



MALVERNE POLICE DEPARTMENT

POLICE REFORM PLAN

Village of Malverne Committee on NYS Police Reform

Keith M. Corbett

Mayor

John C. Aresta

Chief of Police

Public Comment Cover Letter

This draft document is being presented for public comment following collaborative Meetings with community leaders and representatives. It is very important the Village and Police Department receive input on this Police Reform Plan.

Positive change and reform can only be accomplished if our citizens review the Plan and provide comments, suggestions and recommendations.

Comments and feedback may be submitted via email to info@malvernevillage.org

or dropped off at Malverne Police Headquarters in writing at 99 Church Street, Malverne, New York 11565 or 1 Britton Circle, Malverne, NY 11565 by March 16, 2021

Police and Community Stakeholder Meetings

February 26, 2021

March 9, 2021

Police and Community Trust Initiative *

(PACT)

June 24, 2020

July 14, 2020

August 6, 2020

September 17, 2020

October 8, 22, 2020

November 12, 19, 2020

December 2, 7, 17, 30, 2020

Nassau County Legislature Public Safety Reform Hearing

January 7, 2021

**The Malverne Police Department was represented by the President of the Nassau County Chiefs Association at the PACT meetings. Representative forwarded information about Community concerns and suggestions in the county at large that were discussed at these meetings.*

Introduction

The Village of Malverne submits this plan pursuant to N.Y.S. Executive Order 203. This plan was developed in a collaborative effort with community stakeholders, after review of current policies and procedures.

New York State has been adopting new legislation over the last few years which has changed the criminal justice system. Reforms that have occurred pertain to juvenile justice, bail reform, and discovery changes. With the death of George Floyd in Minneapolis in May of 2020 and the associated civil unrest many states are re-evaluating their legal and justice systems, Governor Cuomo signed the “Say Their Name”, reform package. This reform includes the repeal of section 50-a of the Civil Rights Law, (the release of Police Personnel Records), Banning of Chokeholds, the Prohibition of race-based 911 calls and the appointing the Attorney General as an independent prosecutor to investigate all police involved deaths.

In accordance with the mandates set forth by Executive Order 203, each local government has been ordered to adopt a police reform plan by April 1, 2021. The purpose of the plan is to ensure that police policies and procedures foster trust and fairness within the community. All communities should be asking what goals they want their police department to accomplish.

Malverne Police Department

The Malverne Police Department (sometimes referred to herein as the “Department”) was established in 1923 and has been an important part of the community since its formation. The Department is located on the South Shore of Nassau County and in its current form serves the Incorporated Village of Malverne. The Department covers approximately 1 square mile and serves approximately 8,500 residents. The Malverne Police Department has 24 sworn members and an elected Board of Trustees that consists of a Mayor and 5 Trustees, one of which serves in the position of Police Commissioner. Given the Department size and geographical area covered The Malverne Police Department is able to provide a personal level of service to the community that it serves. The Malverne Police Department also has a close working relationship with both the Lynbrook Police Department, The Rockville Centre Police Department and the Nassau County Police Department.

The Nassau County Police Department provides detectives for some criminal investigations, K-9, Helicopter and Marine assistance, and other specialized units when needed.

Malverne Police Department civilian hires are assigned to the Nassau County Police Academy for Basic Recruit training and current members attend in-service training at the academy. The Nassau County Police Academy training program follows the NYS DCJS and NYS Municipal Police Training Council guidelines.

Throughout its history the Department has expanded and strengthened its ties with the community it serves

Mission

The mission of the Malverne Police Department is to provide quality Police service to all people within the Malverne community with respect, fairness, and compassion. We are committed to the enhancement of the quality of life by providing a safe and secure environment; the enforcement of all laws and regulations; the prevention and detection of crime, and the apprehension and prosecution of violators; to continually improve the professional operations of our department, to seek the support of the entirety of the community and to support the Village of Malverne.

Goals

The primary goal of the New York State Reform and Reinvention Collaborative is to bring the community and the Department together to solve issues and overcome obstacles reinforcing a sense of trust between the two.

