

# **Pine Plains Stakeholders Committee Edits and Additions**



## **A Plan to Reform, Modernize, and Reinvent Law Enforcement and Policing in Dutchess County**



## Acknowledgements

Any success of the collaborative is in large part owed to the dedication and commitment of community volunteers, who took time out of their lives to attempt to build a safer, fairer, and freer Dutchess County. These individuals and the other members of the Dutchess County Police Reform and Modernization Collaborative have worked hard to better their community, their home — thank you.



## Executive Summary

Police reform took center stage in our national discourse following the killing of George Floyd by Minneapolis police officer Derek Chauvin, who would be arrested for his part in the homicide. This event catalyzed a national outcry for reform and racial justice and spurred action at both the federal and State level.

The formation of the Dutchess County Police Reform and Modernization Collaborative was in part to meet the requirements and aid local municipalities in meeting the requirements of Executive Order No. 203 issued by Governor Andrew Cuomo on June 12<sup>th</sup>. The order required local governments with police agencies to engage the community in a reform effort to “eliminate racial inequalities” by reforming and modernizing police procedures, strategies, and tactics to meet those ends. At the end of this process, the pertinent local governments would be required to submit a plan to New York State or risk losing State funding.

The purpose of the Dutchess County Police Reform and Modernization Collaborative was twofold: to create a plan to help guide local municipalities with police agencies in their efforts and to create a framework for the Dutchess County Sheriff’s Office to create their reform plan. The Collaborative was comprised of two groups, the Community Stakeholder workgroup made up of members of the community and County government and the Municipal Leader and Police Chiefs workgroup comprised of elected officials from municipalities with police agencies and the leaders of those agencies.

In addition to bringing together a diverse and driven group of stakeholders to form the County’s collaborative, seven public forums were held, and an online public comment forum was created to solicit input from Dutchess County residents on their ideas for reform.

### **Most Common Recommendations from Public Forums and Online Comment Forum**

- Have social workers and other professionals trained to deal with crises like drug overdoses or mental health issues either replace or accompany police on calls addressing those or similar issues. Provide additional funding for these resources.
- Create a civilian review board at the municipal or inter-municipal level to oversee the police and handle allegations of misconduct (to create accountability and trust).
- Make data available regarding the police’s interaction with the public to identify if they are engaging in discriminatory practices (improve transparency).
- Remove police from schools, invest in mental health resources for students.
- Provide additional information to the public about how to file a complaint in a confidential manner against the police (improve communication).
- Diversify the police force (to build trust).
- Clearly communicate resources available to the community to reduce dependence on calling 911.
- Have more diversity, sensitivity, and implicit bias awareness training, as well as providing resources for tools like body cameras and trauma support for officers.

Over the past several months, the collaborative met to discuss needs, priorities, and various topics related to police reform. Throughout that discussion a number of themes became evident:

- Building a law enforcement workforce that is representative of the community it polices
- Reconnecting law enforcement to the community
- Creating better mechanism for addressing mental health and substance use issues in the community
- Creating better lines of communication between the police and the community
- Ensuring law enforcement officers are held accountable for their actions

Just as these themes became evident through our discussions, so did a number of reform priorities.

#### Community Stakeholder Group Priorities

- Requiring law enforcement officers in Dutchess County to wear body worn cameras, create clear policies to require their operation, and set guidelines for the release of footage.
- Increase the number of positive non-enforcements contacts law enforcement officers have with residents of their community, improving community relations, and expanding their involvement in community events and activities (e.g. sports leagues, non-profit programs, etc.).
- Increase transparency regarding use of force incidents and collect and publish data on such incidents as well as traffic stops, arrests, and searches, including demographic data of the individual involved.
- Require agencies to adopt internal/external procedural justice as their guiding principle.
- Adopt a community-engaged policy making process which elicit the help of a group of community member to review and/or revise general or special orders that substantially impact the community.
- Increase the diversity of the law enforcement workforce by improving recruitment tactics, removing barriers, and eliminating other unnecessarily restrictive hiring practices or policies.
- Increase local law enforcement members' connection to the community by requiring or incentivizing residency in the community they police.
- Identify training deficiencies, require in-service training, and ensure officers are trained in procedural justice (also referred to as Principle Policing), implicit bias awareness, de-escalation, and Crisis Intervention Team (CIT) training.
- Ensuring that the efficacy of training is evaluated routinely, and that experiential and scenario-based training are utilized whenever possible.
- Create alternative or co-responder programs to address social and medical issues, and augment mental health services, Mobile Crisis Intervention Team, dispatch mental health professionals through 911 dispatcher to achieve this goal.

Over the years Dutchess County has invested heavily in jail diversion and mental health. In addition, several of the larger local police agencies are accredited through the New York State Law Enforcement Accreditation Program and therefore have incorporated several best practices into their policies and procedures. Due to these efforts, the community is well positioned for meaningful reform.

Early on in the process, it became apparent that a few key reforms were both generally agreed upon and necessary. As such, the County has already started putting some of these reform efforts into motion.

#### Early Dutchess County Reform Efforts

- To support creating more procedurally just law enforcement agencies, the County, in partnership with the Dutchess County Sheriff's Office and trainers from local agencies, including the City of Poughkeepsie Police Department, is offering procedural justice and implicit bias awareness training to all law enforcement agencies. Funding is proposed in the 2021 Budget and training will begin late 2020 and continue with the goal of having every officer in Dutchess County trained by the end of 2021.
- The County will establish a Dutchess County Criminal Justice Council (CJC) subcommittee dedicated to developing and monitoring equitable policing strategies and reforms.
- Dutchess County and the Sheriff's Office have taken early steps to ensure greater accountability and transparency by purchasing and requiring the use of body cameras for all patrol officers. The 2021-2025 Capital Plan includes the purchase of body cameras. Further, the County is working with interested local governments and police agencies to coordinate a joint purchase.
- Beginning in 2021, the Dutchess County HELPLINE operations will be co-located with the Department of Emergency Response's 911 Call Center. This more integrated approach will allow for better targeted services to those in need and divert calls away from law enforcement that are more appropriately handled by mental health professionals.
- The Dutchess County Criminal Justice Council (CJC) subcommittee on police reform will be tasked with examining building on current programs such as the County's HELPLINE, 911 Call Center, and Mobile Crisis Intervention Team (MCIT) to create a formalized alternative/co-responder program to divert calls related to social and mental health issues to trained social workers and mental health professionals.
- In hopes of increasing the size and diversity of the local police officer candidate pool, the County is waiving the 60 college credit requirement to qualify for the appropriate civil service exam. Instead, the County is requiring all new hires to complete 60 credits within in five years and Crisis Intervention Training (CIT) within two years of their appointment.
- The County has formed a working group to explore the implementation of a Law Enforcement Assisted Diversion (LEAD) program. LEAD is a "harm-reduction oriented process for responding to low-level offenses such as drug possession, sales, and prostitution" that diverts such offender to critical services.
- The Sheriff's Office has evaluated all local police agencies' Use of Force policies and provided guidance on meeting the New York State Law Enforcement Accreditation Program standard.

The second half of this report delves into the [guidance](#) provided by the State and incorporates many of the ideas and research included in the briefs created to support the focus groups (see Appendix). This section of the report includes many best practices, ideas, and solutions being discussed throughout the nation and developed by various experts and institutions. It is important to note that these reforms may not meet the needs of every community, while other communities may already be implementing many of practices and included. The purpose of this section is to provide ways in which municipalities with police agencies may meet the needs identified by their communities or to comply with the pertinent sections of the state guidance. Although a number of these reforms will require significant resource investment, many of these reforms, including some of the most consequential, are low to no cost.

### What Functions Should the Police Perform?/ Highlights

#### Determining the Role of the Police

- Police agencies should adopt procedural justice as their guiding principle for interacting with the public and internal management of their organization. Procedural is “the practice of ensuring that the outcomes of civilian interactions with police are perceived as fair and as providing civilians with the opportunity to be heard, regardless of the outcome.”<sup>1</sup>
- The document provides a number of examples of co-responder and alternative responder programs (e.g. Eugene’s Crisis Assistance Helping Out On the Streets (CAHOOTS) and the local Behavioral Evaluation & Assistance Team (BEAT) Patrols). Municipalities looking to reduce the reliance on law enforcement for addressing social and mental health issues should examine these alternatives.
- Agencies with School Resource Officer (SRO) programs in their contracts or memorandums of understanding prohibit their officers from getting involved with school disciplinary matters or non-criminal offenses.

#### Staffing, Budgeting, and Equipping Your Police Department

- “Law enforcement agencies should create policies and procedures for policing mass demonstrations that employ a continuum of managed tactical resources that are designed to minimize the appearance of a military operation and avoid using provocative tactics and equipment that undermine civilian trust.”<sup>1</sup>
- Municipalities wishing to restrict the use of such equipment should pass local laws requiring approval local governing bodies prior to a police agency receiving grants and military equipment from programs such as the 1033 program or federal grant funding – OR – prohibit police agencies from obtaining military equipment or using federal funds to purchase such equipment.
- Localities interested in reducing other forms of militarization should consider requiring agencies with Special Weapons And Tactics (SWAT) Teams or their equivalent to put in place detailed protocols about when and how said teams should be deployed and limiting the use of or banning “no knock” warrants.

### Employing Smart and Effective Policing Standards and Strategies Highlights

#### Procedural Justice and Community Policing

- Agencies should prioritize providing training in procedural justice and include procedural justice principles in department policies such as requiring officers to identify themselves by their full name, rank, and command (as applicable) and provide written reasons for the stop (including traffic stops) and searches. Agencies across the nation provide officers with business cards that include the information noted above as well as directions on how to file a complaint.
- Policies, mission statements, and job descriptions should include language regarding the critical nature of community policing and procedural justice in each agency and the methods and purpose of meeting goals related to these foundational concepts.
- Agencies should consider engaging all officers not just subsets in community policing.
- Agencies should be encouraged to create programs and/or refocus patrols to increase nonenforcement interactions between officers and members of the community including regular interaction with community organizations, local business, faith-based organizations, organizations that specifically represent marginalized groups (people of color, immigrant communities, Limited English Proficiency (LEP) citizens, individuals with disabilities, and the LGBTQIA+ community).
- Municipalities, Law Enforcement agencies, or the County should conduct annual community surveys using accepted sampling protocols (Potentially task to the CJC subcommittee).
- Law enforcement agencies should place a priority on sharing their community policing successes with the wider community through media and social media.
- Agencies should consider providing officer implicit bias awareness training and use processes which minimize the influence of officer bias, including double-blind line-up presentations and information-gathering interrogation approaches.
- Law enforcement agencies should screen police officer candidates throughout the hiring and probationary period for explicit bias and create clear policies that those with explicit biases do not share the vision of the law enforcement agency.
- Agencies should adopt bias-free policing policies to send a clear message to employees and the community about the agencies commitment to fair and equal treatment.
- Agencies should refrain from using formally or informally sanctioned practices such as quotas for traffic or pedestrian stops, tickets, and summonses that are not directly related to improving public safety.
- Agencies should consider putting in place policies to restrict the use of investigatory stops to only circumstances in which they promote public safety and do not unnecessarily harm police–community relations.
- Police agencies should make clear in policies and orders that when dealing with youth, the goal is always to divert them out of the criminal justice system whenever possible.



### Employing Smart and Effective Policing Standards and Strategies Highlights

#### Law Enforcement Strategies to Reduce Racial Disparities and Build Trust

- Localities and their police agencies should examine how focus deterrence, hot-spots policing, and problem-oriented policing could meet the needs of their communities.
- Agencies should have formal use of force policies that at minimum meet the requirements of the New York State Law Enforcement Accreditation Program. Agencies should also consider amending their use of force policies to:
  - Include a principled commitment to preserving human life
  - Require officer to de-escalate situations when circumstances permit
  - Establish a duty to intervene if another officer is using excessive or unnecessary force
  - Require officers to render medical aid for individuals injured as a result of police actions
  - Prohibit shooting at moving vehicle, strangleholds, the use of deadly force on individuals who pose a risk only to themselves, and the use of retaliatory force.
  - Require officers to issue a verbal warning before the use of force, to exhaust all alternatives prior to the use of deadly force, and that force is proportional to the threat posed.
- Agencies should consider having supervisors respond to crises involving a weapon, a person experiencing a mental health crisis, or if a dispatcher/member of department believes there to be a potential for significant use of force.
- Agencies should require officers to report every time they draw their weapon
- Training on the use of force and firearms should include scenarios where officers are not required to use force or discharge their weapon.
- Agencies should train and support the use of the Distance, Cover, and Time concept.
- Agencies should have detailed pursuit policies that give priority to the safety of the public, officer, and subject.

#### Community Engagement

- Municipalities with police agencies should consider establishing a community-engaged policymaking is a process where policies and policy changes are created and/or vetted in partnership with community members (especially those in areas with high rates of enforcement activities) through a formalized process and structure.
- Law enforcement hold two-way communication sessions for youth (adolescents and teenagers) to discuss police relations and concerns with police leadership and officers.
- Agencies should organize and consistently hold Executive-level Listening Sessions with the community to engage in honest dialogue and receive feedback in small group settings.
- Agencies should consider creating policies and participating in trainings to address the need of marginalized communities such as requiring officers to recognize the preferred name and gender of an individual, specific training to address barriers with individuals with a disability that impacts their ability to communicate, and eliminating language barriers whenever practicable.

### Fostering Community-Oriented Leadership, Culture and Accountability Highlights

#### Leadership and Culture

- Agencies should evaluate their performance management and evaluation systems. Criteria for hiring and promotion and align them with the principles of procedural justice and community policing.
- Agencies should consider using up-to-date evaluation tools capable of evaluating new hires' community policing skills and develop tools for evaluating promotions that focus on community policing skills and outcomes as opposed to arrests or tickets issued.
- Municipalities and agencies should consider creating awards and commendations that recognize officers committed to community policing, procedural justice, and advancing other reform goals.

#### Tracking and Reviewing Use of Force and Identifying Misconduct

- Police departments should put in place clear policies regarding reporting and documenting the use of force.
- Agencies should consider adopting clear disciplinary policies for who fail to report use of force or who falsify such reports.
- Agencies should review all use of force incidents, including as part of performance evaluations. Said reviews should be used to also evaluate the effectiveness of policies, procedures, and training.
- Agencies should utilize use of force and administrative review findings as the basis for proactive, nonpunitive interventions
- Municipalities and police agencies should consider providing the public with an annual summary of all use-of-force incidents including basic details of force incidents and the findings of internal or external investigations or reviews.
- Agencies should consider prohibiting supervisor involved in a use of force incident from taking part in the investigation of said incident.
- Larger agencies should consider implementing data driven Early Intervention Systems that identify and prevent problematic and dangerous behavior. Smaller agencies may consider creating a committee of first-line supervisors to review subordinates' work behavior quarterly.

#### Citizen Oversight and Other External Accountability

- Municipalities and agencies should evaluate the need and feasibility of establishing a community review board including what model you will choose to implement.
- Agencies should consider becoming accredited by the New York State Law Enforcement Accreditation Program.

### Fostering Community-Oriented Leadership, Culture and Accountability Highlights

#### Internal Accountability for Misconduct

- Agencies should consider implementing a standalone “duty to intervene” policy that requires members to intervene if witnessing a fellow officer engage in an act that is unethical, in violation of any law or policy, or when force is being inappropriately applied.
- Agencies should consider providing training on peer intervention and developing internal affairs policies in conjunction with employee representatives and community stakeholders.
- Law enforcement agencies should adopt an open and accessible complaint registry system and complaint investigation process/policy, with multiple access points and various means for accepting complaints.
- Departments and/or Municipalities should consider putting in place anti-retaliation policies to protect both internal and external complainants, establishing an “Inspector General,” generating and distributing internal memos regarding official findings of misconduct to all police agency employees, and establishing and managing a database of data related to the investigation of misconduct complaints.
- Departments should consider the use of a discipline matrix and the principles of procedural justice to guide internal disciplinary procedures.
- Local agencies should consider adopting a process by which departments regularly review lawsuit data to identify problematic officers, units, policies, and practices.
- Agencies should establish a written Standard of Conduct that pertains to both on and off-duty behavior that is inconsistent with the mission and ethical code of their law enforcement agency.

#### Data, Technology and Transparency

- Local law enforcement agencies should comply with the Death in Custody Reporting Act (DCRA), participate in the FBI’s National Use-of-Force Data Collection, and consider participating in Nation Decertification Index or any index created by the US Department of Justice.
- Agencies should consider putting in place policies about the timely release of information to the public after the use of deadly force.
- Agencies should consider collecting traffic stop data and publishing aggregate data annually.
- Agencies should consider publishing all general and special orders on their website within 24 hours of the issuance of said orders.
- Agencies should consider requiring officers to wear body cameras and create clear policies governing their use, including disciplinary measures for failing to adhere to said policies, and retention and storage of data.

### Recruiting and Supporting Excellent Personnel Highlights

#### Recruiting a Diverse Workforce

- Agencies should invest in growing their own talent by setting up cadet, pre-cadet, auxiliary police, Explorer, and/or internships programs.
- Agencies should evaluate recruitment materials and ensure they are designed and targeted in hopes of attracting a diverse candidate pool, such as utilizing messages on career benefits that have been shown to attract more diverse candidates.
- Departments should evaluate their hiring and recruitment process and identify barriers within such a process that limit recruiting a diverse law enforcement workforce.
- Educate the public about the hiring process, provide test and physical exam preparation classes, and provide test preparation materials to candidates.

#### Training and Continuing Education

- Evaluate current training academy policies and procedures and ensure they align with the “guardian” mindset and conform to the goals of 21<sup>st</sup> century policing (procedural justice and community policing).
- Agencies should consider establishing performance-based criteria for selecting personnel who will conduct agency training programs.
- Agencies should consider requiring the New York State Law Enforcement Accreditation Program standard of 21 hours of annual in-service training.
- Agencies should consider implementing leadership training for all department members but prioritize training for new sergeants or officers in charge.
- Training on the use of force and firearms should include scenarios where officers are not required to use force or discharge their weapon. Such training should be arranged so that it either follows or is followed by training in de-escalation.
- Agencies should require officers to participate in procedural justice, implicit bias awareness training, and Crisis Intervention Training.
- Agencies should also consider training on how officers can better work with specific marginalized communities.
- Agencies should consider conducting periodic reviews, audits, and assessments of training programs to ensure that they are not teaching outdated practices and/or basing their trainings on outdated understandings of community needs.
- Agencies should adopt policies requiring the maintenance of complete, accurate, and up-to-date training records.

#### Supporting Officer Wellness and Well-Being

- Agencies should evaluate programs in place to address the wellness and well-being of officers and consider implementing peer support, journaling, and counseling programs.

## Introduction and the Collaborative Process

According to a July Gallup poll, 58 percent of all Americans said major changes are needed to make policing better, while only 6 percent say no changes are needed.<sup>1</sup> Another national poll, conducted under the joint direction of a Republican polling firm and a Democratic firm, found that nearly three quarters of voters supported a litany of reforms including, among other reforms: local hiring incentives, body camera requirements, co-responder programs, a national use-of-force standard, and public databases for officer misconduct.<sup>2</sup> What's more is the depth of the support for reform, as respondents "who expressed strong support for these proposals outweigh the combined weak and strong opposition by 30 points."<sup>3</sup> While at the same time, 67 percent of US Adults, including 61 percent of Black Americans, wanted the police presence in their neighborhoods to stay the same.<sup>4</sup>

On June 12<sup>th</sup>, Governor Andrew Cuomo signed Executive Order No. 203: New York State Police Reform and Reinvention Collaborative. The order mandates a process and creates impetus at the local level "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." The order provides that to remain eligible for future state funding, law enforcement agencies must adopt a plan and local governments must certify said plan by April 1, 2021. The plan must meet the requirements of the Executive order No. 203.<sup>5</sup>

Further, on June 16<sup>th</sup>, President Donald Trump signed his own Executive Order on Safe Policing for Safe Communities. This order made federal grant funding contingent up law enforcement agencies becoming accredited by certified credentialing bodies and required that provide the necessary information to a federal database that would track: terminations or de-certifications of law enforcement officers: criminal convictions of law enforcement officers for on-duty conduct, civil judgments against law enforcement officers for improper use of force; and note instances where a law enforcement officer resigns or retires while under active investigation related to the use of force.<sup>6</sup>

In response to these orders and, more crucially, the tragedies occurring throughout our nation, the County brought together police leaders, community activists, elected officials, and concerned citizens to form the Dutchess County Police Reform and Modernization Collaborative. The members of the collaborative met, held public forums, and solicited ideas from the public on what reforms are needed to make our community a safer and fairer place to

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<sup>1</sup> <https://news.gallup.com/poll/315962/americans-say-policing-needs-major-changes.aspx>

<sup>2</sup> <https://craftmediabucket.s3.amazonaws.com/uploads/JAN-cut50-July-2020-Survey-Topline-Final1.pdf>

<sup>3</sup> <https://www.arnoldventures.org/stories/new-polling-finds-extraordinary-bipartisan-support-for-policing-reforms/>

<sup>4</sup> <https://news.gallup.com/poll/316571/black-americans-police-retain-local-presence.aspx>

<sup>5</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf) (Pgs. 118-121)

<sup>6</sup> <https://www.whitehouse.gov/presidential-actions/executive-order-safe-policing-safe-communities/>

live (for a list of members please see the Appendix). This larger group was broken down into two separate smaller workgroups with distinct goals and tasks. The first workgroup was the Community Stakeholders, this group was comprised of members of the public, non-profits, faith-based community groups, Public Defender's office, County government, County Legislature, District Attorney's office, local law enforcement, mental health sector, higher education, and the Dutchess County Human Rights Commission. The purpose of this groups was to help create a model plan to guide and support local efforts in reforming police and policing in Dutchess County as well as lay the foundations for a specific reform plan for the Dutchess County Sheriff's Office. The other group was the Municipal Leaders and Police Chiefs Workgroup, made up of local elected officials and the heads of all law enforcement agencies in Dutchess County. This group was convened to help prepare the members to conduct their own process as directed by Executive Order No. 203, update them about the work of the Community Stakeholder Workgroup, and jointly set goals/expectations.

In August of 2020, New York State released [guidance](#) to help shape the goals and processes required by Executive Order No. 203. The guidance lays out the general expectation collaborative process as follows:

- “Review the needs of the community served by its police agency, and evaluate the department’s current policies and practices;
- Establish policies that allow police to effectively and safely perform their duties;
- Involve the entire community in the discussion;
- Develop policy recommendations resulting from this review;
- Offer a plan for public comment;
- Present the plan to the local legislative body to ratify or adopt it, and;
- Certify adoption of the plan to the State Budget Director on or before April 1, 2021.”<sup>7</sup>

The document also identifies key areas for potential reform discussion and efforts:

- What Functions Should the Police Perform?
  - Determining the Role of the Police
  - Staffing, Budgeting, and Equipping Your Police Department
- Employing Smart and Effective Policing Standards and Strategies
  - Procedural Justice and Community Policing
  - Law Enforcement Strategies to Reduce Racial Disparities and Build Trust
  - Community Engagement
- Fostering Community-Oriented Leadership, Culture and Accountability

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<sup>7</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

- o Leadership and Culture
  - o Tracking and Reviewing Use of Force and Identifying Misconduct
  - o Internal Accountability for Misconduct
  - o Citizen Oversight and Other External Accountability
  - o Data, Technology and Transparency
- Recruiting and Supporting Excellent Personnel
  - o Recruiting a Diverse Workforce
  - o Training and Continuing Education
  - o Supporting Officer Wellness and Well-Being

Prior to the release of the State guidance, and at the request of the Community Stakeholder Group members, five smaller focus groups were formed around a set of topic areas to enable in-depth and open conversations. The topic areas were:

- Building Public Trust and Legitimacy by Enhancing Connection to the Community (Procedural Justice, Community Policing, Community Engagement, Reducing Racial Disparities, Diversifying the Workforce)
- Accountability and Transparency (Citizen Oversight, External Accountability, Technology, Transparency, Tracking and Reviewing Use of Force, and Identifying Misconduct)
- Professionalization of Law Enforcement (Culture, Leadership, Training, and Officer Wellness)
- Violence Prevention and Modern Policing Strategies (Reducing Racial Disparities, Limiting Use of Force and Building Trust)
- Diversion Programs and Addressing Mental Health, Homelessness, and Addiction (Alternative/Co-Responder Models, Mental Health First Responders)

Members were assigned to focus groups based on their expressed preferences. Research materials were provided to the groups (those documents are included in the appendix) to help catalyze broad discussion of various issues, concerns, lived experiences, and meaningful ways to make change. The materials included ideas and solutions being discussed throughout the nation and developed by various experts and institutions. The guidance upon its release became the foundational text of our efforts. The focus groups met individually to discuss their topic areas and also help lead discussions on those topic areas during full meetings of the Community Stakeholder workgroup.

In addition to the meeting of both the Community Stakeholders and Municipal Leaders and Police Chiefs workgroups, seven police reform community forums were held. The forums were facilitated by the Dutchess County Commission on Human Rights and participants were asked to answer the question “what are your specific ideas for police reform in Dutchess County?” The forums were held using Zoom to ensure the health and well-being of all participants. A breakdown of the major themes and specific ideas for reform that was derived from these



forums will be included in a separate section of this report and a detailed breakdown can be found in the Appendix of this report.

The following plan reflects the work of the members of the Community Stakeholders and Municipal Leaders and Police Chiefs workgroups, the testimony given at the public forums, and direct public input provided via the online public comment forum. The purpose of this plan is to help guide localities in their efforts to create and adopt a plan of their own. The State guidance provides that although parts of this process can be undertaken in conjunction with neighboring localities or as part of a countywide process, “each locality [with a police agency] will need to solicit meaningful input from its own community and develop an individual plan tailored to its own needs.” Additionally, this model plan will serve as a guide to creating a reform plan for the Dutchess County Sheriff’s Office.

