

MONTGOMERY COUNTY SHERIFF'S OFFICE POLICE REFORM AND REINVENTION COLLABORATIVE REPORT/PLAN



JEFFERY T. SMITH, SHERIFF
CARL J. RUST, UNDERSHERIFF



Ronald R. Emery Public Safety Facility



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THE FOLLOWING INFORMATION IS PROVIDED BY SHERIFF
JEFFERY T. SMITH AND THE MONTGOMERY COUNTY
SHERIFF'S OFFICE. IT IS THE REPORT/PLAN REGARDING THE
NEW YORK STATE POLICE REFORM AND REINVENTION
COLLABORATIVE EFFORT MANDATED BY GOVERNOR CUOMO
THROUGH EXECUTIVE ORDER # 203.



- GOVERNOR CUOMO'S EXECUTIVE ORDER #203

POLICE REFORM AND REINVENTION COLLABORATIVE RESOURCES & GUIDE FOR PUBLIC
OFFICIALS AND CITIZENS, AUGUST 2020

PURPOSE: TO FOSTER TRUST, FAIRNESS AND LEGITIMACY WITHIN COMMUNITIES
THROUGHOUT OUR STATE AND TO ADDRESS ANY RACIAL BIAS AND DISPROPORTIONATE
POLICING OF COMMUNITIES OF COLOR.





The Montgomery County Sheriff's Office Law Enforcement division is made up of thirty (30) full-time members and eight (8) part-time Deputies, all of which are certified by the State of New York.

Administration

Sheriff *1*

Undersheriff *1*

Lieutenant *1*

Patrol

Sergeants *5*

Full Time Deputy Sheriffs *18*

Part Time Deputy Sheriffs *8*

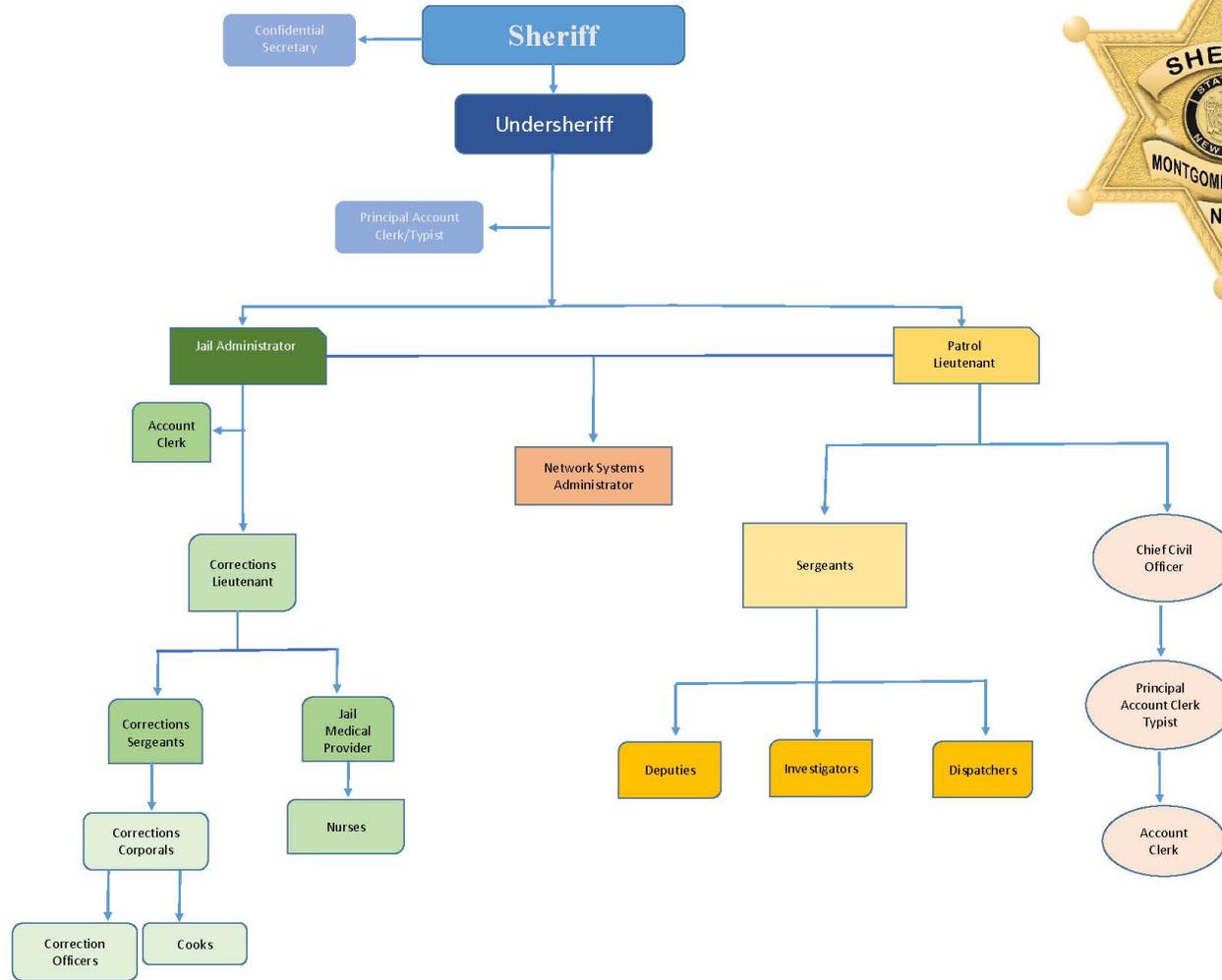
School Resource Deputies *2*

Investigations

Investigators *2*



Montgomery County Sheriff's Office
Organizational Chart





Other capacities of the Sheriff's Office include:

