



## PALMYRA VILLAGE POLICE DEPARTMENT

David B. Smith  
Chief of Police

144 East Main Street, Palmyra, NY 14522  
(315) 597-9211 Fax (315) 597-1608



# Palmyra Village Police Department

February 2021

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## New York State Police Reform and Reinvention Collaborative Plan

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## **Executive Order No. 203**

### **New York State Police Reform and Reinvention Collaborative Plan**

February 2021

#### **I. Introduction:**

On June 12, 2020, Governor Andrew Cuomo issued an executive order directing municipalities that employ police officers to actively engage stakeholders in the local community and develop locally approved plans for the strategies, policies and procedures of local police agencies. In accordance with this order, the Palmyra Village Police Department initiated an effort to enact police reform plans.

#### **A. Department Profile:**

**Municipality:** Palmyra Village

**Law Enforcement Agency:** Palmyra Village Police Department

**Palmyra Village Executive Officer:** David A. Husk, Mayor

**Palmyra Village Police Chief:** David B. Smith

#### **B. Municipality Demographics:**

The Palmyra Village is a small, rural village consisting of approximately 2 square miles. It is located in the Town of Palmyra, Wayne County with a population close to 4000 people. The Palmyra Village has a full time Police Department. The 2019 census data indicates that Palmyra is 89.3% white, 8.7% Hispanic. 1.2% Black.

#### **C. Police Agency Demographics:**

The Palmyra Village Police Department consists of six full time employees: Three Patrol Officers, one Sergeant, one Police Chief and

one civilian Police Clerk. All Officers are white males. The Police Clerk is a white female.

## **II. Reform and Reinvention Process**

- A.** The Palmyra Village Mayor's Office collaborated with the Palmyra Village Clerk and the Palmyra Village Police Department in an effort to implement the New York State Police Reform and Reinvention Plan.
- B.** Two listening sessions were scheduled with the option of having more. Additional sessions were dependent on the group's participation and the group's request for more sessions. A Police Reform and Reinvention survey was created and made available to the public.
- C.** In the beginning of December 2020, village residents/stake holders were contacted and asked to participate via social media, local newspaper and the Palmyra Village web site. Eight village residents responded, stating they were interested in participating.
- D.** A listening session was held December 16<sup>th</sup>, 2020 at 6:00 pm at the Palmyra Community Center Gym. Participants were assured that plenty of space was available to socially distance and to adhere to Covid-19 guidelines.

## **III. Public Participation and Feedback**

- A.** Thirteen persons attended and participated in the listening session. Among those persons were: a representative of W.A.R.E. (Wayne Area for Racial Equality), local organizers of a BLM Rally in the Village, Wayne County DA's Office, Wayne County Public Defender's Office, a retired Police Chief, Fire Department members, a Federal

Parole Officer, the Chief of Police, a Palmyra Village Police Officer, the Deputy Mayor and Palmyra Village residents.

- B.** The meeting lasted for approximately two hours. All participants were encouraged to speak. Public Defender Correia spoke at length and was a wealth of information. He shared with the group his opinions on racial inequality in the criminal justice systems in Wayne County and New York State.
- C.** At the conclusion of the meeting, all participants were advised of the availability of the Palmyra Village Police Departments rules and regulations in digital format and hard copies. All were encouraged to review said rules and regulations and to return to the next scheduled meeting with suggestions for changes or additions.
- D.** On January 6<sup>th</sup>, 2021, a second listening session was held at the Palmyra Community Center with fifteen community residents participating. Among those represented were: W.A.R.E (Wayne Area for Racial Equality), local organizers of the BLM rally, Palmyra Village Board Trustees, a retired Police Chief, Federal Parole Officer, the Deputy Mayor, the Police Chief, Fire Department members, the Public Defender's office, and local residents.
- Participants were encouraged to offer feedback and suggestions if they had reviewed the General Orders of the Palmyra Village Police Department.
  - Feedback and suggestions from the group were minimal.
  - Public Defender Correia reviewed the General Orders prior to the meeting. He presented his suggestions for improvement at this meeting. Several of his suggestions will be reflected in our final plan.
- E. Surveys** (anonymous participation for all)  
On December 16<sup>th</sup>, 2020, a Palmyra Village Police Reform and Reinvention Collaborative survey was offered to the public via social

media and the Palmyra Village’s website. Hard copies were also made available at each listening session and at the Palmyra Village Hall. Fifteen survey questions were asked and four demographic data questions. Fifty responses were received between December 16, 2020 - January 6, 2021.

