



City of Newburgh Council Work Session
*Sesion de trabajo del Concejal de la
Ciudad de Newburgh*
February 18, 2021
6:00 PM

Council Meeting Presentations

1. Fire Chief Swearing-in Ceremony
2. Public Hearing - Community Choice Aggregation
There will be a public hearing on Monday, February 22, 2021 to receive comments from the public concerning "A Local Law adding Chapter 156 to the Code of Ordinances of the City of Newburgh entitled 'Energy' and enacting Article I entitled 'Community Choice Aggregation Energy Program'".
3. Public Hearing - Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for FY2020
There will be a public hearing on Monday, February 22, 2021 to receive public comments concerning the FY2020 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER).

Work Session Presentations

4. Multiyear Financial Plan 2021-2024
5. Mayoral Presentation on Black History Month

Engineering/Ingeniería

6. Master Federal Aid Agreement for PIN 8761.39 Lake Drive/Quassaick Creek Bridge Replacement BIN: 2223630
Resolution authorizing the City Manager to execute a Master Federal-Aid Local Project Agreement with the New York State Department of Transportation to fund in the first instance 100% of the federal aid and non-federal aid eligible costs for the construction of the Lake Drive Over Quassaick Creek Bridge Replacement Project (PIN8761.39/BIN223630)
7. Master Federal Aid Agreement for PIN 8761.40 Walsh Road/Quassaick Creek Bridge Replacement BIN: 2223620
Resolution authorizing the City Manager to execute a Master Federal-Aid Local Project Agreement with the New York State Department of Transportation to fund in the first instance 100% of the federal aid and non-federal aid eligible costs for the construction of the Bridge Replacement of Walsh Road over Quassaick Creek (PIN 8761.40/BIN 2223620)

Planning and Economic Development/Planificación y Desarrollo Económico

8. 162 South Street & 187 Lander Street - Extension of Time to Close

Resolution authorizing the extension of time to close title on the properties located at 162 South Street (Section 11, Block 3, Lot 21) and 187 Lander Street (Section 11, Block 3, Lot 26) sold at private sale to Nicole Chung

Grants/Contracts/Agreements / Becas /Contratos/Convenios

9. Subrecipient Agreement - Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (CDBG-CV3) Project, Food Security in the City of Newburgh In Response to the Coronavirus - Newburgh Urban Farm and Food

Resolution authorizing the City Manager to enter into a Community Development Block Grant (CDBG-CV3) Sub-recipient Grant Agreement in the amount of \$25,000.00 with Newburgh Urban Farm and Food, Inc. for the allocation of Coronavirus Aid, Relief, and Economic Security Act funding to support food distribution programs and services

10. Subrecipient Agreement - Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (CDBG-CV3) Project, Food Security and Emergency Income Payments in the City of Newburgh In Response to the Coronavirus - Catholic Charities Orange, Sullivan, Ulster

Resolution authorizing the City Manager to enter into a Community Development Block Grant (CDBG-CV3) Sub-recipient Grant Agreement in the amount of \$30,000.00 with Catholic Charities of Orange, Sullivan & Ulster for the allocation of Coronavirus Aid, Relief, and Economic Security Act funding to support food distribution programs and services

11. Subrecipient Agreement - Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (CDBG-CV3) Project, Food Security in the City of Newburgh In Response to the Coronavirus - Newburgh Armory Unity Center (NAUC)

Resolution authorizing the City Manager to enter into a Community Development Block Grant (CDBG-CV3) Sub-recipient Grant Agreement in the amount of with the Newburgh Armory Unity Center, Inc. for the allocation of Coronavirus Aid, Relief, and Economic Security Act funding to support food distribution programs and services

Police Department

12. Ownership Transfer & Donation Acceptance

Resolution declaring surplus one 1991 International Armored vehicle (VIN#1HTSCNMP3MH361897) and authorizing disposition to Motorcyclepedia Inc. and the Gerald A. Doering Foundation and accepting a donation of one 2020 Harley Davidson police package motorcycle (VIN# 1HD1FMP16LB6677168 from Motorcyclepedia Inc. and the Gerald A. Doering Foundation

Discussion Items/Temas de Discusión

13. NYS Executive Order 203 - Final Report

Executive Session/ Sesión Ejecutiva

14. Proposed, pending or current litigation

RESOLUTION NO.: 24 - 2021

OF

FEBRUARY 8, 2021

RESOLUTION SCHEDULING A PUBLIC HEARING FOR FEBRUARY 22, 2021
TO HEAR PUBLIC COMMENT CONCERNING "A LOCAL LAW ADDING
CHAPTER 156 TO THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH
ENTITLED "ENERGY" AND ENACTING ARTICLE I ENTITLED "COMMUNITY
CHOICE AGGREGATION ENERGY PROGRAM"

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning "A Local Law adding Chapter 156 entitled 'Energy' and enacting Article I entitled 'Community Choice Aggregation Energy Program' to the Code of Ordinances of the City of Newburgh"; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 22nd day of February, 2021; and

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council will not be meeting in-person. In accordance with the Governor's Executive Order 202.1, as amended, the February 22, 2021 City Council meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed local law as follows:

To view the livestream of the City Council Work Session and Meeting visit:
<https://www.cityofnewburgh-ny.gov/live-video-streaming>.

To access the City Council Work Session and Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App:
https://zoom.us/webinar/register/WN_Ls3H6j2fRkKCKoMbhsaLLw. Please note that there is an underscore between the "N" and "L").

To register in advance for this webinar in order to provide comments during the hearing:
https://zoom.us/webinar/register/WN_Ls3H6j2fRkKCKoMbhsaLLw. Please fill out the required information (First Name, Last Name, E-mail Address). After registering, you will receive a confirmation email containing information about joining the webinar.

Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov with the Subject Line in this format: "PUBLIC HEARING ITEM" by 4:00 p.m. on Monday, February 22, 2021. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

I, Lorene Vitek, City Clerk of the City of Newburgh,
hereby certify that I have compared the foregoing with the
original resolution adopted by the Council of the City of
Newburgh at a regular meeting held 2/8/21
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of
Newburgh this 9 day of Feb 20 21

City Clerk

RESOLUTION NO.: 25 - 2021

OF

FEBRUARY 8, 2021

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT OF
CLAIM WITH JUSHAWN STEVENS IN THE AMOUNT OF \$12,500.00

WHEREAS, Jushawn Stevens brought a claim against the City of Newburgh; and

WHEREAS, parties and the City have reached an agreement for the payment of the claim in the amount of Twelve Thousand Five Hundred and 00/100 Dollars (\$12,500.00) in exchange for a release to resolve all claims among them; and

WHEREAS, this Council has determined it to be in the best interests of the City of Newburgh to settle these matters for the amount agreed to by the parties;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager is hereby authorized to settle the claim of Jushawn Stevens in the amount of Twelve Thousand Five Hundred and 00/100 Dollars (\$12,500.00) and that the City Manager be and he hereby is authorized to execute documents as the Corporation Counsel may require to effectuate the settlement as herein described.

I, Lorene Vitek, City Clerk of the City of Newburgh,
hereby certify that I have compared the foregoing with the
original resolution adopted by the Council of the City of
Newburgh at a regular meeting held 2/8/21
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of
Newburgh this 8 day of Feb 2021

City Clerk

LOCAL LAW NO.: _____ - 2021

OF

_____, 2021

**A LOCAL LAW ADDING CHAPTER 156 TO THE CODE OF ORDINANCES
OF THE CITY OF NEWBURGH ENTITLED “ENERGY” AND ENACTING
ARTICLE I ENTITLED “COMMUNITY CHOICE AGGREGATION ENERGY PROGRAM”**

BE IT ENACTED, by the Council of the City of Newburgh, New York that Chapter 156 “Energy” be and is hereby added and enacted as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law adding Chapter 156 entitled ‘Energy’ and enacting Article I entitled ‘Community Choice Aggregation Energy Program’ to the Code of Ordinances of the City of Newburgh”.

SECTION 2 - AMENDMENT

The Code of Ordinances of the City of Newburgh is hereby amended to add new Chapter 156 entitled “Energy”, Article I entitled “Community Choice Aggregation Energy Program” to read as follows:

ARTICLE I. COMMUNITY CHOICE AGGREGATION ENERGY PROGRAM

§ 156-1 Legislative findings, intent and purpose; authority.

- A. It is the policy of both the City of Newburgh and the State of New York to reduce costs and provide price certainty for the purpose of consumer protection and economic development, to expand access and opportunities for consumers in retail energy markets, as well as to promote the sustainability and resilience of energy systems through the proliferation of renewable energy, energy efficiency, and distributed energy resources (“DER”, as defined in this Chapter). Among the initiatives that may advance these objectives in New York is Community Choice Aggregation (“CCA”), which is a policy that empowers local governments to determine the source of electricity and/or natural gas supply on behalf of its residents and small businesses, reflecting local resources, priorities, and challenges. Energy delivery remains the responsibility of the distribution utility.
- B. The purpose of CCA is to allow participating local governments to procure energy supply service for eligible consumers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing distribution utility.

This Chapter establishes the authority for the City of Newburgh, in connection with the implementation of a CCA program, to acquire utility data, to select, through a competitive solicitation, energy supplier(s) on behalf of default consumers within the jurisdictional boundaries of the City of Newburgh, and to maximize value for participating consumers through enhanced services related to DER. The City of Newburgh may choose to collaborate with other local governments to form an intermunicipal program. As a result, consumers will have the opportunity to lower and stabilize their energy costs, to spur local clean energy innovation and investment, and to reduce their environmental impact; thereby fulfilling the purposes of this Chapter and fulfilling an important public purpose.

- C. The City of Newburgh is authorized to implement this Community Choice Aggregation Program pursuant to Section 10(1)(ii)(a)(12) of the New York State Municipal Home Rule Law; and consistent with State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued April 21, 2016) as may be amended, including subsequent orders of the Public Service Commission (PSC) issued in connection with or related to Case No. 14-M-0224, to the extent that orders related to Case No. 14-M-0224 enable actions by the municipality.
- D. This Chapter shall be known and may be cited as the Community Choice Aggregation Energy Program Law of the City of Newburgh.

§ 156-2 Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

AGGREGATED DATA – Aggregated and anonymized information including the number of consumers by service class, the aggregated peak demand (kW) (for electricity) by month for the past 12 months, by service class to the extent possible, and the aggregated energy (kWh) for electricity or volumetric consumption for gas by month for the past 12 months by service class.

CCA ADMINISTRATOR – The City of Newburgh or third-party CCA Administrator duly authorized by the City of Newburgh to request aggregated and customer specific data, competitively solicit suppliers for the aggregated demand for electricity and/or natural gas on behalf of default consumers, and to offer participating consumers additional opportunities to participate or enroll in programs or projects related to distributed energy resources. CCA administrator is responsible for program organization, administration, procurement, communications, and for meeting all requirements for program implementation specified in the PSC CCA order, unless otherwise specified.

CUSTOMER SPECIFIC DATA – Customer specific information, personal data and utility data for all consumers in the municipality eligible for opt-out treatment based on the terms of PSC CCA Order and the CCA program design including the customer of record's name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.

DEFAULT CONSUMERS – Customers of electricity and/or natural gas within opt-out eligible service classes, as defined in the PSC CCA order, who receive supply service from the distribution utility as of the date the supply contract goes into effect, or consumers within these service classes that subsequently become eligible to participate in the program including those that have terminated a supply contract with an ESCO, removed a freeze or block on their account, have voluntarily suspended service pursuant to a special rate, or are new residents to the City of Newburgh. Consumers within opt-out eligible service classes, as of the date the supply contract goes into effect, taking service from an ESCO, those that have placed a freeze or block on their account, and those for whom enrollment in the CCA program would interfere with a choice they have already made to take service pursuant to a special rate are not considered default customers and will not be enrolled on an opt-out basis. All default customers must reside or be otherwise located at one or more locations within the geographic boundaries of the City of Newburgh, as such boundaries exist as of the date the supply contract goes into effect.

DEFAULT SERVICE – Supply service provided by the distribution utility to consumers who are not currently receiving service from an energy service company (ESCO). Default consumers within the City of Newburgh that receive default service, and have not opted out, will be enrolled in the program as of the effective date.

DISTRIBUTED ENERGY RESOURCES (DER) – Local renewable energy projects, community distributed generation, such as shared solar, peak demand management, energy efficiency, demand response, energy storage, community resilience microgrid projects, and other innovative Reforming the Energy Vision (REV) initiatives that further engage and/or reduce cost of service for participating consumers, optimize system benefits, and/or address infrastructure and demand challenges within geography of the CCA.

DISTRIBUTION UTILITY – Owner or controller of the means of distribution of the natural gas or electricity in the municipality. The distribution utility also serves as the default supplier of electricity and natural gas preceding the establishment of a CCA program.

ENERGY SERVICES COMPANY (ESCO) – an entity duly authorized to conduct business in the State of New York as an ESCO.

PARTICIPATING CONSUMERS – Default consumers who have not opted out, and non-default consumers of any service class that have voluntarily enrolled in the program.

PROGRAM ORGANIZER – The group responsible for initiating and organizing the CCA. This group will typically secure buy-in from local governments and engage in preliminary outreach and education around CCA. The Program Organizer may be a non-profit organization, local government, or other third party. The Program Organizer and the CCA Administrator may be the same.

PSC CCA ORDER – the PSC’s Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224, “Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs.”

PUBLIC SERVICE COMMISSION (PSC) – New York State Public Service Commission.

SUPPLIER(S) – an ESCO(s) that procures electric power and natural gas for eligible consumers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

§ 156-3 Authorization/Establishment of a Community Choice Aggregation (Energy) Program.

- A. Community Choice Aggregation (Energy) Program is hereby established by the City of Newburgh, New York, whereby the City of Newburgh may implement a CCA Program to the full extent permitted by the PSC CCA Order, as set forth more fully herein.
- B. The City of Newburgh may act as aggregator or broker for the sale of electric supply, gas supply, or both to eligible consumers and may enter into contracts with one or more Suppliers for energy supply and other services on behalf of eligible consumers.
- C. The City of Newburgh may enter into agreements and contracts with other municipalities, non-profits, consultants, and/or other third parties to:
 - (1) develop and implement the CCA Program;
 - (2) act as CCA Administrator; and/or
 - (3) develop offers of opt-in DER products and services to participating consumers, including but not limited to opportunities to participate in local renewable energy projects, shared solar, energy efficiency, microgrids, storage, demand response, energy management, and other innovative initiatives and objectives designed to optimize system benefits, target and address load pockets/profile within the CCA zone, and reduce costs for CCA customers.
- D. The operation and ownership of the utility service shall remain with the distribution utility. The City of Newburgh’s participation in a CCA program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The City of Newburgh shall not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with suppliers on behalf of participating consumers.
- E. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the uniform business practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services, and the terms on which customers may be enrolled with ESCOs.

§ 156-4 Eligibility.

- A. All default consumers shall be enrolled on an opt-out basis. Default consumers will have the right to opt out before the supply contract goes into effect, or disenroll any time thereafter with no penalty. Those that do not opt out before the supply contract goes into effect will be enrolled automatically.
- B. All non-default consumers within the municipality, regardless of service class, shall be eligible to participate in the CCA program on an opt-in basis.
- C. The CCA Administrator, on behalf of the City of Newburgh, shall issue one or more requests for proposals to suppliers to provide energy to participants and then may award a contract in accordance with the CCA program.

§ 156-5 Opt-out process.

- A. A program notification letter, printed on City of Newburgh letterhead, shall be mailed to default consumers at least 30 days prior to customer enrollment. The letter shall include the information on the CCA program and the contract signed with the selected supplier(s) including specific details on rates, services, contract term, cancellation fee, and methods for opting out of the CCA program. The letter shall explain that consumers that do not opt out will be enrolled in the program under the contract terms and that information on those consumers, including energy usage data and APP status, will be provided to the ESCO.
- B. After the thirty-day opt-out period, all consumers shall have the option to disenroll from the CCA program at any time without penalty.

§ 156-6 Customer service.

Participating Consumers shall be provided customer service, including a toll-free telephone number available during normal business hours (9:00 a.m. to 5:00 p.m., Eastern time, Monday through Friday) to resolve concerns, answer questions, and transact business with respect to the service received from the supplier(s).

§ 156-7 Data protection requirements.

- A. The City of Newburgh, or CCA administrator on its behalf, may request aggregated data and customer-specific data from the distribution utility. However, a request for customer-specific data is limited to only those eligible consumers who did not opt-out after the initial opt-out period closed.
- B. Customer-specific data shall be protected in a manner compliant with, collectively:

- (1) All national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the municipality or its representative's processing of confidential utility information;
 - (2) The utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the municipality or its representative's processing of confidential utility information; and
 - (3) The PSC CCA order and PSC rules, regulations and guidelines relating to confidential data.
- C. For the purpose of protecting customer data, the City of Newburgh must enter into an agreement with the distribution utility that obligates each party to meet, collectively:
- (1) All national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual default customer or participating consumer with respect to the CCA administrator or its representative's processing of confidential information;
 - (2) The distribution utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify the individual default consumer or participating consumer with respect to the CCA administrator or its representative processing of confidential information; and
 - (3) The PSC CCA order and PSC rules, regulations and guidelines relating to confidential data.

§ 156-8 Administration fee.

The City of Newburgh or CCA Administrator may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA program.

§ 156-9 Reporting.

- A. Annual reports shall be filed with the City Clerk by March 31 of each year and cover the previous calendar year.
- B. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g., installation of DER or other clean energy services); and administrative costs collected. The first report also shall include the number of consumers who opted-out in response to the initial opt-out letter or letters.
- C. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA program.

§ 156-10 When effective.

This Chapter shall be effective immediately upon adoption and after filing with the Secretary of State.

§ 156-11 Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

SECTION 3 - SEVERABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted is such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part here of is held inapplicable had been specifically exempt therefrom.

SECTION 4 - CODIFICATION

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Local Law shall be included in the Code of Ordinances of the City of Newburgh; that the sections and subsections of this Local Law may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term "Local Law" shall be changed to "Chapter", "Article", "Section", or other appropriate word as required for codification; and that any such rearranging of the numbering and/or lettering and editing shall not affect the validity of this Local Law or the provisions of the Code of Ordinances affected thereby.

SECTION 5 - VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION 6 - EFFECTIVE DATE

This Local Law and shall be effective immediately after the filing in the Office of the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law.

RESOLUTION NO.: 22 - 2021

OF

FEBRUARY 8, 2021

A RESOLUTION SCHEDULING
THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)
PUBLIC HEARING AND OPENING OF
THE 15-DAY PUBLIC COMMENT PERIOD FOR FISCAL YEAR 2020

WHEREAS, the City of Newburgh has prepared a five-year Consolidated Housing and Community Development Strategy and Plan in accordance with the planning requirements of the Housing and Community Development Act of 1974 and applicable regulations; and

WHEREAS, a jurisdiction is required to submit an annual report to the U.S. Department of Housing and Urban Development (HUD) that summarizes accomplishments and progress toward Consolidated Plan goals in the Consolidated Annual Performance and Evaluation Report (CAPER) within 90 days after the program year; and

WHEREAS, the CAPER provides the community with information regarding how HUD entitlement funds were used to address housing, community development and essential service needs; and

WHEREAS, prior to submitting the CAPER, the City publishes a draft of the report and provides the general public with an opportunity to submit comments;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the 15-day period to receive written public comment on the City of Newburgh's proposed City of Newburgh's proposed Consolidated Annual Performance and Evaluation Report (CAPER) with respect to the Community Development Block Grant Program for the Consolidated Plan for Housing and Community Development for FY 2020 shall commence on February 23, 2021 and close on March 10, 2021; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York that there is scheduled a public hearing to receive public comment on the Consolidated Annual Performance and Evaluation Report (CAPER) with respect to the Community Development Block Grant Program for the Consolidated Plan for Housing and Community Development for FY 2020; and that such public hearing be and hereby is duly set to be held at 7:00 p.m. on the 22nd day of February, 2021; and

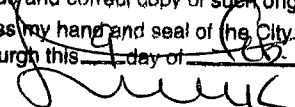
BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council will not be meeting in-person. In accordance with the Governor's Executive Order 202.1, as amended, the February 22, 2021 City Council meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the Consolidated Annual Performance and Evaluation Report (CAPER) as follows:

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To access the City Council Work Session and Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App:
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I, Lorene Vitek, City Clerk of the City of Newburgh,
hereby certify that I have compared the foregoing with the
original resolution adopted by the Council of the City of
Newburgh at a regular meeting held 2/18/21
and that it is a true and correct copy of such original.
Witness my hand and seal of the City of
Newburgh this 18 day of Feb 2021

City Clerk

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

Although several projects were placed on-hold due to the Coronavirus Pandemic, the City of Newburgh was still able to carry out several projects in 2020:

In Rem Property Program: Maintenance of the habitability of 100 residential properties returned to the City of Newburgh through the foreclosure process.

Neighborhood Services: Neighborhood Services project for the "Socially-Distanced" Summer Film Festival.

Park Improvements: Park signage for "Socially-Distanced" activities.

Administration: Support services to the Community Development Block Grant, including publishing public notices, processing payment vouchers, report preparation, Spanish translation and interpretation services and salary of the Director of Community Development.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Administration	Administration	CDBG: \$	Other	Other	1	1	100.00%	1	1	100.00%

Economic Development	Non-Housing Community Development Economic Development	CDBG: \$	Facade treatment/business building rehabilitation	Business	3	0	0.00%	3	0	0.00%
Economic Development	Non-Housing Community Development Economic Development	CDBG: \$	Businesses assisted	Businesses Assisted	15	0	0.00%			
Economic Development	Non-Housing Community Development Economic Development	CDBG: \$	Other	Other	0	0		1	0	0.00%
Housing	Affordable Housing	CDBG: \$	Housing Code Enforcement/Foreclosed Property Care	Household Housing Unit	100	100	100.00%	80	100	125.00%
Infrastructure Improvements	Non-Housing Community Development Infrastructure Improvements	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	28000	0	0.00%	28000	0	0.00%
Quality of Life Improvements	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	28000	0	0.00%			

Quality of Life Improvements	Non-Housing Community Development	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1000	1500	150.00%	500	500	100.00%
Quality of Life Improvements	Non-Housing Community Development	CDBG: \$	Other	Other	0	0		1000	1000	100.00%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

Priority Needs

Note: Due to the Coronavirus Pandemic, several scheduled projects were placed on-hold:

Housing: The In Rem property team provided maintenance of the habitability of 100 residential properties returned to the City of Newburgh through the foreclosure process. This project meets several goals, including preserving housing stock and reducing slum and blight.

Quality of Life -Public Services: Neighborhood Services provided a much-needed "Socially-Distanced" Summer Film Festival.This program provides public service outreach as well activities for youth.

Quality of Life - Park Improvements: Installation of park signage to encourage socially-distanced activities.

