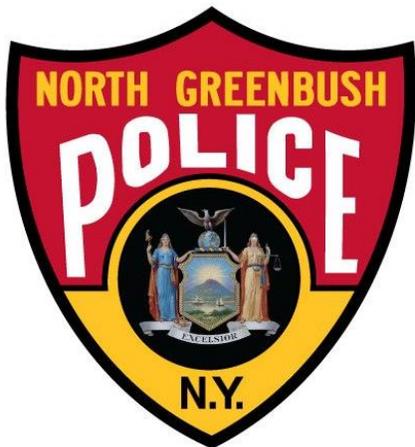


# North Greenbush Police Reform and Reinvention Collaborative 2021



March 11, 2021

The North Greenbush Town Board and Police Department are pleased to submit the attached Town of North Greenbush Police Reform and Reinvention Plan, in accordance with Executive Order 203. In constructing this Plan, we have undergone much introspection and collaboration with members of our community. In any government office or private business, agility is a must. The ability to adapt to the changes in society will determine future success or failure. While we believe this Plan will have a meaningful impact on the future of our community, we understand that constant monitoring and adjustments will be needed in order to achieve the best possible outcome.

In 1829, upon establishing the first modern metropolitan police force in London, Sir Robert Peel commissioned the creation of the most basic principles of policing which were issued as general guidance to the first modern police officers. These nine principles remain relevant 191 years later and provide a functional foundation on which current reforms should be based. In line with the current calls for reform, the principles focused primarily on crime prevention, community relations and collaboration between the public and those entrusted with ensuring their safety.

Over the past eight months of developing this Plan, we have viewed our policing strategies from many perspectives and learned a lot about how our agency operates and what changes are necessary to evolve with the modern needs of our community. This was only possible through the dedication of our community volunteers who offered their time and talents to an initiative that will improve their hometown and we cannot thank them enough for that. These efforts will make North Greenbush safer and fairer for all.

In crafting this plan, “8 Can’t Wait” and the 2020 “Say Their Name” legislative package were studied, among other resources. It was found that most of the feasible recommended changes had already been in place for a number of years. We believe this is another indicator that our police department has been doing well in adapting to calls for reform so far and that must continue.

As important as it is for the police to protect and serve the public, it is equally important that the public perceive that. It is our hope that the following pages fully explain what is being done right, what changes are necessary and how we intend to improve that perception. The Town of North Greenbush is committed to serving our neighbors and visitors in an exemplary manner and we hope you find that the police department is no exception.

This Plan is not intended to have all of the answers but, rather, is expressly understood to be the first step in an ongoing discussion and collection of differing ideas and perspectives.

We thank all of our community partners who volunteered their time and resources to help create this document by providing input and collaborating on ideas. That open dialog is truly what makes this an amazing community!

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# I. Functions of the Police

## 1. Role of the Police

*“The policeman must be a minister, a social worker, a diplomat, a tough guy and a gentleman.” Paul Harvey -What is a policeman*

The most important questions at hand are whether our police department is meeting the needs of the community and what the department can do to achieve the best results. To better understand our community and the role of our police department, it helps to start with an overview of the agency.

The Town of North Greenbush Police Department covers 18.5 square miles. The town is comprised of three distinct unincorporated areas: Wynantskill, Defreestville and Snyder’s Lake. As of the 2010 census, there were 12,085 residents and it is estimated that this has risen about 1.3% since then. Figure A represents the estimated demographics of North Greenbush as of 2019.

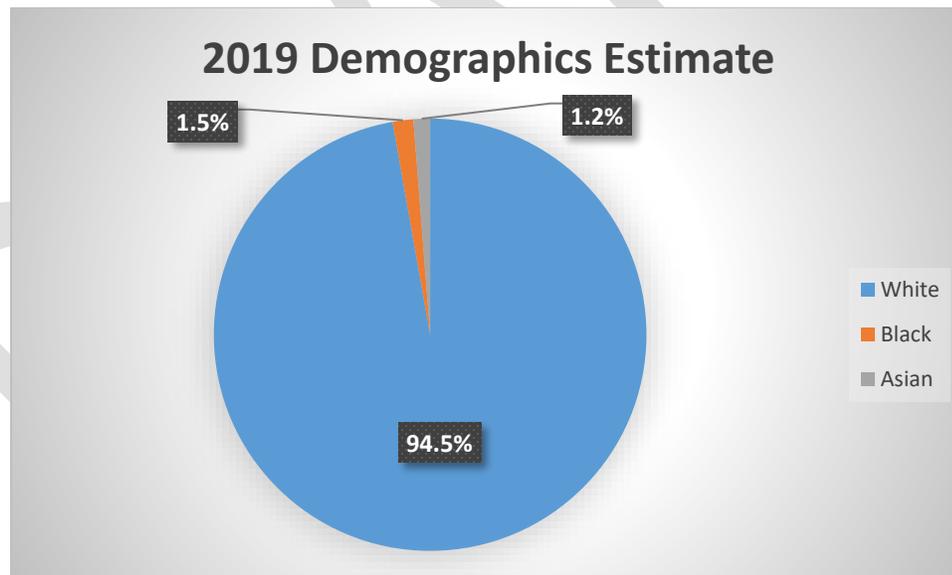


Figure A. Statistics courtesy of U.S. Census Bureau Population Estimates 2019

The town is mostly comprised of residential property though there is a significant commercial presence across two major corridors, Main Avenue and North Greenbush Rd. During business hours, there are thousands more people visiting or traveling through town using these two routes.

While historical records are scarce, municipal law enforcement existed as early as 1960 in the form of a constabulary force. The town officially created the police department in 1980 and it has grown leaps and bounds since then. The department was originally comprised mostly of part-time officers and only a couple of full-time officers. The department was only open certain hours of the day.

Since its inception, the department has grown to 19 full-time officers, 2 full-time dispatchers and 4 part-time dispatchers providing law enforcement response 24 hours a day. In 2007, our department achieved the distinguished honor of Accreditation through the New York State Division of Criminal Justice Services and strives to maintain that through a high degree of professionalism. Through these last 40 years, the mission of the department has changed very little but the methods of achieving that mission are constantly evolving as society does. The department responds to an average of 14,700 calls for service, effects an average of 2,900 traffic stops and makes an average of 380 arrests every 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 study, 2015 to 2019, of the police department records management system, the most prevalent crimes to be reported and investigated any year are Larceny, Offenses Against Public Order, and Criminal Mischief, in that order.

Larceny consists of Petit Larceny and all degrees of Grand Larceny. There are an average of 185 incidents reported and investigated each year. Offenses Against Public Order, such as Disorderly Conduct and Harassment, comprise an average of 78 reports each year. Criminal Mischief of all degrees comprise an average of 55 reports each year. All other categories of crimes reported each comprise of a small fraction of the total. The number of “violent crimes” each year is very small and are mostly committed during domestic incidents.

Only a fraction of domestic incidents involve criminal charges but the total number investigated in any given year is significant. Each year our officers handle 144 domestic incident investigations. These are the most volatile and tense encounters our officers face and require a balance of heightened alertness and patience.

While there are hundreds of crimes reported each year, it is equally important to account for traffic functions, which comprise far more of the total call volume in any given year. Each year, there are an average of 570 traffic accidents investigated and an average of 2,900 traffic stops are conducted.

Beyond criminal reports and traffic duties, officers respond to youths annoying complaints, 911 hang up calls, burglar alarm activations, animal problems, welfare checks, custody disputes, assist with disabled motor vehicles, various hazardous situations, traffic light malfunctions and more. Services provided include civil fingerprinting, car seat installations, vehicle lockouts, a prescription medication drop box, vacation watches, business checks on the

midnight tour, and managing information on sex offenders in the town. Some of these services are not offered by most other local police departments.

The role of the police in our society has grown from merely enforcing laws to providing all types of assistance. All non-criminal or traffic calls for service that our officers respond to can be categorized as fire calls, EMS (Emergency Medical Service) calls, civil matters, mental health calls, service calls or any of 85 other types. Officers respond to fire and EMS calls since they would most likely arrive at the emergency first and can assist citizens in need right away. This not only speaks to the service-oriented mindset of our agency but reinforces that mindset with the officers.

The police are the most visible representatives of government and this leads to calls for service that are not technically in the domain of the police such as disputes over property lines, water and sewer issues, etc. When this happens, especially after hours, the police have resources not available to private citizens so officers have had to expand their knowledge on a variety of topics in order to meet these challenges and help our neighbor as best as possible.

Similarly, most civil matters involve complainants who don't know who else to talk to. Our officers are able to provide insight and, often, mediate the situation without 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. This is another way officers are able to serve the community.

It is clear from these statistics that there are both strong reactive and proactive strategies being used. This balance, along with a service-minded culture within the police department, have created high public support.

## **2. Staffing, Budgeting and Equipping Police**

As previously discussed, the department has 19 full time police officers, 2 full time dispatchers and 4 part time dispatchers. Of the police officers, there are the Chief, Lieutenant, IT Officer, 2 detectives, 3 sergeants and 11 officers. The Chief and Lieutenant are considered to be the administrative staff while sergeants are considered to be supervisory staff. The staffing level is largely dictated by the minimum needed to ensure that there are two police officers assigned to every shift, pursuant to the police officers' labor contract and basic officer safety needs. Administrative and supervisory staffing is consistent with the National Incident Management System's recommendation for proper span of control, which is mirrored by the New York State Emergency Management Office. Various officers are assigned to teams specializing in Accident Reconstruction, Evidence Processing and Investigations which are deployed when circumstances require them.

In order to provide a high level of service, our police department has a written agreement partnering with other local municipal police agencies for the purposes of mutual aid. This is mostly used in serious incidents that require more officers than that agency has on duty at the time. This also 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 emergencies. A similar written agreement is in place for a Shared Services Response Team (SSRT), which is commonly referred to as SWAT. The SSRT is comprised of police officers from our agency, Rensselaer City Police Department, East Greenbush Police Department and Schodack Police Department. This partnership allows for each agency to share the costs of having such a resource, which would not be possible individually given the cost and manpower needed.

Over the last several months, there have been many discussions, both internally and externally, on whether the availability of social workers would benefit the community, rather than police officers responding to certain situations. This agency handles calls for service that would be most appropriate for social workers, such as some civil matters and mental health calls, however the need for the presence of a police officer is still not eliminated entirely. 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 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 a more focused care targeting their specific need.

The Commissioner of the Rensselaer County Office of Mental Health (RCOMH) was consulted as a stakeholder in the drafting of this Plan. In that very productive meeting, this topic was discussed. The Commissioner listed out all of the resources they offer 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 our utilization of these resources, we will be able to forge a stronger partnership which will enable us to provide not only the best service and care to our residents during active calls but also ensure proper follow-up is done to avoid future needs. Additionally, that office 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 individual could have from the police presence.

Since 2015, the police department assisted EMS on at least 32 overdose calls. 16 were suspected heroin overdoses, 13 were prescription medication overdoses, two were alcohol overdoses and one was a marijuana overdose. Officers may have responded to other incidents but they were not documented as such for a variety of reasons. Current documentation practices and social constructs make it difficult to determine how many of these overdoses were intentional versus accidental and said finding often remains undetermined well beyond 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.

To help combat these overdoses, in 2012, the North Greenbush Police station became a location for the safe disposal of expired medications. This was done in an effort to reduce accidental overdoses as well as the chances of these medications being stolen and recreationally used. This is a service that was not commonly found in police departments at the time but has become more popular. Through this, several pounds of medications have been turned in to the Drug Enforcement Agency for proper disposal each year.

