

POLICE REFORM AND REINVENTION COLLABORATIVE COMMITTEE MEETING



12/03/2020

PRRCC SECTION III

FOSTERING COMMUNITY-ORIENTED LEADERSHIP, CULTURE AND ACCOUNTABILITY

1. Leadership and Culture

- Promotion process and selection
 - *Outlined in Rules and Regulations Section 103-2 Promotions and Appointment:*
 - *One of top three rule based on civil service promotional exam.*
 - *Resume, attendance and activity records, and interview with executive staff.*
 - *Recommendation and approval of Town Board*
 - *12 supervisors, three Hispanic, one female*

1. Leadership and Culture Cont'd

- Personnel evaluations
 - *Conducted annually, required by Accreditation*
 - *Categories*
 - *ATTENDANCE, WRITTEN REPORTS / COMMUNICATIONS, TRAFFIC ENFORCEMENT, JOB KNOWLEDGE / COMPETENCY, DEPENDABILITY / INITIATIVE, JOB INTEREST / ATTITUDE / PUBLIC RELATIONS*
- Incentives your department offers to advance policing goals?
 - *Departmental awards*
 - *Training*
- Diversity in hiring
 - *69 % White, 18% Black, 13% Hispanic, 13% female*

2. Tracking and Reviewing Use of Force and Identifying Misconduct

- When should officers be required to report use of force to their supervisor?
 - *Outlined in Rules and Regulations Section 105-3*
 - *Use of force that results in a physical injury.*
 - *Use of force incidents that a reasonable person would believe is likely to cause an injury.*
 - *Incidents that result in a complaint of pain from the suspect except for complaints of minor discomfort from compliant handcuffing.*
 - *Incidents where a firearm, conducted energy device (CED) or OC spray was intentionally discharged or accidentally discharged after being displayed.*
- What internal review is required after a use of force?
 - *Investigation by Supervisor and reviewed by Patrol Lieutenant and Chief*
- Does your department use external, independent reviewers to examine uses of force or misconduct?
 - *Attorney General required to investigate and, if appropriate, prosecute cases in which a police officer caused the death of an unarmed civilian. Will be expanded in 2021 to also include the deaths of armed civilians caused by a police officer, whether the officers are on or off duty.*

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

- ❑ Does your department use external, independent reviewers to examine uses of force or misconduct contd.?
 - *All Personnel Complaints and Internal Affairs Investigations will be made available to the Police Commissioners (Supervisor & Members of the Town Board) for review upon request, after they have been closed or resolved.*
- ❑ Does your department review officers' use of force and/or misconduct during performance reviews?
 - *Performance evaluations are used as an opportunity to discuss Officer's strength and weaknesses.*
 - *Small Department where an issues can and would be identified quickly.*
- ❑ Does your department leverage Early Intervention Systems (EIS) to prevent problematic behavior?
 - *Small Department where an issues can and would be identified quickly.*
 - *Sick use is monitored*

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

- 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 Chief of Police shall cause the Firearms Discharge Review Board to convene whenever necessary. Actual Board members shall be named in a special Personnel Order issued by the Chief of Police. The Board shall be comprised of:*
 - *The Chief of Police*
 - *One Lieutenant*
 - *One Sergeant*
 - *One Detective*
 - *One Police Officer*
 - *The Board shall carefully evaluate every situation placed before it, and will submit in writing to the Chief of Police and the Town Board, citing policy compliance or non-compliance as the case may be, and recommendations for training, policy revisions, changes in equipment, or any other recommended course of action*
 - *Change to Use of Force/Firearms Discharge Review Board?*

3. Internal Accountability for Misconduct

- What does your department expect of officers who know of misconduct by another officer?
 - *Required to report as per rules and regulations under Section 102-4 : Duties and Responsibilities, 103-20: Retaliation and 120-2: Personnel Complaints*
 - *Members shall promptly report any breach of Department directives and orders to the appropriate Division Commander.*
 - *All employees of this Department have an affirmative duty to report acts of misconduct, defined in departmental policy, procedures, and rules.*
 - *The New Castle Police Department will accept and investigate all complaints of misconduct or wrongdoing from any citizen or Department member.*
- Does your department have a clear and transparent process for investigating reports of misconduct?
 - *Outlined in department rules and regulations 120-2: Personnel Complaints.*
 - *Post Policy on Website?*

