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Westchester County
Police Reform
& Reimagining
Task Force

Westchester County Police Reform & Reimagining Task Force

January 2021

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LETTER FROM POLICE REFORM AND REIMAGINING TASK FORCE CO-CHAIRS

To all members of the Westchester County Community,

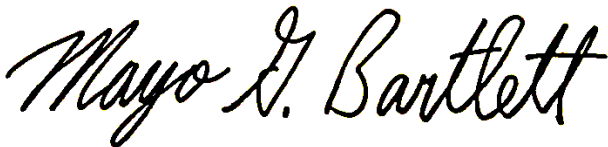
Unfortunately, it took the recorded death of a Black man under the knee of a uniformed police officer to shine a spotlight on the many instances of misconduct resulting in the death of unarmed men and women across America. Although these acts are caused by a small percentage of the thousands of those who have taken the oath to protect and serve, even one such death is too many and can have a deleterious effect on police-community relations.

Recognizing the urgency for action, County Executive George Latimer immediately formed a Task Force to examine policies and procedures of the police here in Westchester and we are both honored to have served as Co-Chairs of this illustrious group of stakeholders. We do not want this report to overshadow the good work that is already being done; rather, we hope the report will illustrate how a reimagined police culture could enhance the good and could set examples for other jurisdictions throughout the County, State and Country. Policing must establish and nurture an unimpeachable trust between officers and the communities they serve. To accomplish this, police departments must prioritize transparency, accountability and community engagement. The Task Force, through its recommendations, explores possibilities in those areas. The Task Force additionally seeks to improve law enforcement through enhancements in officer qualification, training and in police policies and procedures that have a direct impact on the Community.

We wish to publicly thank the members of the Task Force for their hard work and dedication throughout this process. Also, the County employees who participated as liaisons to the Working Groups. Without their tireless effort we would have been unable to accomplish this assignment. Finally, we thank County Executive George Latimer and Deputy County Executive Ken Jenkins for presenting us this opportunity to aid in this important work.

We truly hope that we have been able to begin an open and honest effort toward police reform, and a reimagining of policing, in order to bridge the gap between police and community they serve.

Sincerely,



Co-Chair Mayo Bartlett



Co-Chair Leroy Frazer

Introduction

The fifty one recommendations developed by the thirty-eight members of the *Westchester County Police Reform and Reimagining Task Force* are the product of a seven-month collaboration between Law Enforcement professionals, clergy representatives, criminal justice and police reform advocates, human rights professionals, and public servants. These members were convened to develop a blueprint for new policing strategies within Westchester County that respond to the present moment.

This plan is the first step towards reaching this goal. Many hours of research, discussion, and analysis produced a series of recommendations ultimately supported by a majority, if not all, of the Task Force members. These recommendations, as presented, are organized based on the level of government to which they must be referred for action opportunities for administrative action by Westchester County Executive, George Latimer, recommendations for the County's Board of Legislators, and recommendations for action by Westchester's delegation to the New York State Senate and Assembly.

This report is organized in three main sections: 1). Background and structure of this Task Force; 2). Reports detailing the work, process, recommendations and overall findings written by the Task Force's six Working Groups; and 3). A description of the fifty-one recommendations organized under the appropriate level of government with the authority to act on them.

This task would not have been achievable without the full support of the Department of Public Safety and its Commissioner Thomas Gleason. We thank Commissioner Gleason and his staff for their participation in this endeavor and for making themselves available to the Task Force to discuss many different topics concerning public safety.

Executive Summary

The Westchester County Police Reform and Reimagining Task Force was created by County Executive George Latimer in June of 2020. Formed in response to the killing of George Floyd, the Task Force was squarely focused on meaningfully addressing the fundamental disparities in policing that lead to distrust of law enforcement by communities across the county and to ensure that the Westchester County Department of Public Safety (WCDPS) is positioned to address the needs and expectations of Westchester County residents as they evolve over time.

The Task Force, comprised of 38 members, enthusiastically approached their responsibilities mandated to them by the County Executive and the Governor of New York State and led a seven-month investigative process to develop recommendations for police reform and reimagination.

As a result, over eighty recommendations were created among the six working groups – Community Engagement, Qualification & Recruitment, Training & Equipment, Policies & Procedures, Transparency and Accountability. Ultimately, after consolidating and identifying repetitive ones, thirty of the thirty-eight members of the Task Force voted on fifty-one recommendations on January 12, 2021.¹ Voting results for each recommendation may be found starting on page 11 of this report.

Of the 51 recommendations, a majority had overwhelming support with seven unanimously supported. Among the recommendations:

- ▶ Design and add a series of questions regarding an officer's interaction with the community they serve when considering promotions and/or annual evaluations.
- ▶ Conduct joint de-escalation (also known as verbal judo) training with the Department of Correction.
- ▶ WCDPS should explore national accreditation through the Commission on Accreditation for Law Enforcement Agencies' (CALEA) Advanced Law Enforcement Accreditation Program.
- ▶ Implement Policies to Educate the Public on Police Values, Principles, and Operations.

¹ Both Co-Chairs members of the Task Force did not vote on these recommendations.

- ▶ Make non-confidential documents and other data, which will allow the public to assess the fairness of civilian police interactions, readily available to the public.
- ▶ Enhance Officer Training – extension of leadership training to second and third line supervisors on an annual basis.
- ▶ Increase training hours for the County Police Academy’s Basic Training Course for police officers to include one week devoted to Procedural Justice, Cultural Diversity, and Bias Related Crimes and Incidents.
- ▶ Implement Project ABLE (Active Bystandership for Law Enforcement)
- ▶ Identify liaison officers at each municipal police department who are trained to respond to hate incidents
- ▶ Enhance the County’s already successful Police And Community Together (PACT) community engagement program and make it available as a model for other communities.
- ▶ Establish an Open Disciplinary Process
- ▶ Pass County laws to create the Office for Police Accountability (OPA) to investigate allegations of misconduct by WCDPS officers.
- ▶ Expand the use of specialized teams to respond to mental health calls countywide and explore additional co-response initiatives
- ▶ Create and implement a Countywide electronic database for Mental Health Behavioral cases and special needs populations.
- ▶ Establish a shared Body Work Camera (BWC) database through shared services.
- ▶ Update Section 273.01(3) of the County Public Safety Law in reference to hate crimes.
- ▶ DCJS Certification/Licensure Overhaul
- ▶ Provide for legislation requiring municipal indemnification by officers guilty of reckless and willful misconduct.
- ▶ New actions taken by the NYS Division of Criminal Justice Services such as:

- Reconsider the use of the term ‘Tactical Perception’
 - Accreditation should be made mandatory for every law enforcement agency Statewide
 - Training requirements should uniformly require annual leadership training for second- and third-line supervisors
 - Mandate annual in-service training for all officers regarding Bias Crimes/Incidents, Procedural Justice, Professional Communication and Tactical Perception (Cultural Competency and Implicit Bias).
- ▶ Change Civil Service Law to extend the probationary period for new recruits to two years.
 - ▶ Reform Civil Service Law and the process for hiring police officers.

These recommendations are organized based on the level of government to which they must be referred for action – recommendations for the County Executive to implement at WCDPS; recommendations for which the County’s Board of Legislators may consider legislative action and recommendations requiring action by New York State.

Policing is challenging, highly nuanced work. The recommendations contained in this report are comprehensive in scope and intended to address aspects fundamental to policing. By incorporating the recommendations approved by the Task Force, a synergy of reform will be created that will drive the WCDPS forward.

Background

On June 1, 2020, County Executive George Latimer held a virtual press event to talk to residents of Westchester County about the police killing of George Floyd in Minneapolis, Minnesota. At this event, the County Executive shared his thoughts about the incident and formed a fifteen-member panel to perform a full review of the Westchester County Police Training Academy. Westchester County Department of Public Safety (WCDPS) operates the academy, which serves the law enforcement agencies of Zone 3, which is comprised of Westchester County and Putnam County. The Academy provides entry level and in-service training to police and peace officers within the Zone. This panel was to have thirty days to develop a report with recommendations on how to improve training at the academy, and citing best practices to incorporate into the academy's operations.

NYS Governor Andrew Cuomo signed Executive Order 203 roughly two weeks later. This Executive Order requires all local governments with a police department to "...perform a comprehensive review of deployments, strategies, procedures and practices and develop a plan..." to address the "...particular needs of the communities they serve and to promote community engagement to foster trust, fairness and legitimacy and to address any racial bias and disproportionate policing of communities of color". This review must be completed by April 1, 2021, and the final plan must be adopted by the local legislative body (the Westchester County Board of Legislators) and then conveyed to Albany for certification by the New York State Division of Budget. A copy of this Executive Order is attached to this document as Appendix G.

To reconcile both tasks, the County Executive expanded the original panel from fifteen to thirty-eight members and renamed it, "***The Westchester County Police Reform and Reimagining Task Force.***" In contrast to the state's April 1 deadline, the report produced by the County's Task Force would be due in late January to give the Board of Legislators time to review the report and to ensure the document navigates an unabbreviated legislative process.

Task Force Structure:

The Westchester County Police Reform and Reimagining Task Force's thirty-eight members represent a diverse array of stakeholders. Members include the Commissioner and Deputy Commissioner of the Westchester County Department of Public Safety (WCDPS), individuals with law enforcement and criminal justice backgrounds, the Executive Director and others from the Westchester County Human Rights Commission, members of the clergy, community stakeholders, three Westchester County Legislators, representatives from nonprofit organizations, a representative from the Legal Aid Society of Westchester County and other representatives from the criminal defense bar. A complete list of members is in Appendix A.

County Executive Latimer appointed Leroy Frazer, Esq. and Mayo Bartlett, Esq. to serve as co-chairs of the Task Force.

Mr. Frazer has served in several executive positions in both the Manhattan and Kings County (Brooklyn) District Attorney's Offices, including as Bureau Chief, Executive Assistant District Attorney and First Assistant District Attorney in Manhattan and as Chief of Staff to the Hon. Kenneth Thompson in Brooklyn.

Mr. Bartlett is a noted civil rights and criminal defense attorney and a former Assistant District Attorney. He previously served as Chief of Westchester County's Bias Crime Unit.

In their roles, Mr. Frazer and Mr. Bartlett facilitated discussions in each Working Group and helped centralize and share the research and diverse perspectives of all members. At least one of them attended every Working Group meeting, and the two of them attended most meetings together but did not vote to certify the final recommendations of any group. Additionally, they did not vote in the final vote of the general Task Force to approve or reject each of the fifty-one recommendations.

County Executive Latimer additionally appointed six staff liaisons to work with the co-chairs and Task Force members throughout this process. These staff assisted with research, coordinated and facilitated meetings, provided technical support (due to the heavy emphasis on digital communication necessitated by the COVID-19 pandemic) and developed materials to be released to the public.

Below is a list of staff liaisons:

- Blanca P. López, Assistant Director of Operations, Team Leader
- Crystal Collins, Director of Policy & Programs: Faith Based Partnerships and Urban Affairs
- Copernicus Crane, Assistant to the County Executive, Intergovernmental Operations
- Peri Kadanoff, Esq., Executive Director, Westchester County Solid Waste Commission
- Sheralyn Pulver, Esq., Chief Administrator, Westchester County Probation Department
- Jason S. Whitehead, Esq., Senior Assistant County Attorney, Westchester County Law Department

Working Groups

In order for the Task Force to be most effective through the project timeframe, the co-chairs and liaisons developed six Working Groups that would meet independently from the larger group to focus on specific areas of police reform.

Each Working Group was to develop recommendations for the Task Force to consider as a whole through a series of reports. Many groups considered topics or perspectives which overlapped with one another. As such, several groups have developed overlapping recommendations, which were consolidated for the final list of 51 recommendations. Each report is edited to reflect these changes.

Working Groups were assigned members with diverse experiences and views, in order to ensure that their final product(s) would be developed with sufficient scrutiny and varied expertise.

The Working Groups considered and discussed a variety of sources throughout this process; where possible, these sources are cited with footnotes. Otherwise, all sources are listed in Appendix F.

For a detailed list of each Working Group's area of focus and membership, please refer to Appendix B. The following are the six working groups:

- Community Engagement
- Qualification and Recruitment
- Training and Equipment
- Policies and Procedures
- Accountability
- Transparency

Meetings & Presentations

Task Force Meetings:

The Task Force began meeting in July and met monthly thereafter until January 2021. These meetings occurred on:

- July 7, 2020
- September 10, 2020
- October 6, 2020
- November 5, 2020
- December 3, 2020
- January 12, 2021

Due to the COVID-19 pandemic, meetings were held virtually. Each Task Force Meeting was livestreamed to the public. Recordings of the Task Force's meetings are available on the County's YouTube channel:

<https://www.youtube.com/channel/UCC774tkGUZw8xoZtHhuQUsQ>

Additional information on the Task Force is available on the County website, at this link:

<https://www.westchestergov.com/ad-hoc-advisory-boards/police-reform-task-force>.

Working Group Meetings:

Working Groups first met in August of 2020 and continued meeting through January 2021.

Working Groups conducted 65 total meetings, entailing more than 150 hours of discussion, and researched a wide array of subject material in order to develop their recommendations.

The Task Force invited several guest speakers to inform its discussions, and to share their expertise on the subject of criminal justice reform. These meetings were held to assist with the development of a series of recommendations. A full list of guest speakers is available in Appendix C.

Recommendations were structured under three categories – actions which may be implemented through executive action at WCDPS, directions for legislation which Westchester County's Board of Legislators may consider, and recommendations directed to New York State for legislative consideration. At every Task Force meeting, excluding the final meeting, a representative from each Working Group prepared a report to present to the larger group. Reports included the following:

- Key issues and needs identified
- Opportunities and challenges observed within the issue area discussed
- What is currently working at WCDPS that should be highlighted
- Initial and ongoing recommendations

Following these reports, Task Force members gave comments, asked questions, and otherwise engaged in discussion regarding the developing recommendations, with exception to the final meeting on January 12th, 2021, which was entirely dedicated to voting on the proposed recommendations.

Public Forums

Following the parameters of the Governor's Executive Order, a series of public forums were conducted to solicit comment from members of Westchester's communities regarding policing and reform. Each of these meetings was promoted through County press releases and social media, and through a series of flyers (available in Appendix H). In order to offer this opportunity to as many members of the County community as possible, residents could call in to submit their comments, and the initial forum was simultaneously conducted digitally and in five locations throughout the County. The community could also submit their comments via email to PoliceReformTF@westchestergov.com. Later forums were conducted solely through video conferencing software in order to respond to safety needs raised by the COVID-19 pandemic.

Public Forums were conducted on the below dates:

- August 13th – Virtual Public Forum
- August 18th – Virtual and In-Person Forums (Mount Kisco, Ossining, Peekskill, White Plains, Yonkers)
- October 27th – Virtual Public Forum

The Task Force received comments from over 80 participants. Members of Westchester County's community and members of local police reform advocacy groups shared their thoughts on reform, and their perspective on policing throughout Westchester County.

Information Sessions:

A series of virtual presentations were offered to municipalities and their police reform Task Forces on topics broadly relevant to reform. The Task Force thanks Commissioner Gleason, the staff of the Westchester County Department of Public Safety (WCDPS), Commissioner Michael Orth, the staff of the Westchester County Department of Community Mental Health (WCDCMH), Deputy Commissioner Helen May, and the staff of Westchester County Human Resources (WCHR) for their participation in these meetings.

Police Academy Overview: A video presentation prepared by WCDPS featuring Lt. Nicholas Alongi, Commanding Officer and Director of Training at the Academy, and Sgt. Michael Brancamp, the Academy's Executive Officer and Recruit Training Coordinator, provided a general overview of the police academy program for recruits and in-service training for experienced officers. This presentation occurred on September 4, 2020.

Exploration of Law Enforcement & Mental Health Response: A special presentation and discussion led by Department of Community Mental Health Commissioner Michael Orth, Deputy Commissioner Joseph Glazer, and Program Director Mark Giuliano focused on the role that DCMH plays in supporting local police departments responding to mental health calls and identifying best practices in this field. This presentation occurred on November 19, 2020.

Civil Service Law and the Hiring of Police Officers: Deputy Commissioner of Human Resources Helen May and Assistant Commissioner Frank Karintholil explained Civil Service Law, and Commissioner of Public Safety Thomas Gleason discussed recruitment, outreach and hiring. This session occurred on December 16, 2020.

Project ABLE (Active Bystandership for Law Enforcement): ABLE Board Chair Jonathan Aronie, Esq., provided a presentation to the Task Force describing Project ABLE. This training program, developed in partnership with the Georgetown University School of Law, is designed to create a culture of active bystandership and peer intervention in local police departments. Public Safety Commissioner Thomas Gleason provided opening remarks. This session occurred on December 11, 2020.

TASK FORCE RECOMMENDATIONS

The following fifty-one recommendations were developed by the Task Force’s six Working Groups. Thirty of the thirty-eight members of the Task Force formally voted on each of these recommendations at the January 12, 2021 meeting. The two co-chairs did not vote on the recommendations.

These recommendations, as presented, are organized based on the level of government to which they must be referred for action – recommendations which the County Executive may take action to implement at WCDPS; recommendations for which the County’s Board of Legislators may consider legislative action and recommendations soliciting action by the New York State legislature or executive. Below each recommendation, is a record of the Task Force’s votes to approve or oppose the implementation of the respective item. These recommendations are reproduced as they were voted on by the full task force.² More exhaustive details are provided through the following reports of the six Working Groups.

Recommendations for Executive Action at WCDPS:

1. *(Community Engagement) To prepare law enforcement personnel (civilian and uniformed) for consistent, positive community encounters and engagement, we recommend implicit bias training and intercultural competency training for all law enforcement personnel.*

Yes: 29

Abstain: 0

No: 1

- This recommendation is for all personnel, including peace officers, sheriffs, School Resource Officers, Supervisors etc. regardless of where and when they serve.
- Trainings should be offered in the Academy and annually during in-service training.

2. *(Community Engagement) Training facilitation should be a team approach between experts in these topics and law enforcement.*

Yes: 28

Abstain: 0

No: 2

² Thirty-two of the thirty-eight members attended the meeting on January 12th to vote on these recommendations. Thirty Task Force members voted on each recommendation. While both co-chairs are members of the Task Force, they did not participate in the voting process.

- Trainings on implicit bias and intercultural competency should be in tandem with experts in the diversity, equity and inclusion field.

3. *(Community Engagement) Create an environment that reinforces positive community engagement by identifying and valuing skills and competencies within police officers. These characteristics are essential for a successful officer-community engagement program to exist.*

Yes: 29

Abstain: 1

No: 0

- Identify skills and competencies needed for successful officer community engagement that can be recognized and valued in other officers using the successful model of PACT (Police And Community Together) as developed by Officer Ramirez along with members of the Mount Kisco community.

4. *(Community Engagement) WCDPS shall provide a clear description of the role that County Police play in the municipalities of Cortlandt and Mount Kisco on WCDPS website and on the Town of Cortlandt and Village of Mount Kisco websites.*

Yes: 28

Abstain: 2

No: 0

5. *(Community Engagement) There shall be a formal review of WCDPS's use of social media, and an analysis of how this medium could be used for branding and community outreach.*

Yes: 30

Abstain: 0

No: 0

- Electronic and specifically social media shall be used to provide information to bridge the gap between law enforcement and the community by sharing information about WCDPS and ways the Department may collaborate with the community.
- WCDPS shall encourage its members to become an integral part of the community, and shall, through the exercise of their duty, show that a career in law enforcement is suitable for civic-minded youth.

6. *(Community Engagement) Consider the possibility of creating community liaisons to serve as ambassadors to various segments of the population, especially those that have traditionally been considered marginalized.*

Yes: 29

Abstain: 0

No: 1

7. *(Community Engagement) WCDPS’s homepage should be made available to people who do not speak English as their preferred language, and shall be clearly available in a menu on the website’s Home Page. This recommendation applies to emergency alerts sent out by the department as well.*

Yes: 30

Abstain: 0

No: 0

- This recommendation relates to Executive Order 2019-1 titled, Westchester County Language Access Policy. This policy requires county departments providing direct public services to translate vital documents into the most common languages spoken by individuals with Limited English Proficiency, it must provide translation services to individuals whose English is not their first language, and it must publish a language access plan that will reflect how the department will comply with this order.
- We recognize the Department’s effort to produce its Language Access Plan following the Executive Order’s guidelines and to translate a series of vital documents into Spanish. However, these vital documents should also be available on their website - in English and Spanish, such as Civilian Complaint Reports.

8. *(Community Engagement) WCDPS shall obtain primary data or feedback from the school districts it serves.*

Yes: 27

Abstain: 3

No: 0

- We think it is important to collect data and stay current on evidence-based academic research on the efficacy of School Resource Officer programs. Community surveys, public information sessions with the school community, presentations to the Board of Education, etc. would provide first hand data needed to determine and identify the program’s opportunities and challenges.

9. *(Community Engagement) School Resource Officers (SROs) shall receive training on implicit bias, restorative justice practices, and mentoring.*

Yes: 29

Abstain: 0

No: 1

- While training to become School Resource Officers comes from the Academy and from NASRO (National Association of School Resource Officers) with over 40 hours of

training, the recommended training should be provided through the school district and SROs shall take this training alongside school administrators.

10. *(Community Engagement) Consider the creation of “Police Community Support Officers” (PCSOs) or use a similar structure.*

Yes: 23

Abstain: 0

No: 7

- PCSOs are uniformed members of police staff in England created in 2002 and their main role is to increase public safety by reducing crime and anti-social behavior. They are key liaisons between local communities and police. PCSOs provide a visible, accessible and approachable uniformed presence in the community to offer reassurance, defuse situations with threats of conflict, improve confidence and trust, gather information and foster good community relations. PCSOs are different from police or sheriffs in that they do not have the power to arrest and do not carry weapons or handcuffs.

11. *(Community Engagement) This Working Group reimagines police officers to pledge to use force as a last resort and explore non-lethal technology.*

Yes: 25

Abstain: 2

No: 3

- The use of non-lethal technology such as net guns may be a possible alternative when dealing with unarmed people.

12. *(Community Engagement) Consider the following suggestions included from the report prepared by Town of Cortlandt titled, “Public Safety and Policing Improvements.”*

Yes: 25

Abstain: 4

No: 1

- Expand communication between the police department and the town using Neighborhood WATCH organizations.
- Consider a Residents Advisory Board to hear issues/complaints from the community and act as a go-between for the neighborhoods, residents and police departments (both WCDPS and NYS Police).
- Both Police Departments (WCDPS and NYS Police) should jointly hold community forums to explain their policies and practices when responding to regular police calls and

to 911 calls, as well as, update the public on any other issues that may arise. They should meet at least twice a year with the community

- Provide written reports to the local elected officials, at least on a quarterly basis, if not more frequently on police activity in Cortlandt.
 - What kind of police calls do officers typically respond to?
 - What police actions are typically taken in response to calls?
 - What are interactions between individuals and the police like, and how do they proceed and resolve?

13. *(Community Engagement) Design and add a series of questions regarding an officer's interaction with the community they serve when considering promotions and/or annual evaluations.*

Yes: 28

Abstain: 0

No: 2

14. *(Policies & Procedures) Conduct joint de-escalation (also known as verbal judo) training with the Department of Correction.*

Yes: 24

Abstain: 2

No: 4

- This Working Group found the Department of Correction's de-escalation training impressive, especially considering that Correction officers do not carry firearms.

15. *(Policies & Procedures) WCDPS should explore national accreditation through the Commission on Accreditation for Law Enforcement Agencies' (CALEA) Advanced Law Enforcement Accreditation Program.*

Yes: 26

Abstain: 4

No: 0

- CALEA is a national credentialing authority. For a department to receive and maintain accreditation from CALEA, they must reach a standard higher than that of NYS accreditation alone. Although this accreditation may incur training costs and other expenses, it will reduce the cost of County liability insurance and will ensure WCDPS's officers operate at the highest possible standard of U.S. law enforcement professionals.
- This Working Group recommends that County WCDPS pursue the CALEA Advanced Law Enforcement Accreditation Program. This would require that WCDPS present or

develop clear written policies on 459 standards including: Biased Policing, Duty to Intervene, Use of Reasonable Force, Use of Deadly Force, Rendering Aid after a Use of force Incident, Vascular Neck Restrictions, and more. CALEA would then assess these policies and their implementation, and on finding them sufficient, issue the accreditation.

16. *(Policies & Procedures) Establish policies related to WCDPS's digital presence.*

Yes: 29

Abstain: 0

No: 1

- This Working Group recommends that WCDPS update its digital presence to include commonly FOIL-ed documents, and to provide additional information in its publicly released annual reports.
- We further recommend that WCDPS work to avoid charging fees for FOIL when possible (as such charges may be waived with departmental discretion) in order to improve public engagement.

17. *(Policies & Procedures) Establish a policy for peer-review error management training.*

Yes: 26

Abstain: 0

No: 4

- We encourage WCDPS to engage in collaborative peer review to utilize real world scenarios in an effort to establish best practices.

18. *(Policies & Procedures) Establish strong whistleblower protections.*

Yes: 26

Abstain: 2

No: 2

- This Working Group recommends that WCDPS develop and implement strong internal policies, which bar whistleblower retaliations and otherwise protect whistleblowers. These policies should also ensure that officers understand how to safely report instances of misconduct, and should normalize this process. These policies should be publicly available with the rest of the departmental manual.

19. *(Transparency) WCDPS must commit to being transparent with the public, which means to embrace those principles and values that promote transparency in its internal and external policies and practices. This way, those principles will be ingrained in the culture of the current administration and hopefully for future administrations.*

Yes: 30

Abstain: 0

No: 0

- Some examples of those policies and practices include, but are not limited to:
 - (1) establishing a culture of transparency to build community trust;
 - (2) educating the public with respect to WCDPS's policies and procedures;
 - (3) making WCDPS policies, procedures, and law enforcement data available to the public; and
 - (4) proactively engaging in positive non-enforcement activities.

20. *(Transparency) Implement Policies to Educate the Public on Police Values, Principles, and Operations.*

Yes: 28

Abstain: 1

No: 1

- Establish a Westchester County Police Stakeholders Council. The group envisions a Council to be an organization established in some police districts, which seeks to educate the public on police operations and build community relationships. WCDPS should choose police officers who have an interest in community engagement and not randomly assign police officers.
- Publish the WCDPS's policy manual, including, but not limited to, its use of force policy on the Department's website for downloading. WCDPS should seek to provide a summary of the policy, which would obviate the need for members of the public to download the entire policy, which is extensive.
- Inform the public through WCDPS's website regarding (1) the NYS Division of Criminal Justice (DCJS) training requirements and (2) WCDPS's training requirements (over and above that which is required by DCJS). The proposed Police Stakeholders Council may also be an avenue for educating the public about training;
- Inform the public through WCDPS's website of the Department's New York State accreditation, and the requirements thereof (not simply indicate accreditation on patrol vehicles). The public should be made aware of what is required for accreditation since not every police department in the County is accredited. Additionally, WCDPS should provide a link to DCJS' accreditation standards

21. *(Transparency) Promote and Engage in More Non-Investigatory Community Interaction.*

Yes: 28

Abstain: 1

No: 1

- WCDPS shall implement a program to encourage and support community engagement to build relationships. Examples of community engagement for police officers include, but are not limited to:
 - Engaging in youth activities/sports (for example, establish a Police Athletic League, sponsoring/coaching community teams);
 - Identifying and allowing police officers to engage in activities which are important to the community to build trust, and which have nothing to do with law enforcement. For example, collaborating with the community on a project or community event or bridging a gap with respect to a community need.

