



## **POLICE REFORM AND REINVENTION COLLABORATIVE COMMITTEE**

### **The Governor's Executive Order and the New Castle Council on Race and Equity (CRE)**

On June 12, 2020 Governor Andrew Cuomo signed NYS Executive Order 203, requiring local governments in New York State to adopt a policing reform plan by April 1, 2021. To comply with that executive order, on Tuesday October 20, 2020, the Town Board approved the resolution creating New Castle Police Reform Reinvention Collaborative Committee (PRRCC) (resolution attached) appointing twelve members. We expanded the committee on Tuesday, November 17, 2020 by appointing seven additional members.

In the Town of New Castle, our work on police reform began prior to the Governor's Executive Order, and we were fortunate in launching our PRRCC to be able to build on a foundation of activities that started in Summer 2020 with the creation of the New Castle Council on Race and Equity (CRE). The CRE was formed in the aftermath of the police-involved murder of George Floyd, and also in response to a series of racist incidents in our community. The CRE created an Action Plan to increase racial justice and equity in New Castle by looking across all aspects of our civic life and institutions, including policing. The work of the CRE to develop recommendations to improve community/police interactions was a launch pad for the PRRCC, and several CRE volunteers continued their service on the PRRCC. In addition, the New Castle Town Board held a community forum with Police Chief James Carroll to review police policies and procedures and to engage residents in June 2020.

### **Committee Members**

**Jeremy Saland**, Deputy Town Supervisor  
**James Carroll**, New Castle Police Chief  
**Jill Simon Shapiro**, Town Administrator  
**Ivy Pool**, Town Supervisor  
**Robert Deary**, Deputy Town Administrator  
**Christine Ackerman**, Superintendent CCSD  
**Anthony Rotolo**, New Castle PBA President  
**Hermian Charles**, CRE  
**Martha Jacobs**, Sr. Minister FCC Interfaith Council  
**Frank Luis**, Westchester County, DA Office

**Vince Canziani**, Children's Aid Society  
**Harvey Loeb**, Westchester County, Legal Aid  
**Kraig Davenport**, New Castle Police Officer  
**Johanna Robinson Nayyar**, CRE  
**Angela Bronner Helm**, CRE  
**Kimberly Carey**, CRE  
**Percell Welch**, Community Advocate  
**Carlos Ramirez**, Town Prosecutor  
**Dhara Nayyar**, Community Advocate- Horace Greeley Alumni

### Committee Timeline

<b>Thursday, November 5, 2020</b>	6 p.m. – 8 p.m.	Inaugural Meeting & Public Forum/Listening Session
<b>Thursday, November 12, 2020</b>	6 p.m. – 8 p.m.	Review Sections 1 of PRRC Workbook
<b>Thursday, November 19, 2020</b>	6 p.m. – 8 p.m.	Review Sections 2 of PRRC Workbook
<b>Thursday, December 3, 2020</b>	6 p.m. – 8 p.m.	Review Sections 3 of PRRC Workbook
<b>Thursday, December 17, 2020</b>	6 p.m. – 8 p.m.	Review Sections 4 of PRRC Workbook
<b>Thursday, January 21, 2021</b>	6 p.m. – 8 p.m.	Review of Topics Identified for Further Discussion
<b>Thursday, January 28, 2021</b>	6 p.m. – 8 p.m.	Review of Committee Members recommendations
<b>Thursday, February 4, 2021</b>	6 p.m. -7 p.m.	Review of updated topics to be discussed in Public Forum
<b>Thursday, February 11, 2021</b>	6 p.m.-8 p.m.	Present Plan Draft – Public Forum
<b>Thursday, February 18, 2021</b>	6p.m -7 p.m.	Review of feedback discussed in Public Forum
<b>Thursday, February 25, 2021</b>	6 p.m. -8 p.m.	Present 2 <sup>nd</sup> Plan Draft – Public Forum
<b>Tuesday, March 2, 2021</b>	7 p.m.	Town Board Ratification OF PRRC Recommendations

