests resulted in the use of force. Once again, this demonstrates the ability of Middletown Police Officers to perform their jobs effectively, without resorting to the use of force. De-escalation is a critical component to limited police use of force, and department training strongly emphasizes those techniques designed to encourage cooperation and voluntary submission to police authority.

Police-involved shootings are another aspect of police use of force that was discussed by Chief Ewanciw. These incidents are often the focus of national attention and intense scrutiny, and for good reason, since they often result in the tragic loss of life of a member of the community. The City of Middletown is extremely fortunate to have had a very low number of these types of incidents occur during the department's 132 year history. The Middletown Police Department has been involved in only 6 incidents in which police officers have discharged their weapons, despite having responded to hundreds of thousands of calls for service since being established as an agency in 1888. The use of deadly physical force by a police officer is an extremely rare event, and the public should rest comfortably that our officers have received the most advanced and progressive law enforcement training to ensure that it is utilized only when absolutely necessary. Chief Ewanciw acknowledged that these types of police incidents are awful and tragic for all of the individuals involved, including the police officer. For this reason, all of the agency's policies and procedures are developed with an emphasis on the value of human life.

In addition to detailing the Middletown Police Department's use of force statistics, Chief Ewanciw also presented general statistics on the police department and city demographics. Chief Ewanciw recognized that a police department should be representative of the community it serves. The Middletown Police Department has gone to great lengths in an effort to diversify its ranks through the hiring of black and Hispanic police officers, but the desired results have not yet been achieved. Currently, the Middletown Police Department has 70 sworn members, 62 white, 1 black, and 7 Hispanic police officers. There are 62 males and 8 females. The department has a civilian staff of 14 individuals, 11 of whom are white, 1 black, and 2 Hispanic. When compared to the demographics of the City of Middletown, which has a population that is 39.7% Hispanic, 36.6% White, and 21% Black, it is clear that the police department still lacks appropriate diversity. Chief Ewanciw has worked closely with the Middletown Police Commission and the Middletown Civil Service Commission to try and attract more minority candidates. These efforts have been only mildly effective due to a variety of reasons, but primarily due to a lack of available candidates who are taking the police officer civil service examination.

Chief Ewanciw reviewed the recruiting and hiring process. In terms of recruitment, the police department participated in a number of job fairs and career development events throughout Orange County and the New York Metropolitan area. A number of paid social media posts were produced and targeted to the area and age groups eligible for hiring. Chief Ewanciw worked with city officials to host a civil service examination preparation class, which was free of charge to city residents. Unfortunately, these efforts were not successful in attracting a significant number of minority candidates. Civil Service Commission and City Alderman Joseph Masi confirmed the disappointing numbers that indicated a very small portion of exam participants were minority candidates. The City of Middletown does have an exclusive Spanish-speaking civil service exam that establishes a list of police officer candidates fluent in Spanish, but this list is substantially smaller than the English speaking exam. Nevertheless, there is a current active list, and future vacancies will consider candidates on this list.

Members of the panel and Chief Ewanciw acknowledged that the minimum qualifications to become a police officer are a barrier for many individuals to apply. Candidates must have a high school diploma or GED, they must have 60 college credits, or 30 college credits and be certified as a police officer or possess prior military experience of at least 2 years. Candidates must also be at least 21 years of age, but not have reached their 35th birthday prior to appointment. These qualifications are considered necessary for ensuring that police officer candidates will possess the appropriate intelligence, stability, and mental preparedness for the challenges that come with being a police officer. The qualifications were adjusted prior to the most recent civil service exam, lowering the college credit requirement for individuals who possess pertinent military or police experience.

