

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PEOPLE OF THE STATE OF NEW YORK,
by ELIOT SPITZER, ATTORNEY GENERAL
OF THE STATE OF NEW YORK,

Plaintiff,

01-CIV-0364 (CM)

-against-

THE TOWN OF WALLKILL,

Defendant.
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SECOND REPORT OF THE MONITOR

Introduction

This is the Second Report of Dean Esserman (the Monitor) and the Police Assessment Resource Center (PARC) on implementation of the Consent Decree agreed to by the Town of Wallkill and the New York State Attorney General concerning the functioning of the Town of Wallkill Police Department. United States District Judge Colleen McMahon, of the Southern District of New York, approved and entered the Consent Decree on April 5, 2001,¹ and that June, the Court selected then-Stamford, Connecticut Police Chief Dean Esserman to audit compliance with the Consent Decree. The Court appointed PARC to assist Chief Esserman.

The Monitor's First Report, dated January, 2002, covered the period from June, 2001 through the end of January, 2002. The first two sections of that prior report provided historical and factual background that recounted the events that led to the

¹ Most provisions of the Consent Decree were required to be implemented within 90 days of its entry—viz., July 4, 2001. ¶76.

Attorney General's suit, summarized the pertinent provisions of the Consent Decree and reported on the adoption of the Best Practices Guidelines, which have become the Department's policies and procedures manual.² This Report deals with the period from February through July, 2002.³

Our Report draws, among other things, on our at-least weekly—and sometimes daily—contact with the Department's Chief; regular contact with Town Supervisor John Ward and other Town officials; monthly—and sometimes more frequent—visits to the Town where we regularly meet with the Supervisor, the Chief, the available sergeants, the union president or vice president or both; ride-alongs and meetings with Wallkill police officers; meetings and other contacts with Orange County law enforcement officials, the Wallkill Town Justices, and former members of the Wallkill Police Commission; the review of hundreds of documents and many hours of videotape; and reading relevant articles from the local newspaper.

The past six months have witnessed significant progress in transforming the Wallkill Police Department into a law enforcement agency capable of rendering excellent service to the Town in a constitutional and respectful manner. Although the Department is clearly still in a rebuilding mode, the progress in the last six months has been much faster and more consistent than in the prior seven months. Two events served as the basis for the positive direction of the Wallkill Police Department over the past six months.

² Portions of the current Report assume familiarity with the historical portions of the First Report. Those who have not read it may want to refer to Sections I and II of that Report. It is available under "publications" at www.parc.info.

³ The Consent Decree requires the Monitor to issue reports at least semi-annually during the first year of the Consent Decree and at least annually thereafter. ¶66.

First, the Town Board—in its first month in office—made an excellent choice from among 15 candidates to fill the vacant position of Police Chief, selecting Robert Hertman, an 18-year veteran of the New York Police Department, who had retired as a Captain after commanding an investigative team in the Internal Affairs Bureau and serving as executive officer in a high-crime precinct staffed by 175 sworn personnel. He was particularly experienced in integrity control, internal investigations, narcotics enforcement, anti-crime supervision, and community policing.

We give Chief Hertman high marks on his performance to date. Since commencing work on February 1, Chief Hertman has given needed direction and training to the depleted and often-demoralized Wallkill PD. Chief Hertman appears to work effectively with and to have gained the respect of Town officials, the sergeants, officers and non-sworn personnel of the Department, other law enforcement officials and departments, and the local Police Benevolent Association leadership. He has also forged a mutually respectful and candid working relationship with the Monitor and the PARC staff.

Chief Hertman has also cultivated the Department's relations with organized community groups, and individual citizens and businesses in Wallkill. This attention to the Town's citizens is particularly important because their trust in their Police Department had been severely damaged by the failures in political and Department leadership, and by the officer misconduct, that collectively led the Attorney General to sue the Town. Rebuilding trust that the Department will evenhandedly and constitutionally enforce the law will be a slow process dependent upon the public's perception of what the reformed Department actually does, rather than what the Town

and the Department say it will do. Of particular concern to some members of the community is that there remain on the force some members of the Department who had either engaged in the discriminatory enforcement and wrongdoing of the past, or had allowed it to occur. Inevitably, trust that has been lost takes much care, attention and time to be restored.

The second significant event was the agreement in April between the Town and the officers' and sergeants' union on a new five-year contract, with a 29-percent cumulative increase, that places Wallkill in the mid-range of law enforcement pay in Orange County, ending its long position as the County's most poorly paid department. The previous contract had expired at the end of 1998. Over the intervening three-plus years, the unwillingness of the former Town leadership to pay competitive wages and reach agreement with the union on other issues contributed to an exodus of officers from the Department. Morale among those who remained was at rock-bottom. Top pay—after five years—for officers will rise by next July to \$50,000 from under \$38,000. Top pay for sergeants—which now is reached after two instead of three years—will rise to \$56,000 from \$41,000. The new contract provides one of the building blocks essential to retaining current officers and attracting new ones.

The positive thrust of these events was tempered, however, by uncertainties regarding whether Chief Hertman could remain in his job. On May 29, the Orange County Department of Personnel released the results of the countywide civil service exam for chief that had been administered in March. Chief Hertman had failed the exam. The County directed that the Town remove Chief Hertman from his post within 60 days and select a new Chief from the top three interested and qualified candidates of the 21

individuals who had passed the test. The Town Board, led by Supervisor Ward, made clear publicly that it wanted to keep Chief Hertman based upon his excellent job performance. In the end, most of the candidates for the position withdrew from consideration and five more failed to meet the associates degree requirement of the Consent Decree. See ¶17(ii). The Town was left with fewer than three candidates who were qualified and who wanted the job, allowing it to make another provisional appointment. On July 25, the Town Board appointed Hertman as Chief for one year or until the next civil service test.

Turning to our overall evaluation of compliance with the Consent Decree, we find that in general, the Department has done well, though the required paperwork has often been completed in inconsistent and less-than-desirable ways and the Department's investigation and resolution of civilian complaints has not been as prompt as it should have been.

In the body of the Report, we will discuss the progress (or lack thereof), among other things, on staffing and hiring, the continued need for a new physical facility, more details about the new union contract, disciplinary matters, civilian complaints, vehicle and pedestrian stops, the Department's new computer system, implementation of an early warning system, and evaluations.

