



# Village of Nassau Police Reform Plan

Date of Plan Approval: 3/10/2021

This plan has been developed in accordance with Executive Order 203.

## Promulgation

This plan has been developed in accordance with Governor Andrew Cuomo's Executive Order 203. This plan was developed with the input of the Village of Nassau Police Department, the Village of Nassau Board of Trustees, local faith community leaders, and residents of the Village of Nassau.

No content of this plan is intended to impede, infringe, diminish, or impair the rights of us or our valued employees under any law, rule, regulation, or collectively negotiated agreement, or the rights and benefits which accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining relationship.

This plan has been approved in accordance with requirements applicable to the agency, jurisdiction, authority, or district, as represented by the signature of the authorized individual below.

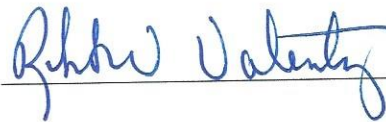
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As the authorized official of the Village of Nassau, I hereby attest that this plan has been developed, approved, and placed in full effect in accordance with Governor Andrew Cuomo's Executive Order 203.

Signed on this day: March 10, 2021

By: Robert W. Valenty

Signature: \_\_\_\_\_



Title: Mayor

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## Village of Nassau Police Reform Plan – March, 2021

### Origins of the Current Reform Efforts

On May 25, 2020, George Floyd, an African American male accused of buying cigarettes with a counterfeit \$20 bill, was killed while in police custody in Minneapolis, MN. The events leading up to his death were caught on video and widely circulated across the country and world. The video depicted Mr. Floyd being detained by several officers with one officer's knee on the back of Mr. Floyd's neck for more than eight minutes while the other officers stood by watching. Mr. Floyd and onlookers at the scene pleaded with the officers that he could not breathe. Even after Mr. Floyd slipped into an unconscious state the officers would not let him up. Mr. Floyd was later pronounced dead at a nearby hospital. Immediate outrage and protests broke out across the nation and world as the video circulated. Locally, protests in Albany, Troy, Rochester, and Buffalo went on for many days and weeks following Mr. Floyd's killing.

In the wake of resulting unrest in New York and across the nation, on June 12, 2020, Governor Andrew Cuomo signed Executive Order 203 requiring all local police agencies in New York to develop a policing reform plan in their communities by April 1, 2021. See Appendix A for a copy of the Executive Order. The most important requirements of the Governor's order are that the process by which an agency's plan is developed must be open, transparent, collaborative, and tailored to community needs.

In addition to the Executive Order, police and criminal justice reform measures have been implemented in New York over the past two years, including repealing Section 50a of Civil Rights Law which limited access to police officer, corrections officer, firefighter, and paramedic disciplinary and misconduct records; banning the use of chokeholds by law enforcement officers and making their use a criminal offense in cases of serious physical harm or death; making frivolous race-based 911 calls a civil rights violation; appointing the state's Attorney General as an independent prosecutor in cases of police-involved deaths; as well as initiating a number of bail, discovery, and speedy trial reforms.

### Background on the Nassau Police Department

#### *Introduction*

The Nassau Police Department is located at 40 Malden Street in the Village Municipal Building. It was established to provide for the safety and welfare of the residents of Nassau. The Department handles local concerns and enforces all local, state, and federal laws.

#### *Current Conditions*

The Village of Nassau covers 0.7 square miles. As of the 2010 census, there were 1,133 residents, though the number has certainly changed since then. According to the 2010 census data, the population is comprised of 95.6% White, 1.0% Black, 0.02% Asian and the remainder being a mixed or other race. The Village is mostly comprised of residential property though there is a notable commercial presence across two major corridors, Rt.20 and Rt. 203. Each day, upwards of 10,000 or more people visit or travel through the Village on these two routes.

Municipal policing in the Village began in 1956. The Department started with one police officer and was open for a limited number of hours during the day. Over last 65 years, the mission of the Department has changed very little but the methods of achieving that mission are constantly evolving as society does. Currently, the Department consists of nine part-time officers, including the Chief of Police who is the administrative head of the Department and supervisor of the officers, as well as patrol officer. All of the officers have successfully graduated from a New York certified police academy as required by the New York State Department of Criminal Justice, are firearms qualified annually, and trained in Taser use. The Department has two patrol vehicles. Both vehicles, a 2016 and 2020 Ford Police Interceptor Utility were purchased under 4-year municipal lease-purchase agreements in 2015 (paid off in 2018) and 2020 (to be paid off in 2023). The Department also has a K-9 unit program. As of December 2020, the K-9 program is without a K-9 officer after the unexpected off-duty passing of K-9 Jaxx due to a cerebrovascular event.

The Department provides 72 hours of patrol per week, eight hours each day with an additional eight hours on Friday and Saturday. Most of those hours are allocated to evening patrol shifts. Recently, the Department budget has allowed for additional patrol hours focused on morning patrols in response to residents' complaints and concerns about daytime safety. The Department places a high priority on several issues affecting the Village – enforcement of vehicle and traffic laws, enforcement of drug laws, domestic incident and dispute response, local property security and protection, as well as mutual aid to area first response agencies (fire, ambulance, and other local police agencies). As a part-time Police Department, when Village officers are not on duty, the State Police and County Sheriff's Deputies cover calls for service.

Over the last five years (2016-2020), the Department has responded to an average of 347 calls for service, issued an average of 779 traffic tickets and made an average of 39 arrests each year. Calls for service range from civil matters and criminal complaints to hazardous situations where life and property are threatened. On at least an annual basis, statistical analysis is completed regarding crime trends, staffing needs and community needs. Similarly, policies and procedures are constantly evaluated for necessary updates and annually reviewed for validation.

According to a five-year statistical research (2016-2020) from the Police Department records management system, the most prevalent crimes to be reported and investigated any year are Offenses Against Public Order (i.e., Disorderly Conduct and Harassment). The number of violent crimes and incidents each year is very small and are mostly committed during domestic incidents. While there are hundreds of reported incidents each year, traffic functions, comprise far more of the total call volume in any given year.

Most other calls officers respond to are fire calls, EMS calls, civil matters and mental health calls. Officers respond to fire and EMS calls since they are often the first to arrive at the emergency and can assist citizens in need right away. Similarly, most civil matters involve complainants who do not know who else to talk to. Our officers are able to provide insight and, often, mediate the situation without it needing to enter the court system or devolving into a criminal issue. When that is not possible, complainants are informed of available resources and their options.

In addition to the services noted above, the Department also provides instruction to residents on home security and property checks for vacationing/out-of-town homeowners. Moreover, the Department is also charged with acquainting local young people with the friendly role of a community police officer. Bicycle rodeos, school class tours of the police station, and K-9 skill demonstrations have helped to meet this objective.

Residents can contact the Police Department by calling 911 or 766-3388. County dispatchers then dispatch the Department, which has an inter-municipal agreement with four police agencies—Schodack, East Greenbush, North Greenbush, and Rensselaer—to share resources in the following areas: community emergency response team (special weapons and tactics), hostage negotiations, crime scene investigation, accident investigation, training and communications. The Department also supports other emergency agencies, including local fire and ambulance agencies, providing scene clearing and security services. Annually, the Department receives grants from both Rensselaer County and New York State for traffic safety and driving while intoxicated (DWI) crackdowns. The Department maintains a website (<https://www.nassaupd.com/>), a police blotter (<https://www.nassaupd.com/blotter>), a Facebook page ([www.facebook.com/nassaupd](http://www.facebook.com/nassaupd)), and a Twitter feed (@NassauPD). All crime data are uploaded daily to an online database and can be viewed here: <https://communitycrimemap.com/?address=Nassau,NY>.