In that same time period, our officers made 272 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 outnumbered the involuntary transports. For the past few years, we have utilized the Northern Rivers Mobile Crisis Team to assist when possible. Unfortunately, their hours of operation, resources and capabilities are all limited. If a person in crisis is a clear threat to themselves or others and refuses to seek treatment voluntarily, the officers must take that person into custody under Mental Hygiene Law (MHY §9.41) and transport the subject for evaluation themselves or in the company of emergency medical provider(s) since there are no other entities authorized by statute to do so. If a person is deemed not to be a threat to themselves or others, they cannot be involuntarily transported for mental health evaluation and an officer is placed in the position of either leaving without providing any assistance or seeking an alternative option, of which there are extremely few.

In order to streamline the process for officers to notify RCOMH of the specific need in a situation, our agency has teamed up with RCOMH and surrounding police agencies to create the Law Enforcement Mental Health Referral System (LEMHRS). This is still in development but will be modeled after the program created by Essex County. A police response will still be required but it will create a streamlined process for mental health officials to be notified of a citizen in need, to which they will respond based upon their evaluation of the circumstances. Response could be immediate or done as a follow-up the next day to check on the citizen and offer appropriate services. Often, in order to secure needed services for a person in crisis, officers will take a person into custody for professional mental health evaluation or invoke criminal arrest if a violation of law exists. Understandably, such a response could be emotionally and/or psychologically detrimental to the person, good reason why this program would be so beneficial. It gives officers another alternative and reduces the criminalization of this vulnerable population. This response will not serve to reduce overall violence in the community, given the relatively low incidences of violence in the first place, but would aid in more effectively assisting those in need of more targeted services.

While there are several similar programs being used throughout the United States, each would need to be researched for any elements that may be incorporated into the LEMHRS program. It was suggested at the public stakeholder meeting that the CAHOOTS (Crisis Assistance Helping Out On The Streets) program being used in Eugene, OR may be useful. CAHOOTS uses a two person team consisting of a medic and a crisis worker to respond to calls for emotionally distressed persons, homeless issues and addiction counseling.

Our agency rarely receives a call for a non-crisis situation and these should be referred to the RCOMH for follow-up. Almost all mental health calls are for a crisis situation but it may be possible to coordinate a tandem response with a two person team consisting of a police officer and a crisis worker, depending on the known circumstances at the time the call was received. Most calls are received from a third party that is not on the scene so they are not sure if the person in crisis has harmed themselves already or is actively doing it. Many other calls are from someone that is with the person in crisis and can say for certain that they have already taken steps to harm themselves. In those cases, the ambulance is being dispatched and will not enter to assist the person until police have secured the scene so an expedited response is required. As stated earlier, it is implicitly understood that the police responding first to a situation could only serve to exacerbate the distress or stigma attached, however, it may not be feasible to wait for a clinician to respond when there is an immediate threat present requiring quick intervention. When practical, both arriving at the scene at the same time would be ideal.

It is vitally important, however, to have the officers trained in how to effectively communicate with persons in crisis. Through the years, several officers in the department have participated in Emotionally Distressed Person Response Team (EDPRT) training, which provides instruction in effective methods of communicating with persons in crisis. In the near future, our agency aims to increase the number of officers who have received this training. In addition to the current training regimen, it is expected that New York State will make Crisis Intervention Team training readily available post-COVID. The department will be dedicated to training an officer in this groundbreaking crisis management protocol.

North Greenbush Police have only had one officer solely assigned as a School Resource Officer in its history. This program was run for only a couple of years in the primary schools in the jurisdiction and ended in about 2014. To maintain a connection with students in our community, officers from patrol are assigned every school day to provide a presence at the public schools as students are arriving for the day. Throughout the day, officers are encouraged to visit the schools and have positive interactions with the youth. Disciplinary actions inside the schools are left to school administrators and the officers do not participate. This avoids minor infractions from having larger consequences than are warranted. A resumption of the SRO program has been researched many times but, ultimately, funding is a major hurdle and it is unknown if our agency will ever be able to do it again. If funding became available, it would then need to be determined whether the community wishes for our agency to take on this role before a final decision could be made.

Another important question being asked is whether the police are appropriately equipped. More than anything, this is a question of whether certain equipment is excessive in nature. This agency does not subscribe to the Federal 1099 program to acquire surplus military equipment as there are too few pieces of equipment that have any practical application in police operations. Military and law enforcement each have distinct needs that very rarely require the same equipment.

While there has been an industry-wide trend towards more “tactical” equipment, our agency has not changed much. TASERs were introduced in 2014 and patrol rifles replaced the

use of shotguns in 2015. All other equipment types have been in use for decades. At this time, we believe the equipment being used is adequate for the needs our officers typically encounter.

Our agency has assisted other jurisdictions in crowd control but have only acted in a support capacity from the staging areas and command posts. There has not yet been a need for such an operation in our jurisdiction though some residents have publicly expressed their views on what response they would like to see from their police should such an event ever occur. It is believed that the community supports the 1<sup>st</sup> Amendment right to protest but that it needs to be carefully monitored for an escalation to violence. If such an event began to escalate, it is our belief that our residents would wish for it to be swiftly stopped before it can spread, anyone is injured or property is damaged.

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## **II. Employing Smart and Effective Policing Standards and Strategies**

### **1. Procedural Justice, Restorative Justice and Community Policing**

Procedural Justice and Restorative Justice are admirable ambitions upon which our agency seeks to improve. 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 that the public perceives that the police officers handled a situation as fairly as possible. This is achieved through four objectives: police officers must treat members of the community with respect, they must listen to the concerns of all parties involved in an encounter, they must be neutral in their decision making and they must convey trustworthy motives. While these tenets may be followed by an officer, the individual they are interacting with may not perceive it that way and the goal is not reached. In this situation, the officer would need to be cognizant of this and alter themselves to overcome it. This can be as simple as changing body language or communicating more effectively.

De-escalation training focuses on how an officer's actions and words would be perceived, regardless of their actual intent or feelings. Body language, specific wording and a conscientious effort to remain calm are key points in this. Officers have been provided with that training 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 the proper perception. This will be monitored and followed up on with both maintenance training and follow-up training to improve even more.

Restorative Justice focuses on how the legal system could react in a criminal investigation. The goal here 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. There are a few programs our department uses to this end but improvement is certainly possible.

On January 1<sup>st</sup>, 2020, new legislation on bail reform came into effect. These new laws eliminated cash bail and required the issuance of appearance tickets in lieu of arraignment and incarceration in most cases. Since there has only been about a year of data, it is unknown at this time what impact this has made on crime trends. For first-time alleged offenders, this is believed to be a tremendously positive thing as incarceration would only serve to increase their chances of recidivism, risk job loss or other stressing situations which would be difficult for the defendant to overcome. Critics point to chronic offenders being given the ability to continue victimizing the public following an arrest. While it is agreed that these circumstances exist throughout the state, they have so far been rare in North Greenbush.

Many agencies throughout the state have applied the same concept to the issuance of traffic tickets rather than making an arrest for certain unclassified misdemeanors as defined in NYS Vehicle and Traffic Law (VTL). The most common violations that would qualify are

Aggravated Unlicensed Operation (VTL §511- subsections 1 through 3) and Operation while registration is suspended or revoked (VTL §512) in which the Commissioner of Motor Vehicles has suspended or revoked a license or vehicle registration for a variety of reasons. Other unclassified misdemeanors include Driving While Intoxicated (DWI) as a 1<sup>st</sup> Offense, Circumventing an Ignition Interlock Device and Reckless Driving. By the statutes of NYS Criminal Procedure Law, unclassified misdemeanors hold penalties higher than that of other traffic tickets but are not entered on a subject's criminal history with the exception of DWI. For each of these offenses, traffic tickets are created and an arrest is completed. The arrest includes the collection of pedigree information and the issuance of a Desk Appearance Ticket.

While other agencies issue the traffic tickets without completing an arrest, our agency has elected to continue the process as it is compliant with Criminal Procedure Law. While rarely done anymore, an arrest or bench warrant may be issued by the court for a defendant's failure to appear on these violations. Without the information contained in the arrest paperwork, the court would not be able to do this. Changes to the law would be necessary to discontinue this practice.

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. As discussed earlier in this plan, if one was available, a social worker could be employed to help resolve a situation without the police being present.

When speaking of Procedural Justice and Restorative Justice, it is important to note that there has been a relatively recent trend of false calls being placed against minority groups across the country. While there are existing laws in place to combat these situations, officers must approach a situation in a non-accusatory way to interview all interested parties and determine whether there is actually a crime being reported. Sometimes, the person who was originally called in as a suspect is actually a victim. If the initial approach of the reported suspect is not correct, they will not feel comfortable enough to cooperate with the investigation of the false report. Our agency has, over the years, received calls about someone being suspicious based on their race or ethnicity and such calls do not get a police response. A criminal act must be reported to have occurred or be imminent based on the caller's good faith observations. Most calls for suspicious persons include a vague description of why the caller feels it is suspicious and officers must gauge that information against whether a reasonable person would have the same concern. If so, the officer may elect to engage the person but the approach must be as described above.

In order to better facilitate police responses focusing on restorative justice, statistical analysis is needed first to determine the most prevalent crime types. Training can be routinely provided to the officers regarding options for these call types, other than arrest. Most often, officers are faced with a victim that wishes to pursue charges as a matter of principle or as an

avenue to get an Order of Protection or court ordered restitution. In these instances, it would be unfair to the victim to employ an alternative but the discussion should occur with them to determine if they are accepting of another outcome.

Diversion programs are another option for Restorative Justice that the police can offer. These programs have existed locally for a number of years and have seen many success stories in breaking the cycle of addiction and recidivism. There are a variety of reasons why individuals commit crimes. All too often, they are committing them because of a drug addiction. If the addiction was removed from the equation, that portion of the crime rate would decrease. 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 Court to be handled in the Drug Court Part. Only the judge has the discretion to make that referral but the judge has limited information and observation of the defendant to know they could be a candidate for this program unless otherwise advised of it by the officers. Another option for this diversion would be Troy Regional Treatment Court- Opioid Part. Officers have a screening form that they fill out at the time of arrest and turn over to the court at the arraignment for this to be considered.

Since there is almost always a delay between the booking process and the arraignment date, a defendant admitting they wish to get help with addiction could have to wait a few weeks before getting in front of a judge to start that process. A new step in the booking process will be added where any defendant that has been identified as a possible candidate will be referred, upon their consent, to the Rensselaer County Office of Mental Health addiction peer counselor for follow-up. This is expected to provide such defendants with immediate assistance and may offer them an opportunity to get a head start in their recovery.

### **Community Policing**

*“The police are the public and... the public are the police” – Sir Robert Peele*

Sir Robert Peele instituted that idea when establishing the first municipal police force in 1829. The overriding theme of his ideal for policing was the reinforcement that police officers are members of the community, first and foremost, 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 North Greenbush makes motor patrols essential given the large, mostly rural jurisdiction and few officers working at any given time. Still, there are opportunities to interact with the public and the officers of this agency often take

advantage of those opportunities. Our agency routinely did foot patrols on Main Ave, Brookside Ave and Marion Ave in the 1980s but it is unknown why that stopped; likely the result of staffing issues at that time. Officers have begun routine foot patrols along Main Avenue, which is one of the two main business districts in town. Main Avenue is heavily traveled by residents from the side streets walking the sidewalks in the warmer times of year and there has been tremendous positive feedback from residents and visitors that have seen the officers walking. Main Avenue is also home to the North Greenbush Town Hall where youths gather to play baseball, basketball, or just hang out. Our officers have stopped to talk to the youths as a positive interaction rather than only when a complaint is received about the noise they're making. This, too, has been very well received. The North Greenbush Road corridor is slated for improvements which include sidewalks so that will facilitate the same initiative, albeit on a lesser scale since businesses are further spread out along that route.