3. Internal Accountability for Misconduct Contd.

- ❑ What controls are in place to ensure impartiality when reviewing potential misconduct or complaints?
 - *Outlined in rules and regulations Section 120:2 Personnel Complaints*
 - *Several levels of Review – Supervisor, Detective Sergeant, Patrol Lieutenant, Chief and Available to Town Board upon request.*
- ❑ When appropriate, are cases referred to either the District Attorney or another prosecutor?
 - *Outlined in rules and regulations Section 120:2 Personnel Complaints*
 - *The Chief of Police will make these reports available to the Westchester County District Attorney's Office if the complaint is criminal in nature.*
 - *In a situation in which the personnel complaint is possibly criminal in nature, the Bureau Chief of the Westchester County District Attorney's Office serving the Town of New Castle will be made aware of the investigation by the Chief or a member of the Office of Professional Standards. Copies of the complaint and supporting documentation, along with the results of the Department investigation, will be provided to the District Attorney's Office upon their request. Additionally, the Chief will insure that full cooperation is afforded to the District Attorney's Office in the overseeing and/or investigation of the allegation(s) as circumstances may warrant.*

3. Internal Accountability for Misconduct Contd.

- Does your department expect leaders and officers to uphold the department's values and culture when off-duty?
 - *Required as per rules and regulations in Sections 102-4: Duties and Responsibilities and 105-1: Rule and Regulations*
 - *Obey the laws and ordinances that the member is obligated to enforce.*
 - *Obey all laws of the United States and of any state and local jurisdiction in which members are present*
 - *Conduct themselves at all times both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an officer shall include that which brings the Department into disrepute, or reflects discredit upon the officer as a member of the Department, or that which impairs the operation or efficiency of the Department or that officer.*
 - *Members shall conduct themselves in a professional manner at all times, both on and off duty, in a manner that is keeping with the highest standards of the law enforcement profession. They shall not engage in conduct prejudicial to the good order, efficiency, or the discipline of the Department*
 - *Members shall not engage or participate in any form of illegal gambling, except in the performance of duty and while acting under proper and specific orders*

3. Internal Accountability for Misconduct Contd.

- *Required as per rules and regulations in Sections 102-4: Duties and Responsibilities and 105-1: Rule and Regulations contd.*
 - *Members shall not possess or use any controlled substance, narcotics, hallucinogens, or prescription drugs except when prescribed by a duly licensed physician, dentist, or other lawful dispenser*
 - *Members shall immediately report in writing through proper channels, to the Chief of Police or his or her designee, any arrests, criminal charges, and/or court actions brought against them, or dispositions of any type, or changes in same, stemming from said court action. Members shall similarly notify the Chief of Police, or his or her designee, in writing before filing claims for damages, or entering into legal compromise or settlement regarding events connected with the performance of duty.*
 - *Members shall immediately notify the Chief of Police through proper channels upon learning that he or she is the subject of, or is involved in, a criminal investigation being conducted by an outside agency*

4. Citizen Oversight and Other External Accountability

- ❑ Does or should your department have some form of civilian oversight over misconduct investigations or policy reform?
 - *All Personnel Complaints and Internal Affairs Investigations will be made available to the Police Commissioners (Supervisor & Members of the Town Board) for review upon request, after they have been closed or resolved.*
- ❑ Is there an easy, accessible and well-publicized process for members of the public to report complaints about police misconduct?
 - *Add procedure and ability to report via Website?*
- ❑ 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?
 - *Complainant is advised, not reported to the public, anonymous complaints are currently accepted per rules and regulations Section 120-2: Personnel Complaints*
- ❑ 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?
 - *All Personnel Complaints and Internal Affairs Investigations will be made available to the Police Commissioners (Supervisor & Members of the Town Board) for review upon request, after they have been closed or resolved.*