Administration: Support services to the Community Development Block Grant, including publishing public notices, processing payment vouchers, report preparation, Spanish translation and interpretation services and salary of the Director of Community Development.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG
White	500
Black or African American	500
Asian	0
American Indian or American Native	0
Native Hawaiian or Other Pacific Islander	0
Total	1,000
Hispanic	500
Not Hispanic	500

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

The data in Table 2 is approximate. Of the families and individuals participating in the Neighborhood Services "Socially Distanced" Summer Film Festival, 70% were minorities. The City of Newburgh Summer Film Festival was open to all City of Newburgh residents. However, in order to reach as many low-income families who may have transportation restrictions, as well as provide a socially-distanced location, the festival was held at the Ann St. Parking Lot, located between Ann St. and Washington St., in Census Tract 5.0. This is a walkable location on the East-End of the City of Newburgh, a target area for low-income activities. The festival was attended by families and individuals, approximately 80% minority.

The In Rem Project assisted the following ethnic groups: 39% Latino or Hispanic, 61% Not-Hispanic or Latino. The racial categories assisted by the In Rem Project include: 6% Asian, 14% Black or African American, 77% White, 2% identify as Other.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	872,788	416,621

Table 3 - Resources Made Available

Narrative

\$416,620.85 was expended for activities during the 2020 program year. Note: Due to the Coronavirus Pandemic, several planned projects we placed on-hold, including the Ann St./Liberty St. Sidewalk Repair project.

"Other" Funds include \$23,686.27 expended as part of the CARES Act CDBG-CV allocation. This funding was expended on a Food Security Project through the Newburgh Urban Farm & Food Initiative (NUFFI).

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Census Tracts 4 & 5	70	70	In Rem Property Project, Summer Film Festival
City Wide	30	30	In Rem Property Project, Summer Film Festival

Table 4 – Identify the geographic distribution and location of investments

Narrative

The majority of the CDBG projects took place in Census Tracts 4 and 5, including the "Socially-Distanced" Summer Film Festival.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Complete Streets, Liberty Street Streetscape and Sidewalk Project: The City of Newburgh was awarded a Transportation Alternatives Program (TAP) grant from the New York State Department of Transportation in the amount of \$400,000.00. The funds are to be used for a (new) complete street oriented streetscape design replacement of one block of City sidewalks in the heart of the City of Newburgh's Historic downtown, along Liberty St, between Broadway and Ann Street. Community Development Block Grant (CDBG) funding is used to match the TAP funds.

ADA Curb Cuts: The "ADA Curb Cuts" project is part of a larger City of Newburgh street improvement project. Street paving funds are provided through the New York State Consolidated Local Street and Highway Improvement Program (CHIPS) program. Federal (CDBG) funds are used for the ADA Curb Cut compliance portion of the project.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	3	1
Number of Special-Needs households to be provided affordable housing units	0	0
Total	3	1

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	3	1
Number of households supported through Acquisition of Existing Units	0	0
Total	3	1

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

After evaluating the previous City of Newburgh CDBG-funded Emergency Homeowner Repair program, it was determined that a previous Emergency Homeowner Repair program was not meeting home-owner needs. In 2020, the Emergency Homeowner Repair Program was re-introduced.

In 2018, the City of Newburgh Water Department was awarded \$544,000.00 from the New York State

NYS) Department of Health (DOH) in order to identify and replace lead water service lines from the City of Newburgh's water main to the Homeowner's water meter. This funding was used to create the City of Newburgh Lead Service Line Replacement Program (LSLRP). In 2020, as part of the larger LSLRP, the City of Newburgh offered a Homeowner Emergency Lead Line Repair program for low-moderate income residents for emergency lead water service line repairs. 1 low-moderate income homeowner was served through the program in 2020.

Discuss how these outcomes will impact future annual action plans.

The City of Newburgh will consider an increase in program funding as the program has been successful in assisting homeowners with lead service line replacement needs.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	0	0
Low-income	1	0
Moderate-income	0	0
Total	1	0

Table 7 – Number of Households Served

Narrative Information

In 2020, the City of Newburgh offered an Emergency Homeowner Lead Line Assistance program as part of the larger City of Newburgh LSLRP. The one year goal was to assist at least 3 income-qualified homeowner with lead line replacement. 1 homeowner was assisted.

A Homeowner Repair program has been funded for 2021. It is anticipated that the City of Newburgh Water Department will receive additional LSLRP funding from the NYS DOH. If needed, the Homeowner Repair program will fund additional low-moderate homeowner lead service line replacements, in the event that the NYS DOH funds are depleted.

After review of homeowner assistance needs in the City of Newburgh, it was determined that most homes in need of repair have multiple issues. For example, the home may have hole in the roof, in addition to broken front step railings.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Newburgh Ministry provides a homeless shelter on Johnston St. Social service assistance, as well as healthcare is provided. In conjunction with the ESPRI-funded "Fragile Economies" project, the Newburgh Ministry provides financial stability assistance, as well as improved health and wellness and resiliency through peer coaching to several at-risk families in the City of Newburgh.

In 2020, the Newburgh Ministry also operated a seasonal walk-in shelter at a City of Newburgh-owned building, 104 S. Lander St. Social Service assistance was provided to the walk-in guests of the shelter.

Addressing the emergency shelter and transitional housing needs of homeless persons

City of Newburgh partners with services such as Regional Economic Community Action Program (RECAP) and Orange County Department of Social Services to address emergency shelter and transitional housing needs of homeless persons. Other partners include Safe Harbors of the Hudson, the Newburgh Ministry and a growing number of organizations providing services to the formerly incarcerated.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Social service agencies and organizations in the City of Newburgh such as Exodus Transitional Community, Bridges of New York and Renwick Recovery, Inc., work to address and promote programs for vulnerable persons and families. In 2017, the NYS Governor's Office commenced the Empire State Poverty Reduction Initiative (ESPRI). ESPRI held a community listening session, as well as convened several task forces, including housing, workforce development, healthcare and wellness. The focus of ESPRI 2020 was to continue implementation of several support projects, including the "Fragile Economies Project."

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that

individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

RECAP and Orange County Department of Social Services address the housing transition needs for homeless individuals and families, as do a growing number of service organizations, such as Exodus Transitional Community, Bridges of New York, Renwick Recovery, Inc. and Project L.I.F.E.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

City of Newburgh staff continue to meet with the Director of the Newburgh Housing Authority (NHA) on a regular basis regarding any public housing needs. All CDBG programs and City of Newburgh jobs are advertised at the NHA site.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The "City of Newburgh - Housing Resource Guide" and information on how to apply for a finance a City-owned property are shared with public housing residents. The Newburgh Community Land Bank has been awarded funding through the New York State Attorney General for a "Neighbors for Neighborhoods" Affordable Rental Housing Program. The purpose of the program is to encourage neighborhood residents to rehabilitate properties in their own neighborhood, and maintain the property as affordable rental housing.

Actions taken to provide assistance to troubled PHAs

This section is not applicable.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The City of Newburgh supports affordable housing throughout the City of Newburgh. Fees related to land use procedures have been significantly reduced and zoning relaxed to provide more accessibility. The City of Newburgh Zoning is reviewed regularly to identify barriers to affordable housing projects.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The City of Newburgh has a population in which at least 50% identify as Latinx. Spanish interpretation is provided at CDBG-related meetings (ex. Public Hearings). Spanish translation and dissemination of program materials into Spanish, as well as in English, is required by the City of Newburgh under the Language Access Plan. "La Voz" provides Spanish language announcements for City of Newburgh residents.

The City of Newburgh has contracted with Language Link to provide additional language translation and interpretation services.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

Coordination between Lead Safe Orange and City of Newburgh Code Compliance of City of Newburgh-owned properties.

The City of Newburgh is planning to apply for a Lead remediation grant through HUD's Office of Lead Hazard Control and Healthy Homes (OLHCHH).

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

In 2017, the NYS Governor's Office commenced the Empire State Poverty Reduction Initiative (ESPRI) in the City of Newburgh. The City of Newburgh ESPRI is managed by United Way of Dutchess-Orange Region.

ESPRI held a community listening session, as well as convened several task forces, including housing, workforce development, healthcare and wellness. The focus of ESPRI 2020 was to continue implementation of the Newburgh Ministry managed "Fragile Economies Project." The Fragile Economies Project aims to help low income families achieve financial goals and establish a savings cushion to help with life's unexpected events and emergencies. Families work with peer coaches to set goals, create an action plan, and stay on track. Families are connected to support where needed.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

Fees related to land use procedures have been significantly reduced and zoning relaxed to provide more accessibility. In addition, the City of Newburgh has developed a more streamlined land use board process, to enhance accessibility.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The City of Newburgh takes a lead in the Newburgh Housing Coalition, which includes Habitat for Humanity of Greater Newburgh, PathStone (HUD Homeowner training), Orange County Social Services, Safe Harbors of the Hudson and the Newburgh Community Land Bank. The City of Newburgh also participates in the Orange County Housing Planning Committee, which has even broader outreach and member organizations.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

Homeownership preparation and training through Pathstone, Independent Living and Habitat for Humanity of Greater Newburgh. Introduction of Tenants Responsibilities and accompanying public workshops are also provided.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City of Newburgh CDBG Advisory Group, comprised of several residents of the City of Newburgh recommended by the City Council, reviews proposed Activities for current and future Annual Action Plans. Members of the CDBG Advisory Group receive CDBG program updates. Activities are reviewed using the exhibits found in the CPD Monitoring Handbook. The "Guide for Review of Eligibility" as well as the guides for review of National Objectives, are used as Activities are selected and subsequently set-up.

In order to provide better outreach to minority-owned and women-owned businesses, a Section 3 and minority/women-owned business Workshop was held in 2020. The workshop was co-sponsored by the Small Business Administration (SBA), through renewed the SBA/City of Newburgh Co-Sponsorship Agreement. Additional partners for the workshop included HUD and the Orange County Employment & Training. Additional workshops are planned for 2021, including a "Business Basics Bootcamp," as well as a low-income City of Newburgh resident "On-the-Job" training program.

A joint Planning and Development/Community Development/Grants Administration meeting is held bi-weekly in order to ensure that the CDBG program is in align with other City of Newburgh community needs. In addition, the whole CDBG program is monitored for "Timeliness" using a spreadsheet, which tracks Activity spending, as well as Public Service and Administration caps.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

In compliance with City of Newburgh procedures, the Notice of a 15-Day Public Comment Period for the 2020 CAPER was submitted to 4 local newspapers as well as a Spanish language publication/social media. The newspapers include the Times Herald Record, Orange County Post, Hudson Valley Press and the Times Community Papers (Mid-Hudson Times). La Voz provides Spanish language outreach for the 2020 CAPER.

The 2020 CAPER Public Hearing is scheduled for 02/22/2021. The 2020 CAPER will be available for public comment from 02/23/2021 - 03/10/2021.

The 2020 CAPER will be posted on the City of Newburgh website. Hard-copies of the CAPER will be available at City of Newburgh, City Hall, 83 Broadway, in the City of Newburgh Clerk's Office and in the City of Newburgh Department of Planning & Development office, 123 Grand St., and at the Newburgh Free Library, 124 Grand St.

The 2020 CAPER will also be distributed to the Community Development Block Grant [Citizens] Advisory Group.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

There were no changes in the City of Newburgh's program objectives.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-45 - CDBG 91.520(c)

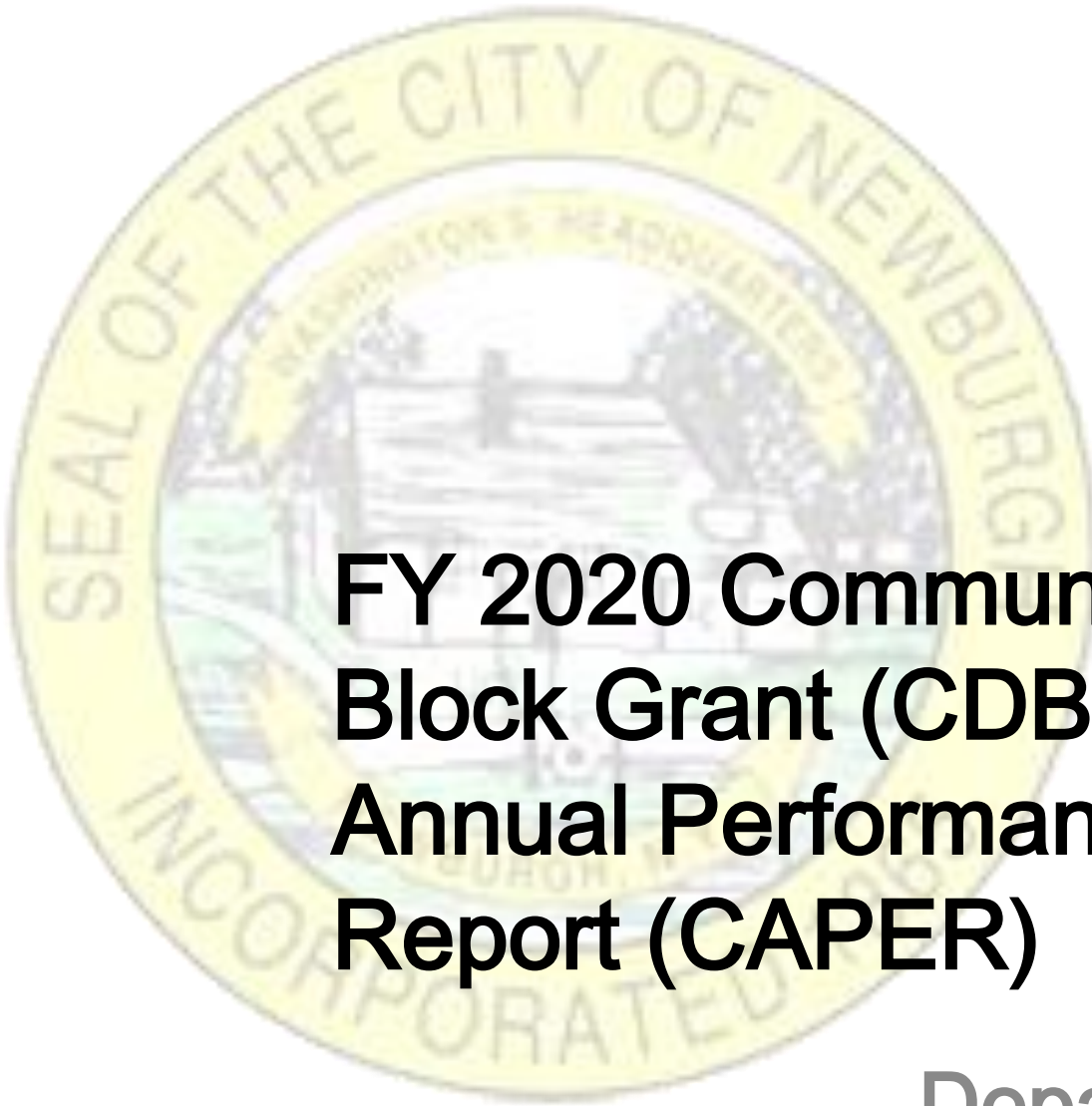
Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

There were no changes in the City of Newburgh's program objectives.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

The seal of the City of Newburg is a circular emblem. The outer ring is yellow with the text "SEAL OF THE CITY OF NEWBURG" at the top and "INCORPORATED 1806" at the bottom. The inner circle features a landscape with a river, a bridge, and a building, with the text "WASHINGTON'S HEADQUARTERS" above the building.

FY 2020 Community Development Block Grant (CDBG): Consolidated Annual Performance and Evaluation Report (CAPER)

Department of Planning &
Development
February 2021



Consolidated Annual Performance and Evaluation Report (CAPER)



- The primary purpose of the CAPER is to report on accomplishments of funded activities within the program year and to evaluate the grantee's progress in meeting one-year goals described in the Annual Action Plan and long-term goals described in the Consolidated Plan.
- Also provides grantees an opportunity to evaluate the effectiveness of their programs.



Consolidated Annual Performance and Evaluation Report (CAPER)



- The CAPER is submitted to the United States Department of Housing and Urban Development (HUD) within 90 days after the end of its program year.
- Submitted to HUD through the Integrated Disbursement and Information System or “IDIS.”



FY2020: Year 1 of the 5 Year Plan 2020 - 2024



Summary of FY2020 Projects/Activities



FY2020 Projects/Activities

- Housing
- Park Improvements
- Complete Streets
- Neighborhood Services
- Administration

FY2020 Projects/Activities

In Rem Property Project

Priority Need Supported: Housing

Summary:

- 3 City of Newburgh employees
- In Rem Property Team maintained the habitability of 100 properties returned to the City of Newburgh through the foreclosure process.

Activities included:

- Securing properties/Adding New locks
- Light property maintenance such as mowing, snow removal
- CDBG In Rem Property funds spent in 2020: \$206,748.66



FY2020 Projects/Activities

Homeowner Assistance Project Priority Need Supported: Housing

- Summary: Homeowner Assistance Project to assistance income-qualified (low-moderate income) homeowner with lead service line replacement.
- CDBG Homeowner Assistance funds spent in 2020: \$21,300.00



FY2020 Projects/Activities

Park Improvements Project

Priority Need Supported: Quality of Life

Summary:

- Provide improvements to City of Newburgh Parks.

Activities included:

- Park signage for parks to encourage social distancing.
- CDBG Park Improvements funds spent in 2020: \$7,145.25



FY2020 Projects/Activities

Complete Streets Project

Priority Need Supported: Infrastructure

Summary:

- Projects to support upgrades to safe street access/reconfiguration in the City of Newburgh.

Activities included:

- Purchase of traffic barriers and signs for social distancing activities in the City of Newburgh.
- CDBG Complete Streets funds spent in 2020: \$ 13,705.06



FY2020 Projects/Activities

Neighborhood Services Project

Priority Need Supported: Quality of Life

Summary: Neighborhood Services activities in the City of Newburgh.

- Social Distanced Summer Film Festival: Outreach to approximately 1,000 film attendees over 6 weeks.
- CDBG Neighborhood Services funds spent in 2020: \$13,705.06



**City of Newburgh**
Drive-In
Movies
Ann Street Parking Lot @ 8:30pm

Aug 6 - Frozen II
Aug 13 - The Lion King
Aug 20 - Abominable
Aug 27 - Space Jam

Walk-Ins
Welcome!



Visit the City of
Newburgh online
for details



FY2020 Projects/Activities

Administration

Summary: Supports the Administrative activities for the Community Development Block Grant, including salary and benefits for the Director of Community Development, as well as public notice and mail costs, Spanish interpretation and translation.

CDBG Administration funds spent in 2020: \$123,134.16



FY2020 Projects/Activities

“CDBG CV”

Additional CDBG allocation received under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to fund the following projects, referred to as “CDBG-CV”:

- Food Security
- Emergency Income Payments (Rent)
- Grant Administration

CDBG-CV Projects/Activities

Food Security

Summary: Funding for the Newburgh Urban Farm and Food Initiative (NUFFI) to support food security needs for residents of the City of Newburgh.

The Pandemic changed growing plans for the Downing Park Urban Farm (DPUF). Farms were classified as essential businesses, which made it possible for DPUF to be put into production even when the City of Newburgh was in lock-down in March, 2020.



CDBG-CV Projects/Activities

Food Security (Continued)

Increased the growing areas at the farm. Both sides of the in-ground paddock area were put into production yielding early crops of lettuce, kale, and swiss chard. A newly designed system for growing tomatoes in the hoop house freed up the side raised beds so that lettuce/greens could be planted on the margins and the new system increased the yield of tomatoes. In addition, raised beds were continuously replanted throughout the season.

More vegetables to meet the ethnic/cultural needs of Newburgh residents, including cilantro, tomatillos, radishes, Malabar (Caribbean) spinach, collards, kale, Callaloo (amaranth) and an assortment of lettuces.



CDBG-CV Projects/Activities

Food Security (Continued)

Donated 5,000 lbs. of produce grown at the DPUF to over 15 feeding programs in the City of Newburgh in 2020.

CDBG-CV Food Security funds spent in 2020: \$23,686.27



CDBG-CV Projects/Activities

CDBG-CV Administration

Summary: Supports the administration of the CDBG-CV grant. Support includes development of CDBG-CV specific Policy & Procedures documents (ex. Duplication of Benefits), CDBG-CV Environmental Review Records, the publication of public notices, and the translation of documents into Spanish.

