

Executive Order 203
New York State Police Reform and
Reinvention Collaborative Plan 2021

Draft

Introduction

On June 1, 2020 Governor Andrew Cuomo issued an executive order directing the chief executive of municipalities that employ police officers to convene the head of the local police department and stakeholders in the local community to develop a locally approved plan for the strategies, policies and procedures of local police agencies. The plan must be offered for public comment to all the citizens in the locality and must be adopted by resolution no later than April 1, 2010.

Municipality Demographics

The town of Independence is located in the very southeast section of Allegany County. We are within five miles of the Pennsylvania line. Our approximate population is 1,100 and we are primarily a rural farming area. The hamlet of Whitesville, founded in the 1820's, is the most populated area with approximately 700 residents. The racial makeup of our hamlet is 97.6% white, .8% Hispanic, .4% Black or African-American, .3% Asian, and .9% two or more races, and .09% other race along. (2000 Census). We have our own K-12 school district still in successful operation and the pride of our community. We are fortunate to retain a grocery store/deli and a bar/restaurant along with a successful wood plant operation and various other privately owned businesses including many farms. In the past few years we have seen an influx of Amish who have added to our diversity and resources.

Agency Demographics

The town of Independence employs one part-time police officer who works approximately 40 hours per month. He has been with the township for over 20 years and is a long-time resident. His office is located at the town hall. He also works full-time for the Wellsville Police Department. Working full-time is an advantage for our township because his training is often in conjunction with his full-time position and he can access resources readily as needed.

Committee Members:

Tammy Emery – Whitesville Central School Superintendent and town resident

Jeri Reichman – Town Supervisor and Facilitator

Percy Sherman – Town of Independence part-time police officer

Jan Bierman-Talbett - Resident

Ann Teller – Local business owner

Austin Waite – College student and local resident

Based on our survey – most common recommendations include:

Not completed yet.

Town of Independence Reform and Reinvention Plan

Question	Description	Action	Status
How should the police and the community engage with one another	Using the four pillars of policing: respect, dignity, voice and neutrality, Our officer should conduct himself with dignity, be trustworthy, give opportunity to others to tell their side of story and make unbiased decisions guided by transparent reasoning	Revisit at regular intervals at in-service training	To be completed at Wellsville training 12/31/21
Should police be involved in non-criminal activity	We are a small community. Our officer receives many calls for non-criminal activity. Should this continue?	Yes, continue involvement	Completed
Will curtailing police activities decrease the risk of overreaction to minor offenses	Will this lead to more complaints from the public because of an under-reaction? The public expects that a problem should be dealt with if the police are called. If offenses are a bother to the general public then to decrease a response from the police would not be beneficial. We have not fielded any complaints of over-reaction.	None	Completed
What role do the police currently play in your community	We are a small community. Our officer gets calls for a variety of reasons: noise, locked keys in cars, animal problems, mental health issues, checking in on senior citizens. Our officer also acts as a school liaison and visits classrooms regularly.	None	Completed

Should you deploy social service personnel instead or in addition to police officers in some situations?	Social service agencies are managed at the county level. Our officer will help a client get help if needed.	None	N/A
Question	Description	Action	Status
Should law enforcement have a presence in our local school?	Our officer visits our school on an informal basis quite frequently. He is not an official SRO but is there to establish a positive relationship with students and to answer questions.	None	Completed
What are the staffing needs of the police department the community wants?	At times the town board has been approached about speeding issues along Main Street. The board has discussed possibly hiring an additional part-time officer.	Continue to monitor	Completed
How should the police engage in crowd control?	The town is not equipped to deal with a riotous crowd. The NY State Police agency would have to be contacted.	None	Completed
Does the community wish to continue the enforcement of minor offenses? Does this approach help deter more serious offenses from being committed?	The community feels enforcement is expected. By turning a back to minor crimes, are we in essence allowing more serious crimes to incubate?	None	Completed
Choke holds and Other Restrictions on Breathing	NYS has criminalized the use of chokeholds by police officers. They have not been endorsed in department policies. Aggravated strangulation has is also not endorsed in police training.	None	Completed
Use of force for punitive or retaliatory reasons	This is prohibited under a necessary force policy.	None	Completed

