

2021

Police Reform & Reinvention Collaborative



City of Binghamton, New York

March 2021



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Introduction

In June 2020, Governor Cuomo issued Executive Order No. 203, titled New York State Police Reform and Reinvention Collaborative, *“...following the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability.”*

The Executive Order police agencies to *“perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.”*

The Executive Order mandated *“Each chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program.”*

Further, *“The political subdivision, in coordination with its police agency, must consult with stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials, and create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing.”*

And, finally, “such plan shall be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative body in such political subdivision, which shall ratify or adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021.”

The City of Binghamton took several steps to advance these goals and meet the Governor’s Executive Order.

The City partnered with the John F. Finn Institute for Public Safety, a not-for-profit and nonpartisan criminal justice research institute, whose work is dedicated to the development of criminal justice strategies, programs, and practices that are effective, lawful, and procedurally fair, through the application of social science findings and methods.

The Finn Institute served as an independent research partner, collecting and analyzing community input through community conversations, as well as a community survey. It also studied Binghamton Police Department data on stops, arrests and use of force regarding racial or ethnic disparities, and assessed current strategies and policies in fostering public trust and effective policing.

The City created a stakeholder coalition — or Steering Committee — reflecting Binghamton’s racial, political, gender and neighborhood diversity to help identify ways for the police department to better serve the community, improve public safety, implement 21st Century policing strategies, build confidence, strengthen trust and legitimacy and address disparities that affect communities of color.

Steering Committee membership included:

- Richard C. David, *Mayor* (per Executive Order)
- Michael A. Korchak, *Broome County District Attorney* (per Executive Order)
- Michael T. Baker, *Broome County Public Defender* (per Executive Order)
- Joseph T. Ziksuki, *Chief of Police* (per Executive Order)
- Art Williams, *Binghamton Police Department*
- Mike Williams, *Binghamton Police Department*
- Becky Sutliff, *Binghamton Police Department*
- Armando Marroquin, *Binghamton Police Department*
- David Bidwell, *Binghamton Police Benevolent Association, President*
- Tom Scanlon, *Binghamton City Council, District 7*
- Joe Burns, *Binghamton City Council, District 5*
- Hon. Mary Anne Lehmann, *Binghamton City Court Judge (Ret.)*
- Tonia Thompson, *Binghamton City School District, Superintendent*

- Rev. Mario Williams, *River of Life Ministries*
- Rev. Henry Ausby, *Hands of Hope Ministries*
- Nicole Johnson, *Broome-Tioga NAACP, President*
- Marybeth Smith, *Boys and Girls Clubs of Binghamton, Executive Director*
- Megan J. Brockett, *Assistant to the Mayor for Youth & Neighborhoods*
- Debra Hogan, *Downtown Resident, National Night Out*
- David Hawley, *South Side Neighborhood Assembly*
- Maryanne Callahan, *First Ward Neighborhood Watch, Coordinator*
- Brian Whalen, *Binghamton City School District Board, President*
- Dr. Sharon Bryant, *West Side Resident, Binghamton University Decker College, Director of Diversity, Equity and Inclusion*
- Christopher Perez, *North Side Resident, Children's Home, Social Worker*
- Karan Drum, *East Side Resident, SUNY Broome Human Resources (Ret.)*

The Steering Committee hosted six public community listening sessions focused on: faith organizations, neighborhood groups, community advocacy groups, business organizations, education and youth organizations, and open public comment.

The City created a dedicated website for information about the collaborative, a dedicated email address for written comment, and posted video of public meetings to the City's YouTube channel.

This report is the culmination of those efforts and a working document on actionable programs, projects and initiatives to achieve Binghamton's public safety goals and, as the Executive Order states, "*eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust.*"

Message from Mayor Richard C. David



Every City of Binghamton resident deserves to feel safe.

Going door-to-door campaigning for public office, and hearing from residents in more than seven years as mayor, I firmly believe public safety is and should be the top concern among the constituents I serve. People deserve to feel safe in the neighborhoods where they live and work, where their children go to school, and during interactions with the police.

Public safety is a covenant between citizens and their government, and local government's most sacred responsibility. Whenever that covenant is broken — like it was with George Floyd in Minneapolis on May 25, 2020 — it erodes public trust in the police.

Like communities across America, Binghamton saw unprecedented participation in social justice marches, protests and calls for police reform in the summer of 2020. Concurrent with the nationwide movement, an Executive Order from Governor Cuomo mandated municipalities to engage the community on reinventing their police departments to better serve residents. Binghamton took the time to assemble a diverse group of stakeholders from across the community to serve as the 2021 Binghamton Police Reform & Reinvention Collaborative's Steering Committee.

Among the Collaborative's work were broad efforts to gather community input, including six community listening sessions, the creation of a dedicated email address for written comment, an online survey and the launch of a new webpage to share information about the Collaborative, Police Department policies and links to videos of the Collaborative's public meetings.

Community members made their voices heard. In listening sessions and through the other avenues for input, the Steering Committee heard calls for increased transparency and accountability within the Police Department, expanded efforts to diversify the police force, better training for officers in areas like cultural competency, implicit bias and use of force, more resources for mental health and substance abuse services, and expanded initiatives to improve the relationship between the police and the community, especially our youth.

None of these areas are new to the Binghamton Police Department. Police leaders have been proactive in updating policies and training programs to align with best practices, partnering with the Mental Health Association of the Southern Tier (MHAST) to improve police response to mental health crises, and investing in areas like community policing.



Together, we acknowledge that more can — and must — be done. As with every police department in the country, Binghamton must keep working to build trust between law enforcement officers and the communities they serve. It is up to local leaders to make the commitment of resources, get creative with partnerships and grant funding, and view this mandate of meeting the Governor’s Executive Order as an opportunity for lasting change. The tools are there, through the Finn Institute, Division of Criminal Justice Services, President Obama’s Task Force on 21st Century Policing and other resources.

During the public input process, we also heard calls for changes outside the scope of local policing. Some I agree with and support — such as the call for a new youth center and more funding for agencies that help residents with substance abuse recovery. The City plans to break ground on a youth and community center at Columbus Park this fall, and we’re committed to growing partnerships with organizations like Fairview Recovery Services.

Since the summer, Binghamton and cities across the country have also heard calls for “defunding” or even disbanding the police. Let me be clear: I reject these calls. At a time when Binghamton Police officers are responding to more calls for service than ever before, we must invest in a 21st Century police department that has the policies, training and resources necessary to serve and protect every resident — regardless of race, religion, sexual identity, address, or anything else. These investments require more resources, not less.

We must keep working to make sure every community member feels safe in their interactions with police, in their neighborhoods and across the City. We must make sure residents’ voices continue to be heard, and that this is only the beginning of an important conversation about race and policing in our community. We must send a clear message that our community will not tolerate racism of any kind, from any person, group or institution. We must stay proactive in updating police department policies and training to ensure our officers serve every resident equally, fairly and to the best of their ability.

Binghamton residents deserve all these things. We can accomplish them only by working together. Thank you to the Finn Institute, the Steering Committee and every community member who participated in this process. I look forward to continuing our conversations and our work in the months ahead.

Binghamton Police Department Overview

Mission Statement:

The Binghamton Police Department's mission is to enhance the quality of life in the City of Binghamton through progressive police service in partnership with the community.

Vision Statement:

The finest people providing the best police services for our community

Value Statement: F.I.R.S.T.

Fairness — Maintaining Impartiality & Objectivity

Integrity — Adhering to the Highest Level of Ethics & Honesty

Respect — Demonstrating Understanding & Sensitivity to All

Service — Always Putting Others Before Self

Trust — Belief in the Community & Each Other for the Common Good

Oath of Office and Law Enforcement Code of Ethics

It is the policy of the Binghamton Police Department (BPD) that Department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

“As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

“I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

“I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with

relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse and never accepting gratuities.

"I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

"I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

"I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement."

General Goals

The general goals of the Department are:

Prevention / Deterrence of Crime - The Department shall endeavor to involve the community in generating mutual understanding regarding the nature and extent of crime problem and to involve the community in crime prevention efforts necessary to reduce crime. Although there are certain crimes that cannot be prevented, crimes committed against innocent victims in public places and crimes against property can be deterred by proactive police operations and an involved community. The Department shall strive to organize its personnel to deter crime and inspire public confidence in the safety and security of the community.

Apprehension of Offenders - It is the duty of the Department to initiate the criminal justice process by identifying and apprehending offenders, obtaining necessary evidence and assisting with a successful prosecution of the case. The Department strives to bring offenders to justice in a swift and immediate manner.

Public Service - The public relies on the Department for help and advice in both routine and emergency situations. Saving lives, aiding the injured, locating lost persons, keeping the peace, facilitating the safe and orderly movement of traffic, resolving conflict, creating a feeling of safety and security in the community, and recovery and return of property are some of the basic services provided by the Department. It is the Department's mission to respond to all calls for service and handle them in a competent and professional manner.

General Department Structure

In 2021, the Department is budgeted for 140 full-time sworn police officers and 12 non-sworn civilian employee positions (not including school crossing guards). The Department's operating budget for 2021 is \$12,644,514.

The Department maintains an organizational structure that provides clear and identifiable roles for command, control and guidance of the Department. Each position and assignment has clearly identified responsibilities and a defined chain of command.

There are four primary areas of responsibility in the Department:

- Office of the Chief of Police
- Operations I and Operations II
- Administration Section
- Labor Management Relations

Office of the Chief of Police

The Chief of Police is responsible for administering and managing the Department, and has overall command and control of Department personnel and functions as required by State law.

Additionally the Chief of Police:

- Is the Executive Officer of the Department and is responsible to the Commissioner of Public Safety (Mayor) for the proper administration of its affairs, and shall keep the Commissioner of Public Safety informed of pertinent activity and events affecting the public safety functions of the Department.
- Shall have management control over all personnel, equipment and operations of the Department.
- Has authority to distribute, assign and detail personnel, regardless of rank or position, for the best interest of the Department.
- Shall formulate policies and procedures and issue orders and / or instructions for the efficient operation of the Department.
- Shall enforce the rules and regulations of the Department.
- Has the authority to reprimand, suspend or recommend dismissal of any member found in violation of the rules and regulations subject to the provisions of New York State Civil Service Law.
- Shall be responsible for the fiscal management of the Department and Department Grant Management functions.

The Assistant Chiefs (2) and Administrative Captain report directly to the Chief of Police. Other units may report to the Chief of Police as directed. Certain specialized units/details that report direct to the Chief of Police include:

- Critical Incident Stress Management (C.I.S.M.) Team
- Crime Prevention Unit
- Intelligence Operation/Center
- School Resource Officers / Binghamton University Liaison Officer

The Chief of Police assigns appropriate responsibility for functions / units of the Operations and Administration sections to the Assistant Chiefs.

The Assistant Chiefs will have command and oversight of respective Operations functions as determined by the Chief of Police. In the absence of one Assistant Chief, the other Assistant Chief may temporarily assume control of their responsibilities.

Operations I Section Functions:

1. Patrol Operations
2. Training
3. S.W.A.T.
4. Crisis Intervention Team (CIT)
5. Police Records Unit
6. Workers' Compensation Issues
7. Civilian Staff Management
8. Interns/Volunteers

Operations II Section Functions:

1. Detective Division, including Investigations Unit, Special Investigations Unit (S.I.U.), Juvenile Unit, Warrant Control Unit, and Identification/CSU/Property Unit
2. Traffic Division, including fleet management, parking enforcement, DWI enforcement, Civilian School Crossing Guards, Binghamton Police Department Auxiliary Unit, and other assignments as directed by the Chief of Police
3. Community Response Team (CRT)

- 
4. Crisis Negotiation Unit (CNU)
 5. Canine Unit
 6. Personnel Records Management
 7. Civilian Staff Management
 8. Interns/Volunteers

Administration Section

The Administration Section consists of an assigned Administrative Captain, who reports directly to the Chief of Police and whose primary responsibilities include:

- Management and control of the Administration, including the responsibility to conduct and supervise investigations concerning allegations of misconduct against the Department or any of its members.
- Management and review of all use of force reports and supervisory preliminary investigations of each use of force.
- Management and control of the Department Accreditation program, including internal auditing practices.
- Review and approval of the release of information via Freedom of Information requests.
- Coordination of the Police Officer recruit hiring process and recruit background investigations.
- When directed by the Chief of Police, the Administrative Captain will be given responsibility (concurrent with the Detective Division) to conduct an investigation into:
 - Any situation in which a citizen has been killed or injured by an officer, on or off duty
 - Any situation involving the use of deadly physical force towards another person by an officer, on or off duty.
- Any other task or project as directed by the Chief of Police.

RANK STRUCTURE

The rank structure of the department is composed of the following Civil Service Ranks/Titles:

- (a) Police Officer
- (b) Police Sergeant
- (c) Police Lieutenant
- (d) Police Captain

(e) Assistant Chief of Police

(f) Chief of Police

All Ranks/Titles are appointed based on New York State Civil Service Law regarding competitive class positions. Any member of the Rank/Title: Police Officer, Police Sergeant, Police Lieutenant, or Police Captain may be assigned to patrol or any specialized unit or detail within the department based on departmental needs as determined by the Chief of Police. Specific Patrol shift assignments are bid by seniority on an annual basis as per the Collective Bargaining Agreement (CBA) between the City and the Police Benevolent Association (PBA). The number of specific patrol slots on each shift and corresponding days off will be determined by the Chief of Police.

PATROL DIVISION

The Patrol Division is the largest personnel component of the Binghamton Police Department. In 2021, the Patrol Division comprises 83 sworn members (68 Police Officers and 15 Supervisors) assigned to the Patrol Reliefs. The Patrol Division is the most visible and noticed police presence in the community. The “uniformed” Police Officers are seen on Patrol on a daily basis and serve in the role as primary response personnel for all calls for service – emergency or otherwise, and both criminal and non-criminal in nature. It is often said the Patrol Division is the “backbone” of any police agency. All criminal complaints and calls for police service or action originate with the Patrol Division Officers.

The Binghamton Police Patrol Division is divided into three daily shifts, or “Patrol Reliefs.” Each Relief is staffed with between 26 and 30 sworn members, including five supervisors assigned to each Relief. The assigned personnel maintain both permanently assigned shifts and set days off, which are bid on an annual basis as per the collective bargaining agreement. Patrol Reliefs maintain regular and set hours of operation as follows:

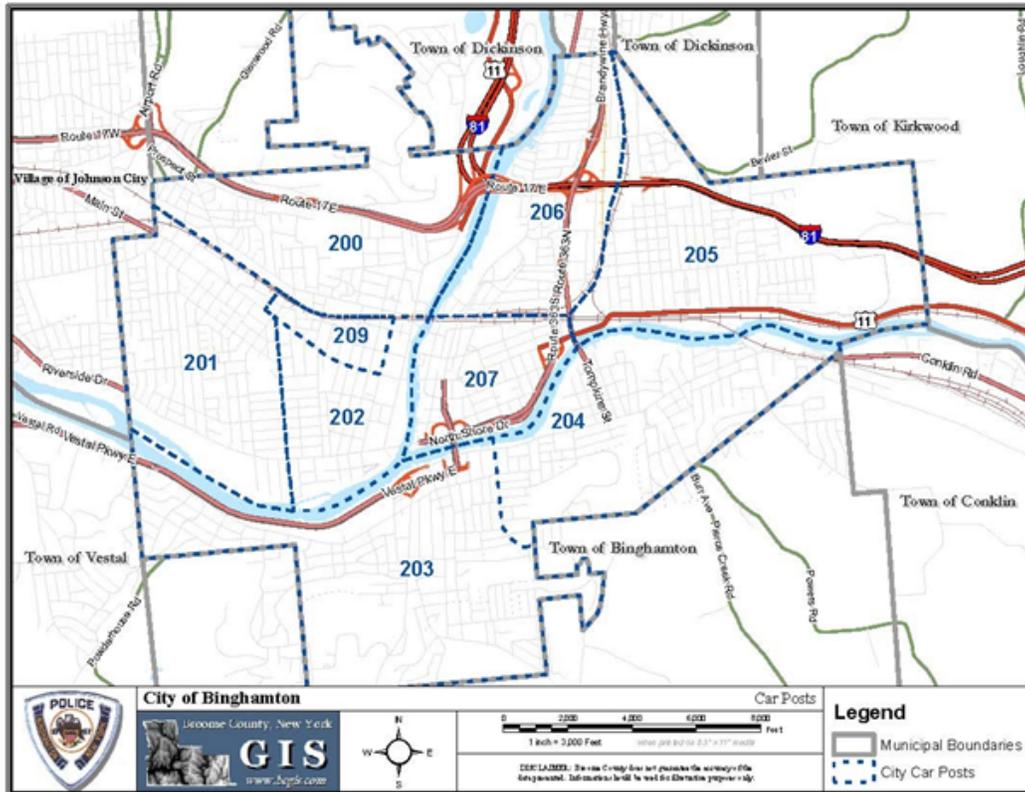
Relief 1 — 10:45 p.m. to 6:45 a.m.

Relief 2 — 6:45 a.m. to 2:45 p.m.

Relief 3 — 2:45 p.m. to 10:45 p.m.

The Patrol Division covers the entire City, which is separated into 10 designated patrol posts. These defined sectors of the City are identified by post numbers, listed as 200-209. The Department utilizes bicycle and foot patrols within these defined posts, as well as the Community Response Team, to supplement the patrol post officers’ functions. The below map defines patrol post boundaries. Each assigned officer has responsibility for patrol duties, call response and general proactive patrol of their assigned sector in furtherance of the department’s goals and objectives. All sworn members are initially trained and assigned to the

Patrol Division upon graduation from the police academy. All other details and specialized police units serve in support of the Patrol Division, its personnel and operations.



DETECTIVE DIVISION

The Detective Division is the investigative arm of the Department. Its mission is to support the Patrol Division and other departmental units in the completion of criminal and non-criminal matters when a more detailed investigative or elevated technical expertise is required. The Detective Division strives to accomplish this mission by objectively investigating assigned matters while honoring established legal requirements, properly documenting investigations and presenting findings for judicial review.

It is the Detective Division's responsibility to initiate and pursue investigations, apprehend criminal offenders, develop intelligence information on criminal activity, recover stolen property and cultivate informants. The Detective Division is further responsible for assisting criminal justice agencies outside the Department.

The Detective Division falls under the Department's Operations Division, which is under the direct management and control of the Assistant Chief of Police. The Operations Division is responsible for providing direct police services to the public. These services include the

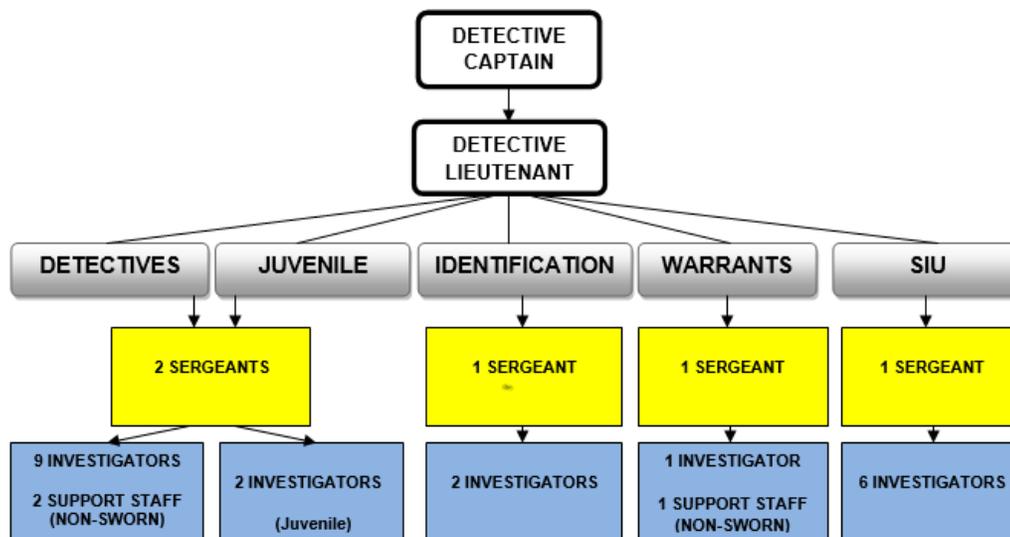
protection of life and property, the reduction in the opportunity to commit crime, resolution of conflict, identification of criminal activity and the apprehension of criminal offenders.

The Binghamton Police Department Detective Division is composed of five sub-divisions or units:

- Investigative Unit / Detective Bureau (Investigators and Supervisors)
- Juvenile Unit
- Identification Unit (Crime Scene Investigation Unit / Property)
- Warrant Control Unit
- Special Investigations Unit (in conjunction with members of the Broome County Special Investigations Task Force)

There are a total of seven supervisors (one captain, one lieutenant and five sergeants), 20 investigators and three non-sworn support personnel assigned to the Detective Division. The captain and lieutenant are assigned to oversee all five units. Although each unit specializes in different areas, collectively they work together to ensure the mission of the Detective Division is accomplished.

2021 Detective Division Organizational Chart



Investigative Unit / Detective Bureau

The Detective Division's Investigative Unit / Detective Bureau is composed of two Police Sergeants, nine Detectives, and two non-sworn support staff. Detectives hold the responsibility of following up with investigations of both criminal and non-criminal matters. Investigations can range in nature from suspicious incidents to serious felonies. Investigating violent crime is a priority for the Detective Division, with many work hours and resources spent solving these types of crimes.

In 2019, the members of the Detective Division were assigned a total of **1,597** cases. Members arrested **348** persons for a total of **439** charges as follows: **223** felony arrests, **191** misdemeanor arrests and **25** violation arrests. Collectively, Detective Bureau supervisors oversaw **2,222** cases, including cases assigned to the Juvenile Unit.

The Detective Bureau is responsible for monitoring and tracking all sex offenders who reside in the City of Binghamton. At the beginning of 2020, the City had **304** Level 1, 2, 3 or pending registered sex offenders. A supervisor is assigned to monitor and track assigned offenders. Duties include face-to-face contact with each offender, home visits to verify offenders are residing where they are legally registered and record updates, including address changes. Fingerprint and photographic images of offenders are kept current and submitted to the new York State Division of Criminal Justice Services (DCJS).

The Detective Bureau is also assigned to serve subpoenas to individuals, including witnesses and victims involved in cases that have been previously investigated and solved. The District Attorney's Office issues subpoenas for Grand Jury appearances, trials and hearings for County and local courts. In 2019, the District Attorney's Office forwarded **495** subpoenas to the Detective Division for service. Binghamton Detectives served **426** subpoenas.

In addition, the Detective Bureau is responsible for conducting authorized records checks on individuals for employers or government agencies who are conducting their own background investigations of potential applicants, military recruits, gun permit applicants, etc. In 2019, the Detective Division conducted a total of **884** records background checks.

Juvenile Unit

The Juvenile Unit is responsible for the follow-up investigation of juvenile-involved police reports, runaways / missing juveniles, and crimes and delinquent problems involving juveniles. The Juvenile Unit also conducts various youth programs and maintains Department contact with juveniles throughout the local school systems and area youth programs.

The Juvenile Unit is composed of two Investigators who are responsible for criminal investigations, as well as non-criminal matters, involving Binghamton youth (under 18 years of age). Periodically, these Investigators are used to investigate adult cases. In 2019, the Juvenile Unit worked **625** cases involving **60** felony and **117** misdemeanor offenses, which resulted in

162 Family Court petitions filed and **134** Reprimands. In addition, Investigators cleared **107** missing persons/runaway cases.

The Juvenile Division works to deter juvenile crimes, divert youth from a path of crime and rehabilitate juveniles to become productive adults in the community. In order to bring cases to a successful resolution, the unit works closely with parents/guardians, City schools, Gang Prevention, Family Court, the Broome County District Attorney's Office, County Social Services, County Juvenile Probation Department, the Broome County Child Advocacy Center, and other youth and service agencies.

Identification Unit (Crime Scene Unit & Property)

The Identification Unit (I.D. / Crime Scene / Property / Evidence) is responsible for the classification, maintenance, security, and disposition of all non-agency property coming into its custody. The Identification Unit assists other Departmental units with the identification, collection, and custodial security of evidence, as well as evidence processing, analysis, and protection of the chain of custody.

The Identification Unit is composed of a supervisor (Sergeant) and two Investigators. The main function of this unit is to process crime scenes and manage collected property and physical evidence of the department. This is the only fully functioning municipal crime scene unit in Broome County. The members receive special training in Crime Scene Processing, such as fingerprint analysis, photographing techniques, DNA collection, evidence handling and proper evidence storage practices.

The unit maintains a Statewide Automated Biometric Identification System (SABIS) regional workstation, which has access to the New York State and Federal fingerprint databases. Quality fingerprint images that have been recovered from crime scenes can be traced through SABIS and can result in identifying a suspect who may be responsible for committing a crime. Neighboring law enforcement agencies utilize this workstation by submitting their latent fingerprint evidence to this unit for analysis and searching within the database. Personnel assigned to I.D. have utilized their expertise in examining latent fingerprints to solve many cases by effecting identifications of unknown suspects.

The Crime Scene Unit started using digital imaging many years ago for documenting evidence and crime scenes. The Binghamton Police Department was the first agency on the East Coast to utilize an authentication software database, which is recommended by the FBI. The unit is responsible for training patrol officers in the use of assigned I cameras and maintaining the digital image database, which includes disseminating images by various means to the District Attorney's Office, other criminal justice agencies and in satisfaction of public records requests.

The unit maintains a laboratory that is outfitted with state-of-the-art equipment. Investigators use this lab to photograph, process and preserve evidence for latent fingerprints and DNA evidence recovery and other processing and analysis.

The unit also renders assistance to other outside agencies. Duties performed for these agencies entail crime scene processing, lab work and latent fingerprint comparison.

Other duties of the unit include but are not limited to:

- Fingerprinting and photographing arrestees
- Processing of all firearms received into department custody
- Processing civilian fingerprints
- Conducting background checks for other agencies
- Providing items for yearly countywide auction
- Maintaining criminal dispositions and seal orders
- Budgeting for the unit and purchasing supplies for evidence packaging
- Training members of the department in the proper handling and packaging of material
- Participating in speaking engagements to area schools and colleges to educate the community
- Presenting courtroom displays for courtroom testimony and criminal prosecution

Warrant Control Unit

The Warrant Control Unit is responsible for the coordination of the Department's warrant service, accurately recording the status of new warrants, warrants served and warrants canceled. The Warrant Control Unit is composed of a supervisor (Sergeant), Investigator and a non-sworn member with clerical duties. The unit focuses on arresting individuals that are fugitives from justice or have active Bench or Arrest Warrants issued by a Judge ordering their arrest. Both members are part of the United States Marshals Service; New York / New Jersey Regional Fugitive Task Force. This task force is made up of officers from Federal, State and Local law enforcement agencies, working together in locating and capturing wanted persons.

Special Investigations Unit

The Special Investigations Unit is responsible for the investigation and suppression of all illegal narcotic activity ranging from street level operations up to and including major narcotic conspiracy efforts. The Binghamton Police Special Investigations Unit is composed of one sergeant and six investigators. It is also the responsibility of this Unit to enforce all vice activity including but not limited to gambling, prostitution, and ABC violations. The Binghamton Police Special Investigations Unit is part of the Broome County Special Investigations Unit Task Force (BCSIUTF), which is composed of municipal and county police agencies

BCSIUTF is a multi-jurisdictional task force primarily committed to the suppression of illegal and illicit drugs within Broome County. The Task Force actively pursues those individuals or groups

who manufacture, distribute or sell illegal drugs within the jurisdictional boundaries of Broome County. In addition, the Task Force focuses on enforcing laws related to illegal firearms, prostitution/sex-trade, and Alcoholic Beverage Control Laws of the State of New York. The Task Force also conducts special operations including, but not limited to, homicides, extortion, robbery, larcenies, weapons possession and counterfeiting cases.

As of 2021, the number of City of Binghamton Police Department personnel assigned is authorized at seven positions (one Sergeant and six Investigators). Overall Task Force staffing has fluctuated based on need and availability of the specific agency participating.

The Broome County Special Investigations Unit Task Force is comprised of sworn law enforcement officers from the Broome County Sheriff's Office, City of Binghamton Police Department, Village of Johnson City Police Department and the Endicott Police Department. Total staffing ranges from 14 to 16 sworn officers. Since inception, this collaborative effort has proven to be a successful and productive venture with other area law enforcement agencies, all working towards a common goal for the betterment of the greater Binghamton area.

COMMUNITY RESPONSE TEAM (CRT UNIT)

The mission of the Community Response Team (CRT) is to improve quality of life in the City through proactive law enforcement and community policing. Composed of five Police Officers and one Police Sergeant, CRT's goal is to work together with residents to reclaim areas as safe, clean, productive places to live and raise a family. CRT uses a service-focused approach that encourages active citizen participation and enables policing efforts to grow and progress from reactive to proactive to coactive. With the police and the community working together, these collaborative partnerships have jointly identified, prioritized and solved problems. CRT utilizes officers both in uniform and in plain clothes, and both marked police cars and unmarked cars. Areas of the City in which CRT works are determined by need.

CRT's Community Policing Methods

CRT fields a steady number of direct telephone complaints from citizens to the CRT Office. In response to each of these complaints, CRT officers attempt to connect with each complainant personally, hear their concern, learn the issue in detail, formulate a strategy together to combat the problem, and assure them that their complaint is significant and being addressed. Additionally, complainants often get to meet CRT Officers face-to-face and are given their cell phone numbers so the complainant can speak to a CRT member as the crime or problem is occurring. This type of community policing has proven to be a valuable tool in building community trust and partnership, and often leads to arrests of offenders, as well as repeat tips from callers.



Participation in Neighborhood Watch / Community Meetings

The CRT Sergeant actively communicates with coordinators of local Neighborhood Watch and action groups. The coordinators of such groups provide valuable information on neighborhood problems, including complaints and tips. Communication with these coordinators is two-way, as the CRT Sergeant provides updates on progress the police department has made. Neighborhood coordinators keep the tips and complaints coming in, while bringing back information to their concerned residents.

Working With Local Businesses

CRT reaches out to several local businesses with a history of problems in and around their location. This establishes a line of communication with the business community to effectively identify and address their concerns. The CRT Sergeant gives out business cards with cell phone and email contact information so the business owners have means to get assistance with problems in and around the business.

Monitoring City Cameras

CRT has access to the City public safety street camera systems. By simply monitoring street activities and directing resources in an efficient and effective manner, CRT members have made numerous arrests, including for charges of narcotics possession and prostitution.

CRT Special Assignments

CRT is deployed where needed based on community issues, events and data-driven policing. Some specific instances include patrolling disturbances at Binghamton High School, Binghamton University “Welcome Back Weekend” heightened patrols, Binghamton University Off-Campus College walk-a rounds, St. Patrick’s Parade Day patrols, West Side burglary patrol, West Side robber patrol, robbery sting detail, assisting Detectives in searching for various suspect(s), patrolling the downtown parking ramps for larceny suspects, or any other identified need for focused effort.

Collaboration with S.I.U. / Broome County Task Force and Detective Bureau

CRT works side-by-side with the SIU (*Special Investigations Unit*), meeting regularly to discuss investigations and cases. SIU will often lend their investigators to assist CRT officers with interviews of arrestees and with narcotics cases. Conversely, CRT lends its officers to SIU to assist with search warrants, surveillances, traffic stops, identifying suspects, and apprehending targets. SIU uses CRT’s high volume of narcotics arrests as a starting point to develop confidential informants. CRT also assists the Department’s Detective Bureau when requested, including in serving subpoenas, conducting surveillances of a target location, and/or locating and apprehending wanted suspects.

Miscellaneous CRT Highlights

Other CRT highlights include:

- Assisting advocates from the Addiction Center of Broome County in locating and speaking with at-risk subjects in an attempt to get them into counseling and/or rehabilitation centers
- Attending numerous community outreach and public awareness meetings
- Assisting the Patrol Division during Pub Crawl, LUMA and Parade Day events
- Collaborating with the Crime Prevention Through Environmental Design (CPTED) program in identifying and working to correct nuisance properties
- Assisting the Detective Division with neighborhood canvasses for major/serious crimes and follow-up investigations
- Conducting details (robbery, burglary, etc.) pertaining to crime rate increases in specified areas of the City
- Responding to narcotics activity calls dispatched to the Patrol Division in an effort to assist with Patrol's call volume and provide "quality of life" police actions for affected neighborhoods

CRIME PREVENTION UNIT (CPU)

The Department operates a Crime Prevention Unit (CPU) that strongly encourages Police and Community partnerships and actively supports Neighborhood Watch Groups. The Department realizes that crime is a problem that affects all segments of our society, and is a concern of everyone. The Binghamton Police Department will make every attempt to involve the community in generating mutual understanding and cooperation between the residents and Police Department. Involving the community will enhance both police and resident knowledge of the nature and extent of crime in the City. The police and community members working together against crime is a major step in crime deterrence. Neighborhood Watch is one of the most effective and least costly ways to prevent crime and reduce fear. Neighborhood Watch fights the isolation that crime both creates and feeds upon. It forges bonds among area residents, helps reduce burglaries and robberies, and improves relations between police and the communities they serve. The Binghamton Police Department Crime Prevention Unit will assist in establishing Neighborhood Watch groups.

As of 2021, there are five sworn members assigned to the Binghamton Police Crime Prevention Unit: a Police Lieutenant, one Crime Prevention Unit Officer and three School Resource Officers.

Grants

The CPU is responsible for many police grants, including the Gun Involved Violence Elimination (GIVE) grant, Homeland Security, Justice Assistance Grants, COPS grants, and several BYRNE

legislative grants. These grants bring hundreds of thousands of dollars to the Department and the City of Binghamton for programs, equipment, and many community-based policing initiatives. CPU's grant responsibilities include:

- Grant Researching
- Grant Applications
- Grant Financial Accounting
- Grant Progress Reports

National Night Out:

The Department participates in National Night Out with several neighborhood groups. Events are held at several Binghamton City parks and locations. National Night Out is designed to:

- Heighten crime and drug prevention awareness
- Generate support for and participation in local anticrime programs
- Strengthen neighborhood spirit and police-community partnerships
- Send a message to criminals that neighborhoods are organized and fighting back against crime

Safety Presentations

The CPU conducts various public safety presentations upon request by neighborhood groups, community organizations and any group. Presentation topics include personal safety, senior scams, crime prevention, and other matters related to the Department. In 2019, the CPU created several new presentations on personal and public safety and conducted them throughout the year.

Cameras

As of 2019, the CPU maintained more than 20 public cameras located throughout the City. The Department began installing closed-circuit public cameras in 2006. By utilizing numerous New York State funding sources, the C.C. Camera project was initiated as part of an overall strategy to reduce violent crime in targeted areas. The location of the cameras was determined by intelligence and crime analysis. The demand to retrieve video from these cameras has greatly increased, and these videos have now become a vital piece of evidence in many cases. CPU is exploring installation of additional cameras around the City.

School Resource Officers

There are currently three School Resource Officers assigned to the Binghamton City School District. One officer has been assigned to the Binghamton High School campus for many years. Since 2014, an officer has been assigned to both East and West Middle Schools, as well. These Officers work closely with school officials in various programs. When school is not in

session, the Officers are assigned to the Patrol Division. The School Resource Officer program is funded by the Binghamton City School District.

TRAFFIC DIVISION

The Traffic Division is composed of one Police Sergeant and one Police Officer, two Parking Enforcement Officers and one Vehicle Mechanic. The main objectives and specific functions, duties and areas of responsibility are as follows:

- To enforce traffic laws and parking ordinances in the City of Binghamton.
- To coordinate with DPW and the sign department to maintain proper street signage throughout the City.
- To order, maintain, and service all vehicles assigned to the Binghamton Police Department.
- To maintain the City's impound yard.
- To coordinate the services of the City's three major towing companies.
- To assist community organizations with special events conducted in the City consisting of benefit runs/walks, races, and parades.
- To maintain a Binghamton Auxiliary Police unit to assist with vehicle and pedestrian traffic during special events.
- To coordinate school crossing guards in the City of Binghamton.
- To post and maintain parking meters/kiosks in the City of Binghamton.

Crossing Guard Program

The Traffic Division is responsible for hiring crossing guards and coordinating school crossings in the City. There are currently 36 designated school crossings in the City. The Traffic Division currently has 43 crossing guards. All crossing guards are supplied with a reflective vest and a handheld stop sign. Crossing guards are necessary to ensure the safety of school children crossing busy City streets to and from school daily.

Auxiliary Police Program

There are currently 23 members of the Binghamton Police Auxiliary. These are non-sworn Auxiliary Officers with no police powers or law enforcement authority. These individuals are responsible for assisting Police Officers with vehicle and pedestrian traffic when needed, especially during benefit runs/walks and parades held by community organizations in the City. Their function is to ensure the safety of all participants and spectators at these events.

City Impound Yard Operations

In 2019, a total of 169 vehicles were entered into the City impound lot. The Traffic Division collected a total of \$16,725 in fees associated with those impounded vehicles.



Parking Enforcement Operations

In 2019, the Department issued 11,615 parking tickets for various violations. The fees collected for those violations totaled \$390,263.

Special Event Management

The Traffic Division works with community organization to assist with events, such as parades and benefit runs/walks, that take place in the City. These events often require street closures and Police personnel to ensure safety for all participants and spectators.

Fleet Management

The Department currently has 90 vehicles in its fleet. These vehicles need to be maintained and serviced on a regular basis to ensure they are functioning properly. It is the responsibility of the Traffic Division to ensure the performance of fleet management and vehicle service duties.

POLICE RECORDS BUREAU

The Police Records Bureau is responsible for establishing and maintaining a database of all documented police activities. This is accomplished through electronic means and traditional paper documents. In 2019, the Records Bureau was staffed by four civilian employees.

In 2019, there were 51,795 incidents handled by the police department, with 2,170 of these complaints being non-criminal domestic incidents. The Records Bureau is responsible for processing these complaints, which includes merging, reading, coding/categorizing, inputting and/or scanning data into the computer records management system, and filing reports.

Accurate and timely inputting of information into the records management system is very important as it directly affects the ability to accurately extract information on a daily basis for crime analysis, Freedom of Information Law (FOIL) requests, the District Attorney's Office, and mandated state statistical reports. In addition, the Records Bureau is responsible for complying with record seal orders issued by various courts. Juvenile arrests are also sealed per Records Division procedure. Approximately 2,600 adult arrests and 158 juvenile arrests were sealed in 2019.

The Records Bureau in 2019 processed approximately 6,770 records requests from the public and various governmental agencies and other organizations, like the Broome County Department of Social Services, Broome County Probation, the Binghamton Housing Authority and the Crime Victim's Board, among several others. In addition, the Records Bureau reviews and copies pertinent reports on a daily basis for Binghamton University Public Safety, Broome Community College Public Safety, the Mental Health Association of the Southern Tier, NYS

Dept. of Transportation (motor vehicle accidents), and other City offices (i.e. Code Enforcement, Dept. of Public Works, Parks).

Demographic Department Data

As of March 2021, the statistical breakdown of the Department's current sworn members by gender, race and ethnicity (as classified and required as reportable to NYS DCJS) is as follows:

- 108 Male/White
- 15 Female/White
- 7 Male/Black
- 6 Male/Hispanic
- 1 Male/Asian

Calls for Service and Annual Crime Data

PART ONE CRIMES REPORTED BY YEAR

Offense	2016	2017	2018	2019
Homicide	4	4	3	1
Forcible Rape	41	42	40	42
Robbery	96	90	75	66
Aggravated Assault	193	227	207	244
Burglary	439	376	429	417
Larceny	1335	1557	1407	1429
Motor Vehicle Theft	73	55	57	61
TOTAL	2378	2351	2218	2260

2018 PART ONE CRIMES CLEARED BY ADULT ARREST

Offense	Total Reported	Total Cleared	% FBI/UCR Offenses Cleared 2018	% BPD Cleared 2018
Homicide	1	1	62.3	100.0
Forcible Rape	42	6	33.4	14.3
Robbery	66	33	30.4	50.0
Aggravated Assault*	244	142	52.5	58.2
Burglary	417	90	13.9	21.6
Larceny	1429	411	18.9	28.8
Motor Vehicle Theft**	61	13	13.8	21.3



* Menacing and attempted homicide counted under aggravated assault.

** Includes unauthorized use of motor vehicle.

Training

The Department's Training Division provides a high standard of training opportunities for all members of the department through the annual In-Service Training as well as outside specialized training. Members of the department attended approximately 80 specialized training schools/seminars in 2019.

ANNUAL IN-SERVICE TRAINING / POLICE INSTRUCTION

In the first quarter of each year, annual In-Service Training is held for all members of the Binghamton and Johnson City police departments combined. The Training Division offers five days of training, virtually double the NYS requirement. A large percentage of training is provided by Binghamton Police Department DCJS Certified Instructors for both the annual In-Service as well as the Regional Basic Police Academy.

The annual In-Service curriculum is a combination of yearly mandated training, new topics and specific courses of instruction in current policing topics, modern practices and tactics. Instruction is delivered through a combination of classroom lectures, hands-on training and practical or reality-based training (RBT) exercises, role playing scenarios and simulations.