CDBG-CV Administration funds spent in 2020: \$10,831.48





Office of Community Planning and Development
U.S. Department of Housing and Urban Development
Integrated Disbursement and Information System
PR26 - CDBG Financial Summary Report
Program Year 2020
NEWBURGH , NY

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PART I: SUMMARY OF CDBG RESOURCES

01 UNEXPENDED CDBG FUNDS AT END OF PREVIOUS PROGRAM YEAR	387,060.38
02 ENTITLEMENT GRANT	872,788.00
03 SURPLUS URBAN RENEWAL	0.00
04 SECTION 108 GUARANTEED LOAN FUNDS	0.00
05 CURRENT YEAR PROGRAM INCOME	0.00
05a CURRENT YEAR SECTION 108 PROGRAM INCOME (FOR SI TYPE)	0.00
06 FUNDS RETURNED TO THE LINE-OF-CREDIT	0.00
06a FUNDS RETURNED TO THE LOCAL CDBG ACCOUNT	0.00
07 ADJUSTMENT TO COMPUTE TOTAL AVAILABLE	0.00
08 TOTAL AVAILABLE (SUM, LINES 01-07)	1,259,848.38

PART II: SUMMARY OF CDBG EXPENDITURES

09 DISBURSEMENTS OTHER THAN SECTION 108 REPAYMENTS AND PLANNING/ADMINISTRATION	294,218.26
10 ADJUSTMENT TO COMPUTE TOTAL AMOUNT SUBJECT TO LOW/MOD BENEFIT	0.00
11 AMOUNT SUBJECT TO LOW/MOD BENEFIT (LINE 09 + LINE 10)	294,218.26
12 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	142,928.33
13 DISBURSED IN IDIS FOR SECTION 108 REPAYMENTS	0.00
14 ADJUSTMENT TO COMPUTE TOTAL EXPENDITURES	(72,354.24)
15 TOTAL EXPENDITURES (SUM, LINES 11-14)	364,792.35
16 UNEXPENDED BALANCE (LINE 08 - LINE 15)	895,056.03

PART III: LOW/MOD BENEFIT THIS REPORTING PERIOD

17 EXPENDED FOR LOW/MOD HOUSING IN SPECIAL AREAS	0.00
18 EXPENDED FOR LOW/MOD MULTI-UNIT HOUSING	0.00
19 DISBURSED FOR OTHER LOW/MOD ACTIVITIES	294,218.26
20 ADJUSTMENT TO COMPUTE TOTAL LOW/MOD CREDIT	0.00
21 TOTAL LOW/MOD CREDIT (SUM, LINES 17-20)	294,218.26
22 PERCENT LOW/MOD CREDIT (LINE 21/LINE 11)	100.00%

LOW/MOD BENEFIT FOR MULTI-YEAR CERTIFICATIONS

23 PROGRAM YEARS(PY) COVERED IN CERTIFICATION	PY: PY: PY:
24 CUMULATIVE NET EXPENDITURES SUBJECT TO LOW/MOD BENEFIT CALCULATION	0.00
25 CUMULATIVE EXPENDITURES BENEFITING LOW/MOD PERSONS	0.00
26 PERCENT BENEFIT TO LOW/MOD PERSONS (LINE 25/LINE 24)	0.00%

PART IV: PUBLIC SERVICE (PS) CAP CALCULATIONS

27 DISBURSED IN IDIS FOR PUBLIC SERVICES	14,705.06
28 PS UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
29 PS UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
30 ADJUSTMENT TO COMPUTE TOTAL PS OBLIGATIONS	0.00
31 TOTAL PS OBLIGATIONS (LINE 27 + LINE 28 - LINE 29 + LINE 30)	14,705.06
32 ENTITLEMENT GRANT	872,788.00
33 PRIOR YEAR PROGRAM INCOME	683,029.37
34 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PS CAP	0.00
35 TOTAL SUBJECT TO PS CAP (SUM, LINES 32-34)	1,555,817.37
36 PERCENT FUNDS OBLIGATED FOR PS ACTIVITIES (LINE 31/LINE 35)	0.95%



Office of Community Planning and Development
U.S. Department of Housing and Urban Development
Integrated Disbursement and Information System
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PART V: PLANNING AND ADMINISTRATION (PA) CAP		
37	DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	142,928.33
38	PA UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
39	PA UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
40	ADJUSTMENT TO COMPUTE TOTAL PA OBLIGATIONS	(19,794.17)
41	TOTAL PA OBLIGATIONS (LINE 37 + LINE 38 - LINE 39 +LINE 40)	123,134.16
42	ENTITLEMENT GRANT	872,788.00
43	CURRENT YEAR PROGRAM INCOME	0.00
44	ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PA CAP	0.00
45	TOTAL SUBJECT TO PA CAP (SUM, LINES 42-44)	872,788.00
46	PERCENT FUNDS OBLIGATED FOR PA ACTIVITIES (LINE 41/LINE 45)	14.11%

LINE 27 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 27

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity to prevent, prepare for, and respond to Coronavirus	Activity Name	Grant Number	Fund Type	Matrix Code	National Objective	Drawn Amount	
2019	4	587	6347594	No	Community Policing/Neighborhood Services	B19MC360119	EN	05D	LMC	\$1,000.00	
2020	5	598	6412314	No	Neighborhood Services - Summer Film Festival	B20MC360119	EN	05D	LMC	\$7,459.52	
2020	5	598	6421911	No	Neighborhood Services - Summer Film Festival	B20MC360119	EN	05D	LMC	\$2,627.38	
2020	5	598	6436919	No	Neighborhood Services - Summer Film Festival	B20MC360119	EN	05D	LMC	\$3,618.16	
									05D	Matrix Code	\$14,705.06
											\$14,705.06
Total										\$14,705.06	

LINE 37 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 37

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2018	6	578	6341704	Administration	21A		\$467.50
2018	6	578	6355183	Administration	21A		\$192.34
2018	6	578	6357059	Administration	21A		\$25.41
2018	6	578	6364266	Administration	21A		\$209.54
2018	6	578	6421911	Administration	21A		\$20.20
2019	6	589	6344064	Administration	21A		\$19,326.67
2019	6	589	6355183	Administration	21A		\$391.30
2019	6	589	6376290	Administration	21A		\$799.00
2019	6	589	6377192	Administration	21A		\$1,083.80
2019	6	589	6421911	Administration	21A		\$929.80
2020	6	593	6412314	Administration	21A		\$74,750.90
2020	6	593	6421911	Administration	21A		\$8,799.02
2020	6	593	6436919	Administration	21A		\$15,407.11
2020	6	593	6448606	Administration	21A		\$20,525.74
					21A	Matrix Code	\$142,928.33
Total							\$142,928.33

PR26 - Activity Summary by Selected Grant

Date Generated: 02/04/2021

Grantee: NEWBURGH

Grant Year: 2020

Formula and Competitive Grants only

Total Grant Amount for 2020 Grant year = \$872,788.00														
State	Grantee Name	Grant Year	Grant Number	Activity Group	Matrix Code	National Objective	IDIS Activity	Activity to prevent, prepare for, and respond to Coronavirus	Activity Status	Amount Funded From Selected Grant	Amount Drawn From Selected Grant	% of CDBG Drawn From Selected Grant/Grant	Total CDBG Funded Amount (All Years All Sources)	Total CDBG Drawn Amount (All Years All Sources)
NY	NEWBURGH	2020	B20MC360119	Administrative And Planning	21A		593	No	Open	\$132,666.30	\$120,368.77		\$132,666.30	\$120,368.77
				Total Administrative And Planning						\$132,666.30	\$120,368.77	13.79%	\$132,666.30	\$120,368.77
NY	NEWBURGH	2020	B20MC360119	Economic Development	14E	LMA	599	No	Open	\$27,791.30	\$0.00		\$27,791.30	\$0.00
				Total Economic Development						\$27,791.30	\$0.00	0.00%	\$27,791.30	\$0.00
NY	NEWBURGH	2020	B20MC360119	Housing	14A	LMH	595	No	Open	\$51,674.78	\$0.00		\$51,674.78	\$0.00
NY	NEWBURGH	2020	B20MC360119	Housing	14J	LMH	594	No	Open	\$227,257.38	\$204,345.27		\$227,257.38	\$204,345.27
				Total Housing						\$278,932.16	\$204,345.27	23.41%	\$278,932.16	\$204,345.27
NY	NEWBURGH	2020	B20MC360119	Public Improvements	03F	LMA	597	No	Open	\$178,907.82	\$0.00		\$178,907.82	\$0.00
NY	NEWBURGH	2020	B20MC360119	Public Improvements	03K	LMA	596	No	Open	\$233,932.16	\$16,284.80		\$233,932.16	\$16,284.80
				Total Public Improvements						\$412,839.98	\$16,284.80	1.87%	\$412,839.98	\$16,284.80
NY	NEWBURGH	2020	B20MC360119	Public Services	05D	LMC	598	No	Open	\$20,558.26	\$13,705.06		\$20,558.26	\$13,705.06
				Non CARES Related Public Services						\$20,558.26	\$13,705.06	1.57%	\$20,558.26	\$13,705.06
				Total 2020						\$872,788.00	\$354,703.90	40.64%	\$872,788.00	\$354,703.90
				Grand Total						\$872,788.00	\$354,703.90	40.64%	\$872,788.00	\$354,703.90

RESOLUTION NO.: _____ - 2021

OF

FEBRUARY 22, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A MASTER FEDERAL-AID LOCAL PROJECT AGREEMENT
WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
TO FUND IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND NON-FEDERAL
AID ELIGIBLE COSTS FOR THE CONSTRUCTION OF
THE LAKE DRIVE OVER QUASSAICK CREEK BRIDGE REPLACEMENT PROJECT
(PIN 8761.39/BIN2223630)**

WHEREAS, a Project for the Lake Drive over Quassaick Creek Bridge Replacement (BIN 2223630) in the City of Newburgh, Orange County, PIN 8761.39 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Newburgh desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection;

NOW, THEREFORE, the Newburgh City Council, duly convened does hereby

RESOLVE, that the Newburgh City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Newburgh City Council hereby authorizes the City of Newburgh to pay in the first instance 100% of the federal and non-federal share of the cost of construction and construction inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$850,000.00 is hereby appropriated from the OCTC TIP Reserve Fund A.0000.0882.0000 and the 2016 BAN H1.5110.0208.8102.2016 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Newburgh City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the City Manager thereof, and it is further

RESOLVED, that the Newburgh City Manager be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Newburgh with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for

the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the City Manager, the following municipal titles: Mayor, City Engineer, City Comptroller, and Superintendent of Public Works are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, _____, Clerk of the City of Newburgh, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said _____ at a meeting duly called and held at the _____ on _____ by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Newburgh, New York, this _____ day of _____, 20__.

Clerk, City of Newburgh

RESOLUTION NO.: _____ - 2021

OF

FEBRUARY 22, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A MASTER FEDERAL-AID LOCAL PROJECT AGREEMENT
WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
TO FUND IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND NON-FEDERAL
AID ELIGIBLE COSTS FOR THE CONSTRUCTION OF
THE BRIDGE REPLACEMENT OF WALSH ROAD OVER QUASSAICK CREEK
(PIN 8761.40/BIN 2223620)**

WHEREAS, a Project for the Bridge Replacement of Walsh Road over Quassaick Creek (BIN 2223620) PIN 8761.40 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Newburgh desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection;

NOW, THEREFORE, the Newburgh City Council, duly convened does hereby

RESOLVE, that the Newburgh City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Newburgh City Council hereby authorizes the City of Newburgh to pay in the first instance 100% of the federal and non-federal share of the cost of construction and construction inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$826,965.00 is hereby appropriated from the OCTC TIP Reserve Fund A.0000.0882.0000 and the 2016 BAN H1.5110.0208.8102.2016 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Newburgh City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the City Manager thereof, and it is further

RESOLVED, that the Manager of the City of Newburgh be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Newburgh with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for

the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the City Manager, the following municipal titles: Mayor, City Engineer, City Comptroller, Superintendent of Public Works are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, _____, Clerk of the _____, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said _____ at a meeting duly called and held at the _____ on _____ by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the _____, New York, this _____ day of _____, 20__.

Clerk, City of Newburgh

PIN 8761.40

RESOLUTION NO. _____ - 2021

OF

FEBRUARY 22, 2021

**A RESOLUTION AUTHORIZING THE EXTENSION OF TIME TO CLOSE TITLE
ON THE PROPERTIES LOCATED AT 162 SOUTH STREET (SECTION 11, BLOCK 3,
LOT 21) AND 187 LANDER STREET (SECTION 11, BLOCK 3, LOT 26)
SOLD AT PRIVATE SALE TO NICOLE CHUNG**

WHEREAS, by Resolution No.: 206-2020 of September 14, 2020, the Council of the City of Newburgh, New York, authorized the sale of 162 South Street (Section 11, Block 3, Lot 21) and 187 Lander Street (Section 11, Block 3, Lot 26) Nicole Chung; and

WHEREAS, the purchaser requested a 60-day extension of time to close title for the purpose of completing her financing requirements, and the City Manager granted the request to extend the time to close title until February 11, 2021; and

WHEREAS, the resolution of the issues took longer than expected but are now complete and the purchaser has requested additional time to close title; and

WHEREAS, this Council has determined that granting the additional requested extension would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that an extension of time to close title for the properties located at 162 South Street and 187 Lander Street is hereby authorized until April 9, 2021.

RESOLUTION NO.: _____ - 2021

OF

FEBRUARY 22, 2021

**RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG-CV3)
SUB-RECIPIENT GRANT AGREEMENT IN THE AMOUNT OF \$25,000.00
WITH NEWBURGH URBAN FARM AND FOOD, INC. FOR THE ALLOCATION
OF CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT FUNDING
TO SUPPORT FOOD DISTRIBUTION PROGRAMS AND SERVICES**

WHEREAS, by Resolution No. 6-2021 of January 11, 2021, the City Council adopted a second substantial amendment to the City of Newburgh Community Development Block Grant (“CDBG”) FY2019 annual action plan for the allocation of Coronavirus Aid, Relief, and Economic Security (“CARES”) Act funding; and

WHEREAS, the new Activities added to the CDBG FY2019 annual action plan include infrastructure assessment for internet access, emergency food service in the form of assistance to non-profit organizations engaged in food distribution programs and services, child care services, and neighborhood service programming for socially distant activities; and

WHEREAS, the City has received proposals from three qualified non-profit organizations to support and expand food distribution programs and services to City of Newburgh residents in need; and

WHEREAS, it is recommended that the Newburgh Urban Farm and Food, Inc. (“NUFFI”) be selected to receive funding to support and expand food distribution programs and services in an amount not to exceed \$25,000.00; and

WHEREAS, this Council finds it to be in the best interest of the City of Newburgh to enter into a sub-recipient grant agreement with NUFFI to provide said food distribution and services as set forth in its proposal;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to enter into a sub-recipient grant agreement with the Newburgh Urban Farm and Food, Inc. in the amount of \$25,000.00, with all such terms and conditions as may be required by the Corporation Counsel, to support and expand food distribution programs and services to City of Newburgh residents in need.

RESOLUTION NO.: _____ - 2021

OF

FEBRUARY 22, 2021

**RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG-CV3)
SUB-RECIPIENT GRANT AGREEMENT IN THE AMOUNT OF \$30,000.00
WITH CATHOLIC CHARITIES OF ORANGE, SULLIVAN & ULSTER FOR
THE ALLOCATION OF CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT
FUNDING TO SUPPORT FOOD DISTRIBUTION PROGRAMS AND SERVICES**

WHEREAS, by Resolution No. 6-2021 of January 11, 2021, the City Council adopted a second substantial amendment to the City of Newburgh Community Development Block Grant (“CDBG”) FY2019 annual action plan for the allocation of Coronavirus Aid, Relief, and Economic Security (“CARES”) Act funding; and

WHEREAS, the new Activities added to the CDBG FY2019 annual action plan include infrastructure assessment for internet access, emergency food service in the form of assistance to non-profit organizations engaged in food distribution programs and services, child care services, and neighborhood service programming for socially distant activities; and

WHEREAS, the City has received proposals from three qualified non-profit organizations to support and expand food distribution programs and services to City of Newburgh residents in need; and

WHEREAS, it is recommended that Catholic Charities of Orange, Sullivan & Ulster (“Catholic Charities”) be selected to receive funding to support and expand food distribution programs and services in an amount not to exceed \$30,000.00; and

WHEREAS, this Council finds it to be in the best interest of the City of Newburgh to enter into a sub-recipient grant agreement with Catholic Charities to provide said food distribution and services as set forth in its proposal;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to enter into a sub-recipient grant agreement with Catholic Charities of Orange, Sullivan & Ulster in the amount of \$30,000.00, with all such terms and conditions as may be required by the Corporation Counsel, to support and expand food distribution programs and services to City of Newburgh residents in need.

RESOLUTION NO.: _____ - 2021

OF

FEBRUARY 22, 2021

**RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG-CV3)
SUB-RECIPIENT GRANT AGREEMENT IN THE AMOUNT OF \$45,000.00
WITH THE NEWBURGH ARMORY UNITY CENTER, INC. FOR THE ALLOCATION
OF CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT FUNDING
TO SUPPORT FOOD DISTRIBUTION PROGRAMS AND SERVICES**

WHEREAS, by Resolution No. 6-2021 of January 11, 2021, the City Council adopted a second substantial amendment to the City of Newburgh Community Development Block Grant (“CDBG”) FY2019 annual action plan for the allocation of Coronavirus Aid, Relief, and Economic Security (“CARES”) Act funding; and

WHEREAS, the new Activities added to the CDBG FY2019 annual action plan include infrastructure assessment for internet access, emergency food service in the form of assistance to non-profit organizations engaged in food distribution programs and services, child care services, and neighborhood service programming for socially distant activities; and

WHEREAS, the City has received proposals from three qualified non-profit organizations to support and expand food distribution programs and services to City of Newburgh residents in need; and

WHEREAS, it is recommended that the Newburgh Armory Unity Center, Inc. (“NAUC”) be selected to receive funding to support and expand food distribution programs and services in an amount not to exceed \$45,000.00; and

WHEREAS, this Council finds it to be in the best interest of the City of Newburgh to enter into a sub-recipient grant agreement with NAUC to provide said food distribution and services as set forth in its proposal;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to enter into a sub-recipient grant agreement with the Newburgh Armory Unity Center, Inc. in the amount of \$45,000.00, with all such terms and conditions as may be required by the Corporation Counsel, to support and expand food distribution programs and services to City of Newburgh residents in need.

RESOLUTION NO. _____-2021

OF

FEBRUARY 22, 2021

A RESOLUTION DECLARING SURPLUS ONE 1991 INTERNATIONAL ARMORED VEHICLE (VIN#1HTSCNMP3MH361897) AND AUTHORIZING DISPOSITION TO MOTORCYCLEPEDIA INC. AND THE GERALD A. DOERING FOUNDATION AND ACCEPTING A DONATION OF ONE 2020 HARLEY DAVIDSON POLICE PACKAGE MOTORCYCLE (VIN#1HD1FMP16LB6677168 FROM MOTORCYCLEPEDIA INC. AND THE GERALD A. DOERING FOUNDATION

WHEREAS, the City of Newburgh Police Department possesses one (1) vehicle identified as a 1991 International Armored vehicle (VIN#1HTSCNMP3MH361897) which is no longer of use to the City; and

WHEREAS, Motorcyclepedia, Inc. and the Gerald A. Doering Foundation have offered to donate one (1) 2020 Harley Davidson motorcycle with a police package (VIN#1HD1FMP16LB6677168) to the City; and

WHEREAS, the Police Department and the donors have proposed the disposition of the 1991 International Armored vehicle to the donors and accept the donation of the 2020 Harley Davidson police motorcycle; and

WHEREAS, this Council deems it to be in the best interests of the City of Newburgh to declare the 1991 International Armored vehicle as surplus and authorize the disposition in exchange for the donation of the 2020 Harley Davidson motorcycle as proposed;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the 1991 International Armored vehicle (VIN#1HTSCNMP3MH361897) is hereby declared to be surplus and of no further use or value to the City of Newburgh; and

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized to execute any required documents and conduct all necessary transactions to dispose of said surplus 1991 International Armored vehicle to Motorcyclepedia, Inc. and the Gerald A. Doering Foundation; and

BE IT RESOLVED, that the City Manager of the City of Newburgh be and he is hereby authorized to accept the donation of one 2020 Harley Davidson motorcycle with a police package (VIN#1HD1FMP16LB6677168) from Motorcyclepedia, Inc. and the Gerald A. Doering Foundation upon the terms described herein with the appreciation and thanks of the City of Newburgh.

NYS Executive Order 203 Final Report

City of Newburgh



Police Reform & Reinvention Collaborative Plan

INTRODUCTION

The City of Newburgh is fully committed to implementing NYS Executive Order 203, and in doing so reforming and reinventing its Police Department. As you will see in the pages to follow, a tremendous amount of collaboration went into compiling this report, and the same amount of dedication will be applied to implementing the recommendations of this plan and continuing to work with the community and the wide array of stakeholders involved in the process.

In order to understand the issues that exist between the community and the police, it is important to note some background and historical information on the subject. As such, an honest and open history of policing in the City has been included below.

The City of Newburgh Police Department has existed since the late 1800's. As with most police departments of that time, officers were often ill-trained, if trained at all. It was not until the mid-1900's that police officers were mandated to attend formalized police training.

With specific regard to the last seventy-five year history of the City of Newburgh Police Department, many who are alive today can recall times of scandal. In the early 1970's several members of the Police Department were arrested and incarcerated for crimes ranging from on-duty burglaries, receiving graft from various criminals including houses of ill repute, gambling activities and other nefarious actions. Stories of police corruption resonate to this day.

Some officers, while not all, were believed to enforce the law arbitrarily, engage in discriminatory practices, routinely use excessive force and oftentimes not adhere themselves to the very laws they were sworn to enforce. The officers who chose not to participate remained complicit, and did nothing to address the activities of their co-workers. It was during those times that the department, consisting of mostly white males, policed the minority neighborhoods much differently than other areas of the City where the white population resided.

These facts served to entrench and fortify a serious mistrust of the police by the minority population, especially the Afro-American citizens, and much of this mistrust exists to this day despite strong efforts to improve police-community relations.

There is disconnect between the City of Newburgh Police Department and a segment of the community. More positive interactions undoubtedly need to take place moving forward. This should be in the form of ongoing public forums, whereby opinions, experiences and discussions can take place between the police and the community in order to gain better mutual understanding.

Any effort towards bringing about positive change must include an ongoing, sincere and committed dialogue between the elected officials, the police and the entire community.

In order to truly accomplish any attempt to remedy the issues as they exist today our history has to be acknowledged, for both the good and the bad, and reconciliation must take place before we can move forward in a positive direction.

In the pages to follow, you will find a detailed account of our Police Reform and Reinvention Collaborative. The entire City of Newburgh wishes to thank all of those who were involved in this process including members of the public who provided valuable and insightful input all of which has been incorporated into the report included below.

The process of addressing these problems needs to remain fluid, ongoing and must be adaptable when addressing the many variables that exist in order to positively affect change.

We all must acknowledge that New York State Executive Order 203 process is a starting point, and all stakeholders must remain committed in the long-term in working collaboratively to remedy the mistakes of the past.

Moving forward, the City of Newburgh will continue to meet with the stakeholders involved in this process and expand its outreach throughout the City and host community meetings aimed at increasing communication and gaining a better mutual understanding.

This is the Executive Order in its entirety copied directly from the Governor's website (<https://www.governor.ny.gov/news/no-203-new-york-state-police-reform-and-reinvention-collaborative>).

No. 203

EXECUTIVE ORDER

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE

WHEREAS, the Constitution of the State of New York obliges the Governor to take care that the laws of New York are faithfully executed; and

WHEREAS, I have solemnly sworn, pursuant to Article 13, Section 1 of the Constitution, to support the Constitution and faithfully discharge the duties of the Office of Governor; and

WHEREAS, beginning on May 25, 2020, following the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability; and

WHEREAS, there is a long and painful history in New York State of discrimination and mistreatment of black and African-American citizens dating back to the arrival of the first enslaved Africans in America; and

WHEREAS, this recent history includes a number of incidents involving the police that have resulted in the deaths of unarmed civilians, predominantly black and African-American men, that have undermined the public's confidence and trust in our system of law enforcement and criminal justice, and such condition is ongoing and urgently needs to be rectified; and

WHEREAS, these deaths in New York State include those of Anthony Baez, Amadou Diallo, Ousmane Zango, Sean Bell, Ramarley Graham, Patrick Dorismond, Akai Gurley, and Eric Garner, amongst others, and, in other states, include Oscar Grant, Trayvon Martin, Michael Brown, Tamir Rice, Laquan McDonald, Walter

Scott, Freddie Gray, Philando Castile, Antwon Rose Jr., Ahmaud Arbery, Breonna Taylor, and George Floyd, amongst others,

WHEREAS, these needless deaths have led me to sign into law the Say Their Name Agenda which reforms aspects of policing in New York State; and

WHEREAS, government has a responsibility to ensure that all of its citizens are treated equally, fairly, and justly before the law; and

WHEREAS, recent outpouring of protests and demonstrations which have been manifested in every area of the state have illustrated the depth and breadth of the concern; and

WHEREAS, black lives matter; and

WHEREAS, the foregoing compels me to conclude that urgent and immediate action is needed to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust; and

WHEREAS, the Division of the Budget is empowered to determine the appropriate use of funds in furtherance of the state laws and New York State Constitution; and

WHEREAS, in coordination with the resources of the Division of Criminal Justice Services, the Division of the Budget can increase the effectiveness of the criminal justice system by ensuring that the local police agencies within the state have been actively engaged with stakeholders in the local community and have locally-approved plans for the strategies, policies and procedures of local police agencies; and

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, in particular Article IV, section one, I do hereby order and direct as follows:

The director of the Division of the Budget, in consultation with the Division of Criminal Justice Services, shall promulgate guidance to be sent to all local governments directing that:

Each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.

Each chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program.

The political subdivision, in coordination with its police agency, must consult with stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials, and create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing.