2 Patrol/Narcotics Certified K-9s

2 Snowmobiles with 3 NYS Snowmobile Certified Personnel

2 ATVs with 3 certified operators

2 Sea-Doos and 3 Boats with 6 NYS Boat Operator/Swift Water Rescue Certified Personnel

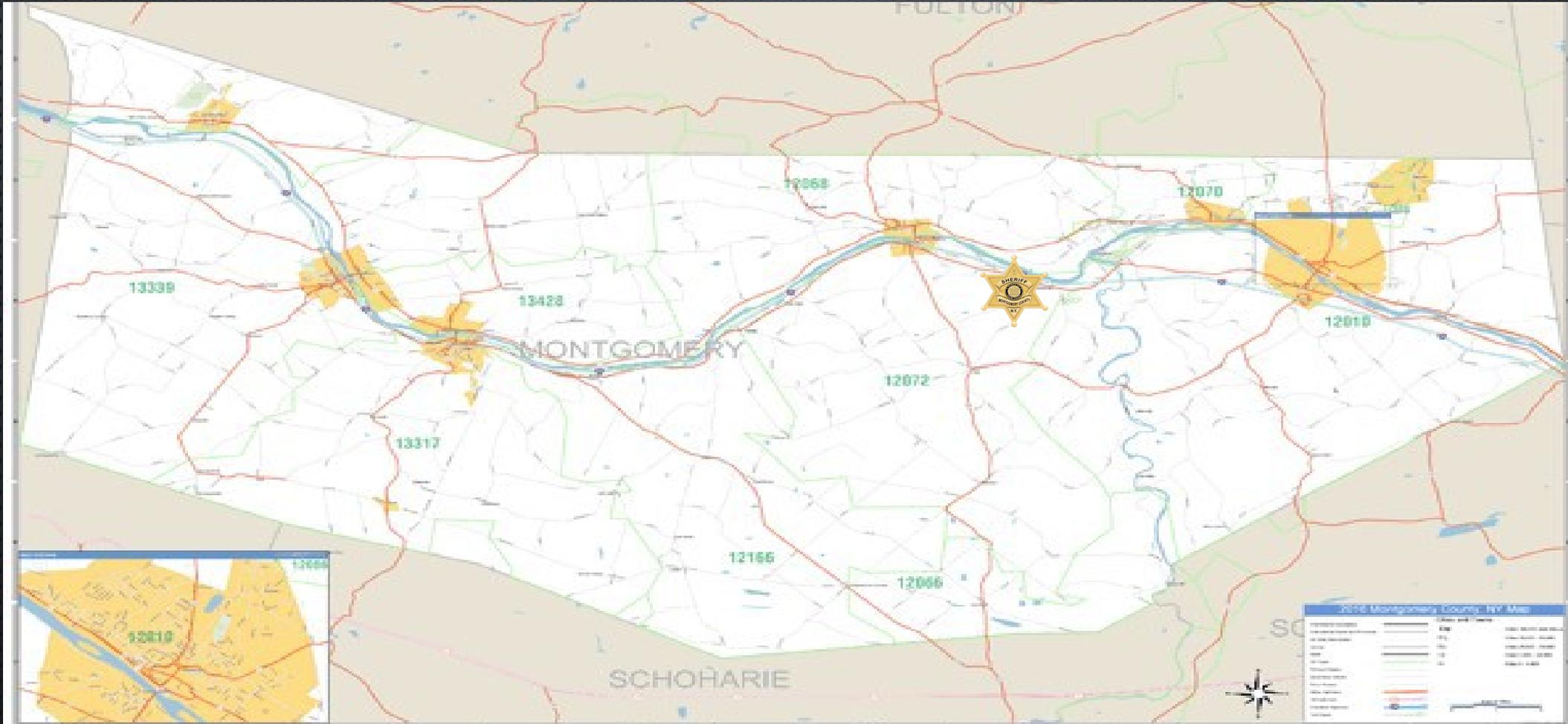
5 Members of our Regional SWAT Team

1 Golf Cart for use at public events

These items are used for special response to incidents throughout our county and as mutual aid to other counties.



