NEW YORK STATE
POLICE REFORM AND REINVENTION
COLLABORATIVE

VILLAGE OF ENDICOTT COLLABORATIVE PLAN
2021
ENDICOTT, NEW YORK
EXECUTIVE SUMMARY

In June, 2020, Governor Andrew Cuomo issued an executive order directing that a panel of community stakeholders meet with each local government that has a police department. Our panel was tasked with providing input to the Village of Endicott so that they can adopt a plan to eliminate racial inequality in policing, modernize police strategies, and better address the needs of our community. This initiative is meant to promote public safety, improve community engagement, and foster trust between communities of color and the police agency.

The panel consists of a diverse group of community members, including individuals from the Union-Endicott School District, Binghamton University, the Addiction Center for Broome County, local religious institutions, the District Attorney and Public Defender’s Offices, Mayor Jackson, members of the Endicott Police Department, members of local neighborhood watch groups and local business owners.

Since July of 2020, the panel has met monthly to discuss the steps Endicott Police Chief Patrick J. Garey has implemented to address these issues and to propose new ideas to help further facilitate this positive change. Chief Garey’s reception to ideas of the panel has been uplifting. Several of our suggestions for improvement were already underway before Governor Cuomo’s executive order was issued. Others have been implemented before this plan was finalized for presentation to the Village Board of Endicott.

This committee looks forward to continuing our mission to help the Endicott community grow in a positive direction.

Summary of Panel Recommendations

The following is a summary of recommendations made by the panel to the Village Board. A more detailed explanation of each recommendation is provided in the correlating section of the plan.

- Community Trust and Legitimacy
  - Institute the capture of demographic information during vehicle/bicycle and pedestrian stops into department policy;
  - As EPD is a part of the Broome County SIU Task Force, work with partner agencies to develop a policy specifying circumstances when no-knock warrants are authorized;
  - Develop a Facial Recognition Software policy that ensures best practices and individual privacy rights are maintained in the event any Facial Recognition Software is used or procured by the department.
  - Update the department evaluation system to reflect department priorities under the current Chief of Police.
  - Extend the work of this panel indefinitely to continue as an advisory board (not a civilian oversight board) in order to maintain transparency and increase the department’s bond with the community.
  - EPD should develop and publicize a complaint process for citizens, with instructions on how to file a complaint. Information should be available in other appropriate languages.
  - EPD should conduct a community survey at least annually to continue with the momentum generated by this panel’s activities.
  - EPD should provide a mechanism to distribute all department policies online;
• Mental Health Responses:
  o Partner with Broome County to develop a county-wide 24/7 Mental Health resource to respond when officers seek assistance with Mental Health calls.
    ▪ Include working with Broome County Emergency Services (911 Center) to develop a Mental Health triaging process at the 911 center to send Mental Health professionals to non-emergency calls.
  o Expand Mental Health First-Aid Training to all new officers and yearly refreshers.
  o Continue to develop meaningful partnerships with Substance Use Disorder (SUD) services such as peer advocates and SUD case managers, to offer on-demand access to care and reduce police contact.

• School District
  o The EPD/U-E School District SRO program is a resounding success. The Village, in partnership with the school district, should explore expansion of the program to allow for one officer each in the High School and Middle School.
  o The EPD command staff should ensure the SRO has the ability to bring other EPD officers on to school grounds during lunch periods or other events to further integrate our police officers with the youth of the community.

• Staffing
  o It is understood the Village faces difficult budgetary decisions; however, the department is understaffed to provide professional police services and also spend time fulfilling the important mission of interacting with the community to foster trust and legitimacy. The panel recommends the Village Board consider the following:
    ▪ Expanding the Detective Division to ensure that violent-crime investigations are quicker and more thorough;
    ▪ Continue the CPTED program and expand it if possible. The program is beneficial to the Village, low-income housing tenants, property owners and attentive landlords.
    ▪ Increase sworn-officers and administrative staffing to ensure “customer-service;” proper attention to calls; availability for increased training, including leadership training; and to promote officer wellness. This will also allow the department to maintain a dedicated and consistent focus on Community Policing.

• Recruitment
  o EPD should develop a long-term plan to emphasize recruitment of persons of color from the U-E High School.
  o EPD should prioritize attending events/programs in the U-E School District (e.g. Lunch with the Law) that allow for interaction between officers and students, especially students of color.
  o EPD should expand recruiting efforts in the area and statewide to recruit persons of color.
  o The Village and EPD should engage local Representatives in the New York State Legislature to pursue legislation that modifies Civil Service testing rules for police officers to remove barriers to recruitment, especially recruitment of minorities.
• Training
  o Conduct Hate Crime training refreshers every two-years during in-service training.
  o EPD should seek grants or scholarships to cover additional costs related to extra-training and capitalize on free training offered by higher-education programs.

• Officer Wellness
  o The Village should strongly consider incorporating Officer Wellness options into the upcoming budget;
  o EPD should consider instituting a Police Chaplain program that provides officers with a confidential counseling outlet;
  o EPD should consider adopting a program similar to the New York State Police Employee Assistance Program (EAP) Counselor program, where officers are trained as mental wellness peer counselors.
  o EPD should explore Officer Wellness training programs from national programs designed for Officer Wellness such as Blue-H.E.L.P.
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REFORM AND REINVENTION COLLABORATIVE

In June of 2020, Governor Andrew Cuomo issued Executive Order 203 due to nationwide protests demanding increased police accountability following police involved incidents nationwide that resulted in the deaths of people of color. Titled “The New York State Police Reform and Reinvention Collaborative”, the executive order posits that these incidents have undermined public confidence and trust in law enforcement and the criminal justice system. Governor Cuomo declared the need for prompt action to address and eliminate racial inequalities in policing and to modernize departmental policies and operations state-wide, with specific emphasis placed upon better addressing the needs of communities of color to “promote public safety, improve community engagement and foster trust.”

Local governments with police departments were directed to form panels designed to comprehensively review and develop plans for improvement of their police department’s deployment strategies, policies, procedures and practices to: ensure community needs are met; foster trust, fairness and legitimacy through community engagement; and to address issues of racial bias and disproportionate policing of communities of color.

At the direction of the Governor, Mayor Linda Jackson convened a panel to develop the plan, which considered evidence-based policing strategies, including but not limited to: use of force policies; procedural justice; studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and 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.

Executive Order 203 is attached in Appendix A

DEFINITIONS

**Broken Windows Policing:** A policing model theorizing that disorder creates increased fear and withdrawal of residents or businesses, which allows more serious crime to move into neighborhoods.¹

**Chokehold:** A physical maneuver applied to restrain another person with the intent to impede the normal breathing or circulation of the blood of another person through the application of pressure on the throat or neck of such person or by blocking the nose or mouth of such person, or a similar restraint applied to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air. (Exec. Law §837-t; PL §121.11)

**Community Policing:** A philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime².

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² [Community Policing Defined](https://it.ojp.gov/AT/Resource/34#:~:text=Community%20policing%20is%20a%20philosophy,disorder%20and%20fear%20of%20crime).
**Crime Prevention Through Environmental Design (CPTED):** A multi-disciplinary approach for crime reduction through urban and environmental design, CPTED aims to: reduce victimization; deter offenders from committing acts; build a sense of community to gain territorial control; and to reduce crime and fear of crime. It is based on four pillars:

- Natural surveillance;
- Natural access control;
- Territorial reinforcement; and
- Maintenance.

**De-escalation** - Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction of the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion and tactical repositioning.

**Evidence-Based Policing** – The core of evidence-based policing is to link law enforcement actions to desired outcomes. This is accomplished using research, data, and analysis in conjunction with a variety of policing strategies to systematically identify what is causing crime and disorder and to develop appropriate responses to curtail or eliminate it.

**Focused Deterrence** – A policing strategy that attempts to deter specific criminal behavior through fear of specific sanctions and anticipated benefits of not committing a crime. Focused deterrence is referred to as “pulling levers policing;” it seeks to change offender behavior by understanding underlying crime-producing dynamics and conditions that sustain recurring crime problems and by implementing a blended strategy of law enforcement, community mobilization and social service actions.

**Implicit Bias Awareness Training** – Instruction designed to help an individual recognize that he or she has unconscious feelings toward other people based upon characteristics such as race, ethnicity, age, gender, sexual orientation, etc. These unconscious feelings are based on an individual’s personal collective experiences, exposure to direct and indirect messages, media, culture and other factors and can be activated involuntarily and without awareness and affect impartiality in either a favorable or unfavorable way.

**Law Enforcement Assisted Diversion (LEAD) Programs** – Focus on empowering officers to provide alternatives for arrest, for example: offering treatment for individuals who commit minor crimes due to substance use or mental health.

**Procedural Justice** – Focuses on building public trust based upon the way police interact with the public and how those interactions influence crime and people’s willingness to obey the law. It is centered on the idea of fairness and that the public is more concerned with the process and manner in which they are treated during police interactions than the outcome of the interaction.

**Problem-Oriented Policing** – Is based on the idea that to reduce crime, communities and police must get to the underlying cause. It is fundamentally about changing the conditions that give rise to recurring
crime and disorder through a problem-solving approach rather than just responding to incidents and conducting preventative patrols.

**Hot-Spot Policing** – The process of conducting a geographic analysis of micro-places and trends where crime and disorder occur, then reorienting patrols to those areas while engaging in problem solving and community engagement. The strategy stems from the idea that fifty-percent of crime and disorder in a community occur on five-percent or less of street blocks and addresses.

**Restorative Justice** – The theory of justice that emphasizes repairing harm caused by criminal behavior. It is accomplished through cooperative processes that allow all willing stakeholders to meet, though other approaches may be pursued. It is centered on the idea that crime is more than just violating laws and causes harm to people, relationships and the community as a whole; thus a just response to crime must be to address the harms as well as the wrongdoing. Restorative Justice seeks to include all of the parties most affected by crime in its resolution.³

**Use of Force Policies (Model Policy)** – The model policy of the New York State Municipal Police Training Council provides best practices consistent with New York State law.⁴


PANEL

Consistent with the Governor’s directive, Mayor Jackson formed the panel of stakeholders, including membership or representatives of: the Village of Endicott Municipal Government; leadership of the Village of Endicott Police Department; community members, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the Broome County District Attorney’s Office; the Broome County Public Defender’s Office and other local elected officials. The panel consists of the following members:

- Rev. Dr. Greg Johnson – Senior Pastor, Cornerstone Community Church, Endicott, NY (Chair);
- Linda Jackson - Mayor;
- Patrick Garey – Chief of Police;
- Kevin McManus - Broome County Deputy County Executive;
- Michael Korchak - Broome County District Attorney;
- Jonathan Rothermel - Broome County Senior Assistant Public Defender;
- Nicole Wolfe – Superintendent, Union-Endicott School District;
- Jennifer Kazmark – Director of Pupil Services, Union-Endicott School District;
- Glenn McIver – Union-Endicott School District Board of Directors;
- Ernest Collins – Pastor, Christian Life Church UPC, Endicott, NY;
- Carmella Pirich – Executive Director, Addiction Center of Broome County;
- Christopher Scott – Peer Advocate, Addiction Center of Broome County;
- Nichole Post – Director, Southern Tier Community Center;
- Dr. Miesha Marzell, Assistant Professor, Binghamton University Dept. of Social Work;
- Penny Stringfield – Community Activist
- Beth Herrick – Director, Mersereau Area Neighborhood Watch;
- Nadia Schuman – Resident of the Village of Endicott;
- Marshall McMurray – Business owner/Endicott area resident;
- Kevin Every – Resident of the Town of Union;
- James Harmon – Resident of the Village of Endicott;
- Charles Smales – Lieutenant, Village of Endicott Police Department;
- Brandon Leonard – Police Officer/School Resource Officer, Village of Endicott Police Department

Biographies of Panel Members may be found in the Appendix B.

In August of 2020, Governor Cuomo released the “New York State Police Reform and Reinvention Collaborative Resources & Guide for Public Officials and Citizens” to assist the panel in meeting the goals and directives of Executive Order #203. The guide draws heavily on the identified best practices and recommendations made in the Final Report of President Obama’s Task Force on 21st Century Policing.

The “New York State Police Reform and Reinvention Resources & Guide for Public Officials and Citizens” is attached in Appendix C.
THE SIX PILLARS OF 21st CENTURY POLICING

In May of 2015, President Obama’s Task Force on 21st Century Policing released its final report\(^5\), offering best practice recommendations to police departments organized around six “pillars” designed to promote effective crime reduction while building public confidence and trust. The Endicott Police Department embraces the recommendations of the task force as a way to foster legitimacy and community trust in the department as a professional, competent and transparent police department.

A brief explanation of the six pillars follows:

**Pillar One: Building Trust and Legitimacy**

Building trust and legitimacy is a foundational principle in the relationship between police and the community. To achieve trust and legitimacy, a “guardian” rather than “warrior” mentality must be embraced within the police department. Citizens are more likely to obey the law when law enforcement is perceived as legitimate, but legitimacy is only conferred when police are viewed as acting in procedurally just ways. Further, trust cannot be achieved if law enforcement is viewed as an outside force imposing control on the community rather than as a community partner. To achieve the principles and earn legitimacy and trust, law enforcement should adopt procedural justice as the guiding principle for internal and external policies and practices to guide internal relations as well as interactions with the public they serve. Agencies should also establish a culture of transparency and accountability; initiate non-enforcement activities in areas with high rates of negative police engagement; conduct community surveys to track and analyze trust in the department; and foster a workforce with a broad range of race, gender, language, life experience and cultural diversity.

**Pillar Two: Policy and Oversight**

Law enforcement policies must reflect community values, which requires community collaboration. Policies should emphasize areas disproportionally affected by crime, focusing on strategies that reduce crime through improved community relationships, engagement and cooperation. Clear and comprehensive policies must be developed pertaining to: the use of force, including de-escalation training; handling mass demonstrations; obtaining consent before searches; gender identification, racial profiling; and performance measures. Oversight measures must place emphasis upon external and independent investigations into officer-involved shootings and other use of force situations and in-custody deaths, and prosecutions when warranted. Policies should also include provisions for collection of demographic data that is made publicly available. Law enforcement agencies are encouraged to periodically review policies and procedures, conduct non-punitive peer reviews of critical incidents and establish mechanisms for civilian oversight with their communities.

**Pillar Three: Technology & Social Media**

Use of technology and social media by law enforcement agencies should be designed considering local needs and in alignment with national standards. Standards of technology and social media in policing should ensure compatibility, interoperability, and broad implementation within police departments and across agencies and jurisdictions, while maintaining civil and human rights protections. Model policies and best practices should be adopted for technology–based community engagement that increases community trust and access.

\(^5\) [https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)
Pillar Four: Community Policing & Crime Reduction

Community policing must be a guiding philosophy for all stakeholders. Emphasis must be placed on working with neighborhood residents toward public safety by identifying problems and collaborating on solutions that produce meaningful results for the community. Law enforcement agency policies and strategies should reinforce community engagement in managing public safety through the use of multidisciplinary team approaches for planning, implementing and responding to crisis situations involving complex issues. Communities should support a culture and practice of policing that protects individuals and communities while promoting the dignity of all, especially the most vulnerable. Law enforcement agencies should avoid tactics that unnecessarily stigmatize youth and marginalize their participation in schools and communities. Law enforcement officers should have limited involvement in school discipline. Communities should recognize the voices of youth in community decision-making, facilitate youth participation in research and problem solving, and develop and fund youth leadership training and life skills through positive youth/police collaboration and interactions.

Pillar Five: Training & Education

As the scope of law enforcement responsibilities expands, effective training methods for law enforcement officers must as well, for they are critical to address a wide variety of challenges including terrorism, evolving technologies, changing laws, new cultural mores and a growing mental health crisis. To ensure high-quality, effective training and education, law enforcement should engage community members, especially those with special expertise, in the training process. Leadership training should continue throughout all levels of law enforcement officers’ careers. To increase the quality, training should include: Mandatory Crisis Intervention Training (CIT), which equips officers to deal with individuals in crisis or living with mental disabilities, as well as instruction on the disease of addiction; implicit bias and cultural responsiveness; policing in a democratic society; procedural justice; and effective social interaction and tactical skills. Training should be provided for recruits and during in-service training.

Pillar Six: Officer Wellness & Safety

The wellness and safety of law enforcement officers is critical not only for the officer’s sake, but also for the sake of their colleagues, agencies and public safety. Multi-partner effort must be made to ensure the proper implementation, support and emphasis of officer wellness and safety practices and procedures. Law enforcement agencies should promote officer wellness and safety at every level of the organization. Examples include every officer being provided with individual tactical first-aid kits and training, as well as anti-ballistic vests. Law enforcement agencies should adopt policies that require mandatory use of seat-belts and bullet-proof vests, and that provide training to raise awareness of the consequences of failing to do so. Internal procedural justice principles should be adopted for all internal policies and interactions.
THE ENDICOTT POLICE DEPARTMENT

The Village of Endicott Police Department is a full-service law enforcement agency dedicated to providing a high-level of service and professionalism to village residents, businesses, and visitors. The department was one of the first police department’s in New York State to be accredited through the New York State Division of Criminal Justice Services and has continually maintained accreditation since it was first achieved in 1990. A daily commitment by officers to the department’s Core Values is the cornerstone of the department’s mission.

Vision
To establish a community free of crime and disorder, with safe streets and neighborhoods, where citizens can live prosperous lives and enjoy themselves.

Mission
To serve and protect our fellow citizens by enforcing the law, preserving the peace, maintaining order, safeguarding the rights and dignity of all people, and continually striving to improve the quality of life of our community.

Core Values

- **Dedication:** We dedicate ourselves to serving our community, in accordance with our Vision and Mission Statements, by consistently giving our best effort; striving to achieve the best outcomes; partnering with our community; and providing diligent and professional service to all.

- **Respect:** We demonstrate respect to each other and the public by treating people fairly and safeguarding their rights; communicating in a dignified manner; showing courtesy and civility; and demonstrating interest, concern, compassion and consideration for others.

- **Integrity:** We consistently maintain the highest ethical standards, promoting honesty and truthfulness. We are committed to uphold our positions of trust by having the physical and moral courage to do what’s right; having no tolerance for unethical behavior and rooting it out wherever it may exist.

- **Professionalism:** We value the spirit of professionalism; a clear sense of commitment, perspective and direction developed by creating an environment that fosters teamwork, innovation and constant evaluation of ourselves for effectiveness. We conduct our duties without bias or prejudice in the manner of true fairness and equality. We pay attention to detail; lead by example; and work for continuous improvement and learning, gaining wisdom from our mistakes and striving for personal and professional growth. The professional attitude is dedicated to quality, timeliness and excellence in service to our community.

Department Overview

The backbone of the department is the Patrol Division, which operates on a 24/7 basis, year-round, responding to emergency and non-emergency incidents, enforcing criminal laws, vehicle and traffic offenses and local ordinance violations. The Patrol Division houses two special details that provide service to the village and, in many instances, surrounding communities:

- **K9 Unit:** A two-man unit comprised of members of the Patrol Division who have been selected as canine handlers and who have received specialized training. Currently unmanned due to one member retiring and another resigning in 2020.
Bike Patrol: These members of the Patrol Division have received specialized training. Bike Patrols are deployed when manpower allows and/or specific situations dictate a bike patrol would be advantageous. The School Resource Officer (SRO) deploys on bike patrol for a large portion of the summer when school is not in session.

The Detective Division handles most felony-level investigations and all investigations deemed significant incidents or requiring specialized training or services. All violent incidents fall under the purview of the Detective Division. General detectives handle a majority of these investigations. There are three Special Details assigned to the Detective Division:

1. **Broome County Special Investigations Unit Task Force (SIU):** SIU is a multi-agency task force comprised of members of Endicott Police Department, Binghamton Police Department, Broome County Sheriff’s Office and Johnson City Police Department. Endicott PD has one detective assigned to SIU.
2. **School Resource Officer (SRO):** The SRO is a uniformed patrol officer. Though the SRO rarely conducts criminal investigations related to SRO duties, the position falls under the Detective Division to ensure optimal coordination between the department and School District for any cases related to students. (Refer to page 20 for a description of the SRO position).
3. **Response and Interdiction Patrol/Crime Analysis Unit:** The Response and Interdiction Patrol/Crime Analysis Officer is a uniform officer whose duties include developing evidenced based policing strategies and maintaining concentrated focus on recurring short or long-term problems. This officer is also the department Crime Prevention Through Environmental Design (CPTED) coordinator and the department liaison for Addiction Center of Broome County (ACBC) Peer Advocates, the RISE Shelter Domestic Violence Advocate; and the ACCORD Dispute Resolution Center Advocate.

The Department also has two Special Details that are not assigned to a specific division and are made up of members from any Division.

1. **Bomb Squad:** Consists of members of the department of any rank who have received specialized training through Homeland Security. The Bomb Squad handles calls related to any potential explosive device for any agency in the Southern Tier.
2. **SWAT Team:** The joint Broome County/Endicott SWAT team consists of Members of the Department of any rank who have attended a basic SWAT Operators School and continue to receive specialized training.

The Endicott Police Department employs the Stratified Policing Model, which is centered on the philosophy that we are integrated with and part of the community, working collaboratively as public stewards and partners, rather than simply law enforcers. The dedicated officers of the department approach incidents as problem-solvers rather than incident responders and complaint takers. Several policing models guide our efforts, including: community policing; problem-oriented policing; and evidenced-based policing, among others.
Organizational Chart

Chief

Assistant Chief

- Administrative Assistant

- Assistant Chief

- Administrative Assistant

- Bomb Squad

- SWAT Team

Patrol Division

- 1st Tour (Night Shift)
- 2nd Tour (Day Shift)
- 3rd Tour (Evening Shift)

Detective Division

- General Detectives
- Broome County SIU Task Force Detective
- Crime Analyst/Response & Interdiction Patrol Team
- School Resource Officer

THE VILLAGE OF ENDICOTT POLICE REFORM AND REINVENTION PANEL

The Village of Endicott Police Reform and Reinvention Panel (i.e. “the Panel”) held its first meeting in July 2020 and met monthly through March 2021. The panel conducted a review of department policies and procedures through a transparent process with Chief Patrick Garey and department members. Panel participants were allowed unfettered access to policies and reports. Several panel members elected to participate in the department’s “Ride-Along” program. During the ride-along, panel members were given the opportunity to converse privately with citizens who interacted with the police officers.

Consistent with direction’s contained in the Executive Order 203, the panel reviewed the Endicott Police Department’s deployment strategies, policies, procedures and practices related to specific evidenced-based policing strategies, with the goal of ensuring that they meet the needs of the community; foster trust, fairness and legitimacy through community engagement; and address issues of racial bias and disproportionate policing of communities of color.

Endicott Police Department deployment strategies, policies, procedures and practices related to these evidence-based policing strategies are detailed below. Specific panel recommendations are detailed in later sections of this report.

Use of Force Policy

The Endicott Police Department Use of Force Policy is consistent with and based upon the Municipal Police Training Council’s Model Policy and in some instances exceeds the Model Policy. For example, in order to prevent the use of unreasonable force, Endicott police officers have a duty to intercede whenever they observe another law enforcement officer using force that is clearly beyond that which is objectively reasonable under the circumstances. This policy is consistent with the MPTC Model Policy; however the Endicott PD requires officers to report to a supervisor any such force that is potentially beyond that which is objectively reasonable. The Use of Force policy also requires the use of non-violent strategies and techniques to de-escalate situations, improve decision-making and communication, reduce the need for force and increase voluntary compliance whenever circumstances reasonably permit officers to do so. The policy is consistent with the most recent updates to New York State Law. When force of any kind is used or weapons (i.e. firearms, “Tasers,” pepper-spray, etc.) are displayed during the potential use of force, officers are required to report the circumstances by the end of the shift.

Procedural Justice

The tenets of Procedural Justice are rooted in and reinforced daily in the Endicott Police Department during contact with citizens, beginning with the department’s Core Values of dedication, respect, integrity and professionalism. This concept is departmentally-embraced from the Chief of Police through the entire organization. Legitimacy is obtained by treating citizens fairly, with proper respect, regardless of the reasons for the police-citizen encounter. This basic component of Procedural Justice is reinforced through department policy, procedure and training.

- In policy, for example, officers may use discretion determining whether or not to make arrests for non-violent crimes related to Substance Use Disorder (SUD). The department has teamed with the Addiction Center of Broome County (ACBC) to bring counseling services to people suffering from SUD, trauma, or mental health issues. Weekly, “Peer Counselors” employed by ACBC team up with an Endicott Patrol Officer to visit people who have had recent police encounters for which
Substance Use Disorder (SUD) appears to be a contributing factor. An initial approach is made by the officer to let the person know that the peer counselors are legitimate, to make introductions, and to inquire of the individual’s willingness to engage with the peer counselors. When agreeable, the EPD officer vacates the area to allowing for private conversations between the Peer Counselors and the person, with the goal of getting the subject to engage in treatment. The program builds trust between the police department and the community through positive police contacts. Approximately 50% of the people who are approached agreed to some sort of engagement with Peer Counselors. Statistics demonstrate that after Peer Counselor engagement, there is a 21% decrease in police contacts after three-months; 11% decrease after six-months; and 28% decrease in police contacts after one-year.

- Procedurally, the Department employs the “Stratified Policing Model” to guide operations. Stratified Policing is an Evidence-Based Policing Model based on Problem-Oriented-Policing. All department levels are engaged in problem solving, from the officer on the street through the Chief of Police. Crime Analysis identifies problems such as repeated calls to the same location or involving the same person, which prompts a “second-look” analysis from a wider field of view to determine the underlying cause of the problem. Problems are examined to determine whether criminal, environmental or health and human service factors are contributing to the issue. When health and human service factors such as Substance Use Disorder, poverty, or mental health issues are contributing to the problem, officers conduct outreach to human and community service organizations to coordinate responses. Environmental issues such as urban blight, garbage, code violations, etc. result in landlords or homeowners being referred to the village’s Crime Prevention through Environmental Design (CPTED) program. Criminal factors are targeted through coordinated efforts of Patrol and Detective Divisions and Special Details. Repeat incidents or patterns identified through crime analysis are targeted with enforcement strategies such as hot-spot policing and directed patrols as well as community engagement strategies such as community meetings and social media awareness. By focusing enforcement on areas where crime analysis has identified necessity, the Stratified Policing process eliminates or reduces random subject or vehicle stops, especially in neighborhoods with higher concentrations of people of color. In other words, the model keeps police in neighborhoods or areas where they are most needed. When the problem is solved, the focus is moved to the next problem area. These strategies result in an increase in trust and transparency in the community because people know they are not being randomly targeted.