Acknowledgment

The Mayor and Board of Trustees would like to acknowledge and thank the Malverne Police Department and community stakeholders who participated in the collaboration with the Village of Malverne that has resulted in the formulation of this Reform Plan.

Plan Summary

To meet the requirements of Executive Order 203 the Malverne Police Department has developed the following plan. This plan will seek comment and input from community leaders to further expand the public's expectations of the Police Department. The Department will also continue its education and training programs which include but are not limited to; Use of Force, De-Escalation, Reporting Requirements, Implicit Bias Awareness and Hate Crimes. This plan will be transparent and encourages ongoing dialog with the community this Department serves.

Evaluate Current Practices Review:

1) Review the needs of the community;

a) Determine the expected role of the police department and define its primary activities.

(1) Prevention of crime, protection of life and property, preservation of peace, the enforcement of laws and safeguarding constitutional guarantees.

a) Determine why people are calling 911 and the non-emergency police line.

(1) In 2020, Malverne Police Department received 4,733 calls for service.

(2) The Malverne Police Department receives calls relating to medical emergencies. Malverne Police Officers, who are trained first responders, respond along with paramedics to all medical emergency calls. Typically, Malverne Police Officers are the first to arrive to the scene of a medical emergency and provide life saving measures until a paramedic arrives on scene and the patient can be transported to the hospital.

(3) As a service-based police department, The Malverne Police Department responds to any and ALL requests for assistance. These may include assisting the elderly resident who has fallen and needs help getting up, neighbor disputes, vehicle and home lockouts and many minor assignments that would not generally be considered police activities.

a) Evaluate in what situations police self-initiate interventions in the community.

(1) Officers routinely patrol local houses of worship and schools. Officers come in contact with leaders and security of both and ascertain any needs or problems that need to be addressed.

(2) Officers are encouraged, as part of their daily patrol activities, to park their vehicles and visit with the public, speak to visitors at our parks and business district and to interact with residents. These interactions allow the department to hear community members concerns and alert the officers to any crime conditions in the community. Developing trust and confidence between the Department and the community enabling members to quickly address any issues that the Police Department might have not been previously aware of.

a) Maintain and strengthen the civilian complaint process against Police Officers.

(1) Increase the frequency of review for complaints against members.

(2) All complaints are documented and investigated fully by the administration. Any appropriate discipline is administered and is in the accordance with negotiated discipline outlined in the employment contract with the Malverne Police Department P.B.A.

Evidence Based Policing

1) Use of Force

The use of force by members of law enforcement is a matter of utmost concern to the public and the department. **The police use of force must be “objectively reasonable”, the officer’s actions were reasonable in the light of the facts and circumstances confronting him/her, without regard to his/her underlying intent or motivation.** The policy of the Malverne Police Department is that a member shall use only the minimum force necessary to achieve their lawful objective. Members shall use the least amount of force necessary to effect cooperation and control of a situation which requires police intervention, and then only when all other reasonable alternatives have been exhausted or are not available. No member shall exceed the limits of his/her authority under Article 35 of the New York State Penal Law.

The use of **Deadly Physical Force** is only justified when it is to protect him/herself or another person from what the member reasonably believes is an imminent threat of serious physical injury or death, or to stop a fleeing suspect where the member has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury and the member reasonably believes that the suspect poses an imminent threat of serious physical injury to the member or others.

Reform:

- a) All sworn members have been informed of the new law, Aggravated strangulation, New York Penal Law 121.13-a.
- b) To ensure that Malverne Police Officers are aware of the most updated legislation regarding use of force, this topic will be included in the annual in-service training provided by the Malverne Police Department and when available, the Nassau County Police Academy. Malverne Police Department policy changes or updates will be communicated to all members on an on-going basis through our LEXIPOL policy and procedure manuals.
- c) The new Nassau County Police Academy being constructed will allow for more hands-on and scenario-based training when it comes to use of force. The facility is scheduled to open in June of 2021.
- d) Members of the Department who witness another member using force that he/she believes to be clearly beyond what is reasonable are bound to intervene to prevent unreasonable or unnecessary force being used. Members who observe another using force that exceeds the use of what is objectively reasonable shall promptly report these observations to his/her supervisor. In every situation, members are expected to act with intelligence and use reasonable judgement.
- e) Members of the Department shall notify their supervisor as soon as possible in incidents involving the use of force. In any use of force incident members are required to prepare NCPD form 258, Use of Force report. All use of force incidents shall be investigated and reviewed by the Chief of Police to ensure that the force

used was justified, necessary and reasonable and in accordance with Department policy.

