

The College-Community Partnership for Racial Justice

**Policing Reform: A [Short Guide](#) for Local Governments
in Oneida and Herkimer Counties**

February 2021

Introduction:

This Guide is the result of intensive research by faculty and students in the College-Community Partnership for Racial Justice. The Partnership is a coalition which includes six area colleges and universities in our area established to address, in particular, recent opportunities and mandates for our localities to address racial justice in law enforcement.

This report is intended as a quick guide for local government leaders preparing responses to Governor Cuomo’s executive order of June 12, 2020, on this issue. It is likely that most local officials have begun addressing the order for a policing reform plan, which is due by April 1, 2021. The purpose of this Guide is to add perspective and specific suggestions from significant local and national research.

You will see here references to the New York State Police Reform and Reinvention Collaborative’s Resources and Guide for Public Officials and Citizens of August, 2020 (State Workbook). We will also refer to our survey of public opinion and experience of law enforcement in Oneida and Herkimer Counties and our report on best practices for police reform. Both reports are available on our website: community4justice.org

We thank you for reviewing this Guide as you prepare your plan for policing reform and racial justice. Please note that we are not “experts” in preparing responses to the state. No one is. This is a new and unique request. The closest to “first source” information on what is needed is probably the State Workbook we referred to above.

Finally, we note that your report to the state must include evidence of public input. As partial fulfillment of this requirement, you may consider reference to our survey report, particularly.

Background

In 2020, a number of tragic events involving police and members of minority community led to widespread protests about racism in law enforcement in general. It is especially significant that these protests brought in tremendous support from a widespread cross-section of citizens, businesses, and social and government leaders.

In New York State, the Legislature and the Governor had been working on some significant reforms of their own, from changes in bail laws and discovery in court cases, to requiring videotaping of interrogations. In 2015, the governor designated the Attorney General as a special prosecutor for cases where police officers were involved in deaths of unarmed civilians. (State Workbook, 6-8) This past June, Governor Cuomo issued an executive order requiring local governments to develop and adopt a policing reform plan by April 1, 2021. These plans must be submitted to the director of the Division of the Budget, who can condition state aid to localities on the adoption of a plan (State Workbook, 1) that addresses specified questions. Approaches to reform and the requirements of the adoption process are laid out in the State Workbook.

Meanwhile, several community leaders and faculty at Hamilton and Utica Colleges and SUNY Poly were considering their response to the challenge of racial justice. The group grew to become the College-Community Partnership for Racial Justice. The Levitt Center for Public Affairs at Hamilton agreed to fund a professional poll of Oneida and Herkimer Counties by Zogby Strategies to assess attitudes and experiences with law enforcement. In addition, with the help of the Community Foundation of Oneida and Herkimer Counties, the Partnership enlisted Patrick Johnson and his associates to conduct a door-to-door/street poll in the Cornhill section of Utica, a neighborhood of predominantly African-American and other minority residents. Also, with the help of the United Way of the Mohawk Valley, a 211 number was set up and advertised to allow anyone to take the poll by phone. The results of these polls have been discussed separately in the Survey Report.

Courses were organized to study racism and law enforcement at Hamilton and Utica colleges. In cooperation with WPNY-TV, the Partnership organized a series of eight round-table discussions that were presented on air and online through our website. The series provided an opportunity for the over 500 people who registered online to ask questions of the panelists.

The two courses gathered prominent research into best practices around the country on all aspects of the criminal justice system, including policing, courts, jails and reentry. (Best Practices) Concurrently, Prof. Gbemende Johnson at Hamilton and Prof. Veronica Tichenor of SUNY Poly interpreted the results of the three polls. (bp:4-8)

The results of work to date include the survey and the best practices reports, both available at www.community4justice.org. The Partnership continues to work with communities to develop practical and innovative plans, to publicize the plans that communities propose, and to offer support and constructive. In other words, the Partnership will continue to promote the racial justice agenda for law enforcement that the governor has put on the table.

The following is a review and summary of directives in the State Workbook, adding information and suggestions as appropriate from our reports and focusing on topics and ideas that are most relevant to communities and police forces in Oneida and Herkimer Counties.