I. Staffing

Chief. Even before he took office, knowing that Acting Chief John Beairsto would not stay beyond December 31, 2001, the Town Supervisor had commenced the

search for a new Chief.⁴ Mr. Ward and the new Town Board conducted that search with commendable speed and diligence. Before the end of their first month in office, after full consultation with the Monitor, who had interviewed the finalists for the position, the Board had selected Robert Hertman, who became Chief on February 1.

In his first six months in the job, Chief Hertman's accomplishments include the following:

- Ensured that, no matter what the circumstances, every shift is supervised by a sergeant.
- Established mandatory bi-weekly supervisors' meetings where Department procedures are formulated and the sergeants receive supervisory and substantive training.
- Required that every month each sergeant view at least one complete videotape made of stops and other activity in the patrol cars, and document and follow up on any performance that needs improvement or correction.
- Enhanced the effective working relationship Chief Beairsto had begun with the State Police, including setting up joint enforcement operations with that agency and the Orange County Sheriff's Department.
- Promoted an officer to fill a sergeant's position and hired three new officers.
- Upgraded the hiring process for new officers, including more comprehensive psychological screening.

⁴ The position had not become officially vacant until December 20, 2001, when the old Town Board voted to dismiss the former Chief, James Coscette, who had been suspended since May, 2000.

- Successfully publicized the Department’s obligation and willingness to accept and fairly investigate civilian complaints.
- Is presently training the sergeants how to effectively investigate citizen complaints—an important area in which the Department previously had a checkered record.⁵
- Established “directed patrols” which require that officers assigned to certain sectors on certain shifts patrol designated locations at specific times or a minimum number of times during a shift, based upon community complaints or increases in reported crime, and “zero tolerance” special details to respond to recurrent quality of life and other problem conditions.
- Played an effective intermediary role in the negotiations that led to the settlement of the contract with the union.
- Maintained an effective working relationship with the PBA leadership.
- Evaluated personnel who report to him in a constructive and thorough manner that made clear what areas need improvement.
- Initiated evaluations by the sergeants of the dispatchers, who previously had not been evaluated.

⁵ This checkered record had continued as recently as January, 2002 when the Town was cited by the Monitor for non-compliance with the Consent Decree for the failure of the former Acting Chief to investigate and resolve civilian complaints. The Town and the Member-in-Charge of the Department for the month prior to Chief Hertman’s appointment quickly resolved this non-compliance without the necessity for us to refer it to the Court. For more information on this sole instance in which the Town has been cited for non-compliance, see our First Report, pp. 24-27.

- Established “Chief’s Days,” an award giving a paid day off to reward extraordinary performance.⁶
- Demonstrated both firmness and fairness in imposing discipline and other corrective sanctions.
- Moved decisively to replace under-performing probationary staff.
- Conducted thorough investigations, under extraordinarily stringent time restraints, of all the allegations contained in the complaint filed by the Attorney General in his lawsuit against the Town, and imposed appropriate discipline where it could be sustained.
- Established new and clarified practices and procedures to ensure patrol coverage is more uniform throughout shifts and in the various sectors into which the 64-square-mile Town is divided.
- Oversaw the installation, de-bugging and initial improvements of a new departmental computer system.
- Addressed technical problems with the video and audio taping systems.
- Directed the comprehensive cataloguing and reorganization of the evidence and other items held in the Department’s property room.
- Arranged for physical enhancements to, and regular cleaning of, the members’ locker room.

Notwithstanding the long list of accomplishments, the unfinished business for the Department—much of which requires direction from or implementation by the Chief—

⁶ The first two Chief’s Days were awarded to Officers Charles Bodensieck and Robert Kammarada for successfully disarming and arresting a bank robber who had taken a bank employee hostage as he sought to flee. No shots were fired and no one was injured in this very dangerous incident.

results in a list that is at least equally long. We will be discussing many of those items throughout the balance of this report. We mention here a few of those unfinished matters that require the Chief's significant direct involvement:

- Continued upgrading of the sergeants' supervisory skills.
- Ensuring that investigations of civilian complaints are generally completed within 60 days.
- Effectively implementing and using the Department's early warning system that is scheduled for its first complete run-through as this Report is completed.
- Obtaining agreement on a written protocol with the State Police concerning the types of matters that are required to be turned over to that agency, the types of matters that the Wallkill PD may handle in their entirety, and the procedures to be followed in implementing that division of responsibility.
- Ensuring that all officers stop motorists and pedestrians only when appropriate.
- Establishing consistency in the paperwork completed by members of the Department.

Executive Officer. In our First Report we discussed Chief Beairsto's conclusion that the Chief could not effectively run the Department without a second-in-command to assist him.⁷ The Town Board at that time was not responsive to that perceived need. We

⁷ We take no position on the best title for this position. What is important to us is the role.

recommended that, if the new Chief identified the same need as Chief Beirsto had, the new Town Board find a way to meet that need.

After several months in the position, Chief Hertman came to the same conclusion that Chief Beirsto had: there simply is too much work for a Chief to accomplish by himself. Between the internal building of the Department, the external relations with the community and other law enforcement officials, and the considerable demands the Monitor makes upon the Chief, no one person can get everything done that should be done, no matter how hard he works. We believe that it is imperative that the Board authorize the Chief to begin an immediate search for a number-two person. Until the Chief gets that assistance, choices are going to have to be made among the demands on the Chief's time and quite important things that do not rise to the top of the priority list will not get done as speedily as they should. To achieve appropriate progress toward the type of department Wallkill deserves, the Chief must have a second-in-command in the near future. We urge the Town Supervisor and Town Board to ensure that this position is created and funded promptly so that the Chief may fill it by this coming fall.

Sergeants. A central reason the Department is now being monitored is that the supervision of the officers for several years leading up to the consent decree was grossly inadequate. Often, particularly on the midnight shift, no sergeant was even on duty. The Department became known for harassing motorists, particularly women, and retaliating against its critics. One of the more important reforms incorporated into the Best Practices Guidelines was the requirement that a sergeant be assigned to every shift. The former Town Board, however, resisted funding the two additional sergeant positions necessary to

have every shift covered, authorizing the positions only when United States District Judge Colleen McMahon ordered that it do so.