As important as that method of community policing is, most of the town is rural and most residents would rather see the officers patrolling in their neighborhoods so that must also be accomplished by the officers during their tours. One of the bigger complaints our agency receives is that residents feel like they don't see the patrol cars in their neighborhoods enough.

With the officers on patrol splitting their time between responding to active calls, investigating criminal complaints, walking a foot beat and patrolling through neighborhoods, there is little time left for other avenues of community outreach. To overcome that, our agency participates in as many community events as possible. Typically, officers will be in attendance to talk to youths about various safety topics and to talk to older residents about their concerns. This has proven to be very effective in keeping an open dialog with the members of the community, particularly the youth whom it is vital to reach.

An open house at the police station was planned for 2019 but didn't happen due to budgetary constraints. In 2020, it didn't happen due to COVID-19. This will remain in the planning stages and, once it can finally be done, will become an annual event. This will be a great way to meet the community and showcase what the police department offers. The opportunity to tour the police station and a police car will likely create great interest from the youth which will open the door to building relationships with them.

It was also suggested at the stakeholder panel that a meet and greet event take place at the Town beach one day in order to reach the Snyder's Lake community. Similar events could be planned in both Wynantskill and Defreestville.

Social media and the department website offer an opportunity to introduce the officers to the community but are not currently utilized for this. It was also suggested that the officers' pictures be included with their names on the website. The social media accounts are used primarily for news broadcasts but more photos of officers engaged in less newsworthy circumstances would allow the residents to put a face to the name and make them more comfortable approaching the officers at outreach opportunities or during calls for service.

While it is easiest for the police to create these opportunities for meeting the public, the officers would always enjoy the chance to attend neighborhood block parties or other events to further bridge the gap that naturally occurs between the police and residents.

An issue this agency has historically seen is that it is a “stepping stone” agency, where newer officers transfer to larger departments after only serving this community for a short period. This creates a relatively high turnover rate and a lack of consistency in the officers the public sees. Few officers are around long enough for them and the public to get to know each other and build a level of mutual trust. Over the last several years, this trend has slowed but there were many retirements so the turnover rate was essentially the same. As the agency has few left that are eligible for retirement, it is hoped that this will stabilize. This is dependent on newer officers being incentivized to stay for their entire careers where they will be able to get to know the community and use that knowledge to better serve the residents.

### **Schools**

As stated previously, our agency does not have a school resource officer so community relations in the schools must be done through alternative options. There are many schools in North Greenbush but only two high schools, both private schools. One such high school, Vanderheyden, is part of a residential and community services facility for youth which generates a significant portion of the annual police activity in our town. As such, the Chief Executive Officer (CEO) of that school was consulted as a stakeholder in the crafting of this Plan.

Youth up to 21 years of age reside on the campus and receive a wide array of psychological, emotional and educational services. Other students live at home and only attend the school but receive many of the same services as the residents. It is believed that the frequent need for police intervention is due to the fact that the youth residing there and attending the school come from a variety of backgrounds, some of which includes past emotional trauma, and that often manifests in the form of aggression or the need for emergency mental health services. While it is a very small fraction of the school population at any one time, the students who act out aggressively require the intervention of the staff. Trained members will attempt to de-escalate the situation verbally but sometimes have to use therapeutic control intervention techniques to restrain a student. While staff are adequately trained and able to manage most of these incidents through their own tactics, there are incidents that go beyond their control and the police department is called to respond for assistance.

Over the past several years, the current Vanderheyden CEO has done a fantastic job in engaging the police department and leveraging police data to ensure the needs of the facility are being met. Prior to her tenure, our agency had averaged 362 calls each year at the main campus. In the last five years, the average has been 120 calls each year with a noticeable downward trend throughout. Her efforts to reduce police responses over the last several years have also reduced the number of negative interactions the students have with the police. This helps keep tensions between the officers and students to a minimum.

The CEO has urged the police department to make routine visits to create a rapport between the officers and students. These positive encounters need to be more frequent in order to reach more of the students, especially the ones that are often the focus of a police response to the school. Historically, officers have found that their presence has caused a disruption among the students but it is believed that this is only because it is seldom done and many students have had more negative experiences with the police than they have had positive ones in their lives. With an increase in frequency, it will become normal to see the officers in the school and both the officers and students will grow more comfortable with each other. This will lead to the students being more open to positive interactions with the officers. This will also help establish a rapport with the students that can be used to de-escalate a situation if the police respond to deal with a student in crisis.

The CEO also suggested that officers all be issued business cards that can be handed out to students for the officer to not only identify themselves but to also provide the student with a point of contact with whom they have a rapport and trust. This improvement would not only be beneficial at this facility but all encounters with the public.

During the stakeholder meeting with the CEO, it was discussed that the Office of Children and Family Services was seeking to institute a prohibition on Vanderheyden staff from employing restraints on students. This would not only significantly and negatively impact the police and the relations with students if it is enacted, it would remove the ability for staff to keep students safe from themselves. First, the police would be responding to the campus more frequently and using force on students. Second, there are more negative interactions than there needs to be. Third, staff can do nothing but watch as a student actively damages property, hurts themselves or others. Commonly, students wishing to harm themselves go to the main road, which is a state highway, in an attempt to hurt themselves in traffic. Staff are able to use force to remove them from the roadway for their own safety. Without staff having that option, the student cannot be removed from the highway until the police arrive, which could be several minutes. Such a policy has been tried in other facilities in the past and police responses more than doubled, which is likely to also happen at this facility.

Currently, our agency works with the New York State Justice Center to investigate any use of force by staff members against a student that results in a complaint or injury. This not only safeguards the students from excessive or unnecessary force but also puts accountability in place that provides a deterrence from future events. Prior to the existence of the Justice Center, our agency solely handled these investigations but we now have a partner with more resources to use in these investigations.

### **Policing Strategies**

Public trust is a bank account that the police must keep a positive balance in. 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 relatively unsuccessful they are. Administrative and supervisory personnel at our agency are watchful for these encounters happening and have addressed officers appearing to use these strategies and ceasing such activity. Similarly, these personnel are watchful for any activity of officers that could be based on racial or ethnic profiling. Demographics on arrests and traffic stops are routinely monitored for any unusual patterns. If found, an internal affairs investigation would be commenced into the officer to determine if there is something intentional or unintentional happening.

Our agency offers no rewards for the issuance of tickets nor does it demand that officers meet any quotas or minimums. Instead, a focus is placed more on traffic engagements than traffic tickets. The purpose of traffic enforcement is to educate and gain voluntary compliance with the law. Sometimes, the officer feels the education occurred through the conversation and advisement, which will hopefully yield future compliance. 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, overly reckless, or a driver indicating that they will continue committing the violation. This decision is left solely to the discretion of the officer.

## **2. Racial Disparities**

In order to gain an understanding of whether there are disparities in the application of law, statistical analysis was required. The collection of racial and ethnic data in our agency is very limited, mostly due to two main reasons: the majority of interactions with the public not resulting in a report, and such data not being collected during traffic stops or noted on traffic tickets. As discussed later in this Plan, such information is not noted on driver's licenses so it would require an officer to make a subjective assumption which would lead to inaccurate information.

The primary location for such data, and the most important statistic, is with arrests. This involved a detailed examination of all arrests over the five year period from 2015 to 2019, focusing on the race, gender and ethnicity of each arrestee. There were 1,859 arrests in that period and the percentage of representation by each race was compared against the national average, as shown in Figures B and C. The national average was found based on the 2018 FBI Uniform Crime Reporting database, which was the most recent available year for data.

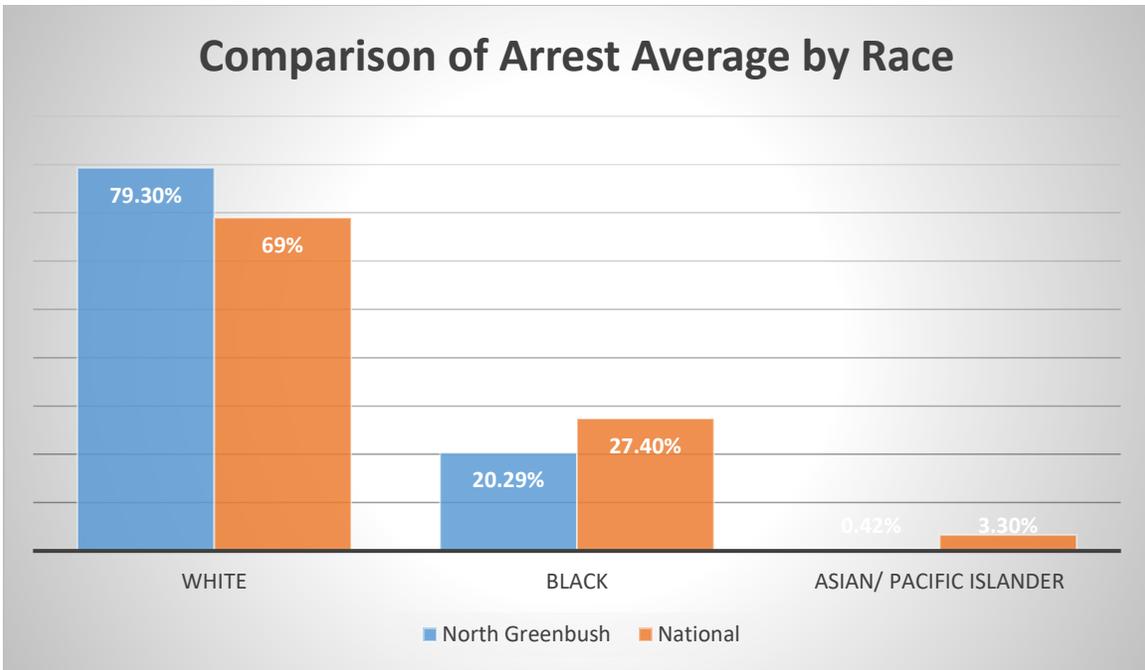


Figure B. Indicated values derived from North Greenbush Records Management System 2015-2019 and 2018 FBI Uniform Crime Reporting data. Values do not equal 100% due to rounding errors

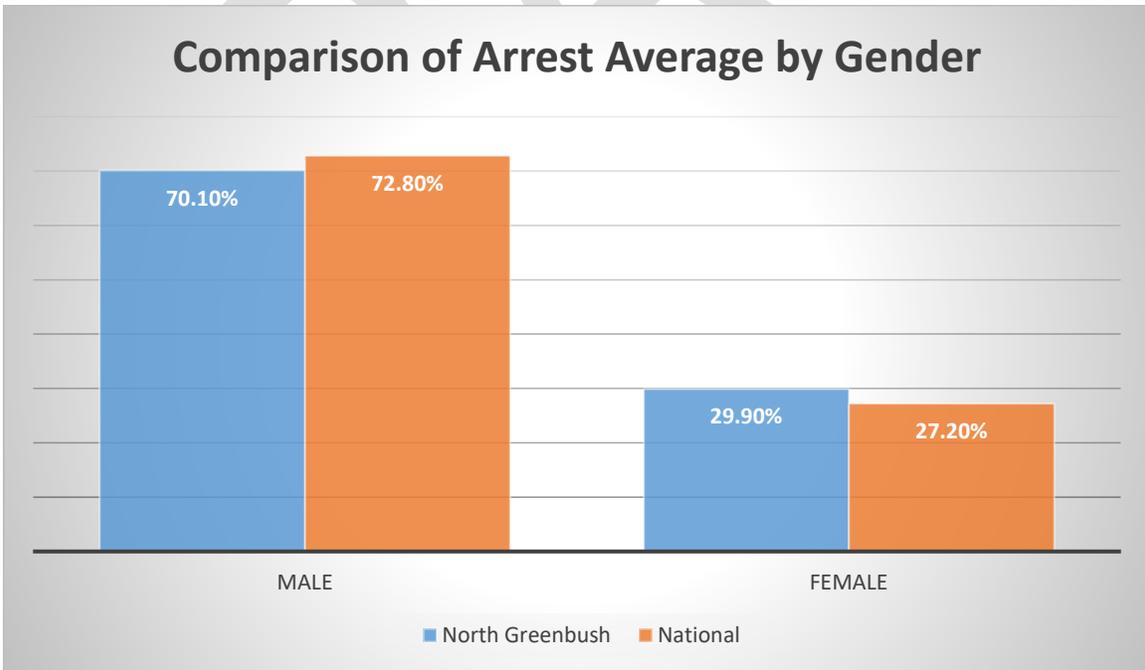


Figure C. Indicated values derived from North Greenbush Records Management System 2015-2019 and 2018 FBI Uniform Crime Reporting data. Values do not equal 100% due to rounding errors

Figure C depicts the gender of arrestees as reported by the arrestee at the time. There were no records of any arrestees in that time period that identified as anything other than those two genders. As illustrated, the North Greenbush average is consistent with the national average.