Stratified policing also ensures that stakeholders, including offenders, are afforded a chance to be heard and understood. Each problem is approached neutrally and fairly to determine underlying issues. Respectful treatment by officers engaged in problem solving in an empathetic manner both displays and develops respect. Officers conduct themselves in a fair and transparent process, attempting to render assistance to all parties. The Stratified Model does not eliminate or discourage arrests, which are made whenever necessary or appropriate; however, with a goal of reducing recidivism, resources that may assist or prevent offenders from committing future crime are employed whenever possible. Examples of stratified policing include:

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• Frequent shoplifting arrests of people who steal due to Substance Abuse Disorder and/or poverty are referred to ACBC Peer Counselors for SUD engagement, while local food, clothing and housing resources are contacted (either by the officers or ACBC Peer Counselors) for additional resources. Other officers in the department are aware of the response plan through briefings, and they provide assistance or updates on future encounters with the person. When children may be involved in the family dynamic, the SRO makes contact with school personnel, alerting them to potential malnourishment issues, lack of sleep, etc. so the school can develop their own response plan.

• Officers respond to numerous father/son domestic disputes. The investigation reveals the son is diagnosed with a mental illness and fights are generally because the son is not taking his medication. The officers note code violations and garbage strewn about the building and poor lighting, which the father states are contributing to his son’s anxiety issues. Officers team with a local mental health organization, the father, and other human services agencies to develop a response plan to prevent the issue from rising to a domestic incident. Additionally, the village CPTED team engages with the landlord through the CPTED process to improve the environmental conditions.

While Procedural Justice Principles are integrated in the department, formal Procedural Justice training has been received by the Chief of Police in October 2020 at the Division of Criminal Justice Services Law Enforcement Symposium. Chief Garey and Officer Brandon Leonard, the School Resource Officer, attended a four-day “train the trainer” course sponsored by DCJS in January 2021. As a result of training, the entire department will receive 8-hours of training in April 2021, as well as yearly refresher training.

Studies Addressing Systemic Racial Bias or Racial Justice in Policing
The department does not formally participate in specific studies addressing systemic racial bias or racial justice in policing. The Chief and Assistant Chief of Police are both members of the New York State Association of Chiefs of Police and the International Association of Chiefs of Police and the Chief of Police is a graduate of the FBI National Academy and member of the FBI National Academy Associates. All these organizations provide access to best practices and studies conducted in these areas. Information and training related to systemic racial bias or racial justice in policing is also available through the Department of Criminal Justice Services (DCJS) and incorporated into department operations when appropriate.

Implicit Bias Awareness Training
In July 2020, members of the department received two-hours of Implicit Bias Awareness Training. In addition, Chief Garey and Assistant Chief Williams attended a ten-hour workshop over five-weeks during the summer of 2020 titled “Understanding and Unlearning Racism.” A yearly refresher on the workshop is planned.

De-Escalation Training and Practices
In May 2019, all officers of the department received two-hours of instruction in De-escalation and Minimizing Use of Force and 2021 in-service training included a two-hour block of instruction on de-escalation techniques. The Department’s Use of Force Policy requires the use of de-escalation techniques and other alternatives when possible, before resorting to the use of force and to reduce the amount of
force necessary, when such actions will not compromise the safety of the officer or another person. The policy also encourages a tactical retreat as potentially the most effective method, even when force is authorized, if such tactical retreat will not endanger officers or other innocent people. Any de-escalation techniques that are employed are documented on all Use of Force reports.

Community-Based Outreach and Conflict Resolution
Endicott PD regularly engages in Community-Based Outreach Programs. The department has an active social media presence on Facebook and Instagram as well as a current website. Department members often engage with active neighborhood watch groups via social media and at meetings (prior to COVID). The Chief and Assistant Chief are active members of Endicott Proud, a group of volunteers dedicated to improving the greater Endicott area. The Chief and other department members engage in speaking assignments with service organizations and churches in the Village. The SRO and command personnel regularly engage with the School-District, including participating in student-led activities such as “Race and Reconciliation” and “Lunch with the Law” workshops. In 2019, the department and school district conducted a joint Active Shooter training mock-incident. In the past, the department has hosted the OASIS After-School and Teen-Employment programs in its conference room during the summer months. The OASIS program was run by The Family & Children’s Society and was designed to provide life-building skills to disadvantaged youth. Officers in the department frequently interacted with kids in the program to help build bridges between the disadvantaged youth and the department. The program has since been discontinued by The Family & Children’s Society. The department also maintains a presence at parades and other community events. Officers are encouraged to interact with the public at these events, take pictures, etc. Officers are also encouraged to get out of Patrol Vehicles and walk populated areas and business districts such as Washington Avenue when possible to foster community engagement. The department also partners with ACCORD, a non-profit dispute resolution center located in Binghamton, to engage in conflict-resolution between any appropriate parties to keep situations free from the Criminal Justice System when possible.

Problem Oriented Policing (POP)
Endicott PD embraces Problem Oriented Policing. The Stratified Policing Model is based on POP, seeking to identify and change conditions that give rise to recurring crime problems. In addition to Stratified Policing as an overall POP Model, the department engages in specific POP techniques such as Community Oriented Policing, Intelligence Led Policing, CPTED, and Hot-Spot Policing.

Hot-Spots Policing
As part of the POP process, the department employs Hot-Spot Policing (HSP) techniques when appropriate as part of the Stratified Policing Model. HSP is based on four-pillars: 1) Geographic Analysis of micro-places where crime or trends exist; 2) Reorienting patrols to identified hot-spot areas; 3) Engaging in problem-solving for the hot-spot area; and 4) Engaging the community in solving the problem.

Focused Deterrence
Much of the concepts of Focused Deterrence are included in the Stratified Policing Model as part of a blended strategy of Law Enforcement, Community Mobilization and Social Service actions. The department does not engage in any specific Focused Deterrence program beyond Stratified Policing.
Crime Prevention through Environmental Design (CPTED)
The CPTED program in the Village of Endicott is coordinated by the police department. Training for the program occurred in late 2019 and was formally initiated in January 2020. Bi-monthly meetings are attended by all village departments; however, full implementation of the program and the benefits to be realized have been hampered by the COVID-19 pandemic and difficulty through the court system in holding landlords accountable.

Violence Prevention and Reduction Interventions
The Endicott Police Department does not have a specific program dedicated to Violence Prevention and Reduction Intervention. Most violent crime in the village occurs between family members or acquaintances. While “street” or “gang-related” violence does occur, it is infrequent. Many of the goals of these types of programs should be realized through the Stratified Policing problem solving process when required.

Model Policies and Guidelines Promulgated through the New York State Municipal Police Training Council
• As part of the department goals for 2019, Chief Garey directed command staff to conduct a complete review of all Endicott PD policies and procedures (i.e. General Orders). While individual policies had been updated and new policy established as needed, some policies were still in existence from the 1990s. Deficiencies were identified in numerous outdated policies and procedures. Critical deficiencies were immediately updated along with the implementation of important new policies. To ensure all policies reflected current philosophy and best practices, in June 2019, Chief Garey formed a project to conduct a complete overhaul of the General Orders. A lack of manpower and resources proved daunting to complete the project in a timely manner. Funding was subsequently secured through the Broome County District Attorney’s Office and in January 2020, the Endicott Police Department purchased an online software application Lexipol for Law Enforcement (hereafter “Lexipol”). Lexipol is an online Policy Manual “dashboard” for members of the department. In addition to providing policy to officers anywhere they have internet access (e.g. patrol vehicles and mobile phones), Lexipol also provides Daily Training Bulletins to officers, designed to be short training sessions that can be completed during their shift. Lexipol policies are designed by a team of attorneys, current and former law enforcement professionals, and policy experts. Lexipol policies are available to law enforcement nationally but they are specifically tailored to each state. Lexipol policies for New York State are based on Model Policies and best practices of the Municipal Police Training Council and are compliant with the New York State Law Enforcement Accreditation Program. Policies are designed generically “out of the box” to meet these standards, then refined by the EPD to fit local requirements. The full implementation of Lexipol as the single policy manual for the department is still underway with weekly meetings between EPD and Lexipol representatives. Approximately one-third of the four hundred plus policies have been released to the department. The implementation process was slowed significantly due to COVID and manpower constraints in the department, but it has since resumed. Full implementation of Lexipol is expected by the end of the 2021 calendar year.

Standards Promulgated by the New York State Law Enforcement Accreditation Program
• The Endicott Police Department is an Accredited Agency through the New York State Law Enforcement Accreditation Program. The department was among the first in New York State to
be accredited in 1990 and has continuously maintained its accredited status since that time. The department was re-Accredited in 2020. As previously referenced, the Lexipol software application will assist the department in keeping current with all accreditation standards.

- Accreditation standards are divided into three categories.
  - Administration Standards: Cover topics such as agency organization, fiscal management, personnel practices, evidence, and property management and records;
  - Training Standards: Cover basic (recruit) school and in-service instruction, as well as training for supervisors or technical assignments;
  - Operations Standards: Cover critical and litigious topics such as use of force, high-speed pursuits, roadblocks, patrol tactics; and unusual occurrences.

- In total, there are 110 different Accreditation standards that must be continually met by the department.

Town Hall Meeting and Community Survey
To supplement the review of Endicott Police Department policies, procedures, practices, and deployment strategies, the panel conducted community outreach to gauge public opinion about the department. A webpage containing information regarding this panel, significant dates, and our community events was created on the Endicott Police and Village of Endicott websites.

A “Town Hall” meeting and community survey were announced on the websites, as well as through the Facebook and Instagram social media pages of the department and village. The Union-Endicott School District and Endicott Proud community organization also links on their social media pages and/or via mass emails.

- Town Hall Meeting
  - A community meeting was held via Zoom on March 2, 2021 with approximately 70 attendees in attendance. During the meeting, panel members sought public input and ideas about the department and answered questions from the community. Community attendees that spoke were complimentary of the department and plans.

- Community Survey
  - On March 1, 2021, a community survey was released through the aforementioned websites, social media pages and email announcements. The survey remains open through March 24th. In addition to social media, local news media outlets provided the link to the survey on their websites, which was announced during news segments. Officers also went door-to-door in lower income areas of the village distributing 2000 “door-hangers” with information related to the survey, in order to encourage community members to participate. To date, 366 people have completed the survey. A majority of respondents live in the village for more than 10 years. In general, preliminary survey data demonstrates favorable results overall, however to ensure final survey results are not biased by preliminary survey data, a more detailed analysis will be included in the final report.
IDENTIFIED STRENGTHS, WEAKNESSES, OPPORTUNITIES, AND THREATS

A SWOT analysis is a practice used to analyze an organization's current position before deciding on new strategies.

STRENGTHS – Stratified Policing; Talented and Dedicated Workforce; Department is responsive to change; Positive Community Collaboration; Peer advocate program; School Resource Officer (SRO); Commitment to Evidence-Based Policing Practices; innovative department; Support of the Village Board.

WEAKNESSES – Low manpower due to financial strain on Village and recent retirements; lack of diversity in personnel; significant loss of experience over the past 9 months; lack of mid-level supervisory experience due to retirements; lack of Administrative Support Staff; understaffed Detective Division; understaffed Patrol Division.

OPPORTUNITIES – 1/3 of department is new since 2018 allowing for reinvention of practices; younger officers allow for increase in use of technology due to familiarity; SRO program allows for expanding dialogue with students of color; expanded collaboration with human services and community organizations; leadership classes for new supervisors.

THREATS – Effects of excessive work/overtime on officer wellness and morale; potential loss of Special Details due to manpower; decreased customer service/thoroughness.

PANEL RECOMMENDATIONS

As part of the Governor’s directive, in August 2020, the governor’s office released the “New York State – Police Reform and Reinvention Collaborative: Resources & Guide for Public Officials and Citizens.” This guidebook provided the panel with “Key Questions for Consideration” to assist in developing a plan to meet the panel’s goals. Key Questions that were considered by the panel and panel thoughts and recommendations are detailed below:

What Functions Should the Police Perform?

1. Determining the Role of Police
   a. What role do the police currently play in your community?
      The panel has found the Endicott Police Department to be an effective and professional police department that is engaged in the community and is dedicated to customer service for all constituents. In 2020, the department handled just over 11,000 incidents, which is generally consistent with previous years. Most calls are non-criminal and non-violent in nature, with 60% of incidents relating to disorder and classified under a general category of “other” calls. This category includes calls such as: Check Welfare; Disturbances; Persons Annoying; Noise Complaints; Vehicle and Traffic Stops; and Assists to the Fire Department and EMS, among others.

      Over 10% of the Department’s workload (nearly 1,200 incidents) are Domestic Dispute calls; 8-9% are listed as Suspicious Activity; Larcenies account for 3-4% and Motor Vehicle Accidents account for 4-5%. Part I crime statistics reported to the Department of Criminal Justice Services (DCJS) demonstrate that the department handles approximately 70 burglaries per year, 40 Aggravated Assaults, and 13 Rapes (all of which were alleged to be committed by a family member or acquaintance. None were alleged
to have been committed by strangers). Robberies peaked in 2017 at 22, steadily falling to 8 reported robberies last year and no murders. Part II crimes document 146 simple assaults and 134 criminal mischiefs as the highest number of incidents. The department responded to 186 Mental Health calls; however, officers on the committee estimate a large percentage of all calls they respond to involve mental health and/or substance abuse.

The department’s Stratified Policing process employs a problem-solving approach that attempts to remove police from the equation for non-criminal conduct or minor offenses, when possible and appropriate.

All complaints against personnel are logged and investigated by supervisors. The classification of the allegation dictates the supervisory level conducting the investigation. Minor complaints, such as rudeness, tardiness, or technical infractions of procedures, are generally investigated by a Sergeant. More serious allegations are handled by Lieutenants. Examples of these types of investigations include failure to investigate or perform an essential job duty, loss of or failure to safeguard evidence, or acts of unprofessionalism. The most serious complaints against personnel are handled by the Assistant Chief of Police. These investigations include examples such as insubordination, racial bias or discrimination, sexual harassment or excessive or improper use of force. Complaints that rise to the highest-levels, such as corruption, criminal offenses or intentional Civil Rights violations would be referred to outside agencies for investigation. The Chief of Police has ultimate decision-making authority over the final disposition of complaints against personnel. Of the over 11,000 incidents investigated by the department in 2020, 28 complaints against department personnel were logged and investigated. Most complaints involve allegations of rudeness, improper/incomplete investigations, or internal technical violations of rules and/or regulations. One allegation was made of a racially motivated stop; it was determined to be unfounded. Details related to that investigation are documented in subsequent pages. Of the 28 complaints received, 8 allegations were founded:

- These personnel complaints consisted of 6 that were generated internally by department supervisors and related to minor violations of department regulations such as loss or damage of equipment, inadequate investigations, or failure to follow directions by superior officers. Two founded complaints involved rudeness by officers.

b. Should you deploy social service personnel instead of or in addition to police officers in some situations?

There is currently no mechanism in place within Broome County to reroute calls to mental health professionals, social workers, or other human service personnel. Endicott Police Officers are capable of responding to the large majority of calls within minutes. When calls are identified that require a human or social service component, officers routinely integrate these agencies into the process, many times while on scene. This is most prevalent when dealing with individuals suspected of Substance Use Disorder; in these
instances, when possible, immediate contact is often made with ACBC Peer Counselors. If immediate contact with ACBC peer counselors cannot be made, as noted herein, follow-up referrals are made to the peer counselors. Mental health workers, accessed through the Mental Health Association of the Southern Tier (MHAST) are routinely contacted during mental health crisis situations. Often, staff are not available for immediate deployment. Peer Advocates from ACBC are also called when substance use or abuse is suspected along with a mental health issue. Officers routinely assist the homeless with finding shelter when requested. There are no reported incidents of harsh treatment of the homeless or confrontations between police and homeless people. During the fourth quarter of 2020, all officers in the department were certified in Mental Health First-Aid, in order to better prepare officers to provide additional necessary emergency services to the community.

Panel Recommendations:

- **Develop a 24/7 Resource for Mental Health Responses**: Mental Health resources are best employed at the county level. The panel recommends Village Officials partner with Broome County to develop a 24/7 agency capable of assisting police with mental health responses. Funding and resources should not be depleted or diverted from the already understaffed and underfunded Village Police Department.

- **Expand Mental Health First-Aid Training for Officers**: All officers in the police department were certified in Mental Health First Aid during the 4Q of 2020. This training should be given to all new officers and a yearly refresher course should be conducted.

- **Continue to develop meaningful partnerships with SUD services such as peer advocates and SUD case managers**, to offer on-demand access to care and reduce police contact.

c. **Can Your Community Reduce Violence More Effectively by Redeploying Resources from Policing to Other Programs?**

The Village does not experience significant amounts of violence related to “street crime” or incidents between strangers. Most violent crimes in the Village occur between parties related to one-another or with some sort of personal dispute. Violent Crimes are not concentrated in any one area of the village and occur in random locations.

Panel Recommendations:

- **The Panel does not recommend redeployping resources from policing to other programs.** There is not a significant amount of violent crime related to “gang activity” or similar street crime that would justify re-allocation of resources away from the department. Conversely, the panel recommends and expansion of the Detective Division to conduct more thorough and quicker investigations when violent crime does happen, to ensure offenders are apprehended before
they can commit further violent acts. The Village’s CPTED program, which is coordinated by the Police Department, has showed glimpses of success, but has been hampered by restrictions in place through the courts and social distancing related to the COVID-19 Pandemic.

d. *What functions should 911 call centers play in your community?*
The Village Police Department has no control over the 911 call-center, which is under the authority of the Broome County Office of Emergency Services. 911 dispatchers are professionals at their jobs who ensure proper triaging of incidents and are familiar with a wide-range of services and options available to officers.

*Panel Recommendations:*

- As previously documented, Mental Health Responses are better coordinated at the county level. The panel recommends the Village partner with Broome County officials to develop a Mental Health triaging process at the 911 Call-Center to send Mental Health professionals to non-emergency calls.

e. *Should Law Enforcement Have a Presence in Schools?*
The Endicott Police School Resource Officer is assigned to the Union-Endicott High School and Jennie F. Snapp Middle School. The officer provides assistance to any Union-Endicott School District Facility that requests it. A formal Memorandum of Understanding is in place between the district and police department. The SRO does not engage in arrests of students unless necessary to mitigate an immediate danger to life or health. Since it was established in 2017, the SRO has made one arrest of a student, which occurred in 2017 and was related to a menacing incident involving a knife. The SRO also does not engage in the disciplinary process in the district. School district personnel, the police department, parents and students overwhelmingly agree the SRO program at U-E School District has been outstanding. Prior to the SRO program, the police department was frequently called to monitor high school students at dismissal due to incidents occurring during the school day. Since starting the program, incidents of fights, bullying, threats, etc. have been drastically reduced. The SRO is viewed as a mentor and trusted confidant, who provides a safe-outlet for students, especially those that may be dealing with issues outside of school hours. All SRO activities are coordinated with the school district.

*Panel Recommendations:*

- By all accounts the SRO program is a resounding success and does not reflect concerns related to the “school to prison” pipeline. In fact, the Endicott PD SRO is viewed as a mentor and advocate for students, staff and parents of students. The panel recommends expansion of the SRO program to allow for one officer at the high school and another in the middle school.
- It is recommended that the SRO bring other EPD officers onto school grounds during events or lunch periods to further integrate our police officers with the
youth of the community. The goals would be to have students more familiar with the officers, to promote community engagement and to foster trust.

2. Staffing, Budgeting, and Equipping Your Police Department
   a. What are the Staffing Needs of the Police Department the Community Wants? Should Components of the Police Department be Civilianized?

The Endicott community has traditionally supported the police department. For example, in 2013, financial concerns prompted Village officials to look at policing options. One option was dissolving the police department and turning policing operations over to the Broome County Sheriff’s Department. Village residents voted overwhelmingly to maintain the police department. Village businesses and residents placed signs and wore tee shirts in support of the department. Some of those signs are still visible in resident and business windows today demonstrating continued support. As with any police department, the community desires responsiveness to issues related to immediate dangers posed to life and health. As a village police department, the department is intended to be close to the community. Accordingly, the community wants a department that can focus on issues of disorder and provide assistance and outstanding service for any issue that falls under police purview, but residents also want a department that is responsive to non-police related issues when they need assistance, but they do not know where else to turn.

The department is staffed with 31 officers, including the Chief and Assistant Chief. Comparatively, the neighboring Johnson City and Vestal Police Departments have just under 40 officers each. All three departments handle relatively the same number of incidents per year, except Johnson City and Vestal each conduct approximately 1000 more vehicle stops per year. The disparity in vehicle stops is primarily due to the lack of time Endicott officers have during shifts to focus on traffic enforcement. Endicott PD handles double the number of domestic disputes as the other departments. The department attempts to maintain a sustained community outreach, but challenges exist due to low manpower. The department is committed to the Stratified Policing Model, which integrates community resources into the problem-solving process, but low manpower also presents challenges to full implementation of the model.

The department has considered “civilianizing” administrative jobs such as evidence custodian and FOIL/records management, but budget approval is required.

Panel Recommendations:

- The department is understaffed to adequately provide the time and level of service the community expects from the police department. It is understood that budgets are tight. The Village should gradually increase sworn officers in the department over the course of several budget years and add administrative staff (even part-time) to relieve officers of administrative burdens that prevent
police from integrating in the community and being out on the streets. Understaffing results in officers responding from call-to-call as quickly as possible, often at the expense of individual or community concerns and quality investigations. Additional manpower is needed to provide the “customer service” required of a professional police department for sustained periods.

b. How Should Police Engage in Crowd Control? Should the Police be “Demilitarized”?

Since the national events that precipitated the formation of this Panel, the Village experienced two relatively small protests that required consideration of potential crowd control measures as part of the operational planning. Prior to these incidents, the department has dealt with smaller incidents handled by officers during their shift with no specialized uniforms, safety gear or equipment. The department also has extensive experience dealing with large crowd events such as the Dick’s Sporting Goods Open and numerous annual festivals. During the two protests last year, the department facilitated the peaceful assemblies by re-routing traffic and providing safe areas to assemble. Prior to the larger of the two events, Chief Garey attempted to reach out to protest organizers to provide parking offered by the Union-Endicott School District in order to minimize walking distance and to provide legal parking for protestors. Officers were instructed to avoid arrests for minor incidents and if arrests were necessary, to defer them to a later time unless situations presented an immediate danger to life, health, or significant property destruction. In both situations, the department allowed protesters to gather peacefully without disruption and the department protected protestors by re-routing traffic, etc. No crowd-control tactics were employed, and the department maintained a traditional uniform presence for observational purposes. When necessary, the department has access to safety and crowd-control equipment.

The department has one piece of military surplus in the form of an armored High Mobility Multipurpose Wheeled Vehicle (HMMWV; Humvee) that is used by the SWAT team, but otherwise is not “militarized.” The purpose of the Humvee is to provide a safe “cover” location during critical incidents and as a rescue vehicle for an injured officer and/or victim that may be at risk of being shot. The Humvee has also been used during significant snowstorms as a response/tow vehicle when normal police vehicles either could not navigate streets due to the amount of snow, or when they get stuck in the streets. The Humvee is not used for crowd control or mass gathering situations.

Employing Smart and Effective Policing Standards and Strategies

1. Procedural Justice and Community Policing
   a. Specific police strategies that have raised concerns among the public.
      i. Broken Windows and Stop and Frisk
         • The Broken Windows theory is not used by EPD as measure of where enforcement should occur, but the theory is used as part of the CPTED approach in dealing with property owners to invest in their properties and remove visible signs of crime or areas that may be havens for crime.
Stop and Frisk is not used as a department policy or crime-reduction strategy. Stops are conducted (and encouraged) with proper legal authority whenever warranted; however, frisks only occur when an arrest is made, or a subject is suspected of possessing a weapon, consistent with NYS law.

ii. Discriminatory or Bias-Based, Stops, Searches and Arrests

- Department policy prohibits discriminatory based policing actions, and the culture of the department prohibits acceptance of such actions. There is no evidence to suggest the department engages in discriminatory or bias-based stops, searches or arrests. The department received one complaint against personnel in 2020 alleging racial motivation for a vehicle stop. The driver did not make the complaint and did not allege a racially motivated stop. The complaint was made by an anonymous third party who observed the stop online after it was posted by the driver. The allegation was thoroughly investigated and the driver was interviewed. Evidence gleaned during the personnel investigation substantiated the officer’s legal authority for the vehicle stop. The driver was not ticketed.
- In late January 2021, upon receiving the necessary technology to properly track demographics of police stops, the department began doing so. Currently, instructions have been issued by the Chief of Police directing officers to complete demographic information on stops, however no formal policy has been put in place at this time.

iii. Chokeholds or Other Restrictions on Breathing

- Department policy prohibits chokeholds as proscribed by New York State Law. Unless deadly physical force is authorized, state law prohibits the application of pressure to the throat, windpipe, or neck, and also prohibits blocking the mouth or nose of a person in a manner likely to hinder breathing or reduce intake of air or obstruct blood flow. All other use of force that may restrict breathing (e.g. laying on someone) must meet the standard of being objectively reasonable and would be documented in a Use of Force report.

iv. Use of Force for Punitive or Retaliatory Purposes

- The use of force for punitive or retaliatory purposes is prohibited by policy and law and would result in a complaint against personnel. Officers who observe such actions are obliged by policy to intercede and report the situation.

v. Pretextual Stops

- The department engages in the use of pretextual stops as a legitimate law enforcement tool when related to a criminal investigation being conducted by the department or other law enforcement entities. These stops normally involve a coordinated plan approved, or known, by department supervisors. Though legal and within policy guidelines,
officers are discouraged from conducting pretextual stops at their own discretion, without a documented reason or purpose.

vi. Informal Quotas for Summonses, Tickets or Arrests

- EPD does not have quotas, informal or otherwise, for summonses, tickets or arrests. Endicott Police Department has a very low number of vehicle and pedestrian stops compared to other departments, and there are no negative references to low productivity in performance evaluations.

vii. Shooting at Moving Vehicles and High-Speed Pursuits

- Department policy dictates that officers may only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Officers are required to take reasonable steps, when feasible, to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or occupants. Officers are prohibited from shooting at any part of a moving vehicle to disable the vehicle.

