



City of Rochester

**APPENDIX D**  
**REPORTS PROVIDED BY**  
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**LEADERSHIP MINISTRY**



**B**lieve.



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



## **Specific Reform Proposals**

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## **Proposal for Formation of a Civilian Public Safety Interview Panel to Assess Candidates for the Police Academy**

**Submitted by United Christian Leadership Ministry**

### **The Current Situation:**

The sense of division, suspicion and mistrust that exists now between the law enforcement agencies and People of Color in Monroe County has historical roots. The community sees the police as disconnected from the community they serve, not helped by the fact that 93% of Rochester Police Department (RPD) officers reside outside the City they serve. Many of the contentious issues that arise from the community have to do with perceived racial bias and a lack of respect for the community's values and culture.

Especially fueled by recent incidents of police brutality around the country and in Rochester:

- There is a call for a model of community policing, a way to draw police and citizens together into a working partnership for public safety.
- There is also a call for the power relationship to shift, so that the police are rightfully seen as subservient to and accountable to the communities they serve.
- There is a call for police officers to become more familiar with the people they are called to serve and protect, to find more positive and non-racist ways of engaging the community.
- The idea is to develop connections and working relationships with individual citizens, religious institutions, businesses, neighborhood organizations and agencies, schools and colleges to create partnerships and to reduce crime.

Thus it is important that those who are selected to be trained as officers have a knowledge of and respect for those communities, and that they do not harbor any basic animosity or prejudice about those communities.

**For this reason, we propose that local law enforcement agencies create Civilian Public Safety Interview Panels to assess candidates for the Police Academy. The purpose would be to bridge the gap of hostility and suspicion by giving the citizens the power to interview and assess candidates for the Police Academy before they are accepted into that process, and before the agencies make that commitment and investment in them.**

**The purpose of the interviews will be to assess an applicant's attitudes, experience, cultural fit and implicit biases, to determine whether the applicant is fit to serve as a police officer with ethics, integrity and non-racist attitudes and behaviors.**

#### **Guidelines for This Process:**

Using the Rochester Police Department (RPD) as an example:

In the past year, the number of applicants taking the annual initial examination to become an RPD officer slipped to 454. After this initial examination, candidates go through a battery of tests, including further test of intelligence, physical abilities and psychological readiness. The final step prior to acceptance into the Police Academy is an interview with the current Police Chief. Recent experience indicates that 20-25 candidates are finally accepted into the Academy each year. In discussion with RPD personnel familiar with the process, it was suggested that the Citizens' Interview Panel take place just prior to the interview with the Chief.

We propose that:

- Community organizations will propose a total of 15 members to be designated as interviewers. Those submitted will represent a cross-section of the communities to be served. We recommend that the pool of interviewers include a former law enforcement officer and a mature young person. Suggested additional community organizations who might nominate potential interviewers:
  - Ibero-American Action League

- Action for a Better Community
- NAACP Rochester Chapter
- The Children’s Agenda
- Teen Empowerment
- Puerto-Rican Youth Development
- Center for Youth Services
- A slate of 10 interviewers will be chosen from that list by United Christian Leadership Ministry. They will be submitted to Rochester City Council for ratification. City Council and UCLM will also determine the future oversight of the Panel’s operations.
- Those who agree to serve will commit to an initial service term of three years.
- The chosen interviewers will experience professional training in interviewing techniques. See Addendum I below for the content of that training, which has been developed by the Center for Dispute Settlement and is offered for this purpose free-of-charge.
- They will also experience an abbreviated version Of RPD’s Citizen’s Police Academy in order to gain an understanding of RPD’s practices and procedures and the expectations of officers. We recommend a 5-week process, three hours per session vs. the usual 10-week process.
- The interviewers will work in groups of three for each interview.
- The Chief of Police will have his/her designee coordinate interview dates and times to coincide with candidates who have been referred by the Civil Service Committee. RPD will provide an appropriate space for the interviews to take place.
- Interviewers will be given copies of the candidates’ applications, and any other pertinent data that would be important for them to know about each applicant.
- To avoid conflicts of interest, Panelists would not be assigned to interview family members or friends.
- A series of potential questions that might be used by the Panelists is listed below as Addendum II to this proposal. One hour is suggested as the time allotted for the interview.
- On completion of the interviews, the Panelists will then consult among themselves as to the applicant’s qualifications and competency, attitudes

and characteristics, and will decide whether the applicant will advance to the Academy.

- The decision will be signed by all of the participating Panelists and sent to the Chief or the Chief's designee. Panelists will be sworn to strict confidentiality about their proceedings.
- After one year, the candidate may elect to apply again and be interviewed again by the Panel, with the same process applying.

The community will gain by deciding which candidates will be selected to “serve and protect.” The law enforcement agency will gain by assistance from the community in testing potential candidates for their ability to engage in positive ways with those they will serve, and in avoiding hiring candidates that would prove to be problematic employees in the future.

A search for similar programs in other areas revealed one parallel initiative in Shelby County, Memphis, TN. The County Sheriff Floyd Bonner started a civilian hiring committee to give citizens a chance to “get to know these men and women” who were applying. Here is his assessment of the value of the process to date:

***“The Civilian Hiring Committee has been a tremendous asset to our hiring process,” Said Sheriff Floyd Bonner. “I am confident that this diverse group of citizens will continue to help us hire the best group of Deputy Sheriffs to serve the citizens of Memphis & Shelby County.”***

### **Cost Considerations:**

Again, using RPD as an example:

The City would incur the cost of training the initial cadre of interviewers in interviewing skills, which would be repeated for new Interviewers perhaps every three or four years. However, the Center for Dispute Settlement has offered to do this training free-of-charge.

RPD would incur the minor additional cost of including the panelists in the Citizen's Police Academy orientation process for the interviewers.

Other costs of operating the process appear to be minimal.

### **Metrics:**

Tracking the impact of this initiative using concrete statistics may prove challenging. This is due to the fact that there are no current concrete measures of the community's experience of current policing beyond anecdotal evidence. RPD does keep statistics on number of Citizen Complaints, and on Use-of-Force, but making a direct link to the impact of a Citizen Interview Panel could be considered speculative. We strongly advise that more concrete metrics for the Panel's effectiveness be developed by the Panel as part of the oversight process to be designed by UCLM and City Council.

We recommend a narrative report be submitted annually to the Mayor and City Council, the report to be developed jointly by the Chief of Police and the cadre of interviewers, citing their evaluation of the efficacy of this process. This report might also include testimonies from candidates who have completed the interview process.

### **Addendum: Outline of Training for Interviewers on Interviewing Skills:**

The Citizen Interview Panelists will participate in an interactive training session on interview skills for this purpose. Estimated time: 4-5 hours. Developed by the Center for Dispute Settlement, covering the following topics:

Note: In advance of the training each panelist will be requested to take 3 online Harvard Implicit Bias tests on these topics –Race, Gender-Career, Skin Tone

<https://implicit.harvard.edu/implicit/selectatest.html>

- Implicit Bias using Dr. Jennifer Eberhardt's video and examples of Police Response Studies
- Policing in Communities of Color
- Evaluating each interviewees' responses to questions
- Developing key situational scenario questions
- Exploring: Why do you want to be a Police Officer?

**Addendum: Potential Questions to be Asked by Interviewers:**

Note that UCLM has developed a form to be used by interviewers including room for scoring and notations. This is available. For simplicity, only the questions are noted here:

***Getting to Know You:***

#1. Tell us about yourself - Where you were raised, where you presently reside. What are your extra-curricular activities?

#2. What do you like best about Rochester? Are there particular neighborhoods or people you feel most comfortable with and/or connected to?

#3. How do you deal with the stress-related issues within your personal life and how would you deal with the added stress of policing?

**Police Policy:**

*We would like to hear a bit more about your vision for policing.*



#4. Why do you want to become a Rochester Police Officer? Were there particular experiences or people who influenced your choice of career?

#5. While it is important to display confidence in this role, the job requires a lot of responsibility and can be quite dangerous. What fears and/or concerns do you have about this occupation and how do you plan to manage those concerns?

**Community Relationships:**

*Like any job, relationships are very important. In policing, it's not only about how you interact with superiors and co-workers, but also how you interact with the community.*

#6. What type of relationship do you think police should have with its citizens, that is, people who live within the community they're sworn to serve and protect? How would you make that happen?

#7. Imagine you and a partner are on foot patrol in a city park and observe a family. Share with us what interactions you would seek to have with them?

#8. Imagine you are in a residential neighborhood and observe two individuals positioned outside their property on the front lawn arguing. How would you respond?

**Race & Ethnicity:**

*The Law Enforcement community has recently come under scrutiny both nationwide and here in the City of Rochester. Reportedly, there appears to be a lack of trust that is connected to a history of racism. The following are questions pertaining to racism and accountability for police officers.*

#9. Explain how you interact with people of a different race and/or ethnicity? E.g., how you communicate, and how you work together.

#10. What do you think of when you hear the word "racism"? In other words, what does it look like, how does it feel and/or affect you?

#11. Did the death of George Floyd and/or Daniel Prude affect you personally and/or change the manner in which you think about policing?

#12. If you observed your superior, a partner and/or any other member of law enforcement treating a citizen unfairly or subjecting them to verbal or physical abuse, how would you respond?

#13. If you observed your superior, a partner and/or any other member of law enforcement using unnecessary force upon its citizens, how would you respond?

#14. Imagine you're on duty at a protest event and tensions between protestors and police escalated. What would you personally do to de-escalate the situation?

**Conclusion:**

#15. Please share anything additional you would like us to know that has not been covered in our interview questions.

**Submitted by United Christian Leadership Ministry**



**Racial Justice Education Curriculum**  
**For Inclusion in Law Enforcement Training**  
**Submitted by United Christian Leadership Ministry**

The United Christian Leadership Ministry (UCLM) Racial Justice Education Committee recommends 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.

Serious police reform is essential in Rochester and Monroe County, in New York State and in the nation for law enforcement to build trust, legitimacy, transparency, and accountability with communities of color. UCLM subcommittee members have met intensively to establish the foundational elements of these recommendations. Guidelines are provided by President Obama's President's Task Force on 21st Century Policing and Governor Cuomo's New York State Police Reform and Reinvention Collaborative and Executive Order #203 requiring local police agencies to submit detailed reform plans by April 1, 2021.