#### **IV. Palmyra Village Police Department’s Reform Plan**

The reform plan, in accordance with public feedback and the executive order requirements, consists of six primary themes: NYS Mandated Changes, Equality and Social Justice, Transparency and Accountability, Community Relations, Operational Policy & Procedures and Training.

##### **A. NEW YORK STATE MANDATES:**

The reform items found in this section are derived directly from Executive Order No. 203

**NYS Mandate – 1, Civil penalties for filing false reports on member of protected class:** Establishes civil penalties for falsely summoning a police officer when there is no reason to believe a crime, offence or threat has been committed involving a member of a protected class. (effective June 13, 2020)

**Palmyra Village Police Department action:** Conducted in service training

**Completion timeline:** Completed on June 13, 2020

**NYS Mandate – 2, Require Police Officers to report discharge of weapons:** Requires a police officer or a peace officer (whether on or off duty) who discharges his or her weapon under circumstances where a person could be struck by a bullet to verbally report the incident

within six hours, and file a written report within forty-eight hours.  
(effective September 13, 2020)

**Palmyra Village Police Department action:** Amended Use of Force policy

**Completion timeline:** Completed in late 2020

**NYS Mandate – 3, Require the reporting of police acts or omissions resulting in a person’s death to the Office of special investigation:**

Establishes an office of special investigation within the office of Attorney General which will have investigative authority and criminal jurisdiction for any incident involving the death of a person caused by an act or omission by a police officer or peace officer employed as a correction officer or contracted by an education, public health, social service, parks or housing agency. Where an investigation concludes that the death or matters relating to the death or investigation of the death involved criminal conduct, the office will be empowered to prosecute any such alleged offences. (effective April 2021)

**Palmyra Village Police Department action:** Pending on needed actions of New York State

**Completion timeline:** Immediately upon NYS implementation

**NYS Mandate – 4, Ban Choke Holds:** The Eric Garner anti choke hold act creates the crime of aggravated strangulation (making it a class C felony) and establishes criminal penalties for a police officer or a peace officer who uses a chokehold that causes serious physical injury or death. (effective June 12, 2020)

**Palmyra Village Police Department action:** Conducted in-service training

**Completion timeline:** Completed in 2021

**NYS Mandate – 5, Require Medical Response for Arrestees:** Affirms an individual’s right to medical and mental health attention while under arrest or otherwise in custody of a police officer or peace officer. Failure to provide reasonable and good faith medical assistance could result in a cause of action against the officer, representative and/or entity. (June 15, 2020)

**Palmyra Village Police Department action:** Conducted in service training

**Completion timeline:** Completed in 2020

**NYS Mandate – 6, Require policing statistics to be reported to the division of criminal justice services:** Requires courts to compile and publish data concerning arrests and court proceedings involving low level offenses such as violations and traffic offenses. Such report will include aggregate and anonymized demographic information such as race, ethnicity and sex. This bill requires police departments to submit annual reports on arrest-related deaths to the department of criminal justice services, as well the Governor and the State Legislature. (Effective December 12<sup>th</sup>, 2020)

**Palmyra Village Police Department action:** Will provide data to Office of Court administration and Division of Criminal Justice Services

**Completion timeline:** Current practice

**NYS Mandate – 7, Recording of Law Enforcement Activity:** Provides that a person not under arrest or in custody of a law enforcement official has the right to record police activity and to maintain custody and control of that recording and any property or instruments used by that person to record such activities. A person in custody or under



arrest does not, by that status alone, forfeit such right to record.  
(effective July 13, 2020)

**Palmyra Village Police Department action:** No action needed, already in compliance

**Completion timeline:** Complete

**NYS Mandate – 8, Provide the public access to personnel records of**

**Police Officers:** Repeal of civil rights law 50-a, which had made all personnel records used to evaluate the performance toward continued employment or promotion of police officers, firefighters, paramedics, correction officers or peace officers confidential and not subject to inspection or review without the individual’s express written consent or court order. This legislation also amends the NYS freedom of information law (FOIL), subjecting any record created in furtherance of a law enforcement disciplinary proceeding to disclosure under FOIL. The new FOIL provisions require specific sensitive personnel information, including medical history to be redacted from such records prior to being disclosed. (effective June 13<sup>th</sup>, 2020)

**Palmyra Village Police Department action:** Notified Village Clerk for compliance.

**Completion timeline:** Complete

**B. PALMYRA VILLAGE POLICE DEPARTMENT’S REFORMS**

**Equality & Social Justice, ESJ-1. Diversify and increase candidate pools:**

Make extra efforts to expand searches for lateral transfers that will reflect our community demographics.