The current operating budget of the Police Department is \$141,828. In the past, the Department's budget has been as much as \$161,000. In 2012, the Village Board of Trustees voted to reduce the Department budget drastically in response to a public opinion survey about the Department conducted earlier that year. As a percentage of the entire Village General Fund budget, the Department currently accounts for 18.2% of the expenditures. This figure is down from earlier years in the decade. The budget includes funds for personnel, equipment and contractual expenditures, as well as an annual deposit of funds into a bond account for vehicle replacement. Depending on the availability of funds, this recurring deposit amounts to \$3,500 to \$4,000 per year. In the past, grant monies were available for police vehicles, and the Department took advantage of those opportunities. The current vehicle replacement cycle is about eight years.

Through its enforcement activities (fines, forfeited bail) the Department generates some revenue. Historically, the Village has been able to retain between 40% and 60% of the revenue collected. The remainder is passed through to the State of New York. For many of its equipment purchases, from vehicles to computer systems to communications systems, the Department has historically relied on grant funds. Below is a table listing the equipment grants to the Police Department over the past decade.

Table 1. Equipment Grants Obtained by Nassau Police Department, 2010-2020

Equipment	Source	Year	Amount
Body Armor	Bureau of Justice Assistance (federal)	2020	\$1,250
Body Armor	Bureau of Justice Assistance (federal)	2019	\$1,965
Ballistic equipment	Rensselaer County	2017	\$4,400
Mobile radio equipment	Rensselaer County	2014	\$80,000
In-car digital video camera	Rensselaer County DA	2012	\$2,500
2011 Crown Victoria patrol vehicle	Byrne JAG (federal)	2011	\$32,635
License plate reader	Byrne JAG (federal)	2010	\$16,950
Alco-sensor FST pre-screening device	Rensselaer County	2010	\$680

*Need for Department*

The Village is bisected by NY highway Route 20. This road is the major non-Interstate route between Pittsfield, MA, and the Capital District. Route 20 also connects with the truck route connecting Northern NY with the Capital District (Route 22). As such, it is a heavily traveled route. As of the last NYSDOT traffic study of Route 20, nearly 9,075 vehicles travel on Route 20 through the Village each day. In addition, another 1,502 vehicles travel on Route 203 within the Village. The speed limit on Route 20 in the Village is 35 mph, while outside the Village limits, the speed limit increases to 55 mph heading east and 45 mph heading west. Vehicles routinely fail to adjust their speed when driving into the Village. In September, 2014, the Village installed speed indicator signs on the east and west ends of Route 20 in the Village. Data from these signs indicate that approximately 40% of vehicles are traveling above the speed limit when they pass the signs.

There is a drug epidemic in upstate NY affecting many areas, including the Village and other parts of southern Rensselaer County. Heroin, prescription opiates and other painkillers, a wide array of hallucinogenics, rock cocaine, as well as marijuana are among the drugs with high-use rates in the region. Drug overdoses, especially with the precipitous decline in the price of heroin, have escalated among teens in recent years. Within the past several years, several fatal drug overdoses have occurred in the Village. Drug incidents are on a major uptick in the region. Data on drug-related arrests in the Village demonstrate the trend. Along with being a major

thoroughfare between Pittsfield, MA, and other parts of Western MA, the Route 20 corridor is also a major drug transport route both from New York City north to the Village and from Pittsfield, MA, west to the Village.

### *Public Opinion*

In 2012, the Village Board appointed an ad-hoc committee to survey the residents of the Village about the performance of the Police Department and its budget. One hundred fifty completed surveys were received. Overall, the Department was rated above average by those who chose to provide a rating. The only function where the Department was rated below average was in community outreach and education. It should be noted, however, that for all evaluations, a sizable portion (in some cases more than half of the respondents) gave the response of "Don't Know." About 45% of respondents reported being somewhat or very satisfied with the performance of the Department compared with 36% who reported being somewhat or very dissatisfied. About 40% of the respondents reported that they would prefer outside police agencies exclusively to provide police services in the Village. Sixty percent reported that they would prefer the Village Police Department to provide these services. About half of the respondents reported that too many hours were devoted to patrols in the Village. Further, a sizable portion reported that the budget of the Department be reduced.

In response to this information and a lively Village Budget Hearing in the spring of 2012, the Village Board of Trustees reduced the Department's personnel budget by \$30,000 and patrol hours to the current weekly number (72 hours). It should be noted that this decision was not universally popular. Many expressed the opinion that the budget had been reduced too much.

In the Master Plan survey conducted in 2014 to support the Village's comprehensive planning effort, similar opinions were reported. To the question of whether the Village needs its own Police Department, 42% reported that they agreed there was a need for a Department, while 43% reported that they did not agree there was a need and 15% reported no opinion. Further, 61% reported agreement that police services were adequate in the Village, while 19% reported that they did not agree that police services were adequate, and 20% reported no opinion.

### *Current Reform Efforts*

This section of the reform plan lays out the contributions of two important stakeholders to the reform effort: 1) the Village Police Department; and, 2) the Community Police Reform Committee. The information reviewed and conclusions drawn from their work resulted in the goals and recommendations that make up the reform plan.

### *Village Police Department Review and Findings*

In June, 2020, in the aftermath of the killing of George Floyd, the Chief of Police, Daniel Colonna; the Police Commissioner, Village Trustee Gaetano Forte; and, Village Mayor, Robert Valenty, met to begin a discussion of what the event meant for the Village Police Department and policing in the Village. Soon after their discussion began, Governor Cuomo issued



Executive Order 203 (described above) which formalized the process these individuals had already begun. In the subsequent pages, the findings of their review are described.

### Review of Staffing, Budgeting and Equipping Police

As previously discussed, the Department has nine part-time officers (including a K-9 and Chief of Police). The staffing level is largely dictated by the minimum needed to ensure that there is one police officer working every day with two officers on the weekend (Friday and Saturday) for an eight-hour tour of duty. As a part-time Police Department, when officers are not on duty, the State Police and County Sheriff's Deputies cover calls for service.

In order to provide a high level of service, the Department has a written agreement partnering with other local municipal police agencies for the purposes of mutual aid. This allows for each agency to respond to calls in another jurisdiction if call volume becomes too great at any one time for that agency to handle. This ensures an expedited police response to all area emergencies. Aside from those resources, the Department does not have ready access to other services, such as social workers, addiction counselors, mental health specialists, and other like resources.

As noted previously, the Department is outfitted with two sport utility vehicles for patrol. The Department does not subscribe to the Federal 1099 program to acquire surplus military equipment as there are too few applications for such equipment in the local environment. While there has been an industry-wide trend towards more tactical equipment, the Department has not changed much. Tasers were introduced in 2014 and patrol rifles replaced the use of shotguns in 2018. All other equipment types (e.g., pepper spray, batons, sidearms) have been in use for decades. At this time, the equipment being used is adequate for the situations and applications the officers typically encounter.

Due to the Department's small size and hours of operation, it has not assisted other jurisdictions in crowd control. There has not yet been a need for such an operation in the Village. While it is believed that the community supports the First Amendment right to protest, such activity needs to be carefully monitored for an escalation to violence. If such an event began to escalate, residents have expressed their desire for it to be swiftly stopped to minimize personal injury and property damage.

### Employing Smart and Effective Policing Standards and Strategies

#### 1. Procedural Justice and Restorative Justice

Procedural Justice and Restorative Justice are aspirations of the Department. While there are existing examples of each of these currently being used, there are other opportunities that have not historically been taken.

The goal of Procedural Justice is the public's perception that the police officers handle a situation as fairly as possible. This is achieved through four objectives: 1) police officers must treat members of the community with respect; 2) they must listen to the concerns of all parties

involved in an encounter; 3) they must be neutral in their decision making; and, 4) they must convey trustworthy motives. While these tenets may be followed by an officer, the individual(s) they are interacting with may not perceive it that way and the goal is not reached.