This Curriculum was developed through the lived experience and expertise of subcommittee members, and in consultation with Dr. Taj Smith (Director, Diversity Education, Rochester Institute of Technology). It is designed to be delivered in 20 hours of classroom and field settings, using interactive experiential learning, video segments and community involvement for cadets at the Academy level. Current officers will receive the same material in 20 hours of in-service education divided into segments over the span of a year. Assessment measures will ensure that the material is retained and understood.

This curriculum includes:

- Foundation of Policing and Law Enforcement in America

- Historical Background of Rochester Police Department
- What is Racism?
- Poverty Simulator
- Building Community
- 21st Century Policing
- Graduation Ceremony and Assessment

The committee recognizes that the process of education is one of life-long learning. The content areas will be provided in an engaging manner that allows for self-discovery and the building of a new knowledge base. These innovations are vitally necessary and cannot be delayed. Our community must act decisively and effectively at this pivotal moment, to demonstrate true leadership, community unity and the willingness to confront our history without flinching, with the goal of creating a more just and safe society for all.

*“The vast majority of African-Americans who lived in this land in the first 246 years of what is now the United States lived under the terror of people who had absolute power over their bodies and their very breath, subject to people who faced no sanction for any atrocity they could conjure. This fact is of great significance for the understanding of racial conflict, for it means that white people during the long period of slavery became accustomed to the idea of ‘regulating’ Negro insolence and insubordination by force with the consent and approval of the law.”* Sociologist Guy B. Johnson as quoted in Isabel Wilkerson’s *Caste: The Origins of Our Discontent*.

**Note: The full curriculum is a copyrighted packet. If you are interested in learning more about this, please contact United Christian Leadership Ministry at 585-402-9785.**



## **Proposal for Enhanced De-Escalation Training**

### **Submitted by United Christian Leadership Ministry**

#### **A. De-escalation as part of Police Reform:**

De-escalation is a tactic that has been successfully integrated into Use of Force Policies in police agencies across the country. In September 2016, 200 police chiefs and other community executives from across the country gathered to discuss the critical need for revising Use of Force policies at the Police Executive Research Forum (PERF). They were reacting to a number of national incidents of civilian deaths at the hands of police officers captured on video as well as their knowledge of the countless incidents not gaining public attention. They reviewed a document outlining guiding principles on Use of Force. The first principle was and is “The sanctity of human life should be at the heart of everything an agency does.” That sanctity refers to the lives of police officers and the people they serve and protect. The ultimate goal is a police agency that enforces laws in a way that ensures the safety of all and promotes connection and trust.

Many agencies provide de-escalation training to their recruits and existing officers. This proposal emphasizes the need to enhance de-escalation training and review procedures that govern Use of Force decisions by providing examples of policies and procedures from other agencies that have successfully implemented enhanced de-escalation policies which have resulted in a decrease of higher levels of Use of Force without an increase in officer injury.

While we recognize that Police Officers regularly intervene in crisis situations and de-escalate situations of varying volatility, it appears that there is an opportunity for Police Agencies to increase and improve training in de-escalation, crisis intervention, and communication. In comparing the documented and required police recruit training in these areas to the greater amount of time spent on firearms, baton, and OC spray training, it appears that this imbalance could

further the perception of the concept of police officers as “Warriors” as opposed to “Servant/Protectors”. This training ratio appears to be consistent across most of our nation and with local agencies.

De-escalation training is an essential element of total police reform. Many police agencies have implemented this training and have seen significant decreases in traditional more aggressive Use of Force methods. De-escalation means slowing down or trying to calm tense situations peacefully and in a way that is consistent with the police department’s Use of Force tiers. It can also be described as the result of a combination of critical thinking, communication, empathy, instinct, and sound officer safety tactics. The goal is to end the encounter without harm to the officer or civilian, minimizing situations from ever reaching the point where anyone’s life is in danger and where officers have little choice but to use deadly force.

De-escalation tactics can lower use of force by officers and reduce the severity of the force used. Eleven law enforcement groups, including the Fraternal Order of Police and the International Association of Chiefs of Police, in 2017 put forth a consensus policy saying an officer should “use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others.” The policy states that an officer should “use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force.” Elements of police officer de-escalation training should demonstrate scenarios in which the officer:

- In a manner consistent with Use of Force policies tactically repositions himself/herself in order to isolate and contain a person, and not to “draw a line in the sand.”
- Takes as much time as needed to safely resolve an incident. The officer should not be compelled to force a quick (and potentially dangerous) resolution, in order to get back on the radio and race to the next call.
- Engages a citizen in calm and constructive conversation and asks open-ended questions. This is usually more productive than barking the same commands again and again. It is usually best if one officer is designated to communicate with an emotionally disturbed person.

While most agencies provide de-escalation training, there are key success factors that are often not incorporated into the training process. These include:

- Making de-escalation a core theme of an agency's training program.
- The responsibility for an officer to intervene to prevent other officers from using excessive force.
- In-field training, video scenario reviews, and discussions focused on Use of Force and de-escalation policies and procedures provided by skilled certified instructors.
- An audit process with data that is transparent and provided on a routine basis.
- Annual refresher training for all officers.
- Hours in de-escalation training at least as long as firearms, weapons, and defensive training combined.

The training for on-going operational police management of de-escalation must include:

- Incident report by all officer(s) related to the Use of Force.
- Supervisor or Police Chief review of individual high-level or frequent Use of Force incidents.
- De-escalation measurement and results to be included in an individual police officer's review.

Training that follows these principles results in a decrease in Use of Force and has helped many police departments fulfill their core mission of making cities safer while building trust and decreasing injuries to civilians and officers.

Clearly, de-escalation training is a philosophy of serving, of preserving life, of treating people with dignity while protecting those whose job it is to provide those services. Training that supports Police officers' wellness is a critical part of the on-going support we recommend. Officers carry heavy burdens and frequently deal with trauma. The statistics regarding police officer divorce, addiction and other emotional issues are well known. De-escalating issues in their lives should also be at the core of a de-escalation policy. This proposal also recommends voluntary mindfulness training for police officers. Mindful policing has the potential to transform the approach to officer wellness, while also impacting police reform goals such as implicit bias training; de-escalation/Use of Force; maintaining empathy, compassion and reverence for all of humanity/life.

See Appendix A for a proposal from Center for Mindfulness in Public Safety. Additional information about our Mindfulness Training recommendation can be found in Section D of this proposal.

## **B. Values Centered Approach:**

Having a values-based approach in dealing with people in the community promotes connection and trust.

Focusing on “Sanctity of life” as a guiding principle (PERF guidelines) is an example of a values-based approach to Use of Force. The Denver police department has a powerful statement at the beginning of their Use of Force Policy which includes the following points:

- Respect human rights.
- Officers should not engage in unreasonable actions that precipitate the use of force as a result of tactical, strategic, and procedural errors.
- Individuals are entitled to Constitutional Rights free from excessive force.
- It recognizes that split-seconds judgements are made.
- Reasonableness inquiry in excessive force situations is objective.
- When reasonable, officers should use advisements, warnings, verbal persuasion and other tactics including withdrawing.
- It is important for officers to bear in mind that many reasons exist that individuals may resist arrest:
  - The person may not be capable of understanding the gravity of the situation.
  - An individual’s reasoning ability may be dramatically affected by several factors, i.e. medical condition, mental impairment, developmental disability, language barrier, drug interdiction and emotional crisis.

## **C. De-escalation Next Steps in Rochester:**

Since the PERF conference in 2016, the call for police reform has increased. Rochester is at the center of this call for reform since the death of Daniel Prude, a black man experiencing a mental health crisis. He suffocated and died while in police custody and his death was ruled a homicide. Police reform has gained support due to public reaction to this incident.





## Use of Force and De-escalation Policy and Procedures:

Below is information copied from the Rochester Police Department (RPD) Manual and the NYS Penal Law. This is followed by related information from the Seattle Police Department (SPD) Manual. The SPD document provides more defined Use of Force definitions than the RPD and the NYS Penal Code. Consistent with the recommended de-escalation and Use of Force information in this proposal, we recommend that Monroe County law enforcement agencies review and consider how they might incorporate some of the SPD policies and procedures.

Here is a summary of policy points in RPD, NYS Penal Law, and the Seattle Police Department:

### 1. Rochester Police Department Policy and Procedures:

The RPD Manual focuses primarily on when deadly physical force can be used. There is very little/ no information about de-escalation and Uses of Force that are not lethal. The following is the opening Use of Force statement:

“Members of the Rochester Police Department (RPD) may use deadly physical force, as defined by Article 10 of the New York State Penal Law, only when the use of deadly physical force is necessary to defend the member or another person from what the member reasonably believes to be the use or imminent use of deadly physical force. Reasonable belief exists when both of the following subjective and objective conditions are met:

- The member reasonably believes another person is using or is about to use deadly physical force, and that it is necessary for the member to use deadly physical force to defend himself or another person, and
- Evidence or information which appears reliable discloses facts circumstance which are collectively of such weight and persuasiveness as to convince a member of ordinary intelligence, training, judgment, and experience that another person is using or is about to use deadly physical force, and that it is necessary for the member to use deadly physical force to defend himself or another person.”

Guidelines regarding the use other weapons, e.g., kinetic energy projectiles and less lethal shotguns, are subsequently cited in the manual. The manual also

includes procedures for reporting the use of these weapons, the investigation, administrative leave, and related activities.

## **2. NYS Penal Law Policies and Procedures:**

Re use of physical force in making an arrest or in preventing an escape:

“ 1. A police officer or a peace officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force; except that deadly physical force may be used for such purposes only when he or she reasonably believes that:

(a) The offense committed by such person was:

(i) a felony or an attempt to commit a felony involving the use or attempted use or threatened imminent use of physical force against a person; or

(ii) kidnapping, arson, escape in the first degree, burglary in the first degree or any attempt to commit such a crime; or

(b) The offense committed or attempted by such person was a felony and that, in the course of resisting arrest there for or attempting to escape from custody, such person is armed with a firearm or deadly weapon; or

(c) Regardless of the particular offense which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the police officer or peace officer or another person from what the officer reasonably believes to be the use of imminent use of deadly physical force.

2. The fact that a police officer or a peace officer is justified in using deadly physical force under circumstances prescribed in paragraphs (a) and (b) of subdivision one does not constitute justification for reckless conduct by such police officer or peace officer amounting to an offense against or with respect to innocent persons whom he or she is not seeking to arrest or retain in custody.”

## **3. Seattle Police Department Policies and Procedures:**

The Seattle Police Department’s policies and procedures related to Use of Force and De-escalation are very detailed. The 8000 section of the SPD’s Policies and

Procedures is 60+ pages. The following are many of the sub-sections and descriptors.