**Palmyra Village Police Department action:** Increase social media advertisement to attract diverse candidates and raise awareness of, available positions, civil service requirements for available positions.

**Completion timeline:** Upon next foreseen available position

**ESJ-2. Expand Diversity and Bias Training:** Expand diversity and bias awareness training to include marginalized populations such as low income, substance use disorders, minority, and LGBTQ communities, as well as training to recognize systemic racism.

**Palmyra Village Police Department action:** Require Implicit Bias Awareness training for all Palmyra Village Police officers.

**Completion timeline:** To be completed by July 2021

**Transparency & Accountability, TA-1. Increase Transparency of arrest activities & calls for service:** Ensure citizens have access to appropriate police data and arrest activities via a monthly report made available to citizens.

**Palmyra Village Police Department action:** Make available to the public police data and arrest activities. Request local newspaper to report on police log activities.

**Completion timeline:** To be completed by July 2021

**TA-2: Reduce personnel complaints:** Identify key behaviors and causes that may drive citizens to complain about officers and incorporate these findings into trainings.

**Palmyra Village Police Department action:** Leverage Command Staff to review complaints and determine needed focus areas and changes of trainings.

**Completion timeline:** Current practice

**TA-3: Increase Transparency of Palmyra Police Departments General Orders/Policies and Procedures:** Make available to the public, Palmyra Village Police Department's General Orders/Policies and Procedures.

**Palmyra Village Police Department action:** Make available to public both digital and hard copies of General orders/Policies and Procedures by publishing said on Palmyra Village web page.

**Completion timeline:** To be completed by July 2021

**TA-4: Increase Transparency of Use of Force Incidents:** Make available to the public and courts body worn camera footage.

**Palmyra Village Police Department action:** Purchase body worn cameras and implement policy for their use by all Palmyra Village Police Officers.

**Completion timeline:** Implemented and completed in December 2020

**Community relations, CR-1, Educate Public on Policing practices:** Increase the transparency of policing methods and governance by educating the public on these practices.

**Palmyra Village Police Department action:** Improve communication with Village residents by increasing foot patrols, engaging more with residents during regular patrol and making an extra effort during special events. Schedule police interaction with youth and senior citizen groups.

**Completion timeline:** To begin immediately

**CR-2, Strengthen Customer Service Practices:** Reinforce with Palmyra Village Police Officers the need for positive communications with the public through better customer service.

**Palmyra Village Police Department action:** Expand and make known to the public, Palmyra Village Police Department's child safety seat program and drug take back program.

**Completion timeline:** To begin immediately

**CR-3, Establish & promote community programs to increase law enforcement visibility in the community:** Develop and implement programs that bring Law Enforcement Officers together in forums where they talk to one another, share thoughts, and promote interactions which support the building of positive relationships.

**Palmyra Village Police Department action:** Expand and continue Palmyra Village Police Department's Christmas toy distribution for families in need. Schedule and promote "Coffee with the Chief", which is a series of open public conversations with the Palmyra Village Police Department's Chief of Police. Encourage Officers to attend events at the Community Center and schools.

**Completion timeline:** To begin immediately

**Operational polices and procedures, OPR-1, Improve selection & promotion methods by requiring candidates to meet additional standards:** Require candidates to meet additional criteria to help ensure a higher quality pool of candidates for new hires, lateral transfers and promotions.

**Palmyra Village Police Department action:** Enhance selection methods for new hire, lateral transfers, and supervisor promotions. Require a standardized comprehensive background investigation and FOIL requests for any disciplinary records.

**Completion timeline:** Immediately upon next hire or promotion

**OPR-2, initiate anonymous quality assurance feedback channels:**

Allow citizens and officers to submit feedback via website and social media to reduce the incidence of unsatisfactory or unlawful behavior.

**Palmyra Village Police Department action:** Establish a process for citizens and/or officers to leverage social media and the Palmyra Village website to anonymously notify the Chief of Police of unsatisfactory or unlawful behavior of personnel.

**Completion timeline:** To be completed by July 2021

**OPR-3, Improve Collaboration with Mental Health Agencies:** Expand crisis intervention training. Partner with Wayne County Mental Health to increase use of Mobile Crisis Unit.

**Palmyra Village Police Department action:** Work with Wayne County Department of Mental Health to establish protocols for expanded use of Mobile Crisis Unit. Collaborate with Wayne County Department of Mental Health to conduct crisis intervention training.