Pretextual stops	Involves stopping an individual on one stated basis when the real purpose is to investigate the individual for an entirely different and usually more serious crime. Our police department does this and it has been effective, especially during a DWI enforcement time period.	None	Completed
Question	Description	Action	Status
Informal quotas for summons, tickets or arrests	NYS has banned such practices and it is not our practice.	None	Completed
Lethal weaponry such as tasers and pepper spray	Less lethal weapons can still cause serious harm. Our officer receives training on use at his full-time position in Wellsville. Our department does have a taser.	None	Completed
Can your community effectively identify, investigate and prosecute hate crimes?	Our department would comply with hate crime reporting requirements. We could identify and investigate to a point then turn our findings over to the appropriate agency.	None	Completed
Community Outreach Plans	A specific plan is not necessary. Our officer would give presentations to any group as requested	None	Completed
Partnership with community organizations and faith communities	Our officer feels this is similar to community outreach plan and would be happy to speak if requested.	None	Completed
Partnering with schools and students	Our officer builds rapport with our youth through informal avenues at school events and outdoor activities. He is often seen visiting within the school community.	None	Completed

When should officers be required to report use of force to their supervisors?	Officers should have a clear policy regarding use of force documentation.	Should be addressed in our policies.	Under review
Does your department have performance reviews?	Our department does not have a written performance review.	Needs to be addressed	Under review
Question	Description	Action	Status
Does your department have a clear and transparent process for investigating reports of misconduct?	Misconduct investigations must ensure both community trust in the department and fairness to the officer. We do not have a clear procedure regarding misconduct or a progressive discipline system	Needs to be addressed	Under review
Is there an easy, accessible publicized process for members of the public to report complaints about police misconduct?	There are multiple ways for a citizen to initiate a complaint against an officer including email and phone numbers that are easily accessible. We do not have a written process.	Needs to be addressed	Under review
Should the department accept anonymous complaints?	New Era of Public Safety recommends that departments review anonymous complaints but disclose that anonymity can hinder a review process. Misconduct resulting in discipline should be written and signed by the complainant.	Need to look for guidance	Under review
Does your local legislature engage in formal oversight of the police department?	Although it could be a helpful tool, they do not. Our board's involvement is more financial although monthly reports are provided at board meetings	Possible review at board meeting	Ongoing
Does your department do an annual community survey to track level of trust?	An annual survey that measures effectiveness, community's views, and one that collects negative feedback may be a helpful tool in gauging community satisfaction.	Will review possibility	Under review

How can your department demonstrate a commitment to transparency in its interactions with the public?	Officer should state name and department and reason for interacting with member of the public	We could provide business cards and we do provide a police cell phone number if requested.	Will complete
Question	Description	Action	Status
Should your police department leverage video cameras to ensure law enforcement accountability?	Our department does utilize a body camera and utilizes a camera in the police vehicle	None	Completed
How can you encourage youth in your community to pursue careers in law enforcement?	Police cadet programs offer law enforcement apprenticeships to young people between the ages of 18 and 20 years old. Our officer has participated in career days at our local BOCES and has acted as a mentor to potential future law enforcement candidates.	None	Completed
What training policies can you adopt to ensure that police officers continuously receive high quality, relevant in-service training sessions?	Continuing education is a requirement to help ensure that officers can refresh skills learning in the past, develop new skills and remain abreast of new information. Our officer does relevant training at his full-time position with the Village of Wellsville	None	Completed

<p>How can your department use its training programs to avoid incidents involving unnecessary use of lethal or nonlethal force?</p>	<p>Our police department training through the Village of Wellsville focuses on elements of de-escalation and can lead to outcomes that achieve police objectives and resolve dangerous scenarios safely and peacefully.</p>	<p>On-going Training</p>	<p>Certification required with training</p>
<p>Question</p>	<p>Description</p>	<p>Action</p>	<p>Status</p>
<p>What steps can you take to promote wellness and well-being within your department?</p>	<p>Well being, self-care, counseling and intervention programs are important resources. Employee assistance programs are available on-line as well as being provided by the police union. A county crisis hotline is available 24 hours a day is available. The Wellsville Village Police Department peers and supervisors monitor employees involved in potentially traumatic incidents looking for changes in demeanor. Formal and informal intervention programs provide assistance to those officers in need.</p>	<p>None</p>	<p>Complete</p>