Not all of the best practices contained within the plan will fit the needs of every community, nor will every highlighted solution be implemented in every community. Some agencies may already be implementing some of the suggestions in whole or in part, while other solutions may not meet the needs of certain communities. **The purpose of this plan is to identify best practices, evidence-based solutions, and effective reforms, and then help prioritize those suggested reforms based on the expressed needs and interests of the community.**

## Public Input

From the beginning of this process, public input in addition to the input offered by the Community Stakeholders was critical to developing reform ideas and priorities. To create opportunities for this feedback, a comment form was created and placed on the County’s website, to allow for the public to submit anonymous or named comments on reforming police and policing in Dutchess County. In addition, The Dutchess County Commission on Human Rights hosted seven public forums on Zoom. Six of the meetings gave preference to speakers from a different set of municipalities and one Spanish language forum was held, ensuring that voices throughout Dutchess County were heard.

- Saturday, September 12: Town of Washington including Village of Millbrook, Towns of Stanford, Pine Plains, and Amenia, Town of North East including Village of Millerton.
- Thursday, September 17: Town of Pawling including Village of Pawling; Towns of Dover, Union Vale, Beekman, LaGrange and Pleasant Valley.
- Tuesday, September 22: Town of Wappingers including Village of Wappingers Falls, Town of East Fishkill, Town of Fishkill including Village of Fishkill, City of Beacon.
- Wednesday, September 23: Town of Poughkeepsie and Town of Hyde Park.
- Saturday, September 26: Town of Rhinebeck including Village of Rhinebeck, Town of Red Hook including Villages of Red Hook and Tivoli, Towns of Milan and Clinton.
- Tuesday, Sept 29: City of Poughkeepsie.
- Saturday, October 3: Spanish language forum.



Recordings of said meetings can be found here: <https://www.dutchessny.gov/County-Government/Community-Forums.htm>.

There were clear themes in the public input received — Improving Communication, Increasing Accountability and Transparency, and Building Trust and Legitimacy. More illuminating yet were the most common recommendations received. The following is a brief summary of the most common police reform recommendations received from both the public forums and the online comment form:

- Have social workers and other professionals trained to deal with crises like drug overdoses or mental health issues either replace or accompany police on calls addressing those or similar issues. Provide additional funding for these resources.
- Create a civilian review board at the municipal or inter-municipal level to oversee the police and handle allegations of misconduct (to create accountability and trust).
- Make data available regarding the police's interaction with the public to identify if they are engaging in discriminatory practices (improve transparency).
- Remove police from schools, invest in mental health resources for students.
- Provide additional information to the public about how to file a complaint in a confidential manner against the police (improve communication).
- Diversify the police force (to build trust).
- Clearly communicate resources available to the community to reduce dependence on calling 911.
- Have more diversity, sensitivity, and implicit bias awareness training, as well as providing resources for tools like body cameras and trauma support for officers.

A full summary of the public input broken down by source (forum/municipality or website feedback) is contained within this report's appendix.

The themes identified fit very closely with the topics considered by the Community Stakeholder workgroup and provide a guide for developing plans at both the county and municipal levels. Further, many of the recommendations made by the public were also part of the Collaborative's discussions, the briefs provided to the focus groups, and the State guidance.

## **Collaborative Member Priorities and Discussion Summaries**

This section includes a brief summary of the Community Stakeholder Workgroup's discussions on the various topic areas. This summary included both discussion from the full group and focus group meetings. At the end of this section there is an overview of the major themes and the group's priorities.

### ***Building Public Trust and Legitimacy by Enhancing Connection to the Community***

The collaborative's first focus area, and one of the most important topics, generated a lot of discussions on a range of topics. Trust and legitimacy were the driving theme and the group had

strong feelings as to how to enhance both of these facets of the law enforcement/community relationship. Overwhelmingly the Stakeholders supported efforts to create a law enforcement workforce that was not only representative of the community it policed, but also lived in the community it policed. Suggestions included prospectively setting residency requirements for future officer hires, reducing the County's 60 college credit requirement to be eligible to take the appropriate civil service exam to become a police officer, and changing the recruitment strategies of police agencies to recruit more diverse candidates.

Strengthening the "guardian" mindset among our local police officers, supporting community policing, and increasing positive non-enforcement engagements were also discussed in detail by the group. There was a widely held belief that police departments should be engaging with the community more to understand its needs and expectations. While at the same time, there was a feeling that the community also needs to be committed to communicating said needs and expectations. This led to a discussion about the importance of non-enforcement contacts between the officers and the community to help build trust and understanding.

The Stakeholders also discussed procedural justice and the requisite training. The Rand Corporation defines procedural justice as:

*...the practice of ensuring that the outcomes of civilian interactions with police are perceived as fair and as providing civilians with the opportunity to be heard, regardless of the outcome. Research has shown that people are far more willing to accept the outcome of an encounter with the justice system if the outcome is perceived as fair, regardless of whether the outcome was favorable to them (Tyler, 2011; Higginson and Mazerolle, 2014).<sup>8</sup>*

The group was provided a recording of a procedural justice training session.

There was also a lively discussion about the role of police officers in schools. Those who supported School Resource Officer (SRO) programs pointed to the benefits of having law enforcement officers positively interact with students, provide security, and create relationships that can have a lasting impact. Those who voiced concerns and/or opposition, were troubled by the way such programs may exacerbate the "school to prison pipeline," as well as the potential of children with trauma in their past involving the police may have to relive that trauma when they see an officer in their school. The majority of those who spoke on the topic believed that SRO programs can have a positive impact on a community if they are structured properly and appropriate boundaries are set for the officer's role. Specifically, the group's members believed that officers should not be involved in disciplinary issues and that the program should be structured where the officer has a formalized role in the school such as conducting a class, running an after school or mentoring program, and/or participating in a civics/government classes.

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<sup>8</sup> <https://www.rand.org/pubs/tools/TL261/better-policing-toolkit/all-strategies/legitimacy-policing/in-depth.html>

### *Accountability and Transparency*

The discussions regarding Accountability and Transparency were energetic, passionate, and productive. Discussion began with a conversation on the importance of body-worn cameras for law enforcement officers as well as specific requirements on their use, such as requiring they be operational throughout an officer's shift. This technology was seen by many of the stakeholders as a means to increasing both accountability and transparency, but also trust and legitimacy. Dash cams were also mentioned as valuable tool.

The group also had a discussion on the effectiveness and utility of Early Intervention Systems. Such systems are designed to identify problematic behavior and target corrective action. Some in the group believed these systems were critical and that if designed well offer an alternative to third party oversight. While others thought of such systems as "police policing the police" and worried about their overall fairness and effectiveness.

**Early Intervention Systems (EIS)** – "An early warning system is a data-based police management tool designed to identify officers whose behavior is problematic and provide a form of intervention to correct that performance. As an early response, a department intervenes before such an officer is in a situation that warrants formal disciplinary action. The system alerts the department to these individuals and warns the officers while providing counseling or training to help them change their problematic behavior."<sup>18</sup> Indicators tracked in such a system often include:

- Officer-involved shootings
- Other uses of force
- Citizen-initiated complaints against the officer
- Internal investigations involving the officer
- Missed scheduled firearms qualification or missed court appearances
- Vehicle collisions in which the officer was driving
- Elevated use of time off
- Overtime usage
- Work-related injuries
- Unsatisfactory performance evaluation
- Civil litigation against the officer
- Tardiness
- An EIS may also track positive indicators, including satisfactory performance valuations, awards, commendations, and community member thank you/ appreciation letters."

Source: <https://www.justice.gov/crs/file/836416/download>

Related to this discussion were comments made regarding how internal behavior (workplace issues and behavior) often predicts actions within the community (this comment reaffirmed the importance of utilizing Procedural Justice both internally and externally, while also potentially highlighting the importance of internal disciplinary mechanisms). Comments were also made about the need to ensure reporting of all necessary incidents based on agency policy were

occurring and about concerns of officers resigning in lieu of a negative finding. These concerns fit into a larger discussion about organizational culture and the need for strong disciplinary procedures.

Other comments included the need to investigate and fire officers found responsible of negligence or wrong-doing in any instance that leads to the death of a civilian; the value of having two officers on patrol together; putting clear and strict timelines on reporting actions and/or data; different civilian review board models; and the importance of police agencies having clear standards of conduct that apply to both on-duty and off-duty behavior.

This group discussion also veered back to the importance of law enforcement officers creating strong relationships with the community by participating in local events and finding opportunities to increase the number of positive non-enforcement contacts. There was also comments on the need for officers to living in the communities they police. One stakeholder suggested that at least 50 percent of officers in an agency should live in the municipality in which they are employed.

At the end of our discussion there was a larger understanding of the need for both internal and external mechanisms of oversight.

### ***Professionalization of Law Enforcement***

This group started off with a very insightful comment from a stakeholder — “culture trumps policy every time.” This reinforced the need to support cultures of professionalism, commitment to the community, and constant improvement. A handful of stakeholders in the group believed the best way to support a positive culture and to ensure reform were implemented was to focus on the frontline supervisors. Mentorship within the officer ranks was also highlighted as both need to improve culture.

There was also a lot of discussion about training and the need for in-service training/continuing education. At the same time, there were also comments on training was not a panacea. It is part of a solution, but not the solution in and of itself.

There was also a discussion about recruiting the right individuals and expanding our candidate pool to find more diverse and high-quality candidates. Comments were made about selling the job and community to the family of officers in addition to the officers themselves. Additionally, discussion were had about supporting candidates who sit for the civil service exams and also about more actively recruiting a broader set of candidates. Also discussed was the need for agencies to more actively highlight the work they are doing to serve residents and improve their agencies and their community.

There was also discussion of challenges within agencies of managing their personnel, including civil service rules and other restriction on human resource management.

Throughout the discussion there were several mentions of the stress place on small agencies with the various changes being made to policing. The role of the police also became a topic of discussion with many worrying that law enforcement officers now have too many responsibilities thus increasing the likelihood of conflicts within the community and reducing their capacity to provide for the public's safety.

### *Violence Prevention and Modern Policing Strategies*

A great deal of discussion on this topic area focused on rebalancing current training requirement to concentrate more on de-escalation. In this vein, the group spent some time discussing the need for scenario-based/realistic firearm training exercises and requiring a portion of said exercises to end without the discharge of a firearm. The group also discussed the need for officers to receive de-escalation and firearm training in succession or in close proximity to one another. Incorporating the concept of proportionality into use of force policies was also discussed.

**The test of proportionality** – “whether particular police use of force is proportional to the threat faced by the officers and is appropriate given the totality of the circumstances. Proportionality requires officers to consider if they are using only the level of force necessary to mitigate the threat, and whether there is another, less injurious option available that will safely and effectively achieve the same objective. Proportionality also requires officers to consider how their actions will be viewed by their own agencies and by the general public, given the circumstances. This does not mean that officers, at the exact moment they have determined that a use of force is necessary to mitigate a threat, should suddenly stop and consider how the public might react. Rather, it is meant to be one factor that officers should consider long before that moment, and throughout their decision-making on what an appropriate and proportional response would be.”<sup>1</sup>

Source: <https://www.policeforum.org/assets/30%20guiding%20principles.pdf>

The group also began discussions about the need for alternate or co-responders to aid or address calls related to mental health crises or substance use disorder. There was also discussion about the importance of continuing to educate law enforcement and the public about the Dutchess County Stabilization Center. The Center is a 24/7 walk-in facility that provides a single point of service where individuals can receive crisis counseling, mental health assessments, supervised outpatient withdrawal services, counseling, and peer advocacy and support. The center is in part meant to divert individuals in need of substance use or mental health services from the criminal justice systems and its establishment was instrumental in reducing our local jail population.

### *Diversion Programs and Addressing Mental Health, Homelessness, and Addiction*

Responding to a general interest among stakeholders in what programs currently exists, discussions began with an overview of the various diversion, restorative justice, alternatives to incarceration programs that exist in Dutchess County.

Addressing the opioid epidemic and substance use more broadly was part of the discussion. There were concerns about whether law enforcement officers were best suited to connecting individuals in need to treatment. Another, which had become a broader concern through many of the workgroup's discussions, was on the question of why do we expect police officers to also be social workers. This was an across the board concern from workgroup members of all backgrounds including former law enforcement and mental health professionals. As part of this discussion there was an identified need to strengthen the connection between the frontline responders and established systems of care as well as a need for mental health professionals to engage directly with people in crisis. One stakeholder member also believed law enforcement officers should receive more medical training and education on human physiology and anatomy to create a deeper understanding of the risks of death or serious injury posed by the application of force.

There was also discussion of the 911 center and diverting calls to mental health professionals rather than solely to law enforcement or emergency medical services.

### *Themes and Priorities*

The workgroups discussion revolved around several key themes revolving around the core issue of reducing racial disparities and improving including:

- Building a law enforcement workforce that is representative of the community it polices.
- Reconnecting law enforcement to the community
- Creating better mechanism for addressing mental health and substance use issues in the community
- Creating better lines of communication between the police and the community
- Ensuring law enforcement officers are held accountable for their actions

The group through discussions and submissions highlighted some key priorities:

- Requiring law enforcement officers in Dutchess County to wear body worn cameras, create clear policies to require their operation, and set guidelines for the release of footage, If/when the Town can afford them.
- Increase the number of positive non-enforcements contacts law enforcement officers have with residents of their community, improving community relations, and expanding their involvement in community events and activities (e.g. sports leagues, non-profit programs, etc.).
- Require agencies to adopt internal/external procedural justice as their guiding principle.
- Adopt a community-engaged policy making process which elicits the help of a group of community members to review and/or revise general or special orders that substantially impact the community.

- Increase the diversity of the law enforcement workforce by improving recruitment tactics, removing barriers, and eliminating other unnecessarily restrictive hiring practices or policies.
- Increase local law enforcement members' connection to the community by requiring or incentivizing residency in the community they police.
- Identify training deficiencies, require in-service training, and ensure officers are trained in procedural justice (also referred to as Principle Policing), implicit bias awareness, de-escalation, and Crisis Intervention Team (CIT) training.
- Ensuring that the efficacy of training is evaluated routinely, and that experiential and scenario-based training are utilized whenever possible.
- Create alternative or co-responder programs to address social and medical issues, and augment mental health services, Mobile Crisis Intervention Team, dispatch mental health professionals through 911 dispatcher to achieve this goal.

## **PART TWO: BEST PRACTICES AND GUIDANCE**



## Best Practices and Guidance

Recommendations and best practices are organized around the State guidance's topic areas:

- What Functions Should the Police Perform?
  - Determining the Role of the Police
  - Staffing, Budgeting, and Equipping Your Police Department
- Employing Smart and Effective Policing Standards and Strategies
  - Procedural Justice and Community Policing
  - Law Enforcement Strategies to Reduce Racial Disparities and Build Trust
  - Community Engagement
- Fostering Community-Oriented Leadership, Culture and Accountability
  - Leadership and Culture
  - Tracking and Reviewing Use of Force and Identifying Misconduct
  - Internal Accountability for Misconduct
  - Citizen Oversight and Other External Accountability
  - Data, Technology and Transparency
- Recruiting and Supporting Excellent Personnel
  - Recruiting a Diverse Workforce
  - Training and Continuing Education
  - Supporting Officer Wellness and Well-Being

Using these topic areas to organize recommendations and best practices will allow localities and agencies to better follow the State's guidance and meet the expectations of the Governor's Executive Order. We did not seek to answer every question or prompt with the State's guidance as some of the questions are philosophical in nature and will require each municipality to apply its own framework while also considering the needs and desires of the community. Additionally, many of the questions and prompts were to prepare municipalities for this process, those have been left out as well. Municipalities should read and utilize the State's guidance in addition to considering the reforms included within this report.

## Determining the Role of the Police<sup>9</sup>

### *How should the police and the community engage with one another?*

The President's Task Force on 21st Century Policing supports the concept that "procedural justice should be the guiding principle for both citizen-police interactions as well as for internal policies and practices in police agencies (e.g., involving employees in organizational change and revisions to disciplinary procedures)."<sup>10</sup> The workgroups supported the adoption of both

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<sup>9</sup> Pages 9-19 of New York State Police Reform And Reinvention Collaborative Resources and Guide for Public Officials and Citizens: [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>10</sup> [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

internal and external procedural justice practices in all local police agencies, these concepts are defined as follows:

- **Internal procedural justice** refers to practices within an agency and the relationships officers have with their colleagues and leaders.
- **External procedural justice** focuses on the ways officers and other legal authorities interact with the public and how the characteristics of those interactions shape the public's trust of the police.<sup>11</sup>

*Should you deploy social service personnel instead of or in addition to police officers in some situations?*

This was a primary topic of concern and a priority of many on the Community Stakeholder Workgroup. Additionally, a number of current and former law enforcement officers expressed concerns about the expanding role of law enforcement in addressing social and medical issues in the community.

The Dutchess County Criminal Justice Council (CJC) subcommittee on police reform will be tasked with examining building on current programs such as the County's HELPLINE, 911 Call Center, and Mobile Crisis Intervention Team (MCIT) to create a formalized alternative/co-responder program to divert calls related to social and mental health issues away from police agencies and to trained social workers and mental health professionals.

Dutchess County continues to look for ways to more directly intervene with individuals experiencing homelessness, substance-use disorders, and mental health crises. The County has partnered with local agencies to support the aforementioned BEAT patrol. Additionally, the County Department of Behavioral and Community Health (DBCH) operates the Mobile Crisis Intervention Team (MCIT). The MCIT is a team of professionals who respond to people in crisis in the community, de-escalate situations involving people in crisis, and connect them to services. In 2021, Mental Health America is taking on the lead in staffing the team, the change will allow for more fluidity in practice, meaning the MCIT will be out in the community operating more visibly, proactively, and with a greater emphasis on case management.

Some local agencies have already begun expanding access to mental health services by contracting with local community providers.

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<sup>11</sup> [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

### *What function should 911 call centers play in your community?*

**The Dutchess County 911 Call Center** — The Department of Emergency Response maintains an inter-municipal agreement with the City of Poughkeepsie to provide backup services between agencies. The County and the City of Poughkeepsie maintain 911 Communication Centers. If either center's call receiving capabilities are exceeded or a 911 call cannot be answered there is an automated system in place to have the call answered by either center. The Department of Emergency Response maintains and administers the county-wide enhanced 911 system. The system provides emergency dispatch to 37 Fire Agencies, 5 Ambulance agencies and 13 Police agencies within Dutchess County. This integrated system utilizes the latest telecommunications technology. This centralized dispatch operation allows resources to be deployed more quickly for a coordinated and efficient response.

Beginning in 2021, the Dutchess County HELPLINE operations will be co-located with the Department of Emergency Response which will provide greater oversight, opportunities for cross-training, and an expanded multi-disciplinary approach to emergency dispatch and response. HELPLINE is Dutchess County's 24/7 counseling, crisis intervention, information, and referral services telephone and texting service. This more integrated approach will allow us to better target services to those in need and divert calls away from law enforcement that are more appropriately handled by mental health professionals.

### *Should Law Enforcement Have a Presence in Schools?*

A number of school districts throughout Dutchess County have School Resource Officers (SROs). The decisions to keep such programs in place should be made by the school district in conjunction with the Town of Pine Plains Police Department and pertinent police agencies. The PPPD should be welcome in the schools as partners in the safety of the community.

The PPPD and police agencies should create clear boundaries with school districts that officers are not used to address non-criminal offenses in schools. The State's guidance suggests:

"...the creation of a memorandum of understanding or agreement between the police department and the school district so as to clearly establish their roles and responsibilities."

The PPPD would like a clear agreement with the school district as to their relationship with the schools. This should include a good working relationship with the school SROs.

## **Staffing, Budgeting, and Equipping Your Police Department<sup>12</sup>**

### *How Should the Police Engage in Crowd Control?*

As recommended in the President's Task Force on 21st Century Policing "Law enforcement agencies should create policies and procedures for policing mass demonstrations that employ a

<sup>12</sup> Pages 19-21 of New York State Police Reform And Reinvention Collaborative Resources and Guide for Public Officials and Citizens: [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

continuum of managed tactical resources that are designed to minimize the appearance of a military operation and avoid using provocative tactics and equipment that undermine civilian trust.”<sup>13</sup>

- Prohibit the use of water cannons and acoustic weapons for crowd control purposes.
- Restrict the use of tear gas for crowd control purposes to only those “situations in which crowds engage in violent acts, such as riots, that risk death or serious injury and all other options have been exhausted. The use of tear gas should require approval from the highest level of the department, (i.e., from the chief or commissioner).”<sup>14</sup>
- Examples and guidance for policy development:
  - “In summary, Links et al. (2015) recommend that agencies have specific policies on the use and escalation of force (including arrests) in mass demonstrations, and use as much initial restraint as possible to avoid escalation. They also suggest paying attention to knowledge on procedural justice and community policing, as well as critical infrastructure protection as it applies to mass demonstrations.”<sup>15</sup> <sup>16</sup> See:  
[http://mayor.baltimorecity.gov/sites/default/files/Baltimore%20City%20Recommendations%20v120415\\_0.pdf](http://mayor.baltimorecity.gov/sites/default/files/Baltimore%20City%20Recommendations%20v120415_0.pdf)
  - Internal Association of Chiefs of Police Model Policy on Crowd Management:  
<https://www.theiacp.org/sites/default/files/2020-08/Crowd%20Management%20FULL%20-%2008062020.pdf>
- The Pine Plains Stakeholders Committee asks for meetings with the police and local officials with anyone planning a protest in our town, so as to set the parameters and create a relationship and agreements regarding behavior.

### *Should the Police be “Demilitarized”?*

The use of military equipment and vehicles can be seen as creating a divide between the police and the community. It is a visual representation of the “warrior cop” mentality and the idea that the cops are at war with the community. Agencies in possession of this equipment should create detailed policies about when such equipment, especially highly visible and/or lethal equipment can and will be utilized.

Municipalities wishing to restrict the use of such equipment should pass local laws requiring approval local governing bodies (County Legislature, Town Board, City Council, Village Trustees, etc.) prior to a police agency receiving grants and military equipment from programs such as the 1033 program or federal grant funding – OR – prohibit police agencies from obtaining military equipment or using federal funds to purchase such equipment. Laws should clearly

<sup>13</sup> [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

<sup>14</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>15</sup> <https://www.theiacp.org/sites/default/files/all/i-j/IACP%20GMU%20Evidence%20Assessment%20Report%20FINAL.pdf>

<sup>16</sup> [http://mayor.baltimorecity.gov/sites/default/files/Baltimore%20City%20Recommendations%20v120415\\_0.pdf](http://mayor.baltimorecity.gov/sites/default/files/Baltimore%20City%20Recommendations%20v120415_0.pdf)

define military equipment. The use of such vehicles at community and outreach events should be considered in the light of what military-style vehicles may represent to the community.

**Background on the Federal 1033 program:**

“In the National Defense Authorization Act for fiscal years 1990 and 1991, Congress authorized the transfer of excess DoD property to federal, state and local law enforcement agencies. Congress later passed the NDAA for fiscal year 1997, which allows law enforcement agencies to acquire property for bona fide law enforcement purposes – particularly those associated with counter-drug and counter-terrorism activities. The program has been named in the press and elsewhere as the “1033 Program,” which refers to the numbered section of the 1997 NDAA that granted permanent authority to the Secretary of Defense to transfer defense material to federal, state and local law enforcement agencies.”

The Defense Logistics Agency's Law Enforcement Support Office's (LESO), which oversees the 1033 program, equipment falls into two categories: uncontrolled and controlled equipment. Uncontrolled equipment includes “things like hand warmers, generators, desks and office supplies.” The more controversial items fall into the controlled items categorization, including “firearms, armored personnel carriers and night-vision goggles.”<sup>17</sup> In order to receive a controlled item “a law enforcement agency must demonstrate it has a need for such equipment and civilian executive support for the acquisition—for example, the approval of a mayor or board of supervisors.”

Sources:

<https://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/ProgramFAQs.aspx#q1>

<https://www.rand.org/blog/2020/07/how-to-reform-military-gear-transfers-to-police.html>

Additionally, localities interested in reducing other forms of militarization should consider requiring agencies with Special Weapons And Tactics (SWAT) Teams or their equivalent to put in place detailed protocols about when and how said teams should be deployed.

- “SWAT teams should be used for warrant service only when officers can show the existence of an imminent threat of serious bodily injury or harm, such that officers would be unable to execute a warrant safely without SWAT assistance. Department leaders should provide guidance on the types of warrant searches that justify the SWAT deployment and reasonable tactics when serving high-risk warrants. When executing a warrant each action taken (for example, using a battering ram to enter after a knock-and-announce fails), each action or use of force should be justified. SWAT teams, and officers in other units who also execute warrants, need ongoing specialized training to reduce use of force.”<sup>17</sup>
- After the tragic death of Breonna Taylor, “at least 13 local governments or police departments — from Baltimore to Killeen, Texas — have banned the “no-knock” warrants or restricted their use.”<sup>18</sup> Localities wishing to de-militarize the police further

<sup>17</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>18</sup> <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/10/27/breonna-taylor-killing-spurs-action-against-no-knock-warrants>

should consider such a ban or require agencies to set clearer and stricter thresholds for when such warrants will be sought.

## Procedural Justice and Community Policing<sup>19</sup>

### *Procedural Justice*

To support creating more procedurally just law enforcement agencies, the County, in partnership with the Dutchess County Sheriff's Office and trainers from local agencies, including the City of Poughkeepsie Police Department, is offering procedural justice and implicit bias awareness training to all law enforcement agencies. The training will begin late 2020 and continue with the goal of having every officer in Dutchess County trained by the end of 2021. Research on procedural justice training efforts in Seattle and Chicago shows the training helped dramatically reduce citizen complaints against officers, use of force incidents, and arrests.