In terms of the hiring process for the position of police officer, all individuals must sit for and pass the New York State Basic Police Officer examination, which is held by the Middletown Civil Service Commission every 4 years. The Middletown Police Department's last examination was held in 2018, and will likely not be re-administered until the fall of 2022. Individuals who pass the civil service examination are then ranked in order of their score. A passing score is 70, but there are often a number of individuals who score a 100 or 95. Once the civil service list is established, candidates will then be chosen to participate in a physical agility test, based upon their test score. The highest scores are tested first. Individuals must complete a designated number of push-ups and sit-ups, and complete a 1.5 mile run. Many viable candidates either do not score high enough to reach the physical fitness test, or they fail a portion of the agility test making them ineligible to go any further in the hiring process. If an individual passes both the written exam and the physical agility test, they must then submit to a comprehensive background investigation, and also an in-depth psychological exam. The hiring process is lengthy and very complex, to ensure that only the best candidates are selected. Unfortunately, the process can be very challenging for individuals who have lacked educational opportunities.

A significant discussion regarding the hiring process and recruitment took place among the members of the panel. All participants agreed that it was necessary to increase diversity within the ranks of the Middletown Police Department, without lowering the standards to a level that would lead to undesirable candidates being considered. Many in the room believed that the police department needs to work more closely with students within the schools to educate the youth about law enforcement. Bishop John Williams, President of the Middletown School Board, and Anthony Williams, Dean of Student Support for Middletown High School agreed that more needs to be done about opening up opportunities for students and police officers to interact in a constructive and supportive environment. Chief Ewanciw highlighted the fact that Middletown Police Department has School Resource Officers in all four schools within the Middletown city limits, and these officers were hand selected for those positions based upon their ability to have a positive impact on the school community. The police department remains open to any additional opportunities that can bring together the community and attract individuals to the field of law enforcement.

Another topic for discussion during the first panel meeting was the demographics for arrests made by police officers in the City of Middletown. Chief Ewanciw presented charts identifying the number of arrests made in 2018 and 2019, which showed that black men and women make up approximately 39% of arrests, while whites account for approximately 58% of arrests. It was pointed out that these statistics did not adequately account for Hispanics, as ethnicity was not tracked by the New York State Department of Criminal Justice and was therefore not present in the data that was provided to the panel. This topic brought about substantial conversation regarding how police officers conduct vehicle stops. Individuals on the panel had concerns regarding the conversations that police officers have with members of the public while conducting vehicle stops. Chief Ewanciw stated that police officers are able to ask basic questions of vehicle operators and to investigate if they believe some type of criminal activity is occurring. The panel suggested that the police department provide better education to the community regarding their rights at a vehicle stop and that officers utilizing body cameras would be beneficial in providing oversight for an officer's conduct during these interactions. Body cameras were discussed in greater detail in the second panel meeting, which will be covered below.

Mayor DeStefano then directed the conversation to the topic of "Defund the Police," which became a very controversial issue as part of the protests against George Floyd's death. Mayor DeStefano stated that he believes that careless defunding of the police is dangerous, and not in the best interest of the community, as the police play a vital role in ensuring the safety of residents and business owners. Mayor DeStefano acknowledged that there are some decisions that can be made to better utilize police resources and limit waste on programs, which he and many others would be open to discuss. Mayor DeStefano then cited one example where the City of Middletown had already engaged in this type of action, which was through the disbandment of the Tactical Response Team in 2010.

Under a previous mayoral and police administration, the Middletown Police Department formed a tactical response "SWAT" team and rented a large armored vehicle. There were substantial costs associated with forming the team, purchasing equipment, and meeting stringent training requirements. Mayor DeStefano contended that the police department utilized the tactical team to handle incidents that likely could have been resolved with less police intervention, because the department wanted to justify the training and expenses associated with maintaining the team. This was not only unnecessary, but also had the potential to significantly damage the police department's positive image within the Middletown community. Furthermore, crime rose significantly during the five year period in which the team was in service, further illustrating the negative impact the tactical team had on the quality of life within the City of Middletown. Therefore, immediately upon being reelected as mayor, Mayor DeStefano disbanded the tactical team and reallocated the resources to community policing and other more effective crime reduction programs. Mayor DeStefano acknowledged that in that type of situation, defunding of a police program was beneficial, but

municipalities should nevertheless use significant caution when considering changes to department programming and budgets, as they could negatively impact crime and the quality of life.