f) After any level of force is used, a member shall immediately evaluate the need for medical treatment for the person upon whom the force was used, and arrange for such treatment when the person has a visible injury, or complains of an injury, or requests medical attention.

g) The Administrative Lieutenant will conduct a periodic review of the use of force reports to determine trends that may indicate training needs, patterns, or policy modifications.

Procedural Justice, Systematic Racial Bias and Racial Justice in Policing:

The Malverne Police Department recognizes that procedural justice and police legitimacy play an essential role in establishing a positive relationship with the community. The Malverne Police Department has a long-standing relationship with our local houses of worship and local public schools and private schools to foster public confidence in the police and its ability to safeguard the community. Members of the Department will not engage in any form of racial profiling. Officers are trained in the inherent dangers of conscious and unconscious bias and prejudice that affect decision making.

Reform:

a) The Malverne Police Department will continue to follow the NYS Criminal Justice reform laws passed in April 2019, as a general rule, when a person is arrested for an offense OTHER than a class A, B, C or D felony, or for a violation of Penal Law section 130.25, (Rape third degree), 130.30, (Criminal Sexual Act third degree), 205.10, (Escape second degree), 205.17, (Absconding from a community treatment facility), and 215.56, (Bail Jumping second degree), a Desk Appearance Ticket must be issued.

b) To ensure that members of the community with limited English proficiency have equal level of access to service by the Malverne Police Department, we will continue partnership with the Nassau County Police department and will

implement a Language Access Plan. Members of The Malverne Police department will use the department issued I-Phone to access a video conference with an interpreter to ensure both parties properly understand each other. This language line will also provide access to a sign language option to assist residents who are hearing impaired.

c) The Malverne Police Department's TRACS upgrade requires that when an officer issues a summons the driver's ethnicity be recorded in the "Ethnicity Field". While not mandated by law this will increase transparency, accountability, and data collection going forward.

Implicit Bias Awareness Training

Implicit Bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. It is imperative that Malverne Police Officers are accepting and respectful of everyone's principles and lifestyles. Respectful language, thoughtful and intentional dialogue, and consistent involvement both formal and informal during community engagement helps to ensure relationships of trust between police and communities we serve.

Every sworn Malverne Police Department member has successfully completed, **Changing Perceptions a Fair and Impartial Policing Approach**, an online training class.

Reform:

a) All members will participate in an online anti-bias class. Immediately following, the members must pass an exam exhibiting their understanding of the topic and course material.

b) Every Malverne Police Department member shall complete an annual sexual harassment training program and certifies completion of this annual training requirement to NYS.

De-escalation Training and Practices

The Malverne Police Department recognizes the importance of de-escalation in safeguarding citizens as well as officers. Through effective communications and techniques, officers will continue to stress the importance of resolving situations which might otherwise escalate towards a physical confrontation.

Reform:

a) Malverne Police Department members will attend the Nassau County Police Academy's eight-hour course on De-escalation techniques. The De-escalation course centers on Dr. George Thompson's Five Universal Truths of Human Interaction.

- 1) People feel the need to be respected
- 2) People would rather be asked than told
- 3) People have a desire to know why
- 4) People prefer to have options instead of threats
- 5) People want to have a second chance

b) Inclusive of previous outlined use of force reforms, all use of force investigations will review if any de-escalation techniques were necessary and utilized.