Core Principles include references to everything from the US Constitution to community relations. The emphasis *is* on the desired culture.

Definitions - Use of Force levels include:

- “De Minimis Force - Physical interaction meant to separate, guide, and/or control without the use of control techniques that are intended to or are reasonably likely to cause any pain or injury;
- Handcuff Discomfort - Discomfort or minor transient pain caused solely by wearing handcuffs after they have been properly applied;
- Type I – Force that causes transitory pain or the complaint of transitory pain;
- Type II – Force that causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm;
- Type III – Force that causes or is reasonably expected to cause, great bodily harm, substantial bodily harm, loss of consciousness, or death;
- Deadly Force: The application of force through the use of firearms or any other means reasonably likely to cause death, great bodily harm.”

Tools - Multiple tools including canines, firearms, blast balls, etc. are described, along with their proper use.

De-escalation tactics and techniques are actions used by officers:

- When safe and feasible without compromising law enforcement priorities;
- To minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance;

When safe and feasible under the totality of the circumstances, officers shall attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

The overall goal of this policy is to promote thoughtful resolutions to situations and to reduce the likelihood of harm to all persons involved.

Procedures to enable de-escalation include critical thinking, communications, take more time, distance yourself from the person, and use shields of various types.

Reporting – To ensure transparency and accountability, officers must clearly and

reliably report and thoroughly document each time they use force defined as Type I, II, or III. All uses of force are reportable except de minimis force.

Investigations - The following factors are used to categorize each investigation:

- degree of injury caused;
- potential of the technique or weapon to cause injury;
- degree of pain, disability, restraint, impairment, and physical vulnerability experienced by the subject;
- complaint by the subject;
- duration of the force.

An investigation may result in an incident being re-classified, when appropriate officers shall thoroughly document all reportable uses of force to the best of their ability, including a description of each force application. The investigation responsibilities of various SPD personnel are detailed.

Review – Individual use of force are reviewed and appropriate individual incident discipline is noted. Also, periodic and annual reviews of the incidents related to what and how policy and procedure changes should be made are provided to the SPD Chief.

#### **D. Mindfulness Training:**

The world of policing is incredibly stressful and filled with traumatic events. Resiliency is the ability to rebound from stress filled events. There has been a growing focus on what is commonly referred to as Mindful Policing in recent years. MBRT, Mindfulness Based Resiliency Training was developed as a secular practice in 1979 and has been offered with successful outcomes to law enforcement professionals. Branded as Mindful Badge training by a former Police Lieutenant Goerling his training has been studied to understand wellbeing measures such as:

- The impact of a constant state of hyper-vigilance on officers;
- Cortisol awakening response;
- Health outcomes among officers.

Mindful Badge studies show the following benefits, and they show that continued practice is needed to sustain these benefits. In other words, outcomes diminish if skills aren't practiced.

- significant increases in resilience, mental health and emotional intelligence;
- significant decreases in sleep disturbances, anger, fatigue, burnout and general stress;
- reduction in the levels of the stress hormone cortisol;
- officers reported less difficulty with emotional regulation, organizational and operational stress.

We have tremendous expectations of our law enforcement officers and we recognize that their health and wellbeing is linked to the reform and community outcomes we seek. Caring for Police officers and supporting them in their work in a wholistic way is a vital piece in bringing about reform that changes culture—from the existing paradigm of police as “warrior” to police as “servant-protector”.

Wellbeing is a strategic pillar of UCLMs reform recommendations, and we would like to see local law enforcement pilot a 10-week program providing mindfulness-based de-escalation, anti-racism and wellness and resiliency training. Having done substantial due diligence on mindfulness in policing we are recommending the 10-week program offered by [Center for Mindfulness in Public Safety](#).

See our **Strategy and Executive Summary** document for more information on this our Mindfulness recommendations.

See Appendix A for the A Proposal for Rochester Law Enforcement Agencies from Center for Mindfulness in Public Safety. Their proposal includes a training summary of topics covered, skills and outcomes produced and includes evidence-based outcomes from their program.

## **E. Results:**

Data from the following cities provide strong support for de-escalation within the Use of Force policies.

### **1. Dallas:**

In order to understand the importance of de-escalation as a practice, it is relevant to review and study the results of other departments that have implemented this as policy. Perhaps one of the most interesting departments to use de-escalation is Dallas. This is a large urban department which received significant focus and scrutiny as a result of police shootings involving unarmed people from 2010-2012. In 2013, then Chief David Brown over hauled the use of force policy of the department, implemented de-escalation training, and new reporting techniques. The results can be seen in the following chart:

Year	Total Crime	Use of Force of all types	Percentage of Crime
2013	60604	2819	4.65
2016	54982	1666	3.03

Source data: <https://dallaspolice.net/reports/Shared%20Documents/Use-of-Force-Report.pdf> for the Use of Force data and Department of Justice for information on crime.

In the final year before the full implementation of de-escalation, 4.65% of all arrests resulted in the officer using force. After only three years of the new policy, that total had fallen to 3.03%. To put this into perspective, in Rochester the police used force in 6.16% of all arrests in 2016 which is more than double the rate of force used in Dallas. (Rochester Use of Force data from the Suspect Resistance reports, as reported by the Professional Standards Section to the Criminal Justice Advisory Board of UCLM.)

## **2. Seattle:**

In 2011, the Department of Justice’s (DOJ) investigation of the Seattle Police Department identified a pattern or practice of unconstitutional Use of Force including “deficiencies in SPD’s training, policies, and oversight with regard to the use of force”. A Consent Decree was agreed to by the City and the DOJ. The Consent Decree was fully implemented by mid-2014, and it included related policy, procedure, training, investigation, reporting, tracking, and on-going review of the Use of Force.

The first report was issued in April 2017, and it assessed the impact over two 14-month time periods – July 2014-August 2015 and Sept. 2015 to Oct. 2016.

- **Type II and Type III Use of Force:** There was a net decrease of 743 incidents – a 60 percent reduction in Type II force (officer use of taser, baton, etc.) and Type III force (officer-involved shootings) in the 2014-2016 period analyzed.
- **Type III Use of Force:** Of the 2,385 use of force incidents, only 39 (1.6 %) involved Type III use of force, the most significant and serious type of force.
- **Type I Use of Force:** The officer use of handcuffs, etc. incidents spiked initially and continue to make up a large portion of all force used. The number of Type I force incidents has increased over time. An average monthly increase of 4 percent per month in Type I force incidents from August 2014 to August 2015. Comparing the first part of the study period with the latter part, the number of Type I incidents went down. What is clear from the Type I trends – both the early spike and the subsequent increase in proportion – is that, when force occurs, it happens increasingly at the lower end of the force spectrum.
- **Officer injuries:** Injuries were flat to slightly down over the study period, although the decrease is not statistically significant, based on SPD injury and hospitalization data. Accordingly, officer force has gone down without any increases in officer injury. It appeared to the Monitoring Team, then, that the decreased Use of Force had not placed officers at any higher risk or made officers less able or willing to use force to defend themselves from threats or harm.
- **Crime Level:** By most measures and accounting for seasonal trends, crime in Seattle appears relatively flat overall across the study period, with property crimes flat to slightly down and personal crimes showing a mild uptick. In fact, not only does it not appear that decreased use of force has been associated with increased crime, but it is actually the opposite: officers have used the most force when crime has been the highest in Seattle.
- **Use of Force Policy Consistency:** Across the more recent half of the study period, officers used force that was consistent with SPD policy more than 99 percent (99.27 percent) of the time. Officers also complied with the duty to de-escalate in 99 percent of cases where that duty was applicable (up from 81 percent in the earlier time period). Intermediate-level Type II and serious Type III force from the more recent 14-month period, nearly 95.7 percent of force incidents were consistent with SPD policy.

The following table shows all use of force reported between January 1, 2015 and December 31, 2018; Figure 2 shows a linear regression time series analysis of use of force trends, citywide, over a five-year time period dating back to 2014.

**Use of Force Counts by Year (January 1, 2015 – December 31, 2018)**

Incident Type	2015	2016	2017	2018	Grand Total
Level 1 - Use of Force	1,554	1,177	1,272	1,818	5,821
Level 2 - Use of Force	477	376	358	348	1,559
Level 3 - OIS	15	5	21	3	44
Level 3 - Use of Force	20	20	12	21	73
<b>Grand Total</b>	<b>2,066</b>	<b>1,578</b>	<b>1,663</b>	<b>2,190</b>	<b>7,497</b>

A linear regression time series analysis of Type I and Type II force over this four-year period, citywide, is shown in Figure 2. As noted earlier, Type III force continues to occur so infrequently in Seattle as to be considered a statistically random event and is therefore not subject to statistical trend analysis. As across prior years, a continuous decline is observed in Type II force. Type I force appears graphically to be trending upwards; again, however, whether the observed increase in Type I force in 2018 is statistically meaningful, attributable to overreporting of discomfort as Type I force, or perhaps reflecting of not-unexpected normal periodicity or fluctuation of the data over time cannot be determined from this data set or data period.

**F. Funding:**

There are several sources of funds to support the change from the RPD’s current use of force and de-escalation training, policies, procedures, etc. to the recommendations included in this proposal. The sources include:

1. Transfer money from the current funds set aside for citizen suits against the RPD for improper use of force. These funds include the legal costs and the money paid to the citizen.
2. The U.S. Department of Justice announced recently that it has put \$3 million toward the creation of a national center that will provide training



and assistance to help law enforcement agencies prevent the use of excessive force. The grant would provide additional support for training officers, and assist with reviewing current policing policies, as well as providing for the mental health of officers.

3. Byrne Memorial Justice Assistance Grant – JAG: The JAG program is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement.
4. NYS Division of Criminal Justice Services
5. Over time, changing to a de-escalation policy should reduce incidents of Use of Force, decrease complaints, and potentially decrease settlements which should provide significant savings to the department.

## **G. How We Can Measure Success:**

Whenever policy is put in place one of the most important things to do is measure the success of this policy in order to tell if it is achieving the desired results, and not resulting in any undesired affects. This is a crucial part of de-escalation policy as it is important to make sure all officers are engaged in this approach to policing. To do this, it is important that all officers involved in a Use-of-Force incident fill out a form indicating what force levels were used and why. These statistics need to be tabulated for every officer to ensure every officer is complying with the Use of Force de-escalation tactics in keeping with agency directives and allow assessment for the need for additional training or intervention. Further, it is important to track any injuries sustained to officers or to persons in custody as a result of any police action. For example, the department should keep track of firearms use, aerosol use, taser use, physical restraints, physical take down, and other uses of force tactics. The-data should be compiled in ways that are easy to compare both type of incidents and time period they occurred. The department should also track total uses of force as an aggregate and as a percentage of arrests. Finally, all the information to be recorded should include a suspect's ethnicity, gender, age in order to generate reports based on these factors.