## Recommendations

### Recommendation 1. Mental Health:

Recommendation Statement: Additional Crisis Intervention Training for Mental Health Emergencies, Especially with Marginalized Communities

NCPD Intervention with New Castle community members experiencing mental health emergencies will be guided by the following principles:

1. Maintaining the health and safety of the person experiencing the mental health emergency and those in the immediate location.
2. Approaching the situation with the goal of being as helpful as possible.
3. Helpfulness for the purpose of the recommendation is defined as:
  - Immediately assessing threats to health and safety and acting to neutralize them in the least restrictive ways possible.
  - Calming the situation down and de-escalating the emergency.
  - Creating an atmosphere of safety and care.
  - Assessing and learning about any triggers for the emergency and moving them away from the situation.
  - Mobilizing any mental health, medical, or social assets to assist in the situation.
  - Keeping in mind people are more important than property.
4. Specific Policies: Current Operational Rules
  - Two police officers will be dispatched to deal with mental health emergencies: one will lead the intervention, the other will support efforts to de-escalate.
  - Officers will be clear they can take as much time as they need to resolve the situation. Slow down, take time to think, and give people time to gather themselves.
  - Officers have access 24/7 to Department of Community Mental Health staff to consult on the situation.
  - Use of force is the last resort. Use of force may be used to take a person into custody who is a danger to themselves or others.
  - To the greatest extent practical, when asked, honor the request of the caller to arrive without lights and/or sirens.
5. Assessment: officers responding to the mental health emergency must get as much information as possible about the situation and individual(s).
  - Immediate dangers: firearms, weapons, homicidal or suicidal ideation.
  - Triggers: loud noises, provocative relationships, change in routine, etc.
  - Diagnosis and Patterns of Behavior: Developmental Delay? Is this a pattern? What normally happens? Why is this different? Is there something specific that needs to happen?

- Recognition that BIPOC could be defensive due to previous experiences with police.
  - Individual(s) particular response to police officers:
6. Current NCPD Resources and Training
- Two Officers certified trainers in de-escalation.
  - Annual Training in De-Escalation
  - Westchester County Department of Community Mental Health 24/7 Consultation.
  - Role Play Simulator to build officer skills in responding to mental health emergencies.
7. Recommendations: New Castle Police Department
- Exploration of existing mental health emergency strengths and assets among the police officers and supervisors.
  - Debriefing mental health emergency interventions to assess effectiveness and opportunities to improve.
  - Consider designating officers with particular skills in this area to be the one assigned to lead the two-officer team.
  - Provide training on developmental delays and mental illnesses to build insight and understanding among the police officers.
  - Sensitize police officers to triggers of this marginalized population regarding use of force in their experience.
  - Connect Officer Wellness Program to preparation for mental health emergencies: slow down, pause, breathe, and set up the proper mindset.
  - Utilize community members with mental health expertise on a voluntary basis to assist police officers in these emergencies.
  - Provide Mental Health First Aid Training to all the police officers through New Castle United for Youth.
8. Recommendations: Westchester County Services
- County Mental Health Emergency Response Team: using county resources and expertise to provide specially trained staff to address mental health emergencies. Teams need to be distributed around the county to facilitate emergency response.
  - Provide Annual Crisis Intervention Training to take advantage of trends and new techniques. This could provide a clear understanding of what needs the County Wide Response Team and what can be handled by local PD and EMS.
  - Recommend plain cloths police officers be used in mental health emergencies to reduce the possibility of triggering an escalation for a person experiencing the emergency.
  - Please see additional mental health recommendations under Recommendations for the County on page 12.

## **Recommendation 2. Creation of the Office of Community Advocate:**

Recommendation Statement: Establishment of the Office of the Community Advocate to create a more effective avenue to lodge an anonymous complaint.

The New Castle PRRCC acknowledges that current system for reporting anonymous complaints is problematic in that it allows a complainant to maintain anonymity when lodging a complaint but fails to provide an avenue to allow the complainant follow-up and closure.