Chief Ewanciw acknowledged Mayor DeStefano's reallocation of funding to community policing, and highlighted some of the many activities that the police department participates in to foster positive relationships with the Middletown community. The police department has a strong working relationship with HONOR, the non-profit entity that provides shelter services to the homeless in the City of Middletown. Chief Ewanciw has worked closely with this organization to connect individuals who need assistance with the appropriate services that get them off the streets and into housing. The police department has also partnered with Fearless, a domestic violence support organization, to put a staff member in the police department to conduct follow-up and provide additional information to victims of domestic violence. The police department also works with the Middletown Recreation and Parks Department as well as the Middletown Enlarged School District to provide countless activities to the youth such as Jump-Out Barbecues, Cops and Kids Field Day, Trunk or Treats, Cops and Cookies, and police vs. teen basketball games.

Bishop James Rollins spoke about the police department's involvement in community activities and asked Chief Ewanciw if he felt that the police department was taking too much of a "shotgun approach" and participating in too many activities without properly assessing their effectiveness at engaging the youth and improving police-community relations. Chief Ewanciw stated that many of these programs were only recently initiated within the last one or two years, and were therefore likely not in place long enough to provide comprehensive data or results. Nevertheless, the initial response that the police department has received from the public is that these activities are extremely valuable for providing community members with a better perspective on who the police officers are and how they serve the community. Also, the police officers who participate in these activities have stated that they have more of an appreciation for the individuals in the community, as they get to interact with them outside of the realm of law enforcement in a relaxed environment, where they can have meaningful conversations and build a relationship. Chief Ewanciw stated that these types of activities have been proven to be instrumental in building trust and mutual respect between the police and community, and the department will continue to engage in these types of events in the hope of building upon their success. Chief Ewanciw added that he believed that more community programs were beneficial as opposed to relying upon only a select few, as these additional activities would increase the probability of having positive results.

The first panel meeting concluded after almost four hours of discussion and open dialogue between Chief Ewanciw and members of the panel. Towards the latter part of the meeting, public comments were allowed, with several individuals calling in with questions regarding a wide range of topics to include vehicle stops, the arming of police officers, and the police department's use of force policy. All of these issues were discussed openly, with a focus on improving the service that the Middletown Police Department provides to the community. A follow-up meeting was then scheduled for July 14, 2020, with a more limited agenda to allow for a more focused discussion on those issues that were most pertinent.

Police and Community Panel Meeting #2 – July 14, 2020

For the second panel meeting, the topics of Defund the Police, demilitarization of the police department, and body cameras were selected for review. Mayor DeStefano began the meeting by recapping on some of the previous discussion from the first panel meeting, and turned the meeting over to Chief Ewanciw to present on each topic. Like the first meeting, Chief Ewanciw provided a detailed overview of each topic through a PowerPoint presentation. (A copy of the second community presentation can be found in Appendix C.)

On the topic of Defund the Police, Chief Ewanciw discussed how the issue was more complex than many people believe, due to a variety of issues. Chief Ewanciw began by presenting a detailed view of the police department's operating budget, which was \$9,973,613 for 2020. The most significant portion of the budget goes to personnel services, which is the contracted salaries and benefits for all department employees. This accounts for approximately 82% of the department's budget. Training, overtime, equipment purchases, and maintenance of equipment make up the largest remaining portions of the budget. Upon the initial presentation of these figures, the panel had concerns regarding the small amount of money that was being allocated to department training, which was just over \$32,000. Chief Ewanciw and Lt. Frank Graziano therefore discussed departmental training in detail.