Such plan shall be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative

body in such political subdivision, which shall ratify or adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021; and

Such local government shall transmit a certification to the Director of the Division of the Budget to affirm that such process has been complied with and such local law or resolution has been adopted; and

The Director of the Division of the Budget shall be authorized to condition receipt of future appropriated state or federal funds upon filing of such certification for which such local government would otherwise be eligible; and

The Director is authorized to seek the support and assistance of any state agency in order to effectuate these purposes.

G I V E N under my hand and the Privy Seal of the State in the City of Albany this twelfth day of June in the year two thousand twenty.

BY THE GOVERNOR

Secretary to the Governor

REIMAGINING POLICING IN THE CITY OF NEWBURGH:

The diverse community that comprises the City of Newburgh, with a specific emphasis on the persons of color along with the leadership of the City of Newburgh Police Department, collectively acknowledge that serious and systematic issues regarding policing exist.

The process of addressing these problems needs to remain fluid, ongoing and must be adaptable when addressing the many variables that exist in order to positively affect change.

We all must acknowledge that New York State Executive Order 203 process is a starting point, and all stakeholders must remain committed in the long-term in working collaboratively to remedy the mistakes of the past.

INTRODUCTION AND THE COLLABORATIVE PROCESS:

On June 12, 2020 Governor Andrew Cuomo issued EXECUTIVE ORDER 203, known as the New York Statewide Police Reform & Reinvention Collaborative.

The requirements as set forth in this is as follows:

“The local government entity which has a police agency operating with police officers as defined under Section 1.20 of the Criminal Procedure Law must perform a comprehensive review of current force deployments, strategies, policies, procedures and practices, for the purpose of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness and legitimacy, and to address any racial bias and disproportionate policing of communities of color.”

NYS Executive Order 203 requires a process which:

- Review the needs of the community served by its police agency, and evaluate the department’s current policies and practices;
- Establishes policies that allow police to effectively and safely perform their duties;
- Involve the entire community in the discussions;
- Develops policy recommendations resulting from this review;
- Offers a plan for public comment
- Presents the plan for the local legislative body to ratify or adopt it, and;
- Certifies adoption of the plan to the State budget Director on or about April 1st, 2021

The City of Newburgh, and its police department in accordance with Executive Order 203, hereby submit this plan. It has been developed with the assistance of the resources provided by the State of New York, pursuant to the New York State Police Reform & Reinvention Collaborative.

It is important to note that at the time of issuance, the City of Newburgh Police Department was without a Chief-of-Police. The Department was being supervised by a lieutenant, serving in that capacity, until a new chief could be hired.

On July 20, 2020 the City of Newburgh announced its new police leadership team. Arnold W. Amthor would be hired back to his former position as deputy chief-of-police (acting) chief, and Senior Advisor Robert McLymore would be hired to assist with regards to the New York State Police Reform & Reinvention Collaborative (Executive Order #203).

Chief Amthor had previously served almost twenty years with the City of Newburgh Police Department, attaining the rank of deputy chief. At the time of re-hire he was serving as chief-of-police for the Town of Montgomery and Village of Maybrook police departments. In total, Chief Amthor has thirty-five years of cumulative police experience, over twenty of which has been at the supervisory level.

Senior Advisor Robert McLymore is a police lieutenant with the Town of Wallkill Police Department, and is approaching twenty years-of-service as a police officer. He is also Pastor of RDM Ministries/Life Restoration Church in the City of Newburgh. He and his family have deep roots in the City, and are well-respected members of the community.

It was during this time that the City of Newburgh began the process of reinventing and reforming its police department as required by Executive Order 203. The process was broken down into three separate phases pursuant to the guidance provided by the State of New York and the Division of Criminal Justice Services.

PLANNING PHASE:

In response to the directive to convene a group of local stakeholders, the City of Newburgh formed a committee that would ultimately serve as the cornerstone to this process. In doing so, the City named the local NAACP President, Ray Harvey, to chair this group and help the City with naming additional stakeholders to the committee.

The Committee was formed based off of the guidance and directives provided in the Executive Order, namely:

“Each chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program”.

Multiple public announcements were made soliciting interested candidates to serve on the newly created **Police Advisory Committee**, later referred to as the **Police Reform Committee** and ultimately named the **EO 203 Oversight Committee**. Each name change was made at the request of the Committee Chair, and was done in an effort to further illustrate the task at hand.

The Committee selection process was achieved collaboratively with the Committee Chair and culminated into the selection of the following individuals to serve on the Committee:

- Mr. Ray Harvey, Chairman and President of the Newburgh/Highland Falls Chapter of the NAACP*
- Mr. Phil Howard, retired Newburgh firefighter and Newburgh Enlarged City School District (NECSD) vice president*
- Bishop Jeff Woody, Christian Ministerial Fellowship
- Pastor Willie Mays, Christian Ministerial Fellowship*
- Bishop Terry Dorsey**(*)
- Ms. Tanika Amicy, Community Voices Heard
- Mr. Rene Mejia, Nobody Leaves Mid-Hudson
- Mr. Isaiah Valentine, N.U. Voters Movement
- Pastor Obed Alymeda, Fountain of Life Church

- Ms. Sertaira Boyd, Chairperson of the Police Community Review & Relations Board
- Michelle McKeon*, Chief Operating Officer of RECAP
- Philippe Pierre, resident and restaurateur
- Barbara Smith, resident
- Ramona Monteverde, Councilmember (Ex Officio)
- Robert Sklarz, Councilmember (Ex Officio)
- Omari Shakur**, Councilmember (Ex Officio), not originally on Committee but replaced Councilwoman Patty Sofokles
- Ms. Luisa Fuentes, Attorney**

*Denotes a resignation from the Committee

**Denotes an add-on from the original Committee

All official meetings of the Committee were live-streamed so that the community could observe and participate in the overall process.

The scope of the Committee remained unchanged throughout the process, and included addressing the following elements of policing:

- Use of Force
- Training
- Data collection, disclosure and transparency
- Community Engagement
- Oversight and Discipline
- Complaint Procedure
- Equipment

In August the State of New York issued a *Resource Guide for Public Officials and Citizens* pursuant to the New York State Police Reform and Reinvention Collaborative. The intent of this manual was to provide guidance and suggestions on how to proceed with the process. It was made clear that each municipality utilize it in formulating a plan that is specifically designed for each individual locale, while following the mandates as set forth in E.O. #203.

Also, on October 1st, 2020 the entire command staff of the City of Newburgh Police Department had a staff meeting and attended the NYS Division of Criminal Justice Services ***“Perspectives on Police Reform”***.

Police Reform & Reinvention

Collaborative Plan

Pursuant to the process initiated in the City of Newburgh as per the mandates set for the New York State Executive Law 203, the following is our plan of action. The implementation process has already begun, and will continue throughout 2021 until all aspects of this plan have been completed.

ITEM #1-Increase the annual department-wide training in-service curriculum to include the following:

- COMMUNITY RELATIONS Minimum of Four (4) Hours Annually
- IMPLICIT-BIAS Minimum of Four (4) Hours Annually
- CULTURAL AWARENESS/ANTI-RACISM Minimum of Four (4) Hours Annually
- DE-ESCALATION Minimum of Four (4) Hours Annually

ITEM #2-Data Collection Management and Disclosure:

The police department, as of January 1st 2021 will conduct an annual review of the following:

- All incidents whereby any Use-of-Force/Response to Resistance event occurs, type(s) of force utilized and the findings of the follow-up investigations.
- All Civilian-Complaints, type(s) of complaints, and their findings.
- All Field Interviews/Stops conducted as per the “Right-to-Know” Local Law, including race, gender and locations of contacts.

This data will be compiled and included in a formal Annual Report of the Police Department.

ITEM #3-The police department will increase its transparency to the community it serves:

- All General Orders, Policies & Procedures will be placed on the police website.

- The police website will be improved in order to be more informational.
- Monthly crime statistics, police activity reports by shift and productivity will be added.
- A Community Opinion Survey will be added.
- An online Civilian Complaint Form will be added.

ITEM #4-Equipment:

- The police department will examine additional less-than-lethal options that may exist and may not be presently deployed.
- The existing Body Worn Camera (B.W.C.) system, over five years old, will be replaced with a new one.

ITEM #5-General Orders Review:

During the 203 process the Committee reviewed several policies, as a result several changes were made based upon some recommendations made by Committee members. During our meetings the following General Orders of the Department were reviewed:

- General Order #A-011 (Response to Resistance)
 - Ban the use of chokeholds
 - Place K-9 use in the Force Continuum
 - Add "Duty to Intervene" section
- General Order #O-005 (Vehicle & Traffic Stops)
- General Order #O-039 (Crisis Intervention & Assisting the Mentally Ill)
- General Order #T-002 (In-Service Training)
 - Add above-stated additional training annually
- General Order #A-021 (Warrants)
- General Order #O-038 (Body Worn Cameras)
 - Upgrade existing system
- General Order #O-039 (Crisis Intervention Team)
- General Order #A-015 (Department Discipline)
 - Remove any reference to NYS Civil Service Law 50-A
- General Order #A-014 (Internal Affairs)
 - Create new Civilian Complaint Forms in English & Spanish
 - Send two supervisors to Internal Affairs Investigation Training

ITEM #6-Police Practices:

- The problem of homelessness, including many who are mentally ill, is clearly evident in our City. This population needs to be provided services and treatment, including case management and appropriate clinical follow-up, which is beyond the scope of responsibilities our law enforcement staff is trained to provide. The police department will issue a letter to several outside agencies requesting participation in joint meetings, in order to discuss the utilization of mental health services to assist with police in responding to and handling of persons in crisis.

ITEM #7-Police Operations:

- The police department will examine its current deployment of uniformed patrol officers by the present “zone system”, and consider re-aligning the system to better reflect the current demographics of the City.
- The City will prioritize the re-location of the current police headquarters to a new location, while remaining downtown, within 12-18 months.
- The police department will conduct a comprehensive review of the use of canines for apprehension and crowd control.

ITEM #8-Recruitment Process:

- The police department is committed to, and will remain so, the hiring of minority police officers.
- In 2021 and beyond members of the community will be encouraged to participate in the hiring process of all new police officers.

ITEM #9-Community Meetings:

- Community meetings will be held routinely, and conducted by Ward. The process will be overseen by the Chief-of-Police and a designated “ward contact” (Sergeant) from within the department. Opportunities for all to engage in an honest, open and transparent dialogue with police representatives will take place regularly. Additionally, any one of many organizations including the N.A.A.C.P. and others will be encouraged to attend.

ITEM #10-Police Chaplaincy Unit

- The police department will organize a diverse group of members of the clergy, equally balanced to reflect current City of Newburgh demographics. This unit will work with the police and the community in order to enhance relationships, respond to critical incidents and serve to support officers,, crime victims and families in times of crisis

ITEM #11-“Subpoena Power” for the Police Community Relations & Review Board (PCRRB) and/or City Council.

- The City commits to a thorough and complete legal review of increasing the current authority of the PCRRB and/or City Council to have subpoena power when investigating complaints against members of the police department.

ITEM #12-“Hopes not Handcuffs”

- The police department will introduce this program within the City of Newburgh in an effort to provide alternatives to arrest when dealing with persons who suffer from substance abuse addiction. The Newburgh Christian Ministerial Fellowship will also be an active participant in this collaborative.

ITEM #13-Enhance the SNUG Program to include the Christian Ministerial Fellowship as a stakeholder

- The police department and its SNUG partners have recently began, and will continue to develop an action plan for engaging at-risk individuals of gun violence, along with the newly joined Christian Ministerial Fellowship.

Upon review of the NYS Executive Law 203, and its mandates this Report, reflects that the City of Newburgh is in full compliance despite many hurdles. We acknowledge that much work needs to be done, and are committed to fulfilling all of the recommendations as outlined herein.

In the pages to follow, you will find a narrative elaborating on the work that went into the plan listed above. Once the local Committee was formed, its efforts were focused primarily on the two phases listed below. Guidance on these phases and the work that went into them, was taken directly from the resource guide provided by the State of New York.

LISTENING & LEARNING PHASE:

The listening and learning sessions were conducted by the Committee along with the Chief-of-Police, and Senior Advisor. The City Manager attended multiple pre-planning meetings, along with facilitating all interactive sessions held with the general public.

The Committee, absent the Chief-of-Police, Senior Advisor or City Manager held an unofficial meeting on or about September 16th, 2020. Members specifically expressed concerns over the fact that an unknown individual attended. When asked, she stated she was a former assistant district attorney. According to multiple Committee members, she appeared to “take over” the meeting, making demands for all of the Police Department’s general orders. Sources also advised she made mention to working in some capacity with an elected official from the City of Newburgh.

After looking into the incident, it was learned that this person was Ms. Luisa Fuentes. Ms. Fuentes is a former assistant district attorney with the Orange County District Attorney’s Office, and is presently a defense attorney.

The issue with regard to Ms. Fuentes required a formal decision. Several members of the Committee expressed the desire that she not be allowed to continue to participate, and that Councilman Shakur should not be allowed to expand the Committee or designate a “proxy”.

Ms. Fuentes continued her involvement with the Committee and in doing so served as a proxy for City of Newburgh Councilman Omari Shakur.

MEETING PHASE:

The first formal meeting of this phase was held on October 6th, 2020. The Committee opted for in-person meetings and allowed for members and the public to participate and observe via Zoom.

The following items were discussed:

- Collective dialogue regarding the purpose and intent of the Committee, the process, general questions and answers.
- A demand from Ms. Fuentes that the police department provide the Committee with all of the General Orders of the Police Department. The chief-of-police stated publicly that there was no objection of providing all of the Departmental General Orders as part of the process.
- Review of the Department's **Response to Resistance General Order #A-011**. At that time specific emphasis was on the recommended changes that were made pursuant to the September 2020 New York State Division of Criminal Justice Services recommendations, as well as the use of chokeholds.
- Demographic information regarding the current make-up of the police department.
- Hiring practices with an emphasis on minority, city-resident and Spanish-speaking persons interested in becoming city police officers.
- Review of the Department's **Vehicle & Traffic Stop General Order #O-005**.
- Review of the Department's **Crisis Intervention & Assisting the Mentally Ill General Order #O-039**.
- Review of the Department's **In-Service Training General Order #T-002**.
- Review of the Department's **Warrants General Order #A-021**.
- Questions were asked and answered regarding police equipment, role and purpose of the Department, and total number of officers.
- Questions were asked regarding the utilization of outside law-enforcement agencies in the City of Newburgh. This included specific references to the New York State Police and Orange County Sheriff.

- The chief-of-police and senior advisor were given a letter which contained several questions (a copy of which is contained in this Report). The Committee-at-Large began to question its origins, and many members stated they had no part whatsoever in drafting the letter. It was nevertheless received and the questions were responded to by the chief-of-police in a subsequent e-mail to Chairman Harvey directly.
- Members stated that moving forward all items of correspondence should be discussed with the entire Committee.

The second Committee meeting of this phase was cancelled by Chairman Harvey due to an unexpected scheduling conflict. The meeting was rescheduled for October 27th, 2020 and took place on that date. The following items were discussed at that time:

- The name change of the Committee.
- Placing periodic updates of the progress being made on the City's website.
- Discussion as to whether or not it could be possible to include city resident(s) in collective bargaining negotiations between City and the Police Benevolent Association (PBA) and Police Superior Officer's Association (PSOA).
- Recommendations regarding mandatory yearly drug testing for all sworn members of the Department. This would include mandatory drug and alcohol testing immediately following any critical incident involving the use of deadly physical force.
- The Committee recommended the current aged Body Worn Camera (BWC) system be replaced with a more up-to-date one. It was recommended to consider changing the BWC policy so as to mandate that every time an officer exits his cruiser that he shall activate the camera.
- The Committee opined regarding having sworn officers qualify with their service weapons once, instead of twice per-year, and instead replace the second session with de-escalation training. Some felt that the practice of

qualifying twice per-year should still take place, but that additional suggested training cycles focus on other recommended areas

- Recommendations were made to significantly increase annual training for all sworn personnel to cover areas such as Implicit-Bias, Verbal Judo, and Race Relations. Recommendations to add annual training in the areas of physical restraint tactics, impact weapons, and less-than-lethal alternatives.
- The Committee recommended that the police department consider discontinuing the utilization of police K-9's for criminal apprehension and crowd control.
- A dialogue took place when one member expressed the need to bring people to the meetings who have had negative experiences with the police. It was advised that this would be part of a public comment forum to be held later.

The third meeting of this phase was held on November 13th, 2020. The following General Orders were reviewed, and recommendations made:

- **Crisis Intervention Team General Order #O-39**
Note: This General Order has been combined with an extended section and is now called the Crisis Intervention Team & Assisting the Mentally Ill. The Committee discussed the need to review the current Curriculum for the training received by CIT officers. Additionally, they recommended that professional mental health providers respond to all calls related to mental health-related issues.
- **Department Discipline General Order #A-015**
The Committee requested that the Department consider modifying Section XI. (D), to increase the number of years from two (2). No recommendation was made as to the actual number for it to be increased to. It was also suggested that the Department issue an annual report of all incidents involving use of force, and civilian complaints with dispositions. The chief-of-police recommended that these items be made part of an annual report.

- **Internal Affairs General Order A-014**

The Committee discussed this General Order, with much of the dialogue pertaining to it centered on its relationship to the Police Community Relations Review Board (PCRRB). The chief-of-police advised that certain portions of this Order, as well as certain related items on the City's website needed to be amended based upon the repeal of Section 50A of the NYS Civil Service Law.

PUBLIC INFORMATION & COMMENTS SESSIONS:

A plan was made to move forward and conduct two (2) public information and comment sessions, originally set for December 1st and December 15th, 2020.

The initial public hearing was postponed a week in an effort to increase attendance and further publicize the event.

December 8, 2020 – Public Information & Comment Session

Approximately fifteen (15) people signed up for the public comment forum that was held immediately following the power point presentation meant to update the community on the work achieved by the committee.

Following the presentation public comments were taken. The entire forum was recorded, and is a matter of formal record.

December 15, 2020 – Public Information & Comment Session

A total of five (5) people signed up for the meeting. The Power Point was again presented, this time by the chief-of-police.

The forum was again recorded, and is a matter of formal record.

A copy of the presentation is included in the pages to follow, and was also posted to the City website.

In addition to the two public information and comment sessions listed above, the Newburgh City Council was also provided with an update during the Work Session meeting held on January 7, 2021.

The City Council then scheduled a Public Hearing regarding the City of Newburgh Executive Order 203 Plan on January 25, 2021. Prior to the public hearing, the

draft plan was prepared by the Committee and released to the public. Members of the Committee were on hand during the Public Hearing and provided an additional update to the Council and the community. The overall report contained in this document was subsequently finalized and released to the public for additional comment and feedback.

CONCLUSIONS:

It is clear that there is disconnect between the City of Newburgh Police Department and a segment of the community. More positive interactions undoubtedly need to take place moving forward. This should be in the form of ongoing public forums, whereby opinions, experiences and discussions can take place between the police and the community in order to gain better mutual understanding.

The community is justifiably angered by recent national events, such as the death of George Floyd and others. These events have also affected law-enforcement officers, who feel that they all “own” in some way the actions of the officers involved in these tragic incidents.

Stories of police-involved encounters flow regularly throughout the community. Oftentimes they are partly or even wholly inaccurate versions of events as they actually have occurred. The level of mistrust is such that even when shown evidence that is contradictory and proves the “street rumors” are untrue, the facts are still not believed. This occurs even when incidents are captured on officer’s Body Worn Cameras (BWC). The false narrative is perpetuated by a few who seem to want to escalate tensions between the police and the community, which ultimately cause harm and further division.

The process of addressing these problems needs to remain fluid, ongoing and must be adaptable when addressing the many variables that exist in order to positively affect change.

We all must acknowledge that New York State Executive Order 203 process is a starting point, and all stakeholders must remain committed in the long-term in working collaboratively to remedy the mistakes of the past.

Moving forward, the City of Newburgh will continue to meet with the stakeholders involved in this process and expand its outreach throughout the City and host community meetings aimed at increasing communication and gaining a better mutual understanding.



OFFICE OF THE
ORANGE COUNTY DISTRICT ATTORNEY

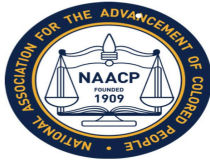
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DAVID M. HOOVLER
District Attorney

February 12, 2021

Statement on City of Newburgh Police Reform and Reinvention Collaborative Plan

District Attorney David M. Hoovler said, “The Orange County District Attorney’s Office has long supported the use of body-worn cameras, police training on topics such as Implicit Bias, and other efforts to improve police-community relations. The Police Reform and Reinvention Collaborative Plan put forth by the City of Newburgh takes important and concrete first-steps toward improving the relationship between police and members of the community that they serve. Police training mandates which focus on community relations and de-escalation, increased transparency through the on-line posting of the rules that the City of Newburgh Police operate under, and specific plans to have more community involvement in the hiring of new police officers, can only improve police-community relations. Most importantly, this plan recognizes that it is only part of an ongoing process and provides a mechanism for the collection and review of data to aid in future improvements to the Police Department.”



NAACP

Newburgh-Highland Falls Branch #2162
naacpnewburghhighlandfalls.blogspot.com

November 23, 2020

Mr. Joseph Donat, City of Newburgh Manager
City Hall
83 Broadway
Newburgh, NY 12550

Dear City Manager Donat,

These are indeed times for us to be more systematic and intentional to address racial disparities. Such a tool is the NYS Police Reform & Reinvention Collaborative Executive Order #203.

The City of Newburgh, NY assembled a group now called the "Police Advisory Committee" hereafter to be referred in this letter as "Newburgh, NY EO#203 Commission". It is our position that the use of "Advisory" in the title, the City's selection process and meeting format are not the intent of the NYS Police Reform & Reinvention Collaborative Executive Order #203 (NYS EO #203).

As representatives of the NAACP of Newburgh-Highland Falls (NBHF) we support collaboration and are prompted to write our concerns pertaining to building community trust and about the lack of progress toward Executive Order #203 goals.


Why we need to sound this alarm of concern---

We the NAACP NBHF, are compelled to sound the alarm after numerous attempts to collaborate with the City of Newburgh, and to inform of gross negligence on behalf of the City of Newburgh to carry out the requirements set forth in NYS Police Reform & Reinvention Executive Order #203 (EO#203). What we have experienced causes grave concern. The gravity of ending racial disparities using EO#203, as one tool, continues without a set path for completion, although 5 months into the process.

On or about August 24, 2020, a committee was appointed by elected officials of the City of Newburgh and City Manager to advise the Police Department on strategies to comply with EO#203. The process chosen to convene was in the absence of agreed collaboration and does not build public trust. This directly counters the community trust that is to be nurtured during the described process, which states that the **"chief executive of such local government shall convene..... stakeholders in the community and consult with members of the community, not limited to those listed in EO#203, and all interested parties,to develop such plan tailored to the specific needs of the community, based on trust, fairness, accountability, and transparencyto reduce any racial disparities and bias in policing of communities of color"**.

As the City Manager, (chief executive) it appears you have directed a committee appointment process to be carried out by proxies, the police chief and a senior advisor with some elected government officials. The results of some of those assembled continue to challenge a stakeholder-influenced agenda. One result is that the name "Police Advisory Committee" was adopted with little challenge.