The current system is problematic for the police as well, in that it does not allow for follow-up by the police in order to conduct an effective and thorough investigation (i.e., key material information is missing, so the investigation stalls).

In order to provide a more effective avenue to lodge an anonymous complaint, the Town of New Castle will create an independent office of the Community Advocate.

The creation of the office of the Community Advocate would

- Assist a complainant with filling out a complaint
- File the complaint on behalf of the complainant
- Maintain the anonymity of the complainant if desired
- Act as an intermediary with the police for the purpose of conducting a complete and thorough investigation
- Allow the complainant to be fully informed about the investigation while ongoing and when completed.
- After the investigation is complete, the results of the investigation will be conveyed to the complainant thru the Community Advocate.
- Allows the complainant closure.

Members of the office are volunteers from the greater community which should include members of the LGBTQ community, interfaith council and the BIPOC community. The Town needs to include information on the Town's website announcing the Office of the Community Advocate. This must include the following information about members of the Office: Their name, contact information, and a brief identifying paragraph so the potential complainant can chose the person they are most comfortable with to file with.

Training for volunteer Community Advocates will be required. Liability waiver to be prepared by Town's counsel.

## **Recommendation 3. Creation of the Chief's Advisory Board:**

### **OBJECTIVE**

The New Castle Police Department Chief's Advisory Board serves to improve the image and reputation of the New Castle Police Department and promote transparency and trust between NCPD and the citizens of New Castle.

**PURPOSE**

The Chief's Advisory Board will consist of members the community and organizations and should be actively engaged in improving the quality of life in New Castle. Board members should have an interest in assisting the Chief of Police (Chief) and the New Castle Police Department (NCPD) in identifying best practices and offering advice to the Chief on in those matters which will improve transparency and build trust with the community.

Board members are asked to provide their perspective on the possible impact of certain police policies, practices, training, and programs. This feedback is instrumental in providing NCPD with the type of objective input needed to ensure that its mission continues to focus on the most current policing standards and the cultivation of community partnership. Board's involvement helps NCPD avoid the implementation or continuation of programs, policies, or initiatives that are contrary to its overall mission and core values.

**COMPOSITION OF THE CHIEF'S ADVISORY BOARD**

The composition of the Chief's Advisory Board will be determined as follows:

- A. The number of members of the Chief's Advisory Board should be at least 4 persons but not more than 7 persons;
- B. The Chief's Advisory Board should be composed of a cross-section of the community.
- C. Members should include:
  - 1. Persons who live or work in the Town of New Castle;
  - 2. Members of the business community of the Town of New Castle;
  - 3. Representatives from Chappaqua Central School District (student/staff or both)
  - 4. Representatives from local Community organizations, interfaith-based organizations, and Ethnic Relations Advisory Groups.
- D. Invitations to prospective members will be sent by the Office of the Chief of Police;
- E. Suggestions for prospective members should be sent to the Chief of Police.

**GUIDELINES FOR THE CHIEF'S ADVISORY BOARD**

Duties of the board shall include, but not be limited to, the following:

- A. The Board will serve as liaisons to enhance community and police relations;
- B. The Board is designed for open discussion regarding community issues, policing issues, trends in law enforcement, etc;
- C. The Board is designed to provide for member input on department policies and procedures;

D. Board members are encouraged to research "best practices" within the law enforcement field which may help NCPD become better engaged or more transparent;

E. Board members may provide comments, advice and insight on new practices or techniques which are under consideration for implementation or which may need to be substantially updated or improved;

F. The Board will have no input or discussions regarding specific employee personnel issues;

G. The Board acts in a solely advisory capacity and will not be involved in decision making at any level.

**STAFF SUPPORT FOR CHIEF'S ADVISORY BOARD**

Staff support to the Chief's Advisory Board shall be provided through the Office of the Chief of Police.

A. The Staff Services Commander will be the Police Department's liaison to the Chief's Advisory Board;

B. The Chief's Administrative Secretary will act as the Recording Secretary for the Chief's Advisory Board. In this capacity, the Administrative Secretary will:

1. Record the proceedings of meetings of the Chief's Advisory Board (i.e. minutes);
2. Disseminate information, including minutes of meetings, to members of the Chief's Advisory Board; and
3. Maintain records related to the Chief's Advisory Board.