- Pursuits are authorized when there is an obvious attempt to evade arrest or detention by fleeing in a vehicle. Officers must individually and collectively consider numerous factors when deciding to pursue, including the seriousness of the suspected crime and its relationship to community safety, vehicle speeds, the time of day, weather, and location, among numerous other factors. Pursuits are monitored by the on-duty supervisor and must be terminated by the officer upon direction of a supervisor, or when present risks reasonably appear to outweigh the risks of the suspect’s escape. Pursuits may only be engaged by vehicles equipped with emergency equipment and emergency lighting, and the siren must be utilized during the pursuit.

viii. Use of SWAT Teams and No-Knock Warrants

- The Broome/Endicott SWAT Team was deployed twice in 2020 to execute search warrants. The two search warrant executions were No-Knock warrants conducted at locations where illegal weapons were suspected to be present. The team was also placed on standby for several protest events.

- One member of Endicott PD is on the Broome County SIU Task Force (SIU). SIU executed 302 search warrants in 2020 and the large majority of those were no-knock warrants; however, SIU officers are making concerted efforts to avoid the “No-Knock” portion of the warrant. For example, when possible, officers will arrest a target in a vehicle or away from the location where the “No-Knock” warrant is authorized.

ix. Less Lethal Weaponry such as Tasers and Pepper Spray

- Officers on patrol carry Tasers and pepper spray.

- Prior to use, when feasible, officers must attempt to gain voluntary compliance prior to using any “less lethal” weapons.
• Taser policy directs officers to avoid the use of a Taser in special deployment considerations, unless the totality of the circumstances dictate use is necessary and outweighs the risk of not using the device. Special deployment considerations include individuals who are: pregnant; elderly or juvenile; low body mass; handcuffed or otherwise restrained; located near combustible vapors or flammable material; positioned where collateral damage may occur (e.g. falls from height or operating a vehicle); or are known to have serious health concerns or heart problems.

• Oleoresin Capsicum (OC) pepper spray policy restricts use to bring individuals or groups under control who are engaging in, or are about to engage in, violent behavior. OC pepper spray may not be used to disperse individuals or crowds or against those who do not reasonably appear to present a risk to the safety of officers or the public. Officers are also directed by policy to provide post application cleansing procedures for exposure to OC Pepper Spray.

• As with any Use of Force, Officers are required to document Taser and OC pepper spray use against an individual in a Use of Force Report.

x. Facial Recognition Technology

• The department does not possess any facial recognition software in any camera system.

Panel Recommendations:

• Increase use of CPTED: The Village should continue, and if possible expand, the use of CPTED program as a measure to hold landlords and property owners accountable, first through voluntary compliance when possible and the court system when necessary. This program is beneficial to tenants, especially those in lower income housing, which often live in locations rife with code violations and other environmental factors.

• Institute Capture of Demographic Information into Policy: Though there is no evidence of discriminating or biased-based stops, the panel recommends that demographic information on vehicle and subject stops be incorporated into formal policy as mandatory action.

• Consult with Partner Agencies to Develop No-Knock Search Warrant Policy: As a participant in the Broome County Special Investigations Task Force, the Endicott Police Department should work with participating agencies in the Task Force to develop policy specifying when No-Knock warrant use is authorized.

• Develop a Facial Recognition Software Policy: Though the department does not current possess facial recognition technology, a policy should be developed that commits the department to ensuring that Facial Recognition software will not be used arbitrarily or in a manner that would violate individual privacy rights of individuals not suspected of criminal activity. Further, the policy should provide guidance to ensure that when Facial Recognition technology is used, the search
results are verified through independent means and that best practices, consistent with model policies, are followed.

2. Law Enforcement Strategies to Reduce Racial Disparities and Build Trust

The Endicott Police Department has made a concerted effort to employ a variety of strategies to ensure the needs of the community and its constituents are met. In part due to recent criminal justice reform, the majority of department arrests are handled through summonses rather than summary arrests. Officers in the department engage in law enforcement assisted diversion (LEAD) through ACBC peer counselors. Restorative Justice Programs are evidenced in the Stratified Policing process that brings in ACCORD as a mediation outlet to avoid the criminal justice system, when possible, as a means to solve dispute resolution. The department participates in a wide-variety of community-based outreach programs, including those aimed at high-risk individuals. Evidence-Based Policing strategies, particularly Stratified Policing, include plans such as Hot-Spot Policing to ensure department operations are data-driven, but also include community engagement in the problem-solving process. The department employs proper de-escalation strategies and adheres to use of force policies. To reduce the likelihood of racial disparities in policing, the Endicott Police Department has begun formal training to educate its officers on implicit bias and procedural justice.

a. Can Your Community Effectively Identify, Investigate and Prosecute Hate Crimes?

The department has the capability to identify and investigate hate crimes and has done so when applicable. These cases have been successfully prosecuted by the Broome County Office of the District Attorney. The Chief of Police instructs a four-hour training block for new supervisors on the proper recognition of hate crimes versus hate incidents.7 The training highlights investigative techniques for identifying and distinguishing hate crimes and incidents, and it teaches strategies for working with the community to ensure hate crimes and incidents are reported and thoroughly investigated.

Panel Recommendation:

- Though the department has investigated and successfully prosecuted hate crimes, there has been no formal training of officers in several years. Over the past several years, there has been an increase in Hate Crimes across the country and expanded qualifying factors including the LGBTQIA+ community. The panel recommends Hate Crime refresher training every other year.

3. Community Engagement

a. Community Outreach Plans

The department has no formal community outreach plan but is actively engaged in the community. Most ideas generate from the Chief’s Office or are brought to the chief by officers as ideas, but there is currently no formal mechanism is in place to develop a plan.

7 Hate incidents are actions with behaviors motivated by bias, such as hate-speech, but are not a criminal offense.
In the past, a Community Policing Sergeant was responsible for developing and maintaining this type of plan.

b. **Citizen advisory boards and committees**
No citizen advisory board or committee has existed prior to the formation of this panel.

c. **Partnering with community organizations and faith communities**
The department is a committed partner to the Endicott Proud⁸ community organization, which includes leaders of some faith communities. General presentations, formal and informal, have been made to Endicott Proud to provide updates about the police department and to answer questions. Similar presentations have been made to local service groups. Active shooter presentations have been conducted at some parishes in the village.

d. **Partnering with students and schools**
The department and the school district have an outstanding relationship. The School Resource Officer is an integral part of maintaining open lines of communication between the institutions. Officers have attended student led workshops such as “Race and Reconciliation” as well as community led workshops such as “Lunch with the Law.” New officers are partnered with the SRO during the Field Training phase to interact with teachers and students and to learn the layout of the schools in the village. During in-service training, officers conduct walk-throughs of the school facilities. Officers are encouraged to stop by school and youth sporting events and other school events when possible to interact with students. This is often not possible due to low manpower.

e. **Police community reconciliation**
No information has been developed by the panel to indicate there are strained relationships between Endicott Police and people of color; however, survey results will be an important part of verifying this relationship. Survey results will be published in the final report.

f. **Attention to Marginalized Communities**
   i. **Limited English Proficiency (LEP) Citizens**
      - The department uses a mobile video platform called “The Language Line” for interpretation services. The platform is available to officers via mobile smartphones in the field.
   ii. **Citizens with communication disabilities**
      - “The Language Line” described above has a video platform that enables officers to contact trained sign-language interpreters as well.
   iii. **The LGBTQIA+ Community**
      - The department has no current policies specifically addressing LGBTQIA+ issues. Future releases of policy via the Lexipol system, which is still in transition, will address this matter. The target date for full transition to Lexipol is the end of the 2021 calendar year. Examples of pending policy include: transgender or intersex individuals cannot be searched or examined solely for the purpose of determining the individual’s biological

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sex and that department training will include instruction for proper searches of transgender and intersex individuals.

iv. **Immigrant Communities**

- There is no significant population of immigrants, nor are there immigrant communities in the village. Immigration issues are dealt with individually. Pursuant to Governor Cuomo’s 2017 executive order, the department does not inquire as to the immigration status of individuals nor disclose immigration status to federal authorities.

g. **Involving youth in discussion on the role of law enforcement agencies.**

The department interacts with youth in the community through the SRO, National Night Out planning (which includes student participation), fairs and festivals, but no formal plan exists.

Prior to COVID-19, the department had several preliminary plans in discussion to develop programs such as:

- U-E High School students, especially students of color, conducting “ride-alongs” with officers and tours of the station.

- Officers have been identified who are willing to act as mentors and spend time interacting with youth (e.g. playing basketball) at the Southern Tier Community Center once the facility is up and running.

- Develop an annual kick-ball tournament of some sort (“Kickin’ it with Cops) involving high school and junior high school students, police officers and possibly teachers and staff of the U-E School District.

**Panel Recommendations:**

- *Each of the suggested programs are excellent ways to build bridges between police and students. Focusing on interaction with students of color is critical and securing student of color participation should be emphasized.*

- *In the past, the department had a Community Policing Sergeant. This position was removed from the department due to budget cuts. The village should work to return this position to the department to focus on community interaction programs. One consideration suggested by the Chief of Police would be to combine the SRO program with community services position. For example, recognizing that the school district is a very large part of the community, a Community Policing Sergeant could fill the role of the second SRO while also coordinating all community policing events.*

- *The Panel recommends extending the term of the panel indefinitely to continue as an advisory board into the future.*

Fostering Community-Oriented Leadership, Culture and Accountability

1. Leadership and Culture

   * **Is your leadership selection process designed to produce the police-community relationship you want?**
Selection of leaders to the ranks of Sergeant and above is somewhat limited by NYS Civil Service Rules that require candidates to be selected from the top three scores of candidates who appear on an eligible list. Promotions to these ranks are made by the Chief of Police after conducting interviews of candidates that are eligible. Promotions are not based on level of activity or arrests an officer makes. Leadership traits, experience, motivation, ability to adapt to change, the ability to identify trends, problem-solving, and openness to new initiatives are the primary criteria used to measure leadership potential. The number or severity of founded personnel complaints are also considered when selecting officers for leadership roles.

b. **Does your officer evaluation structure help advance your policing goals?**
The evaluation structure of the department assesses performance in a wide-range of categories and, in general, provides a good overview of officer performance toward department goals. The evaluation system has not been updated since Chief Garey was appointed in July 2016 and some categories may need revising.

c. **Does your hiring and promotion process help build an effective and diverse leadership team?**
Diversifying departmental leadership and membership has proven difficult due to the underrepresented number of minority applicants/candidates taking the examination for police officer. NYS Civil Service rules require that hiring and promotional appointments be made from one of the top three people on an eligible list. The lack of a pool of eligible candidates from minority populations has impeded desired diversification of the Endicott Police Department at all levels, though there have been increases in recent hires of women and racial minorities.

d. **What is your strategy to ensure that your department’s cultural norms and informal processes reflect your formal rules and policies?**
The department’s core values are employed on a daily basis by command staff and reinforced to all officers. Performance Observation Forms are used to recognize officer conduct that is above or below the expected standards.

2. **Tracking and Reviewing Use of Force and Identifying Misconduct**
   a. **When should officers be required to report use of force to their supervisor?**
   Department policy directs officers to report use of force to a supervisor as soon as possible. Officers are generally required to complete Use of Force reports by the end of the shift after force was used.

   b. **What internal review is required after a use of force?**
   Use of Force reports are reviewed at multiple levels of supervision. All Use of Force reports, regardless of level of force used, have final approval by the Chief of Police. If excessive or inappropriate use of force is suspected, it will be classified and investigated as a complaint against personnel and/or a training issue with appropriate administrative action taken.

   c. **Does your department review officer’s use of force and/or misconduct during performance reviews?**

9 This is referred to as “the rule of three”. Agencies count down the first three people on the list and those three people, plus anyone else tied with the third person’s score are eligible to fill a position.
The department does not review Use of Force during performance reviews unless a Use of Force resulted in a personnel complaint or training issue. Issues relating to misconduct and all founded Personnel Complaints are reviewed during performance reviews.

d. **Does your department use external, independent reviews to examine uses of force or misconduct?**

The department does not use external or independent reviews to examine use of force or misconduct. In the event that a criminal offense was suspected or alleged in the use of force, the Office of the District Attorney would be consulted and all information, including the Use of Force report(s) would be provided to the District Attorney for review.

e. **Does your department leverage Early Warning Systems (EIS) to prevent problematic behavior?**

In February 2021, the department deployed an Early Intervention System (EIS) allowing supervisors to more closely examine officer conduct and identify potential issues before they develop into a problem. Personnel complaints and Use of Force reports factor into the EIS at a higher level than patrol vehicle crashes or pursuits, but all four of these categories are used to assist supervisors in identifying the need for intervention. Due to the newness of the system, it will take approximately 90 days of data to provide reliable data.

f. **Does your department review “sentinel” or “near-miss” events? Does the department respond to questionable uses of force with non-punitive measures designed to improve officer performance?**

The Final Report of the President’s Task Force on 21st Century Policing\(^\text{10}\) states that “sentinel event” or “near miss” reviews focus on improvement of practices and policies. They are non-punitive peer reviews of critical incidents, separate from criminal and administrative investigations. The department does conduct after-action reports on significant incidents when possible; however manpower constraints make the sustained ability to conduct these reviews difficult. Questionable use of force incidents are investigated as complaints against personnel when an allegation, if true, would result in a violation of department rules, regulations or general orders. In situations where conduct would not be a violation of rules, regulations or general orders, but should be examined from a training or policy perspective, the situation is handled in a non-punitive manner to improve officer performance and/or department policy and procedure.

**Panel Recommendations:**

- *The Village Police Department has no control over Civil Service procedures established in State Law; however, efforts should be increased to conduct recruiting efforts in communities of color.*
- *A long-term plan should be established by the department to emphasize recruitment of persons of color from the U-E High School. The goal of recruitment would be to hire persons of color from the Endicott community who*

\(^{10}\) [https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)
can facilitate addressing the particular needs of their communities and foster trust between communities of color and the EPD.

- The evaluation system should be updated to reflect department priorities under Chief Garey

3. Internal Accountability for Misconduct
   a. **What does your department expect of officers who know of misconduct by another officer?**
      Officers are required by policy to report known or observed misconduct by other officers.
   b. **Does your department have a clear and transparent process for investigating reports of misconduct?**
      All reports of misconduct are investigated, pursuant to department policy. All misconduct is investigated if the officer is still employed by the department, regardless of how long ago it was alleged to have occurred.
   c. **Does your department respond to officer misconduct with appropriate disciplinary measures?**
      Yes. Discipline is guided by the collective bargaining agreement between the Village of Endicott and the Endicott Police Benevolent Association, Inc. Non-disciplinary measures are instituted for the most minor violations. These measures include verbal and/or written counseling. The level of discipline is imposed based on the severity of the incident. Minor incidents are normally handled with “Summary Discipline”\(^{11}\) imposed by the Chief of Police. Summary Discipline can include a Letter of Reprimand, a maximum fine of $100, and/or suspension without pay, not to exceed 3 days. These penalties may be doubled for similar conduct occurring within 18 months. More significant discipline (i.e. formal discipline) is imposed for more severe violations after the filing of formal charges. Formal discipline may include significant suspensions up to 60 days without pay or dismissal from the department.
   d. **What procedures are in place to ensure that substantiated complaints of misconduct and settlements or adverse verdicts in lawsuits are used to reduce the risk of future misconduct?**
      All substantiated complaints against personnel are examined by the Chief and command personnel to determine if discipline, policy, procedure or training can avert future recurrence by the same or a different officer.
   e. **What controls are in place to ensure impartiality when reviewing potential misconduct complaints? When appropriate, are cases referred to either the District Attorney or another prosecutor?**
      Any case of suspected misconduct involving potential criminal activity will result in the investigation being reviewed with or turned over to the District Attorney’s Office. Officer involved shooting incidents or any incident involving serious physical injury or death to an officer or citizen would result in involvement by outside police departments and the District Attorney’s Office, unless the situation is handled by the New York State Attorney

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\(^{11}\) A form of discipline designated in the collective bargaining agreement that empowers the Chief of Police to impose minor discipline to avoid the process of filing formal disciplinary charges that require a hearing.
General’s Office, pursuant to current law. These procedures are detailed in department policy.

f. **Does your department expect leaders and officers to uphold the department’s values and culture when off-duty?**

Rules, regulations and general orders of the department apply to on and off-duty conduct. Officers are held accountable for inappropriate off-duty conduct in the same manner as for on-duty conduct.

*Panel Recommendations:*

- **None**

4. Citizen Oversight and Other External Accountability

a. **Does or should your department have some sort of civilian oversight or misconduct investigations or policy reform?**

The department does not have any civilian oversight process. The department opened all records and internal documents to this committee. Disciplinary matters are handled fairly and impartially by the Chief, with proper discipline imposed, when necessary. Based on the number and type of complaints received per year and the size of the department, a civilian oversight board is not feasible or required.

b. **Is there an easy, accessible and well-publicized process for members of the public to report complaints about police misconduct?**

The department does not have a publicized process; however, complaints are taken by phone, email, or through social media. A complaint (or compliment) form is accessible on the department’s website. Anonymous complaints are accepted.

c. **Are investigation outcomes reported to the complainant? Are they reported to the public? Should the department or the citizen complainant review entity, if any, accept anonymous complaints?**

Anonymous complaints are accepted in all forms. Complainants who request to be notified of the outcome of a complaint against personnel investigation are notified of the disposition of the complaint (i.e. sustained, not sustained, exonerated or unfounded). Complaints are not reported to the public.

d. **Does your local legislature engage in formal oversight of the police department? Should any changes be made to your legislature’s oversight and powers or responsibilities?**

The Village Board does not engage in formal oversight of the police department beyond normal legislative oversight such as the budget and the mayor’s authority over the Chief of Police.

e. **Is your Police Department Accredited by any External Entity?**

The department is accredited by the NYS Division of Criminal Justice Services – NYS Law Enforcement Agency Accreditation Program and has continually maintained accreditation since 1990. A five-year re-accreditation was just received in late 2020.

f. **Does your Police Department do an annual community survey to track level of trust?**
The department has not done an annual community survey. In response to Executive Order 203, the panel developed and released its first survey. Results of the survey are contained in this plan. The department plans to periodically conduct surveys.

**Panel Recommendations:**

- **Though a civil oversight board is unnecessary due to the number of complaints received and how they are investigated and disposed, the work of this Panel has fostered a great deal of collaboration to develop best practices and new ideas. It is recommended this panel of volunteers continue in some capacity as an advisory board to maintain transparency and increase the department’s bond with the community.**

- **The department should develop and publicize a complaint process for citizens, with instructions on how to file a complaint. Information should be available in other appropriate languages.**

- **The department should conduct a community survey at least annually to continue with the momentum generated by activities of this Panel and the recent community survey.**

5. Data, Technology and Transparency

a. **What police incident and complaint data should be collected? What data should be available to the public?**

The department obtains data from the Law Enforcement Records Management System maintained by Broome County Information Technology Department. There are multiple mechanisms available to analyze incident and case data, including types of incidents, crime-mapping, etc. which have been previously described in this document. Incident and arrest data is also transmitted to DCJS. The department recently obtained the ability to log demographic data for vehicle, bicycle and pedestrian stops. None of the data is presently available to the public absent a Freedom of Information Law (FOIL) request.

b. **How should your law enforcement agency leverage data to drive policing strategies?**

Data is used for informed decision-making on case investigations and identified short and long-term problems, including when and where to deploy manpower. These decisions are generally based on reported incidents, types of criminal activity, or reported significant incidents. The department frequently seeks assistance from the Crime Analysis Center to enhance the efficacy of policing strategies.

c. **How can your police department demonstrate a commitment to transparency in its interactions with the public?**

Officers provide their names and/or ID numbers on request. The Chief of Police avails himself to concerned citizens via telephone or email to discuss issues and/or policy questions.

d. **How can your PD make its policies and procedures more transparent?**

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12 Public Officers Law, Article 6, §84-90
With the exception of the Use of Force policy, which is posted on the Department website, Department policies and procedures are not currently available to the public absent a FOIL request. The department has followed MPTC model policies and the transition to the Lexipol policy management system will move the department into a policy system that is evidence based, peer-reviewed and consistent with MPTC and IACP best practices and will continue to be compliant with DCJS Accreditation Standards.

e. **How can your PD ensure adequate transparency in its use of automated systems and “high-risk” technologies?**
   The department does not currently use “high-risk” technologies like facial recognition; however, prior to employing any new technology, best practice recommendations are incorporated into policy from recognized and professional law enforcement associations such as the International Association of Chiefs of Police and the Municipal Police Training Council, et al.

f. **Should your PD leverage video cameras to ensure LE accountability and increase transparency?**
   The department has been using body worn cameras since late 2018. In general, Officers are required to activate the BWC during nearly all citizen interactions, except short encounters that are positive interactions. Vehicle, bicycle or pedestrian stops, potential use of force situations, all arrests, all interactions involving suspected criminal activity, searches of persons or property, etc. are all required to be recorded.

**Panel Recommendations:**

- Provide a mechanism to include all department policies online.

**Recruiting and Supporting Excellent Personnel**

1. **Recruiting a Diverse Workforce**
   a. **Does the Agency reflect the community it serves?**
      No. According to the US Census Bureau\(^\text{13}\) July 2019 estimate, the Village of Endicott is approximately 83% white, 9.6% black, 4.5% Hispanic/Latino. 3.6% two or more races, and 2% Asian, and 52.6% of Village residents are female. The Endicott Police Department is almost exclusively white. One black officer has been hired. He will be the first black officer in the history of the department and will begin the police academy in the end of March. The department currently has four female officers and has hired a fifth (16%) who will also start the academy in the end of March. During the interview process, preference is given to officers with life-experience in dealing with difficult situations and overcoming adversity where they may relate more empathetically to difficult situations in which people find themselves during police contacts.

   b. **What are ways in which your agency recruits diverse candidates that better represent the demographics of the communities you serve?**
      The department has traditionally had no significant recruiting effort beyond appearing at job fairs or during the Oakdale Mall Police Week activities. Generally, these events attract people already interested in police work. Over the past year, the Chief of Police has

\(^{13}\) [https://www.census.gov/quickfacts/fact/table/endicottvillagenewyork,broomecountynewyork/PST045219](https://www.census.gov/quickfacts/fact/table/endicottvillagenewyork,broomecountynewyork/PST045219)
moved the department toward more active recruitment, including recruitment of minority candidates. Efforts have been hampered by COVID (e.g. ride-alongs with students of color at U-E). The department is producing a recruitment video and brochures as part of a more formal outreach/recruitment process, especially to minority candidates.

c. **What are ways in which you can re-evaluate hiring practices and testing to remove barriers in hiring underrepresented communities?**

Lack of minority candidates in hiring practices and testing fall squarely on New York State and the New York State Department of Civil Service. The village and county have no control or influence over the testing process and cannot accurately prepare coaching materials or other assistance to remove barriers in hiring underrepresented communities. Minority and underrepresented candidates are actively sought out when they are on eligible lists, in an attempt to diversify the department. In fact, local departments compete against one-another to try to hire minority candidates off the list, but the situation generally falls to which agency is ready to make job offers when a minority candidate becomes eligible on the list. Chief Garey has made recommendations to the New York State Association of Chiefs of Police to consider pursuing legislation that changes the way Civil Service tests work for police into a pass/fail test instead of the top three candidates. This would allow police chiefs or other local hiring entities to pursue candidates based on the needs of the department, rather than just those in the top three scores.

d. **How can you encourage youth in your community to pursue careers in law enforcement?**

As previously documented, the department has excellent community engagement with youth in the community. Union-Endicott High School offers “Lunch with the Law” through their Men of Color student group. EPD is an active participant in the program. New programs such as the ride-along program and “Kickin it with Cops” will provide opportunities to interact with youth and teach them about law enforcement. The department encourages youth to participate in the Vestal Police Department Youth Police Academy held during the summer and the Endicott Auxiliary Police, a group of volunteers who are called out to assist the department with tasks such as traffic control during extended incidents and also with staffing at festivals and other public gatherings.

e. **What actions can your agency take to foster the continued development and retention of diverse officers?**

The department will continue to foster opportunities for training and new assignments, including special details. For example, a female officer with two years of experience has been training with the SWAT team. She will attend SWAT school this spring, at which time she will become a SWAT team operator.

**Panel Recommendations:**

- **As previously recommended, a long-term plan should be established by the department to emphasize recruitment of persons of color from the U-E High School. The goal of recruitment would be to hire persons of color from the Endicott community who can facilitate addressing the particular needs of their communities and foster trust between communities of color and the EPD.**
2. Training and Continuing Education

a. How can you develop officer training programs that reflect your community values and build trust between police officers and the communities they serve?

The department attempts to capitalize on technology for training whenever possible. For example, over the past two years, officers have received video training in de-escalation and implicit bias. Video training makes it possible for officers to receive training at the station during their shift, without taking them off the patrol schedule. In-class/in-person training is preferred when possible, such as the upcoming Procedural Justice training. Lack of manpower often makes it difficult to schedule.

b. What training policies can you adopt to ensure that police officers continuously receive high-quality, relevant in-service training sessions?

The training policy requires the basic 21 hours of annual in-service training required by New York State. This training must include firearms training, including actual range time, legal updates, and the use of force and deadly force. In addition to mandatory training, the department continually seeks out training through the Municipal Police Training Council, DCJS, and other high-quality training provided by various organizations. A 2021 goal for the department is to double the minimum required 21 hours for all officers. Given the low manpower, this may prove challenging. When training is received, officers provide feedback to determine the relevance and value of the training in relation to department goals. Officers selected to be instructors in the department must be leaders who demonstrate performance and attitude consistent with the department’s goals.

c. How can leadership training improve community policing and strengthen relationships between your police department and members of the public?

The department does not have a consistent program to provide ongoing leadership training. Most leadership training is on-the-job from the Chief and experienced supervisors. This is primarily due to lack of manpower. Supervisors are encouraged to find and request leadership training opportunities, and officers are assigned to them when manpower allows.

d. How can your police department use its training programs to avoid incidents involving unnecessary use of lethal or non-lethal force?