For ethnicity, our officers rely on the arrestee indicating whether they are Hispanic or not for reporting purposes. Over the five year period, an average of 2.3% of all arrestees identified themselves as being Hispanic. The national average, according to that same 2018 FBI Crime Report, is 18.8%.

In viewing the comparison of our data versus the national data, it is clear that the arrests of minorities in this agency fall far below the national average. Unfortunately, accounting for how these statistics stack up against the demographics of our community creates a false conclusion.

This is because, while the demographics of the town are known, it is also known that these arrestees come from many different locations. To study that further, a smaller sampling was taken, using just 2018 and 2019, to determine the municipality of residence for all arrestees. It was found that, over that two year period, town residents accounted for only 22.1% of all arrests. It was also found that the largest percentage represented was City of Troy residents who accounted for 26.8% of all arrests. Given the small number of town residents represented in the total, using the census data as a comparison would not be sufficient in demonstrating that any particular demographic is being arrested at a rate higher than their representation in the total population. The unknown statistic that would best illustrate any unjust enforcement relative to population would be a demographic breakdown of all residents and visitors to the town each year. Obviously, it would be impossible to even guess this given the complete lack of any data on which to base it.

To compare the percentages of arrest for each demographic against plea agreements or conviction rates would likely build a better picture of any disparities. If a certain demographic is highly represented in the arrest category but not so much in the conviction category, it would possibly indicate that the arrests of that demographic hold a lesser degree of merit than other demographics; an indicator that there is a problem with the way charging decisions are being made. The collection of such data would require the assistance of the court and may not be feasible but will be looked into by the Chief.

The reason for each arrest in this period can be broken up into two categories: Reactive and Proactive. Reactive arrests would be any made as a result of a criminal complaint and investigation. Proactive would be any made at the officer's discretion. In our community, proactive arrests are almost exclusively the result of a traffic stop.

Discretion rarely exists in situations where a reactive arrest was made. The merits of the criminal complaint are measured by the evidence present, whether the alleged victim wishes to pursue charges, and whether the allegation fits a statute of law; not the officer's opinion on whether it would achieve the best outcome for all parties.

While the race, gender or ethnicity of the alleged perpetrator isn't factored in the decision to arrest or not in either proactive or reactive situations, discretion is typically a large factor with proactive arrests. In order to determine whether there are racial disparities in the application of law in proactive arrests, the same five year period was analyzed further. Not surprisingly, the number of traffic-related arrests was greater than the total reactive arrests each year. As discussed earlier in this Plan, an average of 3,470 traffic stops and traffic collision investigations occur every year. On average, these interactions account for 57.8% of all arrests, versus 42.2% that are reactive.

Because of the limited scope of data, it may not be possible to draw a definitive conclusion on whether bias exists but two clear facts emerged from this analysis: 1) most arrests occur at a time when discretion is a large factor, and 2) arrest demographics show that our agency falls below the national average when it comes to minority arrests. These could be interpreted in a variety of ways but are not believed to indicate that the enforcement of criminal offenses is being unjustly applied. Unfortunately, this applies only to arrests and not to traffic stops or the issuance of traffic tickets. This information does not indicate anything in terms of whether discretion is being applied at an equal rate or better and there is no available data set to derive that information.

During the public stakeholder meeting, it was discussed that information regarding demographics on traffic stops and searches would be helpful in identifying trends of certain demographics being disproportionately represented. Our agency currently has no method in place to collect or document this information but others in the state do. Research into how that is done could lead to it being done at our agency if it is found to be feasible.

### **3. Community Engagement**

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 leads them to have a connection with the police department to address the current needs of the public. Both topics have a shared goal but offer different objectives towards reaching that goal.

Over the last couple of years, we have attempted to institute 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 these neighborhoods. So far, no neighborhoods have gotten enough interest from the residents to allow for this to be rolled out. This is constantly being pursued and will likely catch on once the first neighborhood starts. Though a formal neighborhood watch may not be present in a particular neighborhood, certain residents will often reach out to the Chief to discuss issues they see. The Chief always makes time to meet with these individuals to hear their concerns, advise them on the legal options and discuss possible remedies.

The town has no neighborhoods that could be considered “problem areas” where crime is higher than anywhere else. Perhaps as a function of that, there are currently no civic organizations established for or focusing on community safety that would benefit from regular meetings with police department administration though our agency is always willing to do that.

The Wynantskill area has a very active social media account where members of the public routinely post comments or questions regarding issues that pertain to law enforcement. The Chief monitors that daily, at a minimum, and responds to anything that can be answered. Historically, the community has expressed concern over speeding vehicles in certain areas and thefts. The Chief considers each of these and either reaches out to that citizen or answers it to the community at large. By seeing the Chief interacting on a regular basis, more residents recognize this as a valuable medium to discuss these issues and have the police department involved. While in-person meetings are always preferred over impersonal social media, this has found to be an effective method of communication that the community seems to find helpful. This allows all residents to have a voice with no time commitment to fit into their busy schedules.

The most tangible step taken by our agency in many years towards engaging the community was the public stakeholder meeting, held as a part of the process to create this Plan. Police Community Reconciliation will not be achieved through just one meeting and it is understood that these meetings may be needed on a regular basis. It was discussed at the stakeholder meeting that there could be regular meetings established for certain areas of town for residents to express their concerns. While this may bring complaints about things that are not relative to public safety or law enforcement, per se, our agency will do whatever possible to engage the appropriate entities in addressing the concerns raised.

### **III. Fostering Community-Oriented Leadership, Culture and Accountability**

#### **1. Leadership and Culture**

*“A genuine leader is not a searcher for consensus, but a molder of consensus” - Martin Luther King*

The role of the Chief of Police is not to figure out what direction the membership would like the agency to go. The Chief needs to decide what direction the community needs the police department to go and then convince the membership of the value in that direction to gain their support for it.

Through the years, and under several Chiefs, our police 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. Our 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 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 the administrators.

Instituting our culture starts in the hiring process. We seek officers that are service-minded and fundamentally understand the way the agency operates. Candidates are evaluated for their acceptance to 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 the importance of customer service. We have found that this helps officers in establishing a rapport with members of the community.

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

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

### **Use of Force**

Given the nature of this industry, there is no shortage of opportunities for something to go differently than wished. Accountability in our agency is as important as in any other. To help maintain that, all marked police vehicles have been equipped with dashboard cameras since 2002. 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 the citizen. Most interactions with our 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 systems. This version was installed in 2016 at a cost of about \$72,000. Since then, the system has been expanded to include cameras in the Booking and Interview rooms.

Patrol cameras are constantly recording which allows administrators to pull any sections of video if there was a suspected incident, even if the officer hadn't activated the "save" feature. The recording is saved automatically if an officer activates their 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, which is required when involved in certain circumstances as dictated by departmental policy. Saved videos are retained according to New York State Archive regulations, as laid out in LGS-1 (previously known as MU-1), based on how the officer labeled the saved portion. Shift supervisors routinely review the 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 create relationships with the public. Officers and supervisors have no way of deleting any videos that are created which increases the accountability this equipment affords.

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, as an accredited agency, our policies have been developed, reviewed often and updated when necessary and adhere to New York State Penal Law Article 35, which governs the use of force. Following the passage of the Say Their Name legislative package, the policy was updated to reflect the new applicable laws though many of the items had already been in the policy for years. Firearms and Defensive Tactics training have conformed to the NYS Division of Criminal Justice Services model policy and have included elements of policy training to ensure that.

Officers are trained annually on the use of TASERS, batons 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 and baton 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.

There has only been one officer involved shooting in the history of the North Greenbush Police Department, which occurred in the 1970s, and it was not fatal. Similarly, no suspects have ever died in custody or have even been seriously injured. While the reason for this could not be known, it is hoped that it is due to having high accountability and officers that exercise great restraint.

From 2015 to 2019, our agency has had 20 incidents where force was used on a subject; an average of four every year out of tens of thousands of citizen contacts. Pepper spray was not used on any individual and TASERs were only used twice. All other subjects were restrained through the use of hands only.

The question of whether force is being unfairly applied based on racial or ethnic identity is an important one. Figures D and E illustrate the use of force by demographic across that five year period. All subjects identified as either White or Black and male or female. All subjects were non-Hispanic.