De-escalation training focuses on how an officer's actions and words may be perceived, regardless of their actual intent or feelings. Officers have been provided with that training in de-escalation, and it is hoped that they learned how to modify their behavior so the person they are dealing with, be it a complainant or suspect, will leave the interaction with a sense that the officer acted fairly. This will be monitored and followed up on with both maintenance training and training on how to improve even more.

Restorative Justice focuses on how the legal system reacts in a criminal investigation. The goal is to reconcile, restore, and repair the harm caused by a criminal incident. Police and courts have a variety of options available to achieve this.

Restorative Justice can be accomplished through the use of a social worker. Police officers, by necessity, have had to employ Restorative Justice for their entire careers. It is clearly understood that an arrest could not only make no difference in the overall conflict but could actually make it worse. This could be due to it being a protracted conflict, the offender being young, or the circumstances of the crime warranting some empathy for the offender. Officers must ask themselves and the victim if the arrest would bring about the desired final outcome in a situation. Many times, the answer is no and the officer must offer remediation since there are no other available resources to handle this. A social worker could be employed to help resolve a situation with or without the police being present.

Diversion programs are another option for Restorative Justice that the police can offer. These programs have existed for a number of years and have many success stories. Rensselaer County has a drug diversion court specifically for offenders facing non-violent charges. These defendants have an opportunity to have the charges severely reduced or dismissed outright if they make positive and tangible steps towards treatment and recovery. For these cases, police officers attempt to determine, either during the investigation or at the time of arrest, whether drug addiction was a factor in the commission of the crime. If it can be determined as such, the officer will advise the arraigning judge of that so consideration can be made in referring the case to the Rensselaer County drug diversion court. Only the judge has the discretion to make that referral, but officers can facilitate the process by providing the judge with information and their observations of the defendant's situation to help the judge determine whether a candidate is appropriate for this program.

## 2. Community Policing

Sir Robert Peel instituted idea of community policing when establishing the first municipal police force in 1829. The overriding theme of his ideal for policing was that police officers are, first and foremost, members of the community, and that the duty of maintaining order is shared by the police and public, alike.

It is often said that the biggest impediment to community policing was the invention of the motor vehicle. When police went from foot patrols to motor patrols, they were suddenly removed from the public they work for. The geography of the Village of Nassau makes motor patrols essential given the jurisdiction and a single officer working at any given time. Still, there are opportunities to interact with the public, and the officers of this agency take those opportunities. Officers have begun routine foot patrols along Rt. 20 (Albany Avenue and Church Street), which is the main business district and is heavily traveled by residents. The Village is also home to four churches and one synagogue as well as the Nassau Free Library and the Nassau Town Hall. Officers have been encouraged to stop and talk to residents and visitors as a positive interaction rather than only making contact when a complaint is received.

In 2020, the Albany-Hudson Electric Trail opened for walkers and cyclists in the Village of Nassau (and beyond). This trail has drawn many village residents and visitors from outside our community to use and enjoy the amenities. Village police officers have seized the opportunity for community policing and have begun walking on and around the trail in an effort to positively interact with our community. There is ongoing consideration of establishing a police bicycle patrol to further increase our service to the community utilizing the trail while enhancing our community policing.

Considering that it is a part-time Police Department and officers on patrol split their time between responding to active calls, investigating criminal complaints, walking on foot and patrolling through neighborhoods, there is little time left for other avenues of community outreach while on duty. To help overcome that, the Department encourages participation in as many community events as possible. Typically, officers are in attendance at parades, block party events, youth and beautification committee events, and others. Attendance at these events allows officers to talk with youths about various safety topics and with older residents about their concerns. This has proven to be very effective in keeping an open dialog with the members of our community.

### 3. Youth and Schools

The Village has one elementary school, Donald P. Sutherland Elementary School. The Department does not have a school resource officer, so community relations in the school must be done through alternative options. The Department coordinates with the teachers of the school and participates in an annual field trip where students (usually 5th graders) come and visit the Police Department. During these visits, officers talk to the students about safety, hand out children's educational coloring books, child identification fingerprint kits, give a K-9 demonstration, and answer any questions the children may have. The Department also participates in lockdown and other sorts of drills at the school. These initiatives and interactions have been very successful in building relationships with area youth.

### 4. Threats to the Community

For a number of years, and especially after the mass shooting in October, 2018, at the Tree of Life Synagogue in Pittsburgh, PA, residents and organizations have been aware of threats to the community. In the wake of the referenced synagogue shooting, several houses of worship

reached out to Village officials and the Police Department for assistance in securing their congregations and celebrations. To accommodate these requests, the Department has scheduled daytime patrols on both Saturdays and Sundays, makes a point of being visible in the vicinity of weekly services, and makes periodic contacts in order to gather information on continuing threats to these valued community members. In light of the current volatile environment due to increased political extremism and violence, domestic terrorism, and the devastating economic, social, and health effects of the COVID-19 pandemic, sadly, threat to the social order like these will continue into the foreseeable future. A recent bulletin from the federal National Terrorism Advisory System warns of increased risk of violence against government officials and facilities, critical infrastructure (electric, telecommunications, and healthcare), and the general population.

## 5. Policing Strategies

Public trust is a bank account in which the police must keep a positive balance. Every bad interaction is a withdrawal and every positive interaction is a deposit. While officers make deposits through the initiatives listed above, the agency must be cautious of which withdrawals are worth making. Strategies like “stop and frisk” and “pre-text stops” have had some successes but should be used carefully and rarely, given how few successes there are. The Chief of Police is watchful for these encounters and will address officers who appear to use these strategies and cease such activity. Similarly, the Chief of Police is watchful for any activity of officers that could be based on racial or ethnic profiling. Available demographics on arrests and traffic tickets issued are monitored for any unusual patterns. If unusual patterns are found, an internal affairs investigation would be commenced with the officer. If it was determined that there was something intentional or unintentional happening, the issue would be addressed accordingly.

The Department does not offer rewards for the issuance of tickets nor does it demand that officers meet any quotas or minimums. The purpose of traffic enforcement is to educate and promote safety. Sometimes the officer feels the education occurred through the conversation and advisement. Other times the officer feels a traffic ticket is necessary to modify the driver’s behavior. Typically, this is based on the violation being obviously intentional or a driver indicating that he/she will continue committing the violation. This decision on advisement versus issuance of a ticket is left solely to the discretion of the officer on the scene.

## 6. Racial Disparities / Building Trust

Various policing strategies can reduce racial disparities and build trust between the Police Department and the community.

Due to the size of our Department and the minimal amount and types of crime that we experience, some of the more common strategies used in other communities (e.g., violence interruption, hot-spot policing, etc.) are not viable options. The Department has had success in utilizing the summons process rather than a warrantless arrest and most diversion programs are a process of the court to which our Department has been a partner. De-escalation strategies are an integral part of policing and while there have been many successful utilizations of de-escalation

techniques by officers in our Department, there is always more training and guidance which the Department will continue to seek.

One of the goals of this plan is to enhance our ability for community engagement and to utilize the citizen police reform committee as a platform to create a civilian/police stakeholders committee. This committee would meet on a regular basis and continue the open dialogue process, to include inclusiveness and concerns about racial disparities.

## 7. Community Engagement

As noted above, one of the more important endeavors for a Police Department is community engagement. An open line of communication and being a part of the community is crucial in building the trust between the citizens and the Police Department. While community policing focuses on the police interacting with citizens, community engagement focuses on citizens interacting with the police. This reinforces the connection with the Police Department. Both (community policing and community engagement) have a shared goal but offer different objectives toward reaching that goal.