- “In a 2019 Center survey, 84% of black adults said that, in dealing with police, blacks are generally treated less fairly than whites; 63% of whites said the same. Similarly, 87% of blacks and 61% of whites said the U.S. criminal justice system treats black people less fairly.”<sup>20</sup>
- “Studies examining the basis of minority reactions to policing practices suggest that the primary concerns raised by the minority community are about procedural justice. Those studies suggest that both white and minority group members evaluate their personal interactions with police officers through a procedural justice framework. Minority concerns are directly linked to issues of mistrust in police motives and perceptions of disrespectful treatment in dealings with the police. If the police address such concerns, their legitimacy in the minority community should increase.”<sup>21</sup>
- “Moreover, when police use procedural justice principles (e.g., fairness, transparency) during interactions, residents often feel more satisfied and consider the police more legitimate (Mazerolle et al. 2013).”<sup>22</sup>
- A recent study “tested a program based on procedural justice principles in Seattle’s police department. The goal was to push officers to slow down their decision-making and take civilians’ views into consideration. The researchers found that officers who were randomly assigned to this new training were less likely to resolve incidents with arrests or use force.”<sup>23 24</sup>
- A research evaluation of the study cited in the prior bullet “tested another procedural justice training program in Chicago. All Chicago police were required to complete the

<sup>19</sup> Pages 22-35 of New York State Police Reform And Reinvention Collaborative Resources and Guide for Public Officials and Citizens: [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>20</sup> <https://www.pewresearch.org/fact-tank/2020/06/03/10-things-we-know-about-race-and-policing-in-the-u-s/>

<sup>21</sup> [https://www.policeforum.org/assets/docs/Free\\_Online\\_Documents/Leadership/legitimacy%20and%20procedural%20justice%20-%20a%20new%20element%20of%20police%20leadership.pdf](https://www.policeforum.org/assets/docs/Free_Online_Documents/Leadership/legitimacy%20and%20procedural%20justice%20-%20a%20new%20element%20of%20police%20leadership.pdf)

<sup>22</sup> [https://www.urban.org/sites/default/files/publication/102035/catalyzing-policing-reform-with-data\\_2.pdf](https://www.urban.org/sites/default/files/publication/102035/catalyzing-policing-reform-with-data_2.pdf)

<sup>23</sup> <https://www.niskanencenter.org/how-to-fix-policing/>

<sup>24</sup> <https://onlinelibrary.wiley.com/doi/abs/10.1111/1745-9133.12337>

one-day program, but the department couldn't train all 8,000 officers at once. The training was delivered to 25 officers per month, over several years. This allowed researchers to measure its effects by comparing officers who received the training earlier to those who received it later. They found that the training dramatically reduced citizen complaints against officers, as well as the use of force. Many benefits of such behavioral changes are difficult to quantify, but one is not: researchers estimated that this one-day training program reduced payouts for settled complaints by \$4.2 million over the two-year follow-up period."<sup>25</sup> <sup>26</sup>

### Best Practices in Procedural Justice

- Provide training in procedural justice, often referred to as principled policing.
- Include procedural justice principles and strategies in department policy manuals
- Adopt policies requiring officers to identify themselves by their full name, rank, and command (as applicable) and provide that information in writing to individuals they have stopped. Policies should require officers to state and/or provide in writing the reason for the stop (including traffic stops) and the reason for the search if one is conducted. Many agencies across the nation have provided officers with business cards that include the pertinent information as well as provide directions on how to file a complaint. The Pine Plains Stakeholders Committee requests cards for each officer.
  - "To instill confidence in the public following substantial criticism of its "stop-and-frisk" program, in 2018 the NYPD began offering business cards to individuals who were subject to a "stop and-frisk," but were not arrested. The business cards include officer information and information on how to obtain body camera footage."<sup>27</sup> <sup>28</sup>
- Agencies can also promote and show examples of procedural justice and legitimacy by practicing these principles internally. This can be achieved, in part, by giving officers of all ranks a greater voice in departmental decisions and by ensuring the fairness of disciplinary procedures.<sup>29</sup>
  - Additionally, agencies "should examine opportunities to incorporate procedural justice into the internal discipline process, placing additional importance on values adherence rather than adherence to rules. Union leadership should be partners in this process."<sup>30</sup>
  - For other ways to incorporate internal procedural justice see Principles 13-23 of: [https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report.pdf](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf).

<sup>25</sup> <https://www.niskanencenter.org/how-to-fix-policing/>

<sup>26</sup> <https://www.pnas.org/content/117/18/9815>

<sup>27</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>28</sup> <https://www1.nyc.gov/site/ccrb/complaints/right-to-know-act.page>

<sup>29</sup> <https://www.theiacp.org/sites/default/files/all/i-j/IACP%20GMU%20Evidence%20Assessment%20Report%20FINAL.pdf>

<sup>30</sup> [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)



- Agencies should form Procedural Justice Advisory Committees which include officers, community members, and elected officials OR incorporate this responsibility in a more general Community Oversight or Police Policy Advisory Council. For instance, at the County level, this could be incorporated into the duties of the CJC subcommittee on police reform.
- Incorporate questions related to procedural justice and feelings of fairness into community surveys to track outcomes.

### Community Policing

Community policing, or community-oriented policing, is an alternative to the standard model of policing (random patrol, rapid response to 911 calls, reactive-arrest policies) and response to growing frustration with that model's ineffectiveness in reducing crime and disorder:

*This dissatisfaction with the standard model provided the foundation for community-oriented policing, which recognized what both scholars and police practitioners had begun to observe—that much of the police role involved order maintenance, service provision, fear reduction, and conflict resolution rather than crime fighting (Kelling & Moore, 1988; Reiss Jr., 1971; Skogan & Frydl, 2004; Skogan & Hartnett, 1997; Weisburd & Braga, 2006). Thus, the emergence of community policing in the 1970s and 1980s provided an opportunity to reemphasize these “forgotten” police roles, reorient police priorities with the community at the center, and reconnect with disillusioned citizens (Scheider, Chapman, & Schapiro, 2009; Skolnick & Bayley, 1988).<sup>31</sup>*

Community Policing is best defined as “a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.”<sup>32</sup> It contains three key elements 1) community partnerships, 2) problem solving, and 3) organizational transformation. These topics are further described here:

*The **community partnerships** element requires police to draw upon the expertise of the community in crime prevention efforts, where “community” is broadly understood to include community groups, businesses, local government, service providers, and the media as well as individual citizens (see also Trojanowicz & Bucqueroux, 1994). **Problem-solving** requires police to develop a systematic approach to identifying and prioritizing crime and disorder issues that are most important to the community and develop interventions in partnership, rather than the traditional reactive response to individual crimes. Thus, community-oriented policing is related to—but does not completely overlap with—problem-oriented policing. The latter may or may not involve the community (Goldstein, 1990; Weisburd, Telep, Hinkle, & Eck, 2008, 2010). Finally, **organizational transformation** emphasizes the characterization of community-oriented*

<sup>31</sup> <https://onlinelibrary.wiley.com/doi/full/10.1002/CL2.174>

<sup>32</sup> <https://cops.usdoj.gov/RIC/Publications/cops-p157-pub.pdf>



*policing as an overarching philosophy of policing, reflecting a commitment on the part of the entire police organization. Community-oriented policing requires a shift in traditional notions of police leadership, structure and bureaucracy, and information sharing in order to allow street-level officers more leeway and flexibility in everyday decision-making that affects the community.*<sup>33</sup>

### **Best Practices in Community Policing**

- Engage all officers, not just subsets, in community policing.
- Many local agencies already have policies that require or encourage officers to conduct “foot patrols, where officers leave their vehicles behind and walk through a community on a frequent basis, which allows officers to spend time talking and working with residents in a specified geographic area (e.g., walking the beat) and to become more familiar with the residents (and the residents to become more familiar with the officers).” Other agencies should examine their policies and amend as necessary.
- Use up-to-date evaluation tools capable of evaluating new hires’ community policing skills and develop tools for evaluating promotions that focus on community policing skills and outcomes.
  - “Ensure that performance evaluations mirror job descriptions in their focus upon community policing.”
  - Agencies should evaluate their criteria for promotion, for example “Do they include how many arrests an officer has made or what the officer has done with community policing?”
  - “In many departments, antiquated systems for measuring performance are still based on negative indicators such as a lack of citizen complaints, which can have the unintentional effect of discouraging officer-initiated activity. Other performance indicators, such as issuing traffic citations or responding to radio calls promptly, may have little or nothing to do with problem solving or building partnerships with local residents. To truly implement community policing, agencies need performance evaluation systems that recognize competencies that support community policing approaches, such as ethics; problem solving; leadership; and interpersonal, technical, and communication skills.”
  - Promotional criteria should also reflect community policing and procedural justice goals and outcomes
- “Departments may want to consider offering awards, prizes, or other recognition to officers who advance reform goals. Such incentives can change officer behavior and department culture. Some departments invite community members to nominate officers for community policing awards.”<sup>34</sup>

<sup>33</sup> <https://onlinelibrary.wiley.com/doi/full/10.1002/CL2.174>

<sup>34</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

- One stakeholder suggested creating a County-wide excellence award which would recognize publicly the individuals in law enforcement who exemplify 21st century policing standards.
- Policies, mission statements, and job descriptions should include language regarding the critical nature of community policing and procedural justice in each agency and the methods and purpose of meeting goals related to these foundational concepts.
- If practical and appropriate allow officers as part of their “beat” enough time in each neighborhood/community to develop relationships (consistency in assignment)
- Create programs and/or refocus patrols to increase nonenforcement interactions between officers and members of the community.
  - Examples may include dropping by on elderly adults, interacting with local business owners, bringing Gatorade or water to people gathered at a baseball field or basketball court, and/or striking up informal relationships and conversations with community members.
  - Create opportunities in schools and communities for positive nonenforcement interactions with curriculum and sessions designed in partnership with the local community.
  - Participate in local informal sporting events (e.g., youth or adult basketball or soccer games), spending time engaging with children through school events, and attending other events.
  - A number of local agencies have a coffee or cocoa with a cop where an officer and a member of the community spend time talking and building a relationship.
  - One locality is looking to start a program where a new or aspiring driver is paired with a law enforcement officer for a driving lesson.
  - Encourage brief, friendly, and non-enforcement related door-to-door visits.
  - A first of its kind randomized controlled field experiment “found that a single, positive, nonenforcement-related encounter enhanced the legitimacy of police officers and increased people’s willingness to cooperate with the police.” The positive effects of such interactions persisted for 21 days and the findings show “that the visits were effective across racial and ethnic groups and that the long-term positive effects were strongest among non-white residents and people who held negative views of the police prior to the intervention.”
- Agencies should create programs and/or policies that require regular interaction with member of the community including but not limited to community organizations, local business, faith-based organizations, organizations that specifically represent marginalized groups (Immigrant Communities, Limited English Proficiency (LEP) Citizens, Citizens with Disabilities, and the LGBTQIA+ community).
- Municipalities, Law Enforcement agencies, or the County should conduct annual community surveys using accepted sampling protocols (Potentially task to the CJC subcommittee). Examples of surveys and case studies can be found here:

<https://www.theiacp.org/resources/sample-community-surveys> and here <https://cebcp.org/evidence-based-policing/the-matrix/matrix-demonstration-project/surveying-communities/>.

- Law enforcement agencies should place a priority on sharing their community policing successes with the wider community through media and social media. This not only builds trust and support in the community but also rewards and highlights the importance of community policing within the agency.
- Agencies should consult with the community when identifying the desired traits, characteristics, and capabilities they are seeking in their newly hired officers.
- The Pine Plains Stakeholders Committee suggests Touch-a-Truck events geared to police cars, a police relationship with the schools, so that children meet their police and come to know them, possible opportunities for ride-alongs, and events where they might meet a tracking dog or learn about other non-violent services which police provide.

### **Combatting Bias in Policing**

The President's Task Force on 21<sup>st</sup> Century Policing offered the following examination on the importance and understanding of bias:

*All human beings have biases or prejudices as a result of their experiences, and these biases influence how they might react when dealing with unfamiliar people or situations. An explicit bias is a conscious bias about certain populations based upon race, gender, socioeconomic status, sexual orientation, or other attributes. Common sense shows that explicit bias is incredibly damaging to police-community relations, and there is a growing body of research evidence that shows that implicit bias—the biases people are not even aware they have—is harmful as well.*

*Witness Jennifer Eberhardt said, "Bias is not limited to so-called "bad people." And it certainly is not limited to police officers. The problem is a widespread one that arises from history, from culture, and from racial inequalities that still pervade our society and are especially salient in the context of criminal justice."*

*To achieve legitimacy, mitigating implicit bias should be a part of training at all levels of a law enforcement organization to increase awareness and ensure respectful encounters both inside the organization and with communities.*

**Addressing explicit and implicit bias is a critical to both reducing racial disparities** in policing and strengthening the connection to the community. The problem may seem intractable as it is linked to human behavior, the research and experts find consistently that it can be managed and mitigated. As previously mentioned, the County, in partnership with the Dutchess County Sheriff's Office and trainers from local agencies, including the City of Poughkeepsie Police Department, is offering procedural justice and implicit bias awareness training to all law

enforcement agencies. Implicit bias awareness training addresses the automatic associations people make between groups of people and stereotypes about those groups.

### **Best Practices in Reducing Racial Disparities in Law Enforcement**

- Agencies should adopt “training modules to address implicit or unconscious biases. Specifically, trainings and exercises focused on positive interactions and counter-stereotyping may be beneficial, although as we discuss in the training section below, research in this area is still lacking. Additionally, officers should be encouraged to use processes which minimize the influence of officer bias in investigations, including strategies like double-blind line-up presentations.”
  - Utilizing less accusatorial interrogation approaches such as an information-gathering interrogation approach described here: <https://cebcp.org/evidence-based-policing/what-works-in-policing/research-evidence-review/information-gathering-interrogation-approach/>.
- Provide Implicit Bias awareness training on an ongoing basis.
- Screen police officer candidates throughout the hiring and probationary period for explicit bias including using questions meant to unearth such biases, monitoring social media, and observing behavior.
- Create clear policies that those with explicit biases do not share the vision of the law enforcement agency.
- Adopt a bias-free policing policy. Here are two examples:
  - The International Association of Chiefs of Police’s (IACP) Law Enforcement Policy in January 2020 released guidance on Bias-Free Policing including a model policy and concepts an issues paper: <https://www.theiacp.org/sites/default/files/2020-06/Bias-Free%20Policing%20January%202020.pdf>.
  - The City of Poughkeepsie Police Department’s bias-based policing policy can be found here: [https://cityofpoughkeepsie.com/wp-content/files/police/CPPD\\_policy.pdf](https://cityofpoughkeepsie.com/wp-content/files/police/CPPD_policy.pdf) (pgs. 243-245).
- Agencies should refrain from using formally or informally sanctioned practices such as quotas for traffic or pedestrian stops, tickets, and summonses that are not directly related to improving public safety (such as for generating revenue).<sup>35</sup>
  - Current NYS Law (Labor Law Article 7, Section 215-A) prohibits discrimination against employees for failure to meet “a quota, established by his or her employer or his or her duly authorized agent, of (a) tickets or summonses issued within a specified period of time for violations of provisions of law for which a ticket or summons is authorized by any general, special or local law; or (b) arrests made within a specified period of time for violations of provisions of law for which such arrest is authorized by any general, special or local law; or (c)

<sup>35</sup> [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

stops of individuals suspected of criminal activity within a specified period of time.”<sup>36</sup>

- Cap the amount of revenue that can be raised through municipal fines and fees (e.g. no more than 10 percent of revenues can come from fines and fee).
  - Potentially create an alternative fund for fees above the threshold that goes directly to investing in the community (e.g. youth services). Explicitly put in law that said funds cannot offset general budget commitments.
  - Similarly, for police departments, caps on the amount of funds that can support their budget directly should be put in place and surplus fines and fees should flow to the general fund of the local government unit.
- Prohibit police from seizing cash and property from civilians who haven’t been convicted of a crime and short circuit loopholes created by the Federal Equitable Sharing Program.
- The use of investigatory stops should be limited to circumstances in which they promote public safety and do not unnecessarily harm police–community relations. Put in place policies that provide that:
  - Officers use investigatory stops only when they possess articulable, reasonable suspicion that a suspect is committing, has committed, or is about to commit a criminal offense.
  - Officers must be able to put into words both the specific criminal offense that they suspect has been committed and the reasons for their suspicion.
  - An investigatory stop must be limited in scope to the investigation of the criminal offense for which the officer has reasonable suspicion, unless during the course of the stop the officer develops reasonable suspicion or probable cause to believe another criminal offense has occurred, is occurring, or is about to occur.
  - An investigatory stop must last no longer than is necessary for the limited purpose of confirming or dispelling reasonable suspicion that a suspect is committing, has committed, or is about to commit a criminal offense.
  - Investigatory stops are used to investigate the commission of criminal offenses in individual instances when such offenses pose a threat to public safety.
  - The department’s goal of protecting community members is advanced by preventing and investigating serious criminal offenses that pose a threat to public safety. The department should, therefore, establish law enforcement priorities that differentiate between violations of public order and offenses that pose a threat to public safety.
  - Investigatory stops are not to be used to investigate petty crimes, even if reasonable suspicion exists that a suspect is committing, has committed, or is about to commit a petty crime.

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<sup>36</sup> <https://www.nysenate.gov/legislation/laws/LAB/215-A>

- o Investigatory stops should not be used in a widespread, programmatic manner. For the purpose of protecting the public safety, officers are only to conduct investigatory stops when investigating a specific incident of a suspected criminal offense which the officer has reasonable suspicion to believe has occurred, is occurring, or is about to occur.<sup>37</sup>
- o Agencies should also put in place policies that provides:
  - “officers should only stop vehicles if they have probable cause to believe that a traffic violation has occurred or serious crime has occurred.
  - officers should only stop vehicles if they have probable cause to believe that a traffic violation has occurred and they intend to issue a citation for such violation. Vehicle stops are not to be used as a pretext to engage with a motorist to attempt to develop reasonable suspicion of criminal wrongdoing.” (roadblock to check for drunk driving would still be permitted as they represent a distinct type of law enforcement strategy that does not rely on the same reasonable suspicion and probable cause justifications as traditional traffic stops.”
  - “Officers may search a person without a warrant and on less than probable cause only when they first obtain consent of the person to be searched.
    - The officer must explain that the person has the right to refuse to consent to the search.
    - The officer must obtain written (or, if the officer is wearing a BWC, on-camera) acknowledgement of (1) the person’s understanding of their right to refuse to consent and (2) their consent to search.
    - Officers should strive to limit their use of consent searches to situations in which they have articulable, reasonable suspicion to believe that they will find evidence of a serious crime or material or circumstances that otherwise represent a threat to public safety.”<sup>38</sup>
- It should be written into every policy, manual, and guideline that the priority of police departments when dealing with youth should be to divert them out of the criminal justice system at every possible stage. This directive should be ingrained in the ethos of every law enforcement agency.
- Agencies should exam road patrols, random patrols, and other areas to ensure they're aligned with the core mission of providing for the public’s safety. One example is in

<sup>37</sup> [https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report.pdf](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf)

<sup>38</sup> [https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report.pdf](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf)

Dallas where the police department cut traffic patrols and traffic issues were cut by more than half without any meaningful change in accidents or roadway fatalities.<sup>39</sup>

- Use of Force policies are covered in the subsection on De-Escalation Strategy/Best Practices in De-Escalation and Limiting Use of Force.

## Law Enforcement Strategies to Reduce Racial Disparities and Build Trust <sup>40</sup>

### *Using Summonses Rather than Warrantless Arrests for Specified Offenses*

To reduce disparities in arrests and incarceration, agencies “should consider whether your police department should encourage the issuance of summonses rather than conducting warrantless arrests for specified offenses or under specified circumstances.”<sup>41</sup>

### *Diversion Programs and Restorative Justice Programs*

Diversion programs have benefits for communities and law enforcement:

- “For example, the report describes Heartland Family Service, a crisis mediation team in Sarpy County, Nebraska developed in 2015. The service provides immediate de-escalation and conflict resolution services from licensed mental health therapists to families, youth, and communities during a police encounter—and **reduces the average call time for a police officer from two or three hours to just 76 minutes**. This means that police have more time to respond to other calls, leaving them poised to better serve the needs of the community at large, says Jenny Stewart, the organization’s director of crisis response services.”<sup>42</sup>
- “Diversion programs recognize that incarceration or establishment of a criminal record may not be the most appropriate mechanism to address certain conduct, and that education, drug or mental health treatment may provide a better alternative for the individual and the community.”<sup>43</sup>

Dutchess County offers a bevy of diversion and restorative justice programs.

- Restorative justice and evidence-based services offered by the County Office of Probation and Community Corrections include: empathy/letter of apology workshops, community service, Teen Intervene, Interactive Journaling (explores thinking and decision-making) and Decision Points. Functional Family Therapy is also available as well as an evidence-based program at the Lucky Orphans Horse Rescue. Clinical social

<sup>39</sup> <https://www.washingtonpost.com/news/the-watch/wp/2016/07/08/what-dallas-pd-does-right-and-why-doing-those-things-could-now-be-more-difficult/>

<sup>40</sup> Pages 35-42 of New York State Police Reform And Reinvention Collaborative Resources and Guide for Public Officials and Citizens:

[https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>41</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>42</sup> <https://www.vera.org/blog/it-takes-a-village-blog-series/how-police-benefit-from-diversion-strategies>

<sup>43</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)



workers, case manager aides and other individuals from DCFS, DBCH and Astor are on-site.

- **Dutchess County Diversion and Alternatives to Incarceration Programs:**

- Nearly 600 people were served per-month by Dutchess County's Alternatives to Incarcerations Programs (ATIs). Specific per month averages for 2019 were as follows:
  - Intensive Treatment Alternative Program (ITAP) – 17 Pretrial Cases and 23 Sentenced Cases;
  - Transitional Housing Program (THP) – 15 Pretrial Cases and 8 Sentenced Cases;
  - Community Transition Center (CTC) – 100 Cases;
  - Juvenile Electronic Monitoring – 6 Pretrial Cases and 1 Sentenced Cases;
  - Electronic Monitoring – 50 Pretrial Cases and 6 Sentenced Cases;
  - Women's Reporting Center – 60 Cases;
  - Release of Own Recognizance to Probation – 289 Cases; and
  - Release Under Super Supervision – 14 Cases.<sup>44</sup>
- **Intensive Treatment Alternative Program (ITAP)** is an outpatient day rehabilitation program run by the Dutchess County Department of Behavioral and Community Health (DBCH) in conjunction with the Office of Probation and Community Services. The program provides chemical dependency treatment and life skills training (i.e. GED classes, vocational counseling, psychiatric, case management and family services) for criminal justice patients.
- DBCH and the Dutchess County Office of Probation and Community Corrections collaborate to offer **Pre-Trial Diversion services** that provide alternatives to incarceration for individuals with severe and persistent mental illness. The program identifies defendants with severe and persistent mental illness, who could be eligible to be diverted from jail and released under supervision (RUS) if certain community services are in place.
- The **Community Transition Center (CTC)** is a day reporting center that provides high-risk sentenced and pre-trial individuals with cognitive behavioral change skills classes, GED preparation, employment readiness training, and community service opportunities.
- **Functional Family Therapy** intervention is an evidence-based "juvenile diversion program for at-risk children and delinquent youth to overcome adolescent behavior problems, conduct disorder, substance abuse, and delinquency."
- **Teen Intervene** is a program available to youth involved with Probation as a Person in Need of Supervision (PINS) or Juvenile Delinquent. Trained facilitators help youth examine the use of alcohol/drugs and make healthier choices.
- **City of Beacon Drug Treatment Court** is available to Dutchess County residents who are

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<sup>44</sup> Ibid.



over the age of 18 and charged with misdemeanor drug offenses in any jurisdiction in Dutchess County. Eligible defendants receive appropriate treatment as an alternative to incarceration.

- **Dutchess County Judicial Diversion** is available to defendants over the age of 18 years who are charged with non-violent felony offenses directly related to or driven by their drug addiction. The program is a minimum of 18 months, during which time defendants are in treatment for addiction and any other identified needs.
- The DBCH **Forensic Unit** provides Dutchess County's legal system (judges, attorneys, and probation officers) with an independent evaluation of individuals involved in the criminal justice system who may suffer from a mental illness and or chemical dependency. The assessment is designed to provide comprehensive clinical evaluations that not only identify needs, but also each individual's own personal barriers to recovery. Specific treatment recommendations are provided to the legal system for the development and implementation of treatment alternatives to incarceration.
- **Re-Entry Supportive Transition and Reintegration Track (RESTART)** is an in-jail program that provides evidence curricula to inmates identified with high criminogenic risk/need in separate, dedicated dormitory units currently within the jail and soon the Justice and Transition Center. The program provides highly structured interventions and services that include cognitive behavioral interventions, psychoeducational classes, in-jail case management and structured transition plans for inmates as they transition back into the community.
- The **Transitional Housing Program (THP)**, run by the Office of Probation and Community Corrections in partnership with Project MORE, Inc., maintains a 38-bed facility for individuals entering outpatient clinical and rehab services as a condition of probation or waiting for a bed at a residential facility. While waiting for a bed at another residential facility, clients are provided education and counseling.
- The **Women's Reporting Center** provides services to clients who are referred while on pretrial status, as a condition of probation or as a result of a probation violation. The gender-responsive programming at the Center includes case management services, cognitive behavioral intervention (Moral Reconation Therapy – MRT), and the National Institute of Corrections' employment curriculum (Ready, Set, Work!).
- The **Dutchess County Stabilization Center** is a one-of-a-kind, walk-in facility for people feeling overwhelmed by mental health, substance use, or other life issues. The Center is open 24/7 and offers a single point of service where individuals can receive crisis counseling, mental health assessments, supervised outpatient withdrawal services, addiction and substance use counseling, and peer advocacy and supports. The Center can connect individuals to drug rehab providers, mental health and substance use clinic providers, housing services, and faith-based community support.