1. What functions should the police perform?

Before beginning to look at individual functions, the State Workbook discusses procedural justice as the lens through which we look at each issue:

The Task Force on 21st Century Policing outlined the four pillars of procedural justice: treating individuals with dignity and respect; giving individuals a voice during law enforcement interactions; being neutral and transparent in decision making; and conveying trustworthy motives. Implementing procedural justice principles helps the community trust that officers are honest and acting with just and lawful intentions. The community, in turn, is more likely to follow the law because it has trust in the criminal justice process and feels that it shares common values with law enforcement. (State Workbook, 10)

- The State Workbook requires you to look at the functions you currently perform. Are all functions that the police alone should be handling? Are there others in the community who could help or more appropriately respond to the need? (ny11)

Our polls suggested that the communities of Oneida and Herkimer Counties generally feel the relationships between the police and their neighborhood is very good (level of agreement is 84% among Whites vs 69% among non-Whites. (Survey: 3) Although 41% agreed that it is best if police handle calls about misbehavior by people with mental illness, when presented with the option of using other forms of intervention, 78% agreed that this would be preferable. (survey: 5)

The idea of alternative or combined teams for response to mental health calls is further discussed in the Survey Report (12-13). Our research also showed successful implementation of alternative response to mental health crises in a variety of jurisdictions around the country. Alternative response frees up police for other duties and puts in place people well trained to deescalate such situations (Best Practices, 12) In, for instance, Eugene, Oregon, about 24000 responses to mental health calls by mental health professionals resulted in police calls for backup in only 150 of those calls. (Best Practices, 13)

The Best Practices report includes a discussion of racial bias in police response to mental health call crises (Best Practices, 19-21), and also describes in detail effective alternatives. One is crisis intervention training for police, which is part of local police training.

Another is deployment of co-response (police plus a social service professional) units or independent social service units (with police back-up, as needed) in the response to mental health crises. (bp 23-27) This alternative is offered in a limited way locally, through the MCAT (Mobile Crisis Assessment Team) program of the Neighborhood Center, based in Utica. (Best Practices, 26) However, the availability of MCAT needs to be expanded considerably to be effective area-wide.

The state report looks at other possibilities of changing, sharing or completely delegating services (State Workbook, 13-17) on homeless calls, alternative approaches to avoiding gun violence, and responses in drug overdoses. Our report (Best Practices, 83-101) looks at alternative approaches to domestic dispute

intervention, as well. A further area of concern is finding alternatives to police presence in schools and expanded use of civilian personnel in “safe duties” involving public interaction (State Workbook, 18-19)

As noted, our research considered alternatives to police intervention in domestic disputes. The Zogby poll found majority support for such alternatives (Best Practices, 87) Further research found examples of successful domestic dispute prevention, the use of co-response teams, and diversion programs. (Best Practices, 88-94)

2. Engaging smart and effective policing standards and strategies

This section of the state guide examines several current policies and strategies in use in policing and compares them to the community policing goals and strategies. It starts by laying out an outline of best community policing policies from the us department of justice (sr:23)

The “broken windows” and “stop and frisk” approaches of the recent past are discussed and, while conceding their possible help for community safety, the report points to the dangers of these policies hurting community policing and longer-term community well-being. The biggest problem is the racial bias in such practices. The report also notes that stop and frisk policies have been declared unconstitutional. (State Workbook, 23)

The use of chokeholds and other methods of obstructing breathing are also reviewed. Some of these are now banned by law. Other methods of restraint are recommended for review to make sure they are necessary and appropriate, not applied differentially to minorities, or used for retaliatory or punishment purposes. (State Workbook, 27-28) the same issues are raised in relation to pretextual stops (State Workbook, 29). Our reports also cover officer initiated stops (bp:39-47)and especially the **Right to Know Law**, recently enacted in Syracuse and other patrol reforms (Best Practices, 47-5; State Workbook, 74) including hot spot policing and community policing patrols.

Other aspects of police patrol that should be assessed for racial bias include: informal quotas for tickets or arrests,

- shooting at moving vehicles,
- high speed pursuits,
- use of swat teams
- no- knock warrants,
- use of tasers
- other less-than-lethal devices.

(State Workbook, 29-330)

Alternative strategies recommended for review to advance community policing include:

- increased use of summonses as opposed to arrests
- use of pre- court or in-court diversion programs and
- restorative justice programs

(State Workbook,29-38)

The state guide then reviews many strategies to improve community support and violence interruption. Hot spot enforcement and focused deterrence have been effective in some situations, as long as they are not used disproportionately in minority communities. (State Workbook,39)

Also noted prominently in the State Workbook for consideration in local reform plans are:

- The Madison Model (State Workbook, 40) had officers on foot patrol, sometimes dressing more casually and interacting with the neighborhoods in their district.
- Training and strategies to better identify, investigate and prosecute hate crimes can be important in winning loyalty in minority communities (State Workbook, 41)
- Creating a community advisory board to plan community engagement programs and advise executive staff
- Partnering and mentoring in schools, instead of just enforcing
- Planning to overcome language barriers (there are local resources for this)

- Training to deal with citizens with disabilities, including barriers to communication. Again, regional resources?
- Direct dialogue with immigrant families and communities
- Involving youth in law enforcement disabilities.