**MEETINGS**

The Board meets bi-annually at a time convenient to the majority of Board members.

**BOARD MEMBER TERM LIMITS**

The term is limited to three years to allow for participation by all interested parties. Extensions for sitting board members will be considered on an individual basis at the pleasure of the Chief of Police.

At the discretion of the Chief of Police a board member may be excused from further participation in the event it is deemed necessary for the benefit of the board as a whole.

#### **Recommendation 4. Community Surveys:**

The PRRCC believes that periodic surveys would be beneficial in tracking goals, determining trends, and creating new goals vis-a-vis the interactions and relationships between BIPOC, LGBTQ and other marginalized communities, and the police department.

##### **A useful and effective survey would:**

1. Gather basic data and information in order to identify areas for change and/or improvement;
2. Aid in determining the success of past strategies, and highlighting the need for future actions in continuing to bring about racial equity; and
3. Enable the information to be shared among the relevant groups for review.

In order to accomplish this task, it is clear that surveys must be concise and specifically target the information being solicited from the public. For this reason, and to benefit to the fullest extent possible, the PRRCC has determined that a survey professional would be a valuable, and indeed necessary, tool in creating, designing, and implementing the best survey in order to extract the most essential information from the public.

#### **Recommendations:**

1. A survey professional be retained on a periodic, as-needed basis, as determined by the Chief's Advisory Board ("CAB") from time to time with the following objectives:
  - a. To help define survey objectives pertaining to the effectiveness of ongoing efforts in the areas of concern with respect to the marginalized communities referenced above;
  - b. To design a survey that will target areas that may need further improvement;
  - c. To bring expertise in managing, sorting, interpreting and analyzing the data elicited from the survey; and
  - d. To help identify clear and specific objectives for any follow-up actions and/or goals based on the survey results.
2. To create a budget item in order to fund the cost of the survey, including but not limited to professional consultation, implementation, and distribution.

#### **Recommendation 5. The role of the Town Board:**

The PRRCC finds that improvements in police oversight can benefit the community and the police department itself. Increased cooperation between the community and the police department and heightened transparency regarding the police practices and processes will advance the NCPD's goal of engaging in community policing.

One way to increase police oversight is by strengthening the role of the Town Board in reviewing NCPD performance. As elected officials, Town Board members are committed to ensuring that the NCPD is accountable to the community. As civilians, the Board can give a voice to the community's concerns. In addition, as Police Commissioners, the Town Board is engaged in reviewing the details of investigations and disciplinary proceedings.

**Recommendation: Hold semi-annual audit review meetings with the NCPD Chief to review departmental performance.**

We recommend that the NCPD develop key performance indicators for the department, for publication on the Town website. Using this as a framework, we recommend holding semiannual meetings between the Town Board and the NCPD Chief to review departmental performance and discuss activity over the past 6 months. Through these public meetings, the Town Board can help educate the community about the responsibilities of the NCPD and to increase the public’s understanding of law enforcement policies and procedures.

**Recommendation 6. Tracking demographics on traffic stops:**

Recommendation Statement: The PRRC seeks to obtain demographic information regarding the drivers involved in vehicle stops by New Castle Police Officers that do not result in the issuance of traffic tickets. We seek to gather information to gauge the perception of the officer making the stop, including:

- Race
- Gender
- Age
- Ethnicity

Based upon the research conducted by the committee and contained in the background document entitled “Traffic Stop Data Collection”, (please see below) we believe that the Chief’s Advisory Board (CAB) is in the best position to determine the method of data collection. We expect the CAB to use these studies as a guide to engage consultants to determine the process of data collection and once collected, the analysis of this data.