A significant portion of the training that is provided to Middletown police officers is conducted free of charge. Free training is provided by the New York State Division of Criminal Justice Services, the Orange County Police Chief's Association, and a number of other police related organizations. The Middletown Police Department has numerous personnel who are certified instructors, who can provide training to department staff on a wide variety of topics at no cost to the agency. Some specialized training does cost money, and those are the classes that result in the police department having to expend funds. Chief Ewanciw stated that the department is fortunate that it only amounts to \$32,000, because the amount of required annual training for a police officer is significant. New York State mandates that all police officers receive at least 21 hours of continuing education each year. These officers must be taken off patrol and assigned to classroom and practical instruction. There are many mandatory training topics such as Workplace Harassment, Bloodborne Pathogens, Use of Force, Firearms, and CPR certification that all personnel must attend. When considering the demands of a police officer, Chief Ewanciw admitted that these topics are somewhat limited in their scope. The police department therefore works hard to provide personnel with substantially more training opportunities than just these minimum requirements. Chief Ewanciw advised that the department is a regional leader in providing personnel with a variety of diverse training opportunities, well in excess of the 21 hour standard. This training allows department personnel to handle their responsibilities professionally and with integrity.

In furthering the discussion on police related training, Chief Ewanciw pointed out that the Middletown Police Department is accredited through the New York State Law Enforcement Accreditation Program. Only 30% of the 514 law enforcement agencies in New York State have achieved this designation. Accreditation holds the police department to a higher operating standard, mandating certain policies and procedures be put into place that reduce liability and enhance community safety. Training and documentation is critically important in maintaining the agency's accreditation. This focus on training has assisted the Middletown Police Department in providing the best opportunities for professional growth of police officers. A primary example of this can be seen in the department's investment in the training of personnel in Procedural Justice. Procedural Justice is rooted in increasing fairness and transparency in the manner in which police officers deliver police service to their communities. New York State has developed a comprehensive 24 hour Procedural Justice training program that highlights ways to improve the perception of police within the community. This training was so valuable that it is actually recommended by Governor Cuomo in his executive order mandating police reform. Beginning in 2018, all personnel within the Middletown Police Department attended the first 16 hours of training on this topic, and policy adjustments have been made incorporating these principals. Future trainings will focus on the concepts of implicit bias and other procedures that can improve the service provided to the public.

In further analyzing the defund police movement, Chief Ewanciw discussed the police department's role in positively impacting the quality of life within the community. Chief Ewanciw stated that the unfortunate reality is that if police departments were to be removed from communities, violence and criminal activity would flourish. Police officers are often the only force standing in between order and chaos within a neighborhood. All residents within a community suffer when violence persists because, "bullets have no

names.” Broken windows policing, a concept introduced in the 1990’s amid skyrocketing crime within New York City had a substantial impact on reducing crime. Individuals were held responsible for their illegal actions, particularly those issues that impacted the quality of life. Issues such as urinating in public, public alcohol consumption, and drug usage were addressed, and as a result overall criminal activity and violence was reduced. Over the years, neighborhoods were cleaned up and order was restored. This was a positive development, but now police departments are realizing that additional measures must be taken to ensure that enforcement efforts are not excessive or overly harsh. A delicate balance exists between the police department and the community it serves, and the police department must work closely with individuals to prevent procedures that will degrade trust and breed unrest.

Mayor DeStefano once again reiterated his belief that the Defund Police movement is dangerous and irresponsible, and that he does not support any reforms that would result in a decrease in funding to the Middletown Police Department. Many of the members of the panel echoed Mayor DeStefano’s remarks, stating that the police department has an important role in providing security to residents and business owners, and in working to address other quality of life issues within the community. Chief Ewanciw acknowledged that police officers are not perfect, and there is always room for improvement in the service that the officers provide to the community. Nevertheless, arbitrary and indiscriminate defunding of the police department would have a detrimental impact on the department’s overall operation, and limit the significant progress that has been made over the past 7 years in driving down all types of criminal activity within the City of Middletown.

One positive discussion that emerged from the Defund Police movement, was the need to remove police officers from some roles that fall outside the traditional responsibility of law enforcement. Nowhere is this more apparent than in dealing with individuals suffering from mental health issues. Mayor DeStefano stated that the mental health system is a prime example of the catastrophic consequence that can occur when an entire system is recklessly defunded without consideration of the consequences. Mental health institutions were largely defunded in the 1980’s by the federal and state governments, which resulted in thousands of individuals with significant mental health issues being let out of institutions and dumped back into their communities without proper services or supervision. This placed substantial burdens on the local municipalities, and police departments across the country have especially struggled to provide meaningful assistance in the absence of other more appropriate service providers.

