



City of Rochester

Community Response
to Governor Cuomo's

EXECUTIVE ORDER 203

Police Reform and
Reinvention Collaborative

Executive Summary
February 2021

 believe.



City of Rochester, NY
Lovely A. Warren, Mayor
Rochester City Council



Executive Summary

As stated by Governor Andrew Cuomo, “Maintaining public safety is imperative; it is one of the essential roles of government. In order to achieve that goal, there must be mutual trust and respect between police and the communities they serve. The success and safety of our society depends on restoring and strengthening mutual trust. With crime growing in many cities, we must seize this moment of crisis and turn it into an opportunity for transformation.” With that said, Governor Cuomo issued Executive Order 203 (EO 203), requiring each local government with a police force in New York State to adopt a policing reform plan. This plan is the response to Executive Order 203 and the next critical step in Rochester’s efforts to rethink policing in the community. While much has been accomplished, there is still more to be studied and implemented after this report has been delivered.

In order to bring together all of the work currently being advanced in the city of Rochester around police reform, Mayor Lovely Warren reached out to the following organizations to have them join her in creating a draft response to EO 203:

- The RASE Commission (recommendations forthcoming)
- The United Christian Leadership Ministry (UCLM)
- The Police Accountability Board (PAB)
- City Council
- Rochester Police Department (RPD)



“Our community has been committed to reimagining and improving policing. There’s certainly more work to be done. However, we have made real change before and I know we can do so again.”

– Mayor Lovely Warren

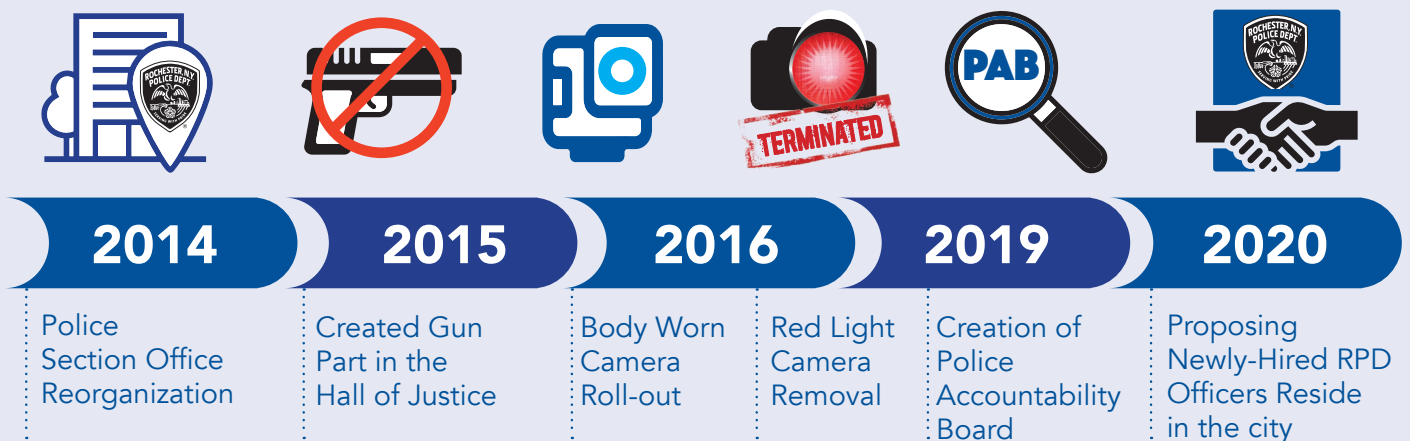
Mayor Lovely A. Warren
City of Rochester



The working group met regularly to collaborate and bring in content that is relevant to the Governor’s Executive Order and the subsequently released New York State Police Reform and Reinvention Collaborative Resources and Guide for Public Officials and Citizens provided in August 2020. In addition, the City of Rochester engaged Wilmer Cutler Pickering Hale and Dorr LLP (“WilmerHale”), a recognized national expert in police reform, as of November 20, 2020 to advise the City on reforms to the RPD. WilmerHale provided preliminary findings and recommendations to help inform the City’s efforts to prepare the submission required by Executive Order 203. Their work, however, is ongoing and will provide further guidance in the coming months.

The plan provides a description and assessment of the RPD operations, policies and procedures before introducing recommendations for police reform in the last section of the plan. The recommendations are summarized below, organized by topic area.

Police Reform Historical Timeline





Accountability

1. **Petition NYS** to amend the Taylor Law and the Triborough Agreement to allow the City to terminate RPD personnel immediately for cause and enable the City to develop a completely new collective bargaining agreement.
2. **Release comprehensive statistics** on the RPD's internal investigations, as required by law.
3. **Invest in whatever resources are necessary** to release an online portal that will allow the public to review the disciplinary histories of officers.
4. **Create strict disciplinary rules** banning discriminatory enforcement patterns.
5. **Fully comply** with the Police Accountability Board's authority as outlined in Article XVII of the City Charter.

Community Engagement and Programming

1. **Advocate for more resources** and financial support for evidence-based programs that include oversight, evaluation, transparency and training so that programs that are effective can be expanded and improved.
2. **Implement and support programs** that provide increased and effective community engagement.