22. (Transparency) *Maintain Consistent Community Dialogue and Receive and Provide Periodic Feedback.*

Yes: 28

Abstain: 0

No: 2

- Establish a Police Community Council in the communities WCDPS patrols, for example, a Mount Kisco Police Community Council. The Police Community Council should consist of stakeholders from the Community, such as the chief elected official of the municipality or a member of his or her staff, the Commissioner or a member of his or her staff, community leaders, church leaders, youth leaders, educators, attorneys, etc.;
- Publish information regarding the Police Community Council’s membership, meetings, etc, on WCDPS’s website, including meeting places, dates, and times.

23. (Transparency) *Make non-confidential documents and other data, which will allow the public to assess the fairness of civilian police interactions, readily available to the public*

Yes: 27

Abstain: 3

No: 0

24. (Transparency) *WCDPS should endeavor to provide a body-worn camera to every police officer, no matter their rank, and equip every police vehicle with dashboard cameras.*

Yes: 25

Abstain: 0

No: 5

25. (Training & Equipment) *Enhance officer training.*

Yes: 30

Abstain: 0

No: 0

- This Working Group recommends that leadership training be extended to second- and third-line supervisors on an annual basis. This training should include implicit bias training.
- Review the training records for all officers in order to determine the extent to which WCDPS officers have been instructed in Crisis Intervention Training (CIT). Action should be taken to ensure this training is promulgated throughout WCDPS and Westchester County.
- Additionally, this Working Group recommends that Advanced CIT be available to patrol officers and supervisors.

26. *(Training & Equipment) Develop a library of training videos.*

Yes: 30

Abstain: 0

No: 0

- The Working Group recommends that WCDPS develop a library of training videos on wide topics; this library could be used to save costs and enhance in-service training. This Working Group notes that recorded trainings should not be used in place of in-person interactive trainings but to make best practices available to all members of WCDPS.

27. *(Training & Equipment) Increase in-service training requirements.*

Yes: 29

Abstain: 0

No: 1

- This Working Group recommends that WCDPS increase the number of in-service training days mandated on an annual basis, and that officers receive these annual trainings in the fields of Bias Crimes/Incidents, Procedural Justice, Professional Communication and Tactical Perception (Cultural Competency and Implicit Bias).
- Additionally, we recommend that officers in the Public Safety Emergency Force (PSEF) be required to receive these trainings on an annual basis in order to continue their service.

28. *(Training & Equipment) Enhance orientation training for transfer officers.*

Yes: 30

Abstain: 0

No: 0

- This Working Group notes the preponderance of transfer officers in WCDPS. In order to ensure these officers are equipped with the training necessary to serve the County, we

recommend that these officers receive training in areas including procedural justice, professional communications, tactical perception and Crisis Intervention Training.

29. *(Training & Equipment) Increase training hours for the County Police Academy’s Basic Training Course for police officers to include one week devoted to Procedural Justice, Cultural Diversity, and Bias Related Crimes and Incidents.*

Yes: 28

Abstain: 0

No: 2

- This Working Group recommends that WCDPS increase the basic training course to include a full week covering Procedural Justice, Cultural Diversity, and Bias Related Crimes and Incidents. We recommend two full days focused on cultural diversity (to include a research and presentation project done by the recruits) and intercultural competency, addressing the varied cultures, religions, ethnicities and backgrounds present in Westchester County. We further recommend including community stakeholders and experts in the training. An additional two full days should focus on procedural justice and recognizing and interrupting implicit bias. We recommend one full day related to bias crimes and incidents, including a review of local bias crimes and identified hate groups.

30. *(Training & Equipment) Develop and implement a mobile app allowing officers and members of the community to communicate and reference the departmental manual.*

Yes: 23

Abstain: 4

No: 3

31. *(Training & Equipment) Implement Project ABLE (Active Bystandership for Law Enforcement)*

Yes: 27

Abstain: 1

No: 2

- Following the presentation of Project Able by Project ABLE Board Chair Jonathan Aronie, Esq., we recommend that WCDPS implement this program and promulgate its use to other municipal agencies through the ‘train the trainer’ model.

32. *(Training & Equipment) Identify liaison officers at each municipal police department who are trained to respond to hate incidents.*

Yes: 28

Abstain: 1

No: 1

- The liaising officer should be responsible for the reporting requirement to Public Safety and be available to respond to any questions on incidents within the municipality. Through this program, a uniform approach could be applied to any necessary hate crime response Countywide.

33. *(Qualifications & Recruitment)* **Increase the range in ages of new applicants to include those of up to 40 years old**

Yes: 26

Abstain: 2

No: 2

- This Working Group suggests that allowing a broader base of persons to work as police officers will provide a more varied base of expertise and experience. Additionally, this will make finding diverse candidates incrementally easier by increasing the pool of applicants.

34. *(Qualifications & Recruitment)* **Promote service as a police officer to the public and proactively educate and engage with the public**

Yes: 30

Abstain: 0

No: 0

- This Working Group suggests the development of proactive public engagement and education campaigns to ensure stakeholders in policed communities understand how their officers operate. These campaigns would identify and foster bonds in policed communities – potentially among schools, faith leaders, civic organizations, and more. Once developed, officers could conduct listening sessions to identify community concerns, and education sessions to indicate their awareness of these concerns and the vehicles through which they will respond.
- Additionally, this Working Group recommends promoting recruitment efforts through these connections.

35. *(Qualifications & Recruitment)* **Enhance the County’s already successful Police and Community Together (PACT) community engagement program and make it available as a model for other communities**

Yes: 29

Abstain: 0

No: 1

- This Working Group finds that the existing PACT program has done much to improve ties among the Mount Kisco community and Westchester County Department of Public Safety (WCDPS). Allocating additional resources to this program, promoting its use throughout WCDPS' other patrolled regions, and training other departments in how to emulate it will strengthen community bonds.
- Additionally, this Working Group recommends highlighting officers responsible for similar successful community efforts within the department and utilizing these officers to support recruitment efforts (per recommendation 2).

36. *(Accountability & Wellness) Develop County policy regarding the investigation of non-fatal police involved shootings.*

Yes: 27

Abstain: 0

No: 3

- WCDPS shall issue a publicly available written policy ensuring that any non-fatal shooting involving a member of the WCDPS be investigated by an outside law enforcement agency and identifying that agency in advance of any incident

37. *(Transparency) Establish an Open Disciplinary Process.*

Yes: 24

Abstain: 4

No: 2

- Publish the procedures of the disciplinary process on WCDPS's website.
- Provide for anonymous and non-anonymous complaint procedures;
- Provide a formal procedure by which a member of the public may compliment a police officer;
- Implement a policy of providing for status updates to complainants upon request;
- Implement a policy of speaking with a complainant prior to a final determination

Recommendations for the Board of Legislators:

1. *(Accountability) Recommendation until State Legislation is enacted on DCJS*

Certification/Licensure Overhaul:

Yes: 24

Abstain: 1

No: 5

- Passage of a County law requiring that the Commissioner of WCDPS submit written annual verification to the County Executive and Board of Legislators that all required

reporting to State DCJS pursuant to their certification regulations have been complied with. We believe this could become a model for other police departments.

- A Working Group shall be convened to study the current State certification regulations, decertification process and adherence by local law enforcement agencies to ensure that existing loopholes are closed.

2. *(Accountability) Pass County laws to create the Office of Police Accountability (OPA) to investigate allegations of misconduct by WCDPS officers.* This Office would function as follows:

Yes: 25

Abstain: 0

No: 5

- Members of the public and law enforcement officers would be able to make anonymous complaints through OPA.
- OPA would be publicly funded but operate independent of all branches of County government.
- OPA would have subpoena power and the laws establishing it would protect complainants and witnesses from retaliation.
- Through shared services agreements, OPA would have the capacity for other Westchester municipalities to opt in, allowing its processes to serve their community.
- Findings of fact and recommendations for further action in substantiated cases would be made public.
- “Home rule” requires punishment to be determined by the hiring authority. As such, OPA is only able to make recommendations on the issue of punishment; discipline would still rest with the hiring authority.
- For transparency, the hiring authority shall set forth public written findings explaining its determinations regarding punishment.

3. *(Community Engagement) Expand the use of specialized teams to respond to mental health calls countywide and explore additional co-response initiatives.*

Yes: 29

Abstain: 1

No: 0

- We recommend teams with 24/7 availability and which are offered as a shared service to other municipalities. Teams should further coordinate with local police

departments and the County Departments of Social Services and Community Mental Health.

- We recommend consulting with CAHOOTS (Crisis Assistance Helping Out On The Streets) or a similar program which deploys behavioral health response teams.

4. *(Community Engagement) Create and implement a Countywide electronic database for Mental Health Behavioral cases and special needs populations.*

Yes: 23

Abstain: 3

No: 4

- We recommend the development of a countywide electronic database, similar to the one utilized in the Town of Greenburgh. Mental health teams or police would input information about those who have a record of crises; records would include triggers to problematic behavior and de-escalation and calming tactics that work for the individual. The database would follow all appropriate HIPAA guidelines; families and/or guardians could add data to the profile on a voluntary basis.

5. *(Policies & Procedures) Establish a shared Body Worn Camera (BWC) database through shared services*

Yes: 22

Abstain: 5

No: 3

- This Working Group notes the expense of large digital databases. To reduce costs, and ensure County-wide promulgation of these resources, we suggest that WCDPS establish a BWC database which other municipalities can utilize; this will allow all participants to save costs through a broad economy of scale.

6. *(Transparency) Establish Universal Records Management System (Municipal)*

Yes: 24

Abstain: 4

No: 2

- WCDPS should seek to employ a universal records management system across the entire County, to include the Department and all local police departments, through shared services agreements, to ensure uniformity throughout the county

7. *(Training & Equipment) Update Section 273.01(3) of the County Public Safety Law in reference to hate crimes.*

Yes: 25

Abstain: 2

No: 3

- Amendments should include additional enforcement power to ensure timely reporting based on shared service commitments and requirements that reports on hate incidents be circulated to the Commissioner of WCDPS and then to the Executive Director of the Westchester County Human Rights Commission.

Recommendations for New York State:

1. *(Accountability) DCJS Certification/Licensure Overhaul:*

Yes: 24

Abstain: 1

No: 5

- Despite State officer certification requirements that currently pre-empt licensure, a more stringent and comprehensive professional licensing structure similar to that for lawyers, nurses, teachers, etc., is necessary to achieve the kind of changes envisioned by this Task Force and increase the public's confidence and trust in law enforcement officers.
- This Working Group recommends that a State law establishing licensing and re-licensing procedures and standards for law enforcement officers to improve officer accountability, set uniform minimum standards of proficiency and training, facilitate discipline/termination when officers do not meet licensing standards be established.

2. *(Accountability) Provide for legislation requiring municipal indemnification by officers guilty of reckless and willful misconduct.*

Yes: 19

Abstain: 4

No: 7

- State law currently prohibits a municipality from seeking indemnification by an officer for financial liability it incurs as a result of their misconduct while on duty.
- A majority of the Working Group favors repeal of those laws and consideration of indemnification either through officer liability insurance, or by personal indemnification.

3. *(Policies & Procedures) Overhaul Freedom of Information Law (FOIL) and DCJS disciplinary records systems in order to make substantiated complaints against law enforcement more accessible to the public.*

Yes: 23

Abstain: 4

No: 3

4. *(Training & Equipment) New actions by DCJS:*

Yes: 27

Abstain: 1

No: 2

- DCJS should reconsider the use of the term ‘Tactical Perception’
- DCJS accreditation should be made mandatory for every law enforcement agency Statewide
- DCJS training requirements should uniformly require annual leadership training for second- and third-line supervisors
- DCJS should mandate annual in-service training for all officers regarding Bias Crimes/Incidents, Procedural Justice, Professional Communication and Tactical Perception (Cultural Competency and Implicit Bias)

5. *(Training & Equipment) Allocate funding to support the uniform promulgation of Body Worn Cameras and appropriate shared-service databases.*

Yes: 28

Abstain: 1

No: 1

6. *(Training & Equipment) Change Civil Service Law to extend the probationary period for new recruits to two years*

Yes: 27

Abstain: 1

No: 2

7. *(Qualification & Recruitment) Reform Civil Service Law and the process for hiring police officers:*

Yes: 28

Abstain: 0

No: 2

- This Working Group notes that the processes of Civil Service Law impede productive workforce development at WCDPS. Officers may not receive background checks or be screened for mental health until they have received an offer of employment, allowing potentially problematic officers to find employment at the County. The Rule

of Three creates severe restrictions in hiring candidates – prioritizing strict test scores over soft skills or community relationships. Further, the test for candidacy as an officer is developed at the State level and ignores the needs of policed communities and communication or engagement skills while prioritizing memory and responsiveness. All of these processes are regulated by New York State; as such, this Working Group recommends the State dramatically reform this process to allow for a broader base of applicants to receive consideration, and for more broad skillsets to factor in to an officer’s candidacy.

- Additionally, preparatory materials based on the content of the test are limited and cost-prohibitive. This Working Group recommends that Westchester County’s Department of Human Resources and WCDPS take whatever action is available to them to develop and promulgate additional testing materials. To the extent to which New York State prohibits this process, this Working Group recommends that New York State provide communities with the tools to promote test prep, or reform processes so that localities may handle this mechanism.

Community Engagement Working Group Report

The community needs well trained, well-supervised, well-disciplined police, and the police need a community that is willing to support and collaborate with them in accomplishing their mission to society. In order to accomplish this, community engagement is key.³

Following the murder of George Floyd, law enforcement faces a crisis of legitimacy and community trust. This Working Group has reviewed the existing community outreach policies and practices employed by WCDPS. WCDPS serves as the primary policing entity for County parks, the County airport, State and County parkways, and other County facilities. It serves as local law enforcement in the Town of Cortlandt and the Town/Village of Mount Kisco. Nine officers serving with WCDPS work as School Resource Officers in the Hendrick Hudson School District, Lakeland Central School District, North Salem Central School District and the Somers School District.

This section discusses the findings of the Community Engagement Working Group. This Working Group reviewed WCDPS's responsibilities involving community outreach and community-oriented policing, reviewed challenges and proposed opportunities through a series of recommendations. We also describe new opportunities for community engagement for WCDPS to consider as we reimagine public safety. It is the hope of this Working Group that the recommendations and additional information discussed in this section may assist local police departments with their own efforts to reimagine and reform their police departments.

³ Engagement-Based Policing: The What, How, and Why of Community Engagement, June 2015

Working Group Members:

- Reverend Doris Dalton, Board Chair of the Westchester County Human Rights Commission
- Commissioner Andre Early, Department of Community Resources, Town of Greenburgh
- Chad Golanec, Law Enforcement Professional
- Shondra Floyd McClary, Board Member, Westchester Martin Luther King, Jr. Institute for Nonviolence
- Legislator Damon Maher Esq., Westchester County Board of Legislators
- Karine Patiño, Esq., Criminal Justice Professional
- Robyn Schlesinger, Esq. member, LGBTQ Advisory Board
- Mayo Bartlett, Esq., Task Force Co-Chair
- Leroy Frazer, Esq., Task Force Co-Chair
- Blanca P. Lopez, Working Group Liaison

Guests & Special Meetings

The group invited law enforcement professionals and community stakeholders to discuss a variety of topics in the field of community engagement. This Working Group met with Sgt. James Dress and Captain James Greer from WCDPS's Patrol Service Division to discuss community outreach programs and the School Resource Officers Program. Additionally, Carola Bracco, Executive Director of Neighbor's Link, presented to the Working Group regarding her organization and the needs of the immigrant community in Mount Kisco. Westchester County Police Officer Edwin Ramirez, Jr. also presented to the Working Group; he provided more information on his involvement in the creation of PACT in Mount Kisco.

Working Group Meeting dates:

August 18, 2021	October 14, 2021	December 15, 2021
September 3, 2021	October 29, 2021	December 22, 2021
September 24, 2021	November 19, 2021	January 6, 2021
September 30, 2021	December 2, 2021	January 25, 2021

Background:

Community affairs and outreach activities conducted by the Westchester County Department of Public Safety (WCDPS) are the responsibility of the Patrol Services Division; one of five divisions that make up WCDPS. Members of the Patrol Services Division patrol State and County parkways, the Town of Cortlandt, the Town/Village of Mount Kisco, the Westchester County Airport, County parks, County office buildings and facilities. The School Resource Officers Program is the mechanism through which the division provides School Resource Officers (SROs) for the Lakeland, Hendrick Hudson, North Salem and Somers school districts.

Community Policing:

WCDPS provides municipal patrol operations for the Town/Village of Mount Kisco and the Town of Cortlandt. Uniformed members of the Patrol Services Division assigned to municipal patrol are involved in community policing activities such as community affairs initiatives and events in these two municipalities.

WCDPS has provided patrol services in Cortlandt since the year 2000. Responsibility is shared with New York State Police. WCDPS's Cortland precinct is located at Cortlandt Town Hall.

In Mount Kisco, the precinct is located at the Village's police court facility located at 40 Green Street. WCDPS has provided patrol and investigative services to this municipality since June 2015, when the Mount Kisco Police Department was disbanded.

Both Cortlandt and Mount Kisco have Inter-Municipal Agreements with WCDPS, which were approved by the Board of Legislators. These agreements reflect excellent examples of shared services, which creates significant savings and improved levels of services for both municipalities.

In addition to patrolling both communities, the Department also hosts and participates in several yearly community-building activities including the "Cops and Cones Community Night" in Mount Kisco, and the "Coffee with a Cop" and "Fireman's Parade Detail" in both Mount Kisco and Cortlandt. WCDPS hosts other events such as the "National Night Out," which build police-community partnerships.

Areas of Discussion in Community Engagement:

Discussions held by the Community Engagement Working Group started broadly and evolved to cover six main topics: Recruitment/training, communication/rebranding, School Resource Officers, reimagining police officers, community policing/outreach, and officer wellness.

Recruitment/Training:

This Working Group finds that community engagement skills are a combined result of training, practice, competencies and the adaptive behavior of a police officer while interacting with community members. Different types of trainings must thus be provided to law enforcement, including to recruits and as an in-service training, in order to identify and develop community engagement skills needed for officers to engage with culturally diverse communities.

This Working Group strongly believes that implicit bias and intercultural competency trainings are two critical pieces of training that all personnel in the department must take, regardless of where or when they serve. Implicit bias training is fundamental for all persons who are engaged in professions that serve the public in any capacity. Understanding implicit bias, also known as unconscious bias, will help police officers understand how they cognitively gather information in their everyday encounters with the public and how they use that information in their decision-making. Equally, intercultural competency is the capability to recognize the cultural differences, as well as the commonalities that exist, and appropriately adapt their behavior and communication to ensure that they perform their duties equitably.

The group discussed the need for training in these two matters to be provided by experts in the diversity, equity and inclusion field in tandem with law enforcement.

Realistically, implicit bias and intercultural competency training alone (whether it is at the Academy, in the Department, or in the community) will not be enough to create an environment that reinforces positive community engagement. Positive community engagement occurs when police departments use policies, standards, and structures that implement intercultural competency and evaluate its use in the Department's demonstrated interaction with the community.

While additional discussion took place regarding training, it was noted that the Training and Equipment Working Group would address this topic at more length.

Communication/Rebranding

The Public Information Office is headed by a civilian Director/Public Information Officer (PIO) who is the Department's liaison to the media and other governmental agencies. The PIO is responsible for responding to media inquiries, coordinating press conferences and public events, assisting police personnel with media relations at crime scenes and other field locations, and serving as the Department liaison on public relations matters.

The Department also uses social media to inform the public. Their accounts are as follows:

- Facebook: Westchester County Police Department
- Twitter: @WCPDNY
- Instagram: @WCPDNY

Specific information related to Mount Kisco and Cortlandt are also coordinated through this office and the same social media accounts are used.

The Department's website (www.publicsafety.westchestergov.com) provides information to the public about their operations and responsibilities. It was recently updated to be compliant per the Americans with Disabilities Act (ADA).

In this area, the group discussed the need for WCDPS to use its existing platforms to communicate more effectively with the public and specifically with communities of color and marginalized populations. To do this, the Department should consider including community oriented content, encourage police to become as an integral part of the community fabric, and by their conduct, promote law enforcement as a career suitable for civic-minded youth. The Working Group discussed the benefit of creating community liaisons to build trust and to bridge the gap between the Department and the community.

School Resource Officers:

The group examined the role of School Resource Officers by inviting Captain James Greer and Sgt. James Dress to discuss the Department's program at one of its meetings.

The Department's School Resource Officers Program began in 2010 and currently operates in the following four school districts with the participation of nine officers:

- Hendrick Hudson School District implemented its SRO program in September 2018; one SRO covers five schools
- Lakeland Central School District implemented its SRO program at the High School in September 2010 and expanded to the elementary schools in September 2018; three SROs cover three schools.
- North Salem Central School District implemented its SRO program in September 2013; one SRO covers two schools.
- Somers Central School District implemented its SRO program at two schools in September 2013 and expanded it to all schools in September 2018; four SROs cover four schools.

School Resource Officers (SROs) are police officers responsible for safety and crime prevention in schools. SROs train and educate staff and students, help develop safety plans, and handle on-campus law enforcement actions including accident reports, aided reports, blotters, cases and arrests. WCDPS's SROs receive specialized training guided by a triad model of responsibility as outlined by the National Association of School Resource Officers (NASRO): 'Educator', 'Informal Counselor', and 'Law Enforcer'. They also participate in additional trainings including the 'Youth Officer Training' and the 'Advance Law Enforcement Rapid Response Training' (ALERRT).

The group considered all aspects of policing and community engagement, particularly as perceived by students of color. As such, the role of School Resource Officers was one discussed at length. The purpose of SROs is, arguably, to establish an authoritative presence, order and essentially foster "safety" in schools. Yet, the Working Group acknowledges that there are potential discrepancies between communities and the perceived impact and value of having

police officers in schools. They also recognized that while some districts have increased SRO programs, others have begun to curtail or end existing programs.

Members of the Working Group considered the effectiveness of this program, but were concerned by a lack of direct community feedback or primary data. Additional research on this topic also revealed that from the late 1950s until present, very limited research into the correlation of SROs and the level of violence in schools has been completed. It has been recently proposed that having SROs in schools has the “unintended harmful consequences that come with policing programs, including thrusting students into the criminal justice system and perpetuating racial inequality”.⁴ Further research shows the unsettling trends and patterns of unequal disciplinary practices that target students of color.⁵

This Working Group took these concerns seriously. Because there are considerable risks in further establishing SRO programs and policing in schools, the committee developed recommendations with one caveat: that they do not promote previously-installed models of SRO programs of any kind, which were likely rooted in systemic racism.⁶

The majority of Working Group members do see this program as an opportunity to re-imagine the role for the sake of holding accountable any current and future officers that undergo training to become better-suited mentors, educators and safety ambassadors in schools⁷.

This Working Group discussed using the School Resource Officers Program as an opportunity to strengthen community partnerships along the following lines:

- SROs may be in the position to establish long-lasting relationships with students and the school communities in which they work. The necessary shift and focus on their role as mentor and educator, warrants multiple positive and consistent interactions, and that

⁴ Aaron Kupchick, “Researching the Impact of School Policing,” <https://www.endzerotolerance.org/single-post/2019/03/11/research-on-the-impact-of-school-policing>

⁵ Shabnam Javdani, “Policing Education: An Empirical Review of the Challenges and Impact of the Work of School Police Officers,” <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6597313/#R46>

⁶ Curran FC (2016). Estimating the effect of state zero tolerance laws on exclusionary discipline, racial discipline gaps, and student behavior. *Educational Evaluation and Policy Analysis*, 38, 647-668.

⁷ Working Group Member Leg. Damon Maher Esq. disagreed with this point.

SROs should establish a mentoring relationship with students in an effort to become role models.

- SROs should regularly engage with their respective communities to identify a range of engagement strategies that serve to improve their relationship with diverse communities as it relates to safety in schools.

Driving questions remain on the role of SROs in schools. Generally speaking, members of the Working Group wonder why this level of engagement is important. How do SROs shape the perceptions of community members as it relates to safety and policing in schools? And are there any opportunities for SROs to engage students without authoritative-driven policies and goals?

More specifically, has each particular school board reviewed current independent academic research on the costs, benefits, and efficacy of SROs in stopping active shooters? Have boards discussed how information could be obtained from a minor without presence of a parent, guardian or attorney? Have boards discussed that testimony could be forwarded to agencies beyond local police, to the potential detriment of an interrogated student and/or other persons?

Reimagining Police Officers:

Moving forward, what do communities want law enforcement to be? As the group discussed and explored recommendations to reimagine police officers and departments, the Working Group used antiracism as a framework for policing, considering it an essential tool of community engagement.

Primarily, the group recommends that law enforcement leaders begin to understand and adapt to an intercultural sensitivity competency framework in policymaking. This Working Group recommends the creation of new standards, structures, and mechanisms for officer evaluation. Law enforcement leaders can begin addressing culturally sensitive concepts, learning best practices to adopt antiracism strategies in policing, may conduct assessments of the detrimental impact of perceived racism on policing and community engagement, and determine a sustainable and long-range strategy to dismantle racism in policing.

Another topic of discussion was the use of police methods and studies mentioned in President Barack Obama’s Task Force on 21st Century Policing from May 2015 and a subsequent study performed by Florida State University in 2019. This led to a desire for police officers to be less militaristic and promote the concept of being a ‘guardian’ in their approach and behavior towards the communities they serve.

One of the issues raised at one of the public forums held during the summer relates to concerns about officers exhibiting a “warrior mentality” on the street. The Working Group was in favor of a guardian model of policing as opposed to a warrior model of policing.

Community Policing Initiatives/Outreach:

The goal of prevention-focused community policing is to work cooperatively with stakeholders of a community to identify and resolve issues that can affect the quality of life in the community. Community engagement programs help build partnerships within various sectors of a community.

Community Engagement Programs

When looking at examples of community policing/outreach programs involving WCDPS, Westchester County Police And Community Together (PACT) was particularly remarkable. Other programs and activities led by the department are also mentioned.