An example of this would be to implement a Neighborhood Watch program which would not only provide more vigilance in the community but would allow community members to have some control over how the police handle issues in their neighborhoods. Though a formal neighborhood watch may not be present, certain residents often reach out to the Chief (or officers) to discuss issues they see. The Department always makes time to meet with these individuals to hear their concerns, provide advice on the legal options, and discuss possible remedies.

The Village has no neighborhoods that are considered high crime areas. Moreover, there are currently no civic organizations established for or focusing on community safety that would benefit from regular meetings with the Department though it is always willing to do that. While there is currently no watch program in the Village, the Department will reach out to community stakeholders to determine if there is interest in forming a neighborhood watch program.

The Village of Nassau and the Village Police Department have separate social media accounts where members of the public routinely post comments or questions regarding issues that pertain to law enforcement. Often the Village Clerk will contact the Department with concerns viewed on its account, and the Department monitors their account and responds to anything that can be answered. Historically, the community has expressed concern over speeding vehicles in certain areas and vehicle break-ins. While in-person meetings are always preferred over social media, the Department has found social media to be an effective method of communication. The community seems to find it helpful as it allows all residents to have a voice with little time commitment to fit into their busy schedules.

## 8. Mental health calls

In addition, the Department handles calls for service that would be most appropriate for social workers or other types of behavioral health professionals and counselors to handle. During some

civil matters and mental health calls however, the presence of a police officer is still not entirely eliminated. Despite what the circumstance is at the time of the situation being reported, these can be very volatile and there is always a risk of violence. However, having the availability of these additional resources could allow the officers to respond to the scene, ensure that the situation is safe and turn the incident over to the social workers once they have established a rapport and feel safe with the individual. This would allow police officers to return to their other functions. It is understood that the police presence could be interpreted by the individual as being negative, but that can be overcome by how the officers communicate with the individual. Ideally, the social workers would be trained to a higher degree on the matter at hand than the police officers could be so the citizen would get more focused care.

The Commissioner of the Rensselaer County Office of Mental Health (RCOMH) was consulted as a stakeholder in the drafting of this plan. The Commissioner provided an inventory of the resources offered including, but not limited to, Substance Addiction Peer Recovery support and a social worker to assist and monitor homeless and mental health patients. By increasing the utilization of these resources, the Department will be able to forge a stronger partnership which will enable it to provide not only the best service and care to residents during active calls but also ensure proper follow up is done to avoid future needs. Additionally, RCOMH can assist in coordinating training opportunities for officers to learn how they can communicate more effectively with persons in crisis which would help overcome the negative perception that individuals would have from the police presence.

Since 2016, the Police Department assisted EMS personnel on at least one intentional suicide and two overdose calls resulting in death from heroin. Current documentation practices make it difficult to determine if either overdose was intentional versus accidental, though it is usually not certain even at the time of reporting. While these numbers are significantly lower than most municipalities in Rensselaer County, they clearly indicate that there is a need for a specific response to suicidal persons and addiction. RCOMH has services that should be used more for reaching this population.

In that same time period, the Department made nine involuntary mental health transports to the hospital. While an exact number is difficult to discern, it appears that the number of police calls that ended with a voluntary transport were similar in numbers to the involuntary transports. If a person in crisis is a clear threat to themselves or others and refuses to seek treatment voluntarily, the officers must effect the arrest and transport the subject themselves, since there are no other entities with the ability to make an involuntary arrest. If a person is deemed not to be a threat to herself or himself, he/she cannot be taken involuntarily, and an alternative must be sought.

In order to streamline the process for officers to notify RCOMH of the specific need in a situation, the Department is teaming up with RCOMH and surrounding police agencies to create the Law Enforcement Mental Health Referral System (LEMHRS). This was modeled after the program created by Essex County and still involves a police response, but incorporates a streamlined process for mental health personnel to respond to a situation. Often, officers will make an involuntary arrest or even a criminal arrest in order to secure needed services for a person in crisis. Understanding that response could be detrimental to the patient, this program gives officers another alternative and reduces the criminalization of this vulnerable population.

This response is not likely to reduce overall violence in the community given the relatively low incidences of violence, but would serve to more effectively assist those in need of more targeted services. It is vitally important, however, to have the officers trained in how to communicate effectively with persons in crisis. Currently, this training is lacking among some officers in the Department.

### Fostering Community-Oriented Leadership, Culture, and Accountability

#### 1. Leadership and Culture

The role of the Chief of Police is not to figure out what direction the officers would like the Department to go. The Chief needs to determine what direction the community needs the Police Department to go and then inspire members of the Department to move in that direction.

Through the years, and under several leaders, the Department has worked to forge relationships with the public and to maintain them. While there are several methods employed for this, it has mainly been achieved through fair treatment and open communication. The culture within a Department has a dramatic impact on how the Department is perceived by the people it serves. This fact has guided leadership over several decades and has been leveraged to foster a culture where all individuals are treated equally. Residents and visitors come from a wide range of socio-economic statuses, races, ethnicities, genders and religions. All are regarded with the same level of respect they deserve because administrators and supervisors have cultivated that in their subordinates. Those subordinates have, at times, risen through the ranks to teach the same to their own subordinates. As that happened, it became an institutional culture whereby any members appearing to favor one group over another, even inadvertently, would suffer the condemnation of their peers as well as administrators.

Instituting our culture starts in the hiring process. We seek officers that are service-minded and understand the way we operate. Candidates are evaluated for their acceptance of this culture and are not considered for hiring if it appears they would have difficulty adapting. This is easiest when speaking with lateral transfer candidates as they have already been police officers and should be able to demonstrate their agreement through past experiences. New hires are able to lean on any background in past employment in a service industry, such as sales, to support their understanding of customer service. We have found that this helps officers in establishing a rapport with members of the community.

The public support the agency enjoys has taken decades to build but will only take a moment to ruin. Being keenly aware of that fact keeps the officers striving each day to bring the best service possible.

#### 2. Identifying Misconduct and Tracking and Reviewing Use of Force

##### *a. Identifying Misconduct*

Given the nature of this industry, there is no shortage of opportunities for something to go differently than wished or anticipated. Accountability in this Department is as important as in any other. To help maintain that, all police vehicles are equipped with dashboard cameras since 2007. Though there have been several generations of cameras being used through the years, all have used external microphones to capture what is said by both the officer and any individual(s) he/she is interacting with. Most interactions with the public take place in front of or near the front of a patrol car so these are very helpful in getting a good perspective on what took place.

The cameras currently being used boast a higher resolution and better microphones than any previous ones. The dashboard camera system automatically begins saving a recording to a storage server if an officer activates his/her emergency lights or siren, exceeds 75 MPH, or the vehicle detects a crash. The officer also has the capability of activating the save feature either from the base unit or remotely from their wireless microphone. The Chief of Police routinely reviews saved videos to confirm that officers are not only employing safe and legal techniques but also complying with Department policy and taking all efforts to engage positively with the public. Officers and the Chief of Police have no way of deleting any videos that are created which increases the accountability the camera system affords.

The topic of body-worn cameras (BWCs) has frequently come up over the past several years. The cost was the biggest reason not to acquire them, but it is equally important to factor in whether there is a need. Since most interactions with officers occur in front of a patrol vehicle, the dashboard cameras capture a great deal of them. For anything happening away from the patrol vehicle, audio is still obtained through a wireless microphone attached to the officer. The in-car cameras have been extremely useful for us in not only gathering evidence but maintaining accountability of our officers. While the current assessment concludes that the use of BWCs does not sufficiently increase the Department's ability to maintain accountability to justify the cost, the Department is committed to re-assessing that determination periodically, as costs decrease.