NAACP NBHF Timeline of focus:

- March 2020---NAACP begins adjustments to hold virtual meetings and communicate during COVID.
- April 23, 2020---NAACP NBHF sends a letter of concerns for next steps to City Manager; copies to Council, and Mayor regarding hiring practices, Police Chief selection process, Police shooting , Choke holds vs Strangle holds, Body Cam release and collaboration next steps. Same letter sent to Orange County DA David Hoovler and Attorney General at Large in Poughkeepsie.
- June 12, 2020 ---Governor Andrew Cuomo is joined by Rev. Al Sharpton, Hazel Dukes, NY State NAACP Pres., Valerie Bell; the mother of Sean Bell, Gwen Carr; the mother of Eric Garner, New York State Senator Andrea Stewart-Cousins and Assembly Speaker Carl Heastie, in New York City (fig.1attached)
- June (~10th) ---City held meeting with some stakeholders. Minutes were not recorded or images taken for reference.
- The NAACP contacted the City Manager, in preparation to host a meeting. Phone prep meeting with City Manager between NAACP NBHF and City Manager (audio): 
- July 17, 2020 --(email from City Manager), follow up Community Forums were promised. NAACP NMHF Responded with dates regarding community forums.
- June 18th ---Meeting hosted by NAACP NBHF (video available) . Meeting included the Mayor and other invitees by City Manager. Agenda included issues from April and now added EO#203 process. (Recorded and written minutes available)
- July 20, 2020--- [Police Chief and Senior Advisor Announced](#)
- NAACP is told that members within the Branch may not serve on Committee unless they are residents of the City of Newburgh, NY.
- One meeting was set up then cancelled by the city
- August 7, 2020. City [Announced process to join Committee](#):
- August 24, 2020 [Inaugural Meeting](#) Members Announced
- August 25, 2020 [Inaugural Meeting](#) Held
- Sept.2020----No Newburgh EO#203 activity found
- October 6, 2020---[Meeting posted on City website](#)
- October 20, 2020---Meeting cancelled
- November 12, 2020---(Make up meeting for Nov. 3rd)---Ray addresses committee about receiving data, police culture , and asks for tools not provided. (videos available, image below)
- November 17, 2020---Chair relegated to being referred to by police chief and senior advisor

- November 19, 2020---We find EO#203 meeting videos posted under a different committee title, and outdated information for another policing committee

I. Next steps we support :

- The Name of Commission to be officially changed to reflect the work
- The present composition of the Commission be organized and implemented to reflect the described inclusion of stakeholders that assures ongoing Stakeholder/Community inclusion.
- Using NYS EO#203 provided materials for EO# to build public trust .
- A Digital Platform with easy access by Commission members holding documents and resources for Newburgh EO#203 Commission and information to educate the public and facilitate input and feedback.
- Hard copies be made available to Commission members.
- Meeting norms and procedures that foster respect be established and used :
 1. Posting selection process after applications were received, including how those not accepted for the Newburgh EO#203 Commission were notified.
 2. Publicly listed roster of all current members and who they represent
 3. Technology support to enable the ability to see and hear all meeting participants during meetings, use documents, and make and receive presentations
 4. Robert's Rules of Order implemented
 5. A timeline for intentional progress
 6. Publicly sharing each meeting agenda, dates and establishing additional work sessions to complete the work
 7. Official minutes with meeting outcomes/progress be posted and available for review
 8. The use of published support documents from both NYS and NAACP
 9. Public forums as described in EO#203
 10. Comparable attention to meeting quality be implemented with added language (bylaws/procedures) that govern ongoing public forums.

A timely response is requested to our concerns to be forwarded to our email naacpnewburghhighlandfalls@gmail.com and to the public. It is our fervent position that you intentionally connect the work of addressing racial disparities in policing communities of color to develop the required action plan (with an April 1, 2021 deadline) that qualifies for future funding without changing the titles or described processes found in the NYS Police Reform & Reinvention Collaborative EO#203 upon which the work is to be implemented.

Sincerely,

Ray Harvey, NAACP Newburgh-Highland Falls President

NAACP Newburgh-Highland Falls Support EO#203 Committee:

Sabrina Dolfinger, Treasurer

Kyle Conway, Community Engagement

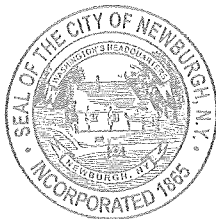
Booker Curtis, Legal Redress
Malvina Holloway, Media Diversity/Technology, Secretary
Claire Dowdy
Mary Kostenblatt
Richie Rosencrans
Mary Wagner

Cc: Torrence Harvey, City of Newburgh Mayor
City of Newburgh City Council
Steven M. Neuhaus, Orange County Executive
David M. Hoolver, Orange County DA
Robert McClymore, City of Newburgh Senior Advisor
Arnold Amthor, Newburgh Police Chief
James Skoufis, NYS Senator
Jonathan Jacobsen, Assembly member
Sean Patrick Maloney, New York US Representative
Ernest Klepeis District Director
Vinita Kamath, Attorney General At Large Poughkeepsie, NY
Brandon Hicks, NYS Director of African American Affairs
Wilbur Aldridge, NAACP NYS Conference Regional Director

Figure 1:



Gov. Cuomo signs NYS Reform/Reinvention Act June 12, 2020
Rev. Al Sharpton, NAACP NYS Conference Pres. Hazel Dukes with
Valerie Bell, Mother of Sean Bell, Gwen Carr, Mother of Eric Garner
Senate Majority Leader Andrea Stewart-Cousins and Assembly Leader Carl Heastie



CITY OF NEWBURGH

Office of the City Manager

83 Broadway, Newburgh, New York 12550

(845) 569-7301/Fax (845) 569-7370

December 7, 2020

Mr. Ray Harvey
President, NAACP
Newburgh Highland Falls Chapter
PO Box 301
Newburgh, NY 12551

Dear Mr. Harvey,

I write regarding the implementation of New York State Executive Order 203 in the City of Newburgh.

I was surprised and disappointed to receive the NAACP's letter dated November 23, 2020. The contents, allegations, and statements made are misrepresentations of the important work that we have achieved together.

Please know, your involvement with fulfilling the requirements of Executive Order 203 is most certainly needed and by all means welcomed. It is my hope that you will continue to work with the City regarding this and other matters moving forward. However, it is critical that I respond to your letter and ensure that our collaborative efforts are accurately represented.

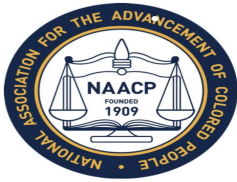
Over the last several months, the City of Newburgh has made significant progress with the Police Reform and Reinvention Collaborative. As seen in our recent community update, we have identified areas where change is needed and compiled those recommendations into a draft report. The City has held multiple public hearings regarding this matter, and will continue to do so throughout the duration of this process. All applicable comments will be incorporated into a final report that will ultimately be presented to the Newburgh City Council.

Aside from opinions expressed regarding lack of progress, the letter sent by the NAACP also questioned the selection process for members of the local committee that you chair. As you may recall, you have stated publicly that you assisted in the recruitment and appointment of committee members, which is a position that current members corroborate. At your suggestion, eligible applicants not selected for appointment were provided with the chance to serve as alternates in the event the committee wished to nominate additional members at a later date. In addition, the NAACP letter requests several items that were previously agreed upon and incorporated prior to the letter being sent, including your suggestion to change the name of our committee to the City of Newburgh 203 Oversight Committee.

I learned from our meeting last month that you may not have been involved with the drafting of the aforementioned letter sent on your behalf. As such, I can understand how such statements contained therein could have been made without your direct involvement, knowledge or approval. Whatever the case may be, I remain open to working together and hope that we can agree upon the need for continued professionalism and respect as we embark upon the critical work ahead.

Sincerely,

Joseph P. Donat
City Manager



NAACP

Newburgh-Highland Falls Branch #2162
naacpnewburghhighlandfalls.blogspot.com

Mr. Joseph Donat, City of Newburgh Manager
City Hall
83 Broadway
Newburgh, NY 12550

Dear City Manager Donat,

I hope this letter finds you safe and well.

I am writing in response to your letter dated December 7, 2020 which is the official City response to the letter we sent dated November 23, 2020. The purpose of this letter will be to respond to points raised in your letter, and to note that we continue to expect meeting norms to be established, transparency throughout the process, and involvement of the community at all stages.

I want to eliminate all doubt. The letter you received dated November 23, 2020 was penned by myself and members of NAACP Newburgh Highland Falls EO #203 Support Team. I personally feel, as does the NAACP Highland-Falls chapter, that the Newburgh Police Department is not adhering to the guidelines established by Governor Cuomo regarding review and reform within the Newburgh PD. It appears to us and to the public with which we have verbally surveyed, that the Newburgh PD is not taking the tasks laid out in EO #203 seriously, and is encouraging obstruction of progress. Such obstruction can be illustrated in the following example: During the December meeting of the Newburgh EO #203 Oversight Committee, I publicly repeated requests for resources which led to my being interrupted by council members and accused of wasting time asking for a website, data and other tools necessary for this work. Accusations about my leadership can also be heard, while Deputy Chief Amthor was appealed to for clarity.

In our November 23rd letter, we neither made allegations nor merely expressed opinions, but rather presented factual issues with the EO #203 process within Newburgh. The following are responses to points raised in your December 7th letter.

A. Regarding our use of allegations and opinions:

We described our experiences. All of what we've written is supported by emails, recordings and notes which correspond to our experiences in seeking collaboration for this EO #203 with the city since April of 2020.

B. Regarding the documentation and committee name:

The Committee name should include "commission" in the name not "oversight". The name connected to the work of our Commission is: Newburgh EO #203 Commission.

C. Regarding Roster of Commission members:

1. We are glad to see member names finally posted. Further action is needed. The role of each member and who they represent within the community is needed. Missing are the names of

Deputy Chief and Special Advisor. Your role should also be included for public trust and information to know that you are (I believe) the responsible person that uses the “Plan Certification Form” (Page 122, EO #203 Handbook)

2. A list of all applicants as well as resumes are requested. Additionally, we are requesting documentation of the screening procedures and process for choosing candidates for the committee. We also request copies of the resignation letters from all applicable committee members.
3. Those that **must** be included still are needed. Your website details an abbreviated list from the Handbook, leaving out local district attorney and local public defender (Page 113).
4. We **need** to hear from those with experiences. Detailed below are those who have been left out of the process, and who should be included based on recommendations of the EO 203 Handbook and in order to fully represent the Newburgh community:

- Residents who have had interactions with the police;
- Residents who have been incarcerated
- Any local police unions;
- Local education officials and educators;
- Local neighborhood, homeless, and housing advocates;
- LGBTQIA+ leaders and advocates;
- The Local Health Department and healthcare leaders and advocates;
- Mental health professionals;
- Business leaders;
- Transportation and transit officials; and
- Legal and academic experts.

D. Regarding the City of Newburgh holding multiple public hearings on EO #203:

1. Two “public comment” sessions were held, one on December 8, 2020 and one on December 15, 2020. The sessions were advertised as interaction with the public, but both meetings included presentations by the police department and a lack of response to the statements and questions from the public. The meetings were absent the required dialogue necessary to foster a positive relationship with the public and failed to address concerns of the public. Speaking limit was 3 minutes per person, despite numerous comments from the public that 3 minutes was not sufficient for these meetings. Only these two meetings have been advertised to the public to my knowledge.
2. Said advertising occurred only a few days before the first meeting, and only on the website. No other advertisements were originally made on social media or other platforms. Additionally, in order to be able to speak in the meetings, registration was required and the cut off was slated for noon the day before the meeting.
3. Participants who were unable to arrive at the virtual meeting by 6 pm reported that they were unable to enter the meeting.
4. At the December 15th meeting, the microphones were muted when individuals were speaking. Additionally, 19 minutes and 20 seconds of the 33 minute 01 second meeting was a presentation by the police department, not public comment. Multiple individuals were unable to speak due to microphone muting, and Chief Amthor stated that he would come back to those individuals who were not responding. He never called their names again to receive their comments.
5. EO #203 meetings are not included on the calendar on the City’s website, while other meetings are. There are also no Zoom links posted for the public to access EO #203 meetings in order to review Commission progress and participate in the general meetings.

6. Notification and registration for meetings regarding EO #203, as well as Police Community Relations, are often posted only 1-2 days before the scheduled meeting with registration cut-offs at noon the day before the meeting. This is not an acceptable time frame of notification for participation with the public.

The NAACP and myself stand by our claims that Stage 1 of the EO #203 process was not properly carried out. We are now focused on what is to happen during this next segment of time for the Newburgh EO #203 Commission work completion.

For your consideration, I present the following agenda for our upcoming meeting--focusing on time use, inclusion, and how to gauge that we are on track.

- I. Timeline and RoadMap: Getting on track (Page 112) and attached:



Community engagement is imperative throughout the process, with a way for people to provide feedback and for us to post the arising topics. One suggestion is to post upcoming topics on the website, inviting the public to comment and participate in the discussion. We uphold that reliable tech support continues to be needed.

- I. Action Plan Format selection: As action plans are developed during this process the results from “Listening & Learning” and later “Public Comment” would shape what comes from the public. Additional questions from experts and commission members may also shape this.
 - A. Goals---What is to happen
 - B. What policy, deployment, strategy, practice or procedure is being addressed
 - C. Categories—What area within the department
 - D. Person/People responsible
 - E. Budget with timeline for implementation
 - F. Description with Start and End date
 - G. Monitoring criteria with dates

The developing action plan would be filled in as the committee considers the proposals and uses public input. The action planning document and other resources used in meetings would be available to the public. This will show the public that the Newburgh PD desires openness and transparency during this process, and will foster trust and improved relations with the public.

Using the comprehensive review data and establishing a timeline is priority for the January meeting in order to put us on track for completion. Attached is a draft document for use.

Considerations:

- Deciding whether additional meetings need to be added
- Completing the roster for the committee
- Building public trust----For an intentional and transparent process attached is a Working Roadmap

As you should note, the Newburgh EO #203 committee is lacking many of the critical components needed for success in Phase 1 and 2. It is critical to rectify these issues in order to transition into future phases and promote positive, community-centered and community-approved changes. Necessary changes include public access to all documentation (memos, meeting minutes, etc necessary for transparency), engaging the community and specifically persons of color to review current policies, creation of collaborative dialogue with the community, inclusion of missing parties outlined in the above letter under Section C, part 4, and the holding of public forums led by the Mayor, City Manager, or other City Officials. Without including these critical elements, myself nor the NAACP NBHF Support Committee cannot in good-faith condone moving forward with the current Newburgh EO #203 plan, as thus far the community has not had sufficient inclusion or say in the path forward. We fervently hope you will consider making necessary adjustments to the process in order to be in compliance with the EO #203 Handbook.

Sincerely,

Ray Harvey, NAACP Newburgh-Highland Falls President

NAACP Newburgh-Highland Fall Support EO #203 Committee

Sabrina Dolfinger

Kyle Conway, Community Engagement

Booker Curtis, Legal Redress

Claire Dowdy

Malvina Holloway, Media Diversity/Technology

Mary Kostenblatt

Richie Rosencrans

Tamie Hollins

The following is a Newburgh, NY Working Roadmap for EO #203 Work

This document is to be an aid to plot pace and success of Newburgh EO #203 Commission.

PHASE ONE (tentative time frame: [July 2020 - November 2020](#))

Preliminary Scoping and Review --- (driven by public via BIPOC focus group / steering commission/committee)

Goals:

- Ensure that scope of review is determined by BIPOC members of the public, not City officials
- Create a space that protects and prioritizes BIPOC perspective
- Ensure confidentiality and candid dialogue

- Ensure productive and efficient collaboration
- Provide a foundation for broader community discourse in Phase Two

Objectives:

- Establish initial scope of review (administration serving as facilitators/clarifiers)
- Develop preliminary findings and recommendations
- Release preliminary findings and recommendations
- Organize necessary documentation to support community forums in Phase Two

TRANSITION: Planning for Phase Two should include input from broader public (1-2 sessions)

City of Newburgh, New York

Overarching Components : Strategy for Newburgh EO #203 Commission work---

1. Commission Name/Dynamics/Environment
 2. Building, Establishing, Sustaining Community Trust
 3. Accessibility to the Resources and Documents for work through March 2021
 4. Short and Long term goals –Functional [Human Rights Commission](#)
- I. Public documents and Publics experience with police. ---- Reference: EO #203 Section 17
- A. Brady information regarding lawsuits and settlements, including City Council voting on settlements
 - B. Public inclusion ---For a broader community beginning in PHASE ONE and with support continues discourse in PHASE TWO
 1. 5 minutes for individual to speak to Newburgh EO #203 Commission
 2. Online testimonials
 3. Community Forums as discussed in summer with NAACP
 - a. Documentation to support referencing materials
 - C. Manuals, Policies, Memos and Directives
 - a. Platform to support referencing materials
 - b. Model policies & guidelines promulgated by NYS Municipal Police Training Council & Standard by NYS Law Enforcement Accreditation Program AND How Newburgh rates with the standards
 - D. Work sessions to review and understand documents
 1. Schedule
 2. Discuss and prioritize
 - E. How final action plan is to be submitted identified by City of Newburgh government

PHASE TWO (tentative time frame: [November 2020 - January 2021](#))

Community Visioning (driven by public via series of community forums, facilitated by Mayor, Board and Steering Committee)

Goals:

- Foster a shared understanding of existing local systems (governance structure, policies, practices, systems of accountability and responsibility, etc.)
- Allow for public participation in identifying gaps and proposing solutions
- Invite and empower community partners (nonprofits, businesses, individuals)
- Transition responsibility from public to City Board of Trustees

Objectives:

- Utilize first phase documentation to present details of existing local systems
- Share preliminary findings and recommendations
- Confirm (or expand) scope of review
- Generate additional recommendations and reactions from the broader community
- Identify areas that require community and individual action
- Identify areas that require action from the City Board

TRANSITION: Phase Three should commence with acknowledgement of public feedback

Mayor / city official facilitates forums

- I. Community Visioning –Community forums facilitated by Mayor
- II. Identify areas that require Community and individual action
 - A. Forums continue
 - B. Examples
 1. Shooting investigations
 2. Asking passengers in vehicles for identification
 3. Using minor traffic infractions to search vehicles
 4. Walking with open container and searched
- III. Shared preliminary findings recommendations from requested materials
- IV. Checking Progress/Feedback after each meeting

PHASE THREE (tentative time frame: [January 2021 - March 2021](#))

Formalize and implement City's action plan (driven by City Council via Regular Meetings)

Goals:

- Ensure the City Board can commence its formal process with understanding of residents' desires
- Create the conditions for enduring change by fostering buy-in and consensus
- Ensure clarity of purpose for City's action plan
- Promote community commitment to racial equity

Objectives:

- Prioritize key commitments
- Identify necessary budget adjustments
- Elicit feedback from City staff
- Establish timelines for implementation
- Release draft action plan and invite further feedback from public
- Ratify action plan by April 2021
- Implement action plan according to established timelines

TRANSITION : Approval (Public and State) for Implementation

Section 18. ---Action Plan

- I. Commission Action plan directly connected to identified racial disparities is put together and offered for public comment
 - A. Residents and community desires are understood and part of the formal plan
- II. Ratification of the plan---- Section 19

- A. During March
- B. Ratification or adopted by local law or resolution, as Appropriate, no later than April 1, 2021 (City of Newburgh Government confirms procedure during PHASE ONE) to NYS Director of the Division of the Budget.

Source : NYS Police Reform & Reinvention Collaborative

Revised: 11/11/2020-----NAACP NBHF EO #203 ST

City of Newburgh Community Update

Police Reform & Reinvention Collaborative

“The key to effective police-community relations is building trust between members of the community and members of law-enforcement, community members should be encouraged to play an active role in the policing process.”

NYS Executive Order 203



New York State Executive Order 203

This law, signed by Governor Andrew Cuomo on June 12th, 2020, set forth statewide mandates for all municipalities that have police departments.

The process as specified in this law must be completed no later than April 1st 2021.



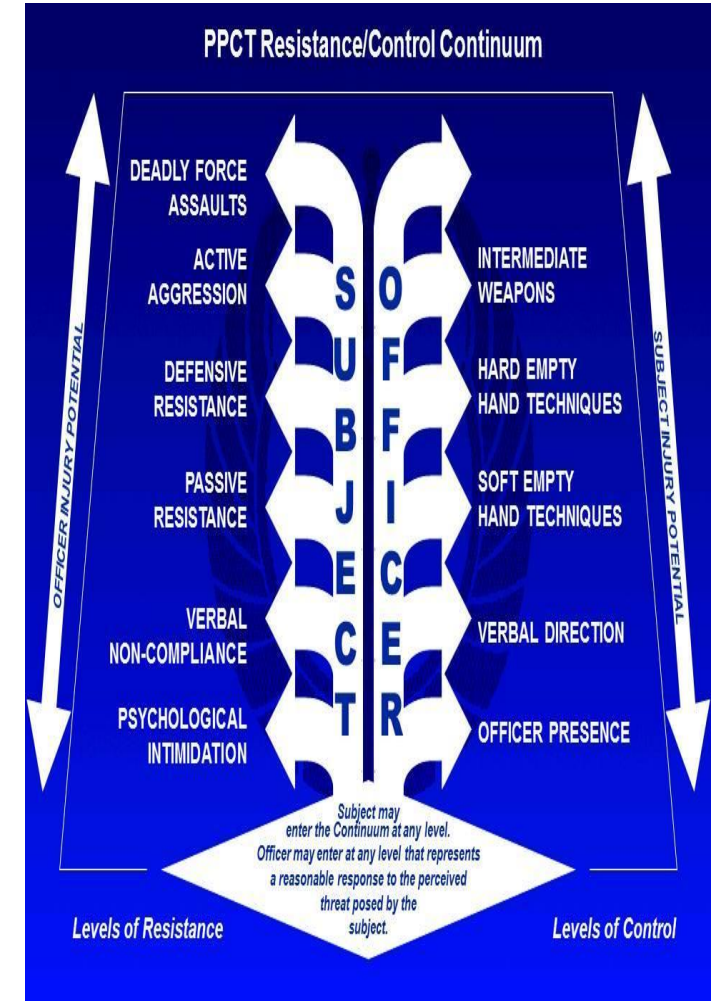
New York State Executive Order 203

- Perform a comprehensive review of policing operations, with a focus on any issues that may exist regarding racial bias and disproportionate policing of communities of color.
- Convene the head of the police agency, along with community stakeholders, to develop a plan aimed at improving policing operations and functions.
- Offer plan for public comment to all citizens, and after consideration of such comments present the plan to the legislative body, which shall ratify by local law or resolution no later than April 1, 2021.



Use of Force

- The Use of Force/Response to Resistance General Order has been amended to include the “Duty to Intervene” provision as recommended by the NYS Division of Criminal Justice Services.
- The department will conduct a comprehensive review of the use of canines for apprehension and crowd control.
- The department will issue an annual report of use of force incidents.



Civilian Complaint Procedure

- The police department will create an Online Complaint Form.
- A Civilian Complaint Report will be done annually, and disseminated. It will include the types of complaints, dispositions and demographic information.