**Completion timeline:** To be completed by July 2021

**OPR-4, Improve Awareness of Mental Health Challenges of Officers:**

Expand peer counseling program and make Officers aware of its availability.

**Palmyra Village Police Department action:** Train more Peer Counselors and bring attention to the program's availability.

**Completion timeline:** To be completed by July 2021

**Training, T-1, Expand De-escalation training:** Review current de-escalation trainings and benchmark for additional recommendations.

**Palmyra Village Police Department action:** Take advantage of de-escalation training made available by Wayne County Department of Mental Health.

**Completion timeline:** As soon as training is available.

**T-2, Expand Use of Force Training:** Review current training by defensive tactics instructor's group for training instructions.

**Palmyra Village Police Department action:** Benchmark and gather recommendations for improved use of force trainings.

**Completion timeline:** As soon as training is available

**SECTION THREE**  
**CHAPTER ONE**

**SUBJECT: USE OF FORCE/SUBJECT MANAGEMENT**

**ISSUE DATE: 08-15-16**

**REFERENCE; NYSA**

**20.1, 20.3, 20.6, 20.7,**  
**21.2, 40.2**

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**I. POLICY**

- A. Police officers may use only the level of physical force necessary in the performance of their duties within the limits established by Article 35 of the New York State Penal Law, the Constitution of the United States and consistent with the training provided by the Palmyra Police Department.
- B. Generally, officers may use physical force in the performance of their duty in the following circumstances:
  - 1. To prevent the commission of a breach of the peace or other unlawful act(s).
  - 2. To prevent a person from injuring him / herself.
  - 3. To effect the lawful arrest of a person resisting arrest or attempting to flee from custody.
  - 4. In self defense or in the defense of another person.
- C. Unnecessary Force
  - 1. Unnecessary force occurs when it is apparent that the type or degree of force employed was either unnecessary or inappropriate, or when utilizing any degree of force as summary punishment or vengeance.
  - 2. Any member of the Palmyra Village Police Department who is present and observes another member of the Palmyra Village Police Department or another police agency using force clearly beyond that which is objectively reasonable under the circumstances or in any way physically or verbally escalating a law enforcement interaction shall safely intercede to prevent the use of such excessive force or escalation.
  - 3. Any member of the Palmyra Village Police Department who observes such use of excessive physical force and/or verbal escalation shall promptly report such observations to a supervisor.

**\*\*\* The use of indiscriminate force is prohibited \*\*\***

- D. The carrying or use of any instrument as a weapon or part of a continuum of force not specifically authorized by the Chief of Police, issued by the Palmyra Police Department is prohibited. Unauthorized weapons include but are not limited to Blackjacks, weighted gloves, stun guns, brass knuckles, Billy clubs, batons, collapsible batons, night sticks, kubatons, tonfas ( PR 24), judo sticks, etc.

## II. GENERAL PRACTICES, CONTINIUM OF FORCE

### A. Verbal Persuasion

1. The practice of courtesy in all public contacts encourages understanding and cooperation. Lack of courtesy arouses resentment which often leads to physical resistance.
2. Simple directions, encouraging compliance, are the most desirable method of affecting an arrest. A situation can often be controlled with advise, persuasion and warnings without resorting to physical force.
3. Use of these verbal methods should not lead to reduced vigilance. This may result in loss of control of a potentially confrontational situation, endangering the safety of assigned officers or the safety of citizens.

### B. Physical Strength

1. Frequently subjects are reluctant to be taken into custody and offer some degree of physical resistance. Often, all that is required to overcome this resistance, is decisive use of physical strength and skill in defensive tactics.

### C. Non-Lethal Weapons

1. Aerosol weapons are to be used according to techniques trained by the Palmyra Police Department. Only aerosol weapons issued by the department will be used. Officers should be aware of any expiration date on these issued weapons and contact a supervisor when the expiration date is imminent.
2. Flashlights, radios nor handcuffs are to be used as striking weapons.

## III. PROCEDURES

- A. Any officer using physical force pursuant to his/her duties will report that use of force, the facts related to the incident and the progression of the continuum of force on the **“SUBJECT MANAGEMENT RESISTANCE REPORT”**. A supply of these forms will be maintained in the forms cabinet, bin number 18. The completed report will be submitted to the Chief of Police.