As time ran out for compliance with the judge's order, Chief Beirsto last October promoted Thomas Badendyck and Brian Quinn to be sergeants. Neither remains in that capacity. In May, Chief Hertman returned Sergeant Badendyck to officer status shortly before his probationary period as sergeant expired, and Sergeant Quinn left the Department to take a considerably higher paying job as an officer in another department—a position he had applied for long before he had been promoted. Even with five sergeants, occasional shifts at the end of 2001 were not covered by a supervisor. During the month of January, 2002, following Chief Beirsto's departure and prior to Chief Hertman's appointment, the number of shifts not covered by a sergeant increased. Since Chief Hertman's arrival, however, not a single shift has failed to be covered by a supervisor. This is to the Chief's credit, for ensuring that the Guidelines were in fact followed, and to the credit of the three long-time sergeants in the Department—John DiMilia, Robert Henneman and Steven Walsh—for carrying the back-breaking load of covering every shift, seven days a week, even when their complement was down to three. In late May, Chief Hertman promoted Robert Scheuring to one of the vacant sergeants' positions. The other position remains unfilled.

Having fulfilled the mandate set forth in the Guidelines and in our First Report that every shift be supervised, the challenge now for the Chief is to raise the supervisory capabilities of the sergeants to a level that they can effectively oversee the day-to-day work of the Department without frequent input from the Chief or the Monitor. For instance, sergeants should be able to ensure that all paperwork from the officers is

properly completed, that all issues raised when reviewing paperwork or videotapes of police activities are properly responded to, and that violations of the Best Practices Guidelines are dealt with pursuant to the internal complaints procedure. See Rule 9.3. In another area, sergeants should be able to thoroughly, fairly and promptly investigate civilian complaints that are referred to them by the Chief.

Most importantly, sergeants need to understand their roles as supervisors. Because of prior leadership problems in the Department, a lack of sufficient training, and possibly some ambivalence at playing a supervisory role, the sergeants collectively need to hone their supervisory and leadership skills. Chief Hertman has been addressing these issues at the bi-weekly supervisors' meeting he initiated. In addition, both officers and sergeants have mentioned to us that different sergeants enforce various policies and procedures in different ways. The Chief and the sergeants must strive for consistency in the application of the Department's policies and procedures so that officers know what to expect and are thus more likely to comply with those expectations. We strongly encourage both the Chief and the sergeants to give these efforts the highest priority.

Officers. In the past six months, there has been a net increase of four full-time officers and one part-time officer. The current complement of 18 full-timers and four part-timers remains, however, at approximately two thirds the number of officers in the Department in 1999. Of the three new hires, two were lateral transfers of already certified officers who will be ready to patrol on their own after receiving field training. The third new hire is not patrolling at all, but is learning Department procedures in preparation of attending the five-month Rockland County Police Academy in August. The number of officers available for patrol is further reduced because one has been on

extended post-September 11 military duty since last fall (he is expected to return to the Department next month) and another is on limited duty because of pending domestic violence charges.⁸

As a result of too few officers, the Department usually has only three or four (and sometimes two) officers on patrol during a shift, when it used to field five or six. When a serious situation occurs, it is not uncommon to have all the officers on that shift at the scene, leaving the rest of the 64-square-mile town unpatrolled. The shortage has forced the Department to increasingly turn to mandatory overtime, a serious irritant to the officers and an undesirable way to maintain staff coverage on an ongoing basis. Before the new contract was agreed to, most of the necessary overtime shifts had been filled with volunteers. Since then, many of those shifts continue to be filled by volunteers, but an increasing number (several a week) are mandated. Some officers report that some of their colleagues, frustrated by their inability to get requested days off, are occasionally calling in sick—which then leads to other officers being mandated to work overtime. Needless to say, this cycle leads both to morale problems and to some officers working too many hours for their own, the Department's, or the community's good.

Hiring more officers is an urgent priority. Until the union contract with its considerable salary increases was agreed upon in April, it was close to impossible to hire additional officers because the Department's salaries were the lowest in the county. Any prospective hire with a choice declined Wallkill's employment overtures. Now that the Town pays a competitive salary, it should be able to attract qualified applicants.

⁸ The officer is facing a misdemeanor assault charge on the complaint of another member of the Department with whom the officer had a relationship. Since the charges were filed in court, the officer has not carried a gun or been on patrol.

Equally important is that those hired be properly qualified. After the Attorney General's office questioned the adequacy of the purely written psychological screening that the Department previously used, Chief Hertman consulted with a variety of professionals and determined that improved psychological screening was desirable. The Department retained a firm with significant experience in testing law enforcement professionals. Now, a psychological test and two questionnaires are administered by one psychologist or psychiatrist, while the second professional conducts a subsequent personal interview. The psychological screening raised questions about four of the seven most recent candidates for the Department, who had otherwise satisfied the remaining hiring requirements. Despite considerable pressure from within the Department to hire some or all of those four, Chief Hertman prudently decided not to extend employment offers to those candidates. Notwithstanding the short-term need for additional officers, the long-term interests of the Town and the Department are best served by hiring only those applicants who pass the psychological screening without reservations.

II. Contract, Budget and Facility

Contract. Reaching a new five-year labor agreement in April to replace the agreement that had expired at the end of 1998 was a momentous step forward. Because the Town had paid substandard wages for so long, the Town was the party that had to move the farthest from its prior positions. But the union also had to compromise to reach an agreement. Both sides are to be complimented for accomplishing what had eluded the parties for more than three years.

The contract provides cumulative salary increases of 29 percent over five years, with 11 percent in the first three years of the contract (1999-2001) and 18 percent in the last two years (2002-2003). The increases in officer salaries are illustrated in the following table:⁹

Police Officer Salaries

Years of Service	January 1, 1998— Prior Contract	January 1, 2002	July 1, 2003
First Year	\$26,953	\$31,529	\$35,803
After 1 Year	\$32,124	\$37,578	\$42,672
After 5 Years	\$37,697	\$44,097	\$50,075

Effective in 2002, sergeants’ pay in the first two years was set to be five percent above the top pay for officers. After two years, sergeants are paid ten percent above the top officer pay. In 2003, the percentages become six and 12 percent, respectively. Under the prior contract, a new sergeant was paid only \$1,100 more than an officer with six years of experience. The increases in salaries for sergeants are illustrated in the following table:

Sergeant Salaries

Years of Service	January 1, 1998— Prior Contract	January 1, 2002	July 1, 2003
First Year	\$38,828		
After 3 Years	\$41,090		
First 2 Years		\$46,302	\$53,080
Start 3 rd Year		\$48,507	\$56,084

Both sergeants and officers also receive annual longevity payments that range from \$400 at the start of the sixth year of service to \$2,000 at the start of the 18th year. Retroactive pay back to 1999 was available to those who remained employed by the

⁹ The contract provides for five different steps and eight different dates on which raises will be paid. We set forth only a sample of those steps and salaries.

