2020 Police Reform: Governor’s Questions

On June 12, 2020 New York State Governor Andrew Cuomo signed an Executive Order requiring each local government in the state to adopt a Policing Reform Plan by April 1, 2021. The goal of this reform is to rebuild the police community relationship by fostering trust, fairness and legitimacy within communities and addressing any racial bias and disproportionate policing of communities of color.

The New York State Police Reform and Reinvention Collaborative Guidebook is broken down into two sections:

● Section 1: Key Questions and Insights for Consideration
● Section 2: Developing Your Collaborative Plan

This guidebook is not intended to be the plan for any given community, rather, it includes critical questions, information, and resources to frame and guide each community’s dialogue. There are references provided to give participants access to a range of ideas and research on every topic in order to delve deeper into the issues.

As requested, the Hastings-on-Hudson Police Department has provided answers to factual questions posed by the Governor to provide insight to the Collaborative and the community at large. As per the Governor’s order, it will be the responsibility of the Collaborative to provide recommendations on all topics.

**KEY QUESTIONS AND INSIGHTS FOR CONSIDERATION**

**I. WHAT FUNCTIONS SHOULD POLICE PERFORM?**

Opinion: For the collaborative to discuss and consider making a recommendation.

*How should the Police and the community engage with one another?*

Opinion: For the collaborative to discuss and consider making a recommendation.

**1. Determining the Role of the Police**

**1.1. What role do the Police currently play in your community?**

Current situation: The mission of the Hastings-on-Hudson Police Department is to protect life and property, and to create a safe environment. The Department will enforce the law fairly and impartially, protect the Constitutional rights of all citizens, be responsive to the needs of the community and strive to enhance the quality of life within the Village. The Department also sets goals and objectives each year (See Department Policy 101-2).

The Department provides a range of programs to the residents of Hastings-on-Hudson to enhance community relationships, for example:

- Coffee with Cop
- PAL - Police Adolescent Liaison Program-Youth
- SALT - Seniors and Law Enforcement Together
The Department also provides the community with services such as, Youth Officer, Vacation Notification (dark house), Crime Prevention Survey, and Fingerprinting for residents.

The Department communicates with the community using a village wide email system and Facebook, Twitter and Instagram.

1.2. **Should you deploy social service personnel instead of, or in addition to, police officers in some situations?**
   Opinion: For the collaborative to discuss and consider making a recommendation.

1.3. **Can your community reduce violence more effectively by redeploying resources from policing to other programs?**
   Opinion: For the collaborative to discuss and consider making a recommendation.

1.4. **What functions should 911 call centers play in your community?**
   Current situation: The 911 Call Center for the Village of Hastings-on-Hudson is in the Police Department at the Police Desk. This area is staffed by a Police Sergeant or Police Officer 24 hours a day 365 days per year. This is also where all police service-related calls are received and dispatched to officers on patrol. Residents can also walk in and speak directly to the Sergeant or Officer assigned to the desk.

   911 Call Centers are staffed by Police Officers or certified civilian dispatchers. Civilian Dispatchers take a civil service exam and are placed on a civil service list. Calls received may be required to be routed to other law enforcement agencies or Fire, or EMS.

1.5. **Should Law Enforcement have a presence in schools?**
   Current situation: The Hastings Police Department partners with Hastings High School and has a Police Adolescent Liaison’s (PAL) Office in the High School. Officers staff the office on Monday, Wednesday, Friday from 10AM to 1PM. Officers are in plain clothes and interact with the students. The purpose of the program is for the Hastings on Hudson Police Department and young people to have contact in non-confrontation situations and foster good relations. The PAL Program also sponsors dinners and events with students in grades 9-12 throughout the school year.

2. **Staffing, Budgeting and Equipping Your Police Department**

2.1. **What are the staffing needs of the Police Department the community wants? Should components of the Police Department be civilized?**
   Current situation: The Hastings-on-Hudson Police Department is currently staffed with 21 full time Officers and has 8 civilian employees. The hierarchy of the Department is as follows:
   - 1-Chief of Police
   - 1-Lieutenant
   - 2-Detectives
   - 4-Patrol Sergeants
   - 13-Patrol Officers
   - 2 Civilian Parking Enforcement Officers
   - 1 Civilian Meter Repair Person
2.2. **How should the police engage in crowd control? Should police be demilitarized?**

Current situation: The Hastings-on-Hudson Police Department has a policy and procedure in place for crowd control / civil disorder & de-escalation (See Department Policy 114-1). The department provides officers with additional protection (ballistic bulletproof vest/ helmet and a Civil Disorder Helmet) but to date this equipment has never been used.

**II. EMPLOYING SMART AND EFFECTIVE POLICING STANDARDS**

**1. Procedural Justice and Community Policing**

The guidebook lists a range of policing strategies for the Collaborative to review including the following.