Preventing incidents involving unnecessary use of lethal or non-lethal comes from a combined emphasis on training, both formal and on-the-job, as well as officers being held strictly accountable by supervisors for any incident that could be perceived as unnecessary.

e. How can your police department use its training programs to avoid potential bias incidents and build stronger connections with communities of color and vulnerable populations?
Training programs facilitate avoiding officer-involved potential bias. Implicit bias and procedural justice training has been conducted and will be conducted in the future; however, avoiding bias incidents and building stronger connections with communities of color and vulnerable populations stems more from a department culture in which officers treat people properly and without judgement. The Chief of Police welcomes discussions with members of any communities or vulnerable populations to examine department operations and develop ways to improve interactions. The department’s partnership with advocacy groups also contributes to well informed and empathetic officers.

f. **How can your training program help officers effectively and safely respond to individuals experiencing mental health crises or struggling with substance abuse?**
   The department’s strong connection with ACBC has proved effective with regard to dealing with individuals experiencing mental health crises and those struggling with substance abuse disorder. Officers have received training on the peer advocate program and Mental Health First-Aid through ACBC as well as through MHAST. These trainings have proved beneficial for officers on numerous occasions.

g. **What practices and procedures can you put in place to measure the quality and efficacy of your police department’s training programs?**
   The department command staff regularly review training; however, the department does not have a specific training officer that can be devoted to this effort. Due to manpower constraints, training falls under the umbrella of the Assistant Chief, but training programs are spread out amongst various supervisors and officers according to expertise. The department also participates in interdepartmental training of value with other police departments. Training programs are reviewed prior to in-service or new instruction to ensure compliance with model policies and best practices in existence.

**Panel Recommendations:**

- **The village should look for ways to increase manpower.** Lack of manpower causes significant strain on the ability of the department to conduct proper training without diminishing police services.
- **The department should develop a specific leadership training program that includes all supervisors.** Basic leadership courses should also be identified for all officers and especially those that express interest in the promotional process.
- **The department should seek out grants or scholarships to cover additional costs related to extra training and use free trainings offered by higher education programs.** For example:
  - [https://equity.ucla.edu/know/implicit-bias/](https://equity.ucla.edu/know/implicit-bias/)
  - [https://gradschool.cornell.edu/diversity-inclusion/faculty-resources/implicit-bias-resources/](https://gradschool.cornell.edu/diversity-inclusion/faculty-resources/implicit-bias-resources/)

3. Supporting Office Wellness and Well-Being
   a. **What steps can you take to promote wellness and well-being within your department?**
   Officer wellness is an area the department is severely lacking. Officers do have access to an Employee Assistance Program through UHS Occupational Health; however, the
program is not specific to the unique circumstances of policing. In the 2021 budget, the department is considering purchasing a wellness mobile phone application (Cordico) for officers that is specifically designed for law enforcement/public safety, featuring 24/7 access. The department has also considered starting a Police Chaplain program to provide officers with several members of the faith community that can be called upon when needed. Discussions have also occurred with the P.B.A to explore the idea of an “in-house” EAP program (similar to the New York State Police) with Officers in the department receiving specialized training as mental health counselors. Unfortunately, none of these issues have been explored past the initial stages due to lack of manpower.

b. **Are there ways to address officer wellness and well-being through smarter scheduling?**
The department officers are on permanent 8-hour shifts with fixed days-off and re-bid by seniority when change occurs that disrupts the number of officers required per shift (e.g. retirements or long-term injuries). Over all, this schedule has proved extremely beneficial for officers, especially when considered against the former schedule of weekly rotational shifts. However, the schedule also has disadvantages. Junior officers are relegated to night and evening shifts with fixed mid-week days off for extended periods, offering little time for family or traditional weekend events. Low manpower makes it difficult to get time off. This combination can tend to burn out younger officers quicker due to its impact on personal relationships and family-orientation, as well as leisure. The department has discussed 12-hour and 11-hour shift potentials with the PBA, but lack of manpower precludes testing these shifts. The 12-hour shift was employed as an emergency measure during COVID and showed some promise. A true evaluation of the schedule was not possible because Covid-related quarantine meant that extra time-off gained in the schedule could not be used for wellness purposes outside the home.

c. **How can you effectively and proactively address the mental health challenges experienced by many police officers throughout their careers?**
The department has no mechanism beyond those previously described to effectively and proactively address mental health challenges, except for having supervisors who know and are engaged with their personnel.

d. **How can you address the well-being of an officer after a traumatic event?**
The Chief of Police is a former member of the New York State Police (NYSP) and is familiar with the NYSP Employee Assistance Program (EAP). NYSP EAP officers are available to outside departments in the event of a traumatic experience. The department also has access to the New York Law Enforcement Assistance Program (NYLEP) staff, who avail themselves as a resource for officers that have experienced traumatic events. These resources are contacted in the event of a traumatic incident or the need for a Critical Incident/Stress Debriefing. Current policy is in adequate and is scheduled to be updated through Lexipol. Services related to this issue will also be available through a through a Police Chaplain program.

**Panel Recommendations:**
- The department should strongly consider incorporating Officer Wellness options into the upcoming budget and develop a Police Chaplain program.
• Training should be sought for officers to act as mental wellness peer counselors, similar to the New York State Police EAP program.
• National Programs for Officer Wellness such as Blue-H.E.L.P should be explored.

CONCLUSION:
The directives set forth in Executive Order 203 have been carefully vetted and seriously considered by members of the Endicott Police Reform and Reinvention Collaborative Panel. The panel has engaged in many hours of open and frank discussion, hard-work, records review, and personal observations of Endicott Police Department operations. A “Town Hall” style meeting was held to solicit input for the plan and a community survey was conducted to gauge public perception of the department.

The panel’s work has truly been a collaborative effort with the Endicott Police Department as a trusted partner in the process. From the outset, Chief Garey and department members embraced the panel’s efforts and provided unrestricted access to the department’s records and personnel. This has resulted in a thorough review of the department’s strategies, policies, procedures, and practices, especially as they relate to the needs of people of color, in order to promote public safety, improve community engagement, and foster trust.

The Endicott Police Department is a professional police department that is committed to being a community partner. The department’s policies and practices should be considered a model for other departments in our region. Regardless of the steps we have taken to ensure the highest level of professionalism, we recognize there is always room for improvement.
Appendix A

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 15, 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 Zongo, 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, Frederick Gray, Philando Castile, Antwon Rose Jr., Ahmad 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 Constitutions 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.

GIVEN 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

[Signature]
Secretary to the Governor
Pastor Ernest Collins

Ernest Collins is the pastor of Christian Life Church UPC in Endicott, NY and also owns a construction business. Born and raised in Hudson, NY, Pastor Collins moved to the Southern Tier in 2010. Pastor Collins is a strong supporter of family values. His goal is to share the gospel in Broome County by encouraging the community and enriching family life.

Kevin Every

Kevin Every has lived in the Town of Union since 2001. He is a father, husband, “Pop-Pop,” loyal friend and leader, but most important to Kevin, he is a believer in Jesus Christ. Kevin’s past included victimization as a child, leading to drug use and self-medication to suppress the pain of childhood memories. Substance abuse led to law enforcement encounters and Kevin readily admits fault in some of those incidents. In others, however, he simply “fit the description.” Those days are now a lifetime ago to Kevin and since moving to New York, he has become the man his family needed. With his wife and five kids depending on him, Kevin makes better decisions and has left the past behind. Kevin believes his story is not a bad story, but one of a man overcoming bad situations and turning his life around by doing something as simple as picking up a Bible, opening his heart, and embracing love from his family and the love of God. Kevin hopes that by sharing his journey, it will help others share their own struggles and know that even the best of us face obstacles and traps in life. This doesn’t make us bad people; it makes us humans and survivors.

Patrick Garey – Chief of Police

Patrick Garey was appointed Chief of the Village of Endicott Police Department in July of 2016. Prior to Endicott PD, he served in various positions with the New York State Police, including commands of the Community Narcotics Enforcement Teams for the Capital District and Southern Tier regions, overseeing state police gun, gang and drug investigations in the ten county regions. Chief Garey retired from the state police as a Captain and the Executive Officer of Troop C prior to joining Endicott PD. Chief Garey also serves as a board member for the Addiction Center of Broome County.
James Harmon

James Harmon is an Endicott resident who relocated to the area from Reading, PA in 1986. Jim served honorably in the United States Army from 1971-1974, graduating high-school while serving in Germany as an Army Paratrooper and NATO security guard. He has held several jobs during his time in the Triple Cities, including Endicott-Johnson for twelve years; IBM, HADCO circuit board manufacturing, and nine years in the medical field until he retired at the age of 62. Jim enjoys riding his motorcycle, working outside with his roses, fishing, bow-hunting and lots of travel.

Beth Herrick

Beth Herrick has lived in Endicott for thirty-three years. She started and continues to oversee the Mersereau area neighborhood watch program. Her three children attended Union-Endicott Schools and were heavily involved in sports programs. Beth spent twenty-seven years in the insurance industry, including personal and commercial insurance and risk management. She’s currently working part-time at the Jewelry Shop on North Street.

Linda Jackson – Mayor

Mayor Jackson began her term as Mayor on January 1, 2020, after serving one-year as a Village trustee. Prior to that, she had spent 5 years attending town and village meetings and is a member of Endicott Proud. Mayor Jackson worked at IBM and was a nursing assistant at local nursing homes.
Rev. Dr. Greg Johnson

Reverend Dr. Greg Johnson is the Senior Pastor at Cornerstone Community Church in Endicott. He earned his doctorate from Northeastern Seminary in Rochester, NY and his Masters of Divinity from the Samuel Dewitt Proctor School of Theology at Virginia Union University in Richmond, Virginia. He is currently a Chaplain with the Greater Binghamton Health Center and previously served as Staff Chaplain at Lourdes Hospital and as Pastor of the Beautiful Plain Baptist Church. He serves as an At-Large member of the Board of the American Baptist Churches of New York State and previously served as President. Dr. Johnson is also a leader of The Cornerstone Group, an ecumenical inter-agency organization that provides support and resources by partnering with other local organizations to provide pathways for success for Formerly Incarcerated Individuals.

Jennifer Kazmark

Jennifer Kazmark is the Assistant Superintendent of Personnel and Secondary Education at Union-Endicott. Prior to that, she was the Coordinator of Special Education at UE, an Assistant Principal at UEHS, and an elementary teacher in Johnson City. She is part of the Safe School Unification Team (SSCUT), which came out of the Consent Decree. SSCUT is a collaborative opportunity to present students to representatives from community agencies (including Endicott Police Department, DSS, Probation, counseling/mental health support, etc.) in an effort to gain support and strategies for at-risk students while promoting a safe school environment. Jenn has worked specifically in the area of disproportionality with NYU, and studied representation in schools as a part of her Doctoral work at Binghamton University. She and her family live in Endicott.

Michael Korchak – Broome County District Attorney

Michael Korchak is the District Attorney of Broome County. A graduate of Pace University Law School, after graduation, Mike served as one of fifty new Assistant DA’s in the Bronx County District Attorney’s Office. In 1996, Mike began working as a Senior Assistant District Attorney in Broome County. In 2007, Mike moved into private legal practice in Broome County and also served for one-year as an elected judge in the Town of Union. In 2016, Mike returned to the Broome County DA’s office as the Chief Assistant District Attorney. He ran for election in 2019 after DA Steven Cornwell did not run for re-election and began his first term as DA on January 1, 2020.
Brandon Leonard

Brandon Leonard is a Patrol Officer at the Endicott Police Department. He currently serves as the School Resource Officer for the Union-Endicott School District. He is a 2000 graduate of the U-E School district and grew up on the village’s Northside. He still resides in the Endicott area. Brandon has been a member of the department’s SWAT team for 13 years and also is a Field Training Officer and Bike Patrol officer.

Dr. Miesha Marzell

Dr. Miesha Marzell is an Assistant Professor in Binghamton University’s Department of Social Work. Prior to joining the faculty at BU, she completed her MSW at the University of Southern California and her PhD in bio behavioral health at the Pennsylvania State University. Dr. Marzell was also a post-doctoral fellow at the University of California, Berkeley, School of Public Health and Prevention Research Center and was subsequently an assistant professor in the Department of Community and Behavioral Health at the University of Iowa College of Public Health. As a researcher, she is interested in the etiology and prevention of high-risk substance use and the improvement of mental health among racial/ethnic minority youth, college students and athletic populations. Dr. Marzell's research interests also extend to the environmental and policy factors that can influence behavior and promote healthy lifestyles. She wants to translate scientific evidence into recommendations for substance abuse prevention, public policy and clinical practice. Dr. Marzell is also a board member of the Addiction Center of Broome County.

Glenn McIver

Glenn McIver has spent the past forty-one years working in various positions at Catholic Charities, Broome Developmental Center and in his current job of Mentor Coordinator working with at-risk youth in the Binghamton and Johnson City School Districts. Glenn retired from Broome Developmental Center in 2014. As a mentor, Glenn enjoys the wonderful opportunity to work and interact with a variety of individuals on a day to day basis, establishing positive relationships built on trust. Glenn combines community resources with education to mentor and help prepare families with wide-ranges of social, emotional, and health related problems, while supporting goals for improved attendance and graduation rates, and assuring students are college and career ready. Glenn is also serving a 5 year elected term on the Board of Education for the Union-Endicott School District.
Kevin M. McManus – Deputy Broome County Executive

Kevin M. McManus is a lifelong resident of Endicott and a Union Endicott Graduate. He earned a Master’s degree in Public Administration and Policy Analysis from Binghamton University. He has served our community in the NYS Assembly as a researcher, as Assistant to the Mayor of Binghamton, as a Broome County Commissioner, Assistant Arena Manager, Special Assistant to the Governor and now as Deputy Broome County Executive. He is involved in our community as a former Teacher with Binghamton High School and at Union Endicott High School. Kevin also coached boys’ and girls’ high school and middle school basketball at Union Endicott and Maine Endwell. He continues to coach from time to time with Endicott Little league as well. Kevin lives with his wife Rebecca and their three children Kevin Jr, Taylor, and Brooklyn.

Marshall McMurray

Marshall McMurray is retired from thirty-years working with Price Chopper, the last 15 years as a store manager. He has also been selling real estate for the last thirty-five years in the Syracuse and Binghamton area. In 2005 he opened his own brokerage, MCM REALTY, which is now located on Washington Avenue. Marshall also owns “Bernice Brews”, a coffee shop on Washington Ave, which opened in 2019. Marshall has a Masters degree in Human Resources from The New School for Social Research. He is married with two kids, a daughter who is a graduate of BU and a son in Nazareth College, who both attended Union-Endicott Schools. He resides in Endicott.

Carmella Pirich

Carmela Pirich is the Executive Director of the Addiction Center of Broome County (ACBC) and an Endicott native. She has been an adjunct for the MSW program at Binghamton University since the fall of 2010, giving instruction on Evidence-Based Practice in Mental Health and other graduate level courses. She has taught Introduction to Case Management in the Human Development program for the past 6 years and teaches at BCC in the psychology department. She holds a Master’s Degree from Adelphi University’s School of Social Work and an MBA from the University of Baltimore’s Merrick School of Business. Among her many accomplishments with ACBC, she has implemented many new evidenced-based practices and she spearheaded the opening of a second clinic in Endicott, focused on trauma recovery and substance use disorder treatment.
Nichole Post

Nichole Post is the Director of Southern Tier Community Center, a division of Children’s Home. With over a decade of experience in employee management, building and creating programs, Nichole specializes in enhancing relationships, event planning, and creating programs. She is co-chair in leading the Agency’s Diversity, Equity, Inclusion and Awareness Committee. Nichole strongly believes in creating an environment where everyone, ages 0 -100, can enjoy a safe, fun and vibrant space to work, play and get healthy. Outside work, Nichole enjoys spending time with her three children, reading, hiking and running.

Jonathan Rothermel – Senior Assistant Public Defender

Jonathan L. Rothermel Esq. is a Senior Assistant Public Defender with the Broome County Public Defender’s Office. Jon graduated from St. Bonaventure University in 2005 where he was an Honors Graduate, completing his Bachelor of Arts in Political Science with a minor in Sociology. He earned his Juris Doctorate at the Western New England College School of Law in 2008. Jon was admitted to the New York and Maryland bar in 2009, and started working for the Broome County Public Defender’s Office as soon as he was licensed. He was admitted to practice in the Northern District of New York in 2010, and the United States Supreme Court in 2019. Jon is currently one of the Training Directors for the Broome County Public Defender’s Office. Jon has lived in Endicott since 2013 with his wife Lauren, where they are raising their two sons, Andrew and Evan.

Nadia Schuman

Nadia Schuman is an Endicott resident who moved from central New Jersey approximately six-years ago with her then fourteen year old son to pursue graduate studies at Binghamton University. Nadia is a doctoral candidate in the Department of Comparative Literature whose academic background includes: a degree as an honors researcher in Psychology and in German Language and Literature from Rutgers University; experience with neuroscientific study; and a background in quantitative and qualitative research methods. Nadia has had numerous interactions with the Endicott Police Department since arriving here and looks forward to providing objective and critical contributions in group meetings and to hearing the contributions of others in order to enhance her understanding of policing and police-community relations.
Christopher Scott

Christopher Scott was born and raised in Binghamton, New York. Chris joined the Addiction Center of Broome County, Inc. in 2017 as a Center of Treatment Innovation Certified Recovery Peer Advocate and began working with Tioga County Probation, teaching probationers’ cognitive behavioral skills in a group entitled “Thinking for Change.” He then joined a White House Office of National Drug Control Policy grant “Combating Opioid Overdose Community Level Intervention” initiative, where he partners with most law enforcement agencies in Broome County to assist our community’s most vulnerable members with accessing services. Chris leads a Peer Supervision Group at the Addiction Center of Broome County, helping newer peers gain skills needed to be successful in the field. He is a trainer of Mental Health First Aid. Chris is presently attending Broome Community College, maintains a 4.0 and is the recipient of 4 scholarships. Chris is passionate about helping others and diversity, equity, and inclusion. In his free time, he enjoys being with his family.

Charles Smales

Charles Smales retired in February, 2021 as a Lieutenant with the Endicott Police Department. He was a police officer for the Village of Endicott since 2001, serving as a Patrol Officer, Patrol Sergeant, and a Patrol Lieutenant. He also served as a Team Leader for the Broome-Endicott SWAT Team and commander of the Endicott Bomb Squad. In addition to his service to the police department, Charles also served on the board of the Endicott Police Benevolent Association. Charles resides in West Endicott with his wife and has two grown children who both graduated from the Union Endicott School District. He is currently pursuing his Masters of Business Administration.

Penny Stringfield

Penny Stringfield has worked in marketing and public relations for thirty-eight years and currently works in Binghamton. She served on the board of the Addiction Center of Broome County for six-years, and also serves on Senator Fred Akshar’s Heroin Stakeholders Committee. Penny served as Youth Director at her church for thirteen years, advocating for minority teens with educators and law enforcement. Penny is a community activist who worked to bring Helio Health to Broome County to provide additional treatment for substance abuse. Penny has spoken at dozens of events regarding our community's lack of services and the ongoing stigma regarding addiction.
Nicole Wolfe is the Superintendent of Schools in the Union-Endicott Central School District. Previously, she served the district as Assistant Superintendent for Business and Elementary Education, Director of Pupil Services and Director of Curriculum & Instruction K-5, and was an elementary principal in the Whitney Point Central School District. Nicole holds degrees from the State University of New York at Cortland for Elementary Education and School Administration, and has been admitted to candidacy for the Doctor of Philosophy degree in the Department of Educational Theory and Practice at Binghamton University. Her research interests include racial disproportionality, school discipline, and culturally relevant teaching practices. She resides with her husband in Binghamton, NY.
New York State
Police Reform and Reinvention Collaborative

Resources & Guide for Public Officials and Citizens
A Message from Governor Cuomo

Many communities all across the country are dealing with issues concerning their police departments. The millions of people who gathered in protest, even in the midst of a public health crisis, made that clear. The situation is unsustainable for all.

Maintaining public safety is imperative; it is one of the essential roles of government. In order to achieve that goal, there must be mutual trust and respect between police and the communities they serve. The success and safety of our society depends on restoring and strengthening mutual trust. With crime growing in many cities, we must seize this moment of crisis and turn it into an opportunity for transformation.

While the conflict is real and the issues are complicated, we know in New York that denial or avoidance is not a successful strategy. To that end, on June 12, 2020, I signed an Executive Order requiring each local government in the State to adopt a policing reform plan by April 1, 2021. The Order authorizes the Director of the Division of the Budget to condition State aid to localities on the adoption of such a plan.

To ensure these plans are developed through an inclusive process, I called for the New York State Police Reform and Reinvention Collaborative. With more than 500 law enforcement agencies in our large and
diverse state, there is no “one size fits all” solution. To rebuild the police-community relationship, each local government must convene stakeholders for a fact-based and honest dialogue about the public safety needs of their community. Each community must envision for itself the appropriate role of the police. Policies must be developed to allow the police to do their jobs to protect the public and these policies must meet with the local communities’ acceptance.

“Collaborative” is the key word. It would be a mistake to frame these discussions as an adversarial process or an effort to impose top-down solutions. Issues must be aired but solutions must be crafted. The collaborative process should:

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

I urge everyone to begin these discussions immediately. Restoring the relationship between the community and the police is in everyone’s best interest, and conversation may be required to enable each stakeholder to understand others’ points of view. Time is short.
Local elected officials are the natural position to convene the process. If the local electeds are unable or unwilling to manage the collaborative, the state can select an appropriate convener for that jurisdiction.

Change is hard. But change is necessary if we are to grow. The tension must be resolved. Order and public safety must be ensured. I am excited by the possibilities and I am hopeful that this time of crisis will evolve into a moment of creativity and progress. It is normal to make adjustments to fit changing values and circumstances.

We are addressing the COVID crisis by acknowledging the problem, having productive dialogue and by working together. Let’s do the same here.

This is an opportunity to reinvent law enforcement for the 21st century.

Governor Andrew M. Cuomo
August 2020
Note: The guidebook presented here is not intended to be the plan for any given community. Rather, it includes critical questions, information, and resources to frame and guide each community’s dialogue. There are references provided to give participants access to a range of ideas and research on every topic to delve deeper into the issues.
Part 1: Key Questions and Insights for Consideration

The purpose of the New York State Police Reform and Reinvention Collaborative is “to foster trust, fairness and legitimacy” within communities throughout our State and “to address any racial bias and disproportionate policing of communities of color.” The United States Department of Justice has emphasized the need for “trust between citizens and their peace officers so that all components of a community are treating one another fairly and justly and are invested in maintaining public safety in an atmosphere of mutual respect.”

All public officials and community leaders understand the critical importance of police departments’ core mission. Government must ensure residents’ sense of personal security in order for communities to thrive and prosper. Police-community relationships must facilitate, rather than impede, law enforcement’s success in protecting the public against violence and other criminal behavior.

The work of this Collaborative will be particularly valuable in communities that through bitter experience have come to mistrust law enforcement. A recent study found that in neighborhoods with a high incidence of gun violence, only 35% of young people aged 16-24 said they believe that police officers “try to protect the public from violent crime.” At the same time, 81% of these young people reported having themselves been shot or shot at,

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and 88% reported that a family member or friend had been shot. These staggering numbers underscore that mutual trust and respect is essential both for the legitimacy of police forces and for their effectiveness.

The Collaborative is not the first step in New York State’s journey of criminal justice reform. Over the past decade, we have enacted meaningful changes to reform our criminal justice system and end mass incarceration, including:

- **The “Say Their Name” Reform Package**: These landmark reforms include:
  
  - **Repealed 50-a**: Section 50-a of Civil Rights Law previously prohibited disclosure, except under very limited circumstances, of personnel records for police officers, corrections officers, firefighters, and paramedics employed by the State or political subdivisions. This privilege, not granted to other public employees, shielded records from being disclosed that involved serious misconduct or disciplinary actions to the detriment of transparency and accountability for law enforcement officers. The repeal of 50-a will increase transparency by allowing the disclosure of personnel records involving serious misconduct or criminality and building trust between law enforcement and the communities they serve.

  - **Banned Chokeholds**: This law bans the practice of using chokeholds by law enforcement, by making use of a chokehold a criminal offense if it causes serious physical injury or death.

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2 Center for Court Innovation. “‘Gotta You’re your Own Heaven’ Guns, Safety, and the Edge of Adulthood in New York City.” Pg. 13
o **Prohibited Race-Based 911 Calls:** In recent years, there has been an increase in the number of frivolous or false calls to 911 due solely to the caller’s bias toward certain individuals rather than any particular threat to public safety. This law makes it a civil rights violation to call 911 to report a non-emergency incident involving a member of a protected class without reason to suspect a crime or imminent threat.

o **Appointed the Attorney General as Independent Prosecutor for Police Involved Deaths:** In 2015, Executive Order 147 designated the Attorney General as a special prosecutor for cases where police officers are involved in deaths of unarmed civilians. This year, legislation created a permanent Office of Special Investigation within the Office of the Attorney General, empowered to investigate and, where appropriate, prosecute cases where the death of a person follows an encounter with a law enforcement officer.

- **Reduced the Prison Population and Lowered Crime Rates:** Since Governor Cuomo took office, New York State has closed 26 adult and juvenile detention facilities – more than any other administration in state history. These prison closures eliminated approximately 6,600 beds. We have also decreased the prison population by nearly 19,000 people – a 33% reduction – from 56,419 to 38,312 people, as of July 5, 2020. At the same time, New York State has remained the safest large state in the country with the lowest index crime rate among the most populous states.

- **Bail Reform:** New York overhauled our bail and pre-trial detention system. The previous bail system failed to recognize that freedom before trial should be the rule, not the exception, and by tying freedom from incarceration to money, it created a two-tiered system that puts an unfair burden on the economically disadvantaged. Among other reforms, the law eliminated cash bail for misdemeanors and non-violent felonies.
• **Discovery Reform:** New York was previously one of only 10 states that enabled prosecutors to withhold basic evidence until the actual day a trial begins. Under the previous system, people accused of a crime could be denied access to information that makes it possible for them to make decisions about their case and build an adequate defense. We reformed the discovery process, requiring the sharing of information well before a trial takes place, restoring fairness and equality before the law.