A cartoon illustration of a person with black hair, wearing a blue long-sleeved shirt and black pants, sitting at a desk and typing on a laptop. The laptop screen shows a "Submit a complaint" form.

Submit a complaint

Name
Enter your name

Email
Enter your email

Details of the complaint
Enter your message

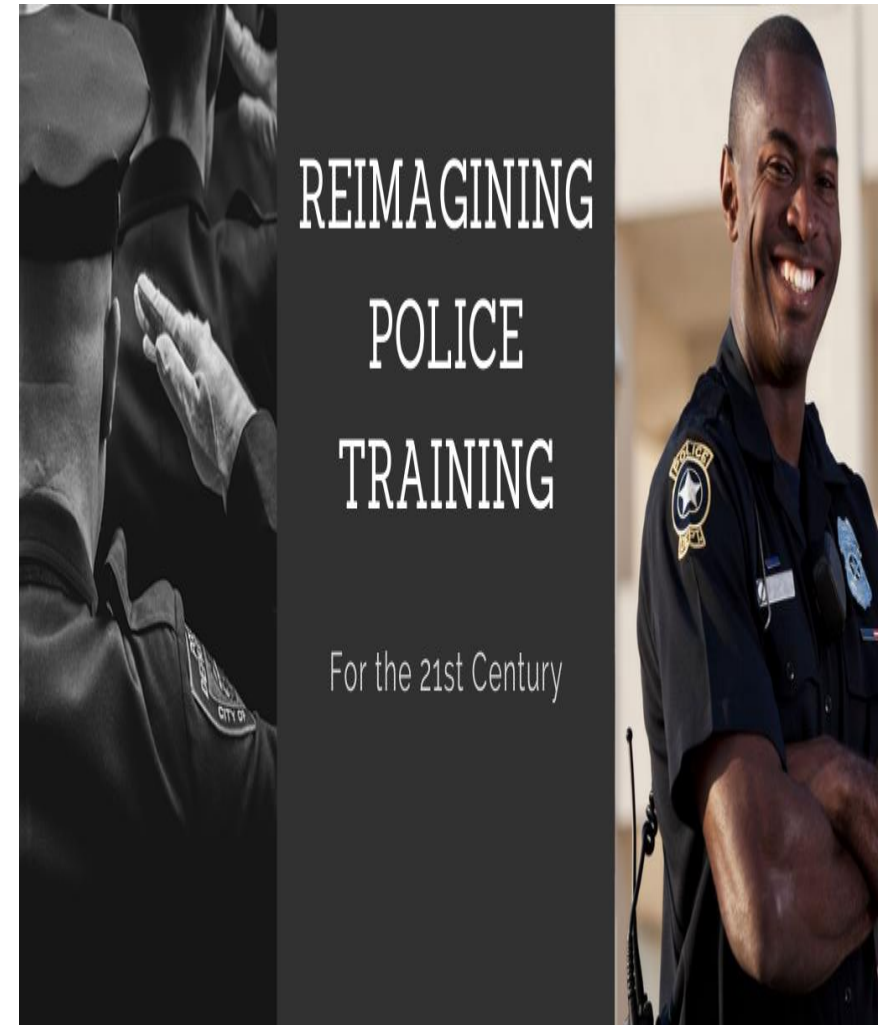
Submit



Training

Annual In-Service Training will include:

- Implicit-Bias Training
- Cultural Awareness
- Verbal Judo
- De-Escalation Tactics
- Impact Weapons
- Less-than-Lethal & Defensive Tactics



Data Collection & Management

- Will collect data that details racial, ethnic, gender and location related to all police stops and daily blotter reports.
- Will conduct an annual review of the data collected, and publish the information in a Departmental Annual Report.

“Law enforcement must be transparent with respect to discipline, misconduct and data integrity”. (NYS EO 203).

Collected citizen-driven data plays a key role in decision making and planning.



 SoukTel



CITY OF NEWBURGH POLICE DEPARTMENT

SERVICE, COURAGE AND COMMITMENT

Transparency

- All police policies, practices, and procedures will be made public and accessible on the police website.
- The police department will improve the use of social media to better inform the public and disseminate information.
- A community opinion survey will be created and put on the police website.



“ Information must be disseminated quickly and accurately in order to dispel inaccurate or erroneous information.”
(NYS EO 203)



Equipment

- New Body Worn Cameras
- Examine less-than-lethal options not currently deployed
- New Duty Uniforms
- New 'Field Activity Forms'



General Orders

- Field Interviews, Stops & Field Activity Form 80-3
- Crisis Intervention & Assisting the Mentally Ill
- Addressing Bias Policing
- Disclosure of Status Information
- Internal Affairs



Police Practices

- The police department will consult with various outside agencies with a specific focus on utilizing services in dealing with mentally ill persons (Mobile Crisis Response Unit).
- Other responsibilities currently handled by police that are not directly related to its functions will be discussed with outside agencies, such as dealing with the homeless.



“In order for Police-Community relations engagement to be effective both sides must feel they are valued and mutually respected.” NYS EO 203



Police Operations

- Will consider re-aligning patrol sectors to reflect the changing demographics.
- The PD needs to relocate police headquarters from its present location, while remaining downtown, in order to better serve the citizenry.



Recruitment process

- Selected members of the community will be encouraged to participate in interviews of potential new hires in the police department.
- All current practices that promote the hiring of city residents, minorities and Spanish-Speaking persons should be continued.

**NEWBURGH CITY
POLICE DEPARTMENT**



**IS NOW
RECRUITING**

EXAM WILL BE HELD ON:
Saturday, September 14, 2019
Filing Period: 6/25 - 7/15/19
Police Officer (#68197)
Police Officer Spanish Speaking (#68272)

Open House on 7/13/19
10am - 2pm Newburgh Rec Center
401 Washington St, Newburgh
Special Units will be present
Meet and Greet with Officers

Starting Salary: \$45,058
Requirements to Apply



MORE INFO: (845) 569-7340
<https://www.cityofnewburgh-ny.gov/civil-service>

Preference given to City of Newburgh Residents



Trust & Respect Works Both Ways

- Community members must feel that the police will engage in fair and unbiased policing.
- The police must in turn feel the community will respect and support them.



Sir Robert Peel, the Father of Modern Day Policing said:

“The police at all times should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police are the only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the intent of the community welfare.”

(Principles of Law Enforcement, 1829)





CITY OF NEWBURGH
POLICE DEPARTMENT
PUBLIC SAFETY BUILDING
55 BROADWAY
NEWBURGH, N.Y. 12550-5698
TEL: (845) 561-3131 FAX: (845) 561-9052 or (845) 565-5662

GENERAL ORDER NO. A-011

ISSUE DATE: 11/13/20	EFFECTIVE DATE: 11/30/20	NEW ORDER	LAST REVIEWED: 10/2/20
SUBJECT: RESPONSE TO RESISTANCE			
DISTRIBUTION: Sworn Personnel	RE-EVALUATION DATE	NYS ACCREDITATION STANDARD NUMBER(S): 20.1, 20.4, 20.6, 20.7,	PAGE 1 OF 6
ISSUING AUTHORITY: Chief Arnold Amthor			

I. PURPOSE

To establish use of force guidelines for members of the City of Newburgh Police Department. It is impossible to regulate what kind and to what extent of force may be used in every situation, as this decision is dependent on the actions of the individual and events that are unique to almost every situation where force may be appropriate.

II. POLICY

The policy of the City of Newburgh Police Department is that members exhaust every reasonable means to effectively bring an incident or person under control prior to using force. If force is necessary, members shall use only the amount of force that is reasonable and necessary in light of the circumstances to effectively and safely bring an incident or person under control, while protecting themselves or others. "Reasonable" and "Necessary" must be judged from the perspective of the reasonable officer on the scene at the time of the incident, and must embody allowance for the fact that officers are often called upon to make split-second decisions about whether to use any force, and how much force to use, during situational factors that are tense, dangerous and rapidly-evolving.

III. RESPONSE TO RESISTANCE

- A. Members of this department may use physical force in the performance of official duties only when it is necessary to:
 - 1) Affect an arrest.
 - 2) Prevent the escape from custody of a person whom the officer reasonably believes to have committed an offense.
 - 3) Defend the member or another person from what the officer reasonably believes to be the use or imminent use of physical force.
 - 4) Restrain or subdue an uncooperative or resistant person.
 - 5) Safely and effectively control or prevent an unlawful, hazardous, or dangerous situation.
- B. A number of factors are taken into consideration when an officer selects force options and when evaluating whether the officer used reasonable force. Officers must be able to articulate the facts and circumstances surrounding the force used in a particular situation. Factors that affect an officer's force selection include, but are not limited to:
 - 1) Officer / Subject factors
 - a. Age
 - b. Size
 - c. Strength
 - d. Skill level
 - e. Exhaustion
 - f. Injury
 - g. Officer / subject ratio
 - 2) Seriousness of the offense
 - 3) Influence of drugs / alcohol
 - 4) Subject's emotional condition / mental instability
 - 5) Physical condition / disability
 - 6) Proximity to weapons
 - 7) Immediate availability of other options
- C. Any use of force, which is not reasonably necessary in view of the circumstances confronting the officer is prohibited.
- D. Officers shall at all times applicable, utilize professional presence, communication skills, and verbal direction in an effort to defuse a potential physical confrontation.
- E. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this General Order requires an officer to actually sustain or unreasonably risk physical injury before applying reasonable force.
- F. Members of the department shall follow a force continuum (as outlined in Section V and VI of this General Order) when responding to resistance. It shall be stressed that dependent on actions of the suspect; it will not always be possible for the officer to follow the force continuum in order.

- G. The use of non-department issued or approved impact weapons is permitted only when no other reasonable immediate alternative is present.

IV. DUTY TO INTERVENE

- A. Any officer present and observing another officer using force that he/she 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. An officer who observes another officer use force that exceeds the degree of force described in subdivision A of this section shall promptly report these observations to a supervisor.

V. USE OF DEADLY PHYSICAL FORCE

Members of the City of Newburgh Police Department shall resort to the use of deadly physical force only within Department General Orders and New York State Law. City of Newburgh Police Officers shall only use deadly physical force when they possess the objectively reasonable belief that they must protect themselves or another person from imminent death or serious bodily injury.

VI. PROHIBITED FORCE

- A. Force shall not be used by any officer for the following reasons
 - 1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
 - 2. To coerce a confession from a subject in custody;
 - 3. To obtain blood, saliva, urine or other bodily fluid or cells from an individual for the purpose of scientific testing in lieu of a court order where required;
 - 4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape or otherwise overcome active or passive resistance posed by the subject.
- B. Warning shots may not be fired under any circumstances.
- C. Firing at or from moving vehicles is prohibited except where the officer reasonably believes that there is imminent threat of death or serious physical injury to himself or a third party and that it is the only reasonable means of protecting themselves and/or a third party.
- D. Strangle / choke holds and other similar holds which restrict the ability to breathe or that restrict the flow of blood to the brain are prohibited, unless in the event that deadly physical force is justified.
- E. Head strikes with any impact weapon are prohibited, unless in the event that deadly physical force is justified.
- F. Officers shall not carry or use any of the below listed weapons during the course of their duties:
 - 1) Switchblade knife
 - 2) Metal knuckles
 - 3) Blackjack
 - 4) Non-folding knives

- 5) Knives with blades larger than 4 inches.
- 6) Any other weapon not authorized by the Chief of Police

V11. DOCUMENTATION OF RESPONSE TO RESISTANCE

- A. All incidents whereupon any use of force is exercised, shall be documented within the narrative portion of the Offense/Incident Report as well as on a Response to Resistance Report.

The categories of reportable Use of Force incidents are as follows:

- 1.) **Display a chemical agent**- to point a chemical agent at a subject.
- 2.) **Use/Deploy a chemical agent**- the operation of the chemical against a person in a manner capable of causing physical injury.
- 3.) **Brandishes/Uses/Discharges a firearm**- the operation of a firearm against a person in the manner capable of causing physical injury.
- 4.) **Brandishes/Uses/Deploys an impact weapon or electronic control weapon**- the operation of an impact weapon or electronic control weapon against a person in a manner capable of causing physical injury.
- 6.) **Conduct that resulted in death**
- 7.) **Serious bodily injury**- bodily injury that causes:
 - A substantial risk of death; or
 - Unconsciousness; or
 - Serious and protracted disfigurement; or
 - Protracted loss or impairment of the function of any bodily member, organ or mental faculty.

- B. The Response to Resistance Report and the Offense / Incident Report shall be reviewed by the officer's immediate supervisor. The officer's immediate supervisor shall determine, based upon the information at the time, if the response was appropriate. The supervisor's determination shall be marked on the Response to Resistance Report in the appropriate area. Both reports shall then be forwarded to a Lieutenant designated by the Chief of Police for review.

- C. The use of force investigator designated by the Chief of Police shall review all Response to Resistance Reports to determine if the response is consistent with New York State Law and the General Orders of the City of Newburgh Police. The use of force investigator designated by the Chief of Police shall also be responsible for forwarding any responses that were

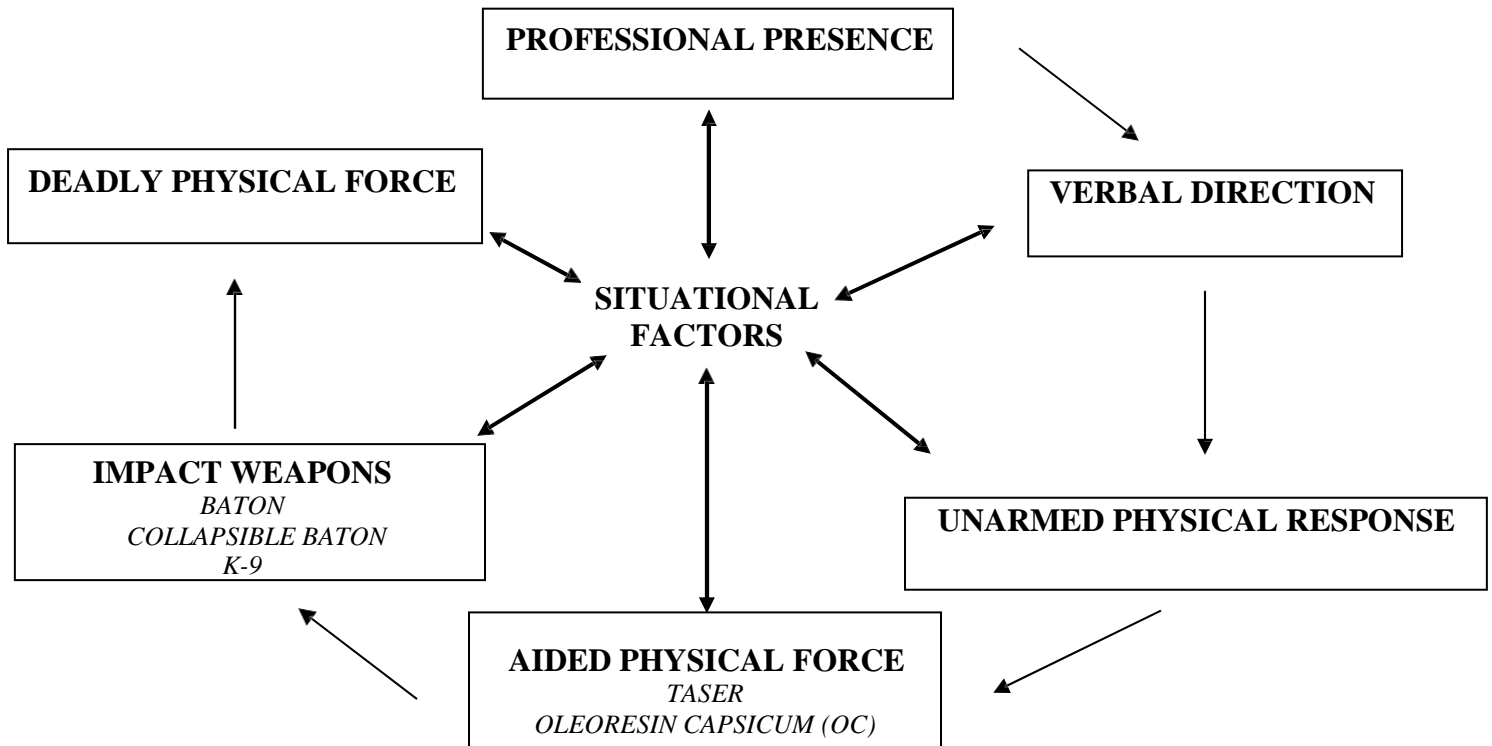
inappropriate to the Chief of Police.

- D. State Reporting Requirements will be handled by an employee designated by the Chief of Police
- E. Response to Resistance Reports shall be maintained indefinitely by the use of force investigator designated by the Chief of Police.

VII. PROCEDURES FOLLOWING USE OF DEADLY PHYSICAL FORCE

- A. Psychological Services: In all cases where any person has been seriously injured or killed as a result of a deadly force incident involving an officer, or any incident as determined by the Chief of Police, the involved officer(s) will be required to undergo a debriefing with a department provided psychological professional as soon as possible after the incident. The purpose of this debriefing is to deal with the emotional and/or psychological after-effects of the incident. The debriefing shall not be related to any department investigation of the incident.
- B. Administrative Leave: Any officer involved in a deadly force incident shall be placed on Administrative Leave directly upon the completion of their preliminary report of the incident. This leave shall be without loss of pay or benefits pending the results of the investigation. The assignment of Administrative Leave shall not be interpreted to imply or indicate that the officer acted improperly. While on Administrative Leave, the officer shall remain available at all times for official department business, including interviews and statements regarding the incident and any legal proceedings, and administrative or internal police department protocols. The officer may be recalled to duty at any time. Upon returning to duty, the officer may be assigned to Administrative Duty for a period of time deemed appropriate by the Chief of Police, in consultation with the officer and any involved psychological professional.

VIII. FORCE CONTINUUM – SITUATIONALLY DEPENDENT OPTIONS



Arnold Amthor
Chief of Police



CITY OF NEWBURGH
POLICE DEPARTMENT
PUBLIC SAFETY BUILDING
55 BROADWAY
NEWBURGH, N.Y. 12550-5698
TEL: (845) 561-3131 FAX: (845) 561-9052 or (845) 565-5662

GENERAL ORDER NO. A-014

ISSUE DATE: 08/05/16	EFFECTIVE DATE: 08/05/16	NEW ORDER	LAST REVIEWED: 07/16
SUBJECT: INTERNAL AFFAIRS			
DISTRIBUTION: All personnel	RE-EVALUATION DATE 04/17	NYS ACCREDITATION STANDARD NUMBER(S): 25.1, 25.2, 25.6, 25.8	PAGE 1 OF 6
ISSUING AUTHORITY: Chief Daniel C. Cameron			

I. PURPOSE

This General Order sets forth the policy and procedure for the management and supervision of complaints concerning members of the City of Newburgh Police Department, consistent with the goal of maintaining the highest standards of integrity of the members of the Department. The Chief of Police shall designate a Lieutenant with responsibility for administration of this policy and related matters.

II. POLICY

The City of Newburgh Police Department encourages all persons to report legitimate complaints regarding possible misconduct, poor performance and/or inadequate police service. Each allegation shall be received by the Department professionally with courtesy and investigated without delay. Members of the Department are to assist and cooperate in the impartial processing of a complaint consistent with established procedures. A complaint shall be handled with due regard for the rights of member(s) of the Department who may be the subject of a complaint.

III. TYPES OF COMPLAINTS

- A. Platoon / Unit / Individual Complaint: Generally, any alleged violation of department procedure.
- B. Misconduct Complaint: an allegation of improper or unlawful conduct which includes but is not limited to:
 - 1) Abuse of authority;
 - 2) Conduct which is criminal on its face;
 - 3) Unnecessary or excessive use of force;
 - 4) Abusive or discourteous behavior;
 - 5) Unprofessional demeanor.
- C. Informal Complaint: A verbal complaint in which the complainant meets with a police supervisor and the matter is resolved without a formal complaint being filed.
- D. Formal Complaint: A complaint filed on a City of Newburgh Police Citizen Complaint and Compliment Form.
- E. Inter-departmental investigation: Any member of the department may initiate an internal affairs investigation by completing an Internal Affairs Investigation Request and forwarding it to the Lieutenant designated by the Chief of Police.

IV. RECEIVING COMPLAINTS

- A. Any person wishing to make a complaint against a member of the department, a department policy or procedure, or any aspect of the department's operation shall be allowed to make such complaint.
- B. When a complaint involves only whether the party is guilty or innocent of a charge, the complainant shall be instructed to address the matter during a court appearance.
- C. All officers will, upon request, provide and/or explain the procedure for making a complaint as outlined in this General Order. Complaint/compliment forms shall be in both English and Spanish.
- D. Any person wishing to make a complaint shall be directed to the on-duty Patrol Supervisor, or if known, the employee's direct supervisor if the supervisor is on-duty. (Hereafter referred to collectively as "supervisor")
- E. The supervisor shall attempt to resolve the complaint. If the complaint cannot be resolved to the satisfaction of the complainant, or if the substance of the complaint is not considered by the supervisor to be a low-level matter, the complainant shall be given a Citizen Complaint and Compliment Form.

- F. Examples of higher level complaints that should require a formal complaint include but are not limited to: corruption, brutality, death or serious injury, criminal misconduct, interference with a person's civil rights, purposeful violations of department general orders and gross violations of department general orders.
- G. When a person wants to make a formal complaint, or in instances of higher level complaints, the complainant shall be given a Citizens Complaint and Compliment Form (hereafter "complaint form"). The supervisor shall assist the complainant as needed. The substance of the complaint, the identity of the complainant and the identity of the member(s) of the Department involved shall be maintained as confidential and disclosed only by the Lieutenant designated by the Chief of Police as necessary in the course of the investigation or as directed by the Chief of Police.
- H. Upon completion of the complaint form, the supervisor shall photocopy the completed form and give the copy to the complainant. The original form shall then be sealed in a department envelope, clearly marked on the front and back of the envelope "Confidential", and forwarded to the Lieutenant designated by the Chief of Police. In the event that the Lieutenant is not on duty the supervisor shall secure the envelope in the Chief's office.
- I. Upon receiving the formal complaint, the Lieutenant shall assign a log number; enter identifying information in the Department's records system, including the date the complaint form was completed, the date the complaint form was received by the Lieutenant, and the assigned log number.
- J. Upon receipt of the complaint form, the Lieutenant shall commence an investigation of the matters alleged at the earliest possible time.
- K. The Chief of Police may at times designate the Lieutenant to investigate alleged or suspected misconduct within the Department, whether or not a complaint has been filed.
- L. Matters for which there is cause to believe constitute misconduct or incompetence shall be handled according to the Department General Order regarding Department Discipline.

V. INVESTIGATING FORMAL COMPLAINTS

- A. The Lieutenant or any person assigned by the Chief of Police shall investigate all formal complaints.
- B. The Lieutenant shall forward a written acknowledgement of receipt to the complainant within (10) business days. The letter shall inform the complainant that the complaint is being investigated and provide the complainant with the Lieutenants contact information.