We serve a geographical area of 410 square miles and a population of just under 50,000 people. Within the geographical area there are five (5) other law enforcement agencies that operate within specific jurisdictions. The Village of St. Johnsville Police Department, the Village of Fort Plain Police Department, the Village of Canajoharie Police Department, the City of Amsterdam Police Department and the New York State Police. We share a closest car concept agreement with all agencies to provide direct service for all 911 calls and/or regular business line emergencies.



When this Executive Order was released and provided to our agency, it was accompanied by a 135-page book with suggestions, ideas, best practices and topics to consider as part of our review and plan. Most of these items, and a large part of this entire process, is directly related to incidents that took place across our country involving members of communities and law enforcement that are reported to have biases involved, whether they be race, religion, gender, etc. The need to have unbiased interaction and a collaborative approach to successful policing is imperative for public safety and for public confidence in our service.

Thankfully, we strive to be a good community partner, and many of the items proposed as suggestions are already a part of our daily operations.



Goals and Objectives

1. Review the needs of the community served by its police agency, and evaluate the department's current policies and practices.
2. Establish policies that allow police to effectively and safely perform their duties.
3. Involve the entire community in the discussion.
4. Develop policy recommendations resulting from this review.
5. Offer a plan for public comment.
6. Present the plan to the local legislative body to ratify or adopt it.
7. Certify adoption of the plan and submit to the State Budget Director on or before April 1, 2021.



Goals and Objectives

1. Review the needs of the community served by its police agency, and evaluate the department's current policies and practices.

- *Reviewing the needs of the community and evaluating our policies and procedures is something we do continually. Our policies and procedures are controlled by the State of New York through our agency being accredited. The needs of the community are very important, as it should affect the services we provide and how we provide them. We have a very active social media platform that is monitored daily, we host and participate in public meetings and events and our patrols engage the community every chance they get in hopes of being a good partner and staying ahead of any necessary changes or potential issues.*



Goals and Objectives

2. Establish policies that allow police to effectively and safely perform their duties.

- *As far as policies that allow us to effectively and safely perform our duties; the Montgomery County Sheriff's Office became an accredited agency in late 2018. Since that point, everything we do is monitored and approved by the accreditation counsel which is controlled by the State of New York. We have three staff who are assigned and certified to continually monitor our policies, make any necessary changes and communicate with the state when there is an issue.*



LAW ENFORCEMENT ACCREDITATION



OVERVIEW REFORM REQUIREMENTS ACCREDITATION



Accreditation is a progressive and contemporary way of helping police agencies evaluate and improve their overall performance. It provides formal recognition that an organization meets or exceeds general expectations of quality in the field. Accreditation acknowledges the implementation of policies that are conceptually sound and operationally effective.

The New York State program became operational in 1989 and encompasses four principal goals:

1. To increase the effectiveness and efficiency of law enforcement agencies utilizing existing personnel, equipment and facilities to the extent possible;
2. To promote increased cooperation and coordination among law enforcement agencies and other agencies of the criminal justice services;
3. To ensure the appropriate training of law enforcement personnel; and
4. To promote public confidence in law enforcement agencies.



OVERVIEW REFORM REQUIREMENTS ACCREDITATION



The NYS Law Enforcement Accreditation Program is comprised of a set of standards developed to further enhance the capabilities of an agency and is divided into three categories.

- ➔ Standards in the **Administrative** section have provisions for such topics as agency organization, fiscal management, personnel practices, and records management.
- ➔ **Training** standards encompass basic and in-service instruction, as well as training for supervisors and specialized or technical assignments.
- ➔ **Operations** standards deal with such critical and litigious topics as highspeed pursuits, roadblocks, patrol, and unusual occurrences.



OVERVIEW REFORM REQUIREMENTS ACCREDITATION



- ❖ The Sheriff's Office was originally accredited in 2018. There are almost 600 law enforcement agencies in NYS. The Montgomery County Sheriff's Office is one of the 130 accredited law enforcement agencies statewide.
- ❖ NYS Division of Criminal Justice Services (DCJS) and the State Office of Public Safety, administer the program and have established 110 standards governing a host of administration, training, and operational activities.
- ❖ When the state updates their program standards, they update their verification manual and notify agencies, who then make necessary changes to maintain compliance.
- ❖ The Sheriff's Office coordinates an annual review of agency policy and conducts audits and inspections as necessary to ensure compliance with the accreditation standards and agency policy.



OVERVIEW REFORM REQUIREMENTS ACCREDITATION



- ❖ To become accredited, agencies undergo a 3-day assessment of the 110 standards, interviews with members, and inspections of evidence rooms, weapons storage, juvenile interview rooms, vehicles and other equipment.
- ❖ Once accredited, agencies are required to maintain records demonstrating compliance with all 110 standards for five years, and then undergo another on-site review by assessors.
- ❖ Law Enforcement Accreditation is difficult to achieve and even more difficult to maintain. The importance of accreditation is mentioned several times in the Executive order.