The five-day In-Service training schedule and curriculum for **2021** is listed below:

Monday	8:00 - 9:00	Legal Updates
	9:00 - 9:15	In-service Orientation / Weapon surrender - service
	9:15 - 11:00	Patrol Tactics; Criminal Activity Interdiction
	11:00 - 12:00	Disability Awareness Instruction
	1:00 - 2:00	Suicide Prevention in Police Lock-ups
	2:00 - 4:00	Defensive Tactics Instruction and Exercise
Tuesday	8:00 - 10:00	Diversity Instruction: Race – Ethnicity – Gender
	10:00 - 12:00	First Aid / CPR / Blood Borne Pathogens / TECC (Vehicle Kits)
	1:00 - 3:00	Taser and <u>BolaWrap</u> Device Recertification
	3:00 - 4:00	Red Flags Laws / Extreme Risk Protection Orders
Wednesday	8:00 - 12:00	Use of Force (UOF) Instruction: (Force - Policy and Legal Updates, Executive Orders UOF, Current Force Trends and Issues) / First Amendment Issues - UOF
	1:00 - 3:00	Mental Health – De-escalation / Trauma Informed
	3:00 - 4:00	DWI Updates / LEXIPOL Policy and System
Thursday	8:00 - 9:00	Officer Wellness Resources (Covering topics - Financial, Mental, Substance Use and Physical)
	9:00 - 9:45	Intel Presentation, Trends and "Ghost Guns"
	9:45 - 10:30	State of the Department Address Chief Of Police
	10:30 - 12:00	Firearms Live Shoot - Low Light Qualification
	12:30 - 2:30	Principled Policing Instruction (Bias Awareness / Procedural Justice)
	2:30 - 3:30	ID Issues / Digital Evidence Collection
	3:30 - 4:00	Case Review – Detective / Investigative Instruction
Friday	8:00 - 9:00	Crowd Control – Legal Issues, Tactics and Trends
	9:00 - 12:00	Reality Based Training / <u>VirTra</u> Training Simulator
	1:00 - 4:00	Reality Based Training / <u>VirTra</u> Training Simulator

Annual Firearms Qualification

The Department's annual firearms qualifications were at an outdoor firearms range. Every Binghamton Police Officer qualified with their respective service weapon. The BPD Indoor Firearms Range was also utilized during the annual In-Service Training, as well as host to outside agency US Probation and Broome County Security Division.

New Recruits

In 2019, the Binghamton Police Department hired 11 new recruit officers who graduated from the Zone 6 Basic Police Academy held at the Broome County Law Enforcement Academy. The Academy consists of seven months of intense physical and mental training. The recruits successfully completed the Basic Academy in the fall and were assigned to patrol for the remainder of the calendar year.

Weapon Test Fires

Weapons (rifles, shotguns, and handguns) that have been seized as evidence, confiscated or found and need to be test-fired for tracking / prosecution purposes are fired by the Training Division. With the State Police lab having such a large volume to test-fire, a wait time of months to a year is not uncommon. The Binghamton Police Training Division assists in making the turnaround time faster for the District Attorney's Office prosecution. In 2019, the Training Division test-fired 38 different firearms.

New Equipment

The Training Division is responsible for much of the processing and handling of police equipment. In 2019, there were 30 new soft body armor vests purchased and distributed to new recruits and other officers (due to warranty expiration).

Specialized Units

The Binghamton Police K-9 Unit, Crisis Negotiations Unit and the Binghamton Metro SWAT team (joint SWAT team consisting Officers from Binghamton Police Department, Village of Johnson City PD, and Town of Vestal PD) all conduct regular training, at an average of three to four times per month.

TRAINING HOURS SUMMARY

The Binghamton Police Department received more than 17,619 hours of training in 2019:

Training	Hours Per Officer	Number of Officers	Total Training Hours
In-Service	40	120	4,800
Firearms Qualification	8	118	944
Specialized Training/Schools	varies	*	6,115
SWAT	varies	11	3,168
CNU	varies	6	288
K-9	varies	5	2,304
TOTAL HOURS			17,619

Specialized Training

Specialized Courses	# of Ofcs	Hrs of Course	Total Hrs
Course in Police Supervision	4	120	480
Fentanyl: Trends, Investigations and Officer Safety	7	16	112
Making Discipline Stick	3	8	24
Trauma Informed Interview Principles	8	16	128
Open Source and Social Media Intelligence Training	6	16	96
Forensic Interviewing Training - ChildFirst	2	40	80
Advanced Issues in Forensic Interviewing - Successful Outcomes	3	8	24
Grant Writing Course	2	16	32
ChildFirst Forensic Interview Training	2	40	80
Advanced Interview & Interrogations	3	40	120
Forensic Interview Training: Peer Review Session	8	1	8
DOJ Grants Financial Management Training	1	8	8
Ethics for Latent Print Examiners	1	8	8
Hate Crimes Investigations	1	16	16
Tactical Team Leadership Forum	2	16	16

Courtroom Testimony for Latent Print Examiners	1	24	24
B.O.S.A.R.	1	8	8
Swat Command Decision - Making and Leadership 1	2	40	80
Social Networking Investigations	4	16	64
School Resource Officer Training	1	40	40
Vehicle CQB	1	40	40
Investigating Animal Cruelty and Prosecuting	2	16	32
Identifying and Investigating Financial Exploration	3	8	24
Interview and Interrogation Training	2	16	32
Crimes Against Children Seminar 2019	2	40	80
Drug Investigations Class	6	20	120
Digital Forensic Analysis Acquisition and Previewing	1	32	32
NW3C: DF102 Basic Digital Forensic Analysis Previewing	1	16	16
Narcotics Enforcement + Trafficking Investigations in Hotel/Motel + Parcel/Freight Crimes	4	16	64
NW3C: DF103 Basic Digital Forensic Analysis Acquisition	1	16	16
2019 NYTOA Patrol Conference	6	24	144
2019 NYTOA Tactical Conference	13	32	416

Bivonia Child Abuse Conference	6	16	96
Forensic Interviews	2	30	60
Investigating Animal Cruelty	1	7	7
NYS DHSES 2019 Tactical Week	6	32	192
Crisis Intervention Team	3	40	120
Input ACE Training	2	16	32
Investigative Strategies to Child Abduction Cases	4	24	96
Advanced Homicide / Violent Crimes Investigations	2	40	80
FBI Child Abduction Response and Investigations	3	16	48
Explosive Detection - K9	2	8	16
Mexican Drug Cartels Investigations	5	16	80
BolaWrap Instructor Training	3	4	12
Terrorist Weapons Tactics and Techniques	5	8	40
NYS Chiefs Conference 2019	3	24	72
TEES: Explosive Handler and Breaching Course	5	40	200
Use of Force Instructor	2	16	32
Fire/Code Instruction Training	1	24	24

Video Examination for the Police Examination	2	16	32
Narcotics Related Financial Investigations	6	24	144
NYS Police Juvenile Officers 2019 Conference	4	40	160
Road Wise Train the Trainer	1	16	16
Field Training Officer Course	6	24	144
NYSP 2019 Homicide Seminar	2	48	96
Fort Drum: SWAT In-Service 2019	11	40	440
Criminal Connections - Child Pornography and Sexual Abuse	2	16	32
AR15 Armorer Course	2	16	32
Shotgun Armorer Course	2	16	32
NYS DCJS LE Symposium	9	20	180
Confronting the Toxic Officer	1	8.5	8.5
Glock Armorer Course	2	8	16
National Alliance on Mental Health	2	8	16
FBI Facial Recognition	1	20	20
Accreditation Program Manager Training	1	8	8

NYS DCJS Executive Summit on LE Mental Health and Wellness	2	8	16
It Takes a Village	4	16	64
Fire and Arson Investigator Seminar	1	16	16
Instructor Development Course	3	80	240
Women in Command	2	16	32
DWI Detection and SFST Refresher	1	4	4
Inside the Tape: Homicide Inv and Crime Scene Management	5	8	40
DLG Use of Force Summit 2019	6	21	126
PT Instructor Course	1	32	32
New Child Abuse Interviewer	1	1.5	1.5
Ethics and Professionalism	1	8	8
Street Crimes Seminar	4	24	96
FBI Crisis Negotiation Course	2	40	80
Mental Health First Aid - Youth	2	8	16
Mental Health First Aid - Adult	37	8	296
		TOTAL HRS	6,115

Crime Reduction / Prevention Strategies

The Department engages in a collaborative approach to data-driven, focused crime reduction. The Department works within its own local law enforcement framework to analyze timely and accurate crime data, gather and share field intelligence, and employ effective strategies in an effort to develop long-term, sustained crime reduction. This intelligence-led policing is coupled with a community policing strategy that encourages community involvement. The Department has sought to reduce shootings, homicides and gun-related violent crime by effectively implementing multiple evidence-based practices, including those outlined below.

Southern Tier Crime Analysis Center (Formerly Broome Crime Analysis Center)

The Department is home to the Southern Tier Crime Analysis Center (STCAC), where all data is collected and where “Hot Spot” locations are identified and selected. The STCAC is staffed by one Binghamton Police Department Lieutenant who serves as the center’s officer in charge, two full-time Field Intelligence Officers (one is provided by the Binghamton Police Department and another by the Broome County Sheriff’s Office), one full-time Sr. Crime Analyst, one New York National Guard Crime Analyst, and an Investigator from Binghamton University. The data, analysis and intelligence that the STCAC produces gives law enforcement the ability to respond quickly to any discovered series or important relationships between incidents and people. This results in the quick apprehension of repeat offenders and ultimately leads to a reduction in violent crime.

Data-Driven and Evidence-Based Policing Efforts - “Hot Spot” Policing

The Department develops targeted “Hot Spot” locations based on a variety of factors and sources. The Department’s Crime Analysts use Geographic Information System (GIS) mapping to chart the location of all cases involving a firearm, analyzing all firearm data, both long-term and short-term, to determine geographic boundaries. Analysts look for any emerging issues by closely examining all reports of homicide, shootings, shots fired and any firearm related calls at bi-weekly Comp Stat meetings. Information is discussed regarding active “drug spots” using information provided by the Special Investigation Unit and Community Response Team. Information gleaned from debriefs conducted by our Field Intelligence Officers (FIOs) and analysis of submitted Field Intelligence Questionnaire Forms is used, as well. In accordance with continual data analysis, targeted “Hot Spot” locations are fluid, and geographic boundaries are moved as necessary.

Saturation & Directed Patrols

Directed patrols are used primarily in “Hot Spot” locations when crime analysis and intelligence indicates an increased probability of gun violence. The Department uses marked police cars to enhance that physical presence and serve as a crime prevention and crime deterrent initiative.

The saturation and directed patrols lead to discouraging individuals from carrying firearms and committing more serious crimes.

Crime Prevention Through Environmental Design (CPTED)

The Department is committed to a CPTED strategy involving a multi-agency team to use a multi-disciplinary approach to address safety-related issues and deter criminal behavior through environmental design. CPTED attempts to reduce or eliminate those opportunities by using elements of the environment to:

- 1) control access;
- 2) provide opportunities to see and be seen; and
- 3) define ownership and encourage the maintenance of the property/area.

The Department developed a CPTED team that meets and works together on a regular basis with the interest of stakeholders in mind. CPTED meetings occur on the last Tuesday of each month. The team discusses problematic locations and collaborates on ways to alleviate problems. The team consists of:

- 10 members of the Binghamton Police Department
- 2 members of the Binghamton Code Enforcement
- 1 member of the Binghamton Fire Department
- 1 member of the City of Binghamton Zoning Office
- 1 member of the Broome County Sheriff's Office
- 1 analyst from Broome County GIS Dept.
- 1 Sr. Crime Analyst
- 1 National Guard Analyst
- 2 members of the Mayor's Office
- 1 member of Corporation Council

The Department membership, in partnership with DCJS, developed a virtual training webinar on CPTED issues and practices that has been attended virtually by hundreds of law enforcement and government leaders statewide.

DOCCS Details

DOCCS (Parole) Officers and Binghamton Police Officers will check parolees in the targeted "Hot Spot" locations. The goal is to discourage previous offenders from entering areas known for violent crime and illegal activity.

Procedural Justice and Transparency Initiatives

Procedural justice, as defined by the U.S. Department of Justice, refers to the idea of fairness in the processes that resolve disputes and allocate resources. It speaks to four principles:

- fairness in the processes
- transparency in actions
- opportunities for voice
- impartiality in decision making

The Binghamton Police Department incorporates procedural justice into all strategies. The Department recognizes the importance of how law enforcement exercises its authority and how it influences the public's view of the legitimacy of the Police. It is imperative that the community perceives fairness in law enforcement procedures during police/community interactions.

Department policy provides guidance to members that affirms the Department's commitment to fair and objective policing. Bias-based policing is strictly prohibited. Bias-based policing is defined as an inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement services or enforcement.

The Department is committed to providing law enforcement services to the community with due regard for the racial, cultural and other characteristics of those served. It is the policy of the Department to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

The Department has obtained train-the-trainer instruction for members to instruct personnel in the area of Principled Policing - Procedural Justice and non-biased-based policing tactics and philosophies. The below Principled Policing and Procedural Justice-based initiatives are present in all of Department initiatives, programs and instruction, where applicable.

Diversity Training

All members of the Binghamton Police Department have received diversity training and will continue to receive annual training in this area.



Body-Worn Cameras

The Department has been recognized as a leader in the State in implementation of a body-worn camera program. In February 2016, a project began to outfit 93 body-worn cameras by Binghamton uniformed officers. A total of 92 cameras are currently in use and worn daily. As a department policy, Patrol and unit supervisors are required to conduct a random body-worn camera audit of assigned personnel and review four hours of body-worn camera footage per month in the interests of officer accountability, policy compliance and identifying training needs or deficiencies. One goal of the program is to instill a sense of trust between the public and the Department. The cameras and the program have proven to be a valuable tool in helping protect the public and officers in a variety of circumstances.

Dashboard and In-Station Cameras

The Department has installed dashboard cameras in marked police cars for the purposes of transparency and trust-building. Additionally, the Department has historically been – and continues to be – a leader in the State for its Detective Division interview room camera/recording program.

Prisoner Transport Van

In 2016, the Department unveiled a new prisoner transport van equipped with seatbelts, padding, high-tech prisoner-area recording capabilities, fiberglass paneling and an emergency escape hatch. The van was purchased with the overall goal of protecting prisoners and increasing trust and accountability in public safety.

Stop Data Collection Program

The 710Z form is a digital database documenting all pedestrian and vehicular stops by officers and collecting demographic data of the individuals contacted. The 710Z database is integrated into and accessed through New World RMS system. The 710Z database is regularly audited by Police administrators to identify and analyze potential issues and ensure compliance with the Department's non-bias-based policing policy and practices.

Internal Affairs

The Binghamton Police Department employs a full-time Internal Affairs Administrative Captain who reviews all citizen complaints and Use of Force reports. This Administrator is accessible to members of the public who wish to meet in person to address issues/complaints.

Citizen Complaint Process

Citizen personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or federal, state or local law, policy or rule.

Personnel complaints may be generated internally or by the public. Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone, though written complaints are preferred. All complaints will be courteously accepted by any Department member and promptly given to the appropriate supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate. Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

Personnel complaint forms will be maintained at the police main desk area. Supervisors shall fill out a personnel complaint form for any person lodging a complaint in person, by phone, or by email. Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

Any department member becoming aware of alleged misconduct shall immediately notify a supervisor. Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

Use of Force Policy and Reporting

The Department recognizes and respects the value and dignity of all human life without prejudice to anyone. The use of force by sworn officers is highly serious matter and of significance to both the public and the law enforcement community. On a daily basis, police officers are involved in numerous and varied interactions that may, when warranted, result in reasonable use of force. Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties. Vesting officers with the authority to use

reasonable force to protect the public welfare requires extensive monitoring, evaluation, and a careful balancing of all interests.

Officers shall use only the amount of force that is objectively reasonable and appears necessary to accomplish a legitimate law enforcement purpose given the facts and circumstances perceived by the officer at the time of the event. An officer's use of force must conform to standards established in New York State law (NYS Penal Law Article 35), the United States Constitution and subsequent U.S. Supreme Court decisions regarding application of force, most notably *Graham v Connor* and *Tennessee v Garner*.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Officers shall de-escalate the physical use of force at the earliest possible moment and de-escalate physical force immediately as resistance decreases. Officers shall use disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, and/or calling in specialized units, when possible, in order to reduce the need for physical force and increase civilian and officer safety. It is also recognized that circumstances may arise in which officers reasonably believe it to be impractical or ineffective to use any tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

Prior to using force and when feasible, officers should identify him/herself as a police officer and issue verbal commands and/or warnings. When feasible, officers should allow a subject an opportunity to comply with verbal commands. A verbal warning is not required in circumstances where an officer has to make a split-second decision, or if the warning would place the safety of the officer or others in jeopardy.

Force is a reality of policing that must be approached with great care, consideration and training. The Department maintains a strong use of force policy, which is continually updated to meet modern best practices and standards, as well as progressive and thorough use of force reporting requirements and internal investigative and review processes. As a matter of both Department policy and culture, force is not applied or viewed by members in capricious or

arbitrary terms or circumstances, but as a very serious function and responsibility of those involved, with professional and personal ramifications.

Community Engagement Initiatives

Coffee With A Cop

Coffee with a Cop brings police officers and community members together – over coffee – to discuss issues and learn more about each other. It offers residents distraction-free time — no pending radio calls or ringing cellphones —with the officers that patrol their community to discuss the concerns that are most important to them. The event facilitates communication by creating a relaxed, neutral atmosphere with no speeches, no agenda, and no preset subjects. The conversations are intimate and personal, important to both the residents and the officers. Coffee with a Cop encourages both the officers and the community members to get to know each other and form a working trust based on their mutual goal: a better, safer community.

Public and School Tour Groups

The Department welcomes local daycare, pre-k, and elementary schools to tour Department facilities, receive gift bags, watch a K-9 demonstration, and sit in a police car. The department also sends officers, including members of the K-9 and SWAT unit, to numerous schools for events like career expos and field days.

Citizen Police Academy

The Department offers a Citizen Police Academy program for the community twice a year. The program is designed to give the community a better understanding of Department operations and what is needed to successfully conduct an investigation and prosecute a case. This program, which has been in existence for several years, is well attended, well received, and a proven trust-builder between the police and the community. The Department's Crime Prevention Unit has developed classes to educate the public on different topics, raise awareness of Department operations and policies, and teach community members how to limit their vulnerabilities in becoming a victim of a crime.

Partnerships With The Boys & Girls Clubs

The Department has partnered with the Boys & Girls Clubs of Binghamton to educate youth in the community about public safety and build trust between young people and law enforcement. Programming has included assigning a Police Officer to spend two or three hours at the Club multiple times a week to play basketball and pool with members, eat dinner together, talk about what it means to be a police officer and discuss any concerns or questions members might have. The program has helped enhance the relationship between youth, their families and the Department. It has also served as a way to increase interest among youth in potential law enforcement careers. These efforts by the Department complement other City funding initiatives

that have expanded the hours of the Club is open, supported the Teen Center and youth employment opportunities, and covered the cost of Club membership for low-income children and teenagers.

PAL Camp

Binghamton Police Athletic League (PAL) camp is a free summer day camp that provides roundtrip bus transportation, meals, snacks, and activities to local youth. Children make summer memories swimming in the pool, hiking, fishing, playing games, and crafting. The PAL camp is managed by an independent board of directors with support from the Department.

Mental Health and Substance Abuse Initiatives

In 2020, the Binghamton Police Department became one of only five law enforcement agencies in New York State to complete the One Mind Campaign pledge. An initiative of the International Association of Chiefs of Police (IACP), the One Mind Campaign requires participating law enforcement agencies to implement four practices to improve police interactions with individuals affected by mental illness:

1. Establish a clearly defined and sustainable relationship with at least one community mental health organization
2. Develop and implement a written policy addressing law enforcement response to persons affected by mental illness
3. Demonstrate that 100 percent of sworn officers are trained and certified in Mental Health First Aid or an equivalent mental health awareness course
4. Demonstrate that 20 percent of sworn officers are trained and certified in Crisis Intervention Team Training

The Department completed all four of the above requirements as part of the One Mind Campaign.

Since 2016, BPD has partnered with the Mental Health Association of the Southern Tier (MHAST) and the Care Compass Network on mental health training and response. The partnerships aim to improve response to mental health calls, including by reducing hospital emergency department transports, arrests and use of force incidents.

The Department has seen results. The percentage of mental health calls resulting in hospital emergency department transports decreased from 70 percent in 2016 to 32 percent in 2019.



Initiatives of the BPD, MHASt and Care Compass Network partnership are outlined below.

9-1-1 Distressed Caller Crisis Diversion Program

This program diverts low risk, non-emergency calls involving persons in emotional crisis from law enforcement response directly to trained mental health counselors. Broome County Mental Health Department, Emergency Services and UHS also partnered on the initiative.

MHASt Mobile Crisis Services Team

This program employs trained staff to respond with law enforcement to assist persons in emotional crisis or living with mental health challenges by helping to de-escalate the situation and determine appropriate resources and services needed.

Crisis Intervention Team (CIT) Training

CIT training curriculum is designed to provide specialized training to officers regarding response to calls that involve individuals affected mental health challenges, including as depression, emotional crises and intellectual disabilities. The curriculum includes training on various de-escalation techniques as well as live role-play scenarios of officers responding to persons who need mental health assistance.

“Our House” Short-Term Crisis Respite House

A pilot program with MHASt and the Binghamton and Johnson City police departments, the “Our House” short-term crisis respite house allows law enforcement to provide individuals facing mental health challenges an alternative to hospitalization with access to short-term respite housing and assistance by trained peers in a safe and nurturing environment

The Binghamton Police Department took the IACP’s One Mind Campaign pledge in 2019 after seeing an increase in calls for service involving people in crisis or affected by mental illness. The Department recognized the need for providing more training and guidance to officers to better serve this population, realize better outcomes and reduce hospital emergency department transports, arrests, and use of force incidents.

Use of Narcan by Patrol Officers

In early 2014, Mayor David announced Binghamton Police Officers would begin carrying Narcan, a heroin overdose reversal medication, in a proactive step to address the country’s heroin epidemic, then in its early stages. As the first responders on most overdose-type incidents, Binghamton Patrol Officers have successfully administered Narcan on numerous occasions in the years since, saving many lives across the City.

Recruitment and Hiring

Interested police officer candidates must take the NYS Civil Service Examination for the title of Police Officer when offered by the City of Binghamton Civil Service Commission. The testing process also requires the successful completion of a physical agility test, as prescribed by New York State standards. Passing candidates are ranked on a Civil Service eligible list. The application process is furthered by interviews, additional testing – both medical and psychological – drug screening and thorough background investigations. Successful candidates attend the police academy for seven months of intensive training and then complete several months of field training – on the street and out in the community with an experienced police officer acting in the role of a Field Training Officer (FTO). The process is involved and very challenging and designed to identify the best candidates available for hire, employment and retention as members of the City of Binghamton Police Department.

Residency Requirements for Police Test Applicants (as per Civil Service)

Candidates must be legal residents of residents of Broome County or any continuous county (Chenango, Delaware, Tioga and Cortland) at time of application.

Residency Requirements for Appointment as a Police Officer

Successful candidates must be legal residents of the City of Binghamton at the time of appointment, in accordance with the charter of the City of Binghamton.

Recruitment and Efforts to Diversify the Force

Increasing the diversity of the Department to reflect the demographics of the community is a priority of the Department and, more broadly, City Hall administration. To encourage a diversity of applicants, the City created a dedicated website, JoinBPD.com, for applicants to download civil service documents, view job openings and get in touch with BPD staff for test tutoring and mentorship opportunities. The number of applicants overall has dropped significantly over the last 15 years, posing immediate and long-term challenges to the City that must be addressed.

Accreditation

Accreditation is a progressive and contemporary way of helping police agencies evaluate and improve their overall operations and performance. It provides formal recognition that an organization meets or exceeds general expectations of quality in the field. Accreditation acknowledges the implementation of policies that are conceptually sound and operationally effective.

The Binghamton Police Department has enjoyed the prestige and professional reputation that comes with New York State Accreditation, through the DCJS NYS Law Enforcement Agency Accreditation Program (NYSLEAAP), since the initial awarding of accreditation in 1993. The



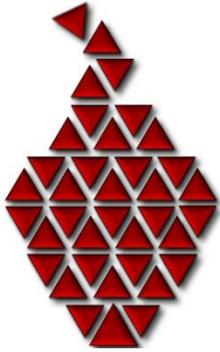
Department has maintained compliance and “best practices” since 1993 and is very proud to be an accredited agency.

The NYS DCJS program has established standards promulgated by the New York State Law Enforcement Accreditation Program. It became operational in 1989 and encompasses four principle goals:

1. To increase the effectiveness and efficiency of law enforcement agencies utilizing existing personnel, equipment and facilities to the extent possible;
2. To promote increased cooperation and coordination among law enforcement agencies and other agencies of the criminal justice services;
3. To ensure the appropriate training of law enforcement personnel; and
4. To promote public confidence in law enforcement agencies.

The Accreditation Program is composed of a set of standards developed to further enhance the capabilities of an agency, and is divided into three categories:

- Administrative standards have provisions for such topics as agency organization, fiscal management, personnel practices, and records management.
- Training standards encompass basic and in-service instruction, as well as training for supervisors and specialized or technical assignments.
- Operations standards deal with such critical and litigious topics as high-speed pursuits, roadblocks, patrol, and unusual occurrences.



FINN

The John F. Finn Institute
for Public Safety, Inc.

Binghamton Police Reform and Reinvention: Current Practice, Community Input, and Empirical Evidence

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March, 2021

The John F. Finn Institute for Public Safety, Inc., is an independent, not-for-profit and non-partisan corporation, whose work is dedicated to the development of criminal justice strategies, programs, and practices that are effective, lawful, and procedurally fair, through the application of social science findings and methods. The Institute conducts social research on matters of public safety and security – crime, public disorder, and the management of criminal justice agencies and partnerships – in collaboration with municipal, county, state, and federal criminal justice agencies, and for their direct benefit. The findings of the Institute’s research are also disseminated through other media to criminal justice professionals, academicians, elected public officials, and other interested parties, so that those findings may contribute to a broader body of knowledge about criminal justice and to the practical application of those findings in other settings.

The Finn Institute was established in 2007, building on a set of collaborative projects and relationships with criminal justice agencies dating to 1998. The first of those projects, for which we partnered with the Albany Police Department (APD), was initiated by John Finn, who was at that time the sergeant who commanded the APD’s Juvenile Unit. Later promoted to lieutenant and assigned to the department’s Administrative Services Bureau, he spearheaded efforts to implement problem-oriented policing, and to develop an institutional capability for analysis that would support problem-solving. The APD’s capacity for applying social science methods and results thereupon expanded exponentially, based on Lt. Finn’s appreciation for the value of research, his keen aptitude for analysis, and his vision of policing, which entailed the formulation of proactive, data-driven, and – as needed – unconventional strategies to address problems of public safety. Lt. Finn was fatally shot in the line of duty in 2003. The Institute that bears his name honors his life and career by fostering the more effective use of research and analysis within criminal justice agencies, just as Lt. Finn did in the APD.

Acknowledgements

We are grateful for the opportunity to collaborate with partners in Binghamton and to contribute to the process of reform and reinvention. We acknowledge the cooperation and assistance of Binghamton's Mayor, Richard David, and Deputy Mayor, Jared Kraham, that of the Binghamton Police Department and its Chief, Joseph Zikuski, Assistant Chief John Ryan, Captain Becky Sutliff, and Lt. David Bidwell, and the assistance of Joe Gaynor.

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Introduction

In June, 2020, New York Governor Andrew Cuomo signed Executive Order (EO) 203. The EO mandated that every local government with a police agency conduct a “comprehensive review” of police “deployments, strategies, policies, procedures, and practices,” and on that basis develop a plan for improvements that would “foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.” In conducting the review, the EO directs localities to consult with stakeholders, and to consider evidence-based policing strategies. Pursuant to the EO, Binghamton’s Mayor Richard David and Chief of Police Joseph Zikuski formed the Binghamton Police Department Reform and Reinvention Collaborative, and they invited the Finn Institute to serve as the research partner to the Collaborative

The Institute assumed three responsibilities as the research partner to the Collaborative. One responsibility was to analyze police data to assess current racial and ethnic disparities in policing in Binghamton. As detailed below, we analyze disparities in personal safety, in stops by police and ensuing searches, in arrests, and in police use of force.

Another responsibility was to systematically analyze the input of the community. To do so, we paired qualitative data collected through the community meetings with written public comment, and supplemented that information with quantitative data gathered through a web-based survey. The former two sources provide greater depth of information, while the latter offers greater breadth. The community meetings served as the primary data collection method and guided the development of the survey instrument. This approach allows us to examine the issues and nuanced perspectives identified by community meeting participants, and to economically gather input from a broad-based audience on matters raised in the meetings and related to police trust, legitimacy, and reform. We caution readers that the survey was not based on a random, probability sample of Binghamton residents and other stakeholders, and it does not form the basis for inferences about the opinions of the Binghamton population; the survey responses are a supplement to the views expressed in the community meetings.

A third responsibility as the research partner to the Collaborative was to gather information about the “deployments, strategies, policies, procedures, and practices” of the Binghamton Police Department (BPD), and assess them against the base of social scientific evidence. Our summary of that assessment is organized in terms of (1) desired outcomes, to address the strategies that contribute to the outcomes, and (2) institutional infrastructure, to address the internal and external structures that facilitate the achievement of those outcomes. We begin with building trust, and address the role of procedural justice at street-, neighborhood-, and leadership-levels. We turn thereafter to internal police department structures, including policies that govern police use of physical force, and those that govern investigatory and traffic stops, and training

on various topics, including procedural justice, implicit bias, and de-escalation. We consider forms of external oversight. We address the functions that police perform and practices that promise to conserve the use of police authority as a resource, including especially practices that minimize police involvement in reducing the demand for illicit drugs or in resolving situations marked by individuals in mental or emotional distress. Finally, we consider violence and crime reduction, and the forms that the evidence- or research-based strategies of hotspots policing, focused deterrence, and street outreach take in Binghamton. For the most part, our review of community input is organized similarly.

We would add that, 53 years ago, the National Advisory Commission on Civil Disorders (also known as the Kerner Commission) issued its report on the causes of the riots of the 1960s.¹ A recent retrospective on the Kerner report observed that, "... the issue of police misconduct was recognized to be a 'trigger' or 'inciting incident' but was not the truer, deeper cause of unrest. Rather, instances of police abuse were the most salient and visible aspect of a larger system of inequity."² The Commission reached the unsettling conclusion that "our nation is moving toward two societies, one black, one white – separate and unequal."³

From the beating of Rodney King by police in 1991, the fatal shooting of Michael Brown in 2014, and the death of George Floyd in 2020, the country has seen riots triggered by incidents of police use of force. Since 1968, policing has changed in a number of respects, yet it remains the object of repeated calls for reform. In the meantime, the context has arguably changed less than policing has: racial inequalities with respect to income, wealth, housing, education, employment, and health all remain, and on some of those dimensions, the degree of inequality has hardly changed.⁴

We would not suggest that no room for improvements remains in how police services are organized, managed, and delivered, but it is worth considering how much the recurring unrest triggered by use-of-force incidents may be in part symptomatic of larger problems – that the "deeper cause" of 21st century unrest is the broader social

¹ National Advisory Commission on Civil Disorders, *Report of the National Advisory Commission on Civil Disorders* (Washington: Government Printing Office, 1968).

² Stephen Menendian, Richard Rothstein, and Nirali Beri, *The Road Not Taken: Housing and Criminal Justice 50 Years after the Kerner Commission Report* (Berkeley, CA: Othering & Belonging Institute, 2019), p. 13.

³ National Advisory Commission on Civil Disorders, *The Kerner Report* (Princeton: Princeton University Press, 2016), p. 1. This book includes the original report.

⁴ See Susan T. Gooden and Samuel L. Myers, "The Kerner Commission Report Fifty Years Later: Revisiting the American Dream," *RSF: The Russell Sage Foundation Journal of the Social Sciences* 4 (2018): 1-17; and Robert D. Putnam, *The Upswing: How America Came Together a Century Ago and How We Can Do It Again* (New York: Simon & Schuster, 2020).

and economic context of policing. Police “outputs” such as arrests, stops, searches, etc. – will inevitably reflect the context in which police operate. Insofar as crime and disorder are disproportionately concentrated in some segments of society, police-citizen contacts and their consequences will likewise be disproportionately concentrated in those same segments of society. To a significant degree, changes in police strategies, policies and practices cannot alter the effects of these larger social, economic, and political forces. Sadly, we have not seen the same consideration of context in the last year that the Kerner report offered in 1968.

Racial and Ethnic Disparities

Racial and ethnic disparities in enforcement outputs are the rule rather than the exception in American policing. The factors that give rise to these disparities are numerous, and their independent contributions to the disparities are difficult to estimate reliably. The recitals in the EO note that, “... urgent and immediate action is needed to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust.” Accordingly, we undertook analyses designed to assess racial and ethnic disparities in policing in Binghamton.

At our request, BPD provided data of several kinds for 2017 through 2019. We requested three years of data so that the findings of our analyses would not be distorted by any one unusual year; we did not include 2020 in our analyses on the assumption that the pandemic has made it a very unrepresentative year. We have analyzed data on calls for service, offenses, stops, arrests, and use of force. We address racial and ethnic disparities in personal safety, stops, arrests, and use of force.

Personal Safety

Crime and disorder are social problems endured disproportionately by Blacks and other people of color in the U.S. One analysis of data collected through the National Crime Victimization Survey (NCVS) showed that, in 2018, Black persons were 41 percent more likely than White, non-Hispanic persons to have been the victim of a serious crime, and Hispanic persons were 20 percent more likely.⁵ Effective strategies and programs to

⁵ Rachel E. Morgan and Barbara Ouderkerk, *Criminal Victimization, 2018* (Washington: Bureau of Justice Statistics, 2019), p. 19, table 20. Serious crime included completed rape or attempted rape, sexual assault with serious or minor injuries, completed forced sexual assault without injury, completed robbery, completed robbery without injury, attempted robbery with injury, attempted robbery without injury, completed aggravated assault with injury, attempted aggravated assault with a weapon, and threatened aggravated assault with a weapon.

reduce violence and other crimes may thus disproportionately benefit the marginalized communities in which crime is concentrated.

In Binghamton, relative to their share of the residential population, Blacks are overrepresented among the individual victims of many types of crime. We analyzed data on 10,106 offenses that involved one or more victims who were individuals identified as victims in police records, thereby excluding 5,733 offenses involving only other types of victims: businesses (as victims of, e.g., larceny or vandalism), religious organizations, government, public safety personnel, or society (as the victim of e.g., drug and traffic offenses). For each offense, we took account of the race and ethnicity of the victims identified in police records. All but a small fraction of offenses involved victims of the same race/ethnicity; multiple victims of mixed races or ethnicities were identified in only 1.8 percent of offenses.

Table 1 reports for each of a number of offense types the representation of each race/ethnicity among the victims. For example, 38 percent of the victims in aggravated assaults were Black, 46.7 percent were White, and 7.2 percent were Hispanic. The representation of each race among victims in each row can be directly compared to the proportion of the population that each race/ethnicity constitutes, shown in the shaded row. Thus, Black victims are overrepresented among the victims of aggravated assaults by a factor of more than three: 38 percent versus 11 percent of the population. To one

Table 1. Representation of Individual Victims' Race/Ethnicity by Offense Type, 2017-2019

Offense type (count)	Victim Race/Ethnicity % (population %)				
	Black (11.0%)	White (70.7%)	Hispanic (7.1%)	Other (11.1%)	Mixed*
Murder/manslaughter (17)	41.2%	35.3%	17.6%	0%	5.9%
Aggravated assault (516)	38.0%	46.7%	7.2%	3.7%	4.5%
Forcible rape (69)	21.7%	60.9%	11.6%	4.3%	1.4%
Robbery (220)	19.5%	60.5%	5.0%	12.7%	2.3%
Burglary (1,083)	17.5%	63.2%	3.4%	12.1%	3.9%
Larceny (3,139)	15.3%	73.1%	4.1%	6.5%	1.0%
Motor vehicle theft (113)	25.7%	56.6%	7.1%	10.6%	0%
Simple assault (1,667)	25.9%	63.6%	5.1%	3.1%	2.4%
Intimidation [harassment] (352)	25.0%	62.8%	5.4%	4.5%	2.3%
Criminal mischief (1,358)	19.4%	68.6%	3.5%	8.0%	0.5%
Other sex offenses (110)	17.3%	70.0%	8.2%	4.5%	0%
All offense types (10,106)	20.9%	65.8%	4.6%	7.0%	1.8%

Note: population race/ethnicity based on 2019 ACS estimates,

<https://data.census.gov/cedsci/table?q=binghamton,%20NY&tid=ACSDP5Y2019.DP05&hidePreview=false>

* multiple victims of mixed race/ethnicity

degree or another, the same can be said of each offense category shown in the table, and for offenses against individual victims overall (shown in the bottom row). We find, then, a racial disparity in personal safety and security.

Table 2 breaks these patterns of victimization down spatially, by police beat (or post). The overrepresentation of Blacks among victims holds in every police beat.

Table 2. Victim Race/Ethnicity by Police Beat

Beat (offense count)	Victim Race/Ethnicity % (population %)				
	Black (11.0%)	White (70.7%)	Hispanic (7.1%)	Other (11.1%)	Mixed*
200 (1359)	285 21.0%	923 67.9%	45 3.3%	75 5.5%	31 2.3%
201 (1107)	212 19.2%	732 6.6%	54 4.9%	92 8.3%	17 1.5%
202 (1092)	175 16.0%	725 6.6%	46 4.2%	122 11.2%	24 2.2%
203 (929)	137 14.7%	711 76.5%	32 3.4%	38 4.1%	11 1.2%
204 (884)	194 21.9%	585 66.2%	47 5.3%	44 5.0%	14 1.6%
205 (841)	155 18.4%	593 70.5%	43 5.1%	37 4.4%	13 1.5%
206 (1304)	312 23.9%	833 63.9%	73 5.6%	64 4.9%	22 1.7%
207 (1637)	331 20.2%	1036 63.3%	78 4.8%	158 9.7%	34 2.1%
209 (892)	293 32.8%	475 53.3%	43 4.8%	70 7.8%	11 1.2%
Other (61)	14 23.0%	37 60.7%	1 1.6%	8 13.1%	1 1.6%
10106	2108 20.9%	6650 65.8%	452 4.5%	708 7.0%	178 1.8%

* multiple victims of mixed race/ethnicity

Stops

With the attention directed toward the application of drug courier profiles in highway traffic enforcement in the 1990s, and the ensuing nation-wide concern with racial profiling, countless analyses have been conducted to assess the use of racial profiling by state and local police agencies. A key feature of the better analyses of racial profiling is recognition of the distinction between racial disparity and racial bias, and the

implications of this distinction for analytical strategies. Disparities can arise for a host of reasons other than bias by police. Detecting *bias* – and not merely disparities – in police officers' decisions to stop motorists or pedestrians poses particularly difficult analytical challenges. The hypothetical population whose behavior would form legitimate grounds for a stop (violations of the law or actions that otherwise arouse reasonable, articulable suspicion) forms an ideal benchmark against which data on stops can be compared. This "violation" population cannot be readily estimated, however. This is the commonly described "benchmark" or "denominator" problem in analyses of racial profiling. Many attempts have been made to form benchmarks that approximate the racial and ethnic composition of the hypothetical violator population. The simplest and easiest approach to this problem is to compare those who are stopped to the residential population of the surrounding jurisdiction, but this approach suffers from many shortcomings. Tillyer, Engel, and Wooldredge observe that "While there is some consensus in the research community that residential census populations are the least reliable of the benchmarks available, there is no such consensus regarding the validity of other techniques."⁶ We caution readers to exercise care in drawing inferences about police bias from the analyses that we are able to perform with BPD's data, because the benchmark that we can apply with the available data is not optimal.

Information on BPD stops was captured on form 710Z, and subsequently data-entered into BPD's law enforcement record management system (LERMS). Beginning in 2019, patrol units were able to enter information directly through their MCTs, but other units were not equipped to do so. In 2018-2019, some forms were mistakenly data-entered into a different table in the LERMS and could not be recovered for our analysis. For this and perhaps other reasons, the stop data that we can analyze are incomplete. Recorded stops stored in accessible digital form decreased from 4,116 in 2017 to 2,830 in 2018 and to 780 in 2019; counts of traffic stops in the computer-aided dispatch (CAD) system, however, did not exhibit such a drop. Information about the reasons for stops and the reasons for searches were entered in free-text form, rather than through standardized drop-down menus, which limits our ability to make use of that information for analysis. Not all of the stop records could be successfully matched to CAD records using incident numbers to recover other information about the stops. Our analysis rests on 7,468 stops. Thus our analyses of the stop data will be subject to the caveat that the stop records are incomplete, and statistical controls insufficient, such that the analytic results must be interpreted with caution.

Table 3 summarizes the racial and ethnic composition of the people involved in stops. The representation of the different races/ethnicities does not vary appreciably by stop type: stops based on vehicle and traffic law violations (V&T), investigatory stops, and others. One-quarter of the stops were of Blacks, nearly two-thirds of Whites, and 5-

⁶ Rob Tillyer, Robin S. Engel, and John Wooldredge, "The Intersection of Racial Profiling and the Law," *Journal of Criminal Justice* 36 (2008): 138-53, p. 143.

6 percent of Hispanics. Blacks are overrepresented in stops relative to their representation in the population, a disparity that could arise from police deployment patterns, driving behavior, or other factors, in addition to or instead of bias. In the absence of a suitable benchmark, any of these inferences from these data are plausible.

Table 3. Stops and Type of Stop by Race/Ethnicity

Citizen Race/Ethnicity	Stop Type			
	V&T	Investigatory	Other	Total
Black	1590 24.8%	241 27.6%	45 24.9%	1876 25.1%
White	4095 63.8%	551 63.2%	112 61.9%	4758 63.7%
Hispanic	322 5.0%	55 6.3%	10 5.5%	387 5.2%
Other	408 6.4%	25 2.9%	14 7.7%	447 6.0%
Total	6415	872	181	7468

Searches of persons and/or vehicles were conducted in 11.5 percent of the stops. See Table 4. The proportion of stops of persons of each race/ethnicity that involved a search varied somewhat, from 12.4 percent of Blacks, 11.5 percent of Whites, to 8.3 percent of Hispanics. Table 4 also shows the frequency with which searches yielded contraband, which was found in 14 percent of the stops in which a search was conducted, with some variation across categories of race/ethnicity.

Table 4. Searches by Race/Ethnicity.