#### *b. Use of Force*

The greatest risk of harm, liability and bad relations with the public for any police agency is the use of force. Policy, training, and culture must agree and force should be reserved only for instances where it is absolutely necessary. To that end our policies have been developed, reviewed often, and updated when necessary. Following the passage of the "Say Their Name" legislative package in the Summer of 2020, the policy was updated to reflect the new applicable laws though many of the items were already part of the Department's policy. Firearms and Defensive Tactics training have conformed to the policy and have included elements of policy training to ensure that.

Officers are trained annually on the use of Tasers and pepper spray. Taser training includes safe handling, justification for deployment, and safety considerations during a deployment. The risk of a subject being injured, either by the Taser itself or the subsequent fall, is fully covered. Pepper spray training is less intensive but urges careful consideration prior to deployment due to the inherent risks. Above all, an emphasis is placed on de-escalating a situation without needing to use these tools.



Over the last five years, the Department has had two incidents where force was used on a subject. Pepper spray was not used on any individual, and the Taser was used in both incidents. All other subjects were restrained through the use of hands only. In that time, no subjects sustained injury, and no officers were injured. In February of 2019, months before Executive Law required it, Department policy was expanded to require the reporting of any incidents where a firearm or Taser was displayed, even if no other force was used.

Each time a use of force is reported, the incident undergoes a review by the Chief of Police. Through this process, it is hoped that a determination could be made of whether force was necessary, only the necessary force was used pursuant to policy and training, and if there was anything the officer could have done differently to avoid the use of force. The Chief of Police can also identify red flags, such as one officer having an inordinately high number of force incidents, which can be used to investigate further to determine if corrective action is needed.

Executive Law §837-t has required police departments to report certain uses of force since July 11, 2019, which the Commissioner of New York State Department of Criminal Justice Services uses to publish an annual report. The Department has been compliant with that requirement, however, since then the Department has had zero uses of force. The Department will report use of force findings and determinations to the Community Police Engagement Committee at their regular meetings with the Chief of Police and Police Commissioner.

### *c. Use of Force Policy*

The most important component of any Police Department regulating the use of force is policy. Policy must dictate the expectations of officer behavior and prohibit certain actions which have been found to be ineffective, illegal, or dangerous.

Chokeholds have not been taught at the Department annual training in many years. They are not explicitly authorized and recently were included in the Departmental Use of Force Policy as being restricted only as an option when deadly force is justified. Further, officers are trained on how to avoid positional asphyxia and signs of excited delirium, two of the leading causes of death while in police custody.

For decades, the Departmental policy has included a provision for shooting at or from motor vehicles. Considering how rarely this is actually effective, officers should only be discharging their firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Shooting at a vehicle in an attempt to disable it is strictly banned.

Vehicle pursuits are regulated by Department policy. While not explicitly banned, officers are trained on the inherent risks and are urged to discontinue any pursuit at their own judgement based on the facts present in the situation. If working at the time, The Chief of Police can order a pursuit to be terminated if the pursuing officer cannot justify continuing it. Obviously, pursuits of vehicles for more serious offenses are given more latitude, but not without careful

consideration of the risks and constant communication from the pursuing officer regarding the conditions present at that time.

### 3. Internal Accountability for Misconduct

Most complaints about officers received by the Department are not related to use of force but rather the citizen's perception of the officer's attitude or behavior. Often, these instances are found to be misunderstandings, but there are instances of officers either letting emotions take control of their judgement or saying something that may not have violated rules but was inappropriate nonetheless. In any event, it is a failure on the officer's part to effectively communicate with someone he/she serves.

There are several ways for a citizen to initiate the complaint process with the Department: a phone call; an email through the Department's website; or, a station visit are common. Understanding that it is a part-time Police Department, members of the community use each of these methods routinely to contact the Department for a variety of non-emergency reasons. Phone messages and emails are checked routinely and once reviewed will generate a timely response which builds the trust that all complaints are heard, investigated, and resolved.

When there is a question over an officer's conduct or attitude, citizens are directed to the Chief of Police. Through active listening and acceptance of criticism, our agency has been able to handle all complaints over the last five years without the situation being elevated beyond the initial conversation. Citizens are advised of the formal complaint process and are invited to document their complaint using standardized paperwork. Since all complaints have been categorized as the least serious variety, the conversation satisfies the complainant. By contrast, over the course of those same five years, the number of verbal complaints was far outweighed by the number of instances of positive feedback.

Being a small Police department is a major benefit when it comes to management and dealing with complaints. Unlike larger departments, the Chief of Police is typically the point of contact for grievances. This affords the Chief the opportunity to keep abreast of what the officers on patrol are doing in their interactions.

Using the Chief as a repository for that knowledge assures that officers with multiple complaints will be dealt with accordingly. For that same reason, the Chief is easily able to enact change in the organization and instill the Department's values in the officers.

The Department's size also enables the Chief to be aware of and review sentinel events. Counseling may be an outcome if policy was violated but informal training may be used as a method of correction if there was no such violation. In most instances, the issue at hand is not one of malice; rather, it is typically a misunderstanding of Department policy or practices. The goal is to correct an officer's behavior and that can be best accomplished through training for minor, first-time incidents. If there are similar incidents following that, the Chief would be aware of it and would elevate the Department's response to the conduct.

After a final determination is made on a complaint, an analysis is conducted on whether departmental policy needs to be updated. Though the officer may not have violated policy in the situation, it may have highlighted a gap in the policy that could be addressed with an update. The complainant is advised of the outcome to the extent possible, considering privacy protections on workplace discipline. Their input is taken into serious consideration when determining what course of disciplinary action will be taken if any. This can be a simple counseling session with the officer, formal counseling, and/or training being assigned, formal discipline or termination. The frequency of the officer's improper actions and severity of the violations are major factors in this decision.

Officer conduct is not only being scrutinized by members of the public and the Chief of Police, fellow officers hold high standards and expect their colleagues to do the same. When an officer perceives that another officer has acted inappropriately, departmental policy dictates that they use the chain of command to report the incident. This duty to report has been in the policy for a number of years and allows the Chief to address the conduct immediately if it is a minor violation. For more serious violations, the Chief will conduct a proper investigation.

It is understood that an officer's actions off-duty could be just as detrimental to the organization as when they are on-duty, especially if it negatively affects the public and their profession is known. While an individual's actions cannot be controlled when they are not working, the Department culture strongly encourages all employees to act in an exemplary manner when not in uniform. This includes their use of social media.

#### 4. External Accountability

A separate oversight board or referral to an outside entity is necessary when the Chief of Police is not adequately resolving complaints with an unbiased perspective. The Chief can maintain that perspective when the true goal is to serve the public and satisfy the residents. The promotional process through which the Chief is chosen includes an emphasis on determining the candidate understands and commits to this goal. This results in having a Chief of Police who is able to provide the oversight of the officers that the public wants and needs. Problematic officers erode the public trust and harm the relationship the Department has with the community. If an officer's actions are found to warrant disciplinary action, the disciplinary procedure is laid out in the union contract between the Village and Local 9210 of the New York State Law Enforcement Officers Union. Any disciplinary action regarding alleged misconduct needs to follow established procedure to have the desired and most effective impact. The current assessment is that an external oversight board is not necessary. However, should the assessment change, the Village government will consider creating such a body.

The other form of external accountability is in the position of Police Commissioner. This position is held by an elected official, a Village Trustee, appointed by the Mayor on an annual basis. The Police Commissioner works closely with the Chief of Police to keep the Board of Trustees, a legislative body, and the Mayor, the Village's chief executive, updated on issues affecting the Department and its activities.