Goals and Objectives

3. Involve the entire community in the discussion.

- Involving the entire community in the discussion was easy for us. As stated before, we try to engage our communities every chance we get. Whether it be through social media, public events, daily interaction, press releases or phone contact, we stay in touch. This year we held two (2) meetings with stakeholders, one in person and the other virtual because of COVID. These meetings included the following people and organizations:

County Executive
Nancy Ryan - Clergy
St. Mary's Hospital - Medical/Mental Health
United Way
Public Health/Mental Health
Montgomery County OFA
Lashawn Jackson - Community
Nydia Hill - Community
Centro Civico - Community
Amsterdam Clubhouse - Community
Victim Advocate Services
Sheriff
District Attorney

DSS Commissioner/Deputy - Caseworkers
FMCC Public Safety
Kent McHeard - Clergy
Thomas Ciaccio - FFCS Superintendent
David Ziskin - HFM BOCES
Jay DeTraglia - HFM BOCES
Mike Dimezza - HFM BOCES
Fr. Neal Longe - Clergy/Chaplain
Lucille Sitterly - Probation Director
Donald Bowden - Community
Chiefs of Police (4)
Undersheriff
Public Defender



We also conducted a public survey which was done electronically and hosted by SurveyMonkey.

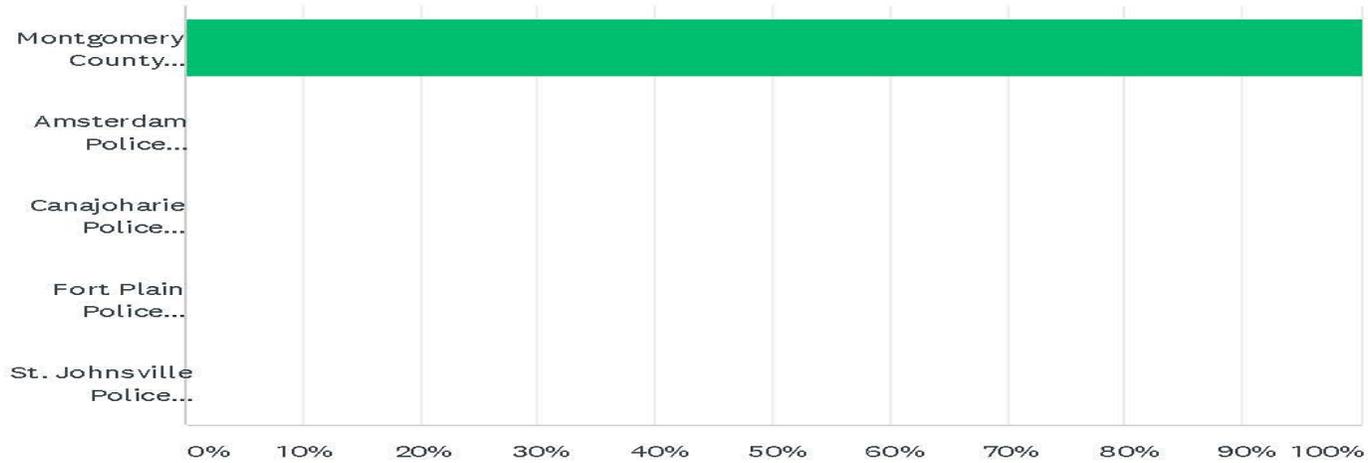
- It was advertised on social media, newspaper print, radio and word of mouth.
- It was also provided to probationers to get input from people who had extensive involvement with law enforcement.



Montgomery County Law Enforcement Survey

Q1 Who is your primary law enforcement agency?

Answered: 377 Skipped: 0



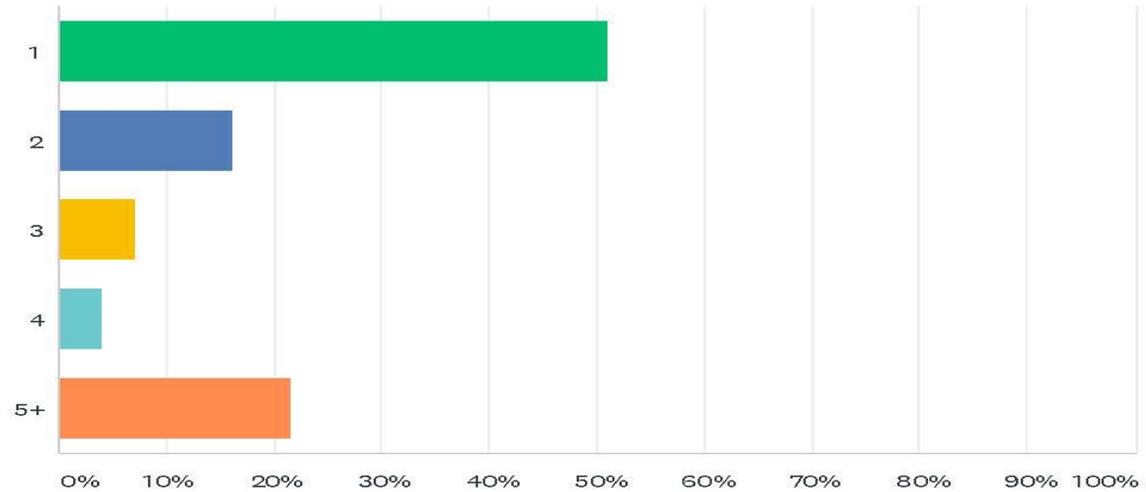
ANSWER CHOICES	RESPONSES	
Montgomery County Sheriff's Office	100.00%	377
Amsterdam Police Department	0.00%	0
Canajoharie Police Department	0.00%	0
Fort Plain Police Department	0.00%	0
St. Johnsville Police Department	0.00%	0
TOTAL		377



Montgomery County Law Enforcement Survey

Q2 Have you ever been directly involved with or directly observed a police interaction with your local law enforcement agency within the past year? If so, how many times?