4. Citizen Oversight and Other External Accountability Contd.

- Is your police department accredited by any external entity?
 - *We are a New York State Division of Criminal Justice Services Accredited Agency. The Accreditation Program enables us to strengthen existing procedures while simultaneously creating a solid foundation for the agency's future. The benefits of accreditation include:*
 - *Independent confirmation that policies comply with professional standards*
 - *Assurance of fair recruitment, selection, and promotion processes*
 - *Diminished vulnerability to civil lawsuits and costly settlements*
 - *Enhanced understanding by agency personnel of agency policies and procedures*
 - *Greater administrative and operational effectiveness*
 - *Greater public confidence*
 - *Of the 542 Police agencies in New York State, only 116 are accredited, (or 20%).*
- Does Your Police Department Do an Annual Community Survey to Track Level of Trust?
 - *Previously discussed*

5. Data, Technology and Transparency

- What police incident and complaint data should be collected? What data should be available to the public?
 - *Police Statistics and Transparency Act:*
 - *Requires reporting of criminal offenses and arrest-related deaths.*
 - *Police Statistics and Accountability Act (STAT Act).*
 - *Courts must compile and publish racial and other demographic data of all low-level offenses, including misdemeanors and violations.*
 - *Police agencies are required to promptly report any arrest-related deaths to DCJS, and submit annual reports containing that same information to the DCJS, the Governor, and the Legislature.*
 - *Effective December 12th, 2020*
 - *Stop data*
 - *Discussed already.*

5. Data, Technology and Transparency Contd.

- ❑ What police incident and complaint data should be collected? What data should be available to the public cont'd?
 - *What policing activity data should be collected by your department?*
 - *Shootings, firearm discharges, use of force incidents, searches, arrests, civilian complaints?*
 - *Should it include demographic data?*
 - *How often disclosed?*
- ❑ How should your law enforcement agency leverage data to drive policing strategies?
 - *Areas are targeted for a specific reason – recent burglaries, larcenies, and chronic traffic complaints.*
- ❑ How can your police department demonstrate a commitment to transparency in its interactions with the public?
 - *Officers required to give name and present badge to anyone requesting them.*
 - *Required to give name when answering phone.*
 - *Officers handout event cards when interacting with the public*
- ❑ How can your police department make its policies and procedures more transparent?
 - *Policy and procedure in line with MPTC model policies.*
 - *Add key ones to our website?*

5. Data, Technology and Transparency Contd.

- How can your police department ensure adequate transparency in its use of automated systems and “high-risk” technologies?
 - *Biometric technologies, surveillance systems, unmanned aerial systems, data mining tools, geofencing tools - N/A*
- Should your police department leverage video cameras to ensure law enforcement accountability and increase transparency?
 - *34% of Police Departments in Westchester have body cameras today.*
 - *Pros:*
 - *Provide evidence in criminal prosecutions*
 - *Promote accountability, transparency and public-trust thereby enhancing community relations*
 - *Can improve both citizen and officer conduct*
 - *Help assess complaints about officer misconduct*
 - *Allow police departments to monitor the work of their officers, both for training purposes and personnel review*

5. Data, Technology and Transparency Contd.

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

- *Cons:*

- *Large and on-going financial investment needed for hardware, software, personnel and training*
- *The onerous task of managing, storing, copying and providing discovery of video recordings*
- *Intrusions into the privacy rights of those being recorded, especially in the home*
- *Intrusions into the privacy rights of the officers wearing the cameras*
- *Can impact or prevent interviews with victims, witnesses and informants*
- *Implications in handling encounters involving privileged information, such as medical, mental health, religious or marital communications*
- *Police body camera footage is subject to public disclosure under New York law, a state appeals court said last February. Members of the public can request video under the Freedom of Information Act.*