### B. Handcuffs

1. Only department approved handcuffs will be used and carried.
2. Handcuffs will be used on all subjects in custody while being transported or



- escorted unless the subject is elderly, handicapped or injured.
3. If it is necessary to use handcuffs as an instrument to obtain compliance, this should be considered as a use of force and a “**SUBJECT MANAGEMENT RESISTANCE REPORT**” should be completed.
  4. If an aerosol weapon is used on a subject, the officer should not handcuff that subject behind his/her back, unless the subject is very combative.
  5. A person who is extremely overweight (obese) should not be handcuffed behind his/her back.

#### IV. **MEDICAL ATTENTION**

- A. An officer using physical force in the course of his/her duties will immediately evaluate the need for medical attention or treatment for that person to which physical force was applied. Timely medical attention will be arranged when:
  1. The person has a visible injury
  2. The person complains of injury and requests medical attention
  3. The officer feels medical attention is needed
  4. When an officer has made a determination, pursuant to these guidelines, that a person subjected to physical force is injured, emergency medical personnel will be contacted, either ambulance or emergency room. In the event the subject refuses medical treatment, the officer will document that refusal, either by a copy of the refusal form, the sign-off form or the identities of emergency medical personnel.

#### V. **DUTIES OF SUPERVISING OFFICERS**

- A. On duty supervisors will respond to the scene of incidents requiring the use of physical force.
  1. The supervisor will render necessary assistance to the officer, including immediate emergency medical treatment if the officer has suffered any injury.
  2. Ensure the offer and availability of medical treatment to the subject so as to comply with section IV of this order.
  3. Ensure any documentation or evidence processing is properly completed.
  4. Ensure that necessary reports are completed and forwarded to the Chief of Police.
  5. Initiate training if the use of physical force was ineffective
  6. Initiate disciplinary action if the use of physical force was contrary to the guidelines of this order.

By order of:

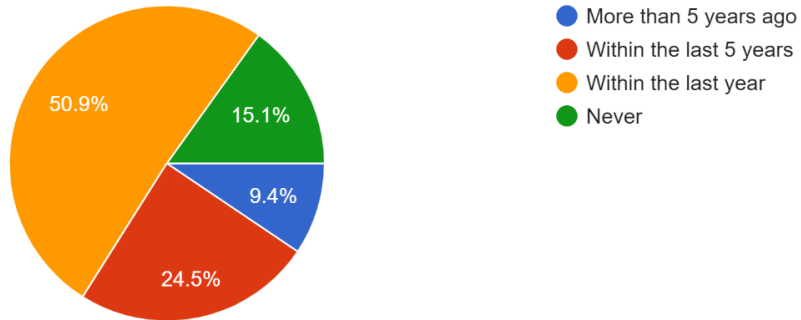
David B. Smith

Chief of Police

## SURVEY RESULTS

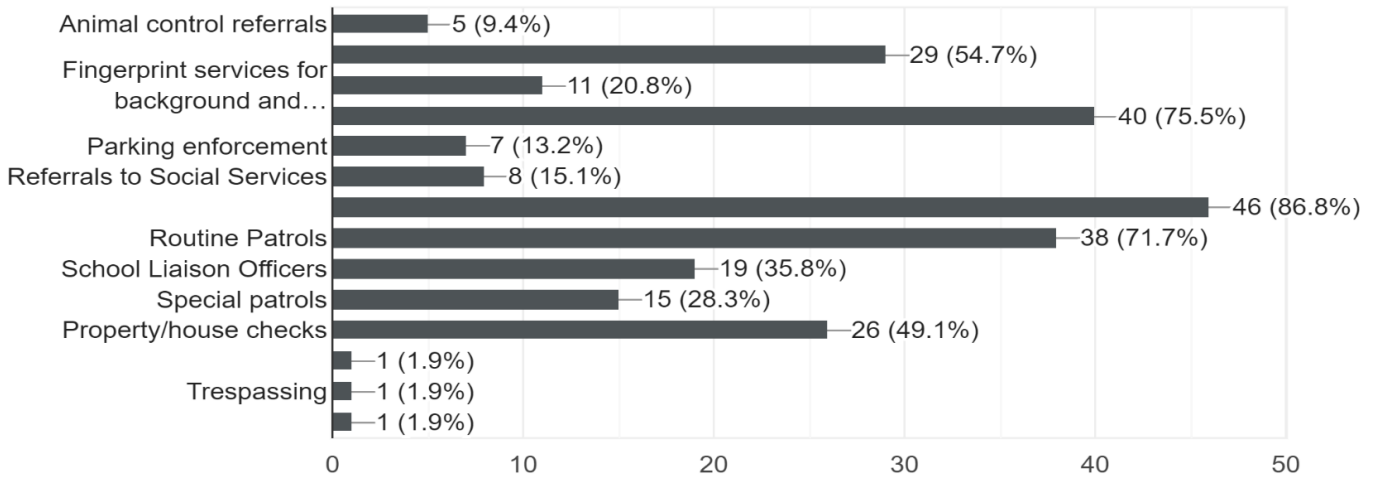
When was the last time you had a direct interaction with the Village of Palmyra Police Department?

