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Thursday, December 23, 2010

### Beacon, New York, Police Department Enters into Agreement with the United States to Reform Its Policies and Practices

NEW YORK – The Justice Department announced today an agreement with the Beacon, N.Y., Police Department (BPD) to resolve the department’s investigation of the BPD, in accordance with the Violent Crime Control and Law Enforcement Act of 1994. That law authorizes the attorney general to file suit to reform police departments that may be engaging in a pattern or practice of violating citizens’ federal rights.

"Communities must be able to trust their police departments to protect and promote public safety," said Assistant Attorney General for the Civil Rights Division Thomas E. Perez. "This agreement will ensure that residents of Beacon can feel confident that their police department will always act in their best interest and will improve the department’s operations that will protect the community."

"We are pleased that the Beacon Police Department has concluded a cooperative effort to improve its policies and procedures regarding use of force, review of officer conduct and citizen complaints so that they may better protect all of the people of Beacon," said U.S. Attorney for the Southern District Preet Bharara. "We will continue to monitor and enforce the civil rights laws."

Today’s agreement concludes the investigation without any finding that the BPD violated the law, but implements a series of reforms and improvements designed to improve the operation of the BPD. On June 21, 2005, and Nov. 14, 2008, the department’s Civil Rights Division Special Litigation Section and the U.S. Attorney’s Office issued technical assistance letters to the BPD. The agreement, signed today by the department, implements those recommendations. Under the terms of the agreement finalized today, the BPD has agreed to, among other things:

- Revise its use of force policy to emphasize verbal de-escalation techniques, and specifically prohibit the use of the carotid hold absent exigent circumstances;
- Specifically limit the type of ammunition allowed and mandate the exact amount of ammunition officers must carry;
- Revise its OC spray policies to ensure that OC spray is appropriately used and that all uses are reported;
- Revise its policies requiring the review and/or investigation of all uses of force, beyond

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unresisted handcuffing, to be consistent as to the requirements for investigation and review of uses of force;

- Develop standards for its vehicle pursuit/roadblock policy to clarify the circumstances in which pursuits should be authorized;
- Implement a formal, structured, and consistent system for handling complaints from members of the public;
- Create a policy development committee and, where appropriate, seek input from the community on new policies; and
- Develop a risk assessment and management system that will examine and review officer conduct on a regular basis as a proactive measure to minimize and detect misconduct, and to identify training and policy issues.

The agreement will remain in place for two years, provided that the parties agree that the BPD has maintained substantial compliance with its terms.

The relevant provision of the Violent Crime Control and Law Enforcement Act of 1994, known by its statutory provision as "Section 14141," requires the Department of Justice to focus on systemic problems in police departments rather than individual, isolated problems. The department may enforce the statute through the filing of a federal court complaint or, as here, by voluntary compliance agreement.

Special Litigation Section Trial Attorney Cathleen Trainor and Assistant U.S. Attorney David J. Kennedy of the Southern District of New York are handling the case.

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