Answered: 305 Skipped: 72



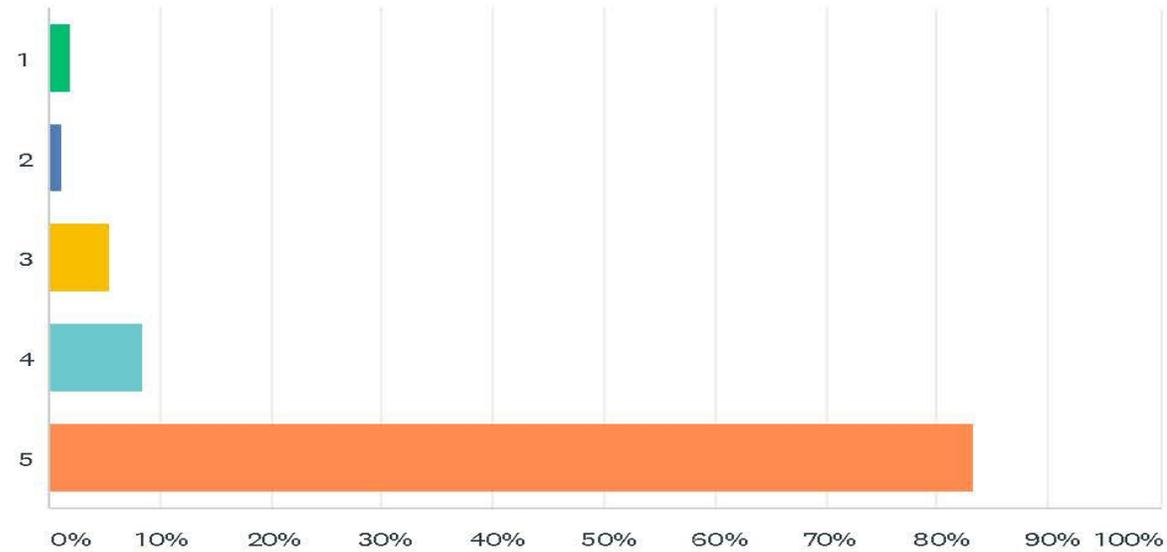
ANSWER CHOICES	RESPONSES	
1	51.15%	156
2	16.07%	49
3	7.21%	22
4	3.93%	12
5+	21.64%	66
TOTAL		305



Montgomery County Law Enforcement Survey

Q3 How would you rate each interaction on a scale from 1 - 5 (1 being unfair and unprofessional and 5 being fair and professional)?

Answered: 309 Skipped: 68



ANSWER CHOICES	RESPONSES	
1	1.94%	6
2	0.97%	3
3	5.50%	17
4	8.41%	26
5	83.17%	257
TOTAL		309



Q 4. What change would you like to see from your local law enforcement?

The general consensus of answers consisted of:

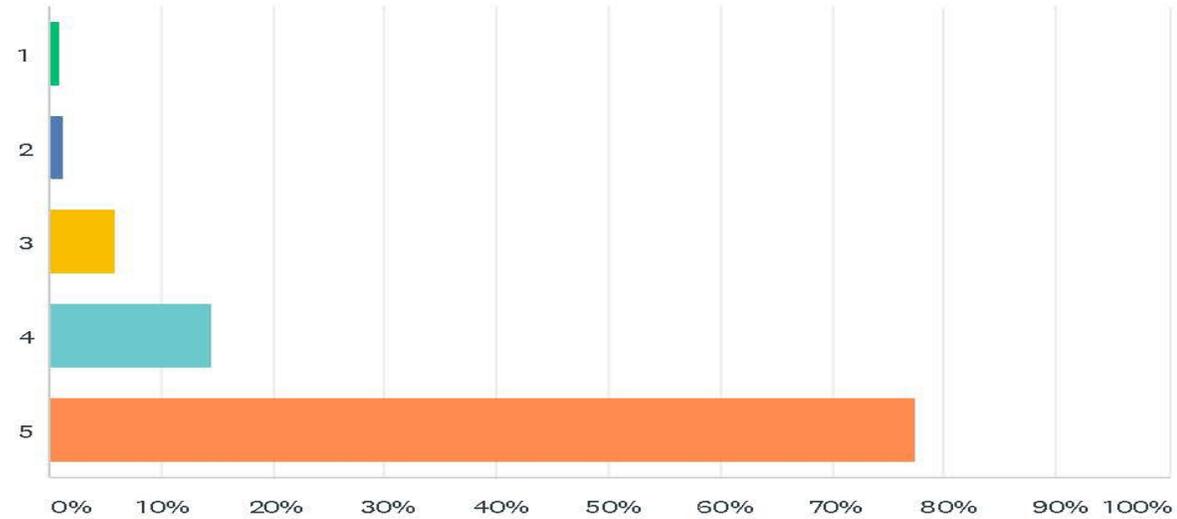
- ✓ No change necessary
- ✓ More compassion
- ✓ Be impartial
- ✓ Listen to all involved
- ✓ Increased community presence