**Traffic Stop Data Collection**

**Primary Documents Reviewed:**

How to Correctly Collect & Analyze Racial Profiling Data

Report Prepared by The CNA Corporation for the US Department of Justice

Primary Methodology: Literature Review 20 published reports (3 million records of police stops from more than 700 law enforcement agencies), Sampling of Agencies, Expert Interviews

Collecting, Analyzing and Responding to Stop Data: A Guidebook for Law Enforcement Agencies, Government and Communities

Center for Policing Equity & Policing Project

**Examples of Questions for Consideration CNA Cooperation page 54 (used during study):**

- Why is your department collecting data/what made you decide to do this?
- What types of data are you collecting/plan to collect?
- How are you recording the information? What is the technical process?

- How much is it costing in terms of money and time?
- Who's responsible for collecting, recording and maintaining the data?
- What group will be responsible for evaluating the data?
- Who will release information derived from the data?
- What specific questions do you want answers for?
- What answers are you expecting to find?
- What are your plans to disseminate the information learned?
- What actions do you foresee resulting from the information/answers gained?
- What happens if the data shows you completely unexpected results?

An Example of Findings & Recommendations from CNA Corporation based on their analysis (for full conclusions visit page 2):

- **Data collection and evaluation is an appropriate way to address the concerns of racial profiling.** Anecdotal evidence is an unreliable tool with which to make policy decisions.
- **The partnership between operational police expertise and external researchers should be established before the data collection begins.** This will allow police to have input on operational constraints, and researchers to have input on what data will be required to reach conclusions. If the wrong data are collected, the best analysis in the world will be unable to reach useful or valid conclusions.
- There should be **clear guidelines** on how information on racial profiling should be used—who will own it, who will be responsible for using it, how confidentiality can be maintained, and how frequently reports should be generated and released.
- Data collection and analysis **can be costly**, so if data collection is mandated, it **should also be funded**. Without funding, competing needs that are more directly related to traditional law enforcement will almost always have higher priority.
- **All parties should understand that examining traffic stops is unlikely to address the finer nuances of defining racial profiling.** There is not as yet an accepted, official definition of racial profiling, much less an operational definition that describes exactly what data should be collected, how they should be collected, and what type of analytical results would definitively identify racial profiling. Until a basic overall definition is specified, the examination of data to determine the existence or extent of racial profiling will, of necessity, be open to interpretation by various stakeholders. Participants felt that it was critically important for all parties to reach an agreement on an official definition of racial profiling.

#### Measuring Race: Considerations (pg 35- CNA Cooperation)

Despite the central place that the race of the person stopped or searched plays in this literature, there is **little agreement on how to measure race or ethnicity and what to do with incidents where the race or ethnicity is unknown or not recorded.** Within these reports, there are

sometimes differences in how race is measured in population statistics from the census bureau and in stop and search data from police records.

Most data collection efforts record the race of the person after the stop is made. It is interesting to consider that for some (unknown) proportion of stops, officers may not know the race of the person until after the stop has been made.

Some studies have attempted to conduct independent traffic surveys to record the race of drivers at certain times (day and night) and places (intersections, streets), but the results have been varied.

When officers are unable to determine race prior to the stop, it is more difficult to determine that the stop is based on the racial biases of the individual office.

### Example of Data Collected

Appendix C pg 52

*Collecting, Analyzing and Responding to Stop Data*

#### Perceived Race or Ethnicity of Person Stopped (select all that apply)

- Asian
- Black/African American
- Hispanic/Latino(a)
- Middle Eastern or South Asian
- Native American
- Pacific Islander
- White

*(FYI: CNA: Pg 26 Race categories vary by agency)*

### Collection Methodology Considerations

*Collecting, Analyzing and Responding to Stop Data (pg 22)*

#### Methodology

In-Car Computer  
(onboard mobile data computers, MDC)

Smartphone/Tablet

Paper Form

#### Strengths

Auto-Population of Forms  
Ease of Data Entry Process  
Automatic Error Check

Faster roll-out  
Increased mobility  
Data collection processing speed

Not subject to ‘tech issues’  
Simple to create & distribute

#### Concerns

Not Practical for all Units  
Cost  
System Compatibility

Public Perception  
Dead zones  
Screen Size (phone)

Time to transfer data  
Human Error  
Printing costs

## **Themes Identified that may Impact Data Collection to Consider**

### **CNA Cooperation page 69**

Theme 1: Some police department leaders, perhaps in conjunction with local politicians, make decisions on whether, and how, to collect data with input from certain stakeholders (*some police rank-and-file officers feel disenfranchised because data collection decisions are reached without consulting all those involved*).

