



Town of
Rosendale Police Department

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Scott W. Schaffrick
Chief of Police

“Protecting and Serving with Community First”

2020 Use of Force Analysis

The Rosendale Police Department is committed to working with our community to promote and enhance public safety. We strive to ensure that all of our officers are committed to fulfilling the expectations and reflecting the Town of Rosendale community’s values. The police department’s Use of Force policy and practices comply with all current Federal, State, and local regulations and the policy is updated several times a year; to meet requirements and case law that continues to shape the evolution of accepted practices.¹

There are two Supreme Court cases, *Tennessee v. Garner*, 471 U.S. 1 (1985) and *Graham v. Connor*, 490 U.S. 386 (1989) which established the constitutional standards for police uses of force. *Graham* established a standard of “objective reasonableness” that restricts an officer’s authority to compel or constrain an individual. *Garner* sets forth the standard governing use of deadly force, namely that officers may use deadly force when there is probable cause to believe that the suspect poses a threat of serious physical harm. In *Graham*, the Supreme Court wrote that “the ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”

New York State also addressed use of force in *People v. Benjamin*, 51 NY2d 267 (1980), the New York State Court of Appeals observed that “it would, indeed, be absurd to suggest that a police officer has to await the glint of steel before he can act to preserve his safety.” *Graham* and *Benjamin* both explicitly acknowledge the strain under which officers make life or death use of force decisions. New York State law authorizes officers to use physical force only when they “reasonably believe such to be necessary” to effect an arrest, prevent escape, or defend a person or property from harm.

The Rosendale Police Department has created strict policies on the use, documentation, and administrative review of force used by police officers in the performance of their duties. Our officers receive continuous training in the Use of Force, pursuant to Article 35 of the New York State Penal Law in a yearly training, and additionally several times a year through the Daily Training Bulletins² provided through Lexipol. We are strong proponents and practitioners of de-escalation whenever possible, and only permit the minimum level of force necessary when an officer must resort to the use of force. Officers are required to report and document all uses of force, or any use of force they observe used by another officer. All officers have a duty to intervene if they observe inappropriate conduct by another police employee.³

¹ Lexipol. (2020). *Rosendale Police Department Rules and Regulation/Policy Manual, Section 300*

² Lexipol. (2020). *Daily Training Bulletins, Training Files*

³ Lexipol. (2020). *Rosendale Police Department Rules and Regulation/Policy Manual, Section 300.2.1*

All uses of force situations are reviewed operationally and administratively to ensure the force used was proper, necessary, and appropriate.⁴ Law enforcement agencies throughout the nation have experienced an increase in the potential for violent encounters. The reasons are complex and numerous: increase in substance abuse, an increase in the number of mental health calls due to inadequate mental health services, social service resistant individuals, and the release of numerous chronic and violent offenders without adequate anti-recidivism strategies are a few of the reasons our society is observing an increase in the potential for violent encounters.

Rosendale Police Officers are currently undergoing Crisis Intervention Training, focusing on interacting with persons experiencing mental health crises, identifying and responding to persons experiencing medical emergencies, and de-escalating potentially violent encounters. Five officers have currently completed this training, with the remaining officers scheduled to attend in the spring of 2021.

Officers have also actively participated in implicit bias training to gain insight into themselves and to have a better understanding of the perspectives of others. Implicit bias training began in 2017, and in addition to being taught at the Academy level, this training course is provided yearly through in-service training. Additionally, officers receive Daily Training Bulletins on Bias-Based Policing as part of ongoing training and to bolster the Department's policy on Bias-Based Policing.⁵

The Rosendale Police Department conducted a review of our enforcement activities in 2020 to ensure that our actions are consistent with our community's values and that our policies and training are effective in minimizing the use of force by our officers; the review revealed the following:

The Rosendale Police Department responded to 5,954 calls for service/incidents in 2020. Of these 5,954 incidents, 122 resulted in arrests. Of those 122 arrests, only 3 incidents involved any use of force. The Rosendale Police Department requires reporting and review of all force used by our officers.⁶ None of the three Use of Force incidents in 2020 resulted in the need to hospitalize either the officer or suspect. The 3 Use of Force incidents were found to be compliant with policy and were reasonable and necessary based upon a review of the totality of circumstances.

Although police achieve compliance in the vast majority of encounters with verbal commands alone; when those commands are insufficient; and subjects choose to ignore instructions or resist, officers may use various force options to compel subjects to submit to lawful authority. These options range from physical force, to less-lethal possibilities (e.g., OC spray, conducted electrical weapons (CEW), or impact weapons), to deadly physical force, when justified by the threat of violence. Officers are not required to move sequentially from one level of force to the next. For instance, officers may escalate from verbal commands to pointing a CEW or may de-escalate from a threat of force or a use of force to verbal commands, as situations evolve.

