



Town of New Hartford Police Department

**NEW YORK STATE
POLICE REFORM
AND REINVENTION
COLLABORATIVE**

Police Reform and Reinvention Plan

*** 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 New Hartford. These individuals and the other members of the New Hartford Police Reform and Reinvention Collaborative have worked hard to better their community, their home — thank you.

Introduction:

On June 12, 2020 Governor Andrew Cuomo issued Executive Order Number 203 requiring each local government in New York State to adopt a policing reform plan by April 1, 2021. The Order authorizes the Director of the Division of Budget to condition State aid to localities on the adoption of such a plan. In accordance with this order the Town of New Hartford put together a Police Reform Committee and began asking for public comment from the community on the current perspective of their relationship with the New Hartford Police Department.

Municipality Demographics:

The Town of New Hartford includes the Village of New Hartford, a portion of the Village of New York Mills and the hamlet of Chadwick's. It borders the City of Utica. The Town covers approximately twenty-five square miles with a population estimate of approximately twenty-two thousand residents of which 53.3% are female and 46.7% are male. In the population 92.2% identifies as white, 1.7% identifies as Black or African American, 4.1% identifies as Asian, and the remaining identifies as two or more Races. (Statistics obtained from the United States Census Bureau 2019.)

Agency Demographics:

The New Hartford Police Department is made up of 32 sworn Police Officers, 3 secretarial positions and 2 Animal Control Officers. The New Police Department is divided into the following divisions to better serve our citizens:

- Police Administration
- Office of Professional Standards
- Technical Working Groups
- Drug Enforcement
- Forensic and Technical Services

- Training Division
- Family Services Unit
 - Juvenile Aid Division
 - School Resource Officer Unit
 - School Safety Officer Unit

Mission Statement:

“Our mission is to promote a sense of safety and quality of life in New Hartford by providing police services with integrity and commitment to excellence in partnership with our community. We view the people who live in and visit New Hartford as our customers who deserve our concern, care and attention.”

The New Hartford Police Department strives to:

- Protect life and property.
- Preserve public peace and maintain order.
- Deter and prevent crime.
- Detect and arrest offenders.
- Enforce all laws and ordinances within its jurisdiction.
- Educate the public.

Overview of Change:

The New York State Police Reform and Reinvention Collaborative requires local police agencies to develop a plan based on community input. The governor’s executive order is intended to help rebuild the confidence and restore trust between police and the communities they serve by requiring localities to develop a new plan for policing in the community based on fact-finding and meaningful community input. The New Hartford Police Department has already implemented and trained on the reforms already passed by New York State which include, but are not limited to, the banning of chokeholds. It should be noted that chokeholds were never allowed or taught here in the New Hartford Police Department. Steps

have also been taken to comply with the recent New York State legislation such as repealing of Civil Rights Law 50-a and the changes to the Criminal Procedure Law resulting from the new enactment in the areas of bail and discovery.

Throughout this plan the New Hartford Police Department is going to identify the recommendations and directives that address the issues outlined in the governor's order. This will be done by identifying our current policies and procedures which help achieve these missions as well as identifying new programming and directives that have been developed or are in the process of being developed as we progress through this plan.

This plan will address concerns and needs in the following areas:

- Policy and Procedures.
- Departmental Training.
- Use of Force.
- Dealing with Mental Hygiene.
- Data Collection and Sharing.
- Citizen and Internal Complaints.

Police Reform and Reinvention Collaboration Committee:

The formation of the New Hartford Police Reform and Reinvention Collaborative began during October 2020. The purpose of the New Hartford Police Reform and Reinvention Collaborative was twofold: to create a plan to help guide our municipality with our police agency in our efforts and to create a framework for the New Hartford Police Department to create our reform plan. The collaborative was comprised of community stakeholders made up of members of the community along with elected officials and police officials in the Town of New Hartford. In addition to bringing together this group of stakeholders to form the Town's collaborative, numerous forums were held and an online public comment forum and survey was created to solicit input from New Hartford residents on their ideas for reform. Over the past several months the collaborative met to discuss needs, priorities, and various topics related to police reform.

Policy and Procedures:

Accreditation is a progressive and contemporary way of helping police agencies evaluate and improve their overall performance. It provides formal recognition that an organization meets or exceeds general expectations of quality in the field. Accreditation acknowledges the implementation of policies that are conceptually sound and operationally effective.