- Dutchess County created a **Mobile Crisis Intervention Team**, which is comprised of trained mental health professionals available 24/7 via the HELPLINE. The team assists law enforcement in assessing individuals in the field and diverting appropriate persons to community resources.
- Juvenile Delinquent Appearance Tickets issued by law enforcement for youth (up to 18) are returnable to Probation Intake. PINS complaints are also returnable to Probation intake. At Intake, probation staff screen and assess the youth. Low risk cases are generally referred to community services or the Youth Services Unit (YSU) with little or no Probation involvement as keeping these youth in the juvenile justice system may increase their risk of recidivism. Medium and higher risk youth are assessed by Probation's Diversion Services.
- The Pine Plains Stakeholders Committee asks that officers be constantly made aware of these programs and train to use them.

The County has also formed a working group to explore the implementation of a Law Enforcement Assisted Diversion (LEAD) program. Bail reform has highlighted the critical need for pre-arrest diversion programs to help individual who would typically have been connected to treatment and programming through the criminal justice systems. Additionally, the program was designed in part to reduce racial disparities, a primary goal of the Collaborative.

- “In 2011, in an attempt to move away from the War on Drugs paradigm and to reduce gross racial disparities in police enforcement, LEAD -- a new harm-reduction oriented process for responding to low-level offenses such as drug possession, sales, and prostitution -- was developed and launched in Seattle, WA. LEAD was the result of an unprecedented collaboration between police, prosecutors, civil rights advocates, public defenders, political leaders, mental health and drug treatment providers, housing providers and other service agencies, and business and neighborhood leaders -- working together to find new ways to solve problems for individuals who frequently cycle in and out of the criminal justice system under the familiar approach that relies on arrest, prosecution, and incarceration.”<sup>45</sup>
- “In a LEAD program, police officers exercise discretionary authority at point of contact to divert individuals to a community based, harm-reduction intervention for law violations driven by unmet behavioral health needs. In lieu of the normal criminal justice system cycle -- booking, detention, prosecution, conviction, incarceration -- individuals are instead referred into a trauma-informed intensive case management program where the individual receives a wide range of support services, often including transitional and permanent housing and/or drug treatment. Prosecutors and police officers work closely with case managers to ensure that all contacts with LEAD

<sup>45</sup> [https://56ec6537-6189-4c37-a275-02c6ee23efe0.filesusr.com/ugd/6f124f\\_6c348a0648d045508966dceb187e9fb8.pdf?index=true](https://56ec6537-6189-4c37-a275-02c6ee23efe0.filesusr.com/ugd/6f124f_6c348a0648d045508966dceb187e9fb8.pdf?index=true)

participants going forward, including new criminal prosecutions for other offenses, are coordinated with the service plan for the participant to maximize the opportunity to achieve behavioral change.”<sup>46</sup>

- Law Enforcement Assisted Diversion (LEAD) is a newly conceived program. This program is a community-based approach aimed at improving public safety and public order concentrating on a new approach to substance use, mental health and poverty driven contacts with law enforcement. The program seeks to reduce or eliminate formal involvement in the criminal justice system for those people who successfully participate in the program. The diversion takes place at initial law enforcement contact with the arrest being deferred to allow participation in the program. The program requires broad based participation from many community stakeholders including; Law enforcement, County Executive, District Attorney, Probation, Public Defender, Community and Behavioral Health, Treatment Providers and other invested community partners.
- “After three years of operation in Seattle, a 2015 independent, non-randomized controlled outcome study found that LEAD participants were 58% less likely to be arrested after enrollment in the program, compared to a control group that went through “system as usual” criminal justice processing.”<sup>47</sup>
  - “Additionally, preliminary program data collected by case managers also indicate that LEAD improves the health and well-being of people struggling at the intersection of poverty and drug and mental health problems.”
- “A 2016 program evaluation conducted by the University of Washington on the outcomes of LEAD revealed some powerful results. Participants in 2016 were twice as likely to have been sheltered after referral to the program, and 89 percent more likely to have obtained permanent housing.”<sup>48</sup>
- LEAD also has the potential to reduce police contacts and therefore mitigate potentially tragic situations.

The following are other examples of diversion programs being utilized throughout the nation:

- “In Texas, the Hurst-Euleless-Bedford Teen Court diverts adolescents from the criminal justice system and dismisses cases when teens successfully complete its diversion program.”<sup>49</sup>
- **Juvenile Assessment and Resource Centers** – “To provide a better, third option to the limited choices police officers have to either ignore problem behavior or criminalize it,

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<sup>46</sup> Ibid.

<sup>47</sup> [https://56ec6537-6189-4c37-a275-02c6ee23efe0.filesusr.com/ugd/6f124f\\_6c348a0648d045508966dceb187e9fb8.pdf?index=true](https://56ec6537-6189-4c37-a275-02c6ee23efe0.filesusr.com/ugd/6f124f_6c348a0648d045508966dceb187e9fb8.pdf?index=true)

<sup>48</sup> <https://www.realchangenews.org/2019/01/16/praise-lead-program>

<sup>49</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

many communities are creating drop-in resource and assessment centers to serve as “diversion hubs” where police officers, families, and school personnel can bring young people who are engaged in low-level misbehavior (such as truancy, curfew violations, running away, minor fighting, or property offenses) or who just need a safe place to go. Typically, these centers employ trained professionals—social workers, mental health clinicians, and others—to assess the problematic behavior and circumstances and then connect youth and their families with services and support to address the issue without involving the police.”<sup>50</sup>

- **Crisis Response Services** – “A number of jurisdictions throughout the country have developed crisis response systems to respond quickly to law enforcement, schools, families, and other agencies needing immediate help—often by connecting families to behavioral health services instead of emergency rooms and the justice system. Police officers often respond to calls where there is no “arrestable” offense, but there is a clear need for outside help to immediately de-escalate a volatile situation and make connections to other types of support. Crisis response services can also be used to identify and provide treatment for family issues, such as fighting within the home. These services typically utilize trained case workers or therapists to respond quickly to police, family, or school calls, assess the situation, either by phone or in person, and determine the best course of action, usually by connecting youth and their families with community-based supports and case management services.”<sup>51</sup>
- **Crisis Intervention Teams for Youth (CIT-Y)** – “Because of the success of CIT for adults, and the high incidence of mental health and behavioral health needs among youth in the juvenile justice system, many communities expanded the CIT program to address the needs of youth. CIT for Youth (CIT-Y) trains police officers to better understand, identify, and react to adolescent development and mental health issues, and helps connect those youth to effective and appropriate services and supports in their community.”
  - “The CIT-Y model empowers police with the training and knowledge to identify and react safely and effectively to youth in crisis. It also connects them with community resources so that they can decide on appropriate referrals when they encounter youth struggling with family or behavioral health issues.”<sup>52</sup>

### *Hot-Spots Policing and Focused Deterrence*

The following concepts are tools communities should consider developing to address crime and disorders, and to curb violence. These are evidence-based practices that rely on community and

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<sup>50</sup> <https://www.vera.org/downloads/publications/it-takes-a-village-report.pdf>

<sup>51</sup> Ibid.

<sup>52</sup> <https://www.vera.org/downloads/publications/it-takes-a-village-report.pdf>

law enforcement collaboration. These practices generally fall under the category of “proactive policing” which is defined as:

**“...policing strategies that have as one of their goals the prevention or reduction of crime and disorder and that are not reactive in terms of focusing primarily on uncovering ongoing crime or on investigating or responding to crimes once they have occurred.** Specifically, the elements of proactivity include an emphasis on prevention, mobilizing resources based on police initiative, and targeting the broader underlying forces at work that may be driving crime and disorder. This contrasts with the standard model of policing, which involves an emphasis on reacting to particular crime events after they have occurred, mobilizing resources based on requests coming from outside the police organization, and focusing on the particulars of a given criminal incident.”<sup>53</sup>

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<sup>53</sup> <https://www.nap.edu/download/24928>

### Problem Oriented Policing

Problem-oriented policing refers to identifying specific problems through research and analysis in order to better develop specific response strategies. Responses to these problems vary widely but are contingent on a comprehensive understanding of the problem and its circumstances, as well as dialogue with the community. It represents a shift in the policing paradigm away from the “means” of preventing crime to the “ends.” In addition, it requires the

#### The SARA Model

##### Scanning:

- Identifying recurring problems of concern to the public and the police.
- Identifying the consequences of the problem for the community and the police.
- Prioritizing those problems.
- Developing broad goals.
- Confirming that the problems exist.
- Determining how frequently the problem occurs and how long it has been taking place.
- Selecting problems for closer examination.

##### Analysis:

- Identifying and understanding the events and conditions that precede and accompany the problem.
- Identifying relevant data to be collected.
- Researching what is known about the problem type.
- Taking inventory of how the problem is currently addressed and the strengths and limitations of the current response.
- Narrowing the scope of the problem as specifically as possible.
- Identifying a variety of resources that may be of assistance in developing a deeper understanding of the problem.
- Developing a working hypothesis about why the problem is occurring.

##### Response:

- Brainstorming for new interventions.
- Searching for what other communities with similar problems have done.
- Choosing among the alternative interventions.
- Outlining a response plan and identifying responsible parties.
- Stating the specific objectives for the response plan.
- Carrying out the planned activities.

##### Assessment:

- Determining whether the plan was implemented (a process evaluation).
- Collecting pre- and post-response qualitative and quantitative data.
- Determining whether broad goals and specific objectives were attained.
- Identifying any new strategies needed to augment the original plan.
- Conducting ongoing assessment to ensure continued effectiveness.

Source: <https://popcenter.asu.edu/content/sara-model-1>

consideration of social and physical disorders as contributors to problems in communities and encourages the use of municipal resources to address problems.

- “The most common model for identifying problems and identifying and implementing solutions is the SARA Model—scanning to identify problems, analysis to characterize the problems, response to those problems (designing, selecting, and implementing solutions), and assessment of how well the solution worked and what further changes are needed.”<sup>54</sup>
- RAND’s Better Policing Toolkit provides a general guide:<sup>55</sup>
  - Get Information from Community Members About Crimes, Potential Perpetrators, and Problems Driving Crime Risk—and Then Act on That Information
    - Gather Information in the Field
    - Regularly Solicit Ideas from Colleagues and the Community
    - Use Surveys
    - Act on Information
  - Help Provide Services to the Community and Community Members
    - Examples in the studies included officers and agencies working either directly or with other agencies and community partners to provide or facilitate the following:
      - recreational opportunities for youth
      - youth outreach and counseling
      - mental health support for those who need it
      - housing for homeless people in the area
      - charitable support (e.g., gift drives, “adopt a resident” programs by local businesses)
      - services specifically for those at high risk of being involved in violent crime, as either a perpetrator or a victim (one part of the larger focused deterrence strategy).
  - Change the Environment to Make It Less Hospitable to Crime
    - Techniques here are also known as “situational crime prevention” or “crime prevention through environmental design.” Our review identified two broad types of approaches: working with city and/or county services to make public environments (streets, parks, etc.) less hospitable to crime and working with private-property owners to make individual locations less hospitable to crime (residential buildings, parking lots, commercial establishments, etc.). The Center for Problem-Oriented

<sup>54</sup> <https://www.rand.org/pubs/tools/TL261/better-policing-toolkit/all-strategies/problem-oriented-policing/in-depth.html>

<sup>55</sup> <https://www.rand.org/pubs/tools/TL261/better-policing-toolkit/all-strategies/problem-oriented-policing/in-depth.html>

Policing has prepared a chart on “25 Techniques for Situational [Crime] Prevention” (undated), divided into five categories. We have summarized these five categories in a way that reflects the types of approaches more commonly seen in the reviewed articles. – See:

<https://popcenter.asu.edu/sites/default/files/library/25%20techniques%20grid.pdf>

- Increase the Effort Needed by Criminals to Commit a Crime: This largely relates to adding defenses that harden properties and vehicles against break-ins through such measures as fencing, locks, and alarm systems.
- Increase the risks that criminals will be caught if they attempt a crime.
- **Research and Evidence:**
  - “Problem-oriented policing (POP) is associated with statistically significant reductions in crime and disorder. Place based POP programs are more likely to produce a diffusion of benefits into areas adjacent to targeted locations than to lead to crime displacement.”<sup>56</sup>
  - “The results of this updated systematic review suggest that POP is associated with a statistically significant overall reduction in crime and disorder of 34%.”<sup>57</sup>

### Hot-Spots Policing

**Hot spots policing** refers to the focusing of police resources where crime is highly concentrated. Definitions of the size of a “hot spot” vary, but the idea emphasizes policing a location rather than people, such as addresses, street blocks, or small clusters of both. Research has suggested that this is an effective way to prevent crime and interestingly, the crime does not appear to simply move to another location.

- “Hot spots policing covers a range of police responses, but they all focus resources on locations where crime incidents have been highly concentrated. By focusing on microgeographic locations with high concentrations of crime, hot spots policing aims to increase the general deterrence of police actions, in this case by increasing perceptions of the certainty of enforcement action (Durlauf and Nagin, 2011).
- **Research and Evidence:**
  - “Hot spots policing is associated with small but meaningful reductions in crime at locations where criminal activities are most concentrated. Focusing police efforts at high activity crime places is more likely to produce a diffusion of crime prevention benefits into areas adjacent to targeted hot spots than crime displacement.”<sup>58</sup>

<sup>56</sup> [https://campbellcollaboration.org/media/k2/attachments/0485\\_CJCG\\_Hinkle\\_Problem-oriented\\_policing\\_PLS\\_EN.pdf](https://campbellcollaboration.org/media/k2/attachments/0485_CJCG_Hinkle_Problem-oriented_policing_PLS_EN.pdf)

<sup>57</sup> Ibid.

<sup>58</sup> [https://campbellcollaboration.org/media/k2/attachments/0112\\_CJCG\\_Braga\\_Update\\_PLS\\_EN.pdf](https://campbellcollaboration.org/media/k2/attachments/0112_CJCG_Braga_Update_PLS_EN.pdf)



- “Braga and Bond (2008) found that, while increases in arrests did contribute to crime declines in a hot spots intervention in Lowell, Massachusetts, situational crime prevention efforts (e.g., improving lighting, securing vacant lots) were larger contributors.”<sup>59</sup>
- “A recent systematic review by Braga, Welsh, and Schnell (2015) on police efforts to deal with disorder found an overall positive and statistically significant impact of policing disorder strategies on crime. Relevant to the discussion here, program type mattered; the average effect for community problem solving programs was significant and much larger than the nonsignificant overall mean effect for aggressive order maintenance programs. In other words, programs involving problem-solving through situational prevention and community collaboration were more successful than those focusing more on increasing low-level arrests to reduce disorder.”<sup>60</sup>

### Focused Deterrence

**Focused deterrence** is a strategy in which police engage with a small group of repeat offenders and communicate punishment for criminal behavior as well as incentives and pathways for lawful behavior. Often, this is used to target groups rather than individuals. It draws on the assumption that potential offenders will be less likely to commit a crime if they believe that the cost of doing a crime outweighs its benefits. Aspects of punishment conveyed to potential offenders include its certainty, severity, and swiftness. All possible avenues of punishment are employed when crime does occur to demonstrate that it will not be tolerated. The success of this strategy is contingent on creating a credible threat of punishment. Accompanying this severity is outreach from community-based organizations and other resources to offer alternatives to crime. This strategy historically has been used against gang and drug offenders.

### ***De-Escalation Strategies***

- “There is no universal standard model for de-escalation, though the term generally refers to a variety of practices or actions used “during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary.””<sup>61</sup>
- “Although de-escalation training is increasingly used in police departments, there is limited knowledge regarding its actual effectiveness in successfully decreasing volatile situations. One group of researchers examined sixty-four de-escalation training

<sup>59</sup> <https://www.theiacp.org/sites/default/files/all/i-j/IACP%20GMU%20Evidence%20Assessment%20Report%20FINAL.pdf>

<sup>60</sup> <https://www.theiacp.org/sites/default/files/all/i-j/IACP%20GMU%20Evidence%20Assessment%20Report%20FINAL.pdf>

<sup>61</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

programs across all professions over a forty year period and found some early promising results and few adverse consequences, but noted the weaknesses in methodological controls of such studies. Regardless, de-escalation training has become one of the most frequently requested types of police trainings as proponents advocate it reduces violence across the board and protects both civilians and officers.”<sup>62</sup>

- “Clinical research suggests de-escalation is effective at reducing the transition from aggression to violence or use of force in 80 percent of incidents.”<sup>63</sup>
- “Studies indicate that the use of deadly force can be reduced when agencies have clear and less ambiguous use-of-force policies (Fyfe, 1979; Fyfe, 1988; White, 2001).”<sup>64</sup>

### Best Practices in De-Escalation and Limiting Use of Force

- The Dutchess County Sheriff’s Office has collected and evaluated all local police agencies Use of Force policies and provided guidance on meeting the standard set by the New York State Law Enforcement Accreditation Program and in line with New York State Municipal Police Training Council Use of Force Model Policy.
- Use of Force policies should contain:
  - A principled commitment to preserving human life.
    - “A number of departments have begun to build their use-of-force policies around statements of principle, emphasizing the sanctity of all human life. The Las Vegas Metropolitan Police Department was a leader in this area, having adopted a policy in 2012 stating that “the department respects the value of every human life, and the application of deadly force is a measure to be employed in the most extreme circumstances.”<sup>65</sup>
  - Likewise, the Philadelphia Police Department’s utilizes a similar principled-based policy: “It is the policy of the Philadelphia Police Department, that officers hold the highest regard for the sanctity of human life, dignity, and liberty of all persons. The application of deadly force is a measure to be employed only in the most extreme circumstances and all lesser means of force have failed or could not be reasonably employed.”<sup>67</sup>
- Similarly, such policies should hold up de-escalation as a principle and adopt policies that requires de-escalation whenever circumstances permit.

<sup>62</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>63</sup> <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>

<sup>64</sup> <https://www.theiacp.org/sites/default/files/all/i-j/IACP%20GMU%20Evidence%20Assessment%20Report%20FINAL.pdf>

<sup>65</sup> <https://www.justice.gov/crs/file/836416/download>

<sup>66</sup> <https://www.lvmpd.com/en-us/InternalOversightConstitutionalPolicing/Documents/PO-046-20%20Use%20of%20Force.pdf>

<sup>67</sup> <https://www.policeforum.org/assets/30%20guiding%20principles.pdf>

- Seattle Police Department — “When safe under the totality of the circumstances and time and circumstances permit, officers shall use de-escalation tactics in order to reduce the need for force.”<sup>68 69</sup>
- Requirements for officers to intervene if when they believe another officer is about to use excessive or unnecessary force, or when they witness colleagues using excessive or unnecessary force or engaging in other misconduct.
  - Dutchess County Sheriff’s Office – “Any member present and observing another member using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the member has a realistic opportunity to do so. The intervening member will then notify a supervisor immediately.”<sup>70</sup>
- Requirements for rendering medical aid for individuals injured as a result of police actions and should promptly request medical assistance.
  - Dutchess County Sheriff’s Office – “Whenever FORCE is used by a member the person must be assessed for any injuries as soon as reasonably practical and safe to do so. Members shall provide immediate medical attention when an injury is visible or if a person complains of an injury as a result of the force used, as soon as reasonably practical and safe to do so. Members shall render first aid, when practical and within the scope of their training, to anyone injured as a result of the force used pending an evaluation by trained medical professionals.”
- Prohibitions on shooting at moving vehicles
  - The Dutchess County Sheriff Office Use of Force Policy provides that deadly force is not authorized - “Shooting at moving vehicles unless the member reasonably believes that any occupant(s) of the vehicle are about to use deadly physical force against the member or another person and there are no avenues of avoidance, or believes the operator or any of its occupants intends to commit a felony that could cause serious bodily injury or death to the member or another person.”<sup>71</sup>
- A Prohibition on the use of deadly force against individuals who pose a danger only to themselves.

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<sup>68</sup> Ibid.

<sup>69</sup> <http://www.seattle.gov/police-manual/title-8---use-of-force/8000---use-of-force-core-principles>

<sup>70</sup> <https://www.dutchessny.gov/Departments/Sheriff/docs/Dutchess-County-Sheriffs-Office-Use-of-Force-Policy.pdf>

<sup>71</sup> <https://www.dutchessny.gov/Departments/Sheriff/docs/Dutchess-County-Sheriffs-Office-Use-of-Force-Policy.pdf>

- Prohibitions against “the use of retaliatory force, such as force used after a threat has diminished, or to punish individuals for fleeing, resisting arrest, or disrespecting an officer.”<sup>72</sup>
- A prohibition on the use of strangleholds except when deadly force is authorized.
- A requirement for a verbal warning before using deadly force.
- A requirement for “officers to exhaust all other alternatives, including non-force and less lethal force options, prior to resorting to deadly force.”<sup>73</sup>
- A force continuum “that restricts the most severe types of force to the most extreme situations and creates clear policy restrictions on the use of each police weapon and tactic.”<sup>74</sup>
- Guidance on the use of less lethal forms of force such as tasers and pepper spray.
  - Including language making clear that the “unsuccessful use of less-lethal weapons does not automatically authorize an officer to use a firearm.”<sup>75</sup>
- Restrictions relating to firing through doors, windows, or other obstructions where the target is out of view.
- Require use of force to meet the test of proportionality – “whether particular police use of force is proportional to the threat faced by the officers and is appropriate given the totality of the circumstances. Proportionality requires officers to consider if they are using only the level of force necessary to mitigate the threat, and whether there is another, less injurious option available that will safely and effectively achieve the same objective. Proportionality also requires officers to consider how their actions will be viewed by their own agencies and by the general public, given the circumstances. This does not mean that officers, at the exact moment they have determined that a use of force is necessary to mitigate a threat, should suddenly stop and consider how the public might react. Rather, it is meant to be one factor that officers should consider long before that moment, and throughout their decision-making on what an appropriate and proportional response would be.”<sup>76</sup>
  - Use of Force policies may also restrict the level of force based on the level of offense.
- When practical supervisors should respond to crises involving a weapon, a person experiencing a mental health crisis, or if a dispatcher/member of department believes there to be a potential for significant use of force.
- “Agencies should consider developing use of force training simulations that include scenarios in which police officers are expected not to resort to using force. Leadership within the Oakland, CA police department has attributed a reduction in the agency’s use

<sup>72</sup> <https://www.justice.gov/crt/file/922421/download>

<sup>73</sup> <https://8cantwait.org/>

<sup>74</sup> <https://8cantwait.org/>

<sup>75</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>76</sup> <https://www.policeforum.org/assets/30%20guiding%20principles.pdf>

of force incidents to a shift in the design of their training programs to include such circumstances.”<sup>77</sup>

- Require Officers to report every time they draw their weapon
  - The Dutchess County Sheriff’s Office requires reporting upon “The pointing of, or operation of, a firearm towards any person.”<sup>78</sup>
- “Agencies should consider developing use of force training simulations that include scenarios in which police officers are expected not to resort to using force. Leadership within the Oakland, CA police department has attributed a reduction in the agency’s use of force incidents to a shift in the design of their training programs to include such circumstances.”<sup>79</sup>
- Require annual firearms qualification included scenario-based evaluation with at least one scenario not leading to discharge of the weapon.<sup>80</sup>
- Provide that “De-escalation, use of force, and firearms training shall be arranged so that they immediately follow one another in each officer’s training schedule, with the concepts of the prior trainings (de-escalation and use of force) integrated with the latter trainings (use of force and firearms).”<sup>81</sup>
- Officers should be encouraged, and policy should support, Officers calling and waiting “for more officers to assist if a threat of physical harm to others appears likely to materialize, or if the officer otherwise feels that additional assistance would decrease the likelihood of harm to any party or overall force used against any party.”<sup>82</sup>
- Agencies should train and support the use of the Distance, Cover, and Time to replace outdated concepts such as the “21-foot rule” and “drawing a line in the sand.”
  - “Agencies should eliminate from their policies and training all references to the so-called “21-foot rule” regarding officers who are confronted with a subject armed with an edged weapon. Instead, officers should be trained to use distance and cover to create a “reaction gap,” or “safe zone,” between themselves and the individual, and to consider all options for responding.”<sup>83</sup>Successful use of de-escalation tactics should be celebrated by departments and focused on in performance reviews.
- Agencies should “adopt policies that provide clear direction to officers concerning when it is appropriate to engage in a pursuit, what procedures should be taken while engaging in pursuits, when to cease pursuing, and when to terminate a pursuit. In particular, departments that permit the utilization of the Precision Immobilization Technique (PIT) maneuver, designed to stop a fleeing vehicle through pursuit vehicle contact, must

<sup>77</sup> [https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report)

<sup>78</sup> Ibid.

<sup>79</sup> [https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report)

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> [https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report)

<sup>83</sup> <https://www.policeforum.org/assets/30%20guiding%20principles.pdf>

clearly outline the limited set of circumstances in which this dangerous tactic may be used.”<sup>84</sup>

- Because of the unique risk to the public such policies should be discussed with the elected officials and the public.
- Agencies should consider restricting pursuits based on the severity of the crime. For example, “the Seattle Police Department prohibits pursuits solely in response to traffic violations, civic infractions, misdemeanor offenses, property crimes, or for the sole reason of eluding an officer (*e.g.*, by increasing speed or refusing to stop) and the perceived threat fleeing individuals pose to the public.”<sup>85 86</sup>
- “Policies should specify when foot pursuits are warranted and limit them to when officers have probable cause that someone has committed crime; mere flight, in other words, is not enough. In its model policy, the IACP makes a series of recommendations on foot pursuits, including that officers end foot pursuits when they are alone or lose the person; when the person enters a building or other structure; when they lose communication with dispatch; when they know they can apprehend the person at another time; or when they lose their sense of direction or location.”<sup>87</sup>
- The Academy should include training on, and agencies should adopt, PERF’s Critical Decision-Making Model, based off the National Decision Model used throughout the UK. More information can be found here:  
<https://www.policeforum.org/assets/30%20guiding%20principles.pdf>
- The Pine Plains Stakeholders Committee requests QUARTERLY TRAINING in the use of weapons to ensure preparedness. In addition, they request adequate equipment that matches the equipment of other agencies/town police in Dutchess County so that when they are commanded to action in other municipalities they are prepared and protected. This pertains to an adequate patrol rifle in particular.