Chief Ewanciw presented detailed statistics on the police department’s response to mental health calls over the past three years. The number of incidents has been steadily increasing, and these calls consume significant police resources because of the need for multiple officers to respond. Many incidents result in a use of force, which places officers and the individuals suffering from a mental health emergency at significant risk of injury. Police officers are not social workers, counselors, or therapists. They have only basic training regarding dealing with individuals with mental health problems, and therefore they cannot effectively manage these incidents alone. The resources available at the local level are minimal, and are therefore overburdened. This results in significant liability for the police department and the individual officer involved in an incident. Legislative changes, state and local funding, and additional resources are badly needed to address this problem. Unfortunately, when bad things happen involving an individual with mental health issues, there is often no one else to deal with the problem, other than a police officer. Chief Ewanciw acknowledged that the system is broken and needs to be fixed quickly.

The topic of demilitarization of the police department was covered briefly during the initial panel presentation, but Chief Ewanciw provided additional details in the second meeting. Chief Ewanciw discussed the appearance of Middletown Police Officers and the decision to require traditional police uniforms for all personnel. There are several police agencies that have implemented tactical type uniforms and other vest carriers that many individuals view as menacing and unwelcoming. The Middletown Police

Department utilizes a traditional blue uniform, and mandates that all personnel wear a shield and nametag on their outermost garment. This allows for a professional appearance and easy identification of police officers out in the field.

Chief Ewanciw also discussed the controversial Federal Government's 1033 program that allows police agencies to purchase surplus military equipment. The Middletown Police Department does not utilize any military equipment or supplies, other than a surplus Humvee utility vehicle that is used for emergency rescue operations and community events. The vehicle has a custom paint scheme, and was designed in conjunction with students at the Middletown High School, to reflect a positive community image. The vehicle is used at all special events, and children are welcomed into the vehicle to explore it and learn about the police department. This has been a very beneficial addition to the police department, and has also been utilized by departments throughout the state during emergency weather events such as Hurricane Sandy. There are no current plans to add any additional equipment from the 1033 program.

The final topic for the second panel presentation was body-worn cameras. Prior to the formation of the police and community panel, Chief Ewanciw, Mayor DeStefano and members of the Police Commission had already begun discussing implementing a body camera program within the Middletown Police Department. The program does not come without substantial costs, which were estimated at approximately \$150,000 per year for the next 10 years. Those costs do not include the in-house personnel expenses to manage the program, which will result in a police detective being reassigned to oversee the collection, storage, and redaction of all body camera footage. This is necessary given the sheer volume of data that will be collected on a daily basis. Chief Ewanciw provided a comprehensive overview of the benefits provided by the body camera program through the industry leading vendor, Axon. The program will provide a complete package of technology and equipment, which will be made available to all sworn personnel within the department, including the Chief. In addition to body cameras, the police department will receive advanced training, new Taser conducted electrical weapons, equipment upgrades, and advanced camera software programs. This will maximize the potential of the camera technology, and ensure the accountability and transparency of police officers who wear them.

Members of the panel overwhelmingly supported the decision to implement body worn cameras as a means to increase trust and build legitimacy. The panel suggested that the policy for use of body cameras by police officers be carefully constructed so as to ensure that best practices are followed. Chief Ewanciw advised that his administration was already researching policies and procedures and he would work closely with the Police Commission to ensure that the best interests of the community were served.

After the conclusion of the discussion on body worn cameras, the second police and community panel meeting was concluded. A third meeting was then scheduled for August 11, 2020

Police and Community Panel Meeting 3 – August 11, 2020

The third and final police and community panel meeting took place on August 11, 2020. Like the second meeting, three topics were selected for discussion. The topics were decriminalization, over and under policing, and the Right to Know. As in the first two meetings, Chief Ewanciw provided the panel with a detailed presentation on those topics. (A copy of the presentation is contained in Appendix D).