Police And Community Together (PACT)

The PACT initiative was first instituted with a high level of success by Police Officer Edwin Ramirez, Jr., formerly of the Mount Kisco Police Department and now an instructor at the WCDPS Police Academy, and Ms. Carola Bracco, Executive Director of Neighbor’s Link of Northern Westchester.

With roots in Mount Kisco, and with the support of Neighbor’s Link and local houses of worship, PACT focused attention on serving the immigrant Latino population who were sometimes unfamiliar with local laws and police procedures. The PACT program took many

proactive steps to break down barriers to promote communication and education between Police Officers and the immigrant Latino community.

Three fundamental tenets of the PACT program included:

- Community meetings
- Cultural competency training for Police Officers
- A volunteer support committee.

With the help of the Vera Institute of Justice guidebooks, the PACT program received national acclaim as a versatile model for police and community relationship building.

Another important component of PACT is its Community Liaison Program (CLP). The program develops pamphlets and brochures on different topics to distribute to the community. These handouts provide information to members of the community about what to do if someone receives a parking ticket, a traffic summons, if a car is towed, or in other scenarios. The CLP also includes a youth component which, in the past, has teamed up with the Mount Kisco Boys and Girls Club to run focus groups with kids on a variety of topics such as bullying, internet safety, and domestic violence.

PACT is the type of community engagement program that truly makes strides in connecting with the community at large and attempts to nurture relationships with vulnerable sectors of the Mount Kisco community such as its immigrant and non-English speaking residents.

Westchester County Police Explorer Program

Another program initiated by the Department is the Westchester County Police Explorer Program, established in 2007. Information on this program is available in Appendix E. This program is for youth between the ages of 14 and 20. Explorers participate in training and activities that expose them to policing and help prepare them for potential law enforcement careers. The goals and objectives of the program are the following:

1. To provide career training in law enforcement
2. Provide social activities such as field trips

3. Provide community services
4. Provide leadership training
5. Provide training for personal fitness and protection
6. Provide outdoor activities

The Department, under its Patrol Division, participates in an extensive list of year-round activities in the two municipalities it serves, and in events throughout the County. Attachment C titled, *Community Policing and Outreach Conducted by the Department*, provides a list of current and past community outreach activities conducted by WCDPS.

The Working Group recognizes the opportunities that PACT has brought the Town/Village of Mount Kisco and hopes that in time, many of the program's principles can be applied in Cortlandt as well. This Working Group believes that every officer should be an ambassador to the public and should engage in community policing and community engagement.

For example, while Cortlandt's demographics may be different from Mount Kisco's, the Town's yearning for ongoing communication and dialogue is consistent with what Mount Kisco receives from PACT.

A report submitted by the Town of Cortlandt establishes its goal as promoting "...more inclusion, equality and better communication between police departments and the community."⁸

Behavioral Health Response Teams

Reducing encounters between on duty law enforcement and individuals with the most severe psychiatric diseases may represent the single most immediate practical strategy for reducing fatal police shootings in the United States.

According to a study released by the Treatment Advocacy Center, people with untreated mental illness are 16 times more likely to be killed during a police encounter than other civilians

⁸ Town of Cortlandt's Report on Public Safety and Policing Improvements, August 2020

approached or stopped by law enforcement.⁹ In addition, while they are fewer than 1 in 50 U.S. adults, individuals with untreated severe mental illness are involved in at least 1 in 4 of all fatal police encounters.¹⁰

Incorporating the use of mental health teams when police respond to mental health calls is paramount. Someone in a mental health crisis may need a de-escalating presence. The American mental health system often fails to provide treatment until someone becomes dangerous, and that means the police are often functioning as frontline mental health or social workers, a role for which they have not been fully trained for, and one they did not sign up for.

Beginning in February 2021, new Mental Health Teams in New York City will use their physical and mental health expertise and experience in crisis response to de-escalate emergencies. Their presence will help reduce the number of times police will need to respond to 9-1-1 mental health calls in these precincts. These teams will have the expertise to respond to a range of behavioral health problems, such as suicide attempts, substance misuse, and serious mental illness, as well as physical health problems, which can be exacerbated by or mask mental health problems.

This pilot is modeled on successful, alternative to police response programs in other cities. The CAHOOTS (Crisis Assistance Helping Out On The Streets) program in Eugene, Oregon is embedded into the 9-1-1 system and includes 2-person teams of paramedics and crisis workers who have significant experience in the mental health field. CAHOOTS teams responded to approximately 24,000 calls last year and addressed a wide range of mental health-related crises.

Opportunities for Law Enforcement

In order for law enforcement officers to build solid relationships with the communities they serve, procedural justice must be taken into account. Procedural justice is the way in which police interact with the community and how these interactions shape public trust of the police. President Obama's Task Force on 21st Century Policing outlined the four pillars of procedural

⁹ Overlooked in the Undercounted: The Role of Mental Illness in Fatal Law Enforcement Encounters, Treatment Advocacy Center, www.treatmentadvocacycenter.org, December 2015.

¹⁰ Ibid

justice: Treating individuals with dignity and respect; giving individuals a voice during law enforcement interaction; being neutral and transparent in decision making; and conveying trustworthy motives.¹¹

Procedural justice not only affects the external relationship between law enforcement and the community, but it also challenges the internal culture of the department. If applied correctly, this concept promotes positive organizational change and may help improve relationships between members of the police department.

The implementation of procedural justice creates opportunities for law enforcement in the following ways:

- It strengthens and promotes the importance of community policing and community outreach by evaluating officers in this area and fostering support for officers who want to carry forward community engagement programs.
- It helps to determine how well officers know the communities they serve using a series of questions on community engagement in evaluation forms.
- It identifies similar skillsets with the same characteristics and qualities as Officer Ramirez, the Westchester County Police Officer who started PACT in Mount Kisco. Officers should be creative and have the support from their superiors to explore/research programs that will benefit the communities they serve.

Community awareness should not be limited to specific facets of policing. Awareness should apply to every member of the department. Law enforcement officers should be able to walk into a community they serve and feel comfortable speaking to different people and feel that they are members of the community.

Officer Wellness

As more data presented supports routine mental health screening of police officers, the group's recommendation is to ensure that a variety of programs and resources are available to help police

¹¹ United States Department of Justice (2015). Final Report of the President's Task Force on 21st Century Policing. Pp. 9-12. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

officers address their mental health needs. Evidence is clear that a career in law enforcement may increase the levels of stress in police officers and may create internalized trauma over time.

John M. Violanti, PhD, of the Department of Epidemiology and Environmental Health at the University of Buffalo in New York, emphasized the importance of addressing mental health barriers to police officers in an editorial:

“Education concerning mental health and effective treatment is needed for police officers. The stigma attached to mental illness and the reluctance of officers to seek help can only lead to further increases in mental strain and suicide among police. Policing is an essential occupation to preserve the rule of law, and those who serve in law enforcement deserve proper protection from the mental strain associated with this task. It is a matter of psychological survival.”¹² (Violanti, 2020)

The Working Group also felt that the incorporation of Project ABLE within the Police Academy’s curricula would support and fortify a police culture of active bystandership and peer intervention. Other Working Groups also made this recommendation.

¹² John Violanti, “On Policing – A Matter of Psychological Survival,” October 7, 2020, <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2771394>

Community Engagement Working Group Recommendations

The following recommendations were voted on by the full Police Reform and Reimagining Task Force at our January 12th meeting. A full list of these recommendations begins on page 10.

Recommendation: To prepare law enforcement personnel (civilian and uniformed) for consistent, positive community encounters and engagement, we recommend implicit bias training and intercultural competency training for all law enforcement personnel.

The purpose of this critical training is to help all personnel, including peace officers, sheriffs, School Resource Officers, Supervisors, etc. regarding of where and when they serve to understand and minimize the role implicit bias has in their work and encounters with the community. However, on its own, implicit bias training will not be sufficient to help an officer adapt one's behavior and communication style in their changing cultural context.¹³

Including training in Intercultural Competency, which helps develop the capability of those trained to see and acknowledge the cultural differences and commonalities present before them and appropriately adapt their behavior and communication. Intercultural competency affects the way we listen, who we see, what we hear and how we respond.

The way we understand intercultural competency as a core and necessary value of leadership will also affect the way we equip leaders to engage with community members, community problems and community solutions while addressing “the meeting place of legality and legitimacy,” a necessary value for community engagement. Legality is achieved through state certification while legitimacy is conferred by the local community.¹⁴ Trainings should be offered in the Academy and annually during in-service training.

¹³ Martin Kaste, “NYPD Study: Implicit Bias Training Changes Minds, Not Necessarily Behavior,” September 10, 2020, <https://www.npr.org/2020/09/10/909380525/nypd-study-implicit-bias-training-changes-minds-not-necessarily-behavior>.

¹⁴ Ibid.

Commissioner Gleason indicated that presently, WCDPS civilian employees and auxiliary police officers receive sufficient training commensurate to their duties. The Working Group considered this perspective, but found that the training should be offered to all members who interact with the public.

Recommendation: Training facilitation should be a team approach between experts in these topics and law enforcement.

Trainings on implicit bias and intercultural competency should be in tandem with experts in the diversity, equity and inclusion fields.

This Working Group is aware that WCDPS presently works with a number of experts to provide training in these fields. We recommend that this training be offered in further tandem with law enforcement, and on an enhanced basis.

Recommendation: Create an environment that reinforces positive community engagement by identifying and valuing skills and competencies within police officers. These characteristics are essential for a successful officer-community engagement program to exist.

Using the successful model of the PACT (Police And Community Together) program and the relationships Officer Ramirez developed with community members in Mount Kisco as an example, we can identify skills and competencies needed for successful officer-community engagement that can be identified and valued in other officers. Therefore, we recommend:

- Engage in recruitment and training to replicate community engagement successes.
- Review and revise community engagement standards for all individuals in the department who have direct interface with the public.
- Include these standards into annual officer evaluations.
- Rotate officers into a community engagement position such as the PACT program to allow officers to gain community engagement experience in building and investing in community relationships.

- Annual de-escalation training completed by all recruits and in-service officers will ensure that skills and best practices are acquired and developed. We suggest communicating de-escalation training standards each year to the public to build public trust.

While we recognize the concerns regarding distrust between communities of color and police as evident in news headlines and videos and propose recommendations that aim to create fundamental changes to fortify community trust it is necessary to build relationships taking advantage of as many opportunities as possible. At times, this is done by hosting activities such as the “Cops and Cones Community Night” in Mount Kisco, or “National Night Out.”

The Task Force was additionally notified that, following the Task Force’s interest in community engagement and the PACT program, Officer Ramirez – one of the officers who helped develop and build PACT – was made an instructor at the County Police Academy. In this role, he will teach and mentor other officers on how to engage in productive community engagement. The Task Force applauds this action, and believes that this underscores WCDPS’s commitment to community engagement.

Recommendation: WCDPS shall provide a clear description of the role that County Police play in the municipalities of Cortlandt and Mount Kisco on the WCDPS website and on the Town of Cortlandt and Village of Mount Kisco websites.

Although information is presently released through WCDPS’s annual reports, this Task Force finds that by prominently storing this information on the departmental homepage, members of the community will be able to access it more easily. This will help dispel community concerns and bridge any existing divides.

Recommendation: There shall be a formal review of WCDPS’s use of social media, and an analysis of how this medium could be used for branding and community outreach.

Electronic and specifically social media shall be used to provide information to bridge the gap between law enforcement and the community by sharing information about WCDPS and ways the Department may partner with the community. The Department shall encourage its members to become an integral part of the community, and shall, through the exercise of their duty, show that a career in law enforcement is suitable for civic-minded youth.

Recommendation: Consider the possibility of creating community liaisons to serve as ambassadors to various segments of the population, especially those that have traditionally been considered marginalized.

Numerous jurisdictions have adopted this practice across the country to promote relationships with the LGBTQ+ community and this practice has been received warmly. The relationship will encourage marginalized communities to provide additional feedback on issues, policies/procedures and other matters that will help foster a collaborative relationship between police and the public. However, this does not absolve the rest of the officers from following this practice as well.

Recommendation: WCDPS's homepage should be made available to people who do not speak English as their preferred language, and shall be clearly available in a menu on the website's Home Page. This recommendation applies to emergency alerts sent out by the Department as well.

This recommendation relates to Westchester County Executive Order 2019-1, also known as the Westchester County Language Access Policy. This policy requires County departments providing direct public services to translate vital documents into the most common languages spoken by individuals with Limited English Proficiency. The Executive Order mandates that translation services be provided to individuals who do not speak English as their first language, and it must publish a language access plan that will reflect how the department will comply with this order.

We recognize the Department's effort to produce its Language Access Plan following the Executive Order's guidelines and to translate a series of vital documents into Spanish. However, these vital documents should also be available on their website - in English and Spanish, such as Civilian Complaint Reports.

Recommendation: *WCDPS shall obtain primary data or feedback from the school districts it serves via their School Resource Officer (SRO) Program.*

This Working Group determines that it is important to collect data and stay current on evidence-based academic research on the efficacy of SRO programs. Community surveys, public information sessions with the school community, presentations to the Board of Education, etc. would provide first hand data needed to determine and identify the program's opportunities and challenges.

Recommendation: *SROs shall receive training on implicit bias, restorative justice practices, and mentoring.*

While training to become School Resource Officers comes from the Academy and from NASRO (National Association of School Resource Officers) with over 40 hours of training, the recommended training should be provided through the school district and SROs should take this training alongside school administrators.

Recommendation: *Consider the creation of "Police Community Support Officers" (PCSOs) or use a similar structure.*

PCSOs are uniformed members of police staff in England created in 2002 and their main role is to increase public safety by reducing crime and anti-social behavior. They are key liaisons between local communities and police. PCSOs provide a visible, accessible and approachable uniformed presence in the community to offer reassurance, defuse situations with threats of conflict, improve confidence and trust, gather information and foster good community relations.

PCSOs are different from police or sheriffs in that they do not have the power to arrest and do not carry weapons or handcuffs.¹⁵

Recommendation: *The group reimagines police officers to pledge to use force as a last resort and explore non-lethal technology.*

One of the most common criticisms of modern policing is that officers dealing with traffic violations and homeless people shouldn't be lugging around military-style weaponry or exhibiting a "warrior" mentality on the street. Seth W. Stoughton, a professor at the University of South Carolina School of Law, calls that mentality "the most problematic aspect of modern [police] policy."¹⁶ The use of non-lethal technology such as net guns may be a possible alternative when dealing with unarmed people.

Recommendation: *Consider the following suggestions included from the report prepared by the Town of Cortlandt titled, "Public Safety and Policing Improvements."*

In a report prepared by Town Supervisor Linda Puglisi in August 2020 on Public Safety and Policing Improvements, the town has as its goal to have "more inclusion, equality and better communication between police departments and the community."¹⁷ This full report is available in Appendix D.

- Expand communication between the police department and the Town using Neighborhood WATCH organizations.
- Consider a Residents Advisory Board to hear issues/complaints from the community and act as a go-between for the neighborhoods, residents and police departments (both WCDPS and NYS Police).
- Both Police Departments (WCDPS and NYS Police) should jointly hold community forums to explain their policies and practices when responding to regular police calls and to 911 calls, as well as, update the public on any other issues that may arise. They should meet at least twice a year with the community

¹⁵ College of Policing, "Police Community Support Officer (PCSO), <https://profdev.college.uk>

¹⁶ Derek Thompson, "The Overlooked Role of Guns in the Police Reform Debate," The Atlantic. <https://www.theatlantic.com/ideas/archive/2020/06/overlooked-role-guns-police-reform-debate/613258/>

¹⁷ Town of Cortlandt's Report on Public Safety and Policing Improvements, August 2020

- Provide written reports to the local elected officials, at least on a quarterly basis, if not more frequently, on police activity in Cortlandt.
 - What kind of police calls do officers typically respond to?
 - What police actions are typically taken in response to calls?
 - What are interactions between individuals and the police like, and how do they proceed and resolve?

Recommendation: *Expand the use of specialized teams to respond to mental health calls countywide and explore additional co-response initiatives.*

We recommend teams with 24/7 availability and which are offered as a shared service to other municipalities. Teams should further coordinate with local police departments and the County Departments of Social Services and Community Mental Health. We recommend consulting with CAHOOTS (Crisis Assistance Helping Out On The Streets – an Oregon program which has replaced over 14% of police response calls with unarmed mental health professionals) or a similar program, which deploys behavioral health response teams.

Recommendation: *Create and implement a Countywide electronic database for Mental Health Behavioral cases and special needs populations.*

We recommend the development of a countywide electronic database, similar to the one utilized in the Town of Greenburgh. Mental health teams or police would input information about those who have a record of crises; records would include triggers to problematic behavior and de-escalation and calming tactics that work for the individual. The database would follow all appropriate HIPAA guidelines; families and/or guardians could add data to the profile on a voluntary basis.

Recommendation: *Design and add a series of questions regarding an officer's interaction with the community they serve when considering promotions and/or annual evaluations.*

This Working Group recognizes that collective bargaining and the requirements of departmental bureaucracy will impede the immediate institution of this practice. However, in ‘re-imagining’ policing, we believe it is critical that these metrics be assessed and favored when considering evaluation and promotion.

Conclusion

The Community Engagement Working Group analyzed a wide variety of topics. While certain areas of discussion may have overlapped with topics reviewed by other Working Groups, we fully recognize that seven months is not enough time to review every component of community engagement. As a result, this work must be an ongoing open dialogue that will continue even after the release of this report.

Qualification and Recruitment Working Group Report

Having well-rounded, qualified police officers must derive from not only test scores and background checks, but also whether candidates can work in diverse communities and respond to circumstances that will demonstrate their people and personality skills.

This Working Group believes that the recruitment process should be outcome-driven in order to attract police officers having the qualities and skills discussed in this section.

Working Group Members

- Detective David Clarke, Vice President, Mount Vernon Police Association
- Reverend Frank Coleman, Jr., Senior Pastor, Yonkers Messiah Baptist Church
- Lawrence Otis Graham, Esq., Chair, Westchester County Police Advisory Board
- Anahaita Kotval Esq., Chief Executive Officer, Lifting Up Westchester
- Martin McDonald, Director & Founder, Black Diamond Academic Success Program and President of the Peekskill NAACP
- Chief Melvin Padilla, Town of Bedford Police Department
- Mayo Bartlett, Esq., Task Force Co-Chair
- Leroy Frazer, Esq., Task Force Co-Chair
- Crystal Collins, Working Group Liaison

Working Group Meeting dates:

July 29, 2020	October 5, 2020	November 19, 2020
August 13, 2020	October 22, 2020	November 23, 2020
September 1, 2020	October 26, 2020	

Guests & Special Meetings

This Working Group met with Deputy Commissioner Terrence Raynor of WCDPS and Assistant Commissioner Frank Karintholil of Human Resources on September 1st, and State Senator Jamaal Bailey on October 26th.

Background

Many of the key issues and concerns for the Qualification and Recruitment Working Group are related to the New York State Civil Service Laws and restrictions. Therefore, many concerns addressed by this Group can be handled only through State intervention.

Similarly, other recommendations may be implemented by the County, which has already been making strides in diversifying its Police Department and fostering a more sensitive approach to address the needs of minority, underserved and under-represented communities.

Areas of Discussion in Qualification and Recruitment

The following summarizes points brought up by the group during its many discussions regarding Qualifications and Recruitment.

Generally, qualifications to become a police officer require a high school education, physical strength abilities, an aptitude test, mental and psychological tests, a background check, and training through the police academy. Today's police officers must possess the abilities and skills that allow them to adapt to diverse communities and challenging circumstances. Qualifications must focus on whether the candidate is capable of good decision-making, problem solving, ability to effectively communicate, and range of leadership skills and styles.

However, identifying diverse candidates for the Department is the concern of this Working Group. A recently hired group of officers in mid-December 2020 demonstrates the ability of WCDPS to select diverse candidates using the transfer process. Nevertheless, it is important to review the hiring process that impacts the majority of candidates applying to become police officers in this County.

Recruitment of Police Officers

The Working Group makes the following recommendations to improve the quality, diversity and size of the applicant pool of police officers. These recommendations aim to increase the pool of qualified candidates to be considered for open positions. The recommendations expand the number of qualified diverse applicants by reducing unnecessary barriers such as age, bias, overemphasis of standardized test scores and other factors. While the County may consider supporting a Westchester-only bill to change the Civil Service Laws sponsored by members of the Westchester Delegation in the NYS Legislature, this in itself would not be productive in achieving full reform. Thus, the Task Force is recommending the State review and revise the Civil Service Rules altogether.

Revisions to the NYS Civil Service Rules Should Include:

Change the hiring age limits. This Working Group recommends that the age limit of applicants, currently at 35 years of age, increase to include candidates up to the age of 40. After careful consideration and review, the group observed that candidates up to and including the age of 40 may be appropriate candidates for a career as a police officer provided they otherwise meet the applicable selection criteria.

Broaden recruitment criteria. Standardized test scores should not eclipse other important factors. Our Working Group concluded that test scores should be one of several important factors in the recruitment process. The final decision should be based on a full evaluation of all relevant factors, including an assessment of essential skills and in particular, experience in de-escalation; working with diverse populations; and dedication to community engagement. Our group also recommends allowing hiring departments to consider candidates from the top two score levels, as opposed to only one, which is currently the existing measure of hiring.

Revision of the “Rule of Three”. This would allow selection of up to 15 candidates in the top two scoring levels in order to increase the pool of candidates.

Increase the frequency of offering the civil service exam. We suggest offering the civil service exam every two years instead of the current four years. An alternative approach would be to use

a “continuous list” model, which would make entry into a law enforcement career easier. The current four-year model creates unnecessary delays and burdens.

Allow departments to access multiple civil service lists. Permitting police departments to access local civil service lists, regional lists, Spanish-speaker lists and other lists would also expand the applicant pool.

Re-Imagining Recruitment to Include Under-Represented Groups.

These recommendations seek to improve the perception of the police department within communities of color with the goal of erasing any existing stigmas. We hope this will encourage applicants from communities of color to view law enforcement as a welcoming and rewarding career path.

Recruitment outreach efforts to communities of color have struggled to generate interest among young people largely because of the events around the country highlighting African-Americans being harmed by police.

In the wake of George Floyd’s death in the custody of Minneapolis police, protests in both black and white communities turned the spotlight on the public’s view of the attitudes of police officers toward African Americans.

A 2019 Pew Research Center survey revealed that 84% of black and 63% of whites believe that blacks are treated less fairly than whites are in dealing with police. Similarly, 87% of blacks and 61% of whites said the U.S. criminal justice system treats black people less fairly. A 2015 Special Report published by Governing: The States and Localities titled Diversity on the Force: Where Police Don’t Mirror Communities found that despite efforts to improve diversity, minorities remain largely underrepresented in many local police departments. The report found that a longstanding perception of police as an oppressive force has hurt minority recruitment, and that this perception has been exacerbated as a result of recent shootings of unarmed blacks by police.

As a result, this Working Group produced the following recommendations that may be implemented through the adoption of official County policies that could be replicated by local police departments:

- 1) Create programs for children, teens and adults – Programs that promote interaction between the police and sectors of the community, in particular youth, can promote interest in law enforcement careers over time. Examples of these programs that create a youth talent pipeline are the NYC Police Athletic League, or the Youth and Citizens Academies in the City of Mount Vernon.¹⁸
- 2) Encourage more outreach by community relations officers -- to encourage regular proactive interaction with local groups, civic organizations, faith-based institutions and the public in general, facilitate informal and friendly relationship building opportunities between the police and the public. Inviting local police officers to present at schools during Career Days and to engage with the public in a non-authoritative capacity.
- 3) Encouraging and recognizing Police Ambassadors -- highlight rising “stars” in the police department, especially those who excel in the arena of community relations, and have them assist in police recruitment. Incentivize and recognize police officers who reinforce community relations.
- 4) Increase access to the practice exams, tutors, preparation for the test – especially in communities of color.

As previously discussed, this recommendation may increase the number and diversity of qualified applicants by preparing a broader range of potential applicants with access to practice tests and other tools useful in practicing and passing the Police Officer Exam. This may help to level the playing field.

The assistance and participation of local police departments represents another opportunity for these departments to have positive interaction with the community and sends a message to

¹⁸ ¹⁸ Models include: the Mount Vernon Citizen Police Academy (<https://brooklyn.news12.com/mount-vernon-citizen-police-academy-to-begin-next-week>); the Mount Vernon Youth Police Academy (<https://www.lohud.com/story/news/2019/08/20/mount-vernon-youth-police-academy-graduates-26-teenagers/2051397001/>); the Citizens Police Academy (<https://www1.nyc.gov/site/nypd/bureaus/administrative/training-citizens-police-academy.page>); the Police Athletic League (<https://www.palnyc.org/>); and the NYPD Police Explorers (<https://www1.nyc.gov/site/nypd/services/law-enforcement/youth-programs/explorers.page>)

potential applicants – particularly those in minority communities -- that they are welcome. Additional items to consider that fall under this recommendation are the following:

- A. Build a library of practice exams.
- B. Provide funding for tutorial classes prior to taking the civil service exam.
- C. Offer tutoring classes in local communities as a form of recruitment/community engagement.
- D. Utilize minority law enforcement groups and other police associations to do outreach and host tutorial classes and information sessions.

Initial Qualifications of Police Officers

Our Working Group discussed many aspects of good policing not measured by a test score or physical skill. Good policing practices should ensure equal justice and be rooted in human rights principles, recognizing the importance of maintaining a good relationship between communities and police. We support a policy of ensuring that procedural justice permeates every aspect of policing from recruitment to accountability.

A high-test score alone cannot predict a candidate's potential for success as a police officer. Our Group came up with the criteria listed below to screen and test for character, personality and leadership traits, all of which are essential to work successfully as a police officer.

In addition to passing test scores, police officer candidates should:

- Display various types of skills and abilities such as intercultural competency and an interest in positive community engagement.
- Candidates should display a guardian mindset that values, protects, and even advocates for the most vulnerable within the communities they serve.
- Officers should also possess resilience and decision-making skills, as well as character traits that are best suited for the community they serve.

Police Licensure

Nurses, barbers, electricians, plumbers, doctors, lawyers, teachers, private investigators and social workers are among the many professionals who are required to maintain licenses in New York State. We recommend that police officers meet and maintain the requirements for licensing.

Officers should be required to attend and complete trainings on critical issues such as:

- Implicit bias
- Cultural competency
- De-escalation
- Mental health/diversion
- Communication skills
- Developing and strengthening leadership skills

Ongoing Qualifications for Police Officers

While recruiting officers with the right skills and mindset is critical to their success, maintaining and building on those skills throughout their careers is equally important. It is also critical to acknowledge the toll that the job can take in reshaping officer attitudes and behaviors. Ongoing training and regular screenings can flag potential issues that may be addressed before a problem arises.