From this record keeping it will be possible to tell if the use of force is increasing or decreasing, and also, what types of force are being used, by whom, and upon whom. With such data, it will be possible to determine if de-escalation is working to make our community safer.

Finally, it is important to measure public opinion. One of the important desired results of this change is a building of trust between the police and the community they police as a police officer's success often depends upon public support. De-escalation tactics if successful should also increase public confidence in the police department. This should be measured through public surveys on a yearly basis with specific questions about police treatment of the public.

UCLM also recommends that Rochester engages with organizations that can create a Community Transparency portal featuring our criminal justice data. This would allow the community, police and elected officials to evaluate the efficacy of de-escalation training and mindfulness training.

#### **H. Conclusion:**

It is clear that de-escalation tactics in Use of Force have become accepted in many police circles. They are not new and a number of departments are currently using them. The results of such implementation is that Use of Force declines, high level Use of force tactics decline, and officer injuries do not increase.

In light of these finding we recommend a changing of Use of Force policy to conform with the guidelines put forth by PERF. We feel to implement this training, we will need certified trainers trained by a nationally recognized de-escalation specialist. We would like to see officers at the academy receive eighty plus hours of de-escalation training and every officer should be required to take at least one two-hour yearly training course in de-escalation tactics. To make this successful, it is important that de-escalation become a core principle of the department and that effective measurements of officers are put in place to ensure that all officers are adhering to the guidelines. To help make this more effective, we also recommend that Mindfulness Based Resilience Training be made available to all officers.

We feel that with these policies in place, our police can continue to keep our community safe. They will result in fewer incidents, a decrease in injuries, fewer unnecessary deaths, and greater trust between the police and the communities they serve.

**Submitted by United Christian Leadership Ministry**



## **Proposal for Implementation of Body-Worn Camera Programs and Implementation of Community Panels to Review Those Programs**

**Submitted by United Christian Leadership Ministry**

### **Proposal Overview:**

**Proposed that all Monroe County Law Enforcement agencies that have not yet adopted a Body-Worn Camera (BWC) Program move to do so, and at the same time, adopt a BWC policy which provides clear rules for use, retention of records, public access to those records, and levels of discipline for failure to follow procedures.**

**Proposed that all Monroe County law enforcement agencies that have an existing BWC program contract with an objective community-based organization to help assess that program.**

### **Background:**

Body-Worn Cameras (BWCs) for law enforcement is a development still in relative infancy.

There are many proven benefits from the use of BWCs, and in the programs developed thus far, these benefits are clearly demonstrated. For example:

- The entire criminal justice system benefits from additional evidence regarding public safety incidents and crimes. Courts have relied on BWC evidence as a key factor in determining what actually occurred.
- BWCs also provide a tangible means for law enforcement administrators to oversee the performance of their personnel, enabling them to track compliance with policy, and to pinpoint the need for additional training or

for discipline. They become a surveillance tool to promote officer safety and efficiency.

- Their use also can reduce complaints, since citizens are inclined to behave differently if they are aware that they are being filmed. In the same vein, officers may be inclined to be more conscious of best practices.
- BWCs reduce the amount departments pay out to settle civil suits. They also result in reduced time required to resolve complaints, a significant cost savings for the departments.
- BWC's protect officers from unwarranted and spurious complaints.

While there is substantial evidence to demonstrate the effectiveness of BWCs, we understand that the implementation of BWC programs over the last five years has been hampered by several classic start-up issues, such as:

- Early technology glitches and malfunctions of the cameras themselves
- Inadequate policy development
- Insufficient training by qualified trainers
- Insufficient oversight systems to track their appropriate use
- Inadequate supervisory and disciplinary measurements by the agencies
- Lack of oversight by an objective, community-based organization

Many of these issues can be seen in the implementation of the Rochester Police Department's BWC Program. However, these should be viewed as growth points for further development rather than evidence of a lack of effectiveness. This would also be true for the assessments that exist for other programs that have been implemented nationally.

Here is how some local criminal justice leaders assess the value of the Rochester Police Department's BWC Program:

“As the District Attorney and a resident of Monroe County, I fully support the use of body-worn cameras by police departments. In the Monroe County District Attorney's Office, body-worn cameras provide detailed evidence that greatly assist with the investigation and prosecution of cases. Body-worn camera footage provides direct accounts of incidents that come through the criminal justice system. Also, body-worn cameras enhance

community relations by ensuring transparency of events holding police officers accountable while also protecting officers from unfounded allegations. All this considered, body-worn cameras are an overall benefit to our criminal justice system.” Sandra Doorley, Monroe County District Attorney

“BWCs have become a valuable tool in ensuring the integrity of the criminal justice system, by shining a much-needed light on the interactions between police officers and members of the community. Often those interactions are conducted professionally, but in cases where the conduct of an individual police officer was unprofessional, or violated a citizen’s constitutional rights, the BWC footage is vital in establishing the truth of what occurred. True reform of the police cannot happen without an effective BWC program being implemented in each police agency in our community.” Timothy Donaher, Monroe County Public Defender

### **Community Body-Worn Camera Panels:**

In a spirit of partnership, with mutual goals for safety and security and justice, a qualified Community BWC Panel is invaluable in assuring an effective BWC program. In an intentional relationship for mutual benefit, these community panels are a prime example of well-connected community policing. The municipality, the law enforcement agency and the panel would need to develop a Memorandum of Understanding (MOU) that clearly specifies functions and expectations (model attached). The community panel members would have access to an agency’s open electronic portal for crime data, and other information as detailed in the MOU.

These panels would meet quarterly with the senior law enforcement heads, reviewing agreed-upon reports that highlight the effectiveness of the BWC Program. The panel would also develop an annual report of the BWC program, to be presented not only to the agency, but to appropriate community bodies (e.g., a town council, town mayor, and media outlets), presumably the bodies which approve the BWC program in the first place.

Membership on these community panels would be determined by the municipalities and law enforcement agencies that approve the BWC program, in close consultation with representative citizen groups.

Suggested membership on community panels:

- Several representatives of community organizations that have a stake in community/police relations
- A former Monroe County Prosecutor
- A former Monroe County Public Defender
- An expert in management information systems
- An expert in personnel development and oversight systems

It is also advised that United Christian Leadership Ministry (UCLM) be consulted in the formation of these panels and conduct training and ongoing consultation as the panels are established and begin operating. This is based on UCLM's experience with oversight of the Rochester Police Department's BWC Program, under an MOU with the City of Rochester.

### **Cost Considerations:**

Each law enforcement agency that does not currently have a BWC program would need to research the existing options and secure the necessary funding. Based on available data, the initial implementation cost of a BWC program might be approximately \$8,000 per officer for a five-year plan, according to one estimate.

Another study showed that while BWCs cost between \$828 and \$1,097 per user per year, they have been shown to generate net annual savings of between \$2909 and \$3,178 per user, mainly due to faster investigation of complaints.

There are several pricing models that include maintenance agreements and IT support. Pricing decisions also involve charging stations, and the decision to use either a cloud base or a server for collection purposes.

The Community BWC Panels would be considered as volunteer organizations, with the law enforcement agencies providing basic necessary space and organizational support. Thus, their cost would be minimal.

## **Metrics:**

The effectiveness of the BWC programs themselves would be determined by the metrics developed in the MOU signed by the municipality, the agency and the community BWC panel, e.g.:

- Reduction in use-of-force incidents over time.
- Reduction in citizen complaints over time.
- Proven value of BWC footage in court cases.
- Surveys of participating officers and of the community itself.

The effectiveness of the community panels themselves would be pinned to that same data, and particularly to evidence of improvement in critical statistics over time.

## **Resources for this proposal:**

[Body Worn Camera: Costs and Benefits](#) National Police Foundation, 2018.

[Benefits and Opportunities for Police Using BWC's](#) Wireless CCTV, 2020.

[Implementation – BWC toolkit](#) - U.S. Department of Justice.

[Implementing a BWC Program – Recommendations and Lessons Learned](#) – U.S. Department of Justice.

[BWCs for Law Enforcement - Assessment Report](#) – Dept. of Homeland Security 2015.

[BWCs: What the Evidence Tells Us](#) – National Institute of Justice Journal 2018.

[The Benefits of Body-Worn Cameras: New Finding from a Randomized Controlled Trial at the Las Vegas Metropolitan Police Department](#) National Criminal Justice Reference Service, 2017.

“Police Body Cameras Cited as ‘Powerful Tool’ Against Stop-and-Frisk Abuses”  
New York Times 11/30/20.

**Submitted by United Christian Leadership Ministry**





**Proposal for A Substantial Increase in the Number and Usage of Pre-Arrest  
Diversion Options  
Submitted by United Christian Leadership Ministry**

**Existing Rochester-Area Arrest Data and Diversion Initiatives**

In Monroe County in 2018/2019, approximately 67% of the 14 – 15,000 adult crimes committed were for misdemeanor offenses which include substance abuse, simple abuse, property theft, sex work, and other property related crimes. The racial diversity of misdemeanor arrests was similar to the total arrests with approximately 40% white, 45% black, 12% latinx, and 3% other. However, in Monroe County, the misdemeanor arrest rate for white people is *10% while for blacks it is 75%. Latinx and other people are arrested at about the same rate as their respective population percentage.*

Over 50% of people currently incarcerated in Monroe County are there as the result of a misdemeanor offense. In 2018, 67% of final dispositions and decisions in Monroe County Courts were the result of misdemeanor offenses. Limited recidivism data exists for people who have committed a misdemeanor offense and have been released from jail.

Again, in Monroe County in 2018/2019, approximately 60% of youthful arrests were for misdemeanor offenses. While youthful arrests for both felony and misdemeanor charges have declined by nearly 58% over the last 5 years, there were still 452 misdemeanor arrests in 2019 (down from 1064 in 2015).

Importantly, prior studies have shown that:

- 62% - 87% of adult incarcerated males experienced childhood trauma;
- 77-90% of adult incarcerated women experienced childhood trauma.

They have significant mental/behavioral health issues. Until we as a society deal with the underlying issues, we will continue to arrest and incarcerate people with a significant social safety and financial cost to individuals, families, and the community.