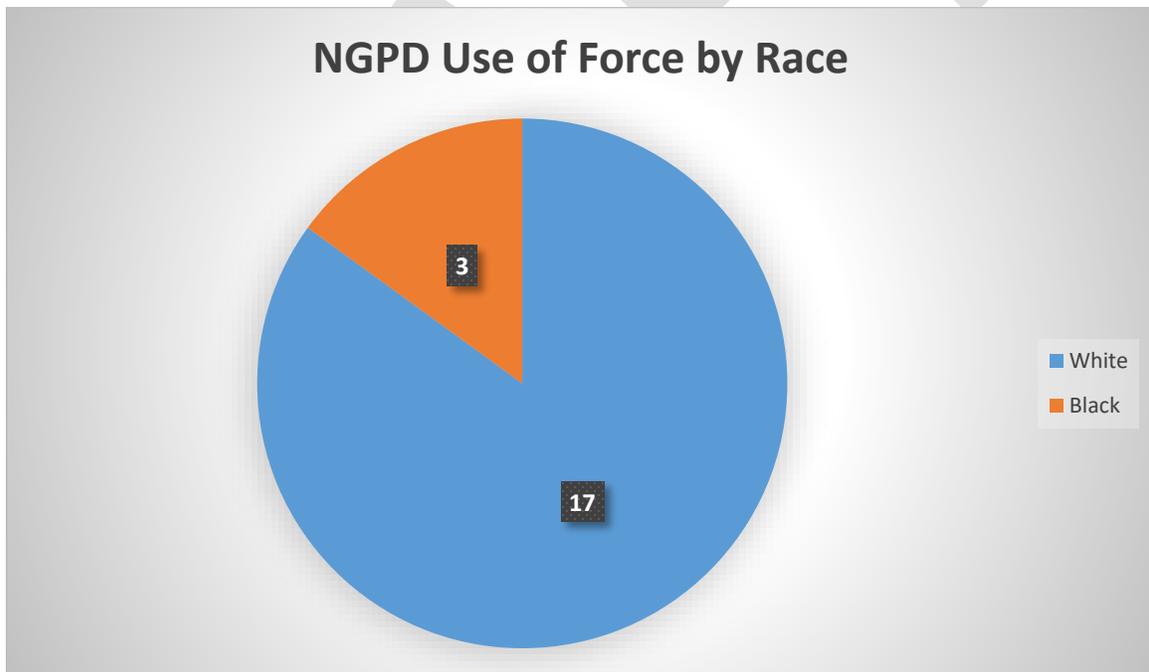


Figure D. Indicated values derived from North Greenbush Use of Force Reports 2015-2019

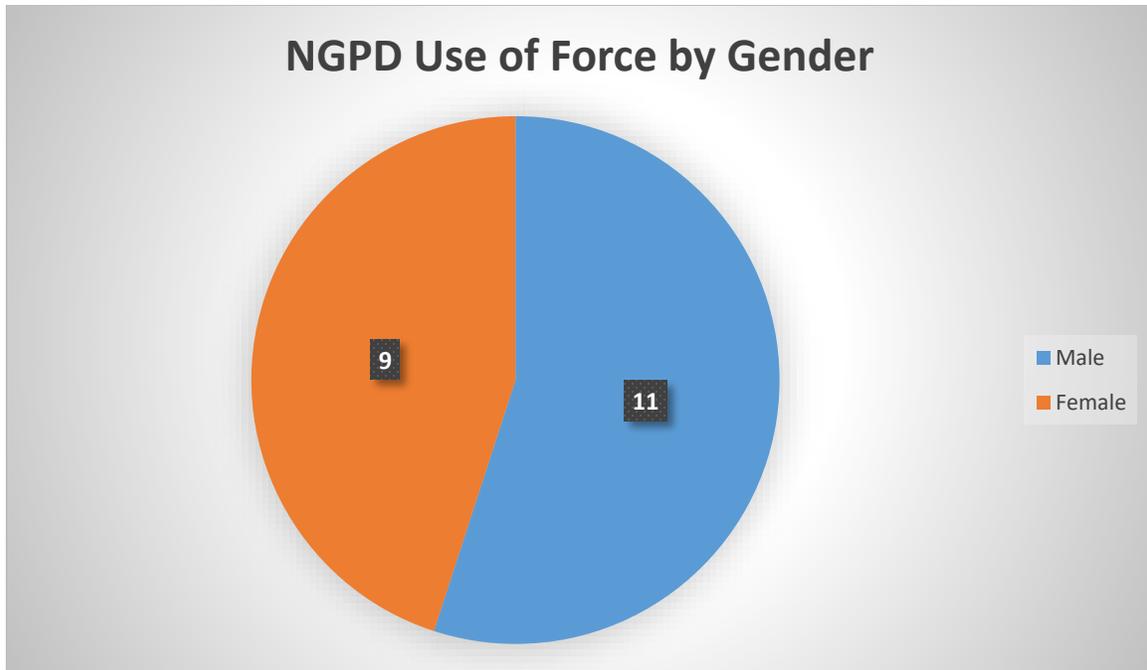


Figure E. Indicated values derived from North Greenbush Use of Force Reports 2015-2019

Of the 20 force incidents, only 16 individuals were involved as 3 appeared multiple times during multiple separate encounters. Pursuant to the Use of Force Continuum our agency currently uses, which is based on Article 35, reasons for force can be categorized as either overcoming passive, active, aggressive or aggravated aggressive resistance.

Compliance is defined a person who acknowledges direction or lawful orders given and offers no resistance. The mere presence of an officers is sufficient to elicit the desired response from the subject. The practice of courtesy in all public contacts encourages understanding and cooperation. Simple directions, which are complied with while officers accompany the subject, are by far the most desirable method of dealing with an arrest situation.

Passive resistance is defined as when an individual is being non-violent but is non-cooperative with an officer's commands. This is typically demonstrated by a subject going limp and refusing to walk, refusing to exit a vehicle when advised that they are under arrest, or tensing up in a manner that inhibits the officer from detaining the subject. Subjects exhibiting passive resistance pose no threat to the officers or the public by these actions, alone.

Active resistance is defined as when an individual is uncooperative and takes physical action to avoid being taken into custody such as grappling, pulling their arms away from the officer or trying to break free to escape. Subjects exhibiting active resistance pose a threat to officers or others.

Aggressive resistance is defined as when an individual violently uses force against officers in an attempt to escape custody, harm the officers or others. This is typically demonstrated by a

subject taking a fighting stance, striking, attacking with an object being used as a weapon, punching, kicking or biting officers while they attempt to effect the arrest. Subjects exhibiting aggressive resistance pose a serious threat to the officers and others.

Aggravated aggressive resistance is defined as when an individual uses or attempts to use a weapon or implement that could cause serious physical injury or death to the officer during an attempt to effect an arrest. Subjects exhibiting aggravated aggressive resistance pose a deadly threat to the officers and others.

In the five year period studied, there were no instances of aggravated aggressive resistance and all events could be categorized under the lower types. It is important to distinguish that, with by subtracting the 20 incidents noted in this section from the total arrests, there were 1,839 arrests that fell into the compliant category. This means force has only been used 1.07% of the time. The Use of Force Continuum currently being used is a guideline officers use to determine which level of force would be deemed to be justifiable based on the subject's actions. These are by no means to be construed as set limits since force incidents are volatile and rapidly evolve, sometimes requiring an officer to move from the lower end of the spectrum to the highest in an instant or vice versa. The subject's actions directly dictate the force that would be justified at each moment and officers are constantly evaluating this throughout the encounter in order to properly escalate or de-escalate as the situation demands.

All efforts are made to de-escalate a situation through communication, when possible, before an officer will resort to using force on a subject. Control may be achieved through advice, persuasion, and warnings before resorting to actual physical force. This should not be construed to imply that officers should ever relax and lose control of a situation, thus endangering personal safety or the safety of others. The safety of the officers, the subject and others is and always will be the paramount objective.

Figure F illustrates the total number of each category of resistance for all Use of Force incidents reported by North Greenbush officers over a five year period.

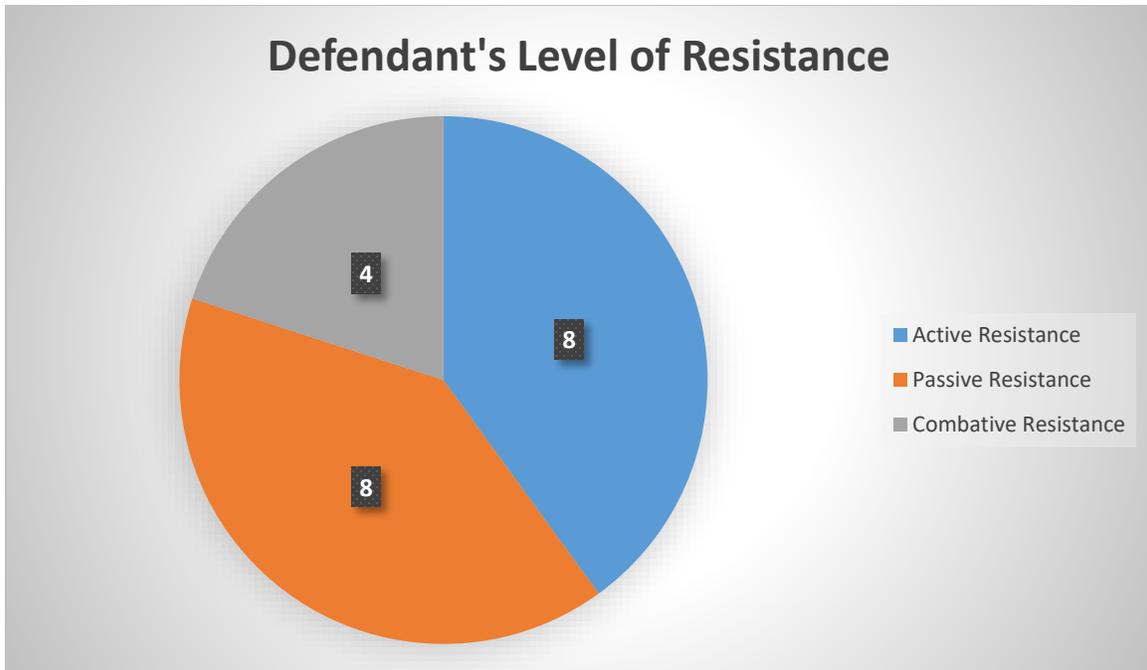


Figure F. Indicated values derived from North Greenbush Use of Force Reports 2015-2019

Figure G illustrates what actions the defendants were engaged in that necessitated force. Of the 20 instances, 1 active resistance and 3 passive resistance situations were persons in crisis actively attempting to harm themselves where force was needed to intervene. 1 additional incident was filed by an officer who took a cellphone from an arrestee's hand against her will but no other force was used. Still another incident was an escort of a defendant from the courtroom after they had been deemed to be in contempt of court. The 14 remaining were involving a subject resisting arrest for a criminal matter. Only two of the incidents were Vanderheyden students.

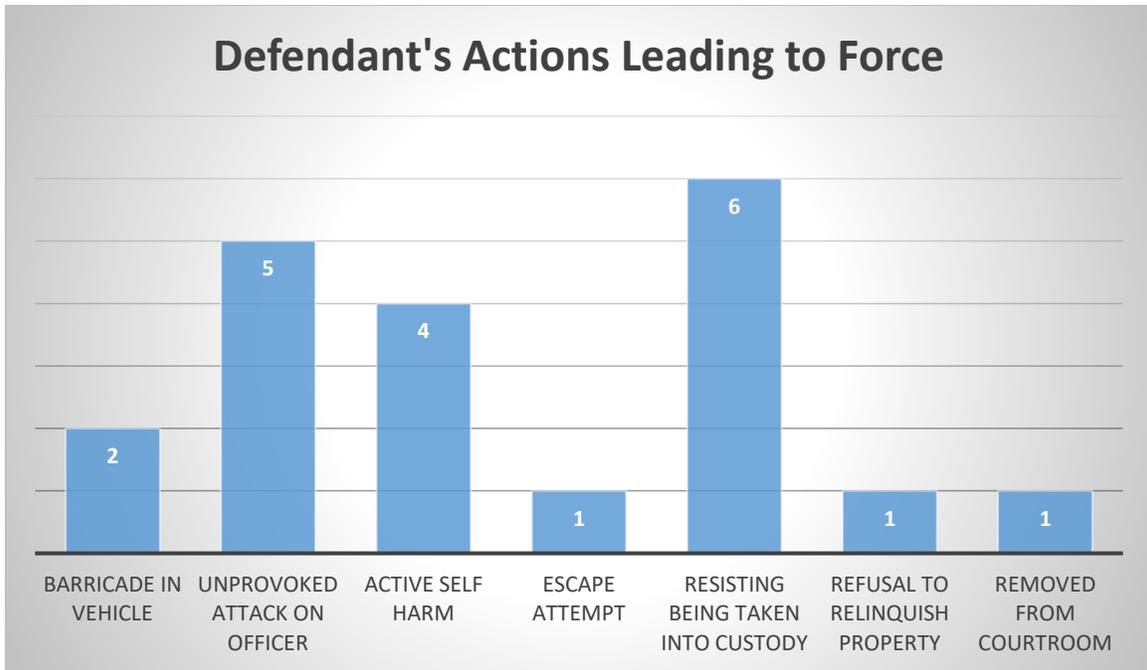


Figure G. Indicated values derived from North Greenbush Use of Force Reports 2015-2019

Throughout the 20 Use of Force incidents, only 2 subjects suffered minor injury. They were immediately treated by the appropriate medical personnel on scene and refused further medical attention. During that time, three officers suffered injury with one requiring corrective surgery. This disparity illustrates how officers use the least necessary force possible given the situation, which has placed them at risk of harm rather than the resisting subject.