The New Hartford Police Department is actively working to obtain accreditation status with the NYS Division of Criminal Justice Services.

In compliance with the Division of Criminal Justice Services the New Hartford Police Department ensures that all sworn officers receive the required amount of yearly in-service training. This training consists, but is not limited to, the following subjects:

- Use of Force
- Use of Deadly Force Review
- Firearms Training
- Reality Based Training
- Oleoresin Capsicum Aerosol Training
- Baton Training
- Taser Training
- De-escalation Training
- Legal Updates
- Workplace Violence Training
- Blood borne Pathogen and Hepatitis Awareness Training
- Sexual Harassment Training
- Discrimination Training

Use of Force:

Use of force policies are reviewed and amended routinely. The New Hartford Police Department updated the Use of Force Policy during the month of January 2021. Currently it is the policy of this agency to use only the force that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of the members of the force and others. The Use of Force policy includes:

- Use of Force
- Prohibited Use of Force
- Less than Lethal Procedures
- Reporting and Documenting Procedures
- Training
- Duty to Intervene

Every use of force incident is documented and reviewed. NYS Executive Law 837-v requires specific uses of force to be reported to NYS including:

- Display/Brandish an impact weapon
- Use an impact weapon
- Display/Brandish a chemical weapon
- Use/Deploy a chemical weapon
- Display/Brandish an electronic control weapon (Taser)
- Use/Deploy an electronic control weapon (Taser)
- Display/Brandish a firearm
- Use/Discharge a firearm
- Conduct that results in the death or serious bodily injury of another person

The use of chokeholds, obstructing breathing and/or carotid restraints has never been an approved use of force of the New Hartford Police Department and is prohibited by policy.

New Hartford Police Reform Plan

The reform plan, in accordance with public feedback and the executive order requirements, consists of six primary themes: NYS Mandated Changes, Equality and Social Justice, Transparency and Accountability, Community Relations, Operational Policy and Procedures and Training.

The reform items found in this section are derived directly from the Executive Order No. 203.

NYS Mandate 1 - Civil Penalties for Filing False Reports on a Member of a Protected Class.

This mandate establishes civil penalties for falsely Summoning a Police Officer when there is no reason to believe a crime, offense or threat has been committed involving a member of a protected class. (Effective 6/13/20). NHPD conducted in-service training to complete this mandate.

NYS Mandate 2 - Require Police Officers to Report the Discharge of Weapons.

This mandate requires a police officer or peace officer (whether on or off duty) who discharges his or her weapon under circumstances where a person could be struck by a bullet to verbally report the incident within six hours and file a written report within forty-eight hours. (Effective 9/13/20). NHPD amended the Use of Force policy to complete this mandate.

NYS Mandate 3 - Require the Reporting of Police Acts or Omissions Resulting in a Person's Death to the Office of Special Investigation.

This mandate establishes an Office of Special Investigation within the Office of Attorney General which will have investigative authority and criminal jurisdiction for any incident involving the death of a person caused by an act or omission by a

police officer or peace officer employed as a correction officer or contracted by an education, public health, social service, parks or housing agency. Where an investigation concludes that the death or matters relating to the death or investigation of the death involved criminal conduct, the Office will be empowered to prosecute any such offenses. (Effective 4/2021). NHPD will conduct in-service training and establish a communication method with the Attorney General's office.

NYS Mandate 4 - Ban Choke Holds

The Eric Garner Anti-Choke Hold Act creates the crime of aggravated strangulation (making it a Class C felony) and establishes criminal penalties for a police officer or peace officer who uses a chokehold that causes serious physical injury or death. (Effective 6/12/20). NHPD conducted in-service training to complete this mandate.

NYS Mandate 5 - Require Medical Response for Arrestees.

Affirms an individual's right to medical and mental health attention while under arrest or otherwise in custody of a police officer or peace officer. Failure to provide reasonable and good faith medical assistance could result in a cause of action against the officer, representative and/or entity. (Effective 6/15/20). NHPD conducted in-service training to complete this mandate.

NYS Mandate 6 - Require Policing Statistics to be Reported to the Division of Criminal Justice Services.