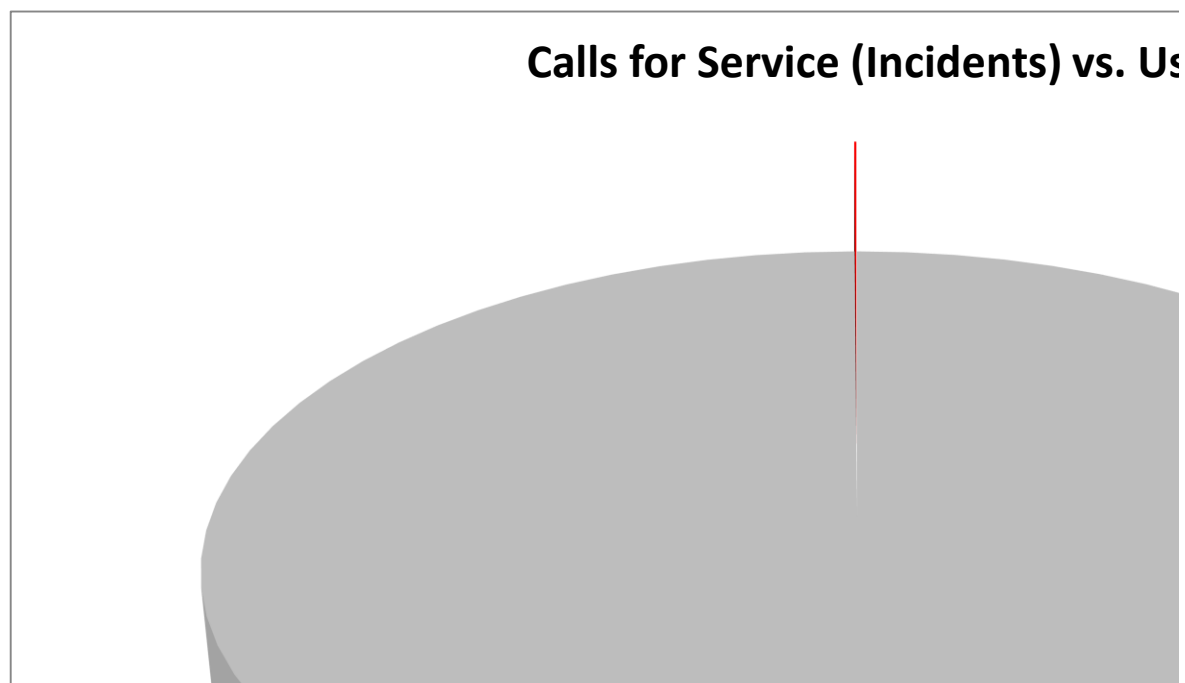
⁴ Lexipol. (2020). *Rosendale Police Department Rules and Regulation/Policy Manual, Section 300.7, 300.7.1*

⁵ Lexipol. (2020). *Rosendale Police Department Rules and Regulation/Policy Manual, Section 400.1*

⁶ Lexipol. (2020). *Rosendale Police Department Rules and Regulation/Policy Manual, Section 300.5*

In summary:

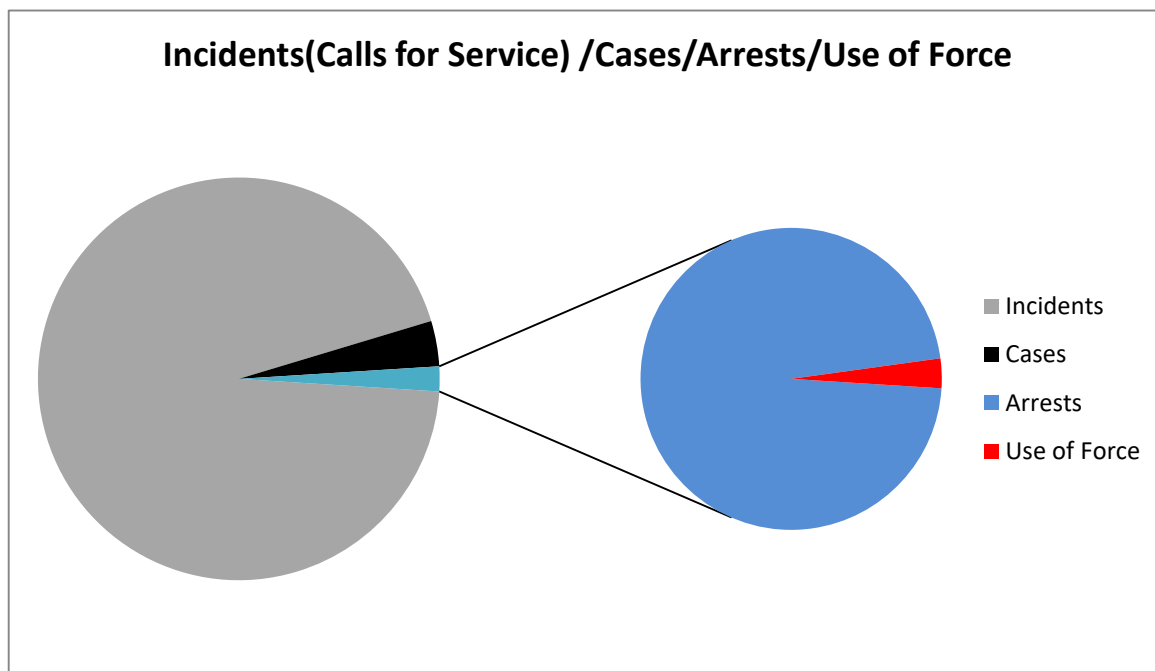
The Rosendale Police Department is committed to conflict de-escalation, minimizing the use of force, and documentation and review of all uses of force. We are committed to public safety, social justice, and the accountability and safety of our personnel. We are here to protect and serve our community first. Of the 5,954 incidents Rosendale officers responded to in 2020, force was used in 3 incidents or .053% (one-hundred of 1%) of when an officer responded to a call for service in the Town of Rosendale. The Rosendale Police Department was able to de-escalate or avoid the use of force in over 98% of all arrests in 2020. In situations where force was used, it was only used during incidents that involved actively resisting, combative, armed, and/or dangerous fleeing suspects. No suspect or officer suffered a significant injury as the result of a use of force in 2020.



Incident #1: Officers stopped a vehicle for speeding on State Route 32 in Tillson. Upon approaching the vehicle, a heavy odor of marijuana was emanating from within the vehicle, as well as in plain view. As one male was exiting the vehicle, and before a pat-down search, he pushes off the officer and engaged in a foot pursuit. During the foot pursuit, the suspect is seen throwing what was found to be a stolen handgun. The subject was tackled and became combative with the two officers. Grappling techniques and a CED (taser) were deployed in dry stun mode, along with verbal commands. The subject was successfully taken into custody.

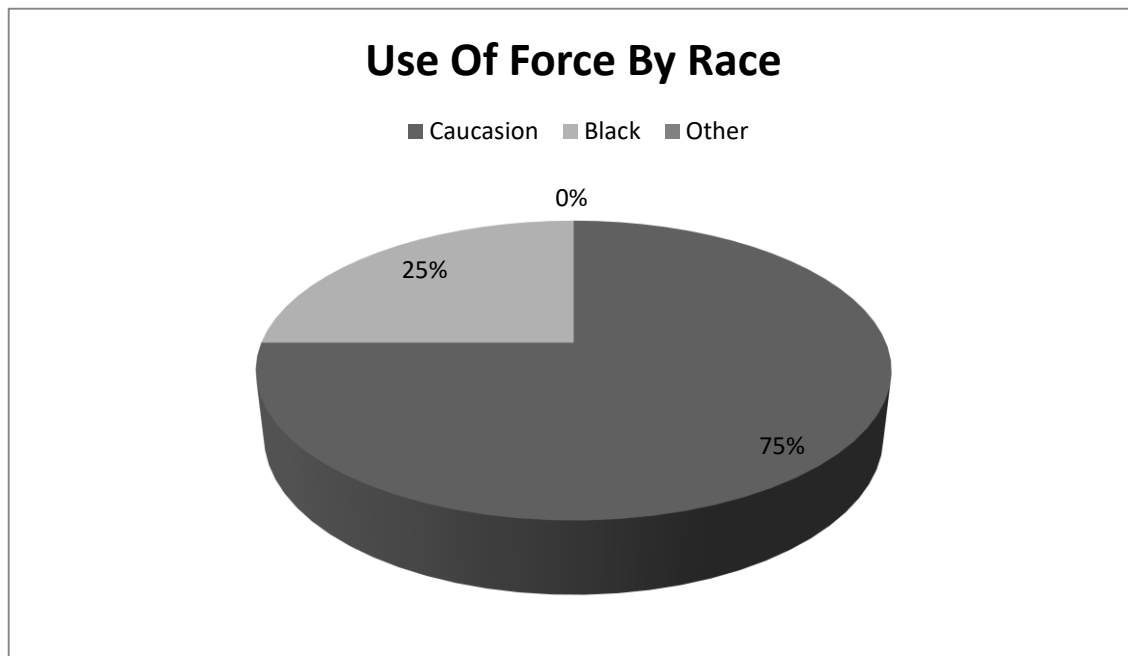
Incident #2: Officers responded to a residence for an overdose call. Upon arrival, they were met by a hostile male and he attempted to prevent them from tending to the person in need. This was first done by trying to slam the entry door closed as officers were entering. Upon being unable to close the door, the subject opened the door and struck one of the officers in the jaw with a closed fist. The officers attempted to take the male into custody in tight quarters, which hampered being able to place him in handcuffs during the struggle.