Department. Various benefits were improved or added, and the maximum suspension without pay was reduced from 60 days to 30 days.

Budget. We noted in our First Report that the old Town Board had substantially increased the Police Department's budget for calendar year 2002. We pointed out, however, that passing a budget did not necessarily mean that the Town would actually spend the money. We stated that we would be carefully monitoring whether the Town fulfilled its obligation to adequately fund the Department.

Consistent with its performance generally, the Town has indeed fulfilled its financial obligations. It has spent the money necessary to address many of the Department's needs—for instance, buying or leasing new patrol cars, upgrading the video systems, and installing a new computer software system, with significant new computer hardware. The Department is also actively recruiting new officers to fill its depleted ranks.

Facility. The 600-square-foot Wallkill police station, crammed into four small and uninviting rooms in the back of the Town Hall, has been an embarrassment for more than a decade. It provides sufficient space neither for the conducting of police business, nor for proper interaction between members of the public and the police. Its gross inadequacy suggests a lack of commitment to the Department by the Town, and that certainly is the inference that members of the Department have drawn.

From the time he took office, Supervisor Ward articulated the need not only for a long-term solution for the housing of the Department, but also—in recognition of the urgency of the need—a short-term solution while a permanent facility was being built or renovated. His suggested short-term solution was to move some other Town

employees—currently located across the corridor from the police station—to a trailer behind the Town Hall and to provide their former quarters to the Police Department. It had originally been hoped that the acquisition by the Department would happen by July, but this move, which would double the Department's space, is now expected to occur in September. Meanwhile, the Town is actively exploring its options for a new Town Hall that would include a police station adequate for the needs of the Department for many years to come.

We consider providing the Department with a respectable facility to be essential to its continuing professionalization. We will continue to closely monitor progress toward both the short-term expansion of the current police station and the construction before the end of 2003 of a facility suitable to the Department's and the community's long-term needs. We look forward to the announcement and implementation of the long-term plans. Because, however, of the delays that such a big project will inevitably entail, we deem it critical that the short-term doubling of the Department's space proceed without delay.

III. Discipline

As set forth in our First Report, the Consent Decree required that the Monitor, within 60 days of assuming his position, review any evidence collected by the Attorney General regarding allegedly illegal conduct by members of the Walkill Police Department. After receiving copies of the Attorney General's investigative records, the Monitor in August, 2001 transmitted them to Francis D. Phillips II, the District Attorney for Orange County, for determination of whether criminal misconduct had occurred and

should be prosecuted. We have been told informally that the District Attorney has closed his investigation and has determined not to bring any criminal charges. We have further been told that the District Attorney will issue a public report on that investigation shortly.

The Town had been holding its administrative discipline process concerning the Attorney General's allegations in abeyance pending the District Attorney's determination as to whether to proceed with criminal charges. When Chief Hertman assumed the Chief's position, he sought and was granted permission by the District Attorney's office to conduct a parallel investigation to determine whether administrative charges were warranted. The Town was compelled to move forward at that time because the union contract requires that disciplinary charges be brought within 180 days of when the Town learned of them. Since the Attorney General had turned his evidence over to the Town in September, 2001, the contractual statute of limitations expired in March, 2002.

Within a month's time, Chief Hertman, with only limited assistance from one sergeant, thoroughly investigated all the Attorney General's allegations. He located and interviewed dozens of witnesses, reaching out for assistance, when needed, from the Middletown Police Department and investigators from the Attorney General's office. As to many of the allegations, the Department had known of them well before the Attorney General had turned over his evidence to the Town in September, 2001. Because more than 180 days had elapsed since the Town learned of those allegations, no charges could be brought on them as the contractual statute of limitations had expired. As to some of the allegations, Chief Hertman determined that they did not warrant discipline, the charges could not be successfully proven, or the officer in question had left the

Department. And, finally, as to some other allegations, Chief Hertman determined that charges should be brought.

Charges in fact were brought and serious discipline was imposed. Because, however, of legal and administrative confidentiality restrictions we are unable to provide any information about the nature of the charges or the identities of those involved.¹⁰

We thoroughly reviewed the multiple investigations conducted by Chief Hertman and are satisfied that they were competently, diligently and fairly conducted. We are particularly impressed with the speed with which he accomplished these investigations in his first 45 days in his position—a time during which there were multiple other demands on his time and energies. We are also satisfied that the discipline imposed was appropriate given all the circumstances.

Since the filing of our First Report, arbitrators ruled largely in favor of one full-time and one part-time officer who had been suspended since 2000. Both officers have since returned to the Department. Also, principally in response to issues the Monitor raised based upon our review of the first set of videotapes and the accompanying paperwork, Chief Hertman placed letters of instruction in personnel files and imposed discipline—ranging from a letter of reprimand to forfeiture of three vacation days and forfeiture of three tours of duty—on nine officers and two sergeants.

¹⁰ We have read on several occasions in the Middletown *Times Herald-Record* assertions by members of the Department and, on one occasion, by an outside union official that no discipline arose out of the Attorney General's investigation and implying that there had been no policing abuses in Wallkill. While we are not at liberty to provide the details, we can state unequivocally: (1) Disciplinary charges involving serious misconduct uncovered by the Attorney General's investigation were brought; and (2) Serious discipline was imposed for that misconduct. We make this point because we consider it counterproductive to the definite progress the Department is making for members of the Department to deny the existence of abuses during the term of Chief Coscette. The failure to learn from mistakes of the past increases the risk of repetition of those mistakes in the future. In this instance, however, that risk is offset by the fact that the Town and the Chief accept the fact that serious misconduct occurred—even if some members of the Department contend to the contrary—and are diligently pursuing the measures set forth in the Consent Decree to prevent a repetition of that illegal, unconstitutional and abusive conduct.

IV. Oversight Activities

Complaints. Key allegations in the Attorney General's suit concerned the absence of an effective method for the public to file a complaint of officer misconduct with the Wallkill Police Department and, if such a complaint were accepted, the absence of any mechanism for a diligent, unbiased investigation. The Consent Decree created access for civilian complaints and a mechanism for investigating and resolving them. See ¶¶33-42. In our First Report we discussed the multiple defects in procedures we found concerning the handling of civilian complaints and the failure by Chief Beairsto to make initial determinations of the validity of those complaints. The failure to act on these complaints led to the Monitor's serving the Town with a Notice of Non-Compliance, the sole such notice issued against it. Sergeant Walsh, in his capacity as Member-in-Charge while the Department was between Chiefs, cured the non-compliance, obviating the need to officially advise the Court of the Town's non-compliance.