1. **Policy Strategies That Have Raised Concerns Among the Public**
   - Broken Windows & Stop & Frisk
   - Discriminatory or Bias Based stops, searches and arrests
   - Chokeholds and other restrictions on breathing
   - Use of Force for punitive or retaliatory reasons
   - Pretextual stops
   - Informal quotas for summonses, tickets or arrests
   - Shooting at moving vehicles and high-speed pursuits
   - Use of SWAT teams and No Knock Warrants
   - Less than lethal weaponry such as TASERS and pepper spray
   - Facial recognition technology

2. **Law Enforcement Strategies to Reduce Racial Disparities and Build Trust:**
   - Using Summonses rather than warrantless arrests for specified offences
   - Diversion Programs
   - Restorative Justice Programs
   - Community based outreach & violence interruption programs
   - Hot spot policing & focused deterrence
   - De-Escalation Strategies
   - Can your community effectively identify, investigate and prosecute hate crimes?

3. **Community Engagement:**
   - Community outreach plans
   - Citizen advisory boards and committees
   - Partnership with community organizations and faith communities
   - Partnering with students and schools
   - Police community reconciliation
   - Attention to marginalized communities
   - Involving youth in discussions on the role of law enforcement agencies
III. FOSTER COMMUNITY-ORIENTED LEADERSHIP, CULTURE AND ACCOUNTABILITY

1. Leadership and Culture

1.1. Is your leadership selection process designed to produce the police-community relationship you want?
Current situation: The Hastings-on-Hudson Police Department must adhere to the Civil Service Rules and Regulations. The Department has a policy and procedure in place for employee selection. See Department Policy 116-1

1.2 Does your officer evaluation structure help advance your policing goals?
Current situation: A performance evaluation system is used to evaluate work performance. It is a basic measurement instrument that serves both management and the individual employee. The intent of the system is to provide appropriate feedback to employees; to identify deficiencies in training and acknowledge superior effort and performance. See Department Policy 116-3

1.3. What incentives does your department offer officers to advance policing goals?
Current situation: The Hastings-on-Hudson Police Department does have a policy and procedure in place for employee recognition and promotes from within. See Department Policy 116-2

1.4. Does your hiring and promotion process help build an effective and diverse leadership team?
Current situation: The Hastings-on-Hudson Police Department must adhere to the Civil Service Rules and Regulations. The Department has a Selection Process Policy and Procedure in place.

The diversity of the Village compared to the diversity of the Police Department is as follows:

<table>
<thead>
<tr>
<th>Population (7/1/19)</th>
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<td>510</td>
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<tr>
<td>Minority population - Black</td>
<td>314</td>
</tr>
<tr>
<td>% of minority population</td>
<td>11%</td>
</tr>
</tbody>
</table>

| Police - total employees | 21 |
| Police - female employees | 4 |
| % of female employees | 19% |
| Police - Minority employees | 5 |
| % of minority employees | 24% |

What is your strategy to ensure that your department’s cultural-norms and informal processes reflect your formal rules and policies?
Opinion: For the collaborative to discuss and consider making a recommendation.
2. Tracking and Reviewing Use of Force and Misconduct

2.1. When should officers be required to report use of force to their supervisors?

Current situation: Officers are required under Department Policy to report use of force incidents as described below and to notify their supervisor as soon as practical and complete a departmental Use of Force Report.

- Use of force that results in any injury.
- Use of force incidents that a reasonable person would believe is likely to cause an injury.
- Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from handcuffing.
- Incidents where a Conducted Energy Device (CED) was intentionally discharged or accidentally discharged after being displayed.
- Incidents where a firearm was discharged at a subject.
- Any other incident where force is used.

The on-duty supervisor is notified immediately whenever a weapon is displayed or used, or any physical force is used by a member of this Department. Notification includes the type of force used, the reason force was used and injury to any person involved. Whenever a firearm is displayed while confronting a person a memo is sent by the officer drawing the firearm to the officer’s immediate supervisor and division commander detailing the events of the display of the firearm. See Department Policy 103-3

2.2. What internal review is required after a use of force?

Current situation: under Department Policy the following internal review is undertaken after a use of force incident:

- When practicable, a supervisor is expected to respond to the scene to begin the Preliminary Force Investigation.
- A supervisor that is made aware of a force incident shall ensure the completion of a Use of Force Report by all officers engaging in the reportable use of force and, to the extent practical, make a record of all officer’s present.
- Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
- All Use of Force Reports shall be investigated jointly by the Patrol Division Commander, Detective Division Commander and the reporting Officer’s Tour Supervisor in accordance with department procedure. Such report shall be submitted in writing to the Chief of Police.
- Officers who are found not in compliance with the use of force guidelines is a serious misconduct that may result in criminal and civil liability and will result in department discipline.