Citizen Race/Ethnicity	Search Type						Contraband found
	None	Any	Consent	Probable Cause	Other	Unknown	
Black	1643	233 12.4%	39	46	5	143	34 14.6%
White	4210	548 11.5%	84	60	7	397	79 14.4%
Hispanic	345	42 10.9%	5	9	0	28	4 9.5%
Other	410	37 8.3%	1	9	0	27	4 10.8%
Total	6608	860 11.5%	129	124	12	595	121 14.1%

We performed a statistical analysis, using propensity score weighting, to test the hypothesis that a post-stop outcome – search, contraband, arrest, or ticket – was affected by the citizens’ race.⁷ The results indicate that none of these outcomes is affected by citizens’ race.

We also analyzed the spatial distribution of stops across police beats. Counts of stops correlate fairly strongly with levels of crime. Investigatory stops correlate with person, property, and victimless crimes, with correlation coefficients of 0.75 to 0.94 (a perfect linear correlation is 1.0). Stops based on vehicle and traffic law violations also correlate with crime levels, albeit less strongly. These patterns likely reflect police deployment, with more resources allocated to higher-crime areas, and officer proactivity, with higher levels of officer-initiated enforcement activity where need and opportunity (i.e., suspicious behavior) is greater.

On balance, these results do not eliminate bias as an explanation for the racial disparity in stops, but several findings tend to discredit bias as an explanation: that search rates and other post-stop outcomes do not vary by race, and that the number of stops are strongly associated with crime levels.

Arrests

Research has shown that, in general, officers’ decisions to make arrests are driven mainly by the seriousness of the offense, the strength of the evidence of wrong-doing, the preferences of a complainant, and the demeanor of the suspected offender. Findings about the effect of race have been mixed. One meta-analysis indicates that Blacks are more likely to be arrested, other things being equal, though the magnitude of the racial difference appears to be contingent on community and agency context.⁸

The second row of Table 5 shows the racial and ethnic composition of the people arrested by BPD officers between 2017 and 2019. More than one-third of arrestees were Black, 57 percent were White, and 7 percent were Hispanic.⁹ In Binghamton, Blacks are overrepresented in arrests relative to their representation in the population, though no valid inference about bias can be drawn from that fact.

The remaining rows in Table 5 break down the arrests by the seriousness of the charges, the basis for the arrest (arrest “type”), whether the incident was initiated by a citizen or by police, and whether the arrest was custodial or involved the issuance of an appearance ticket. Blacks and Hispanics were more likely than non-Hispanic Whites to

⁷ We statistically controlled for year, month, day of week, time of day, and stop type.

⁸ National Research Council, *Fairness and Effectiveness in Policing: The Evidence*. Committee to Review Research on Police Policy and Practices, Wesley Skogan and Kathleen Frydl (eds.). (Washington, DC: National Academies Press, 2004). Tammy Rinehart Kochel, David B. Wilson, and Stephen D. Mastrofski, “Effect of Suspect Race on Officers’ Arrest Decisions,” *Criminology* 49 (2011): 473-512.

⁹ An arrest on one or multiple charges is counted only once. Any individual arrestee could be counted multiple times based on multiple arrests in 2017-2019.

be arrested for felony offenses, and more likely to be detained. Whites were more likely to be arrested on bench warrants and less likely to be arrested based on complaints. Finally, arrests of Blacks were less likely than those of Whites to stem from an officer-initiated incident, i.e., at officers' discretion. These findings are consistent with a pattern that might be expected to hold when arrest decisions are not influenced by race or ethnicity. Without data on similarly situated incidents in which no arrests were made, however, any conclusion about racial or ethnic bias in arrests is quite tentative.

Table 5. Arrests by Arrestee Race/Ethnicity.

	Black	White	Hispanic	Other
All	34.4%	57.2%	6.8%	1.6%
Top charge level by race				
Felony	22.2%	10.8%	17.4%	11.1%
Misdemeanor	38.0%	44.2%	37.8%	44.7%
Violation	15.4%	12.1%	17.2%	20.1%
Other	24.4%	33.0%	27.6%	24.1%
Total	100%	100%	100%	100%
Arrest type by race				
Complaint	36.8%	31.7%	37.6%	35.2%
Bench warrant	15.5%	20.9%	15.5%	12.1%
Other warrant/ court summons	17.4%	16.1%	16.7%	17.6%
Order of protection	0.2%	0.1%	0.1%	0%
Crime in progress	27.5%	28.6%	27.0%	32.7%
Other/unknown	1.4%	1.8%	1.6%	2.5%
Total	100%	100%	100%	100%
Incident initiation				
Citizen-initiated (911, telephone)	67.3%	56.4%	63.9%	56.3%
Officer-initiated	22.7%	32.8%	25.0%	30.7%
Other/unknown	10.0%	10.8%	11.1%	13.1%
Arrest status				
Appearance ticket	30.2%	36.5%	32.6%	43.7%
Detained	55.0%	48.4%	52.3%	39.2%
Released on recognizance	0.3%	0.5%	0.1%	2.0%
Released to third party	4.0%	4.7%	3.7%	4.0%
Released on bail	0.5%	0.6%	0.6%	1.5%
Other/unknown	10.0%	9.2%	10.7%	9.5%
Total	100%	100%	100%	100%

Use of Force

To a substantial extent, the use of physical force by police is a response to the demands in their work environment, particularly the incidence with which citizens fail to comply with lawful police direction. Research on police use of force has generally found that the prevalence and severity of force is driven primarily by the nature and level of citizen resistance.¹⁰ This is as it should be: force should be no greater than is required to overcome citizen resistance. Many police agencies' use of force policies have incorporated a use of force continuum, which specifies forms and levels of resistance and the corresponding forms of force that are proportional to the resistance. As we discuss below with regard to policies, the particulars of use of force continua – i.e., the placement of forms of force relative to levels of resistance and to one another – vary across agencies, and it appears that recently, use of force policies have deemphasized continua in favor of guidelines that take account of numerous factors that constitute the totality of circumstances that properly affect use of force judgments.

Even so, the concept of a continuum and the principle that force should be proportional to resistance remains useful. In assessing patterns of use of force, then, it is illuminating to juxtapose the level or severity of force used by police and the level of resistance that officers were required to overcome. Even though resistance is only part of the totality of the circumstances that officers should assess, police force relative to citizen resistance can be used to form a measure – the “force factor” – that facilitates a description of broad patterns.¹¹

We briefly describe the 581 incidents in which force was used by Binghamton police against one or more citizens in 2017 - 2019. Table 6 summarizes the distributions of use-of-force incidents across the years, times of the day (BPD reliefs), and BPD posts (or beats). Table 6 also shows the types of the most serious offenses that police recorded in these incidents, the numbers of officers using force in the incidents, and the numbers of citizens against whom force was used.

¹⁰ See, e.g., Joel H. Garner, Christopher D. Maxwell, and Cedrick Heraux, “Characteristics Associated with the Prevalence and Severity of Force Used by the Police,” *Justice Quarterly* 19 (2002): 705-746; Geoffrey P. Alpert and Roger G. Dunham, *Understanding Police Use of Force: Officers, Suspects, and Reciprocity* (New York: Cambridge University Press, 2004); William Terrill, “Police Use of Force: A Transactional Approach,” *Justice Quarterly* 22 (2005): 107-138.

¹¹ Geoffrey P. Alpert and Roger G. Dunham, “The Force Factor: Measuring and Assessing Police Use of Force and Suspect Resistance,” in *Use of Force By Police: Overview of National and Local Data* (Washington: National Institute of Justice, 1999), pp. 45-60.
<https://www.ojp.gov/sites/g/files/xyckuh241/files/archives/ncjrs/176330-2.pdf>. This simple measure is not useful in making judgments about the propriety of force in any individual incident, which requires attention to the wider totality of circumstances.

Table 6. Use-of-Force Incidents, 2017-2019.

Year	Count	Post	Count
2017	181	200	71
2018	185	201	51
2019	215	202	47
		203	50
Offense type		204	35
Part I violent	39	205	39
Part I property	34	206	67
Weapons	11	207	129
Other violent	83	208	4
Drugs	41	209	45
Other	373	Other/unspecified	43
Number of citizens		Number of officers	
1	525	1	142
2	36	2	234
3	10	3	119
4-7	10	4	43
		5	19
Relief		6	10
1 (10:45 p.m.-6:45 a.m.)	211	7-11	14
2 (6:45 a.m.-2:45 p.m.)	109		
3 (2:45 p.m.-10:45 p.m.)	260		
unknown	1		

Binghamton police used force against 679 citizens in the 581 incidents. Table 7, below, summarizes the characteristics of those citizens, and the forms of impairment (if any) that police officers perceived. Nearly half were young adults (i.e., ages 19 to 30). Three-quarters were men. The numbers of Whites and Blacks are nearly equal. Nearly one-third were impaired by alcohol.

Table 8, below, summarizes the forms of resistance that the citizens reportedly posed to police. Multiple forms of resistance could be recorded. Thus we include on the rows for each form of resistance both the total count of persons who resisted (in the column marked "any") and, in the far right column, the number for whom that form of resistance was the highest. The latter number turns on the assumption that the degree or level of resistance declines as one descends the list (i.e., assaultive resistance is the highest level, the possession of a weapon the next highest, and so forth through to passive resistance, the lowest level).

Table 7. Citizens Against Whom Police Used Force, 2017-2019.

Age	Count	Race/ethnicity	Count
Under 16	43	White	305
16-18	71	Black	342
19-21	102	Hispanic	20
22-26	128	Other/unknown	12
27-30	94		
31-40	130	Impairment	
41-83	108	Alcohol	215
unknown	3	Drugs	80
		Mental disorder	12
Sex		Other	14
Male	508		
Female	171		

Table 8. Forms of Citizen Resistance in Use of Force Incidents

Resistance	Any	Highest
Assaultive resistance	105	105
Weapon	80	68
Flight	163	122
Physical resistance	476	293
Passive resistance	183	76

BPD subject resistance reports capture information on several forms of force that officers may use: various forms of physical force (e.g., weaponless control techniques, open- or closed-hand strikes, take-downs); the display and/or discharge of a conducted energy weapon (Taser); the use of pepper spray; deployment of a canine; display, pointing and/or discharge of a firearm. Beginning in 2018, BPD records of use of force distinguished three levels of force. As described in BPD’s use of force policy, level 1 force includes the application of weaponless defensive techniques (including control holds and those applied to vulnerable areas), brandishing a weapon (pepper spray, Taser, baton, or firearm) or pointing a firearm, and firearm discharges to euthanize injured animals. Thus, BPD policy provides for a fairly low (and thus inclusive) threshold at which force is reportable. Level 2 force includes the application of a chemical agent, the use (deployment) of a Taser, the use of an impact weapon, the use of weaponless defensive techniques other than control holds (such as strikes, kicks, and take-downs), the release of a canine, and any use of force that results in an injury. Level 3 force includes deadly force: firearm discharge (other than discharges at animals), impact

weapon strikes to the head or neck, any neck restraint, choke hold, or carotid control hold, and any force that results in death or serious injury, or creates a substantial risk of causing death. During the years analyzed here, BPD officers did not record a use of level 3 force. Table 9 displays the frequency with which officers reportedly used the various forms and levels of force each year. Table 10 displays a breakdown of each form of force by the level of force that it represented. Note that Tasers may be only drawn and not deployed; firearms were only pointed and not discharged.

We note that physical force is a category that encompasses many types of force; the subject resistance report form does not capture more specific information about physical force in a standardized way. Hence the data do not support more detailed analysis without additional effort to manually classify the narrative or textual descriptions in the reports, which exceeded the scope of our inquiry.

Table 9. Frequency of Forms of Force by Year, 2017-2019

Form/level	2017	2018	2019	Total
Physical	167	170	207	544
Taser	18	12	19	49
Pepper spray	1	2	3	6
Canine	3	1	0	4
Firearm	38	42	64	144
Other	37	50	72	159
Level 1	NA	142	197	339
Level 2	NA	67	70	137

Table 10. Frequency of Forms of Force by Level of Force (2018-2019 only)

Form	Level 1	Level 2	Total
Physical	245	132	377
Taser	23	8	31
Pepper spray	0	5	5
Canine	0	1	1
Firearm	102	4	106
Other	111	11	122
Total	339	137	476

The proper use of force by police should, in general, be proportional to the forms and levels of resistance that officers must overcome in order to manage the encounters and ensure the safety of citizens and themselves. BPD subject resistance reports capture information on several forms of resistance: passive resistance (such as ignoring an officer's directions or commands); physical resistance (such as attempting to elude an

officer’s grasp); flight; the possession of a weapon (such as a firearm or knife); and assaultive resistance. Citizens can engage in multiple forms of resistance in any one incident. We classified the citizens’ resistance in terms of the highest level, assuming that levels of resistance increase as one moves from left to right across the columns in Table 11 (as we did the rows in Table 8, above). For each form of resistance, Table 11 summarizes the frequencies with which officers used different forms and levels of force, given the level of resistance. Bearing in mind that only pointing a firearm is a low level of force that is proper in high-risk situations, we do not detect evidence of a general pattern of disproportionate force.

Table 11. Forms and Levels of Force by Levels of Resistance

Form/level	Resistance					
	None	Passive	Physical	Flight	Weapon	Assaultive
2017-2019						
Physical	4	27	288	89	38	98
Taser	0	11	7	11	12	8
Pepper spray	0	0	5	0	0	1
Canine	0	0	0	2	2	0
Firearm	12	47	5	39	34	7
2018-2019						
Level 1	15	53	147	49	39	36
Level 2	0	3	53	31	11	39

To place the number of use-of-force incidents in perspective, it is common to consider the frequency with which force is used relative to the number of custodial arrests that police make. BPD made 8,014 custodial arrests in 2017-2019, 7,739 of which were not in connection with a use-of-force incident. Relative to their representation among arrestees who were not involved in a use-of-force incident, Blacks are overrepresented among the citizens against whom force was used; see Table 12. Racial differences in the likelihood of resistance, which could partially or wholly account for this disparity in use of force, are theoretically plausible but beyond the scope of this analysis.¹²

¹² Such differences could, theoretically, arise from differences in police legitimacy and a sense of obligation to comply. This relationship was empirically confirmed in an analysis of the SSO data collected previously in Schenectady; see Robert E. Worden and Hannah Cochran, “Incivility in Police-Citizen Encounters,” unpublished working paper (Albany, NY: The John F. Finn Institute for Public Safety, Inc., 2020).

Table 12. Race/Ethnicity in Custodial Arrests and Use of Force Incidents

	Arrestees not in force incident	Citizens against whom force used
% Black	35.9	50.4
% White	55.8	44.9
% Hispanic	6.9	2.9
% other race	1.4	1.8

Table 13 displays for each racial/ethnic category the fraction of citizens who were subject to the various forms of force, overall and for each level of resistance. The detection of racial/ethnic disparities turns on comparisons of the percentages across the rows – e.g., the proportion of citizens in each racial/ethnic category to whom a form of force was applied, given that their level of resistance was similar. Many such comparisons can be made, though the small numbers of citizens who are neither Black nor White caution against strong inferences about patterns involving Hispanics or those of another race; our attention therefore concentrates on differences between Blacks and Whites.

Two disparities stand out. First, officers were somewhat more likely to draw a Taser when the citizen was Black, even when the level of resistance is held constant. Second, officers were more likely to point a firearm at Whites who possessed a weapon. Whether these simple disparities are indicative of bias cannot be determined based on only this analysis, a question that we revisit below, with statistical controls for other factors.

Table 14 replicates for levels of force the kind of analysis of forms of force presented in Table 13, to examine racial/ethnic disparities holding levels of resistance constant. Level 2 force was somewhat more likely to be used against Blacks than Whites, overall and at each of most levels of resistance.

Table 13. Forms of Force by Citizen Race/Ethnicity by Highest Level of Resistance

	Black	White	Hispanic	Other
	N=342	N=305	N=20	N=12
Physical force overall	78.9%	81.0	75.0	100
Taser overall	9.6%	4.9	5.0	0
Pepper spray overall	1.5%	0.3	0	0
Firearm overall	22.8%	20.3	20.0	0
Canine overall	0.6%	0.7	0	0
Assaultive resistance	N=54	N=46	N=2	N=3
Physical force	92.6%	95.7	50.0	100
Taser	11.1%	4.3	0	0
Pepper spray	0%	2.2	0	0
Firearm	5.6%	6.5	50.0	0
Canine	0%	0	0	0
Weapon	N=36	N=29	N=3	N=0
Physical force	69.4%	37.9	66.7	NA
Taser	22.2%	10.3	33.3	NA
Pepper spray	0%	0	0	NA
Firearm	41.7%	65.5	0	NA
Canine	0%	6.9	0	NA
Flight	N=68	N=50	N=3	N=1
Physical force	76.5%	68.0	66.7	100
Taser	11.8%	6.0	0	0
Pepper spray	0%	0	0	0
Firearm	32.4%	32.0	33.3	0
Canine	2.9%	0	0	0
Physical resistance	N=136	N=140	N=9	N=8
Physical force	97.8%	98.6	100	100
Taser	2.2%	2.9	0	0
Pepper spray	3.7%	0	0	0
Firearm	2.2%	1.4	0	0
Canine	0%	0	0	0
Passive resistance	N=39	N=35	N=2	N=0
Physical force	23.1%	48.6	50.0	NA
Taser	20.5%	8.6	0	NA
Pepper spray	0%	0	0	NA
Firearm	66.7%	57.1	50.0	NA
Canine	0%	0	0	NA

Table 14. Levels of Force by Citizen Race/Ethnicity by Highest Level of Resistance

	Black	White	Hispanic	Other
Level of force	N=241	N=206	N=17	N=12
Level 1 force overall	67.2	76.2	64.7	75.0
Level 2 force overall	32.8	23.8	35.3	25.0
Assaultive resistance	N=39	N=32	N=1	N=3
Level 1 force	38.5	59.4	0	66.7
Level 2 force	61.5	40.6	100	33.3
Weapon	N=24	N=24	N=2	N=0
Level 1 force	79.2	79.2	50.0	NA
Level 2 force	20.8	20.8	50.0	NA
Flight	N=46	N=30	N=3	N=1
Level 1 force	56.5	70.0	66.7	0
Level 2 force	43.5	30.0	33.3	100
Physical resistance	N=100	N=84	N=8	N=8
Level 1 force	72.0	75.0	62.5	87.5
Level 2 force	28.0	25.0	37.5	12.5
Passive resistance	N=23	N=31	N=2	N=0
Level 1 force	91.3	96.8	100	NA
Level 2 force	8.7	3.2	0	NA

Resistance is an important factor to take into account in assessing disparities in the use of force, but it is not the only factor. We therefore conduct regression analyses of forms and levels of force to estimate the differences between White citizens, whom we treat as a baseline or reference point, and Black and Hispanic citizens, respectively. In addition to levels of resistance, we statistically control for other factors that might affect officers' use of force, including the citizen's impairment (due to alcohol or drugs), the citizen's characteristics (sex, age, and size), and the seriousness of the offense.

Table 15 summarizes the results. The numerical entries are estimated odds ratios associated with each factor. A ratio of 1.0 represents even odds or risk of a form (or level 2) of force being used given a one unit increase in the factor. Since most of the factors are binary (e.g., the citizen was male or female, or the citizen passively resisted or not), the odds ratio represents the odds of a form or level of force being used when that factor holds. An odds ratios greater than 1.0 indicates that the factor increases the likelihood that the form or level of force was used, and an odds ratio less than 1.0 indicates that the factors decreases the likelihood of force.

A ratio of 1.0 also represents the "null hypothesis" of no difference. By the logic of null hypothesis significance testing, we estimate the 95 percent confidence interval around the point estimate of the risk ratio, and we reject the null hypothesis of no difference when the confidence interval does not include 1.0. Then we may say that the difference is "statistically significant" – that is, a difference of such magnitude that it is

likely to occur by chance less than one in twenty times.¹³ Table 15 marks such differences with an asterisk (*). The proposition that police use of force is biased against Blacks would be confirmed with evidence that the odds ratio associated with the citizen being Black is significantly greater than 1.0.

Table 15. Logistic Regression Analyses of Forms of Force

	Physical	Taser	Firearm	Force Level
Assaultive resistance	3.67	3.62*	0.24	3.12*
Weapon	0.12*	4.04*	10.00*	0.97
Flight	0.79	1.48	3.05*	2.13*
Physical resistance	149.48*	0.40	0.01*	4.61*
Passive resistance	0.54	2.56*	3.66*	0.62
Male	0.75	2.79	1.86	3.38*
Age	1.01	1.04*	1.00	0.97*
Alcohol impairment	1.40	0.51	0.30*	1.62
Drug impairment	1.84	0.53	6.48*	0.53
Height (inches)	1.06	1.05	1.00	1.00
Weight (pounds)	0.99	1.00	1.00	1.00
Black	0.77	2.55*	1.31	1.12
Hispanic	1.77	1.66	0.21	1.58
Other race	-	-	-	0.66
Part I violent	0.23*	2.40	12.25*	0.26*
Part I property	1.36	0.85	0.54	1.09
Weapon offense	17.86*	0.51	0.13	0.52
Other violent	1.85	1.33	1.11	0.70
Drugs	2.49	0.38	0.89	1.83
Constant	0.11	0.00	0.18	0.06

As expected, citizen resistance is associated with use of force. The use of a Taser is more than 3.5 times more likely when the citizen is assaultive. Officers were 4 times more likely to use a Taser and 10 times more likely to draw and point a firearm when the citizen had a weapon. Physical force is nearly 150 times more likely when the citizen resists physically.

Other factors also affect use of force. Officers are more likely to use level 2 force on a man than on a woman, and less likely to use level 2 force on an older person. They are more than 12 times more likely to point a firearm when the offense is a serious (Part I) violent crime.

¹³ The same logic is applied when different analytic strategies are applied and the statistic in question is a regression coefficient: we reject the null hypothesis of no bias when the statistic is sufficiently reliable that we can say with confidence that it is different from zero. Then we can appropriately consider the magnitude of the estimated effect or difference.

Finally, and of central importance in assessing racial or ethnic bias, these results reveal one disparity that is not accounted for by other factors: officers were 2.5 times more likely to draw a Taser when the citizen was Black. The other odds ratios associated with Black citizens were within a 95 percent confidence interval of 1.0 – i.e., not statistically significant – and none of the odds ratios associated with Hispanic citizens were statistically significant.

We find evidence of one racial/ethnic disparity in the use of force that is not accounted for by other factors that constitute the totality of the circumstances in police-citizen interactions, and which we can include in the analysis. BPD officers were more likely to draw a Taser in responding to the resistance of Blacks, relative to Whites. It may be that this disparity is attributable to other factors for which this analysis could not account; further scrutiny of this pattern is warranted.

We believe that these findings illustrate the value of analyzing officers' use of force in this way. With this one exception, the use of force by BPD officers appears to be racially unbiased; this exception is a subject for administrative attention. We also believe that, for the purposes of describing and assessing patterns in police use of force, a subject resistance report form that prompts officers to check off the use of specific types of force would be advantageous, to which we return below.

Community Input

The City convened a series of six group-specific community meetings conducted over Zoom between January 26, 2021, and February 18, 2021. Each week, representatives of various groups, programs, or neighborhoods within the Binghamton community convened to share their views on police and policing in the City. These individuals represented faith organizations, neighborhood groups, community advocacy groups, local businesses, and education and youth groups. Participants presented their perspectives on policing and local prioritization of expenditures in Binghamton, and testimonies often included personal accounts of experiences with the police or the experiences of their constituencies, clientele, or other interested parties. The meetings were moderated by Megan Brocket, Assistant to the Mayor for Neighborhood and Youth Affairs. These meetings did not allow for "Q & A" or cross-discussion among participants or the moderator, and were instead conducted as "listening sessions." Meetings lasted 35 minutes to an hour, and the number of participants and attendees ranged from 52 to 105.

Themes that exemplify public perspectives were distilled from transcriptions of community meetings conducted over Zoom, and reinforced by testimony submitted in written form. We assigned codes to phrases or pieces of testimony that were thematically cohesive, examining these elements across and within meeting groups, with a view toward articulating public perspectives and recommendations on how the City of Binghamton should pursue police reform. We summarize the community input here,

without substantive judgment or comment on the merits of the proposals and recommendations.

Building Trust

Transparency and Accountability

One of the most outward hopes expressed by participants in community forums was to come away from the current reform process with a definitive and comprehensive understanding of Binghamton's policing challenges, both for the department and the community. On behalf of the interests of traditionally underserved citizens and minority groups, many community members vocalized a strong desire for the collaborative to effect changes in the Binghamton Police Department that would increase the department's transparency and accountability. Public emphasis on transparency focused on internal department processes and activities in the field. The community outlined recommendations to enhance existing processes and offered suggestions for new systems.

The mechanisms by which citizens hold police accountable were a central focus. Several strategies for improving the existing complaint system were put forth, including that this process should be made easy to locate on the department's website, and further, that it be serviceable, uncomplicated, and that information or instruction pertaining to this process be conspicuous and explicit. Further, the public requested that BPD regularly provide complaint data on its website, such as the number and nature of complaints, especially complaints that relate to behaviors potentially indicative of racial bias, so that trends and patterns in such practices can be identified externally. Among survey respondents, more than half reported that they were unsure or did not know how to file a complaint against a member of the BPD, were the need to arise.

Further underlining this desire for external review of police activity, the public called for the formation of a Citizen Review Board. Participants noted several responsibilities this Board would ideally fulfill, including the investigation of complaints, as well as investigation of officers exhibiting problematic behavior that has not yet risen to the level of a formal complaint. Participants highlighted the importance for careful consideration of who would be chosen to serve on the Citizen Review Board, with emphasis on delegates who were both qualified and representative of a diverse set of viewpoints. The majority of survey respondents reflected some skepticism about the thoroughness with which BPD investigates complaints about its officers, and about a third of respondents perceived that any punishment resulting from a substantiated complaint would be "very lenient."

Calls for transparency as a vehicle for accountability centered on data more generally. Specifically, the community called for a full and comprehensive review of Binghamton Police Department's activities, and for the department to disseminate

recurring reports detailing, for instance: police trends pertaining to stops, arrests, and uses of force; or a “report card” detailing racial and ethnic characteristics of the populations with whom the police make contact in stops and arrests. Participants further requested that an independent and external body analyze data on police activity, and that respective reports be made accessible to all members of the public. Public input also highlighted the desire for BPD to make historical and contemporary annual reports available online. Community members also noted that it is not enough to simply post this information to the department’s website, and called for BPD to utilize broad-based avenues for disseminating information to reach a wide and diverse audience (e.g., those who do not have internet access). Slightly less than half of survey respondents reported that making such data available would reduce bias and improve police-community relations, and about 50% reported that such information sharing would improve trust.

Through public input, the community indicated a desire for greater transparency concerning individual officer’s personnel records. The elimination of Section 50-a allows for police disciplinary records to be made public, and public comment included a desire to see the department direct attention toward conforming to directives that result from 50-a. Many members of the public also expressed general support for both dashcam and Body-Worn Camera (BWC) technologies, and called on BPD to introduce a more comprehensive BWC policy, specifying amendments that would mandate recording of all interactions with citizens without exception.

Public Input and Involvement

A desired outcome repeated by many participants was for improved relationships between police and citizens, and the community expressed a hope that this collaborative might serve to foster respect for one another. It was noted by some that, for this to be achieved, the police and community would have to make concerted efforts to build more interpersonal relationships with one another. A majority of respondents to the survey indicated that convening police-community forums regularly would help improve police-community relations, about half believed it would improve levels of trust, and about a third reported that such meetings would help reduce bias and disparity. Community members especially emphasized a desire for greater positive engagement between BPD and Binghamton youth, and more than half of respondents perceived that such engagement held the potential for improving relations and trust, and a little less than half thought such interactions would reduce bias. While there is room for improvement, community members did express appreciation for local law enforcement agencies’ willingness to provide access to student groups in the service of nurturing community engagement and youth interaction.

Further, participants called for the department to acknowledge the harms done by policing in America throughout history, indicating both the symbolic and substantive

significance of such a gesture, even if these harms were not directly contributed to by current Binghamton Police Department officers. Such a reckoning, the public posited, might spark a healing process between groups historically at odds with one another. Some community suggestions for these acknowledgements were characterized by an expansive mandate, and included, e.g., “[for] the United Nations... to... classify the mistreatment of Black people in the U.S. by the police as a human rights violation...and impose sanctions as necessary.”

Another aspiration expressed by participants is for groups who presently exhibit low levels of trust and higher levels of fear towards the police to become more confident in BPD’s commitment and capacity to protect them from harm. These groups include, but are not limited to: victims of domestic violence, LGBTQA youth, undocumented people, and ethnic and racial minorities.

Some participants noted that this collaborative was the first invitation they had received to provide input to police, and expressed a desire for the continuance of such channels for public input going forward. Just over half of survey responses reflected some level of disagreement that the department makes it easy for community members to provide input. In order for such dialogue to be maintained and encouraged, the community observed that current conduits for community input needed to be expanded. For example, participants noted that one way the department could field more community input was through collaboration with local educational institutions (e.g., Binghamton University could administer student surveys querying perceptions of policing within Binghamton schools).

Community input also included calls to provide the public with training on some of the same topics offered to BPD personnel. For example, training offered to the public *and* BPD on diversity or implicit bias would bolster a holistic and shared understanding. Further, instructing the community about the department’s operations, such as the hiring procedures and use of the civil service test, could serve to stimulate future conversations about reform. Outreach programs designed to educate the wider community about local mental health and substance abuse problems, as well as provide information about the services already available to the public, such as the Mental Health Association of the Southern Tier (a private organization focused on crisis intervention, which is equipped with their own emergency phone number and sometimes partners with local police in responses to mental health calls), might serve to enrich the quality of discussions the public can have about areas in need of reform. Further, transparency concerning the nature and frequency of police trainings, such as those in implicit bias, diversity, mental health, and de-escalation, may heighten the community’s knowledge of police competencies and capacities. There were also recommendations for disseminating a broader set of instructions on “how to interact with the police,” to both populations unfamiliar with American policing such as undocumented individuals, as well as for wider audiences.

Internal Structures

Training

Over the course of meetings convened for public testimony, the community called for a wide range of trainings to be offered to or mandated for officers. These recommendations spanned a broad base of concerns related to interactions with culturally and racially diverse individuals and communities, though most directly center on enhancing officer education in, and awareness of, implicit bias. Community members also highlighted the imperative for the department to engage in anti-racism training, cultural diversity and diversity awareness training, cultural competency training (including those that emphasize a focus on cultural linguistics), as well as educational programs for officers to learn more broadly about the historical and contemporary implications for structural racism in American society. Roughly 50% of survey respondents reported that anti-bias, diversity and inclusion training would help to reduce bias and disparity, improve police-community relations, and improve trust.

Community members also called for officers to be trained in non-violent intervention and de-escalation and training in navigating domestic abuse, mental health, and substance abuse calls. More than half of survey respondents reported that de-escalation training and training for officers in mental health situations would help improve police-community relations, and roughly 50% reported that these trainings would improve levels of trust. Local community groups also offered their own services to meet these ends, citing their particular expertise and local knowledge. Public input included the recommendation that police training be coordinated with local service providers, and that such a cohesion might enhance police competency for specific call types. For example, a local domestic violence services organization proposed that such a partnership would educate officers about accessing and tracking protective orders. Community perspectives also reflected a concern that current training for BPD officers overly emphasizes the use of deadly force. Participants worried that this emphasis might cause officers to overestimate the frequency with which force is appropriate. Shifting training priority to de-escalation and other tactics for defusing potentially dangerous situations might better prepare officers for the situations they encounter, and ensure the safety of both officers and citizens. Participants in community conversations also noted the potential benefits of comprehensive empathy training, acknowledging the numerous stressors that might affect an officer's ability to relate to the public, and the great importance of them doing so.

These trainings were suggested in the context of both educating incoming officers in the academy and as part of ongoing in-service training. Participants offered that some material could not be covered in short blocks by BPD, and also suggested that refresher training be provided. Within the training context, one recommendation

included extending the Field Training Officer (FTO) and probationary period for new officers. Community members would like to see younger officers benefit from their more senior counter-parts' experience and see value in fostering mentor-mentee relationships. Community members expressed appreciation and admiration for the ways in which older and more experienced officers handled calls, and suggested that younger officers might benefit from more opportunities to learn from them.

Hiring and Employment

A clear concern articulated among community members was that the department did not reflect the racial diversity of the community it policed. Taking steps to ensure that the demographics of members of the department are reflective of those within the city might engender more understanding, empathy, and trust on both sides. Roughly 50% of survey participants believed that increasing the department's diversity would serve to reduce bias and disparity, improve police-community relations, and improve trust. Further, some expressed the worry that without proper representation or efforts to change the culture of the department, young people in the city would not find a career in policing attractive.

Community members made several recommendations related to the hiring procedures at the department, including reviewing the standards for hire at BPD, reworking criteria of eligibility as necessary, and expanding and augmenting background checks on officers hired from other departments. For example, the public recommended that the department not allow an applicant to waive required credit from a regionally accredited college for those who have at least two years of active military service. The community further noted that officers whose histories included improper use of deadly force should be prohibited from recertification or re-entry to the force.

In concert with the community's desire for the department to be more deliberate in employing a force representative of the racial and ethnic populations that serve, the community also shared concerns about the department's posture regarding the mandate for officers to live inside of the city limits, specifically drawing attention to the high percentage of officers granted waivers to the mandate. Participants noted more stringent enforcement of the mandate that officers live within city limits would establish mechanisms through which officers could "get to know" the community on a more personal level, and potentially encourage more young locals to consider a job in law enforcement. Over half of survey participants reported some level of agreement that police officers should live within the City of Binghamton, though just under 50% also agreed that such a requirement might have an adverse impact on the size and quality of the applicant pool.

Policies

The public placed emphasis on their call for a reduction in, or elimination of, racial disparities in police enforcement actions or contact, and asked for assurance that no officers would engage in racial profiling. While the policy changes suggested by community members span a broad range of topics, the central concern was clearly that of disparities in treatment and enforcement of different racial groups. This perspective is supported by the majority of survey respondents who believe that police treat people of color less fairly than White people.

Racial profiling policies

Participants in the conversation noted that the Binghamton Police Department should strengthen existing policies that prohibit bias-based policing and introduce clear consequences for failure to abide by policy. Specifically, community members called for punitive measures to be the automatic result of police action deemed to be solely based on race (i.e., profiling, harassment, or enforcement actions). Further, participants expressed a desire to see BPD hold officers accountable for engaging in bias-based behavior in their private life. Participants expressed concerns that some members of the department participated in, and expressed support for, groups or ideals permissive of racially biased perspectives, or supportive of racist viewpoints.

Community members also noted the inequity in punishment that is conveyed by fees associated with records requests for, e.g., an accident report. Therefore, a policy that permits waiving these fees would establish more parity in enforcement outcomes among groups of varying economic disadvantage.

Use of force policies

Community members also called upon BPD leadership to review and revise its use of force policies. The public specifically recommended, for example, that the department implement more limitations on officers' ability to use force on minors, and expand the use of force continuum to allow for more incremental and measured responses to resistance (i.e., expanding from the current three levels to six). Other recommendations included prohibiting the use of choke or neck holds, any use of force that restricts an individual's airway, prohibiting use of force as a response to an individual's attitude or attempts to flee, and requiring officers to evaluate the cause of an individual's resistance prior to using force (such as medical, psychological, or cultural reasons). Prohibition of and certain consequences for using deadly force on unarmed or non-resistant people was repeatedly and urgently called for by the public. Further, some community members expressed frustration and the belief that official use of force policies posted on the department's website did not align with statements issued about the department's use of force policy by local leaders.

Response to Mental Health and Substance Abuse

Participants in the public forums called for the department to shift their enforcement priorities, specifically reducing enforcement emphasis for substance abuse and low-level drug offenses. Some recommended the BPD be prohibited by policy from making arrests for syringe possession and instead be required to divert individuals to social services for aid. Additionally, officers should be prohibited from accompanying individuals who had just been administered Narcan to the hospital.

The community also expressed strong support for policy change around mental health response. The recommendations stem largely from a desire to de-escalate interactions and secure individuals needed services, though participants shared mixed views about when police involvement in such calls should terminate during the encounter. While community members acknowledged BPD's successes in resolving calls for people in mental health crises peaceably and respectfully, some were concerned about further police involvement beyond this point. Participants vocalized a desire for creating alternatives to a police response by diverting these calls to external agencies whose members met specific qualifications and possessed specialized training. Community members also emphasized the potential benefits of having an unarmed crisis response team, thus preventing the escalation of violence in mental health calls. Such a crisis response service could be equipped with its own non-emergency phone line, and could be fully staffed by social workers or a "citizen response team". Participants also noted that such an alternative is acutely needed for those calling about children in mental health crises. Perspectives were mixed on whether this response should be partnered with law enforcement or unaccompanied by police. Some community members noted that the department could constrain the duties of a small body of officers to the purview of mental health crisis response. However, others were wary of any police involvement in such responses.

Enforcement Policies

Participants in the public forum presented a number of measures to redress enforcement policy. The recommendations put forth included banning no-knock warrants as a standard practice. Public input also included recommendations that the department amend its search policies; specifically, community members expressed a desire that policy mandates officers to instruct citizens on how to submit a complaint after a search is conducted, and that BPD review its policies around consent with respect to searches. Additionally, community members recommended that the department cease all surveillance activities that do not pertain to on-going investigations.

Members of the community likewise voiced concerns that there was lack of clarity regarding BPD's immigration enforcement policies, and participants wanted assurance that local enforcement would not engage in joint enforcement efforts with federal

agencies unless compelled by law. Related to this concern was a desire for police to be educated in immigration enforcement systems so that they are better equipped to protect undocumented people from targeted enforcement efforts by agencies like ICE, such as a training session on the difference between administrative and judicial warrants.

Officer competency

Public input drew attention to several areas of officer expertise that the community perceived to leave room for improvement. Members of the public stressed the potential benefits of police collaboration with social services such as domestic violence programs, who could work with the department to educate officers in the latest accepted practices and innovative strategies for responding to domestic violence calls. Participants emphasized the need for officers to be knowledgeable and aware of current state-wide domestic violence policies, for example: notifying officers that victims of domestic abuse can report DV crimes in any jurisdiction.

Participants likewise requested that BPD enact a policy establishing clear rules for interacting with transgender people, noting that this policy could be modeled after the one recently put into place in Syracuse, NY. Specifically, such a policy would require officers to use individuals' preferred pronouns, respect individuals' gender identities, and provide guidance for officers on how to write reports involving transgender individuals, as well as how to enact searches, transport, and interrogate transgender people. Further, the community desired a policy that would prohibit targeted enforcement of transgender people, or enforcement based solely on an individual's gender identity.

Enforcement Strategies

Public input provided perspectives on a host of enforcement strategies and tactics currently utilized by the Binghamton Police. Among the strongest concerns was for the department to offload the responsibility of responding to mental health, substance abuse, and other nonviolent calls to external agencies. In decoupling these responsibilities from police purview, the public offered, there could be reductions in the potential for escalation, reduced contact with the police that these populations experience, and elevated diversion to social services. Over half of survey respondents reported that enhancing police partnerships with social service agencies would improve police-community relations, and roughly 50% reported that it would improve trust. Further, many community members expressed frustrations about the department's enforcement strategies employed in large gathering settings, specifically citing police presence during the protests that occurred over the summer of 2020. There was a shared perception that enforcement was unnecessarily militarized at certain events, and

that this kind of department only served to stoke anxiety and heighten distrust. Community members also recommended that the department consider innovative strategies to reduce enforcement in a broader sense, citing a current effort in Berkeley, CA, to detach many traffic enforcement responsibilities from police and install independent, separate, traffic enforcement agencies, equipped with unarmed personnel.

Community perspective also reflected strong desires for a reduction in crime, and assurances that their community was a safe and healthy community. Many expressed appreciation for the services the department had provided them in a number of crime-control and investigative contexts. Emblematic of these overarching goals, participants expressed a hope that future generations would be able to look back on their youth in Binghamton as fondly as older generations currently are.

Community Policing

Some participants noted that implementing some form of a community policing model might be beneficial to the city, and others presented this viewpoint without expressly using the term "community policing." Participants in the community conversation made direct references to the potential benefit of implementing a 21st Century Policing model, which explicitly highlights the role that community policing and procedural justice training can play in reform. Public input also specifically highlighted calls for a return to more locally-focused beat policing and foot patrol, wherein individuals are able to become personally familiar with the officer assigned to their locale. Community meetings chronicled previous community partnerships in which the department had participated, emphasizing both the potential utility of returning to these alliances, and the eagerness of community organizations to collaborate. Desired partnerships included those that utilized local clergy members in responses to certain call types, and coordination with a victim's advocate or domestic violence specialist. Here again, the public underlined the potential benefit for police partnership with a mental health specialist, organization, or crisis response team. This is supported by the nearly 50% of survey respondents who reported that their community is willing to participate in community policing partnerships. Roughly 40% of respondents reported that they did not know if a BPD officer would be interested in engaging in community policing, and respondents were split fairly evenly about whether engaging in community policing would require more resources directed towards the department.

Beyond these potential coalitions, the community delineated several programs that served to foster personal bonds and trust between the community and police, cultivating community responsibility, and specifically helping to create ties between Binghamton youth and the Binghamton Police Department. Among these programs are the Citizen Police Academy, recurring events such as "Lunch with the Law," and police participation in local basketball leagues and youth groups. Community members also

noted the significance of police attendance at local events such as Black History Month gatherings at local institutions. Participants detailed the potential utility of revitalizing programs that embody the community policing model, such as the “Weed and Seed” program, and the Binghamton Neighborhood Engagement Team, or B-NET. Public input presented differing perspectives on School Resource Officers (SROs) in the Binghamton school system. Some expressed appreciation for the SRO program, some citing their positive influence on kids resulting from personal connections forged in non-enforcement contexts, while others presented the argument that SROs should no longer be selected from among Binghamton Police Department officers.

