

# ***TOWN OF DURHAM***



## ***POLICE REFORM AND REINVENTION COLLABORATIVE***

### **DRAFT POLICING REFORM PLAN**

**DATED: March 2<sup>nd</sup>, 2021**

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# ***TOWN OF DURHAM***

## **1. INTRODUCTION**

On June 12<sup>th</sup>, 2020, Governor Cuomo signed Executive Order 203 requiring each local government in the State to adopt a policing reform plan by April 1<sup>st</sup>, 2021. The Order authorizes the Director of the Division of the Budget to condition State aid to localities on the adoption of such plan. The Governor stated “To ensure these plans are developed through an inclusive process, I called for the New York State Police Reform and Reinvention Collaborative. With more than 500 law enforcement agencies in our large diverse State, there is no “one size fits all” solution. To rebuild the police-community relationship, each local government must convene stakeholders for a fact based and honest dialogue about the public safety needs of their community. Each community must envision for itself the appropriate role of the police. Policies must be developed to allow the police to do their jobs to protect the public and these policies must meet with the local communities’ acceptance.”

*(Governor Andrew Cuomo, from the New York State Police Reform and Reinvention Collaborative Resource & Guide Book, August 2020)*

### **A. Overview/Process**

To start the beginning of the reform project, public announcements were made at several regularly scheduled board meetings requesting any interested members of the community to call, text or email their interest to participate in this reform plan. After several weeks, a police reform committee was formed with 6 members/stakeholders of the community.

### **B. Committee Stakeholder/members**

The following are members making up the Committee;

1. Matt Hausmann- Durham resident, representing the hamlet of Oak Hill
2. Patty Handel- Durham resident, business owner, County Legislature
3. Brenna Rustick- Durham resident, representing the youth of the community
4. John Quirk- Durham resident, business owner, representing the hamlet of East Durham
5. Shawn Marriott- Durham resident, Town Supervisor, Commissioner of Police
6. Thomas Sutton- Durham resident, Durham P.D. Officer in Charge

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## **C. The Town of Durham**

The Town of Durham is a rural community located within Greene County. The town is 49 square miles and neighbors the Towns of Greenville, Cairo, Windham, Renselaerville and Conesville. We have 84 miles of Highway, with approximately 14 of those miles still being dirt roads. Durham has approximately 2700 residents per the most recent census. The Town is comprised of four hamlets; East Durham, Oak Hill Cornwallville and Durham village. Our Town is made up mostly of local homeowners and small businesses dependent on tourism as a main source of income. Our Town also has many secondary homeowners. As time goes on our Town is becoming more and more diverse.

## **D. The Town of Durham Police Department**

The Town of Durham Police Department (DPD) is comprised of an Officer in charge, (4) part time Police Officers, and (2) part time Peace Officers. We have (3) patrol vehicle and (1) Animal Control vehicle. DPD has patrols Monday –Saturday during the day and Friday and Saturday evening. The Officer in Charge will usually respond to any incident in the Town regardless of the day or time. This Town is very close with the Police Department. An advantage of having a small close knit community is everyone knows everyone. To this day, if you call the DPD phone number and no one is in the office to answer, it will roll over to the home of the officer in charge. The residents expect this type of close relationship with DPD. DPD assists our elderly residents of the community with daily check-ins, both over the phone and in person. DPD also does residency checks for homes of people who are out of town. DPD will assist with security for several large venues that take place in the Town throughout the year. DPD also handles all court security for the local Town Justices. Along with the community oriented policing calls for service, DPD also answers 911 calls, enforces vehicle and traffic law, and enforces local laws. The members of DPD consist of mostly retired law enforcement officers from other departments. Our Officer in Charge, Sergeant Thomas Sutton, has been a Police Officer for the Town of Durham for over 50 years.

## **2. DATES, MEETINGS, PUBLIC FORUM AND PUBLIC HEARING**

- 01/27/2021- Committee meeting, Town Building
- 02/04/2021- Committee meeting, Town Building
- 02/11/2021- Public Forum, Cairo-Durham High School, Open to the public in person and via conference call
- 02/18/2021- Committee meeting, Town Building, Open to the public for listening only via conference call

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- 03/02/2021- Town Board Meeting, Presenting Draft Plan to the Board and residents, set up Public Hearing, Open to the Public via video conference
- 03/16/2021- Town Board Meeting/Public Hearing, Open to the Public via video conference. Board makes resolution to adopt the draft plan.