After considerable discussion and a review of appropriate resources, this Working Group recommends that to continue to serve, police officers should be required to do the following:

- Complete annual continuing law enforcement education (on many of the same issues reference above)
- Be subject to an annual mental health screening
- Be evaluated for the following:
 - Their community engagement

- Their ability to interact with diverse communities in a respectful manner.
- Their de-escalation skills.
- Their complaint history.

Supervisors should be evaluated regarding the following:

- For their own attributes and successes.
- The performance of the officers they supervise.
- Their response to misconduct by officers they supervise.

Disqualification of Police Officers

Our Working Group determined that the following should be considered as factors for disqualification:

- Failure to pass initial mental health screening(s)
- Substantiated complaints, whether civilian or Departmental

Qualification & Recruitment Recommendations

The following recommendations were voted on by the full Police Reform and Reimagining Task Force at our January 12th meeting. A full list of these recommendations begins on page 10.

Recommendation: *Increase the range in ages of new applicants to include those of up to 40 years old.*

This Working Group suggests that allowing a broader base of persons to work, as police officers will provide a more varied base of expertise and experience. Additionally, this will make finding diverse candidates incrementally easier by increasing the pool of applicants.

Recommendation: *Promote service as a police officer to the public and proactively educate and engage with the public.*

This Working Group suggests the development of proactive public engagement and education campaigns to ensure stakeholders in policed communities understand how their officers operate. These campaigns would identify and foster bonds in policed communities - potentially among schools, faith leaders, civic organizations, and more. Once developed, officers could conduct listening sessions to identify community concerns, and education sessions to indicate their awareness of these concerns and the vehicles through which they will respond.

Additionally, this Working Group recommends promoting recruitment efforts through these connections.

Recommendation: *Enhance the County's already successful Police And Community Together (PACT) community engagement program and make it available as a model for other communities*

This Working Group finds that the existing PACT program has done much to improve ties among the Mount Kisco community and WCDPS. Allocating additional resources to this program, promoting its use throughout WCDPS's other patrolled regions, and training other departments in how to emulate it will strengthen community bonds.

Additionally, this Working Group recommends highlighting officers responsible for similar successful community efforts within the Department and utilizing these officers to support recruitment efforts.

Recommendation: *Reform Civil Service Law and the process for hiring police officers*

This Working Group notes that current Civil Service Law impedes productive workforce development at WCDPS. Officers may not receive background checks or be screened for mental health until they have received an offer of employment, allowing potentially problematic officers to find employment within the County. The “Rule of Three” creates severe restrictions in hiring candidates - prioritizing strict test scores over soft skills or community relationships.

Furthermore, the test for candidacy as an officer is developed at the State level and ignores the needs of policed communities and the importance of communication or engagement skills while prioritizing memory and responsiveness. All of these processes are regulated by New York State. Consequently, this Working Group recommends the state dramatically reform this process to allow for a broader base of applicants to be eligible for consideration, and for more broader skill sets to factor in to an officer’s candidacy.

Additionally, preparatory materials based on the content of the test are limited and cost-prohibitive. This Working Group recommends that Westchester County’s Department of Human Resources and WCDPS ensure the prep materials are available in libraries or online; this will ensure availability regardless of the economic status of an applicant. To the extent that New York State is an impediment to this process, this Working Group recommends that New York State amend the legislation which impedes implementation of our recommendations.

Training & Equipment Working Group Report

The Training and Equipment Working Group is responsible for reviewing WCDPS's current policies and practices with respect to all aspects of law enforcement training, as well as the equipment used by the Westchester County Department of Public Safety (WCDPS).

Working Group Members:

- Commissioner Thomas Gleason, Westchester County Department of Public Safety
- Dr. DaMia Harris-Madden, Executive Director, Westchester County Youth Bureau
- Reverend Dr. Stephen Pogue, Pastor, A.M.E. Zion Greater Centennial Church
- Tejash Sanchala, Esq., Executive Director, Westchester County Human Rights Commission
- Robert Tucker, Chairman & CEO, T&M Protection Resources
- Reverend Dr. Verlin Williams, Union Baptist Church
- Mayo Bartlett, Esq., Task Force Co-Chair
- Leroy Frazer, Esq., Task Force Co-Chair
- Peri Kadanoff, Esq., Working Group Liaison

Working Group Meeting Dates

July 27, 2020	October 1, 2020	December 17, 2020
August 17, 2020	November 2, 2020	December 21, 2020
September 1, 2020	November 17, 2020	January 7, 2021
September 22, 2020	December 10, 2020	

This Working Group conducted a tour of the Westchester County Police Academy for its July 27th meeting.

Guests & Special Meetings

The group invited law enforcement and mental health professionals to review and discuss a variety of topics in the field of training and equipment. Specifically, the group met with the following experts and professionals:

- Lieutenant Nick Alongi, from the Department of Public Safety, who runs the Westchester County Police Academy to discuss in detail the training now provided as well as what could be done to address emerging needs and to enhance training;
- Detective Marc Moskalik, Public Safety's lead Defensive Tactics Instructor and long-time member of the Special Response Team, to discuss the type of weapons and other technology employed by the County Police;
- Commissioner Michael Orth, Westchester County Department of Community Mental Health and Program Director Mark Giuliano to discuss Crisis Intervention Training and Clinician Embedded Teams and how enhanced collaboration between mental health professionals and law enforcement would significantly benefit the County

Background

The WCDPS Police Academy trains all recruit officers – regardless of which department they serve - within Westchester and Putnam County. The WCDPS Police Academy additionally provides in-service training to WCDPS officers as well as thirty other local police agencies. Since this Task Force was convened, several additional departments have signed on for in-service training. WCDPS anticipates that others will follow suit.

The Law Enforcement Agency Accreditation Council establishes a set of standards¹⁹ with which a law enforcement agency seeking accreditation must comply. Law enforcement accreditation is not mandatory for police agencies in New York State, and not every agency is able to attain accreditation from the Council. WCDPS has been a participant in the New York State Law Enforcement Accreditation Program since 1992 and has been continuously accredited from 1992 to date.

¹⁹ The Accreditation Council's standards can be found here, <https://www.criminaljustice.ny.gov/ops/accred/>

Highlights of Westchester County Public Safety Training:

- The Westchester County Police Academy (WCPA) exceeds the minimum requirements dictated by the State and has developed a robust training plan. Currently the Academy's training consists of 787.5 hours and an additional 160 hours of Supervised Field training.
- The Police Academy conducts an integrated training program that reinforces the key topics throughout the twenty-one weeks of courses. Several themes run throughout the academy class. These important themes include, but are not limited to, officer safety, de-escalation, physical fitness, professional communication with the public, and attention to detail. Many of these themes influence several blocks of training and not just the block required by the State; training themes are pervasive throughout multiple blocks of instruction. For example, Procedural Justice is a two hour required class, but its principles influence and are reinforced during the defensive tactics training, professional communications training, and many other areas.
- Procedural Justice/Tactical Perception is another block in the curriculum that stresses the need for the police to maintain a positive relationship with the community. DCJS requires two hours for this block. WCPA teaches the required two-hour block, but also includes a non-required three-hour block that covers Tactical Perception also known as Implicit Bias.
- The 'Fundamental Crisis Intervention Skills' course for Law Enforcement provides recruits with an understanding of people in mental health crisis and skills to deal with the associated law enforcement challenges. DCJS requires 20 hours on this topic, but in an effort to foster best practices, WCPA conducts 37.5 hours of training. WCPA proactively added the additional training several years ago to address a need in police training and better serve people with mental health issues. The main objective of the class is to provide officers with the necessary tools to properly interact with people who are having a mental health crisis and to help them to de-escalate the situation in an effort to avoid physical force and best assist the person in crisis. Since proper communication can safely mitigate the majority of crises, the class teaches skills for communicating with people in crisis. The course includes classroom instruction, practical exercises and role-playing

scenarios in order to provide recruits with both the classroom understanding and practical skills to provide de-escalation and direct the person to the proper mental health services. The topics include, but are not limited to, suicide, military issues, post-traumatic stress disorder (PTSD), Police Officers with PTSD, autism, and assisting people with other special needs. Instructors for this module must be certified as a Police Mental Health Instructor by DCJS. A police detective with the requisite mental health training and a non-law enforcement mental health professional team teach this class. Crisis intervention is a critical skillset for police officers to properly interact with, provide aid to, and obtain the proper services for community members experiencing mental health issues. It is an important tool for an officer to have in order to control and deescalate a situation.

- The topic of Defensive Tactics and Principles of Control cover many different techniques and many other modules and themes included in this block. DCJS requires 40 hours for this training, but WCPA conducts more than 100 hours of instruction in this area in recruit school. The training objectives for this block include a discussion of constitutional limitations, agency policy constraints related to defensive tactics, the importance of the appropriate tactics, levels of compliance and resistance, response options ranging from presence, dialogue, compliance techniques, defensive alternatives and deadly physical force options. The course includes demonstration and practice in appropriate physical control techniques. The course does not teach nor condone chokeholds, carotid artery holds or other moves that restrict breathing or blood flow.²⁰
- Another key focus in the WCPA is Officer Wellness and Stress Management. WCPA conducts 19.5 hours in this area, though the State requires only 16 hours. It provides officers with resources to manage stress and wellness. Officer well-being is critical to positive interactions with the public, as well as the safety of officers.
- The Academy provides 60 hours of Firearms Training as compared to the 40 hours required by DCJS.

²⁰ From WCPD Use of force Policy, and consistent with NYS DCJS and IACP model policies:
“Sworn Members shall not apply pressure to the throat, windpipe, neck, or block the mouth or nose of a person in a manner that may hinder breathing, reduce intake of air or obstruct blood circulation, except under such circumstances in which Deadly Physical Force is authorized.”

- WCPA provides a Unified In-Service Training program (UIST) for WCDPS officers and several departments within the County. Participation is optional. Westchester County is not able to compel the other departments within the County to attend the training. NYS has no general requirement for in-service training unless the department is accredited; only 25% of departments in New York State are, while 50% of police departments in Westchester County have this Accreditation. Accreditation standards require 3 days of training. WCPA currently offers a 3-day training for sworn members and one additional day of training for supervisors.

Other Recommendations Discussed by the Working Group:

There were several proposed recommendations that were not included in the final set of recommendations because they were addressed by other Working Groups. As such, these recommendations were organized based on the entity they should be referred to:

Opportunities for Executive Action at WCDPS

1. Clinician Embedded Teams (CET) currently operate within police departments in many areas of the County, including Yonkers, White Plains, Greenburgh, and New Rochelle. Clinicians work collaboratively with the officers to provide guidance on crisis intervention, suicide prevention, and associated risk assessment of mental illnesses.

This Working Group recommended that this program be expanded. The Working Group recommends the establishment of geographic teams to provide adequate coverage throughout the County. The expanded CET Teams should have 24/7 availability and trained officers should wear pins designating their Advanced Crisis Intervention Training so they can be easily identified.

This recommendation was consolidated into Community Engagement's recommendation that WCDPS expand the use of specialized teams to respond to mental health calls countywide and the recommendation regarding enhancing officer training.

2. Westchester Department of Public Safety should explore additional non-lethal instruments such as net guns.

Recommendations for action by Municipalities:

1. Departments with Clinician Embedded Teams (CET) expand their hours of operation to 24/7 availability.
2. Develop a shared services model to support creating additional Clinician Embedded Teams (CET) around Westchester County.
3. Apply for ABLE (Active Bystandership for Law Enforcement).

Training & Equipment Recommendations

The following recommendations were voted on by the full Police Reform and Reimagining Task Force at our January 12th meeting. A full list of these recommendations begins on page 10.

Recommendation: *Enhance Officer Training*

This recommendation covers different types of officer trainings that need to be implemented at the police academy.

- Amend WCDPS's in-service training requirement standards to include mandatory leadership/executive development training for second and third line supervisors annually. This training should include implicit bias training on an annual basis.
- Training records for all officers shall be reviewed to ensure that each officer has received basic CIT (Crisis Intervention Training). The CIT model trains officers in-depth to understand and address individuals with mental health and substance use needs. Most of the departments across Westchester now have at least one CIT trained officer.
- WCDPS has approximately 12 officers who have received Advanced CIT. We recommend that the Department increase number of Patrol Officers and supervisors receiving Advanced Crisis Intervention Training so that the County can ensure that there are adequate trained personnel available at all times.

Recommendation: *Develop a library of training videos*

WCDPS should develop a training video library covering a wide variety of topics. The Academy can store this library on a training platform and use it to enhance in-service training and to share with other local police agencies.

Recommendation: *Increase in-service training requirements*

WCDPS shall include annual Unified In-Service Training for each of its members, including Public Safety Emergency Force (PSEF) Officers, in the areas of Bias Crimes/Incidents, Procedural Justice, Professional Communication and Tactical Perception (Cultural Competency and Implicit Bias).

WCDPS Commissioner Thomas Gleason indicated his opposition to this item, assessing that members receive training commensurate to their duties. This Working Group found it necessary to recommend more broad training as part of its effort to ‘reimagine’ policing.

Recommendation: *Enhance orientation training for transfer officers*

WCDPS should develop an expanded orientation training for transfer officers. Currently the training for transfers at the Academy consists solely of firearms, Taser; O/C (pepper spray) and use of force. The recommended expanded training should include procedural justice, professional communications, tactical perception and crisis intervention training.

Recommendation: *Increase training hours for the County Police Academy’s Basic Training Course for police officers to include one week devoted to Procedural Justice, Cultural Diversity, and Bias Crimes and Incidents.*

This shall be comprised of:

- Two full days focused on cultural diversity (to include a research and presentation project done by the recruits) and intercultural competency. The training should address the myriad of cultures, religions, ethnicities and backgrounds in the County’s diverse population of approximately 1 million residents. Local groups and outside experts shall be included in the training by approaching this work with an intersectional and intercultural competency framework.
- Two full days of procedural justice focusing on recognizing and interrupting implicit bias. Outside experts should be included in this training;
- One full day related to bias crimes and incidents, including increased bias crime and bias incident training time in recruit school and bringing in experts to teach (such as an Assistant District Attorney who handles bias crimes or the Lawyers Committee on Civil Rights who can provide education on hate incidents). Training should include a review of local bias crimes and incidents and local hate groups.

In addition, to improve the tactical perception, this Working Group seeks to incorporate the umbrella term of Cultural Responsiveness into training recommendations. Cultural Responsiveness Training (CRT) increases awareness and understanding of mental health, tactical

perception (implicit bias), and other related areas, and recognizes the importance of equipping officers with strategies to recognize, respect, and respond to persons of varying culture, norms, and practices, emphasizing the differences for protected classes (disabled, religious, sexual orientation, etc.). CRT will also bring about a greater skill set in communication and de-escalation.

Recommendation: *WCDPS should develop and implement a Police Mobile Application allowing officers and members of the community to communicate and reference the departmental manual.*

This Working Group understands that the development of such an application is being explored by WCDPS. This Working Group recommends that this application be fully reviewed and, if capable of sufficiently promoting community engagement and facilitating open dialogue between the Department and the community, adopted.

Recommendation: *Implement Project ABLE (Active Bystandership for Law Enforcement)*

This Working Group recommends that WCDPS adopt Project Able. We recommend implementing the ‘Train the Trainer’ model in order to promulgate this program throughout Westchester. Further, we recommend implementing ABLE’s 8 hour training program for all recruits and the 2 hour annual training for all officers.

Representatives from Project ABLE presented recently and discussed how transforming departmental culture and building a community of active bystanders leads to saving careers and saving lives. Project ABLE fosters strategies that aim to prevent harm and misconduct while creating a law enforcement culture that supports peer intervention and officer wellness. ABLE is an outgrowth of the Ethical Policing is Courageous (EPIC) Model, which is already being utilized by WCDPS in a limited capacity.

Recommendation: *Identify liaison officers at each municipal police department who are trained to respond to hate incidents.*

The liaising officer should be responsible for the reporting to Public Safety and be available to respond to any questions on incidents within the municipality. Through this program, a uniform approach could be applied to any necessary hate crime response County-wide.

Recommendation: *Update Section 273.01(3) of the County Public Safety Law in reference to hate crimes.*

Section 273.01(3) of the County Public Safety Law, which requires local police departments to report hate crimes to the Commissioner of Public Safety, should be amended to read “report **hate incidents**.” The definition of what “hate incidents” encompasses should be discussed further to ensure that a robust reporting mechanism is created. Additionally, this law should include a requirement that the Commissioner of Public Safety furnish a copy of the incident reports to the Executive Director of the Westchester County Human Rights Commission.

Recommendation: *New actions by NYS DCJS*

This Working Group recommends that NYS DCJS take the following actions

- NYS DCJS should reconsider the term Tactical Perception as it may not be well received by the community.
- NYS DCJS Law Enforcement Accreditation should be required for every Law Enforcement Agency in the state. At this time, approximately 25% of departments across the State are accredited. 50% of the departments in Westchester County have this accreditation.
- NYS DCJS Training requirement standards should be amended to include mandatory leadership training for all second and third line supervisors annually.
- DCJS should mandate annual Unified In-Service Training for every police officer in the areas of Bias Crimes/Incidents, Procedural Justice, Professional Communication and Tactical Perception (Cultural Competency and Implicit Bias).

Recommendation: *Allocate funding to support the uniform promulgation of Body Worn Cameras (BWC) and appropriate shared-services databases.*

Recommendation: *Change Civil Service Law to extend the probationary period for new recruits for two years.*

By extending the probationary period of new recruits by an additional six months, supervisors will be able to observe probationers for a longer period outside of the academy setting.

Conclusion

This Task Force and the conversations generated by the Working Groups and the liaisons have given us optimism that providing training and enhancing communication between the police and the community may lead to improvements and reforms for police departments. It is clear from the discussions that there is a desire for police reform and, in having the Task Force's Final Report as a guideline, many departments will be more easily able to implement the recommendations set forth herein. There is much work to be done, but the Training and Equipment Working Group is encouraged that we have made a significant effort to promote reform and reimagining of law enforcement.

Policies & Procedures Working Group Report

The Policies and Procedures Working Group reviewed the internal policies of WCDPS and the impact they have. Our recommendations were developed in observing a broader administrative profile of WCDPS's operations.

Working Group Members:

- Horace Anderson Esq., Jr., Dean, Pace Law School
- Chief Richard Conway, Port Chester Police Department (Retired)
- Damon K. Jones, Westchester County Department of Correction, New York
Representative of Blacks in Law Enforcement
- S. Ken Jones, Esq., Senior Associate Counsel, Legal Aid Society of Westchester
- Terrance Raynor, Deputy Commissioner of the Westchester County Department of
Public Safety
- Mayo Bartlett, Esq., Task Force Co-Chair
- Leroy Frazer, Esq., Task Force Co-Chair
- Copernicus Crane, Working Group Liaison

Working Group Meetings:

July 31, 2020	September 3, 2020	September 24, 2020
August 20, 2020	September 8, 2020	October 5, 2020
August 27, 2020	September 17, 2020	December 3, 2020

Guests & Special Meetings:

The Working Group met directly with Captain Bohla of Westchester County's Department of Correction to discuss in-service training. Representatives of the group attended meetings with guest speakers including Mina Malik Esq., former head of the New York City Civilian

Complaint Review Board, Tejash Sanchala Esq., the current Executive Director of Westchester County's Human Rights Commission and Jeffrey Deskovic Esq., a wrongfully incarcerated man who is the founder of the Deskovic Foundation, which works to exonerate the wrongfully incarcerated.

The Working Group reviewed the policy manuals of Westchester County's Department of Public Safety and the Department of Correction. Many of our conversations took on an open-ended tone, allowing us to gather information and explore the complex intersections of proposed reforms.

Members of the Working Group also attended the four information sessions presented by Westchester County to other municipalities. These meetings included:

- An overview of the Westchester County Police Academy, hosted by Lieutenant Nicholas Alongi
- A presentation on law enforcement and mental health responses in Westchester, presented by Commissioner Michael Orth, Deputy Commissioner Joseph Glazer and Program Director Mark Giuliano of Westchester County's Department of Community Mental Health (WCDCMH).
- A discussion on Civil Service Law and the hiring of police officers, hosted by Commissioner Thomas Gleason of the Department of Public Safety, Deputy Commissioner Helen May and Assistant Commissioner Frank Karintholil of the Westchester County Department of Human Resources
- A presentation regarding Project ABLE (Active Bystandership for Law Enforcement) conducted by ABLE Board Chair Jonathan Aronie, Esq.

Perhaps the most notable finding of our Working Group was the importance of retaining and sharing information about the practical function of WCDPS through members of the Task Force. Although there is a surplus of information describing the problems endemic to policing or proposing solutions, determining the reality of WCDPS's day-to-day operations and adapting our understanding to fit that reality did require diligent effort. The broad expertise of co-chairs Mayo

Bartlett and Leroy Frazer, one of whom attended each Working Group and guest speaker meeting of the Task Force, enhanced these efforts tremendously.

As such, we have worked to provide relevant grounding information and a broad array of sources to as many of our recommendations as possible. We hope that this will detail the logic of our recommendations, and will more broadly inform any reader on the functions of WCDPS.

Background

This Working Group believes that its findings cannot be discussed without grounding them in the reality that many members of the Westchester County community experience when engaging with police from any police department.

As such, we find it necessary to underscore recent and historical instances in our County history that illustrate the complex reactions many community members may have to interactions with police. Documenting every incident would be a voluminous undertaking – we hope the examples below will serve as a sample representative of Westchester County.

- From 2015 to 2020, whistleblowers at the Mount Vernon Police Department reported widespread misconduct; the County’s District Attorney continued to prosecute cases against predominantly black men based on evidence from the same officers accused of misconduct – even after many of these cases were found to be based on evidence that was potentially unreliable.²¹
- From 2007 to 2016 the U.S. Department of Justice investigated the Yonkers Police Department for civil rights violations. The investigation of the department was completed in 2012. From 2012-2016, the department reformed while negotiating with DoJ. The process was completed and the case settled in 2016²².

²¹ Joseph, George. “The Mount Vernon Police Tapes: 7 Black Men Allege False Charges Involving Narcotics Detective.” Gothamist, Gothamist, 19 Nov. 2020, www.gothamist.com/news/mount-vernon-police-tapes-7-black-men-now-allege-false-charges-involving-narcotics-detective

²² U.S. Department of Justice, Civil Rights Division, Special Litigation Section. DOJ Investigation of the Yonkers Police Department. 9 June 2009, www.clearinghouse.net/detail.php?id=14209

- In 2011, Kenneth Chamberlain Sr. was killed by White Plains Police when he accidentally activated his life alert²³.
- In 2008, Mount Vernon Police Officer Christopher Ridley was shot and killed by Westchester County’s Department of Public Safety when he intervened to stop a fight.²⁴
- Since 2017, Westchester County has seen a drastic increase in hate crime. Nationally, a dramatic uptick in hate crime has been similarly documented.²⁵
- From August 27 to September 4, 1949, Peekskill was rocked by race riots against African Americans and Jews; the State Government and State Police were noted for their inaction and their failure to protect the lives of citizens, and the Ku Klux Klan saw a significant increase in membership.²⁶

Beyond Westchester, the recent high profile murders of George Floyd, Breonna Taylor and Daniel Prude underscore the disparate treatment which Black Americans receive when engaging with police.

In our research, the following quote best explains the need to reference this painful history in our findings: “We may not be responsible for [historical examples of police brutality, neglect and abuse], but we are responsible to it”²⁷.

Many members of the community fear or distrust their police; and as evidenced by the above instances, these feelings are often valid. In attempting to bridge this divide with reform, we must first call attention to this perspective and the history which has caused it. Our determinations were informed by the notion of the ‘Jude Effect’. Frank Jude was a biracial man who was beaten by a mob of over ten off-duty officers attending a party in Milwaukee in 2004. They took Jude

²³ “Four Months Later, Police Killing Of Former Marine Goes To Grand Jury.” The Huffington Post, TheHuffingtonPost.com, 4 Apr. 2012, www.huffingtonpost.com/2012/04/04/kenneth-chamberlain-sr-killed-white-plains-cops-da-grand-jury-marines_n_1403474.html

²⁴ O’Connor, Anahad, and Nate Schweber. “Officer in Scuffle Killed by Police in White Plains.” The New York Times, The New York Times, 26 Jan. 2008, www.nytimes.com/2008/01/26/nyregion/26shoot.html

²⁵ Balsamo, Michael. “Hate Crimes in US Reach Highest Level in More than a Decade.” Associated Press, 16 Nov. 2020, www.apnews.com/article/hate-crimes-rise-FBI-data-ebbcadca8458aba96575da905650120d

²⁶ Robeson, Paul Jr. The Undiscovered Robeson: Quest For Freedom, pp. 169–170 Chapter 9 2008.

²⁷ Not in Our Town, “Camden’s Turn: a story of police reform in progress,” YouTube video, 21:55, May 15, 2017, https://www.youtube.com/watch?time_continue=1311&v=arzTB4ji_Ig

outside because one of the (drunken) officers (wrongly) assumed that Jude had stolen his badge. They began to beat him. When two additional officers arrived on the scene, one of them joined in beating him²⁸.

This instance of police brutality was reported in February 2005. A 2016 study by researchers from Harvard, Yale and Oxford determined the impact this event had on public safety in Milwaukee. Researchers documented significant declines in 911 calls reporting violent and nonviolent crime. Researchers estimate that residents made at least 22,000 fewer calls to the police after news of Frank Jude's story broke.²⁹

Milwaukee's worst years for homicides over the last two decades were 2005 and 2015 – the year Frank Jude's story was told, and the year that instances of national and local police misconduct were again making headlines.

The 2016 study asserts that the damage done to a department's reputation by instances of misconduct makes it harder for officers to enforce the law because community cooperation is reduced and the likelihood that residents will rely on entities other than the police for protection – such as gangs or vigilantism – increases, ultimately increasing instances of violent crime.

The Jude Effect can be summarized as the following notion: Instances of police misconduct increase violent crime and reduce crime reporting by violating the trust the community has in their police to equitably enforce the law. Throughout our deliberations, we have remained conscious of this notion – which becomes much more complicated in Westchester, due to the significant number of police departments. If even one of these departments is responsible for misconduct, the Jude Effect would indicate that the damage to public safety would permeate beyond that particular jurisdiction.

Westchester County is policed by 41 municipal police departments, as well as WCDPS and New York State Police; Westchester County's Department of Public Safety (WCDPS) polices only Mount Kisco, Cortlandt, State and County parkways, and County-owned parks and facilities.

²⁸ 133 See Brief for the United States as Appellee in *United States v. Bartlett*, Nos. 08–1196, 08–1197, 08–1198, 15 (7th Cir.), <https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/bartlett2.pdf>

²⁹ Desmond, Matthew, et al. "Police Violence and Citizen Crime Reporting in the Black Community." *American Sociological Review*, vol. 81, no. 5, 2016, pp. 857–876., doi:10.1177/0003122416663494.