Prioritization

Threaded through the public discussions regarding shifts in enforcement objectives, many in the community expressed a conviction that there is an improper and unbalanced prioritization of city funds, and that diverting funds from law enforcement institutions to social services might better serve to improve the overall health and safety of the community. Some participants noted their belief that opportunities and programs available to people in jail were greater in number and more accessible than those that existed within the community; further, diverting funds to build and grow these programs might address some foundational issues in order to prevent the need for calling the police altogether.

Reallocating and Diverting Funds

Public input stressed a desire for reallocating funds from the police budget or securing additional funds to direct toward social services. Participants in the community meetings noted that programs that aid people regarding mental health, substance abuse and addiction, and housing were underfunded and overstretched. Diverting city funds to such areas would potentially have more beneficial impacts on the community than funds directed towards enforcement. While slightly less than half of survey respondents somewhat or strongly agreed that the department would need more resources to undertake needed reforms, nearly a third of respondents disagreed strongly. Specific recommendations included a reversal of spending on the 12 newest department hires, and diverting the requisite 1.2 million dollars to funding: mental health and substance abuse counselors; non-police sexual assault and domestic violence responders; re-entry services for people leaving the Broome County Jail; rent assistance to low-income families; affording housing developments and remodeling; grants for Black- and minority-owned small businesses; technologies to help facilitate online learning for students; temporary summer employment opportunities for local youth; the construction of a City Youth Center; support for a Substance Abuse/ Harm Reduction

Counseling Center; expansion of available community garden space; and provision of food to families in need. Though the scope of services and programs to which the community expressed a desire to allocate funding is broad, the weight of discussions centered on mental health services, substance abuse services, homelessness, youth groups, and LGBTQA groups. Reductions in the number of officers employed by the Binghamton Police Department would also reduce the number of police and citizen encounters, which some participants cited as a potentially positive outcome. These conversations were marked by frustrations with spending on what is perceived as “military equipment,” such as the recently acquired tank. Over half of survey participants reported disagreement that the department should take advantage of opportunities to acquire surplus military equipment. Community members further proposed that such funding decisions be made only after seeking public input.

While discussions relating to the allocation of spending keyed largely off of the number of officers employed by the department and the potential funding that might be made available if the police-to-citizen ratio were reduced, some perspectives proposed that increasing the number of officers in the force might help to achieve some of the reform goals laid out, such as enhancing the mentorship between older and younger officers. It should be noted that some community members also called for defunding the department altogether, and redistributing formerly police funds to social services in order to strengthen the social fabric and find alternatives to enforcement solutions to social problems.

Reform Process

Discussions about reform were characterized by a shared frustration about Binghamton’s delayed timeline and lack of publicity in this collaborative effort; nearly 50% of survey respondents reported that they did not know the Reform and Reinvention Collaborative meetings were open to the public, and more than half reported that they did not know the meetings were recorded and posted online. Slightly more than half of survey respondents did, however, report that they had heard of the Collaborative prior to taking the survey. Many participants in public forums both decried lost time, and underscored the imperative that the city not waste any further time in seizing this opportunity to implement change. Furthermore, community members expressed that members selected to serve on the Collaborative Steering Committee do not reflect the community's diversity, nor are they the individuals best-suited to spearhead change on the most salient issues in the city. While a slight majority of participants did not think that Binghamton leaders had made an effort to ensure diverse points of view were represented in the Collaborative discussions, about a third of respondents reported that they did not know either way. The majority of survey respondents perceived that the members of the Collaborative had not worked hard to gather community input. Noting

the 6-month delay of the reform process, community members expressed desires that the timeline for public input, discussion, planning, and execution be extended in kind. Community meetings also highlighted a desire for public input to be sought beyond the end date of the collaborative reform timeline, and that the outcomes of their proposed recommendations be critically evaluated and amended as necessary.

Community conversations and testimony offered starkly contrasting viewpoints. While some members of the community called for all White individual's testimony to be excluded from consideration in the ongoing reform process, others expressed unqualified support and approval for the current activities and conduct of the BPD and its members.

Community members expressed skepticism regarding the likelihood of real community-informed reform. This concern was rooted in recent experiences. The efforts of Divestment Accountability Reinvestment in our Community (D.A.R.O.C.) that culminated in specific guidelines for reform were seen as largely ignored by City leaders, despite the support of hundreds of community members. Numerous participants were extremely anxious that the D.A.R.O.C. guidelines be utilized and referenced in discussions for reform.

Leadership at BPD

It bears noting that some members of the community expressed skepticism about the departments' and city's commitment to effecting police reform. Roughly 50% of survey participants reported disagreement that the Binghamton Police department is receptive to change. Community members cited some local leadership's rhetoric and their understanding that the City abandoned efforts to put forth a Human Rights Commission to make policing more equitable and transparent. Community members also referenced the reputation of the department as one that did not support reform efforts, especially those with respect to racial justice. Public input called for more transparency in the resolution and remediation in department lawsuits and for reform efforts to improve the department's reputation and increase public confidence in local policing. Members of the public also articulated a desire for local leadership to be mindful of the example they set for the rank-and-file, and to consider their role in promoting an inclusive and compassionate culture within the department.

The Research Base

Building Trust

The President's Task Force on 21st Century Policing recommended that "police and sheriff's departments should adopt procedural justice as the guiding principle for internal and external policies and practices to guide their interactions with the citizens they serve."¹⁴ The President's Task Force recommendation is based on a substantial body of research findings, which show a strong *association* between procedural justice and police legitimacy. Similarly, the "workbook" distributed by the governor's office to guide the reform and reinvention efforts across New York State places procedural justice at the center of police-community interactions.¹⁵

The actions of any authority – a boss in a workplace, a teacher, a judge, or a police officer – can be characterized in terms of procedural justice. Procedural justice is widely thought to consist of four elements:¹⁶

- Voice, or participation: people believe that they should be given an opportunity to tell their side of a story, explain their situation, and communicate their views.
- Quality of interpersonal treatment: people believe that they should be treated with dignity and respect.
- Trustworthy motives: people believe that authorities should care about their well-being and consider their needs and concerns.
- Neutrality: people believe that decisions should be made evenhandedly and with proper consideration of objective facts, and they draw inferences about neutrality when authorities explain their decisions and justify and account for their actions.

Research holds that procedural justice is instrumental in strengthening public trust and confidence in police and, through that, a sense of duty or obligation to obey the law. The stock of public trust can be built through procedural justice, but it can also be depleted through procedural injustice.

We believe that it's useful to think about procedural justice in police-community engagement at three levels:

- on the street level, as officers interact with citizens with whom they have contact, e.g., providing assistance, taking accident reports, investigating crimes, or taking enforcement actions;

¹⁴ The President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing* (Washington: Office of Community Oriented Policing Services, 2015).

¹⁵ New York State, *New York State Police Reform and Reinvention Collaborative: Resources & Guide for Public Officials and Citizens* (Albany, NY: Author, 2020).

¹⁶ See, e.g., Tom R. Tyler, "Enhancing Police Legitimacy," *Annals of the American Academy of Political and Social Science* 593 (2004):84-99.

- at the neighborhood level, as police engage with neighborhood associations and other community organizations, addressing neighborhood concerns and solving neighborhood problems; and
- at the leadership level, as police executives engage with formal and informal community leaders, and the community at large.

We address each of these levels as points of entry for reform.

Procedural Justice at the Street Level

At the street level, one line of thinking about reform holds that by following the principles of procedural justice – in allowing citizens voice, treating them with dignity and respect, and so forth – officers can build trust and confidence among the members of the public with whom they individually interact. In this way, presumably, officers can “create” legitimacy.¹⁷ This would call for police departments to take steps to encourage such procedurally just policing, through training, executive exhortation, and other managerial controls. The President’s Task Force also advised police agencies to adhere to the principles of procedural justice in their treatment of officers, on the assumption that by doing so, they will foster a commitment to treating citizens with procedural justice.

Few would dispute that any public authority figure should act with procedural justice whenever it is possible to do so. Procedural justice at the street level is of intrinsic value. However, the evidence of the instrumental value of procedural justice in “creating” police legitimacy is limited.¹⁸ Extant research provides weak support for the hypothesis that increases in the procedural justice with which police officers act in their encounters with citizens will produce corresponding increases in the procedural justice that citizens experience, and in turn yield increases in public trust and confidence in police.

Although attitudes toward the police *correlate* with citizens’ subjective experiences with the police in individual contacts, the correlation reflects reciprocal causal effects: satisfaction with individual contacts affects more global attitudes toward the police, *and* more global attitudes toward the police shape the perceived quality of police performance in individual police-citizen encounters.¹⁹ Most of the research that

¹⁷ National Research Council, *Fairness and Effectiveness in Policing: The Evidence*. Committee to Review Research on Police Policy and Practices, Wesley Skogan and Kathleen Frydl (eds.), Committee on Law and Justice, Division of Behavioral and Social and Behavioral Sciences and Education (Washington, DC: National Academies Press, 2004).

¹⁸ See Daniel S. Nagin and Cody W. Telep, “Procedural Justice and Legal Compliance: A Revisionist Perspective,” *Criminology & Public Policy* (2020).

¹⁹ Steven G. Brandl, James Frank, Robert E. Worden, and Timothy S. Bynum, “Global and Specific Attitudes Toward the Police: Disentangling the Relationship,” *Justice Quarterly* 11 (1994): 119-134; Dennis P. Rosenbaum, Amie M. Schuck, Sandra K. Costello, Darnell F. Hawkins, and Marianne K. Ring, “Attitudes

reports on this correlation is based on cross-sectional surveys, which are administered at a single point in time, and so it is unable to disentangle these reciprocal effects. Multi-wave panel surveys, which provide for interviewing the same respondents at two (or more) points in time, allow researchers to estimate each of the reciprocal effects. Such panel studies find that a substantial fraction of the correlation reflects the effect of more general attitudes toward the police on judgments about the quality of citizens' individual contacts with the police. That is, citizens' subjective experiences are shaped by their prior attitudes much more than their experiences shape their subsequent attitudes. Global attitudes tend to be stable, and they have strong effects on citizens' interpretations of their experiences.

To our knowledge, the most direct examination of the effect of officers' procedural justice on citizens' judgments about procedural justice is our study of Schenectady.²⁰ We conducted a survey of people who had previous contacts with Schenectady police, sampling from among people who called for service, people who were field interviewed (most of them having been stopped), and people who were arrested. We sampled on a semi-monthly basis for 18 months, from mid-July, 2011, through mid-January, 2013, completing interviews by phone with 1,800 people. For a sample of completed interviews, we obtained copies of the video and audio recordings of the incidents captured by the police department's in-car cameras, and from those recordings, trained observers systematically coded elements of the police-citizen interactions. The survey and observational data allowed us to directly compare citizens' reported judgments about procedural justice in their contacts with independent measures of the procedural justice with which officers acted.

We found that, overall, the procedural justice with which officers acted (as coded by independent observers) explained no more than a small fraction (12 percent) of the variation in citizens' judgments. Our findings raise questions about the extent to which procedural justice at the street level is perceived by citizens and can, therefore, affect the public's trust in the police. Based on our study and other research, we doubt that procedural justice in police-citizen interactions can significantly raise levels of police legitimacy, even though procedurally just policing is the right thing for officers to do.

Binghamton

The 2021 survey conducted for the reform and reinvention process reveals moderately high levels of trust and overall perceived procedural justice. We caution that the survey respondents represent a sample of unknown representativeness, and we cannot draw inferences to a larger population. A random or other probability sample of

toward the Police: The Effects of Direct and Vicarious Experience," *Police Quarterly* 8 (2005): 343-365; Tom R. Tyler, *Why People Obey the Law* (New Haven, CT: Yale University Press, 1990).

²⁰ See Robert E. Worden and Sarah J. McLean, *Mirage of Police Reform: Procedural Justice and Police Legitimacy* (Berkeley: University of California Press, 2017).

respondents might exhibit a different distribution of responses, around which we could estimate confidence intervals. With that caveat, about half of the survey respondents express at least a moderate level of trust in BPD, about 60 percent regard police as polite and helpful, and more than half believe that police are concerned about people's problems. More than half of those with an opinion believe that BPD does a good or very good job of treating people fairly.

Contact surveys are conducted periodically or episodically in some communities. Periodic or even rolling contact surveys can be done economically, designed and executed with probability sampling that forms the basis for statistically estimable inferences to the populations from which the samples are drawn.²¹ They can be based on sampling from among different contact populations (calls for service, stops, arrests), and stratified by areas or times of the day. Though survey responses should not be construed as valid indicators of police conduct, they are a valuable source of information about citizens' perceptions and subjective experiences – more valid and reliable, certainly, than citizen complaints or public commendations.

Community Policing and Problem-Solving

Community policing is a demonstrably effective strategy for building trust, even (and especially) among populations that have historically tended to distrust police. When conceived and implemented properly, community policing provides procedural justice at the level of neighborhoods. Community policing is best conceived as a *strategic* innovation that calls for a reorientation of the police mission and associated changes throughout the agency – in the distribution of authority through the chain of command; practices of recruitment, training, and supervision; and the permeability of the organization to its community environment. It is not merely a program to be appended to a police department alongside its other operations, nor is it merely cops on bikes, foot, or horses, or simply participation in community events or coffee with a cop. Community policing might include such deployment of police personnel and outreach, but as elements of a much broader strategy. It is labor-intensive, and so it is not inexpensive. In its best form, it is not only a police initiative, but rather a *city* initiative. Proper implementation is demanding, as one might expect of a reform that has a significant impact.

Mission reorientation means addressing community concerns and priorities. In what has been called the reform era of policing, the more conventional police emphasis on more serious offenses gives way to attending to a broader range of public safety issues, particularly disorder and fear of crime. Research in the 1970s and 1980s showed that fear of crime is tied more closely to *disorder* than to crime. Some disorders are

²¹ Sarah J. McLean, Kenan M. Worden, and Robert E. Worden, *Community Perceptions of the Suffolk County Police Department* (Albany, NY: John F. Finn Institute for Public Safety, Inc., 2021).

physical in nature: abandoned buildings, vacant lots, or graffiti. Other kinds of disorder are social: street drug dealing, public drinking, or panhandling. All of these disorders are conditions that residents experience day in and day out, and they interpret them, we now know, as *signs of crime*. Disorder detracts from residents' quality of life as they circumscribe their activities, limit their use of public amenities, and even withdraw into their homes. Under community policing, police treat disorder – quality of life issues – as higher priorities, because they are priorities for communities. The breadth of the police role renders police, as one scholar put it, “an agency of municipal government housing a multitude of functions,” not merely a law enforcement agency.²²

Moreover, community policing goes beyond a focus on individual incidents, to which police can devise only temporary solutions. Community policing includes as a major element problem-oriented policing (POP), which is designed to address underlying problems of which individual incidents are merely symptoms. When police are “incident-driven,” they respond to and handle incidents one by one. Burglaries, larcenies, disputes of many kinds, public disturbances, persons acting erratically – all or many such incidents may require the presence of police. Problem-oriented policing does not replace but rather supplements police handling of such individual incidents. “Problems” in this context consist of multiple incidents that have common elements – the same or similar types of criminal or disorderly behavior, similar types of places or proximate places, perpetrators with comparable motivations and/or backgrounds (e.g., criminal histories, gang affiliations), etc.

POP can be practiced by police with little input from the community, but as a feature of community policing, POP is firmly grounded in community engagement. Police and the community scan to identify “problems” that multiple incidents represent, and they collaboratively analyze the problems with a view toward the conditions that contribute to or facilitate the incidents. POP is not concerned with “root causes,” the likes of which are beyond the capacity of police and community partners to change in the near-term, but rather contributing factors that police and community interventions can alter. The “crime triangle” is a useful tool in this process: based on the premise that a “crime or disorder results when (1) likely offenders and (2) suitable targets come together in (3) time and space, in the absence of capable guardians for that target.”²³ Preventive actions may address any of the three factors, or sides of the triangle. With the results of such analysis in hand, POP calls for the formulation of responses that address the conditions. Responses could involve enforcement, but often admit of other kinds of interventions, in addition to or instead of enforcement. At its best, POP represents a public health approach to public safety issues.

²² Herman Goldstein, *Policing a Free Society* (Cambridge, MA: Ballinger, 1977).

²³ ASC Center for Problem-Oriented Policing, <https://popcenter.asu.edu/content/problem-analysis-triangle-0>

The Gainesville (FL) police offer an illustrative – and exemplary – application of problem-oriented policing.²⁴ Having suffered an increase in convenience store robberies, police undertook an analysis that revealed that 96 percent of Gainesville convenience stores had been robbed in preceding five years. Examining the patterns of robbery events in incident report narratives, they found that 92 percent of convenience store robberies occurred with a single clerk on duty. By interviewing incarcerated offenders who had been convicted of robbing convenience stores, they learned that robbers regarded a second clerk as a deterrent. Police recommended that the city council adopt an ordinance requiring two clerks on duty at night. The ordinance was passed, and in the next six months, convenience store robberies dropped by 65 percent.

POP applies not only to crime patterns but to other neighborhood problems as well, including disorders. Not every problem-solving effort needs to be so extensive as that in Gainesville, and they need not involve legislative action. Responses may require enforcement but often involve – in addition or instead – non-enforcement responses.

Charlotte Gill and her colleagues conducted a systematic review of community policing evaluations.²⁵ They found that community policing was defined in many different ways, and typically as a program rather than a strategy. Many police departments that claim to have adopted community policing have adopted only a faint version of it, and the fidelity with which the adopted form was implemented varied. The hypothesized impacts of community policing extended across a range of outcomes, one of which, illogically, is crime. It seems that we reflexively assess police strategies in terms of their crime control role, but we should not assess community policing only or primarily in terms of its crime reduction impacts.

Gill, et al. evaluated community policing as it was practiced by the agencies subject to evaluation research, not community policing at its best. Their search yielded 25 studies that satisfied their minimum criteria for scientific rigor. Across these studies, and despite the fact that most were not “model” community policing initiatives, the findings indicate that community policing was effective in improving public attitudes toward police and reducing perceived disorder. Feelings of safety also increased, though the effect did not reach statistical significance.²⁶

²⁴ Herman Goldstein, *Problem-Oriented Policing* (New York: McGraw-Hill, 1990).

²⁵ Charlotte Gill, David Weisburd, Cody W. Telep, Zoe Vitter, and Trevor Bennett, “Community-Oriented Policing to Reduce Crime, Disorder and Fear and Increase Satisfaction and Legitimacy among Citizens: A Systematic Review,” *Journal of Experimental Criminology* 10 (2014): 399–428. Also see Cynthia Lum, Christopher S. Koper, Charlotte Gill, Julie Hibdon, Cody Telep, and Laurie Robinson, *An Evidence-Assessment of the Recommendations of the President’s Task Force on 21st Century Policing — Implementation and Research Priorities* (Fairfax, VA: Center for Evidence-Based Crime Policy, George Mason University; Alexandria, VA: International Association of Chiefs of Police, 2016), pp. 28-31.

²⁶ However, Weisburd and Eck report that some forms of community policing have been found to reduce fear. See David Weisburd and John E. Eck, “What Can Police Do to Reduce Crime, Disorder, and Fear?” *Annals of the American Academy of Political and Social Science* 593 (2004): 42–65.

Arguably, the best example of community policing can be found in a long-term evaluation of the Chicago Alternative Policing Strategy (CAPS), from 1993 to 2004.²⁷ CAPS was initiated by Chicago's mayor, and the mayor "owned" the initiative, in that he took steps to ensure that other agencies coordinated with the police department to address community concerns. He thereby ensured a level of interagency cooperation that is not normal in many places. Thus when neighborhoods directed police attention to issues that called for action by, say, sanitation or public works, the issues were referred to the appropriate city agency, and the agency followed up.

Over time – it was neither quick nor easy – the Chicago Police Department (CPD) effected many changes to support community policing. Community policing requires mechanisms of public engagement, and the public needs an opportunity structure for involvement. CPD engaged the community in monthly beat meetings. Problems vary from neighborhood to neighborhood, and policing must vary with them, which implies that authority must reside at the local-level. Insofar as a "turf orientation" fosters knowledge and attachment among the officers assigned to neighborhoods, stable assignments and a high level of beat integrity in dispatching patrol units to calls for service are desirable, albeit challenging, to put into practice. CPD trained officers and community members in problem-solving, and in many of Chicago's beats, problem-solving was practiced fairly well.²⁸

Skogan's long-term, comprehensive evaluation of CAPS showed that it was largely successful, especially in predominantly Black neighborhoods.²⁹ Residents' perceptions of physical decay and disorder as neighborhood problems – such as graffiti, abandoned cars, abandoned buildings, trash and junk – all improved. Their perceptions of social disorders – disruptions around schools, public drinking, or groups of people loitering – improved some. As police and other agencies effectively addressed physical and social disorders, or signs of crime in residents' minds, we would expect to see residents' fear of crime decrease, which the evaluation confirmed. Finally, attitudes toward police improved – that is, police legitimacy increased in African-American and White neighborhoods. Residents' assessments of police performance increased, as did their judgments about the responsiveness and demeanor of police. Values on a quality-of-service index went up.

Community policing is procedural justice at a neighborhood level. It gives the community voice concerning its problems and accords respect to community priorities. It reflects police concern for community well-being. It is also effective insofar as multi-

²⁷ Wesley G. Skogan, *Police and Community in Chicago* (New York: Oxford University Press, 2006).

²⁸ Wesley G. Skogan, Susan M. Hartnett, Jill DuBois, Jennifer T. Comey, Marianne Kaiser, and Justine H. Lovig, *Problem Solving in Practice: Implementing Community Policing in Chicago* (Washington: National Institute of Justice, 2000), <http://www.ncjrs.org/pdffiles1/nij/179556.pdf>.

²⁹ CAPS was not nearly so successful in Hispanic beats, where cultural and language barriers formed obstacles that were not overcome by 2004.

faceted responses to identified problems are more successful. Community policing can work when it is conceived and implemented as a strategic innovation.

CAPS was never formally discontinued, but it shriveled due to changing executive priorities.³⁰ Now Chicago is mounting a new community policing initiative. The clear lesson from the CAPS experience is that community policing requires on-going administrative commitment and support.

As we noted above, many agencies' implementation of community policing has been much less ambitious. Many agencies report that acquiring the resources needed for community policing was a major challenge. In 2006, Mastrofski et al. (2007) surveyed the 566 county and municipal police agencies with at least 100 sworn officers, and among the 355 responding agencies, more than half (52.7 percent) reported that "getting sufficient resources to do community policing right" had been "very" or "extremely" challenging.³¹ Less than one-third (30.7 percent) reported that they had been very or extremely successful on that score.

Moreover, the operation of community policing cannot rest on police alone. Other agencies have a part to play in addressing neighborhood problems. Coordinating with those agencies and securing their cooperation is essential in fulfilling community expectations. CAPS was a city initiative, and not only an initiative by CPD, which surely enhanced inter-agency coordination and cooperation. Of course the community has a vital part to play in coproducing community safety, and community participation is often especially challenging in the neighborhoods most in need.

Binghamton

BPD's Community Response Team (CRT), consisting of seven officers (including a sergeant), addresses quality of life issues throughout Binghamton. It fields complaints directly and works with complainants to devise solutions. The CRT sergeant also maintains contacts with Neighborhood Watches and other groups, including businesses.

It may be that the practice of community policing and POP by BPD adheres to all of the principles that extant research would highlight as keys to effective implementation, but we should stress several of them for further consideration. First, problem-solving can be performed by the police acting on problems that police identify; problem-solving as an element of community policing requires that police address problems about which the community is concerned. Thus it is imperative that BPD ensure that its engagement with neighborhood residents and other stakeholders (such as business operators) allow and encourage bi-directional communication about neighborhood concerns. Scanning can and should be based both on information internal to BPD, such as officers' observations or call-for-service data, and on community

³⁰ Wesley G. Skogan, "Why Reforms Fail," *Policing & Society* 18 (2008): 23-34.

³¹ Stephen D. Mastrofski, James J. Willis, and Tammy Rinehart Kochel, "The Challenges of Implementing Community Policing in the United States," *Policing* 1 (2007): 223-234.

input. Further collaboration, in the analysis phase, would include tapping community members' knowledge about the dimensions of the problems, and keeping the community informed about the efforts that are being made. It might also extend to enlisting community members in implementing responses. Community engagement can be challenged by low levels of public involvement, which is often skewed in favor of homeowners, older residents, and those of higher socioeconomic status. Even so, engagement is critical to building public trust.

Second, officers and supervisors should be trained to perform POP and other community policing functions (such as organizing and moderating community meetings). Third, notwithstanding the motivation and competencies of the officers on the ground, supervisory personnel should ensure that proper attention is given to problems identified by the community, analysis is of an appropriate scope, response plans are prepared and implemented, and assessment is completed.

Fourth, experience with problem-solving indicates that "... drawing on a wide array of non-law-enforcement tactics can be effective in reducing crime and disorder."³² Thus efforts should be made to ensure that responses incorporate, as feasible and applicable, a range of approaches beyond or instead of police presence or enforcement.

Finally, we note that a single unit consisting of 7 officers is likely stretched rather thin in addressing neighborhood problems across the entire city. A problem-solving unit of this kind can be effective so long as the demands do not exceed its capacity to perform. More robust community policing, including the kind of engagement and "turf orientation" that communities appreciate will likely require additional personnel. Sworn personnel are currently down to 128 full-time from 145 in 2007.

Executive Engagement with the Community

Several years ago, we conducted interviews with formal and informal leaders in Capital District cities, in an effort to ascertain the primary forces that shape their judgments about the respective police departments and its leadership.³³ We describe here the broad themes that emerged from the interviews. They echo the community-level elements of procedural justice to which the President's Task Force alluded in its report.

Reflecting the procedural justice concept of voice, the extent to which the department creates or participates in opportunities to engage with community members is a powerful force in shaping leaders' views. Examples include pop-up BBQs and movie nights, police involvement in athletic leagues, civilian police academies, and

³² Weisburd and Eck, "What Can Police Do to Reduce Crime, Disorder, and Fear?", p. 59.

³³ Sarah J. McLean, Robert E. Worden, Caitlin Wilkens, and Danielle Reynolds, "Building Police Legitimacy: Foundations of Sovereigns' Trust," unpublished working paper (Albany, NY: John F. Finn Institute for Public Safety, Inc., 2018).

attending and participating in community meetings. Informal forms of engagement by all ranks of the department, such as taking time to stop, talk, and listen to people in the community, are also valued. Community stakeholders interpret these formal and informal engagements as signaling genuine attempts by the police to hear community concerns and become acquainted with the people they serve. They appear to have a “humanizing” effect.

The community assesses accessibility partially by the ease with which community leaders can interact with higher-ranking department members as needed and not limiting access to scheduled community engagement events or to the department’s timetable. Local examples of accessibility included: command staff who shared their cell phone number, responded promptly and personally to emails, agreed to informal meeting requests, and proactively called or emailed community leaders to obtain their input. Our research shows that this more personal, one-on-one communication and outreach by chiefs and their command staff members resonates very strongly with community leaders. While it is a powerful force in shaping views, we have found that chiefs’ willingness and ability to engage in this leadership style vary.

Departments whose policies, operations, and decision-making are generally transparent are more likely to be trusted. Making crime data readily available and broken down at the neighborhood level, sharing police activities, posting policies and annual reports on the Internet, and hosting information sessions to explain programs and policies to the community promote transparency.

The community assesses the leadership of the department based on formal programs. Community leaders consider the extent to which program priorities align with the community’s perceived needs and preferences. Department leaders should take deliberate steps to raise awareness about the programs and policies they have in place, which speaks further to transparency. Where chiefs have established trusted connections with informal and formal community leaders, those leaders can share the positive steps the department is taking with the larger community to develop and build a bank of trust. Programmatic initiatives have at least some capacity to generate trust and confidence in the police, even among those who have reservations about the extent to which the front line embraces those initiatives.

Community leaders also assess their local police department’s legitimacy by comparing it with departments across the nation. In doing so, they reported at that time that Capital District police departments fared quite well. Community leaders take notice of the alignment between the command staff’s posture and that of the officers responsible for carrying out programs and policies.

Binghamton

With respect to these dimensions of executive- and departmental-level procedural justice, we note that several BPD policies – use of force, body-worn cameras,

in-car camera, portable audio video recording gear, public recording of law enforcement activity – are accessible online. Many agencies now make most policies accessible, excepting only those (e.g., active shooter policies) that are law enforcement sensitive, in the interest of transparency.

BPD officers are equipped with body-worn cameras, with prescribed activation extending to all calls for service and arrest situations, and any police-initiated actions, which is more inclusive than that in New York State’s model policy.³⁴ Supervisors are required to review 4 hours of body-worn camera recordings each month for the purposes of training and accountability.

Community input to the reform and reinvention process, discussed above, included calls for greater transparency with respect to complaints against BPD officers, and with respect to enforcement patterns, particularly stops, arrests, and use of force. Statistical summaries of complaints, complaint allegations, and dispositions could be posted on the BPD website. So too could periodic statistical summaries of enforcement activities, like those presented above. Crime maps are currently available (though only through 2019).

BPD conducts outreach in several forms and operates several types of programs that many communities support. One program has been in many places controversial: school resource officers. The advantages and disadvantages of school resource officer (SRO) programs have been hotly debated. Research findings on the effects of SROs are mixed, though the best evidence appears to show that the presence of SROs may increase the numbers of recorded violent, weapons, and drug offenses, and increase the severity of responses to minor offenses. However, “there is great variation across schools and districts in terms of the actual roles and responsibilities taken on by SROs,” such that the effects of SRO programs are likely contingent on local protocols and practices.³⁵ Stakeholders in Binghamton should be mindful of the potential drawbacks of an SRO program.

Other BPD programs include the Citizen Police Academy, the Police Athletic League camp, and the Handle with Care program. The Citizen Police Academy is one means of educating the citizenry about police programs, policies, and procedures, which was one suggestion heard in the community meetings.

More generally, community input signaled an interest in greater engagement based on an expanded range of communication channels. Some departments form

³⁴ New York State Municipal Police Training Council, *Body-Worn Camera Model Policy* (Albany, NY: Division of Criminal Justice Services, 2015). The model policy of the International Association of Chiefs of Police (IACP) prescribes activation in a much broader set of circumstances: “... all contacts with citizens in the performance of official duties,” with limited and specific exceptions. See International Association of Chiefs of Police, *Body-Worn Cameras: Model Policy* (Arlington, VA: Author, 2014), p. 1.

³⁵ Denise C. Gottfredson, Scott Crosse, Zhiqun Tang, Erin L. Bauer, Michele A. Harmon, Carol A. Hagen, and Angela D. Greene, “Effects of School Resource Officers on School Crime and Responses to School Crime,” *Criminology & Public Policy* 19 (2020):, p. 909.

community advisory committees, which have the potential to institutionalize a means whereby the department can hear from the community, and at the same time better ensure that the community has access to information about the department. One example was cited in New York State's resource guide:

... the Albany Police Department (APD) has had a positive experience using such a mechanism for continued community policing and engagement. The department sought assistance from the city's Common Council to ensure all 15 wards of the city were equally represented on the Community Policing Advisory Committee. This committee was charged with reviewing and addressing items to reinvigorate the relationship between community members and APD.³⁶

Internal Structures

Policies Governing Use of Force

As noted above, many use of force policies have included a use of force continuum, which rests on the basic principle that force should be proportional to resistance. A 2006 survey of more than 650 agencies found that 80 percent included a continuum in their policies.³⁷ Community input in Binghamton included a suggestion that BPD establish more than the current three levels of force. Though use of force continua have been widely used, no consensus emerged on the placement of types of force relative to one another, or to forms of resistance.

More recently, statements about use of force policy make it clear that decisions about force are and should be based on many factors, including resistance. For example, in April 2016, the International Association of Chiefs of Police and the Fraternal Order of Police convened a symposium to address the current state of policing, generally, and use of force, in particular. Several of the leading law enforcement leadership and labor organizations were invited to attend.³⁸ The goal was to form a consensus and synthesize the views of the participating organizations, from which a single document could be derived that would better inform individual agencies' policies. The document, the *National Consensus Policy on Use of Force*, was published in January

³⁶ New York State, *New York State Police Reform and Reinvention Collaborative*, pp. 44-45.

³⁷ William Terrill and Eugene A. Paoline, III, "Examining Less Lethal Force Policy and the Force Continuum: Results from a National Use-of-Force Study," *Police Quarterly* 16 (2013): 38-65.

³⁸ The other organizations included: the Association of State Criminal Investigative Agencies; the Commission on Accreditation for Law Enforcement Agencies; the Federal Law Enforcement Officers Association; the Hispanic American Police Command Officers Association; the International Association of Directors of Law Enforcement Standards and Training; the National Association of Police Organizations; the National Association of Women Law Enforcement Executives; the National Organization of Black Law Enforcement Executives; and the National Tactical Officers Association.

2017. Resistance is a part of the totality of the circumstances that officers are expected to evaluate.

The totality of the circumstances can include, but is not limited to, the immediate threat to the safety of the officer or others; whether the subject is actively resisting; the time available for the officer to make decisions in circumstances that are tense, uncertain, and rapidly evolving; the seriousness of the crime(s) involved; and whether the subject is attempting to evade or escape and the danger the subject poses to the community. Other factors may include prior law enforcement contacts with the subject or location; the number of officers versus the number of subjects; age, size, and relative strength of the subject versus the officer; specialized knowledge skill or abilities of the officer; injury or level of exhaustion of the officer; whether the subject appears to be affected by mental illness or under the influence of alcohol or other drugs; environmental factors such as lighting, terrain, radio communications, and crowd-related issues; and the subject's proximity to potential weapons.

New York State's model policy similarly identifies a number of factors that influence the reasonableness of force:³⁹

- The severity of the crime or circumstance;
- The level and immediacy of threat or resistance posed by the suspect;
- The potential for injury to citizens, officers, and suspects;
- The risk or attempt of the suspect to escape;
- The knowledge, training, and experience of the officer;
- Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects; and
- Other environmental conditions or exigent circumstances.

Very little evidence has accumulated on the efficacy of policy in regulating officers' use of force, and no particular use of force policy can be said to be evidence-based. Terrill and Paoline found, in an analysis of three police departments, the lowest incidence of force in the department with the most restrictive use of force policy. Another study showed that in Cincinnati, police use of force decreased 46 percent between 2002 and 2012, following reforms – including, but not limited to, changes in use of force policy – mandated by a federal court.⁴⁰ Similarly, use of force by Portland (OR) police dropped following reforms in that city, though as in Cincinnati, the evidence does not permit us to isolate the effects of policy changes from the effects of other contemporaneous reforms.⁴¹

³⁹ New York State Municipal Police Training Council, *Use of Force Model Policy* (Albany: DCJS, 2020).

⁴⁰ Joshua M. Chanin, "Examining the Sustainability of Pattern or Practice Police Misconduct Reform," *Police Quarterly* 18 (2015): 163–92. Also see Worden and McLean, *Mirage of Police Reform*, chap. 10.

⁴¹ Timothy Prenzler, Tyler Cawthray, Louise Porter, and Geoffrey Alpert, "Reducing Public Complaints and Use of Force: The Portland Police Bureau Experience," *Journal of Criminological Research, Policy and Practice* 2 (2016): 260–273.

The International Association of Chiefs of Police (IACP) asserts that "... it is essential that every law enforcement agency ensure and be able to document that its officers employ only the force that is objectively reasonable to effectively bring an incident under control and only the level of force that a reasonably prudent officer would use under the same or similar circumstances." More specifically, "The policy should ideally cover, with a few specific exceptions, the reporting of any use of force occurring while an officer is acting in their official law enforcement capacity," to include physical force of various types (e.g., open-handed strikes, punches, or kicks), chemical force, impact force, electronics force, firearms force, and vehicular force.⁴²

Use of force reporting like that described by the IACP "...can be used for a variety of purposes, not the least of which is to protect officers. For example, agencies are in a much better position to defend themselves against charges of excessive force if they can document the types of situations in which their officers have used force," and they can "more readily defuse charges that can tarnish officer and agency credibility within the community."⁴³ Such data supports analysis based on the concept of the force factor (discussed above), the findings of which can inform the further development of policy and training. Furthermore, when the use of force data are merged with other data – e.g., offense data captured in incident reports – they will allow for periodic analysis of racial and ethnic disparities. Ideally, in our view, such analysis would statistically control for as many of the factors in the totality of circumstances that properly influence officers' use of force as possible. Regression analyses, like those presented above, can be performed to statistically control for factors other than citizens' race/ethnicity. Alternatively, propensity score matching or weighting can be applied to form a set of similarly situated incidents involving White subjects with which the incidents involving Black subjects could be directly compared, and from which inferences about bias could be drawn.

Binghamton

BPD's use of force policy is consistent with the model policy promulgated by New York State's Municipal Police Training Council, with respect to the forms of force that are authorized and the circumstances under which they may be used, as well as requirements for officers to intercede and report when another officer uses force beyond that which is objectively reasonable. BPD policy exceeds the state requirement with respect to reporting of use of force incidents, data on which we analyzed and summarized above.

⁴² IACP Law Enforcement Policy Center, *Reporting Use of Force: Concepts & Issues Paper* (Alexandria, VA: Author, 2017), pp. 2 & 3.

⁴³ IACP Law Enforcement Policy Center, *Reporting Use of Force: Concepts & Issues Paper*, p. 2.

We believe that the BPD use of force data would allow for more informative analysis if it provided for more structured reporting on forms of force, such as check boxes for:

- The use of restraint devices, including handcuffs and leg restraints;
- The use of specific escort techniques, including come-along, bent-wrist, and pressure-point techniques;
- The use of arm-bar or leg-sweep takedowns;
- The use of strikes, including closed-hand, forearm, elbow, knee, or leg strikes;
- The use of conducted energy weapons, including whether it was only drawn or deployed and, if deployed, the deployment distance and number of cycles.

The data captured in this way would afford a stronger basis on which to assess current patterns, potential training needs, and potential policy changes.

Policies Governing Search and Seizure

Conventional police wisdom holds that proactive policing – that is, officer-initiated contacts with violators or suspicious persons – is an effective crime control tactic, and the findings of social research have, for the most part, supported this proposition. Studies using different methodologies with different strengths and weaknesses have found that the incidence of some types of crime declines, or is lower than one would otherwise predict, when and where the police frequently make traffic stops or investigatory (“Terry”) stops of vehicles and/or pedestrians.

Conventional wisdom also holds that the crime control benefits of proactive policing may come at the price of police legitimacy, as stops may detract from public trust in the police. While social science evidence does not support strong causal inferences on this question, the experience of some cities – particularly New York City – underscores the imperative of carefully regulating the exercise of officers’ discretion in stops and post-stop actions, including frisks and searches. Police behavior must remain within Constitutional bounds, and it may not be based on racial or ethnic biases.

Even when stops are effected within Constitutional requirements, they represent intrusions into citizens’ lives, amounting to social costs that should be borne at no more than socially optimal levels. Furthermore, the law governing “Terry stops” is complex, so much so that it is likely that sometimes officers will unwittingly make legally insufficient stops.⁴⁴ Stops are occasions on which officers might further intrude unjustifiably, even if unintentionally, into citizens’ private affairs by conducting an improper search. Gould and Mastrofski found that searches were fairly infrequent – about one every ten hours in the field – but nearly one-third of the searches were unconstitutional. The officers most prone to conduct illegal searches were in general good cops whose searches were seen

⁴⁴ Jeffrey Fagan, “Terry’s Original Sin,” *University of Chicago Legal Forum* 2016 (2016): 43-96.

as “normal and necessary” in the war on drugs.⁴⁵ Gould and Mastrofski leave open – but could not empirically test – the possibility that some or much of the search-related misconduct was due to officers’ lack of knowledge about legal requirements. Other studies have shown that many officers do not have a good working knowledge of the legal rules that govern warrantless searches and seizures.⁴⁶

In 2013, the district court ruled in *Floyd v. City of New York* that the NYPD’s practice of stop, question, and frisk was unconstitutional, violating the Fourth Amendment prohibition of unreasonable searches and seizures, and Fourteenth Amendment prohibition of discrimination based on race.⁴⁷ Disparities in stops and post-stop outcomes by the NYPD are well-documented; whether and to what extent the disparities stemmed from police bias has been contested. The influence of bias is difficult to isolate and discern, but it is an important question to address.

Many jurisdictions mandate that their officers complete reports on all such stops, including demographic information on the citizens whom they stop, the reasons for the stops and other actions that officers might take. The reports enable supervisors to review officers’ actions and take corrective steps as needed. Such data also form the foundation for analyses on the basis of which patterns of stops and post-stop outcomes can be evaluated for evidence of racial or ethnic bias. Satisfactory baselines or benchmarks are difficult to establish, but it is better to have the information available and seek a proper basis for interpreting it than to remain blind to the patterns.

Binghamton

BPD officers have been required to complete a form on every stop/detention since 2010. Until last June, they were to complete a “demographic form,” 710Z; since then, the form is opened in BPD’s mobile system, and handwritten forms were thereafter not permitted. Supervisors are responsible for ensuring compliance with the reporting requirement.

The form provides for information on the reasons for stops and, if applicable, searches, so that supervisors can review the bases for the enforcement actions to ensure that officers’ stops and detentions are Constitutional, with corrective instruction provided as needed. Given the complexities of search and seizure law, and the importance of properly regulating officers’ use of their authority to stop, detain, frisk, and search motorists and pedestrians, supervisory review is critical.

⁴⁵ Jon B. Gould and Stephen Mastrofski, “Suspect Searches: Assessing Police Behavior Under the U.S. Constitution,” *Criminology & Public Policy* 3 (2004): 315-361.

⁴⁶ See William C. Heffernan and Richard W. Lovely, “Evaluating the Fourth Amendment Exclusionary Rule: The Problem of Police Compliance with the Law,” *University of Michigan Journal of Law Reform* 24 (1991): 311-69; John Madison Memory and Barbara Smith, *Line Police Officer Knowledge of Search and Seizure Law: Results of an Exploratory Multi-City Test* (Columbia, SC: Authors, 1988).