Montgomery County Law Enforcement Survey

Q5 What is your level of trust for local law enforcement officers? Rate on a scale from 1 - 5 (1 being dissatisfied and 5 being satisfied)

Answered: 372 Skipped: 5



ANSWER CHOICES	RESPONSES	
1	0.81%	3
2	1.34%	5
3	5.91%	22
4	14.52%	54
5	77.42%	288
TOTAL		372



Q 6. Are you in favor of a visible police presence in your community to deter crime? If so, do you feel that your local law enforcement agency currently provides that to you at a sufficient level.

- ✓ An over whelming majority felt favorable about a visible police presence in their communities
- ✓ Many individuals indicated they would like to see an increased level of police visibility while some were satisfied with current levels.



Q 7. Please provide any ideas you may have that would increase the trust and confidence of your local law enforcement agency.

- ✓ More personal interaction with community members, not just during an emergency situation
- ✓ Increased community presence
- ✓ Continued agency transparency
- ✓ Accountability for staff misconduct



Throughout the year 2020, dealing with Covid and the social disruptions between communities and law enforcement, members of the Montgomery County Sheriff's Office also participated in many public demonstrations interacting with BLM groups, concerned citizens and taxpayers. These events allowed specific interaction and showed that we understand the issues, we support review/reform, we partner with different organizations and communities regardless of race, sex, sexual preference, etc. and that we are able to adapt to many different situations with a moment's notice.



Goals and Objectives

4. Developing policy recommendations resulting from this review was an easy process. First, I reiterate that our policies are controlled by the State of New York and the Accreditation Council. Being an accredited agency requires you to follow their guidelines. With that said, we did make some adjustments and additions to the things we do. For example:

Mandated De-escalation training

Crisis training and response for mental health type calls

Updated Defensive Tactics training

Current policy review

Body camera use, training, and policy review

Accreditation certification for staff and review of standards

Created a Use of Force Manual for easy review and documentation

Member/participant in Race/Police Relations Task Force

Hosted training for Law Enforcement for responding to incidents with people with disabilities

Diversity and Inclusion training



Additional training and community involvement:

Narcan training

Article 35 training (Deadly Physical Force)

Survey on-line and with probationers

Public Stakeholder meetings (2)

Facebook Live presentations

Created a Complaint/Compliment Form - placed on the county website for easy access to the public

Initiated ODMAP Program in order to better police and respond to potential problem areas related to drug abuse and overdoses. This combined with our county Drug Task Force and anonymous tip submission options (Tip 411 App, Social Media, Capital Region Crime Stoppers, and anonymous email through the county website) will go a long way in battling drug related crimes that many times escalate into additional crimes.

All of these items have changed the way we do business and have improved our ability to adapt to our community needs.

We will continue these items as we move forward and make them a part of our office makeup.

Some by policy, others by directive and finally by best practice.



USE OF FORCE REQUIREMENTS

Use of Force by members of the Sheriff's Office is governed by agency policy and state law including Article 35 of the NYS Penal law.

The Montgomery County Sheriff's Office procedures require members to file agency use of force reports following use of force incidents. All incidents, both law enforcement and corrections, are reviewed for compliance by a shift supervisor, and command staff.

- Changes included wording from a newly updated and approved NYS MPTC sample policy, including new definitions and guidelines.
- New mandated reporting protocols where use of force is reported to NYS DCJS to allow for more data tracking.



USE OF FORCE REQUIREMENTS

□ Key Updates

DUTY TO INTERVENE

- A. Any deputy present and observing another deputy using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
- B. A deputy who observes another deputy use force that exceeds the degree of force as described in subdivision A of this section should promptly report these observations to a supervisor.



USE OF FORCE REQUIREMENTS

The current use of force policy in place for this office covers all areas of concern in the Executive Order.

- ❖ The policy clearly states that the use of indiscriminate force is prohibited. Unnecessary force occurs when unjustified physical abuse of a person has occurred or when it is apparent that the type or degree of force deployed was neither necessary, appropriate nor objectively reasonable under the circumstances, or when any degree of force is utilized as summary punishment or vengeance.
- ❖ The policy follows a use of force continuum with five levels. Members are trained annually in the use of force which now includes de-escalation, role playing, less-lethal, article 35 deadly physical force, and firearms training. The office less-lethal options are verbal, open hands, pepper spray and TASER.