In January 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. That year, six Use of Force reports were filed regarding such display only, though neither weapon was deployed in any of those cases. This is indicative of officers properly using restraint and prudent judgement.

Each time a use of force is reported, the incident undergoes a review by the shift supervisor, Lieutenant and Chief. Through this process, it is hoped that a determination could be made of whether force was necessary, if 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. By having an independent review by each of these members, any violations of policy or departmental culture are almost assuredly going to be noted by at least one reviewer. Administrators and supervisors 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<sup>th</sup>, 2019 which the Commissioner of NYS Division of Criminal Justice Services uses to

publish an annual report. Our agency has been compliant with that and, further, voluntarily publishes the use of force statistics on the department website along with the policy. We believe this helps boost transparency for the members of our community.

## **Policy**

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

Chokeholds have not been taught at the department's annual defensive tactics training in many years. They are not explicitly authorized and recently were included in the departmental Use of Force policy as being authorized only as an option when deadly force is justified and no other alternatives are available. Further, officers are trained on how to avoid positional asphyxia and signs of excited delirium, which are both 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 highly regulated in our department. 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 that situation. Supervisors and other officers on duty are empowered to order a pursuit to be terminated if the pursuing officer can't justify continuing it. Obviously, pursuits of vehicles for more serious offenses will be 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.

The Shared Services Response Team is considered a use of force resource. It is made up of officers from the Shared Services. A panel of the Chiefs of the participating agencies provide oversight over the team, following strict policies and guidelines. High risk warrants may be executed by this team if certain conditions exist. The Police Chief and Team Leader work together using a Threat Matrix to ensure certain criteria are met before a decision is made to deploy the team. There is no prohibition on the execution of "no-knock warrants" but team leadership has generally opted to "breach and hold" rather than entering a property unannounced. There are several reasons for this but the safety of all parties involved is the biggest and the decision to enter unannounced is not taken lightly.

Each year, all members of the agency undergo performance evaluations by their immediate supervisor using formalized standards to gauge the member's attitude, adherence to institutional culture and abilities. Given the size of the department, the Chief reviews every use of force report and notes any such issues an officer may have on their performance evaluation.

When screening officers for a promotion, their annual evaluations are only a part of the evidence used to make a final determination. They are also scrutinized over whether they had proactively sought opportunities to conduct community policing, whether they have shown leadership abilities on serious calls, their knowledge of legal procedures and, most importantly, whether they have demonstrated their understanding and commitment to the North Greenbush Police institutional culture. The front line supervisor is a tremendously important role in a department's culture because they have first-hand knowledge of what the officers are doing and get regular briefings from the administration on what is expected. They, more than any other rank, have direct control over instilling the expected standards in the officers.

As with any organization, it is expected that members adhere to the policies, guidelines, values and culture that are set by the leadership. For a variety of reasons, sometimes, employees fail to uphold these standards. What is important is the identification of these incidents and addressing them with the officer to ensure that they are not habitual issues and that the officer understands what is expected.

### **3. Internal Accountability for Misconduct**

*"We must create an atmosphere where the crooked cop fears the honest cop, and not the other way around" – Frank Serpico*

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. Often, these 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 they serve.

There are several ways for a citizen to initiate the complaint process at our agency: a phone call, an email through the department website, a station visit, or a private message on social media which is managed by the Chief. Members of the community use each of these methods routinely and receive an immediate response which builds the trust that all complaints will be heard in a timely fashion.

When there is a question over an officer's conduct or attitude, citizens are directed to either a supervisor or administrator, usually the Chief of Police. Through active listening and acceptance of criticism, our agency has been able to handle all complaints over the last 10 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 almost all complaints are categorized as the least serious variety, the conversation typically satisfies the complainant. In rarer instances, they expressed a desire to go further with the complaint but never did and couldn't be reached by phone again. If they had provided adequate information regarding the incident, an investigation would have proceeded without them so the conduct in question could be addressed with the officer. By contrast, over the course of those

same 10 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, our 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. If a supervisor handles a complaint, the Chief is notified since that supervisor may not be aware of other complaints against that officer that were handled by a different supervisor. 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 agency's values in the officers.

The department's size also enables the Chief to be aware of and review any "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.

For the last decade or more, there have been few complaints about officers. No officer had received multiple instances of negative feedback more than once a year. If an officer has multiple complaints in a short period, it would be an obvious indication that intervention is necessary with that officer. As will be discussed in the Officer Wellness section, several years into a career, officers learn to disengage themselves from the emotions present in a situation. This can appear to be apathy when, in reality, it is a coping mechanism and can lead to complaints. Officers need to learn how to balance this mechanism through experience. Too much compassion could lead to "burn out" and too little compassion could create conflict with members of the public. Being too far towards either end of the spectrum causes an officer to be less than optimally effective. This requires monitoring by supervisory staff so it can be addressed before it becomes a problem.

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, training assignment, 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 supervisory staff; fellow officers hold high standards and expect their co-workers to do the same. When an officer perceives that another officer did something inappropriate, departmental policy dictates that they use the chain of command to report that incident. This duty to report has been in the

policy for a number of years and allows a supervisor to address the conduct if it is a minor violation. For more serious violations, the supervisor is to notify the Chief for a proper investigation to be launched.

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 agency culture strongly encourages all employees to act in an exemplary manner when not in uniform. This includes their use of social media.

#### **4. Citizen Oversight and other external accountability**

A separate oversight board or referral to an outside entity are not necessary when the Chief can handle 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, Lieutenant and sergeants are chosen includes an emphasis on determining the candidate's understanding and commitment to this goal. This results in having administrative and supervisory staff who are able to provide the oversight of the officers that the public wants and needs.

All new hires and internal promotions, with the exception of the Chief's position, are done using a process that involves the Chief, administrative or supervisory staff, and the Town Board. This allows for input from both the police perspective and the civilian perspective.

Problematic officers erode the public trust and harm the relationship our department has with the community. If an officer's actions are found to warrant disciplinary action, the Town Board and Town labor attorney are consulted. This affords the Town legislative body the opportunity to review the matter and provide oversight on the process to ensure that it is not only appropriate but that it follows legal guidelines. Any disciplinary action regarding alleged misconduct needs to follow established procedure to have the desired and most effective impact.

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

Data drives law enforcement responses and future planning. Our agency relies on computer programs to compile data based on the criteria needed at the time. All calls for service are entered into a Computer Aided Dispatch (CAD) program and all reports are done in Spectrum Justice Services (SJS) which is a records management program. Both have been in use since 2005, providing a very comprehensive database. Traffic tickets and motor vehicle accident reports are completed using NYS's Traffic and Criminal Software (TraCS) and have been since 2007.

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 patrol as a deterrence 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. Our agency uses the limited search fields to monitor for trends in crimes, incident types and locations, only. This is fruitful in determining when police presence should be increased in a certain area versus another but provides no assistance in tracking the demographics of individuals being encountered, which would be very valuable information.

Arrests, even low-level offenses, are tracked on a spreadsheet which contains race and gender as reported by the arrestee. This is very helpful in tracking the demographics of arrests and is evaluated throughout the year. Any disparity seen in those totals could indicate a departmental failure to employ proper procedural justice methods and would be immediately 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.

Making all of this data available to the public creates transparency and enables citizens to decide for themselves whether the police department is upholding their ideals. As stated previously, in 2018 our agency began publishing use of force data annually on the department website alongside the departmental policy. This is updated in January of each year and includes the aggregate data for the previous calendar year. Each month, the Chief provides the Town Board with a report of the previous month's activity. This is a public record and subject to FOIL if a resident wished to have it but, in drafting this Plan, it was decided that this data should be published on the website as well to make it more easily available. The public stakeholders recommended that the acronyms and shorthand be eliminated and demographics for the noted arrests be included. Both are easily accomplished and future reports will be adjusted to accommodate these recommendations. The idea of publishing a similar report in the Advertiser newspaper to reach more citizens will be explored.

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 at our department occur in front of a patrol vehicle, the in-car 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. The use of BWCs would not sufficiently increase this to justify the cost.

Our 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. On rare occasions, outside entities have been requested to help with some of these functions but results have been cautiously examined for accuracy prior to being used further in the investigation.

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## **IV. Recruiting and Supporting Excellent Personnel**

### **1. Recruiting a Diverse Workforce**

Like all local agencies in Rensselaer County, our department uses the Civil Service system for hiring new police officers. This system creates a fairness in the process and ensures that all candidates, regardless of their demographic, 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.

Presently, our agency is comprised of various demographics and represents a cross section of our population. The hiring process is designed to ensure that the best candidates are chosen to be members of our agency. There have been instances of minority 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 agency 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 lateral transfer candidates includes reviewing personnel files and any available internal affairs records from previous employers. Any past disciplinary action is typically a cause for disqualification of the candidate. There have been instances where the discipline was for a minor procedural violation that didn't affect the public and was very unlikely to recur if employed by our agency so it was not an automatic disqualification. Candidates with these incidents must have a high degree of qualifications and exhibit the proper attitude towards community service that we expect of our officers in order to continue being considered. This practice has enabled our department to maintain a professional staff that subscribes to our 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, or improper, training. For this reason, training is an immensely important foundation in a properly functioning police department. Through the process of determining what reforms are necessary at our agency, 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 hours of continuing education each year per accreditation, including the mandatory annual training sessions, it was found that there was a deficiency in going beyond the minimum. This is almost exclusively a result of funding or staffing issues.

Our agency is very active at the Zone 5 Regional Law Enforcement Training Center (Z5LETC), which is the police academy where new officers receive basic their basic training and

veteran officers receive training on specialized topics. Our members also assist in providing instruction for the Police Officer Basic School and certain specialized topics there. With involvement in the Board of Directors and Advisory Board, our administrative staff play an active role in overseeing how training is conducted and ensuring that training is appropriate.

New hires, who have never been police officers before, are sent to the Z5LETC to receive instruction in law, use of force, police tactics, and more. The intensive six month academy follows 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 academy is designed as a paramilitary organization and has a rigid structure, it is only done to the extent necessary. Mental and physical discipline are 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.

Our agency 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 hinders the development of a "warrior" mentality, which would follow the officer for years, and instills the desired mindset.

Upon graduation from the academy, these new officers go through the departmental field training program for several months. This on-the-job training has them shadowing a qualified senior officer first and then taking the role of the primary officer on calls for service while being evaluated by that senior officer. Lateral transfer candidates are put through the same field training but do not require such a long training period as they should already have a firm understanding of the fundamentals. Both types of new hire are evaluated for safety, knowledge, adherence to department policy and commitment to our culture of service. The length of the training varies for each officer and depends mostly on whether they feel they are ready for solo patrol. Officers are only allowed to be released from field training when the Chief, Lieutenant and sergeants feel the officer has demonstrated competency and confidence in their skills.