### **Current Diversion Options:**

The options that currently exist in Rochester / Monroe County for pre-arrest diversion are limited. They include:

- Behavioral Health Access Crisis Center – Mental Health
- Project HOPE – Heroin and Opioid Addiction
- Crisis Intervention / Emotionally Disturbed Person Response Team – Mental Health.

These options are rarely utilized by Rochester Police Department officers.

### **Proven Pre-Arrest Diversion Programs**

The coordinated, expanded Pre-Arrest Diversion Program we recommend is based on the Law Enforcement Assisted Diversion (LEAD) program which started in 2011 in Seattle/King County, WA. It has expanded to over 40 cities throughout the United States, including Albany and Schoharie County in New York. In Albany, LEAD started in 2016. A significant number of officers and a broad range of community leaders and residents now support pre-arrest diversion.

Instead of arresting the person, the police officer could assess the person's eligibility for pre-arrest diversion. The diversion criteria are agreed to by a broad range of stakeholders including law enforcement agencies and the District Attorney. If the person is eligible, then he/she can be taken to a case management coordinator who will immediately begin to work with the individual on an individualized, intensive harm-reduction. LEAD is completely non-coercive, so if the person does not agree to participate, then he/she is arrested, charged, arraigned, etc. based on the level of the offense.

If the person agrees, then the coordinator will do a person-centered intake assessment. This is designed to establish needs and goals including various health-related treatment services, and social services, e.g. housing, and

employment. A case manager connects the person to the appropriate service providers and stays with the person for an unspecified number of months based on the needs of the individual.

### **Operational Principles**

Across the communities that have implemented LEAD, various Core Principles exist. Below is a summary of the on-going operational principles:

- Police and community engagement.
- Coordinated case management across all providers.
- Client and community tailored intervention that is personalized by individual.
- Harm reduction and housing first framework.
- Cultural competency to include racial, social, and economic.
- Connections with a peer who previously participated in LEAD or similar services, to establish a supportive community.
- Monthly or more frequent discussion of individual progress and on-going program changes and improvements.

### **Results**

Seattle and Santa Fe have evaluated their respective LEAD programs, both of which focus on substance-abuse diversion. In 2016, three University of Washington Professors published a Seattle LEAD evaluation study. Two important findings were:

- LEAD participants were 58% less likely to be re-arrested and were 39% less likely to be charged with a felony than people who did not participate in LEAD.
- Participants were also almost twice as likely to have permanent housing than had been before entering LEAD, and 46 percent were more likely to be employed or getting job training. The health and well-being of participants is difficult to measure, but overall improvement exists.

A follow-up 2019 study by the same group indicated the positive impact of LEAD in reducing average yearly criminal justice and legal system utilization and associated costs. LEAD participants had 1.4 fewer average yearly jail bookings, spent about 41 fewer days in jail per year, and had 88% lower odds of prison incarceration relative to comparison participants. LEAD participants also showed

significant reductions in legal costs whereas comparison participants showed legal cost increases.

The 2018 Santa Fe evaluation conducted by the New Mexico Sentencing Commission highlighted the lower criminal justice and medical care costs of LEAD participants. Emergency medical and days-incarcerated cost reductions were an important source of the cost benefits. The average annual cost for a LEAD participant was \$7,541 per client per year vs. \$9098 for the comparison group participant. Thus, overall cost savings of LEAD compared to the past was \$1,558 per client per year, a savings of 17%.

### **RECOMMENDATION:**

Governor Cuomo, in his June, 2019 Executive Order, cited law enforcement assisted diversion as one of multiple programs to address 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.”

To comply with the Governor’s Order, we recommend that the community start a coordinated Pre-arrest Diversion Initiative by the 3<sup>rd</sup> quarter 2021. With the Rochester Police Department support, police officers can assess a person’s eligibility for pre-arrest diversion, and begin the process of helping that individual as opposed to arresting him/her.

A team to include existing diversion initiative members, government, health care, public safety, and neighborhood group stakeholders would develop the specific proposal. An important step in this process would be learning through interaction with other groups, e.g. the Albany LEAD team. The team would also:

- Obtain needed funding; the case for this funding is strengthened by the verified savings realized in existing LEAD Programs.
- Establish the organization infrastructure to include Project Management and Coordinated Case Management;
- Create a Memorandum of Understanding (MOU) that is agreed to by the appropriate organizations.
- Establish first year, five year, and ten-year goals to include:

- Number of people diverted consistent with racial diversity, gender, etc. of those people arrested;
- Percentage of people who successfully complete diversion;
- Percentage of people who achieve permanent housing and employment;
- Percentage of people who do not recidivate;
- Public safety costs saved because of diversion;
- Net community cost savings.

The United Way System Integration Project approach would promote transparency and provide the status of participant services to the appropriate providers and Law Enforcement personnel. A group like Coordinated Care Services, Inc. could be the Project Manager. An initial meeting with multiple County personnel, including Office of Mental Health, has been held to establish such a coordinated/collaborative service.

### **Start Small and Grow**

An important diversion principle is non-displacement. People who are diverted should not displace people currently receiving similar services. In the first year, given the limited Rochester-area health care and social service resources and the need to operate an effective program, pre-arrest diversion would only service about 100 participants, about 1% of the people who commit a misdemeanor offense. As appropriate service resources increase, then participation and benefits will also increase. Also, over time, referrals to the diversion services could be made by a family member or someone who lives in the neighborhood.

A similar diversion approach must be adapted for youthful offenders. The diversion process would be similar to the adult program with additional focus on strengthening family relations.

### **Implementation and on-going Management – Key Elements**

- Voluntary agreement among independent decision-makers:

Collaboration across the community stakeholders is required to make LEAD work. A Memorandum of Understanding (MOU) must be agreed to by the decision-makers prior to implementation.

LEAD cannot work without the dedicated efforts of independent agencies and, sometimes, multiple jurisdictions. The program can only proceed as far as the key

entities can achieve agreement at any given time. In addition to law enforcement, service providers, community groups, prosecutors, elected officials and others, such as persons with relevant lived experience (e.g. drug use, sex work, homelessness, poverty, etc.) are essential stakeholders who should be meaningfully involved partners. All stakeholders should commit to share credit and blame equally and to acknowledge the critical role of other partners.

- Law enforcement officer “buy-in”:

LEAD only works because of the effort and insight of line officers and their sergeants. As patrol officers talk with fellow officers about the benefits of LEAD, for both the officers and the community, more officers “buy in” to the program. The program relies on their initiative and discretion. They must be equal partners of the program and must be involved in operational design and improvement conversations. In Albany, line officers established the initial diversion criteria. Over time, the criteria have changed based on experiences.

- Command-level support:

To support line officer commitment to LEAD, Command officers must implement deployment, overtime processes, and shift scheduling that supports the program. Officers need to know and see that participation in this approach is valued. Command officers must agree to the process for making a diversion. In Albany, the diversion process is a one-page document, and takes much less line officer time than submitting an arrest package.

- Prosecutorial discretion should be utilized in LEAD participants’ non-diverted cases:

LEAD participants typically have other cases from both before and after their referral to the program. Coordinating prosecution decisions in those filed cases with the LEAD intervention plan maximizes the success of the program in achieving behavior changes, and in reducing system utilization costs.

- Dedicated project manager:

The project manager troubleshoots stakeholders’ concerns, works to identify resources, facilitates meetings, develops information-sharing systems, and streamlines communication. LEAD is a consortium of multiple different organizations. The project manager must be primarily loyal to the program itself, independent from all political and operational stakeholders. The project manager should report to an organization that does not provide individual direct services and has experience in coordinating services across organizations.

- Bi-weekly / monthly Meetings:

Providers, law enforcement, case managers, and community stakeholder representatives meet every 2 to 4 weeks to discuss the status of individual participants, and the overall program needs and improvements. This interaction builds the relationship among the various representatives, provides input from different experiences and perspectives, and helps the case manager connect a person to the appropriate resources. The Albany LEAD team excels in these bi-weekly sessions.

- **Semi-Annual / Annual Reports:**

An independent external organization should provide a semi-annual or annual report to include:

- The number of people who:
  - currently participate in LEAD services;
  - have successfully completed the services;
  - have dropped out of the services.
- Have on-going interaction, if any, with law enforcement
- Have on-going health, social and
- Structural and operational costs and funding received.

### **Actual Diversion Services**

- **Harm reduction:**

For a person diverted for substance abuse service, the primary focus is general wellness rather than an exclusive focus on sobriety. The goals are to address the participant's drug activity and other factors driving his/her problematic behavior, and to build long-term relationships with participants without employing coercion or shame.

- **Intensive case management:**

Development of an Individual Intervention Plan serves as the action blueprint. This personalized plan may include assistance with housing, treatment, education, job training, job placement, licensing assistance, small business counseling, childcare, or other services. Intensive case management provides increased support and assistance in all aspects of the participant's life.

- **Housing First:**

An individual's Levels of Need starts with housing, food, and other basic services. Until these needs are met, it is difficult for an individual to move forward to subsequent levels of need. The permanent housing should be sustained for a minimum of one year based on the participant's progress.

- **Utilize and Expand Available Resources:**

The services support plan for each LEAD participant is dependent on the currently available resources. The Case Manager connects a participant only to a service provider who has the necessary support capability. A referral to a provider waitlist and to an over-taxed social services infrastructure will disappoint the participants and stakeholders and will produce poor outcomes. Even when resources are not robust, LEAD typically is more effective than traditional responses that tend to stigmatize the participants. Medicaid and related government programs provide most of the funding for the services provided to LEAD participants. Provider resource services must be expanded in order to increase the number of LEAD participants.

- **Non-displacement:**

The net effect of LEAD is to improve individual and community health and safety. The provider resources available are typically less than needed. It is not appropriate to give LEAD participants preferential access to scarce resources. Displacement drives other people down or off waitlists for services they need as much as LEAD participants.

- **Peer connection:**

Peer connection is about linking a LEAD participant to a person who has lived through related health care and arrest issues. Peer outreach workers enhance the program's effectiveness. Decades of research demonstrates that peer-based interventions are a highly successful way to intervene with disenfranchised and stigmatized populations. These peer outreach workers stay connected to participants, provide important insight into the ongoing case management process, serve as community guides, coaches, and/or advocates, while also providing credible role models of success.

### **Community Engagement:**

- **Involve community public safety leaders:**

Ultimately, LEAD must meet neighborhood leader needs for a safer and healthier community. Community members should be able to refer individuals as social contact referrals and suggest areas of focus for outreach and referral. They should also receive regular information about the program, its successes, and obstacles to improve implementation. This may best be accomplished by hiring a community liaison. Expectations should be reasonable given available resources, and program operations must be highly transparent.

