



Village of Port Chester

Office of the Village Manager

MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Christopher D. Steers, Village Manager

DATE: October 13, 2020

RE: Police Reform & Reinvention

Executive Summary

Governor Cuomo's "*New York State Police Reform and Reinvention Collaborative*" [Executive Order 203](#) states that urgent and immediate action is needed to eliminate racial inequities in policing. The order directs local governments 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.

The Executive Order requires that each local government entity, which has a police agency operating under 1.20 of the criminal procedure law, must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices. They also must 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.

The Governor's Office provided guidance in the form of a *Police Reform and Reinvention Collaborative Resources & Guide for Public Officials and Citizens*. Although all local jurisdictions are undertaking the same effort one size does not fit all and the thrust of this effort is to create collaboration in the local community to develop the plan through open discussion and dialogue and to ultimately implement meaningful change and build greater trust. A plan must be developed and ratified by the Village Board by April 2021.

The plan must be developed through a transparent process and be based on the direct input of all local stakeholders in the community. The plan:

- Must address policies, procedures, practices and deployment
- Must certify that they have engaged stakeholders in a public and open process on policing strategies and tools
- Must be presented to the public for comment
- Must have legislative body certify plan

Other jurisdictions have begun the required process. This includes the formation of Task Forces/ Committees. Westchester County has implemented a Task Force that has been broken up into six working groups to tackle important and specific components of policing and police reform: *Transparency, Accountability, Community Engagement, Training and Equipment, Qualification and Recruitment, Policies and Procedures*. Since July, the County Task Force has met twice, conducted several virtual and in-person public forums, and each Task Force member has participated in ongoing meetings with their corresponding working groups.

- <https://www.westchestergov.com/home/all-press-releases/8649-police-reform-and-reimagining-task-force-holds-public-forums-reviews-police-practices-to-develop-westchester-county-police-reform-plan>

The City of White Plains has formed a Police Reform Committee. The White Plains Police Reform Committee will utilize the Governor's guidance document to review the needs of the White Plains community, to evaluate the department's current policies and practices, involve the full White Plains community in the discussion, develop policy recommendations resulting from this review, offer a plan for public comment, and present that plan to the White Plains Common Council.

- <https://www.cityofwhiteplains.com/908/White-Plains-Police-Reform-Committee>

The City of Yonkers has also created a Police Reform Committee. The goal of their Reform Committee is to present a Final Report with police reform recommendations specific to Yonkers. The Report then will be presented to the Yonkers City Council for ratification, to be adopted and signed by Mayor Spano and sent to the Governor's Office for review by April 1, 2021.

- <https://www.yonkersny.gov/government/mayor-s-office/initiatives/yonkers-police-reform-committee>

The Path Forward

This is an intensive inclusive effort aimed at modernize policing strategies, policies, procedures, and practices. The goal is to develop practices to better address the particular needs of communities of color in order to promote public safety, improve community engagement, and foster trust. Our best strategy is to follow the guidelines outlined in the Governor's resource guide. We are also utilizing the final report of the President's Task force on 21st Century Policing, as well as the *Principles of Procedurally Just Policing* produced by the Justice Collaboratory at Yale Law School.

Our operational plan/work plan is verbatim from the Governor's guidelines:

- ✓ **Create an operations plan:** Our operations/work plan is based on the material provided in Part 1 of the guidebook (see attached summary).
 - The Police Chief, Village Manager and support staff will manage the information gathering and plan development.
 - It is TBD if there is a need to hire any external consultants or facilitators.
 - We have identified a preliminary list of the critical issues that need to be addressed through the plan development process.

- ✓ **Coordinate with neighboring localities:**
 - We have reached out to the City of Poughkeepsie, White Plains, Westchester County, Rye Brook, and the police Chiefs Association for collaboration and idea exchange.

- ✓ **Convene our key stakeholders:**
 - The Police Chief has convened a few meetings with members of the local clergy.
 - The Governor's guidelines recommends a large swath of stake holders and we have engaged many of the groups, but we need to engage more representatives to fill the targeted stakeholders (highlighted groups have been engaged, Red groups need to be engaged):
 - Membership and leadership of the local police force;
 - Members of the community, with emphasis on 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.
- Residents who have had interactions with the police;
- Residents who have been incarcerated;
- Any local police unions;
- Local education officials and educators;
- Local neighborhood, homeless, and housing advocates;
- LGBTQIA+ leaders and advocates;
- The Local Health Department and healthcare leaders and advocates;
- Mental health professionals;
- Business leaders;
- Transportation and transit officials; and
- Legal and academic experts.