Our First Report detailed a number of problems in the handling of the complaints, specifically:

- Failure to classify a complaint as a complaint;
- Failure to send required notifications to the complainants and the Town Board;
- Failure to create appropriate documentation;
- Failure of the Chief to make the initial determinations of the complaints;
- and
- Less-than-desirable objectivity in consideration of complaints.

These issues have not recurred since Chief Hertman assumed command, with the following limited exceptions. We were required to prompt the Chief with respect to notifications of complainants (concerning 2001 complaints that were made before his arrival), necessary notifications to the Town Board, and the need to date and initial complaint logbook entries. Once prompted, the procedures have been handled properly.

It is noteworthy that the Department has successfully gotten the word out to the public that complaints will be received, investigated and acted upon. In accordance with the terms of the Consent Decree that require such a public meeting once a year, Chief Hertman used a portion of the locally televised Town Board meeting on March 28 to publicize the procedures for filing civilian complaints. Both at the meeting and by press release, the Chief announced a 24-hour hotline telephone number and a 24-hour fax line—each of which he monitors—where complaints could be directed. A sign with that information was posted by the window through which members of the public talk to the dispatcher at the front desk. In his oral presentation Chief Hertman provided examples of common types of complaints, let people know that their complaints would be acknowledged in writing, and assured them that they would be thoroughly and fairly investigated. Additionally, the recently updated Reference Guide to the Town of Wallkill that is widely circulated to Town residents prominently lists the civilian complaint hotline number in the section of the guide dealing with police services.

For most of 2001—when the Department was having difficulty complying with the complaint provisions of the Consent Decree—the Department logged in 12 complaints.¹¹ In the first three months of 2002—preceding the Town Board meeting on

¹¹ The relevant Consent Decree provisions did not become effective until July 4, 2001, but the logging in of complaints began following a memo from Chief Beirsto in February, 2001. Three of the 12 complaints

March 28—the Department received four complaints. In the following three and one-half months, the Department logged in 20 complaints. Significantly, five of those 20 complaints concerned events that had occurred in past years, ranging from 1998 to 2001.

Despite the publicity for the complaint hotline and fax, only one complaint was received on the hotline answering machine and none on the fax. The overwhelming majority of complaints were received at the Department’s main telephone number. While the volume of documented complaints has risen dramatically, we do not believe that that increase is caused by an increase in problematic behavior by Department personnel. Although we do not know for certain, we suspect that what has most changed is that when anything that seems to be a complaint is received, it is now documented by the dispatcher and sergeant on duty, referred to the Chief, logged in, and investigated. We believe—based both on our observations in the first six months of the monitoring and on the findings of the Attorney General’s investigation—that in the past complaints were rejected, ignored, and indifferently followed up on.¹²

If nothing else, the high number of recent complaints that were properly logged in strongly suggests that the culture of the Department has been changed in this respect. In addition, the public may be more willing to file complaints based upon the Department’s expressed willingness, in its publicity, to receive them, and its more welcoming receipt of

listed in the complaint logbook were not treated as complaints until the Monitor directed that they be treated as such. By contrast, the Monitor has not been required to make any such directions in 2002.

¹² Our belief is supported by one of the 20 complaints logged in after the March 28 public meeting. The complaint had originally been received in August, 2001. Contrary to the requirements of the Guidelines, the then-Chief did not log in the complaint. A sergeant investigated the incident and sent his findings to Chief Beairsto who failed to act on it. The complaint came to Chief Hertman’s attention at a meeting when the supervisors were discussing how to deal with similar recent behavior of the same officer. After conferring with the Monitor, Chief Hertman logged the case in and reopened the investigation to ensure its completeness.

actual complaints when they come in. Strange as it may seem, the dramatic increase in complaints is a sign that things have improved, in that the increase seems to be the result of improved handling of citizen concerns rather than a deterioration in departmental behavior (particularly since one quarter of the recent complaints involve incidents one to four years old). We also see the increase as one of the many vindications of the Attorney General's intervention in Wallkill.¹³ Too many complaints in the past were rejected or ignored. Were it not for the Consent Decree, we suspect that many of the complaints made in the last few months would never have been made or, if made, would not have been processed appropriately.

Six of the 24 complaints received thus far in 2002—one quarter of the total—involved one dispatcher, who recently resigned her position after many years with the Department. She resigned after being served with disciplinary charges involving the refusal to take action in response to a call from a woman with an order of protection who had just been harassed by the person against whom the order of protection had been issued. Seven of the 24 involved an allegation that the officer or dispatcher failed to take appropriate action. Five involved an allegation of rudeness by an officer or a dispatcher. Two complaints involved allegations of excessive force resulting in minor injuries—with each of those incidents having occurred in 2001.

While many of the disturbing problems concerning complaints that we identified in our First Report have been fixed, a serious timeliness problem remains. The complaints are not generally being determined within 60 days from the date the

¹³ We should also point out that the problem of properly handling citizen complaints is extremely widespread in law enforcement agencies. We, therefore, do not want to give the impression that Wallkill is particularly notorious in this respect.

complaint was filed, barring the need for an extension. See Rule 9.6(b). In our view, which we have communicated to the Chief and which the Chief accepts, routine cases should be investigated and determined within 60 days. Most of the complaints are simple matters with a small number of witnesses and a limited number of avenues to investigate. It should be very rare that such a case is not investigated, with a final determination made, within two months' time. The public has a right to expect prompt—as well as thorough and fair—treatment of its complaints. Resolving such matters promptly is one of many ways that a law enforcement agency can demonstrate its responsiveness to the community, as well as vindicating officers' interest in prompt determinations. And if the resolutions are also fair, completing these matters promptly will increase the Department's credibility and standing in the community.

We have been closely monitoring the investigations of civilian complaints, and will continue to do so. We expect that, barring good cause, routine cases will be investigated and determined within the 60 days allowed by the Best Practices Guidelines.¹⁴

Stops/Paperwork. In our First Report we documented a long list of problems relating to stops: e.g., early termination of videotaping, persistent failure to activate the microphone, virtually universal deficiencies in completing stop reports, underreporting in daily activity logs, and failure by the sergeants to document their reviews of videotapes. In reviewing videotapes from April and May, 2002, and the paperwork related to those

¹⁴ If the volume of complaints continues at anywhere near its current rate, the failure to complete investigations within 60 days could lead to a serious backlog in resolution of such complaints. Such a development would damage the Department's credibility and undermine the intent of the complaint provisions of the Guidelines.

tapes, we observed significant improvement in some, and more modest improvement in other, of these areas.