- **Involve the business community:**



When appropriate, involve representatives, especially small business owners, franchise operations, and/or members of the Chamber of Commerce groups in the planning and implementation of LEAD. Shoplifting is common among individuals with problematic drug and alcohol use. Involving business owners shows that the program is working to improve public safety for residents and business owners alike. Buy-in from this critical sector can greatly influence support from local elected officials.

- **Officers:**

In Albany and other locations, LEAD fosters line officer engagement with neighbors and business owners. For example, if the complainant is a business owner or a neighbor, he/she must sign-off on a deferral before the officer engages the case manager. This requires trust and relationship building by the officer and the complainant.

- **Create tailored interventions:**

Address individual and community needs. Each community has its own unique character, involving different demographics and social dynamics. Rather than attempting a “one size fits all” approach, community-based interventions should be specifically designed for the population in that particular neighborhood.

- **Related Services:**

In Monroe County / Rochester at least three related Court related programs exist with many of the same service providers and objectives. These programs include:

- Alternatives to Incarceration / Pre-Trial Diversion
- Monroe County Judicial Diversion
- Rochester Crisis Intervention Services / Crisis Response

Over time the various programs should evaluate whether an “overall” coordinated Case Management and provider services would improve results and lower costs.

### **Structural Change:**

- **Evaluation criteria, procedures, and assessment:**

Public accountability requires that these factors must be established prior to LEAD implementation. Albany and other communities can provide specific information on these elements. There should be a regular review of program effectiveness by stakeholders and an independent evaluation of the program by outside experts. Agreed to objectives should be assessed and appropriate changes, etc. should be made based on results.

- **Cultural competency:**

All aspects of the program to include outreach, case management, and service provision, must have ingrained cultural competency. Meaningful involvement of persons with relevant lived experience in project design, implementation, and evaluation is one way to foster cultural competency. Training and on-going feedback are also important aspects of establishing a culturally competent environment.

- Capture and reinvest criminal justice savings:

To support rehabilitation and prevention services, reinvesting criminal justice savings is critical. Priority should be given to sustaining community diversion programs, and to improving and expanding other “upstream” human services and education efforts.

- Time and patience:

LEAD participants with drug and/or mental health issues are often homeless, sometimes it takes months or even years to make major behavior changes. When individuals do change, they almost unanimously say they found the strength to change in part because case managers and officers refused to give up on them and used positive approaches to incentivize individual change. Patience and relationship-building can eventually yield results that shorter-term strategies cannot.

#### **Available Funding:**

- State and National Grants:

The U.S. Department of Justice funds diversion programs, especially those focused on substance abuse. Multi-year project management and coordinated case management funding would be funded by DOJ. SAMSHA, Substance Abuse and Mental Health Services Administration, could be another source of such funding.

The New York State Health Department helped fund diversion initiatives in Albany, Buffalo, and Staten Island. The New York State Division of Criminal Justice also provides Alternatives to Incarceration funding. In 2018 the Legislature also established funding for LEAD. Rochester area organizations need to collaborate with other NYS diversion groups to get this funding approved in the 2021 State budget. Given the Governor’s support of LEAD, this should be likely.

- Local Law Enforcement Re-allocation:

A properly implemented and administered LEAD program should result in cost savings across the Public Safety sector that can be re-allocated.

- Local Grant Funders:

Grant fund requests from various local organizations would be used to supplement the operational organization expenses.

- Individual health care and social services:

The vast majority of the health care and social services expenses would be paid through Medicaid and related Government programs for poor people. The case manager would link the eligible person to the various funding programs.

### **Benefits – Individual, Community, and Cost**

- Individual:

The majority of LEAD participants have realized multiple benefits including improved healthcare, permanent housing, and employment, and reduced incarceration time. They are more active in their family and community.

- Community:

The community is safer because there is less crime. Also, police officers and community members are more personally engaged with one another. Over time, these benefits will have a ripple effect, especially when pre-arrest diversion is combined with other public safety cultural changes.

- Economic Savings:

The bottom-line cost to provide LEAD structure and operational support is less than the current cost for related healthcare, especially emergency support: and public safety, especially incarceration. The government and community reduce expenses through LEAD.

**Submitted by United Christian Leadership Ministry**



**UNITED CHRISTIAN LEADERSHIP MINISTRY'S  
RESPONSE TO POLICE REFORM AND REINVENTION  
RECOMMENDATIONS FOR THE MAYOR'S WORKING GROUP  
ON EXECUTIVE ORDER 203**

**UNITED CHRISTIAN LEADERSHIP MINISTRY, INC.**

**JANUARY, 2021**

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**QUESTION 1: How are you incorporating “Procedural Justice,” which focuses on the manner in which law enforcement interacts with the public?**

**What functions should the Police perform?**

The police should respond to citizen’s calls for violent crimes and activities such as shootings, burglaries, robberies, assault, murders, rape, larceny, solve and investigate crimes, domestic violence calls in partnership with FACIT, and be present at protests with the mindset of a Guardian verses a Warrior attitude at all times. They should protect all people’s 1<sup>st</sup> Amendment rights. Police Officers should demonstrate fairness and respect to all people they encounter. The respect of human rights, dignity and sanctity of life must be a consistent priority in all interactions.

In all functions, Police Officers must be fair, transparent, impartial and offer the opportunity for dialogue to the involved parties. (<https://cops.usdoj.gov/procdceduraljustice>) (note: spelling error appears in the URL)

**Should you deploy social services personnel instead of or in addition to Police Officers in some situations?**

Social services personnel should be deployed in partnership with Police Officers on a consistent basis defined by a clear policy which highlights specific criteria. These policies must apply to 911, 311 and all police agencies. Each party should mutually respect each other’s role, which must be clearly defined, with clear communications between the different personnel. Team building with community partnerships is crucial.

**Can your community reduce violence more effectively by redeploying resources from policing to other programs?**

Yes. Our community needs Mental Health Programs, Youth and Recreation Programs and Job Development. Existing programs such as Pathways to Peace, Conflict Resolution Programs, Rise Up Rochester, Roc the Peace, UCLM (Light the Way) and Squash the Beef will benefit from increased funding and support. The ABC program Save Our Youth, (SOY) was very effective under the leadership of Chiara Smith and received recognition for one year effort of not having any murders in the 14621 community. This was due to the efforts of the program and the crisis and response of SOY in this part of the community. Squash the Beef, under the leadership of Brother Kenneth Muhammad, should be noted as the group has established itself in the community and are received as highly credible by the communities they serve. More resources need to be put into expanding these programs.

In addition, provide more resources for program oversight, evaluation, transparency, effectiveness and training so that what is working can be expanded and what needs improvement can be assessed.

**What function should 911 call centers play in your community?**

Receive and triage emergency calls, effectively and accurately determining emergencies that require police response. When appropriate, direct to alternative resources such as 311 and 211 depending on caller needs. Increase staffing and training to have the capacity to identify mental health issues that may be present in the situation and refer to community-based programs that can meet needs more effectively, including mobile crisis intervention available nights and weekends. They should build on the progress being made with the crisis response team.

This article reviews the history, functions and challenges of 911 call centers and the need for more robust data to assess and improve them.

(<https://www.vera.org/downloads/publications/911-call-processing-system-review-of-policing-literature.pdf>)

### **Should law enforcement have a presence in schools?**

No, absolutely not. While some individual officers may have the skills to work with youth in school, in general we recommend not having police presence in educational settings. Routine presence of police creates the impression that students are potential offenders who require on-site control and intervention. Age-appropriate conflict resolution programs should be available in every school to resolve disputes and provide restorative justice opportunities. Provide access to services that address unmet needs that contribute to student distress. Actively disrupt the disciplinary mechanisms that lead to the "school to prison pipeline." There may be occasions in which police contact is unavoidable, but alternatives should be available and tried first.

### **What are the staffing needs of the police department the community wants?**

As previously noted, staff focus should be on responding to, investigating and solving violent crime. Emergency social services, mental health crisis services, and urgent addictions and homelessness responses can be coordinated through the 911 system and, when necessary, police service. The types of programs that address the unmet needs that typically lead to crisis situations need to be permanent and effectively staffed, funded, evaluated and revised as needed, but should not come and go as they have in the past.

RPD has the second highest per capita policing level in the nation. The city is heavily over policed by a department that has over 30% management. This has resulted in a huge over allocation of scarce resources. The department needs to be rightsized and should aim to reduce its personnel to a national average within the next 5-10 years so it can reallocate these resources to other programs that actually reduce crime.

### **Should components of the police department be civilianized?**

Yes, take uniformed police out of the jobs they do not need to do so they can focus on the most important tasks of policing. Management of parking violations is one example of how routine tasks can be dealt with by workers who are not uniformed officers. Conflict resolution services in the community can work to resolve problems before they escalate. Transport, clerical, and internal investigation could all be done by non-uniformed staff. Referral for mental health and social services should be provided to address unmet needs. Survey the community to identify the kinds of services that are needed in the area and develop responses to take these concerns out of the purview of police.

### **How should the police engage in crowd control?**

At all times, respect human rights, affording dignity and respect to all. All interactions with crowds should start with communications which must come from a guardian and service perspective rather than warrior mentality. The focus should be on the safety and protection of people first, property second, whenever possible. Inevitably, some situations will involve confrontations with the public. Police should be skilled with de-escalation techniques to reduce the risks to all involved. Lower-level management techniques such as slowly moving crowds, giving directions over loudspeaker, limiting hostility, respecting First Amendment rights, should be priorities over more intensive techniques such as pepper balls, rubber bullets, flash bangs and tear gas, which should be deployed as a last resort under clear guidelines for use of force.

### **Should the police be “demilitarized”?**

Absolutely, unless it is in a SWAT situation, militarization is unnecessary, intimidating and escalating. The appearance of militarized police, tanks and armored vehicles creates a warlike atmosphere that by itself escalates situations by increasing fear and intimidation. Government programs that supply local police departments with surplus military equipment should be ended. Police departments should review the gear they currently own to determine what is appropriate to have available and what can be eliminated. If anything is kept, use of this equipment needs to be evaluated and very clearly defined with agreement by community-based leaders.