- C. All formal complaints shall be thoroughly investigated, and an investigative report completed. The investigative report shall detail the action(s) taken to investigate the matter, summarize the evidence received, and identify all items of evidence, notes, and recordings generated in the course of the investigation. The investigative report shall clearly state a recommendation for the disposition of the complaint, using the categories listed below, and the rationale for the disposition. The investigative report shall be forwarded to the Chief of Police for review.
- D. Materials and files related to completed and pending investigations shall be maintained by the Lieutenant in an orderly manner and afforded confidentiality unless and until directed otherwise the Police Chief.
- E. At the completion of the investigation the Lieutenant shall send a formal letter to the complainant informing them of the disposition of the investigation.
- F. The Chief of Police or his designee will maintain a close liaison with the District Attorney's Office in investigations alleging criminal conduct.

VI. INVESTIGATIVE INTERVIEWS OF EMPLOYEES

Two types of investigations may take place: administrative or criminal. Different rules govern interviews of employees in each case.

- A. Administrative Interviews: If the Chief of Police or his designee wishes to compel an employee to answer questions directly related to his or her official duties with the understanding that under the law the employee's answer to questions specifically, directly, and narrowly relating to the performance of the employee's duties or fitness for office cannot be used in a criminal prosecution of the employee himself. The Chief of Police or his designee shall advise the employee of the following:
 - 1) The purpose of the interview is to obtain information, which may determine whether disciplinary action is warranted. The answers obtained may be used in disciplinary proceedings resulting in reprimand, demotion, suspension, or dismissal.
 - 2) The employee shall be notified in writing that he or she has the right to representation by his or her certified or recognized employee organization and/or an attorney.
 - 3) Any questions specifically related to employment must be answered truthfully, accurately and completely. Refusal to answer may result in disciplinary action for insubordination.
 - 4) No answer given or any information obtained by reason of such statements may be used against the employee at any criminal proceeding involving charges against the employee personally.
 - 5) Officers have the protection of the "Bill of Rights" as stated in the applicable contractual agreements.
 - 6) The employee shall read or have read to them the following:

“I wish to advise you that you are being questioned as part of an official investigation of the police department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the constitution of this state and the constitution of the United States, including the right not to be compelled to incriminate yourself.

I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges, which could result in your dismissal from the police department. If you do answer neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding against you personally. However, these statements may be used against you in relation to subsequent departmental charges.”

B. Criminal Interviews: If the Chief of Police or his designee believes criminal prosecution is a possibility and wishes to use statements against the employee in a criminal proceeding, or at least wishes to maintain the option of their use, the Chief of the Chief’s designee shall:

- 1) Give the employee Miranda rights.
- 2) Advise the employee that if he asserts his right not to answer questions, no adverse administrative action will be taken based upon the refusal.
- 3) The employee shall be notified in writing that he or she has the right to representation by his or her certified or recognized employee organization and/or an attorney.
- 4) If the employee decides to answer questions at this point, the responses may be used in both criminal and disciplinary proceedings.
- 5) Officers have the protection of the “Bill of Rights” as stated in the applicable contractual agreements.

VII. MEDIATION

A. The Department recognizes that oftentimes complaints arise from miscommunication and/or misunderstanding between an officer and citizen. As such, mediation shall be utilized to address a low-level complaint such as rudeness, discourteous behavior etc.

B. Any formal complaint may be considered for resolution in mediation. The mediation procedure will be arranged by the Chief of Police, or his designee, and may include involvement from the community including but not limited to:

- 1) Involved officer, supervisor;
- 2) City Management;
- 3) Community Leaders;
- 4) Clergy;
- 5) Orange County Mediation Project.

VIII. DISPOSITION

A. After a complete and thorough investigation, the complaint shall be closed under one of the following dispositions:

- 1) UNFOUNDED: Complaint or incident is false or circumstances are not factual.
- 2) EXONERATED: Complaint or incident did occur but the actions of the employee(s) were lawful and proper.
- 3) NOT SUSTAINED: The complaint or incident is not supported by sufficient evidence of misconduct or incompetence by the employee(s).
- 4) SUSTAINED: The complaint or incident is supported by sufficient evidence of misconduct or incompetence by the employee(s).
- 5) POLICY FAILURE: The employee acted properly within department policy; however the complaint was valid and justifiable. The complaint may have given reason or reasons to review current practices, policies and/or procedures.



Daniel C. Cameron
Chief of Police



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GENERAL ORDER NO. A-015

ISSUE DATE: 08/05/16	EFFECTIVE DATE: 08/05/16	NEW ORDER	LAST REVIEWED: 07/16
SUBJECT: DEPARTMENT DISCIPLINE			
DISTRIBUTION: All Personnel	RE-EVALUATION DATE 04/17	NYS ACCREDITATION STANDARD NUMBER(S): 14.4	PAGE 1 OF 7
ISSUING AUTHORITY: Chief Daniel C. Cameron			

I. PURPOSE

This General Order shall provide employees with an understanding of the department's disciplinary system, and the ramifications for non-conformance to the department's code of ethics and standards of performance.

II. POLICY

It shall be the policy of the City of Newburgh Police to maintain an effective disciplinary system in order for the department to effectively achieve its goals and objectives. Discipline issues shall be handled by department supervisors and/or in some cases the Lieutenant designated by the Chief of Police.

III. SUPERVISOR ROLE

- A. The primary responsibility for maintaining and reinforcing employee conformance with the standards of conduct of the department shall be with the employee and the first line supervisors.
- B. Police supervisors shall familiarize themselves with the employees under their supervision, and closely observe their general conduct and appearance on a daily basis.

- C. Police supervisors should remain alert for indications of behavioral problems or changes that may affect an employee's normal job performance. Such information should be documented by the supervisor.
- D. When a police supervisor perceives that an employee may be having or causing problems, the supervisor should assess the situation, and determine the most appropriate action.
- E. Disciplinary matters will be handled in a manner that assures the confidentiality of and privacy for both the employee and for substance of the discipline.
- F. Nothing established herein should preclude the supervisor from regularly instructing members of this department on their performance.
- G. If a police supervisor determines that a policy violation or other incident has occurred and their preliminary investigation cannot determine who is responsible they must complete an Internal Affairs Investigation Request form and forward it to the Lieutenant designated by the Chief of Police.

IV. DISCIPLINARY CONSIDERATIONS

- A. When considering discipline, a supervisor should take into consideration the following factors:
 - 1) The seriousness of the misconduct;
 - 2) The impact of the misconduct on others;
 - 3) The employee's prior disciplinary record; and
 - 4) The length and quality of the employee's service with the department.
- B. Progressive Discipline:
 - 1) When circumstances allow, and in instances of relatively minor misconduct, the concept of progressive discipline should be followed. This entails an administration of increasingly severe disciplinary actions for subsequent acts of misconduct.
 - 2) In instances of serious misconduct the concept of progressive discipline will not be applicable.
- C. Training as a function of discipline:
 - 1) When training / counseling is used as a function of discipline, such training shall be documented in the employee's personnel file.

D. Counseling as a function of discipline:

- 1) Used to determine the extent of any personal or job problems that may be affecting performance, and to offer assistance and guidance.
- 2) Used to review and discuss order violations, and to discuss the substance and importance of the orders with the employee.

E. Suspension, formal departmental charges and/or relief from duty shall be considered for serious misconduct or incidents.

V. VERBAL WARNING

A. A reprimand to the employee from a supervisor describing the way in which the employee's conduct or performance has failed to meet prescribed standards.

B. The verbal warning shall include:

- 1) A statement of the alleged acts or omissions;
- 2) A recommendation for corrective action(s); and
- 3) A warning that additional violations may lead to more stringent disciplinary procedures.

C. Any supervisor of the City of Newburgh Police is authorized to give a verbal warning.

VI. LETTER OF COUNSELING

A. A Letter of Counseling is a formal report documenting a formal contact by a supervisor with an employee.

B. The Letter of Counseling shall include:

- 1) The allegations being made against the employee;
- 2) What order the employee is in violation of;
- 3) What actions need to be taken to correct the problem; and
- 4) Ramifications if the behavior continues.

C. Letters of Counseling shall be signed by the employee and the supervisor issuing the Letter of Counseling.

D. Employees shall be afforded an opportunity to respond to the Letter of Counseling. Any response shall be submitted to the Chief of Police in writing.

- E. Upon completion, a copy of the Letter of Counseling shall be provided to the counseled employee. The original Letter of Counseling shall be sealed in a department envelope, labeled as confidential and either given to the Police Chief in person or secured in the Chief's office.
- F. Letters of counseling shall stay in personnel files for a length of time determined by the Chief of Police per incident.
- G. Any supervisor of the City of Newburgh Police is authorized to issue a Letter of Counseling.

VII. COMMAND DISCIPLINE

- A. The Chief of Police, or his designee, shall have the authority to correct violations through the offering of a Command Discipline option given to the employee charged.
- B. After considering the allegations made against the employee, the Chief of Police, or his designee, may provide the employee with a penalty option in lieu of formal department charges.
- C. Employees have the right to accept the penalty, or have the matter resolved through formal departmental charges and a hearing.
- D. Command Discipline Option is not to be read as a threat in any manner, nor as any sort of coercion or intimidation to waive any employee right, it is merely an option open to the employee if they so desire.
- E. The offering of Command Discipline is the prerogative of the administration and that, as such, it is not a right of any individual employee. The Command Discipline Option is not to be understood as establishing a practice or procedure for any particular violation or violations in particular or in general; and should not be accepted by members of the department as establishing any practice or procedure which they are entitled to as a right.
- F. An offer of Command Discipline shall be in writing and shall advise the employee of the penalty, their rights to decline the discipline and their right to formal departmental charges and a hearing.
- G. To accept the offer of Command Discipline the employee must sign a waiver of their right to formal departmental charges and a hearing.
- H. Command Discipline shall be placed in the employees personnel file for an amount of time determined by the Chief of Police based on the specific Command Discipline incident.

VIII. RELIEF FROM DUTY

- A. Any City of Newburgh Police Supervisor shall have the authority to relieve an employee from duty when the supervisor determines that the employee is unfit for duty, or that there is reasonable cause to believe that the continued presence of the employee represents a potential danger to persons or property, or the employee's presence will interfere with operations.
- B. The supervisor shall immediately notify the Chief of Police and complete a written report prior to the end of the shift.
- C. If the circumstances of the relief from duty require it, the supervisor may mandate that the employee remain at headquarters for further action.
- D. The supervisor and the employee shall be summoned to meet with the Chief of Police, within a reasonable time, as determined by the Chief of Police.
- E. A relief from duty shall not be considered a suspension of any type.

IX. SUSPENSION

- A. The Chief of Police has the authority to suspend an employee.
- B. Upon any suspension, the suspended employee must surrender to a supervisor their City of Newburgh Police Identification Card, any badges, building keys, department-issued equipment, and all handguns they possess under the authority of their City of Newburgh Police Identification.
- C. The supervisor shall see the proper safeguarding of the property by turning the property over to the Crime Scene Unit, who shall secure the property until authorized by the Chief of Police or his designee to return the property.
- D. A suspended employee is not permitted to be inside the City of Newburgh Police Station unless authorized by the Chief of Police and escorted by a supervisor.
- E. Police entrance combination locks shall be immediately changed.
- F. Notification of the suspension shall be made to all employees.
- G. Suspended Police Officers are not permitted to take any police action nor identify themselves as a police officer.
- H. The City Manager, as the legal appointing authority, or the Police Chief may suspend any member(s) of the department who has been charged with a crime.

X. FORMAL DEPARTMENTAL CHARGES

- A. With the exception of a Command Discipline option, no non-probationary member of the police department shall be removed, reduced in rank, suspended, fined, or otherwise punished or disciplined except upon formal charges as prescribed by collective bargaining agreements and Civil Service Law.
- B. Formal charges may be constructed by the Chief of Police or the City Manager.
- C. Charges shall be in writing and sufficiently specific to apprise the employee of what he/she is being charged with to enable him/her to defend them.
- D. The charges may be served to an employee personally or by mail. The employee is then entitled to at least eight days in which to answer the charges in writing. The response must be directed to the charging authority.
- E. After charges have been preferred, they may be altered or amended by the Charging Authority or he/she may cause new charges to be prepared. Slight errors in names, dates, amounts and clerical errors may be corrected by the Charging Authority. All such amendments shall be provided in writing to the member charged.
- F. All subsequent action including hearings and appeals shall be in accordance with the provisions of the New York State Civil Service Law, New York State Public Employment Relations Board and Collective Bargaining Agreements.

XI. RECORDS OF FORMAL DEPARTMENTAL CHARGES

- A. If found guilty, a copy of the charges, his/her written answer thereto, a transcript of the hearing, and the determination shall be filed in the City Manager's office and a copy filed with the City of Newburgh Civil Service Commission.
- B. Any investigative notes or records and if applicable, a transcript of the trial and disposition shall be secured in a separate file in the office of the City Manager and the office of the City of Newburgh Corporation Counsel and/or the office of the City of Newburgh Civil Service Commission.
- C. The complaint form and a disposition of the charges shall be kept in the personnel record of the accused member.
- D. After a lapse of (2) years, the determination that an accused member was guilty of the charges preferred against him/her shall not be considered against him/her upon application for promotion, nor shall it affect, after the lapse of two (2) years, any right or privilege to which he/she would otherwise be entitled were it not for such determination.

XII. RESIGNATIONS, SEPARATION FOR CAUSE

- A. The Chief of Police shall cause to be placed in the personnel file of any member resigning or separating from the department for cause, all the facts pertinent to the action.
- B. All personnel records of resigned or separated employee's shall be kept on file permanently.



Daniel C. Cameron
Chief of Police



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GENERAL ORDER NO. A-021

ISSUE DATE: 08/05/16	EFFECTIVE DATE: 08/05/16	NEW ORDER	LAST REVIEWED: 07/16
SUBJECT: Warrants			
DISTRIBUTION: Sworn Personnel, Dispatchers	RE-EVALUATION DATE 04/17	NYS ACCREDITATION STANDARD NUMBER(S): 8.12, 8.13	PAGE 1 OF 3
ISSUING AUTHORITY: Chief Daniel C. Cameron			

I. PURPOSE

This General Order shall establish the system for requesting, maintaining, and serving warrants of arrest and bench warrants.

II. POLICY

It shall be the policy of the City of Newburgh Police Department to maintain an up to date and active arrest/bench warrant file that is accessible to all sworn personnel and dispatchers 24 hours a day. All sworn personnel are responsible for periodically reviewing the Warrant List in an effort to serve the active warrants.

III. PROCEDURE

A. Requesting Officer's Responsibilities:

- 1) Where practical, officers are permitted to attempt to locate a suspect prior to applying for an arrest warrant. If the officer does not locate the subject within the same tour of duty they must notify their direct supervisor. The supervisor must approve or deny the delay of the warrant based on the circumstances. The responsible officer must keep the supervisor informed as to the status of the case. This section (III. A) does not apply to Detectives.

- 2) Complete a Criminal Information, Warrant Cover Sheet, Warrant, Incident Report, and any other applicable paperwork.
- 3) Attach a photograph of the suspect in either a department wanted poster, or eJustice photo when available.
- 4) Forward all completed paperwork to their immediate supervisor for review.
- 5) Monitor the status of warrants that the officer generated and make attempts, when practical, to serve those warrants. Attempts to serve the warrant shall be listed on the Warrant Cover Sheet.
- 6) Notify the District Attorney's Office if you apply for a felony warrant.

B. Supervisor Responsibilities:

- 1) Review paperwork for thoroughness.
- 2) Forward the Criminal Information, Warrant Cover Sheet, Warrant, photo and any other applicable paperwork to City Court.

C. Employee assigned to warrant administrative duties responsibilities:

- 1) Receiving and filing all City of Newburgh Court active warrants.
- 2) Upon receiving a warrant they shall complete a warrant file folder containing the defendant's name, date of birth, and photo if available.
- 3) Entering the wanted person into eJusticeNY in a timely manner.
- 4) Maintain a current Warrant List and the current warrants in communications. The Warrant List and the current warrants shall be accessible 24 hours a day.

D. Communication Personnel Responsibilities:

- 1) Check for active warrants on a subject when requested, or during the course of their duties.
- 2) Upon receiving notification from City of Newburgh Court instructing a warrant to be vacated;
 - a. Remove the name from the Warrant List;
 - b. Remove the warrant from the warrant drawer;
 - c. Remove the warrant from eJusticeNY;
 - d. Forward vacate notice and warrant to the responsible court.
- 3) Assist arresting officers in removing the warrant from eJusticeNY.

E. Arresting Officer Responsibilities:

- 1) Cancel the warrant in eJusticeNY. The responsibility of cancelling the warrant in eJusticeNY rests solely on the arresting officer. If the officer is not familiar with the procedure of cancelling the warrant in eJusticeNY, they must seek out the assistance of communications personnel. If communications personnel are unable to assist then the arresting officer must notify the Patrol Supervisor.
- 2) Remove the name from the Warrant List.

- 3) Write in the date served on the Warrant Cover Sheet and forward it to the Patrol Supervisor who shall then forward it to the employee assigned to warrant administrative duties.
- 4) If officers check an address specifically for the purpose of executing the warrant and do not locate the suspect, the officer shall note the attempt on the Warrant Cover Sheet.



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GENERAL ORDER NO. O-005

ISSUE DATE: 08/05/16	EFFECTIVE DATE: 08/05/16	NEW ORDER	LAST REVIEWED: 07/16
SUBJECT: VEHICLE TRAFFIC STOPS AND UNIFORM TRAFFIC TICKETS			
DISTRIBUTION: SWORN PERSONNEL	RE-EVALUATION DATE 02/17	NYS ACCREDITATION STANDARD NUMBER(S): 47.1, 47.2	PAGE 1 OF 5
ISSUING AUTHORITY: Chief Daniel C. Cameron			

PURPOSE:

The purpose of this General Order is to establish procedures for stopping, approaching and addressing traffic law violators. This General Order also addresses the issuing and accountability of Uniform Traffic Tickets.

POLICY:

Traffic law enforcement involves all activities or operations, which relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. Enforcement not only involves arrests and citations, but also includes warnings to drivers and pedestrians, which help prevent them from committing minor violations. Traffic enforcement may involve observed violations, at accidents, or in response to community concerns; or may be proactive to prevent traffic violations.

I. TYPES OF ENFORCEMENT ACTIONS:

- A. Warnings - Officers may issue verbal warnings to a violator whenever a minor traffic infraction was committed in their presence.
- B. Uniform Traffic Ticket - A UTT may be issued by an officer to a violator whenever a minor traffic infraction has been committed in their presence, with the exception of accident investigations.
- C. Physical Arrest - Officers may make a physical arrest where applicable.

II. HANDLING SPECIAL CATEGORIES OF VIOLATORS:

- A. Out-State Residents – Officers may consider use of warnings for non-residents who commit minor, non-hazardous violations.
- B. Juveniles - Persons less than 16 years of age shall be detained and steps for handling juveniles shall be followed as outlined in the departments Juvenile Contact Procedures.
- C. Foreign Nationals - Generally, there are immunity provisions that apply to Foreign Nationals. Refer to the General Order regarding Foreign Nationals.
- D. Lt. Governor and Legislatures - During the session of the General Assembly and for five days before and after the session, the Lieutenant Governor, a member of the Assembly, or the clerk thereof, and their assistants, shall be privileged from custodial arrest except for treason, a felony, or a breach of the peace. Officers may issue traffic summonses for a moving offense.
- E. Military Personnel – Active Military Personnel are permitted under law to lawfully operate a motor vehicle with an expired drivers license. Officers must confirm that the violator is Active Military through Military Identification.
- F. Members of Congress - May not be detained for the issuance of a summons while they are in transit to or from the Congress of the U.S. If a member of Congress is stopped for a traffic infraction, he shall, upon presentation of valid credentials, be immediately released. The officer may then obtain a summons for the member of Congress covering the observed violation and make arrangements to serve the summons at a time when the member of Congress is not in transit to or from Congress, or on official business.

III. TRAFFIC STOPS:

- A. Making the Vehicle Stop - Whenever possible, all traffic stops will be conducted in a safe location while the primary concern of the officer should be his/her safety and that of others. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator, and the existing volume of traffic may require adjusting or altering the recommended procedure. Under ideal conditions, follow these procedures if possible:
 - 1. Locate a safe spot to stop the vehicle.
 - 2. Activate the emergency red lights and, when necessary, siren to signal the vehicle to stop.
 - 3. Officers should position the police vehicle approximately one- half to one car length behind the violator's vehicle. The police vehicle shall be positioned so that it will offer the officer some protection from oncoming traffic. This position provides maximum safety to the violator, the officer, and all other traffic.
 - 4. Advise communications of the location of the stop and the vehicle's license plate number and/or other descriptions when necessary prior to approaching the vehicle.
 - 5. Officers shall properly utilize the emergency lights / spot lights after the vehicle stops to maintain safety.
- B. Approaching the Violator - The following steps in approaching a traffic violator are intended to provide maximum safety for the officer, the violator,

and other users of the roadway.

1. The officer shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
 2. Occupants should be directed to remain in the vehicle if they attempt to exit without officer's instruction.
 3. The officer should approach from the rear of the violator's car, looking into its rear seat and stop behind the trailing edge of the left front door. From this position, the officer can communicate with the violator, keeping him in a slightly awkward position and at the same time keep all occupants of the vehicle in view.
- C. Communication with the Violator - In transacting their business with the violator, the officer shall:
1. As soon as practical, request the required paperwork for the stop, and then advise the violator of the reason that they were stopped.
 2. Officers shall remain courteous and professional.
 3. If the driver has no driver's license, obtain another document of identification.
 4. Complete the forms required for the enforcement action taken or exercise a verbal warning, if appropriate.
 5. Explain to the violator exactly what they are supposed to do in response to the action taken.
 6. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. You may explain any alternatives to the violator, but you may not predict the actions of the court.
- D. Ending the Stop
1. Give a copy of the summons to the violator and explain the process of answering the summons.
 2. Return the violator's driver's license, registration, and insurance card.
 3. Remain at the stop until the violator re-enters the roadway.

IV. HIGH-RISK VEHICLE STOPS:

Officers shall use high risk vehicle stop procedures when necessary to apprehend a suspect, who is or could potentially be dangerous. High-risk stops are vehicle contacts that may increase the probability of violence usually associated with armed suspects or violent criminal activity.