• **Speedy Trial Reform:** Defendants are too often held in custody for excessive periods of time before their day in court while the court system remains overburdened with an overwhelming number of cases. These delays have a disparate impact on low-income and minority communities. Governor Cuomo signed into law a guarantee that criminal cases proceed to trial without undue delay.

• **Raised the Age and Juvenile Justice Reform:** New York raised the age of criminal responsibility to 18-years-old, ensuring that young people in New York who commit non-violent crimes receive the intervention and evidence-based treatment they need. We have also invested millions to support this reform through a continuum of effective prevention, diversion, treatment, re-entry and supervision services for youth at the state and local level.

• **Required Videotaping of Interrogations and Permitted Photo Identifications into Evidence:** We now require law enforcement to video-record custodial interrogations for serious offenses and set out a procedure to allow properly-conducted witness identification of suspects using photo arrays into evidence at trial.

This Collaborative will continue New York’s progress on criminal justice reform.
I. What Functions Should the Police Perform?

A relationship of trust and respect between law enforcement and the community must be based on a shared understanding of the functions each community wants its police force to perform.

The protests following the death of George Floyd have raised important questions about the appropriate role of the police, size of police departments and resources devoted to policing. Some protesters have called for “defunding the police.” In Minneapolis – where the death of Mr. Floyd occurred – a majority of City Council members pledged to dismantle their police department and create a new public safety system for the city. Stakeholders in other communities have suggested adjusting the scope of responsibilities assigned to the police department and adjusting its budget correspondingly, shifting resources to social services, community programs, housing, and education to focus on crime reduction.

All communities should be asking what goals they want their police department to accomplish. Meaningful reform will require honest and thoughtful discussion about these goals among local government leaders, law enforcement officials and community members. All participants should recognize that funds are limited, that personnel must be trained and managed for the tasks they are given, and that organizational change is rarely swift.

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How should the police and the community engage with one another?

Even before considering the specific functions your community expects its police force to perform, you should consider broader questions about the relationship between the police and the community. The concept of procedural justice is useful to guide this process. Procedural justice focuses on the manner in which law enforcement interacts with the public, and how these interactions shape the public’s trust of the police. The premise, according to the Leadership Conference on Civil and Human Rights, is that citizens judge the police “based on how they are treated rather than on the outcomes of interactions,” and the mandate is to retool the rules of engagement for police officers from that of “warrior” against segments of the population to that of “guardian” to protect the entire population. President Obama’s Task Force on 21st Century Policing adopted procedural justice as the principle that should guide law enforcement interactions both internally with their colleagues and externally with the citizens they serve.

The Task Force on 21st Century Policing outlined the four pillars of procedural justice: treating individuals with dignity and respect; giving individuals a voice during law enforcement interactions; being neutral and transparent in decision making; and conveying trustworthy motives. Implementing procedural justice principles helps the community trust that officers are honest and acting with just and lawful intentions. The community,

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6 *Id.* at 36 and 262-63
8 *Id.* at 10.
in turn, is more likely to follow the law because it has trust in the criminal justice process and feels that it shares common values with law enforcement.\(^9\)

1. Determining the Role of the Police

Stakeholders critical of the current scope of police responsibilities have largely proposed two types of reforms. First, some argue that the police should not be involved in responding to non-criminal conduct. Second, some propose curtailing police activities that pose a risk of overreaction to minor offenses.

**What role do the police currently play in your community?**

To ensure a fact-based dialogue, all participants should understand the current role of the police department in your community, as well as the level of satisfaction or dissatisfaction with policing felt by residents. Different parts of the community may feel differently about the police’s role within the community, and it is important to take all perspectives into account.

- What are the primary activities of police officers in your community?
- Why are people calling 911?
- In what situations do police self-initiate interventions in the community?

Consider what grievances your community has had with its police force in the past and what you can learn from those instances.

- How often are complaints made about the police?
- Do particular units or assignments draw an outsized share of complaints?
- Do complaints come from a particular portion or portions of the community?
- What conduct is commonly complained about?

**Should you deploy social service personnel instead of or in addition to police officers in some situations?**

Some jurisdictions are utilizing agencies other than the police to address situations that fall more squarely within the expertise of other professionals. Your community may be relying on police to respond to calls involving individuals with mental illnesses or substance abuse issues, for instance. Officials in Stockholm, Sweden created a program for mental health professionals to respond to mental health calls instead of police.\(^\text{10}\) Under this model, teams of two trained nurses and a driver respond to these calls in an emergency vehicle without police officers. This not only frees up police resources to focus on criminal activity, but also is more effective at de-escalating scenarios involving a person with mental illness. An analysis of this

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program found that it provided patients with a “safe environment” and an “open and safe place for dialogue.”¹¹

In Eugene and Springfield, Oregon, local police and social service providers collaborate to reroute calls that do not involve a legal issue or extreme threat of violence or risk to the individual or others.¹² In these instances, officials send a team comprised of a medic and a crisis worker to respond to these calls. The responders assess the situation, assist the individual, and connect that individual with a higher level of care or services as needed. City officials estimate that this program, named CAHOOTS, has saved Eugene more than $15 million a year.¹³ The program is also safe, as police backup was called 150 times out of a total of about 24,000 calls, only 0.6% of calls.¹⁴

Other cities – such as Denver and Austin – utilize social workers and health professionals to divert 911 calls relating to non-violent situations. Denver recently launched a six-month pilot program named Support Team Assisted Response (STAR) which deploys teams of these professionals to respond to 911 calls for people experiencing mental health crises, homelessness, or drug addiction.¹⁵ Since 2013, Austin’s Expanded Mobile Crisis Outreach Team (EMCOT) has similarly handled crisis calls and behavioral health situations directly instead of the police. The city recently added funding

¹² Crisis Assistance Helping Out On the Streets at [https://whitebirdclinic.org/services/cahoots/](https://whitebirdclinic.org/services/cahoots/)
¹³ For more information on CAHOOTS, please visit: [https://whitebirdclinic.org/services/cahoots/](https://whitebirdclinic.org/services/cahoots/)
¹⁵ For more information on the STAR program, please visit: [https://caring4denver.org/](https://caring4denver.org/)
for mental health professionals to work at its 911 call center to ensure the EMCOT team is able to divert and respond to these calls immediately.16

You should consider whether your community should follow these or similar examples:

- Do you want police to respond to mental health calls?
- Do you want police to respond to substance abuse/overdose calls?
- Do you want police to respond to calls regarding the homeless?
- Are there other matters for which the community currently turns to its police for assistance that might be better addressed by others with different skills and expertise?

In each of these situations, consider:

- Does a law enforcement response or response from another agency better promote public safety?
- Which does more to further another governmental objective?
- Would it be useful for social service providers to work alongside the police in these circumstances, or separately?

**Can Your Community Reduce Violence More Effectively by Redeploying Resources from Policing to Other Programs?**

Some stakeholders have suggested that investment in social services may yield better results for enhancing public safety and reducing patterns of violence than investment in policing. Proposals include:

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16 For more information on the EMCOT program, please visit: https://www.austintexas.gov/edims/document.cfm?id=302634
**Community Based Outreach and Violence Interruption:** Community based outreach and violence interruption programs are derived from public health models of gun violence, that treat gun violence like a disease by identifying its causes and interrupting its transmission. The NYS Division of Criminal Justice Services (DCJS) administers a Street Outreach Program, called SNUG, that uses an evidence-based model to identify individuals at a high risk of engaging in gun violence. SNUG addresses the issues that may prompt those individuals to use a gun, and aims to change community norms and attitudes that accept violence as a part of life. The program employs street outreach workers who live in the communities where they work, many of whom had previously been engaged in street-level crime and served terms of incarceration. These credible messengers have legitimacy within the community and can be a positive force for change and crime reduction in neighborhoods with historically high levels of crime. SNUG programs are active in Albany, Bronx, Buffalo, Hempstead, Mount Vernon, Poughkeepsie, Rochester, Syracuse, Troy, Wyandanch, and Yonkers. DCJS recently implemented the SNUG Social Work and Case Management program at all of its SNUG sites. This program employs social workers to work with program staff, youth in the community, and crime victims to address long-term trauma and connect individuals with social and victim service agencies.\(^\text{17}\) You should engage with SNUG and other violence prevention programs active in your community and consider implementing programs of your own to improve public safety.

**Parent Support:** There are times when parents or caregivers who are unable to control or guide a wayward child, reach a point of desperation and call the police. Support programs run by social workers help to mediate family conflict and may prevent the need for law enforcement. For example, Justice Community Plus is a job-readiness program within the Staten Island Justice Center undertaken in collaboration with the New

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\(^{17}\) For more information on SNUG and the Social Work and Case Management program, please visit: [https://www.youtube.com/watch?v=eHFdAG5JEtA&feature=youtu.be](https://www.youtube.com/watch?v=eHFdAG5JEtA&feature=youtu.be)
York City Council and the Department of Probation that focuses on life skills and educational advancement.¹⁸

- **Youth Development:** Programs relying on mentors from the community to teach young people skills such as photography, computer programming and entrepreneurship may help young people find a stable career path. For example, the Brownsville Learning Lab located at the Brownsville Community Justice Center offers young people additional assistance with their educational work and provides peer mentors and resume guidance.¹⁹

- **Addressing Trauma and Preventing Violence at Home:** Family counseling may help children avoid foster care and manage trauma caused by violence at home, giving the child better prospects for successful development. There are programs that create a collaborative approach to help families manage trauma. For example, Strong Starts Court Initiative is an example of a program that creates a network of community based services required for family stability.²⁰

- **Design of Public Spaces:** Some localities have sought to reduce crime by identifying features of the built environment that create opportunities for crime, such as lighting, landscaping or the design of public spaces, and modifying those features.

In a 2020 Center for Court Innovation survey, New York City youth at high risk of gun violence reported that violent victimization is a pervasive experience in their lives.²¹ Eighty-one percent had been shot or shot at, and

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¹⁸ For more information on the Staten Island Justice Center, please visit: https://www.courtinnovation.org/programs/staten-island-justice-center
¹⁹ For more information on the Brownsville Community Justice Center, please visit: https://www.courtinnovation.org/programs/brownsville-community-justice-center.
²⁰ For more information on the Strong Starts Court Initiative, please visit: https://www.courtinnovation.org/programs/strong-starts-court-initiative
²¹ Center for Court Innovation. “’Gotta You’re your Own Heaven’ Guns, Safety, and the Edge of Adulthood in New York City.” Pg. 13
“88% had had someone close to them shot, most commonly a close friend, cousin, or sibling.” These young people, who almost universally have experienced violence in their lives, do not feel served or protected by the status quo. Reforming and reinventing policing should address not just the relationship between police and these communities, but how best to provide protection for these communities.

**What function should 911 call centers play in your community?**

It is important for communities to evaluate the functions of their 911 call centers as well as the roles and responsibilities of the individuals who serve as call-takers. Since 911 largely serves as the catalyst to police involvement in most instances, communities should consider how those calls are received, evaluated, and triaged for resolution to determine if any changes could be made to more effectively improve public safety. Consider the following:

- Who currently staffs your 911 call centers?
- Are all calls routed to law enforcement, fire, or EMS?
- Are there other social services that should be more fully integrated into 911 call centers and the triage process?
- Would call-takers need new training if your community wanted to shift response functions toward social services?
- Should 911 call centers be operated by law enforcement, other social service agencies, or a combination of agencies?

Should Law Enforcement Have a Presence in Schools?

Schools districts often have agreements in place with their police department to station uniformed School Resource Officers (SROs) in their schools. School districts may employ SROs for a number of reasons, but most SRO programs are intended to increase the safety of schools and their students and teachers. Organizations like Fair and Just Prosecution argue that the presence of police in the schools results in student arrests and unnecessary contact between youth and the criminal justice system for what otherwise would be considered truancy or teenage misbehavior. Particularly for students of color, these early interactions with the criminal justice system for disciplinary issues has led some to coin this phenomena the “school to prison pipeline.”

If applicable, you should examine your community’s use of SROs and determine if their deployment in schools best serves the needs of the students and reflects the needs and values of the community. Consider how police officers are deployed in your schools and any policies or agreements you have in place with respect to student discipline; e.g. are they acting in a manner that supports safety or are they used in disciplinary matters that are better handled through engagement with parents, conflict resolution strategies, or other disciplinary measures? Examine whether your community can meet its goals of

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keeping students and teachers safe through a more moderated police presence or through alternatives to law enforcement altogether.

If you have SROs in your schools, consider the creation of a memorandum of understanding or agreement between the police department and the school district so as to clearly establish their roles and responsibilities. For example, these provisions could limit or eliminate altogether police involvement in student discipline matters, or require special training for SROs in conflict resolution and alternatives to arrest when dealing with youth truancy in a school setting.  

2. Staffing, Budgeting, and Equipping Your Police Department

Once you have identified the role of the police in your community and the functions you want them to perform, those factors should inform the review, development, and implementation of the staffing levels, budget, and equipment you want your police department to have.

What are the Staffing Needs of the Police Department the Community Wants? Should Components of the Police Department Be Civilianized?

Some stakeholders have suggested that functions currently performed by uniformed officers could instead be assigned to civilian employees in the police or other departments, particularly functions that involve interactions with citizens and that do not call for an arrest or potential use of force. These stakeholders contend that civilianization would lead to improved police-
community relations. You should consider whether your current police department staffing should be adjusted to include fewer uniformed officers and more civilians.

**How Should the Police Engage in Crowd Control? Should the Police be “Demilitarized”?**

Police departments have acquired surplus military equipment from the federal government, including body armor, armored vehicles, grenade launchers, and bayonets. The rationale for these acquisitions is that the equipment will assist local law enforcement in combatting terrorism and drug trafficking.

This military equipment, however, has also been used for crowd control, along with other tactics such as the use of water cannons, rubber pellets, acoustic weapons, and tear gas to subdue or move a crowd. Civil rights advocates, among others, have criticized the militarization of crowd control arguing that not only has it failed to increase public safety but it actually results in escalation and increases the risk that excessive force will be used.²⁵ Consider the following:

- How should your police force conduct crowd control activities?

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• Does your community want to limit the use of military equipment and other tactics such as use of water cannons, rubber pellets, acoustic weapons and tear gas for crowd control purposes?
• Does your community want to limit the acquisition of military equipment altogether?
• Does your community want to have its police officers trained in de-escalation techniques specifically designed to engage with protesters and large crowds?

The policies and procedures police agencies employ for crowd control should minimize the appearance of a military operation and use of force, prioritize citizens’ First Amendment rights and effective communication with demonstrators, avoid the use of provocative tactics and equipment that undermine civilian trust, utilize “soft look” uniforms and open postures instead of riot gear and military formation when it is safe to do so, and employ a layered response that prioritizes de-escalation.26

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II. Employing Smart and Effective Policing Standards and Strategies

Effective policing requires standards and strategies that advance the goals of protecting the community, engaging with the citizenry in a meaningful and multi-faceted way and demonstrating respect for individuals during law enforcement interactions. Policing is a partnership with the community, requiring a foundation of positive, trust-based relationships with all segments of the population. It is critical that the strategies employed and the manner by which law enforcement interacts with the population are in line with the community’s expectations for its police force.

1. Procedural Justice and Community Policing

Section I described the concept of procedural justice and how to examine whether your police department uses those principles to inform its interactions with the public. As discussed above, those principles encourage you to always consider how the police will interact with the public – the process – instead of focusing solely on the law enforcement outcomes of your decision making.

Moreover, the concept of community policing provides another set of organizing principles for establishing a successful policing model. The premise of community policing is that community participation and assistance are crucial for maintaining public safety and building a police force responsive to the public. It focuses on “strong relationships and collaboration between police and the communities they serve; the application of modern management practices and organizational structures to create a culture of community
partnership; transparency and accountability to communities and democratic government; and decentralized, proactive, community-based solutions to community public safety priorities.”

Community policing also emphasizes cultural change within law enforcement agencies. The success of this culture change requires the support and leadership of the local government chief executive and the head of the police department. The goal is to establish a culture of community service and problem solving throughout the organization.

For your consideration, the U.S. Department of Justice’s Office of Community Oriented Policing Services recommends the following best community policing practices:

1. Create a comprehensive community policing strategic plan.
2. Train all personnel on community policing – including overcoming distrust.
3. Foster an atmosphere of openness and transparency.
4. Adopt procedural justice as a guiding principle.
5. Prioritize law enforcement personnel safety and wellness.
6. Engage the community in a true partnership to address crime and disorder issues.
7. Treat every contact as an opportunity to engage positively with a community member.
8. Measure social cohesion and work to develop relationships.
10. Incorporate community policing measures into the performance evaluation process.

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These best practices offer a promising framework for local governments to begin planning, but you should form your community policing plan around the individual circumstances and desired outcomes of your community. A successful community policing model must be locally-driven and requires buy-in and support from community members and local stakeholders.

*Specific policing strategies that have raised concerns among the public.*

Advocates, experts and some in the law enforcement community have drawn attention to a number of specific policing strategies that they believe pose an undue risk of harm to the public.

Your police department may use some or all of these strategies. As discussed here, some strategies that are currently in use may have a record of causing harm to individuals in your community.

You should examine the practices of your police department to determine which, if any, of these strategies are in use, and you should consider whether any of them need to be reformed, curtailed or discontinued.

**“Broken Windows” and “Stop and Frisk”**

“Broken Windows” policing rests on the theory that minor offenses committed in public, such as turnstile jumping or disorderly conduct, contribute to a degradation of society that, in turn, incubates more serious crimes. Under this theory, where these minor crimes and the individuals who
commit them are stopped at the outset, then the conditions that create more serious crimes can be avoided.\(^\text{29}\)

“Stop and Frisk” was an offshoot of the “Broken Windows” policing theory. Under “Stop and Frisk,” police departments adopted a policy of temporarily detaining individuals on the street based upon a “reasonable suspicion” of minor crimes and performed a pat-down search of these individuals looking for more serious criminal conduct, such as possession of contraband or weapons.\(^\text{30}\) A 2019 report by the Leadership Conference on Civil Rights found that Stop and Frisk contributes to racial disparities in policing due to the wide latitude officers have in stopping for “reasonable suspicion” and its use as a primary enforcement tactic in communities with higher rates of crime.\(^\text{31}\)

Indeed, the NYPD’s use of Stop and Frisk was determined to be unconstitutional by a federal judge in 2013.\(^\text{32}\) The court found that the practice had a vastly disproportionate impact on minorities. A total of 83% of stops based on “reasonable suspicion” were of African Americans and Latinos. Further, the empirical data presented at trial showed that a relatively low percentage of NYPD searches of African Americans and Latinos resulted in the recovery of contraband. Moreover, the “hit rate,” as measured by the recovery


\(^{30}\) *Id.* at 79-86.

\(^{31}\) *Id.* at 81.

of weapons and contraband, arrests made or summonses issued, from African Americans and Latinos was actually 8% lower than that for Whites.\textsuperscript{33}

As Professors David Rudovsky and David Harris noted in a 2018 legal analysis, "Blacks and Latinos were more likely to be frisked than Whites, even though Whites were more likely to be found in possession of weapons."\textsuperscript{34} Indeed, 88% of all stops resulted in no law enforcement action at all. The court also cited the role of Stop and Frisk in deteriorating the relationship between the NYPD and communities of color.\textsuperscript{35}

\textbf{Discriminatory or Bias-Based Stops, Searches and Arrests}

Racial and ethnic profiling erodes trust in the police and unfairly targets minority communities. Bias based upon race, sex, national origin, gender identity and expression and sexual orientation, among other factors, is fundamentally unjust, and damages the targeted individuals, their communities, and the relationship with law enforcement that is necessary to build trust and effective policing.\textsuperscript{36}

You should consider analyzing the demographics of the individuals stopped and ticketed in your community to determine if there is any evidence

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\textsuperscript{34} Rudovsky, D. and Harris, D. Terry Stops-and-Frisks: The Troubling Use of Common Sense in a World of Empirical Data, p. 35. \textit{Ohio State Law J.} \url{https://www.law.upenn.edu/live/files/7898-rudovskyoslj}.
\end{flushleft}
that law enforcement has engaged in biased-based stops, searches and arrests, even if unintentionally. If there is such evidence, determine what steps should be taken to eliminate or address such practices.

**Chokeholds and Other Restrictions on Breathing**

New York State has criminalized the use of chokeholds by police in the immediate aftermath of George Floyd’s shocking death by asphyxiation. In that case, the arresting officer applied continual pressure to his neck while Mr. Floyd was handcuffed on the ground. Governor Cuomo signed this measure into law on June 12, 2020 in the presence of Gwen Carr - the mother of Eric Garner, another individual killed after use of a chokehold in 2014 by a New York City police officer. The legislation creates the crime of aggravated strangulation where a police officer uses a chokehold and causes serious physical injury or death.\(^\text{37}\)

Other forms of force that may not currently be banned can also restrict breathing. For example, positioning someone on their stomach while in restraints restricts breathing. So too does the application of pressure on someone’s back while restrained face down. Use of force against individuals who are already handcuffed increases risk of injury.\(^\text{38}\)


Use of Force for Punitive or Retaliatory Reasons

The potential for abuse of the use of force for retaliatory or punitive reasons exists. The U.S. Department of Justice has found that such situations have arisen generally where an individual is fleeing, resisting arrest or showing disrespect for the officer. In several instances, DOJ has required police departments to adopt formal policies prohibiting the use of force for retaliatory or punitive reasons.

Pretextual Stops

Pretextual stops are those where the officer uses a minor violation as a pretext to stop, question, or search someone suspected of involvement in, or having knowledge of, a more serious crime. Pretextual stops have been used in a targeted fashion to question individuals relevant to an ongoing investigation in a setting that may facilitate disclosure of information valuable to that investigation, and in a broader fashion by officers on patrol to question or search individuals based on the officer’s observations at that time.

Pretextual stops are distinct from Stop and Frisk policing as the former involves stopping an individual purportedly on one stated basis, when the real purpose is to investigate the individual for an entirely different and usually more serious crime. The latter, namely Stop and Frisk, when conducted legally, is based on the suspicion of a minor crime without a secondary motive by law enforcement.

40 Ibid.
As noted by the Leadership Conference on Civil Rights, the wide latitude officers have to conduct a pretextual stop can contribute to the distrust between the community and officers.\(^{41}\)

**Informal Quotas for Summonses, Tickets or Arrests**

New York State has banned formal quotas for issuance of tickets or summonses, stops of individuals suspected of criminal activity, and arrests.\(^{42}\) Quotas erode community-police relations as they encourage officers to make arrests in situations that otherwise would be unnecessary or unwise so as to meet a mandated numeric threshold. Historically, minority communities are often targeted to meet such quotas.\(^{43}\) Moreover, “the knowledge that quotas exist, and therefore that illegitimate arrests exist, casts an untrusting shadow onto all police activity.”\(^{44}\)

Unlike formal quotas, informal quotas are more difficult to ferret out, but are just as damaging to the individual and the community. For example, a civil rights investigation by the US Department of Justice in Ferguson, Missouri found that the city’s police department had informal quotas for tickets and summonses and that African Americans were targeted at a disproportionate

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rate. Specifically, African Americans comprised 67% of the population but received 90% of the tickets. In fact, in 2013, Ferguson – with a population of approximately 21,135 people – had issued 32,975 warrants for nonviolent offenses – more warrants than it had actual residents. Most of these were for driving violations. The collection of high court fines and fees

The resulting fees and fines can have a crippling effect on citizens who cannot afford to pay them. In Ferguson, where an individual was not able to pay the fine, an arrest warrant was issued, effectively creating a debtors’ prison and prioritizing revenue-generation measures at the expense of civil rights and the minority communities disproportionately targeted and affected. In addition to jail time, the direct and indirect consequences that flowed from failure to pay included loss of driver’s licenses, housing and employment.

The use of “police officers as municipal debt collection agents,” as described by DOJ, has a corrosive effect on the relationship between officers and communities of color.

While New Yorkers do not face the prospect of arrest for delinquency in paying a traffic violation fine, any discriminatory practice of issuing


summons should still be cause for great concern. Failure to pay the fine for a traffic violation can result in suspension of a driver's license or motor vehicle registration, causing a cascade of additional harm that is disproportionate to the underlying offense. The harm is particularly severe for individuals who either drive to work or have driving as a job requirement, as they can be arrested and prosecuted if they drive with a suspended license. As part of the Say Their Name agenda, New York enacted the STAT Act, which requires the collection of demographic information on violations. This should shed light on any disparities in the imposition of such lower level violations, which can then be properly addressed. As part of this exercise, local governments should inform themselves to better address this issue at the outset. Local governments should further examine whether any informal quotas exist for tickets, summons, stops or arrests, and if so, eliminate such quotas.

**Shooting at Moving Vehicles and High Speed Pursuits**

Shooting at a moving vehicle risks injury to unintended targets, including to innocent bystanders. Hitting the driver can turn a moving car into a high-speed, out of control weapon.48

Many experts also believe that shooting at a moving vehicle has low utility as a tactic for neutralizing threats, as shooting at a car rarely stops it. Moreover, one study found that 91% of police pursuits were the result of

nonviolent offenses. Experts have proposed either prohibiting shooting at a moving vehicle or permitting the tactic only when the driver or a passenger poses an imminent risk of lethal force against an officer or another individual. Whether to engage in a high speed pursuit in the first instance is also a decision point for this collaboration. It may be prudent to only engage in such activities for certain offenses, or at certain times of day or locations where harm to bystanders can be minimized.

**Use of SWAT Teams and No-Knock Warrants**

Historically, SWAT teams were designed to handle high risk situations, such as hostage rescues and terrorist attacks. Today, SWAT teams are increasingly used to execute even routine search warrants. Although some search warrants are inherently high risk to the executing officers, others may not be, and use of a SWAT team may not be necessary or advisable.

The use of no-knock warrants has also been criticized. Consider if such a tactic should only be used when there is a specific threat to officer or civilian life. Recently, Breonna Taylor, a Louisville, Kentucky resident and EMT worker, was killed by officer gunfire when three plain-clothed officers executed a no-knock warrant at her home in the middle of the night. Her boyfriend,

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believing intruders were in the apartment, called 911, and fired his lawfully permitted weapon at the officers. The officers returned fire, hitting Ms. Taylor, who was unarmed, eight times. The officers were executing a search warrant for drugs. No drugs were found. Law enforcement knew prior to entering her home that the main suspect who was the center of the investigation had already been taken into police custody.