With respect to complete video and audio taping of stops and other activity required to be taped by departmental policy, the progress has been substantial. The deviations from policy are much less frequent than in the tapes we reviewed for the First Report. The improvement is particularly noticeable in the activation of the microphones. Where before, officers routinely failed to turn on their microphones, or to leave them on during the entire stop, the failures to do so are relatively rare. When officers either have microphone problems, or occasionally forget to turn them on, those facts are often noted on their stop reports. The emphasis the Department has placed upon compliance with these requirements, including the mild but appropriate discipline imposed by the Chief for the tape-related violations observed by the Monitor in connection with the First Report, have clearly been effective in gaining compliance. Compliance with video and audio taping requirements is quite high on car stops—which taping is required by the Consent Decree. The taping of the considerably less frequent pedestrian stops, which is called for by departmental policy but not the Consent Decree, is less consistent.

In response to the issues raised by our earlier tape reviews, Chief Hertman learned that the taping mechanisms in the patrol cars were activated when the roof lights were turned on, only if a switch—which the officer could control—was in the “on” position. The fact that the officers’ control of this switch could deliberately or mistakenly prevent the tape from being activated despite the roof lights being activated was apparently unknown to Chief Beirsto, who explained how the system worked to Judge McMahon, the Monitor, and the Attorney General’s office before and at the September 5, 2001,

status conference before Judge McMahon. He had said that the activation of emergency lights automatically activated the taping mechanism. When Chief Hertman learned that that was true only when a power switch that the officer could control was turned on, he arranged for the alteration, at considerable expense to the Town, of the system to conform to Chief Beairsto's (and other interested parties') initial understanding. It is impossible to know how much of the increased compliance with the taping requirements resulted from this mechanical change, but it clearly played a helpful role.

The activation, and continued activation, of the microphone was a considerably more persistent problem when the taping system was first introduced. Officers have to switch the microphone on to activate it. When the taping started last October, officers often forgot to turn the microphone on at the beginning of stops. But, in addition, they often switched the microphone off when they returned to their cars to write tickets and run computer checks on licenses and then failed to re-activate the microphone when they returned to the stopped car for the second time. Since the Guidelines (Rule 20.6[a][2]) are explicit that the entire encounter be recorded, the officers should not be turning the microphones off when they return to their cars in the middle of the stop. Based upon the recent observations, the officers now clearly understand that. Nonetheless, to avoid inadvertent failures to activate the microphones, Chief Hertman has purchased—again at considerable expense to the Town—voice-activated microphones that will switch on at the sound of a voice and remain on until switched off, or until the entire taping mechanism is turned off. Installation of this upgraded system is awaiting the imminent approval of the system from the Federal Communications Commission. The vendor has

told the Chief that Wallkill will be the first department in the country to receive its voice-activated microphones.

While the Department has obtained upgrades of the taping system that improves its reliability, the vendor has yet to solve the problem of the tapes briefly recording events out of sequence, which results in a later event briefly being taped over an earlier recorded event. Based upon numerous observations, Chief Hertman and we are certain that the out-of-sequence recording is caused by a mechanical malfunction rather than any tampering. Chief Hertman, with our active encouragement, has insistently and persistently pursued the vendor on this matter. Although the vendor does not suspect tampering, it went to considerable lengths in a somewhat confusing letter to the Chief to avoid admitting that a mechanical defect is the cause of the problem. At Chief Hertman's insistence, the vendor will be sending technicians to Wallkill on August 1 to examine the taping systems and to try to fix the problem. Although we have yet to observe an encounter where this defect obliterated a crucial portion of a stop, it is only a matter of time before that happens. It thus is important to fix this problem. Considering the tens of thousands of dollars the Town has spent on these systems, it certainly is entitled to have a system that works as it should.

In January of this year the Department introduced a newly-designed stop report that specifically provided spaces or boxes to check that cover all the information required by the Guidelines. The previous stop report had simply listed all the information that was required by the Guidelines and then provided many lines of blank space to fill in names, addresses, dates of birth, race and gender information, the basis of the stop, whether a frisk or a search occurred, and other related information. Not surprisingly, using the old

form, there was considerably more breach than observance of these information requirements. Using the new form, officers now regularly provide most of the required information.¹⁵ Formerly, they regularly *omitted* most of the required information.

Notwithstanding that impressive turnaround, compliance is weakest with respect to setting forth the factual basis for the stop, arguably the most critical piece of information on the form. The most common problem is conclusory, non-descriptive entries such as “speed in zone” and “suspicious vehicle.”¹⁶ We have emphasized to Chief Hertman that we expect the sergeants to determine, before signing the stop reports, whether they lay out constitutionally valid *facts* that justify a stop. If not, the sergeants are required by the Guidelines (Rule 33.3[c]) to refer the deficient report to the Chief. The Chief is then required (see Rule 33.3[d]) to determine in writing what disciplinary or remedial measures are appropriate and to place a copy of his written decision in the officer’s personnel file. These provisions concerning the review of stop reports have not been being complied with. We have made it clear orally, and now in writing, that we expect consistent compliance with these requirements in the future.

In our First Report, we noted that officers significantly underreported patrol activity on their daily activity logs. That problem continues, much more for some officers than others. For example, one officer consistently lists most of his activities as “I/S” or “in service,” a fact which is self-evident when an officer is on duty, but which provides no detail of the events in question. A persistent problem is the failure to account

¹⁵ The Department needs, however, to address the undesirable inconsistency in how the forms are completed.

¹⁶ We have observed occasional Stop Reports that provide no basis whatsoever for the stop. One such report involved a black motorist. Had he filed a claim that he was stopped for discriminatory reasons, the Department’s own form would have supported a claim that he was stopped for “driving while black.”

for all eight hours of a shift. Gaps of more than an hour are relatively infrequent, but not infrequent enough. We have made clear to the Chief that we expect the entire tour to be accounted for. At present the only consistency between the ways the officers complete their logs is the inconsistency of the ways they do so. Chief Hertman is preparing a memo that lays out in detail what is expected in the logs—expectations that the sergeants will be expected to insist on before they sign off on the logs.