Figure 1.<sup>88</sup>

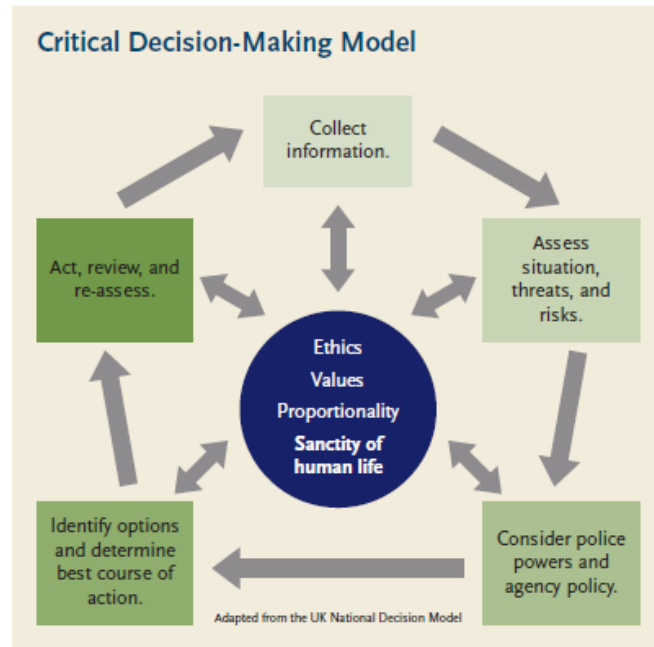
<sup>84</sup> [https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report)

<sup>85</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>86</sup> <https://www.theiacp.org/resources/policy-center-resource/foot-pursuits>

<sup>87</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>88</sup> <https://www.policeforum.org/assets/30%20guiding%20principles.pdf>



### *Can Your Community Effectively Identify, Investigate and Prosecute Hate Crimes?*

Law enforcement agencies should evaluate “practices concerning the identification and investigation of hate crimes” including whether members of the department are trained to investigate hate crimes, interview members of minority community and groups, or have access to additional training/resources to enhance hate crime prevention and response.

## **Community Engagement<sup>89</sup>**

### *Community Outreach Plans*

A common suggestion from the Community Stakeholder workgroup were for agencies to be more engaged with their community. Agencies here in Dutchess and throughout the nation utilized different approaches to engage the community, examples can be found here:

<https://www.ocjs.ohio.gov/ohiocollaborative/links/Examples-Community-Police%20Engagement.pdf>.

Additionally, the members of the workgroup believed there was a need to better communicate the community engagement and outreach efforts local law enforcement agencies were currently undertaking.

### *Citizen advisory boards and committees*

A key part of instituting community policing is community partnership. As part of this effort, many believe it is important to engage the community in the policymaking process.

<sup>89</sup> Pages 42-50 of New York State Police Reform And Reinvention Collaborative Resources and Guide for Public Officials and Citizens: [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

Community-engaged policymaking is a process where policies and policy changes are created and/or vetted in partnership with community members (especially those in areas with high rates of enforcement activities) through a formalized process and structure. This type of involvement appears critical to building strong positive relationships with the community and bolstering legitimacy.

The County will establish a Dutchess County Criminal Justice Council (CJC) subcommittee dedicated to developing and monitoring equitable policing strategies and reforms.<sup>90</sup> The Subcommittee will examine traffic stop data, arrests, incarceration, and excessive bail amounts by ethnicity, and will also:

- Review training policies and practices;
- Review oversight systems;
- Seek regular community input;
- Oversee community satisfaction surveys;
- Identify best practices in 21<sup>st</sup> Century Policing;
- Review the internal and external officer complaint and disciplinary process;
- Track police reform implementation and conduct research on outcomes; and
- Work with community, non-profits, local government officials, and law enforcement agencies to create and implement new reforms.

These efforts are predicated on compliance from local law enforcement departments (this will require local municipalities to opt-in).

The Dutchess County Criminal Justice Council (CJC) is a multi-disciplinary group of criminal justice system stakeholders that utilize information sharing and research-based practices to promote and support interventions for at-risk youth and adults, address victims' needs, and reduce recidivism. The CJC has a proven track record of achieving clear goals related to equity. Before the implementation of the 2019 State criminal justice reforms (i.e. bail reform), Dutchess County had reduced its jail population by 30 percent over a five year period through initiatives designed and led by the CJC.

Local agencies should also consider adopt a Community-Engaged Policymaking Process: the Town of Pine Plains Stakeholders Committee will be consulted when changes in policy impact the community in substantial ways. Their recommendations will be taken seriously by the PPPD.

### ***Partnering with Students and Schools/Involving Youth in Discussions on the Role of Law Enforcement***

Law enforcement should work with community organizations, school districts, and/or the Path to Promise initiative to create two-way communication sessions for youth (adolescents and teenagers) to discuss police relations and concerns with police leadership and officers.<sup>91</sup> They

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<sup>90</sup> Idea Submitted by Community Stakeholder

<sup>91</sup> Idea submitted by Community Stakeholder



should also interface with these groups to find ways in which their departments and related organizations can come together with the community to support positive youth development.

The State guidance also suggest incorporating an Adopt-a-school programs.

- “In such programs, police officers visit the school at regularly scheduled intervals, have lunch with the students and spend time with them at recess. Students are encouraged to engage with and ask questions of the officers. The goal is to cultivate a mentoring relationship from these interactions, with the officers serving as community role models.<sup>92</sup> Unlike School Resource Officers (discussed above in Part I), officers in adopt-a-school programs are not intended to enforce student discipline or address truancy issues, nor should they be used for such purposes. Rather, adopt-aschool programs are designed to have students engage with officers in a relaxed, non-adversarial fashion, fostering positive connections that carry through the students' academic and personal lives, into adulthood.”<sup>93</sup>

### ***Police-Community Reconciliation***

The National Network for Safe Communities at John Jay College defined reconciliation in this context as:

*...a process whereby police and communities engage in joint communication, research, and commitment to practical change to foster the mutual trust essential for effective public safety partnerships. The reconciliation process attempts to directly address both the current and the historic relationship between minority communities and law enforcement that serves as a backdrop to daily interactions and the periodic flare-ups that continue to embroil American cities.*<sup>94</sup>

The Town of Pine Plains Stakeholders Committee suggests creating story hours in the schools, and officers taking part at lunchtime, eating with children and getting to know them.

### **Leadership and Culture<sup>95</sup>**

***Is your leadership selection process designed to produce the police community relationship you want?/ Does your hiring and promotion process help build an effective and diverse leadership team?***

#### **Best Practices in Leadership Selection**

- “The process of selecting your chief of police, as well as other department leaders, should be based upon the characteristics and needs of your jurisdiction and should be structured in a manner that is legitimate and fair. Recruitment of a law enforcement

<sup>92</sup> <https://www.ci.valparaiso.in.us/366/Adopt-a-School>

<sup>93</sup> <https://www.ranchocordovapd.com/programs/adopt-a-school>

<sup>94</sup> <https://nnscommunities.org/guides/reconciliation-between-police-and-communities-case-studies-and-lessons-learned/>

<sup>95</sup> Pages 52-56 of New York State Police Reform And Reinvention Collaborative Resources and Guide for Public Officials and Citizens: [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

leaders, whether by internal promotion or hiring an external candidate, needs to begin with an analysis of the needs of the local community.”<sup>96</sup>

- “The process for conducting a search and identifying candidates can incorporate input from a variety of community groups and stakeholders, even if the ultimate appointment authority resides with the chief executive of the jurisdiction. This will produce more meaningful results and candidates better able to uphold specific community values than if the search is conducted solely through the office of the chief executive.”<sup>97</sup>
- “In some jurisdictions, citizen committees are established to conduct an applicant search and provide advice and recommendations regarding the selection process. In Tallahassee, Florida for example, a panel comprised of law enforcement, non-profit groups, and religious leaders was formed to participate in the process of selecting a new chief of police for the city. Your community should consider whether a similar approach that includes a well-balanced and representative search committee, might yield a broader array of candidates.”<sup>98 99 100</sup>
- Departments should consider other criteria in addition to exam scores and seniority such as specialized training, additional education, and/or commitment to community engagement. Such criteria should be written into departmental HR policy and promotional criteria.
- “Explore the 360-degree evaluation process as a leadership development tool. In a 360-degree evaluation, multiple people within an organization provide input on the performance of an individual employee. By including more sources in the process, the agency potentially increases the credibility and accuracy of an employee’s performance evaluation. Some agencies may find that this tool may be more useful as part of the promotional process, rather than as a performance appraisal.”<sup>101</sup>
- For guidance see: [https://icma.org/sites/default/files/308762\\_E-42370.pdf](https://icma.org/sites/default/files/308762_E-42370.pdf)

**Does your officer evaluation structure help advance your policing goals?/ What incentives does your department offer officers to advance policing goals?/**

**What is your strategy to ensure that your department’s cultural-norms and informal processes reflect your formal rules and policies?**

- Agencies should evaluate their criteria for promotion, for example “Do they include how many arrests an officer has made or what the officer has done with community policing?”<sup>102</sup>
- “In order to develop a “guardian” police culture, police agencies must measure and reward successful adherence to department values that promote procedural justice and community

<sup>96</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>97</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>98</sup> Ibid.

<sup>99</sup> <https://www.tallahassee.com/story/news/2019/07/01/meet-people-who-help-pick-new-tallahassee-police-chief/1618663001/>

<sup>100</sup> [https://icma.org/sites/default/files/308762\\_E-42370.pdf](https://icma.org/sites/default/files/308762_E-42370.pdf)

<sup>101</sup> <https://cops.usdoj.gov/RIC/Publications/cops-p331-pub.pdf>

<sup>102</sup> [https://www.nnscommunities.org/wp-content/uploads/2017/10/StrengtheningtheRelationshipBetweenLE\\_CommunitiesofColor-DevelopingAnAgendaforAction.pdf](https://www.nnscommunities.org/wp-content/uploads/2017/10/StrengtheningtheRelationshipBetweenLE_CommunitiesofColor-DevelopingAnAgendaforAction.pdf)

policing. Therefore, department values and priorities must be reflected in the indicators a department uses to assess and reward performance.”<sup>103</sup>

- “In many departments, antiquated systems for measuring performance are still based on negative indicators such as a lack of citizen complaints, which can have the unintentional effect of discouraging officer-initiated activity. Other performance indicators, such as issuing traffic citations or responding to radio calls promptly, may have little or nothing to do with problem solving or building partnerships with local residents. To truly implement community policing, agencies need performance evaluation systems that recognize competencies that support community policing approaches, such as ethics; problem solving; leadership; and interpersonal, technical, and communication skills.”<sup>104</sup>
- “Officer evaluations and performance management systems are important links between officers in the field and department leaders. The way in which a department manages and evaluates the performance of its personnel influences the attitudes, perceptions, and behaviors of its employees. For example, if the mission of the department is to provide exceptional customer service but evaluations are focused on the number of citations or arrests made, officers may focus more on strict enforcement of the law rather than appropriately using discretion and providing a high level of customer service during each community interaction. Officer evaluations and performance management tools, if designed and used properly, can help police leaders know if their policies, directives, values, and mission are being fulfilled by specific personnel and can ensure that officers are focusing on the behaviors and activities that are most important to the department’s leaders and to the community. This is important to achieving the department’s mission, to the community’s perceptions of the legitimacy of police officials, and to the overall satisfaction of the community with the department.”<sup>105</sup>
- “There’s an old saying, “Organizational culture eats policy for lunch.” Any law enforcement organization can make great rules and policies that emphasize the guardian role, but if policies conflict with the existing culture, they will not be institutionalized and behavior will not change. In police work, the vast majority of an officer’s work is done independently outside the immediate oversight of a supervisor.”<sup>106</sup>
- “There is limited research to provide specific guidance on the ideal performance metrics for community policing, but Trojanowicz & Bucqueroux (1994) offer a list of suggestions that are still relevant even though the work is dated. They include crime and disorder rates in the officer’s target area, number and type of contact with external agencies, number of community meetings held and personal citizen contacts, and documentation of successful problem solving approaches (see also Skolnick & Bayley, 1988).”<sup>107</sup>

<sup>103</sup> [https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report.pdf](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf).

<sup>104</sup> <https://cops.usdoj.gov/RIC/Publications/cops-p331-pub.pdf>

<sup>105</sup> <https://cops.usdoj.gov/RIC/Publications/cops-p331-pub.pdf>

<sup>106</sup> [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

<sup>107</sup> <https://www.theiacp.org/sites/default/files/all/i-j/IACP%20GMU%20Evidence%20Assessment%20Report%20FINAL.pdf>

- **Guidance:** Implementing a Comprehensive Performance Management Approach in Community Policing Organizations: <https://cops.usdoj.gov/RIC/Publications/cops-p331-pub.pdf>

### **Best Practices in Officer Evaluation, Incentives, and Re-Enforcing Positive Norms**

- The Pine Plains Stakeholders Committee suggests officers take part in “bull sessions” regularly as a means to assess officers’ experience of complex situations and review their actions.
- Agencies should be required to conduct an assessment of their current performance management and evaluation systems.
- Agencies should reassess data tracking and make needed changes to reflect community policing and procedural justice goals
- Policies, mission statements, and job descriptions should include language regarding the critical nature of community policing and procedural justice in each agency and the methods and purpose of meeting goals related to these foundational concepts.
- Use up-to-date evaluation tools capable of evaluating department members that focus on community policing skills and outcomes.
  - “Ensure that performance evaluations mirror job descriptions in their focus upon community policing.”<sup>108</sup>
- Promotional criteria should also reflect community policing and procedural justice goals and outcomes.
- Establish a merit-based performance management approach that emphasizes career/skill development at all levels and rewards performance aligned to the agency’s goals.
  - “Routine performance assessment should utilize an individual development plan (IDP) as a personalized tool for employees.
    - Departments may use an IDP to reframe discussions about weak performance areas from punitive and reactive to proactive and growth-oriented or to highlight issues where additional training may be needed.
    - The IDP should be aligned to procedural justice principles and measure indicators consistent with department values.
    - Establish a practice of setting goals that are SMART - Specific, Measurable, Achievable, Relevant and Timely. The SMART approach towards goals will allow employees to target specific objectives related to the core competencies.”<sup>109</sup>
- “Departments may want to consider offering awards, prizes, or other recognition to officers who advance reform goals. Such incentives can change officer behavior and

<sup>108</sup> <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>

<sup>109</sup> [https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report.pdf](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf).

department culture. Some departments invite community members to nominate officers for community policing awards.”<sup>110</sup>

- One stakeholder suggested creating a County-wide excellence award which would recognize publicly the individuals in law enforcement who exemplify 21st century policing standards.
- “Commendations should be provided on the basis of employee actions that achieve significant procedural justice in instances that require special employee effort. Commendations shall also reflect significant personal sacrifices made by employees for the sake of the department and other officers’ safety either before, during, or after dangerous and traumatic events, or in the normal course of work and otherwise unnoticed or unheralded.”<sup>111</sup>
- “Officers’ anti-harassment and anti-corruption efforts should be commended as efforts that improve work for all officers, but which may be unpopular or opposed by significant forces. Such positive models should be upheld, sustained, and rewarded for the betterment of the officers and the department.”<sup>112</sup>

## Tracking and Reviewing Use of Force and Identifying Misconduct<sup>113</sup>

### *When should officers be required to report use of force to their supervisor?*

**Chapter 101 of the Laws of 2020/Weapon Discharge Reporting** - Requires that any law enforcement officer or peace officer who discharges their weapon, while on or off duty, where a person could be struck by a bullet from the weapon is required to verbally report the incident to his or her supervisor within six hours and prepare and file a written report within 48 hours of the incident.

The New York State Municipal Police Training Council Use of Force Model Policy provides that:

“Members involved in use of force incidents as described below shall notify their supervisor as soon as practicable and shall complete a departmental use of force report.

- Use of force that results in a physical injury.
- Use of force incidents that a reasonable person would believe is likely to cause an injury.
- Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
- Incidents where a conducted energy device (CED) was intentionally discharged or accidentally discharged after being displayed.

<sup>110</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>111</sup> [https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report.pdf](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf).

<sup>112</sup> [https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report.pdf](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf).

<sup>113</sup> Pages 57-60 of New York State Police Reform And Reinvention Collaborative Resources and Guide for Public Officials and Citizens: [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

- Incidents where a firearm was discharged at a subject.”<sup>114</sup>

The Dutchess County Sheriff’s Office requires all uses of force be reported as soon as practical and that said uses of force shall be investigated by a supervisor and a Use of Force Report (DCSO Form D-36) completed if any of the following apply:

- Any injury observed by a member or reported injury by the subject. This includes pain or discomfort reported by the subject.
- Any force used that a reasonable person would believe has the potential to cause injury, serious physical injury, or death. For purposes of this section momentary discomfort shall not be considered injury or serious physical injury.
- The pointing of, or operation of, chemical spray towards any person.
- The pointing of, or operation of, a firearm towards any person.
- All taser operation towards a person.
- All impact weapon operation towards a person.
- The application of any restraint device other than handcuffs, shackles, belly chains, or other approved device(s).<sup>115</sup>

The International Association of Chiefs of Police Reporting Use of Force Model Policy includes the situations that trigger reporting of use of force noted above in both policies but also “using physical intervention with a vehicle that could reasonably result in injury or death.”

The following our policies and model policies that require the reporting of use of force incidents:

- International Association of Chiefs of Police (IACP) Reporting Use of Force Model Policy: <https://www.theiacp.org/sites/default/files/2020-06/Reporting%20UoF%20June%202020.pdf>
- New York State Municipal Police Training Council Use of Force Model Policy: <https://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/MPTC-Model-Policy-Use-of-Force-2019.pdf>
- Campaign Zero Use of Force Model Policy: <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/5defffb38594a9745b936b64/1576009651688/Campaign+Zero+Model+Use+of+Force+Policy.pdf>
- Dutchess County Sheriff’s Office Use of Force Policy: <https://www.dutchessny.gov/Departments/Sheriff/docs/Dutchess-County-Sheriffs-Office-Use-of-Force-Policy.pdf>
- City of Poughkeepsie Police Department: [https://cityofpoughkeepsie.com/wp-content/files/police/CPPD\\_policy.pdf](https://cityofpoughkeepsie.com/wp-content/files/police/CPPD_policy.pdf)

### **Best Practices in Use of Force Reporting**

<sup>114</sup> <https://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/MPTC-Model-Policy-Use-of-Force-2019.pdf>

<sup>115</sup> <https://www.dutchessny.gov/Departments/Sheriff/docs/Dutchess-County-Sheriffs-Office-Use-of-Force-Policy.pdf>

- Require police departments to have clear policies regarding reporting and documenting the use of force. It may be best to implement a policy that follows the New York State Municipal Police Training Council Use of Force Model Policy.
- Require that above mentioned policies include a broad set of incidents that constitute use of force beyond the use of a firearm such as those qualifying incidents provided in the above model policies.
- Follow the New York State Municipal Police Training Council Use of Force Model Policy and utilize a standard and separate form from reporting use of force incidents.
  - “Instead of requiring officers to merely note uses of force on arrest reports, departments should maintain separate files for use-of-force reports so they can track each incident. Officers should file force reports before the end of the shift during which the incident occurred.”<sup>116</sup>
  - Page 2-3 of the IACP’s Reporting Use of Force Model Policy provides a list of information that would add to the complete understanding of incident including but not limited to: the date, time, and location of the incident; demographic information about the subject’ whether the incident was in response to a call; and numerous other pieces of information which can be found here: <https://www.theiacp.org/sites/default/files/2020-06/Reporting%20UoF%20June%202020.pdf>.
  - A number of agencies in Dutchess County currently utilize a separate and distinct form. Said forms should be reviewed against the above IACP guidance to ensure the information solicited is comprehensive.
- “For legal purposes, use-of-force reports should be comprehensive and address only what the officer knew, observed, or believed at the time of the incident. Any facts or information obtained after the incident should not be included in the initial use-of-force report but should instead be documented in a supplemental report.”<sup>117</sup>
- Officers who fail to report uses of force, or who falsify reports, should be disciplined in accordance with a department’s disciplinary process. A failure to properly investigate a use of force in accordance with department’s policies should also result in discipline. Such instances should be tracked as part of an Early Intervention System and as part of an officer’s performance review.
- One stakeholder suggested that all uses of force to be reported via police radio including detailed guidance regarding the circumstances under which firearms may and should be unholstered or pointed, and mandates for the reporting of such actions.

***What internal review is required after a use of force?/Does your department review officers’ use of force and/or misconduct during performance reviews?/Does your department use external, independent reviewers to examine uses of force or misconduct?***

<sup>116</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>117</sup> <https://www.theiacp.org/sites/default/files/2020-06/Reporting%20UoF%20June%202020.pdf>



As noted above, The New York State Municipal Police Training Council Use of Force Model Policy provides that “Members involved in use of force incidents as described below shall notify their supervisor as soon as practicable and shall complete a departmental use of force report.

- Use of force that results in a physical injury.
- Use of force incidents that a reasonable person would believe is likely to cause an injury.
- Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
- Incidents where a conducted energy device (CED) was intentionally discharged or accidentally discharged after being displayed.
- Incidents where a firearm was discharged at a subject.”<sup>118</sup>

The Municipal Police Training Council Model Policy goes on to provide the following pertaining to investigation of use of force incidents:<sup>119</sup>

- Where practicable, a supervisor should respond to the scene to begin the preliminary force investigation.
- A supervisor that is made aware of a force incident shall ensure the completion of a use of force report by all officers engaging in reportable use of force and, to the extent practical, make a record of all officers present.
- Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
- The [applicable person, unit, or bureau] will receive the supervisor’s report and conduct an investigation.

The City of Poughkeepsie Police Department requires that when use of force by an officer “results in in death or very serious injury to another” that the Use of Force Review Board will be convened. Additionally, said board reviews all discharges of a firearm exempting those related to training or termination of sick or injured wildlife. The Board is authorized to:<sup>120</sup>

- conduct an administrative review and inquiry into the circumstances of an incident;
- request further investigation, request reports be submitted for the board’s review, and call persons to present information;
- review the incident based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts;
- make the following findings of (a) the actions were within the department’s policy and procedures OR (b) the actions were in violation of the department’s policy and procedures;

<sup>118</sup> <https://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/MPTC-Model-Policy-Use-of-Force-2019.pdf>

<sup>119</sup> <https://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/MPTC-Model-Policy-Use-of-Force-2019.pdf>

<sup>120</sup> [https://cityofpoughkeepsie.com/wp-content/files/police/CPD\\_policy.pdf](https://cityofpoughkeepsie.com/wp-content/files/police/CPD_policy.pdf)



- recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate.