Continuing education is vital in any police department. In 2018, the agency began a monthly roll call training program where shift supervisors would provide a half hour block of instruction on a variety of topics from police procedure and tactics to departmental policy. The Chief chose the topic each month and would create the lesson plan for the supervisors to follow. This was a burdensome and time consuming process and was typically reactive to a recent incident. As a part of our reform, our agency has subscribed to the online training program offered by PoliceOne Academy, the industry leader in training. From the expansive library of training topics to being able to track course completion online, the process will be streamlined which guarantees training will happen as assigned as well as allowing officers to take courses on their own initiative.

During the planning process for this Plan, our department evaluated current continuing education and what more could be done to improve on services. Several areas were identified and these were begun immediately.

In late 2020, our officers received training in De-escalation and Implicit Bias Awareness, neither of which were previously available. Our agency aims to build on these trainings with related topics in the field of Principled Policing, which focuses on crime prevention through positive interactions with the public and community outreach. It is believed that this will enhance our agency's ability to perform community outreach and modify our practices as we learn about the community's needs.

To further build on our ability to serve persons in crisis, our agency has coordinated with the Rensselaer County Office of Mental Health to set up an Emotionally Distressed Person Response Team training. This training is designed to teach police officers how to effectively communicate with persons in crisis, remove the stigma of the situation, avoid criminalization and maintain safety for all parties involved. While designed for dealing with persons in crisis, the fundamentals are applicable to a variety of other volatile situations and persons in need.

During the public stakeholder meeting, training was discussed multiple times. The training topics that have been implemented recently were found to be in line with what was being requested though some slight modifications could be necessary and will be researched further for that to happen.

Our agency is able to ensure that all training is based on the most up-to-date materials and meet the needs of our community. This is accomplished through the standardization of training among the Shared Services and frequent refresher courses for police trainers. All police training is intended to be high quality and meaningful. The reality, however, is that administrators often don't have a metric to determine whether it was or not. To effectively measure the efficacy of training, our agency has implemented a post-training performance evaluation process. It is hoped that this will not only confirm that training was received properly but will also identify weak points in the training which can be used to adjust the training materials and/ or presentation.

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. Supporting Officer Wellness and Well-Being**

*"In the United States we do a great job of hiring strong, brave, upright men and women, only to retire them as burned-out shells of their former selves." – Dr. Kevin Gilmartin*

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 talked about. There are several reasons for this ranging from stigma to the strong personality traits inherent in police officers.

An officer's mental wellness directly impacts their ability to effectively control themselves when faced with stressful situations on duty. This can lead to citizen complaints and

excessive force. Officers are given a psychological exam upon being hired but that is limited to their life up to that moment. Following that, they go through years of taking on stress and compartmentalizing their negative emotions as a defense. Nobody calls the emergency services to report that they are having a great day, only when things are going wrong, so police officers routinely see human nature at its lowest, sadness and death. They witness and experience emotionally jarring events alongside the victims and families. They must compartmentalize it all in order to last an entire career and there is only so much space in those compartments. When they fill up, issues will likely arise. Healthy outlets and coping mechanisms must exist. Without them, officers can experience unhealthy eating habits, unusual sleep patterns, physical manifestations, and poor judgment, to name a few. More extreme cases have involved substance abuse and suicide.

Sadly, far too many police officers fail to recognize the importance of these mechanisms and don't effectively deal with their emotions. Living with some degree of post-traumatic stress disorder becomes a way of life for most police officers. They must emotionally detach themselves from the crisis they are responding to or risk losing objectivity or their composure. This is all too often misconstrued as a lack of empathy, unfortunately.

In order to increase officer awareness to their own mental health and well-being, our goal is to have an officer trained in Crisis Intervention. That officer will then train the rest of the membership and provide routine reminder training during roll calls.

Physical exercise is shown to be a successful way for individuals to relieve stress. Our agency encourages this by having a full gym at the station and offering an annual stipend for any member that is able to meet a certain standard in pushups, sit ups, and 1.5 mile run.

When there is a critical incident that our officers respond to, a crisis intervention team is used to hold a stress debriefing. Rensselaer County has a team of volunteers who conduct these and they have been found to be extremely useful in helping members cope with traumatic events. Our agency works with the local fire departments to set these up and they will continue to be used when officers encounter disturbing scenes.

The Bureau of Justice Assistance- Valor for Blue program offers training seminars to all levels of leadership. The agency administrators participated in such a training in 2019 and plans were made to bring the training to the rest of the membership. COVID-19 stopped this from happening as all courses were temporarily suspended. Once these resume, all members will receive this training. It will be followed up on with continuing education courses on the topic.

## V. 8 Can't Wait

In seeking ways our agency can improve on services, "8 Can't Wait" was reviewed for suggestions. The following items were identified from 8cantwait.org and the following compliance was found:

- 1) Ban Chokeholds and Strangleholds- These have not been taught at the annual defensive tactics training at our agency in many years. While not an outright ban, these are expressly only authorized when deadly force is justified and there are no other available options.
- 2) Require De-escalation- Our culture and training have both impressed this upon officers for years. Our total annual uses of force indicate that officers are using de-escalation practices with success. To further strengthen our commitment to this, all officers were mandated to take a two hour training on this topic which will continue to be done annually, along with related training topics throughout the year.
- 3) Require warning before shooting- This is not practical in all situations but annual firearms training incorporates using a verbal warning prior to shooting. This creates a habit in the officers who will then do it if such a tragic event arises and the circumstances allow time for a warning.
- 4) Require exhausting all alternatives before shooting- This 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. This 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 they are doing something wrong, especially when using excessive force. As an accredited agency, our department has had this in the use of force policy for several years. Building on that, the culture in our agency ensures that this duty is fostered in the membership so all employees feel comfortable in immediately stepping in when they see something wrong.
- 6) Ban shooting at moving vehicles- Our use of force policy dictates that this 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 the policy allows for it to be used only under circumstances where there are greater risks in not doing it. As with the first item, 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 their level of resistance. These are based on the definitions of “reasonable force” and “necessary force” as well as the justifications laid out in NYS Penal Law Article 35. Our agency 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 is formally reviewed several times a year with each officer and informally discussed many more times throughout that year. The agency monitors legal updates and industry standard updates to ensure that the continuum being used is most effective and legal.
- 8) Require comprehensive reporting- Our agency policy dictates that a report be submitted for any use of force, regardless how minor or whether anyone was injured or not. 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 data collection.

## **VI. Stakeholder Meetings**

During the research process for drafting this Plan, the Chief met with various stakeholders to gain valuable input on what each saw as deficiencies or shortcomings in the service our agency provides. This collaboration proved very useful in bringing everyone together to participate in a free exchange of ideas with one shared goal in mind: to determine the needs of our community and how the North Greenbush Police could better meet those needs.

As the Plan covers a wide array of topics, specialists were sought for as many of them as possible to ensure that as many ideas as possible were heard and considered.

**Shared Services-** The Chiefs of the Shared Services agencies met several times each month during the crafting of this Plan. This included administrators from North Greenbush Police, East Greenbush Police, Rensselaer Police, Schodack Police, Nassau Police, Troy Police and Rensselaer County Sheriff's Office. 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 these improvements to be implemented together. They were an invaluable resource during this major undertaking, which had never been done before in our department's history.

**Rensselaer County Office of Mental Health-** As previously discussed, 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. This has been in place at this agency and will be continuing.
- b) In order to improve relations with youth, the recommendation was made for an Explorer program to be started. This is too costly and time consuming for small agencies to do individually but is a topic of discussion for the Shared Services to do jointly.
- c) Recommended obtaining accredited status from the State and utilize a company to assist in managing policy and compliance with the accreditation standards. Our agency has been accredited for several years. Professional policy management has been explored by this agency many times through the past several years but has not happened due to the exorbitant cost. It remains a possibility but the department has been managing compliance without issue since the initial status being granted.

- d) Recommended a School Resource Officer being placed in the 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. Similarly, school districts in our community have a hard time getting this in the budget. This is an ongoing discussion and could potentially happen if funding became available.
- e) Recommended De-escalation training. This was implemented with all members in October of 2020.

**Rensselaer County Public Defender's Office-** The Shared Services reached out to the Public Defender for input, either through a meeting or written document, but no response was received.

**Vanderheyden School and Residential Facility-** The CEO of Vanderheyden, Karen Carpenter, made the following comments and recommendations:

- a) Recommended business cards be given to officers so they can identify themselves to students and staff. This will also allow them to contact the officer directly if there is any follow-up needed after an incident.
- b) Recommended limiting the number of patrol cars responding to calls for service on campus- Due to the negative experiences many residents have historically had with the police, seeing the police on campus could be a trigger. While police must respond to incidents, having too many units on scene could be an even bigger trigger. Very few incidents require more than two units and officers will be reminded of this in order to minimize any negative effects their presence may cause to uninvolved residents.
- c) Noted great partnership between the police and the facility. This has enabled both administrations to regularly discuss issues each are seeing so they may be addressed. This has resulted in the most effective service for that community through the years.

**Public Stakeholders-** The announcement for a public stakeholder meeting was made via print media and social media. A special email address, Reform@NorthGreenbushPolice.Org, was established and publicized for both public comment and to express interest in participating on the public stakeholder panel. Due to the COVID-19 pandemic, a traditional public meeting could not be held considering limitations on group gatherings. It was decided that interested residents would meet virtually and that the meeting would also be broadcast live for the general public over the internet through existing infrastructure on the Town of North Greenbush website. Thanks to the North Greenbush Building Department Coordinator, Mike Miner, the livestream and virtual meeting platform went perfectly.

On February 4<sup>th</sup>, 2021, the North Greenbush Police Reform Public Stakeholder meeting took place. Ten citizens expressed interest in being on the panel and eight were in attendance. Town Supervisor Bott, Councilman Rogers and Chief Keevern conducted the meeting. Public

comments were accepted through the special email address which was monitored throughout the meeting so such comments could be offered to the public at large.

All panel members had been provided the version of the draft Plan as it existed on January 27<sup>th</sup>, 2021. Members had been instructed to read the Plan and keep notes on each topic as each would be a separate agenda item. The panel made the following suggestions regarding the following topics:

- Role of the Police
  - Neighborhood Policing is very important.
  - It should be noted that there are certain services that are not offered by other local police agencies, such as vehicle lockout assistance and vacation watches.
  - This agency has historically been a “stepping stone” agency where officers get their start and then leave for another agency. This creates a lot of turn over and very few members with enough longevity for the community and officers to get to know each other.
  - There is a need to foster a sense of community between the police and residents. It would help for the agency to assist with this by introducing the officers to the public by providing pictures on the website and/ or using social media to post photos and biographies on each officer.
  - It is important that the police respond to calls for persons in crisis. A recommendation was made that the CAHOOTS program from Eugene, Oregon be researched for any elements that could be incorporated into our response along with, or as a part of, LEMHRS.
  - When an officer needs to respond to a call for a person in crisis, it would be beneficial to have the officer coordinate arriving at the same time as a clinician, if at all possible.
  - All were happy the agency doesn’t subscribe to the Federal 1099 surplus equipment program but wished for the Plan to be clear that the reason for that is that there is almost no military equipment with practical applications in police operations. Each has a distinct need for separate equipment and those needs rarely exist in both sectors.
- Procedural Justice, Restorative Justice and Community Policing
  - There is a need to offer training based on crime trends, especially when it comes to Restorative Justice. If certain crimes are seen more frequently than others, training should focus on police response to them with an emphasis on improving the outcome for all parties.
  - All people want to feel like they have been treated equally and fairly, which is a core principle in Procedural and Restorative Justice. Officers need to be given training on how to respond to calls when a call is made against a person so they approach it in a non-accusatory or offensive way. Sometimes, the person identified in the original call as the suspect is actually the victim. By approaching the situation without the preconceived notion that the person who had the police called on them as a “suspect”, the officer will act in a manner that would convey

fairness to all parties and may allow for the real victim in the situation to be identified. If a call is false, what happens with that, especially when it could be racially motivated? Training could include ideas on how to investigate deeper to determine if there were bad motives on the part of the complainant so it could be dealt with most appropriately.