Chief Ewanciw began with an overview of the topic of decriminalization. Decriminalization refers to the lessening of criminal penalties associated with certain types of illegal acts. Chief Ewanciw made it clear that decriminalization does not mean legalization, despite what many people might think. Decriminalization means just what it sounds like-it makes something no longer a "crime," which refers to those offenses considered to be misdemeanors or felonies. An offense that is decriminalized is still a

violation of law, and can result in alternative punishment such as a civil fine or diversion into a rehabilitative program. In the State of New York, marihuana use was recently decriminalized, and it is no longer a crime to smoke and possess small quantities of marihuana. Since marihuana was only decriminalized and not legalized, it is still a violation of law to smoke and possess marihuana, and it can result in a civil fine. Understandably, there is a significant amount of confusion surrounding the use of marihuana in New York State. This has resulted in increased tensions between members of the public and the police, and sometimes violent encounters. Chief Ewanciw advised that even though marihuana has been decriminalized, police officers can still search an individual's vehicle based upon the odor of marihuana emanating from the vehicle's interior. This is because it is still a violation of law to possess small amounts, and it remains a crime to possess larger amounts. Chief Ewanciw and members of the panel acknowledged that the public needs to be educated on these law changes to ensure they are aware of the risks of marihuana use.

District Attorney Hoovler added additional comments regarding the legalization of marihuana. Many individuals fail to recognize the secondary impacts of marihuana legalization, such as the potential to increase the number of marihuana impaired drivers who operate on public roadways. District Attorney Hoover stated that in many areas of the country where recreational marihuana has been legalized, prosecutors have observed significant increases in the number of motor vehicle accidents involving impaired drivers. This creates challenges for prosecutors and police officers alike, because of the limitations in assessing impairment of marihuana. District Attorney Hoovler stated that in Orange County more people are injured and killed as a result of drug and alcohol related motor vehicle crashes than as a result of any other type of criminal activity. These are important considerations that should be included in any discussion on legalization of marihuana that takes place in the future.

In furthering the discussion on decriminalization, Chief Ewanciw advised that there are several offenses currently under consideration for decriminalization. Aggravated Unlicensed Operation, or driving with a suspended license, is currently a misdemeanor crime and can result in jail time or significant fines. A proposed law seeks to create alternative sanctions other than the monetary penalties that are currently in place. Petty theft of property up to \$1,000 in value is also under consideration for decriminalization. Individuals committing these offenses would be subject to mandatory education and rehabilitation programs to address their behavior, and not jail time. Misdemeanor drug charges for drugs like crack cocaine, heroin, and ecstasy are also being considered for decriminalization, with a focus on diversion programs that focus on drug rehabilitation programs.

Chief Ewanciw stated that each of the offenses considered for decriminalization have risks and benefits associated with them. By lowering the penalties associated with behavior, there may be less of a deterrent to engage in the illicit activities. Innocent people may become the victims of these crimes and feel that the system is not holding the offenders accountable. On the other hand, diversion and civil penalties may provide an alternative means for holding individuals accountable that will better address the underlying factors that contribute to illegal behavior such as addiction, or will assist individuals experiencing financial hardships by enrolling them in social programs. Chief Ewanciw acknowledged that there is currently a significant lack of pre-arrest diversion programs available that can provide a basis to measure their effectiveness on these types of issues. In analyzing these problems, it is important to note is that the decisions on decriminalization and the implementation of new social programs fall well outside the purview of law enforcement, and police departments have limited input on what changes will be made. Police officers will continue to enforce the law as written, taking into account the needs of their individual communities.

The second topic, over and under policing, was closely connected to the concept of decriminalization. Chief Ewanciw defined the terms of over and under policing. Over policing occurs where there are relatively high rates of arrest for low level offenses, and under policing occurs when there are low rates of arrest for

serious criminal activity. It is critically important for police departments to strike a balance of enforcement and target those offenses that most negatively impact the quality of life within a community. Violent crimes are especially devastating to a neighborhood, and require significant focus. Over policing can still alienate residents, undercut cooperation, and fuel additional violence. Studies have shown that many black and brown communities suffer from the worst of both worlds, over-aggressive policing coupled with the inability of the police agency to effectively protect the residents from excessive violence. This results in significant mistrust and tension that is not easily abated.

