

# Town of Windham and Windham Police Department Collaboration Plan



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# Executive Order 203

On June 12, 2020, Governor Andrew Cuomo issued Executive Order No. 203: New York State Police Reform and Reinvention Collaborative, which directs local governments with police agencies to review and revise policies and create a plan to address race-based issues and foster trust in the community in order to receive state funding in 2021. Further guidance will be provided by the Division of Budget, in consultation with the Department of Criminal Justice Services. In summary, the order states that:

- Local governments with police agencies must perform a comprehensive review of police force deployments, strategies, policies, procedures and practices.
- A new plan must be developed that is meant to address the particular needs of the community, to promote community engagement to foster trust, fairness and legitimacy, and to address any racial bias and disproportionate policing of communities of color.
- The chief executive officer of the local government must convene and consult with the local police agency and local stakeholders, such as members of the police force, interested non-profit and faith based community groups, and other elected officials, with a particular emphasis on areas with high numbers of police and community interactions, to create and implement this new plan that includes any modifications, innovations, modernizations to improve police agency and community relationships and reduce racial disparities in policing.
- The plan must consider strategies, including but not limited to, use of force policies, procedural justice; implicit bias awareness training; de-escalation training and practices; law enforcement-assisted diversion programs; restorative justice practices; community-based outreach and conflict resolution; problem-oriented 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.
- Plans must be offered for public comment and adopted by local law or resolution by April 1, 2021.
- Local governments must transmit a certification to the Director of the Division of the Budget to affirm that they complied with this order and that such local law or resolution has been adopted. Those who fail to do so may not be eligible for state funding.

In accordance with this order, the Windham Town Board and Windham Police Department put together a Town of Windham Police Policy Committee. They began reviewing Windham Police Department policies and procedures, asking for public comment from the community on the current perspective of their relationship with the Windham Police Department.

## Town of Windham, New York

### About Windham

Windham is a town in Greene County, New York, United States. The town has two nicknames: "Land in the Sky" and "Gem of the Catskills." The population of Windham in 2020 is 1,729. Windham is in the west-central part of the county on the Catskill State Park's northern boundary and the Catskill Mountains Range. The town has a total area of 45.4 square miles, part of which is within the Catskill State Park. Batavia Kill, a tributary of Schoharie Creek, flows to the west through Windham.

Windham is approximately 18 miles from exit 21 of the New York State Thruway, I-87, in the town of Catskill, NY. The New York State Thruway provides the town with many tourists every year. Being approximately two and a half hours from New York City, Windham has been a popular vacation destination since the 1800s. Summers would see people retreating to the cool mountain air in Windham, escaping the heat of the city. When Windham Mountain ski resort opened in the 1960s, Windham became a winter vacation destination for people all over the Northeast as well. Windham remains a popular year-round tourist destination for people from all over the Northeast looking to enjoy alpine sports, hiking, mountain biking, golf, and many other attractions.

### Windham Ambulance

Windham operates a full-time Advanced Life Support ambulance service. The ambulance service operates with one full-time crew. An additional full-time crew is added when the town anticipates a significant increase in visitors. The Windham ambulance is also the primary responder for the neighboring town of Jewett. The neighboring town of Ashland provides backup when the Windham ambulance is already responding to a call.

# Windham Police Department

Members of the Windham Police Department must regard themselves as part of a team dedicated to the safety and protection of the community. The success of the Windham Police Department, in the performance of its duties, is largely measured by the degree of support and cooperation received from the people of the Town of Windham, which it serves. Members of the Windham Police Department are not merely employees but are Officers of this Town, charged with specific duties in maintaining public order and administering justice. Therefore every member's sole responsibility must be to the Windham Police Department and consequently to the public.

It is of paramount importance to secure the confidence, respect, and approbation of the public. The cultivation of such desirable attitudes is dependent upon the proper performance of duty by ALL members of the Windham Police Department.

Upon the members of the Windham Police Department is imposed a professional responsibility, no less grave, than that of other administrators of the law. Professionalization of law enforcement is gaining general recognition, but it can win universal acclaim and permanent standing only if the actions of its members are reflected in intelligent, sincere, efficient, and courteous service. Law enforcement must embody the highest attributes of every other profession. Neither private profit nor personal reward, but service to the community, is the earmark of the professional law enforcement Officer.

