



CITY OF NEW ROCHELLE NEW YORK

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE PLAN

January 2021

Attachment: NYSPRRCP (003) (2190 : NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE PLAN)

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INTRODUCTION

In 2020, New York Governor Andrew M. Cuomo issued Executive Order Number 203 entitled the New York State Police Reform and Prevention Collaborative. A copy of that Executive Order is included in this document. The Plan requires “Each government entity in the State of New York which has a police agency to perform a comprehensive review of current police force deployments, strategies, policies, procedures and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.”

Further, the Executive Order requires “Each chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community to develop such plan.” The City of New Rochelle operates under a “Council/Manager” form of government which is a collaborative form. This is somewhat different from a “Strong Mayor” form of government where there is a clear separation between the executive and legislative branches of the government. In the case of the Council/Manager form of government, the City Manager and Administration consult on a regular basis with the Mayor (who is a Member of the City Council) and the City Council. As a result, the formation of the City’s Policing Review Committee, the review of the Committee’s recommendations and the development of this Plan was a collaborative effort between the City Manager, Senior Staff and the Mayor and City Council.

In response to the Governor’s Executive Order, New Rochelle City Manager Charles B. Strome, III, in consultation with the City Council, undertook a process in New Rochelle to comply with the Executive Order. The City underwent a process to select the Policing Review Committee which included a City-wide request for resident stakeholders to apply to serve on the Committee. After receiving and reviewing some 150 applications, on August 13, 2020 City Manager Strome appointed the following members to the Policing Review Committee: Lisa Burton, Alvin Clayton, Kwamain Dixon, Natasha Fapohunda, Robin Frankel, Nat Harris, Carmelo Hernandez, William Ianuzzi, Jason Labate, Wynter Parham, Wendell Sears, Emma Silva, Jabari Skeene and Steven Sonet. Additionally, the City Manager, Police Commissioner Joseph Schaller, Deputy Police Commissioner Robert Gazzola and Chief of Staff/Corporation Counsel Kathleen Gill were designated as non-voting participants. Mayor Noam Bramson participated in the Committee process and Council Member Yadira Ramos-Herbert represented the City Council and acted as a non-voting facilitator of the Committee.

Once the Committee was formed, they met six (6) times and hosted five (5) community input meetings between August and October, 2020. Additionally, a dedicated webpage www.newrochelleny.com/policing was established on the City website with information and updates.

The Committee was charged to examine the following topics:

- Use of force policy and training
- Data disclosure and transparency
- Community engagement

- Oversight/Discipline/Complaint Process
- Equipment
- Other Issues

The primary goal of the Committee was to review the above topics and make recommendations to the City Manager. Following recommendations by the Committee and input from appropriate staff and discussion by the Mayor and City Council, the City Manager, Mayor and City Council worked collaboratively in the development of this Plan. A copy of the Committee recommendations and the Staff responses are included in this Plan. The Committee recommendations and Staff responses were submitted to the City Council on November 4, 2020 and November 10, 2020 respectively.

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The following items shall be implemented in the Immediate or Short term.

COMPONENT 1 ESTABLISHMENT OF COMMUNITY-POLICE PARTNERSHIP BOARD

MISSION AND RESONSIBILITIES

The Community-Police Partnership Board (CPPB) shall have the following responsibilities, to be discharged in concert with the New Rochelle Police Department leadership and relevant personnel, and in a spirit of active engagement and collaboration:

- Review and recommend improvements to NRPD training protocols and use-of-force policies, with an emphasis on “advancing procedural justice practices, emotional intelligence, [and] community-oriented policing,” as well as conflict de-escalation and implicit bias prevention. Such reviews should occur as often as deemed necessary and no less than annually.
- Examine the circumstances surrounding “serious incidents” (as defined below) that entail grave injury or death and/or an officer’s discharge of a firearm and “that have the potential to damage community trust or confidence in the agency.” Determine whether the events so reviewed hold systemic lessons that argue for changes in policy or training protocols. Issue any such recommendations to the Police Commissioner, City Manager and/or City Council. At the Police Commissioner’s request, advise on disciplinary matters.
- Hold regular meetings with community leaders and interested residents to review data, discuss concerns, receive community comment, and maintain ongoing, trust-building dialogue. Examine aggregated data regarding police-community interactions and complaints to identify systemic concerns. At the request of either co-chair, examine the circumstances surrounding specific complaints or events.