Westchester County’s 2018 Shared Services Plan, developed by the Rockefeller Institute for Government, notes that “...Westchester’s large number of police departments and courts is not administratively efficient or cost effective.”³⁰ This presents obvious fiscal and structural challenges to reform.

Many of WCDPS’s authorities are regulated by entities outside of the direct control of County government. Officer certification procedures are determined by New York State’s Division of Criminal Justice Services (DCJS); hiring procedures are determined by Civil Service Law which is set forth by New York State. WCDPS has no direct authority over Westchester’s 42 other departments. These other departments are similarly regulated by DCJS and New York State.

Recommendations such as ‘Civilian Complaint Review Boards’ (CCRBs), or other centralized entities, while vital to ensuring equitable policing and cost saving throughout the County, are thus impeded by jurisdictional limitations. Yet the impact of the Jude Effect necessitates a regional analysis of County policing. As such, our considerations will consider centralized entities and shared services through which the County can partner with local departments in an attempt to promote impactful reforms on a broad, regional scale.

As we attempt to propose recommendations which will provide equitable policing for all members of Westchester County’s diverse communities – not just those directly served by WCDPS – this Working Group finds it additionally necessary to recommend County-level advocacy for broader State reform; many glaring issues cannot be resolved without intervention of State governmental bodies, as noted above.

We further recommend the County continually pursue equitable policing, cost saving, and acknowledge, as it develops new policy and liaises with the public, the impact of the Jude Effect.

This Working Group additionally recognizes the budgetary issues that Westchester County is experiencing due to the coronavirus. Our recommendations will note capacity for shared services or other cost saving where applicable.

³⁰ United States, Congress, Shared Services Panel. Amended Westchester County Shared Services and Taxpayer Savings Plan, The Rockefeller Institute of Government; The Benjamin Center, 18 Sept. 2018. www.westchestergov.com/images/stories/pdfs/2018sharedservices0914.pdf

Finally, this Working Group recognizes that WCDPS is already engaged in reform. WCDPS maintains NYS Accreditation, has implemented implicit bias and cultural sensitivity training at the County's Police Academy; and maintains and regularly updates a use of force policy and has taken steps to diversify its officer base. We also recognize that Westchester County has been a State-wide leader in early-intervention programs for youthful offenders and specialized family courts and drug courts which prioritize individual solutions over severe jail time.

This Working Group developed several recommendations that were consolidated into other items in the Task Force's final vote. In order to reproduce a complete picture of this Working Group's deliberations, these items will be discussed before those which were presented for a direct vote.

Early recommendations and topics Discussed By the Working Group

Crisis Intervention Teams

In previous years, Westchester County funded and operated Crisis Intervention Teams that would respond to mental health related calls instead of or in tandem with County Police.

Starting in 2005, clinicians associated with Westchester County's Department of Community Mental Health (WCDCMH) have been embedded with police departments; currently, outreach clinicians are in Yonkers, White Plains and New Rochelle.

Starting in 2018, WCDCMH created a Crisis Stabilization Team that works alongside law enforcement to assist those with serious need or who are at risk of arrest and/or incarceration. However, this program only operates in Greenburgh and the Sound Shore area.

We recognize that the County Executive recently introduced new funding for additional Crisis Intervention Teams. We applaud this direction, and encourage the adoption of a model similar to the Oregon White Bird Clinic's CAHOOTS (Crisis Assistance Helping Out On The Streets) program.

This program mobilizes two-person teams (a nurse, paramedic or EMT and a crisis worker trained in mental health) to respond to emergency mental health and non-emergency medical issues in place of police first responders. This program answered 17% of the Eugene, Oregon

Police Department's overall call volume in 2017, saving the City roughly \$8.5 million with its budget of \$2.1 million.

We encourage the promulgation of this program through continued shared service initiatives, so that mental health teams can be deployed in place of police to emergency calls throughout the County.

Other Working Groups recommended the adoption of this item. This item was consolidated into Community Engagement's recommendation that the County expand the use of specialized teams to respond to mental health calls Countywide and to explore additional co-response initiatives.

Incorporate ABLE Project Training into Standard WCDPS Training

The Active Bystandership for Law Enforcement (ABLE) Project was developed in partnership with global law firm Sheppard Mullin and the Georgetown Innovative Policing Program. Much of its curriculum was developed from the 2014 Ethical Policing Is Courageous (EPIC) Peer Intervention Program in New Orleans. ABLE provides practical, scenario-based training for police agencies in the strategies and tactics of peer intervention.

This Working Group, and the entire Task Force, received an introduction to Project ABLE from Sheppard Mullin Partner Jonathan Aronie – Chairperson of Project ABLE's Board of Advisors. ABLE is free of charge, based on decades of research and evidence-based training and – based on the opinions of this Working Group and others throughout the Task Force – an extremely valuable training that all officers should receive.

This Working Group recommends the immediate adoption of Project ABLE into standard departmental curriculum. By implementing ABLE, and facilitating its spread to Westchester's other municipal police departments, WCDPS would be supporting broad, positive changes to policing policy and training which would impact residents throughout the County. Implementing ABLE requires adherence to the standards of the program that, among other standards, prioritize officer wellness and mental health, introduce new trainings, and require regular reporting on the overall implementation of the program. The standards are available in full here:

<https://www.law.georgetown.edu/innovative-policing-program/active-bystandership-for-law-enforcement/able-program-standards/>

Other jurisdictions – including the NYPD, the Yonkers Police Department, and dozens of other departments across the US, have recently acted to implement project ABLE following its development and successes in New Orleans.

The Community Engagement Working Group also recommended the adoption of this item. In deference to the Working Group with direct oversight of this topic, Project ABLE’s adoption was consolidated into one recommendation presented by the Training and Equipment Working Group.

Establish an Officer Mental Health Program

This Working Group is aware that police officers are typically subject to severe mental distress. In one study, 26% of screened officers had positive screening results for current mental illness symptoms; despite this, only 17% sought mental health care services in the past 12 months, and just 12% had received a mental health diagnosis in their lifetime.³¹

This Working Group is also aware of several high-profile officer suicides due to severe mental distress. Recent studies have indicated that officers are twice as likely to die by committing suicide than to die in the line of duty.³² Police officers are at a higher risk of suicide than any other profession, especially in New York State.³³ In 2019, the FBI reported that 89 law enforcement officers were killed in the line of duty,³⁴ while over 228 committed suicide.³⁵

Wausau, Wisconsin Police Chief Ben Bliven notes that “There’s been a culture in law enforcement, frankly, where it isn’t necessarily looked at as a good thing to go seek mental health treatment.³⁶”

³¹ Lehmann, Emerson. “STUDY: Police More Likely to Die by Suicide than in Line of Duty.” WSAW-TV, 22 July 2020, www.wsaw.com/2020/07/23/study-police-more-likely-to-die-by-suicide-than-in-line-of-duty/

³² See (18)

³³ Hillard, Jena. “New Study Shows Police at Highest Risk for Suicide Than Any Profession.” Addiction Center, 20 Nov. 2020, www.addictioncenter.com/news/2019/09/police-at-highest-risk-for-suicide-than-any-profession/

³⁴ “FBI Releases 2019 Statistics on Law Enforcement Officers Killed in the Line of Duty.” FBI, FBI, 4 May 2020, www.fbi.gov/news/pressrel/press-releases/fbi-releases-2019-statistics-on-law-enforcement-officers-killed-in-the-line-of-duty

³⁵ See (FIX)

³⁶ See (FIX)

This Working Group notes that the contemporary news climate and public discourse is especially scrutinizing of officers, which can compound struggles with mental health.

As such, we recommend that WCDPS develop internal processes that would screen County officers for mental health struggles, build a culture which normalizes interaction with mental health professionals, and allows officers to receive discrete mental health assistance. We further recommend that this system be implemented to encourage participation by police departments throughout Westchester.

Several Working Groups recommended the adoption of new officer mental health programs. Of note, the adoption of Project ABLE would necessitate the creation of an officer wellness program. As such, for the final vote, this item was consolidated into one recommendation on the adoption of Project ABLE, presented by the Training and Equipment Working Group.

Enhance Training for Volunteer Sheriffs

This Working Group is aware that WCDPS employs a number of volunteer “Deputy Sheriffs” (Public Safety Emergency Force Officers, or PSEFs) who serve in an auxiliary capacity. Prior to becoming a Sheriff, a candidate receives the same background investigation performed on other Police Officer candidates. Upon activation by the Commissioner of Public Safety, these Deputy Sheriffs will assist local police departments with crowd and/or traffic control during parades, festivals and other events. When activated, the Deputy Sheriffs serve as Peace Officers, and are permitted to carry firearms. This Working Group has concerns that the Deputies retain up to date training and maintain appropriate standards to prevent instances of community mistrust.

As such, we recommend that these officers be subject to the same in-service and academy training required of the Westchester County Department of Public Safety.

In deference to the Working Group with direct oversight of Training and Equipment, this item was consolidated into their recommendation of increasing in-service training requirements.

Develop a Countywide Civilian Complaint Review Board

This Working Group supports the recommendation of the Accountability Working Group to establish an Office of Police Accountability (OPA). OPA would have subpoena power and the authority to investigate complaints. We further support the Accountability recommendation that this authority be established as a shared service where municipalities could opt-in, allowing OPA to investigate instances of misconduct in their departments.

We additionally note the Accountability Working Group's assessment that Westchester County could not legally assign disciplinary responsibility to OPA, due to preemptions in State law.

This Working Group and other groups from the Task Force met with Mina Malik Esq., formerly the Executive Director of the New York City Civilian Complaint Review Board (CCRB). Ms. Malik indicated that the Board's lack of direct disciplinary authority created shortcomings in its effectiveness. Recent public investigations have corroborated this perspective.³⁷

The NYPD followed the CCRB's recommendation less than 20% of the time; less than one in five officers accused of serious misconduct received punishments. Punishments were typically downgraded from the recommendations of the CCRB, and ranged in severity from the loss of one vacation day to 12 months of 'dismissal probation', where officers were permitted to continue working – despite their commission of fireable offenses. Officers received no penalty for using excessive force against a 14-year old boy, for choke-slammng a handcuffed man, or for tackling a gay man during Pride while screaming homophobic slurs.³⁸

This Working Group concurs with the Accountability Working Groups's suggestion that the findings and investigations of OPA be made public to serve as a check on WCDPS's disciplinary capacity in lieu of formal disciplining authority. While the New York City CCRB's history of less impactful recommendations was largely kept confidential, it is this group's hope that by publicizing OPA's findings from its inception, OPA will be able to avoid the same fate.

³⁷ Southall, Ashley, et al. "A Watchdog Accused Officers of Serious Misconduct. Few Were Punished." The New York Times, The New York Times, 15 Nov. 2020, www.nytimes.com/2020/11/15/nyregion/ccrb-nyc-police-misconduct.html.

³⁸ Hermann, Peter. "Police Officers with Body Cameras Are as Likely to Use Force as Those Who Don't Have Them." The Washington Post, WP Company, 20 Oct. 2017, www.washingtonpost.com/local/public-safety/police-body-camera-study-finds-complaints-against-officers-did-not-drop/2017/10/20/4ff35838-b42f-11e7-9e58-e6288544af98_story.html

In deference to the Working Group with direct oversight of this issue and in acknowledgement that our recommendation directly references their determinations, this item was consolidated into recommendations put forward by the Accountability Working Group.

Implement Leadership Training for Second- and Third-Line Supervisors

Although supervisors typically hold responsibility for ensuring officer compliance with departmental policy, many recent instances of misconduct have been overseen or directly committed by officers in positions of leadership. George Floyd was killed by Derek Chauvin, the superior officer on the scene. Daniel Prude was killed despite the presence of multiple ranking officers. Furthermore, those in leadership positions are more likely to have roles in training and conditioning new officers to the culture of a department. It is important that these officers do not propagate a departmental culture that tolerates or encourages misconduct.

As such, this Working Group recommends that Westchester County urge New York State to mandate leadership training for second- and third-line supervisors and otherwise enhance the requirements of leadership training for officers statewide.

In deference to the Working Group with direct oversight of training, this item was consolidated into the Training and Equipment Working Group's recommendations regarding enhanced officer training.

Division of Criminal Justice Services (DCJS) Certification Overhaul

This Working Group initially sought information regarding the licensure of police officers. Officers in New York State require certification with DCJS in order to serve as police officers. The current basic certification process requires 700 hours of training following a curriculum established by the Municipal Police Training Council (MPTC). Current training covers courses including Ethics & Professionalism, Cultural Diversity, Bias Related Incidents, Professional Communication, Persons with Disabilities, Crisis Intervention, Use of Physical Force & Deadly Force, Active Shooter Response and Decision Making.

However, once an officer is certified, there are few requirements to maintain that certification. If a police officer serves less than two years, their certification is valid for two years after they

leave police service. If they serve more than two years, certification is valid for four years after leaving service. Officers are not required to retake the basic process until ten years have elapsed since their previous time of service.³⁹ Otherwise, officers may renew their certification with an 84-hour refresher course.⁴⁰

However, officers guilty of severe misconduct do not have their certification revoked. An officer in East Greenbush, NY was able to retain his certification despite allegedly making advances over Facebook towards a 17-year old and allegedly soliciting sexual favors from a woman he had arrested for shoplifting.⁴¹ This occurred eight months after New York State implemented new regulations regarding decertification and resignation.

As such, this Working Group recommends that Westchester County urge New York State to reform DCJS's certification process to close the decertification loophole and include Project ABLE in DCJS's basic training curriculum.

In deference to the Working Group with direct oversight of this issue, this item was consolidated into the Accountability Working Group's State recommendation proposing an overhaul of DCJS Certification/Licensure policies.

Support State-level Indemnification Legislation

Incidents of severe officer misconduct may not be accompanied by disciplinary charges for the offending officer. Victims may still sue the officer and/or department for the violation of federal civil rights law or other damages. Plaintiffs can sue for compensatory damages, punitive damages, injunctive relief, declaratory relief and attorney's fees.

In the vast majority of these cases, police are indemnified for any costs brought against them by their municipality. By studying 44 large and 37 small departments from 2006 to 2011, Joanna Schwartz Esq., Professor of Law at the UCLA School of Law, found that officers were indemnified by the municipality in 99.98% of such cases. This results in a roundabout system

³⁹ <https://www.criminaljustice.ny.gov/ops/training/bcpo/bcpo01.htm>

⁴⁰ <https://www.criminaljustice.ny.gov/ops/training/bcpo/bcpo02.htm>

⁴¹ Lyons, Brendan J. "Police Credentials Intact for Former Officer Who Pursued Women He Arrested." Times Union, Times Union, 29 Nov. 2020, www.timesunion.com/news/article/East-Greenbush-police-officer-15758202.php

where taxpayers, rather than officers, compensate aggrieved parties for police misconduct. In 9,225 cases (from large cities), Ms. Schwartz found that \$735 million in damages was awarded. Officers paid 0.2% of that figure - \$171,300. In small to mid-sized cities, officers paid no part of the \$9.4 million in damages awarded.⁴²

A Gothamist study of NYPD misconduct found that the Department awarded more than \$68 million in damages from 1,383 civil lawsuits. Gothamist further notes that over the last five years, NYC has paid over \$300 million for NYPD misconduct suits. As many of these cases take years to litigate, these estimations are likely significant underestimations. The largest settlement of 2019 was over \$6.5 million for Derrick Hamilton, who served over 20 years in prison – in solitary confinement – because detective Louis Scarcella allegedly fabricated evidence.⁴³

Ongoing instances of misconduct therefore place an unfair financial burden on Westchester County taxpayers, making them financially liable for the worst criminal misconduct of police officers. Those same officers may receive little discipline, while retaining high-paying jobs and rank. It is important to note that, pursuant to testimony by County Attorney John Nonna, over the last five years, there have been no misconduct cases involving WCDPS where the County paid out legal settlements. The County was sued once over the last five years, but the lawsuit was unsuccessful and no legal settlement was required.

Westchester County has no direct legal authority to reform this process. Section 50-j of the New York General Municipal Law provides that “...every city, county, town, village authority or agency shall be liable for, and shall assume the liability to the extent that it shall save harmless, any duly appointed police officer... for any negligent act or tort...provided such police officer... was acting in the performance of his duties and within the scope of his employment...”

Although some degree of officer indemnification is necessary for the performance of duties, this Working Group recommends that Westchester County urge its New York State Delegation to reform Section 50-j of the New York General Municipal Law as well as other components of this

⁴² Joanna C. Schwartz, *Police Indemnification*, 89 N.Y.U. L. Rev. 885 (2014).

⁴³ Offenhartz, Jake. “NYPD Misconduct Lawsuits Cost Taxpayers Nearly \$69 Million Last Year.” Gothamist, Gothamist, 31 Jan. 2020, www.gothamist.com/news/nypd-misconduct-lawsuits-cost-taxpayers-nearly-69-million-last-year

process. We urge that the County pursue a result whereby officers are held personally liable in instances of ‘willful or reckless misconduct’.

In deference to the Working Group with direct oversight of this issue, this item was consolidated into the Accountability Working Group’s recommendation that New York State pass legislation requiring municipal indemnification by officers guilty of reckless and willful misconduct.

Civil Service Reform

In order for WCDPS to hire new police officers, they must navigate New York State’s Civil Service processes. Interested candidates take a test to assess their capacity for the job, and based on their score, are placed on a list to be hired.

Government bodies in New York State must hire based on the ‘rule of three’ – meaning they may only hire from the three highest test scores. In cases of ties, multiple candidates may be considered.

For example, if ten people score 100s, WCDPS may hire any of those ten people – but nobody who scored lower than a 100 may be considered. If one person scored 100 and thirty scored 99, WCDPS may hire any of those thirty one people. If one scored 100, one scored 99, one scored 98, and forty scored 97, WCDPS would not be allowed to hire anyone who scored below 98 until one of the three people who had scored between 98 and 100 was hired.

Tests are held infrequently, and the list of candidates to hire from is shared across municipal lines. Typically, one list is used for roughly 4 years. If the list is depleted and WCDPS is not interested in any of the ‘rule-of-three’ candidates, WCDPS must wait until other municipalities hire those candidates to consider others on the list.

Significantly, WCDPS may not formally screen or psychologically evaluate candidates without first issuing an offer of employment. Although WCDPS does some research into its candidates before extending such an offer, this policy greatly handicaps the Department’s capacity to screen its new hires.

Standards prioritized by the test typically emphasize memory and attention to detail – limiting the pool and weighting officer skill towards one direction. Candidates with notable social skills or capacities for community engagement have no venue to highlight these skills through the test

taking process. Worse, even if WCDPS could vet candidates before offering employment, the rule of three would still prevent them from selecting anyone other than the highest scoring test takers.

Westchester County's many varied police departments further complicate this process. Officers are most likely to start at one department and over time transfer to another when they receive enough experience. The Mount Vernon Police Department has relaxed standards for officer enrollment, but also pays the least; therefore, many officers start in Mount Vernon and transfer out.

This system has implications for officer culture, and speaks to the degree of cultural overlap and inter-reliance throughout the County's municipal departments. If misconduct is tolerated at one department, officers may transfer out and bring that culture along with them, regardless of the training present at another department.

Therefore, this Working Group urges Westchester County to encourage its New York State Delegation to reform Civil Service Law in relation to the hiring of officers. We suggest that the rule of three be amended or removed, and that more significant interviewing and screening be permitted of possible candidates. Further, we suggest that more varied test-prep materials be produced, and that the test be expanded to emphasize community engagement and skills associated with nonviolent conflict resolution as, per the testimony of President Timothy Diamond of the NYS Police Investigators Association, "85-90% of what we do is non-violent conflict resolution".⁴⁴

In deference to the Working Group with direct oversight of this issue, this item was consolidated into both the Training and Equipment and Qualification and Recruitment Working Group's recommendations to overhaul New York State's Civil Service Laws.

⁴⁴ See (36) Arbetter

Policies & Procedures Working Group Recommendations

The following recommendations were voted on by the full Police Reform and Reimagining Task Force at our January 12th meeting. A full list of these recommendations begins on page 10.

Recommendation: Conduct joint de-escalation (also known as verbal judo) training with the Westchester County Department of Correction

This Working Group met with Captain Bohla of the Westchester County Department of Correction (DOC) to discuss in-service training at DOC.

DOC requires its officers to attend 3 days of in-service training per year. Employees are compensated for these trainings by staggering their hours. The program begins with classroom work and refreshers on existing processes. Later, officers participate in programs provided by external consultants. In the past, these have included exercises simulating and underscoring the difficulty that severely mentally ill persons may experience when interacting with police by using headphones to simulate hallucinations. Captain Bohla noted that recent programming had focused on mental health.

In-service training is provided which teaches DOC officers to de-escalate conflict with inmates and which instructs officers on use-of-force policy. The departmental manual underscores these policies. Captain Bohla and Working Group member Damon Jones further indicated the necessity of these policies due to situations where unarmed officers may be working alone, or in small numbers, to resolve conflicts with large numbers of inmates. Both noted that over-deployment of force can harm critical relationships between officers and inmates. They noted that these relationships develop due to the program-based structure of the County Jail and serve as an extremely valuable tool to reduce recidivism among former inmates.

This Working Group notes that, as pointed out by Task Force member Commissioner Gleason, the job of a correction officer in prison is different from a police officer on the street. This Working Group found that exploring joint training exercises – that showcase the tools utilized by correction officers to de-escalate scenarios while unarmed – would prove beneficial to officers in developing a toolkit of nonviolent de-escalation techniques. We further note that establishing a policy in this area would publicly emphasize a commitment to creative reform at WCDPS.

This Working Group recommends that WCDPS increase the amount of in-service training provided to its officers, and explore and implement policy to cross-train WCDPS and DOC officers in a way that underscores the impact of arrest, and the impact which use-of-force may have on an individual.

Recommendation: WCDPS should explore national accreditation through the Commission on Accreditation for Law Enforcement Agencies' Advance Law Enforcement Accreditation Program.

Police accreditation is similar to accreditation for hospitals, colleges and other schools. An outside entity establishes a set of standards that the department must follow in order to receive/maintain accreditation. WCDPS currently maintains New York State police accreditation.

CALEA is a national credentialing authority. For a department to receive and maintain accreditation from CALEA, they must reach a standard higher than that of NYS accreditation alone. Although this accreditation may incur training costs and other expenses, it will ensure WCDPS's officers operate at the highest possible standard of U.S. law enforcement professionals.

This Working Group recommends that WCDPS pursue the CALEA Advanced Law Enforcement Accreditation Program. This would require that WCDPS present or develop clear written policies on 459 standards including Biased Policing, Duty to Intervene, Use of Reasonable Force, Use of Deadly Force, Coerced Confession, Rendering Aid After a Use of Force Incident, Vascular Neck Restrictions, and more.⁴⁵ CALEA would then assess these policies and their implementation, and on finding them sufficient, issue the accreditation.

To increase residents' confidence in their police, and to ensure that our officers are operating at the highest possible level, this Working Group recommends that Westchester County pursue the CALEA Advanced Law Enforcement Accreditation Program for WCDPS.

Recommendation: Establish policies related to WCDPS's digital presence

⁴⁵ "Law Enforcement - Standards Titles." Law Enforcement - Standards Titles | CALEA® | The Commission on Accreditation for Law Enforcement Agencies, Inc., Commission on Accreditation For Law Enforcement Agencies (CALEA), 18 Dec. 2019, www.calea.org/node/11406

This Working Group notes many Police Departments throughout the United States have digitized their manuals of policies and procedures and made .pdf copies available to the public free of charge, through their departmental websites. We applaud WCDPS for implementing this policy in previous months, per the request of this Task Force.

This Working Group encourages WCDPS to further enhance its digital presence by similarly uploading frequently requested or FOIL-ed documents to the website, and by providing documents featuring a more robust analysis of crimes, arrests, and departmental responses on an annual basis.

This Working Group finally encourages WCDPS to reduce the costs of FOIL to those submitting requests. Recent reports have noted many departments using exorbitant FOIL costs to shield release of disciplinary records. Per NYS Law, any person has the right to inspect accessible records at no charge. Per FOIL §87(1)(b) and (c), there may be no basis in charging a fee if the FOIL-ed agency maintains the records electronically; for large volumes of electronic records, the agency can charge the actual cost of reproducing the records, and/or for labor time beyond two hours.

FOIL Law does not compel a department to charge for records. As such, we recommend that WCDPS organize its records and digitize documents, especially documents regarding misconduct and civilian complaint, so that as much information is available to the public at the least possible cost.

Recommendation: *Establish a policy for peer-review error management training*

This Working Group discussed police licensure and the differences between police and other accredited professionals. In particular, we spoke about clinical peer review in the medical profession. Clinical peer review is the process by which health care professionals, typically in a hospital environment, evaluate the clinical performance of one another. This process may take one of the following forms:

- Rate based: Reviews are generated from aggregated data sets.

- Single case or event: Particular events or cases are reviewed and discussed with other professionals. Events or cases may be highlighted for discussion by screening and universally defined case identification elements.
- Focused Professional Practice Evaluation (FPPE): Staff evaluate the competency of a practitioner who is typically new to the hospital to provide safe, high quality care. Typically includes a very detailed, granular examination of a single event, a series of cases or events, or an unexpected pattern of events.

In the medical field, this process improves the quality and safety of care, and helps reduce malpractice liability. This Working Group recommends that WCDPS examine this process to develop a parallel process for in-service regular training that would allow officers to discuss common engagements with the public and to determine and promulgate new methods of resolving calls that prioritize officer wellness and public safety.

Recommendation: *Establish Strong Whistleblower Protections*

This Working Group recommends that WCDPS establish concrete whistleblower policies in its departmental manual, and recommends that the County consider other legislative methods through which to protect whistleblowers. The recent Gothamist series discussing police misconduct in Mount Vernon notes that following the release of recorded material implicating officers of the MVPD in misconduct, the Department issued an internal operations order banning unauthorized recordings. The series also documents the retaliation that the whistleblower in question received including the alleged denial of his medical benefits and promotion opportunities, and pressure to take desk duty.⁴⁶

In Buffalo, New York, Cariol Holloman-Horne was fired for intervening when another officer was strangling a suspect in handcuffs. The officer she stopped was later sent to federal prison for attacking four young Black men.

⁴⁶ Joseph, George. “A Black Cop Says His Boss Called Him A Rat For Exposing Corruption. Here Are His Secret Recordings.” Gothamist, Gothamist, 25 Nov. 2019, www.gothamist.com/news/black-cop-says-his-boss-called-him-rat-exposing-corruption-here-are-his-secret-recordings

Buffalo's recent passage of Cariol's Law, which mandates that officers intervene in instances of excessive force and protects them from retaliation, was celebrated by community activists, underscoring the benefit it provided to relationships between the Buffalo Police Department and members of the community.⁴⁷

With threats of retaliation a concrete disincentive to whistleblowing, this Working Group recommends that WCDPS publicly establish policies barring retaliation and protecting whistleblowers. This will set a precedent for other County departments, and will ensure that any instances of misconduct under the purview of Westchester County receive the attention they deserve.