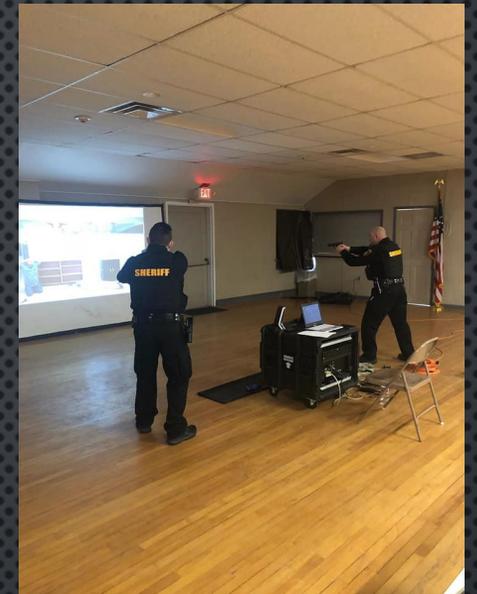
BODY WORN CAMERAS

- ❑ The Sheriff's Office has long been a proponent of the use of Body Worn Cameras (BWC). We feel the use of BWC provides us with an accurate, unbiased audio-visual record of enforcement related, and non-criminal prosecutions and limit civil liabilities.
- ❑ The policy further outlines the proper utilization of the BWC and the requirements for the recording of civilians, victims, witnesses, suspects or violators, as well as the custody and control of such recordings.



OVERVIEW REFORM REQUIREMENTS TRAINING

- ❖ One of the most important things we can do is ensure our members are properly trained. As a NYS Accredited agency, each member receives at a minimum, 21 hours of training in various topics.
- ❖ Some training topics are required to be given annually such as supervisory training, firearms, use of force and article 35 deadly use of force.
- ❖ Our members are encouraged to look for courses or training conferences offered and request permission to attend through their chain of command. Each year we send members to local and statewide training classes.



DETERMINING THE ROLE OF POLICE

- ❑ Procedural justice; and studies addressing systemic racial bias or racial justice in policing
 - President Obama's task Force on 21st Century Policing adopted Procedural Justice and police legitimacy and recognizes their essential role in establishing a positive relationship with the community that our office has embraced.
 - 4 pillars of Procedural Justice
 - ✓ Give others a voice
 - ✓ Exercise neutrality in decision making
 - ✓ Treat others with dignity and respect
 - ✓ Foster a sense of trustworthiness and earn the trust of the community



SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAMS

- High Threat Incident Preparedness Training
- Project Lifesaver
- Yellow DOT Program
- Sex Offender Registry and Oversight
- Operation Safe Child
- Emergency Mass Notification System
- Sr. Citizen scam awareness training
- Prom Crash Drills Participant
- Pistol Permit courses
- K-9 Demonstrations
- Drug Impairment/STOP DWI
- Victim Impact Panel Participant
- Inmate Work Force
- Veterans Assistance
- Bicycle Safety
- Sheriff's Summer Camp
- Career day events
- Food Distribution events
- Shop with a Cop
- Community Parade Participant/Safety



Complaint/Compliment Form

Things to Keep in Mind

The subject of the complaint should involve alleged misconduct by an employee

The focus of the MCSO complaint procedure is on alleged misconduct by an MCSO employee that encompasses a violation of laws or MCSO Policy and Procedures.

Dissatisfaction with an arrest or ticket is not considered a "complaint" and you will be referred to the court with the appropriate jurisdiction.

Anonymous complaints are investigated but not recommended

Although anonymous complaints are investigated, the investigations are less likely to reveal all the facts surrounding an incident when the investigator is unable to contact the complainant. MCSO encourages individuals with allegations of misconduct by our employees to identify themselves and submit to an interview.

Making a complaint will not affect actions or charges against the complainant

Employees are prohibited from retaliating against you for reporting truthful information in lodging a complaint against them.

Any charges or legal issues (present or future) must be decided by the appropriate court. The investigation of your complaint will focus on the conduct of the employee, not charges against you. Any charges against you are a separate issue that you will have to resolve at court. Therefore, if you were arrested or issued a ticket or summons during the incident that led to your complaint, you must still follow the direction of the appropriate court in resolving the case.

Values of the Montgomery County

Sheriff's Office

- Maintain quality service as our primary goal while vigorously pursuing those who commit crimes
- Strive to maintain the highest levels of integrity and professionalism in all our members and activities
- Provide courteous police service with respect for the rights and dignity of the people we serve
- Encourage public input regarding the development of strategies that directly affect the quality of neighborhood life
- Remain committed to a shared and open relationship of involvement with all segments of our community
- Encourage cooperative relationships with professionals from all facets of the community.



Montgomery County Sheriff's Office

200 Clark Drive

PO Box 432

Fultonville, NY 12072

jsmith@sheriff.montgomery.ny.us

Montgomery County Sheriff's Office



Public Compliment and Complaint Process

MCSO's Responsibility

MCSO recognizes its responsibility to maintain the public confidence and trust, and the need to guarantee integrity and accountability of both the agency and of each employee.