MEMBERSHIP: 11 Total

- NRPD- 4 Members

Appointing Authority: Police Commissioner, with the approval of the City Manager.

Term: Serve at the pleasure of the Police Commissioner.

Composition: Must, at a minimum, include Commissioner or Deputy Commissioner, Training Officer

Note: The Commissioner may designate additional members of the Department, as needed, to participate in CPPB meetings for the purpose of providing information or answering questions.

- **SENIOR CITY MANAGEMENT- 1 Member**

Appointing Authority: City Manager

Term: To serve at the pleasure of the City Manager

Composition: The City Manager or his or her designee shall be a permanent Member of the CPPB.

- **CITY COUNCIL- 1 Member**

Appointing Authority: City Council selects from among its membership by a majority vote.

Term: Council Term

- **GENERAL COMMUNITY- 5 Members**

Appointing Authority: Nominated as a slate by the City Manager and confirmed by a majority vote of the City Council.

Term: Four-year term, commencing and concluding six months after the commencement of the City council term.

Composition: Residents of New Rochelle judged to have experiences, skills, leadership roles, and perspectives that add meaningful value to the work of the CPPB and who help ensure that the overall composition of the CPPB is reflective of New Rochelle's diversity.

Note: In evaluating potential members, the City Manager and City Council should consider drawing upon the leadership of established community organizations and committees.

LEADERSHIP: 2 Co-Chairs

NRPD Co-Chair: Appointed by the City Manager, drawn from among the NRPD members of the CPPB.

Community C-Chair: Nominated by the City Manager and confirmed by a majority vote of the City Council, drawn from the General Community members of the CPPB.

MEETING SCHEDULE

The CPPB shall meet at least quarterly, in sessions open to the general public. Meeting locations and times should vary to maximize public opportunities for observation, and when appropriate, participation.

At least one meeting annually should be devoted to review and discussion of training and use-of-force policies.

Note: The CPPB may schedule such additional meetings as its membership deems appropriate to discharge its mission, including emergency meetings, when necessary, to review serious incidents.

SERIOUS INCIDENTS

In addition to the regular meetings outlined above, the CPPB will also be convened when there is a serious incident defined as follows:

1. The discharge of a firearm by a New Rochelle Police Officer or other New Rochelle official conducting an enforcement activity, that results in human injury and/or death.
2. Any incident in which a New Rochelle Police Officer or other New Rochelle official conducting an enforcement activity sustains grave injury or death at the hands of another, to include “friendly fire” situations.
3. Any incident involving the use of force by a New Rochelle Police Officer or other New Rochelle official conducting an enforcement activity against another person resulting in grave injury or death.
4. The death of a person while in-custody of a New Rochelle Police Officer or other New Rochelle official conducting an enforcement activity. In-custody is defined as: a situation where there has been a formal arrest or when, under the totality of the circumstances, there has been a restraint of freedom of movement of the degree associated with formal arrests.

In the event of a disagreement about specific incidents, either co-chair may introduce an incident for review by the CPPB. In reviewing such incidents, the CPPB shall be provided with any relevant documentation or records, excepting any items required by State or Federal law to be withheld.

TRAINING FOR THE CPPB

All General Community appointees to the CPPB shall be required to participate in the Citizen’s Police Academy and to receive any additional training and/or orientation judged by the City Manager to be necessary for the discharge of their duties.

The CPPB shall be established no later than May 1, 2021.