Theme 2: Data collection and evaluation can be viewed as unfunded mandates. The departments report that they lack the resources and expertise needed to support a robust data collection and analysis effort. In this context, resources may consist of funding, or of computer capabilities to record information. Expertise may refer to lack of computer or analytical expertise.

Theme 3: An important issue is whether police departments should conduct the evaluations and analyses or contract them out. First, few departments have internal personnel with the expertise and background to perform analytical evaluations. Second, departments may feel that by contracting out the evaluation and analysis of the data collected, they will present the image of objectivity. There is a fear that if they do their own evaluations, community members and the press will not trust the reported results.

Theme 4: Some officers who go out and do the work resent data collection and evaluation for a number of reasons.

### **Other Considerations:**

- Baltimore has a contact receipt that includes Citizen's race (pg 75 CNA Cooperation)

### **Recommendation 7. Posting of Key Police Department policies on website**

The table of contents of the police patrol manual will be posted on the New Castle Police Department website in addition to key chapters which are presently posted, i.e., use of force and traffic stops. The general public may make a request pursuant to the Freedom of Information Law (FOIL) to obtain the full text of any section of the patrol manual to review.

### **Recommendations to the County**

Creation of 211 Mental Health Resource and Increase the Availability of Mental Health PODS throughout Westchester County.

We strongly advocate for the creation of a 211 system to provide a centralized resource for the residents of Westchester County for mental health related questions and issues. This number would provide access to information, services available and assistance to family, friends and individuals experiencing mental health issues.

Ideally, this 211 resource would work in conjunction with Mental Health PODS. The County has created Mental Health PODS in some municipalities;

- 1) to provide mental health professionals to respond with the police on appropriate 911 calls;
- 2) to provide mental health resources to the community; and
- 3) to help divert mental health incidents away from the police.

Mental Health PODS should be employed throughout the county with centralized locations to allow for effective dispatch to appropriate situations to assist local police when callers identify the emergency as involving mental health issues. Much like ALS services dispatched by proximity to a call, Mental Health PODS would be dispatched to calls where needed.

We recognize the increasing need for mental health professionals to be the first point of contact with police on many 911 calls. We further recognize that despite additional training available to the police in de-escalation other tactics to address mental health issues encountered, police officers are not, with few exceptions, mental health professionals. We believe creation of the 211 system coupled with the increased availability of Mental Health PODS throughout the county will go a long way in properly addressing mental health issues routinely encountered by police.

#### Extend the Period of Probation

We join in the county in its recommendation to extend the period of probation for new officers.

#### **Recommendations to the County /State**

##### Bodycams

We would support funding to enable our police to have bodycams. We would be looking for funding to cover the cost of the cameras but also the servers to store the information gathered and the software to catalog and access it.

Once we obtained the funding to provide bodycams to all officers, we would promulgate rules for the appropriate use of the cams by our officers (when, if ever, it is appropriate to turn them off/on).

##### Education

In addition to the recommendation to extend the period of probation for new officers, it is recommended that the curriculum at the police academy be expanded. We strongly urge the Division of Criminal Justice Services to retain a curriculum specialist to recommend adequate training for additional subjects and the appropriate training time for each. This additional coursework would include, but are not limited to, recognizing and appropriately addressing mental health issues, cultural sensitivity, recognizing bias, and procedural justice.

We further recommend that these subjects be incorporated into ongoing annual training recognizing that this is an ongoing learning process.

Last, we understand that these requests and recommendations have a real financial impact to the local municipalities that bear the cost of both the training at the police academy and the additional field training days ongoing annual training will require. We will be looking to the County and State for increased funding to make these recommendations a reality.