We learned recently that some sergeants send paperwork that they find insufficiently filled out back to the officer in question with a note explaining what additional or different information needs to be provided. While we applaud and encourage the sergeants' refusal to accept deficient paperwork, the practice has been to discard the correcting note once the change has been made. There thus is no record of these requests, nor of patterns (if any) of defective paperwork. Chief Hertman has stated that he will determine with the sergeants how best to preserve records concerning the required corrections and additions to paperwork so that persistent deficiencies can be addressed more systemically.

Less than two weeks after Chief Hertman assumed his position, we advised him in writing that, contrary to the practice until then, sergeants were required to complete daily activity logs and stop reports. No action to have the sergeants complete these forms was taken until May 8 when Chief Hertman reviewed our prior communication. While regrettable that our admonition was not acted upon for three months, this slip-up reinforces our view that the Chief needs to have a second-in-command. There simply is too much for one person to do. More regrettable is that the sergeants' paperwork contains many of the same deficiencies found in the officers' paperwork. The sergeants'

initial daily activity logs were far too sparse with their information. When the Chief indicated that they were insufficient, they improved. Nonetheless, they still lack all the required information, and the sergeants are not consistent with each other in their practices. For example, a sergeant filed out a stop report—returned to him by the Chief—that in its entirety listed the factual basis for the stop as “suspicious activity.” Such problems suggest an urgent need for training.

We noted in our First Report that we had only advised the Town and the Department of the deficiencies we had found in our review of the first set of videotapes shortly before that report was written. We thus said that we would comment on the remedial steps taken by the Department in our next report. In addition to some of the measures discussed above, Chief Hertman began in April to require each sergeant to review one videotape in its entirety each month, together with the associated daily activity logs and stop reports. Some sergeants have documented a few matters that need improvement and correction from their reviews. Two sergeants, however, have reviewed four and three tapes, respectively, and have not noted one single item beyond certain equipment malfunctions, such as defective microphones or camera malfunctions. Although, by happenstance, we have not yet reviewed a tape that a sergeant has also reviewed, we advise each of the sergeants that we intend in the future to review at least one tape previously seen by each of them. Since we find multiple matters in need of correction and improvement on every full-length tape we have watched, we suspect that our scrutiny of the tapes is somewhat more thorough than that of the sergeants. The tapes provide an excellent supervisory tool that the sergeants should use on matters relating to officer safety and general procedures, as well as matters covered by the Consent Decree.

In May the PBA raised the concern that obtaining the names, addresses, dates of birth, gender, and race of the passengers in stopped cars violated those persons' Fourth Amendment rights. The Town's attorney referred the issue to the Attorney General's office which recently responded that it did not believe that merely asking passengers for identity information violated their rights. The Attorney General's office added, however, that there is no way an officer can compel a passenger to provide identity information. Chief Hertman cautioned the members of the Department in a memo that they do not have the authority to detain a passenger in a car or a witness solely to obtain identifying information. If a person refuses to provide such information, the refusal should be noted on the stop report.¹⁷ In such instances, the gender and race or ethnicity of those passengers, as observed by the officer, should also be noted on the report.

In reviewing videotapes and stop reports, we became aware that some officers were asking for driver's licenses from passengers in cars stopped for traffic infractions and were then doing computerized "file checks" on those passengers. At least two passengers were arrested when such a check revealed a warrant. In response to this information being brought to his attention, Chief Hertman advised the Department by memo that "file checks" are not to be conducted on a passenger in the absence of a valid articulable reason for doing so. In that event, the basis upon which the file check was conducted must be reflected on the stop report.

In the course of our review for this report, we came across what may, upon further investigation, turn out to be a systematic pattern by one officer, beginning in April, of pulling over vehicles on dubious grounds. If this pattern in fact exists, and if it proves to

¹⁷ This same issue came up last fall and Chief Beairsto gave the officers the same direction.

be against policy or unlawful, it would constitute the first sign we have seen in our year of monitoring the Wallkill Police Department of behavior at all similar to the conduct that brought the Department national notoriety and led to the necessity of the Attorney General's lawsuit.¹⁸ If ultimately established to have occurred, it will also be troubling that this possible pattern of questionable stops continued for three months, apparently unnoticed by the Department's supervisors. The Department, which is charged with supervising the activities and documentation of its officers on a daily basis, should have identified this apparent pattern and brought it to our attention, rather than vice-versa.

The foregoing demonstrates the urgent need for upgrading the sergeants' supervisory skills and developing their effectiveness as supervisors. But most importantly, the failure to create systems that would identify and respond to a developing pattern of overly aggressive activity lies on the Chief's doorstep. It is he who is responsible for effective supervision in the Department, regardless of any extenuating circumstances. Other things can go by the wayside because he does not have the second-in-command that he needs to deal with all his responsibilities, but taking effective steps to prevent abusive policing can never be relegated to the back burner. We await the results of the thorough investigation the Chief has promised. We put the Chief, the Department, and the Town on notice that a failure either to properly respond to our concerns about this apparent pattern of activity, or to nip any future pattern in the bud, will cause us to consider all the remedies available to us under the Consent Decree.

Early Warning System. The Consent Decree requires the creation of a computerized information system that will track Department and member activity

¹⁸ Our discussion of this situation is necessarily tentative. It is the Chief's job, and not the Monitor's, to investigate and determine whether the pattern in fact exists and, if so, what to do about it.

concerning arrests, stops, searches, pursuits, complaints, commendations, training, discipline, counseling, civil suits, findings of misconduct, criminal charges against officers, and evidence handling.¹⁹ Consent Decree at ¶44; see also Rule 33.6. The Chief and the Town Board are required on a quarterly and cumulative basis to use the information from the computerized information system, together with reports filled out by the officers, videotapes and complaints filed, to try to identify employee problems before they result in discipline. Consent Decree, at ¶44(d),(e); Rule 12.1. Members whose conduct does not conform to the Guidelines, or whose evaluations show the need for improvement, are to be referred to early intervention services, consisting of specified training and counseling. Rules 7.1(i); 12.1-12.2.

The early warning process revolves around information that is collated and organized by a computer system, but at the end of the first quarter of this year, the Department had not yet obtained its new police information system, known as IMPACT. Nonetheless, Chief Hertman conducted a limited non-computerized trial run of portions of the early warning process shortly after the end of the quarter, as contemplated by the Consent Decree. The trial run was geared to a great extent to identify both the types of reports that the software system would have to produce and the specific information that would have to be inputted.