Note: The New Rochelle Policing Review Committee made the following recommendations which shall be referred to the CPPB immediately for implementation upon its establishment:

1. The Committee recommends NRPD participate in rigorous and robust training that focuses on advancing procedural justice practices, emotional intelligence, community-oriented policing, and specifically addresses the role of race in officer’s perceptions of risk and their decision making in potentially dangerous interactions with citizens.
2. The committee recommends collaboration between NRPD and community members to “co- produce” and update policies and training programs in a manner that reflects clear roles and responsibilities to achieve community centered safety goals, violence reduction and address key problem areas. Special consideration should be paid to Use of Force and De-escalation policies to reflect norming best practices, including the ban of intentional neck and chokeholds.

COMPONENT 2 UNDERTAKE IMPLICIT BIAS TRAINING

Although the CPPB will review training protocols, the Police Department will continue to provide implicit bias training into its regular annual training program.

Note: It should be noted that the Police Department has trained its members in implicit bias for years. It had scheduled Implicit Bias Training in 2020 but it was delayed due to the COVID Pandemic. The Department intends to initiate that training program as soon as it becomes safe to do so.

COMPONENT 3 ESTABLISHMENT OF A COMPLETE BODY CAMERA AND DASHBOARD CAMERA PROGRAM

The Policing Review Committee recommended body cameras for all Patrol officers and Patrol supervisors operating in the field as well as in-car cameras for all marked and unmarked patrol vehicles. Additionally, the committee recommended that the footage from these cameras be stored and retained in a way that is easily accessible to third parties such as the New York State Attorney General's Office and requests from the public in accordance with Freedom of Information and other applicable laws.

In response to this recommendation, the City Council directs the City Manager and the Police Department to implement such a camera program during calendar year 2021. (It should be noted that funding to initiate the program was included in the City of New Rochelle's 2021 Adopted Budget). The City Manager and NRPD shall provide City Council with an update on the implementation of this program, including a description of how data will be retained, by September 1, 2021.

COMPONENT 4 CREATION OF AN INSPECTOR GENERAL POSITION WITHIN THE CITY GOVERNMENT

The Policing Review Committee recommended the creation of the Office of an Inspector General, which is not part of the NRPD but is an office within City Hall charged with investigating and resolving complaints or allegations of misconduct. It should be noted that the establishment of an Inspector General Position charged with investigating and resolving complaints or allegations of misconduct relative to all City employees was included in the City of New Rochelle's Adopted 2021 Budget and will work out of the City's legal department. The duties and responsibilities of this position will be developed and finalized and reviewed by City Council by February 1, 2021 and the position should be filled in the first quarter of 2021.

COMPONENT 5 ESTABLISHMENT OF POSITION IN THE POLICE DEPARTMENT TO UPDATE ITS WEBSITE AND DEVELOP A PROGRAM TO PROVIDE RELEVANT INFORMATION TO THE PUBLIC

The Policing Review Committee recommended that the NRPD update its website and allow public access to monthly reports that detail racial, ethnic, gender and location data related to all police stops, crime data, complaint data, vehicle and traffic law and daily activity logs. The Committee recommends the hiring of a data entry clerk who will aggregate the information in a manner that allows monthly digital access. The Committee recommends a comprehensive data management overhaul be undertaken to analyze the following but not limited to collection, maintenance, analyzing and disclosure practices.

It should be noted that the City of New Rochelle's Adopted 2021 budget includes funding for such a position. The specific data categories to be collected and presented will be developed and presented to City Council by June 1, 2021.

COMPONENT 6 DEVELOPMENT OF AN ONLINE SYSTEM FOR FILING COMPLAINTS

The Policing Review Committee recommended that all complaints concerning a Member of the NRPD should be capable of being filed through an on-line form; tracked to a final disposition with a detailed explanation of the ultimate result; and available to the public with legal necessary redaction. All identifying information of complainants should be held confidential and restricted to only those with the need to investigate, resolve or adjudicate such complaints and subject to a strictly enforced retaliation policy which confirms that any retaliation against any complainant will result in disciplinary action and possible termination by the offending officer. The retaliation policy should be clearly stated on the complaint form.