Following a Use of Force Review Board finding, “The Chief of Police shall review the recommendation, make a final determination as to whether the member’s actions were within policy and procedure, and determine whether any additional actions, investigations or reviews are appropriate. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.”<sup>121</sup>

Chapter 95 of the Laws of 2020 “created a permanent Office of Special Investigation within the Office of the Attorney General, empowered to investigate and, where appropriate, prosecute cases where the death of a person follows an encounter with a law enforcement officer.”<sup>122</sup>

See the following guidance:

- See pages 5-11 of the 2017 NYPD Use of Force report:  
<https://www1.nyc.gov/assets/nypd/downloads/pdf/use-of-force/use-of-force-2017.pdf>
- New York State Municipal Police Training Council Use of Force Model Policy:  
<https://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/MPTC-Model-Policy-Use-of-Force-2019.pdf>
- Campaign Zero Use of Force Model Policy:  
<https://static1.squarespace.com/static/56996151cbced68b170389f4/t/5defffb38594a9745b936b64/1576009651688/Campaign+Zero+Model+Use+of+Force+Policy.pdf>
- City of Poughkeepsie Policy Department Policy 301 Use of Force Review Board (Pgs. 38-39): [https://cityofpoughkeepsie.com/wp-content/files/police/CPD\\_policy.pdf](https://cityofpoughkeepsie.com/wp-content/files/police/CPD_policy.pdf)

### **Best Practices for Reviewing Use of Force Incidents**

- Requiring all use of force reported incidents be reviewed including as part of performance reviews
  - Photos
  - Potentially agencies should consider classifying use of force incidents by severity and utilize varying levels of scrutiny.
    - “As one example, the NYPD reviews all use-of-force incidents, with varying levels of scrutiny, ranging from review by an individual supervisor to review by an independent review board, depending on the severity of the incident.”
  - “Policies should convey that the objectives of the review process go beyond assessing whether an incident was legal and consistent with departmental policy

<sup>121</sup> [https://cityofpoughkeepsie.com/wp-content/files/police/CPD\\_policy.pdf](https://cityofpoughkeepsie.com/wp-content/files/police/CPD_policy.pdf)

<sup>122</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

to consider the incident's effect on public trust and the opportunities it presents for individual and department-wide improvement."<sup>123</sup>

- Policies for investigating and reviewing use of force should be transparent, detailed, and set clear expectations.
- Agencies should conduct annual reviews of all use of force incidents to ensure their policies and trainings are producing intended results.
  - "An analysis of all use-of-force reports should be conducted on a regular basis. Changes to policy, training, supervision, or any combination thereof should be undertaken to address any concerns or deficiencies highlighted by this analysis."<sup>124</sup>
- Require that "No Supervisor Who Ordered, Used, or Participated in Reportable Force, or Participated in the Tactical Planning That Led to the Use of Reportable Force, Will Conduct the Investigation of the Incident, Unless it is Impractical Under the Circumstances."<sup>125</sup>
  - The Beacon Police Department Use of Force Policy contains such a requirement
- "In addition to administrative review of critical incidents, departments should use data on officers' use of force and administrative review findings as the basis for proactive, nonpunitive interventions, including sentinel event reviews, early warning systems to identify at-risk officers, and regular analyses of department-wide trends."<sup>126</sup>
- "In an effort to enhance transparency and promote public trust, at a minimum, an annual summary of all use-of-force incidents should be provided to the public and include basic details of force incidents and the findings of internal or external investigations or reviews."<sup>127</sup>

## Internal Accountability for Misconduct<sup>128</sup>

*What does your department expect of officers who know of misconduct by another officer?*

- The Pine Plains Stakeholders Committee acknowledges the difficulty of peer intervention in case of officer misconduct.
- Some law enforcement agencies, such as the LAPD, have imposed on their officers a duty to report misconduct by other officers. Within the New York State Police, there is an obligation to report the misconduct of another trooper.<sup>119</sup> Similarly, some law enforcement agencies have imposed on their supervisors a duty to respond to reports of possible misconduct."<sup>129</sup>

<sup>123</sup> [https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report.pdf](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf)

<sup>124</sup> <https://www.theiacp.org/sites/default/files/2020-06/Reporting%20UoF%20June%202020.pdf>

<sup>125</sup> <https://www.seattle.gov/police-manual/title-8---use-of-force/8400---use-of-force-reporting-and-investigation>

<sup>126</sup> [https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report.pdf](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf)

<sup>127</sup> [https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report.pdf](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf)

<sup>128</sup> Pages 60-64 of New York State Police Reform And Reinvention Collaborative Resources and Guide for Public Officials and Citizens: [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>129</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

- City of Poughkeepsie Police Department lists the following as a cause for disciplinary action:

*Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.*

- See following guidance:
  - New Orleans Police Department's Ethical Policing Is Courageous (EPIC) training materials: <https://epic.nola.gov/home/#training>
  - The International Association of Chiefs of Police Peer Bystander Intervention in Law Enforcement Agencies: [https://www.theiacp.org/sites/default/files/243806\\_IACP\\_CPE\\_Bystander\\_Intervention\\_p2.pdf](https://www.theiacp.org/sites/default/files/243806_IACP_CPE_Bystander_Intervention_p2.pdf)

### Best Practices in Peer Intervention

- Implement "a standalone "Duty to Intervene" [or duty to report] policy separate from an agency's use-of-force policy communicates that this is a priority for an agency's leadership. An effective policy states that officers must intervene if witnessing a fellow officer engaging in any act that is unethical, violates law or policy, or when force is being inappropriately applied or applied when it is no longer required. The "Duty to Intervene" policy should also include a clause prohibiting retaliation or at least be associated with the agency's Duty to Report Misconduct/ Whistleblower Protection policy."<sup>130</sup>
- Implement training to support peer intervention policies such as [Georgetown Law's Project ABLE \(Active Bystandership for Law Enforcement\)](#) or the [New Orleans Police Department's Ethical Policing Is Courageous \(EPIC\)](#).
- One stakeholder suggested all local departments establish a tracking and public reporting system of incidents in which police officers witness inappropriate or excessive force by another officer.<sup>131</sup>

### ***Does your department have a clear and transparent process for investigating reports of misconduct?***

Chapter 104 of the Laws of 2020:

*"...establishes the independent Law Enforcement Misconduct Investigative Office within the Department of Law to review, study, audit and make recommendations to police agencies in the State with the goal of enhancing the effectiveness of law enforcement;*

<sup>130</sup> [https://www.theiacp.org/sites/default/files/243806\\_IACP\\_CPE\\_Bystander\\_Intervention\\_p2.pdf](https://www.theiacp.org/sites/default/files/243806_IACP_CPE_Bystander_Intervention_p2.pdf)

<sup>131</sup> Stakeholder Submitted Idea

*increasing public safety; protecting civil liberties and civil rights; ensuring compliance with constitutional protections and local, state and federal laws; and increasing the public's confidence in law enforcement. The Office will also handle misconduct complaints statewide about any local law enforcement agencies. Unlike the Special Prosecutor, which is triggered only upon a law enforcement related death, this will allow for an independent review of complaints of misconduct for any local law enforcement agency.”<sup>132</sup>*

Summary of research findings:

- “In a 2016 report, the Chicago Police Accountability Task Force found that, between 2011 and 2015, 40% of all misconduct complaints were never fully investigated. Only 7% of complaints resulted in disciplinary action, and arbitrators either reduced or eliminated disciplinary action in 73% of those cases.”<sup>133</sup>
- A study by Roman Rivera and Ba, “found that self-monitoring triggered by an internal police memo about recent misconduct was more effective than external monitoring by civilians once news of that misconduct became public. The internal memo reduced serious complaints from civilians without increasing crime or reducing police effort out on the job; once the public became aware of the incident, though, police reduced their effort and civilian complaints and crime rates increased.”<sup>134 135</sup>

See following guidance:

- International Association of Chiefs of Police Investigation of Allegations of Employee Misconduct Model Policy and Concepts and Issue Paper:  
<https://www.theiacp.org/sites/default/files/2020-08/Investigation%20of%20Allegations%20of%20Employee%20Misconduct%20-%20FULL.pdf>
- The Los Angeles Police Department’s Policy Manual’s section on complaint acceptance, notification, and other intake guidelines provides a good example of promising practices in developing and publicizing an internal affairs philosophy:  
[http://www.lapdonline.org/lapd\\_manual/volume\\_3.htm#805](http://www.lapdonline.org/lapd_manual/volume_3.htm#805)
- COPS Office publication from 2005, Employee Conduct: Investigations & Discipline:  
<https://cops.usdoj.gov/RIC/Publications/cops-w0086-pub.pdf>
- Bureau of Justice Assistance Best Practices Guide for Smaller Departments:  
<https://www.theiacp.org/sites/default/files/2018-08/BP-InternalAffairs.pdf>

**Best Practices for Investigating Reports of Misconduct**

<sup>132</sup> <https://www.governor.ny.gov/news/governor-cuomo-signs-legislation-requiring-new-york-state-police-officers-wear-body-cameras-and>

<sup>133</sup> <https://newcenter.org/wp-content/uploads/2020/07/Policing-Data-Gap.pdf>

<sup>134</sup> <https://www.niskanencenter.org/how-to-fix-policing/>

<sup>135</sup> <https://www.dropbox.com/s/4ar67esosdcuiuu/Rivera%20and%20Ba%20%282019%29.pdf?dl=0>

- To support the transparency necessary for legitimacy and trust, the internal affairs policy should ideally be developed with the input of employee representatives and community stakeholders and then be made available to all members of the agency and to the public. The policy should describe the following functions: defining a complaint; complaint intake and assignment; notification processes for complainants, subject members, and their supervisors; investigation; adjudication or disposition; investigative timeframe requirements; the employee appeal processes; and disposition notification processes to complainants. How, where, and when information regarding investigations will be shared—and with whom—also needs to be part of the policy. Importantly, the policy should outline processes for notifying both the complainant and subject member of the status of the investigation at various checkpoints, as well as the findings of the investigation upon its completion. In pursuit of transparency, law enforcement executives should also consider providing some type of complaint brochure to the public that outlines the complaint intake and investigation process.”<sup>136</sup>
- Law enforcement agencies should adopt an open and accessible complaint registry system and complaint investigation process/policy, with multiple access points and various means for accepting complaints.<sup>137</sup>
  - The department within its policies should clearly define what constitutes a complaint and how a complaint may be submitted
  - Complainants should be provided with the opportunity to submit complaints in person, over the telephone, in writing, via the Internet, and third-party advocates. Such venues should be accessible to people of all abilities.
    - “The Houston Police Department uses a Central Intake Office to accept all complaints of misconduct. Each complaint or inquiry is given a unique identifier and documented in a digital database. This database also indicates whether the issue will be assigned to internal affairs or to the officer’s division for investigation and whether it will be handled through mediation. The department also enlists the local NAACP, League of United Latin American Citizens, and the Houston Area Urban League to accept and forward internal affairs complaints to the department.”
  - “Information about how to file complaints should be available in many forms and places (e.g., at police stations, court houses, schools, online, and on officer contact cards) and in multiple languages, and it should be accessible to people with disabilities (e.g., in locations that are physically and technologically accessible and compliant with the Americans with Disabilities Act [ADA]).”<sup>138</sup>
  - It should be the official policy of every agency to address every complaint or issue brought to its attention. This should include anonymous and “verbal only”

<sup>136</sup> <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>

<sup>137</sup> Ibid.

<sup>138</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

complaints. Additionally, complaints should continue to be addressed even when complainants stop cooperating with the investigation or otherwise become unavailable.

- In addition, the policy should describe appropriate sanctions for the failure to accept a complaint and for failing to report an issue or observed misconduct; these measures are essential for ensuring integrity and trust in the complaint process.<sup>139</sup>
- The policy should clearly state who in the agency is responsible for conducting investigations and who is responsible for overseeing their work. Law enforcement executives should ensure that investigators and their supervisors are trained on internal procedures and on the overarching expectations of procedural justice.
  - Agency policy and standard operating procedures should clearly describe in writing the time allotted for each stage of the investigation and for keeping the aggrieved complainant apprised of the progress of the investigation.
  - Both the community member and law enforcement official should be promptly notified in writing when the investigation has been concluded. Where appropriate, the community member should also be notified of the investigation's findings; this may not always be possible, given labor agreements or state law that may prohibit the agency from describing corrective action taken in response to sustained complaints.<sup>140</sup>
- Law enforcement executives should designate a supervisor to review the investigator's work product for accuracy and completeness.<sup>141</sup>
- Agencies should consider establishing and managing "a searchable database of all data related to the investigation of misconduct complaints, including the nature and type of complaint, demographics of the employee and community member involved in the complaint, and the results of the investigation. Names of specific agency personnel may or may not be included in this database, depending on local laws and labor agreements..."<sup>142</sup>
  - "The New Orleans Police Department (NOPD) uses a digital database called MAX to facilitate internal management of the organization. MAX is available online in the interest of transparency and accountability. The database is updated weekly and includes data not only on complaints but also on calls for service, crime data, and use of force, among other datasets. The NOPD's searchable database is a good example of a promising practice in community transparency.

<sup>139</sup> <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>

<sup>140</sup> <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

- Departments should create anti-retaliation policies to protect both internal and external complainants.
  - The City of Poughkeepsie’s Police Department prohibits retaliation in their policies as follows:
    - No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy. Retaliation includes any adverse action or conduct, including but not limited to:
      - Refusing to hire or denying a promotion.
      - Extending the probationary period.
      - Unjustified reassignment of duties or change of work schedule.
      - Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
      - Taking unwarranted disciplinary action.
      - Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
      - Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.<sup>143</sup>
- Departments independently or in conjunction with police officer employee associations should generate and distribute internal memos regarding official findings of misconduct. Such practices have been shown to reduce citizen complaints.
- A member of a Community Stakeholder group suggested creating a departmental “Inspector General” focused on deterring, detecting, preventing, and eradicating waste, fraud, and abuse within law enforcement agencies. They also suggested increasing transparency in departmental Internal Affairs investigations by requiring quarterly reports of complaints and related disposition of police disciplinary actions.

***Does your department respond to officer misconduct with appropriate disciplinary measures?***

One central theme of the various documents cited here in is that the disciplinary process must be more than a system for doling out punishment, it must also be corrective and more focused on changing both individual and department-wide behavior.

Another theme of these documents as well as the Community Stakeholder discussions is the importance of empowering and supporting frontline supervisors.

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<sup>143</sup> [https://cityofpoughkeepsie.com/wp-content/files/police/CPD\\_policy.pdf](https://cityofpoughkeepsie.com/wp-content/files/police/CPD_policy.pdf)



- “The most effective policies (1) grant supervisors discretion to handle minor infractions (e.g., those relating to tardiness, uniform violations, personal appearance, and equipment, such as failing to carry a less-lethal weapon) and (2) require them to refer more serious violations (e.g., offenses relating to the use of force, biased policing, and integrity) to internal affairs bureaus, where specialists outside the chain of command adopt formal, rigorous investigatory processes. Because lax approaches to misconduct foster cultures of sloppy, unsafe, and lawless policing, departments should hold supervisors accountable for failing to monitor performance.”<sup>144</sup>
- “If officers believe their supervisors’ actions and disciplinary decisions are fair and understandable, they’re more likely to accept, support, and comply with those decisions. The lack of clear, definitive, and advance knowledge about disciplinary systems leaves officers and supervisors uncertain about what to expect when infractions or misconduct occurs. This creates a culture of unfairness, results in processes that appear arbitrary and unjustified, and erodes officers’ trust in supervisors. Officers who work in such systems are more likely to mirror corrosive institutional cultures when they interact with community members. On the contrary, internal procedural justice leads to externally just behavior toward communities because it promotes fairness and respect.”<sup>145</sup>
  - “Internal procedural justice refers to practices within an agency and the relationships officers have with their colleagues and leaders.”<sup>146</sup>
  - “Procedural justice also requires that officers understand the consequences for law and policy violations. Department leaders should spell out the penalties or remedial measures for violations by type and degree. Many departments have a matrix listing different types of policy violations along with their disciplinary consequences.”<sup>147</sup>
  - **Discipline Matrix** – “is a formal schedule for disciplinary actions, specifying both the presumptive action to be taken for each type of misconduct and any adjustment to be made based on an officer’s previous disciplinary record. The primary purpose of a discipline matrix is to achieve consistency in discipline: to eliminate disparities and ensure that officers who have been found to have committed similar forms of misconduct will receive similar discipline.”<sup>148</sup>

### Best Practices in Responding to Officer Misconduct

- Utilize the disciplinary process to educate and change behavior in addition to issuing punishment.

<sup>144</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>145</sup> Ibid.

<sup>146</sup> [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

<sup>147</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>148</sup> <https://www.ncjrs.gov/pdffiles1/nij/234052.pdf>



- The principles of procedural justice should guide the internal disciplinary process and procedures should be clearly delineated in policy and all officers should be educated on said policy.
- Departments should consider the use of a discipline matrix.
- Departments should encourage and support frontline supervisors in addressing smaller infractions.

***What procedures are in place to ensure that substantiated complaints of misconduct and settlements or adverse verdicts in lawsuits are used to reduce the risk of future misconduct?***

A growing number of law enforcement agencies utilize information from lawsuits brought against their officers and analyze the large amount information collected as a result of litigation. Los Angeles, Seattle, Portland, Denver, and Chicago police departments gather and analyze legal claims, information generated during discovery, and litigation outcomes. They use this data to identify problem officers, units, and practices. Research has shown that departments that utilize this data have discovered issues that were not identified via use of force reports and/or civilian complaints.<sup>149</sup>

Local agencies should consider adopting a process by which departments regularly review lawsuit data to identify problematic officers, units, policies, and practices. They should use such data to inform personnel decisions, early intervention systems, and sentinel reviews.

Additionally, a stakeholder suggested requiring payouts for lawsuits and settlements to come from law enforcement agency's overtime budgets, instead of the municipality's general fund.

***Does your department expect leaders and officers to uphold the department's values and culture when off-duty?***

Workgroup members expressed concerns about the behavior of off-duty law enforcement officers of and the need to ensure a standard of conduct was being upheld at all times given their authority within the community.

- "Behavior of officers when they are off-duty can reinforce a lack of trust in police officers and the justice system as a whole."<sup>150</sup>
- "Many police departments hold officers to certain standards of conduct even when they are out of uniform, including imposition of sanctions ranging 64 from termination and suspension to administrative duty."<sup>151</sup>

**See following guidance:**

<sup>149</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1640855](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1640855).

<sup>150</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>151</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

- International Association of Chiefs of Police Standards of Conduct Model Policy and Concepts and Issue Paper: <https://www.theiacp.org/sites/default/files/2020-06/Standards%20of%20Conduct%20June%202020.pdf>
- Policy 320 Standards of Conducts of City of Poughkeepsie Police Department's Policy Manual contains mentions of on and off-duty behavior, see pgs. 154-160: [https://cityofpoughkeepsie.com/wp-content/files/police/CPPD\\_policy.pdf](https://cityofpoughkeepsie.com/wp-content/files/police/CPPD_policy.pdf)

Agencies should establish a written Standard of Conduct that pertains to both on and off-duty behavior that is inconsistent with the mission and ethical code of their law enforcement agency. Such policies should consider behavior on social media. The Savannah Police Departments standard of conduct provides that ""Employees shall not engage in offensive or harassing conduct, verbal or physical, towards fellow employees, supervisors or the public during work hours or off-duty hours."<sup>152</sup>

## Citizen Oversight and Other External Accountability<sup>153</sup>

### *Does or should your department have some form of civilian oversight over misconduct investigations or policy reform/Outside Civilian Review Board?*

Based on the needs of the community, local governments and agencies should consider creating independent civilian review capacities within their communities to review, audit, or investigate complaints. If you consider establishing an entity outside the police department to review citizen complaints of excessive force or other police misconduct, here are some relevant questions:<sup>154</sup>

- What level of review should it conduct? Should it review the findings of an Internal Affairs Bureau or conduct its own investigation?
- What power should it have to interview officers or other witnesses, to compel officers or other witnesses to be interviewed, and to review documents, recordings, interviews conducted by Internal Affairs or other evidence?
- Should it be empowered to impose disciplinary action, recommend disciplinary action, or simply to substantiate complaints?
- Should it be authorized to formally refer cases to the Attorney General or District Attorney?
- What mechanisms are in place to ensure subject and witness officers fully cooperate with civilian oversight investigations?

Potential Benefits of Civilian Oversight:<sup>155</sup>

<sup>152</sup> <https://www.wtoc.com/2020/06/26/savannah-officer-fired-after-making-facebook-post-about-privilege/>

<sup>153</sup> Pages 64-71 of New York State Police Reform And Reinvention Collaborative Resources and Guide for Public Officials and Citizens: [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>154</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>155</sup> <https://www.nacole.org/faqs>

- Complainants are given a place to voice concerns outside of the law enforcement agency.
- Oversight can help hold the police or sheriff's department accountable for officer's actions.
- Oversight agencies can help improve the quality of the department's internal investigations of alleged misconduct.
- The community at large can be reassured that discipline is being imposed when appropriate, while also increasing the transparency of the disciplinary process.
- When the oversight agency confirms a complainant's allegation(s), complainants may feel validated.
- And similarly, when the oversight agency exonerates the officer, the officer may feel vindicated.
- Oversight agencies can help improve community relations by fostering communication between the community and police agency.
- Oversight agencies can help reduce public concern about high profile incidents.
- Oversight agencies can help increase the public's understanding of law enforcement policies and procedures.
- Oversight agencies can improve department policies and procedures. Policy recommendations can prevent issues by identifying areas of concern and subsequently offering options to improve policing.
- Oversight agencies can assist a jurisdiction in liability management and reduce the likelihood of costly litigation by identifying problems and proposing corrective measures before a lawsuit is filed.
- Mediation has multiple benefits to both citizens and police officers. If the oversight agency provides mediated solutions, it can help complainants feel satisfied through being able to express their concerns to the specific police officer in a neutral environment. Mediation can also help police officers better understand how their words, behaviors and attitudes can unknowingly affect public perceptions.
- By establishing an oversight system, public officials are provided the opportunity to demonstrate their desire for increased police accountability and the need to eliminate misconduct.

#### **Models of Civilian Oversight:<sup>156</sup>**

- **Investigation-focused Model**
  - Key Characteristics
    - Routinely conducts independent investigations of complaints against police officers

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[https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1481727977/NACOLE\\_short\\_doc\\_FINAL.pdf?1481727977](https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1481727977/NACOLE_short_doc_FINAL.pdf?1481727977)

- May replace or duplicate the police internal affairs process
  - Staffed by non-police, “civilian” investigators
- Potential Key Strengths
  - May reduce bias in investigations into citizen complaints
  - Full-time civilian investigators may have highly specialized training
  - Civilians-led investigations may increase community trust in the investigation process
- Potential Key Weaknesses
  - Most expensive and organizationally complex form of civilian oversight
  - Civilian investigators may face strong resistance from police personnel
  - Disillusionment among the public may develop over time when community expectations for change are not met
- **Review-focused Model**
  - Key Characteristics
    - Often Focus on reviewing the quality of completed police internal affairs investigations
    - May make recommendations to police executives regarding findings or requests that further investigation be conducted
    - Commonly headed by a review board composed of citizen volunteers
    - May hold public meetings to collect community input and facilitate police-community communication
  - Potential Key Strengths
    - Ensure that the community has the ability to provide input into the complaint investigation process
    - Community review of complaint investigation may increase public trust in the process
    - Generally, the least expensive form of oversight since it typically relies on the work of volunteers
  - Potential Key Weaknesses
    - May have limited authority and few organizational resources
    - Review board volunteers may have significantly less expertise in police issues and limited time to perform their work
    - May be less independent than other forms of oversight
- **Auditor/Monitor-focused Model**
  - Key Characteristics
    - Often focus of examining broad patterns in complaint investigations, including patterns in the quality of investigations, findings and discipline
    - Some auditors/monitors may actively participate in or monitor open internal investigations

- Often seek to promote broad organizational change by conducting systemic reviews of police policies, practices or training and making recommendations for improvement
- Potential Key Strengths
  - Often have more robust public reporting practices than other types of oversight
  - Generally, less expensive than full investigative agencies, but more expensive than review-focused agencies
  - May be more effective at programming long-term, systemic change in police departments
- Potential Key Weaknesses
  - Auditor/monitor focus on examining broad patterns rather than individual cases may be treated with skepticism by some local rights activists
  - Significant expertise is required to conduct systematic policy evaluations. The hiring of staff without relevant experience may cause tension between the oversight agency and police officers
  - Most auditors/monitors can only make recommendations and cannot compel law enforcement agencies to make systemic changes

There are a number of existing oversight entities to look to as examples.<sup>157 158</sup>

- The New York City board is composed of 13 members: five appointed by the Mayor, five appointed by the City Council, and three appointed by the Police Commissioner. The board has power to investigate complaints, including subpoena power, and can recommend discipline. However, the Police Commissioner has final authority over the imposition of discipline.<sup>159</sup>
- The Chicago board is composed of nine members appointed by the Mayor with the consent of the City Council. The board has investigative and subpoena power, and power to impose disciplinary measures.<sup>160</sup>
- The Baltimore board is composed of nine voting members nominated by the Mayor and confirmed by the City Council, along with five non-voting members from community stakeholders. The board does not have power to investigate or impose discipline. It may simply review complaints.<sup>161</sup>

The National Association for Civilian Oversight of Law Enforcement (NACOLE) recommends that police departments select the least intrusive civilian oversight entity that is able to accomplish

<sup>157</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>158</sup> <https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1572&context=shlr>

<sup>159</sup> <https://www1.nyc.gov/site/ccrb/index.page>.

<sup>160</sup> <https://www.chicagocopa.org/>

<sup>161</sup> <https://civilrights.baltimorecity.gov/civilian-review-board>

its desired goal.<sup>162</sup> Brian Buchner of NACOLE provides a good summary of the purpose and nature of civilian oversight:

*Citizen review is not an advocate for the community or for the police. This impartiality allows oversight to bring stakeholders together to work collaboratively and proactively to help make policing more effective and responsive to the community. Civilian oversight alone is not sufficient to gain legitimacy; without it, however, it is difficult, if not impossible, for the police to maintain the public's trust.*<sup>163</sup>

Summary of research and findings:

- “The use of external review boards, most commonly civilian review boards, are fairly common among large police agencies (approximately 80 percent of the 50 largest U.S. police agencies. have them). However, recent estimates suggest that there are less than 200 departments throughout the United States that incorporate civilian review boards (see Ferdik, Rojek, & Alpert, 2013). External review boards tend to vary widely in their composition and focus, as well as in their role in oversight procedures (Walker, 2001; Ferdik et al., 2013).”<sup>164</sup>
- “Using the Bureau of Justice Statistics (BJS) Law Enforcement Management and Administrative Statistics (LEMAS) data, Hickman (2006) determined that the rate of sustained complaints was less for agencies that had some form of civilian oversight. However, Terrill and Ingram (2015) found that complaints are more likely to be sustained if they involve the use of external civilian review. The mixed evidence on this strategy’s effectiveness may largely be a product of the vast range in structure and composition of external review boards. A recent review suggests that the impact of external review can be influenced by other factors internal (e.g., officer acceptance) and external (e.g., politics) to the department (Ferdik et al., 2013).”<sup>165</sup>
  - “...studies from both the United Kingdom and Australia, external oversight bodies that have independent investigative components were the most successful in achieving effective oversight (Seneviratne, 2004; Prenzler, 2011). One example is the Scottish Police Authority, which is a national unelected body that holds the chief constable to account for the policing of Scotland. Some international models also include elements that allow independent review

<sup>162</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>163</sup> [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

<sup>164</sup> <https://www.theiacp.org/sites/default/files/all/i-i/IACP%20GMU%20Evidence%20Assessment%20Report%20FINAL.pdf>

<sup>165</sup> <https://www.theiacp.org/sites/default/files/all/i-i/IACP%20GMU%20Evidence%20Assessment%20Report%20FINAL.pdf>

organizations some authority in their ability to resolve complaints and make recommendations for improving police activities (Seneviratne, 2004).”<sup>166</sup>

See following guidance:

- National Institute of Justice Citizen Review of Police:  
<https://civilrights.baltimorecity.gov/civilian-review-board>
- NACOLE Civilian Oversight of Law Enforcement – A review of the Strengths and Weaknesses of Various Models:  
[https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1481727977/NACOLE\\_short\\_doc\\_FINAL.pdf?1481727977](https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1481727977/NACOLE_short_doc_FINAL.pdf?1481727977)
- Community Oriented Policing Services Civilian Oversight of the Police in Major Cities:  
<https://cops.usdoj.gov/RIC/Publications/cops-w0861-pub.pdf>

A stakeholder suggested a permanent and independent Dutchess County Civilian Police Oversight Commission, which will conduct independent reviews of civilian police complaints, police involved shootings and or serious injuries to civilians. Additionally, the suggested Dutchess County create a position to ensure police reforms and policies are being implemented and followed.