Law Enforcement Assisted Diversion Programs, (LEADS)

As stated in the NYS guidance, diversion programs recognize that incarceration or establishment of a criminal record may not be the most appropriate mechanism to address certain conduct. Indeed, education and/or mental health treatment may provide a better alternative for both the individual and the community. The Department is aware that the NCPD Community Affairs Unit has many Law Enforcement Assisted Diversion Programs

- a) Bullying/Cyber Bullying Programs
- b) Bias Crime/Hate Crime Training
- c) Drug Awareness and Prevention Programs

d) Bicycle Safety Demonstrations

Nassau County District Attorney's Office offers the following diversion programs;

- a) Mental Health Court
- b) Misdemeanor drug treatment Court
- c) Treatment alternative Plea Part
- d) Drug Treatment alternative to Prison
- e) Veterans Treatment Court

The Department shall work with these programs and the public to improve the results of Police and community interaction.

Reform:

The Malverne Police Department will continue to dispatch Officers to the local schools to interact with the youth in the community as part of an ongoing effort to explain the role of the police and to build trust between the police and the youth and maintain good community relations.

Furthermore, through partnerships facilitated by various professionals on the Village Board of Trustees, the Malverne Police Department is in the process of further educating its membership on various programs offered by certain local agencies and how and when to refer these services in the event an Officer comes across a social issue in which an individual would benefit from such a referral of services. Through meetings arranged by Board members with program directors and social workers, additional useful information is being disseminated to the Malverne Police department regarding these services. This includes coordinating with the local Life Enrichment Center (LEC) which provides services to seniors including a "friendly visitor" program in which LEC members check in on people in the community in connection with the status of their food, utilities, medicines, etc. The LEC also assists with meals delivered to homes, assistance with benefit/entitlement programs and referrals to elder care attorneys.

This also includes coordinating with the local Youth and Family Counseling Agency (YFCA) which works with people of all ages to assist with drug rehabilitation, psychiatric intervention, critical incident debriefing, domestic violence and mobile crisis. The YFCA has a psychiatrist and nurse practitioner on

staff and Officers of the Malverne Police Department can refer individuals to these services when appropriate.

Restorative Justice

Restorative justice seeks to change an offender's behavior by educating him/her on the deleterious consequences that his/her actions have taken on the community and the victim. The purpose of justice is to restore the victim, the community and the offender so that they all may be integrated back into, and enhance the community. The Malverne Police Department works with the Nassau County Special Victims Detectives unit when dealing with victims of family violence or sexual abuse. These detectives work in tandem with the Nassau County Safe Center, which is an advocacy agency that services these victims and assists them when needed.

Reform:

The Malverne Police Department will educate its Officers and Staff of the availability of offered programs from State agencies such as Probation, Department of Corrections, and Community Partnership programs. The Community Partnership Program employs former gang members as outreach workers to engage with groups and individuals involved in gang related activities. CPP workers assist with tattoo removal, job training and parenting workshops for individuals who leave gang life and want to become more involved in the lives of their children

Community based outreach and conflict resolution

Increasing the availability of police officers in the community puts a focus on growing and strengthening community relationships to provide more comprehensive services and responds to citizens in a geographic area. Community-based outreach and conflict resolution allows police agencies to provide education

to the communities to increase crime awareness, advise of services offered, and enhance collaboration and trust through proactive outreach.

a) Malverne Police Department officers are assigned and encouraged to visit all houses of worship and local schools to build working relationships with the leaders of these institutions. These personal relationships that are formed affords direct communication of any needs directly to officers patrolling the area.

b) The Malverne Police Department partners with the Nassau County Police Department's Community Affairs Unit. This unit plays a critical role in achieving the Department's goals against crime by strengthening community relationships and trust.

The Department shall continue to stress community outreach towards conflict resolution.

Reform:

While Malverne Police officers are interacting with local houses of worship and schools they will encourage houses of worship and schools to update their contact information with the department. This information will be used in times of emergency or if the department needs to contact these institutions for any reason.

1) Problem Oriented Policing

Problem oriented policing replaces primarily reactive incident driven policies with strategies that proactively identify underlying issues that can be targeted to alleviate crime at its roots.

Malverne Police Department administrative staff routinely communicate with community stake holders and community leaders about issues or problems that need to be addressed in the community. Local residents are also routinely in contact with the department to report suspicious activity that they observe. This information is relayed directly to officers patrolling the area affected. In addition, The Nassau County Police Department regularly notifies Malverne Police Department personnel of any conditions that are affecting our neighboring communities.