It should be noted that the NRPD is currently engaged in the process of creating an online complaint form. It is recognized that certain aspects of this committee recommendation are contingent upon definitive resolution of State-level regulations governing disciplinary records, the City Manager and the NRPD will complete development of this on-line complaint portal by May 1, 2021 and provide City Council an analysis on how transparency can be achieved for both complainants and the general public, consistent with State guidelines by September 1, 2021.

The Police Department will establish a retaliation policy in 2021. Such policy will be included on all complaint forms.

COMPONENT 7 CONSIDER JOINING PROPOSED COUNTY PROGRAMS

The Policing Review Committee recommended that the City Council join any County level shared services model for both Crisis Responders and the establishment of a Countywide Civilian Complaint Review Board. Should the County implement one or both of these programs, the City Council directs the City Manager and Police Department to review the program and recommend to City Council whether or not the City should participate in such programs. Both programs are considered positive in concept but the City should commit to participation only after reviewing details of the programs.

COMPONENT 8 WORK WITH INTERESTED COMMUNITY GROUPS TO ESTABLISH A RESIDENTS SECURITY OFFICER PROGRAM

The Policing Review Committee recommended the reinstatement of the Residents Security Officers ("RSO) Program who are residents from the community to serve as liaisons with NRPD and help reduce crime. Strengthening resident-police partnerships is of urgent importance and must be pursued vigorously, so that residents can be more fully engaged in providing for safe neighborhoods. The previous RSO Program was a program created and operated by the New Rochelle Municipal Housing Authority and funded by the Federal government through various programs to provide RSO's at the former Hartley Houses (now Heritage Homes) and Bracey Apartment complex. The Heritage House Development is no longer a Public Housing Project and is now private property. The Bracey House Apartments remain a Housing Authority Property but the Housing Authority is moving forward on a proposed project which would convert them to a project similar to the current Heritage Homes Project, thus also becoming private property. As a result, it is not legally possible for the City to fund a program like this that would operate on private property. However, the City supports establishment of such programs if they are supported by the residents of the Housing complexes and City staff should work with residents to seek other funding sources in 2021 to allow the program to be established.

COMPONENT 9 PROVIDE WEBSITE INFORMATION AND ALL UNDERLYING DOCUMENTS IN BOTH ENGLISH AND SPANISH

The Policing Review Committee recommended all information shared on the NRPD website be provided in English and Spanish. This recommendation has obvious merit in a community with a substantial Spanish-speaking population. The Department's website

currently translates into 109 languages; however, attachments and linked documents have not typically been translated. As a result of this recommendation, all attachments will be translated into Spanish. The City Manager is directed to work with relevant City staff to provide City Council with a clear description of the steps necessary to implement this recommendation, including any necessary budget allocation and/or assignment of personnel. This report should be provided to City Council as soon as possible but no later than May 1, 2021.

COMPONENT 10 ADDITIONAL ITEMS TO BE STUDIED FURTHER DURING 2021

The Policing Review Committee made several other recommendations that should be studied further during calendar year 2021. These recommendations include:

- Communication modalities have changed and social media is the key way to share information. The Committee recommends the hiring a staff member who is trained to permit a more robust social presence without violating NRPD Rules and Regulation sections 3.1, 3.2 and 3.4. **(Staff will review this in 2021 and determine if it can be accomplished with existing resources. If not, staff will report back to City Council if doing so is infeasible.)**
- The Committee recommends the hiring of a community stakeholder liaison. The liaison will be responsible for implementing strategic initiatives to foster better police/community relations. The individual will work closely with the Youth Bureau and other various City/State agencies to ensure better communication between City, State, Federal agencies and the community stakeholders. **Staff will review this in 2021 and determine if it can be accomplished with existing resources. If not, staff will report back to City Council if doing so is infeasible.)**
- The Committee recommends NRPD explore other potential community crisis responders with a focus on de-escalating outcomes. **(This recommendation should be referred to the CPPB for review and recommendation.)**
- The Committee recommends NRPD implement the (ABLE) Project. (Note: It is recommended that specific training models be reviewed by the CPPB and that the CPPB make a recommendation to the Police Commissioner and the PD Training Officer for consideration in each year's Training Program.) **(This recommendation should be referred to the CPPB for review and recommendation.)**
- Examination of civil service policies. Consider tools available to advance practices that focus beyond cognitive abilities to measure key personality traits, community-oriented skills and capabilities. Explore opportunities for candidates to earn hiring "points" from a range of desirable attributes, specifically focused to mitigate disparate impact that minority or working class, or low-income candidates may have in the process. Consider

current educational requirements thoughtfully and whether they present a barrier or can be adjusted in other ways to get more qualified candidates in the door while still incentivizing the attainment of higher education and its corresponding benefits for officers. The New Rochelle Police Department should pursue both diversity and local hires, but to the extent these goals conflict, diversity is higher priority. **(City staff will review possible actions that can be undertaken or requested and report back to City Council in 2021. It is understood that actions may be possible at both the local Civil Service and State Civil Service levels.)**

COMPONENT 11 ITEMS THAT REQUIRE ADDITIONAL STUDY AND DISCUSSION

The Policing Review Committee made several other recommendations that will require further study to provide the City Council additional information to facilitate a discussion, particularly when there are budgetary implications. The City Manager is directed to undertake the review of these items and provide the City Council a report by November 1, 2021 so they can be reviewed in connection with the City's proposed 2022 Budget.

The Committee recommendations that require further review and are to be included in the report to City Council are:

- The Committee recommends the hiring of police officers and community members who will allow the creation of relationships that will reduce crime in hot spot areas, including 5 police officers assigned solely to Peter Bracey and Heritage Homes. These officers should be trained in community service model practices that will help to build trust and engagement between the residents and the police. **(Staff will evaluate this recommendation, including the cost to implement, and report back to City Council.)**
- The institution of a "Cure Violence" program where leaders in the community are trained to change norms, respond to shootings, organize the community and mediate violence and proactively address areas with high risk. **(This recommendation should be referred to the Clergy Rapid Response Team and the CPPB.)**
- The institution of a Credible Messengers program, in which formerly incarcerated community members with street credibility receive mediation training (for disturbances/disputes/suspicious person/trespassing/juvenile disturbance calls not related to mental health issues) and are able to connect with and motivate the most at-risk young people to successfully challenge and transform destructive thinking, attitudes and actions. **(A related initiative is currently underway in the New Rochelle City Court with the creation of an "Opportunity Youth Part." Members of the NRPD PACT Youth have been involved in this program since October 2020, and will continue to provide assistance to the Court. In addition, the Court is exploring a potential partnership with the incoming Westchester County District Attorney to provide restorative justice programming. These efforts should be strongly supported by the City government.)**

- The Committee also recommends that the NRPD should proactively collaborate with the appropriate City Department (for example the communications department) to continuously monitor the languages spoken by residents of New Rochelle. As new languages become prevalent in our community efforts should be made to translate these materials into the emerging languages in our community. **(Staff will evaluate this recommendation, including the cost to implement, and report back to City Council.)**
- The Committee also recommends digitizing all police employment records and civilian complaints. **(Staff will evaluate this recommendation, including the cost to implement, and report back to City Council.)**

COMPONENT 12 OTHER RECOMMENDATIONS

The Committee recommends an affirmative declaration from NRPD that they will not purchase or look for grants to purchase military grade weapons including rubber bullets, chemical gases. **(NRPD has presented City Council with a report on the use of weapons of this kind by the Department including what is maintained and under what circumstances these weapons are used. Staff is directed that should there be any additions to this report, the additions shall be submitted to the City Manager who will forward to the City Council for their information.)**