Data, Technology and Transparency

1. **Recognize the importance of using data** in the analysis and decision making relevant to RPD operations.
2. **Leverage RPD's existing technology** and personnel to create a data-first culture.
3. **Allocate funds to boost support** for the RPD Office of Business Intelligence and other citywide data analytics departments.
4. **Expand the RPD Open Data Portal and Data Sharing** with information on police-citizen interaction types, demographics of people involved, type of response and whether force was used, along with all other data that will allow Rochesterians to better understand the nature of police response.
5. **Correlate the Open Data Portal's data** with community surveys.

Data, Technology and Transparency (cont.)

6. **Add information** to the Open Data Portal, to the extent available, regarding if and how the RPD uses and is trained on de-escalation tactics.
7. **Assess the occurrences** of “Stop and Frisk” activities.
8. **Explore the availability** of historical crime data and determine the feasibility of including that on the Open Data Portal.
9. **Add information** to the Open Data Portal regarding if and how the RPD uses “less-than-lethal” weaponry.
10. **Add information** to the Open Data Portal, to the extent available, regarding past and present use of no-knock warrants.
11. **Add information** to the Open Data Portal regarding the number of citizen complaints to the Professional Standards Section, their disposition and the time elapsed to disposition.
12. **Add information** to the Open Data Portal regarding the training and directions officers receive on whether and how to address low-level offenses.
13. **Add information** to the Open Data Portal, to the extent available, regarding SWAT training and SWAT activity.
14. **Digitize** officer training manuals and include them on the Open Data Portal.
15. **Inform the community** about revenue the City generates from traffic tickets and code enforcement and the demographics of those subjected to this kind of enforcement.
16. **Collaborate** with other City agencies to comprehensively report data and information in a coordinated way.
17. **Work toward creating** a dataset that includes RPD staffing and budget information.
18. **Publish anonymized aggregate data** on how Officers who are Black and Brown, women and LGBTQ populations are disciplined, promoted and terminated.
19. **Add information** to the Open Data Portal regarding the contracts and maintenance agreements related to the purchase and use of advanced technologies.
20. **Improve** the use and purchase of RPD technology.
21. **Improve** the use of body-worn cameras and disclosure of footage.





Fostering a Community-Oriented Culture

1. **Continue furthering the work** of the Task Force on 21st Century Policing, which leads with a philosophy that includes a sense of humility and empathy and sets the stage for adopting community-oriented policing leadership.
2. **Attempt to collect anonymous information** from current and former Officers to determine their experiences with oppression on the force.
3. **Fund policies and practices** that begin to inoculate the RPD from systemic oppression.
4. **Monitor state and federal legislative actions** that deal with Officers who support or engage with hate and/or extremist groups.





Officer Wellness

1. **Proactively conduct routine** wellness needs assessment surveys with RPD Officers.
2. **Conduct RPD fitness** and annual psychological evaluations.
3. **Provide** trauma-related Officer support.
4. **Conduct in-service training** to familiarize Officers with how all the dimensions of Officers' lives are one interdependent system.
5. **Provide Mindfulness Training** for RPD officers as a wellness strategy.
6. **Consider creating a wellness unit** in the RPD.
7. **Consider appointing** a Chief Resiliency Officer.
8. **Promote peer support** as an effective method to assist Officers throughout the careers.
9. **Utilize smartphone applications** as an increasingly common method to assist Officers after a traumatic event.
10. **Provide Chaplain services** as another method to provide support to Officers following a traumatic event.





Police Policy, Strategies and Practices

1. **Place the sanctity of human life** at the core of RPD's policing philosophy.
2. **Based on data collected**, assess whether low-level offenses are being disproportionately applied in Rochester.
3. **Periodically survey the public** to shed light on how they feel the police profile Black and Brown people for minor violations.
4. **Mandate the completion** of incident reports that include demographic data to better track stops made by the RPD.
5. **Develop a policy** limiting the use of spit socks or hoods and outlining strict guidelines for appropriate and safe use of spit socks if and when they are used.
6. **Create and enforce laws and policies** related to the use of breathing restrictions in accordance with New York State law and create training and disciplinary rules that will be enforced if there are violations of the policies.
7. **Revise policies and practices** pertaining to RPD's Use of Force and De-escalation Strategies.
8. **Prohibit officers** from firing at moving vehicles except under specified circumstances.
9. **Institute new policies** and strategies for the use of less-than-lethal weapons.
10. **Work towards the mindset** of a "servant/protector" verses a "warrior" attitude during times when crowd control is engaged.
11. **Institute a policy** that Officers shall not handcuff juveniles aged 12 and under unless the juvenile presents a clear and imminent danger to themselves or others.
12. **Research and develop** a coordinated and expanded pre-arrest diversion program that has empirical support of its success.
13. **Improve** the RPD Body-Worn Cameras program.
14. **Consider requiring city residency** for new Officers.
15. **Update the language access** and interpretation plan for the RPD.



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We're **listening**.