**Less-Than-Lethal Weaponry such as Tasers and Pepper Spray**

Increasingly, tasers are being used by law enforcement as an alternative to firearms. The electric shock in tasers induces muscle contraction which can sometimes result in serious injury or even death. In 2008, the NYPD was called to an apartment building in Brooklyn after a mentally disturbed man, Iman Morales, did not answer his apartment door and his mother asked someone to call 911. After police arrived Mr. Morales, who was naked, left his third-floor apartment through the fire escape descended to the second floor landing and ultimately jabbed at another officer with a fluorescent light tube. An officer on the street then fired his taser at Mr. Morales, who fell head first to the ground and died from his head injuries.
Chemical agents, including pepper spray, are another less-than-lethal method used by some law enforcement. But, while less lethal, it can still cause serious harm and has minimal accuracy, especially when used from a distance or under windy conditions.\textsuperscript{57} Consider additional training of such less-than-lethal weapons by your law enforcement officers.

**Facial Recognition Technology**

Some law enforcement agencies have used facial recognition systems to assist with investigations. Civil libertarians have raised privacy concerns pertaining to the collection of images. Further, users of facial recognition technology have reported accuracy problems as these systems have a more challenging time recognizing the faces of certain segments of the population, such as African Americans and women.\textsuperscript{58} A recent study looked at three commercial facial recognition systems and found they exhibit higher error rates for darker-skinned women than any other group, with the lowest error rates for light skinned men.\textsuperscript{59}

As you consider the use of facial recognition technology, you should take into account whether checks and balances can minimize false positive hits, how


error rates attributable to race and gender can be factored into the application of such technology, and what safeguards can be applied to protect privacy interests.

2. Law Enforcement Strategies to Reduce Racial Disparities and Build Trust

Law enforcement experts have also suggested that various policing and criminal justice strategies can reduce racial disparities and build trust between police departments and the community. You should consider which, if any, of these strategies would help your department achieve these important goals.

**Using Summonses Rather than Warrantless Arrests for Specified Offenses**

Police officers have broad discretion to choose between treating certain incidents as misdemeanor crimes and making warrantless arrests, or treating such incidents as a civil infractions or violations and issuing appearance tickets or summonses. Advocates for policing reform contend that this latitude has often resulted in people of color disproportionately entering the criminal justice system, harming these individuals and contributing to distrust of the police.⁶⁰

For example, in 2015, Sandra Bland, a 28-year old African American woman, was pulled over in Texas pursuant to a traffic stop for failure to signal a change of lanes, a minor traffic violation that typically results in either a

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warning or issuance of a ticket and a fine. The conversation became increasingly contentious between the officer and Ms. Bland when she refused to extinguish her cigarette. Ms. Bland was arrested and charged with a Class C misdemeanor, the lowest level of crime in Texas, and for which the punishment carried a fine but no jail term. She was unable to meet a $5,000 bond for her release. Ms. Bland was found dead in her cell three days later. Her death was ruled a suicide.

You should consider whether your police department should encourage the issuance of summonses rather than conducting warrantless arrests for specified offenses or under specified circumstances.

**Diversion Programs**

Diversion programs may occur at various stages in the criminal justice process. Diversion programs recognize that incarceration or establishment of a criminal record may not be the most appropriate mechanism to address certain conduct, and that education, drug or mental health treatment may provide a better alternative for the individual and the community.

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For youthful or first time offenders, or those with mental health issues or problems with substance abuse, incarceration is either unnecessary or counterproductive and will not address the underlying behavior. Even apart from unnecessary incarceration, saddling an individual with a criminal record in these circumstances can have broad-ranging, unwarranted consequences. Strategies for diversion programs include warn-and-release, programs requiring violence prevention or aggression management, substance abuse treatment and testing, and court check-ins.63

**Restorative Justice Programs**

Restorative justice programs offer people a meaningful chance to respond to a conflict outside of the traditional courtroom process. Restorative justice brings the affected parties together, mediated by a trained community member, allowing the aggrieved parties to vocalize hurt and encouraging accountability. The aim is healing rather than punishment, and it requires cooperation between all sides of a conflict, such as between a perpetrator and a victim, to achieve an understanding of what occurred and arrive at a mutually acceptable resolution. 64

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Community-Based Outreach and Violence Interruption Programs

Community based outreach and violence interruption programs aim to curb violence by working with high-risk individuals and connecting them with services, programs, and other community engagement initiatives, so as to interrupt the cycle of crime. For example, the NYS Street Outreach Program (SNUG) discussed earlier employs street outreach workers who live in the communities where they work to reach at-risk youth.

Adopting a strategy where you work with trusted messengers with existing credibility within a community can facilitate better community relationship with law enforcement and be a positive force for change.

Hot-Spot Policing and Focused Deterrence

Some departments have used data analysis to identify crime spikes or “hot spots” in specific neighborhoods or even particular street blocks and increased the visible police presence in these areas, with the purpose of deterring crime. Relatedly, some departments have implemented a strategy of “focused deterrence,” in which officers engage directly with offenders or groups of offenders based on their prior history, sometimes in partnership with community members.65

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Hot spot and deterrence policing may have both public safety and community benefits; reducing crime and targeting crime drivers. Indeed, focused deterrence policing has been found to have some beneficial impact on reduction in crime, particularly those programs that target gangs or groups. However, a locality employing these techniques must ensure that they are supported by the community, that the police department can and will implement them in a race-neutral and transparent fashion, and that the local government itself will vigilantly monitor their use.

Analysts have criticized the “hot spot” and “focused deterrence” techniques on the ground that they are used disproportionately in minority communities. According to a 2018 report on proactive policing by the National Academies of Science, Engineering and Medicine, the high rate at which individuals of color are stopped, cited, arrested or injured by the police is associated with police deployment based on intensive presence in particular areas. For example, if residents of areas with higher levels of reported crime are disproportionately people of color or disadvantage, placing greater police resources in these areas will increase the probability of law enforcement contacts with minorities and loss of liberty through stops, searches and arrests.

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In the same 2018 report, the National Academies of Science, Engineering and Medicine also found that focused deterrence policing is more likely to target minority offenders. Since non-White individuals are more likely to live in areas with more police per capita, they will have higher rates of prior contact with police in their lifetime. This increases the probability of a prior arrest record, and thus makes them a target for focused deterrence policing practices.

De-Escalation Strategies

De-escalation has proven effective in certain circumstances to diffuse what would otherwise be a dangerous encounter. Body position and stance, tone of voice and word choice, can either calm a situation or inflame an already tense situation. De-escalation tactics, including both verbal and non-verbal communication strategies, can slow down an evolving situation and reduce the risk that a situation will become violent. De-escalation is tied to the principle that an officer should exhaust all available methods of resolving a situation before using force.\(^69\)

The former longtime Chief of Police of Madison, Wisconsin developed a de-escalation policy beginning in the 1970’s in what is now referred to as the “Madison Model.” Under this model, police officers operate under the theory that they are “social workers in blue.”\(^70\) When this was introduced in Madison, officers wore shorts and blazers and marched with Vietnam War protesters.


They got out of their cars and walked the streets in high-crime areas. Rookies were taught to avoid deadly confrontations if at all possible, even with armed individuals. The Madison Model remains a de-escalation model that departments and law enforcement consultants still reference when formulating a de-escalation policy of their own.\footnote{Ibid.}

Although de-escalation training is increasingly used in police departments, there is limited knowledge regarding its actual effectiveness in successfully decreasing volatile situations. One group of researchers examined sixty-four de-escalation training programs across all professions over a forty year period and found some early promising results and few adverse consequences, but noted the weaknesses in methodological controls of such studies.\footnote{Engel, R., McManus, H. and Herold, T. (January 31, 2020). Does De-Escalation Training Work? Criminology & Public Policy. https://onlinelibrary.wiley.com/doi/full/10.1111/1745-9133.12467.} Regardless, de-escalation training has become one of the most frequently requested types of police trainings as proponents advocate it reduces violence across the board and protects both civilians and officers.\footnote{McKenna, S. (June 17, 2020). Police Violence Calls for Measures Beyond De-Escalation Training. Behavior & Society. https://www.scientificamerican.com/article/police-violence-calls-for-measures-beyond-de-escalation-training1/.

\textit{Can Your Community Effectively Identify, Investigate and Prosecute Hate Crimes?}

Hate crimes against individuals in protected classes are an attack not only on the individual, but also on the whole community.\footnote{Fair and Just Prosecution. Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System, p. 11. https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf} On March 11, 2020, in response to a physical assault on the basis of race against a woman of Asian-
decent in Manhattan, Governor Cuomo directed the New York State Police to investigate the incident and stated: “No one in this state should ever feel intimidated or threatened because of who they are or how they look. Diversity is our greatest strength – it's one of the things that makes New York great – and in difficult times we need to band together even tighter.”\textsuperscript{75} Local law enforcement agencies are required to submit Hate Crime Incident Report forms to the Division of Criminal Justice Services each month.\textsuperscript{76} You should ensure your police department is complying with these reporting requirements and has the capacity to effectively identify and investigate hate crime and bias incidents.

Evaluate your practices concerning the identification and investigation of hate crimes. Are members of your department trained to investigate hate crimes and interview members of minority communities and groups? What additional training and community resources can you draw on to enhance hate crime prevention and response?

3. Community Engagement

Community engagement is imperative to forming trust between officers and the citizens in the neighborhoods they police. The concept of community policing can, however, often be misunderstood and misapplied. Many applications of this concept do not capture the deeper, sustained role a


\textsuperscript{76} For more information on reporting Hate Crimes to the Division of Criminal Justice Services, please visit: https://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/forms/hatecrime.pdf.
Community can play in policing. Community-oriented policing seeks to address the causes of crime and to reduce fear of social disorder through problem-solving strategies and police-community partnerships.

Consider whether any of the following tools would help you to achieve these goals.

**Community outreach plans**

A number of law enforcement agencies have developed plans for institutionalizing community engagement. For example, in 2018 the Seattle Police Department released a report outlining their Community Engagement Program, what was done, and where the program saw success. Seattle developed and articulated specific ways in which it engages with communities, including but not limited to: appointing community liaison officers, fostering police community partnerships, holding regular community meetings, and tracking and rewarding positive interactions between officers and community groups.

By deepening their contact and collaboration with the community, agency efforts in engaging with citizens are more likely to be successful.

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Citizen advisory boards and committees

Community engagement emphasizes working with residents to promote public safety. Law enforcement agencies can work with community residents to identify problems and collaborate on implementing solutions that produce meaningful results for the community.\textsuperscript{81} A community advisory board/committee is a group that meets regularly to provide advice and perspectives to executive staff in law enforcement agencies. Membership should reflect and represent the different voices and needs in the community, meaning a board should be as diverse as the community in which it functions.\textsuperscript{82}

The goal should be the creation of an inclusive space designed to accommodate the community's diverse needs. An advisory board can play a continuing and meaningful role in the decision-making process and keep the community informed of developments and achievements made by law enforcement. This provides a sustained communication structure between the community and law enforcement leadership.

For example, the Albany Police Department (APD) has had a positive experience using such a mechanism for continued community policing and engagement. The department sought assistance from the city’s Common Council to ensure all 15 wards of the city were equally represented on the Community Policing Advisory Committee. This committee was charged with


reviewing and addressing items to reinvigorate the relationship between community members and APD.\textsuperscript{83}

**Partnership with community organizations and faith communities**

It is important to work within the community in order to build trust and nurture legitimacy. Law enforcement agencies can proactively increase public trust by initiating positive non-enforcement activities to engage communities that typically have high rates of investigative and enforcement involvement with government agencies.\textsuperscript{84}

Can your law enforcement agency develop programs that create opportunities for patrol officers to interact regularly with neighborhood residents, faith leaders, and business leaders? Some communities have developed Police Athletic Leagues (PALs) which provide an opportunity for the police to engage with youth in the community and build enduring beneficial relationships. Communities are often more willing to assist law enforcement when they have forged positive relationships through non-law enforcement-related community engagement.\textsuperscript{85}

**Partnering with students and schools**

Adopt-a-school programs seek to build a rapport between a school, its students and a local police department. In such programs, police officers visit the school at regularly scheduled intervals, have lunch with the students and


\textsuperscript{85} Id. at 15
spend time with them at recess. Students are encouraged to engage with and ask questions of the officers. The goal is to cultivate a mentoring relationship from these interactions, with the officers serving as community role models. Unlike School Resource Officers (discussed above in Part I), officers in adopt-a-school programs are not intended to enforce student discipline or address truancy issues, nor should they be used for such purposes. Rather, adopt-a-school programs are designed to have students engage with officers in a relaxed, non-adversarial fashion, fostering positive connections that carry through the students' academic and personal lives, into adulthood.

**Police-community reconciliation**

The police-community reconciliation process seeks to improve strained relationships between police and communities of color. The goal is to strengthen and build a community perception that law enforcement is a trustworthy partner with which it can collaborate in achieving public safety.

In many communities of color, a history both of violence unaddressed by law enforcement and police misconduct has left a legacy of grievance and distrust between these communities and the law enforcement agencies that serve them. A 2020 Center for Court Innovation survey of New York City youth at high risk of gun violence found a deep distrust of law enforcement, with only 19% believing that the police want to understand their community needs. The

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86 See e.g., Valparaiso Police Department. [https://www.ci.valparaiso.in.us/366/Adopt-a-School](https://www.ci.valparaiso.in.us/366/Adopt-a-School);
87 See e.g., Rancho Cordova Police Department. [https://www.ranchocordovapd.com/programs/adopt-a-school](https://www.ranchocordovapd.com/programs/adopt-a-school).
88 Center for Court Innovation. ““Gotta You’re your Own Heaven’ Guns, Safety, and the Edge of Adulthood in New York City.” Pg. 13
study found that “this lack of trust stemmed from three primary concerns: being stopped for low-level offenses, feeling the police were not addressing serious crime and violence, and sensing a lack of care for people in the community.” When these issues are addressed openly, new and different understandings can emerge, and a profound transformation in community–police relations becomes possible. While engaging in discussion with communities of color on how historical and current police practices affect their communities, consider:

- Discussing how policies, culture, engagement, and other mechanisms can change to create a more transparent system built on trust.
- Communicating a willingness to improve as well as acknowledge past and continuing harm.
- Following through on changes to demonstrate commitment to the reconciliation process.
- Acknowledging that the intention is to create new practices in recognition of historical harm (in tandem with the announcement and implementations of new initiatives adopted by the collaborative). Not only will this reinforce the message of reconciliation in the department, it will help in educating the general population.

89 Id.
Attention to Marginalized Communities

Your department may need to devote special training and management attention to interaction with marginalized communities.

- **Limited English Proficiency (LEP) Citizens:** For citizens who have Limited English Proficiency, communication with law enforcement is more difficult and could result in law enforcement perceiving these citizens as noncompliant. Law enforcement agencies must ensure reasonable and equitable language access for all persons who have encounters with police or who enter the criminal justice system. Statewide language access requirements discussed in New York State Executive Order No. 26 (E.O. 26), require New York State executive agencies to provide interpretation services in any language and translation services in the top six most commonly spoken non-English languages in the state. Consider adopting elements of E.O. 26 as part of your plan, and requiring law enforcement agencies to provide appropriate resources to community members.

- **Citizens with communication disabilities.** Similarly, citizens who are deaf, hard-of-hearing or have sensory and stimulation sensitives can be perceived by officers as noncompliant. It is important that officers are able to recognize when a community member may have a disability that could affect the way they communicate. Consider working with experts and members of the disability community to create training programs to educate officers to identify and work with disabled community members.

- **The LGBTQIA+ Community:** Law enforcement agencies must take steps to eradicate discriminatory policing based on a community member’s perceived gender identity or sexual orientation. For example, a 2014 report on a national survey of LGBT people and people living with HIV found that 73% of respondents had face-to-face contact with the police in the past five years. Of those respondents, 21% reported encountering hostile attitudes from officers, 14% reported verbal assault by the police,
3% reported sexual harassment, and 2% reported physical assault at the hands of law enforcement officers. Police abuse, neglect, and misconduct were consistently reported at higher frequencies by respondents of color and transgender and gender-nonconforming respondents. One example of a positive policy change is the LAPD's 2012 policy requiring officers to refer to transgender individuals by the name and gender they prefer and precluding officers from searching transgender individuals solely for the purpose of determining their biological sex. For more examples and guidance please review Gender, Sexuality, and 21st Century Policing: Protecting the Rights of the LGBTQIA+ Community.

- **Immigrant Communities:** To begin to bridge the gap between immigrant communities and law enforcement, in 2017 Governor Cuomo signed Executive Order 170 which prohibits New York State agencies and officials from asking a person's immigration status. This rule also prohibits officials from disclosing a person's immigration status to federal authorities, except in certain situations such as a law enforcement investigation. You should look for opportunities to integrate members of immigrant communities into community discussions on policing. Engaging with communities is the best way to continue to get feedback that can shift police culture and values, and foster community trust.

*Involving youth in discussions on the role of law enforcement agencies*

Creating avenues to reach youth, such as youth leadership councils, can assist law enforcement in building trust and forming relationships with the

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94 Ibid.

greater community. Such groups can provide early positive encounters with law enforcement that benefit both the police and the community at large. Similar to the creation of citizen advisory boards, it is important that youth councils in communities be diverse and inclusive and reflect the makeup of the community.
III. Fostering Community-Oriented Leadership, Culture and Accountability

Reforms cannot succeed or be sustained without commitment from strong and effective leadership – in other words – without a supportive institutional culture. Culture determines behavior much more powerfully than policies and rules. The ultimate goal of reform is to ensure an institutional culture consistent with your goals for community-police relations.

Accountability is essential for a strong institutional culture and for mutual trust between the community and the police. Your department must engage in meaningful review of officer conduct, including use of force, to give the community confidence that misconduct is identified and the conduct is appropriately addressed. Much of the current unrest across the country is rooted in a belief that some police departments tolerate abuse of authority, including excessive force and other misconduct or adhere to practices that are inconsistent with community values. In the long run, this belief will harm police officers as well as degrade public safety.

In developing your plan, consider whether improvements are needed in your leadership selection process, community oversight structures, accountability mechanisms or other efforts to shape and maintain a healthy and productive institutional culture.
1. Leadership and Culture

*Is your leadership selection process designed to produce the police-community relationship you want?*

The process of selecting your chief of police, as well as other department leaders, should be based upon the characteristics and needs of your jurisdiction and should be structured in a manner that is legitimate and fair. Recruitment of a law enforcement leader, whether by internal promotion or hiring an external candidate, needs to begin with an analysis of the needs of the local community.\(^\text{96}\)

The process for conducting a search and identifying candidates can incorporate input from a variety of community groups and stakeholders, even if the ultimate appointment authority resides with the chief executive of the jurisdiction. This will produce more meaningful results and candidates better able to uphold specific community values than if the search is conducted solely through the office of the chief executive.

Does your selection process ensure consideration of a diverse group of candidates? Does it take into account applicants’ views on and experience with police-community relations?

In some jurisdictions, citizen committees are established to conduct an applicant search and provide advice and recommendations regarding the

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selection process. In Tallahassee, Florida for example, a panel comprised of law enforcement, non-profit groups, and religious leaders was formed to participate in the process of selecting a new chief of police for the city. Your community should consider whether a similar approach that includes a well-balanced and representative search committee, might yield a broader array of candidates.

**Does your officer evaluation structure help advance your policing goals?**

CompStat has been an enormously valuable tool for many communities to enhance their level of public safety. However, in many instances localities still rely on mechanisms for promotions based on “the annual reports that chiefs of police submit to city councils and mayors emphasizing the number of arrests they’ve made, even if the crime rate continues to climb.” Such cases can be a powerful indicator that arrest is being misused as a tool and is not helping to achieve public safety.

Jurisdictions may need to modify their CompStat implementations and other incentive and promotion structures to ensure their officer evaluation metrics reduce crime and promote public safety while promoting larger reform goals including improved community relationships and police legitimacy.

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100 *Ibid.*
What incentives does your department offer officers to advance policing goals?

Departments may want to consider offering awards, prizes, or other recognition to officers who advance reform goals. Such incentives can change officer behavior and department culture. Some departments invite community members to nominate officers for community policing awards.101 This incentivizes officers to establish a positive relationship with community members and engages the community.

Does your hiring and promotion process help build an effective and diverse leadership team?

Diversity in leadership is a persistent problem for law enforcement agencies. For example, 80 percent of the NYPD’s chiefs, deputy inspectors, and inspectors who hold a rank above captain are classified as “non-Hispanic white.”102 In addition to hiring diversity, promoting leaders within the department who reflect a broad range of diversity, including race, gender, sexual orientation, gender identity, language, life experiences, and cultural background, will improve understanding and effectiveness in policing and community relations.

Consider how your police agency uses cognitive, written and physical performance tests for promotion and hiring into leadership roles. Are there

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qualifications other than exam scores that can be woven into criteria for leadership positions?\textsuperscript{103} Other questions to consider include: Do applicants have specialized training or additional education? What are the culture, values and mission the applicant envisions for the agency? Has this person shown clear commitment to community engagement?

\textit{What is your strategy to ensure that your department’s cultural-norms and informal processes reflect your formal rules and policies?}

Policy makers and law enforcement organizations can create policies and set rules and guidelines, but if policies conflict with institutional culture these policies will not become part of the institutional fabric and may not effectively guide individual behavior.\textsuperscript{104} Leadership must take an active role in demonstrating commitment to the values important to the department and the community. It is not sufficient for chiefs and department leaders to talk the talk without walking the walk.

On April, 2014, the Office of Community Oriented Policing Services (COPS Office) hosted a conference with law enforcement officials, civil rights activists, academic experts, community leaders and policymakers. At this meeting Chief Chris Magnus, of the Richmond California Police Department, led a discussion on engaging communities of color. He described using a multipronged approach to change policies in his own department. These policies included: engaging all officers, not just a subset; using up-to-date evaluation tools capable


of evaluating new hires’ community policing skills; providing developmental training in progressive policies; and keeping officers in their positions long enough that they could understand how to deal with challenges in the community. Chief Magnus also shifted the department’s focus to issues other than crime to help show that crime is not the police’s only priority. For example, Richmond’s police helped reduce the number of abandoned cars, in part by moving code enforcers into the department.\textsuperscript{105}

It is possible that more comprehensive changes may be required where police/community relations have deteriorated beyond the point where they can be repaired through policy reform. For example, in 2013 Camden, New Jersey “eliminated its city police department and established a new one under county control.”\textsuperscript{106} Previously the community-police relationship was undermined by lack of trust, high crime rates and corruption within the police department. Supporters say that the Camden restructuring made police officers a more regular presence in the community, and rebooted the culture of policing in the city. Since the reforms, violent crime rates have fallen, including a sharp decrease in the homicide rate, and excessive use of force has also decreased.\textsuperscript{107}


2. Tracking and Reviewing Use of Force and Identifying Misconduct

When should officers be required to report use of force to their supervisor?

Building on prior use-of-force reporting reforms, Governor Cuomo recently signed legislation requiring that law enforcement officers report all firearm discharges in circumstances where a person could have been injured, whether or not any injury occurred.\textsuperscript{108} Beyond this requirement, police departments should have clear policies regarding documenting the use of force.\textsuperscript{109} Consider what other incidents, including other uses of force, your department should require be reported.

What internal review is required after a use of force?

The authors of the 2019 report “New Era of Public Safety” recommended reviewing all uses of force.\textsuperscript{110} These incidents can be reviewed by a supervisor, other individuals in the officer’s chain of command, a dedicated review board within the department, or an outside entity. Multiple levels of supervisory review can ensure that all supervisors carefully review use of force reports because they will receive scrutiny from their own supervisors.\textsuperscript{111}

\textsuperscript{110} Id. at 146.
As one example, the NYPD reviews all use-of-force incidents, with varying levels of scrutiny, ranging from review by an individual supervisor to review by an independent review board, depending on the severity of the incident.\textsuperscript{112}

\textbf{Does your department review officers’ use of force and/or misconduct during performance reviews?}

Regular attention by supervisors to officers’ use of force may promote adherence to departmental policy. Does department policy direct them to review the officer’s history of use of force and other forms of misconduct, including under prior supervisors? Other flags such as sexual misconduct or a high number of complaints or lawsuits may signal potential for future misconduct.\textsuperscript{113}

\textbf{Does your department use external, independent reviewers to examine uses of force or misconduct?}

Impartiality is one of the four pillars of procedural justice and could help instill confidence in determinations regarding potential abuse of force or other misconduct.


Does your department leverage Early Intervention Systems (EIS) to prevent problematic behavior?

An EIS is a system that electronically tracks officer performance in an attempt to identify abnormal patterns indicative of problematic behavior.\textsuperscript{114} EIS’s are used across many disciplines, to identify potential issues before they fully manifest.

In the law enforcement context, these systems can help departments identify officers that may need intervention before a major problem occurs. Behavior that can suggest the need for corrective action includes a high number of use-of-force incidents or citizen complaints, or misuse of sick leave. An EIS can help prevent future misconduct, which in turn results in a more just law enforcement system, reduced complaints, and reduced litigation risk.\textsuperscript{115}

Does your department review “sentinel” or “near-miss” events? Does the department respond to questionable uses of force with non-punitive measures designed to improve officer performance?

The Final Report of the President’s Task Force on 21\textsuperscript{st} Century Policing recommends that law enforcement entities review “sentinel” or “near miss” events.\textsuperscript{116} Sentinel review consists of non-punitive peer review of critical incidents that resulted in or came close to undesirable outcomes.

\textsuperscript{114} Id. At 198.
Understanding what went wrong in these events can help prevent the same issue from recurring.

The National Institute of Justice (NIJ) recently studied the use by three large departments of peer review of sentinel incidents. The NIJ study found that a practice of regular peer review, intended to create an opportunity for learning rather than punishment, can promote a culture of excellence.

3. Internal Accountability for Misconduct

*What does your department expect of officers who know of misconduct by another officer?*

Some law enforcement agencies, such as the LAPD, have imposed on their officers a duty to report misconduct by other officers. Within the New York State Police, there is an obligation to report the misconduct of another trooper. Similarly, some law enforcement agencies have imposed on their supervisors a duty to respond to reports of possible misconduct. Should your department adopt such policies?