See Department Policy 103-3

2.3. Does your department review officers use of force and/or misconduct during performance reviews?

Current situation: Yes -See Department Policy 116-3
2.4. **Does your department use external, independent reviewers to examine use of force or misconduct?**
Current situation: No.

2.5. **Does your department leverage early intervention systems (EIS) to prevent problematic behavior?**
Current situation: No – the Hastings-on-Hudson Police Department is researching the implementation of an early warning/intervention system.

2.6. **Does your department review “sentinel or near miss” events? Does the department respond to questionable uses of force with non-punitive measures designed to improve officer performance?**
Current situation: Partial – the Hastings-on-Hudson Police Department is researching “sentinel or near miss” events.

The Use of Force Policy was updated in 2020 with the following annual training involving use of force: See policy section 103-3

- All officers will receive annual training and demonstrate their understanding on the proper application of force.
- Training topics will include but may not be limited to the review use of force procedures, Article 35 of Penal Law, conflict resolution and negotiation, de-escalation techniques and strategies and duty to intervene and prohibited conduct.
- All use of force training shall be documented. Adding questionable uses of force with non-punitive measures designed to improve officer performance would be a good topic practice to start.

3. **Internal Accountability for Misconduct**

3.1. **What does your department expect of officers who know of misconduct by another officer?**
Current situation: Officers are expected to report misconduct by another officer. See Department Policy 103-3.

3.2. **Does your department have a clear and transparent process for investigating reports of misconduct?**
Current situation: Yes – Department Policy 120-1.

3.3. **Does your department respond to officer misconduct with appropriate disciplinary measures?**
Current situation: Yes – Department Policy 115-1.

3.4. **What procedures are in place to ensure that substantiated complaints of misconduct and settlements or adverse verdicts in lawsuits are used to reduce the risk of future misconduct?**
Current situation: In minor disciplinary cases or where remedial training is indicated, counseling and training is authorized as a corrective method of positive discipline. In other cases of discipline, counseling or corrective interviews are used to ensure future compliance to the department’s rules and regulations. See Department Policy 115-1.
3.5. **What controls are in place to ensure impartiality when reviewing potential misconduct or complaints?**
Current situation: The Hastings Police Department accepts and investigates all allegations of employee misconduct or wrongdoing from any citizen, other law enforcement agency, or Department member. The Chief of Police has primary responsibility for the Internal Affairs function of the Department and ensures fundamental fairness to all through impartial investigation and review of complaints. See Department Policy 120-1

3.6. **When appropriate, are cases referred to either the District Attorney or another prosecutor?**
Current situation: The District Attorney is to be consulted in cases involving shootings, unnecessary or excessive force and cases that are criminal in nature.

3.7. **Does your department expect leaders and officers to uphold the departments values and culture when off duty?**
Current situation: The department rules and regulations state that “All members of the Hastings-on-Hudson Police Department shall always conduct themselves both on and off duty in such a manner as to reflect favorably on the Department.” See Department Policy 103-1

4. Citizen Oversight and Other External Accountability

4.1. **Does or should your department have some form of civilian oversight over misconduct investigations or policy reform?**
Current situation: The Police Commission (comprised of volunteer citizens) is advised on matters of misconduct. The Board of Trustees serves as the ultimate internal review body.

4.2. **Is there an easy, accessible and well-publicized process for members of the public to report complaints about police misconduct?**
Current situation: The Hastings Police Department accepts and investigates all allegations of employee misconduct or wrongdoing from citizens and any citizen complaint, regardless of severity, may be made at Headquarters, or with any supervisory Officer of the Department. Complaints may be registered in writing, in person, by telephone, or facsimile (see policy 120-1). The Chief of Police has primary responsibility for the Internal Affairs function of the Department and ensures fundamental fairness to all through impartial investigation and review of all complaints.

4.3. **Are investigation outcomes reported to the complainant?**
Current situation: In all complaints, the complainant is notified by the investigating supervisor, either in person, by telephone, or in writing that their complaint is being administratively handled.

See Department Policy 120-1

4.4. **Are they reported to the public?**
Current situation: No

4.5. **Should the department or the citizen complaint review entity, if any, accept anonymous complaints?**
Opinion: For the collaborative to discuss and consider making a recommendation.
4.6. Does your local legislature engage in formal oversight of the police department?
Current situation: Formal oversight of the Police Department is provided by the Mayor, Board of Trustees with advice of the Police Commissioners.

4.7. Should any changes be made in the legislature’s oversight powers or responsibilities?
Opinion: For the collaborative to answer

4.8. Is your police department accredited by any external entity?
Current situation: The Hastings-on-Hudson Police Department has accreditation in the past and is currently apply for NYS Accreditation.