#### 5. Data, Technology, and Transparency

Data drives law enforcement responses and future planning. The Department relies on computer programs to compile data based on the criteria needed at the time. All calls for service are entered into a Rensselaer County controlled and maintained Computer Aided Dispatch (CAD) program, and all reports are done in the Department's Spectrum Justice Services (SJS) system, a records management program. Both store data in electronic databases. Traffic tickets and motor vehicle accident reports are completed using NYS's Traffic and Criminal Software (TraCS) and also provide comprehensive retrievable data.

The Department uses all available data to focus policing strategies. Crime trends, locations of crimes or traffic collisions, times of day, etc., are used to identify recurring themes that could be mitigated through more concentrated deterrence patrol or enforcement.

When researching crime trends, it is important to distinguish the difference between crimes where deterrence was possible versus those that are unlikely to be deterred. For example, an increased police presence is not going to affect domestic violence incidents, computer crimes such as fraud, or crimes of passion. Crime trends are constantly being monitored for spikes at a particular location or with particular groups. There are currently no such spikes being found so focused deterrence is not possible.

The programs currently being used do not have search functions where race, gender, or other identifying characteristics can be used as parameters. The Department uses the limited search fields to monitor for offenses, incident types and persons. This is fruitful in determining when police presence should be increased in a certain area versus another. Unfortunately there is an inability to search what might be referred to as cross-agency databases (i.e., there is no database to search to see what occurred during the 16 hours between patrol shifts and, therefore, a timeline for patterns and types of crimes are dependent on word-of-mouth networking with other responding law enforcement agencies responsible for covering calls when no Village officer is on duty).

Arrests, even low-level offenses, are tracked on arrest records which contain race and gender as reported by the arrestee. This is very helpful in keeping track of the demographics of arrests throughout the year(s). Any patterns seen in those totals could indicate a Departmental failure to employ proper procedural justice methods and would be appropriately addressed.

While the collection of the driver's personal identifying characteristics on traffic stops could be helpful in identifying any disparities in enforcement, it would be difficult to maintain using the software currently in use. It would rely on the officers making such identification since driver's license data does not contain race and gender may not be accurately noted for a variety of reasons. With that, it would be unduly burdensome for our agency to implement such a practice.

Each month, the Chief of Police provides the Village Board of Trustees with a report of the previous month's activity. This is a public record and subject to FOIL if a resident wished to view it. These reports could be published on the Department or Village websites as well, to make them more easily available to the public.

The Department does not employ any high-risk technologies, such as facial recognition, data mining tools, geofencing tools, or resource allocation tools. While it would be financially difficult to obtain these systems, they have not been considered due to the lack of need for them and their reported unreliability.

## Recruiting and Supporting Excellent Personnel

### 1. Recruiting a Diverse Workforce

Other local police agencies in Rensselaer County use the Civil Service system for hiring new police officers. This system creates fairness in the process and ensures that all candidates, regardless of their demographics, share an equal opportunity for employment. Lateral transfer hires are chosen from a pool of interested candidates who have submitted resumes. The application process does not ask the candidate to provide any information on their demographics as these are not determinative features of a candidate.

As a part-time Police Department, Civil Service Laws related to hiring are applicable, but do not strictly rely on the outcome of a standardized test or a rank placement on a list. This gives the Department some latitude when it comes to recruitment. At the same time, the pool of potential recruits is limited by the lack of interested people who wish to pursue a law enforcement career as a part-time police officer. All told, for a small part-time Police Department, the officers are comprised of various demographics, and are somewhat representative of a cross section of the population. The most obvious exceptions are the lack of representation of Black, Hispanic/Latinx, and indigenous people. The hiring process is designed to ensure that the best candidates are chosen to be members of our agency. There have been instances of diverse candidates fitting that need, and they have been hired. This is a function of our inclusive culture whereby all members judge each other based on their abilities, not characteristics. Their success in the Department hinges on the same criteria as any other member.

In order to maintain the high standards that our agency has, the background investigation process for new hire applicants, includes, but is not limited to: reviewing personnel files and any available internal affairs records from previous employers, as well as criminal records checks. Any past disciplinary action is typically a cause for disqualification of the candidate. This practice has enabled the Department to maintain a professional staff that subscribes to the Department's culture and serves the community as the community expects.

### 2. Training and Continuing Education

Failures can almost always be traced back to a lack of improper, or inadequate, training. For this reason, training is an important foundation in a properly functioning Police Department. Through the process of determining what reforms are necessary in the Department, the question of training was highly scrutinized. While all officers have completed their initial training at the police academy and have received the minimum number of in-service training hours each year, it was found that there was a deficiency in not going beyond the minimum.

Most of our officers are veteran police officers who retired in good standing from other agencies, all of which have basic and advanced police training. New hires, who have never been police officers, are sent to the Zone 5 or Zone 14 Regional Law Enforcement Training Academy(s). The six-month (Zone 5) full-time and nine-month (Zone 14) part-time academies follow all NYS Municipal Police Training Council guidelines and curriculum. The curriculum is evaluated each session for any relevant topics that may not be required, but would provide benefit to the recruits and the public they will be serving. While the academies are designed as a paramilitary organization and has a rigid structure, it is only done to the extent necessary. Mental and physical discipline is essential to maintaining accountability and professionalism in this industry. These are instituted first at the academy which is the most important and formative part of a police officer's career.

The Department encourages officers to maintain that discipline throughout their career. The academy balances the need for discipline with the need for community service through various outreach opportunities. This balance discourages the development of a warrior mentality which could follow an officer for years and, instead, instills the desired service-oriented mindset.

Upon graduation from the academy, these new officers go through departmental field training program for hundreds of hours. This on-the-job training has them shadow a field training qualified senior officer first and then taking the role of the primary officer on calls for service while being evaluated by that senior officer. New hires with previous police experience are put through similar field training but do not require such a long period as they should already have a firm understanding of the fundamentals. Both types of new hires are evaluated for safety, knowledge, adherence to Department policy and commitment to a culture of service. The length of the training varies for each officer and depends mostly on whether they feel they are ready to work alone. Officers are only allowed to be released from field training when the Chief and field training officer(s) feel the new officer has demonstrated competency and confidence in their skills.

Continuing education is vital in any Police Department. As indicated above, as a part of the review efforts, it was determined that current training requirements are inadequate. Having evaluated current continuing education and what more could be done to improve services, de-escalation and implicit bias awareness rose to the top of the training priority list. Both of these topics/ trainings were discussed in detail during the community stakeholder police reform meetings.

The Department is in the process of subscribing to the online training program offered by PoliceOne Academy, the industry leader in police training. From the expansive library of training topics to being able to track course completion online, the process will be streamlined. This guarantees training will happen as assigned as well as allowing officers to take courses at their own initiative.

The Department will be able to ensure that all training is based on the most up-to-date materials and meets the needs of our community. This is accomplished through the online academy, the standardization of training among the Shared Service agencies, and frequent refresher courses for police trainers. All police training is intended to be high quality and meaningful.

It is believed that the new training initiatives and modifications will increase the knowledge base and competency of our officers, allowing them to best serve our community.

### 3. Support Officer Wellness and Well-Being

Physical survival is impressed upon police officers at every level. From training to critique of officer safety, police officers are taught how to protect themselves and get home to their loved ones. Emotional survival, however, is often overlooked, and the mental toll of the job is rarely discussed. There are several reasons for this ranging from stigma to strong personality traits inherent in police officers.

An officer's mental wellness directly impacts his/her ability to effectively control him/herself when faced with stressful situations on the street. Struggling with mental wellness can lead to citizen complaints and excessive force. Officers can go through years of taking on stress and compartmentalizing their negative emotions as a defense. There are only so many compartments available so healthy coping mechanisms must exist. Unfortunately, far too many police officers fail to recognize the importance of these mechanisms, and do not effectively deal with their emotions. Living with post-traumatic stress disorder becomes a way of life for most police officers.