53 responses



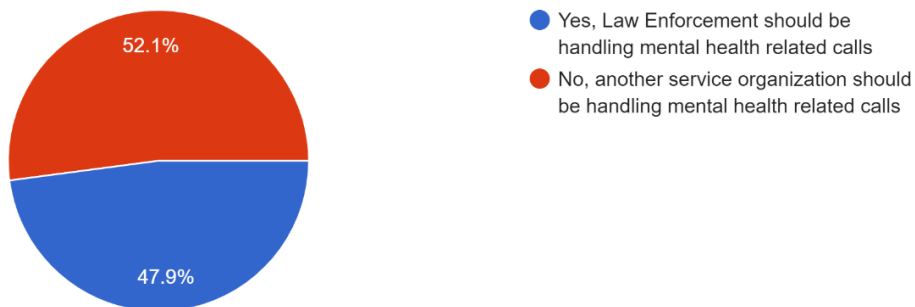
Please select the top 5 services you think are most important for the Village of Palmyra Police Department to provide.

53 responses



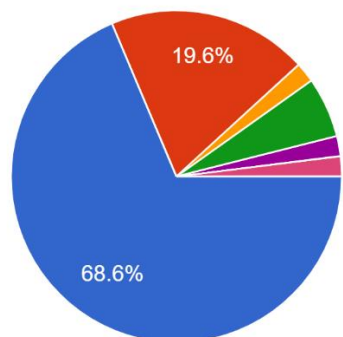
Do you think Law Enforcement should be handling calls for mental health related services or would that be better handled by another service organization?

48 responses



### Police Officers are a necessary part of your community

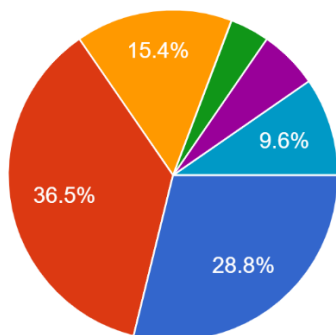
51 responses



- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I'm not sure
- I strongly agree but they need to focus on community needs and not simply the impression of para military training