The Windham Police Department serves the entire town of Windham, NY. It serves as an extension of the community and is present for the arrival of school buses in the morning and departure of school buses in the afternoon. They are present and involved with community events, where their primary goal is to interact and get to know the people in town and not to show authority.

The Department has a Chief of Police, Tor Tryland, a Sergeant, David Sherman Jr., two full-time officers, and eight part-time officers. The Department has been unionized since July 25, 2007.

Prior to becoming a full-time officer with the Windham Police Department, officers must attend a State authorized Police Academy as well as complete a minimum of 160 hours of field training. The field training must be with a certified field training officer from the Windham Police Department.

Over the past few years, the Windham Police Department has had several full-time officers move to other police agencies. Many of these officers have stayed on as part-time officers with the Windham Police Department.

## Town of Windham Police Policy Committee

Town of Windham Supervisor Thomas Hoyt spoke with Chief Tryland regarding New York State Governor Andrew Cuomo's Executive Order 203, New York State Police Reform and Reinvention Collaborative. The Town of Windham would create the Police Policy Committee, tasked with creating a plan for the Town of Windham. The Committee would consist of one of the Town Board Members, the Chief of Police, Tor Tryland, and three members of the community. Supervisor Hoyt sent letters requesting individuals to be on the Committee and received acceptance from most. Councilman Kurt Goettsche was selected from the Town Board to represent the board and to chair the Committee. Chief Tor Tryland, who represented the Windham Police Department at the County level, was also to be on the Committee. Representatives of the town who were requested and accepted to be on the Committee were; former Town Councilman William MacGregor, local attorney Marilyn Carreras, and Pastor Ryan Dempsey.

## Comments From The Public

"WPD does a great job and is an asset to the community." - Jordan Braren, Windham, NY

"WPD is a great department with great, very nice people. I haven't experienced or heard of a single issue with them." - Aaron Cook, Windham, NY

"What comments and/or questions do you have regarding the Windham Police Department?" - Windham, NY Stakeholder

- Addressed in Recommended Changes (page 9)

"I have always had great experiences with the Police Department since moving to Windham in 2004 as a citizen and as a past Town Justice. True professionals!" - Michael W McCarthy, Windham, NY

## Review of the Department's Policies

The Town of Windham Police Policy Committee members were all given a copy of the Windham Police Department's current policies for review. The committee was to review all policies of the Department, with a focus on those regarding; the use of force, crowd management, community policing, implicit bias awareness training, procedural justice, de-escalation training, and practices. The Town of Windham Police Department policies are organized into chapters based on the subject. Current policies were created, reviewed, or updated no later than January 1, 2015.

The Town of Windham Police Review Committee found that most of the Windham Police Department's policies were in compliance with the State's request. The creation of a Town of Windham Police Review Committee was recommended for the continued review of the policies, procedures, and conduct of the Windham Police Department.

## Already Addressed

### Use of Force Policy

The Town of Windham Police Department has already implemented and trained on the reforms already passed by New York State, which include, but are not limited to, the banning of chokeholds. It should be noted that chokeholds were never allowed or taught here in the Windham Police Department. De-escalation continues to be an integral part of use of force training for the Windham Police Department.

### Criminal Procedure

Steps have also been taken to comply with recent New York State legislation, such as the repealing of Civil Rights Law 50-a and the changes to the Criminal Procedure Law resulting from new enactment in bail and discovery areas.

## Crime Prevention Through Environmental Design

Windham is a rural area with a small population. Most full-time residents know each other or are familiar with each other, where even small changes are noticed and reported. Five roads lead into and out of Windham, State Route 23 East, State Route 23 West, State Route 296, County Route 21 (Mitchell Hollow Road), and County Route 40. These entrance and exit roads can quickly be shut down with the aid of other first responders.

## Changes to Existing Policies and Procedures

### Firearms

The Committee found that the Windham Police Department is currently not in full observance with the Department's policies involving on-duty weapons. The Committee recommends that this be amended and that the Town of Windham and Windham Police Department issue all on-duty weapons.