Physical exercise is shown to be a successful way for individuals to relieve stress. When there is a critical incident that our officers respond to that results in a need for an officer to seek post-incident assistance, there is a Response Team that Rensselaer County has comprised of volunteers to assist in counseling and services. In addition, the police officers' union has an Employee Assistance Program that can assist with as-needed crisis counseling and services.

#### Review of "8 Can't Wait" Policy Agenda

As part of this review, the Department's policies were reviewed against the policy recommendations of the "8 Can't Wait campaign." These policing policy recommendations were developed to reduce deaths caused by police.

- 1) *Ban chokeholds and strangleholds.* These tactics have not been taught at annual training in the Department in decades. While not an outright ban, these tactics are expressly only authorized when deadly force is justified and there are no other available options.
- 2) *Require de-escalation.* Department culture and training have both impressed this upon officers for years. The total annual arrests and community interaction call for service versus the uses of force indicate that officers are using de-escalation practices with success.
- 3) *Require warning before shooting.* While not practical in all situations, the Department's annual firearms training incorporates use of a warning prior to shooting. This training creates a habit in the officers who will then do it if such a situation that requires discharging their weapon arises.

- 4) *Require exhausting all alternatives before shooting.* This strategy is trained annually during the review of the use of force policy and Penal Law Article 35, which legislates the justification of all types of force. It is also covered at the annual Taser training where an emphasis is placed on seeking opportunities for and using less-lethal options when practical.
- 5) *Duty to intervene.* This refers to an officer having the obligation by policy, not just morally, to step in and stop a fellow officer when he/she is doing something wrong, especially when using excessive force. The Department incorporated this in the use of force policy in 2020. Building on that, the culture in the Department ensures that this duty is fostered in its officers so everyone feels comfortable in immediately stepping in when they see something wrong.
- 6) *Ban shooting at moving vehicles.* Our use of force policy dictates that this activity is only to be done under extreme circumstances where deadly force is justified and there are no other alternatives. It is understood that it carries great risk to uninvolved persons but, nonetheless, the policy allows for it to be used only under circumstances where there are greater risks in not doing it. As with chokeholds, this is not an outright ban, but it is clearly only to be used as a last resort.
- 7) *Create a use of force continuum.* A Use of Force Continuum dictates the level of force that can be used on an arrestee depending on his/her level of resistance. The continuum levels are based on the definitions of “reasonable force” and “necessary force” as well as the justifications laid out in NYS Penal Law Article 35. The Department has had a Use of Force continuum for decades and will continue using it. The continuum being used includes categories of resistance and the level of force justified at each category. This continuum is formally reviewed several times a year with each officer and informally discussed many more times throughout that year. The Department monitors legal updates and industry standard updates to ensure that the continuum being used is the most effective, up-to-date, and conforms to all applicable laws.
- 8) *Require comprehensive reporting.* Department policy dictates that a report be submitted for any use of force, regardless how minor or whether anyone was injured. In 2018, reportable incidents were expanded to include the display of a handgun, patrol rifle or Taser. Further, these incidents are reported to the State for their collection and review.

#### Review Final Thoughts

The Department fully supports the effort to review its policies and practices and expects to be more transparent and effective in serving the community. These efforts are, of course, only the starting point and will need continual monitoring to ensure the needs of the community continue to be met. As changes in society require different things from the Police Department, the agency must be agile enough to change.

Over the course of several decades, the members of the Village of Nassau Police Department have demonstrated a high degree of cultural competence and continue to build on that to treat all



citizens with respect and serve all parties to the best of their ability. While there are improvements to be made, the Department stands in a great position to bring the most modern tactics and procedures into the internal culture.

*Community Police Reform Committee*

In order to ensure transparency and include the input of Village residents, the Village Board of Trustees established a Community Police Reform Committee and appointed ten members as follows:

<u>At Large</u>	<u>Faith Community</u>	<u>Police Department</u>	<u>Village Board of Trustees</u>
Claudia Heyer	Fr. John Close St. Mary's Church	Chief Daniel Colonno	Trustee Gaetano Forte
Andrise Mongerard	Rev. Dion Marquit Grace United Methodist Church		
Joel Montross	Michael Rowland Nassau Synagogue		
Randie Sanford			
Jeannette Scott			

The appointment process included each member of the Village Board of Trustees suggesting potential candidates for the committee. Each suggestion was followed up to ascertain interest and invite to participate. It should be noted that Chief Colonno and Police Commissioner/Trustee Forte specifically reached out to several business owners in the community. While there was some initial interest among the business community, no individual decided to participate on the committee.

The committee met four times between November, 2020, and February, 2021, to discuss police and community relations. Due to the COVID-19 pandemic, all meetings were held remotely via Zoom video conferencing. At the meetings, committee members provided opinions and shared anecdotes on their interactions with the Village Police. Several of the anecdotes described incidents in which minority and members of other vulnerable populations perceived being targeted for unwarranted surveillance or felt fear of being targeted. Committee members also discussed strategies for improving relations between the community and the Police Department. An important early takeaway from the committee discussion was that officers should know well and recognize Village residents as well as be seen by the residents as a valued part of the community.

Conclusions Drawn from Committee Discussions

The conclusions drawn from the committee discussions were as follows:

1. The Village Police Department provides important services and a sense of safety and security which are viewed as especially important in the current volatile environment due to political-, economic-, and pandemic-related concerns.

2. While there have not been events that rise to the same level of concern as the killing of George Floyd and similar incidents in other parts of the country, the relationship between Village residents and the Police Department exhibits some of the same qualities as have been observed in communities around the country, including miscommunication, fear, distrust, and suspicion.
3. Becoming a more integrated presence in the community is an important first step in improving the Police Department in the eyes of the community. Knowledge and recognition of members of the community as well as being known to and recognized by the community is a key way to facilitate communication, trust, and confidence.
4. Strategies to improve the relationship between Village residents and the Police Department will require action and effort from all stakeholders, including the Police (collectively and individually), elected officials, the faith community, other community leaders, and individual residents.
5. While there are short-term strategies to be recommended, police-community relations will not be improved overnight. In addition, long-term, concerted, and lasting efforts are required to achieve success.

## Goals and Recommendations

Based on the Department review and findings as well as the Community Police Reform Committee's discussion and conclusions, and other shareholder meetings, a set of goals and recommendations was developed. Action on a number of these recommendations has already begun.

### *Goal 1: Improve the services provided by the Police Department*

#### Recommendations:

- Mental/behavioral health calls
  - Work with surrounding police agencies and the Rensselaer County Office of Mental Health to develop and participate in the Law Enforcement Mental Health Referral System (LEMHRS)
  - Seek training resources on effective communication with emotionally disturbed and other persons-in-crisis for officers
- AHET Trail activity
  - Increase foot patrol on the trail
  - Consider establishing a police bike patrol for more efficient patrol on the trail
  - Assist in the development of materials to foster awareness of trail rules and safe use of the trail
- Neighborhood watch program

- Reach out to community stakeholders to determine interest in establishing a neighborhood watch program
- Provide training and other resources to support neighborhood watch efforts
- Threats to the community
  - Continue to communicate with Village community leaders and organizations, business owners, and residents on potential threats to the community
  - Provide training and other resources to support active shooter and other security planning
  - Remain in contact with local, state, and national law enforcement agencies to maintain awareness of current threats to the community from violent political extremism, domestic terrorism, and other sources

*Goal 2: Increase Police Department accountability and transparency*

Recommendations:

- Consider developing a body-worn camera policy for the Department
- Periodically assess the need for a community police oversight board in the Village
- Post monthly Police Department reports submitted to the Village Board of Trustees on the Department website
- Consider ways to expand the use of the Department website, social media, and other online activity to make more information about the Department available to the public
- Continue periodic review of Department policies and procedures and consider posting these items publicly and promoting changes (e.g., recent implementation of Duty to Intervene policy as well as updates to Use of Force reporting policies)