### Police officers in your community are well trained.

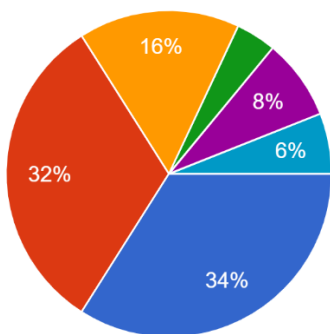
52 responses



- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I'm not sure

### Police officers in your community are responsive to the public's needs.

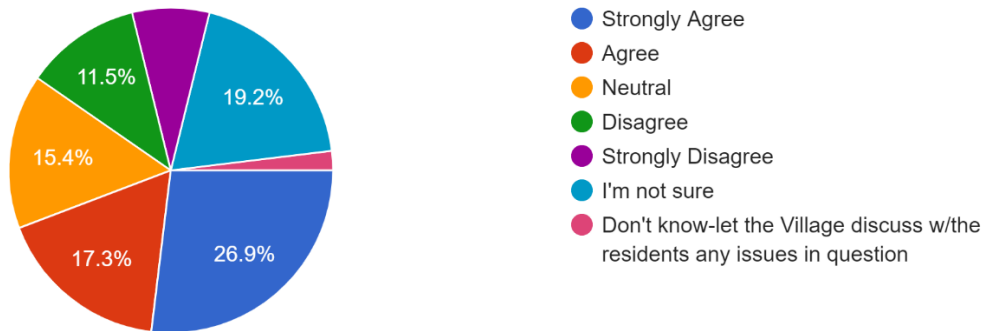
50 responses



- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I'm not sure

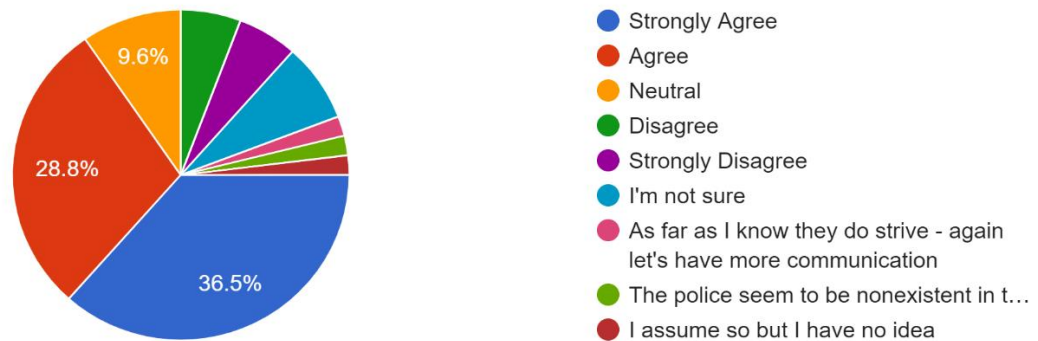
Police officers in your community are held accountable for their actions.

52 responses



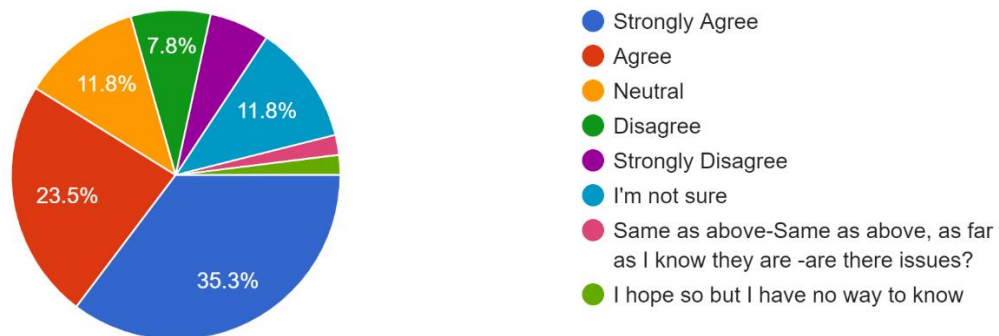
Police officers in your community strive to have a positive impact on the community.

52 responses



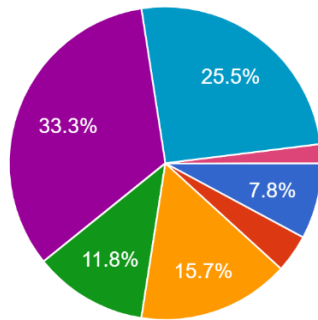
Police officers in your community are fundamentally honest.

51 responses



There is corruption in the police department.

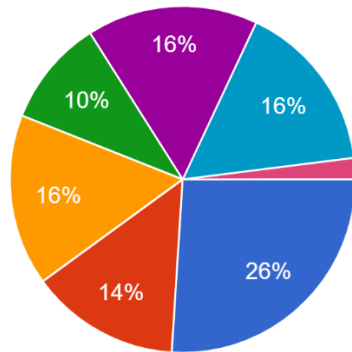
51 responses



- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I'm not sure
- Hope not, don't know; is there a claim that there is corruption?

If you have a complaint against your local police department or an officer, you are confident it will be heard and reviewed objectively.

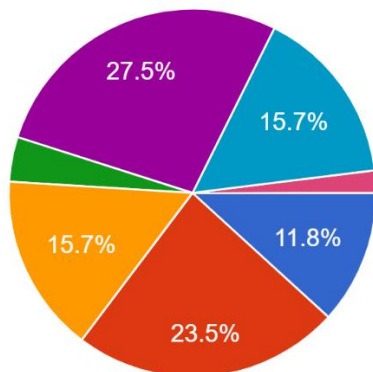
50 responses



- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I'm not sure
- Same as above- I assume a complaint would be objectively reviewed; are there issues?