Recommendation: *Establish a Shared Body Worn Camera Database*

WCDPS currently utilizes Body Worn Cameras (BWCs) on appropriate officers and dashboard cameras on appropriate vehicles. However, fewer than half of the police departments in Westchester County utilize BWCs. Part of this is due to the cost of purchasing the devices upfront; more significant is the large cost of maintaining and utilizing archival databases of audio and video footage.

Recent studies have called into question whether or not BWCs are worth this significant cost. Police Officers wearing BWCs are not noted to behave in significantly different fashions from those not wearing BWCs. Officers use force at the same rate, and receive civilian complaints at the same rate.⁴⁸ However, officers are found to more sufficiently document traffic and pedestrian stops when wearing BWCs. Officers who wore BWCs in New York City documented 40% more pedestrian stops than those who did not.⁴⁹

Further, these devices provide substantive evidence on the conduct of police officers in the field and, as is noted above, are helpful at documenting instances of officer conduct and interaction which might otherwise go unreported. Importantly, this can help officers identify key conflict

⁴⁷ Thomas O'Neil-White, Mike Desmond. "A Month after Passage, Mayor Brown Signs Cariol's Law." WBFO, NPR, 28 Oct. 2020, www.news.wbfo.org/post/month-after-passage-mayor-brown-signs-cariols-law

⁴⁸ See (25)

⁴⁹ Southall, Ashley. "Police Body Cameras Cited as 'Powerful Tool' Against Stop-and-Frisk Abuses." The New York Times, The New York Times, 30 Nov. 2020, www.nytimes.com/2020/11/30/nyregion/nypd-body-cameras.html

issues in members of the community, allowing them to conduct necessary outreach and engagement to repair damaged relationships. As such, this Working Group finds them to be a valuable resource that should be encouraged in other departments.

To further this, we recommend Westchester County pursue shared service opportunities in regards to purchasing of BWCs and the maintenance of a shared BWC database.

Recommendation: Overhaul Freedom of Information Law (FOIL) and DCJS disciplinary records system in order to make substantiated complaints against law enforcement more accessible to the public.

Despite the recent repeal of 50-A, police departments throughout New York State are charging exorbitant costs for FOIL requests soliciting disciplinary information; charges have gone as high as \$47,504. As previously discussed, FOIL law does not compel a department to charge for documents. Further, many departments are issuing FOIL denials that may not comply with FOIL law.⁵⁰

Pursuant to Section 845 of New York State’s Executive law, NYS’s DCJS maintains a “...central state registry of police officers and peace officers.” The implementing regulations of DCJS mandate that each officer’s employer “...immediately notify [DCJS] when such officer ceases to serve and the reason for such;” including ‘resignation’ and ‘removal for cause’. Section 845 thus indicates that DCJS maintains a database of officers fired for misconduct – making DCJS a potential clearinghouse for some information on misconduct.

The resources to appeal and legally pursue FOIL decisions, or to pay for disciplinary information, may not be available to members of the public or other soliciting entities. Yet this information is crucial in determining the statewide extent of officer misconduct and damage to relationships between members of the State’s diverse communities and the entities responsible for public safety.

⁵⁰ Lipton, Jon Campbell and Beryl. “New York 50-a Repeal: Six Months Later, Police Find Ways to Shield Disciplinary Records.” The Journal News, New York State Team, 22 Dec. 2020, www.lohud.com/story/news/2020/12/22/new-york-state-50-a-repeal-six-months-later-police-shielding-public-records/4006334001/

Further, this information is crucial in preventing departments from hiring officers previously fired for severe misconduct. Timothy Diamond, the new president of the NYS Police Investigators Association, describes the loophole through which officers fired for misconduct are rehired by other jurisdictions in an interview with Spectrum Local News. President Diamond advocates for the establishment of a database of officers fired for-cause to prevent exactly this circumstance.⁵¹

This Working Group recommends that Westchester County urge New York State to reform the FOIL process, thus compelling departments to release disciplinary information, and to produce a publicly available central repository of officers fired for misconduct based on data available through DCJS.

Conclusion

In conclusion, this Working Group again applauds the Westchester County Department of Public Safety for their partnership and collaborative work throughout the course of this Task Force's efforts. Many recommendations we highlight here would not have become apparent without their cooperation and their proactive pursuit of innovative policing standards.

This Working Group recognizes that many members of the community feel disenfranchised, angry, and otherwise disillusioned with law enforcement; we further recognize that these feelings have merit and are not without justification. We recognize that bridging this divide is an ongoing process that even the immediate adoption of every recommendation may not sufficiently solve. We are committed to continuing this process and taking steps to improve policing both for the wellness and benefit of officers, and for the benefit of the community.

It is our hope that the adoption of these recommendations will set a new standard for policing throughout Westchester County. We hope that Westchester County Executive George Latimer and the Westchester County Board of Legislators can collaborate to ensure that Westchester's residents can expect equitable treatment from the County's departments of law enforcement.

⁵¹ Arbetter, Susan. "NYS Police Investigators Association President Talks Loophole." Spectrum News, Spectrum News, 30 Nov. 2020, spectrumlocalnews.com/nys/central-ny/ny-state-of-politics/2020/11/30/president-of-nys-police-investigators-association-discusses-certification-loophole 5:30

Accountability Working Group Report

The scope and nature of the work performed by WCDPS, the relatively small number of civilian complaints over time and the receptivity of WCDPS’s leadership to scrutiny were among things examined in the broader context of police accountability and the public’s confidence and trust in law enforcement, as well as the processes designed to ensure accountability.

Working Group Members:

The Accountability Working Group is comprised of six members of the Task Force:

- Hon. Joaquin Alemany, Justice, Village of Scarsdale
- Kenneth Chamberlain, Jr., Police Reform Activist
- Lila Kirton, Esq., Executive Assistant District Attorney for Intergovernmental Affairs & Criminal Justice Initiatives, Westchester County District Attorney
- Thomas G. Luzio, Esq., Criminal Justice Policy Advisor
- Chief Christopher McNerney, Town of Greenburgh Police Department
- Hon. Colin Smith, Legislator, Westchester County Board of Legislators
- Mayo Bartlett, Esq., Task Force Co-Chair
- Leroy Frazer, Esq., Task Force Co-Chair
- Sheralyn Pulver, Esq., Working Group Liaison

Working Group Meeting dates:

July 28, 2020	October 1, 2020	December 9, 2020
August 11, 2020	October 17, 2020	December 17, 2020
August 26, 2020	October 26, 2020	December 23, 2020
September 1, 2020	November 17, 2020	January 21, 2021
September 22, 2020	November 23, 2020	

Our conversations were robust and often lengthy, lasting two hours or longer and always cognizant of the many interconnected issues surrounding policing that were the focus of other Working Groups.

Guests & Special Meetings

In the course of our work, in addition to reviewing source materials, attending presentations on Civil Service Law and ABLE, we sought out those who could offer the variety of perspectives and experiences that we believed were necessary in order to ensure that our recommendations were well considered in light of the multitude of laws and issues affecting policing and police reform.

In furtherance, we heard from WCDPS PBA representatives Mike Hagan and Steve Smith, Esq.; County Attorney John Nonna and attorneys from his office; Mina Malik, Esq., former Executive Director of New York City's Civilian Complaint Review Board; Brian Corr, immediate past President of the National Association for Civilian Oversight of Law Enforcement (NACOLE); Westchester County Legislator Chris Johnson and State Senator Jamaal Bailey.

Background

We studied various increased accountability measures to deter officer misconduct, streamline the disciplinary process to root out problem officers and improve the public's access to information, and perceptions of and confidence in law enforcement. We focused on a combination of greater responsibilities imposed on sworn officers and the creation of an independent body to receive complaints about officers with the power not only to find facts but also to punish wrongdoers. We found, however, that public policy favoring "home rule", State and local laws advancing that policy, as well as state regulations and laws preempting local legislation stood as roadblocks to much of our effort to create what we believe to be the optimal combination of measures needed to truly reimagine and transform law enforcement in our County.

In spite of these limitations, there is still much that can be done and we have outlined our recommendations below. To the extent, however, that existing laws impede enactment of the kind of accountability and deterrence measures that will bring about fundamental change to law enforcement, we urge reconsideration of them and the application of the policies underlying them so that more meaningful and robust reform can be enacted in accordance with public sentiment.

On January 12, 2021, the Task Force met as a whole to consider recommendations made by the Working Groups. In addition to those voted on by the Task Force, we made the specific recommendation that the WCDPS website provide a means by which members of the public may make anonymous complaints, as well as a place for the public to offer positive feedback. In addition, we recommended a County-based entity for law enforcement officers to confidentially report and receive treatment referrals for mental health and emotional well-being concerns on behalf of themselves or others.

Other Recommendations or Topics Discussed By the Working Group

In addition to the recommendations that were voted on by the Task Force members, this Working Group discussed two other items with respect to accountability in police reform. These recommendations were also raised by other Working Groups.

Officer Wellness

This Working Group recommends that the county create a centralized body to receive reports about, and provide support and treatment referrals for officers experiencing mental health and/or emotional well-being problems. We believe that there are several factors that urge the creation of a body with this capacity by the County – notably, the alarmingly high rate of suicide among police officers in New York City, the recent, tragic suicide by a young officer in Westchester County, the pressures created by the pandemic, public sentiment regarding police and expected ongoing culture shifts in law enforcement.

We believe the County presents the best venue for this confidential service, especially given the many small departments across the County, which we believe may not actively encourage officers to seek help for fear of reprisal or stigmatization.

Alternatively, we recommend that the County establish a hotline, independent of municipal police departments, that provides such access for officers Countywide.

Changes to the website

We commend the Department of Public Safety for prominently displaying information about how to register a civilian complaint on its website. We believe, however, that it would serve both the Department and the public well if the Department were to create a procedure for civilians to make anonymous complaints and that the website detail its procedures for ensuring anonymity to ensure public confidence. We also recommend that the website provide a place for the public to commend the department and/or an officer.

Additional training at the Academy

This Working Group recommends the adoption of additional trainings at the Westchester County Police Academy (WCPA) such as regular training via Project ABLE as well as de-escalation techniques, cultural awareness and implicit bias trainings beyond what is currently provided. We further recommend that the County increase the number of officers in its corps of instructors via a “Train the Trainer” model to further infuse the Department with these best practices and principles and to set the standard for other municipalities while holding down training costs.

We recommend that the Commissioner of Public Safety examine the most effective manner to accomplish this as well as to determine its cost. This may also be an opportunity working with local municipalities to explore a shared services model.

Accountability Working Group Recommendations

The following recommendations were voted on by the full Police Reform and Reimagining Task Force at our January 12th meeting. A full list of these recommendations begins on page 10.

Recommendation: Pass County laws to create the Office of Police Accountability (OPA) to investigate allegations of misconduct by WCDPS officers.

In General

After studying police accountability models, listening to the public's views and studying the legal issues and mechanisms available, we recommend that Westchester County pass legislation creating the Office of Police Accountability (OPA). We contemplate that this office shall have jurisdiction to receive and investigate complaints from the public about the Westchester County Department of Public Safety and any of its employees, make written findings of fact and, where appropriate, a recommendation for further action. As transparency and public confidence in this investigative process are key, we propose that where wrongdoing is found, OPA make the results of its investigation and recommendations publicly available. We further recommend that OPA serve law enforcement whistleblowers by receiving and investigating reports of misconduct generated by sworn officers notwithstanding that a soon-to-be enacted State law that purports to assume that function may preempt the County's enforcement power in that realm. We strongly believe that a local independent body addressing this key need can only increase accountability and, far from interfering with State law, will enhance compliance with it.

We also recommend that, in furtherance of a shared services concept, OPA be available to all municipalities in the County to opt into pursuant to terms set out in an Inter-municipal Agreement. We believe that providing this shared service opportunity gives municipalities a cost-effective way to provide the public with an independent body to receive, investigate and make recommendations on allegations of misconduct.

In determining the appropriate legal mechanism to create this office, we examined the County Executive's Executive Order power, possible State legislation creating such a system for all

counties outside New York City, State legislation applicable only to Westchester County, legislation passed by the Westchester County Board of Legislators and amendments to the County Charter to ensure the creation of this critical accountability mechanism. In addition, we studied legal and practical issues related to scope and enforcement authority of a complaint review board.

Framework

We recommend that this office be publicly funded but operate independently from all branches of County government. We further recommend that the County Charter be amended to ensure that OPA becomes a bedrock component of our County's policing and accountability framework, or at minimum that the viability of such an amendment be thoroughly examined and that County legislation be passed regarding the creation of OPA. We recommend that this legislation shall set forth the number of members to sit as adjudicators, how they are to be appointed, the length of their terms and whether and how remuneration shall be determined. We believe that legislation must also provide for investigators, administrative staff, access to legal counsel and the necessary funding to accomplish this mission. To ensure robust investigations, we recommend that OPA shall have subpoena power and that there be codified protections against retaliation for witnesses and complainants. We acknowledge that the Board of Legislators and County Executive are best positioned to determine these particulars and identify others, if such legislation were to be adopted.

Insofar as the Westchester County Police Advisory Board functions to any degree as an investigative body such as the one proposed herein, we believe that OPA should replace it. We believe that if both were empowered to investigate allegations of misconduct by members of the Westchester County Department of Public Safety, it would be duplicative and could result in inconsistencies that likely would undermine public confidence.

The Scope

We recommend that OPA receive complaints, conduct investigations and make recommendations regarding further action in appropriate cases. We make this recommendation while acknowledging that the public expects that a body such as the one we are proposing has

the sole authority to determine a penalty in substantiated cases. In consultation with the County Attorney, we understand that existing State laws codified public policy favoring “home rule” and that these laws, together with other local laws, limit and may even preclude a structure where a complaint review board retains the authority to impose penalties. We believe that just as with other complaint review boards, including New York City’s CCRB, OPA cannot impose penalties.

We know that this may be seen as a deficiency and further, that, assuming municipalities opt in to OPA, there may be inconsistencies or perceived inconsistencies in the imposition of penalties by individual municipalities which may create public confusion and a loss of trust in OPA’s mission and effectiveness. We met with Brian Corr, past President of the National Association for Civilian Oversight of Law Enforcement (NACOLE) and this issue was discussed. To address it, we recommend that OPA’s findings be made public in substantiated cases and that the law require that the authority empowered to determine punishment set forth public written findings explaining its determination regarding punishment.

WCDPS Commissioner Thomas Gleason argued against establishing an Office of Police Accountability – instead, he suggested revising the laws governing the County’s Police Board to better codify its duties, responsibilities, and authority. This Working Group considered the Commissioner’s perspective, but ultimately determined that the separate Office of Police Accountability would best accomplish the goals of reform.

Recommendation: Develop a County Policy Regarding the Investigation of Non-Fatal Police Involved Shootings

State law provides for independent investigations when a person dies while in the custody of a local police agency. Consistent with that, we recommend the issuance of a written policy ensuring that any investigation of a non-fatal shooting involving a member of the Westchester County Department of Public Safety be conducted independently by an outside law enforcement agency and that Inter-municipal Agreements be reached in advance so that the public is on notice of how such an incident will be investigated. We believe that such a County policy can become a model for other local law enforcement agencies.

Recommendation: *DCJS Overhaul Licensure/Certification*

We acknowledge that State regulations require that sworn officers be certified by DCJS.

Notwithstanding this, we examined whether a licensure requirement similar to that for teachers, lawyers, health care professionals and others, either in addition to certification or in place of it, could be imposed and if so, whether it would accomplish any or all of the following objectives:

- Improving officer accountability
- Deterring misconduct
- Providing notice to other law enforcement agencies as part of the hiring process
- Measuring proficiency
- Streamlining the disciplinary process within a department
- Facilitating termination where appropriate as a means of changing culture within a department and within County policing
- Reducing the financial costs for municipalities
- Increasing public confidence and trust in County law enforcement agencies

A majority of our group concluded that some form of licensing and periodic re-licensing of sworn officers would do much to further the objectives noted above. It was further concluded that while State certification regulations preempt the licensing proposed here, certification in its current form does not serve the objectives we seek. We also examined the possibility of a publicly available registry listing the names of all officers whose employment with a Westchester law enforcement agency ended either via termination for cause or resignation in anticipation of discipline or termination; however, it appears that this, too, is preempted by the certification regulations.

Our work in this area has yielded the primary recommendation that State law be enacted to mandate licensing and re-licensing of sworn officers across the State.

Recommendation: *County recommendation until State Legislation is enacted on DCJS Certification/Licensure Overhaul:*

Until such time as State legislation mandates licensing, we have three additional recommendations:

- 1) A County law requiring that the Commissioner of the Department of Public Safety submit written annual verification to the County Executive and Board of Legislators that all required reporting of findings of misconduct, termination, etc., pursuant to the State certification requirements have been complied with – this could become a model for other municipal law enforcement agencies
- 2) A Working Group shall be convened to study the current certification regulations, decertification process and adherence by local law enforcement agencies to determine whether and what additional measure should be imposed to ensure that
 - a) existing loopholes are closed
 - b) the public’s call for greater accountability, transparency and oversight of police is meaningfully addressed in the certification requirements

Recommendation: *Provide for legislation requiring municipal indemnification by officers guilty of reckless and willful misconduct*

We acknowledge the discussion in police reform circles surrounding a requirement that sworn officers be held financially liable for their acts of misconduct that result in financial liability to a municipality. There are two general categories of indemnification under consideration: A requirement that sworn officers purchase liability insurance, and another that officers be held personally liable for their misconduct that results in liability to a municipality.

Indeed, the specter of personal financial responsibility for bad actors in law enforcement promises to provide a powerful deterrence to the very kind of misconduct that has been so deleterious to individuals and communities, especially those of color, as well as to the public’s perceptions of and confidence in law enforcement. Moreover, for municipalities who have been subject to large payouts at taxpayer expense, indemnification may provide relief, despite the fact that a recently proposed law requiring that officers carry liability coverage also required that the municipality pay for the base premium for that insurance.

We further acknowledge, however, that currently, under New York law, any scheme requiring officer indemnification is clearly prohibited. As such, after consideration of the issue, a majority of our group recommends the repeal of all State laws preventing indemnification as a key step in promoting the essential public policy interests of deterrence and police accountability, while affording financial relief to taxpayers. Another member recommended that no further action be taken on this issue.

Conclusion

Our work was rooted in the belief that reform is a dynamic process that must address current needs, yet have the durability to evolve along with the community. In furtherance, we approached our task with open minds and encouraged an open dialogue. We listened to experts, members of the public and each other with the same intensity and commitment to incorporate the knowledge we gained from all sources into our recommendations. Our work was infused with a sense of responsibility to the public, to law enforcement and in the interest of public safety. We were heartened to see the high level of community participation at public forums and that underscored for us the importance of the work of reforming and reimagining police.

Transparency Working Group Report

The Transparency Working Group spent over seven months assessing issues related to transparency within the Westchester County Department of Public Safety (hereinafter “WCDPS”).

Working Group Members:

The Transparency Working Group consisted of:

- Ms. Gail Baxter, Hudson River Community Association and Westchester County Community Activist - Yonkers
- Hon. Terry Clements, Legislator, Westchester County Board of Legislators, and Chairperson of the Black Democrats of Westchester;
- Reverend Troy P. DeCohen, Senior Pastor of the Mount Vernon Heights Congregat Church (United Church of Christ).
- Sergeant Michael Hagan, Westchester County Department of Public Safety, and President of the Westchester County Police Benevolent Association, Inc.;
- Barbara Hart, Esq., Partner, Lowey Dannenberg P.C.
- Sergeant Paul Hood, Village of Sleepy Hollow Police Department (retired) and Current President of the Westchester Rockland Guardians Association
- Mayo Bartlett, Esq., Task Force Co-Chair
- Leroy Frazer, Esq., Task Force Co-Chair
- Jason S. Whitehead, Esq., Senior Assistant County Attorney, Working Group Liaison

Working Group Meeting Dates:

This Working Group met virtually on numerous occasions over several months:

- August 4, 2020
- August 8, 2020
- August 27, 2020
- September 8, 2020
- September 24, 2020
- October 1, 2020
- October 15, 2020
- October 23, 2020
- November 2, 2020
- November 20, 2020

Guests & Special Meetings

Westchester County Department of Public Safety Commissioner Thomas Gleason and Lawrence Otis Graham, Esq., Chairman of the Westchester County Police Advisory Board, attended one of our many meetings to explain and discuss the process for the filing and handling of civilian complaints and the role of the Police Advisory Board. Along with the Working Group members, Co-Chairs Leroy Frazer and Mayo Bartlett were regular attendees of the Transparency Working Group meetings, as well as Blanca Lopez, Assistant Director of Operations, and Copernicus Crane, Assistant to the County Executive.

BACKGROUND

Where the Department Stands In Regards to Transparency

This Country's history of racial inequity and over-policing in communities of color serves as some of the reasons for, and evidence of, the negative perception that exists in communities of color. Allegations of police misconduct and/or police brutality have been recently raised within Westchester County, as well as allegations of a lack of accountability.⁵² That WCDPS is a separate police department from those other municipalities is a distinction without much of a difference to communities harboring police trauma, as they all wear the same symbolic uniform and are perceived to nevertheless support each other. This perception, irrespective of whether it is an accurate reflection of reality, poisons the relationship between the police and those communities who feel police presence the most. This damages the credibility of the good police officers who make up the majority of the police force, and who need trust and cooperation from those very same communities. To its credit, WCDPS is well-aware of the history between police and communities of color and has been extremely open to reform discussions. WCDPS has already begun to institute measures to increase transparency, and where it had not already done so, was proactive in addressing many of the recommendations of this Working Group as it became aware of them. For this reason, we commend WCDPS for its partnership in the effort to reform and reimagine law enforcement.

⁵² See, e.g., The Gothamist, "The Mount Vernon Police Tapes: In Secretly Recorded Phone Calls, Officers Say Innocent People Were Framed," June 3, 2020; The Brian Lehrer Show, "Police Corruption in MountVernon, NY Exposed," WNYC June 4, 2020.

It should be noted that WCDPS's geographical jurisdiction historically consisted of patrolling certain parkways within Westchester County, until relatively recently, when it began also providing police services to the Town and Village of Mount Kisco and the Town of Cortlandt through Inter-Municipal agreements and providing School Resource Officers (hereinafter "SRO") to the Hendrick Hudson, Lakeland Central, North Salem Central and Somers Central School Districts. With that in mind, the Working Group undertook the process of identifying how WCDPS fared when looking at its policies and procedures through the lens of transparency. Upon concluding its assessment, this Working Group proceeded to identify those areas in which WCDPS could improve.

In our review, we found that WCDPS does a good job marketing itself online to the public, *i.e.*, its history and purpose, its organization, its different divisions and units, how to pursue a law enforcement career, and ways to interact with WCDPS, to name a few. However, its website was largely silent on its policies and procedures and reveals little about its community engagement practices. For instance, WCDPS previously did not make available on its website any of its policy or procedure documents, nor does it openly disseminate them in another form. The site also fails to sufficiently publicize its non-policing community service, which is crucial to the police-community relationship. This was remedied after this Working Group made WCDPS aware of the issue. WCDPS, to its credit, immediately took action to make its policies and procedures readily available in digital form on the home page of its website.

We also found that WCDPS does not allow the public a window into the civilian complaint review process and how it determines discipline. This lack of access may cause the general public to have the view that discipline is done under a shroud of secrecy, in order to shield police officers, and may serve to undermine confidence in the results of civilian complaint investigations. While the Working Group discussed the possibility of establishing a civilian oversight body, we thought that it was appropriate to defer discussion of that subject to the Accountability Working Group, which had also taken up the discussion and was in a better position to assess the matter given that group's mandate.

The Working Group believes that the reforms generally outlined (and discussed in more detail later) will strengthen the relationship between the police and the communities they serve as follows:

- Implement policies and programs to educate the public about WCDPS operations;
- Create a culture where community engagement through non-investigative and non-law enforcement activities is encouraged and supported;
- Implement a policy and program to ensure monthly community dialogue, where community members may share suggestions, comments, or concerns;
- Establish a policy and practice of providing public access to police data and analysis concerning police-civilian interaction;
- Make the civilian complaint review process and adjudication more transparent and easily accessible to all members of the public;

To achieve the objectives of these general recommendations and the more specific ones outlined later, this Working Group reviewed Governor Cuomo’s Executive Order, Police Reform and Reinvention Collaborative (Resource and Guide), WCDPS’s policies and procedures, and numerous articles on police reform. We also met multiple times over the course of over seven months; and reviewed and compared WCDPS’s website to those of many other police departments around New York State and around the Country. Additionally, members of this Working Group frequently attended other Working Group meetings to listen to overlapping discussions of police reform.

Discussion of Issues Relevant to Transparency

“Transparen[cy] is one of the four pillars of procedural justice, which helps the community trust that officers are honest and acting with just and lawful intentions. The community, in turn, is more likely to follow the law because it has trust in the criminal justice process and feels that it shares common values with law enforcement.”

—Police Reform and Reinvention Collaborative
Guide, August 2019, p. 10.

In considering the concept of transparency, this Working Group observed how WCDPS interacts with the communities it serves, how WCDPS informs the public about its policies and procedures, and what and how information concerning the Department is made available to the public.

Initially, this Working Group noted that Westchester County has long been proactive in taking steps to ensure fairness and neutrality in policing, having codified measures into law which serve as a check on WCDPS. For example, local law provides for a Westchester County Police Advisory Board, to serve in an advisory capacity to the Department.⁵³ In addition to its advisory role, the Police Advisory Board must approve any and all “rules and regulations for . . . discipline of members . . .” of the Department promulgated by the Commissioner.⁵⁴

It is equally important to note that racial profiling has been illegal in Westchester County since 2001,⁵⁵ and local law requires the Commissioner to provide monthly reports on vehicle stops and other activities of the Department to the Police Advisory Board and a biannual report on vehicle stops to the Westchester County Board of Legislators.⁵⁶ The required information includes, but is not limited to: (1) the description of the vehicle; (2) the reason for the stop; (3) the race, gender and age of the person stopped; and (4) whether the stop led to an arrest.⁵⁷

Additionally, WCDPS has sought to engage with the communities it patrols. For example, the Department hosts a “Cops and Cones Community Night” in Mount Kisco, “Coffee with a Cop” and “Fireman’s Parade Detail” in both Mount Kisco and Cortlandt, as well as other “meet and greet” opportunities. WCDPS runs a Police Explorer Program, established in 2007, for youth between the ages of 14 and 20. Information on this program is available in Appendix E. Explorers participate in training and activities that expose them to policing and helps prepare them for potential law enforcement careers. WCDPS also runs a youth summer camp in Mount

⁵³ Laws of Westchester County (LWC) §§ 273.41, 273.44.