Does your police department have clear procedures for reporting misconduct to the department and/or to outside agencies such as the Attorney

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118 Similarly, many hospitals conduct regular peer review of surgeries with poor outcomes.
119 New York State Police Members Manual, Article 9B1(C) "Even if no allegation or complaint is received, Division Members must report to the Troop/Detail Commander any incident that, in their judgment, indicates that an official Complaint Against Personnel Investigation is necessary."
General, the District Attorney, a civilian oversight agency or the EEOC? Are these procedures well understood by department personnel?

Does the department have robust anti-retaliation policies to ensure that officers are willing to report misconduct by others? Does and should the department accept anonymous internal complaints?

**Does your department have a clear and transparent process for investigating reports of misconduct?**

Misconduct investigations must ensure both community trust in the department and fairness to officers. Do the department’s procedures achieve these goals? Does the department have an appropriate timetable in which to complete misconduct investigations in light of these goals?

In a 2019 report by The Leadership Conference on Civil and Human Rights, the authors recommend that all misconduct reports be investigated, even if they occur when disciplinary actions can no longer be imposed.\(^{120}\) Should your department adopt this practice?

**Does your department respond to officer misconduct with appropriate disciplinary measures?**

Do officers in your department believe that misconduct will result in appropriate discipline, or do they believe that it will be overlooked?

Does your department have a continuum of responses to misconduct? Supervisors and department leadership should not be in the position of having to either ignore misconduct or impose harsh penalties that may be disproportionate.

*What procedures are in place to ensure that substantiated complaints of misconduct and settlements or adverse verdicts in lawsuits are used to reduce the risk of future misconduct?*

Review of misconduct and adverse legal actions can be helpful in evaluating a department’s policing activities. In particular, the discovery and trial processes can provide evidence that is more comprehensive than what is typically available to departments.\(^{121}\)

*What controls are in place to ensure impartiality when reviewing potential misconduct or complaints? When appropriate, are cases referred to either the District Attorney or another prosecutor?*

In 2015, Governor Cuomo issued Executive Order 147 requiring a special prosecutor’s office within the Office of the Attorney General to investigate killings of unarmed citizens and prosecute when appropriate. The Executive Order also permitted the special prosecutor’s office to investigate and prosecute killings of citizens where there was a significant question as to whether a citizen was armed and dangerous at the time of his or her death.

In 2020 the Executive Order was codified into state law, creating a permanent Office of Special Investigation within the Office of the Attorney

General. This new legislation provides an independent review in situations where local relationships and pressures can hamper thorough review and impede necessary corrective action. This law also expands the permissible scope of the Attorney General’s oversight to cases where an individual was known to be armed at the time of death.

The community must have confidence that such cases are handled fairly and without partiality either for or against the officers involved. In light of the permanent working relationship between a police department and the District Attorney, maintaining public confidence requires an independent review. Beyond cases that are currently referred to the Office of the Attorney General, consider how best to establish a disciplinary review process that gives the whole community confidence that misconduct will be fairly and impartially reviewed.

**Does your department expect leaders and officers to uphold the department’s values and culture when off-duty?**

Behavior of officers when they are off-duty can reinforce a lack of trust in police officers and the justice system as a whole. While you cannot control the behavior of officers while they are off-duty, it is important to acknowledge the impact their off-duty conduct may have on the community members’ faith in your department, and consider measures you can implement to ensure off-duty conduct does not undermine the community relationship-building work of the department.

Many police departments hold officers to certain standards of conduct even when they are out of uniform, including imposition of sanctions ranging
from termination and suspension to administrative duty. For example, an off-duty police officer in Missouri was removed from his official duties and placed on administrative duty after he was seen verbally abusing a man following a car accident. The incident was caught on video and quickly went viral. In the video the officer, who was not in uniform, threatened and cursed at the citizen, all while a uniformed officer was also at the scene. In another example, an officer in Savannah, Georgia, was fired as the result of a social media post. This post violated one of the department’s conduct policies, which reads in part, "Employees shall not engage in offensive or harassing conduct, verbal or physical, towards fellow employees, supervisors or the public during work hours or off-duty hours."

4. Citizen Oversight and Other External Accountability

Does or should your department have some form of civilian oversight over misconduct investigations or policy reform?

Many larger law enforcement entities have some form of civilian oversight entity. Unlike citizen advisory boards discussed in Section II - which are broad committees to encourage dialogue and community connection - civilian oversight entities have formal duties and authorities. For example,


these entities may have the power to review investigative findings of Internal Affairs bureaus, to conduct their own investigations, to leverage various investigative tools, including subpoenas, and/or to impose discipline. Some entities also have the power to weigh in on key policy decisions.

Police and reform groups often advocate different approaches to civilian oversight. For example, the Equal Justice Initiative recommends that civilian oversight entities reflect the entire community, observing that “[s]tudies show that white Americans are far more likely than Black Americans to believe that the police use an appropriate amount of force.” The New Era of Public Safety also recommends empowering such review boards by giving them the necessary resources to fully evaluate complaints. This includes giving oversight entities the power to weigh in on pertinent policy, the requisite financial resources, and access to investigative information. Effective oversight requires full cooperation of subject and witness officers in investigations.

By contrast, the National Association for Civilian Oversight of Law Enforcement (NACOLE) recommends that police departments select the least intrusive civilian oversight entity that is able to accomplish its desired goal.

126 Ibid.
129 Ibid.
130 National Association for Civilian Oversight of Law Enforcement, Civilian Oversight of Law Enforcement, A Review of the Strength and Weaknesses of Various Models (https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1481727977/NACOLE_short_doc_FINAL.pdf?1481727977).
If you consider establishing an entity outside the police department to review citizen complaints of excessive force or other police misconduct, here are some relevant questions:

- What level of review should it conduct? Should it review the findings of an Internal Affairs Bureau or conduct its own investigation?

- What power should it have to interview officers or other witnesses, to compel officers or other witnesses to be interviewed, and to review documents, recordings, interviews conducted by Internal Affairs or other evidence?

- Should it be empowered to impose disciplinary action, recommend disciplinary action, or simply to substantiate complaints?

- Should it be authorized to formally refer cases to the Attorney General or District Attorney?

- What mechanisms are in place to ensure subject and witness officers fully cooperate with civilian oversight investigations?

There are a number of existing oversight entities to look to as models.\textsuperscript{131}

- The New York City board is composed of 13 members: five appointed by the Mayor, five appointed by the City Council, and three appointed by the Police Commissioner. The board has power to investigate complaints, including subpoena power, and can recommend discipline. However, the Police Commissioner has final authority over the imposition of discipline.\textsuperscript{132}


\textsuperscript{132} For more information on the NYC Civilian Complaint Review Board please visit its website at https://www1.nyc.gov/site/ccrb/index.page.
• The Chicago board is composed of nine members appointed by the Mayor with the consent of the City Council. The board has investigative and subpoena power, and power to impose disciplinary measures.\footnote{133}

• The Baltimore board is composed of nine voting members nominated by the Mayor and confirmed by the City Council, along with five non-voting members from community stakeholders. The board does not have power to investigate or impose discipline. It may simply review complaints.\footnote{134}

**Is there an easy, accessible and well-publicized process for members of the public to report complaints about police misconduct?**

To encourage citizen feedback, the 2019 report “New Era of Public Safety” recommends that departments make claim filing processes easy and accessible. Some considerations include language and disability accessibility, formats supported for filing (email, phone, in-person, Internet, etc.) and length of intake process.\footnote{135} Law enforcement agencies should also seek feedback on these processes from the public through many of the outreach avenues discussed in this report. Listening to feedback regarding the complaint process and incorporating that feedback into process reform will improve the complaint review process, improving confidence in the system and encouraging citizen complaints.

\footnote{133}{For more information on the Chicago Civilian Office of Police Accountability please visit its website \url{https://www.chicagocopa.org/}.

\footnote{134}{For more information on the Baltimore Civilian Review Board please visit its website at \url{https://civilrights.baltimorecity.gov/civilian-review-board}.

Newly enacted legislation authorizes the New York State Attorney General to investigate allegations of misconduct against local police agencies.\textsuperscript{136}

*Are investigation outcomes reported to the complainant? Are they reported to the public? Should the department or the citizen complaint review entity, if any, accept anonymous complaints?*

Disclosing the outcome of investigations to complainants and the public increases transparency and can increase confidence in law enforcement. Some departments choose to disclose this information in aggregate reports instead of sharing individualized data.

Accepting anonymous complaints may assuage citizen fears of police retaliation. However, anonymous complaints can be less reliable and are difficult to investigate because the investigator cannot ask follow-up questions or interview the complainant, and they can be retaliatory. New Era of Public Safety recommends that departments review anonymous complaints fully, but disclose during intake that anonymity can hinder the review process.\textsuperscript{137}


Does your local legislature engage in formal oversight of the police department? Should any changes be made in the legislature’s oversight powers or responsibilities?

While uncommon, legislative oversight of police departments can be a helpful tool. While uncommon, legislative oversight of police departments can be a helpful tool. Legislatures often have the power to conduct investigations and learn about local policing practices through hearings and other means. This investigative authority allows legislatures to access more information regarding policing practices than the general public. Further, if legislatures identify practices that pose concerns, they have the power to address those concerns through legislation.

Some experts believe legislative oversight is critical to ensuring democratic accountability in policing because it provides clear authority for policy and makes the legislature accountable to the public for police functions at the “front-end” instead of relying on uncertain “back-end” procedures, such as Constitutional analyses by courts.

Is your police department accredited by any external entity?

Accreditation is a useful tool that enables external review of agency policies, procedures, and practices to improve the standards of your police department and quality of your policing services. The Division of Criminal Justice Services administers the New York State Law Enforcement Agency

Accreditation Program, which provides structure and guidance for police agencies to evaluate and improve overall performance in areas such as administration, training, and operational standards. The program encompasses four principal goals:

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

Accredited agencies must meet minimum standards, considered “best practices” in the field, which promote a high degree of professionalism and public confidence. The standards of the NYS Law Enforcement Agency Accreditation Program can be found in the Standards and Compliance Verification Manual. Please refer to the “Becoming an Accredited Law Enforcement Agency” section of the Manual for information on how to apply. For any questions regarding the application process or for general Accreditation related inquiries, please contact NYS Law Enforcement Accreditation Program staff at ops.accreditation@dcjs.ny.gov. This program is available at no cost to localities and participation should be considered as part of your community policing plan.

**Does Your Police Department Do an Annual Community Survey to Track Level of Trust?**

An annual survey that measures the community’s level of trust in the police department, the community’s view on the effectiveness of certain policing strategies, as well as one that collects any negative feedback may be a helpful tool in gauging the community’s satisfaction with the police department. The 21st Century Policing Report recommends such an annual community survey, advising that it should be conducted by zip code, so as to delineate the responses from each neighborhood.¹⁴¹

**5. Data, Technology and Transparency**

Transparency is one of the four pillars of procedural justice and is critical to ensuring accountability. Without a full picture of law enforcement policies, procedures, and activity, the public cannot meaningfully evaluate the performance of law enforcement. Even a well-functioning department risks losing public confidence when it does not engage in meaningful transparency. Departments should consider various ways to make law enforcement practices more transparent to the public.

Data is an important tool for improving accountability because it provides the public with insight into police activity and can be leveraged to inform data-driven policies.

*What police incident and complaint data should be collected? What data should be available to the public?*

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Local law enforcement data increases transparency by providing a snapshot of police conduct. Collection of police activity data can be useful to evaluate if policing practices are effective, ensure compliance with the law, and identify potential biases and disparities. Data reporting and analysis are key components of many DOJ consent decrees with law enforcement agencies.\textsuperscript{142} Data analysis has been critical in identifying disparate and biased policing of minorities. Reports also suggest that transparent use-of-force data builds community trust and increases accountability within law enforcement departments.\textsuperscript{143}

Governor Cuomo recently signed legislation (Police Statistics and Transparency Act) requiring courts to compile and publish racial and other demographic data for low-level offenses.\textsuperscript{144} This legislation also requires departments to report arrest-related deaths to DCJS. Many law enforcement agencies collect and publish other types of data regarding policing activity. For example, the NYPD publishes an annual report with use-of-force statistics.\textsuperscript{145}

Other legislatures are adopting laws requiring departments to collect “stop data” regarding traffic and pedestrian stops.\textsuperscript{146} Stop data typically includes information regarding the stop (rationale, outcome, etc.) and the

\textsuperscript{143} Ibid.
target (race, gender, age, etc.). Analysis of stop data can inform the effectiveness of policing and identify potential biases or disparate impact.

In determining how your agency should collect and use data, consider the following questions:

- What policing activity data should be collected by your department? This could include data regarding shootings by officers, firearm discharges, civilian injuries, use of force incidents, and officer stops, searches, and/or arrests.

- Should this data include demographic data, which can be used to detect racial disparities and biases?

- Beyond disclosures required under state and federal law, what other policing data should be disclosed? Made public? Should this data be aggregate data or individualized data? Should individualized data be anonymized or redacted? How frequently should data be disclosed?

- Should the department make available to the public aggregate data on its review of use of force incidents, such as number of incidents reviewed, number found to be inconsistent with department policy or number referred for prosecution?

- Should the department make available to the public aggregate data about the number and disposition of citizen complaints, including the nature of any discipline imposed?

**How should your law enforcement agency leverage data to drive policing strategies?**

Data can be useful for informing policing strategies. For example, data can be used to shape decisions on resource allocation, personnel deployment, and
policy. Data collection and utilization can be enhanced by employing crime analysts to inform decision-making and support policing operations.

It is important that departments are aware that data-driven findings can be unreliable if the underlying data is of poor quality or is biased. For example, law enforcement agencies may be inclined to deploy more resources to an area because it has a high number of arrests. However, the high number of arrests may be related to over-policing in the area.

Agencies should consider formally partnering with their regional NYS Crime Analysis Center which can assist with data-driven and intelligence-led policing efforts, as well as provide specific investigatory support. DCJS partners with local law enforcement agencies to support a network of 10 regional Crime Analysis Centers (CACs) that provide investigative support and information to help police and prosecutors more effectively solve, reduce and prevent crime. Using data-driven processes, the CACs coordinate, expand, and enhance investigative services and provide real-time investigative support to law enforcement agencies.

How can your police department demonstrate a commitment to transparency in its interactions with the public?

Police Departments can consider policies that require officers to state explicitly their name, badge number, and purpose before interacting with a

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148 For more information on the DCJS Crime Analysis Center network, please visit: https://www.criminaljustice.ny.gov/crimnet/ojsa/impact/CACCI.pdf.
member of the public. Departments can also require that officers provide a business card following an interaction. To instill confidence in the public following substantial criticism of its “stop-and-frisk” program, in 2018 the NYPD began offering business cards to individuals who were subject to a “stop-and-frisk,” but were not arrested. The business cards include officer information and information on how to obtain body camera footage.

Law enforcement agencies can also consider requiring officers to inform individuals of their rights in certain scenarios even when not legally required. For example, an officer seeking to conduct a consent search could be required as a matter of policy to advise the subject that he or she has the right to refuse to consent to the search.

As a general matter, policies aimed to enhance transparency will be most effective if they include enforcement mechanisms to ensure compliance with these policies and procedures.

How can your police department make its policies and procedures more transparent?

Does your department have comprehensive policies and procedures in place to address common and controversial forms of police activity? The Municipal Police Training Council (MPTC) – created under Executive Law §837 to establish training standards and guidelines – is comprised of law enforcement officials and academics appointed by the Governor. The MPTC has

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149 New York City Civilian Complaint Review Board. “What is the Right to Know Act?”, Available at: https://www1.nyc.gov/site/ccrb/complaints/right-to-know-act.page
developed model policy guidance for law enforcement agencies to use as an initial framework in their own policy development.

Topic areas include but are not limited to: Body Worn Cameras, Identification Procedures, Investigation of Hate Crimes, Recording of Custodial Interrogations, and Use of Force. All MPTC model policy guidance issued by the Council is available to law enforcement and may be requested by contacting DCJS at OPS.GeneralPolicing@dcjs.ny.gov.

- Does your department have a process for developing or revising its policies and procedures? Does this process include the solicitation of community and/or stakeholder input?

- How can your department make its policies and procedures accessible (format, language, ADA-compliant) and understandable to the public?

- Are your policies and procedures evidence-based? Do they reflect current peer-reviewed research?

- Do your policies consider disparate impact and potential biases?

How can your police department ensure adequate transparency in its use of automated systems and “high-risk” technologies?

New technologies including biometric technologies, surveillance systems, unmanned aerial systems, data mining tools, geofencing tools, and resource allocation tools may provide significant value to police departments. However, reports suggest that these technologies may rely on obscured
systems with unstudied effectiveness and pose a risk of bias or interfering with civil liberties.\textsuperscript{150}

For example, as discussed earlier in Section II on policing strategies, researchers from MIT and Stanford have found that facial recognition technology can be ineffective, especially for certain skin colors and genders.\textsuperscript{151} In the previous section, we discussed assessing if a new technology is an effective policing tool. Before employing a new technology, experts recommend that departments carefully consider the potential risks posed by the technology, pursue mechanisms to audit the performance of the technology prior to use, and properly train all users of the technology so that it is appropriately used.\textsuperscript{152}

Unlike other policing resources, new technologies have not had decades of established practice to refine attendant policies and procedures.\textsuperscript{153} For this reason, many experts suggest departments take a special approach to establishing policies and procedures, and solicit community input prior to deploying a new technology.\textsuperscript{154} Law enforcement may want to review resources from or consult with civil liberties and privacy experts, non-profit

\textsuperscript{153} United States Department of Justice. (2015). Final Report of the President’s Task Force on 21st Century Policing. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf. (“We live in a time when technology and its many uses are advancing far more quickly than are policies and laws.”)
research organizations, public technologists, and researchers when evaluating new technologies to ensure selection of low-risk, effective technologies. Law enforcement may also want to consider any racial-equity impact assessments-systematic examinations of how different racial and ethnic groups will be affected by the proposed technology usage—in an effort to identify interventions that will minimize adverse consequences. This approach should also apply to technologies leveraged by third parties to assist law enforcement investigations. Below are some questions your department may want to consider:

- What process does your department have in place for the adoption of new technologies? Does the process include the solicitation of stakeholder and researcher input? Is there a process for community input? Does the process include the creation and publication of clear policies that articulate how the technology works, how it can be audited, and how, where, when, and why it is used?

- Does your department perform a cost-benefit analysis when adopting new technologies? Does your department consider the risks of using a novel technology (unstudied effectiveness, potential biases and intrusion on civil liberties), as well as the ability of the technology to solve an existing problem?

- What is your department’s process for procuring or using a new technology? Does your department study the effectiveness of the technology and analyze potential biases?

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• Does your department have policies or procedures for training officers on how properly to use new technologies? New technologies can be difficult to understand and there are documented instances of technologies being used improperly or in contexts for which they have not been validated. This is a particular risk for technologies that allow users wide discretion in deployment and allow users to select acceptable tool accuracy.

• Does your department have policies in place to ensure that vendor contracts do not interfere with transparency? Many new technologies are considered proprietary and have audit and/or disclosure restrictions.157 Some experts recommend that departments implement policies to refrain from signing vendor contracts that restrict auditing of technologies or that prevent the public disclosure of basic information regarding how each technology system works, including any agreements that restrict defense attorneys from understanding how a technology system was used in a criminal investigation or prevent compliance with oversight legislation or public-records requests. These restrictions significantly reduce transparency, making law enforcement less accountable, and interfering with procedural justice.

• Does your department have a process through which residents can register feedback on a certain technology or request information on any personal data it has collected about them without their knowledge?

• Does your department have a policy for maintaining sensitive data or information? Many new technologies involve handling sensitive data. Experts recommend that privacy and security safeguards are included in departmental policies to ensure proper handling of data.

• Is your department required to disclose the technologies its uses to the public? If so, does this disclosure requirement extend to technologies that were given to the police department (i.e., not procured)? Several cities,

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including San Francisco and Seattle, require departments to disclose which technologies it is using. New York City recently passed similar legislation called the Public Oversight of Surveillance Technology (POST) Act.

**Should your police department leverage video cameras to ensure law enforcement accountability and increase transparency?**

In-car and body-worn cameras (BWCs) are frequently recommended, and are mandated for some police forces, as monitoring mechanisms to ensure accountability.\(^{158}\) In particular, BWC usage has increased significantly in the past few years in response to controversial policing incidents. According to one study, over one-third of law enforcement agencies in the U.S. use BWCs in some capacity.\(^{159}\)

Governor Cuomo recently signed legislation requiring New York State Police patrol officers to use BWCs while on patrol.\(^{160}\) Officers are required to record immediately before exiting a patrol vehicle to interact with a person or situation, all uses of force; all arrests and summonses; all interactions with individuals suspected of criminal activity; all searches of persons and property, any call to a crime in progress; investigative actions involving interactions with members of the public; any interaction with an emotionally disturbed person; and any instances where an officer feels any imminent danger or the need to


document their time on duty. This legislation also requires law enforcement to retain footage of these interactions. Some law enforcement entities are hesitant to adopt BWCs because they are costly; one estimate suggests BWCs cost approximately $1,000 per user per year.

In 2017, the National Criminal Justice Reference Service (NCJRS) funded a cost-benefit analysis of BWC usage at the Las Vegas Metropolitan Police Department.\(^\text{161}\) The cost-benefit analysis estimated that BWCs saved over $6,200 in office time spent investigating an average complaint against an officer and decreased the overall number of complaints. Ultimately, the study found that BWCs generate a net annual savings between $2,909 and $3,178 per year per user. The results of a cost-benefit analysis may be different depending on how a department uses BWCs and how common complaints or controversial interactions are. If a department decides to implement BWCs, it should consider what policies govern the use of BWCs. Below is a list of considerations for discussion.

- When should officers be required to turn on their BWCs? When interacting with members of the public? When conducting a law enforcement investigation?
- When should officers be required to notify members of the public that BWCs are on? In private settings? In public settings?
- What should the penalties be for non-compliance?
- How long should the department maintain footage?
- Under what conditions should footage be accessible to officers, the public, or investigators?

IV. Recruiting and Supporting Excellent Personnel

Staffing and personnel management is one of the most critical responsibilities of law enforcement leaders and the communities which they protect and serve. Each of the State’s more-than 500 county and local law enforcement agencies must therefore have robust strategies for recruitment, hiring, and retention of officers whose diversity reflects the communities they serve. Law enforcement agencies should also design and oversee training and wellness programs that aim to ensure the safety of officers and the public while reinforcing relationships of trust between police departments and their communities.

1. Recruiting a Diverse Workforce

In setting out to address these issues, it may be helpful to first assess your current law enforcement workforce:

- What are the demographics of your agency?
- What are the demographics of your community?
- Are those demographics aligned?
- What steps, if any, has your agency taken to increase diversity in the workforce?
- Can my officers and my community relate in terms of socio-economic background? Life experiences? Any other metrics?

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Does your agency reflect the diversity of the community it serves?

It is essential that local law enforcement agencies reflect and represent the diversity of the communities they serve. President Obama’s Task Force on 21st Century Policing recognized that diverse law enforcement agencies foster trust in the community.\(^{163}\) This trust, in turn, aids in easing community tensions, reducing and solving crime, and creating a system where residents have positive views of law enforcement as fair and just.

The recent protests and civil unrest that swept the nation following several law-enforcement involved civilian deaths, has brought to light the stark imbalance between the demographics of many law enforcement agencies and the communities they serve. A report by the Washington Post found that “many major police forces are still much whiter than the communities where they work.”\(^{164}\) This holds true for communities throughout New York State. In Syracuse, New York, for example, 89% of the police are white, compared with about 55% of the population.\(^{165}\) New York City has been more successful than most police agencies in its minority recruitment efforts where 67% of New York City residents self-identify as members of a racial or ethnic minority (Black, Hispanic or Asian) and 47% of the police force is white.

Increasing diversity of your workforce can have tangible benefits for both your agency and the communities you serve. For example, research shows that

\(^{163}\) Ibid.
female officers are just as capable as their male colleagues in carrying out law enforcement functions, but they are more likely to both rely on an interpersonal style of policing, and to use less physical force.

**What are ways in which your agency recruits diverse candidates that better represent the demographics of the communities you serve?**

Many law enforcement agencies may find difficulties in recruiting and retaining appropriate numbers of applicants that represent the diversity of the communities they serve. These challenges may stem from multiple factors such as individuals from underrepresented communities (1) lacking trust in law enforcement; (2) being dissuaded by law enforcement’s reputation or operational practices; or (3) being unaware of employment opportunities in law enforcement.\(^{166}\)

In assessing how to attract a more diverse workforce, law enforcement agencies should consider their current recruitment strategies and assess what role they play in advancing or hindering the process.

Additionally, law enforcement agencies should consider how to both leverage existing community ties and create new ones that will support their efforts to expand their applicant pools.

- To encourage diverse populations to apply to your agency, consider proactive and targeted community outreach efforts. Studies show success in recruiting people of color, women, and other members of underrepresented populations where police departments have worked

with community organizations and religious institutions to showcase the human face of law enforcement.  

- The Sacramento, California Police Department, for example, routinely holds free hiring workshops where they explain their recruitment and testing process. You might consider holding community workshops to educate the public on the process and answer questions about how to become an officer. Consider whether you should create an internship or community mentorship program through partnerships with educational institutions. This provides young people a way to experience law enforcement as a profession first-hand and creates a pipeline of future potential applicants.

- “Behind the scenes” looks at policing, can help improve the historically negative experiences that many minority communities have with law enforcement.

- Be active on social media, and use these tools as a form of communication to connect with all members of the community. Your online presence can be both a great recruitment strategy, and a way to directly communicate with underrepresented populations.

- Examine the number of female officers in your workforce. Research shows that increasing the number of women officers has tangible, positive benefits for both agencies and the communities they serve. Women are more likely to use community-oriented policing techniques focusing on cooperation and de-escalation Also, when handling domestic violence calls, female officers have been shown to be more effective, and are often the main contact for women and youth victims of domestic violence.  


What are ways in which you can re-evaluate hiring practices and testing to remove barriers in hiring underrepresented communities?