Chief Ewanciw highlighted a number of crime strategies identified by Governor Cuomo in his executive order mandating police reform, which can have a role in better managing a police agency's response to violent crime. The Middletown Police Department has already incorporated many of these tactics into the agency's crime reduction planning, including problem-orientated policing, hot spots policing, focused deterrence, crime prevention through environmental design, and violence prevention and reduction interventions. Each of these approaches seek to analyze criminal activity from a different perspective than just random enforcement that can oftentimes be subjective and widely ineffective. Problem-oriented policing looks at conducting an in-depth analysis of crime, and developing specific solutions to address the issue, with systematic follow-up and measurement of the effectiveness of the response. Hot spots policing and focused deterrence seek to address the specific areas where violent crimes are occurring, by gathering information and data on criminal activity, and dedicating specific resources to those locations in an effort to reduce incidents. Crime prevention through environment design takes those two efforts one step further, by addressing environmental factors at high crime locations. Actions such as taking down vacant buildings, adding public cameras, or improving visibility by removing vegetation and fencing will move individuals away from the areas where they traditionally have been able to engage in criminal activity. Each of these efforts help the Middletown Police Department address crime through alternative methods that do not alienate residents and business owners or increase tension.

In addition to the crime strategies identified by Chief Ewanciw, the City of Middletown Police Department also focuses a substantial amount of effort on community policing, which has a positive impact on reducing crime and improving public perception of police officers. Nowhere is this more apparent than within the Neighborhood Enhancement Unit. In 2019, the Neighborhood Enhancement unit was expanded, placing a team of two police officers in each of the four wards of the city. An additional officer was assigned to the Business Improvement District downtown beginning in August of 2020. These "NEU" officers work closely with residents and business owners to address community issues through non-traditional measures. They are not assigned regular calls for service, but instead focus on issues brought to them by the community. These officers are able to utilize alternative policing methods, and rely on factors other than pure enforcement of criminal offenses to accomplish their goals. They seek to determine the root cause of an issue and work closely with the stakeholders to develop lasting solutions. This program has been instrumental in assisting our agency in striking the appropriate balance between proactive and preventative policing. Chief Ewanciw stated that he will continue to monitor the department's strategies and adjust them as necessary to meet the needs of the community. This is one more example of how the Middletown Police Department remains at the forefront of 21st Century policing.

The final topic of discussion was the Right to Know law. Many local communities have begun implementing legislation that requires police officers to identify themselves and provide individuals with their name and badge number when requested during certain types of interactions. The City of Middletown does not currently have such legislation in place, but Chief Ewanciw expressed a willingness to implement policies and procedures that would address the concerns identified in the Right to Know. Chief Ewanciw confirmed that officers must provide their name and shield number whenever they are asked, and also explained department policy pertaining to the display of officers' nametags and shields. All uniformed personnel are required to wear a nametag on their outermost garments. Additionally, all police officers and

detectives must wear their shields while on-duty, which clearly displays the officers' shield numbers. Chief Ewanciw provided examples of shields and nametags in his presentation. As an additional measure to increase transparency, Chief Ewanciw suggested that the department purchase individual business cards for each officer with the officer's name and shield number prominently displayed. These would be given out during every interaction to allow an individual to know what officer they were dealing with during the incident. There is a small cost associated with implementing the program, but the cost would be minimal in exchange for a significant increase in transparency. The panel members were agreeable to this measure, and suggested that the business cards provide additional pertinent contact information and an explanation of the complaint procedure if they are not satisfied with the police services received.