⁵⁴ LWC § 173.0

⁵⁵ LWC § 273.02.

⁵⁶ LWC §§ 273.02; 273.44.

⁵⁷ *Id.*

Kisco, and participates in various other events and community projects throughout the year, such as National Night Out. These are certainly worthwhile efforts not to be minimized.

Commissioner Gleason informed this Working Group that WCDPS was in the process of establishing a “police app,” a web-based social media program for cell phone use. The “police app” allows WCDPS to maintain interaction with all members of the public who download the app onto their cell phones. The app will allow WCDPS to inform the public regarding urgent law enforcement bulletins, community projects and events, and other important WCDPS news. The Working Group also welcomed this new addition to WCDPS’s transparency initiatives.

The Working Group went on to discuss accountability as that issue related to transparency. It was refreshing to learn that WCDPS had been using dashcams since 1992 and that its patrol officers have been wearing body cameras since 2017. However, the Working Group noted that, while there are presently body-worn cameras for some detectives and higher ranked police officers, not all have them due to the cost of both the cameras and retrieving the information therefrom.

WCDPS further connects with the Public through Facebook, Twitter, Instagram, and YouTube as well as the County’s centralized website. The website provides information to the public such as, the history of the Department, which traces its beginnings back to 1929. The public can learn about the Department’s jurisdiction, which comprises the County’s parkways, parks, the Westchester County Airport, Rye Playland, the County’s Bee Line transportation system, three beaches, and County properties and buildings, which house numerous county agencies. WCDPS acts as a resource to local municipalities across the County in specialty areas including, aviation, bomb squad, and forensic investigations.

The website provides other relevant and important information on topics such as how WCDPS is organized, including its divisions and special units, how to become a police officer and/or park ranger, filing civilian complaints, Operation Safe Child, shared services, animal abuse, how to obtain a pistol permit, making a FOIL request, and a hotline and email address for providing tips to police.

With respect to civilian complaints, the website provides a link to “Internal Affairs: Civilian Complaints.”⁵⁸ The page informs the public that the public may lodge a civilian complaint or “feedback by e-mail, regular mail or phone,” and proceeds to provide an email, dpsfeedback@westchestergov.com, a mailing address, and a phone number. The complaint is investigated by the Special Investigations Unit of the Internal Affairs Division who will subsequently make contact with the complainant. Most civilian complaints are resolved without the filing of official charges or specifications and without the knowledge of the complainant, who is not routinely kept informed about the status of an investigation.

The Working Group was happy to learn that the number of civilian complaints received by WCDPS pales significantly in comparison to the number of police/civilian encounters. The County has received a yearly average of 12.8 civilian complaints over the last five years, while the yearly average number of calls for service over that same period was 127,733.⁵⁹

As with the majority of police departments, WCDPS has an internal disciplinary process. For WCDPS, the disciplinary process is codified into local law. According to the Laws of Westchester County, a complaint of misconduct against a police officer may be received by the Police Department or the Police Board.⁶⁰ In either case, the Commissioner determines whether to conduct an investigation.⁶¹ After an investigation, if the Commissioner believes that filing charges against the police officer is warranted, those charges are referred to the Police Board for a hearing.⁶² Upon referral, the Police Board appoints a hearing officer.⁶³ After hearing the matter, the hearing officer provides a recommendation to the Police Board, which ultimately makes a finding of guilt or innocence.⁶⁴ In the case of a guilty finding, the Police Board recommends

⁵⁸ See <https://publicsafety.westchestergov.com/about-us/contact-us/civilian-complaints>.

⁵⁹ See 10/20/20 Report to Task Force from Lt. Jeffrey S. Weiss, Commanding Officer, Special Investigations Unit, Westchester County Department of Public Safety.

⁶⁰ LWC §§ 273.44, 273.64(1).

⁶¹ LWC § 273.64(1).

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

discipline to the Commissioner.⁶⁵ The Commissioner may adopt the recommendation, or reduce it, but cannot not increase it.⁶⁶ Notably, the Commissioner may settle the matter prior to the appointment of a hearing officer and a hearing date, without Police Board approval, but once a hearing has been set, settlement requires Police Board approval.⁶⁷ The Working Group notes that WCDPS does not provide this information to the public either through literature or on its website, and it is only available through a review of the Local Westchester Codes.

The Working Group engaged in a robust debate regarding the public disclosure of disciplinary records. There was a strong concern in the potential for complaints being used for harassment. Notwithstanding, there was general agreement that substantiated disciplinary complaints should be publically available; however, there was no consensus on the method of disclosure. There was ongoing debate around weighing an individual police officer's right to privacy against the public's right to know, in light of the repeal of Civil Rights Law § 50-a, and whether substantiated complaints and findings should be available on WCDPS's website or only be available through FOIL requests.

Other Recommendations or Topics Discussed

Members of the Working Group welcomed discussion of the above topics, making it clear that they believed in the notion that transparency is an important component to improving relations between the public and law enforcement. Nonetheless, there were a few proposed recommendations that were more appropriately addressed by other Working Groups, such as:

- Establishing a civilian complaint review board;
- State/County licensing of police officers;
- Highlighting the hiring process on WCDPS's website;
- Establishing an educational component to existing SRO programs;
- Requiring local municipalities to report law enforcement data to Westchester County (currently must report to the State);
- Creating a County-level registry of police officers convicted of crimes;
- Re-routing 911 calls for situations involving special needs persons;

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ LWC § 273.64(4).

- Obtaining national accreditation; and
- Creating a Mental Health/Special Needs Registry

Transparency Working Group Recommendations

The following recommendations were voted on by the full Police Reform and Reimagining Task Force at our January 12th meeting. A full list of these recommendations begins on page 10.

“If we are the best, and if we don’t seek to improve, we will not continue to be the best.”

— Co-Chair Mayo Bartlett
Transparency Working Group Meeting
September, 2020

During the tenure of the Task Force, WCDPS began to take significant steps to become more transparent. It was this Working Group’s impression during our discussions that WCDPS was ahead of the curve in some areas but operated according to outdated practices in others, such as maintaining the privacy of the disciplinary processes and records. However, as times change and we evolve, so must policing.

As Sergeant Michael Hagan, PBA President, stated early on during one of the Working Group’s meetings, “[a]ll police officers have an interest in ensuring their colleagues are doing what is right. No police officer wants to work with a bad apple who may ultimately get them in trouble.” Be that as it may, public misconceptions and misunderstandings have lingered and festered for many reasons. A general lack of transparency regarding police policies, procedures, and operations, and the opaqueness of the disciplinary process, have contributed to these misconceptions and misunderstandings. Community events and youth activities are certainly important, but WCDPS must do more to educate the public, if it is going to correct the notion that police departments operate in secrecy. The following recommendations will work to bridge the gap between public perception and the reality of policing.

Recommendation: WCDPS must commit to being transparent with the public, which means to embrace those principles and values that promote transparency in its internal and external policies and practices. This way, those same guiding principles will be ingrained in the culture of the current regime and hopefully for future administrations.

WCDPS must commit to being transparent with the public, which means to embrace those principles and values that promote transparency in its internal and external policies and practices which guide WCDPS's interactions with the public. Some examples of those policies and practices include, but are not limited to: (1) establishing a culture of transparency to build community trust; (2) educating the public with respect to WCDPS's policies and procedures; (3) making WCDPS policies, procedures, and law enforcement data available to the public; and (4) proactively engaging in positive non-enforcement activities. This way, those same guiding principles will be ingrained in the culture of the current regime and hopefully for future administrations.

Recommendation: Implement Policies to Educate the Public on Police Values, Principles, and Operations

WCDPS needs to do better at educating the public about its policies and procedures. Sgt. Hagan recognized that:

“One of the biggest transparency issues is people not knowing what we do and why we do it.”

— Sergeant Michael Hagan, PBA President

Aside from the youth Police Explorer Program and summer camp, there is no dedicated effort to promote how WCDPS operates and the reasons why it does so. WCDPS's existing community engagement efforts focus on youth-oriented activities or are in conjunction with an organized community or other event. Aside from the fact that the non-law enforcement members of the Working Group did not even know that WCDPS provided SROs to a few school districts, there are no educational or recruitment components to the existing SRO programs. There are no informational materials posted to WCDPS's website or links to websites where the public can learn about the Department's operations.

The Working Group believes that “[e]ven a well-functioning department risks losing public confidence when it does not engage in meaningful transparency. Departments should consider

various ways to make law enforcement practices more transparent to the public.”⁶⁸ We, therefore, make the following recommendations:

- Establish a Westchester County Police Stakeholder Council. Task Force member Ms. Gail Baxter, a long-time community activist in Yonkers, discussed her community’s positive experiences with its Citizen’s Police Academy, an organization established in some police districts that seeks to educate the public on police operations and build community relationships. WCDPS should choose police officers who have an interest in community engagement and not randomly assign police officers (*see* <https://www.yonkersny.gov/live/public-safety/police-department/support-services-bureau/training-division/citizen-police-academy>);
- Publish the WCDPS’s policy manual, including, but not limited to, its use of force policy on the Department’s website for downloading. WCDPS should seek to provide a summary of the policy, which would obviate the need for members of the public to download the entire policy, which is extensive;⁶⁹
- Inform the public through WCDPS’s website regarding (1) the DCJS training requirements (and provide a link to DCJS) and (2) WCDPS’s training requirements (over and above that which is required by DCJS). The proposed Police Community Council may also be an avenue for educating the public about training;
- Inform the public through WCDPS’s website of the Department’s New York State accreditation, and its requirements. The public should be made aware of what is required for accreditation since not every police department is accredited. Additionally, WCDPS should provide a link to the DCJS website accreditation page at <https://www.criminaljustice.ny.gov/ops/accred/accredited-agencies.htm>.

Recommendation: Promote and Engage in More Non-Investigatory Community Interaction

As previously discussed, WCDPS does engage in some community events. Yet this Working Group found no substantial and consistent interaction with the Community, which would assist

⁶⁸ NYS Police Reform and Reinvention Collaborative Guide, August 2019, p. 71.

⁶⁹ The Working Group was informed by WCDPS that it is in the process of establishing and will soon be launching its version of the “Police App,” a mobile application used by police departments to communicate with the public. *See* <https://www.thepoliceapp.com/custom-apps-for-your-citizens/>.

to further develop and strengthen police-community relationships. “To think that societal relationships are a secondary priority in running a public safety organization is professional suicide. Law enforcement is built upon the trust and needs of its community.”⁷⁰ Police officers should be allowed, and even incentivized, to engage the community on issues of concern about which police officers are passionate. This will demonstrate to the community that police officers care about the community and are not just present to enforce laws. With that said, we recommend:

- WCDPS implement a program to encourage and support community engagement to build relationships. Examples of community engagement for police officers include, but are not limited to:
 - Engaging in youth activities/sports (for example, establishing a Police Athletic League, sponsoring/coaching community teams);
 - Identifying and allowing police officers to engage in activities which are important to certain segments of the community to build trust, having nothing to do with law enforcement. For example, partnering with the community on a project or community event or bridging a gap with respect to a community need;⁷¹

Recommendation: *Maintain Consistent Community Dialogue and Provide Periodic Feedback*

There should be frequent and consistent dialogue between WCDPS and the community. There are few opportunities for members of the public to present their suggestions, thoughts, or concerns to WCDPS. The current avenues available to members of the public for dialogue with WCDPS are by either attending a Police Advisory Board Meeting, notice and location of which are not provided on the WCDPS website,⁷² or submitting feedback in person, by email, or phone in the same way members of the public submit civilian complaints. A member of the public could attempt to broach topics at a community event, but that might be awkward. In order for WCDPS to foster consistent dialogue with members of the public, we recommend the following:

⁷⁰ U.S. Department of Justice, Community Police Dispatch, https://cops.usdoj.gov/html/dispatch/06-2015/community_engagement_and_partnership_building.asp.

⁷¹ See, e.g., https://cops.usdoj.gov/html/dispatch/06-2015/community_engagement_and_partnership_building.asp.

⁷² Dates and times of all Westchester County public meeting can be found on the County’s events page at <https://events.westchestergov.com/eventsbycategory/43>.

- Establish a Police Community Council in the communities WCDPS patrols. For example, a Mount Kisco Police Community Council. The Police Community Council should consist of stakeholders from the community, such as the chief elected official of the municipality or a member of his or her staff, the Commissioner of WCDPS or a member of his or her staff, community leaders, church leaders, youth leaders, educators, attorneys, etc.;
- Publish notice of the Police Community Council's existence on WCDPS's website, including meeting places, dates, and times;

Recommendation: *Establish an Open Disciplinary Process*

The repeal of New York State Civil Rights Law §50-a has ushered in a new era. The disciplinary process for police officers, like other licensed professionals, should not be shrouded in a cloud of secrecy. WCDPS should provide the public with information regarding the disciplinary process. Currently, there is no dialogue with the public about how a civilian complaint is reviewed and processed for facial sufficiency and, if valid, how the investigation and/or disciplinary process proceeds thereafter. An actual complainant receives little to no guidance about the disciplinary process, unless a complaint proceeds to hearing. Absent a hearing, a complainant may not be aware of the status of a complaint until they receive a final determination letter, which advises that their complaint was resolved.

Equally important is the public's ability to file an anonymous civilian complaints based upon certain communities' fear of reprisal by police officers. We stress that, although this Working Group is aware of no such allegations against WCDPS, the ability to file an anonymous civilian complaint acknowledges that communities of color suffer from the history and trauma of police abuse involving intimidation tactics by police. From an internal complaint perspective, we also recognize that police culture and rank can be a determining factor in whether some complaints are even lodged, *i.e.*, complainants are reluctant to complain about their bosses, supervisors, and

peers for fear of being ostracized. Under these circumstances, the Working Group recommends⁷³ the following reforms:

- Publish the procedures of the disciplinary process on WCDPS’s website, including, but not limited to: (1) steps taken prior to referring a complaint to the Police Advisory Board for the filing of charges/specifications; and (2) the procedures once charges/specifications are filed with references to local law;
- Provide for anonymous and non-anonymous complaint procedures;⁷⁴
- Provide a formal procedure by which a member of the public may compliment a police officer;
- Implement a policy of providing for status updates to complainants upon request;
- Implement a policy of speaking with a complainant, as a courtesy, before resolving a complaint prior to the filing of charges/specifications. A final determination letter should not be the first time a complainant is notified about the status of their complaint.

Recommendation: Make non-confidential documents and other data, which will allow the public to assess the fairness of civilian police interactions, readily available to the public.

We found that WCDPS does not provide any documents or data to the public, outside of what they are legally required to report to the County, and outside of additional measures implemented throughout the course of this Task Force. Although this information may be subject to FOIL, this Working Group believes that this information should be made readily available to the public to assess the fairness of civilian-police encounters. “Access to documents and data from law enforcement agencies enables the public and press to discharge essential oversight functions.”⁷⁵

⁷³ These recommendations are made with the knowledge that the Accountability Working Group has been actively discussing and considering recommending that the County establish some sort of Police Accountability Board. Establishing such a Board would obviate the need to adopt this specific recommendation in regards to current local law. Nonetheless, any such Board should ensure that it educates the public regarding its policy and procedures and that the disciplinary process is open to the public.

⁷⁴ One member of the Working Group rejected this recommendation. Nonetheless, it was submitted to the full Task Force.

⁷⁵ Policing Transparency, American Bar Association, January 6, 2020, https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/black-to-the-future-part-ii/policing-transparency/.

WCDPS should provide data and reports to the public on, for example: (1) the number of stops made in the past year; (2) the demographics of those individuals stopped; (3) the reason for the stop; (4) whether the stop led to an arrest or a ticket being issued; and (5) how the matter was ultimately adjudicated. These statistics are just an example of the type of statistical information WCDPS may provide to the public and does not represent the entire extent of information WCDPS should provide. The Working Group certainly understands that there may be documents, either in whole or in part, which are confidential or sensitive which should not be posted in the first instance. Those documents would be subject to FOIL and appropriate redactions if disclosed. With that said, we recommend that WCDPS make the following information available on its website:

- WCDPS's reports and analyses, pursuant to LWC §§ 273.02 and 273.44, including any and all supporting raw data;
- Non-confidential documents and other data, which will allow the public to assess the fairness of civilian-police interactions; and
- Substantiated civilian complaints and, if applicable, any and all disciplinary action taken with regard to said complaints.

Recommendation: WCDPS should endeavor to provide a body-worn camera to every police officer, no matter their rank, and equip every police vehicle with dashboard cameras.

WCDPS should endeavor to provide a body-worn camera to each and every police officer, no matter their rank, and equip each and every police vehicle with dashcams. WCDPS has long been using video technology to monitor civilian-police encounters. The Working Group recognizes that video cameras and the retrieval and storage of the recorded information is extremely costly, and that WCDPS has needed to operate within fiscal restraints with respect to broader adoption of this technology. With that being said, both the Working Group and WCDPS realize the extent to which employing video technology protects civilians, as well as police officers, and aids the truth-seeking process, and the Working Group advocates for broader

adoption thereof. Providing this technology across the board will ensure the integrity of the good officers and help to quell the public's concerns.⁷⁶

Recommendation: *Establish a Universal Records Management System*

WCDPS should seek to employ a universal records management system across the entire County, to include the Department and all local police departments, through shared services agreements, to ensure uniformity throughout the County.⁷⁷

Conclusion

The Transparency Working Group engaged in extremely important dialogue. While resolution of important ideas may at times be controversial and contentious it is important that we hear all sides – because no one side holds a monopoly on knowing how best to deal with an issue. Task Force members brought their expertise, professional and personal life experiences, and common sense to each of our discussions, which was invaluable. It was clear from our meetings, even when discussions became contentious, that every member involved believes transparency is an important component to improving police relations with the community.

To improve is never a bad idea; however, we must improve policing if the Country is going to overcome its past demons, which we all acknowledge has plagued black and brown communities. This report by no means marks an end to police reform. On the contrary, it should be the beginning to an ongoing process. A process that should culminate in a living document, subject to periodic review.

⁷⁶ This recommendation was submitted to the general Task Force, even though one member of the Working Group was not in favor of it.

⁷⁷ The Working Group understands that WCDPS is in the midst of establishing such a system.

Task Force's Conclusion

Policing is encountering a crisis of legitimacy. The question of reform in this context is, as this Task Force learned throughout its seven-months of research and deliberation, immensely complicated. This is especially true in Westchester County, where roughly one million residents living on 500 square miles of land, divided into 45 separate municipalities and 40 school districts, are served by 43 separate police departments. One can hardly expect the needs – or experiences – of all residents to align.

Authority that is staggered through a half dozen entities further complicates this profile. DCJS's standards for accreditation and certification may only be amended by New York State's governmental bodies. Westchester may lobby these bodies, but cannot discretionarily change these standards. Municipal governments have direct authority over their departments, but would need to hold public referendums in order to join a civilian complaint review board with County-wide authority and the ability to take punitive action. Despite these challenges, this Task Force has developed a set of recommendations, which, if adopted, will promote equitable models of policing.

This Task Force also notes that Westchester's residents have a unique partner in WCDPS, which has sought out new internal procedures and worked to proactively improve their services. This Task Force applauds WCDPS for their work as a partner through this process, and the transparent fashion with which they have cooperated with our membership.

Further, we issue sincere thanks to the thirty-eight members of the Task Force for their tireless efforts through the last seven months. Through productive conversations and thorough research, we were able to formulate a set of recommendations which we believe serve as a foundation for local reform.

Finally, this Task Force recognizes that any successful reform – especially to improve community trust – must be an ongoing process. We anticipate the legislative process of Westchester County's Board of Legislators will support this effort; further, this Task Force is committed to continuing its research and analysis, and is committed to developing additional recommendations for reform.

APPENDICES

Appendix A: List of all Task Force members

1. Hon. Joaquin Alemany, Justice of the Village of Scarsdale
2. Horace Anderson Jr., Esq., Dean of Pace Law School
3. Mayo Bartlett, Esq., Task Force Co-Chair
4. Ms. Gail Baxter, Hudson River Community Association and Westchester County Community Activist - Yonkers
5. Kenneth Chamberlain Jr., Police Reform Activist
6. Detective David Clarke, Vice President, Mount Vernon Police Association
7. Terry Clements, Westchester County Legislator District 11 and Chairperson of the Black Democrats of Westchester
8. Reverend Frank Coleman Jr., Senior Pastor of the Messiah Baptist Church in Yonkers
9. Richard Conway, Chief of the Port Chester Police Department (Retired)
10. Reverend Doris Dalton, Board Chair of the Westchester County Human Rights Commission
11. Reverend Troy P. DeCohen, Senior Pastor of the Mount Vernon Heights Congregation Church (United Church of Christ)
12. Andre Early, Commissioner, Department of Community Resources, Town of Greenburgh
13. Shondra Floyd McClary, Board Member of the Westchester Martin Luther King, Jr. Institute for Nonviolence
14. Leroy Frazer, Esq., Task Force Co-Chair
15. Thomas Gleason, Commissioner of the Westchester County Department of Public Safety
16. Chad Golanec, Law Enforcement Professional
17. Sergeant Michael Hagan, Westchester County Department of Public Safety and President of the Westchester County Police Benevolent Association Inc.
18. Dr. DaMia Harris-Madden, Executive Director of the Westchester County Youth Bureau
19. Barbara Hart, Esq., Partner, Lowey Dannenberg P.C
20. Sergeant Paul Hood, Village of Sleepy Hollow Police Department (retired) and Current President of the Westchester Rockland Guardians Association
21. Damon K. Jones, Blacks in Law Enforcement and Westchester County Correction
22. S. Ken Jones, Esq., Senior Associate Counsel of the Legal Aid Society of Westchester

23. Lila Kirton, Esq., Executive Assistant District Attorney for Intergovernmental Affairs & Criminal Justice Initiatives for Westchester County District Attorney Mimi Rocah
24. Anahaita Kotval, Esq., Chief Executive Officer Lifting Up Westchester
25. Thomas G. Luzio, Esq., Criminal Justice Policy Advisor
26. Damon Maher, Esq., Westchester County Legislator District 10
27. Martin McDonald, Founder & Director Black Diamond Academic Success Program, Peekskill NAACP
28. Christopher McNerney, Chief of the Town of Greenburgh Police Department
29. Lawrence Otis Graham, Esq., Chair of the Westchester County Police Advisory Board
30. Melvin Padilla, Chief of the Town of Bedford Police Department
31. Karine Patiño, Esq., Criminal Justice Professional Jr. Institute for Nonviolence
32. Reverend Dr. Stephen Pogue, Pastor of A.M.E. Zion Greater Centennial Church
33. Terrance Raynor, Deputy Commissioner of Westchester County Dept. of Public Safety
34. Tejash Sanchala, Esq., Executive Director of the Westchester County Human Rights Commission
35. Robyn Schlesinger, Esq., Member of the Westchester County LGBTQ Advisory Board
36. Colin Smith, Westchester County Legislator District 1
37. Robert Tucker, Chairman & CEO of T&M Protection Resources
38. Reverend Dr. Verlin Williams, Union Baptist Church

Appendix B: List of all Working Groups

Community Engagement Working Group

The importance of police and community relationships is essential. Local police departments need to build and nurture relationships with the communities they serve. How do police officers know about the community they work in? Do community members feel comfortable interacting with the police? What role do school resource officers, peace officers, and sheriffs play in their interaction with various community stakeholders?

Topics discussed included outreach to vulnerable populations such as immigrants, members of the LGBTQ+ community and differently-abled residents; identifying skills within police officers that will help them create programs to secure partnerships with community stakeholders; acknowledging and encouraging officers with community outreach skills while recognizing those skills in the evaluation process; and proposing changes to how police respond to mental health calls.

- Rev. Doris K. Dalton
 - Chair, Westchester County Human Rights Commission
- Andre G. Early
 - Commissioner, Department of Community Resources, Town of Greenburgh
- Chad Golanec
 - Law Enforcement Professional
- Hon. Damon R. Maher, Esq.
 - Westchester County Legislator, District 10
- Shondra Floyd McClary
 - Board Member, Westchester Martin Luther King Jr. Institute for Nonviolence
- Karine Patiño, Esq.
 - Criminal Justice Professional
- Robyn Schlesinger, Esq.
 - Member, LGBTQ Advisory Board

- Mayo Bartlett, Esq. (Co-Chair)
 - Criminal Justice Attorney
- Leroy Frazer, Esq. (Co-Chair)
 - Criminal Justice Consultant
- Blanca P. López (Staff)
 - Assistant Director of Operations

Qualification and Recruitment Working Group

What skills should be required of a police officer, and how should a police department recruit candidates who possess these skills? The working group engaged in a review of law enforcement qualifications; an analysis of Civil Service Law relating to testing, hiring and promoting police officers; and efforts to recruit potential candidates.

- Detective David Clark
 - Vice President, Mount Vernon Police Association
- Rev. Frank E. Coleman, Jr.
 - Senior Pastor, Messiah Baptist Church/NAACP -Yonkers
- Lawrence Otis Graham, Esq.
 - Chair, Westchester County Police Advisory Board
- Anahaita Kotval, Esq.
 - CEO, Lifting Up Westchester
- Martin McDonald
 - Founder & CEO, Black Diamonds Academic Success/Peekskill NAACP
- Chief Melvin Padilla
 - Town of Bedford Police Department
- Mayo Bartlett, Esq. (Co-Chair)
 - Criminal Justice Attorney
- Leroy Frazer, Esq. (Co-Chair)
 - Criminal Justice Consultant
- Crystal Collins (Staff)
 - Director of Policy and Programs: Faith Based Partnerships and Urban Affairs

Training and Equipment Working Group

What are best practices in police training, and what is the best non-lethal equipment available?

This working group engaged in an evaluation of training at the Police Academy to determine whether the requirements mandated by the NYS Division of Criminal Justice Services (DCJS) were met or exceeded, and to determine whether additional training at the academy might be required in certain areas. There was also an analysis regarding whether there should be an extension of police officers' probationary period.

- Thomas Gleason
 - Commissioner, Westchester County Department of Public Safety
- Dr. DaMia Harris-Madden
 - Executive Director, Westchester County Youth Bureau
- Rev. Dr. Stephen Pogue
 - Pastor, A.M.E. Zion Greater Centennial Church
- Tejash Sanchala, Esq.
 - Executive Director, Westchester County Human Rights Commission
- Robert Tucker
 - Chairman and CEO, T&M Protection Resources
- Rev. Dr. Verlin D. Williams
 - Union Baptist Church, White Plains
- Mayo Bartlett, Esq. (Co-Chair)
 - Criminal Justice Attorney
- Leroy Frazer, Esq. (Co-Chair)
 - Criminal Justice Consultant
- Peri Kadanoff, Esq., (Staff)
 - Executive Director, Solid Waste Commission

Policies and Procedures Working Group

What are the rules and regulations of WCDPS? As we reimagined police policy, we engaged in a thorough review of departmental policies, including the role of the Police Advisory Board; duty to intervene, and the effect of New York State's Department of Criminal Justice Services' (DCJS) regulations on local police departments.