⁴⁷ *Floyd et al. v. City of New York*, 08-CV-1034,

Periodic analysis of the stop data should, we believe, be conducted periodically to assess racial and ethnic disparities for signs of bias. In doing so, it is imperative that an acceptable benchmark (not the demographics of the residential population) be applied.⁴⁸

Workforce Diversity

The diversity of the police department workforce plays a part in shaping community leaders' views of legitimacy. Some degree of legitimacy is granted based on how the community perceives the department's leadership as meaningfully working to promote diversity, even if those efforts are not entirely successful.

The underrepresentation of Blacks and Hispanics in the police workforce is the rule rather than the exception in American police departments.⁴⁹ Increasing diversity has been quite challenging, and research offers few clues to how the challenge can be met. One review of research observed that "Available literature on best practices in hiring and retention is almost entirely based on expert opinions, anecdotal accounts, and limited descriptive research, not scientific evaluation."⁵⁰ One recent study concluded that, "Taken together, this literature suggests that while some progress has been made, it is not clear what factors best predict success in achieving greater racial and ethnic representation within a policing workforce."⁵¹

⁴⁸ See Roland Neil and Christopher Winship, "Methodological Challenges and Opportunities in Testing for Racial Discrimination," *Annual Review of Criminology* 2 (2019): 73–98; and Greg Ridgeway and John MacDonald, "Methods for Assessing Racially Biased Policing," in Stephen K. Rice and Michael D. White (eds), *Race, Ethnicity, and Policing: New and Essential Readings* (New York: NYU Press, 2010). Also see, e.g., Robert E. Worden, Sarah J. McLean and Andrew P. Wheeler, "Testing for Racial Profiling with the Veil-of-Darkness Method," *Police Quarterly* 15 (2012): 92–111; Robert E. Worden, Kenan M. Worden, and Hannah Cochran, *Traffic Stops by Suffolk County Police* (Albany, NY: John F. Finn Institute for Public Safety, Inc., 2020).

⁴⁹ Mike Maciag, "Where Police Don't Mirror Communities and Why It Matters," *Governing* (August 28, 2015), <https://www.governing.com/archive/gov-police-department-diversity.html>.

⁵⁰ Lum, et al., , *An Evidence-Assessment of the Recommendations of the President's Task Force on 21st Century Policing — Implementation and Research Priorities*, p. 15. Also see Jeremy M. Wilson, Erin Dalton, Charles Scheer, and Clifford A. Grammich, *Police Recruitment and Retention for the New Millennium: The State of Knowledge* (Santa Monica, CA: RAND Corporation, 2010).

⁵¹ Jeffrey Nowacki, Joseph A. Schafer and Julie Hibdon, "Workforce Diversity in Police Hiring: The Influence of Organizational Characteristics," *Justice Evaluation Journal* (2020), p. 4.

Binghamton

In 2016, a diversity task force offered recommendations for expanding the applicant pool in order to diversify the BPD.⁵² A website was designed as a one-stop shop from which interested parties could view job opportunities, access civil service forms, and contact recruitment personnel. Social media were used to promote BPD employment. Achieving diversity is an on-going challenge, on which the community expects to see on-going efforts.

Training

The effects of police training have been seldom estimated in systematic research. In 2000, a committee of experts formed by the National Research Council (NRC) took stock of research on police policies and practices. Their report, published in 2004, noted that the effects of training could be examined through either controlled experiments or non-experimental analyses with statistical controls, and concluded that "There are too few of either type of study available to shed light on the effects of training."⁵³ They added that "prior research has not taken into account the substantive content of the training, modes of instruction, the abilities of the instructors, the timing of the training, or the organizational support for reinforcing the objectives of the training program."⁵⁴

By the time that the President's Task Force issued its report, which called for more training, the body of research on police training had not grown much. A review of the evidence base for the Task Force recommendations affirmed that the NRC Committee's characterization of the evidence on training effects remained accurate: "there is little or no evaluation evidence for most of the categories of training recommended by the Task Force."⁵⁵ In the last few years, though, several studies have expanded the base of evidence somewhat.

The National Initiative to Build Community Trust and Justice, a demonstration project funded by the Department of Justice, included training in procedural justice and implicit bias as two of its three core components in six pilot police departments. The evaluation found that the training had effects on officers' knowledge; it did not examine behavioral outcomes.⁵⁶ Other evaluations of procedural justice training have detected

⁵² See <https://www.pressconnects.com/story/news/public-safety/2016/09/27/diversity-ranks-city-boosts-police-recruiting/90918278/> and <https://spectrumlocalnews.com/nc/triad/news/2016/09/21/binghamton-police-department-diverse-recruitment-> .

⁵³ National Research Council, *Fairness and Effectiveness in Policing: The Evidence*, p. 142.

⁵⁴ *Ibid.*, p. 141.

⁵⁵ Cynthia Lum, et al., *An Evidence-Assessment of the Recommendations of the President's Task Force on 21st Century Policing — Implementation and Research Priorities*, p. 34.

⁵⁶ Jesse Jannetta, Sino Esthappan, Jocelyn Fontaine, Mathew Lynch, and Nancy LaVigne, *Learning to Build Police-Community Trust* (Washington, DC: Urban Institute, 2019). Results varied from one department to the next, but the differences were only noted and not discussed further.

some effects on beliefs and attitudes; one recent study detected behavioral impacts.⁵⁷ Our evaluation of implicit bias training in the New York City Police Department found that the training had moderate effects on officers' awareness of and knowledge about implicit bias, small effects on officers' attitudes about discrimination, and no detectable effects on disparities in enforcement.⁵⁸

Lum, et al. summarized the evidence on crisis intervention team (CIT) training, which has been shown to have positive impacts on officers' beliefs and attitudes relating to interactions with persons with mental illness. They also noted that a systematic review found "null overall effects" on arrests of and use of force on persons with mental illness.⁵⁹

Training police in de-escalation is the subject of only recent research. Engel, McManus, and Herold conducted a systematic review of de-escalation training, reporting that "only one study evaluating a training explicitly designed to reduce officer use of force in their interactions with citizens was identified."⁶⁰ Most studies were of training in the fields of nursing and psychiatry. Since then (i.e., January of 2019), two evaluations have been completed. One, which examined training in social interaction – the Tact, Tactics, and Trust (T3) training program – found that though the training had positive effects on officers' attitudes toward procedurally fair communication in police-citizen interactions, no effects on trainees' use of force were detected.⁶¹ The second

⁵⁷ Dennis P. Rosenbaum and Daniel S. Lawrence, *Teaching Respectful Police-Citizen Encounters and Good Decision Making: Results of a Randomized Control Trial with Police Recruits* (Chicago: National Police Research Platform, no date); Wesley G. Skogan, Maarten Van Craen, and Cari Hennessy, "Training Police for Procedural Justice," *Journal of Experimental Criminology* 11 (2015): 319-334; Emma Antrobus, Ian Thompson, and Barak Ariel, "Procedural Justice Training for Police Recruits: Results of a Randomized Controlled Trial," *Journal of Experimental Criminology* 15 (2019): 29-53; Mengyan Dai, "Training Police for Procedural Justice: An Evaluation of Officer Attitudes, Citizen Attitudes, and Police-Citizen Interactions," *The Police Journal: Theory, Practice and Principles* (2020).

⁵⁸ Robert E. Worden, Sarah J. McLean, Robin S. Engel, Hannah Cochran, Nicholas Corsaro, Danielle Reynolds, Cynthia J. Najdowski, and Gabrielle T. Isaza, *The Impacts of Implicit Bias Awareness Training in the NYPD*, Report to the New York City Police Department (Cincinnati: IACP / UC Center for Police Research and Policy & the John F. Finn Institute for Public Safety, 2020).

⁵⁹ Lum, et al., *An Evidence-Assessment of the Recommendations of the President's Task Force on 21st Century Policing*, p. 36. Also see Amy C. Watson, Victor C. Ottati, Melissa Morabito, Jeffrey Draine, Amy N. Kerr, and Beth Angell, "Outcomes of Police Contacts with Persons with Mental Illness: The Impact of CIT. *Administration and Policy in Mental Health and Mental Services Research* 37 (2010): 302-317.

⁶⁰ Robin S. Engel, Hannah D. McManus, and Tamara D. Herold, *The Deafening Demand for De-escalation Training: A Systematic Review and Call for Evidence in Police Use of Force Reform* (Cincinnati: IACP/UC Center for Police Research and Policy, 2019), p. 30.

⁶¹ Scott Wolfe, Jeff Rojek, Kyle McLean, Geoffrey Alpert, "Social Interaction Training to Reduce Police Use of Force," *The ANNALS of the American Academy of Political and Social Science* 687 (2020): 124-145; Kyle McLean, Scott E Wolfe, Jeff Rojek, Geoffrey P Alpert, Michael R Smith, "Randomized Controlled Trial of Social Interaction Police Training," *Criminology & Public Policy* 19 (2020): 805-832.

study evaluated the delivery of the ICAT training by the Louisville Metro Police Department (LMPD). The Police Executive Research Forum (PERF) developed the ICAT (Integrating Communications, Assessment, and Tactics) curriculum.⁶² The LMPD evaluation found not only changes in officers' attitudes attributable to the training, but also impacts on officers' use of force. Engel, et al. estimated that use of force decreased 26 percent, injuries to citizens decreased 26 percent, and injuries to officers decreased 36 percent.⁶³

The United Kingdom's College of Policing conducted an experimental evaluation of a pilot stop and search training program, delivered in six police forces. The impact evaluation found that the training: (1) marginally improved officers' stop and search knowledge, which was already strong; (2) had a modest impact on officers' attitudes; (3) affected officers' anticipated, or hypothetical search decisions (based on responses to vignettes); and (4) had a small (but statistically insignificant) effect on officers' recorded search rates, and no effect on racial/ethnic disparities in searches.⁶⁴

Though we believe that most departments do not invest adequately in police training, we also believe that formal training curricula cannot by themselves fulfill public expectations for officers' preparation to effectively resolve the situations that they are called upon to address. Lum and her colleagues point to the challenge to any form of training in the "transfer" of learning into performance. Gaps between learning and performance "can be explained by a combination of learner (e.g., cognitive ability, motivation level), intervention (e.g., reinforcement, error-based examples, modeling), and work environment (e.g., peer and supervisor support, organizational culture) characteristics."⁶⁵ Formal training must be reinforced and amplified in day-to-day practice.

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The community meetings reflected a clear interest in ensuring that police are properly trained for the tasks that they perform and the diverse segments of the public

⁶² Police Executive Research Forum, *ICAT Integrating Communications, Assessment, and Tactics: A Training Guide for Defusing Critical Incidents* (Washington, DC: Police Executive Research Forum, 2016).

⁶³ Robin S. Engel, Nicholas Corsaro, Gabrielle T. Isaza, and Hannah D. McManus, *Examining the Impact of Integrating Communications, Assessment, and Tactics (ICAT) De-escalation Training for the Louisville Metro Police Department: Initial Findings* (Cincinnati: IACP/UC Center for Police Research and Policy, 2020).

⁶⁴ Joel Miller and Banos Alexandrou, *College of Policing Stop and Search Training Experiment: Impact Evaluation* (London: College of Policing, 2016); Joel Miller, Paul Quinton, Banos Alexandrou, and Daniel Packham, "Can Police Training Reduce Ethnic/Racial Disparities in Stop and Search? Evidence from a Multi-Site UK Trial," *Criminology & Public Policy* 19 (2020): 1259-1287. Also see Chris Giacomantonio, Tal Jonathan-Zamir, Yael Litmanovitz, Ben Bradford, Matthew Davies, Lucy Strang, and Alex Sutherland, *College of Policing Stop and Search Training Experiment: Process Evaluation* (London: College of Policing, 2016).

⁶⁵ Lum et al., *An Evidence-Assessment of the Recommendations of the President's Task Force on 21st Century Policing — Implementation and Research Priorities*, p. 34.

with whom officers interact. BPD officers receive at least 40 hours of in-service training annually. BPD has delivered training in procedural justice, using the same well-reputed curriculum used in the National Initiative, which was developed through a collaboration of the Yale University Law School and the Chicago Police Department. Once called Procedural Justice and Police Legitimacy ("PJ1") and Tactical Mindset ("PJ2"), the curricula have been rechristened Principled Policing. Four BPD officers completed New York State's train-the-trainer course, and they are able to deliver training in procedural justice locally as needed. BPD has also provided training in diversity.

As of September of 2020, 20 percent of BPD officers had been trained and certified in CIT training, and the remainder of the officers had received training in mental health awareness (such as Mental Health First Aid). BPD has conducted in-service training in de-escalation through both lecture and reality-based training scenarios. It might be beneficial for BPD to consider PERF's ICAT curriculum, or portions thereof, as it further develops its de-escalation training.

Community input noted the availability of resources to assist with training officers on topics relating to domestic violence.

External Oversight

External or citizen oversight of the police is often taken to mean that civilians play a role in the review of complaints against the police. The fundamental rationale for "civilian review" has been that police cannot be trusted to investigate their own and hold them accountable: complainants would be discouraged; investigations would be conducted half-heartedly; complaint dispositions would be tilted against sustained findings; and thus the deterrent function that discipline should play would be undermined by procedures that made it unlikely that misconduct would be punished. The involvement of community members who are not police officers in the review of citizen complaints, advocates expect, would better ensure that the complaint intake process is receptive to complainants and that investigations are thorough, resulting in a higher rate of sustained complaints, and a correspondingly greater probability that officers would be sanctioned for misconduct. In addition, one might expect that complainants would have better experiences with the review process, and the public at large would have more trust in the complaint system.

Few of these expectations have been fulfilled by extant forms of citizen oversight.⁶⁶ In general, small fractions of complaints eventuate in a sustained finding,

⁶⁶ The body of empirical research on citizen oversight is rather modest. See, e.g., Michele Sviridoff and Jerome E. McElroy, *Processing Complaints Against Police in New York City: The Complainant's Perspective* (New York: Vera Institute, 1989); Wayne Kerstetter, and Kenneth A. Rasinski, "Opening a Window into Police Internal Affairs: Impact of Procedural Justice Reform on Third-Party Attitudes," *Social Justice Research* 7 (1994): 107-127; Douglas W. Perez, *Common Sense about Police Review* (Philadelphia: Temple

regardless of citizen oversight. When complaint allegations are not sustained, some instead result in exoneration; this means that the officer acted as the complaint claimed, but the action was proper, suggesting that the complaint was based on a misunderstanding of police procedure, or of what police may, must, or may not do. Some complaint allegations are “unfounded,” meaning that the evidence tends to show that the officer did not engage in the alleged conduct; this may indicate that the complainant misperceived or misrepresented the event. Finally, some complaints are not sustained because the preponderance of the evidence neither confirms nor disconfirms the allegation. Many such complaints involve an allegation by the complainant, a denial by the subject officer, and no corroborating evidence.

Citizen oversight has not altered these patterns. Nor does the evidence indicate that complainants find more satisfaction in complaint review when it includes a civilian role. Complainant satisfaction is strongly correlated with complaint outcomes; few complainants whose complaints are not sustained express satisfaction with the process. Some evidence indicates that citizen oversight fosters a somewhat greater faith in the process: among people who believe that they have a reason to complain, those who are aware that their city has a civilian review board are somewhat more likely to file a complaint.

A substantial proportion of people who have a complaint choose not to file a formal complaint and instead avail themselves of other options. Some call a police station and speak with a police supervisor. Some call the police chief’s office. Some contact an elected official. Some evidence indicates that the further a complaint becomes involved in a formal, adjudicative process, the less likely s/he is to be satisfied with the process or the outcome.

Citizen oversight takes many different forms. A recent study by the National Association for Civilian Oversight of Law Enforcement (NACOLE) classified oversight agencies into one of three categories.⁶⁷ Investigation-focused oversight agencies

University Press, 1994); Stephen Clarke, “Arrested Oversight: A Comparative Analysis and Case Study of How Civilian Oversight of the Police Should Function and How It Fails,” *Columbia Journal of Law and Social Problems* 43 (2009): 1-49; Joseph DeAngelis, “Assessing the Impact of Oversight and Procedural Justice on the Attitudes of Individuals Who File Police Complaints,” *Police Quarterly* 12 (2009): 214-236; William Terrill and Jason Ingram, “Citizen Complaints Against the Police: An Eight City Examination,” *Police Quarterly* 19 (2016): 150-179; Robert E. Worden and Sarah J. McLean, *Citizen Oversight of the Albany Police*, 2010 (Albany, NY: The John F. Finn Institute for Public Safety, Inc., 2010), <https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/99/attachments/original/1458055985/4-Albany-Finn-Institute-Report.pdf?1458055985>; Robert E. Worden, Heidi S. Bonner and Sarah J. McLean, “Procedural Justice and Citizen Review of Complaints against the Police: Structure, Outcomes, and Complainants’ Subjective Experiences,” *Police Quarterly* 21 (2018): 77-108.

⁶⁷ Joseph DeAngelis, Richard Rosenthal, and Brian Buchner, *Civilian Oversight of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models* (NACOLE, 2016). Also see Joseph DeAngelis, Richard Rosenthal, and Brian Buchner, *Civilian Oversight of Law Enforcement: Assessing the Evidence* (NACOLE, 2016).

provide for complaint investigations by civilian investigators who are independent of the police agency. The greater independence of the investigations may engender greater trust in the investigative findings, though they may also duplicate police (internal) investigations, thereby increasing the costs. DeAngelis, et al. add that “disillusionment among the public may develop overtime [sic] when community expectations for change are not met.”⁶⁸ Review-focused agencies typically focus on the quality of investigations by police investigators, and may request additional investigation. They often consist of a board comprised of volunteers. They are thus less costly, and may nevertheless enhance public trust in the complaint review process, though they enjoy less independence from the police. The third category includes agencies variously called auditors or monitors, which focus on *patterns* in the quality and outcomes of complaint investigations; auditors may audit complaint investigations even if they do not perform them, in order to ensure that the investigations are thorough and worthy of the public’s trust. Auditors also perform systematic reviews of police policies, practices, or training, and make recommendations for change.

The auditor model is quite different in its systemic orientation, with less (or no) attention devoted to individual complaints. Samuel Walker, long a proponent of citizen oversight, noted that “An increasing number of observers argue that, even with sufficient powers and resources, an oversight agency that focuses only on the investigation of complaints will have little long-term impact on the overall quality of police services in the field.”⁶⁹ Walker sees more promise in the auditor model, which “focuses on the police organization, seeking to change policies and procedures in ways that will prevent future misconduct.”⁷⁰

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The community expressed an interest in the establishment of a form of citizen oversight of the complaint review process. Should Binghamton determine that it wishes to move forward, it has many choices to make and many factors to consider.

The cost of an investigation-focused oversight agency or an auditor will be pronounced, relative to the number of complaints, in a city of Binghamton’s size. Furthermore, any model of oversight encompasses specific forms that differ from one another on many specific dimensions. Careful deliberation about the options should include an assessment of:

⁶⁸ Ibid., p. 7.

⁶⁹ Samuel Walker, “The New Paradigm of Police Accountability: The U.S. Justice Department’s ‘Pattern or Practice’ Suits in Context,” *St. Louis University Public Law Review* 22 (2003), p. 24.

⁷⁰ Ibid., p. 25. Also see Samuel Walker and Carol A. Archbold, *The New World of Police Accountability* (2nd ed.; Beverly Hill: Sage, 2013); and Debra Livingston, “The Unfulfilled Promise of Citizen Review,” *Ohio State Journal of Criminal Law* 1 (2004): 653-669.

- the current process and its outcomes, including the proportions of complaints that are sustained, unfounded, exonerated, and not sustained;
- how the pattern of outcomes has been affected by the introduction of body cameras; and
- how – and how much – the pattern could be expected to change with either external investigations or only external review of internal investigations.

Details about the authority of the agency, its procedures, and the selection of parties who have authority are all consequential for the operation of the agency and its standing with the community.

We would add that no matter the model of citizen oversight that Binghamton adopts, a mediation program would be well worth considering. The outcomes of mediation can in some – perhaps many – cases be superior to those of a more formal, adjudicative process, which is not compatible with many complainants' objectives.⁷¹

Police Functions and Resources

The role of police in modern society is a broad one, spanning several functions. As Egon Bittner commented many years ago, based on his field work observing police in various settings:

... it is often said that it would be altogether better if policemen were not so often called upon to do chores lying within the spheres of vocational competence of physicians, nurses, and social workers, and did not have to be all things to all men. I believe that these views are based on a profound misconception of what policemen do, and I propose to show that no matter how much police activity seems like what physicians and social workers might do, and even though what they actually have to do often could be done by physicians and social workers, the service they perform involves the exercise of a unique competence they do not share with anyone else in society. Though policemen often do what psychologists, physicians, or social workers might be expected to do, their involvement in cases is never that of surrogate psychologists, physicians, or social workers. They are in all these cases, from the beginning, throughout, and in the last analysis, policemen, and their interest and objectives are of a radically distinct nature.⁷²

The "unique competence" of police, Bittner argued, lies in their coercive authority:

... what the existence of the police makes available in society is a unique and powerful capacity to cope with all kinds of emergencies: unique, because they are far

⁷¹ See, e.g., Lonnie M. Schaible, Joseph DeAngelis, Brian Wolf, and Richard Rosenthal, "Denver's Citizen/Police Complaint Mediation Program: Officer and Complainant Satisfaction," *Criminal Justice Policy Review* 24 (2012): 626-650.

⁷² Egon Bittner, "Florence Nightingale in Pursuit of Willie Sutton: A Theory of the Police," in Herbert Jacob (ed.), *The Potential for Reform of Criminal Justice* (Beverly Hills: Sage, 1974), p. 31.

more than anyone else permanently poised to deal with matters brooking no delay; powerful, because their capacity for dealing with them appears to be wholly unimpeded.⁷³

Consequently, the services that police provide range widely, as police are called upon ... to pull a drowning person out of the water, to prevent someone from jumping off the roof of a building, to protect a severely disoriented person from harm, to save people in a burning structure, to disperse a crowd hampering the rescue mission of an ambulance, to take steps to prevent a possible disaster that might result from broken gas lines or water mains. and so on almost endlessly⁷⁴

Bittner argued that modern societies need an agency that wields the coercive authority that has been bestowed on police. Even though the "unique competence" of the police need not be invoked in many instances to which officers are summoned, they are, Bittner maintained, situations whose resolution *might* require the exercise of coercion. And this need is not evenly distributed across social space: it tends to be concentrated in disadvantaged, socially disorganized neighborhoods, which in the U.S. tend to be neighborhoods of color.

Though the coercive authority of police plays a vital role in a civilized society, it should be used as sparingly as possible. As Mark Moore observes, "All other things being equal, we would like the police to use the authority we grant them sparingly. In an important accounting sense, we have to recognize the grant of authority to the police as an asset, and count its use in police operations as a cost to be weighed against the benefits of lowering crime."⁷⁵

This broad police role can be disaggregated in terms of several functions. At about the same time that Bittner was writing, James Q. Wilson described policing as consisting of three major functions: law enforcement, order maintenance, and service.⁷⁶ Order maintenance, as Wilson described it, encompasses public disturbances and disputes between or among two or more people; such incidents may or may not involve the violation of a law or ordinance. The service function includes tasks that, as Wilson observed, could be provided by other agencies or by the private market; police performed them due mainly to their round-the-clock availability. As Bittner did, Wilson stressed that much of a police officer's day-to-day work was not law enforcement as such. Other research showed that the modal tour of duty did not involve an arrest.⁷⁷

⁷³ Ibid., pp. 34-35.

⁷⁴ Ibid., p. 30.

⁷⁵ Mark H. Moore, *Recognizing Value in Policing: The Challenge of Measuring Police Performance* (Washington, DC: Police Executive Research Forum, 2002), p. 23.

⁷⁶ James Q. Wilson, *Varieties of Police Behavior: The Management of Law and Order in Eight Communities* (Cambridge, MA: Harvard University Press, 1968).

⁷⁷ Albert J. Reiss, Jr., *The Police and the Public* (New Haven, Conn.: Yale University Press, 1971).

Gordon Whitaker formed a parsimonious set of categories to summarize the frequency with which police handle different kinds of problems; his findings provide a sense of how often the three police functions are performed.⁷⁸ Whitaker applied this set of categories to data collected for the Police Services Study in 1977, which included information collected in 24 police agencies through systematic social observation: trained observers accompanied patrol officers on their tours of duty during a sample of 900 patrol shifts. Thus the information about the nature of the problems is based on all of the information that became available to the observed officer at the scene, and not only the information available at the time the unit was dispatched. Whitaker's findings are shown in Table 16.⁷⁹

Table 16. Police Functions: Police Services Study Observations, 1977, and Binghamton Calls for Service, 2017-2019

Category	Police Services Study – observation*	Binghamton – citizen requests for service
Crime/law enforcement		
Violent crime	4%	0.7%
Non-violent crime	18%	11.6%
Suspicious person/ circumstances	11%	13.1%
Other crime/law enforcement	4%	6.3%
Disorder/order maintenance		
Interpersonal dispute	10%	14.1%
Public nuisance / morals offense	15%	14.1%
Service		
Medical	4%	6.3%
Dependent person	6%	9.3%
Information request	6%	-
Other assistance	10%	13.1%
Traffic	26%	11.3%

* some incidents included in 2 or 3 categories; percentages sum to more than 100

Table 16 also summarizes the expansive nature of community requests for police assistance in Binghamton calls for service, mapping BPD's 120 call type codes into Whitaker's categories. Table 16 includes only BPD incidents about which someone in the community requested police assistance by calling 911 or a non-emergency number;

⁷⁸ Gordon P. Whitaker, "What Is Patrol Work?" *Police Studies* 4 (1982): 13-22.

⁷⁹ Information requests were often fielded by officers directly, without transmission through a communications center.

it excludes incidents that police themselves initiated. Traffic stops are thus excluded, as are most building checks. Thus the percentages are not directly comparable to Whitaker's, which include all observed police encounters, and which are classified on full information about the nature of the incident. Across the 3 years, 99,140 such citizen requests were handled by BPD.

Some categories represent situations that call for the performance of a law enforcement function. Violent crimes included mainly assaults and robberies in Binghamton. Among the non-violent crimes, burglaries, criminal mischief, larcenies, harassment, and trespassing were most common. Other crime and law enforcement calls involved warrant arrests and other police investigations. Suspicious persons or circumstances included suspicious activity, open doors or windows, and alarm calls for police business.

Other categories include situations of an order maintenance nature. Interpersonal conflicts included disputes, fights, and domestic conflicts. Public nuisances encompassed disturbances, noise complaints, persons annoying, and animal complaints.

Dependent persons included welfare checks, missing or runaway persons, and "mental health law" calls. Other forms of assistance involved downed wires, road hazards of various sorts, other hazardous conditions, lost or found property, fires, and a wide assortment of other forms of assistance.

Police recognize that they are not the solution to many of these problems. They are, by the nature of their role and authority, a stopgap in many instances – a "provisional" solution to emergent problems, as Bittner put it. Disorders are often resolved (at least temporarily) without recourse to officers' coercive authority; they are situations in which officers' authority might be – but frequently is not – necessary.

In 2021, in many communities, some have called for diverting some types of incidents from the police workload. This is not a new idea. In the 1980s, as municipal governments and police departments grappled with how to manage fiscal cutbacks, many police departments devised protocols for differential police response: providing for delayed or alternative responses (e.g., telephone reporting of minor crimes) to calls for service rather than the immediate dispatch of a patrol unit.⁸⁰ They identified types of requests for assistance that could be safely and effectively removed from the dispatch queue. In one department, for example, cases of theft or vandalism in which the dollar value of the loss or damage was below a monetary threshold, and no information was available that would form leads for investigation, crime reports could be taken by phone without compromising police performance, because such cases would not be assigned for follow-up investigation anyway.⁸¹

⁸⁰ J. Thomas McEwen, Edward F. Connors, III, and Marcia I. Cohen, *Evaluation of the Differential Police Response Field Test* (Washington: National Institute of Justice, 1986).

⁸¹ Robert E. Worden, "Toward Equity and Efficiency in Law Enforcement: Differential Police Response," *American Journal of Police* 12 (1993): 1-32.

As we discuss below, the same principle has been applied in some jurisdictions (including Broome County) to calls involving persons in mental crisis, and it is conceivable that this principle could be extended to some other types of calls for service as well. Though at least a fraction of the incidents that Whitaker characterized as service are matters whose successful resolution might require police authority, the matters that could most likely be diverted from the police queue to other parties are those in this category. We caution that one factor to consider in making such judgments is the quality of the information gathered by phone from a caller. An analysis of Police Services Study data traced the differences between the classification of crime calls at the time of dispatch and those at the conclusion of the encounter, finding evidence of substantial misclassification at the time of dispatch.⁸² Errors in diverting calls from the dispatch queue stemming from the quality of the available information could have calamitous consequences. Insofar as calls can be diverted to alternatives without adverse consequences, officers' time would be freed for community policing activities.

Other approaches to conserving the application of police authority are available. Diversion programs are one means of facilitating the use of alternatives to arrest. Programs that partner police with mental health specialists are another.

Deflection & Alternatives to Arrest

Police-led diversion – or deflection from the criminal process – is not new, but it has attracted renewed interest in the last several years. The opioid crisis has prompted a number of law enforcement agencies to develop or adopt innovative approaches to drug possession and/or offending driven by drug use. Such programs enable police agencies to better support the common and long-standing practice of discretionary non-enforcement; officers frequently opt not to invoke the law – making custodial arrests or issuing citations – even when they have the authority to do so. For example, Terrill and Paoline (2007) analyzed observational data on 729 police encounters with non-traffic suspects, for whom police had evidence presumptively sufficient to make an arrest. Most (94 percent) of these encounters involved less serious offenses. In nearly two-thirds of these cases, officers neither made an arrest nor issued a citation. Instead, officers warned suspects (in 32 percent), commanded or requested that the individual discontinue his/her behavior (17 percent), made referrals to third parties of an official (a mental health facility) or unofficial (family member) nature (12 percent), provided information or counsel (10 percent), or did nothing (11 percent).⁸³ Deflection programs

⁸² David A. Klinger and George S. Bridges, "Measurement Error in Calls-for-Service as an Indicator of Crime," *Criminology* 35 (1997): 705-726.

⁸³ William Terrill and Eugene A. Paoline, III, "Non-Arrest Decision Making in Police-Citizen Encounters," *Police Quarterly* 10 (2007): 308-331.

facilitate connecting offenders who have behavioral health problems with services that may not only reduce their likelihood of offending but improve their quality of life.

The law enforcement assisted diversion (LEAD) program has achieved some prominence as a police-led diversion initiative. First conceived and implemented in Seattle in 2011, LEAD provides for the voluntary diversion of drug offenders from criminal prosecution to treatment in the community. In Seattle and other jurisdictions that have adopted LEAD programs in the years since, diversion is based on a harm reduction approach, targeting offenders whose criminality is driven by substance abuse. That is, the objective was not abstinence, but the mitigation of harms to the offenders, people in the offenders' lives, and the community. In Albany, LEAD provides for broader eligibility based not only on substance abuse, but also mental illness, homelessness, and chronic poverty, and on a much wider set of drug and non-drug charges. LEAD has been hailed as a program that can extricate repeat, low-level offenders from the "revolving door":

Despite policing efforts, drug users and dealers frequently cycle through the criminal justice system in what is sometimes referred to as a "revolving door." The traditional approach of incarceration and prosecution has not helped to deter this recidivism. There have thus been calls for innovative programs to engage these individuals so they may exit the revolving door. The primary aim of the LEAD program is to reduce criminal recidivism.⁸⁴

Other program models exist. For example, Stop, Triage, Engage, Educate, and Rehabilitate (STEER), formed and implemented in Montgomery County, Maryland, links drug users to treatment. Montgomery County police officers may divert consenting drug-involved offenders to treatment through a community-based case manager – a "care coordinator" co-located in the police department – who meets the officer in the field. This is an "intervention contact." Officers may also refer drug-involved individuals against whom police have no probable cause for an arrest in what STEER calls a "prevention contact." STEER is designed for people with high need for drug treatment but low to moderate risk for crime. Referrals turn partly on structured assessments that officers administer in the field to assess criminogenic risk, and the care coordinator applies a substance use screen to assess treatment needs.⁸⁵

None of the program models is evidence-based. Seattle's LEAD program was evaluated in terms of outcomes, claiming a 58 percent reduction in recidivism.⁸⁶ The

⁸⁴ Susan E. Collins, Heather S. Lonczak, and Seema L. Clifasefi, *LEAD Program Evaluation: Recidivism Report* (Seattle: University of Washington, 2015).

⁸⁵ *Focus on Innovation: Montgomery County STEER*, <http://www.addictionpolicy.org/single-post/STEERprogram>. Also see Jac Charlier, "Want to Reduce Drugs in Your Community? You Might Want to Deflect Instead of Arrest," *The Police Chief* (September 2015): 30-31.

⁸⁶ Susan E. Collins, Heather S. Lonczak, and Seema L. Clifasefi, *LEAD Program Evaluation: Recidivism Report*. Seattle: University of Washington, 2015.

methodological weaknesses of that evaluation cast considerable doubt on that conclusion, however.⁸⁷ A more recent evaluation of Santa Fe's LEAD program yielded at best mixed findings.⁸⁸

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Community input reflected a perception that a structured program of diverting from criminal processing offenders with substance use disorders would fill a need. Neither call-for-service records nor incident reports suffice to gauge the number of offenders whose criminality is driven by behavioral health issues, so we cannot estimate the magnitude of the need or its potential benefit. If a program is to be established, it will of course require strong partnerships with service providers, as well as community outreach to ensure that potential beneficiaries and their support networks understand the intent and nature of an offer of diversion.

We should add, in this connection, that BPD's CRT partners with the Addiction Center of Broome County to identify individuals at high risk of overdosing and conduct home visits or other contacts to facilitate services.

Responding to People in Mental Crisis

The virtues of non-traditional (i.e., not enforcement-driven) responses to persons with mental illness are in 2021 well-recognized. Three models for alternative responses have been predominant: a police-based specialized response; a police-based specialized mental health response; and a mental health-based specialized mental health response.⁸⁹

Crisis intervention teams (CIT) provide for training police officers so that they are better able to recognize and respond effectively to persons with mental illness, and to be more aware of mental health treatment resources. Improved recognition and communication skills are thought to enable officers to de-escalate situations and reduce the likelihood that officers make arrests or use force. The evidence on the effectiveness of CIT training is mixed.

Mobile crisis teams (MCT) provide for civilian mental health workers who co-respond when requested by police. Mental health specialists draw on a broader and deeper knowledge of mental illnesses and their symptoms, enabling them to better fit

⁸⁷ Robin S. Engel, Robert E. Worden, Nicholas Corsaro, Hannah D. McManus, Danielle L. Reynolds, Hannah Cochran, Gabrielle T. Isaza, and Jennifer Calnon Cherkaskas, *The Power to Arrest: Lessons from Research* (New York: Springer, 2019).

⁸⁸ New Mexico Sentencing Commission, *Santa Fe Law Enforcement Assisted Diversion (LEAD): An Analysis of the Pilot Phase Outcomes* (Albuquerque: Author, 2018).

⁸⁹ See Engel, et al., *The Power to Arrest*.

their response to the situation. Unfortunately, the evidence on the effectiveness of MCTs is quite limited and weak.

Centralized crisis response provides for an assessment site at which police can drop off persons exhibiting acute symptoms of mental illness. The sites include streamlined intake procedures and no-refusal policies. Officers are able to return to patrol quickly, while clients receive emergency psychiatric assessment and stabilization, whereupon they are referred for mental health services.

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The Mental Health Association of the Southern Tier (MHAST) operates Mobile Crisis Services.⁹⁰ Mobile Crisis staff respond when police officers (or other providers) request their assistance or when they are dispatched by 911. They assess the situation and determine a course of action, which could involve transporting the individual to the Comprehensive Psychiatric Emergency Program (CPEP), making a connection with outpatient services, or counseling at the scene.

In addition, MHAST's Crisis Intervention Team ... worked closely with many partners implementing a 911 distressed caller diversion program, which is the first of its kind in the State of New York. This program links 911 dispatchers with United Health Services Comprehensive Psychiatric Emergency Program (CPEP). Trained dispatchers assess the level of risk to the caller and transfer qualified callers, linking them directly with mental health assistance, putting the consumer first, avoiding a police response, and avoiding unnecessary transports to the hospital.⁹¹

As noted above, 20 percent of BPD officers have been trained in CIT, and the remainder of the officers have been trained in mental health awareness. In 2017-2019, BPD officers were dispatched to 2,103 calls with a call type of "mental health law," and in an additional 254 incidents, BPD recorded a person's condition as mentally disordered. Among these 2,357 incidents, 39 (1.7 percent) eventuated in an arrest. Police reported using force in 65 (2.6 percent).

Service Delivery and Funding in a Federal System

We noted in the introduction the report of the Kerner Commission, which cited the need for "massive and sustained" investments to reduce poverty and inequality.⁹² Whether a greater investment in addressing public problems – unemployment, mental

⁹⁰ See <https://mhast.org/mobile-crisis.html>.

⁹¹ <https://mhast.org/crisis-intervention.html>. Also see CIT International, *Crisis Intervention Team (CIT) Programs: A Best Practice Guide for Transforming Community Responses to Mental Health Crises* (Memphis, TN: Author, 2019), pp. 114-116.

⁹² Fred Harris and Alan Curtis, "The Unmet Promise of Equality," *New York Times* (February 28, 2018).

illness, homelessness, substance abuse – should be made is not a question that science can definitively answer; it is a question of values and thus resolvable only through political deliberation. If, however, one takes as a value premise the need for greater investment, then the source of the funding arises as a question on which theory and data shed some light.

City residents receive many different services from city and county governments. City governments rely on limited tax bases and are subject to systemic pressures to keep tax rates low, so that they can compete for residents and businesses. City funding consequently tends to be allocated for economic development and for basic services whose benefits are widely shared: e.g., police and fire protection; street repair; sanitation. Cities tend not to expend much on what can be characterized as redistributive programs, whose benefits are limited mainly or entirely to residents in need.

In New York State, most of the expenditures for social service, mental health, and public health programming are made by county, not city, governments. Much of the revenue for those programs comes in the form of state and federal aid. County governments have the infrastructure through which services are provided, but a substantial fraction of the funding for those services is not from local taxation, thereby accommodating the competitive pressures to which local governments are subject.

In contemplating how to support a greater investment in addressing the needs of disadvantaged neighborhoods, then, it is important to appreciate that responsibility for administering social service programs is shared unequally among different levels of government, and that responsibility for funding social service programs also is shared unequally among different levels of government. Moreover, the two responsibilities are not distributed across governments in the same way.

Police budgets in particular, especially for central cities, are often inadequate to offer compensation levels that suffice to attract and retain good talent, and to allow for the initial and on-going training necessary to perform the critical and demanding role that police play, and which communities expect. Furthermore, engaging with the community, and mounting responses to neighborhood (or city-wide) problems with multi-dimensional responses that promise to conserve the use of police authority, require resources beyond those necessary to maintain the capacity for emergency response. Given these premises, it follows that support for other social services will require tapping revenue streams other than those that support police budgets.

Control of Violence and Other Crime

According to Uniform Crime Report (UCR) figures for 2019 (the most recent year for which complete data are available), Binghamton recorded 355 Part I violent offenses, for a rate of 798.2 per 100,000 population. The count of violent crimes included 245

aggravated assaults (a rate of 550.9 per 100,000 population) and 66 robberies (a rate of 148.4). U.S. cities in Binghamton’s UCR population group of 25,000-49,999 had a mean violent crime rate of 270.5 per 100,000, a rate of aggravated assaults of 175.3, and a robbery rate of 53.4. The population group of cities with populations of 50-100,000 had rates of 333.2, 214.0, and 75.8, respectively. Thus, Binghamton’s rates of violent crime were approximately two to three times that of cities of comparable size. We caution that comparisons of UCR-based crime rates across jurisdictions can be misleading. The cities vary to unknown degrees with respect to reporting by crime victims and police agencies’ recording practices, which could distort judgments about any one city’s crime.

Binghamton’s rates of gun crime are more nearly similar to those of other cities in its population group: a firearm robbery rate of 18.0 per 100,000 population, and a firearm aggravated assault rate of 41.4. Binghamton’s rates were 27.0 (with 12 gun robberies) and 49.6 (22 gun assaults), respectively. Shootings, which are not tabulated for the UCR program but are tabulated in New York State for GIVE jurisdictions, are fairly low in Binghamton relative to other cities in the state. Table 17, below, displays for each

Table 17. Rates of Shootings in Selected New York State Cities.

Police Department	2019 Sworn*	2019 Population**	Annual Shootings***	Shootings per 10 officers	Shootings per 10,000 population
Newburgh City PD	80	28,177	24	3.00	8.52
Buffalo City PD	729	255,284	205	2.81	8.03
Rochester City PD	738	205,695	159	2.15	7.73
Syracuse City PD	403	142,327	110	2.73	7.73
Niagara Falls City PD	146	47,720	21	1.44	4.40
Utica City PD	162	59,750	24	1.48	4.02
Albany City PD	293	96,460	38	1.30	3.94
Poughkeepsie City PD	89	30,515	12	1.35	3.93
Schenectady City PD	161	65,273	16	1.00	2.45
Troy City PD	128	49,154	11	0.86	2.24
Binghamton City PD	131	44,399	7	0.53	1.58
Kingston City PD	71	22,793	3	0.42	1.32
Yonkers City PD	598	200,370	25	0.42	1.25

* Source: <https://www.criminaljustice.ny.gov/crimnet/ojsa/2019-le-personnel.pdf>

** Source: United States Census

*** Source: <https://www.criminaljustice.ny.gov/crimnet/ojsa/greenbook.pdf> (July, 2020), computed five-year average, 2015-2019, rounded to nearest integer

of the selected jurisdictions rates of shooting incidents per 10,000 population (in the far right column), and rates of shootings relative to police personnel (shootings per 10 officers). Rates of shootings in the City of Binghamton were, in 2015-2019, lower than those in all but two of the other twelve cities.