- A recommendation was made for incorporating a social worker into the process of screening candidates for diversion programs.
- An emphasis should be placed on the issuance of citations versus arrest for non-violent misdemeanor crimes.
- A question was raised on whether there is a need for an SRO in the local schools since there are no high schools. The draft Plan indicated cost was the reason there were none but a lack of need would be an important consideration.
- For outreach to the community, the police used to give out certificates at graduations at local elementary schools and that was very popular but hasn't happened in several years. This would be an easy way to create a positive experience for the children.
- It is important to create opportunities for the community to know the police. Defreestville Fire Department does an annual open house and it is a great opportunity to meet the members and build a rapport. This would be equally beneficial at the police station. It helps bridge the gap between the police and residents. Patrolling in a vehicle is important but getting the officers out of the car would be key to building that bridge.
- Foot patrols happened in the 1980s and it was a great program. This happened on Main Ave, Brookside Ave and Marion Ave. It likely didn't stop much crime but created a lot of opportunities to interact with the neighbors.
- An outreach opportunity at the Town Beach for the residents of Snyder's Lake would be helpful.
- It shouldn't fall entirely on the police department to create opportunities for outreach. If there is a block party in a neighborhood, the police should be invited as an opportunity to meet with the residents in that neighborhood.
- Racial Disparity
  - The statistics should not be used, alone, in drawing any conclusion on whether there is bias or not in the department.
  - An interesting way of looking at the data would be the demographics of arrests versus plea agreements and convictions of those cases. A large difference between arrests and convictions would be an important indicator of a problem. If convictions are upholding the original arrests, the percentage at which each demographic is represented would be less important.
  - Tracking stop and search data would be helpful in identifying any disparity in policing. A police department that is already tracking this data could be used as a model for starting such a tracking program here.
  - The current draft of the Plan uses percentages and pie charts to illustrate how each demographic is represented in arrests. This may not be the most appropriate way

to present the data since the numbers are so small. A different graph and using the actual numbers would be more illustrative of this data.

- Community Engagement
  - Possible meetings with community groups and neighborhoods were discussed. It was noted that such meetings could end up involving complaints about things not relevant to the police so this should be kept in mind so there is a plan on doing them.
  - The use of social media is very helpful in keeping an open line of communication with the police department. This has been used effectively and should continue. It could be an avenue through which officers are profiled as a way to introduce them to the public.
- Use of Force
  - Again, using numbers for this section would be more helpful than percentages since the total number is so low. A pie chart may not be the best method of showing these statistics.
  - Given the issues with Vanderheyden that are noted in the Plan, it would be helpful to see how many of the use of force incidents occurred there versus in the general public.
  - It should be noted that there has only been one officer involved shooting in North Greenbush since the 1970s. The introduction of TASERs further minimized the need for force through deterrence. It should be noted that there are very few, if any, instances of excessive force complaints against officers in the history of the department.
- Data Transparency
  - The newspaper used to include a police blotter noting calls and arrests in certain jurisdictions. This is no longer done but would be nice to see on a weekly or bi-weekly basis in the Advertiser. The miles traveled, as noted in the monthly report on the website, is interesting and the blotter could be similar to that report. It wouldn't need to be as comprehensive but would grant greater exposure to that information.
  - The monthly report is very informative but there are acronyms being used that could use clarification through the use of a legend. Also, are each of the arrests listed separate individuals or would one person's arrest be noted under the category for each of the crimes? Noting the total number of persons arrested would add perspective on those totals.
  - The demographics noted in the Plan are informative but are the aggregate of five years. It was requested that it be looked into whether that could be done on the monthly basis. It would boost transparency and would make future statistical analysis easier.
- Supporting Excellent Personnel
  - The language in the Plan could be stronger in terms of how the police don't subscribe to "warrior training".
- Leadership and Culture

- The Madison, WI Police Chief recently banned the use of “blue line” imagery and flags due to them being co-opted by white supremacists and extremists. It has not been seen displayed by officers in North Greenbush but it has been seen in Troy. It was recommended that such a ban or discouragement of such imagery be looked into. Officers, at least, should be made aware of how divisive these can be viewed as.
- 8 Can’t Wait
  - It was surprising to see how many of the topics the department complied with.
  - 8 Can’t Wait seems to be geared towards use of force incidents which aren’t a problem in this agency since there are only four incidents each year and none result in serious injury or death.
- General Discussion
  - The North Greenbush Police are too small to be big and too big to be small. The agency is forced to deal with a lot more than a small department would but couldn’t get the resources a large department would have. The officers are the first to see the worst of what is happening in town. There are a lot of bad things happening that the officers deal with and the public never finds out about. It is important to remember this when discussing all of the above topics.
  - The officers at this department demonstrate professionalism and compassion and do a great job.

The meeting was very productive and will remain available for viewing for a period of time as dictated by LGS-1. Comments have been requested repeatedly and will continue to be accepted until the day before the Plan is adopted by the Town Board.

Unfortunately, not every recommendation could be included or implemented but each was carefully assessed for efficacy and feasibility. Some will remain as open items and will continue to be considered. Most were adopted and included in this final draft.

**Captain John Cooney (Ret.), Healthy Mind Consulting-** Captain Cooney is a retired police officer who now specializes in mental health and officer wellness. He assisted in the language used in these sections and made recommendations on improvements. He assisted in the creation of reference guides for the officers to use that specify available services for addiction, homelessness, mental health and domestic abuse cases. He also assisted in gathering information on Employee Assistance Programs which would be helpful in ensuring officers have the available resources in the event they need counseling for a variety of issues.

**North Greenbush Town Board-** The members of the Town Board and the Chief of Police collaborated on this project through many conversations and exchanges of ideas. This Plan is a result of all of that work through the course of eight months and they will continue to be a part of

this ongoing discussion. Throughout the process, Town Board members were provided with the guidebook and several versions of the draft Plan for comment or ideas as changes were made.

**North Greenbush Police Department-** Police department administration and the Police Benevolent Association President were consulted and had reviewed the draft Plan. Several members assisted with the collection of data and confirming language in the Plan based on their training and experience, which was essential to ensuring accuracy. Our police officers and communications personnel were instrumental in developing and implementing the recommended changes. The members of the agency have viewed this effort from a positive perspective and look forward to better serving their community.

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## **VII. Conclusion**

The research and drafting phases for this plan brought several issues to light that our agency could improve upon and we are committed to making those changes. They are:

- 1) Institute de-escalation training (completed 10/2020)- De-escalation training includes not just de-escalating another person in a volatile situation but also yourself. This is very important in calming a situation and solving the problem at hand. All members received a two hour training on this topic which will be continued annually and will be built upon with related training initiatives throughout the year.
- 2) Institute implied bias awareness training (completed 11/2020)- All humans have intrinsic bias and recognizing that allows a person to use caution in how they are portraying themselves to another person. Failure to do this could be detrimental in calming a situation in order to solve the problem at hand. All members received the initial one hour training which will be continued annually. Additionally, each member received another hour of training on Anti-Bias for Law Enforcement. Any available related training topics will also be provided.
- 3) Provide EDPRT training to all officers (begun 12/2020, to be continued)- This training teaches officers how to effectively communicate with persons in crisis and bring a situation to a successful conclusion where they can be referred to the appropriate resources. Due to limited availability of the training, only a few members can attend each session so it will take some time to get all officers to this. The goal is to have all members trained through an incremental phasing-in which will be starting immediately.
- 4) Increase participation in Diversion Programs- Diversion programs offer defendants an opportunity to avoid the criminal justice system if they are willing to participate in remedial programs. Our agency participates in available drug courts but needs to improve on the screening process in order to make more possible referrals. A questionnaire has been implemented into the booking process whereby officers may identify a candidate even if they were not aware of addiction being a factor to the alleged crime. This will be monitored for efficacy and may be modified as circumstances dictate.
- 5) Implement LEMHRS with the Shared Services- As discussed on page five of this Plan, the LEMHRS program will allow officers to make immediate referrals of cases for appropriate services from RCOMH. Implementation of this program is not

anticipated to be a protracted process but there are several things that need to happen before this program can go live. The Shared Services has empaneled a team to discuss what this should look like and it is expected to be in place by June, 2021.

- 6) Institute a post-training performance evaluation process- Post-training performance evaluation gauges how well a training topic was retained by an officer.
- 7) Post monthly report to website (completed 11/2020, will continue monthly)- Transparency is key and the community should have the opportunity to know what their police department is doing. To provide this information to the community easily, a monthly report of total calls, arrests and traffic accidents has been added to the department website, NorthGreenbushPolice.Org. This will continue to be updated each month for public review.
- 8) Provide officers with business cards- To help members of the public identify an officer with whom they interacted, officers will be provided with business cards to hand out during encounters.
- 9) Conduct outreach at Vanderheyden- Officers will more routinely visit the Vanderheyden campus to get better acquainted with the residents ahead of any potentially negative encounters. This will greatly improve on successful outcomes in both the short term and long term.
- 10) Increase training opportunities (completed 11/2020)- The departmental subscription to an online training catalog increases the ability to provide cost effective training to the officers. This will increase the number of hours of training each officer receives annually while overcoming the budgetary and staffing hurdles that previously existed.
- 11) Conviction rate collection- Investigate feasibility of collecting conviction and plea agreement rates by demographic for comparison to the arrest rates. As explained in the “Racial Disparities” section, this data would likely provide a better understanding of whether one group is being unfairly targeted above others.

Through these efforts, we expect our agency to be more transparent and effective in serving our neighbors. This is, of course, only a 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, our agency must be agile enough to change.

Over the course of several decades, the members of the North Greenbush Police Department have demonstrated a high degree of cultural competency 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, this agency stands in a great position to bring the most modern tactics and procedures into the internal culture.

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Supervisor Bott

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Councilman Rogers

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Councilwoman Sabo

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Councilwoman Hoffman

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Councilwoman Merola

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Chief Keevern

Town of North Greenbush Police Department Reform Plan prepared by:

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- Councilwoman Mary Frances Sabo
- Councilman Jack Rogers
- Councilwoman Jessica Merola
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Research conducted in conjunction with the Shared Services Chiefs Panel

Special Thanks to:

The men and women of the North Greenbush Police for their dedication, commitment to their neighbors in our community, valuable input and openness to embrace change in order to best serve their fellow citizens. They make us proud each and every day.

Anthony Germano- Town of North Greenbush Comptroller

Chief James Frankoski - Rensselaer Police Department  
Chief Elaine Rudzinski - East Greenbush Police Department  
Chief John Hourigan - Schodack Police Department  
Chief Colonno - Nassau Police Department  
Sheriff Patrick Russo- Rensselaer County Sheriff's Office  
Captain Derek Pyle- Rensselaer County Sheriff's Office  
Captain John Cooney (Ret.) - Healthy Mind Consulting  
Mary Pat Donnelly - Rensselaer County District Attorney  
Matthew Hauf - Rensselaer County Chief Deputy District Attorney  
Kathy Coons- Alonge - Rensselaer County Director of the Office of Mental Health  
Karen Carpenter - Chief Executive Officer, Vanderheyden  
Richard French- Public Stakeholder Panel member  
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