



Town of
Rosendale Police Department

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Scott W. Schaffrick
Chief of Police

"Protecting and Serving with Community First"

2021 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. The policy is updated several times a year to meet requirements and reflects changes in case law that require modification of current 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 limits an officer's authority to compel or constrain an individual. 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." *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.

New York State also addressed use of force in *People v. Benjamin*, 51 NY2d 267 (1980). In that case 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* decisions 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 when they "reasonably believe such to be necessary" to affect an arrest, prevent escape, or defend a person or property from harm.

The Rosendale Police Department has created clear and complaint 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. (2021). *Rosendale Police Department Rules and Regulation/Policy Manual, Section 300*

² Lexipol. (2021). *Daily Training Bulletins, Training Files*

³ Lexipol. (2021). *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 for these potentially violent interactions 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. These are but a few of the reasons our society is observing an increase in the potential for violent encounters.

The Rosendale Police have proactively instituted several measures during 2020 and 2021, with the goal of minimizing the potential for violent encounters:

Throughout 2021, all Rosendale Police Officers underwent Crisis Intervention Training, the training focused on interacting with persons experiencing mental health crises, identifying and responding to persons experiencing medical emergencies, and de-escalating potentially violent encounters. As officers are hired, they will continue to attend the next available Crisis Intervention Training, thereby allowing us to provide the best trained officers for our community.

Officers have also continued to actively participate in implicit bias training to gain insight into both themselves and to have a better understanding of the perspectives of others. The Rosendale Police Department first began Implicit Bias training in 2017. In addition to being taught at the Academy level, this training course is provided yearly through in-service training in conjunction with the Ulster County Sheriff's Office. Officers also receive Daily Training Bulletins, addressing topics such as Bias-Based Policing, and Professional Standards, as part of ongoing training and to bolster the Department's policy on Bias-Based Policing.⁵

During October 2021, the Rosendale Police Department formally launched its body worn camera program with the goal of increasing our level of transparency and providing accurate documentation of our interactions within our community. In addition to capturing arrests, use of force, and other critical incidents, it provides supervisors with an overview of the de-escalation techniques that were used and may help to identify other areas where we may focus training in the future. The implementation of body worn cameras was a multi-year project that has equipped our officers with body worn cameras at no expense to the municipality through the procurement of grant funding.

On April 1, 2021 The New York State Attorney General's Office established a Law Enforcement Misconduct Investigative Office within the Office of the Attorney General, under Executive Law 75. The mission of the law enforcement misconduct investigative office shall be to review, study, audit and make recommendations relating to the operations, policies, programs and practices, including ongoing partnerships with other law enforcement agencies, of state and local law enforcement agencies with the goal of enhancing the effectiveness of law enforcement, increasing public safety, protecting civil liberties and civil rights, ensuring compliance with constitutional protections and local, state and federal laws, and increasing the public's confidence in law enforcement.

The Rosendale Police Department remains in compliance with the standards outlined as part of the new Executive Laws.

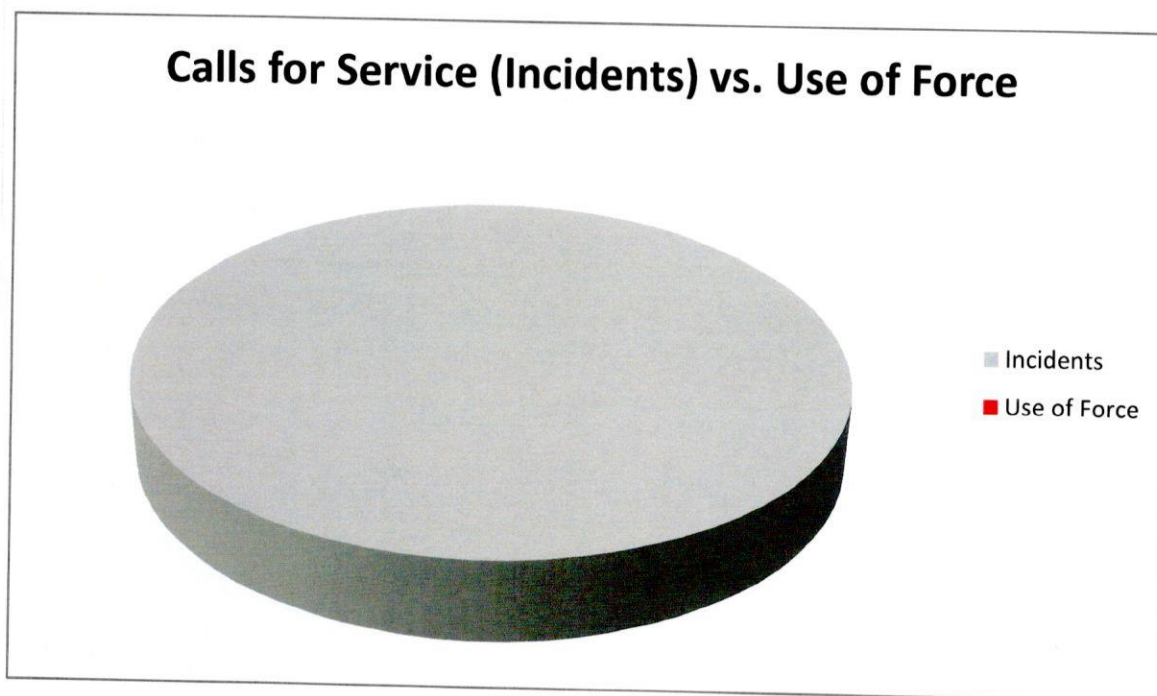
⁴ Lexipol. (2021). *Rosendale Police Department Rules and Regulation/Policy Manual, Section 300.7, 300.7.1*

⁵ Lexipol. (2021). *Rosendale Police Department Rules and Regulation/Policy Manual, Section 400.1*

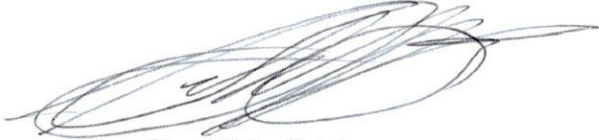
Police generally achieve compliance by suspects in the vast majority of encounters using verbal commands alone. When those commands are insufficient and subjects choose to ignore instructions or resist, officers may use various force options to compel subjects to submit to lawful authority. These options 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 conducted electric weapon or may de-escalate from a threat of force or a use of force to verbal commands, as situations evolve.

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 remain committed to public safety, social justice, and the accountability and safety of our personnel, as we protect and serve our community. As such, we have conducted a review of our enforcement activities in 2021 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:

During 2021, the Rosendale Police Department responded to 5,390 calls for service. Utilizing the practices and techniques that have been taught, our officers were able to successfully de-escalate one-hundred percent of all interactions they had. No use of force occurred in our department in 2021.



Sincerely,

A handwritten signature in blue ink, appearing to be "Scott Schaffrick", with a large, sweeping flourish extending to the right.

Scott Schaffrick
Chief of Police