*Is there an easy, accessible and well-publicized process for members of the public to report complaints about police misconduct? / Are investigation outcomes reported to the complainant? Are they reported to the public? / Should the department or the citizen complaint review entity, if any, accept anonymous complaints?*

Summary of research and findings:

- “A study by economist Bocar Ba shows that making it easy for citizens to file complaints has important benefits: a Chicago policy change that increased the cost of filing complaints both decreased the number of reports filed and increased police use of force, presumably due to the reduction in civilian oversight.”<sup>167</sup> <sup>168</sup> **NOTE: In this study cost is broadly defined and refers not to a dollar amount but the investment (in this case travel) by a citizen to file a complaint.**
  - “Simulated counterfactual scenarios show that reducing the cost of filing a complaint increases the number of completed complaints, and thus the number of investigations. Under a policy that reduces the cost of complaining, the number of sustained complaints about failure to provide service increases by 8.1%; the rate of sustained allegations of police brutality, however, falls by 9.8%. Complainants who would benefit the most from this policy are the ones seeking help from the police, and who

<sup>166</sup> <https://www.theiacp.org/sites/default/files/all/i-j/IACP%20GMU%20Evidence%20Assessment%20Report%20FINAL.pdf>

<sup>167</sup> <https://www.niskanencenter.org/how-to-fix-policing/>

<sup>168</sup> [https://www.dropbox.com/s/rado79zmhynkb89/final\\_BB\\_a\\_2018.pdf?dl=0](https://www.dropbox.com/s/rado79zmhynkb89/final_BB_a_2018.pdf?dl=0)



live in the most violent neighborhood of the city. This research sheds light on the complex relationship between public safety and the cost of reporting police misconduct.”<sup>169</sup>

Law enforcement agencies should adopt an open and accessible complaint registry system and complaint investigation process/policy, with multiple access points and various means for accepting complaints.<sup>170</sup>

- The department within its policies should clearly define what constitutes a complaint and how a complaint may be submitted
- Complainants should be provided with the opportunity to submit complaints in person, over the telephone, in writing, via the Internet, and third-party advocates. Such venues should be accessible to people of all abilities.
  - “The Houston Police Department uses a Central Intake Office to accept all complaints of misconduct. Each complaint or inquiry is given a unique identifier and documented in a digital database. This database also indicates whether the issue will be assigned to internal affairs or to the officer’s division for investigation and whether it will be handled through mediation. The department also enlists the local NAACP, League of United Latin American Citizens, and the Houston Area Urban League to accept and forward internal affairs complaints to the department.”
- “Information about how to file complaints should be available in many forms and places (e.g., at police stations, court houses, schools, online, and on officer contact cards) and in multiple languages, and it should be accessible to people with disabilities (e.g., in locations that are physically and technologically accessible and compliant with the Americans with Disabilities Act [ADA]).”<sup>171</sup>
- It should be the official policy of every agency to address every complaint or issue brought to its attention. This should include anonymous and “verbal only” complaints. Additionally, complaints should continue to be addressed even when complainants stop cooperating with the investigation or otherwise become unavailable.
- In addition, the policy should describe appropriate sanctions for the failure to accept a complaint and for failing to report an issue or observed misconduct; these measures are essential for ensuring integrity and trust in the complaint process.<sup>172</sup>
- The policy should clearly state who in the agency is responsible for conducting investigations and who is responsible for overseeing their work. Law enforcement executives should ensure that investigators and their supervisors are trained on internal procedures and on the overarching expectations of procedural justice.

<sup>169</sup> [https://www.dropbox.com/s/rado79zmhynkb89/final\\_BB\\_a\\_2018.pdf?dl=0](https://www.dropbox.com/s/rado79zmhynkb89/final_BB_a_2018.pdf?dl=0)

<sup>170</sup> Ibid.

<sup>171</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>172</sup> <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>

- Agency policy and standard operating procedures should clearly describe in writing the time allotted for each stage of the investigation and for keeping the aggrieved complainant apprised of the progress of the investigation.
- Both the community member and law enforcement official should be promptly notified in writing when the investigation has been concluded. Where appropriate, the community member should also be notified of the investigation's findings; this may not always be possible, given labor agreements or state law that may prohibit the agency from describing corrective action taken in response to sustained complaints.<sup>173</sup>
- Law enforcement executives should designate a supervisor to review the investigator's work product for accuracy and completeness.<sup>174</sup>

Agencies "should maintain and publish in a searchable database of all data related to the investigation of misconduct complaints, including the nature and type of complaint, demographics of the employee and community member involved in the complaint, and the results of the investigation. Names of specific agency personnel may or may not be included in this database, depending on local laws and labor agreements..."<sup>175</sup>

- "The New Orleans Police Department (NOPD) uses a digital database called MAX to facilitate internal management of the organization. MAX is available online in the interest of transparency and accountability. The database is updated weekly and includes data not only on complaints but also on calls for service, crime data, and use of force, among other datasets. The NOPD's searchable database is a good example of a promising practice in community transparency."<sup>176</sup>

See following guidance:

- International Association of Chiefs of Police Investigation of Allegations of Employee Misconduct Model Policy and Concepts and Issue Paper:  
<https://www.theiacp.org/sites/default/files/2020-08/Investigation%20of%20Allegations%20of%20Employee%20Misconduct%20-%20FULL.pdf>
- The Los Angeles Police Department's Policy Manual's section on complaint acceptance, notification, and other intake guidelines provides a good example of promising practices in developing and publicizing an internal affairs philosophy:  
[http://www.lapdonline.org/lapd\\_manual/volume\\_3.htm#805](http://www.lapdonline.org/lapd_manual/volume_3.htm#805)
- COPS Office publication from 2005, Employee Conduct: Investigations & Discipline:  
<https://cops.usdoj.gov/RIC/Publications/cops-w0086-pub.pdf>

<sup>173</sup> <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>

<sup>174</sup> Ibid.

<sup>175</sup> <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>

<sup>176</sup> <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>

- Bureau of Justice Assistance Best Practices Guide for Smaller Departments:  
<https://www.theiacp.org/sites/default/files/2018-08/BP-InternalAffairs.pdf>

### *Is your police department accredited by any external entity?*

The Division of Criminal Justice Services oversees “the New York State Law Enforcement Agency Accreditation Program, which provides structure and guidance for police agencies to evaluate and improve overall performance in areas such as administration, training, and operational standards. The program encompasses four principal goals:

1. To increase the effectiveness and efficiency of law enforcement agencies utilizing existing personnel, equipment and facilities to the extent possible;
2. To promote increased cooperation and coordination among law enforcement agencies and other agencies that provide criminal justice services;
3. To ensure the appropriate training of law enforcement personnel; and
4. To promote public confidence in law enforcement agencies.”<sup>177</sup>

This program is available at no cost to localities and participation should be considered as part of your community policing plan. The City of Beacon Police Department, Dutchess County Sheriff’s Office, Town of Poughkeepsie Police Department, and East Fishkill Town Police Department are all accredited through the New York State Law Enforcement Agency Accreditation Program. City of Poughkeepsie Police Department is in the process of becoming accredited.

The Safe Policing and Safe Communities Federal Executive Order provides that the Attorney General shall “allocate Department of Justice discretionary grant funding only to those State and local law enforcement agencies that have sought or are in the process of seeking appropriate credentials from a reputable independent credentialing body certified by the Attorney General.”<sup>178</sup>

See following guidance:

- New York State Law Enforcement Accreditation Program Standards and Compliance Verification Manual and FAQ:  
[https://www.criminaljustice.ny.gov/ops/docs/accred/standards\\_compliance\\_verification\\_manual.pdf](https://www.criminaljustice.ny.gov/ops/docs/accred/standards_compliance_verification_manual.pdf) and  
<https://www.criminaljustice.ny.gov/ops/docs/accred/QandA.pdf>
- For any questions regarding the application process or for general Accreditation related inquiries, please contact NYS Law Enforcement Accreditation Program staff at [ops.accreditation@dcjs.ny.gov](mailto:ops.accreditation@dcjs.ny.gov).

Agencies should consider becoming accredited by the New York State Law Enforcement Accreditation Program.

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<sup>177</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>178</sup> <https://www.whitehouse.gov/presidential-actions/executive-order-safe-policing-safe-communities/>

***Does Your Police Department Do an Annual Community Survey to Track Level of Trust?***

The President Task Force on 21<sup>st</sup> Century Policing (2015) recommended “Law enforcement agencies should track the level of trust in police by their communities just as they measure changes in crime. Annual community surveys, ideally standardized across jurisdictions and with accepted sampling protocols, can measure how policing in that community affects public trust.”<sup>179</sup>

See following guidance:

- Examples of surveys and case studies can be found here: <https://www.theiacp.org/public-safety-survey-smaller-law-enforcement-agencies>, <https://www.theiacp.org/resources/sample-community-surveys>, <https://www.bjs.gov/content/pub/pdf/ccspglea.pdf>, and here <https://cebcp.org/evidence-based-policing/the-matrix/matrix-demonstration-project/surveying-communities/>.
- In 2019, the Marist Center for Social Justice Research (MCSJR) conducted a community survey for City of Poughkeepsie Police Department: [https://cityofpoughkeepsie.com/wp-content/files/police/ProceduralJustice\\_survey\\_results.pdf](https://cityofpoughkeepsie.com/wp-content/files/police/ProceduralJustice_survey_results.pdf)

The County is exploring conducting annual community surveys using accepted sampling protocols. Other localities and agencies should consider this as a means to gauge public satisfaction, but also the success of reforms they choose to implement. Law enforcement agencies should also consider conducting internal surveys to identify issues, disconnects, and areas of need within their own organization.

**Data, Technology and Transparency<sup>180</sup>*****What police incident and complaint data should be collected? What data should be available to the public?***

Collecting and being transparent with data is critical to reform. Reporting and analysis often forms the backbone of Department of Justice consent decrees as it helps uncover disparities, flaws in policy and practice, and can aid in tracking outcomes of reforms. A number of states (e.g. California, Connecticut, Maryland, Missouri, Nebraska, North Carolina, Rhode Island, Vermont, and the District of Columbia) “require officers to record race and other demographic data regarding enforcement activities including traffic stops, citations, and arrests.”<sup>181</sup>

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<sup>179</sup> [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

<sup>180</sup> Pages 71-81 of New York State Police Reform And Reinvention Collaborative Resources and Guide for Public Officials and Citizens: [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>181</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

In April of 2019, section 837-T of the Executive Law was signed into law. This section pertains to law enforcement agencies within New York State reporting use of force incidents to the Division of Criminal Justice Services (DCJS).<sup>182</sup> Executive Law 837-t requires each police department, county sheriff, and the state police to report any occurrence in which a police officer or peace officer employs use of force as listed below:<sup>183</sup>

- When an officer engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury is defined as bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- When one of the following is initiated by an officer:
  - Brandishes, uses or discharges a firearm at or in the direction of another person;
  - Uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air;
  - Displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas;
  - Brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy;
  - Brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb, or long range acoustic device.

The **Death in Custody Reporting Act (DCRA)** was signed into law in 2014. The law:

*“...requires police departments to report comprehensive data on all police-involved civilian deaths. However, the DOJ has not executed the mechanism of enforcement specified in the law—a ten percent loss of law enforcement grant funding for noncompliance. As such, many law enforcement agencies have not yet submitted any data. Even if this law were enforced, it would still leave unreported other non-fatal encounters that are important to our understanding of how often excessive force is used.”<sup>184</sup>*

The New Center had this further observation on similar attempts to collect the data nationally:

*“In 2016, the DOJ announced its plans to create an online data collection portal through the Federal Bureau of Investigations (FBI) which would facilitate reporting and move in the direction of compliance with DCRA. Finally launched in January 2019, the **National Use-of-Force Data Collection** takes the DCRA a step further in collecting data*

<sup>182</sup> <https://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/DCJS-Guidance-on-Use-of-Force-Reporting-Requirement-Executive-Law-837-t.pdf>

<sup>183</sup> <https://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/DCJS-Guidance-on-Use-of-Force-Reporting-Requirement-Executive-Law-837-t.pdf>

<sup>184</sup> <https://newcenter.org/wp-content/uploads/2020/07/Policing-Data-Gap.pdf>

*surrounding both fatal and non-fatal encounters. Non-fatal encounters include events in which a civilian experiences “serious bodily injury” in custody or, in the absence of injury, a law enforcement officer discharges a firearm in the direction of another person. But participation in this project is voluntary, and only about 40% of law enforcement agencies submitted data in 2019.”<sup>185</sup>*

President Trump’s Executive Order on Safe Policing for Safe Communities provides that:

- The Attorney General shall create a database to coordinate the sharing of information between and among Federal, State, local, tribal, and territorial law enforcement agencies concerning instances of excessive use of force related to law enforcement matters, accounting for applicable privacy and due process rights.
- The database shall include a mechanism to track, as permissible, terminations or decertifications of law enforcement officers, criminal convictions of law enforcement officers for on-duty conduct, and civil judgments against law enforcement officers for improper use of force. It shall account for instances where a law enforcement officer resigns or retires while under active investigation related to the use of force. The Attorney General shall take appropriate steps to ensure that the information in the database consists only of instances in which law enforcement officers were afforded fair process.
- The Attorney General shall, as appropriate and consistent with applicable law, allocate Department of Justice discretionary grant funding only to those law enforcement agencies that submit the necessary information to the databases.<sup>186</sup>

A similar proposal was made by the Obama Administration and included in the final report of The President’s Task on 21<sup>st</sup> Century Policing:

*“The U.S. Department of Justice, through the Office of Community Oriented Policing Services, should partner with the International Association of Directors of Law Enforcement Standards and Training (IADLEST) to expand its National Decertification Index to serve as the National Register of Decertified Officers with the goal of covering all agencies within the United States and its territories.”<sup>187</sup>*

The National Register of Decertified Officers, also known as the National Decertification Index, is database “of information that allows hiring agencies to identify officers who have had their license or certification revoked for misconduct.”<sup>188</sup> This index was created to limit what is known as “wandering officers”, those that get fired from one agency for misconduct, only to get rehired about another agency. Research has shown that these officers are twice as likely to be fired again and more likely to receive “moral character violations” than other officers.<sup>189</sup>

See following guidance:

<sup>185</sup> <https://newcenter.org/wp-content/uploads/2020/07/Policing-Data-Gap.pdf>

<sup>186</sup> <https://www.whitehouse.gov/presidential-actions/executive-order-safe-policing-safe-communities/>

<sup>187</sup> [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

<sup>188</sup> [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

<sup>189</sup> <https://www.yalelawjournal.org/article/the-wandering-officer>

- Community Oriented Policing Services’ How to Correctly Collect and Analyze Profiling Data: <https://cops.usdoj.gov/RIC/Publications/cops-p044-pub.pdf>

Summary of research and findings:

- “...legal scholars Rachel Moran and Jessica Hodge surveyed police chiefs and sheriffs in twelve states that allow public access to police misconduct records. **More of the surveyed administrators found police misconduct transparency beneficial than harmful. Those who voiced their support for transparency listed accountability and the promotion of public trust in law enforcement as major benefits** while those who opposed it overwhelmingly cited reputational damage and embarrassment— rather than harassment or violence from the public—as harmful consequences.”<sup>190</sup>
  - “Of the thirty-three respondents, nearly two-thirds said that their departments had benefited from disclosing misconduct records to the public, while only seven said their officers had been harmed by disclosure. More than half expressed a personal preference for making misconduct records accessible to the public, and many believed that open records policies enhance community trust and serve as a mechanism for holding officers accountable. A surprising number also volunteered that they had observed a generational shift in attitudes toward disclosure.<sup>24</sup> These respondents said that, while previous generations of law enforcement administrators consistently opposed disclosure, today’s administrators are increasingly recognizing that the public has both an expectation and a right to access information about officers in their community.”<sup>191</sup>

### Best Practices in Data Transparency

- Local law enforcement agencies should comply with the Death in Custody Reporting Act (DCRA), participate in the FBI’s National Use-of-Force Data Collection, and participate in the National Decertification Index or any similar index created by the United State Department of Justice.
- “After an officer-involved shooting, the Las Vegas Metropolitan Police Department (LVMPD) worked with community partners, representatives of police unions, and a local prosecutor to establish a protocol for the release of information.”<sup>192</sup>
  - “Under the arrangement, the LVMPD releases information within 48 hours of an officer-involved shooting. This information includes the involved officer’s name, rank, tenure, and age. The Las Vegas Metropolitan Police Department has an official communications strategy that “states that within 72 hours of the incident, the sheriff will give a press conference to summarize all of the information available on the case. The policy further states that the 72-hour timeframe may be extended depending upon the complexity of the case.

<sup>190</sup> <https://newcenter.org/wp-content/uploads/2020/07/Policing-Data-Gap.pdf>

<sup>191</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3552012](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3552012)

<sup>192</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)



Notably, the policy is for all OIS incidents—not only fatal, injurious, or otherwise controversial shootings.”<sup>193</sup>

- “In an effort to enhance transparency and promote public trust, at a minimum, an annual summary of all use-of-force incidents should be provided to the public and include basic details of force incidents and the findings of internal or external investigations or reviews.”<sup>194</sup>
  - The NYPD produces such information  
<https://www1.nyc.gov/assets/nypd/downloads/pdf/use-of-force/use-of-force-2017.pdf>
- “Departments should provide public access to database information on use of force incidents and publish regular reports, annually at a minimum, with statistical and summary information on officers’ use of force. Departments should develop standardized categories for use of force data so that this information may usefully be compared across agencies. These categories could divide types of force as physical (where the officer uses his or her body to kick or strike), lethal weapon (where the officer uses a firearm, vehicle, or other deadly device), and less-lethal weapon (where the officer uses, for example, a TASER or chemical spray). Within these broad categories, which generally correspond with departments’ existing classifications, reports of use of force incidents should be sub-categorized by the specific type of force used.”<sup>195</sup>
  - Several police departments maintain public databases and/or produce public reports on use of force incidents. For example, the Indianapolis Police Department provides a detailed online database on uses of force and officer-involved shootings, including information on the disposition of investigations as to whether the officer was in compliance with law and policy. See <https://www.projectcomport.org/departments/IMPDP/useofforce/>.
  - The Las Vegas Metropolitan Police Department provides online public access to reports produced through the internal and external review of officer-involved shootings, including Force Investigation Team Reports, Office of Internal Oversight Review findings, and District Attorney decisions. See <http://www.lvmpd.com/AboutLVMPD/OfficeofInternalOversight/OfficerInvolvedShootings/tabid/451/Default.aspx>.
  - The department distributes an Awareness Report to officers providing a preliminary factual summary shortly after a deadly force incident and is developing procedures to mandate the timely release of information on officer-involved shootings. It maintains detailed deadly force statistics that are used by the Office of Internal Oversight to produce both an internal Quarterly Report,

<sup>193</sup> [https://www.lvmpd.com/en-us/Documents/LVMPD\\_Collab\\_Reform\\_Final\\_Report\\_v6-final.pdf](https://www.lvmpd.com/en-us/Documents/LVMPD_Collab_Reform_Final_Report_v6-final.pdf)

<sup>194</sup> <https://www.theiacp.org/sites/default/files/2020-06/Reporting%20UoF%20June%202020.pdf>

<sup>195</sup>

[https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report.pdf](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf)

which identifies trends and progress made toward reducing these incidents, and a publicly available annual report, which breaks down incidents by time, location, type of event, type of force, and officer and subject information.

- “Departments should collect and analyze enforcement and complaint data (including data about stops, searches, arrests, and uses of force). Data forms should be practical, and officers should not be asked to produce unnecessary paperwork. They should include demographic information, such as perceived gender, race or ethnicity, national origin, and age,<sup>196</sup> but not personal characteristics, such as LGBTQ status, religion, or immigration status — unless this information is offered voluntarily and is relevant to the incident (e.g., a hate crime).”<sup>196</sup>
  - The Baltimore Police Department’s (BPD) policy of Fair and Impartial Policing provides that the department “will routinely collect, analyze, and audit data on its law enforcement activities, including stops, Weapons Pat-Downs, Searches, property seizures and forfeitures, Arrests, uses of force, misconduct investigations and discipline. These analyses and audits will be designed to identify BPD practices that have a disparate impact on groups of individuals based on the personal characteristics listed above in the definition of Discriminatory Policing or that otherwise demonstrate differential treatment of individuals based on those characteristics. These analyses and audits will also include an accounting of community concerns.”<sup>197</sup>
  - The BPD’s policy requires the results of said analyses and the data they are based on be publicly available.
- Collect traffic stop data and publish aggregate data annually. Agencies in other states include location, reason for stop, forced used, outcome of stop, whether a non-compliance penalty was issued, public report, race/ethnicity, gender, age, perceived English-language ability, perceived disability, and officer ID number.<sup>198</sup>

### ***How can your police department demonstrate a commitment to transparency in its interactions with the public?***

- Adopt policies requiring officers to identify themselves by their full name, rank, and command (as applicable). Policies should require officers to state and/or provide in writing the reason for the stop (including traffic stops) and the reason for the search if one is conducted. Many agencies across the nation have provided officers with business cards that include the pertinent information as well as provide directions on how to file a complaint.
- “Law enforcement agencies can also consider requiring officers to inform individuals of their rights in certain scenarios even when not legally required. For example, an officer seeking to

<sup>196</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>197</sup> <https://www.powerdms.com/public/BALTIMOREMD/documents/349731>

<sup>198</sup> <https://www.policingproject.org/news-main/2019/9/27/its-time-to-start-collecting-stop-data-a-case-for-comprehensive-statewide-legislation>

conduct a consent search could be required as a matter of policy to advise the subject that he or she has the right to refuse to consent to the search.”<sup>199</sup>

### *How can your police department make its policies and procedures more transparent?*

- Adopt policies to make “All general and special orders shall be posted on the department’s website. Any revisions to the general orders or new or revised special orders shall be updated on the website within 24 hours of being issued.”
  - Departments without a website and/or that seek to provide equitable access to all community members regardless of internet access shall make complete copies of the general and special orders available at the public library, City Hall, police headquarters, and/or other publicly accessible areas.
  - The department shall issue exceptions to this policy for any specific general or special orders, or sections of a general or special order, that contain information that could interfere with effective enforcement of the law or endanger an individual. Any exceptions will be narrowly tailored to protect law enforcement activities while still providing maximum transparency about the department’s policies. If the policy would be provided in response to a freedom of information request, it must be posted.
  - The department shall make publicly available a list of all of the written policies and manuals it maintains, even when such a policy or manual is not released to the public because publication would interfere with effective enforcement of the law.<sup>200</sup>
  - “As the President’s Task Force Report notes, making information about how officers do their jobs electronically available improves transparency and demonstrates a commitment to community collaboration.<sup>33</sup> It also allows community members to scrutinize policies and recommend changes, and it enables departments to reach people who otherwise would not know — or have an opportunity to know — how departments operate. All *public* information should also be available in alternative and accessible formats.”<sup>201</sup>
- Adopt a Community-Engaged Policymaking Process as previously described.
- The Pine Plains Stakeholders Committee wishes to implement a page on the Town website devoted to the PPPD, communicating new policies and procedures as well as news and introductions to officers.

### *Should your police department leverage video cameras to ensure law enforcement accountability and increase transparency?*

Members of the Community Stakeholder workgroup felt strongly about the need for officer to wear and properly utilize body worn cameras. The County and the Sheriff’s Office have taken

<sup>199</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>200</sup> [https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report.pdf](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf)

<sup>201</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

early steps to ensure greater accountability and transparency by purchasing and requiring the use of body cameras for all patrol officers. The 2021-2025 Capital Plan includes the purchase of body cameras. Further, the County is working with local governments and police agencies to coordinate a joint purchase.

Policies governing the operation of body worn cameras should be clear and failure to follow such policies should result in discipline. Governor Cuomo earlier this year signed:

“...legislation requiring New York State Police patrol officers [Troopers] to use BWCs while on patrol. Officers are required to record immediately before exiting a patrol vehicle to interact with a person or situation, all uses of force; all arrests and summonses; all interactions with individuals suspected of criminal activity; all searches of persons and property, any call to a crime in progress; investigative actions involving interactions with members of the public; any interaction with an emotionally disturbed person; and any instances where an officer feels any imminent danger or the need to document their time on duty. This legislation also requires law enforcement to retain footage of these interactions.”<sup>202</sup>

Agencies with body camera should consider requirements relating to use and footage retention, such as those cited in the above referenced Executive Order. Stakeholders suggested:

- Body worn cameras should be operational for the full shift of an officer
- Penalties and fines should be established when it is found a body camera was tampered with/malfunctioning and/or manually turned-off by the police officer
- Footage from camera be released within 96 hour of a police-involved shooting or use of physical force against a civilian.