As soon as this transition is addressed, the Committee also recommends that the policy reflects that the Windham Police Department no longer will utilize "C-forms."

### Racial Profiling

The Town of Windham Police Department policies prohibit all racial profiling. There were no reports indicating that the Windham Police Department has engaged in profiling. The prohibiting of the act or process of extrapolating information about a person based on known traits or tendencies should be included in the Department's Racial Profiling policy.

### Personnel Complaints

The Town of Windham and Windham Police Department take personnel complaints seriously. The Town of Windham will make information on how the public can file a complaint about Town of Windham Personnel more readily available on the Town's website, including but not limited to locations where complaints can be submitted.

# Recommended Developments

## Police Review Committee

The Town of Windham will create the Town of Windham Police Review Committee. This Committee will consist of three members. Members will serve a three-year term, except for at the initial creation of the Committee. For the Committee's initial creation, one member will serve a one-year term, one member will serve a two-year term, and one member will serve a three-year term. The Windham Town Board will appoint members at Town Board's annual Organizational Meeting. Members of the Committee must be residents of the Town of Windham at appointment. No member of the Committee at any time shall be an Officer currently employed by the Windham Police Department or an immediate family member of an Officer currently employed by the Windham Police Department. No member of the Committee shall be a member of the Windham Town Board. All members must be willing to serve on the Committee voluntarily.

The Town of Windham Police Review Committee should meet at least twice per calendar year to review and discuss Windham Police Department policies and procedures. The Committee should bring recommended changes to Department policies or procedures to the Windham Town Board and Chief of the Windham Police Department for review and consideration.

The Committee will meet whenever necessary to review and investigate complaints about the Windham Police Department or individuals of the Department, directed directly to the Committee or as requested by the Department's Chief. Members of the Windham Police Department are expected to cooperate fully with the Committee to investigate the complaints. The Committee shall bring findings of the complaint investigation to the Windham Town Board for review, where the Chief of the Department may also be brought in for the review.

## Police Activity Report

The Windham Police Department Chief or representative attends almost all Windham Town Board meetings and reports any changes or relevant information about the Windham Police Department. The Town of Windham Ambulance reports their call activity every month to the Windham Town Board. The Town of Windham will look into a similar concept for the Town of Windham Police Department, so personal information is not disclosed. The Town of Windham

Police will consider the number of traffic violations written each month, citations given, and arrests. They will report such information to the Windham Town Board at the first regular meeting each month and an annual report.

## Mental Health Response Policy

The Windham Police Department currently has a Mental Health Arrest Policy. A new Mental Health Response policy incorporating how Officers handle mental health incidents before an arrest should be commenced. The Mental Health Arrest and Response policies could also be combined into a Mental Health Incident policy.

Officers receive Mental Health training during their time in the academy. Some officers who also work for other agencies received continued mental health training from those agencies. All officers are encouraged to take mental health training whenever it is offered within a reasonable area. The Windham Police Department Chief should continue to work with larger departments as well as State and County agencies to offer more frequent and available mental health training.

The Chief of the Windham Police Department has continued discussions with Windham Police Department Officers regarding the best way to respond to incidents, including mental health. All mental health incidents are unique. A best practices policy should be created. The policy should highlight Windham Police Department's emphasis on being an extension of the community. The policy should foster creating a relationship with people. The policy should address the Department's available for follow-up and for contacting a professional if necessary.

## Looking Forward

Windham has a population of approximately 1,729, full-time residents within an area of 45.4 square miles. Windham does not experience many of the issues of more populated cities. Windham does not have hot spot policing zones. While the Windham Police Department has a presence at Windham Ashland Jewett Central School during the arrival and departure of students, this is a service to the community, not a response to criminal activity.

Due to the Town of Windham's unique situation, many of the State's recommendations do not currently pertain to Windham. Windham never experienced the need for the following policies:

law enforcement-assisted diversion programs; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; violence prevention and reduction interventions. Using the Police Review Committee and Police Activity Report, the Town of Windham will continue to monitor changes in the Windham Police Department's responses. If a need or desire of the above policies arises the Town will address them at that time. In the interim, if a need arises, the Windham Police Department shall continue its cooperation with other local, county and state police agencies and request mutual aid.

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