After many delays—some caused by the Department under Chief Beairsto and some caused by the vendors—IMPACT became operational in late May. As a result of the trial run, Chief Hertman had asked for and obtained a number of specialized reports and data fields that will be necessary to the effective organization of information for the

¹⁹ In addition to the categories tracked pursuant to the Consent Decree, the Chief also tracks requests for emergency excusals. Three such excusals within a six-month period trigger intervention.

early warning process. He arranged for entering all complaint, lawsuit and misconduct data into the system, going back to 1990, so that that information would be on line by the end of July for the Town Board and the Chief to conduct the first full run-through of the early warning process.

This process will provide the Town with an effective risk management system that will decrease the likelihood of conduct that results in lawsuits and liability. The system is also intended to aid officers to change problematic behavior before it results in serious discipline. After the first full run-through, we will be carefully looking at whether the process is conducted in a meaningful way, whether the early intervention services that are determined to be warranted for members of the Department are properly identified and effectively and promptly delivered, and whether the process can be improved so that it further benefits both the Town and the affected members of the Department.

Evaluations. The Department's sergeants, officers and dispatchers were all evaluated in March. The Chief evaluated the sergeants, and the sergeants evaluated the officers and dispatchers. Dispatchers had apparently never been evaluated before, and doing so was not specifically called for by the Consent Decree. Chief Hertman nonetheless correctly realized the importance of initiating dispatcher evaluations, based upon the important role they play in the Department's business and their crucial interaction with the public.²⁰

We read all of the evaluations, and found the ones done by the Chief to be quite good, in that they straightforwardly addressed problems so that the sergeants knew where

²⁰ The fact that one dispatcher—since resigned—accumulated one quarter of the personnel complaints thus far in 2002 is one indication of the wisdom of evaluating dispatchers.

they stood and knew the areas in which they should seek to improve. By and large, the evaluations done by the sergeants were less straightforward and therefore less helpful to both the Department and the employee, who was given far fewer indications of the areas in need of improvement. The Chief reviewed all the evaluations after they were provided to the employee for review. We suggested, and the Chief agreed, that during the next round of evaluations in September, he will review the evaluations completed by the sergeants in advance of the evaluation being presented to the employee. That way, if there are aspects of the evaluation that the Chief thinks can be improved, he can provide his input at a time when it will make a difference and when it will be communicated to the employee.

V. Relations with Other Law Enforcement Agencies

One of the clear signs of the Wallkill PD's problems that led to the Consent Decree was the complaints from other law enforcement agencies about its lack of cooperation and its unprofessional police practices. The two agencies with the most contact with the Wallkill Department—the New York State Police and the Orange County District Attorney—were prominent among those gravely concerned with the conduct of the Department. Today, both offices have a productive and relatively problem-free working relationship with the Wallkill PD. The same is true of the two Town Justices in Wallkill and the Orange County Sheriff's office. We are not aware of complaints from any other law enforcement agencies.

The Consent Decree requires the Wallkill PD to contact the State Police concerning all incidents that may involve felonies to determine which of the two agencies

should handle them. Homicides must be referred to the State Police, and sex crimes involving victims under the age of 19 must be referred to a specialized task force.

Consent Decree at ¶26.

Chief Beirsto and commanders from Troop F of the State Police jointly drew up a broad list of crimes, including virtually all felonies, that would be automatically turned over to the State Police. The hope was that the list and a short protocol of procedures relating to notification and division of responsibilities would be memorialized in a formal memorandum of understanding between the Wallkill PD and the State Police. Counsel for the State Police, however, was reluctant to authorize a formal understanding, but had no objection to a written, but informal, agreement between the Chief of the Wallkill PD and the Troop Commander. Chief Beirsto was not able to complete the process of obtaining a written protocol with the State Police, and Chief Hertman has yet to do so. Obtaining a written protocol (whether conforming to the draft Chief Beirsto participated in drawing up, or some other formulation), agreed to by both parties, needs to be a priority.

The Wallkill officers remain extremely unhappy with having to turn over to the State Police low-level felonies that require no investigation. Chief Hertman has mitigated that unhappiness slightly by coming up with special details that deal with recurrent problems, such as Friday night drag racing and quality of life initiatives in two small areas of the town that have requested increased enforcement. The drag racing details were joint operations with the State Police and the Sheriff's office, providing an opportunity to build positive relations between the agencies.

Chief Hertman took steps in his first month in the job to improve the court appearance notification system, to avoid cases being postponed or dismissed because of an officer's nonappearance. On cases prosecuted by the District Attorney, officers are fulfilling their appearance obligations. On traffic infractions, which are not handled by the District Attorney, the officers' appearance rate has improved in the past few months, but has room for considerably greater improvement. Chief Hertman is working out a procedure by which the Wallkill court staff will notify the Department of officers who do not appear on traffic tickets so that those officers will be held accountable if they failed to appear without good cause.

Conclusion

In the past six months, the Town's new leadership and their choice for Police Chief have brought significant progress to the Wallkill Police Department. Robert Hertman is a professional, energetic, and respected Chief. The Town and the PBA have agreed upon a new collective bargaining agreement that dramatically increases officers' and sergeants' pay, bringing it to a fair level that will allow recruitment of qualified officers. Much of the implementation of the provisions of the Consent Decree is proceeding relatively smoothly, if often more slowly than ideal.

The Monitor's expectations of the Town and the Department in the next six months are:

- Adherence to the principles of constitutional, respectful policing, and credible discipline for violations of those principles.
- Speedy hiring of an excellent second-in-command for the Department.

- Appointment of a fifth sergeant, and upgrading the sergeants' supervisory skills and their understanding of their role.
- A net increase of at least six qualified police officers.
- An expanded and reputable police station by September in the current Town Hall and concrete plans and funding for an improved and larger permanent home for the Department.
- Generally determining civilian complaints within 60 days, while achieving and maintaining quality investigations.
- A written protocol with the State Police concerning the types of cases to be turned over to the State Police, and the procedures to be followed in doing so.
- More straightforward evaluations of the Department's officers and dispatchers.
- Conscientious review and oversight by supervisors of the videotaping process.
- Speedy workable solutions to the mechanical defects in the videotaping system.
- Full and consistently prepared documentation of officers' activities, and effective supervisory review of all paperwork.
- Effective use of the early warning process and creative uses of early intervention services.