Most law enforcement agencies use very similar processes to select, screen, and hire potential employees, relying heavily on some combination of medical and psychological exams, background investigations, and criminal and driver records checks, fitness tests, written aptitude tests, and credit history checks.¹⁶⁹ However, agencies in New York State have wide discretion in their hiring criteria, so long as they comply with the minimum qualification standards set by the Municipal Police Training Council (MPTC).

Research has consistently shown that traditional hiring practices too often leave underrepresented populations at a disadvantage. These practices frequently exclude those who come from communities without a history of members working in law enforcement. Screening tools, such as fitness and cognitive tests, and background checks also have been found to have disparate impacts on underrepresented communities.¹⁷⁰

The Department of Justice recommends that agency leadership be prepared to “re-evaluate employment criteria, standards, and benchmarks to ensure that they are tailored to the skills needed to perform job functions, and consequently attract, select, and retain the most qualified and desirable sworn officers.”¹⁷¹

¹⁶⁹ Ibid.
¹⁷¹ Ibid.
Consider eliminating selection criteria and written or physical tests that do not relate directly to actual job-duties, and which often disproportionally eliminate underrepresented individuals from the process.

Consider whether you should offer assistance or preparation materials to help prospective officers prepare for the application testing and process. Even short of affirmative research shows that mere transparency in the hiring process can be helpful to applicants from diverse backgrounds who may not be familiar with the, often, complex law enforcement hiring process. Creating a short but comprehensive tool describing the process can lead to higher passage rates for these individuals. Creating test preparation materials and offering coaching or other assistance will be even more helpful in increasing minority recruitment.

**How can you encourage youth in your community to pursue careers in law enforcement?**

Police Cadet programs offer law enforcement apprenticeships to young people, typically between the ages of 18 and 20 years old. They provide the opportunity for a young person to explore a career in law enforcement and obtain relevant training and skills. Many programs offer a salary or tuition benefit, have work requirements, and are targeted towards college students. These benefits can help departments recruit students who otherwise would not have considered a career in law enforcement. Some programs allow high

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school students to participate, but are typically less comprehensive.174 Upon completion of a Police Cadet program, participants are often eligible to become police officers, subject to testing and other requirements.175 These programs are useful recruiting tools because they engage young community members who have not yet settled on a specific vocation.176

**What actions can your agency take to foster the continued development and retention of diverse officers?**

Beyond recruitment and hiring, law enforcement agencies – like other employers – must focus on retention. Retaining all employees, but especially diverse officers, comes with its own set of challenges. Research has shown that many members of underrepresented demographics in law enforcement may struggle with adjusting to the organizational and culture of law enforcement.177 Additionally, officers belonging to historically under-represented groups often face obstacles to promotion, ranging from outright bias and discrimination to less insidious but no less harmful factors such as a lack of transparency about the promotion process, or inadequate mentoring relationships and professional development opportunities.178

- Consider supporting your new officers, especially those from underrepresented populations, by establishing mentoring programs and

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175 *Id.*
177 *Id.* at 30, See also: Rand Center On Quality Policing, *Identifying Barriers To Diversity In Law Enforcement* 3 (2012), [http://www.rand.org/content/dam/rand/pubs/occasional_papers/2012/RAND_OP370.pdf](http://www.rand.org/content/dam/rand/pubs/occasional_papers/2012/RAND_OP370.pdf)
leadership training for new recruits. For example, DCJS’ Municipal Police Training Council (MPTC) holds frequent trainings and seminars appropriate for officer development.

- The same community partnerships that your agency uses during recruitment and hiring, can remain helpful in the context of retention. Stakeholders can aid in retention of officers of color and women by addressing and understanding the unique challenges these groups face in the law enforcement profession. These partnerships allow agencies to diagnose the barriers in their practices, policies, or systems that often prevent or discourage officers from staying on the job.

2. Training and Continuing Education

Smart and effective policing starts with smart and effective training. Training should not end at recruitment; officers should be encouraged to continue to grow and learn throughout their career. Training should incorporate and reinforce best practices while emphasizing values such as accountability, transparency, and fairness in all aspects of policing.

There is no universal standard of police training, and individual jurisdictions must make important decisions around the types of training and education that should be required of the police officers who will serve and protect their communities. Your approach to police officer training and education can have a significant impact on the way those officers engage in real world policing. Your agency should consider research relating to effective adult learning techniques and law enforcement training environments as you decide how to achieve your police officer training objectives.
This section will pose questions that you should consider in developing a training program that advances your community’s policing goals.

**How can you develop officer training programs that reflect your community values and build trust between police officers and the communities they serve?**

It is important to engage both internal and external stakeholders in the development and implementation of your police department’s training materials and curricula. Incorporating members of the community in this process can strengthen the overall quality of your training program while reinforcing public trust and ensuring that your training and education programs reflect the values of your community.

- A number of subject matter experts have found that police training academies are sometimes modeled after military boot camps. This environment, they argue, contributes to the development of a “warrior” mentality among police officers that can translate to hostile and fear-

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based interactions with the communities they serve. Police departments should assess whether their training models and environments may foster a potentially adversarial relationship with their communities, and should consider redesigning training models as necessary to ensure they align with community policing goals. Agencies may consider developing training models aimed instead at establishing a “guardian” mindset among police officers.

- Reports issued by groups including the President’s Task Force on 21st Century Policing, the Leadership Conference for Civil and Human Rights, and the Justice Collaboratory at Yale Law School suggest that police departments should consider how to build principles of procedural justice into all police officer training programs. This can involve engaging community members in the process of developing training programs and ensuring that trainers actively discuss the importance of procedural justice and integrate these principles into all aspects of their instruction. A recent study published by the Proceedings of the National Academy of Sciences found that procedural justice training can build community trust in police and decrease incidents involving police use of force.

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• You can partner with academic institutions, community organizations, and other relevant experts to create rigorous, evidence-based police officer training programs.

• Police practices around issues like arrests, searches, and public demonstrations continue to be the focus of significant attention from advocates and members of the public. Groups from the Electronic Frontier Foundation to the International Association of Chiefs of Police, for example, have discussed the public’s First Amendment right to record police officers in public,\(^\text{186}\) and lawsuits have resulted in police departments implementing training programs on this issue.\(^\text{187}\) Policies like “stop and frisk” have also led to widespread condemnation and lengthy litigation, and the New York Civil Liberties Union found that the policy in New York City disproportionately impacted communities of color.\(^\text{188}\) Your community should review police policies and practices concerning stops, searches, arrests, and public protests/demonstrations and should consider implementing training programs aimed at eliminating bias and unconstitutional conduct in these types of interactions.\(^\text{189}\)

• If you are preparing training modules that focus on police relationships with specific community groups, you should consider soliciting input from advocacy groups and community members who represent the viewpoint of the community on which the policing is focused. For example, police departments in New York, Los Angeles, Atlanta, Washington, D.C., and elsewhere have established working groups that


- When soliciting input from community members around issues relating to training or agency policies, police departments may tend to partner with community groups and individuals with whom they have existing relationships. However, when developing and implementing officer training programs, your agency should seek to engage segments of the community that typically have not had strong and trusting relationships with the police in the past.\footnote{Office of Community Oriented Policing Services. (2019). \textit{Law Enforcement Best Practices: Lessons Learned from the Field.}, p. 32. \url{https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf}.} By bringing these perspectives into the conversation, you can show your commitment to procedural justice and to building up relationships of trust.

\textit{What training policies can you adopt to ensure that police officers continuously receive high-quality, relevant in-service training sessions?}

Continuing education or in-service training requirements help ensure that officers can refresh skills learned in the past, develop new skills, and remain abreast of new information on emerging topics and best practices. Police departments should carefully consider how to identify and select staff who should conduct these and other training sessions.\footnote{The Leadership Conference on Civil and Human Rights. (2019). \textit{New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing}, p. 304. \url{https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf}.}

- Your community should consider your current in-service officer training standards and determine whether more rigorous requirements should be established, including requirements around the number of annual in-service training hours officers must receive.\footnote{\textit{Id.} at 301.} The New York State Law
Enforcement Accreditation Program, for example, establishes a standard of at least 21 hours of in-service training per year.\(^{194}\)

- Your community can develop specific goals for police officer in-service training programs and may identify certain topics that are critical to your community and around which all officers must receive recurring in-service training (e.g. implicit bias, de-escalation, and use of force training).

- Education experts advise that adults learn most effectively when they utilize and build on real-world experiences, rather than through the passive consumption of information.\(^{195}\) As a result, law enforcement trainers have been encouraged to adopt models focused on experiential learning.\(^{196}\) Your agency should consider developing realistic, scenario-based training programs that reflect circumstances your officers may encounter in their community. For example, this may involve role-playing scenarios or reviewing body camera footage.

- Consider establishing performance-based criteria for selecting personnel who will conduct agency training programs. For example, you may require that training instructors be veteran officers who have demonstrated mentorship skills and who are up-to-date on their in-service training requirements. Your agency may choose to prevent officers with histories of misconduct from serving as training instructors.\(^{197}\)

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How can leadership training improve community policing and strengthen relationships between your police department and members of the public?

Ongoing leadership training can foster leadership skills, reinforce positive conduct, and strengthen officers’ commitment to community standards and procedural justice. Leadership training can also promote diversity at the executive level of law enforcement agencies.

- Police departments should consider providing ongoing leadership training to all officers throughout their careers. Different standards, programs, and learning goals may be established at each level of leadership within a department.

- Agencies may also consider encouraging officers to engage in cross-discipline leadership training programs. This can help expose officers to new and valuable knowledge and skills that can complement their own.

- You should consider developing leadership training standards in partnership with academics, non-profit groups, and other community members. These standards should be evidence-based and reflect community values.

How can your police department use its training programs to avoid incidents involving unnecessary use of lethal or nonlethal force?

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199 Ibid.


201 Id. at 55.
Police department training programs focused on elements of de-escalation can lead to actual outcomes that achieve police objectives while resolving potentially dangerous scenarios safely and peacefully.202 There is no universal standard model for de-escalation, though the term generally refers to a variety of practices or actions used “during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary.”203 De-escalation training can include instruction focused on decision-making, effective verbal and non-verbal communication and social interaction skills, ethics and professionalization, use of force, defensive tactics, and crisis intervention skills.

- Reports issued by the Leadership Conference on Civil and Human Rights and the U.S. Commission on Civil Rights have noted that police departments often devote substantially more time to firearms and defensive tactics training than they do to trainings around de-escalation and nonlethal use of force.204 Your agency should consider requiring officers to undergo use of force and de-escalation training at regular intervals throughout their career. Experts recommend that such


- Police departments should consider requiring specialized training programs focused on the use of force against vulnerable groups, including children, individuals with disabilities, people experiencing mental health emergencies, people under the influence of substances, and people who are pregnant.\footnote{Fair and Just Prosecution. (2020). *Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System*, p. 11. https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf.}


- Agencies should consider developing a training schedule in which use of force training is conducted immediately following de-escalation training so that de-escalation training concepts can be most effectively incorporated into use of force training.\footnote{The Justice Collaboratory at Yale Law School. (2018). *Principles of Procedurally Just Policing*, p. 43. https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf.}

- Law enforcement agencies should also consider training officers on the effects of violence not only on communities and individual victims but
How can your police department use its training programs to avoid potential bias incidents and build stronger connections with communities of color and vulnerable populations?

Awareness of and appreciation for cultural diversity are integral components of a professional police force. Police forces must understand and appreciate the cultural diversity within the communities they serve. This understanding can help officers to de-escalate specific situations, and also to build ongoing, effective dialogue with community members.

Research suggests that biases, including implicit biases, can affect interactions between communities of color and law enforcement. Implicit bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. Law enforcement agencies across the country have begun to train police officers in implicit bias. Implicit bias


awareness allows officers to recognize their own human biases and how implicit biases can affect their perceptions of others and their behavior. This awareness improves policing and has a positive effect on the relationship between police and the community. Finally, implicit bias awareness training develops skills and tactics to reduce the influence of bias on police practice and allows officers to be safe, effective, and just police professionals.213

- Many entities, including the International Association of Police Chiefs and the National Training Institute on Race and Equality, offer implicit bias and cultural competency trainings designed for police departments.214 You may consider also partnering with advocacy and community groups that can enhance these trainings by sharing the experience of the community.215

- Community-specific implicit bias and cultural competency training programs might focus on groups such as Black communities; Orthodox Jewish, Muslim, Arab, and South Asian communities; individuals with limited English proficiency; LGBTQIA+ individuals; individuals with disabilities; and individuals experiencing homelessness.216

• Community-focused trainings can include instruction about the type of language or behavior that may be viewed as offensive by a given community and direct officers to avoid such conduct.

• Training programs focused on communities that have historically viewed police with distrust may benefit from the inclusion of training materials that provide officers with the appropriate historical perspective and context to understand how past policing practices may have contributed to these negative perceptions.

• You may also consider implementing basic training and in-service training requirements that establish a set period of time that officers must spend interacting with individuals and groups within their communities and engaging in meaningful, non-enforcement related conversations. As explained by Professor Seth Stoughton in the Harvard Law Review, this type of “non-enforcement contact” can build trust, reinforce officers’ commitment to community policing, and build communication skills that will be valuable throughout an officer’s career.217

**How can your training program help officers effectively and safely respond to individuals experiencing mental health crises or struggling with substance abuse?**

Responding to circumstances involving people who are under the influence of a substance and/or are experiencing a mental health crisis can be extremely difficult. Initially, this guidebook suggests that the collaborative consider whether and to what extent the police should respond to such calls. If the collaborative has determined that police should be a part of such response, it must recognize that responding officers need to make a series of difficult

judgments and decisions about how to safely resolve such situations,\textsuperscript{218} which too often turn violent. Indeed, the Treatment Advocacy Center has found that individuals with untreated mental health conditions are significantly more likely than members of the general population to be killed during interactions with police.\textsuperscript{219} Appropriate training programs can help prepare police officers to respond to these types of situations safely, effectively, and humanely. Police responding to situations involving a member of the public experiencing a mental health crisis should consider the following best practices:

- Police departments should consider making Crisis Intervention Team (CIT) training a standard component of their training program.\textsuperscript{220} CIT has been shown to enhance officers’ ability to recognize and respond to mental health emergencies, increase likelihood of jail diversion and treatment for individuals experiencing mental illness, reduce officer injury rates, and reduce police officer use of force in encounters with people experiencing mental health emergencies.\textsuperscript{221}

- Police departments can also ensure that their training programs equip officers to recognize the signs of substance abuse and respond appropriately when interacting with individuals who may be impaired as a result of substance abuse.\textsuperscript{222} This may include training and equipping officers with overdose-reversal drugs like Naloxone.\textsuperscript{223}

• Police departments should consider training dispatchers to recognize these types of crises, ask the rights questions, and dispatch the appropriately trained personnel to respond to the scene.\textsuperscript{224}

• Law enforcement agencies should consider establishing a network of mental health and disability professionals to support and inform the work of officers trained in crisis response.\textsuperscript{225}

\textbf{What practices and procedures can you put in place to measure the quality and efficacy of your police department’s training programs?}

It is important to review periodically your police department’s training programs to determine whether they remain up-to-date and whether they are yielding the desired results.\textsuperscript{226}

• Agencies should consider establishing a periodic review, audit, and assessment of training programs to ensure that they are not teaching outdated practices and/or basing their trainings on outdated understandings of community needs.

• Your community should consider implementing a process through which training outcomes can be measured by assessing post-training officer performance.


• The critical self-analysis approach used by law enforcement agencies to evaluate incidents involving use of force, searches and seizures, crisis response encounters, and other similar circumstances can also be used to inform the agency’s training goals and priorities. For example, agencies that have recently experienced high rates of use-of-force incidents may want to emphasize training courses focused on de-escalation.227

• Agencies should consider adopting a policy requiring the maintenance of complete, accurate, and up-to-date records of training curricula, materials, and attendance. This will help ensure that officers complete their ongoing training requirements, and will provide communities with an added opportunity to hold departments accountable for insufficient or outdated training.

3. Support Officer Wellness and Well-being

Law enforcement is inherently a physically and emotionally dangerous career. Studies show that people working in law enforcement are at an elevated risk of physical and mental health issues when compared to the general population.228

Consider how your police department can include in its plan an effective and proactive approach to preparing officers to handle the stress of the occupation and to ongoing support for and promotion of officer wellness.

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227 Id. at 301.
What steps can you take to promote wellness and well-being within your department?

The members of your department may face different risks and stressors depending on their daily assignments. Well-being, self-care, counseling, and intervention programs are important resources that should be made available to officers starting at the training academy and then continuously thereafter.

In order to understand the issues affecting your officers, seek their input. Surveys, confidential meetings, and assistance programs all provide a means for leadership to understand the concerns of their individual officers.

Law enforcement leadership should consider how officer wellness is incorporated into your department. You should take steps to ensure that support for officer wellness and safety is integrated into all aspects of your department’s work, and commitment to officer wellness and safety should be reflected in your policies, practices, attitudes, and behaviors. Department leadership should endeavor to lead by example, as rank and file personnel are likely to model the behavior and attitudes they see in their leaders.

Your department can engage professional organizations (such as Blue H.E.L.P., Valor for Blue, and Blue Wall Institute), that provide mental health and wellness training to police officers and first responders.\(^{229}\)

Are there ways to address officer wellness and well-being through smarter scheduling?

Your department should consider how to incorporate concern for wellness and wellbeing into everyday operations, including how shifts are arranged.

Research shows that shift lengths frequently are correlated with officer stress levels. As such, managers may consider limiting maximum shift lengths along with overall limits on an officer’s work hours by, for example, limiting back-to-back shifts and overtime that could be staffed by other officers.

Consider staffing patterns and whether tasks can be performed effectively by sworn or civilian staff.

How can you effectively and proactively address the mental health challenges experienced by many police officers throughout their careers?

Rates of death by suicide among law enforcement officers appear to be higher than those within the general U.S. population, and deaths by suicide among officers may have outnumbered those caused by fatal line-of-duty incidents in recent years. Your agency should consider providing training to

recognize early warning signs of mental health problems and/or suicidal behavior. This could include specialized training for supervisors on how effectively to intervene with at-risk personnel.\textsuperscript{233}

Officers often feel more comfortable speaking to fellow officers. As such, your agency should also consider creating internal peer support and mentoring programs that can aid officers in expressing their thoughts and concerns about the job with more seasoned officers that “have been where they are.”

Employee Assistance Programs (EAP) are another tool that can provide law enforcement personnel with confidential support in many areas of their personal and professional lives. For example, the New York State Police manages an EAP that can either provide direct assistance to individual employees at local agencies or assist an agency in establishing its own EAPs.

\textbf{How can you address the well-being of an officer after a traumatic event?}

Traumatic events are unavoidable for members of law enforcement. The aftermath of such events can deeply affect those involved and jeopardize their physical and mental well-being.

Following a crisis event, you should consider making sure the personnel involved have the option to access crisis counseling.

Supervisors and peers should monitor employees involved in potentially traumatic incidents for changes in their demeanor and behavior, prepared with

formal and informal intervention systems to provide meaningful assistance to those officers in need.²³⁴

Part 2: Developing Your Collaborative Plan

There are over 500 law enforcement agencies across the state. The New York State Police Reform and Reinvention Collaborative (the Collaborative) was designed to bring each community together with its local police agency to chart its individual course forward. Your most important task in this Collaborative is to ensure a healthy, productive engagement and fostering a relationship of mutual trust between the police and the community – including all segments of the community. In some localities, that relationship is already strong. In others, it is frayed or broken. Each community will have to approach this task in a way tailored to its unique experiences and needs, and will come to its own shared vision of the role of law enforcement.

The rest of this guidebook includes information and resources on the best ideas available on developing a modern police force, which will inform your community’s discussions and decision making.

While some localities have already started to develop a plan, this Part provides organizing principles that may be helpful in designing your process, along with a suggested 4-phase timeline for bringing stakeholders to the table, facilitating productive conversations, and successfully developing and ratifying a redesigned police force by April 1, 2021, as required by Executive Order No. 203 (reprinted as Appendix A).
Key Organizing Principles

Bring Your Community to the Table

The Governor's Executive Order specifically requires an inclusive, open and transparent process. The Executive Order identifies some of the key stakeholders who must be involved:

- Membership and leadership of the local police force;
- Members of the community, with emphasis on 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.

Beyond this group, you should ensure that participants bring to your process a broad range of the perspectives, experiences, knowledge and values of your community.

Specifically, you should consider engaging:

- 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.
Run an Open and Transparent Process

In addition to incorporating a diverse group of community members, you should keep the public informed throughout the process. The Police Reform and Reinvention Collaborative was designed to enable all members of the community to participate in reimagining the role of law enforcement. Your process will not be successful if it simply restates the current functions, strategies and operations of the police department, without deep and probing consideration of the perspectives of those who seek reform.

The Collaborative emphasizes transparency. All draft plans must be posted for public comment before finalization. Further, the chief executive must certify that the community was engaged in this process and the local legislative body ratified the plan. Transparency is essential to ensure that the plan reflects a shared vision for the future of law enforcement. Transparency entails:

- Making planning and deliberation meetings public.
- Polling and surveying the public for their views on specific issues, if feasible.
- Providing periodic updates as the planning process moves forward.
- Engaging local media.
- Making all research materials public.
- Having a plan to incorporate public comment feedback in the final plan.
**Suggested Workplan**

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<tr>
<td>Planning</td>
<td>Listening &amp; Learning</td>
<td>Draft Initial Proposals</td>
<td>Public Comment</td>
<td>Revise &amp; Ratify</td>
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**Phase 1: Planning (August-September 2020)**

**Create an operations plan:** Create a work plan for your process and identify staff to manage the information gathering and plan development. Many localities have already begun this process. If appropriate, hire any external consultants or facilitators. You can also develop a preliminary list of the critical issues that need to be addressed through the plan development process, based on the material provided in Part 1 of this guidebook.

**Coordinate with neighboring localities:** Consider whether aspects of this process can be done in conjunction with neighboring localities. In some areas a countywide process may be useful during parts of this process, bearing in mind that each locality will need to solicit meaningful input from its own community and develop an individual plan tailored to its own needs.

**Convene key stakeholders:** Identify local leaders who can work closely with you to facilitate conversations with key constituencies in the community.

**Assess where you are now:** Gather information on how your police department currently operates including data, policies, procedures, prior
complaint history, budget, contracts, equipment, etc. Share this information with the public. This self-assessment will help focus the conversation on what you and your community want to change.

**Phase 2: Listening and Learning (September-October 2020)**

**Listening Sessions:** Conduct listening sessions with the public. You may want to organize these sessions thematically or focus on meeting with individual stakeholders separately.

**Engage Experts:** This guidebook provides you with a starting point. Engaging with the experts and resources referenced in this guide may help you consider difficult issues more fully. It may be efficient for neighboring jurisdictions to coordinate in finding research useful for the region.

**Request Comments and Information:** All localities will release their draft plans for public comment before completing this process. However, you may want to collect public feedback early in your plan development, especially from people unable to or uncomfortable with joining public meetings. Consider posting questions or prompts asking for written comments or suggestions.
Phase 3: Draft a Plan (November-December 2020)

Identify areas of focus: After evaluating the current state of your law enforcement agency and getting feedback, identify what issues or areas are in need of change. Breaking down and organizing issues to be addressed allows decisions to be made in a more manageable way.

Identify measurable goals: In the areas identified as needing reform, identify what success will look like in the short- and long-term. Articulating measurable goals will help focus your policy development, allow you and all stakeholders to assess outcomes, and identify needed adjustments in the future.

Draft a reform and reinvention plan: Decide what format your final product will take. You may choose to solicit suggested language from stakeholders to help facilitate drafting and to see different stakeholders’ positions in writing. Consider articulating not just the policy changes but your vision for what these changes will accomplish. Make sure to include how you will measure success.

Keep the public engaged: If the public has the opportunity to share proposals and hear deliberations, the public comment period will be more productive.

Phase 4: Public Comment and Ratification (January-March 2021)

Release your draft plan for public comment: Executive Order No. 203 requires that these plans be posted for public comment. Consider diversifying the ways the public can share feedback, in writing and at events.
**Educate the public:** When releasing your draft, think about how you and other key stakeholders involved in the development can explain the proposals to the public. Consider holding events, engaging the media, or publishing an op-ed in the local newspaper.

**Revise the plan to Incorporate public comment:** Ensure the public comment is addressed in a meaningful way in your final plan. Consider how you will address those comments which are not adopted and those that highlight areas of tension and disagreement among members of the community or between community members and the police.

**Ratify the plan:** After public comment and finalization of a plan, the Executive Order requires that the local legislature adopt or ratify the proposal. Build in sufficient notice and time for this to occur before the April 1, 2021 deadline.

**Certify with New York State:** Submit your certification (included here in Appendix B) that your locality has met the requirements of Executive Order No. 203 to the Division of the Budget by April 1, 2021.

**Going Forward**

After the plan is adopted, there will still be important work to do. You will need to implement the plan and communicate progress reports and metrics to the public. You will need continuously to monitor and respond to community concerns with the police. Public engagement should not end on April 1, 2021. The Collaborative is an important step in your continual process of building,
maintaining and strengthening the relationship between your police department and your community.
Part 3: Appendices

Appendix A: Executive Order No. 203
Appendix B: Plan Certification Form
Appendix C: New York State Police Agencies
APPENDIX A

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

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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.

GIVEN 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
APPENDIX B

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE PLAN CERTIFICATION FORM

Instructions: The Chief Executive of each local government must complete and submit this certification and a copy of their Plan to the Director of the New York State Division of the Budget on or before April 1, 2021 at EO203Certification@budget.ny.gov.

I, ___________________________, as the Chief Executive of ________________________________ (the “Local Government”), hereby certify the following pursuant to Executive Order No. 203 issued by Governor Andrew M. Cuomo on June 12, 2020:

☐ The Local Government has performed a comprehensive review of current police force deployments, strategies, policies, procedures, and practices;

☐ The Local Government has developed a plan, attached hereto, to improve such deployments, strategies, policies, procedures, and practices (the “Plan”);

☐ The Local Government has consulted 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) regarding the Plan;

☐ The Local Government has offered the Plan in draft form for public comment to all citizens in the locality and, prior to adoption of the Plan by the local legislative body, has considered the comments submitted; and

☐ The legislative body of the Local Government has ratified or adopted the Plan by local law or resolution.
## APPENDIX C

### New York State Police Agencies

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