*Goal 3: Improve and expand officer training*

Recommendations:

- Subscribe to PoliceOne online training service and utilize its expansive library of training resources as well as tracking tools to monitor utilization of the training resources
- Continue to seek in-person or in-classroom training opportunities locally
- Encourage all qualified instructors in the Department to maintain their qualifications
- Raise minimum in-service training hours requirement above current level
- Seek out additional training in the following specific topic areas identified as lacking:
  - De-escalation techniques
  - Effective communication with emotionally disturbed and other persons in crisis
  - Conscious, unconscious, and implied bias

*Goal 4: Increase awareness of and improve officer wellness*

Recommendations:

- Inform officers of the importance of maintaining mental wellness and its effects on performance and judgment
- Take steps to de-stigmatize seeking treatment for stress and more serious afflictions

- Promote the use of available mental wellness resources from the Rensselaer County Response Team as well as the officers' union employment assistance program

*Goal 5: Increase diversity of officers in the Department*

Recommendations:

- Seek opportunities to find highly qualified candidates from diverse backgrounds
- Consider recruitment strategies that have successfully found high-quality diverse candidates

*Goal 6: Improve relationship between Village residents and the Police Department and its officers*

Recommendations:

- Familiarity and recognition of officers and Village residents
  - Encourage officers to interact more frequently with residents
  - Provide officers business cards to leave with individuals they interact with to help facilitate a relationship
  - Encourage officers to engage in regular foot patrol
  - Encourage officers to visit Village businesses and introduce themselves on a regular basis
  - Encourage officers to participate in social events and gatherings in the Village:
    - Village sponsored events (e.g., Nassaufest, Easter Egg Hunt, Tie-Dye Party)
    - Faith community events (e.g., Interfaith meetings, GUMC Strawberry Festival, GUMC Election Day dinner)
    - Other events/groups (e.g., Nassau Free Library, Scouts)
  - When not on active patrol, encourage officers to adopt a more casual (e.g., not in uniform) appearance in the Village
  - Encourage officers to organize and put on their own outreach events
    - Department open house
    - Bicycle rodeo/safety instruction
  - Encourage Village government to coordinate or participate in the planning of events to celebrate area first responders (e.g., National First Responders Day – October 28)
- Treat all Village residents, regardless of race, ethnic background, sex, gender identification, sexual orientation, religion, age, or ability status with fairness, dignity, and respect when interacting with Village police officers.
  - Encourage Village government and/or other community groups to hold regular workshops on conscious and unconscious bias for residents and Village police officers to participate in together
  - Encourage Village government to re-affirm its commitment to openness and inclusivity per resolution on September 13, 2017 (<https://www.villageofnassau.org/inclusivity/>).
- Publicly address, discuss, and resolve Village residents' questions and concerns with police activities, policies, and procedures

- Encourage the Village government to establish a Community Police Engagement Committee (CPEP) to continue the discussions begun in the Community Police Reform Committee meetings on inclusiveness and concerns about racial and other disparities as well as to answer questions about police policy and procedure in the Village and use of force incidents and determinations. The Board should consist of eight members, including the Police Commissioner, Police Chief, and six community members appointed by the Village Board of Trustees. The CPEP should hold its public meetings at least semi-annually or as frequently as necessary to meet its charge. In addition to the responsibilities listed above, the CPEP will track and monitor progress toward reaching the goals set out in this plan and produce a report on progress every two years.

*Goal 7: Assess progress made on goals and recommendations in this plan and adjust as necessary.*

#### Recommendations:

- Develop a survey to be used to measure changes in the relationship between the community and the Police Department.
- Require the CPEP to develop a report on progress toward meeting the goals set out in this plan every two years.

#### Conclusion

There are no easy answers or solutions to police reform and community relations on which every Village resident will agree. There is, however, a desire by the majority of residents in this Village to improve their surroundings and the quality of life for themselves and future generations. It was the intent of the Village Police Department and the Community Police Reform Committee to determine core problems facing the Village and the Police Department and to set forth a reasonable plan to work from to make the necessary changes and improvements.

This Police Reform plan, as presented, is the culmination of eight months of review, thought, discussion, debate, and compromise. It is hereby offered to the Village Board for its certification, adoption, and immediate implementation. In addition, the Village Police Department and the Community Police Reform Committee recommend that the plan be updated periodically as needed.

## Appendix A: Executive Order 203

No. 203

### EXECUTIVE ORDER

#### NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE

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

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

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

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

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

WHEREAS, these deaths in New York State include those of Anthony Baez, Amadou Diallo, Ousmane Zango, Sean Bell, Ramarley Graham, Patrick Dorismond, Akai Gurley, and Eric Garner, amongst others, and, in other states, include Oscar Grant, Trayvon Martin, Michael Brown, Tamir Rice, Laquan McDonald, Walter Scott, Freddie Gray, Philando Castile, Antwon Rose Jr., Ahmaud Arbery, Breonna Taylor, and George Floyd, amongst others,

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

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

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

WHEREAS, black lives matter; and

WHEREAS, the foregoing compels me to conclude that urgent and immediate action is needed

to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust; and

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

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

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

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

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

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

The political subdivision, in coordination with its police agency, must consult with stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials, and create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications,

modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing.

Such plan shall be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative body in such political subdivision, which shall ratify or adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021; and

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

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

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

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

BY THE GOVERNOR

Secretary to the Governor



## Appendix B: Stakeholder Meeting Inventory

During the research process for drafting this Plan, the Chief of Police and Police Commissioner met with various stakeholders to gain valuable input on what each saw as deficiencies or shortcomings in the service the Department provides.

*Shared Services Agencies:* The Chiefs of the Shared Services agencies met several times each month during the crafting of this Plan. While each agency is unique, many of the challenges are shared so the Chiefs worked very closely in drafting a plan for each respective agency. Chiefs discussed each topic, shared ideas on improvement, and laid the framework for some of the improvements to be implemented together.

*Rensselaer County Office of Mental Health:* Multiple available resources were discussed as well as the creation of the LEMHRS program.

*Rensselaer County District Attorney's Office:* The District Attorney made the following recommendations:

- a. Recommended the use of roll call training to improve on officers' skills. While there is no formal roll-call training; due to our size, this is currently being done by way of training bulletins and once the on-line academy is operational there is an opportunity for hundreds of applicable roll-call trainings.
- b. Recommended De-escalation training. Officers have had de-escalation training throughout their career (Verbal Judo, Tactical Communication or some variation) with additional training offered in the on-line academy.
- c. Recommended obtaining accredited status from the State and utilize an outside party to assist in managing policy and compliance with the accreditation standards. Accreditation is generally too costly and time consuming for small agencies to achieve on their own.
- d. Recommended establishing an Explorer program to improve relations with youth. Programs like this are typically too costly and time consuming for small agencies to develop and run individually, but the topic is up for discussion among local law enforcement agencies who are engaged in Shared Services agreement already to do jointly.
- e. Recommended placing a School Resource Officer in schools to assist with outreach to the community's youth. As with other topics, the cost of this is difficult for a small municipality to absorb. However, while an elementary school is physically located in the Village, the East Greenbush Central School District would ultimately be responsible for funding a school resource officer position.

*Rensselaer County Public Defender's Office:* The Shared Services agency group reached out to the Public Defender for input, but no response was received.

*Public Stakeholders:* In addition to the Community Police Reform Committee, the Chief and Police Commissioner met with a individuals and groups from the community to hear about issues they and their neighbors are concerned about, as well as ideas on improving the Department. These conversations were informative and contributed to the development of many of the goals and recommendations making up the plan.