Community input cited concerns with crime control. Police efforts to control crime, and to address the racial and ethnic disparities in personal safety and security noted above, could potentially contribute to disparities in enforcement: in stops, searches, tickets, and arrests. This potential underscores the need to formulate and execute crime control strategies that focus as narrowly as possible on places and people at high risk of involvement in crime.

Hot Spots Policing

Criminological theory and research has identified a number of factors that shape the spatial distribution of crime, which tends to be concentrated in fairly small areas that many have come to call crime hot spots.⁹³ Strategically focusing police resources on hot spots of crime has become a widely-accepted police tactic. A number of studies have shown persuasively that crime in such hot spots can be reduced to some extent through deploying police units to hot spots, and/or directing police patrol resources to hot spots.⁹⁴

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Hot spots policing in Binghamton is driven by spatial analyses of crime patterns by the intelligence center, which identified locations in which crime is concentrated. Particular attention is given to gun crime, and the information is complemented with intelligence on street drug markets and debriefings of arrestees. Directed patrols designed to achieve a high level of police visibility are deployed to identified hot spots.

⁹³ On the spatial concentration of crime, see, e.g., John Eck, Ronald Clarke, and Rob Guerette, "Risky Facilities: Crime Concentration in Homogenous Sets of Establishments and Facilities," *Crime Prevention Studies* 21 (2007): 225-264; Lawrence Sherman, Patrick Gartin, and Michael Buerger, "Hot Spots of Predatory Crime: Routine Activities and the Criminology of Place," *Criminology* 27 (1989): 27-55; William Spelman, "Criminal Careers of Public Places," *Crime Prevention Studies* 4 (1995): 115-144; David Weisburd, "The Law of Crime Concentration and the Criminology of Place," *Criminology* 53 (2015): 133-157.

⁹⁴ See Anthony A. Braga, Andrew V. Papachristos, and David M. Hureau, "The Effects of Hot Spots Policing on Crime: An Updated Systematic Review and Meta-Analysis," *Justice Quarterly* 31 (2014): 633-663; Elizabeth Groff, Jerry Ratcliffe, Cory Haberman, Evan Sorg, Nola Joyce, and Ralph Taylor, "Does What Police Do at Hot Spots Matter? The Philadelphia Policing Tactics Experiment," *Criminology* 53 (2015): 23-53; Richard Rosenfeld, Michael J. Deckard, and Emily Blackburn, "The Effects of Directed Patrol and Self-Initiated Enforcement on Firearm Violence: A Randomized Controlled Study of Hot Spot Policing," *Criminology* 52 (2014): 428-449; Lawrence Sherman and David Weisburd, "General Deterrent Effects of Police Patrol in Crime Hot Spots: A Randomized, Controlled Trial," *Justice Quarterly* 12 (1995): 625-648.

We would offer two observations, without meaning to imply that BPD's current practice of hot spots policing is in either respect deficient. First, the optimal geographic size of hot spots for the purpose of hot spots policing is not, to our knowledge, a matter on which evidence has accumulated. However, given findings that crime levels vary from block to block, at a "micro" level, over long periods of time, small, narrowly circumscribed hot spots may be presumptively desirable.⁹⁵ The more that policing concentrates on the areas that are demonstrably high-risk, the less likely that lower-risk areas are subject to policing that is unduly intensive. Second, some experience indicates that the potential detrimental effects of hot spots policing on public trust can be mitigated or averted through community outreach that explains what police will do and its rationale.⁹⁶

Focused Deterrence

Focused deterrence – also known as "pulling levers" – strategies share a number of common components of hot spots policing, and follow the same general framework. Once a particular crime problem (such as gang-involved gun violence) is identified as the focus, an interagency working group first conducts research to identify offenders, gangs, and behavior patterns, and then frames a response designed to offer a range of sanctions – or levers to be pulled, as necessary – to deter offenders. The threats that these sanctions represent are communicated directly to identified offenders, through media described below. At the same time that this deterrence message is being delivered, community resources are focused on targeted offenders and groups to further induce a cessation of violent behavior. Such strategies are implemented by a multi-agency consortium to ensure that a variety of sanctions can be used against these chronic offenders, and also that a variety of services are available to them to facilitate the choice to desist from crime. Cincinnati's initiative summarizes the pulling levers message succinctly: "We will help you if you let us, but we will stop you if you make us."⁹⁷

⁹⁵ See David Weisburd, Shawn D. Bushway, Cynthia Lum, and Sue-Ming Yang, "Trajectories of Crime at Places: A Longitudinal Study of Street Segments in the City of Seattle," *Criminology* 42 (2004): 283-322; Andrew P. Wheeler, Robert E. Worden, and Sarah J. McLean, "Replicating Group-Based Trajectory Models of Crime at Micro-Places in Albany, NY," *Journal of Quantitative Criminology* 32 (2016): 589-612.

⁹⁶ See James Shaw, "Community Policing Against Guns: Public Opinion of the Kansas City Gun Experiment," *Justice Quarterly* 12 (1995): 695-710; and Steven Chermak, Edmund F. McGarrell, and Alexander Weiss, "Citizen Perceptions of Aggressive Traffic Enforcement Strategies," *Justice Quarterly* 18 (2001): 365-391.

⁹⁷ Robin S. Engel, S. Gregory Baker, Marie S. Tillyer, John Eck, and Jessica Dunham, *The Implementation of the Cincinnati Initiative to Reduce Violence (CIRV): Year 1 Report* (Cincinnati: University of Cincinnati Policing Institute, 2008), p. 6

Focused deterrence strategies rest on the fundamental assumptions that offenders are rational, and that confronting offenders directly is the first step toward altering their perceptions of risk. They further assume that such direct communications may also reverberate through the informal communication network of offenders, especially if they are gang-involved.⁹⁸ The success of a pulling levers strategy depends on two factors: how well the response is tailored to the selected crime problem, and whether or not the promises that are made (regarding subsequent law enforcement crackdowns and access to social services) are kept. Offenders are able to quickly ascertain hollow threats and empty promises.

One focused deterrence strategy, now known as the Group Violence Intervention (GVI), focuses additional enforcement efforts on the small number of offenders who are responsible for a disproportionate share of gun violence, and particularly the members of gangs and other violent groups. Gang and other group members are directly warned of the enforcement regime: what will happen if gun violence occurs, and why – that the community wants the violence to stop. A key communication mechanism is a face-to-face meeting with group members, which is sometimes called a “call-in” or “offender notification forum.” When gun violence occurs and a member of a gang or group is responsible for it, the shooter is held individually accountable, as always through prosecution. In addition, the entire group is held collectively accountable for the gun violence of their members, as every legally available enforcement “lever” is pulled with respect to the members of that group. The prospect of such enforcement attention presumably prompts group members to exert informal social pressure on their associates to refrain from gun violence, thereby altering the group dynamics in socially beneficial ways. Group members are also invited to take advantage of services that can help them change their lives for the better, an invitation that offers a meaningful alternative for a better lifestyle choice.

Anthony Braga and his colleagues recently completed a meta-analysis of focused deterrence initiatives, including evaluations of twelve applications of the group violence intervention.⁹⁹ In addition to Boston’s pioneering Operation Ceasefire in the 1990s, evaluations have been conducted in: Indianapolis, Cincinnati, Lowell, Stockton, Los Angeles, Rochester, Boston (“Ceasefire II”), Chicago, New Orleans, Kansas City, and New Haven. Across the evaluations of GVI, Braga, et al., report an average effect size of 0.657, which can be interpreted as an effect of medium (0.5) to large (0.8) magnitude.¹⁰⁰

⁹⁸ Edmund F. McGarrell, Steven Chermak, Jeremy M. Wilson, and Nicholas Corsaro, “Reducing Homicide through a ‘Lever-Pulling’ Strategy,” *Justice Quarterly* 23 (2006): 214-231.

⁹⁹ Anthony A. Braga, David Weisburd, and Brandon Turchan, “Focused Deterrence Strategies and Crime Control: An Updated Systematic review and Meta-Analysis of the Empirical Evidence,” *Criminology & Public Policy* 17 (2018): 205-250.

¹⁰⁰ On the interpretation of effect sizes, see Jacob Cohen, *Statistical Power Analysis for the Behavioral Sciences*, 2nd edition (Erlbaum: Hillsdale, NJ, 1988).

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Given the level of gun violence in Binghamton, and the low profile of street gangs in descriptions of crime control efforts, leads us to cautiously infer that the group violence intervention is not needed in Binghamton. Nor did we hear references to street drug markets of a sort that would call for the drug market intervention.

Situational Crime Prevention

Situational crime prevention begins with the objective of reducing *opportunities* for crime and disorder. Based on an analysis of the circumstances associated with specific types of crime and disorder, it formulates modifications to the physical environment or its management designed to alter the opportunity structure for those behaviors. The principal ways by which situations can be modified to reduce the likelihood of offending are:

- increasing the difficulties of committing the offense;
- increasing the immediate risks of apprehension;
- reducing the rewards or benefits of the offense;
- removing excuses for offending that offenders may use to rationalize the offense; and
- reducing temptations and provocations to commit the offense.

According to Ronald Clarke, "... more than 250 evaluated successes of situational crime prevention have been reported, covering an increasingly wide array of crimes including terrorism and organized crimes."¹⁰¹

Crime prevention through environmental design (CPTED) shares these same concerns with opportunities for crime and disorder, concentrating on the respects in which features of the environment afford such opportunities. In any location, CPTED considers modifications of the building, the site, and the location, and how that place is managed and used. Somewhat more specifically, the modifications may involve: (1) controlling access (with fences, hedges, gates, or signage); (2) improving visibility (through lighting, landscape maintenance); or (3) defining ownership and encouraging the maintenance of territory (through signage, or maintenance that shows that some cares and is a sign of guardianship).

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BPD is part of a multi-agency CPTED team, which meets on a regular basis. The team also includes representatives of Binghamton Code Enforcement, the Binghamton Fire Department, the City Zoning Office, the city schools, the Mayor's office, Corporation

¹⁰¹ Ronald V. Clarke, "The Theory and Practice of Situational Crime Prevention," in *Criminology and Criminal Justice*, Oxford Research Encyclopedia.

Counsel, and analysts. The team applies the elements identified above – access control, visibility, and ownership – to identified problem locations.

Street Outreach

Cure Violence – originally known as CeaseFire-Chicago, first implemented by the Chicago Project for Violence Prevention (CPVP) in 1995 – applies what it characterizes as a public health approach to violence prevention.¹⁰² That is, violence is viewed as a serious health threat in the same way that polio, smallpox, and HIV/AIDS is. The disease metaphor implies that the spread of violence can be interrupted. According to then-CPVP Executive Director Gary Slutkin, “punishment doesn’t drive behavior. Copying and modeling and the social expectations of your peers is what drives your behavior.”¹⁰³ A two-stage approach toward violence follows from this premise. First, Slutkin proposes to, as you would if you were fighting tuberculosis, “find those who are most infectious and stop the transmission. This means going after young men most likely to fire a gun and set off a spiral of further violence and try to stop them pulling the trigger. The longer-term aim, like treating AIDS, is to change the behavior of the whole group so that shooting (like unsafe sex) becomes unacceptable in the peer group, even gang communities.”¹⁰⁴

Evaluations of Cure Violence have produced mixed findings. Positive impacts were found in Chicago and Baltimore.¹⁰⁵ These findings have been challenged, however. Commenting on the Chicago evaluation, after a review of other evidence on Chicago CeaseFire, Fox and his colleagues allow that “... contrary to popular belief, the CeaseFire program may not have been as effective in reducing violence as first promoted.”¹⁰⁶ Fox, et al. also raise questions about the effectiveness of the Baltimore program. Null findings were observed in Newark and New Orleans.¹⁰⁷

¹⁰² For a comprehensive description and evaluation of CeaseFire-Chicago, see Wesley G. Skogan, Susan M. Harnett, Natalie Bump, and Jill DuBois, *Evaluation of CeaseFire-Chicago* (Chicago: Northwestern University Institute for Policy Research, 2008).

¹⁰³ Alex Kotlowitz, “Blocking the transmission of violence,” *The New York Times Magazine* (May 4, 2008).

¹⁰⁴ Damian Whitworth, “Street violence is an infection. I can cure it,” *The Times* (July 2, 2008). Available online at http://women.timesonline.co.uk/tol/life_and_style/women/the_way_we_live/article4251027.ece.

¹⁰⁵ See Skogan, et al., *Evaluation of Ceasefire-Chicago*; and Daniel W. Webster, Jennifer Mendel Whitehill, Jon S. Vernick, and Elizabeth M. Parker, *Evaluation of Baltimore’s Safe Streets Program: Effects on Attitudes, Participants’ Experiences, and Gun Violence* (Baltimore: Johns Hopkins Center for the Prevention of Youth Violence, 2012).

¹⁰⁶ See Andrew M. Fox, Charles M. Katz, David E. Choate, and E.C. Hedberg, “Evaluation of the Phoenix TRUCE Project: A Replication of Chicago CeaseFire,” *Justice Quarterly* 32 (2015): 85-115.

¹⁰⁷ See Douglas J. Boyle, Jennifer L. Lanterman, Joseph E. Pascarella, and Chia-Cherng Cheng, “The Impact of Newark’s Operation Ceasefire on Trauma Center Gunshot Wound Admissions,” *Justice Research and Policy* 12 (2010): 105-123 (though we note that Newark’s program was a peculiar hybrid of CureViolence and focused deterrence); and Eric McVey, Juan C. Duchesne, Siavash Sarlati, Michael O’Neal, Kelly

Two cities' experiences with interventions based on the Cure Violence model are cautionary tales, however, inasmuch as the interventions appeared to have *detrimental* effects, yielding *higher* levels of violence. In their evaluation of Pittsburgh's One Vision One Life initiative, Wilson and Chermak (tentatively) attributed the negative outcomes there to the activities of the street workers, which served to make loosely-structured gangs more cohesive and to further challenge the legitimacy of local law enforcement.¹⁰⁸ Commenting on this finding, one noted gang expert raised questions about the wisdom of using former gang members in gang interventions.¹⁰⁹ A recent evaluation of the Phoenix Truce initiative found similarly detrimental effects; the authors speculate that, as in some other cities' experience, "street outreach can result in the unintended consequence of increasing neighborhood levels of gang membership and delinquency," as the "assignment of caseworkers increased the local reputation of particular gangs, which helped to attract new members, and led to an increased gang problem"¹¹⁰ More generally, street outreach workers are higher-risk employees than many: Fox et al. report that three of Baltimore's five sites in its Safe Streets (Cure Violence) program were shut down within a short time. One of them was terminated after city officials "learned through local and federal law enforcement that a local street gang (the Black Guerilla Family) had infiltrated the program. Gang members, one of which was a gang leader, were working for the Union Hills Safe Streets site as outreach workers for the purpose of obtaining cover for their gang's heroin distribution network"¹¹¹

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Our comments with regard to focused deterrence would seem equally applicable to Cure Violence: we detect no clear need for street outreach to prevent gun violence.

Implications

We have drawn what we take to be implications by synthesizing the community input with the review of current BPD policies, programs, and practices, the results of our analyses of racial and ethnic disparities, and the research base. We would not purport to represent here the tone, sentiment, or intensity of the community input. Nor do we

Johnson, and Jennifer Avegno, "Operation CeaseFire-New Orleans: An Infectious Disease Model for Addressing Community Recidivism from Penetrating Trauma," *Journal of Trauma and Acute Care Surgery* 77 (2014): 123-128.

¹⁰⁸ Jeremy M. Wilson, and Steven Chermak, "Community-Driven Violence Reduction Programs: Examining Pittsburgh's One Vision One Life," *Criminology & Public Policy* 10 (2011), especially pp. 1016-1019.

¹⁰⁹ Malcolm W. Klein, "Comprehensive Gang and Violence Reduction Programs," *Criminology & Public Policy* 10 (2011): 1037-1044.

¹¹⁰ Fox, et al., "Evaluation of the Phoenix TRUCE Project," *op cit*, p. 110.

¹¹¹ *Ibid.*, pp. 91-92.

presume to recommend changes that the Binghamton public or its representatives might consider a poor fit for their community. We offer these implications as a succinct compilation of matters that surely merit consideration, based on all of the foregoing.

1. Take concrete steps toward greater transparency:
 - Consider posting BPD policies on the website
 - Post an explanation of the complaint process on the website, along with the complaint form (ideally a fillable form submissible from the website)
 - Post the BPD annual report
 - Post statistical summaries of: complaints, allegations, dispositions; stops and post-stop outcomes, by race/ethnicity; arrests, by race/ethnicity; use of force, by race/ethnicity
2. Use social media, complementing the use of press releases, to inform the public about BPD's accomplishments and activities, and to notify the public when new documents are available on the website
3. Identify and institutionalize means of engaging regularly with residents, neighborhood groups and other community associations
4. Consider what if any form of external, citizen oversight to establish
5. Consider the creation of a community advisory board
6. Consider conducting periodic or rolling contact surveys as indicators of public perceptions of procedurally just policing
7. Consider the deployment of officers on foot where feasible
8. Ensure that the Community Response Team (CRT) has adequate staffing to meet citywide needs and demands for problem-solving
9. Consider (additional) training for CRT and other officers in the SARA model of problem-oriented policing and other community policing tasks
10. Institutionalize a regular review of problem-solving analysis and responses to ensure that appropriate use is made of non-enforcement responses (including but not limited to situational crime prevention)
11. Continue efforts to diversify BPD's ranks

12. Conduct a further and more detailed examination of Taser use in interactions with citizens of different race/ethnicity
13. Build on the current subject resistance form to systematically capture more detailed information on forms of force, and analyze those data for the purposes of policy development, training, and monitoring racial/ethnic disparities
14. Ensure compliance with stop reporting by auditing stop records against CAD records periodically, and analyze stop data for the purposes of policy development, training, and monitoring racial/ethnic disparities
15. Consider additional training, either by allocating additional resources for training or establishing different priorities for training, as well as cross-system training
 - Topics include (but are not limited to): implicit bias awareness; de-escalation; domestic violence
16. Continue the development of de-escalation training, apart from CIT, perhaps using PERF's ICAT curriculum.
17. Consider what if any calls for service could be handled through an alternative response, based on a careful consideration of how calls are currently disposed and the reliability of the information available at the time of dispatch
18. Consider a deflection (police-led diversion) program for substance abusers
19. Continue the reform and reinvention process, including regular opportunities for community input, beyond the April 1 deadline of the Executive Order

Appendix

As noted above, we administered a survey in order to supplement the community input obtained through the community meetings. The survey was based on what is called an “opt-in” sample: respondents who were aware of the opportunity to complete the survey could choose to participate and thus opt in. Such samples are convenience samples and they are susceptible to sample selection bias: those who opt in are liable to be unrepresentative. Segments of a population, especially those with strong opinions about the subject of the survey, can skew the survey results.

In some cases, post-hoc statistical weighting can be performed, so long as the survey data include information on the factors that influence the choice to participate in the survey, and independent information is available on those same factors in the larger population that the sample would ideally represent. That is not true in this case.

We therefore identified the respondents with extreme views about Binghamton police, on the premise that their opinions influenced their choice to participate. Extreme views could be negative or positive. We focused on 20 items to differentiate among respondents in terms of the extremity of their responses. An extreme response is one at either end of the response continuum, e.g., strongly agree or strongly disagree, very poor or very good. Those who reported an extreme response on 90% or more of 20 opinion items were treated as holding extreme views. (The median percentage of extremely negative responses was 10, and the median percentage of extremely positive responses was also 10, so those with 90 percent extreme responses were quite distinctive in the consistency and intensity of their responses.) Among the 1,206 respondents who answered items, there were 179 who were extremely negative, and 79 who were extremely positive.

We distinguish these two groups of respondents from those with less extreme views in the tables below. In so doing, we do not mean to imply that the extreme views are illegitimate or not sincerely held. Nor do we suggest that the remaining respondents, with less extreme views, can be treated as representative, for they too opted in to the survey, and we cannot estimate the representativeness of the sample or a subset thereof. The tables show these three sets of respondents separately so that readers can make their own judgments about the interpretation of the survey results. We would stress that the purpose of the survey was to supplement the input obtained through the community meetings, and should not be construed as a true statistical representation of Binghamton residents or other stakeholders.

The leadership of the Binghamton Police Department is receptive to change/innovation.				
		extremes		
		extremely negative	neither extreme	extremely positive
Agree strongly	Count	0	141	72
	% within extremes	0.0%	14.9%	91.1%
Agree somewhat	Count	0	247	5
	% within extremes	0.0%	26.1%	6.3%
Disagree somewhat	Count	0	151	1
	% within extremes	0.0%	15.9%	1.3%
Disagree strongly	Count	179	265	0
	% within extremes	100.0%	28.0%	0.0%
Don't know	Count	0	144	1
	% within extremes	0.0%	15.2%	1.3%
Total	Count	179	948	79
	% within extremes	100.0%	100.0%	100.0%

The rank-and-file members of the Binghamton Police Department are receptive to change/innovation.				
		extremes		
		extremely negative	neither extreme	extremely positive
Agree strongly	Count	0	153	79
	% within extremes	0.0%	16.2%	100.0%
Agree somewhat	Count	0	266	0
	% within extremes	0.0%	28.1%	0.0%
Disagree somewhat	Count	0	159	0
	% within extremes	0.0%	16.8%	0.0%
Disagree strongly	Count	178	203	0
	% within extremes	99.4%	21.4%	0.0%
Don't know	Count	1	166	0
	% within extremes	0.6%	17.5%	0.0%
Total	Count	179	947	79
	% within extremes	100.0%	100.0%	100.0%

The Binghamton Police Department makes it easy for community members to provide input (e.g., concerns, comments, questions).				
		extremes		
		extremely negative	neither extreme	extremely positive
Agree strongly	Count	0	173	78
	% within extremes	0.0%	18.3%	100.0%
Agree somewhat	Count	0	208	0
	% within extremes	0.0%	22.0%	0.0%
Disagree somewhat	Count	0	188	0
	% within extremes	0.0%	19.9%	0.0%
Disagree strongly	Count	179	253	0
	% within extremes	100.0%	26.7%	0.0%
Don't know	Count	0	125	0
	% within extremes	0.0%	13.2%	0.0%
Total	Count	179	947	78
	% within extremes	100.0%	100.0%	100.0%

The Binghamton Police can be trusted to make the right decisions for residents in my neighborhood.				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	0	293	78
	% within extremes	0.0%	30.9%	100.0%
Agree somewhat	Count	0	228	0
	% within extremes	0.0%	24.1%	0.0%
Disagree somewhat	Count	0	140	0
	% within extremes	0.0%	14.8%	0.0%
Disagree strongly	Count	179	221	0
	% within extremes	100.0%	23.3%	0.0%
Don't know	Count	0	65	0
	% within extremes	0.0%	6.9%	0.0%
Total	Count	179	947	78
	% within extremes	100.0%	100.0%	100.0%

I would like to see increased Binghamton Police uniformed presence in my neighborhood.				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	0	285	61
	% within extremes	0.0%	30.1%	78.2%
Agree somewhat	Count	0	226	12
	% within extremes	0.0%	23.9%	15.4%
Disagree somewhat	Count	0	126	3
	% within extremes	0.0%	13.3%	3.8%
Disagree strongly	Count	179	243	0
	% within extremes	100.0%	25.7%	0.0%
Don't know	Count	0	66	2
	% within extremes	0.0%	7.0%	2.6%
Total	Count	179	946	78
	% within extremes	100.0%	100.0%	100.0%

The Binghamton Police Department is working toward improving trust with historically mistreated groups.				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	0	234	78
	% within extremes	0.0%	24.7%	100.0%
Agree somewhat	Count	0	171	0
	% within extremes	0.0%	18.1%	0.0%
Disagree somewhat	Count	1	115	0
	% within extremes	0.6%	12.2%	0.0%
Disagree strongly	Count	178	254	0
	% within extremes	99.4%	26.8%	0.0%
Don't know	Count	0	172	0
	% within extremes	0.0%	18.2%	0.0%
Total	Count	179	946	78
	% within extremes	100.0%	100.0%	100.0%

Binghamton Police volunteering at community organizations would improve community trust.				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	2	338	45
	% within extremes	1.1%	35.7%	57.7%
Agree somewhat	Count	9	364	16
	% within extremes	5.0%	38.4%	20.5%
Disagree somewhat	Count	6	96	6
	% within extremes	3.4%	10.1%	7.7%
Disagree strongly	Count	159	94	5
	% within extremes	88.8%	9.9%	6.4%
Don't know	Count	3	56	6
	% within extremes	1.7%	5.9%	7.7%
Total	Count	179	948	78
	% within extremes	100.0%	100.0%	100.0%

When dealing with the people in your neighborhood are the Binghamton Police... polite?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	0	355	78
	% within extremes	0.0%	37.8%	100.0%
Agree somewhat	Count	0	286	0
	% within extremes	0.0%	30.5%	0.0%
Disagree somewhat	Count	2	115	0
	% within extremes	1.1%	12.2%	0.0%
Disagree strongly	Count	177	109	0
	% within extremes	98.9%	11.6%	0.0%
Don't know	Count	0	74	0
	% within extremes	0.0%	7.9%	0.0%
Total	Count	179	939	78
	% within extremes	100.0%	100.0%	100.0%

When dealing with the people in your neighborhood are the Binghamton Police... helpful?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	0	359	78
	% within extremes	0.0%	38.3%	100.0%
Agree somewhat	Count	0	265	0
	% within extremes	0.0%	28.3%	0.0%
Disagree somewhat	Count	0	132	0
	% within extremes	0.0%	14.1%	0.0%
Disagree strongly	Count	179	117	0
	% within extremes	100.0%	12.5%	0.0%
Don't know	Count	0	65	0
	% within extremes	0.0%	6.9%	0.0%
Total	Count	179	938	78
	% within extremes	100.0%	100.0%	100.0%

When dealing with the people in your neighborhood are the Binghamton Police... biased?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	161	191	7
	% within extremes	89.9%	20.4%	9.0%
Agree somewhat	Count	1	184	0
	% within extremes	0.6%	19.6%	0.0%
Disagree somewhat	Count	0	96	1
	% within extremes	0.0%	10.2%	1.3%
Disagree strongly	Count	17	285	68
	% within extremes	9.5%	30.4%	87.2%
Don't know	Count	0	181	2
	% within extremes	0.0%	19.3%	2.6%
Total	Count	179	937	78
	% within extremes	100.0%	100.0%	100.0%

When dealing with the people in your neighborhood are the Binghamton Police... concerned about people's problems?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	1	274	78
	% within extremes	0.6%	29.2%	100.0%
Agree somewhat	Count	1	281	0
	% within extremes	0.6%	30.0%	0.0%
Disagree somewhat	Count	1	152	0
	% within extremes	0.6%	16.2%	0.0%
Disagree strongly	Count	176	145	0
	% within extremes	98.3%	15.5%	0.0%
Don't know	Count	0	86	0
	% within extremes	0.0%	9.2%	0.0%
Total	Count	179	938	78
	% within extremes	100.0%	100.0%	100.0%

The Binghamton Police Department are good at...Dealing with problems in your neighborhood				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	172	91	0
	% within extremes	99.4%	10.2%	0.0%
Agree somewhat	Count	1	140	0
	% within extremes	0.6%	15.7%	0.0%
Disagree somewhat	Count	0	285	0
	% within extremes	0.0%	31.9%	0.0%
Disagree strongly	Count	0	262	77
	% within extremes	0.0%	29.3%	100.0%
Don't know	Count	0	115	0
	% within extremes	0.0%	12.9%	0.0%
Total	Count	173	893	77
	% within extremes	100.0%	100.0%	100.0%

The Binghamton Police Department are good at...Fighting crime				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	172	73	0
	% within extremes	99.4%	8.2%	0.0%
Agree somewhat	Count	0	146	0
	% within extremes	0.0%	16.5%	0.0%
Disagree somewhat	Count	0	318	0
	% within extremes	0.0%	35.9%	0.0%
Disagree strongly	Count	0	243	77
	% within extremes	0.0%	27.4%	100.0%
Don't know	Count	1	107	0
	% within extremes	0.6%	12.1%	0.0%
Total	Count	173	887	77
	% within extremes	100.0%	100.0%	100.0%

The Binghamton Police Department are good at...Treating people fairly				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	173	165	0
	% within extremes	100.0%	18.5%	0.0%
Agree somewhat	Count	0	155	0
	% within extremes	0.0%	17.4%	0.0%
Disagree somewhat	Count	0	186	0
	% within extremes	0.0%	20.8%	0.0%
Disagree strongly	Count	0	273	77
	% within extremes	0.0%	30.6%	100.0%
Don't know	Count	0	114	0
	% within extremes	0.0%	12.8%	0.0%
Total	Count	173	893	77
	% within extremes	100.0%	100.0%	100.0%

The Binghamton Police Department are good at...Keeping order on the streets and sidewalks				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	169	75	0
	% within extremes	97.7%	8.4%	0.0%
Agree somewhat	Count	0	148	0
	% within extremes	0.0%	16.6%	0.0%
Disagree somewhat	Count	1	328	0
	% within extremes	0.6%	36.8%	0.0%
Disagree strongly	Count	1	236	77
	% within extremes	0.6%	26.5%	100.0%
Don't know	Count	2	104	0
	% within extremes	1.2%	11.7%	0.0%
Total	Count	173	891	77
	% within extremes	100.0%	100.0%	100.0%

The Binghamton Police Department are good at...Working with residents in your neighborhood to solve local problems				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	173	157	0
	% within extremes	100.0%	17.6%	0.0%
Agree somewhat	Count	0	144	0
	% within extremes	0.0%	16.1%	0.0%
Disagree somewhat	Count	0	210	1
	% within extremes	0.0%	23.5%	1.3%
Disagree strongly	Count	0	200	76
	% within extremes	0.0%	22.4%	98.7%
Don't know	Count	0	181	0
	% within extremes	0.0%	20.3%	0.0%
Total	Count	173	892	77
	% within extremes	100.0%	100.0%	100.0%

The Binghamton Police Department are good at...Working to build community trust				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	173	181	0
	% within extremes	100.0%	20.3%	0.0%
Agree somewhat	Count	0	164	0
	% within extremes	0.0%	18.4%	0.0%
Disagree somewhat	Count	0	208	0
	% within extremes	0.0%	23.3%	0.0%
Disagree strongly	Count	0	197	77
	% within extremes	0.0%	22.1%	100.0%
Don't know	Count	0	142	0
	% within extremes	0.0%	15.9%	0.0%
Total	Count	173	892	77
	% within extremes	100.0%	100.0%	100.0%

The Binghamton Police Department are good at...Responding promptly to calls for service				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	142	77	0
	% within extremes	82.6%	8.6%	0.0%
Agree somewhat	Count	6	142	0
	% within extremes	3.5%	15.9%	0.0%
Disagree somewhat	Count	2	270	4
	% within extremes	1.2%	30.3%	5.3%
Disagree strongly	Count	1	277	72
	% within extremes	0.6%	31.1%	94.7%
Don't know	Count	21	125	0
	% within extremes	12.2%	14.0%	0.0%
Total	Count	172	891	76
	% within extremes	100.0%	100.0%	100.0%

If a police officer in Binghamton were found guilty of misconduct, to what extent do you think that the police department would punish the officer?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Very severely	Count	15	164	55
	% within extremes	9.1%	19.6%	76.4%
Somewhat severely	Count	0	212	16
	% within extremes	0.0%	25.4%	22.2%
Somewhat leniently	Count	0	141	1
	% within extremes	0.0%	16.9%	1.4%
Very leniently	Count	150	193	0
	% within extremes	90.9%	23.1%	0.0%
Don't know	Count	0	125	0
	% within extremes	0.0%	15.0%	0.0%
Total	Count	165	835	72
	% within extremes	100.0%	100.0%	100.0%

People of color are treated less fairly than white people when dealing with the police.				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	169	316	1
	% within extremes	99.4%	36.3%	1.4%
Agree somewhat	Count	0	133	0
	% within extremes	0.0%	15.3%	0.0%
Disagree somewhat	Count	0	87	1
	% within extremes	0.0%	10.0%	1.4%
Disagree strongly	Count	1	260	72
	% within extremes	0.6%	29.9%	97.3%
Don't know	Count	0	75	0
	% within extremes	0.0%	8.6%	0.0%
Total	Count	170	871	74
	% within extremes	100.0%	100.0%	100.0%

The Binghamton Police Department actively recruits from within the City of Binghamton to fill positions within the department.				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	2	156	58
	% within extremes	1.2%	17.9%	78.4%
Agree somewhat	Count	4	150	8
	% within extremes	2.4%	17.2%	10.8%
Disagree somewhat	Count	5	70	2
	% within extremes	2.9%	8.0%	2.7%
Disagree strongly	Count	94	67	0
	% within extremes	55.3%	7.7%	0.0%
Don't know	Count	65	429	6
	% within extremes	38.2%	49.2%	8.1%
Total	Count	170	872	74
	% within extremes	100.0%	100.0%	100.0%

New police officers should have to live within the City of Binghamton.				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	117	304	14
	% within extremes	69.2%	34.9%	18.9%
Agree somewhat	Count	18	233	14
	% within extremes	10.7%	26.8%	18.9%
Disagree somewhat	Count	0	138	9
	% within extremes	0.0%	15.8%	12.2%
Disagree strongly	Count	5	139	34
	% within extremes	3.0%	16.0%	45.9%
Don't know	Count	29	57	3
	% within extremes	17.2%	6.5%	4.1%
Total	Count	169	871	74
	% within extremes	100.0%	100.0%	100.0%

Requiring new officers to live within the City of Binghamton will have an adverse impact on the size and the quality of the applicant pool.				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	7	201	39
	% within extremes	4.1%	23.1%	52.7%
Agree somewhat	Count	3	234	12
	% within extremes	1.8%	26.9%	16.2%
Disagree somewhat	Count	4	163	8
	% within extremes	2.4%	18.7%	10.8%
Disagree strongly	Count	116	166	10
	% within extremes	68.6%	19.1%	13.5%
Don't know	Count	39	107	5
	% within extremes	23.1%	12.3%	6.8%
Total	Count	169	871	74
	% within extremes	100.0%	100.0%	100.0%

Binghamton police services in white neighborhoods are better compared to services in predominantly Black neighborhoods.				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	157	228	0
	% within extremes	92.4%	26.1%	0.0%
Agree somewhat	Count	6	112	0
	% within extremes	3.5%	12.8%	0.0%
Disagree somewhat	Count	0	93	0
	% within extremes	0.0%	10.7%	0.0%
Disagree strongly	Count	3	254	74
	% within extremes	1.8%	29.1%	100.0%
Don't know	Count	4	185	0
	% within extremes	2.4%	21.2%	0.0%
Total	Count	170	872	74
	% within extremes	100.0%	100.0%	100.0%

Local police departments should take advantage of opportunities to acquire surplus military equipment.				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	0	173	54
	% within extremes	0.0%	19.8%	74.0%
Agree somewhat	Count	0	179	9
	% within extremes	0.0%	20.5%	12.3%
Disagree somewhat	Count	3	80	3
	% within extremes	1.8%	9.2%	4.1%
Disagree strongly	Count	167	338	4
	% within extremes	98.2%	38.7%	5.5%
Don't know	Count	0	103	3
	% within extremes	0.0%	11.8%	4.1%
Total	Count	170	873	73
	% within extremes	100.0%	100.0%	100.0%

In this country, the causes of racial and ethnic disparities in criminal justice are social and economic.				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	76	294	14
	% within extremes	44.7%	33.7%	18.9%
Agree somewhat	Count	20	293	16
	% within extremes	11.8%	33.6%	21.6%
Disagree somewhat	Count	3	117	10
	% within extremes	1.8%	13.4%	13.5%
Disagree strongly	Count	68	101	25
	% within extremes	40.0%	11.6%	33.8%
Don't know	Count	3	68	9
	% within extremes	1.8%	7.8%	12.2%
Total	Count	170	873	74
	% within extremes	100.0%	100.0%	100.0%

Members of the community are willing to participate in community policing partnerships.				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Yes	Count	31	428	37
	% within extremes	18.8%	50.7%	51.4%
No	Count	110	129	22
	% within extremes	66.7%	15.3%	30.6%
Don't know	Count	24	288	13
	% within extremes	14.5%	34.1%	18.1%
Total	Count	165	845	72
	% within extremes	100.0%	100.0%	100.0%

The average Binghamton police officer would be interested in engaging in community policing.				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Yes	Count	4	285	57
	% within extremes	2.4%	33.7%	79.2%
No	Count	113	193	6
	% within extremes	68.1%	22.8%	8.3%
Don't know	Count	49	367	9
	% within extremes	29.5%	43.4%	12.5%
Total	Count	166	845	72
	% within extremes	100.0%	100.0%	100.0%

The city will need to direct more resources to the Binghamton Police Department in order for it to meaningfully engage in community policing.

		extremes		
		Extremely negative	Neither extreme	Extremely positive
Yes	Count	6	417	52
	% within extremes	3.6%	49.3%	73.2%
No	Count	156	276	10
	% within extremes	94.0%	32.7%	14.1%
Don't know	Count	4	152	9
	% within extremes	2.4%	18.0%	12.7%
Total	Count	166	845	71
	% within extremes	100.0%	100.0%	100.0%

Most people are involved in my neighborhood.