While engaged in the struggle to take the male into custody, a second male entered the room with a handgun. Said handgun was pointed at the officers first from approximately 7 feet away and then at point-blank range. One officer was able to physically direct the weapon away from the proximity of his head, as the second officer was able to secure the first subject into handcuffs. Both officers were able to successfully retreat out of the residence safely with the first subject. The second male was taken into custody after verbal commands were given for him to exit the residence. Additional weapons were located in Subject #2's bedroom. Officer used physical strikes in the initial contact and drew firearms upon exiting the house and issuing verbal commands to Subject #2. Both subjects were taken into custody without further incident.

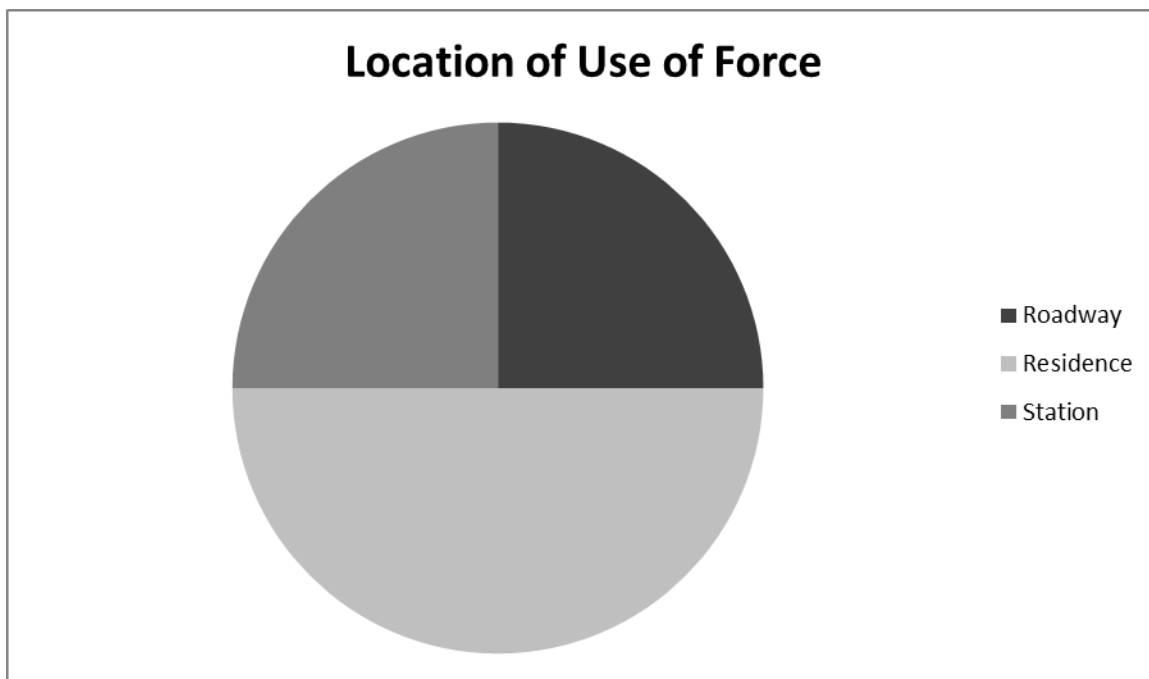


Incident #3: Officer responded to a call to check the welfare of a woman, upon arrival was located lying under her vehicle, the vehicle not in the parked position, reporting that the keys were in the trunk of the vehicle. The woman was found to have been operating while impaired by drugs and was taken into custody without incident. She was transported to the Kingston Police Department and Health Alliance, Kingston Campus for testing before being returned to Rosendale Police Department for processing. While at the Rosendale Police Department, she attempted to leave telling the officer that she needed to get her coffee cakes. She resisted verbal commands and directions, then dropped to the floor and tried to leave again, resulting in both she and the officer falling into a chair. During the interaction, the officer's arm crossed the women's mouth and the abrasion of the jacket material across the chapped lips produced a small abrasion on the lips. The women attempted to spit the small amount of blood at the officer before being secured. The officer utilized verbal commands and grappling techniques to de-escalate.

When the Use of Force incidents were further broken down by race, I found no evidence which would indicate unfair policing practices.



Additionally, the Use of Force incidents were also broken down by location. Upon review I found no evidence indicative of unfair policing practices.



Sincerely,

Scott Schaffrick
Chief of Police