✓ **Assess where we are now:** The Police Chief has gathered information on how the police department currently operates including data, policies, procedures, prior complaint history, budget, contracts, equipment, etc. Our next step is to share this data/information with the public. (Self Assessment attached)

Next Steps:

1. Create a Committee/Task Force

- For Board discussion and action

2. Determine Necessary Resources

- Experts/funding
 - Discuss and determine need for any necessary funding
 - Develop Survey and additional data collection methodology

3. Distribute the Self-assessment and all the data and analysis to the public

4. Schedule Listening Sessions September/October

- Determine if live meetings are desired or WebEx due to COVID risks
- Spanish Translation

5. Compile and review public comments

The Plan:

Police Reform Plan and Key Organizing Principles

(Based on the NYS Police Reform Resources & Guide for Public Officials and Citizens)

- **Bring The Community to the Table** (key stakeholders who must be involved):
 - Membership and leadership of the local police force;
 - Members of the community, with emphasis on 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.

Also, engage:

- Residents who have had interactions with the police;
 - Residents who have been incarcerated;
 - Any local police unions;
 - Local education officials and educators;
 - Local neighborhood, homeless, and housing advocates;
 - LGBTQIA+ leaders and advocates;
 - The Local Health Department and healthcare leaders and advocates;
 - Mental health professionals;
 - Business leaders;
 - Transportation and transit officials; and
 - Legal and academic experts.
- **Run an Open and Transparent Process** (Transparency entails):
 - Make planning and deliberation meetings public.
 - Poll and survey the public for their views on specific issues, if feasible.
 - Provide periodic updates as the planning process moves forward.
 - Engage local media.
 - Make all research materials public.
 - Have a plan to incorporate public comment feedback in the final plan.

- **Work Plan**



Phase 1: Planning (August-September 2020)

- ✓ **Create an operations plan:** Create a work plan for our process and identify staff to manage the information gathering and plan development. If appropriate, hire any external consultants or facilitators. Develop a preliminary list of the critical issues that need to be addressed through the plan development process, based on the material provided in Part 1 of the guidebook.
- ✓ **Coordinate with neighboring localities:** Consider whether aspects of this process can be done in conjunction with neighboring localities. Each locality will need to solicit meaningful input from its own community and develop an individual plan tailored to its own needs.
 - **Convene our key stakeholders:** Identify local leaders who can work closely with you to facilitate conversations with key constituencies in the community.
 - **Assess where we are now:** Gather information on how the police department currently operates including data, policies, procedures, prior complaint history, budget, contracts, equipment, etc.
 - Share this information with the public. *This self-assessment will help focus the conversation on what we and the community want to change.*

Phase 2: Listening and Learning (September-October 2020)

- **Listening Sessions:** Conduct listening sessions with the public. We may want to organize these sessions thematically or focus on meeting with individual stakeholders separately.
- **Engage Experts:** Engaging with the experts and resources referenced in this guide may help us consider difficult issues more fully. It may be efficient for neighboring jurisdictions to coordinate in finding research useful for the region.
- **Request Comments and Information:** All localities will release their draft plans for public comment before completing this process. However, we may want to collect public feedback early in your plan development, especially from people unable to or uncomfortable with joining public meetings. Consider posting questions or prompts asking for written comments or suggestions.

Phase 3: Draft a Plan (November-December 2020)

- **Identify areas of focus:** After evaluating the current state of our law enforcement agency and getting feedback, identify what issues or areas are in need of change. Breaking down and organizing issues to be addressed allows decisions to be made in a more manageable way.
- **Identify measurable goals:** In the areas identified as needing reform, identify what success will look like in the short- and long-term. Articulating measurable goals will help focus your policy development, allow you and all stakeholders to assess outcomes, and identify needed adjustments in the future.
- **Draft a reform and reinvention plan:** Decide what format your final product will take. You may choose to solicit suggested language from stakeholders to help facilitate drafting and to see different stakeholders' positions in writing. Consider articulating not just the policy changes but your vision for what these changes will accomplish. Make sure to include how you will measure success.
- **Keep the public engaged:** If the public has the opportunity to share proposals and hear deliberations, the public comment period will be more productive.