## Recruiting a Diverse Workforce<sup>203</sup>

***What are ways in which your agency recruits diverse candidates that better represent the demographics of the communities you serve?***

A Police Executive Research Forum report summarizes many of the benefits of a diverse and representative police force:

*“A police agency whose officers reflect the racial demographics of the community they serve fulfills several important purposes in reducing racial bias in policing. First, it conveys a sense of equity to the public, especially to minority communities. Second, it increases the probability that, as a whole, the agency will be able to understand the perspectives of its racial minorities and communicate effectively with them. Third, it increases the likelihood*

<sup>202</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>203</sup> Pages 82-89 of New York State Police Reform And Reinvention Collaborative Resources and Guide for Public Officials and Citizens: [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

*that officers will come to better understand and respect various racial and cultural perspectives through their daily interactions with one another”.*<sup>204</sup>

In a democratic society, our institutions must be representative of the people they serve. For many, law enforcement is the most visible form of government and thus proper representation among the ranks of our police officers is critical.

Studies show that reaching diverse candidate sets often comes down to how agencies are marketing job opportunities. One study found that sending postcards was an effective means of catalyzing interest — “People who received a postcard were twice as likely to apply to the police as those who did not receive a postcard.” More telling was that people receiving postcards that emphasized the career and challenge aspects of police work were “three times as likely to apply to the police as those who did not receive a postcard” with these effects largest among people of color.<sup>205</sup>

One of the best ways to increase diversity is to increase the size of the candidate pool. To help achieve this, the County is waiving the 60 college credit requirement to be eligible to take the appropriate civil service exam and is instead requiring all new officers to acquire 60 college credits within five years of hiring and receive Crisis Intervention Training within two years of appointment. This change will hopefully create larger candidate pools which have historically meant more diverse candidate pools while also making a career in law enforcement an access point to great opportunity. Many local agencies offer tuition reimbursement programs adding to the value of this policy change.

The Pine Plains Stakeholders Committee recognizes the best practice of having a diverse police department which might ideally include a female officer and a Spanish-speaking officer.

### **Best Practices in Recruiting Diverse Officers**

- Invest in “growing your own” talent by:
  - Creating pre-cadet and or Explorer programs for young adults. Explorer programs provide young adults with the opportunity to explore a career in law enforcement by working with local law enforcement agencies. The Dutchess County Sheriff’s Office PBA sponsors such a program.
  - Creating cadet programs that bring 18-25 years old into departments as civilian employees before applying for/entering the academy. These positions are typically paid and many couple employment with higher education requirements and assistance.
  - Creating internship programs that offer college credit.
  - Work with local non-profits, community organizations, and the faith community to recruit individuals and advertise employment opportunities.

<sup>204</sup> <https://www.urbanillinois.us/sites/default/files/attachments/diversity-law-enforcement-literature-review-jan-2015.pdf>

<sup>205</sup> <https://blog.counciloncj.org/2020/06/22/police-hiring/>

- Create referral cards for officers to hand out to interested candidates.
- Ensure personnel involved in hiring and recruiting understand that diversity and creating a workforce that reflects the community is a priority.
  - Require these individuals to be among the first to receive implicit bias awareness training
- “...research shows that mere transparency in the hiring process can be helpful to applicants from diverse backgrounds who may not be familiar with the, often, complex law enforcement hiring process. Creating a short but comprehensive tool describing the process can lead to higher passage rates for these individuals.”<sup>206</sup>
- Community Stakeholders suggested:
  - Developing municipal hiring plans with specific goals to enhance the municipalities’ police department’s racial and geographic recruitment efforts.
  - Conducting reviews of hiring and recruitment practices including setting minority/women/Latino hiring targets/goals.
    - NOTE: Dutchess County hired a new Equal Employment Opportunity and Inclusion Officer, who will be responsible for development, coordination and implementation of diversity and inclusion initiatives to further the County’s commitment to diversity and inclusion through research, education, and outreach. Before the addition of this position, the duties of the position had been split between this work and overseeing the County’s Human Rights Commission.<sup>207</sup>

## Training and Continuing Education<sup>208</sup>

*How can you develop officer training programs that reflect your community values and build trust between police officers and the communities they serve?*

### Best Practices in Creating Officer Training Programs that Reflect your Community Values and Build Trust

- Evaluate current training academy policies and procedures and ensure they align with the “guardian” mindset by:
  - Ensuring the environment is not modeled after a military boot camp but is developmental and academic in nature;
  - Allow for a more even power distribution and collegial relationship between training staff and officer candidates;

<sup>206</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>207</sup> <https://www.dutchessny.gov/Departments/County-Executive/Dutchess-County-Seeks-Equal-Opportunity-Inclusion-Officer.htm>

<sup>208</sup> Pages 89-102 of New York State Police Reform And Reinvention Collaborative Resources and Guide for Public Officials and Citizens: [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

- Incorporate training on civil rights, procedural justice, communication, crisis intervention, cultural competency, leadership, de-escalation, and other progressive policing trainings; and
  - Focusing on developing critical thinking skills and independence.
- Creating a minimum training standard, in addition to basic state requirements, across agencies that includes:
  - Crisis Intervention Training
  - Procedural Justice Training
  - Implicit Bias Training
  - Quarterly Use of Force Training
- Involve community groups, especially those who represent communities disproportionately impacted and/or historically distrustful of police, to help guide and design training efforts/programs.
- Incorporate the concepts of procedural justice into all trainings.
- Focus use of force training on limiting and avoiding the need for force by training de-escalation and tactical disengagement.
- Implement training to support peer intervention policies such as [Georgetown Law's Project ABLE \(Active Bystandership for Law Enforcement\)](#) or the [New Orleans Police Department's Ethical Policing Is Courageous \(EPIC\)](#).
- Establish performance-based criteria for selecting personnel who will conduct agency training programs (veteran, with demonstrated mentorship skills, up-to-date on training requirements, etc.) and restricting officers with histories of misconduct from performing training.

***What training policies can you adopt to ensure that police officers continuously receive high-quality, relevant in-service training sessions?***

- “The New York State Law Enforcement Accreditation Program, for example, establishes a standard of at least 21 hours of in-service training per year.”<sup>209</sup> <sup>210</sup>The Pine Plains Stakeholders Committee suggests monthly training in some aspect of law enforcement to provide consistent education and physical memory. In addition, any training relevant to a Part-time Police Department is strongly suggested.
- In addition to other required training, local agencies should consider an in-service training scheduled that includes: Annual use of force/De-escalation training; An eight-hour Crisis Intervention Team (CIT) training every five years; Annual legal update and education; Leadership training every two years; and Procedural justice and Implicit Bias Awareness training every five years.

<sup>209</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>210</sup> <https://drive.google.com/file/d/1FvS2MxJJBoCOA3c5h4RYhd3-LGIisOoT/view>



***How can leadership training improve community policing and strengthen relationships between your police department and members of the public?***

- “Ongoing leadership training can foster leadership skills, reinforce positive conduct, and strengthen officers’ commitment to community standards and procedural justice. Leadership training can also promote diversity at the executive level of law enforcement agencies.”<sup>211</sup>
- See the following guidance:
  - <http://cebcp.org/wp-content/evidence-based-policing/Supervisors-2014-workbook.pdf>
  - [https://post.ca.gov/post\\_docs/SBSLI%20Network/EnhancingLeadershipArticle.pdf](https://post.ca.gov/post_docs/SBSLI%20Network/EnhancingLeadershipArticle.pdf)
- Agencies should consider implementing leadership training for all department members but prioritize training for new sergeants or officers in charge on:
  - “...general skills in leadership and supervision as well as department-specific skills. Training might address how to properly handle a force incident, reinforce desired officer performance, or identify officers who may be struggling with personal or professional problems.”<sup>212</sup>
  - “One program that focuses on training police leaders to intentionally establish a procedurally just culture is the WSCJTC’s 21st Century Police Leadership Program (21CPL). 21CPL is built around three foundational leadership capabilities: emotional intelligence, effective communication, and agency culture. It focuses first on understanding and managing one’s own motivations and behavior to influence the behavior of others. With use of personal assessments, e-learning modules, customizable self-study, innovative classroom design, and virtual peer learning groups, the program gives officers the skills they need to create just relationships with the communities they serve. Emotional intelligence, for example, is a skill that officers draw on when they interact with members of the community. The program is being pilot-tested as of this writing and will be offered as an open source course in the summer of 2019.”<sup>213</sup>

***How can your police department use its training programs to avoid incidents involving unnecessary use of lethal or nonlethal force?***

***Summary of research and findings:***

- “Foundational research in the area of police performance reveals that psychological and physiological stress responses during critical incidents shape the outcome of the incident, either for good or for bad (Arnetz, Arble, Backman, Lynch, & Lublin, 2013; Arnetz, Nevedal, Lumley, Backman, & Lublin, 2009).

<sup>211</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>212</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>213</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

- “...research has demonstrated that police officers can be taught to improve their emotion regulation skills (e.g., [38]). Nelis and colleagues (2011) demonstrated specific and lasting improvement in emotion regulation, which correlated with improvements “in psychological well-being, subjective health, quality of social relationship, and work success”<sup>214</sup>
- “Individuals with higher EI [Emotional Intelligence] tend to handle stress better than those with lower EI, and EI has been correlated with police performance [41]. Moreover, there have been promising findings that training can improve emotional intelligence (e.g., [42,43,44]) and encouraging efforts at applying this to police officers.”<sup>215</sup>
- “Arnetz and colleagues (2009; Arnetz et al., 2013) developed a program to improve police resilience and tested this program via a randomized controlled trial. Their 10-session program (90 min per session) was based on the premise that giving officers the opportunity to practice stress reduction techniques (i.e., relaxation) while listening, via audiotape, to repeated critical incident scenarios and visualizing optimal performance would enhance the perception of predictability and control when facing such events in the real world. The authors reported clinically significant improvements in officer performance and reduced psychological distress when tested on a critical incident scenario 1 year following their training. Andersen and colleagues (2015) conducted the Arnetz et al. (2009) program with special forces police officers. The authors reported that officers displayed reduced SNS arousal while listening to the critical incident scenarios over 1 week of training. However, officers requested more intensive, scenario-based resilience training, better tailored to the high-stress use of force decision making in their real-world encounters (Andersen et al., 2015).”<sup>216</sup>
- “Education experts advise that adults learn most effectively when they utilize and build on real-world experiences, rather than through the passive consumption of information. As a result, law enforcement trainers have been encouraged to adopt models focused on experiential learning. Your agency should consider developing realistic, scenario based training programs that reflect circumstances your officers may encounter in their community. For example, this may involve roleplaying scenarios or reviewing body camera footage.”<sup>217</sup>
- In a “shoot, don’t shoot” study, findings showed “police officers as well as community members are faster to shoot black people with guns than white people with guns. But when you look at the error rate, police officers were less likely than normal people to

<sup>214</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6950698/>

<sup>215</sup> <https://journals.sagepub.com/doi/full/10.1177/2158244016638708>

<sup>216</sup> <https://journals.sagepub.com/doi/full/10.1177/2158244016638708>

<sup>217</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

shoot a black person with no gun than they are to shoot a white person with no gun. And when the researchers looked at what was driving that effect, they found that the more interactive use-of-force training officers had, the less likely they were to show a racial bias in terms of the error rate.”<sup>218</sup>

### **Best Practices in Training Programs to Avoid Incidents Involving Unnecessary Use of Lethal or Nonlethal Force**

- “Police departments should consider requiring specialized training programs focused on the use of force against vulnerable groups, including children, individuals with disabilities, people experiencing mental health emergencies, people under the influence of substances, and people who are pregnant.”<sup>219</sup>
- “Agencies should consider developing use of force training simulations that include scenarios in which police officers are expected not to resort to using force. Leadership within the Oakland, CA police department has attributed a reduction in the agency’s use of force incidents to a shift in the design of their training programs to include such circumstances.”<sup>220</sup>
- Require annual firearms qualification included scenario-based evaluation with at least one scenario not leading to discharge of the weapon.<sup>221</sup>
- Provide that “De-escalation, use of force, and firearms training shall be arranged so that they immediately follow one another in each officer’s training schedule, with the concepts of the prior trainings (de-escalation and use of force) integrated with the latter trainings (use of force and firearms).”<sup>222</sup>
- Consider incorporating Emotional Resiliency and Intelligence Training to provide officers more “tools” to handle challenging and stressful situations.
- “Law enforcement agencies should also consider training officers on the effects of violence not only on communities and individual victims but also on police officers themselves.”<sup>223</sup>

### ***How can your police department use its training programs to avoid potential bias incidents and build stronger connections with communities of color and vulnerable populations?***

To support creating more procedurally just law enforcement agencies, the County, in partnership with the Dutchess County Sheriff’s Office and trainers from local agencies, including the City of Poughkeepsie Police Department, is offering procedural justice and implicit bias

<sup>218</sup> <https://time.com/5849172/police-racial-bias/>

<sup>219</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>220</sup> [https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report)

<sup>221</sup> Ibid.

<sup>222</sup> Ibid.

<sup>223</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

awareness training to all law enforcement agencies. The training will begin late 2020 and continue with the goal of having every officer in Dutchess County trained by the end of 2021.

As previously cited:

- A recent study “tested a program based on procedural justice principles in Seattle’s police department. The goal was to push officers to slow down their decision-making and take civilians’ views into consideration. The researchers found that officers who were randomly assigned to this new training were less likely to resolve incidents with arrests or use force.”<sup>224 225</sup>
- A research evaluation of the study cited in the prior bullet “tested another procedural justice training program in Chicago. All Chicago police were required to complete the one-day program, but the department couldn’t train all 8,000 officers at once. The training was delivered to 25 officers per month, over several years. This allowed researchers to measure its effects by comparing officers who received the training earlier to those who received it later. They found that the training dramatically reduced citizen complaints against officers, as well as the use of force. Many benefits of such behavioral changes are difficult to quantify, but one is not: researchers estimated that this one-day training program reduced payouts for settled complaints by \$4.2 million over the two-year follow-up period.”<sup>226 227</sup>
- “Israel, Harkness, Delucio, et al. (2014) found that a five-hour training on preparing officers to work effectively with the LGBTQ communities led to improvements in knowledge and using affirming tactics on duty. There was no improvement in respondents’ level of comfort in working with LGBTQ individuals.”<sup>228</sup>

### **Best Practices in Using Training to Avoid Potential Bias Incident and Build Stronger Connections**

- Provide training in procedural justice
- Provide implicit Bias training;
- Provide training for working with specific communities (Black communities; Orthodox Jewish, Muslim, Arab, and South Asian communities; individuals with limited English proficiency; LGBTQIA+ individuals; individuals with disabilities; and individuals experiencing homelessness).
  - “Officers should receive training about the dimensions of sexual orientation, gender identity, and gender expression that are relevant for law enforcement practices. Such training should highlight the origins of the historically fraught relationship between LGBTQI individuals and law enforcement.”<sup>229</sup>

<sup>224</sup> <https://www.niskanencenter.org/how-to-fix-policing/>

<sup>225</sup> <https://onlinelibrary.wiley.com/doi/abs/10.1111/1745-9133.12337>

<sup>226</sup> <https://www.niskanencenter.org/how-to-fix-policing/>

<sup>227</sup> <https://www.pnas.org/content/117/18/9815>

<sup>228</sup> <https://www.theiacp.org/sites/default/files/all/i-j/IACP%20GMU%20Evidence%20Assessment%20Report%20FINAL.pdf>

<sup>229</sup> [https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report)

- “Departments shall provide cultural training for officers in order to equip them to build relationships and trust with immigrant communities.
  - Departments should develop this training curriculum in consultation with immigrants within their own communities whenever possible. Existing community groups may prove to be a valuable resource in this area.”
  - Provide training on “societal causes and consequences of social problems, such as poverty, unemployment, homelessness, poor mental health, substance use disorders, and the role of race in police-community relationships.”<sup>230</sup>
  - “You may also consider implementing basic training and in-service training requirements that establish a set period of time that officers must spend interacting with individuals and groups within their communities and engaging in meaningful, non-enforcement related conversations. As explained by Professor Seth Stoughton in the Harvard Law Review, this type of “non-enforcement contact” can build trust, reinforce officers’ commitment to community policing, and build communication skills that will be valuable throughout an officer’s career.”<sup>231 232</sup>

***How can your training program help officers effectively and safely respond to individuals experiencing mental health crises or struggling with substance abuse?***

CIT is an intensive 40-hour training developed for law enforcement officers to build on their specialized skills when responding to persons with mental illness or a substance use disorder. This training includes tactics for de-escalating a crisis and effective communication skills. The training is offered to both current officers and as part of the Dutchess County Law Enforcement Academy. Additionally, a version of the training is provided to 911 dispatchers, thereby providing them the skills to recognize when an individual is in crisis. In 2021, Probation Officers will also participate in Crisis Intervention Training, in addition to procedural justice training. Over 75 percent of law enforcement officers in Dutchess County have received CIT training. The 2021 Budget includes \$200,000 for the County’s procedural justice, implicit bias awareness, and continued CIT training efforts.

With a large degree of training saturation and the provision of the new training through the academy, the County is looking to provide CIT refresher courses. The Houston Police Department, for instance, requires officers partake in a eight-hour CIT refresher course every two years following the completion of the full 40-hour course.<sup>233</sup>

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<sup>230</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>231</sup> <https://harvardlawreview.org/2015/04/law-enforcements-warrior-problem/>

<sup>232</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>233</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

The Pine Plains Stakeholders Committee strongly endorses training as our greatest resource and asset to the PPPD, and strongly suggests there be constant consistent training and follow-through on this so that officers are up-to-date in the latest laws and practices.

*What practices and procedures can you put in place to measure the quality and efficacy of your police department's training programs?*

- Conduct periodic reviews, audit, and assessment of training programs to ensure that they are not teaching outdated practices and/or basing their trainings on outdated understandings of community needs.
- Create a process through which training outcomes can be measured by assessing post-training officer performance.
- Create policies that respond to major events or patterns of behavior (use of force, search and seizures, crisis response encounters) with specific training.
- Adopting a policy requiring the maintenance of complete, accurate, and up-to-date training records.

## Supporting Officer Wellness and Well-Being<sup>234</sup>

The Pine Plains Stakeholders Committee is deeply concerned about the well-being of its officers and strongly suggests the use of de-briefings, or “bull sessions” as an open forum for dialogue about incidents and events.

- “Studies show that people working in law enforcement are at an elevated risk of physical and mental health issues when compared to the general population.”<sup>235 236</sup>

*What steps can you take to promote wellness and well-being within your department? / Are there ways to address officer wellness and well-being through smarter scheduling?*

- “There are specific activities that police academies can introduce to improve recruits’ wellness and stress tolerance. The first step is to instill a culture of wellness. This begins by structuring the academy to include regular, formal debriefings, which include recruits, veteran officers, and academy staff. The debriefings can be facilitated by a department psychologist, a peer support officer, or a member of the agency’s wellness unit. The debriefings establish a pattern for recruits to talk about their reactions (i.e., thoughts and feelings) about academy performance issues, about incidents about which they heard that occurred on the department, and about any pertinent news reports from anywhere, which involve police officers. These debriefings validate and normalize recruits’ reactions and provide a healthy outlet.”<sup>237</sup>

<sup>234</sup> Pages 103-107 of New York State Police Reform And Reinvention Collaborative Resources and Guide for Public Officials and Citizens: [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>235</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>236</sup> <https://journals.sagepub.com/doi/pdf/10.1177/0706743717723825>

<sup>237</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6950698/>

- “Academies should encourage, if not require, recruits to keep a journal. Starting this practice at the outset of recruits’ careers will launch what has been found to be an important tool to help maintain psychological health. For example, in one study, nurses who wrote freely in a journal each day had less compassion fatigue and more compassion satisfaction than those who did not keep a journal. If academies establish this as a mandatory activity, recruits would not have to share the content of their journals, but would be required to verify that they write each day. The hope is that, once the habit is established, the recruits will continue the practice of journaling (even electronically, e.g., on a computer or smartphone) throughout their careers.”<sup>238</sup>
- “To understand officers’ needs, department leaders should seek out their input, conduct surveys, and visit roll calls both to promote department assistance programs and resources, and to destigmatize their use. In listening to officers’ needs directly, departments will increase procedural justice, too.”<sup>239</sup>
- “Thus, all new hires should be required to undergo a thorough psychological screening as part of the hiring process. Psychological screenings are designed to identify the kind of mental health problems and personality disorders that interfere with officer performance.”<sup>240</sup>
  - “Department leaders should meet their staffing needs while limiting the number of hours officers are required, or allowed, to work within a set period.”<sup>241</sup>
- “Establishing maximum shift lengths for officers enhances wellbeing. Research shows that long shifts undermine mental and physical wellbeing, especially when they occur in high-risk or high-stress environments.”<sup>242</sup>
  - “In light of these demonstrated benefits, researchers have recommended scheduling officers on 10-hour shifts rather than eight- or 12-hour shifts.105 Researchers also advise that using permanent schedules instead of rotating schedules can improve officers’ sleep and psychological well-being while reducing absentee rates”<sup>243</sup>
  - “One option [to reduce shift lengths] is to fill positions that do not need to be staffed by sworn officers with civilian personnel.”<sup>244</sup>

***How can you effectively and proactively address the mental health challenges experienced by many police officers throughout their careers?***

- “Employee Assistance Programs (EAP) are another tool that can provide law enforcement personnel with confidential support in many areas of their personal and professional lives. For example, the New York State Police manages an EAP that can either provide direct

<sup>238</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6950698/>

<sup>239</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>240</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>241</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>242</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>243</sup> <https://www.policeforum.org/assets/SanDiegoOSW.pdf>

<sup>244</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)



assistance to individual employees at local agencies or assist an agency in establishing its own EAPs.”<sup>245</sup>

- “The Indianapolis Metropolitan Police Department’s mentoring program is cited by the U.S. Department of Justice as a model program. It provides peer support and facilitates officer wellness. Supported by the department’s Office of Professional Development and Wellness, the program conducts eight-hour wellness training on managing stress and trauma<sup>27</sup> for mentors.<sup>28</sup> In the program’s first six years, officer disciplinary referrals dropped 40 percent.”<sup>246</sup>
- Require supervisor receive training in identifying and addressing suicidal ideations, substance use disorders, and other related conditions (QPR and/or SBIRT)
- “Your department can engage professional organizations (such as Blue H.E.L.P., Valor for Blue, and Blue Wall Institute), that provide mental health and wellness training to police officers and first responders.”<sup>247 248</sup>
- “There is also evidence that police department incentives and education programs promoting physical fitness can improve officer health outcomes and reduce costs for agencies.<sup>107</sup> Physical fitness is associated with fewer sick days, lower rates of disability, and fewer injuries within departments,<sup>108</sup> and researchers have noted that even marginal gains in fitness can yield substantial financial benefits because of the high costs of major incidents such as in-service heart attacks.”<sup>249</sup>

### *How can you address the well-being of an officer after a traumatic event?*

- “In one study, a mindfulness-based resilience training (MBRT) program for first responders was linked to better emotional regulation, less fatigue, and reductions in perceived stress among active-duty officer participants. Greater mindfulness skills can also reduce PTSD symptoms such as intrusive memories and hyperarousal in officers.”<sup>250</sup>
- “Officers who are involved in or witness traumatic events, such as an officer-involved shooting, a mass shooting, the death of a child, or a terror-based attack, should be required to speak with a counselor and should have the option of additional counseling. Additionally, department leaders should actively encourage members to use these services and clarify that they carry no adverse consequences.”<sup>251</sup>
- “All officers who are involved in or witness a crisis or traumatic event should undergo a mandatory screening with a health professional, such as an EAP counselor. This policy should apply not only to officer-involved shootings but to all crises and traumatic events. Officers should also have the option to access crisis counseling.”<sup>252</sup>

<sup>245</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>246</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>247</sup> [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police\\_Reform\\_Workbook81720.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf)

<sup>248</sup> Blue H.E.L.P., Training and Resources <https://bluehelp.org/resources/training-and-resources/>; Valor for Blue. <https://www.valorforblue.org/>; Blue Wall Institute. <https://www.bw-institute.com/>

<sup>249</sup> <https://www.policeforum.org/assets/SanDiegoOSW.pdf>

<sup>250</sup> <https://www.policeforum.org/assets/SanDiegoOSW.pdf>

<sup>251</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>252</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

- “Supervisors should monitor changes in officers’ demeanor and behavior after traumatic events. Departments should have formal and informal intervention processes, as well as comprehensive non-disciplinary early intervention systems, to identify officers who may be in crisis or experiencing personal or professional difficulties.”<sup>253</sup>
- The Pine Plains Stakeholders Committee strongly suggests finding a way to implement the above ideas in officer well-being. Counseling help should be available to our officers when asked for.

## Conclusion

According to a July Gallup poll, 58 percent of All Americans said major changes are needed to make policing better, while only 6 percent say no changes are needed.<sup>254</sup> Another national poll, which was conducted under the joint direction of a Republican polling firm and a Democratic firm, found that nearly three quarters of voters supported a litany of reforms including, among other reforms: local hiring incentives, body camera requirements, co-responder programs, a national use-of-force standard, and public databases for officer misconduct.<sup>255</sup> What’s more is the depth of the support for reform, as respondents “who expressed strong support for these proposals outweigh the combined weak and strong opposition by 30 points.”<sup>256</sup> While at the same time, 67 percent of US Adults, including 61 percent of Black Americans, wanted the police presence in their neighborhoods to stay the same.<sup>257</sup>

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<sup>253</sup> [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>254</sup> <https://news.gallup.com/poll/315962/americans-say-policing-needs-major-changes.aspx>

<sup>255</sup> <https://craftmediabucket.s3.amazonaws.com/uploads/JAN-cut50-July-2020-Survey-Topline-Final1.pdf>

<sup>256</sup> <https://www.arnoldventures.org/stories/new-polling-finds-extraordinary-bipartisan-support-for-policing-reforms/>

<sup>257</sup> <https://news.gallup.com/poll/316571/black-americans-police-retain-local-presence.aspx>

