

June 26, 2018

GERMANTOWN POLICE ASSESSMENT REPORT

This report was prepared by Harry Corbitt, Superintendent of the New York State Police (retired), at the request of the Town Board of Germantown New York, by Supervisor Robert Beaury to whom it is furnished. The terms and conditions of the letter of engagement are to determine the profile of the Germantown Police Department regarding productivity, training, professionalism, policy compliance, and competence to perform the duties in a similar manner as other law enforcement agencies in New York State. In addition, the law enforcement acuity of the department's personnel will be assessed. The client agrees to hold writer harmless regarding any actions taken by the Town Board of Germantown.

OVERVIEW

Nationally, police officer conduct is facing more scrutiny than at any other time since the civil rights era. Video recordings garnered from body cams, patrol vehicle cams, municipal, public and private security cameras have been utilized as a compelling account of police/citizen encounters. The evidentiary value of these recordings has proved to be invaluable condemning or supporting actions by law enforcement personnel. In our litigious society, police departments must engage in a best practices methodology to build and maintain trust of the people they serve. Failure of law enforcement officers to comport themselves appropriately, is not only costly to the image of the police department but may expose the municipality to a negative critique as well. The Germantown Police Department is not an accredited agency and this fact will be discussed in detail under the training heading below. Conspicuously absent was a police operations manual detailing policy which is an essential element for any functioning police department. Litigation against the police department will always include an inspection of the hiring process, training accomplishments consistent with the appropriate standards, performance evaluations of involved officers, supervisor/leadership competence, policy and administrative oversight. Moreover, litigants overwhelmingly pursue causes of action against municipalities for conduct of their police officers.

HEADQUARTERS

Reviewed a Germantown Police Initial Assessment Report dated March 23, 2015 authored by Peter Volkmann, MSW. It was noted that the recommendations to purge old memos and information posted on wall had not been accomplished. Also recommended was the acquisition of a booking bench to accommodate securement of prisoners. The booking bench although ordered was on the floor in an unopened box. A police scanner was broadcasting police transmissions although no one was present to monitor them, thereby rendering the practice useless. It was also noted that trash was on top of the desk and overflowing in the waste basket. Arrangement of the office was similarly unkempt with binders and equipment haphazardly piled on shelves. The office has the potential to be an adequate space to conduct police business, however the randomly scattered papers and outdated material observed posted on a bulletin board did not breed confidence that the orderliness of the office was consistent with what you would expect at a police department facility. Writer did not observe an area conducive for processing an arrestee or conducting interrogations.

COMMUNITY POLICING AND CRIME REDUCTION

The public when encountering a police officer in an official capacity expect specific skill sets. This activity could include first aid, investigating an auto accident, apprehension of someone engaged in criminal conduct or use of deadly physical force. The only distinct difference between part time and full-time police departments is the availability of service. The training and performance construct does not differ for personnel who work for full or part-time law enforcement agencies. Writer recommends having the officer in charge submit documents to support community policing initiatives and details of joint training exercises with state and local law enforcement agencies.

TRAINING

The New York State Division of Criminal Justice Services Law Enforcement Agency Accreditation Council was established as a voluntary program that would provide law enforcement agencies with a mechanism to evaluate and improve overall effectiveness of their agency and performance of their staff. Accreditation is formal recognition that an agency's policies meet or exceed the standards established by the council in the areas of administration, training, and operations. The program is made up of 110 different standards. Of the 110 total standards, there are 52 Administration, 12 Training and 46 Operations standards.

Administration standards encompass general management, personnel and relationships with other agencies. Training standards are divided into four categories: Basic, In-service, Supervisory and Records. Operations standards impact the ways in which agencies conduct the bulk of their crime fighting responsibilities. Major topics include patrol, traffic, criminal investigations and unusual occurrences.

Accreditation is about excellence in policing. It also serves as the measuring stick that supports or diminishes credibility of law enforcement agencies regarding police conduct especially during controversial situations. Critical standards are those that have historically had the highest degree of liability for a law enforcement agency or those that have been problematic in terms of being implemented properly by accredited agencies. Training standards, specifically in-service training-length and content is one of the critical standards. Currently recommended in-service training for police is 21 hours per year.

A review of the training records on file at New York Division of Criminal Justice reflect
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There are no records indicating certification in first aid/CPR, use of force, de-escalation or firearms training for the officer in charge. This dynamic is problematic for the police department but even more profound for the employer who has an obligation to ensure that they exercise due diligence in managing the department. Training records of other recent police department employees are also inadequate. Significantly, it appears the police

department is not and has not been complying for several years regarding the submission of mandated annual filings to DCJS. Omitting to provide the employment status of sworn police officers to DCJS erodes the integrity of the repository that serves to assist police agencies meet the acceptable performance standards outlined by the Municipal Police Training Council.

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OPERATIONS/ADMINISTRATIVE STANDARDS

There are 19 remaining standards which I will not address during this assessment. I can not accurately attest to compliance or dereliction based on inspection of the records or without conducting an interview with the officer in charge. There is a direct correlation between training and expected job performance. The public perception of a uniformed police officer is a skilled person who has been certified as an employee to enforce the law, protect and serve, and support the constitution of the United States in the discharge of their duties. The impact of police officers who perform duties in a negligent manner or fail to perform duties through acts of omission are extremely problematic. Inquiries regarding this type conduct must stand the scrutiny of a microscopic examination. In my opinion, any officer who has not met the recommended operational training standards for several years should not be involved in any situations related to law enforcement.

SUPERVISION

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JUDGEMENT

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VULNERABILITIES

The Town Board received a report on March 23, 2015 that contained several recommendations that were not adopted or implemented. I have reviewed that document and concur with the findings therein. The Town Board has an obligation to ensure that best practices for the police department are implemented. Failure to exercise due diligence in management of the department carries a degree of culpability especially if controversial conduct occurs between untrained officers and the public.

The Town Board has engaged a second consultant whose report was submitted on June 21, 2018 which highlights major deficiencies in administration, training and operations. The Town Board should rectify the concerns highlighted in both reports. Currently, member or members of the police department are not suitable

to provide competent police services across the broad spectrum of demands associated with law enforcement. Frankly, the Town Board knew that the police department was problematic based on a 2015 assessment and failed to take any action to rectify the issues stated therein. The Town Board has now received a second report identifying additional problems regarding deficiencies that are so profound, the only recommendation that can be offered objectively is to ensure that the department refrain for engaging in any police services.

CONCLUSIONS

The Germantown Police Department has not demonstrated engagement in performing a full array of law enforcement services during the past three years. The department has not functioned in a similar manner as their counterparts for the last three years if not longer. The resume of the department is lacking statistical evidence in the areas of crime reduction and traffic safety. Members of the department have not completed training modules consistent with the acceptable standards that promote best practices and performance. Administrative and supervisory oversight are not consistent with the suggested template to provide continuous improvement in service to the public sector regarding building trust in the community. Based on my assessment of the Germantown Police Department, the only conclusion I can reach is that the agency lacks the core competencies to consistently provide professional services as a member of the law enforcement community.



Harry Corbitt

New York State Police Superintendent (Retired)

Portions redacted pursuant to NY
Public Officers Law 87(2)(b), (e)