		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	102	105	22
	% within extremes	61.4%	12.5%	30.6%
Agree somewhat	Count	31	274	18
	% within extremes	18.7%	32.7%	25.0%
Disagree somewhat	Count	7	237	9
	% within extremes	4.2%	28.2%	12.5%
Disagree strongly	Count	6	80	16
	% within extremes	3.6%	9.5%	22.2%
Don't know	Count	20	143	7
	% within extremes	12.0%	17.0%	9.7%
Total	Count	166	839	72
	% within extremes	100.0%	100.0%	100.0%

People in my neighborhood often join together to work on problems.				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	122	122	22
	% within extremes	73.5%	14.5%	30.6%
Agree somewhat	Count	25	303	17
	% within extremes	15.1%	36.1%	23.6%
Disagree somewhat	Count	4	166	10
	% within extremes	2.4%	19.8%	13.9%
Disagree strongly	Count	6	115	17
	% within extremes	3.6%	13.7%	23.6%
Don't know	Count	9	134	6
	% within extremes	5.4%	16.0%	8.3%
Total	Count	166	840	72
	% within extremes	100.0%	100.0%	100.0%

I am motivated to be involved in my neighborhood.				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	131	307	41
	% within extremes	78.9%	36.5%	56.9%
Agree somewhat	Count	19	378	18
	% within extremes	11.4%	45.0%	25.0%
Disagree somewhat	Count	2	75	2
	% within extremes	1.2%	8.9%	2.8%
Disagree strongly	Count	5	18	5
	% within extremes	3.0%	2.1%	6.9%
Don't know	Count	9	62	6
	% within extremes	5.4%	7.4%	8.3%
Total	Count	166	840	72
	% within extremes	100.0%	100.0%	100.0%

How thoroughly would you say that the Binghamton Police Department investigates complaints about its police officers?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Very thoroughly	Count	0	196	67
	% within extremes	0.0%	23.4%	93.1%
Somewhat thoroughly	Count	0	115	3
	% within extremes	0.0%	13.8%	4.2%
Not at all thoroughly	Count	165	298	0
	% within extremes	100.0%	35.6%	0.0%
Don't know	Count	0	227	2
	% within extremes	0.0%	27.2%	2.8%
Total	Count	165	836	72
	% within extremes	100.0%	100.0%	100.0%

If you had reason to file a complaint against a member of the Binghamton Police Department, would you know how to go about doing so?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Yes	Count	27	290	62
	% within extremes	16.4%	34.8%	86.1%
No	Count	120	344	4
	% within extremes	72.7%	41.2%	5.6%
I am not sure that I know how	Count	18	200	6
	% within extremes	10.9%	24.0%	8.3%
Total	Count	165	834	72
	% within extremes	100.0%	100.0%	100.0%

If a police officer in Binghamton were found guilty of misconduct, to what extent do you think that the police department would punish the officer?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Very severely	Count	15	164	55
	% within extremes	9.1%	19.6%	76.4%
Somewhat severely	Count	0	212	16
	% within extremes	0.0%	25.4%	22.2%
Somewhat leniently	Count	0	141	1
	% within extremes	0.0%	16.9%	1.4%
Very leniently	Count	150	193	0
	% within extremes	90.9%	23.1%	0.0%
Don't know	Count	0	125	0
	% within extremes	0.0%	15.0%	0.0%
Total	Count	165	835	72
	% within extremes	100.0%	100.0%	100.0%

Have you ever filed a complaint against a Binghamton Police officer?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Yes	Count	50	34	1
	% within extremes	30.3%	4.1%	1.4%
No	Count	109	799	70
	% within extremes	66.1%	95.7%	98.6%
Don't know	Count	6	2	0
	% within extremes	3.6%	0.2%	0.0%
Total	Count	165	835	71
	% within extremes	100.0%	100.0%	100.0%

Some Binghamton Police Department policies are posted on the Police Department website. Prior to this survey, were you aware that department policies are posted there?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Yes	Count	80	257	57
	% within extremes	49.1%	30.9%	80.3%
No	Count	77	550	13
	% within extremes	47.2%	66.2%	18.3%
Don't know	Count	6	24	1
	% within extremes	3.7%	2.9%	1.4%
Total	Count	163	831	71
	% within extremes	100.0%	100.0%	100.0%

Have you ever reviewed any of the Binghamton Police Department's policies?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Yes	Count	98	247	43
	% within extremes	60.5%	29.7%	60.6%
No	Count	55	572	28
	% within extremes	34.0%	68.8%	39.4%
Don't know	Count	9	13	0
	% within extremes	5.6%	1.6%	0.0%
Total	Count	162	832	71
	% within extremes	100.0%	100.0%	100.0%

Is the Binghamton Police Department a New York State accredited agency?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Yes	Count	83	400	59
	% within extremes	51.2%	48.1%	83.1%
No	Count	10	15	1
	% within extremes	6.2%	1.8%	1.4%
Don't know	Count	69	416	11
	% within extremes	42.6%	50.1%	15.5%
Total	Count	162	831	71
	% within extremes	100.0%	100.0%	100.0%

How much time do you want the police around?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Same amount of time	Count	0	226	25
	% within extremes	0.0%	27.2%	35.2%
More time	Count	1	347	46
	% within extremes	0.6%	41.7%	64.8%
Less time	Count	161	187	0
	% within extremes	98.8%	22.5%	0.0%
Don't know	Count	1	72	0
	% within extremes	0.6%	8.7%	0.0%
Total	Count	163	832	71
	% within extremes	100.0%	100.0%	100.0%

Many of the needed police reforms will require the City to direct more resources toward the Binghamton Police Department.				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Agree strongly	Count	2	221	40
	% within extremes	1.3%	28.0%	62.5%
Agree somewhat	Count	1	214	14
	% within extremes	0.7%	27.2%	21.9%
Disagree somewhat	Count	3	111	5
	% within extremes	2.0%	14.1%	7.8%
Disagree strongly	Count	146	169	4
	% within extremes	95.4%	21.4%	6.3%
Don't know	Count	1	73	1
	% within extremes	0.7%	9.3%	1.6%
Total	Count	153	788	64
	% within extremes	100.0%	100.0%	100.0%

Prior to opening this survey had you heard of the Binghamton Reform and Reinvention Collaborative?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Yes	Count	61	466	51
	% within extremes	39.9%	59.0%	78.5%
No	Count	86	306	12
	% within extremes	56.2%	38.7%	18.5%
Don't know	Count	6	18	2
	% within extremes	3.9%	2.3%	3.1%
Total	Count	153	790	65
	% within extremes	100.0%	100.0%	100.0%

Were you aware the Binghamton Police Reform and Reinvention Collaborative held community meetings open to the public?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Yes	Count	53	387	53
	% within extremes	34.6%	49.0%	81.5%
No	Count	93	381	11
	% within extremes	60.8%	48.3%	16.9%
Don't know	Count	7	21	1
	% within extremes	4.6%	2.7%	1.5%
Total	Count	153	789	65
	% within extremes	100.0%	100.0%	100.0%

Are you aware the Reform and Reinvention Collaborative Community Meetings were recorded and are posted online?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Yes	Count	49	269	50
	% within extremes	32.0%	34.1%	76.9%
No	Count	96	503	11
	% within extremes	62.7%	63.8%	16.9%
Don't know	Count	8	17	4
	% within extremes	5.2%	2.2%	6.2%
Total	Count	153	789	65
	% within extremes	100.0%	100.0%	100.0%

Do you feel Binghamton leaders made a meaningful effort to ensure that diverse points of view are represented on the Reform and Reinvention Collaborative Steering Committee?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Yes	Count	0	230	55
	% within extremes	0.0%	29.1%	84.6%
No	Count	145	232	2
	% within extremes	94.8%	29.4%	3.1%
Don't know	Count	8	328	8
	% within extremes	5.2%	41.5%	12.3%
Total	Count	153	790	65
	% within extremes	100.0%	100.0%	100.0%

Do you feel Binghamton's leaders and the members of the Reform and Reinvention Collaborative worked hard to gather community input?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Yes	Count	3	225	54
	% within extremes	2.0%	28.4%	83.1%
No	Count	137	262	5
	% within extremes	89.5%	33.1%	7.7%
Don't know	Count	13	304	6
	% within extremes	8.5%	38.4%	9.2%
Total	Count	153	791	65
	% within extremes	100.0%	100.0%	100.0%

When was the last time, if ever, that you had contact with the Binghamton Police Department?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Within the past 12 months	Count	87	433	43
	% within extremes	56.9%	54.7%	66.2%
1-5 years ago	Count	20	210	8
	% within extremes	13.1%	26.5%	12.3%
More than 5 years ago	Count	4	68	9
	% within extremes	2.6%	8.6%	13.8%
Never	Count	27	58	5
	% within extremes	17.6%	7.3%	7.7%
Don't know	Count	15	22	0
	% within extremes	9.8%	2.8%	0.0%
Total	Count	153	791	65
	% within extremes	100.0%	100.0%	100.0%

What was the reason for your most recent contact with the Binghamton Police?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Other (please specify)	Count	13	125	10
	% within extremes	10.4%	17.2%	16.7%
You contacted the police to report a crime	Count	4	158	9
	% within extremes	3.2%	21.8%	15.0%
You contacted the police for assistance or information	Count	13	131	16
	% within extremes	10.4%	18.1%	26.7%
You were involved in a traffic accident	Count	2	42	6
	% within extremes	1.6%	5.8%	10.0%
You were stopped by the police on foot or in a car	Count	48	63	5
	% within extremes	38.4%	8.7%	8.3%
You were arrested	Count	2	3	1
	% within extremes	1.6%	0.4%	1.7%
Community event	Count	17	92	4
	% within extremes	13.6%	12.7%	6.7%
The police contacted you for some other reason	Count	8	80	5
	% within extremes	6.4%	11.0%	8.3%
Don't know	Count	18	31	4
	% within extremes	14.4%	4.3%	6.7%
Total	Count	125	725	60
	% within extremes	100.0%	100.0%	100.0%

Regarding this recent contact, did you have any reason to complain about any aspect of police services provided by the Binghamton Police Department?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Yes	Count	101	148	1
	% within extremes	80.8%	20.4%	1.7%
No	Count	11	549	59
	% within extremes	8.8%	75.7%	98.3%
Don't know	Count	13	28	0
	% within extremes	10.4%	3.9%	0.0%
Total	Count	125	725	60
	% within extremes	100.0%	100.0%	100.0%

Did you or any member of your household make a complaint?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Yes	Count	50	28	0
	% within extremes	43.9%	16.0%	0.0%
No	Count	52	136	0
	% within extremes	45.6%	77.7%	0.0%
Don't know	Count	12	11	1
	% within extremes	10.5%	6.3%	100.0%
Total	Count	114	175	1
	% within extremes	100.0%	100.0%	100.0%

To whom did you complain?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Other (please specify)	Count	4	5	0
	% within extremes	6.5%	12.2%	0.0%
Police chief	Count	3	3	0
	% within extremes	4.8%	7.3%	0.0%
Called police department and talked to person who answered or to whom I was directed	Count	4	12	0
	% within extremes	6.5%	29.3%	0.0%
Mayor	Count	34	5	0
	% within extremes	54.8%	12.2%	0.0%
Called city hall and talked to person who answered or to whom I was directed	Count	7	2	1
	% within extremes	11.3%	4.9%	100.0%
Don't know	Count	10	14	0
	% within extremes	16.1%	34.1%	0.0%
Total	Count	62	41	1
	% within extremes	100.0%	100.0%	100.0%

How satisfied were you with the handling of your complaint?				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Somewhat satisfied	Count	0	1	1
	% within extremes	0.0%	2.5%	100.0%
Neither satisfied nor dissatisfied	Count	0	4	0
	% within extremes	0.0%	10.0%	0.0%
Very dissatisfied	Count	56	23	0
	% within extremes	90.3%	57.5%	0.0%
Don't know	Count	6	12	0
	% within extremes	9.7%	30.0%	0.0%
Total	Count	62	40	1
	% within extremes	100.0%	100.0%	100.0%

Community outreach programs in which police engage directly with community members to build relationships, seek input, and solve problems would help to...				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Reduce bias/disparity	Count	27	453	32
	% within extremes	17.2%	56.8%	50.8%
Improve police-community relations	Count	22	641	49
	% within extremes	14.0%	80.4%	77.8%
Improve trust	Count	20	570	41
	% within extremes	12.7%	71.5%	65.1%
None of the above	Count	124	77	12
	% within extremes	79.0%	9.7%	19.0%
Don't know	Count	1	36	0
	% within extremes	0.6%	4.5%	0.0%
Total	Count	157	797	63
	% within extremes	100.0%	100.0%	100.0%

Collecting and making available data on police activities, broken out by race, gender, and other relevant demographic markers would help to...				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Reduce bias/disparity	Count	90	361	14
	% within extremes	57.3%	45.4%	21.9%
Improve police-community relations	Count	62	365	20
	% within extremes	39.5%	45.9%	31.3%
Improve trust	Count	72	421	22
	% within extremes	45.9%	53.0%	34.4%
None of the above	Count	56	195	32
	% within extremes	35.7%	24.5%	50.0%
Don't know	Count	7	90	6
	% within extremes	4.5%	11.3%	9.4%
Total	Count	157	795	64
	% within extremes	100.0%	100.0%	100.0%

Enhanced partnerships among police and social service agencies would help to...				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Reduce bias/disparity	Count	29	386	14
	% within extremes	18.5%	48.4%	21.5%
Improve police-community relations	Count	36	548	35
	% within extremes	22.9%	68.8%	53.8%
Improve trust	Count	30	445	31
	% within extremes	19.1%	55.8%	47.7%
None of the above	Count	115	121	23
	% within extremes	73.2%	15.2%	35.4%
Don't know	Count	1	72	4
	% within extremes	0.6%	9.0%	6.2%
Total	Count	157	797	65
	% within extremes	100.0%	100.0%	100.0%

Convening regular police-community community forum sessions would help to...(select all that apply)				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Reduce bias/disparity	Count	20	298	17
	% within extremes	12.7%	37.4%	26.2%
Improve police-community relations	Count	31	546	35
	% within extremes	19.7%	68.6%	53.8%
Improve trust	Count	19	116	21
	% within extremes	12.1%	14.6%	32.3%
None of the above	Count	117	116	21
	% within extremes	74.5%	14.6%	32.3%
Don't know	Count	5	79	3
	% within extremes	3.2%	9.9%	4.6%
Total	Count	157	796	65
	% within extremes	100.0%	100.0%	100.0%

Police engagement with youth outside of school would help to...				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Reduce bias/disparity	Count	12	381	26
	% within extremes	7.6%	47.8%	40.0%
Improve police-community relations	Count	13	581	52
	% within extremes	8.3%	72.9%	80.0%
Improve trust	Count	11	556	47
	% within extremes	7.0%	69.8%	72.3%
None of the above	Count	141	101	5
	% within extremes	89.8%	12.7%	7.7%
Don't know	Count	1	43	0
	% within extremes	0.6%	5.4%	0.0%
Total	Count	157	797	65
	% within extremes	100.0%	100.0%	100.0%

Police engagement with youth in schools would help to...				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Reduce bias/disparity	Count	6	339	25
	% within extremes	3.8%	42.5%	38.5%
Improve police-community relations	Count	7	505	51
	% within extremes	4.5%	63.3%	78.5%
Improve trust	Count	7	506	49
	% within extremes	4.5%	63.4%	75.4%
None of the above	Count	149	167	4
	% within extremes	94.9%	20.9%	6.2%
Don't know	Count	1	53	1
	% within extremes	0.6%	6.6%	1.5%
Total	Count	157	798	65
	% within extremes	100.0%	100.0%	100.0%

Increasing the diversity of the police department would help to...				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Reduce bias/disparity	Count	25	479	22
	% within extremes	16.0%	60.1%	33.8%
Improve police-community relations	Count	16	430	28
	% within extremes	10.3%	54.0%	43.1%
Improve trust	Count	18	423	26
	% within extremes	11.5%	53.1%	40.0%
None of the above	Count	119	167	27
	% within extremes	76.3%	21.0%	41.5%
Don't know	Count	11	60	4
	% within extremes	7.1%	7.5%	6.2%
Total	Count	156	797	65
	% within extremes	100.0%	100.0%	100.0%

Anti-bias, diversity and inclusion training for officers would help to...				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Reduce bias/disparity	Count	35	487	24
	% within extremes	22.3%	61.2%	36.9%
Improve police-community relations	Count	17	423	28
	% within extremes	10.8%	53.1%	43.1%
Improve trust	Count	20	411	25
	% within extremes	12.7%	51.6%	38.5%
None of the above	Count	110	161	21
	% within extremes	70.1%	20.2%	32.3%
Don't know	Count	10	66	6
	% within extremes	6.4%	8.3%	9.2%
Total	Count	157	796	65
	% within extremes	100.0%	100.0%	100.0%

Training officers in responding to mental health situations would help to...				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Reduce bias/disparity	Count	25	322	15
	% within extremes	15.9%	40.4%	23.1%
Improve police-community relations	Count	25	511	36
	% within extremes	15.9%	64.0%	55.4%
Improve trust	Count	30	149	22
	% within extremes	19.1%	18.7%	33.8%
None of the above	Count	115	149	22
	% within extremes	73.2%	18.7%	33.8%
Don't know	Count	11	59	3
	% within extremes	7.0%	7.4%	4.6%
Total	Count	157	798	65
	% within extremes	100.0%	100.0%	100.05

Training officers in de-escalation techniques would help to...				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Reduce bias/disparity	Count	28	345	16
	% within extremes	17.8%	43.2%	24.6%
Improve police-community relations	Count	33	549	33
	% within extremes	21.0%	68.8%	50.8%
Improve trust	Count	32	526	32
	% within extremes	20.4%	65.9%	49.2%
None of the above	Count	106	99	19
	% within extremes	67.5%	12.4%	29.2%
Don't know	Count	11	44	4
	% within extremes	7.0%	5.5%	6.2%
Total	Count	157	798	65
	% within extremes	100.0%	100.0%	100.0%

Training officers in community policing and problem solving would help to...				
		extremes		
		Extremely negative	Neither extreme	Extremely positive
Reduce bias/disparity	Count	18	338	18
	% within extremes	11.5%	42.4%	27.7%
Improve police-community relations	Count	28	573	42
	% within extremes	17.8%	71.8%	64.6%
Improve trust	Count	23	494	31
	% within extremes	14.6%	61.9%	47.7%
None of the above	Count	116	89	15
	% within extremes	73.9%	11.2%	23.1%
Don't know	Count	11	73	4
	% within extremes	7.0%	9.1%	6.2%
Total	Count	157	798	65
	% within extremes	100.0%	100.0%	100.0%

Please review the map above and select the neighborhood in which you currently reside.		
	Frequency	Percent
Other within the city of Binghamton (please specify)	17	1.2
South Side West	196	13.6
South Side East	106	7.4
Center City	68	4.7
West Side	381	26.5
First Ward/Ely Park	76	5.3
North Side	78	5.4
East Side	133	9.3
Do not live in the city of Binghamton	346	24.1
Don't know	34	2.4
Total	1435	99.9
Missing	2	.1
Total	1437	100.0

Please review the map above and select the zone in which you currently reside.

	Frequency	Percent
Zone 200	75	5.2
Zone 201	215	15.0
Zone 202	116	8.1
Zone 203	208	14.5
Zone 204	96	6.7
Zone 205	137	9.5
Zone 206	79	5.5
Zone 207	66	4.6
Zone 209	23	1.6
Don't know	81	5.6
NA/Don't reside in Binghamton	332	23.1
Total	1428	99.4
Missing	9	.6
Total	1437	100.0

Do you work in the City of Binghamton?

	Frequency	Percent
Yes	695	48.4
No	711	49.5
Don't know	11	.8
Total	1417	98.6
Missing	20	1.4
Total	1437	100.0

What is your age?		
	Frequency	Percent
Under 18	4	.3
18-24	76	5.3
25-34	216	15.0
35-44	216	15.0
45-54	178	12.4
55-64	180	12.5
65+	127	8.8
Total	997	69.4
Missing	440	30.6
Total	1437	100.0

q0056 With what gender do you identify?		
	Frequency	Percent
Other (please specify)	22	1.5
Male	437	30.4
Female	535	37.2
Total	994	69.2
Missing	443	30.8
Total	1437	100.0

What race do you consider yourself to be?		
	Frequency	Percent
Other (please specify)	74	5.1
White or Caucasian	795	55.3
Black or African American	109	7.6
Asian or Asian American	11	.8
American Indian or Alaska Native	3	.2
Native Hawaiian or other Pacific Islander	3	.2
Total	995	69.2
Missing	442	30.8
Total	1437	100.0

Are you of Hispanic or Latino origin?		
	Frequency	Percent
Yes	52	3.6
No	918	63.9
Don't know	24	1.7
Total	994	69.2
Missing	443	30.8
Total	1437	100.0

Do you own or rent your current residence? For the purpose of the survey, you own your home even if you have outstanding debt that you owe on your mortgage loan.		
	Frequency	Percent
Other (please specify)	21	1.5
Own	679	47.3
Rent	282	19.6
Don't Know	16	1.1
Total	998	69.5
Missing	439	30.5
Total	1437	100.0

If you live/lived in the City of Binghamton, how long have you lived here?		
	Frequency	Percent
10+ years	585	40.7
6-9 years	107	7.4
2-5 years	162	11.3
0-1 year	32	2.2
I have never lived in Binghamton	88	6.1
Don't Know	23	1.6
Total	997	69.4
Missing	440	30.6
Total	1437	100.0

2021 Police Reform & Reinvention Collaborative — Goals



Goal #1 — Improve Transparency & Accountability

- **Conspicuously Publish The Department's Annual Report** — While a public record, the Department's annual report has historically been used as an internal document for City policymakers, for preparing grant applications and as part of re-accreditation efforts. The Department's annual report should be conspicuously published on the City's website within 90 days and released to local media outlets each year upon its completion.
- **Conspicuously Publish The Department's Non-Tactical Policies, Including Use Of Force Policy** — Publish on the City's website all Police Department policies that, if published, do not threaten the safety of officers or detail specific police tactics, including the Department's use of force policy, within the next 90 days.
- **Conduct A Regular Audit Of Arrest, Use of Force and Stop Data** — The review can seek to address data-collection inefficiencies and identify any racial bias or disproportionate policing of communities of color. Key items to audit are arrests, use of force and traffic and pedestrian stops. This audit may be conducted by independent research partners — such as the Finn Institute.
- **Publish Summary Statistical Data Regarding Citizen Complaints** — To be included in the Department's annual report.
- **Publish Summary Statistical Data Regarding Officer Discipline** — To be included in the Department's annual report.
- **Publish Monthly Call For Service Data** — Conspicuously publish the Department's call for service data on a monthly basis. Starting April, 2021.
- **Improve Use Of Force Collection Data** — Build on the current subject resistance form to systematically capture more detailed information on forms of force, and analyze those data for the purposes of policy development, training, and monitoring racial/ethnic disparities.
- **Create An Online Citizen Police Academy Curriculum** — The Department's Citizen Police Academy is a long-running community policing program to educate the public on basic police operations and divisions in the department, taught directly by Binghamton Police officers. The 10-class curriculum should be made available online and marketed, and be utilized both for Department transparency and as a recruitment tool.
- **Study How Arrest Information Is Published** — Currently, the Department publishes arrests on its Facebook page every Monday. There may be a more robust or appropriate manner to get this information public on a regular basis.
- **Improve The Efficiency Of The Citizen Complaint Process** — Increase the ease by which citizens can file a complaint involving the Police Department, including by providing more information on the City website about the complaint process.
- **Use Social Media To Engage With The Public, Increase Transparency** — Enhance the Department's use of social media as tool by which to inform the public of the Department's accomplishments and activities, promote community events, engage with the community in a positive way, enhance Department recruitment efforts and grow a positive relationship between the police and the residents they serve.

Goal #2 — Diversify Binghamton Police Ranks

- **Appoint Full-Time Recruitment Officer** — Create a police officer position, reporting directly to the Chief of Police, to manage the City’s recruitment efforts year-round with the goal of more minority and women candidates taking civil service examinations to be eligible for hire at the Binghamton Police Department. Position to be funded in the next 90 days for 2021 budget, and also funded in 2022 Budget.
- **Expand Digital Recruitment Outreach** — Through existing social media channels, the City’s JoinBPD.com website and new digital advertising opportunities, the City should expand its recruitment outreach online to reach younger demographics.
- **Improve Partnerships With Criminal Justice Education Programs** — New York State’s community colleges and universities offer a critical pipeline of young people looking for careers in law enforcement. The Department should seek to partner with these higher education institutions on job recruitment. Partnerships with SUNY Broome’s Criminal Justice & Emergency Services Department may serve as a pilot program for other outreach efforts.
- **Study Changes To City Personnel Policies To Encourage More Applicants**
- **Implement A Residency Incentive To Increase The Number Of Police Officers Who Are City Residents** — Office of Personnel, Office of Corporation Counsel, and Police Administration will explore the concept of a residency incentive for police officers and identify impediments to implementation.

Goal #3 — Invest In Mental Health, Substance Abuse and Crime Victim Services

- **Expand Partnership With MHAST Mobile Crisis Services** — The Department should expand its partnership with the Mental Health Association of the Southern Tier (MHAST), on training and response programs to improve interactions between police and individuals experiencing mental health crises.
- **Establish Working Group To Recommend Programs In Mental Health, Substance Abuse and Crime Victim Services** — In the next 90 days, the Department and stakeholders will collaborate with leaders in local human services fields to solicit recommendations for funding programs in mental health, substance abuse and crime victims services that will have a positive affect on public safety in the City of Binghamton. Expanding existing partnerships, including the MHAST Mobile Crisis Response and Fairview Recovery Services Intensive Care Manager, and new programs should be considered for funding in the 2022 Budget and beyond.
- **Explore Transportation Alternatives For Individuals In Crisis** — Explore alternatives to transporting citizens in a patrol car to the Comprehensive Psychiatric Emergency Program (CPEP) when an individual is experiencing a mental health crisis.

Goal #4 — Enhance Training / Policies In Use of Force, Cultural Competency, 21st Century Policing Issues

- **Conduct Comprehensive Re-Training On TASER Deployment** — Based on Finn Institute’s findings on use of force disparities “...officers were somewhat more likely to draw a Taser when the citizen was Black, even when the level of resistance is held constant” the Department should conduct a further examination of TASER use in interactions with citizens of different race/ethnicity, and retrain officers who carry the device.
- **Expand Cultural Competency Training For Immigrant / Refugee Populations** — Work with institutions like the American Civic Association to develop training programming to ensure all individuals, regardless of their immigration status, religion or country of origin, feel secure that contacting or being addressed by Binghamton Police officers.
- **Improve Policies And Training Regarding Police Interaction With Transgender People** — Work with LGBTQ+ community members and organizations to create a Binghamton Police Department policy for interacting with transgender people, modeled after a Syracuse Police Department policy adopted in 2019, which includes requiring officers to use the pronouns a person uses for themselves.
- **Explore Cornell University’s Therapeutic Crisis Intervention (TCI) Training** — To respond effectively to children and young people in crisis situations is critical in establishing not only a safe environment, but also one that promotes growth and development.
- **Require Additional Annual Training For All Officers** — On implicit bias, cultural and linguistic responsiveness, structural racism, de-escalation, domestic violence, and other cultural competency disciplines.
- **Explore Enhanced Use of Force Training During Annual In Service Training** — Explore hiring use of force experts in cutting-edge legal and operational training in use of force deployment.
- **Explore Restorative Justice Training And Programs** — The Department will work with stakeholders to develop specifics on programs in the next 90 days.
- **Explore Professional Development Or “Train The Trainer” Programs For Current Police Officers**

Goal #5 — Expand Community Policing Strategies

- **Regular Meetings To Review Implementation of Reform Plan** — Continue regular meetings of the Community Steering Committee to review implementation of plan, and continue to discuss long-term program implementation or new ideas. Meet once weekly for the first month, twice monthly for months 2-3, and once monthly thereafter.
- **Expand Community Problem-Solving Partnerships** — Presentations and collaborations with neighborhood groups allow a two-way communication for perceived public safety problems and mechanism to work collaboratively to address those problems. More regular participation by Binghamton police officers in these meetings can help accomplish this goal.
- **Boost The Number Of Foot and Bike Patrols** — Identify grant funding and staff resources to boost the number of foot and bike patrols in residential neighborhoods.
- **Ensure the Community Response Team (CRT) Has Adequate Staffing To Meet City-wide Needs and Demands for Problem-Solving**
- **Expand CPTED Task Force Resources** — Binghamton’s Crime Prevention Through Environmental Design (CPTED) Task Force works collaboratively with neighbors and businesses to analyze property data and focus the City’s enforcement arms to address the physical environments where criminal activity takes place. This Task Force has served as a model for other municipalities, and Binghamton officers have led CPTED training sessions for law enforcement agencies across the region.
- **Increase Presence of High-Ranking Department Members In The Community** — Improve participation of Department leaders in opportunities to engage with community members. Examples include pop-up BBQs, National Night Out, and movie nights, police involvement in athletic leagues, civilian police academies, and attending and participating in community meetings. Informal forms of engagement by all ranks of the department, such as taking time to stop, talk, and listen to people in the community, should be valued.
- **Reinstitute “Clergy & Cops” Partnerships** — Ride-alongs with members of Binghamton faith community with Binghamton police officers for proactive community engagement, neighborhood meet and greets, or outreach in high-crime neighborhoods. Work with Broome County Council of Churches to develop programs and identify funding.
- **Train Staff Of Community Human Service Providers On Roles And Responsibilities of Binghamton Police Officers** — To foster understanding between police and human service agencies about police operations and existing programs and resources for citizens.
- **Study Conducting Periodic Contact Surveys To Gauge Public Perception Of Procedurally Just Policing**

Goal #6 — Improve Police-Youth Relationships

- **Site A Youth Recreation Center In Binghamton** — The City will site and staff a youth and community center for enhanced afterschool and summer programming to support low-income children and broader youth and community development in the City.
 - In early 2019, Mayor David announced plans to site and staff a fully operational City youth center.
 - Construction on a \$4-5 million youth and community center is expected to break ground at Columbus Park downtown in Fall 2021. The new center will include a gymnasium, community rooms, a commercial kitchen, a locker area, offices and other amenities. In addition, outdoor park amenities will be upgraded.
 - In August 2020, Mayor David announced the City will work with the Change Coalition, a community group formed after the death of George Floyd in Minneapolis, to collect community input on the project and potential programming at the center.
 - Public meetings to solicit input will be held throughout 2021.
- **Provide Youth A Voice In Development Of Policing Programs** — Consider the needs and voices of youth in development of community policing programs, outreach efforts and the Departments regular crime prevention strategies.
- **Support New Programming, Modeled After NYS Trooper Foundation’s Partnership With Broome County Urban League** — Build positive relationships with youth by adopting programming modeled after the NYS Trooper Foundation’s partnership with the Broome County Urban League, which includes: mentoring & community education, activity engagement such as playing basketball, board-games, and building Legos with children; field trips to local sporting events (Binghamton University basketball games, Rumble Ponies baseball games, Adventure Course at Greek Peak, etc.); and safety and anti-bullying education.
- **Study Ways That City Youth Programming Grantees Can Support Community Policing Efforts** — As part of annual youth programming grant awards, explore if grantees can work collaboratively with the Department on community-police relations.
- **Expand Youth Outreach Efforts With The Boys & Girls Clubs of Binghamton**
- **Support School Resource Officers (SROs) at Binghamton City School District**

Goal #7 — Citizen Engagement

1. **Identify A Mechanism For Enhanced Citizen Participation To Advise & Shape Goals & Programs Detailed In This Plan** — The Collaborative recognizes that increased citizen engagement was identified as a key area for Department improvement from the community input process. In the next 90 days, the Steering Committee will continue to evaluate and develop a structure for robust citizen participation that will help advise and shape the priorities addressed in this plan.



Attachments

1. New York State Police Reform and Reinvention Collaborative Resource Guide
2. Binghamton City Council Resolution R20-66, *A Resolution Condemning Hateful Acts And Racism*

NEW YORK STATE
POLICE REFORM
AND REINVENTION
COLLABORATIVE

RESOURCES & GUIDE FOR
PUBLIC OFFICIALS AND CITIZENS

AUGUST 2020

New York State Police Reform and Reinvention Collaborative

Resources & Guide for Public Officials and Citizens

August 2020

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A Message from Governor Cuomo

Many communities all across the country are dealing with issues concerning their police departments. The millions of people who gathered in protest, even in the midst of a public health crisis, made that clear. The situation is unsustainable for all.

Maintaining public safety is imperative; it is one of the essential roles of government. In order to achieve that goal, there must be mutual trust and respect between police and the communities they serve. The success and safety of our society depends on restoring and strengthening mutual trust. With crime growing in many cities, we must seize this moment of crisis and turn it into an opportunity for transformation.

While the conflict is real and the issues are complicated, we know in New York that denial or avoidance is not a successful strategy. To that end, on June 12, 2020, I signed an Executive Order requiring each local government in the State to adopt a policing reform plan by April 1, 2021. The Order authorizes the Director of the Division of the Budget to condition State aid to localities on the adoption of such a plan.

To ensure these plans are developed through an inclusive process, I called for the New York State Police Reform and Reinvention Collaborative. With more than 500 law enforcement agencies in our large and

diverse state, there is no “one size fits all” solution. To rebuild the police-community relationship, each local government must convene stakeholders for a fact-based and honest dialogue about the public safety needs of their community. Each community must envision for itself the appropriate role of the police. Policies must be developed to allow the police to do their jobs to protect the public and these policies must meet with the local communities’ acceptance.

“Collaborative” is the key word. It would be a mistake to frame these discussions as an adversarial process or an effort to impose top-down solutions. Issues must be aired but solutions must be crafted. The collaborative process should:

- Review the needs of the community served by its police agency, and evaluate the department’s current policies and practices;
- Establish policies that allow police to effectively and safely perform their duties;
- Involve the entire community in the discussion;
- Develop policy recommendations resulting from this review;
- Offer a plan for public comment;
- Present the plan to the local legislative body to ratify or adopt it, and;
- Certify adoption of the plan to the State Budget Director on or before April 1, 2021.

I urge everyone to begin these discussions immediately. Restoring the relationship between the community and the police is in everyone's best interest, and conversation may be required to enable each stakeholder to understand others’ points of view. Time is short.

Local elected officials are the natural position to convene the process. If the local electeds are unable or unwilling to manage the collaborative, the state can select an appropriate convener for that jurisdiction.

Change is hard. But change is necessary if we are to grow. The tension must be resolved. Order and public safety must be ensured. I am excited by the possibilities and I am hopeful that this time of crisis will evolve into a moment of creativity and progress. It is normal to make adjustments to fit changing values and circumstances.

We are addressing the COVID crisis by acknowledging the problem, having productive dialogue and by working together. Let's do the same here.

This is an opportunity to reinvent law enforcement for the 21st century.

Governor Andrew M. Cuomo

August 2020

Note: The guidebook presented here 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 to delve deeper into the issues.

Part 1: Key Questions and Insights for Consideration

The purpose of the New York State Police Reform and Reinvention Collaborative is “to foster trust, fairness and legitimacy” within communities throughout our State and “to address any racial bias and disproportionate policing of communities of color.” The United States Department of Justice has emphasized the need for “trust between citizens and their peace officers so that all components of a community are treating one another fairly and justly and are invested in maintaining public safety in an atmosphere of mutual respect.”¹

All public officials and community leaders understand the critical importance of police departments’ core mission. Government must ensure residents’ sense of personal security in order for communities to thrive and prosper. Police-community relationships must facilitate, rather than impede, law enforcement’s success in protecting the public against violence and other criminal behavior.

The work of this Collaborative will be particularly valuable in communities that through bitter experience have come to mistrust law enforcement. A recent study found that in neighborhoods with a high incidence of gun violence, only 35% of young people aged 16-24 said they believe that police officers “try to protect the public from violent crime.” At the same time, 81% of these young people reported having themselves been shot or shot at,

¹ U.S. Department of Justice, Office of Community Oriented Policing Services. *Final Report of the President’s Task Force on 21st Century Policing*. May 2015.
https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

and 88% reported that a family member or friend had been shot.² These staggering numbers underscore that mutual trust and respect is essential both for the legitimacy of police forces and for their effectiveness.

The Collaborative is not the first step in New York State’s journey of criminal justice reform. Over the past decade, we have enacted meaningful changes to reform our criminal justice system and end mass incarceration, including:

- The **“Say Their Name” Reform Package**: These landmark reforms include:
 - **Repealed 50-a**: Section 50-a of Civil Rights Law previously prohibited disclosure, except under very limited circumstances, of personnel records for police officers, corrections officers, firefighters, and paramedics employed by the State or political subdivisions. This privilege, not granted to other public employees, shielded records from being disclosed that involved serious misconduct or disciplinary actions to the detriment of transparency and accountability for law enforcement officers. The repeal of 50-a will increase transparency by allowing the disclosure of personnel records involving serious misconduct or criminality and building trust between law enforcement and the communities they serve.
 - **Banned Chokeholds**: This law bans the practice of using chokeholds by law enforcement, by making use of a chokehold a criminal offense if it causes serious physical injury or death.

² Center for Court Innovation. “Gotta You’re your Own Heaven’ Guns, Safety, and the Edge of Adulthood in New York City.” Pg. 13
https://www.courtinnovation.org/sites/default/files/media/document/2020/Report_GunControlStudy_08052020.pdf

- **Prohibited Race-Based 911 Calls:** In recent years, there has been an increase in the number of frivolous or false calls to 911 due solely to the caller's bias toward certain individuals rather than any particular threat to public safety. This law makes it a civil rights violation to call 911 to report a non-emergency incident involving a member of a protected class without reason to suspect a crime or imminent threat.
- **Appointed the Attorney General as Independent Prosecutor for Police Involved Deaths:** In 2015, Executive Order 147 designated the Attorney General as a special prosecutor for cases where police officers are involved in deaths of unarmed civilians. This year, legislation created a permanent Office of Special Investigation within the Office of the Attorney General, empowered to investigate and, where appropriate, prosecute cases where the death of a person follows an encounter with a law enforcement officer.
- **Reduced the Prison Population and Lowered Crime Rates:** Since Governor Cuomo took office, New York State has closed 26 adult and juvenile detention facilities – more than any other administration in state history. These prison closures eliminated approximately 6,600 beds. We have also decreased the prison population by nearly 19,000 people – a 33% reduction – from 56,419 to 38,312 people, as of July 5, 2020. At the same time, New York State has remained the safest large state in the country with the lowest index crime rate among the most populous states.
- **Bail Reform:** New York overhauled our bail and pre-trial detention system. The previous bail system failed to recognize that freedom before trial should be the rule, not the exception, and by tying freedom from incarceration to money, it created a two-tiered system that puts an unfair burden on the economically disadvantaged. Among other reforms, the law eliminated cash bail for misdemeanors and non-violent felonies.

- **Discovery Reform:** New York was previously one of only 10 states that enabled prosecutors to withhold basic evidence until the actual day a trial begins. Under the previous system, people accused of a crime could be denied access to information that makes it possible for them to make decisions about their case and build an adequate defense. We reformed the discovery process, requiring the sharing of information well before a trial takes place, restoring fairness and equality before the law.
- **Speedy Trial Reform:** Defendants are too often held in custody for excessive periods of time before their day in court while the court system remains overburdened with an overwhelming number of cases. These delays have a disparate impact on low-income and minority communities. Governor Cuomo signed into law a guarantee that criminal cases proceed to trial without undue delay.
- **Raised the Age and Juvenile Justice Reform:** New York raised the age of criminal responsibility to 18-years-old, ensuring that young people in New York who commit non-violent crimes receive the intervention and evidence-based treatment they need. We have also invested millions to support this reform through a continuum of effective prevention, diversion, treatment, re-entry and supervision services for youth at the state and local level.
- **Required Videotaping of Interrogations and Permitted Photo Identifications into Evidence:** We now require law enforcement to video-record custodial interrogations for serious offenses and set out a procedure to allow properly-conducted witness identification of suspects using photo arrays into evidence at trial.

This Collaborative will continue New York's progress on criminal justice reform.

I. What Functions Should the Police Perform?

A relationship of trust and respect between law enforcement and the community must be based on a shared understanding of the functions each community wants its police force to perform.

The protests following the death of George Floyd have raised important questions about the appropriate role of the police, size of police departments and resources devoted to policing. Some protesters have called for “defunding the police.”^{3,4} In Minneapolis – where the death of Mr. Floyd occurred – a majority of City Council members pledged to dismantle their police department and create a new public safety system for the city. Stakeholders in other communities have suggested adjusting the scope of responsibilities assigned to the police department and adjusting its budget correspondingly, shifting resources to social services, community programs, housing, and education to focus on crime reduction.

All communities should be asking what goals they want their police department to accomplish. Meaningful reform will require honest and thoughtful discussion about these goals among local government leaders, law enforcement officials and community members. All participants should recognize that funds are limited, that personnel must be trained and managed for the tasks they are given, and that organizational change is rarely swift.

³ Scottie Andrew. CNN. *There's a growing call to defund the police. Here's what it means.* June 17, 2020. <https://www.cnn.com/2020/06/06/us/what-is-defund-police-trnd/index.html>.

⁴ Dionne Searcey and John Eligon. The New York Times. *Minneapolis Will Dismantle Its Police Force, Council Members Pledge.* June 7, 2020. <https://www.nytimes.com/2020/06/07/us/minneapolis-police-abolish.html>.

How should the police and the community engage with one another?

Even before considering the specific functions your community expects its police force to perform, you should consider broader questions about the relationship between the police and the community. The concept of procedural justice is useful to guide this process. Procedural justice focuses on the manner in which law enforcement interacts with the public, and how these interactions shape the public’s trust of the police. The premise, according to the Leadership Conference on Civil and Human Rights, is that citizens judge the police “based on *how they are treated* rather than on the outcomes of interactions,”⁵ and the mandate is to retool the rules of engagement for police officers from that of “warrior” against segments of the population to that of “guardian” to protect the entire population.⁶ President Obama’s Task Force on 21st Century Policing adopted procedural justice as the principle that should guide law enforcement interactions both internally with their colleagues and externally with the citizens they serve.⁷

The Task Force on 21st Century Policing outlined the four pillars of procedural justice: treating individuals with dignity and respect; giving individuals a voice during law enforcement interactions; being neutral and transparent in decision making; and conveying trustworthy motives.⁸ Implementing procedural justice principles helps the community trust that officers are honest and acting with just and lawful intentions. The community,

⁵ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 17. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

⁶ *Id.* at 36 and 262-63

⁷ United States Department of Justice. (2015). *Final Report of the President’s Task Force on 21st Century Policing*. pp. 9-12. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

⁸ *Id.* at 10.

in turn, is more likely to follow the law because it has trust in the criminal justice process and feels that it shares common values with law enforcement.⁹

1. Determining the Role of the Police

Stakeholders critical of the current scope of police responsibilities have largely proposed two types of reforms. First, some argue that the police should not be involved in responding to non-criminal conduct. Second, some propose curtailing police activities that pose a risk of overreaction to minor offenses.

What role do the police currently play in your community?

To ensure a fact-based dialogue, all participants should understand the current role of the police department in your community, as well as the level of satisfaction or dissatisfaction with policing felt by residents. Different parts of the community may feel differently about the police's role within the community, and it is important to take all perspectives into account.

- What are the primary activities of police officers in your community?
- Why are people calling 911?
- In what situations do police self-initiate interventions in the community?

⁹ *Id.* at 9-12; Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, pp. 94-96.; Johnston, R., Gripp, C., O'Brien, T., Sarnoff, C. and Cox, A. *A Study of Procedural Justice & Criminal Justice System Legitimacy*. NYC Mayor's Office of Criminal Justice and The Justice Collaborative, Yale Law School, pp. 73-75. https://law.yale.edu/sites/default/files/area/center/justice/document/justice_collaboratory_mocj_report_0701_2.pdf; https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; Johnston, R., Gripp, C., O'Brien, T., Sarnoff, C. and Cox, A. *A Study of Procedural Justice & Criminal Justice System Legitimacy*. NYC Mayor's Office of Criminal Justice and The Justice Collaborative, Yale Law School, pp. 73-75. https://law.yale.edu/sites/default/files/area/center/justice/document/justice_collaboratory_mocj_report_0701_2.pdf.

Consider what grievances your community has had with its police force in the past and what you can learn from those instances.

- How often are complaints made about the police?
- Do particular units or assignments draw an outsized share of complaints?
- Do complaints come from a particular portion or portions of the community?
- What conduct is commonly complained about?

Should you deploy social service personnel instead of or in addition to police officers in some situations?

Some jurisdictions are utilizing agencies other than the police to address situations that fall more squarely within the expertise of other professionals. Your community may be relying on police to respond to calls involving individuals with mental illnesses or substance abuse issues, for instance. Officials in Stockholm, Sweden created a program for mental health professionals to respond to mental health calls instead of police.¹⁰ Under this model, teams of two trained nurses and a driver respond to these calls in an emergency vehicle without police officers. This not only frees up police resources to focus on criminal activity, but also is more effective at de-escalating scenarios involving a person with mental illness. An analysis of this

¹⁰ Lindström V, Stuesson L, Carlborg A. (2020) Patients' experiences of the caring encounter with the psychiatric emergency response team in the emergency medical service-A qualitative interview study. Health Expectations: An International Journal of Public Participation in Health Care and Health Policy. <https://europepmc.org/article/med/31967699>

program found that it provided patients with a “safe environment” and an “open and safe place for dialogue.”¹¹

In Eugene and Springfield, Oregon, local police and social service providers collaborate to reroute calls that do not involve a legal issue or extreme threat of violence or risk to the individual or others.¹² In these instances, officials send a team comprised of a medic and a crisis worker to respond to these calls. The responders assess the situation, assist the individual, and connect that individual with a higher level of care or services as needed. City officials estimate that this program, named CAHOOTS, has saved Eugene more than \$15 million a year.¹³ The program is also safe, as police backup was called 150 times out of a total of about 24,000 calls, only 0.6% of calls.¹⁴

Other cities – such as Denver and Austin – utilize social workers and health professionals to divert 911 calls relating to non-violent situations. Denver recently launched a six-month pilot program named Support Team Assisted Response (STAR) which deploys teams of these professionals to respond to 911 calls for people experiencing mental health crises, homelessness, or drug addiction.¹⁵ Since 2013, Austin's Expanded Mobile Crisis Outreach Team (EMCOT) has similarly handled crisis calls and behavioral health situations directly instead of the police. The city recently added funding

¹¹ Karla Adam and Rick Noack. The Washington Post. *Defund the Police? Other countries have narrowed their role and boosted other services.* June 14, 2020. https://www.washingtonpost.com/world/europe/police-protests-countries-reforms/2020/06/13/596eab16-abf2-11ea-a43b-be9f6494a87d_story.html;

¹² Crisis Assistance Helping Out On the Streets at <https://whitebirdclinic.org/services/cahoots/>

¹³ For more information on CAHOOTS, please visit: <https://whitebirdclinic.org/services/cahoots/>

¹⁴ National Public Radio. *'CAHOOTS': How Social Workers and Police Share Responsibilities in Eugene, Oregon.* June 10, 2020. <https://www.npr.org/2020/06/10/874339977/cahoots-how-social-workers-and-police-share-responsibilities-in-eugene-oregon>.