## **A. Special guests requested to attend the public forum and public hearings for insight**

- Clem Lalor, ADA, Greene County District Attorney's Office
- Angelo Scaturro, Greene County Public Defender
- Michael Weatherbee, Cairo Durham School District Superintendent

### **3. TOPICS DISCUSSED/ISSUES/ACTIONS OVERVIEW**

The committee followed the guidelines set forth in the States Resources and Guidelines book as a guide to open up honest and open conversation about issues that we encounter in our Town. These ranged from staffing, uniforms, the usage of body armor, racial profiling, training, proactive vs reactive policing, traffic stops, use of force and choke holds, to name a few. These meetings were designed to gather input from the members of the committee who all have very different perspectives, and to have an opportunity to relay some of the internal functions of DPD. The dialogue was genuine and information was exchanged in both directions. During the Public Hearing, many questions were asked about procedures, and only a few suggestions were given about changes. Many questions that came up about resources for our residents involved agencies outside of our scope of control. Our committee looked to focus on the things that we could fix here in our Town with our Police Department. The DPD currently has a Use of Force Policy that is in compliance with the States model policy. Choke holds are forbidden unless deadly physical force is authorized.

One of the main issues found while reviewing DPD's Policy and Procedures was that there was no section on how to make a complaint or compliment DPD or its Officers. The Policy also did not give direction on how such a complaint would be handled. The committee agreed to make a new section in the Policy and Procedures labeled "Complaints and Commendations". In this Policy it outlines how a resident can make a formal complaint, where they must go to do so, who will review the complaints, how it will be investigated, and how the resident making the complaint will be notified.

DPD currently has 32 hours of training per year, which exceeds the state required minimum of 21 hours for accredited agencies. DPD has mandatory annual trainings, and several electives. DPD currently does yearly training on anti-bias and de-escalation training, but it was not stated in any policy that they must do it yearly. The committee agreed these trainings would be added to the required yearly trainings.

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Page (1) of the DPD Policy and Procedures is the Mission Statement. The committee agreed that it needed to be updated and reflect more on the current diverse nature of our residents. New verbiage was added to accomplish this.

## **A. Recommended actions for public comment/ board approval**

- New Compliments and Commendations Policy added to P&P.
  - This policy outlines the procedure for someone to make a complaint. The Town webpage will have a section to make a complaint. The OIC, Town Supervisor, or Town Attorney may be contacted directly if there is a conflict of interest. The Town Board will be notified of all formal complaints and will be apprised of the findings. Any and all decisions will be decided by the Town Board via executive session. The online form will be sent directly to those three mentioned above.
  
- New verbiage will be added to the mission statement to include the ever growing diversity of our community.
  
- Anti-Bias and De-Escalation training will be added in the list of mandatory yearly trainings. (This training has been mandatory, but not listed in the policies).
  
- Pamphlets from various domestic violence services within the area will be given to DPD Officers to disseminate to victims of abuse within our Town. To aid in their safe removal from those situations.

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## **B. Resolution**

### **TOWN OF DURHAM RESOLUTION NO. 2021-0**

#### **“Adoption of Police Reform Plan”**

**WHEREAS**, Several meetings, on public forum, and one public hearing have been held including a committee of residents from the Town of Durham, and;

**WHEREAS**, during these meetings the Police Reform Plan has been discussed. Therefore;

**BE IT RESOLVED**, that the Town Board of the Town of Durham does hereby approve the adoption of the Police Reform Plan for the Town of Durham Police Department.

Motion to adopt: Supervisor Marriott

Seconded by:

#### **BOARD MEMBER VOTES;**

<b>Board Member</b>	<b>Aye</b>	<b>Nay</b>
Marriott		
Cirillo		
Sutton		
Breslin		
Hulbert		

Motion Carried\_\_\_\_\_ Motion Defeated\_\_\_\_\_ Dated: March 16<sup>th</sup>, 2021

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## **C. Plan Certification Form**

### **NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORTIVE PLAN CERTIFICATION FORM**

**Instructions: The Chief Executive of each local government must complete and submit this certification and a copy of their Plan to the Director of the New York State Division of the Budget on or before April 1<sup>st</sup>, 2021 at [E0203Certification@budget.ny.gov](mailto:E0203Certification@budget.ny.gov)**

**I, Shawn Marriott, as the Chief Executive of the Town of Durham, (the “Local Government”), hereby certify the following pursuant to Executive Order No. 203 issued by Governor Andrew Cuomo on June 12, 2020:**

**X The Local Government has performed a comprehensive review of current police force deployments, strategies, policies, procedures and practices;**

**X The local Government has developed a plan, attached hereto, to improve such deployments, strategies, policies, procedures and practices (the “Plan”);**

**X The Local Government has consulted with stakeholders (including but not limited to: membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith based community groups; the local office of the District Attorney; the local Public Defender; and local elected officials) regarding the Plan;**

**X The Local Government has offered the Plan in draft form for public comment to all citizens in the locality and, prior to adoption of the Plan by the local legislative body, has considered the comments submitted; and**

**X The legislative body of the Local Government has ratified or adopted the Plan by local law or resolution.**

**Shawn Marriott**  
Name

\_\_\_\_\_  
Signature

**Town Supervisor**  
Title

**March 16, 2021**  
Date