Requires courts to compile and publish data concerning arrests and court proceedings involving low-level offenses such as violations and traffic offenses. Such report will include aggregate and anonymized demographic information such as race, ethnicity and sex. This bill requires police departments to submit

annual reports on arrest-related deaths to the Department of Criminal Justice Services, as well as the Governor and the State Legislature. (Effective 12/12/20). The Town Court will provide data to the Office of Court Administration and NHPD will provide annual reports on arrest-related deaths to DCJS.

NYS Mandate 7 - Recording of Law Enforcement Activity.

Provides that a person not under arrest or in the custody of a law enforcement official has the right to record police activity and to maintain custody and control of that recording and of any property or instruments used by that person to record such activities. A person in custody or under arrest does not, by that status alone, forfeit such right to record. (Effective 7/13/20). NHPD is already in compliance with this mandate.

NYS Mandate 8 - Provide the Public Access to Personnel Records Police Officers

Repeal of Civil Rights Law 50-a, which had made all personnel records used to evaluate the performance toward continued employment or promotion of police officers confidential and not subject to inspection or review without the individual's express written consent or a court order. This legislation also amends the New York State Freedom of Information Law (FOIL) subjecting any record created in furtherance of a law enforcement disciplinary proceeding to disclosure under FOIL. The new FOIL provisions require specific sensitive personal information, including medical history, to be redacted from such records prior to being disclosed. (Effective 6/13/20). NHPD will comply with this legislation to maintain transparency.

New Hartford Police Department Reforms

The reform items found in this section were identified by the members of the Collaboration Committee, results of a police survey and feedback from the community.

Equality and Social Justice

The New Hartford Police Department will expand Diversity and Bias Awareness training to include marginalized populations such as Low Income, Substance Use Disorders, Minority and LGBTQ+ communities as well as training to recognize systemic racism.

NHPD also adopted a new policy and procedure during the month of February 2021 titled: Biased Based Profiling. Allegations of biased profiling or discriminatory practices based on an individual's race, ethnic/national origin, religion, age, gender, gender identity, sexual orientation, disability, and/or economic status, real or perceived, are detrimental to the relationship between the New Hartford Police Department and the citizens that we serve because they strike at the foundation of public trust. The biased based profiling policy guides the members of the New Hartford Police Department and advises the Officers of their sworn duty and responsibility to protect the constitutional and civil rights of all citizens. Treating persons in an unbiased, fair and impartial manner is also key to gaining trust, support and cooperation. This is the case when dealing with the public in enforcement encounters as well as in providing services to the community, such as preventative patrol and crime prevention initiatives.

Procedural Justice

Officers will be trained to uphold the tenets of procedural justice, which refers to the idea that individuals judge the fairness of the justice system on how fair they perceive the process, as opposed to how fair they perceive the outcome. Therefore, the framework surrounding procedural justice in law enforcement

consists of several approaches that aim to foster trust and confidence in law enforcement. These include providing the public with (1) voice: that their side of the story has been heard; (2) respect: that law enforcement treats them with dignity and respect; (3) neutrality: that an officer's decision-making is unbiased and trustworthy; (4) understanding: provision of basic information on why and how officers made decisions in a given matter; and (5) helpfulness: that an officer is interested in the individual's personal situation to the extent reasonable and allowable. By incorporating these items into their daily interactions with the public, officers can help establish the legitimacy necessary to build community trust and confidence in law enforcement.

Increase Diversity

NHPD will take proactive steps to increase diversity of the candidate pools so newly hired officers better reflect community demographics. This can be accomplished by increasing social media advertisement to attract diverse candidates and raise awareness of available positions and civil service requirements. NHPD will also place more emphasis during the background investigation of new applicants to include a more in-depth emphasis on the integrity and ethics of any possible hire to ensure the new recruit possesses the core values needed in a law enforcement officer.

Transparency and Accountability

The Town of New Hartford currently has a Citizen's Police Advisory Committee. The citizen advisory committee routinely examines the operations of the New Hartford Police Department and makes recommendations based on these examinations. This committee also reviews personnel complaints, investigations and adjudications to ensure that best practices in personnel actions are being followed. With the repeal of Civil Rights Law 50-a, the public will now have access to the personnel records of the officers of NHPD. A review of the advisory committee will be undertaken and, if needed, changes will be made to the

committee's responsibilities and authority to better serve the residents and visitors of the Town of New Hartford.