- A. Prior to making the stop
1. Notify communications of a location, description of vehicle and occupants if possible, and request additional units.
 2. The initial officer will now be considered the control officer unless a supervisor takes command.
 3. Request radio silence if necessary.
- B. Making the stop
1. The control officer should maintain radio contact with their back up

- units and coordinate the stop accordingly. The control officer will decide the stop location based on available back up units, terrain, lighting, traffic, and any other circumstance that may apply.
2. Once the location has been decided, the control officer should position themselves behind the violator vehicle and activate emergency lights, and siren if applicable.
 3. Once the violator vehicle is stopped, the control officer should attempt to position their police vehicle approximately two car lengths behind and to the left of the violator vehicle. Back up units should position their vehicles in a manner that creates a barrier between them and the violator vehicle but does not obstruct the control unit or place anyone in a position of possible cross fire scenarios.
 4. The control officer and back up units should be tactically ready to engage the violator and/or any passengers in the vehicle.
 5. If other back up units are available, they may be used to block or divert traffic.
 6. In situations where the stop is conducted in a routine manner and it is determined that the stop has turned high-risk the officer should change the stop to high-risk procedures.
- C. Making contact with the occupants
1. In a clear and loud commanding voice (utilize PA if needed) the control officer should order the occupant's to place their hands in a position determined by the control officer. This position should be in a manner where the occupants hands can be seen by officers.
 2. If possible, the control officer should order that the vehicle's keys be removed from the ignition.
 3. Occupants should be ordered out of the vehicle one at a time in a manner determined by the control officer.
 4. Occupants that have been ordered out should be secured by back up units when so directed by the control officer.
 5. If the occupants of the vehicle do not comply with verbal orders then officers shall refer to the Department General Order regarding Response to Resistance.
 6. Once all occupants are out of the suspect vehicle and secured, officers shall cautiously check the trunk and interior of the suspect vehicle for suspects who may be hiding.

V. ACCOUNTABILITY AND ISSUING OF UNIFORM TRAFFIC TICKETS (UTT):

- A. The Records Division Supervisor or his designee shall be responsible for:
1. The ordering of Uniform Traffic Tickets from the New York State Department of Motor Vehicles.
 2. Accounting of Uniform Traffic Tickets received by the City of Newburgh Police Department.
 3. Reporting any lost, damaged, or voided UTT numbers to the New York State Department of Motor Vehicles.
 4. Approval and retaining all voided UTTs with their Voided Summons Affidavit for a period of not less than five (5) years.

5. Replenishing Patrol Division (Patrol Supervisor's Office) with supplies of new Uniform Traffic Ticket books and accounting of books placed in the Patrol Supervisor's office.
 6. Recording of all issued Uniform Traffic Tickets and forwarding completed white (arrest record) copy to the Department of Motor Vehicles.
 7. The maintenance and data storage of Uniform Traffic Tickets issued via the TraCS (Traffic and Criminal Software) system and the subsequent transmission of the data to the State as prescribed in the City of Newburgh Police Department Use and Dissemination Agreement.
- B. The Patrol Supervisor shall be responsible for:
1. Issuing Uniform Traffic Ticket books and Parking Ticket Books and recording, in a logbook, the Uniform Traffic Ticket numbers and Parking Ticket numbers received by and issued to an officer. All UTT's and parking tickets must be assigned by a supervisor and a supervisor signature must be recorded on the sign out sheet.
 2. The proper distribution of issued and voided Uniform Traffic Tickets to the Records Division.
 3. Voiding TRACS traffic tickets, when authorized, within 48 hours of issuance.
- C. The Officer shall be responsible for:
1. Accounting for all the tickets in the Uniform Traffic Ticket book(s) they receive from the Patrol Supervisor and initialing the logbook for receiving all of their numbered Uniform Traffic Tickets or reporting any missing or damaged UTTs.
 2. Properly preparing and issuing the Uniform Traffic Ticket in accordance with Section I of this General Order.
 3. Completing and forwarding a voided summons request to a patrol supervisor within 24 hours of the issuance of the summons.
 4. Completing a start shift and end shift using the TRACS system to issue a UTT in accordance with training.
 5. Officers who are trained and equipped for the TRACS system must only use the TRACS system when issuing UTT's.
- D. Communications Personnel shall be responsible for recording the officer's status in CAD and reporting the final disposition resulting from the vehicle stop. i.e. - warned, issued, arrested, etc.



Daniel C. Cameron
Chief of Police



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GENERAL ORDER NO. O-038

ISSUE DATE: 08/05/16	EFFECTIVE DATE: 08/05/16	NEW ORDER	LAST REVIEWED: 07/16
SUBJECT: Body Worn Camera (BWC) Pilot Program			
DISTRIBUTION: Sworn Personnel IT Department	RE-EVALUATION DATE 02/17	NYS ACCREDITATION STANDARD NUMBER(S):	PAGE 1 OF 5
ISSUING AUTHORITY: Chief Daniel C. Cameron			

I. POLICY STATEMENT:

It is the policy of the City of Newburgh Police Department to use all available legal means to enhance our ability to gather evidence. One such option is the use of a Body Worn Camera (BWC).

The video and/or audio recordings produced by this device are admissible in a court of law as an impartial witness to events as they occurred.

Recordings shall be used to facilitate the conviction of an arrestee and/or violators and to review situations which result in personnel complaints. Recordings shall not be routinely reviewed to monitor officer performance, but will be reviewed on a regular basis to determine the utilization and functioning of the equipment. Minor policy and procedural violations observed during routine review of a recording shall be the subject of counseling and training only. In the event any illegal activity by Law Enforcement personnel is discovered during the routine review, those recordings will be forwarded to the proper authority.

II. PURPOSE:

The City of Newburgh Police Department recognizes that the use of BWC's in the State of New York is in its infancy and that best practices and practicalities are still being explored by major police departments within the state. As part of this evaluation, the City of Newburgh Police Department has conducted a 90-day pilot program that consisted of the use of 3 BWC's that were assigned to primary volunteer officers and alternate secondary officers. A fourth BWC was designated for training purposes and served as a backup camera if one shall require service. At the completion of the 90-day pilot program a report by the Chief of Police was prepared. The report called for the implementation of 20 BWC's to be utilized by officers working in a patrol capacity. It is recognized that this program is still in development and due to potential unforeseen circumstances, the ability to equip all on duty patrol operations personnel might not be practical at all times. The implementation of the 20 BWC's will be evaluated regularly by the Department Policy Review Board.

III. TRAINING

- A. Officers shall complete a training course provided by the City of Newburgh Information Systems Technology Department and shall familiarize themselves with the BWC prior to being authorized to use and be assigned a BWC.
- B. Supervisors shall complete a training course provided by the City of Newburgh Information Systems Technology Department and shall familiarize themselves with the BWC prior to being authorized to use and be assigned a BWC.
- C. Upon completion of required training, Officers and Supervisors will complete a training credit form and submit it to the Administrative Lieutenant or their designee.
- D. Only those Officers and Supervisors that have completed the required training for the BWC's are authorized to use BWC's.

IV. OPERATING PROCEDURES

- A. BWC's will be assigned to officers working in the capacity of patrol operations and officers assigned to special patrol details which report to the Patrol Supervisor.
- B. At no time will more than one half of the in-service BWC's be assigned on one shift. This is required in order to ensure adequate download and charge time for upcoming shifts.

- C. Priority for assignment of BWC's is as follows:
1. Personnel assigned to routine road patrol
 2. Patrol Supervisor
 3. Patrol Officer partnered up with an officer that is assigned a BWC
 4. Patrol Officer assigned to a special assignment
- D. At the beginning of an officer's tour of duty, officers are to ensure that the BWC is powered on and that the BWC is ready for recording when triggered.
- E. Officers will verify a charged battery on the BWC.
- F. Officers will sign out the BWC.
- G. Officers will secure the BWC on his/her person in accordance with the recommendations of the BWC manufacturer.
- H. The Body Worn Camera (BWC) shall be used and activated prior to initiating or as soon as practical after initiating the following police actions:
1. All enforcement encounters where there is at least reasonable suspicion the person(s) has committed, is committing or may be involved in criminal activity. This includes, but is not limited to self-initiated stops and calls for service.
 2. All enforcement encounters where there is reason to believe that the individual is committing a violation or petty offense for which a summons may be issued.
 3. All vehicle stops.
 4. When taking or attempting to take an individual into custody.
 5. Any public interaction, regardless of context, that escalates and becomes adversarial, so long as it is not one of the prohibited situations in subdivision IV-J of this G.O. listed below.
 6. Officers should consider activating the BWC during any activities where, in the Uniformed Patrol Officer's judgment, it would be beneficial to record, so long as it is not one of the prohibited situations in IV-J of this G.O listed below.
 7. The BWC is not required to be activated if it is unsafe or impractical to do so or where a malfunction or other mechanical issue impeding the use of the device exists. Such instances are to be reported immediately to the on-duty Patrol Supervisor.
- I. Authority to stop the recording once it has begun:
1. When the Officer clears the call and is in service for other calls.
 2. When the Officer has not cleared the call but returns to Police Headquarters.
 3. Upon the direction of a Supervisor.
 4. When speaking in regard to the recording of a BWC, Officers and Supervisors shall use the designated 10 code.

- J. The Body Worn Camera (BWC) is not to be activated to record any of the following:
1. Encounter not directly related to official activities in the proper performance of Police duties.
 2. Performance of non-enforcement functions or administrative duties within a department facility.
 3. Any area where a reasonable expectation of privacy exists (unless taking police action as outlined above in IV-H of this G.O.) such as, but not limited to, hospital emergency rooms, locker rooms and restrooms.
 4. A potential witness who requests to speak to an Officer confidentially or desires anonymity, provided that doing so does not violate any other portion of this order.
 5. A victim or witness who requests that he or she not be recorded, the situation is not confrontational and the Officer is comfortable in doing so.
 6. A victim who requests that he or she not be recorded as a condition of their cooperation, the interests of justice requires their cooperation and providing the Officer is comfortable in doing so.
- K. The public does not have to be informed that they are being recorded. If the public inquires if an audio/video recording is being made, the Officer may confirm or deny the presence of the audio/video recording based on the totality of the circumstances.
- L. Officer and public safety are of the utmost importance during any incident. Officers shall not sacrifice safety for the sake of making a video. As soon as practical, turn it on if it applies to IV-H of this G.O.

VI. REQUESTS FOR DOWNLOAD OF RECORDED BWC VIDEO

- A. Only a member of the Command Staff, Administrative Staff or the IT Department may download BWC video.
- B. All requests to download BWC shall be made by completing the BWC Video Requisition form and emailing the form to BWCRequests@cityofnewburgh-ny.gov.
- C. Officers will have access to view BWC footage that they have recorded.

VII. STORAGE AND MAINTENANCE:

- A. At the conclusion of the officer's shift they shall place the BWC and the mounting hardware in the charger docking station.
- B. All recordings downloaded from the BWC onto the server's hard drive will further be preserved for a period of not less than 30 days, with the exception of test recordings which will be preserved for a period of 5 days.

- C. Damage to the BWC or any of its components, as well as malfunctioning components, are to be reported to the Patrol Watch Commander as soon as discovered.
 - 1. The Patrol Watch Commander will then notify the Patrol Lieutenant or their designee.
 - 2. The Patrol Lieutenant shall immediately notify the IT help desk.
 - 3. The City of Newburgh's IT department will maintain a log of BWC downtime and immediately notify the Patrol Lieutenant when the BWC is repaired and back in service.
- D. When a BWC needs to be taken out of service for maintenance or repair, the Patrol Lieutenant shall be notified immediately.
- E. The Patrol Lieutenant or their designee will authorize and maintain the list of users for the BWC's after each user completes his or her training.
- F. No recorded videos shall be used for non-law enforcement purposes without the approval of the Chief of Police.



Daniel C. Cameron
Chief of Police



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GENERAL ORDER NO. O-039

ISSUE DATE: 11/15/20	EFFECTIVE DATE: 11/30/20	NEW ORDER	LAST REVIEWED: 10/2/20
SUBJECT: CRISIS INTERVENTION AND ASSISTING THE MENTALLY ILL			
DISTRIBUTION: SWORN PERSONNEL	RE-EVALUATION DATE	NYS ACCREDITATION STANDARD NUMBER(S):	PAGE 1 OF 6
ISSUING AUTHORITY: Chief Arnold Amthor			

I. PURPOSE

The purpose of this policy is to set forth principles and procedures of the Newburgh Police Department regarding persons suffering from mental health issues.

II. POLICY

It is the policy of the Newburgh Police Department to provide a consistently high level of service to all community members. Department personnel shall afford people who have mental health issues/illnesses the same rights, dignity and access to police and other government and community services as are provided to all citizens and provide those services with respect and sensitivity to the person.

III. DEFINITIONS

- A. Mentally Ill: A person who has a mental or emotional condition which has substantial adverse effects on their ability to function and who requires care and treatment.

- B. Americans with Disabilities Act (ADA): A federal law that applies to people who have a physical or mental impairment, a record of such impairment or who are regarded as having such impairment that substantially limits one or more of their major life activities, including the following:
 - 1. The ability to communicate
 - 2. Be gainfully employed or to care for themselves
- C. The term “substantially limits” is not a clinical term. It is a practical term to distinguish between people who have a mild physical or mental impairment and those whose impairment substantially limits one or more life activities.

IV. GENERAL GUIDELINES AND CONSIDERATIONS

- A. The Americans with Disabilities Act (ADA) entitles people with mental health illness or disabilities the same services and protections that law enforcement agencies provide to anyone else. They may not be excluded from services or otherwise be provided with lesser services or protection than are provided to others.
- B. The ADA calls for law enforcement agencies to make reasonable adjustments and modifications in their policies, practices or procedures on a case-to-case basis. For example, if a person exhibits symptoms of mental illness (such as access to medication), officers and dispatchers may need to modify routine practices and procedures, take more time or show more sensitivity to extend the services or protections that would be extended to someone else in a similar circumstance.
- C. This policy is intended to address the varying role officers play in their encounters with people with mental illness. As first responders and law enforcers, they may encounter victims, witnesses or suspects who have mental health illnesses. As service personnel, they may be called upon to help people obtain psychiatric attention or other needed services. Helping people with mental illnesses and their families obtain the services of mental health organizations, hospitals, clinics and shelter care facilities has increasingly become a prominent role for police.
- D. No single policy or procedure can address all of the situations in which officers, communications personnel and other agency personnel may be required to provide assistance to persons who have mental illness. This policy is intended to address the most common types of interactions with people who have mental illness.
- E. In all contacts by members of the Department with persons who are mentally ill or exhibit signs of mental illness, members must show sensitivity, understanding and respect, finding alternatives to address the situation with the use of minimum force.

V. PROCEDURES

A. Training

1. All sworn personnel of the Department will be provided training in the managing of the mentally ill. This training may consist of the New York State Municipal Police Training during the Police Academy or Chief approved equivalent.

B. Recognizing characteristics of mental illnesses

1. While many people with mental illnesses control symptoms successfully with the use of medications, others who do not have access to mental health services, fail to take their medications or do not recognize that they are ill and can experience psychiatric difficulties.
2. Symptoms for different mental illnesses may include , but are not limited to the following
 - a. Loss of memory;
 - b. Delusions;
 - c. Depression, deep feelings of sadness, hopelessness or uselessness;
 - d. Hallucinations;
 - e. Excited Delirium;
 - f. Manic behavior, accelerated thinking and speaking or hyperactivity;
 - g. Confusion;
 - h. Incoherence;
 - i. Extreme paranoia
3. The degree to which these symptoms exist varies from person to person according to the type and severity of mental illness.
4. Many of these symptoms represent internal, emotional states that are readily observable from a distance, but are noticeable in conversation with the individual.
5. The dispatcher or officer responding to the scene is not expected to diagnose a mental illness, but to decide on the appropriate response to the individual and situation. Recognizing that symptoms may indicate mental illness will help officers decide on an appropriate response and disposition.
6. Obtaining relevant information from family members, friends or others at the scene who know the individual and his or her history or seeking advice from mental health professionals, can also assist officers in taking the appropriate action.
7. Officers on the scene will also have to determine the severity of the behavior, the potential for change in the behavior and the potential for danger represented by the individual to themselves and others.

VI. ASSISTING THE MENTALLY ILL

- A. Once sufficient information has been collected about the nature of the situation and the situation has been stabilized, there is a range of

options officers should consider when selecting the appropriate disposition.

1. Referral or transport for medical attention if he or she is injured or abused.
2. Refer or transport to mental health services.
3. Refer or transport to substance abuse services.
4. Assist in arranging voluntary admission to a mental health facility, if requested;
 - a. Release
 - b. Release to care of family, care giver or mental health provider.
 - c. When appropriate, arrest, if probable cause exists that a crime has been committed.

VII. CRISIS INTERVENTION TEAM

A. PURPOSE:

The Crisis Intervention Team initiative involves specialized training for officers in dealing with individuals in crisis due to mental health issues and includes training in suicide intervention. Only those officers that have completed the forty hour Crisis Intervention course will be considered a member of the Crisis Intervention Team.

B. PROCEDURE:

1. Upon receiving a call for service that involves an individual suffering a crisis due to mental health issues or involving an individual known by the caller to have a mental illness, Police Headquarters personnel will make every effort to dispatch on duty Crisis Intervention Team officers to the call.
2. In the event no Crisis Intervention Team officers are available, regular patrol officers may be dispatched. Headquarters personnel will also ensure that calls involving emotionally disturbed persons are properly coded as such in the C.A.D. system.
3. In the event a call for service starts out with a different designation but officers on the scene determine it involves an emotionally disturbed person, it is recommended and encouraged for the officer to request an on duty CIT officer respond to the scene. In this situation, headquarters personnel will also ensure the call type is changed to an E.D.P. call.

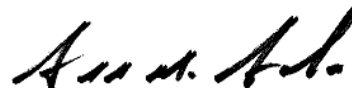
4. All E.D.P. calls for service involving Crisis Intervention Team officers shall be documented with the minimum of a blotter entry.

C. STAFFING:

1. The Chief of Police will designate a department supervisor who has completed the forty hour Crisis Intervention course as the Crisis Intervention Team Coordinator.
2. The Crisis Intervention Team Coordinator or his designee shall:
3. Oversee the daily operation of the Crisis Intervention Team.
 - i. Ensure a City of Newburgh Police Crisis Intervention Team incident report is completed at the conclusion of each call for service.
 - ii. Ensure each completed report is forwarded to the designated entities involved with the Crisis Intervention Team initiative.
 - iii. Maintain the completed reports in the Police Departments computer folder marked "Completed C.I.T. Reports"
 - iv. Complete a monthly report of all E.D.P. related calls for service.
 - v. Maintain a list of current Crisis Intervention trained officers.
 - vi. Provide additional in-service training to Crisis Intervention Team officers as needed.
4. Crisis Intervention Team officers shall:
 - i. Utilize their crisis intervention training and skills to assess the mental health of the subject of the call for service.
 - ii. If, in the assessment of the officer, the individual meets the criteria set forth under M.H.L. 9.41, the officer will ensure the individual is transported to a designated M.H.L. 9.39 facility for a psychiatric evaluation. The transport of the individual may be in a police vehicle or an ambulance provided the officer accompanies the subject to the facility. The officer will ensure the M.H.L. 9.41 paperwork is completed and turned over to hospital staff upon arrival.
 - iii. In the event the County's Mobile Mental Health Team (MMH) is on scene and determines the individual requires transport to a designated M.H.L. 9.39 facility under M.H.L. 9.45, officers will transport the individual. The transport of the individual may be in a police vehicle or an ambulance provided the officer accompanies the individual to the facility. MMH will provide the officer with the M.H.L. 9.45 paperwork, which the officer will turn over to hospital staff upon

arrival.

- iv. Should force be necessary in a situation that involves an individual being mandated for psychiatric evaluation, under either M.H.L. 9.41 or M.H.L. 9.45, officers will write a detailed narrative in the Crisis Intervention Team incident report and complete a response to resistance report in compliance with departmental general orders. A copy of each will be printed out and provided to the patrol supervisor. A copy of each will be submitted through e-mail to "PD-CIT Supervisors"
- v. If, in the assessment of the officer, the individual does not meet the M.H.L. 9.41 criteria, officers will discuss, with the individual and any family or friends present, resources available for assistance.
- vi. Officers, at the conclusion of the call, will complete a crisis intervention incident report, including a brief narrative on their assessment and any recommendations for follow-up.
- vii. Officers will ensure the completed reports are forwarded to the police departments e-mail group headed "PD- CIT supervisors"
- viii. Officers may divert the arrest of an individual who has committed a criminal offense for mental health treatment if they believe the needs of the individual requires immediate psychiatric evaluation. The decision to divert an arrest for mental health treatment must be approved by a supervisor. In the absence of an on duty Crisis Intervention Team supervisor, the Crisis Intervention Team officers shall be under the authority of the patrol watch commander.
- ix. On any call for service, if in the officer's opinion the assessment is not obvious, it is recommended and encouraged that the County Mobile Mental Health team be requested to respond when available.



Arnold Amthor
Chief of Police



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GENERAL ORDER NO. T-002

ISSUE DATE: 08/05/16	EFFECTIVE DATE: 08/05/16	NEW ORDER	LAST REVIEWED: 07/16
SUBJECT: <div style="text-align: center; padding: 10px;">IN-SERVICE TRAINING</div>			
DISTRIBUTION: Sworn	RE-EVALUATION DATE 03/17	NYS ACCREDITATION STANDARD NUMBER(S): 32.4, 33.1, 33.2, 34.1, 34.2, 35.1, 35.2, 35.3	PAGE 1 OF 2
ISSUING AUTHORITY: <div style="text-align: center; padding: 10px;">Chief Daniel C. Cameron</div>			

I. PURPOSE

To establish an on going training program for police officers in order to continually update their skills, knowledge and abilities.

II. IN-SERVICE TRAINING

- A. All police officers must attend a minimum of 21 hours of in-service training each year. Training shall be scheduled in accordance to union contracts. The training must include, but not limited to the following topics:
1. Firearms, at least twice a year.
 2. Use of physical and deadly physical force, at least once per year.
 3. Communicable Diseases and Prevention, at least once a year.
 4. Legal updates as necessary, and as required by the Chief of Police.
 5. Other police related topics as necessary and as required by the Chief of Police, including periodic re-training for those officers's who carry less-than-lethal substances.
- B. To be excused from any scheduled in-service training a written request must be made to the Training Supervisor. The Training Supervisor shall evaluate the request, deny or excuse as appropriate and mandate make-up as required.

- C. All first line supervisors must complete a police supervision course within one year of appointment that meets or exceeds Municipal Police Training Council course requirements. If the one year time limit cannot be met, an extension must be obtained from DCJS. All supervisors shall subsequently receive annual training to enhance supervisory skills.

III. INSTRUCTORS

- A. All in-service training will be given by:
 - 1. Certified instructors whose qualifications meet or exceed those established in Part 6024 or 6025 of the New York State Codes, Rules and Regulations or,
 - 2. Instructors who have sufficient technical expertise and/or advanced academic credentials in the topic in which they instruct, however instructors who are not certified must have a certified instructor review and approve both the qualifications of the presenter and the content of the lesson plans.
- B. All instructors are required to give a copy of their lesson plan to the training supervisor before giving a training course, and the lesson plan will be kept on file indefinitely by the training supervisor.

IV. TRAINING RECORDS

- A. The training supervisor will keep official training records on departmental personnel along with course curriculum and/or lesson plans. These records shall include at a minimum; dates attended, total hours and course name.
- B. All officers must notify the training supervisor upon acceptance to a program or school and a copy of the course curriculum and any documentation received that indicates course completion must be given to the training supervisor for permanent retention in the department's training files.
- C. A copy of lesson plans, course curriculum and/or course description will be maintained indefinitely by the training supervisor for both in-service training and City of Newburgh Police sponsored courses.



Daniel C. Cameron
Chief of Police