- Horace Anderson, Jr., Esq.
 - Dean, Pace Law School
- Chief Richard Conway
 - Village of Port Chester Police Department (Retired)
- Damon K. Jones
 - Westchester County Department of Correction, Blacks in Law Enforcement
- S. Ken Jones, Esq.
 - Attorney, Legal Aid Society of Westchester County
- Terrance Raynor
 - Deputy Commissioner, Westchester County Department of Public Safety
- Mayo Bartlett, Esq. (Co-Chair)
 - Criminal Justice Attorney
- Leroy Frazer, Esq. (Co-Chair)
 - Criminal Justice Consultant
- Copernicus Crane (Staff)
 - Assistant to the County Executive

Accountability Working Group

What are the structures in place to hold police accountable for their actions when they deviate from working collaboratively and fairly in the communities they serve? As part of reform, how do we promote responsible, accountable policing and measures? Topics discussed included but were not limited to the establishment of an independent civilian complaint review process, use of force, qualified immunity, and the state certification/decertification of officers and its effectiveness in promoting accountability.

- Hon. Joaquin Alemany
 - Justice, Village of Scarsdale
- Kenneth Chamberlain, Jr.
 - Police Reform Activist
- Lila Kirton, Esq.
 - Executive Assistant District Attorney for Intergovernmental Affairs & Criminal Justice Initiatives, Office of Westchester County District Attorney Mimi Rocah
- Thomas G. Luzio, Esq.
 - Criminal Justice Policy Advisor
- Chief Christopher McNerney
 - Town of Greenburgh Police Department
- Hon. Colin D. Smith
 - Westchester County Legislator, District 1
- Mayo Bartlett, Esq. (Co-Chair)
 - Criminal Justice Attorney
- Leroy Frazer, Esq. (Co-Chair)
 - Criminal Justice Consultant
- Sheralyn Pulver (Staff)
 - Chief Administrator, Probation Department

Transparency Working Group

What does true transparency mean and how can it benefit both the community and the police department? We believe increasing transparency builds trust with the community at large.

Topics discussed include how WCDPS works to continue to promote public trust; how it may prominently display its Use of Force policy; how it may improve its Freedom of Information Law (FOIL) process, and activate a complaint submission system for public use.

- Gail Baxter
 - Hudson River Community Association, Yonkers
- Hon. Terry Clements
 - Westchester County Legislator, District 11
- Rev. Troy P. DeCohen
 - Senior Pastor, Mount Vernon Heights Congregational Church
- Sgt. Michael Hagan
 - PBA President, Westchester County Department of Public Safety
- Sgt. Paul Hood
 - President, Westchester Rockland Guardians Association (Retired)
- Barbara Hart, Esq.
 - Partner, Lowey Dannenberg P.C
- Mayo Bartlett, Esq. (Co-Chair)
 - Criminal Justice Attorney
- Leroy Frazer, Esq. (Co-Chair)
 - Criminal Justice Consultant
- Jason S. Whitehead, Esq.
 - Senior Assistant County Attorney, Law Department

Appendix C: List of all Guest Speakers

Community Engagement Guest Speakers

- Sgt. James Dress & Captain James Greer,
Westchester County Department of Public Safety (WCDPS) Patrol Service Division
- Carola Bracco,
Executive Director, Neighbor's Link
- Police Officer Edwin Ramirez, Jr.,
WCDPS, instrumental in the development of the Police And Community Together (PACT) program

Qualification & Recruitment Guest Speakers

- (WCDPS) Deputy Commissioner Terrence Raynor &
(Westchester County Human Resources) Assistant Commissioner Frank Karintholil
- Hon. Jamaal Bailey,
New York State Senator

Training & Equipment Guest Speakers & Events

- Lieutenant Nick Alongi,
WCDPS, in charge of the Westchester County Police Academy
- Detective Marc Moskalik,
WCDPS, lead Defensive Tactics Instructor and long-time member of the Special Response Team
- Commissioner Michael Orth and Program Director Mark Giuliano,
Westchester County Department of Community Mental Health (WCDCMH), met regarding Crisis Intervention Training and Clinician Embedded Teams
- Toured the Westchester County Police Academy

Policies & Procedures Guest Speakers

- Captain Patti Bohla,
Westchester County Department of Correction
- Tejash Sanchala, Esq.,
Executive Director, Westchester County Human Rights Commission
- Jeffrey Deskovic, Esq.
Founder of the Deskovic Foundation, formerly a wrongfully incarcerated man

Accountability Guest Speakers

- President Mike Hagan and Steve Smith, Esq.,
Westchester County Police Benevolent Association
- Mina Malik, Esq.
formerly the Executive Director of the New York City Civilian Complaint Review Board
- John Nonna Esq. & Staff
Westchester County Attorney
- Brian Corr,
immediate past President of the National Association for Civilian Oversight of Law Enforcement (NACOLE)
- Hon. Chris Johnson,
Westchester County Legislator
- Hon. Jamaal Bailey,
New York State Senator

Transparency Guest Speakers

- Commissioner Thomas Gleason,
Westchester County Department of Public Safety
- Lawrence Otis Graham, Esq.
Chairman of the Westchester County Police Advisory Board

Information Sessions open to all Task Force Members

Police Academy Overview: A video presentation prepared by WCDPS featuring Lt. Nicholas Alongi, Commanding Officer and Director of Training at the Academy, and Sgt. Michael Brancamp, the Academy's Executive Officer and Recruit Training Coordinator, provided a general overview of the police academy program for recruits and in-service training for experienced officers

Exploration of Law Enforcement & Mental Health Response: A special presentation and discussion led by Department of Community Mental Health Commissioner Michael Orth, Deputy Commissioner Joseph Glazer, and Program Director Mark Giuliano focused on the role that DCMH plays in supporting local police departments responding to mental health calls and identifying best practices in this field.

Civil Service Law and the Hiring of Police Officers: Deputy Commissioner of Human Resources Helen May and Assistant Commissioner Frank Karintholil explained Civil Service Law, and Commissioner of Public Safety Thomas Gleason discussed recruitment, outreach and hiring.

Project ABLE (Active Bystandership for Law Enforcement): ABLE Board Chair Jonathan Aronie, Esq., provided a presentation to the Task Force describing Project ABLE. This training program, developed in partnership with the Georgetown University School of Law, is designed to create a culture of active bystandership and peer intervention in local police departments. Public Safety Commissioner Thomas Gleason provided opening remarks

Appendix D: Police Explorer Program



Westchester County Police Explorer Program

1 Saw Mill River Parkway, Hawthorne, NY 10532



Dear Applicant:

The Westchester County Police Department is proud to announce the acceptance of new applicants for its Law Enforcement Explorer Post. This Post was established in 2007 and is sponsored by the Westchester County Police Department. Members of the Explorer Post serve the public, without compensation, in the interest of law enforcement and public service.

The goal of Law Enforcement Exploring is to further the Explorers' education, facilitate participation in a wide variety of community service activities and to help prepare Explorers for the roles of active citizen, community leaders and potential law enforcement officers.

Exploring is a youth development program which is open to young men and women who are 14 (and completed the eighth grade) through 20 years old. Explorers participate in training and activities designed to expose them to police operations and develop an interest in law enforcement as a possible career.

The application is a six-part document consisting of the following;

1. Application
2. Short personal essay
3. Copy of most recent report card
4. Medical Clearance/Immunization Form
5. Character Reference Forms (3)
6. Permission to Post Applicant Photo Form

Please ensure to complete all parts of the application.

If you are interested in becoming part of this exciting program and you meet the requirements for selection, you are encouraged to apply. If you have any questions, please contact Post Advisor, Sergeant Vincent Antonecchia (914) 995-5019

Please complete the applications and return to:

Sergeant Vincent Antonecchia
Westchester County Police Department
1 Saw Mill River Parkway
Hawthorne, NY 10532



Westchester County Police Explorer Program

1 Saw Mill River Parkway, Hawthorne, NY 10532



Photograph Release Form

I _____ give the Westchester County Police Department permission to post or publish my child's photograph or video image on the official Westchester County Police Department website or other publication. These photographs or video images will be used to promote the Westchester County Police Explorer Post and to provide awareness/understanding to the community regarding the Post and related activities.

Explorer's Name

Parent/Guardian's Signature

Date



Westchester County Police

Explorer Program

1 Saw Mill River Parkway, Hawthorne, NY 10532



Attach Copy of Most Recent Report Card



Westchester County Police Explorer Program

1 Saw Mill River Parkway, Hawthorne, NY 10532



Medical Clearance Form

Immunization record
from Doctor is required by law

Name of Applicant: _____

Name of Physician: _____ Telephone: _____

_____ I
Items below this line must be completed by Physician

Date of most recent Physical examination: _____

Immunizations (please specify exact dates):

A. Diphtheria/Tetanus Toxoid (4 doses):

Dates: _____ / _____ / _____ / _____

B. Oral Polio Vaccine (3 or more dates)

Dates: _____ / _____ / _____ / _____

C. Live Measles Vaccine (1 dose) Date: _____

D. Live Rubella Vaccine (1 Dose) Date: _____

E. Live Mumps Vaccine (1 Dose) Date: _____

1. Some physical activities will be incorporated into the curriculum of the Police Explorer program, including, but not limited to running, sit-ups, push-ups, stretching and some sports. Is there any reason the person named in this application should not participate in these activities? If yes, please explain.

Please list any illnesses or medical conditions which we should be aware

Signature: _____ Date: _____



Westchester County Police Explorer Program

1 Saw Mill River Parkway, Hawthorne, NY 10532



Character Reference

_____ is a candidate for membership to the Westchester County Police Explorer Program. Please complete the character reference and indicate the degree to which the candidate possesses each characteristic using the following rating scale.

- 1 – Does not demonstrate this characteristic
- 2 – Sometimes demonstrates this characteristic
- 3 – Frequently demonstrates this characteristic
- 4 – Strongly demonstrates this characteristic
- 5 – Consistently demonstrates this characteristic

Characteristic	Score	Characteristic	Score
Leadership		Enthusiasm	
Trustworthy		Preparation	
Reliable		Personal Conduct	
Loyal		Effort	
Helpful		Listens Well	
Friendly		Fair	
Courteous		Honest	
Kind		Respectful	
Follows Directions		Cooperative	
Cheerful		Dignity	
Tact		Initiative	
Concerned about appearance		Judgment	

Brief narrative of candidate & please explain how you know the applicant & for how long

Signature: _____ Date: _____



Westchester County Police Explorer Program

1 Saw Mill River Parkway, Hawthorne, NY 10532



Character Reference

_____ is a candidate for membership to the Westchester County Police Explorer Program. Please complete the character reference and indicate the degree to which the candidate possesses each characteristic using the following rating scale.

- 1 – Does not demonstrate this characteristic
- 2 – Sometimes demonstrates this characteristic
- 3 – Frequently demonstrates this characteristic
- 4 – Strongly demonstrates this characteristic
- 5 – Consistently demonstrates this characteristic

Characteristic	Score	Characteristic	Score
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Helpful		Listens Well	
Friendly		Fair	
Courteous		Honest	
Kind		Respectful	
Follows Directions		Cooperative	
Cheerful		Dignity	
Tact		Initiative	
Concerned about appearance		Judgment	

Brief narrative of candidate & please explain how you know the applicant & for how long

Signature: _____ Date: _____



Westchester County Police Explorer Program

1 Saw Mill River Parkway, Hawthorne, NY 10532



Character Reference

_____ is a candidate for membership to the Westchester County Police Explorer Program. Please complete the character reference and indicate the degree to which the candidate possesses each characteristic using the following rating scale.

- 1 – Does not demonstrate this characteristic
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- 4 – Strongly demonstrates this characteristic
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Characteristic	Score	Characteristic	Score
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Loyal		Effort	
Helpful		Listens Well	
Friendly		Fair	
Courteous		Honest	
Kind		Respectful	
Follows Directions		Cooperative	
Cheerful		Dignity	
Tact		Initiative	
Concerned about appearance		Judgment	

Brief narrative of candidate & please explain how you know the applicant & for how long

Signature: _____ Date: _____

Appendix E: **Town of Cortlandt's Report on Public Safety and Policing** **Improvements**

The Town of Cortlandt benefits by having not one but two police departments that work well together for our community's protection and safety (New York State Police and Westchester County Police).

This Police Plan was established in the year 2000 after the town board and I eliminated for fiscal reasons the small local police department that had been in existence since 1980. This small department was comprised of a Chief of Police, nine other officers and a few dispatchers. However, several of its members were out on 207C and therefore we were faced with not having a full police workforce, but we still had to pay their salaries and benefits. Therefore, the new plan was voted on by the entire town board and for twenty years the two police departments have served our community well.

This plan not only brought more officers but more resources to benefit our Cortlandt residents and businesses (i.e. helicopter and canine services, laboratories, the best up-to-date vehicles and equipment including state-of-the art technology). If the Town had to duplicate these items and services it would have been extremely expensive for our taxpayers who were paying close to one million dollars each year back in the 1990's.

However, there is always more to do and improvements are always needed. We are aware of what is occurring throughout the Country regarding some negative police actions that has been harmful to individuals and to our society in general. Therefore, suggestions to improve and to evolve with the goal to have more inclusion, equality and better communication between police departments and the community is the mission of this report.

1. We have a few Neighborhood WATCH organizations throughout the Town, but more are needed to expand communication and to have contacts in each area for the police departments to connect with when there are safety issues.
2. Consider a Citizens Advisory Board to hear issues/complaints from the citizenry and act as a go-between for the neighborhoods, citizens and police departments. In no way, shape or form would they be making decisions on cases. That's why we have our justice department and our two elected town justices. They would be charged to meet at least quarterly and give reports to the Town Board and to the police departments. The Town Board would appoint the 5 – 7 members of this Citizens Advisory Board and set the guidelines.
3. Both Police Departments should jointly hold community forums to explain their policies and practices when responding to regular police calls and to 911 calls, as well as, update the public on any other issues that may arise. They should meet at least twice a year with the community
4. Educate the public on the current diversity in their departments. How many minorities are employed, trained, and also are promoted based on merit to higher positions. Increase the number of minorities including women in the police departments across the board. The

police department must reflect the ever changing demographics of our region, State, County and Country.

5. Report on the diversity training offered and protocols. Explain how often this training occurs and increase the number of classes. They should be mandatory. This is a very important issue.
6. Make it mandatory to wear and at all times operate body cameras. Also, place cameras on all police vehicles. These cameras will provide accurate and clear pictures of what took place at each scene, crime scene and during arrests.
7. Make disciplinary records more transparent especially in the areas of interacting with those involved in an altercation and/or arrest. Include why and for what reason are they being disciplined so that the public understands and knows that the situations are being dealt fairly with for all involved. Also, explain the step program for disciplinary actions. How many times has an officer been disciplined and for what infraction/issue should be made public.
These practices would make it clear to the public that an officer is being disciplined, given better training and if need be terminated.
8. Provide written reports to the local elected officials. In our town to the Supervisor and Town Board at least on a quarterly basis, if not more frequently on all police activity in Cortlandt.
 - a) What kind of police calls?
 - b) What were the police actions taken at each scene?
 - c) What and how was the interaction with the individual(s)?
9. Needed: More drug and alcohol testing of officers and of course the continuation of Covid 19 testing.
10. Ban chokeholds and neck restraints in all cases.
11. Continue and increase the communication to the Town Supervisor or designee when not available, in order to report serious police matters in our community.

In conclusion:

The Governor of New York State has by executive order mandated every community (local, County) to submit a report to him no later than April 1, 2021. Even though we don't have a local police department, but a County and State Police Cooperative Plan for our community, we still want to offer suggestions for Police/Community improvements. We want to be part of the discussion as we go forward for equality and justice for all.

The most important part of this plan is the increased communication with our police departments, residents, officials and community.

Submitted by:

Supervisor Linda D. Puglisi and

Town Board

Appendix F: Sources consulted by the Task Force

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Appendix G: Governor Cuomo's Executive Order

Also available online at:

<https://www.governor.ny.gov/news/no-203-new-york-state-police-reform-and-reinvention-collaborative>



No. 203

EXECUTIVE ORDER

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE

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

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

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

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

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

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

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

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

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

WHEREAS, black lives matter; and

WHEREAS, the foregoing compels me to conclude that urgent and immediate action is needed to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust; and

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

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

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

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

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

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

Enforcement Accreditation Program.

The political subdivision, in coordination with its police agency, must consult with stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials, and create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing.

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

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

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

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




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

BY THE GOVERNOR

Secretary to the Governor

Appendix H: Flyers for the Task Force’s Public Forums

Also available at: <https://www.westchestergov.com/ad-hoc-advisory-boards/police-reform-task-force>



The Westchester County Police Reform and Reimagining Task Force

Public Forums

Wednesday, August 5
6 to 8 p.m.

Come and share your thoughts on police reform in person at any of the 5 locations listed below or virtually.

REGISTRATION INFORMATION

IN PERSON FORUMS: Send an email to PoliceReformTF@Westchestergov.com or call (914) 995-2921 to register and speak. Please include your full name and specify which location you will be attending. You will be given a timeslot. **PARTICIPANTS MUST WEAR MASKS.**

LOCATIONS:	Westchester County Board of Elections 2 nd Floor 25 Quarropas Street White Plains, NY 10601	New Rochelle City Hall Council Chamber 515 North Avenue New Rochelle, NY 10801
Yonkers Riverfront Library 1 Larkin Center Yonkers, NY 10701	The Neighborhood Center at Peekskill Field Library 4 Nelson Avenue Peekskill, NY 10566	Mount Kisco Public Library Community Room 100 Main Street Mt Kisco, NY 10549

VIRTUAL FORUM:
We are offering an additional digital forum where residents may speak their comments. To attend this digital forum, please register at <https://westchestergov.webex.com/westchestergov/k2f.php?MTID=t942b34b20ca00e21317938fa21d013f4>

PERSONS WISHING TO CALL INTO THE VIRTUAL FORUM:
Toll-free Phone Number: 1-844-621-3956
Access Code: 161 433 5872#

Persons looking to submit written comments should direct them to PoliceReformTF@Westchestergov.com. Comments will be accepted until Friday, August 7.

The Westchester County Police Reform and Reimagining Task Force

Public Forums

Wednesday, August 12, 2020
6 to 8 p.m.

Come and share your thoughts on police reform in person or virtually. Register for a location listed below or virtually.

POSTPONED

REGISTRATION INFORMATION

IN PERSON FORUMS: Send an email to PoliceReformTF@Westchestergov.com or call (914) 995-2921 to register and speak. Please include your full name and specify which location you will be attending. You will be given a timeslot. **PARTICIPANTS MUST WEAR MASKS.**

LOCATIONS:

Yonkers Riverfront Library
1 Larkin Center
Yonkers, NY 10701

Westchester County
Board of Elections 2nd Floor
25 Quarropas Street
White Plains, NY 10601

New Rochelle City Hall
Council Chamber
515 North Avenue
New Rochelle, NY 10801

The Neighborhood Center
at Peekskill Field Library
4 Nelson Avenue
Peekskill, NY 10566

Mount Kisco Public Library
Community Room
100 Main Street
Mt Kisco, NY 10549

VIRTUAL FORUM:

We are offering an additional digital forum where residents may speak their comments. To attend this digital forum, please register at <https://westchestergov.webex.com/westchestergov/k2/j.php?MTID=t942b34b20ca00e21317938fa21d013f4>

PERSONS WISHING TO CALL INTO THE VIRTUAL FORUM:

Toll-free Phone Number: 1-844-621-3956
Access Code: 161 433 5872#

Persons looking to submit written comments should direct them to PoliceReformTF@Westchestergov.com. Comments will be accepted until Friday, August 7.

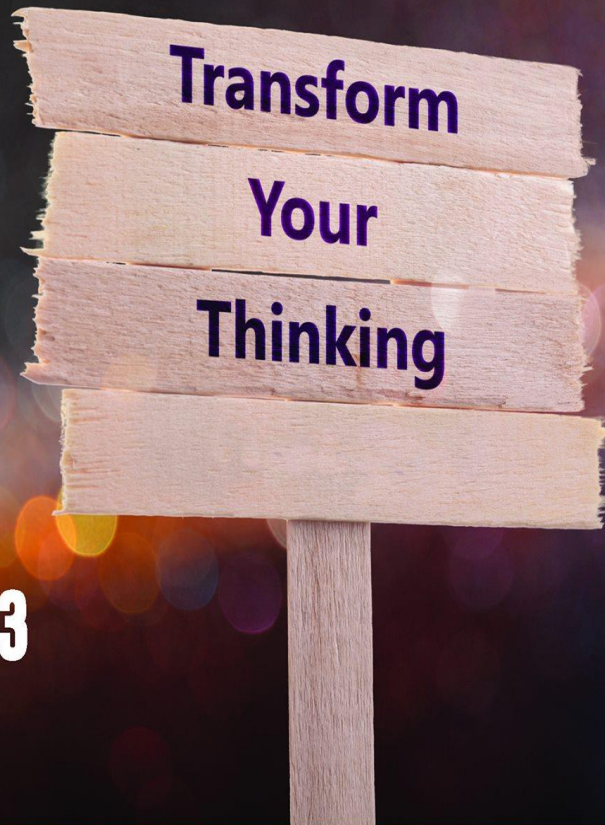


George Latimer
Westchester County Executive

The Westchester County Police Reform and Reimagining Task Force

Virtual Public Forum

Thursday, August 13
6 to 8:30 p.m.



ANYONE WHO WISHES TO SPEAK MUST REGISTER IN ADVANCE.

To register to speak, please send an email to PoliceReformTF@Westchestergov.com and you will be assigned a time slot.

TO JOIN THE FORUM VIA COMPUTER, VISIT

<https://bit.ly/3ky7Cbq>

TO CALL INTO THE FORUM:

Toll free number: (844)-621-3956

Access code: 171 191 2931#

Westchester
gov.com

George Latimer
Westchester County Executive

The Westchester County Police Reform and Reimagining Task Force

Public Forums

Tuesday, August 18
6 to 8 p.m.

Come and share your thoughts on police reform in person at any of the 5 locations listed below or virtually.



REGISTRATION INFORMATION

IN PERSON FORUMS: Send an email to PoliceReformTF@Westchestergov.com or call (914) 995-2921 to register and speak. Please include your full name and specify which location you will be attending. You will be given a timeslot. **PARTICIPANTS MUST WEAR MASKS.**

LOCATIONS:

Yonkers Riverfront Library
1 Larkin Center
Yonkers, NY 10701

Westchester County
Board of Elections 2nd Floor
25 Quarropas Street
White Plains, NY 10601

The Neighborhood Center
at Peekskill Field Library
4 Nelson Avenue
Peekskill, NY 10566

New Rochelle City Hall
Council Chamber
515 North Avenue
New Rochelle, NY 10801

Mount Kisco Public Library
Community Room
100 Main Street
Mt Kisco, NY 10549

VIRTUAL FORUM:

We are offering an additional digital forum where residents may speak their comments. To attend this digital forum, please register at <https://bit.ly/30RE54V>

PERSONS WISHING TO CALL INTO THE VIRTUAL FORUM:

Toll-free Phone Number: 1-844-621-3956
Access Code: 171 747 7718

Persons looking to submit written comments should direct them to PoliceReformTF@Westchestergov.com.



George Latimer
Westchester County Executive

The Westchester County Police Reform & Reimagining Task Force
los invita a las próximas serie de foros públicos en vivo y virtual.

FOROS Públicos

Martes,
27 de Octubre
de 6 a 8 p.m.



Se presentara actualizaciones del grupo de trabajo en respuesta a las Órdenes Ejecutivas del Ejecutivo del Condado y el Gobernador de Nueva York. El público está invitado a comentar sobre la reforma policial y reinventar los sistemas policiales en el Condado de Westchester.

INFORMACIÓN DE REGISTRO

PARA ASISTIR A LOS FOROS PÚBLICOS EN VIVO: Mande un mensaje por correo electrónico a PoliceReformTF@Westchestergov.com o llame (914) 995-2921 para registrarse. Por favor incluya en su mensaje su nombre completo y especifique a qué lugar asistirá. Se le dará un intervalo de tiempo.

TODOS LOS PARTICIPANTES DEBEN DE USAR MASCARILLAS.

¡Comentarios en otros idiomas son bienvenidos! La traducción se hará posteriormente.

FOROS PÚBLICOS EN VIVO:

Mount Vernon:

Dole Center
250 South 6th Avenue
Mount Vernon, NY 10550

Cortlandt:

The Muriel H. Morabito
Community Center
29 Westbrook Drive
Cortlandt, NY 10567

White Plains:

Eastview Middle School
auditorio
350 Main Street
White Plains, NY 10601

FORO PUBLICO VIRTUAL:

Estamos ofreciendo este foro digital para que personas puedan compartir sus comentarios. Para asistir a este foro digital, por favor regístrese y apuntarse para hablar <https://bit.ly/2EvWWWG>

PERSONAS QUE DESEAN LLAMAR AL FORO VIRTUAL:

Línea Telefónica: 1-844-621-3956
Código de Acceso: 171 393 8098

Personas que quieran compartir sus comentarios por escrito, deben mandarlos al correo electrónico: PoliceReformTF@Westchestergov.com

The Westchester County Police Reform & Reimagining Task Force invite you to upcoming in person and virtual public forums.

Public Forums

Tuesday,
October 27
from 6 to 8 p.m.



Task Force updates will be presented in response to the County Executive's and Governor's Executive Order. The public is invited to comment on police reform and reimagining policing in Westchester County.

REGISTRATION INFORMATION

IN PERSON FORUMS: Send an email to PoliceReformTF@Westchestergov.com or call (914) 995-2921 to register to speak. Please include your full name and specify which location you will be attending, and you will be given a timeslot. **PARTICIPANTS MUST WEAR MASKS.**

Comments in other languages are welcome! Translation will be done subsequently.

IN PERSON LOCATIONS:

Mount Vernon:

Dole Center
250 South 6th Avenue
Mount Vernon, NY 10550

Cortlandt:

The Muriel H. Morabito
Community Center
29 Westbrook Drive
Cortlandt, NY 10567

White Plains:

Eastview Middle School
Auditorium
350 Main Street
White Plains, NY 10601

VIRTUAL FORUM:

We are offering an additional digital forum where residents are invited to speak. To attend this digital forum, please register at <https://bit.ly/2EvVWWG>

PEOPLE WHO WISH TO CALL IN TO THE VIRTUAL FORUM:

Toll-free Phone Number: 1-844-621-3956
Access Code: 171 393 8098

People looking to submit written comments should direct them to PoliceReformTF@Westchestergov.com

Westchester
gov.com

George Latimer
Westchester County Executive

WESTCHESTER COUNTY

FORWARD
TOGETHER
UNITED