NHPD will increase the transparency of arrest activities and calls for service by ensuring citizens have access to appropriate police data and arrest data via a monthly report made available on the Town's website. This data will include the calls for service, cases and arrests, and use of force incidents.

NHPD will undertake and implement a body camera initiative. Members will be provided body cameras for use during the performance of their duties. The use of the recorders is intended to enhance the mission of NHPD by accurately capturing contacts between the police officers and the public, thereby enhancing transparency and accountability.

Community Policing and Relations

The New Hartford Police Department utilizes several strategies to provide law enforcement services to the community. Many of these strategies are not only directed at targeting crime, but are also used to increase the relationship of NHPD Officers to those in the community. The more presence in the community, the more trust the community will have with the New Hartford Police Department.

The Town of New Hartford is the retail hub of Oneida County, consisting of a large enclosed mall (Sangertown Mall), numerous separate shopping centers and hundreds of small businesses. It is also home to a large hospital complex (St. Luke's) and numerous companies employing hundreds of employees each. These various shopping complexes, large employers and hospital complex reflect a greater cultural diversity than is found in the community, thereby increasing our ability to reach out to and converse with those from different ethnic and cultural backgrounds.

We are able to increase our involvement with the community by routinely assigning officers to patrol the interior of Sangertown Mall as well as the St. Luke's Hospital complex. There are also police officers assigned to each school

building in the New Hartford Central School District thereby developing relationships with the youth in our community. Officers are also involved in numerous school and community events and the department offers a variety of training and educational programs to numerous groups in the community as the need arises. The department also has a presence on social media followed by thousands of residents.

The aforementioned community policing strategies increases our involvement in non-law enforcement related activities enabling the officers and community members to develop a lasting relationship. We are always seeking new ways to partner with the community and realize that community participation and assistance are crucial for maintaining public safety and being responsive to the needs of the community.

Operational Policies and Procedures

Pursue NYS DCJS Law Enforcement Accreditation. Assess current policy and procedures to determine areas on non-compliance in order to meet NYS DCJS Law Enforcement Accreditation standards. This entails a comprehensive review of the current NHPD policies against state level standards to identify gaps and attain NYS accreditation.

Crisis Intervention Training and Mental Health Training

Improve Collaboration with Mental Health Agencies:

The New Hartford Police Department has policies in place for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with these individuals has the potential for miscommunication and violence and often requires a police officer to make difficult judgements about a person's mental state and intent in order to effectively and legally interact with the subject.

NHPD Officers are trained to be alert to possible signs of mental health issues and collaborate with local mental health professionals to develop a response protocol. There may be a need for intervention, counseling, or a referral to the Mobile Crisis Assessment Team to provide emergency mental health services.

Improve Awareness of Mental Health Challenges of Officers:

NHPD will expand peer counseling services and include the members of the Officers family if so desired. The Town also provides an Employee Assistance Program for use. Training will also be increased on how to recognize stress and teach effective strategies for managing stress.

Training

Expand De-escalation Training. NHPD will review current de-escalation training and benchmark for additional recommendations. As training becomes available officers will be assigned to attend de-escalation training in addition to the in-house training program concerning this vital matter.

Survey

A public survey was distributed by the New Hartford Police Reform and Reinvention committee to gather feedback, opinions and experiences from the New Hartford community and surrounding area. The committee's goal was to gather initial input as it drafted recommendations in accordance with Gov. Cuomo's executive order on police reform and reinvention.

The results of the survey were reviewed and discussed by the committee. The survey results showed overwhelming support for the operations and activities of the New Hartford Police department and their officers. The survey also indicated support for a body camera program to be designed and implemented by the New

Hartford Police department to further transparency and accountability to the citizens of the New Hartford community and area.

Conclusion

The New Hartford Police Department appreciates the feedback they have received from the community over the last few months.

“Our mission is to promote a sense of safety and quality of life in New Hartford by providing police services with integrity and commitment to excellence in partnership with our community. We view the people who live in and visit New Hartford as our customers who deserve our concern, care and attention.”

The New Hartford Police Department will continue to maintain a high standard of excellence to provide the highest possible level of law enforcement services to our community and is committed to the safety and well-being of our residents and visitors.