Phase 4: Public Comment and Ratification (January-March 2021)

- **Release the draft plan for public comment:** Executive Order No. 203 requires that these plans be posted for public comment. Consider diversifying the ways the public can share feedback, in writing and at events.
- **Educate the public:** When we release the draft, think about how we and the other key stakeholders involved in the development can explain the proposals to the public. Consider holding events, engaging the media, or publishing an op-ed in the local newspaper.
- **Revise the plan to incorporate public comment:** Ensure the public comment is addressed in a meaningful way in the final plan. Consider how we will address those comments which are not adopted and those that highlight areas of tension and disagreement among members of the community or between community members and the police.
- **Ratify the plan:** After public comment and finalization of a plan, the Executive Order requires that we adopt or ratify the proposal. Build in sufficient notice and time for this to occur before the April 1, 2021 deadline.
- **Certify with New York State:** Submit the certification that your locality has met the requirements of Executive Order No. 203 to the Division of the Budget by April 1, 2021.

Going Forward

- **After the plan is adopted:**
 - **Communicate progress reports and metrics to the public.**
 - **Continuously to monitor and respond to community concerns with the police.**
 - **Maintain Public engagement through the Collaborative.**

CC: Anthony Cerreto, Village Attorney
Ed Brancati, HR/Risk Management
Pamela Tarlow, Assistant to the Village Manager
Stuart Rabin, Assistant to the Village manager
Mary Anne Veltri, Senior Office Assistance

Attachments



VILLAGE OF PORT CHESTER

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October 8, 2020

To: Manager Chris Steers
Re: New York State Police Reform and Reinvention Collaborative

One of the key requirements in going forward with the reform and reinvention act is to assess where the Police Department currently stands. What follows is data on arrests, tickets, overtime, calls for service and prisoners. In addition, there is up to date information on our policy and procedure manual, civilian complaint process, contracts and equipment in our inventory. Hopefully this will serve as a solid starting point for the Mayor and Board to direct this Collaborative. The Police Department is ready to assist in any way we can.

- I. Data Collection – Below data is reflective of the years 2016 up to August 31, 2020. The purpose of the data is to show the volume of work that is being done by the department. When looking at parking tickets, this does not include tickets issued by Parking Enforcement Officers. The overtime number in the chart below is for the period of June 1, 2020 through August 21, 2020. For that period, we have expended approximately 23% of our budgeted \$675,000 in overtime. Part 1 and Part 2 crime for 2020 will not be available until 2021. I have also attached a breakdown of what constitutes Part 1 and Part 2 crimes. For a complete breakdown of Part 1 and Part 2 Crimes I have included each year Summary Crime Reports at the end of this document.

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE

Category	2016	2017	2018	2019	2020*
Arrests	1,550	1,571	1,032	1,093	332
Parking Tickets	14,687	16,005	11,262	12,559	7,941
V&T Tickets	5,657	5,833	5,100	5,772	2,918
Part 1 Crime	594	420	229	241	N/A
Part 2 Crime	1,207	1,182	678	608	N/A
Prisoners Housed	1,222	1,201	950	876	228
Calls for Service	26,086	25,474	16,734	13,929	9,273
Overtime	2016/17 \$949,185.00	2017/18 \$1,010,360.00	2018/19 \$985,560.00	2019/20 \$709,478.00	2020/21 \$161,823.00

*2020 is January thru August

Part 1 Crimes	Part 2 Crimes	
Murder	Arson	Fraud
Negligent Manslaughter	Kidnappings	Gambling
Rape	Controlled Substance Sale	Offenses Against Public Order
Robbery	Controlled Substance Possession	Embezzlement
Aggravated Assault	Dangerous Weapons	Simple Assault
Burglary	Bribery	Offenses Against the Family
Larceny	Sex Offenses	Driving Under The Influence
Motor Vehicle Theft	Extortion	Unauthorized Use Of Vehicle
	Forgery & Counterfeiting	Possession Of Burglary Tools
	Prostitution	Liquor Law Violations
	Patronizing Prostitutes	Disorderly Conduct
	Stolen Property Possession	Public Intoxication
	Coercion	Loitering
	Criminal Mischief	All Other Offenses

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	Forgery & Counterfeiting	Possession Of Burglary Tools
	Prostitution	Liquor Law Violations
	Patronizing Prostitutes	Disorderly Conduct
	Stolen Property Possession	Public Intoxication
	Coercion	Loitering
	Criminal Mischief	All Other Offenses

II. Policies and Procedures – Our policy and procedure manual work had started before the reform and reinvention collaborative order. Over the last few years we have completely updated the following policies:

- Firearms
- Use of Less Lethal Force
- Vehicle Pursuits
- Uniform Policy
- Immigration Policy translated to Spanish and placed on the Village Website