2) Hot Spot Policing

Hot spot policing focuses on intelligence gathering and crime analysis to focus resources in a particular area to reduce crime. The Malverne Police Department routinely utilizes information gathered from previous incidents to detect patterns and focus resources to a specific area. This information is gathered from the following:

- a) Directed Patrol assignments
- b) Vehicle and Traffic Enforcement
- c) License Plate Readers
- d) Information gathered from other agencies and Detective units.
- e) 911 calls
- f) Information gathered from the community

3) Focused Deterrence

Focused deterrence is a strategy whereby officers engage directly with offenders or groups of offenders based on their prior history, sometimes in partnership with community members. The purpose of focused deterrence is to alter the opportunities for crime in order to deter motivated offenders.

- a) Nassau County Police Department Intelligence Bureau will identify known offenders in each jurisdiction and relay that information to the appropriate law enforcement agency.
- b) The Malverne Police Department, through NCPD intelligence unit has access to their real time intelligence information through a computer portal. This portal allows Malverne Police Officers to receive up to date information on wanted and known individuals. Intelligence bulletins, and interactive maps of major crime.

Reform:

Malverne Police Officers will continue to implement focused deterrence. This topic will be reinforced during the newly expanded annual in-service training program at the Nassau County Police Academy.

1) Crime Prevention Through Environmental Design

Crime Prevention Through Environmental Design is based on the theory that crime is a man-made hazard which can be resisted through quality design. The effective use of buildings and public spaces can lead to a reduction in the incidence of crime.

Reform:

- a) The Malverne Police Department will educate residents on precautionary measures to secure their home and property, with proper use of lighting, alarm and camera systems.
- b) During routine patrol officers will observe any street lights not working and make appropriate notifications for repair.

1) Violence Prevention and Reduction Interventions

Violence prevention and reduction interventions is the theory that focusing on prevention, intervention and suppression, reduces crime. This model calls for police departments to proactively address potential criminal activity by facilitating or participating in community programs and connecting high risk individuals with needed services and other forms of community engagement.

- a) Nassau County Community Affairs Officers visit local schools to discuss different forms of bullying. The Malverne Police Department will continue to work in conjunction with the Nassau County Police Department's Community Affairs Bureau to ensure a safe learning environment.

b) The Malverne Police Department follows a strict domestic violence policy that is pro-arrest when allowed by law and proactive gun removal.

Reform:

The Malverne Police Department will seek and implement increased training on crime prevention techniques.

1) Model polices and guidelines promulgated by the New York State Municipal Training Council and by LEXIPOL

a) Malverne Police Officers receive training at the Nassau County Police Academy which meets or exceeds the standards set forth by the New York State Municipal Police Training Council.

b) Members also attend additional training through the FBI, Suffolk County Police Academy, NYPD, IACP, NYS Department of Homeland Security, New York State Association of Police Chiefs, Southern Police Institute, LEXIPOL, Police One and the COPS office training portal.

Reform:

The Malverne Police Department will continue to work with the Nassau County Police Department to determine if the training provided to our officers is relevant to the mission of the department and its community. The department will investigate other outside training opportunities to enhance the skills of our officers and benefit the community we serve.

Offer the plan for public comment

Involve the community

Make the plan available for review to:

Elected Officials

Employees, (Police Union, Civilian Employees)

Residents

Houses of Worship

Civic Associations

Announce the plan at a public meeting

Announcement of plan, at the Village of Malverne Trustee Public meeting on March 3, 2021.

Develop policy recommendations resulting from the review, evaluation and discussion

Finalize policies that allow the Department and its members to effectively and safely perform their duties.

Certify the adoption of the plan to the State Budget Director before April 1, 2021

Present the plan to the Malverne Board of Trustees to certify and submit to New York State.

Implement the plan

Implement and communicate progress to the public and community stakeholders.

Conclusion

The New York State guide asks that our plan include how we will measure success. The Malverne Police Department will measure success with an expanded police community partnership. The Malverne Police Department will continue to monitor and measure the success of our plan by reviewing data, expanding and modifying our training and listening to the community