After the discussion on the Right to Know law, the final panel meeting was concluded. Mayor DeStefano detailed the procedures that would follow in regards to compliance with Governor Cuomo's executive order, #203 mandating collaborative police reform. In the coming weeks, a draft would be developed identifying the issues discussed by the panel. A public meeting would then be held to discuss the draft, and solicit additional input from public on any other areas of concern. A final report would then be completed, which would be reviewed by the Middletown Police Commission, and the Common Council would subsequently vote on any proposed changes to existing procedures. The final report and any implemented changes would then be submitted to New York State, thereby fulfilling the requirements of Governor Cuomo's executive order and assuring continued state funding of the municipality.

Implementation of Reforms

The City of Middletown, in conjunction with the Police and Community Panel, has identified the following reforms to be implemented within the City of Middletown Police Department:

1. The City of Middletown will not defund the City of Middletown Police Department. The Police and Community Panel voted unanimously on August, 11, 2020 to maintain the current funding for the department, in order to maintain the high level of service and diverse programs currently being delivered to City of Middletown residents.
2. The City of Middletown Police Commission will implement a new procedure to provide oversight and review of all internal investigations, personnel complaint investigations, and disciplinary matters involving City of Middletown Police Department personnel. All investigations will undergo a systematic, multi-level review beginning at the Patrol Sergeant, and continuing to the Patrol Lieutenant, Bureau Commander, and Chief of Police. The Police Commission will then conduct an independent review of all investigative materials and ensure that the investigation is thorough, complete, and objective.
3. The City of Middletown will implement a comprehensive Police Body-Worn Camera program, utilizing state-of-the-art camera technology and incorporating policies and procedures that maximize officer accountability and transparency. Chief Ewanciw has already selected a vendor, Axon, to supply the Middletown Police Department with body cameras for all sworn members. Chief Ewanciw will now work closely with his administrative staff, public officials, and the community to implement the program and streamline operations.
4. The City of Middletown Police Department will formally incorporate de-escalation as part of the police department's use of force policy. De-escalation is a critical component in the police department's interactions with members of the public. Police officers play a critical role in attempting to gain control of dangerous and highly volatile situations by encouraging compliance

and cooperation without the use of force. The Middletown Police Department will continue to make de-escalation training a significant part of the department's use of force curriculum, and will add language to the use of force policy demonstrating the importance of utilizing de-escalation techniques whenever possible.

5. The City of Middletown Police Department will supply all personnel with business cards that must be carried while on-duty and supplied to members of the public during police interactions. The business cards shall contain the officer's name, rank, and shield number, and provide information regarding the procedures to file a formal complaint if an individual is not satisfied with the police services received.
6. The City of Middletown Police Department will work closely with the Middletown Civil Service Commission to develop a comprehensive plan for recruitment and hiring of minority candidates for the upcoming Basic Police Officer Exam. In 2019, the New York State Basic Police Officer exam was completely revamped, with a focus on having the exam better measure the skills and qualifications of individuals who wish to become police officers. It is hoped that this exam will provide people of color with more opportunities to be successful, and the City of Middletown will work to provide information and assistance to anyone in the community who wishes to take the exam. A police department should be representative of the community it serves, and the City of Middletown Police Department recognizes that there is much work that needs to be done in attracting minority candidates and improving diversity.
7. The City of Middletown and the City of Middletown Police Department will work closely with local and state organizations to develop a plan to better address mental health issues within the Middletown Community. The City of Middletown and the Middletown Police Department fully support any efforts to make reforms to the mental health system, including increasing funding and reallocating resources that can better assist individuals who require care and support. The Middletown Police Department recognizes that police officers are not social workers and are not adequately trained to deal with the significant challenges associated with individuals suffering from mental health related issues. These incidents are highly volatile and unpredictable, and pose significant risks to all of the parties involved. The police department will therefore work with partner agencies to increase training and better facilitate the delivery of appropriate care through the existing organizations that specialize in this type of treatment and service.
8. The City of Middletown Police Department will increase collaboration with the Middletown Enlarged City School District and the Middletown Recreation and Parks Department, expanding upon existing programs and implementing new plans that focus on building trust and legitimacy among the youth population. The City of Middletown recognizes the importance of engaging our youth and helping them develop into respectful, contributing members of the community. The police department can play an integral role in shaping the future of these individuals through educational and recreational activities.