### **QUESTION 2: Does your Police Department use these practices and, if so, which should be reformed, curtailed, or discontinued?**

**“Broken Windows”**- Community policing should be enacted in the Rochester Police Department. Police who do not live in the neighborhood they have sworn to serve and protect should be subjected to sensitivity training. As a result, renegade racist police officers who have the inclination to stereotype residents in order to defend their use of excessive force toward their non-neighbors by using embellishment should be prosecuted. Many Police officers in cars have insufficient contact with the community, leading to a social rift between the two. The state needs to enact laws to charge police officers for using excessive force because of they feared for their lives. Reform should reverse the loophole police use to use fear as miscarriages of justice aimed at black and brown people. Mandatory training should be backed up by the use of body cameras. Litigation holding officers accountable for systematic racism which leads to the abuse of police power to “Stop and Frisk” needs to be in place. Reform should include periodic surveys of the public by a community organization to shed light on how they feel the police profile black and brown skinned people for minor violations. Police do not report on each other. Reform should include charges against police who cover up what their partner is doing to harm innocent citizens. The governor needs to be informed by citizens on what is happening in the community rather than depend on Rochester Police for information on police violence. (This concept of how to do this is something that should be developed on its own in a separate proposal.) Reform should include a citizens’ database to show police actions when they cover up and protect themselves to escape prosecution. Reform should include a database of cameras footage taken by citizens documenting Stop and Frisk. Reform should include accountability in the form of a layoff or fine when police do not use their body worn cameras and prosecute them for use of excessive force.

**Stop and Frisk** - For a long time RPD has claimed that they do not use this tactic. Too many residents of the city disagree particularly brown and black young men. In NYC a large study was done of stops by police which demonstrated both the ineffectiveness of this policy, the extent it was used, and the racial bias of the stop and frisk policy. Unfortunately, the policy and record keeping of RPD does not allow a similar look into the operations of RPD. They have a form for stops called an incident report form but it is not mandatory to be filled out, and does not include demographic information on the person stopped or reason for the stop. These forms need to be mandatory and need to include demographic information on the person stopped and why they stopped the person. This sort of policing needs to stop and adequate records need to be kept to prove it is not being used.

**Chokeholds and Other Restrictions on Breathing** - Currently RPD claims these are not taught and used only to protect an officer's life or the life of another person. In practice it seems they are used by officers more often than this and officers are not punished for using them. There must be reform laws respecting human life by prosecuting officers that use the same line of being afraid for their life while



encountering an unarmed citizen. Because Rochester has body cameras, reform should include a law that if they do not properly operate their cameras, they will be subject to cover up charges in the event of death or injury to a person in their custody. Reform should include statewide laws to fire and prosecute a police officer who kill unarmed citizens who are posing no extreme circumstances. Reform should include mandatory de-escalation training.

**Use of Force for Punitive or Retaliatory Reason** - Currently the RPD manual on use of force is a statement of when to use deadly force. The department in its review of officers who have injured or killed citizens shows that the focus is on justification of escalation to deadly force. The focus needs to be more on de-escalation than on firearms and self-defense tactics. Officers need to be trained in mediation, de-escalation, and ability to manage their emotional and physiological reactions, particularly in high stress situations.

**Pretextual Stops** -This has been used but new legislation enacted to stop police from profiling black and brown citizens for investigation purposes hopefully will correct this problem. Regardless, this practice needs to stop immediately and officers need to be punished for doing it. If the profiling results in death or personal injury by a police officer, the officer should not have access to their old loopholes to avoid prosecution.

**Informal Quotas for Summonses Tickets or Arrests** - This should be curtailed. We can see on the news how lethal police violence is and the lack of police accountability that tilts toward them, not the black and brown victim. We need laws to deal with police conduct when they use their quotas against the victim. We need reform and legislation to stop predator police from acting on their bias. Policy changed should be legislated so that police cannot use residents for that purpose.

**Shooting at Moving Vehicles** - Happened a few times last year and should never be done because innocent people could get killed. They should never happen and officers who engage in them should be terminated for violating this policy.

**High Speed Pursuits** - RPD has a policy in general order 530 to not engage in them except under defined situations. This order seems confusing and high-speed chases still happen and have in the last year. The policy should be clarified and officers who violate it should be terminated.

**No-Knock Warrants** - This is a dangerous tactic because of the warrior mentality of some police officers. This tactic brings out the worst in officers and often is used when a far better and safer tactic could be employed. More training that emphasizes listening and clarifying the decision-making process to residents is needed.

**Less-Than-Lethal Weaponry such as Tasers and Pepper Spray** - This tactic has been over employed particularly against protestors and people of color and these tactics can cause serious injury or even death. While better than using the handgun, more training on de-escalation would decrease the need for the use of these weapons. Policies need to be put in place which better define when various force tactics should be used. Many demonstrators know police used them in the BLM demonstrations in Rochester often incorrectly and in ways which injured people exercising their first amendment rights.

**Facial Recognition Technology** - Currently the RPD does not have this technology and has no policy for its use. With RPD's data base of body worn camera footage, blue light camera footage, and other camera footage there is a huge database for which facial recognition programs could be used. Due to

racial biases in the application of facial recognition we feel it should not be used. We do feel that RPD should have a policy for use if other agencies want to search their data bases. This policy could be as simple as RPD does not conduct biometric search on any of their video databases. If any outside law enforcement agency wishes to conduct a biometric search of the body worn camera or any other database, they must submit a request in writing to the department. This request must include dates to be searched, what specifically is being searched for, who will view this data, what specifically is it to be used for, and how results of this search will be stored. All requests will be logged at the department.

### **QUESTION 3: To what extent is Law Enforcement utilizing the following strategies, which reduce racial disparities and build trust?**

#### **Using Summonses rather than warrantless arrests for Specified Offenses**

Summonses normally relate to Court or Dept. of Motor Vehicles orders to appear. Warrantless arrest information is part of the RPD Training document. It details when such arrests/entries are permitted and not permitted. It also provides legal information as to the basis for this policy.

#### **Diversion Programs**

The Rochester Police Department in a very limited way participates in the following adult diversion programs:

- Behavioral Health Access Crisis Center (BHACC)– Mental Health
- Project HOPE (the county initiative) – Heroin and Opioid Addiction

Very few diversions to BHACC and Project Hope are made by RPD Officers. The Crisis Intervention Team and the Crisis Negotiation Team are services within RPD Special Operations Division.

Rochester Recreation and Human Services recently implemented a Crisis Response Team. This group will provide most or all of these services in the future. The Police Department works with The Center for Youth relative to diversion of youth who are charged with misdemeanor offenses.

#### **Restorative Justice Programs**

The Rochester School Resources Officer program no longer exist. As appropriate, they did participate in restorative justice programs. Discipline decisions was the School's responsibility. Some officers did refer students to Pathways to Peace and the Bivona Child Advocacy Center. Outside the school there does not appear to be training or use of restorative Justice Programs by RPD.

#### **Community Based Outreach and Violence Interruption Programs**

Over many years, Rochester Police Officers have participated in multiple community outreach initiatives to include youth and adult outreach. The Good Night Lights event is an example. The Community Affairs Bureau assists in coordinating the community engagement services. Community building activities include Police Activities League, the Police and Citizen Interaction Committees and the Do the Right Thing Program. Links to Pathways to Peace and A.B.C. Save Our Youth are also important.

#### **Hot-spot policing and focused Deterrence**

Three Sections in Rochester have these Hot Spot areas - Lake, Clinton and Genesee. Hot spots within these sections are regularly evaluated as issues or offenders are dealt with, or are taken off the street. Other tactics include walking patrols, directed patrols, and Crime Prevention Through Environmental Design (CPTED) work. CPTED work can include cleaning up areas, fencing, boarding up properties, rehabbing sidewalks, and more.

A Chronic Firearm Offender List has been created based on data and history of firearm related convictions, victimizations or involvement in disputes. From this list, individuals can be selected for one or more of the following events:

- Offender Orientations: A meeting to inform individuals of Gun Involved Violence Elimination (GIVE), and what can happen if they do not stop violent activity. Services are offered to attendees.
- Call-In's: Large meeting with a strong warning message, and services are offered.
- Custom Notifications: A personalized prevention message for individuals who are a high risk of shooting someone, or being shot themselves. Services are offered to individuals and their families.

### **De-escalation strategies**

The Crisis Intervention Team provides de-escalation support to the community. The training teaches officers how to de-escalate emotionally charged situations while helping to connect them to vital resources. CIT officers work with 911 dispatchers to respond to emergency calls where they may be able to help tense situations from becoming worse. See the recent changes noted in the Diversion program.

**In conclusion**, while various programs and training exist, the overall response to these questions/programs is that the Rochester Police Department has poor results in reducing racial disparities and building trust with the community. To improve the results, the Rochester Police Department needs to implement at least the following:

- Increase training time. Utilize training programs that have proven successes such as “Integrating Communications, Assessment, and Tactics” from the Police Executive Research Forum (Implemented in Louisville, KY).
- Establish objectives, data collection, and measurement process to assess effectiveness and make on-going improvements on an annual basis.
- Publish measurement information to make available to the community
- Integrate training topics into each officer’s annual performance review process. Recognize individual officer’s very good performance and discipline individual officer’s performance below the acceptable level.

### **QUESTION 8: Do you engage citizen oversight and other external accountability?**

The public has lost so much confidence in the civilian complaint process that it is now seldom used. From 2011 to 2019 citizen complaints successfully investigated by PSS, which is internal affairs of RPD, have fallen from 86 to 13 while crime only fell 46%. Despite changes to the process in 2012, complainants still have little feedback, the process is slow and results are sometimes not reported back to the complainants. Perhaps the worst part of this process is that the interview process with PSS is done in an aggressive accusative manner which seems designed to discourage people from continuing the process. The officer is dealing with a person who feels violated by police and yet they treat this as an interrogation. People who have gone through this have used the word dehumanizing to describe the way PSS investigates. As such this process has lost all public confidence.

The Civilian Review Board (CRB) was created to provide oversight for the PSS investigations. The problem with this is that they only review the work done by PSS. Even so, effectiveness of the CRB is diminished because the chief can over-rule them. In 2019 the CRB sustained 20% of the complaints but the chief only sustained 4.8%.

After much work by the Coalition for Police Reform and UCLM, the city agreed to put cameras on all the officers. All along the Police have met with these groups. When BWC's were finally rolled out the city agreed to formally create a board to oversee this program called Community Justice Advisory Board (CJAB). CJAB met with RPD staff four times a year since its inception. Unfortunately, RPD has resisted attempts to obtain information which would provide insight into this program. Further and more damaging, they have often answered requests for information with answers that are misleading or false. Even attempts by this group to get FOILS of BWC footage has been too frequently denied as more than 75% of their requests are denied.