4.9. Does your police department do an annual community survey to track level of trust?
Current situation: No

5. Data, Technology and Transparency

5.1. What police incident and complaint data should be collected? What data should be available to the public?
Opinion: For the collaborative to discuss and consider making a recommendation.

5.2. How should your law enforcement agency leverage data to drive policing strategies?
Opinion: For the collaborative to discuss and consider making a recommendation.

5.3. How can your police department demonstrate a commitment to transparency in its interactions with the public?
Current situation: Officers are required to wear identifying material (name and badge number on) their uniform shirt. The desk officer is required to identify himself / herself when speaking to the public on telephone.

5.4. How can your police department make its policies and procedures more transparent?
Current situation: The Department responds to Freedom of Information requests for policies and procedures.

5.5. How can your police department ensure adequate transparency in its use of automated systems and “high-risk” technologies?
Opinion: For the collaborative to discuss and consider making a recommendation.

5.6. Should your police department leverage video cameras to ensure law enforcement accountability and increase transparency?
Current situation: The Department does not use body cameras but has an in-car video system in each patrol vehicle. There is a policy and procedure in place to guide officers with use.
IV. RECRUITING AND SUPPORTING EXCELLENT PERSONNEL

1. Recruiting a Diverse Workforce

1.1. **Does your agency reflect the diversity of the community it serves?**

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1.2. **What are ways in which your agency recruits diverse candidates that better represent the demographics of the communities you serve?**

Current situation: The Hastings-on-Hudson Police Department must adhere to the Civil Service Rules and Regulations. The Department has a policy and procedure in place for the selection process. See Department Policy 116-1.

1.3. **What are ways in which you can re-evaluate hiring practices and testing to remove barriers in hiring underrepresented communities?**

Current situation: Police Departments must follow civil service rules regarding scores of candidates eligible for consideration, there is a County Spanish speaking list which can be consulted.

1.4. **How can you encourage youth in your community to pursue careers in law enforcement?**

Current situation: Every year the Hastings-on-Hudson Police Department attends Career Day at the Farragut Middle School to explain the roles and responsibilities of police officers to interested students. The Department plans to publicize the timing of future Police Officer Exam opportunities via email blast to the community, social media and recruitment tables at community events. The Department offers internships to interested youth and is evaluating the idea of creating a summer camp for youth interested in law enforcement.

1.5. **What actions can your agency take to foster the continued development and retention of diverse officers?**

Current situation: The Department offers leadership training, and officer development webinars/officers to all personnel.
2. Training and Continuing Education

2.1. How can you develop officer training programs that reflect your community values and build trust between police officers and the communities they serve?
Opinion: For the collaborative to discuss and consider making a recommendation.

2.2. What training policies can you adopt to ensure that police officers continuously receive high-quality, relevant in-service training sessions?
Current situation: The Hastings-on-Hudson Police Department has a policy in place for in-service training. See Department Policy 115-5. The Department participates in the Westchester County Unified In-Service Training Program and abides by the NYS Accreditation Standard of at a minimum of 21 in-service training hours per year.

2.3. How can leadership training improve community policing and strengthen relationships?
Opinion: For the collaborative to discuss and consider making a recommendation.

2.4. How can your police department use its training programs to avoid incidents involving unnecessary use of lethal or nonlethal force?
Opinion: For the collaborative to discuss and consider making a recommendation.

2.5. How can your police department use its training programs to avoid potential bias incidents and build stronger connections with communities of color and vulnerable populations?
Current situation: The Department offers Implicit Bias Training to officers and is in the process of implementing a Bias-Free Policing Policy.

2.6. How can your training program help officers effectively and safely respond to individuals experiencing mental health crises or struggling with substance abuse?
Opinion: For the collaborative to discuss and consider making a recommendation.

2.7. What practices and procedures can you put in place to measure the quality and efficiency of your police department’s training programs?
Current situation: The Department has an in-service training policy and procedure (See Department Policy 115-5 and is undertaking a review to ensure training practices are up to date.

3. Support Officer Wellness and Well-being

3.1. What steps can you take to promote wellness and well-being within your department?
Provide mental health and wellness training to police officers

3.2. Are there ways to address officer wellness and well-being through smarter scheduling?
Current situation: In 2018 The Hastings-on-Hudson Police Department switched to a 12-hour tour schedule to address officer wellness and well-being. The officers are now working a steady shift instead of a rotating schedule.
3.3. How can you effectively and proactively address the mental health challenges experienced by many police officers throughout their careers?
Current situation: The Village provides officers with an Employee Assistance Program.

3.4. How can you address the well-being of an officer after a traumatic event?
Current situation: The Police Department offers crisis counseling to officers after a traumatic event.