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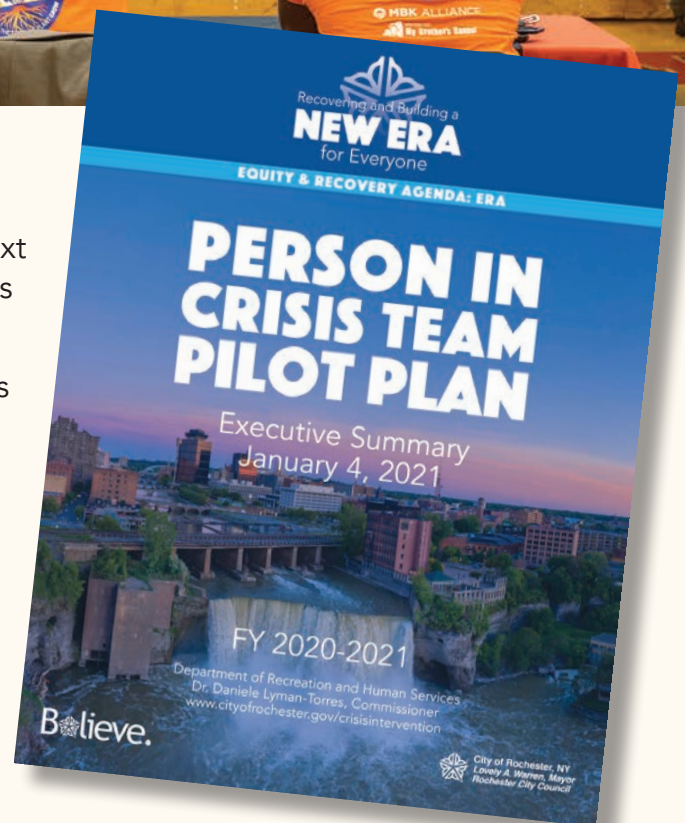


**PERSON IN
CRISIS TEAM**



Resizing the RPD

1. **Aim to reduce RPD personnel** within the next 5-10 years so it can reallocate these resources to other programs.
2. **Identify tasks** handled by uniformed Officers that could be handled by civilian individuals.
3. **Consider reinstating and rehiring** a Commissioner of Public Safety.
4. **Commit to providing the financial and institutional support** for a process to achieve long-term change to Rochester's policing/public safety budget.





Response to Mental Health Calls

1. **Significantly increase the number of Officers** with Crisis Intervention Team (CIT) training such that a sufficient number of CIT-trained Officers are available on each shift.
2. **Expand the scope of mental health awareness training** and include explicit training on the availability of other mental health response programs and appropriate coordination, including mobile crisis intervention available nights and weekends.
3. **Evaluate the Person in Crisis Team**, or “PIC Team” Pilot Program that the City kicked off in January 2021 as a 6-month pilot program.
4. **Increase funding for first responder systems** that appropriately replace police with social workers, mental health providers and other non-police personnel.

RPD Recruitment

1. **Overhaul** the Civil Service hiring system.
2. **Create Civilian Public Safety Interview Panels** to assess candidates for the RPD.
3. **Petition Judge Geraci's court** to alter the language in the federal consent decree requiring the RPD to accurately reflect the various racial demographic populations of Rochester and to maintain this status through aggressive hiring of minorities.
4. **Increase the recruitment** for the Career Pathways to Public Safety program offered by the Rochester City School District and the PREP program offered by Monroe Community College.
5. **In compliance with relevant laws**, share information with the community about the backgrounds of recruits and new hires.
6. **Consider requiring city residency** for newly-hired police officers.



Training

1. **Improve leadership training** to cultivate community-supportive leaders in the RPD ranks.
2. **Select and implement a strong curriculum** for responding thoroughly and effectively to the need for racial justice education of police recruits at the Police Academy level and in-service education for Officers.
3. **Invest in available cultural diversity training** to include implicit and explicit bias training, procedural justice training, systemic racism, cultural competency and Rochester history training.
4. **Advocate for a change in NYS law** to require the Division of Criminal Justice Services to mandate explicit and implicit biases, systemic racism, cultural competency and procedural justice training in the Basic Course for their Police Officer certification program.
5. **Reinforce Police Officers** as “servant/protectors” as opposed to “warriors” through training.
6. **Focus training on humanity** and the sanctity of life.
7. **Utilize training programs** that have proven successes, especially those related to community-oriented policing, pre-arrest diversion tactics and de-escalation strategies.
8. **Integrate training topics** into each Officer’s annual performance review process.
9. **Prioritize spending hours training** on use of force and de-escalation training in simulation settings, which are generally the most effective for adult learning, as opposed to purely classroom learning.
10. **Explore working** with the Active Bystandership for Law Enforcement (“ABLE”) project.
11. **Provide training** on the proper use of pretextual stop, with the goal of reducing racial profiling.
12. **Pursue support from various outside funding sources** for de-escalation training.
13. **Explore a possible pilot program** for providing mindfulness-based de-escalation, anti-racism, wellness and resiliency training.





City of Rochester, NY

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