The following policies were created to either meet the needs of our expanding operations or in order to properly prosecute cases:

- Emergency Services Unit
- Police Canine
- Strip Searches
- Use of Narcan
- Sobriety Checkpoints
- Vehicle Checkpoints
- Department Computers and e-Mail
- Operations of Special Weapons

Additionally, we have formed a committee that has volunteered to review our policies and make suggestions. Again this was planned before the executive order. Currently this group consists of 5 members of various denominations of clergy, a local defense attorney, members of the Police Department Command Staff, Village Manager. The District Attorney's Office will be assigning someone to meet with this group and we recently added the President of the Local Chapter of the NAACP. This group recently identified our Complainant Policy as something in need of improvement. While research is being done on changes, as well as suggestions from the group and Board, we have done the following:

1. Created a new complaint form in English and Spanish (see attached).
2. Added the option of giving recognition to an officer if desired.
3. Made the form available in several locations.
 - a) Lobby of the Police Department
 - b) On-line via the Village Website
 - c) Village Hall
 - d) Carver Center

We will be reaching out to the Library as well to see if they will participate with us and have complaint forms on site. When we have all the locations where we will have on site complaint forms we will announce in the Westmore News these locations as well on our Face Book Page. Finally, we have set a goal of placing the final product of our policy and procedure manual on-line for public viewing.

- III. Complaint History – This is an area identified that needs to be streamlined, consistent and more transparent. Each Chief of Police in the past had their own method. The Captain and I have already taken steps to address what we see as shortcomings:
- We have taken a 40-hour course on how to properly conduct, document and manage internal investigations.
 - We will be doing a complete overhaul of the complaint policy as mentioned above.

Since March 21, 2020 when we have taken over the Department, we have 1 active civilian complaint that was recently received. As of this memo it is being investigated (complaint of discourtesy).

- IV. Budget and Contract – I have attached both documents. As you can see from the above data chart, we are making some headway on the overtime. Although there are always the unknowns that cannot be planned or budgeted for, changes that we have made are showing results.
- V. Equipment – Various equipment lists are attached. What the Board should know is that the current Taser's that are part of our inventory are outdated. Production and support of our current Taser's ended in December 2019. We will need to make a purchase of new Tasers. This purchase has been pushed out but we are at a point now that this must be done. We researched the cost in early 2019 and it would cost about \$8,000 per year for our Department.

Our vehicle fleet consists of 13 vehicles that are 7 years old or older. For vehicles that operate on a nearly 24/7 basis, this is old. The list with mileage is attached. Our duty weapon, Glock

9mm, are fairly new. They were purchased in 2017. Costs were kept to a minimum by trading in our previous duty weapon, .40 Caliber Glock pistols.

We have identified some issues during this “self-assessment” that need to be addressed and this collaborative will go a long way in helping with these issues. As previously discussed under III., the Department needs to streamline complaint filing into a more consistent and organized manner. Another area of concern is the lack of a robust “in-service training” program. Certain mandated training that occurs on an annual basis consumes much of the forty-four hours of training allowed and budgeted for in the Collective Bargaining Agreement. There are areas of training that ultimately get cut or whittled down to just a few hours. Finally, every community wants their Police Department to be transparent and every Police Department feels that they are transparent. My view is that the Port Chester Police Department is a very transparent department but there is always room for improvement. What this collaborative will decide, along with a task force that will be formed, is how much more we have to go to satisfy the residents of Port Chester. Finally, this may be the push that is needed for the Port Chester Police Department to strive for accreditation. This would be a huge commitment on everyone’s part but the end result would be a more open and modern Department.

The idea behind this collaborative is to involve as much as the community as possible. The more people we involve, the more feedback we receive and the more open the process, our final product will be accepted by the community and the Department will be seen as more legitimate to a vast majority of people. With this in mind, the Village of Port Chester should hire an outside agency to conduct, analyze and report on a Village wide survey of the state of the Port Chester Police Department. Surveys can allow for a massive amount of data to be interpreted and will allow for those that want to provide feedback to do so and remain anonymous in the process.

Unfortunately, this process will not come without a cost. If the Village does decide to hire an independent agency to conduct surveys, if the task force and stakeholders feel the Police Department can achieve maximum transparency with Body Worn Camera’s or if it is decided that our training is not up to par, this will cost money. Maybe it will be decided that the Port Chester Police Department will take that time consuming and expensive step to accreditation. This is a once in a lifetime chance to reimagine police work and the Village should be prepared to support the process financially.

Respectfully,

Chris Rosabella
Chief of Police