3. Fostering community-oriented leadership, culture and accountability.

All of the planning and training possible can still come to nothing if the leadership in the agency, and the culture among its members, is not motivated toward the goals of procedural justice and community policing. Accountability is essential for maintaining a culture in the agency that promotes these goals, and for building a lasting community trust. (State Workbook, 52) our report discusses the relationship of leadership to goals (Best Practices, 105-106)

The State Workbook asks us to examine the way law enforcement officials are selected or promoted (52) Do officer evaluation processes help advance policy goals? Is recognition given for advancing goals of racial equity and inclusion? (54) Do hiring and promoting processes help build an effective and diverse agency and leadership? (54-55) Training in appropriate, equity-oriented policies is discussed in the State Workbook at, 56-57.

Use of force is, of course, a major concern of the racial justice agenda. The first step to reform is to review current reporting policies. Which incidents must be and which are actually reported? How, where, and to whom are use of force incidents reported? Who decides on whether incidents should be investigated? Who investigates use of force incidents? Who determines results? What information is made public? At what point are incident reports turned over to any outside evaluators or prosecutors? (State Workbook, 57) What impact do use of force incidents have on officer performance evaluations?

- The same list of questions can be applied to the **handling of citizen complaints**, or internal misconduct reports, against officers. The key to racial justice in complaint processing is the independence from police control of those receiving and processing complaints.
- What are your departmental expectations of officers who know of misconduct by another officer? How is this communicated? How do such reports get filed? Can they be filed anonymously? (State Workbook, 60)

Misconduct reporting procedures must be accessible, and investigations must ensure community trust and fairness to officers. Also, it is important that investigations and results be handled on an appropriate timetable. The results of the process should ensure that substantiated complaints and settlements or adverse verdicts are used to reduce the risk of future misconduct. (State Workbook, 61-62)

- Is your agency familiar with the procedures and the jurisdiction of the Office of Special Investigations of the State Attorney General? (sr:62)

Models of complaint processing include civilian review boards and independent auditors or a hybrid board-auditor. These are all designed to enforce community policing standards, to spread the word in the agency that these issues matter, and to build community trust in the agency. (State Workbook, 61-71)

- There is legislation, the Police Statistic and Transparency Act, requiring transparency of officer personnel records that is described in the State Workbook at 72.
- The state also has created a municipal police training council that can assist with model comprehensive community policing policies (State Workbook,75)

The use of technology is discussed in the State Workbook at 76-81. Careful decisions must be made about what data to store, how to enter and retrieve it, and how to use it to shape policing strategies. Agencies must take into account that decisions based on algorithms that may be biased will lead to ineffective solutions or ones that bring new problems. Such decisions must also balance privacy and security concerns with the need for transparency.

4. Recruiting and supporting excellent personnel

Recruiting and retention of minority officers is often described by agencies as difficult. The state guide suggests some flexibility in hiring standards and procedures that can help in hiring, as long as the minimum requirements of the municipal police training council. (State Workbook, 86) The State recommends redesigning employment criteria, including amending written and physical requirements, to tailor the application process to the needs of the job being filled.

The Best Practices report proposes “cluster hiring”, as is done in higher education. A number of people from the same minority group are hired simultaneously (in one or several adjacent departments) to provide mutual support and ensure retention (Best Practices, 110-112). This may require civil service law exemptions. A key question is: What joint recruiting efforts or efforts with community organizations as partners can help to draw interest from minority communities?

Both the Best Practices report and State Workbook discuss training and mentoring, to support new hires from underrepresented groups, as well as the importance of building principles of procedural justice into all police officer training programs. (State Workbook, 91) Partnering with community groups can improve recruiting and training, at all levels, including leadership (State Workbook, 94)

Training should include:

- encounter de-escalation procedures,
 - recognizing implicit bias, and
 - dealing with mental health, domestic dispute and drug crises
- (State Workbook, 98-101)

Finally, the State Workbook section on “questions and insights for consideration” ends with recommendations for supporting employee wellness. (103-109)

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We hope this Guide is helpful to you in preparing responses to the Governor’s executive order. The balance of the State Workbook provides guidance for developing your collaborative plan. If we can assist in this regard, especially with ideas for community collaboration, we stand ready to help.

Thank you for your consideration of these vitally important issues to the future of law enforcement in your community and to safety and well-being in our region.

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