Responsibility of the Public

We recognize the rights of all citizens, and want the public to recognize that MCSO employees must be able to exercise their best judgment in taking necessary and reasonable action in the performance of their duties without fear of retaliation.

Montgomery County Sheriff's Office Policy

It is the policy of MCSO to respond to compliments or complaints received from the public.

Complimentary Letters

Complimentary letters are:

- Reviewed by the Sheriff
- Forwarded to the employee(s)
- Placed in the employee's personnel file

Complaint Letters or Forms

Complaint letters or forms follow a very specific procedure to:

- Ensure fair and proper action is taken when an employee is accused of misconduct
- Protect employees from unwarranted or false accusations
- Ensure a thorough, fair and objective investigation
- Help identify and correct deficiencies in policies, procedures and/or training

Anyone can submit a complaint, at any time

The person most directly affected by the alleged conduct should be the person to make the complaint. Under most circumstances, this is the person most likely to provide the best information about the incident. However, third party complaints will be accepted and investigated to the best of our ability.

Complaints may be made:

- By mail to: The Montgomery County Sheriff's Office
200 Clark Drive/PO Box 432
Fultonville, NY 12072
- By calling 518-853-5500
- By email jsmith@sheriff.montgomery.ny.us

All complaints received are reviewed by the Sheriff

Complaints should be concise and specific

Describe the conduct of the employee that you believe to be improper.

- Provide the specific words or phrases used by the Officer
- Describe the employee's tone of voice
- Cite particular acts of rudeness
- Identify the employee as much as possible by providing:
 - Employee's badge number and patrol vehicle number
 - Date, time and location of the incident
 - If available, include the names, addresses and telephone numbers of any witnesses.
- If your conversation took place over the phone, provide the date and time you called, as well as the phone number you called from.

Complaint Investigation Process

Every complaint of misconduct will be investigated until it reaches a conclusion.

Upon receipt of a complaint the Sheriff will assign the case for investigation. Generally, complaints will be assigned to the employee's supervisor.

Investigators will:

- Attempt to interview the complainant, the accused employee and all witnesses
- Examine physical evidence
- Review reports and records
- Thoroughly document the facts surrounding the incident and allegation

The investigator's report will be submitted to the Sheriff who will review it for completeness and objectivity.

Investigative Procedures

The standard of proof in an administrative investigation is a preponderance of the evidence. It is less than the standard in a criminal case, which is guilt beyond a reasonable doubt.

Sheriff's Office employees have rights protected under New York State Law. If, during the course of the investigation, it is determined that the employee could face significant discipline, we may ask you to submit to a sworn statement.

In a criminal investigation, Sheriff's Office employees have the same rights as any citizen, including the right to remain silent. If Officers are ordered to answer questions or face discipline, their answers cannot be used against them in a criminal matter.

Disciplinary Action

The Montgomery County Sheriff's Office Policy and Procedure manual utilizes the principle of progressive discipline. This allows for cumulative increase in penalty considering prior discipline while also allowing for consideration of mitigation circumstances.

Once management has reached a final disposition; appropriate action will be taken. This may involve documented counseling or re-training. It may also involve disciplinary action which includes oral reprimand, written reprimand, suspension or termination.

<https://www.co.montgomery.ny.us/web/sites/departments/sheriff/feedback.asp>



This plan will be offered for public comment at one of our
County Legislative meetings in February.

The written plan certainly does not represent the amount of thought, effort and compassion put into the work completed throughout 2020; especially in a year that involved a global pandemic and many changes to our daily work. COVID-19, bail reform, this plan, and general changes in our criminal justice system have caused us to make many adaptations.

Something we can all be proud of is the professionalism and ability to adapt/overcome throughout these challenging times by members of the Montgomery County Sheriff's Office.



In closing, we will continue to evolve based on community input/feedback and changes in our laws, criminal justice system and financial times.

It is an honor and privilege for all of us to serve you and it is always our intention to do the best job we can with the circumstances presented to us.

We respect everyone, regardless of race, sex, religion or personal preference.

Overall, throughout this process, the feedback from the communities and stakeholders was very favorable; something we are proud of.



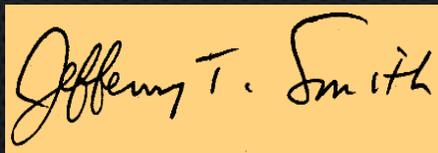
The members of the Montgomery County Sheriff's Office and I believe in integrity, professionalism, fair treatment, consistency and providing quality service.

If there are any questions/concerns regarding this plan, our procedures or our service, I encourage you to contact this office at any time.

Communication is the key to success. Treat people the way you wish to be treated, respect others and work hard.

Together, we can make Montgomery County a great place to work, visit, live, and raise a family.
Thank you!

Respectfully submitted,



Jeffery T. Smith, Sheriff
Members of the Montgomery County Sheriff's Office