Further problems with supervision are easy to spot. Several officers have had testimony thrown out in court with no discipline and some have had this happen several times. A judge has refused to accept probable cause without BWC footage so several cases have been dismissed, yet the officers who failed to follow policy seemed to receive no discipline. Further, in public cases like the Daniel Prude case, the public can see on the released footage officers act disrespectfully, inhumanly, and perhaps criminally yet the PSS found nothing wrong.

Theoretically the mayor and city council have some oversight ability over RPD but it is hard to tell as they do not exercise this power.

Civilian oversight can best be summarized by the experience of PAB. This process was fought by the city and the police but the public passed it by more than 75% in a referendum. The union continues to fight it in court, the city has failed to completely fund it, and it is still only a compliment to PSS for investigation of police rather than replacing PSS as the internal investigations for RPD.

The worst part about all of this is we have been at this place for 60 years. For this whole time the public has tried to get some control over the police and despite numerous attempts, reforms, boards, and programs we are still right back where we were in 1964. As a result, extensive changes are needed.

What is needed is a complete restructuring of the police in Rochester. They need to be under a civilian commissioner who has final say on both budget and management. The PAB or some other civilian agency, needs to completely replace PSS for investigation of the police. They need to handle all civilian complaints, have full access to BWC files, the ability to change policy, review of all uses of force by officers, and be the final say for discipline. Officers who fail to tell the public the truth or fail to testify before PAB need to face strict punishments. Yearly reports should be made public and a standard survey should be done each year.

### **QUESTION 9:**

**How are you using data to guide policies, procedures and activity while enhancing public transparency?**

The United Christian Leadership Ministry (UCLM) is particularly concerned with the impact of issues of public safety and the justice system on people and communities of color. The affected communities and leaders must be consulted to assess the data points that they feel are necessary to be collected and publicized. We encourage the City to undertake a representative survey of communities of color to answer this question. Community leaders, such as clergy members and business owners, have access to anecdotal information and personal stories and can identify specific points of concern. For example,

what is the incidence of police confronting young Black men in stop and frisk encounters? How do officers decide when and how to initiate these contacts?

A 2019 Pew Research Center survey of American adults found that white people consistently underestimate the degree to which Black people are treated unfairly across a range of measures. In dealing with the police, 63% of whites and 84% of Blacks agreed that Black people are treated unfairly. Unfair treatment in the criminal justice system was agreed by 61% of whites and 87% of Blacks, a wider gap. The disparity is even greater when it comes to hiring, pay and promotions, and applying for loans and mortgages. This demonstrates that whites are significantly uninformed about the realities that Black Americans experience and the pernicious impact of racism and disparities. Predominantly white decision-makers are likely to implement policies and procedures that do not meet the needs and concerns of people of color. Collecting, analyzing and interpreting data helps make the system fairer and just. (<https://www.pewsocialtrends.org/2019/04/09/race-in-america-2019/#majorities-of-black-and-white-adults-say-blacks-are-treated-less-fairly-than-whites-in-dealing-with-police-and-by-the-criminal-justice-system>)

Demographic information that detects racial disparities and biases is essential to increasing public trust, improving police training, guiding policy and procedure, and monitoring compliance. Data collection on violence, weapons, injuries, use of force, use of non-approved tactics such as chokeholds and elbow strikes, arrests and other serious incidents is essential. Information on less intense encounters that are harassing to community members, such as traffic stops with minimal cause, are important to collect and make public. This data should be correlated with community surveys to assess the manner in which police approach and speak to individuals of color and the impact of the encounter on both the victim and the community. In the case of Daniel Prude, pain and consternation erupted over the stunning lack of basic compassion and care for an obviously distressed individual who was not even covered with a blanket while naked on the cold pavement before being subdued in a manner that led to his death.

### **Examples of Data to Be Gathered to Assess Both Law Enforcement Agencies and the Court Systems:**

**General note:** All statistics noted below are to be delineated by appropriate demographic categories whenever possible and useful. The purpose is to highlight any biases detected in both policing and court systems. These categories are commonly found to be important and informative in evaluating processes and procedures:

- Race
- Gender
- Indigent status
- Age
- Severity and type of offense
- Geographic area

### **Policing Systems:**

A robust platform of datasets for policing systems is essential for effective monitoring, by the law enforcement agencies themselves as well as by the communities they serve. Here is one listing of the key dimensions of policing to measure:

- Trust, legitimacy, and community engagement
- Crime reduction and public safety
- Use of force

- Least harm practices
- Accountability
- Officer wellness and safety
- Fiscal needs and responsibility
- Recruitment, training, and education.

Examples of specific data re policing that would clearly be useful in Rochester/Monroe County:

- Statistics related to all the practices noted in Question #2 issued by the Working Group on Police Reform & Reinvention (demographic breakdown will be especially important here)
- Causes for traffic stops – here again, demographic data will be important; what is the result of the traffic stops?
- Use-of-force incidents by officer, by quarter and by year
- Compliance with body-worn camera written policies
- Number of citizen complaints, their disposition, and the time elapsed to disposition
- Nature of calls responded to by police; and the results of those incidents
- Statistics on specific crimes investigated by type
- Statistics on crimes solved by type, and time elapsed to resolve
- Calls responded to which did not require an RPD officer and/or would be better handled by another trained professional
- In-service training for existing officers; topics covered and number of hours

### **The Court Systems:**

As with policing systems, data for court systems must be comprehensive and accessible, to allow for effective monitoring of the systems by the courts themselves and by the community. One example of the key dimensions to be included:

- Fairness (preserving individual liberties by affording due process, etc.)
- Public Safety (do people feel safe at home, in public places and in correctional facilities?)
- Fiscal Responsibility (cost efficiency in using public funds)

Examples of specific data re the court systems that would clearly be useful in Rochester/Monroe County:

- Number of nights in jail prior to seeing a judge for a hearing (this can particularly be an issue on weekends and holidays).
- Jury composition
- Number of felony charges pled down to a misdemeanor
- Number of drug possession convictions resulting in prison time vs. alternative sentencing
- Number of individuals in jail who have not been charged with a crime
- Number of cases dismissed and the stated causes
- Median length of jail sentences for non-violent misdemeanors
- Eventual outcome of criminal charges by type of crime
- Matters pending by type of matter and by judge
- Criminal cases pending more than six months
- Number of cases filed involving injury to either a civilian or an officer, and the disposition of those cases

The City should disclose settlements reached with individuals and families impacted by fatal, injurious and inappropriate police contact. The complaint process should be easy to access and free of intimidation. Data should be analyzed for both the City and the County so that the public can easily determine patterns of policing problems across neighborhoods and populations. Provide data on encounters that are resolved using restorative practices rather than law enforcement and legal remedies. Equip officers with referral information for various community services and track when this information is shared with individuals on the scene of a police contact and whether any follow-up assistance is provided.

The Rochester Police Department Open Access Data Portal offers a variety of information but is not highly accessible and user-friendly. Improvement in this area would increase transparency and public disclosure. Data collection should not be an abstract concept for officers and leadership, but an accountability measure that all recognize as starting on the street level with individual officers and members of the community. Tracking actual behaviors and practices that fulfill or violate the sworn mission of officers to serve and protect begins there.

**QUESTION 11: Should your police department leverage video cameras to ensure law enforcement accountability and increase transparency?**

The policy adopted by the department has clearly defined rules for when the camera should be on and includes both a list of times the officer has discretion to record and when they should be exempted from recording. To audit compliance, they use a random sampling of vehicle stops to see if recording is happening. In all cases they rely upon the sergeants to check to make sure recording is following procedures and to verbally discipline officers. Unfortunately, no record of this discipline is kept, no record of these failures is maintained, and no further discipline is usually done. This is particularly acute in regards to arrests. Every arrest is a mandatory recording situation, yet a troubling number of these have not been recorded. The Public Defender and the courts have seen numerous such cases yet RPD has no record of these even if the case is dismissed due to lack of BWC evidence. There is no discipline on these cases.

RPD needs a significant update to their record keeping capacity and capabilities. They should have auditable incident detail records by officer including all filed forms and how many of the incidents lack BWC footage. Failure to follow the policy should be treated as a serious offense with accountability that could include retraining, letters in files, unpaid leave, and termination.

When BWC footage is obtained it is stored in a secure server maintained by the department. This should be the standard used by all departments. The rules for retention are clearly laid out and very good.

Community access to this information has been problematic. The monitoring committee which works with the department on BWCs has only had 2 of 8 FOIL requests honored. It took a legal ruling to get the footage release to the public in a non-blurred manner. Lawyers have had problems with the timely release of footage and even the Public Defender's Office has found discovery more useful than FOILS to obtain BWC footage. All this is not acceptable. The public should not be denied access to these public recordings.

Footage is also not used for the purpose of evaluation of officers. We recommend that officer reviews include an audit of frequency of recording and quality of the recordings.

The BWC policy needs updating. Currently they still use the phrase “safe and practical” without an adequate definition. Officers can still pre-view the footage before writing reports which is time consuming and creates bias. Officers should be required to notify the public truthfully and effectively if they are being recorded. Finally, the policy needs to have a section on use of biometric searches.

### **QUESTION 12: Are you recruiting a diverse workforce? Is training sufficient?**

Department record keeping lacks specificity regarding workforce diversity tracking. Currently, their data shows 25% minorities but this includes 13.4% female. It is not clear if a Black woman is counted twice. Ethnicity data does not exist. Black, Hispanic, and all other non-white ethnicities are lumped together. This makes the data not very useful. Current workforce diversity does not match the make-up of our community which is 38.2% Black, 36.6% White and 10.7% Hispanic. This situation exists despite a court order which is more than 40 years old to make sure at least one in four people in every training class is black. The numbers are even worse for other departments such as the Sheriff's department where only 7% are people of color and the Greece police department which has only 3% people of color.

The training academy does have some anti-bias training; however, it is not very extensive and this sort of training has been proven to have little effect on changing behavior or attitudes of participants.

For many reasons local recruitment of people of color is a difficult undertaking. The extensive use of stop and frisk and broken window policing has left many young people with negative views of law enforcement or worse, a criminal record. Little effort is done to reach out to persons of color at schools, recreation centers, community centers, and community groups.



# CONTRIBUTORS

## **Task Group Members:**

Alex White, Chairman

Mike Bleeg

Reverend Marilyn Cunningham

Gary Domenico

Kathleen FitzPatrick

Lentory Johnson

James Patterson

Rudy Rivera

Frank Staropoli

Pastor Wanda Wilson

Reverend Joyce Wilson-Newton

Reverend Lewis W. Stewart, President

United Christian Ministry, of Western New York, Inc.