Police officers in your community are biased in their interactions with certain groups of people

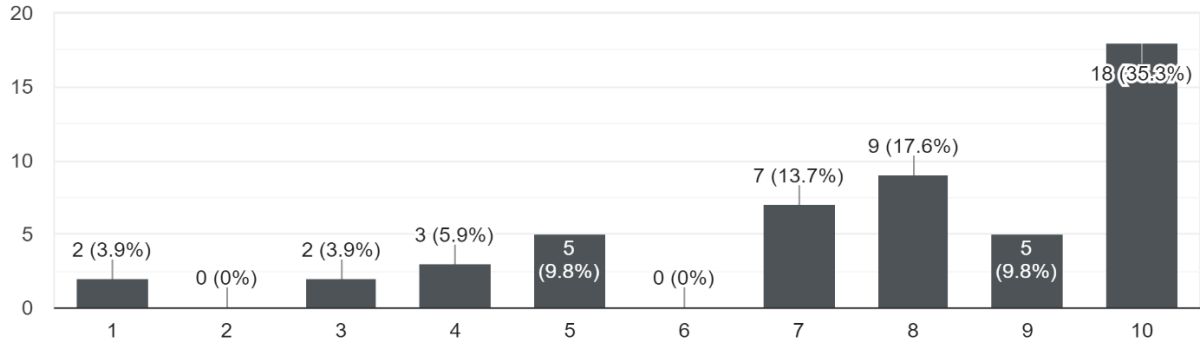
51 responses



- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- I'm not sure
- Hope not, don't know; is there a claim that they are biased?

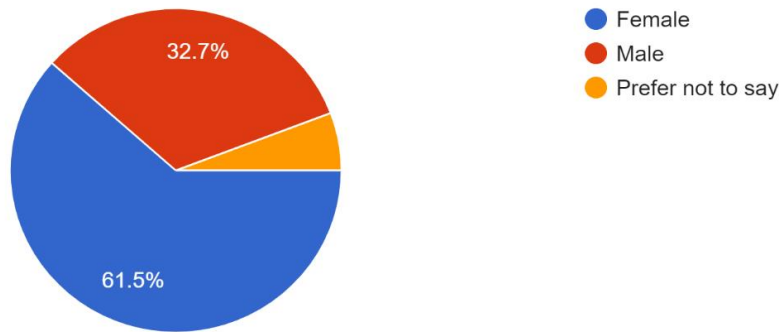
On a scale from 1 to 10, how satisfied are you with your police agency?

51 responses



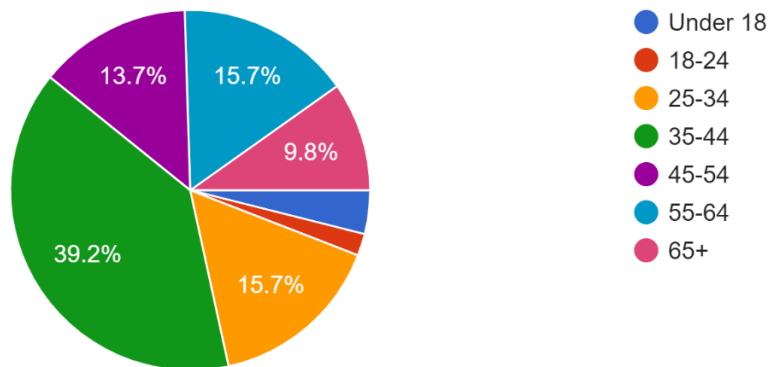
Gender Identity

52 responses



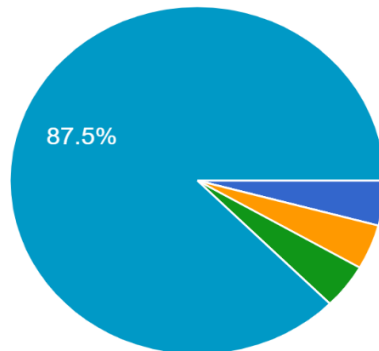
What is your age group?

51 responses



## Race Identity

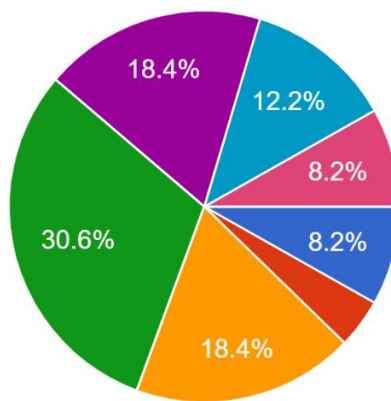
48 responses



- American Indian or Alasks Native
- Asian or Asian American
- Black or African American
- Hispanic or Latino
- Native Hawaiian or other Pacific Islander
- White or Caucasian

## What is your annual household income?

49 responses



- Under \$15,000
- Between \$15,000 and \$29,999
- Between \$30,000 and \$49,999
- Between \$50,000 and \$74,999
- Between \$75,000 and \$99,999
- Between \$100,000 and \$150,000
- Over \$150,000