¹⁵ For more information on the STAR program, please visit: <https://caring4denver.org/>

for mental health professionals to work at its 911 call center to ensure the EMCOT team is able to divert and respond to these calls immediately.¹⁶

You should consider whether your community should follow these or similar examples:

- Do you want police to respond to mental health calls?
- Do you want police to respond to substance abuse/overdose calls?
- Do you want police to respond to calls regarding the homeless?
- Are there other matters for which the community currently turns to its police for assistance that might be better addressed by others with different skills and expertise?

In each of these situations, consider:

- Does a law enforcement response or response from another agency better promote public safety?
- Which does more to further another governmental objective?
- Would it be useful for social service providers to work alongside the police in these circumstances, or separately?

Can Your Community Reduce Violence More Effectively by Redeploying Resources from Policing to Other Programs?

Some stakeholders have suggested that investment in social services may yield better results for enhancing public safety and reducing patterns of violence than investment in policing. Proposals include:

¹⁶ For more information on the EMCOT program, please visit:
<https://www.austintexas.gov/edims/document.cfm?id=302634>

- **Community Based Outreach and Violence Interruption:** Community based outreach and violence interruption programs are derived from public health models of gun violence, that treat gun violence like a disease by identifying its causes and interrupting its transmission. The NYS Division of Criminal Justice Services (DCJS) administers a Street Outreach Program, called SNUG, that uses an evidence-based model to identify individuals at a high risk of engaging in gun violence. SNUG addresses the issues that may prompt those individuals to use a gun, and aims to change community norms and attitudes that accept violence as a part of life. The program employs street outreach workers who live in the communities where they work, many of whom had previously been engaged in street-level crime and served terms of incarceration. These credible messengers have legitimacy within the community and can be a positive force for change and crime reduction in neighborhoods with historically high levels of crime. SNUG programs are active in Albany, Bronx, Buffalo, Hempstead, Mount Vernon, Poughkeepsie, Rochester, Syracuse, Troy, Wyandanch, and Yonkers. DCJS recently implemented the SNUG Social Work and Case Management program at all of its SNUG sites. This program employs social workers to work with program staff, youth in the community, and crime victims to address long-term trauma and connect individuals with social and victim service agencies.¹⁷ You should engage with SNUG and other violence prevention programs active in your community and consider implementing programs of your own to improve public safety.
- **Parent Support:** There are times when parents or caregivers who are unable to control or guide a wayward child, reach a point of desperation and call the police. Support programs run by social workers help to mediate family conflict and may prevent the need for law enforcement. For example, Justice Community Plus is a job-readiness program within the Staten Island Justice Center undertaken in collaboration with the New

¹⁷ For more information on SNUG and the Social Work and Case Management program, please visit: <https://www.youtube.com/watch?v=eHFdAG5JEtA&feature=youtu.be>.

York City Council and the Department of Probation that focuses on life skills and educational advancement.¹⁸

- **Youth Development:** Programs relying on mentors from the community to teach young people skills such as photography, computer programming and entrepreneurship may help young people find a stable career path. For example, the Brownsville Learning Lab located at the Brownsville Community Justice Center offers young people additional assistance with their educational work and provides peer mentors and resume guidance.¹⁹
- **Addressing Trauma and Preventing Violence at Home:** Family counseling may help children avoid foster care and manage trauma caused by violence at home, giving the child better prospects for successful development. There are programs that create a collaborative approach to help families manage trauma. For example, Strong Starts Court Initiative is an example of a program that creates a network of community based services required for family stability.²⁰
- **Design of Public Spaces:** Some localities have sought to reduce crime by identifying features of the built environment that create opportunities for crime, such as lighting, landscaping or the design of public spaces, and modifying those features.

In a 2020 Center for Court Innovation survey, New York City youth at high risk of gun violence reported that violent victimization is a pervasive experience in their lives.²¹ Eighty-one percent had been shot or shot at, and

¹⁸ For more information on the Staten Island Justice Center, please visit:

<https://www.courtinnovation.org/programs/staten-island-justice-center>

¹⁹ For more information on the Brownsville Community Justice Center, please visit:

<https://www.courtinnovation.org/programs/brownsville-community-justice-center>.

²⁰ For more information on the Strong Starts Court Initiative, please visit:

<https://www.courtinnovation.org/programs/strong-starts-court-initiative>

²¹ Center for Court Innovation. “Gotta You’re your Own Heaven’ Guns, Safety, and the Edge of Adulthood in New York City.” Pg. 13

“88% had had someone close to them shot, most commonly a close friend, cousin, or sibling.” These young people, who almost universally have experienced violence in their lives, do not feel served or protected by the status quo. Reforming and reinventing policing should address not just the relationship between police and these communities, but how best to provide protection for these communities.

What function should 911 call centers play in your community?

It is important for communities to evaluate the functions of their 911 call centers as well as the roles and responsibilities of the individuals who serve as call-takers. Since 911 largely serves as the catalyst to police involvement in most instances, communities should consider how those calls are received, evaluated, and triaged for resolution to determine if any changes could be made to more effectively improve public safety. Consider the following:

- Who currently staffs your 911 call centers?
- Are all calls routed to law enforcement, fire, or EMS?
- Are there other social services that should be more fully integrated into 911 call centers and the triage process?
- Would call-takers need new training if your community wanted to shift response functions toward social services?
- Should 911 call centers be operated by law enforcement, other social service agencies, or a combination of agencies?

Should Law Enforcement Have a Presence in Schools?

Schools districts often have agreements in place with their police department to station uniformed School Resource Officers (SROs) in their schools. School districts may employ SROs for a number of reasons, but most SRO programs are intended to increase the safety of schools and their students and teachers. Organizations like Fair and Just Prosecution argue that the presence of police in the schools results in student arrests and unnecessary contact between youth and the criminal justice system for what otherwise would be considered truancy or teenage misbehavior.²² Particularly for students of color, these early interactions with the criminal justice system for disciplinary issues has led some to coin this phenomena the “school to prison pipeline.”²³

If applicable, you should examine your community’s use of SROs and determine if their deployment in schools best serves the needs of the students and reflects the needs and values of the community. Consider how police officers are deployed in your schools and any policies or agreements you have in place with respect to student discipline; e.g. are they acting in a manner that supports safety or are they used in disciplinary matters that are better handled through engagement with parents, conflict resolution strategies, or other disciplinary measures? Examine whether your community can meet its goals of

²² Fair and Just Prosecution. Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System, p. 11. <https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf>; Nelson, L. and Lind, D., The School to Prison Pipeline, Explained. <http://www.justicepolicy.org/news/8775>.

²³ Nelson, L. and Lind, D., The School to Prison Pipeline, Explained. *Justice Policy Institute*. <http://www.justicepolicy.org/news/8775>; Fair and Just Prosecution. Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System, p. 11. <https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf>.

keeping students and teachers safe through a more moderated police presence or through alternatives to law enforcement altogether.

If you have SROs in your schools, consider the creation of a memorandum of understanding or agreement between the police department and the school district so as to clearly establish their roles and responsibilities. For example, these provisions could limit or eliminate altogether police involvement in student discipline matters, or require special training for SROs in conflict resolution and alternatives to arrest when dealing with youth truancy in a school setting.²⁴

2. Staffing, Budgeting, and Equipping Your Police Department

Once you have identified the role of the police in your community and the functions you want them to perform, those factors should inform the review, development, and implementation of the staffing levels, budget, and equipment you want your police department to have.

What are the Staffing Needs of the Police Department the Community Wants? Should Components of the Police Department Be Civilianized?

Some stakeholders have suggested that functions currently performed by uniformed officers could instead be assigned to civilian employees in the police or other departments, particularly functions that involve interactions with citizens and that do not call for an arrest or potential use of force. These stakeholders contend that civilianization would lead to improved police-

²⁴ United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing*. p. 48. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

community relations. You should consider whether your current police department staffing should be adjusted to include fewer uniformed officers and more civilians.

How Should the Police Engage in Crowd Control? Should the Police be “Demilitarized”?

Police departments have acquired surplus military equipment from the federal government, including body armor, armored vehicles, grenade launchers, and bayonets. The rationale for these acquisitions is that the equipment will assist local law enforcement in combatting terrorism and drug trafficking.

This military equipment, however, has also been used for crowd control, along with other tactics such as the use of water cannons, rubber pellets, acoustic weapons, and tear gas to subdue or move a crowd. Civil rights advocates, among others, have criticized the militarization of crowd control arguing that not only has it failed to increase public safety but it actually results in escalation and increases the risk that excessive force will be used.²⁵ Consider the following:

- How should your police force conduct crowd control activities?

²⁵ Fair and Just Prosecution. *Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System*, p. 8. <https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf>; Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 185. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; Congressional Research Service. (June 25, 2020). *Congress and Police Reform: Current Law and Recent Proposals*, p. 5. <https://crsreports.congress.gov/product/pdf/LSB/LSB10486>.

- Does your community want to limit the use of military equipment and other tactics such as use of water cannons, rubber pellets, acoustic weapons and tear gas for crowd control purposes?
- Does your community want to limit the acquisition of military equipment altogether?
- Does your community want to have its police officers trained in de-escalation techniques specifically designed to engage with protesters and large crowds?

The policies and procedures police agencies employ for crowd control should minimize the appearance of a military operation and use of force, prioritize citizens' First Amendment rights and effective communication with demonstrators, avoid the use of provocative tactics and equipment that undermine civilian trust, utilize "soft look" uniforms and open postures instead of riot gear and military formation when it is safe to do so, and employ a layered response that prioritizes de-escalation.²⁶

²⁶ United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing*. p. 25. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

II. Employing Smart and Effective Policing Standards and Strategies

Effective policing requires standards and strategies that advance the goals of protecting the community, engaging with the citizenry in a meaningful and multi-faceted way and demonstrating respect for individuals during law enforcement interactions. Policing is a partnership with the community, requiring a foundation of positive, trust-based relationships with all segments of the population. It is critical that the strategies employed and the manner by which law enforcement interacts with the population are in line with the community's expectations for its police force.

1. Procedural Justice and Community Policing

Section I described the concept of procedural justice and how to examine whether your police department uses those principles to inform its interactions with the public. As discussed above, those principles encourage you to always consider how the police will interact with the public – the process – instead of focusing solely on the law enforcement outcomes of your decision making.

Moreover, the concept of community policing provides another set of organizing principles for establishing a successful policing model. The premise of community policing is that community participation and assistance are crucial for maintaining public safety and building a police force responsive to the public. It focuses on “strong relationships and collaboration between police and the communities they serve; the application of modern management practices and organizational structures to create a culture of community

partnership; transparency and accountability to communities and democratic government; and decentralized, proactive, community-based solutions to community public safety priorities.”²⁷

Community policing also emphasizes cultural change within law enforcement agencies. The success of this culture change requires the support and leadership of the local government chief executive and the head of the police department. The goal is to establish a culture of community service and problem solving throughout the organization.

For your consideration, the U.S. Department of Justice’s Office of Community Oriented Policing Services recommends the following best community policing practices:²⁸

1. Create a comprehensive community policing strategic plan.
2. Train all personnel on community policing – including overcoming distrust.
3. Foster an atmosphere of openness and transparency.
4. Adopt procedural justice as a guiding principle.
5. Prioritize law enforcement personnel safety and wellness.
6. Engage the community in a true partnership to address crime and disorder issues.
7. Treat every contact as an opportunity to engage positively with a community member.
8. Measure social cohesion and work to develop relationships.
9. Reevaluate metrics of community policing success.
10. Incorporate community policing measures into the performance evaluation process.

²⁷ U.S. Department of Justice Civil Rights Division. (January 2017). *The Civil Rights Division’s Pattern and Practice Police Reform Work: 1994-Present*. <https://www.justice.gov/crt/file/922421/download>.

²⁸ U.S. Department of Justice Office of Community Oriented Policing Services. Law Enforcement Best Practices: Lessons Learned from the Field. 2019. <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>.

These best practices offer a promising framework for local governments to begin planning, but you should form your community policing plan around the individual circumstances and desired outcomes of your community. A successful community policing model must be locally-driven and requires buy-in and support from community members and local stakeholders.

Specific policing strategies that have raised concerns among the public.

Advocates, experts and some in the law enforcement community have drawn attention to a number of specific policing strategies that they believe pose an undue risk of harm to the public.

Your police department may use some or all of these strategies. As discussed here, some strategies that are currently in use may have a record of causing harm to individuals in your community.

You should examine the practices of your police department to determine which, if any, of these strategies are in use, and you should consider whether any of them need to be reformed, curtailed or discontinued.

“Broken Windows” and “Stop and Frisk”

“Broken Windows” policing rests on the theory that minor offenses committed in public, such as turnstile jumping or disorderly conduct, contribute to a degradation of society that, in turn, incubates more serious crimes. Under this theory, where these minor crimes and the individuals who

commit them are stopped at the outset, then the conditions that create more serious crimes can be avoided.²⁹

“Stop and Frisk” was an offshoot of the “Broken Windows” policing theory. Under “Stop and Frisk,” police departments adopted a policy of temporarily detaining individuals on the street based upon a “reasonable suspicion” of minor crimes and performed a pat-down search of these individuals looking for more serious criminal conduct, such as possession of contraband or weapons.³⁰ A 2019 report by the Leadership Conference on Civil Rights found that Stop and Frisk contributes to racial disparities in policing due to the wide latitude officers have in stopping for “reasonable suspicion” and its use as a primary enforcement tactic in communities with higher rates of crime.³¹

Indeed, the NYPD’s use of Stop and Frisk was determined to be unconstitutional by a federal judge in 2013.³² The court found that the practice had a vastly disproportionate impact on minorities. A total of 83% of stops based on “reasonable suspicion” were of African Americans and Latinos. Further, the empirical data presented at trial showed that a relatively low percentage of NYPD searches of African Americans and Latinos resulted in the recovery of contraband. Moreover, the “hit rate,” as measured by the recovery

²⁹ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. pp. 20-22. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

³⁰ *Id.* at 79-86.

³¹ *Id.* at 81.

³² *Floyd et al. v. City of New York*, 959 F. Supp.2d 540 (S.D.N.Y. 2013).

of weapons and contraband, arrests made or summonses issued, from African Americans and Latinos was actually 8% lower than that for Whites.³³

As Professors David Rudovsky and David Harris noted in a 2018 legal analysis, “Blacks and Latinos were more likely to be frisked than Whites, even though Whites were more likely to be found in possession of weapons.”³⁴ Indeed, 88% of all stops resulted in no law enforcement action at all. The court also cited the role of Stop and Frisk in deteriorating the relationship between the NYPD and communities of color.³⁵

Discriminatory or Bias-Based Stops, Searches and Arrests

Racial and ethnic profiling erodes trust in the police and unfairly targets minority communities. Bias based upon race, sex, national origin, gender identity and expression and sexual orientation, among other factors, is fundamentally unjust, and damages the targeted individuals, their communities, and the relationship with law enforcement that is necessary to build trust and effective policing.³⁶

You should consider analyzing the demographics of the individuals stopped and ticketed in your community to determine if there is any evidence

³³ *Floyd et al. v. City of New York*, 959 F. Supp.2d 540 (S.D.N.Y. 2013); Rudovsky, D. and Harris, D. Terry Stops-and-Frisks: The Troubling Use of Common Sense in a World of Empirical Data, pp. 33-35. *Ohio State Law J.* <https://www.law.upenn.edu/live/files/7898-rudovskyoslj>; Goldstein, J. (August 12, 2013). Judge Rejects New York’s Stop and Frisk Policy. *The New York Times.* <https://www.nytimes.com/2013/08/13/nyregion/stop-and-frisk-practice-violated-rights-judge-rules.html>.

³⁴ Rudovsky, D. and Harris, D. Terry Stops-and-Frisks: The Troubling Use of Common Sense in a World of Empirical Data, p. 35. *Ohio State Law J.* <https://www.law.upenn.edu/live/files/7898-rudovskyoslj>.

³⁵ *Floyd et al. v. City of New York*, 959 F. Supp.2d 540 (S.D.N.Y. 2013); Rudovsky, D. and Harris, D., Terry Stops-and-Frisks: The Troubling Use of Common Sense in a World of Empirical Data, pp. 33-35. *Ohio State Law J.* <https://www.law.upenn.edu/live/files/7898-rudovskyoslj>.

³⁶ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing.* p. 96. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

that law enforcement has engaged in biased-based stops, searches and arrests, even if unintentionally. If there is such evidence, determine what steps should be taken to eliminate or address such practices.

Chokeholds and Other Restrictions on Breathing

New York State has criminalized the use of chokeholds by police in the immediate aftermath of George Floyd’s shocking death by asphyxiation. In that case, the arresting officer applied continual pressure to his neck while Mr. Floyd was handcuffed on the ground. Governor Cuomo signed this measure into law on June 12, 2020 in the presence of Gwen Carr - the mother of Eric Garner, another individual killed after use of a chokehold in 2014 by a New York City police officer. The legislation creates the crime of aggravated strangulation where a police officer uses a chokehold and causes serious physical injury or death.³⁷

Other forms of force that may not currently be banned can also restrict breathing. For example, positioning someone on their stomach while in restraints restricts breathing. So too does the application of pressure on someone’s back while restrained face down. Use of force against individuals who are already handcuffed increases risk of injury.³⁸

³⁷ Eric Garner Anti-Chokehold Act, NY Senate Bill S6670B. (June 12, 2020). <https://www.nysenate.gov/legislation/bills/2019/s6670>.

³⁸ U.S. Department of Justice Civil Rights Division. (January 2017). *The Civil Rights Division’s Pattern and Practice Police Reform Work: 1994-Present*. p. 28. <https://www.justice.gov/crt/file/922421/download>; Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 125. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; Campaign Zero. #8CantWait. 

Use of Force for Punitive or Retaliatory Reasons

The potential for abuse of the use of force for retaliatory or punitive reasons exists. The U.S. Department of Justice has found that such situations have arisen generally where an individual is fleeing, resisting arrest or showing disrespect for the officer.³⁹ In several instances, DOJ has required police departments to adopt formal policies prohibiting the use of force for retaliatory or punitive reasons.⁴⁰

Pretextual Stops

Pretextual stops are those where the officer uses a minor violation as a pretext to stop, question, or search someone suspected of involvement in, or having knowledge of, a more serious crime. Pretextual stops have been used in a targeted fashion to question individuals relevant to an ongoing investigation in a setting that may facilitate disclosure of information valuable to that investigation, and in a broader fashion by officers on patrol to question or search individuals based on the officer's observations at that time.

Pretextual stops are distinct from Stop and Frisk policing as the former involves stopping an individual purportedly on one stated basis, when the real purpose is to investigate the individual for an entirely different and usually more serious crime. The latter, namely Stop and Frisk, when conducted legally, is based on the suspicion of a minor crime without a secondary motive by law enforcement.

³⁹ U.S. Department of Justice Civil Rights Division. (January 2017). *The Civil Rights Division's Pattern and Practice Police Reform Work: 1994-Present*. p. 28. <https://www.justice.gov/crt/file/922421/download>.

⁴⁰ *Ibid.*

As noted by the Leadership Conference on Civil Rights, the wide latitude officers have to conduct a pretextual stop can contribute to the distrust between the community and officers.⁴¹

Informal Quotas for Summonses, Tickets or Arrests

New York State has banned formal quotas for issuance of tickets or summonses, stops of individuals suspected of criminal activity, and arrests.⁴² Quotas erode community-police relations as they encourage officers to make arrests in situations that otherwise would be unnecessary or unwise so as to meet a mandated numeric threshold. Historically, minority communities are often targeted to meet such quotas.⁴³ Moreover, “the knowledge that quotas exist, and therefore that illegitimate arrests exist, casts an untrusting shadow onto all police activity.”⁴⁴

Unlike formal quotas, informal quotas are more difficult to ferret out, but are just as damaging to the individual and the community. For example, a civil rights investigation by the US Department of Justice in Ferguson, Missouri found that the city’s police department had informal quotas for tickets and summonses and that African Americans were targeted at a disproportionate

⁴¹ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. pp. 80-81. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

⁴² N.Y. Labor Law 215-a(1); Bronstein, N. (2015). Police Management and Quotas: Governance in the CompStat Era, pp. 545, 557-558. *Columbia J. of Law and Social Probs.* <http://jlsplaw.columbia.edu/wp-content/uploads/sites/8/2017/03/48-Bronstein.pdf>.

⁴³ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. pp. 82, 105. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; Bronstein, N. (2015). Police Management and Quotas: Governance in the CompStat Era, pp. 545-55. *Columbia J. of Law and Social Probs.* <http://jlsplaw.columbia.edu/wp-content/uploads/sites/8/2017/03/48-Bronstein.pdf>.

⁴⁴ Bronstein, N. (2015). Police Management and Quotas: Governance in the CompStat Era, p. 555. *Columbia J. of Law and Social Probs.* <http://jlsplaw.columbia.edu/wp-content/uploads/sites/8/2017/03/48-Bronstein.pdf>.

rate. Specifically, African Americans comprised 67% of the population but received 90% of the tickets. In fact, in 2013, Ferguson – with a population of approximately 21,135 people – had issued 32,975 warrants for nonviolent offenses – more warrants than it had actual residents. Most of these were for driving violations. The collection of high court fines and fees⁴⁵

The resulting fees and fines can have a crippling effect on citizens who cannot afford to pay them. In Ferguson, where an individual was not able to pay the fine, an arrest warrant was issued, effectively creating a debtors’ prison and prioritizing revenue-generation measures at the expense of civil rights and the minority communities disproportionately targeted and affected. In addition to jail time, the direct and indirect consequences that flowed from failure to pay included loss of driver’s licenses, housing and employment.⁴⁶

The use of “police officers as municipal debt collection agents,” as described by DOJ, has a corrosive effect on the relationship between officers and communities of color.⁴⁷

While New Yorkers do not face the prospect of arrest for delinquency in paying a traffic violation fine, any discriminatory practice of issuing

⁴⁵ Shapiro, J. (August 25, 2014). In Ferguson, Court fines and Fees Fuel Anger. *NPR*. <https://www.npr.org/2014/08/25/343143937/in-ferguson-court-fines-and-fees-fuel-anger>; Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. pp. 88-89. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; U.S. Dept. of Justice. (January 2017). *The Civil Rights Division’s Pattern and Practice Police Reform Work: 1994-Present*. pp. 7, 13, 33-34, 46. <https://www.justice.gov/crt/file/922421/download>.

⁴⁶ Shapiro, J. (August 25, 2014). In Ferguson, Court fines and Fees Fuel Anger. *NPR*. <https://www.npr.org/2014/08/25/343143937/in-ferguson-court-fines-and-fees-fuel-anger>; Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. pp. 88-89 (2019). https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; U.S. Dept. of Justice. (January 2017). *The Civil Rights Division’s Pattern and Practice Police Reform Work: 1994-Present*. pp. 7, 13, 33-34, 46. <https://www.justice.gov/crt/file/922421/download>.

⁴⁷ U.S. Dept. of Justice. (January 2017). *The Civil Rights Division’s Pattern and Practice Police Reform Work: 1994-Present*. p. 13. <https://www.justice.gov/crt/file/922421/download>.

summonses should still be cause for great concern. Failure to pay the fine for a traffic violation can result in suspension of a driver's license or motor vehicle registration, causing a cascade of additional harm that is disproportionate to the underlying offense. The harm is particularly severe for individuals who either drive to work or have driving as a job requirement, as they can be arrested and prosecuted if they drive with a suspended license. As part of the Say Their Name agenda, New York enacted the STAT Act, which requires the collection of demographic information on violations. This should shed light on any disparities in the imposition of such lower level violations, which can then be properly addressed. As part of this exercise, local governments should inform themselves to better address this issue at the outset. Local governments should further examine whether any informal quotas exist for tickets, summons, stops or arrests, and if so, eliminate such quotas.

Shooting at Moving Vehicles and High Speed Pursuits

Shooting at a moving vehicle risks injury to unintended targets, including to innocent bystanders. Hitting the driver can turn a moving car into a high-speed, out of control weapon.⁴⁸

Many experts also believe that shooting at a moving vehicle has low utility as a tactic for neutralizing threats, as shooting at a car rarely stops it. Moreover, one study found that 91% of police pursuits were the result of

⁴⁸ Herman, P. (May 1, 2018). Police in D.C., New York Revise Shooting Policies in Response to Vehicle Ramming Attacks. *The Washington Post*. https://www.washingtonpost.com/local/public-safety/police-in-dc-new-york-revise-shooting-policies-in-response-to-vehicle-ramming-attacks/2018/05/01/9561d1ee-418b-11e8-ad8f-27a8c409298b_story.html; Gross, J. (2016). Unguided Missiles: Why the Supreme Court Should Prohibit Police Officers From Shooting at Moving Vehicles, pp. 135, 139-141. *U. Pa. Law Rev. Online*. https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1163&context=penn_law_review_online.

nonviolent offenses.⁴⁹ Experts have proposed either prohibiting shooting at a moving vehicle or permitting the tactic only when the driver or a passenger poses an imminent risk of lethal force against an officer or another individual.⁵⁰ Whether to engage in a high speed pursuit in the first instance is also a decision point for this collaboration. It may be prudent to only engage in such activities for certain offenses, or at certain times of day or locations where harm to bystanders can be minimized.

Use of SWAT Teams and No-Knock Warrants

Historically, SWAT teams were designed to handle high risk situations, such as hostage rescues and terrorist attacks. Today, SWAT teams are increasingly used to execute even routine search warrants. Although some search warrants are inherently high risk to the executing officers, others may not be, and use of a SWAT team may not be necessary or advisable.⁵¹

The use of no-knock warrants has also been criticized. Consider if such a tactic should only be used when there is a specific threat to officer or civilian life.⁵² Recently, Breonna Taylor, a Louisville, Kentucky resident and EMT worker, was killed by officer gunfire when three plain-clothed officers executed a no-knock warrant at her home in the middle of the night. Her boyfriend,

⁴⁹ Gross, J. (2016). Unguided Missiles: Why the Supreme Court Should Prohibit Police Officers From Shooting at Moving Vehicles, pp. 135, 142. *U. Pa. Law Rev. Online*.

https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1163&context=penn_law_review_online.
⁵⁰ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. p. 125. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; Campaign Zero. #8CantWait. <https://8cantwait.org>.

⁵¹ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. p. 132. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

⁵² *Ibid.*; Fair and Just Prosecution. *Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System*, p.11. <https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf>.

believing intruders were in the apartment, called 911, and fired his lawfully permitted weapon at the officers.⁵³ The officers returned fire, hitting Ms. Taylor, who was unarmed, eight times. The officers were executing a search warrant for drugs. No drugs were found. Law enforcement knew prior to entering her home that the main suspect who was the center of the investigation had already been taken into police custody.⁵⁴

Less-Than-Lethal Weaponry such as Tasers and Pepper Spray

Increasingly, tasers are being used by law enforcement as an alternative to firearms. The electric shock in tasers induces muscle contraction which can sometimes result in serious injury or even death.⁵⁵ In 2008, the NYPD was called to an apartment building in Brooklyn after a mentally disturbed man, Iman Morales, did not answer his apartment door and his mother asked someone to call 911. After police arrived Mr. Morales, who was naked, left his third-floor apartment through the fire escape descended to the second floor landing and ultimately jabbed at another officer with a fluorescent light tube. An officer on the street then fired his taser at Mr. Morales, who fell head first to the ground and died from his head injuries.⁵⁶

⁵³ Burke, M. (June 13, 2020). Breonna Taylor's Death Ignites Debate on No-Knock Warrants as Louisville Becomes Latest City to Ban Them. *NBC News*. <https://www.nbcnews.com/news/us-news/breonna-taylor-s-death-ignites-debate-no-knock-warrants-louisville-n1208156>. Oppel, R. and Taylor, D. (June 28, 2020). Here's What You Need to Know About Breonna Taylor's Death. *New York Times*. <https://www.nytimes.com/article/breonna-taylor-police.html>.

⁵⁴ Burke, M. (June 13, 2020). Breonna Taylor's Death Ignites Debate on No-Knock Warrants as Louisville Becomes Latest City to Ban Them. *NBC News*. <https://www.nbcnews.com/news/us-news/breonna-taylor-s-death-ignites-debate-no-knock-warrants-louisville-n1208156>; Waldrop, T., Sanchez, R. and Joseph, E. (June 23, 2020). Officer Fired in Shooting Death of Breonna Taylor, Louisville Police Say. *CNN.com*. <https://www.cnn.com/2020/06/23/us/breonna-taylor-shooting-officer-fired/index.html>.

⁵⁵ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. pp. 135-36. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

⁵⁶ Fahim, K. and Hauser, C. (Sept. 25, 2008). Taser Use in Man's Death Broke Rules, Police Say. *The New York Times*. <https://www.nytimes.com/2008/09/26/nyregion/26taser.html>; Neil, M. (Oct. 25, 2008). Police Taser

Chemical agents, including pepper spray, are another less-than-lethal method used by some law enforcement. But, while less lethal, it can still cause serious harm and has minimal accuracy, especially when used from a distance or under windy conditions.⁵⁷ Consider additional training of such less-than-lethal weapons by your law enforcement officers.

Facial Recognition Technology

Some law enforcement agencies have used facial recognition systems to assist with investigations. Civil libertarians have raised privacy concerns pertaining to the collection of images. Further, users of facial recognition technology have reported accuracy problems as these systems have a more challenging time recognizing the faces of certain segments of the population, such as African Americans and women.⁵⁸ A recent study looked at three commercial facial recognition systems and found they exhibit higher error rates for darker-skinned women than any other group, with the lowest error rates for light skinned men.⁵⁹

As you consider the use of facial recognition technology, you should take into account whether checks and balances can minimize false positive hits, how

Naked New York City Man, Who Falls and Dies. *ABA Journal*.

<https://www.abajournal.com/news/article/police-taser-naked-new-york-city-man-who-falls-and-dies>.

⁵⁷ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. p. 139. <https://civilrights.org/wp-content/uploads/Policing-Full-Report.pdf>.

⁵⁸ Goodwin, G. (June 4, 2019). Testimony Before the Committee on Oversight and Reform, *U.S. House of Representatives. Face Recognition Technology: DOJ and FBI Have Taken Some Actions in Response to GAO Recommendations to Ensure Privacy and Accuracy, But Additional Work Remains*. <https://www.gao.gov/assets/700/699489.pdf>.

⁵⁹ Buolamwini, J. and Gebru, T. (2018). *Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification. Proceedings of Machine Learning Research, Conference on Fairness, Accountability and Transparency*, pp. 8, 12. <http://proceedings.mlr.press/v81/buolamwini18a/buolamwini18a.pdf>.

error rates attributable to race and gender can be factored into the application of such technology, and what safeguards can be applied to protect privacy interests.

2. Law Enforcement Strategies to Reduce Racial Disparities and Build Trust

Law enforcement experts have also suggested that various policing and criminal justice strategies can reduce racial disparities and build trust between police departments and the community. You should consider which, if any, of these strategies would help your department achieve these important goals.

Using Summonses Rather than Warrantless Arrests for Specified Offenses

Police officers have broad discretion to choose between treating certain incidents as misdemeanor crimes and making warrantless arrests, or treating such incidents as a civil infractions or violations and issuing appearance tickets or summonses. Advocates for policing reform contend that this latitude has often resulted in people of color disproportionately entering the criminal justice system, harming these individuals and contributing to distrust of the police.⁶⁰

For example, in 2015, Sandra Bland, a 28-year old African American woman, was pulled over in Texas pursuant to a traffic stop for failure to signal a change of lanes, a minor traffic violation that typically results in either a

⁶⁰ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. pp. 82, 105. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; Fair and Just Prosecution. *Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System*, p. 11. <https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf>.

warning or issuance of a ticket and a fine.⁶¹ The conversation became increasingly contentious between the officer and Ms. Bland when she refused to extinguish her cigarette. Ms. Bland was arrested and charged with a Class C misdemeanor, the lowest level of crime in Texas, and for which the punishment carried a fine but no jail term. She was unable to meet a \$5,000 bond for her release. Ms. Bland was found dead in her cell three days later. Her death was ruled a suicide.⁶²

You should consider whether your police department should encourage the issuance of summonses rather than conducting warrantless arrests for specified offenses or under specified circumstances.

Diversion Programs

Diversion programs may occur at various stages in the criminal justice process. Diversion programs recognize that incarceration or establishment of a criminal record may not be the most appropriate mechanism to address certain conduct, and that education, drug or mental health treatment may provide a better alternative for the individual and the community.

⁶¹ Connelly, C. (May 9, 2019). At Texas Capitol, Sandra Bland's Legacy Looms. *Kera News*. <https://www.keranews.org/post/texas-capitol-sandra-blands-legacy-looms>; Montgomery, D. (May 17, 2019). Sandra Bland, It Turns Out, Filmed Traffic Stop Confrontation Herself. *The New York Times*. <https://www.nytimes.com/2019/05/07/us/sandra-bland-video-brian-encinia.html>; Wickham, D. (July 27, 2015). Wickham: Sandra Bland's Fate Sealed By Bad Policing, *USAToday*. <https://www.usatoday.com/story/opinion/2015/07/27/sarah-bland-suicide-death-texas-trooper/30705659/>.

⁶² Connelly, C. (May 9, 2019). At Texas Capitol, Sandra Bland's Legacy Looms. *Kera News*. <https://www.keranews.org/post/texas-capitol-sandra-blands-legacy-looms>; Montgomery, D. (May 17, 2019). Sandra Bland, It Turns Out, Filmed Traffic Stop Confrontation Herself. *The New York Times*. <https://www.nytimes.com/2019/05/07/us/sandra-bland-video-brian-encinia.html>; Wickham, D. (July 27, 2015). Wickham: Sandra Bland's Fate Sealed By Bad Policing, *USA Today*. <https://www.usatoday.com/story/opinion/2015/07/27/sarah-bland-suicide-death-texas-trooper/30705659/>.

For youthful or first time offenders, or those with mental health issues or problems with substance abuse, incarceration is either unnecessary or counterproductive and will not address the underlying behavior. Even apart from unnecessary incarceration, saddling an individual with a criminal record in these circumstances can have broad-ranging, unwarranted consequences. Strategies for diversion programs include warn-and-release, programs requiring violence prevention or aggression management, substance abuse treatment and testing, and court check-ins.⁶³

Restorative Justice Programs

Restorative justice programs offer people a meaningful chance to respond to a conflict outside of the traditional courtroom process. Restorative justice brings the affected parties together, mediated by a trained community member, allowing the aggrieved parties to vocalize hurt and encouraging accountability. The aim is healing rather than punishment, and it requires cooperation between all sides of a conflict, such as between a perpetrator and a victim, to achieve an understanding of what occurred and arrive at a mutually acceptable resolution.⁶⁴

⁶³ See: Law Enforcement Assisted Diversion (LEAD) Program. <https://www.leadbureau.org>; Office of Juvenile Justice and Disciplinary Prevention, Diversion Programs. <https://www.ojjdp.gov/mpg-iguides/topics/diversion-programs/>; Corrective Solutions. <http://correctivesolutions.org/diversion-programs>.

⁶⁴ See: Common Justice. https://www.commonjustice.org/common_justice_model; Center for Court Innovation. <https://www.courtinnovation.org/areas-of-focus/restora> National Network for Safe Communities at John Jay College. Reconciliation Between Police and Communities: Case Studies and Lessons Learned. https://nnscommunities.org/wp-content/uploads/2017/10/Reconciliation_Full_Report.pdf.

Community-Based Outreach and Violence Interruption Programs

Community based outreach and violence interruption programs aim to curb violence by working with high-risk individuals and connecting them with services, programs, and other community engagement initiatives, so as to interrupt the cycle of crime. For example, the NYS Street Outreach Program (SNUG) discussed earlier employs street outreach workers who live in the communities where they work to reach at-risk youth.

Adopting a strategy where you work with trusted messengers with existing credibility within a community can facilitate better community relationship with law enforcement and be a positive force for change.

Hot-Spot Policing and Focused Deterrence

Some departments have used data analysis to identify crime spikes or “hot spots” in specific neighborhoods or even particular street blocks and increased the visible police presence in these areas, with the purpose of deterring crime. Relatedly, some departments have implemented a strategy of “focused deterrence,” in which officers engage directly with offenders or groups of offenders based on their prior history, sometimes in partnership with community members.⁶⁵

⁶⁵ Center for Problem-Oriented Policing. <https://popcenter.asu.edu>; National Institute of Justice. Hot Spot Policing Can Reduce Crime. <https://nij.ojp.gov/topics/articles/hot-spot-policing-can-reduce-crime>; National Institute of Justice. Gun Violence Prevention Strategy: Focused Deterrence. <https://nij.ojp.gov/topics/articles/gun-violence-prevention-strategy-focused-deterrence>.

Hot spot and deterrence policing may have both public safety and community benefits; reducing crime and targeting crime drivers. Indeed, focused deterrence policing has been found to have some beneficial impact on reduction in crime, particularly those programs that target gangs or groups.⁶⁶ However, a locality employing these techniques must ensure that they are supported by the community, that the police department can and will implement them in a race-neutral and transparent fashion, and that the local government itself will vigilantly monitor their use.

Analysts have criticized the “hot spot” and “focused deterrence” techniques on the ground that they are used disproportionately in minority communities. According to a 2018 report on proactive policing by the National Academies of Science, Engineering and Medicine,⁶⁷ the high rate at which individuals of color are stopped, cited, arrested or injured by the police is associated with police deployment based on intensive presence in particular areas. For example, if residents of areas with higher levels of reported crime are disproportionately people of color or disadvantage, placing greater police resources in these areas will increase the probability of law enforcement contacts with minorities and loss of liberty through stops, searches and arrests.⁶⁸

⁶⁶ Campbell Collaboration. American Institutes for Research (2019). https://campbellcollaboration.org/media/k2/attachments/0110_Braga_Focused_deterrence_PLS_EN.pdf.

⁶⁷ National Academies of Science, Engineering, and Medicine. (2018). *Proactive Policing: Effects on Crime and Communities*. The National Academies Press. p. 251. <https://www.nap.edu/read/24928/chapter/9>.

⁶⁸ Weisburd, David. Does Hot Spots Policing Inevitably Lead to Unfair and Abusive Police Practices, or Can We Maximize Both Fairness and Effectiveness in the New Proactive Policing? University of Chicago Legal Forum (2016), pp. 671-672.

<https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1578&context=uclf>

In the same 2018 report, the National Academies of Science, Engineering and Medicine also found that focused deterrence policing is more likely to target minority offenders. Since non-White individuals are more likely to live in areas with more police per capita, they will have higher rates of prior contact with police in their lifetime. This increases the probability of a prior arrest record, and thus makes them a target for focused deterrence policing practices.

De-Escalation Strategies

De-escalation has proven effective in certain circumstances to diffuse what would otherwise be a dangerous encounter. Body position and stance, tone of voice and word choice, can either calm a situation or inflame an already tense situation. De-escalation tactics, including both verbal and non-verbal communication strategies, can slow down an evolving situation and reduce the risk that a situation will become violent. De-escalation is tied to the principle that an officer should exhaust all available methods of resolving a situation before using force.⁶⁹

The former longtime Chief of Police of Madison, Wisconsin developed a de-escalation policy beginning in the 1970's in what is now referred to as the "Madison Model." Under this model, police officers operate under the theory that they are "social workers in blue."⁷⁰ When this was introduced in Madison, officers wore shorts and blazers and marched with Vietnam War protesters.

⁶⁹ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. pp. 10, 121, 143. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf

⁷⁰ The Marshall Project. *The Madison Model: A Shooting Death Spotlights Wisconsin's Legacy of Police Reform*. <https://www.themarshallproject.org/2015/05/14/the-madison-model>.

They got out of their cars and walked the streets in high-crime areas. Rookies were taught to avoid deadly confrontations if at all possible, even with armed individuals. The Madison Model remains a de-escalation model that departments and law enforcement consultants still reference when formulating a de-escalation policy of their own.⁷¹

Although de-escalation training is increasingly used in police departments, there is limited knowledge regarding its actual effectiveness in successfully decreasing volatile situations. One group of researchers examined sixty-four de-escalation training programs across all professions over a forty year period and found some early promising results and few adverse consequences, but noted the weaknesses in methodological controls of such studies.⁷² Regardless, de-escalation training has become one of the most frequently requested types of police trainings as proponents advocate it reduces violence across the board and protects both civilians and officers.⁷³

Can Your Community Effectively Identify, Investigate and Prosecute Hate Crimes?

Hate crimes against individuals in protected classes are an attack not only on the individual, but also on the whole community.⁷⁴ On March 11, 2020, in response to a physical assault on the basis of race against a woman of Asian-

⁷¹ *Ibid.*

⁷² Engel, R., McManus, H. and Herold, T. (January 31, 2020). Does De-Escalation Training Work? *Criminology & Public Policy*. <https://onlinelibrary.wiley.com/doi/full/10.1111/1745-9133.12467>.

⁷³ McKenna, S. (June 17, 2020). Police Violence Calls for Measures Beyond De-Escalation Training. *Behavior & Society*. <https://www.scientificamerican.com/article/police-violence-calls-for-measures-beyond-de-escalation-training1/>.

⁷⁴ Fair and Just Prosecution. Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System, p. 11. <https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf>.

decent in Manhattan, Governor Cuomo directed the New York State Police to investigate the incident and stated: “No one in this state should ever feel intimidated or threatened because of who they are or how they look. Diversity is our greatest strength – it's one of the things that makes New York great – and in difficult times we need to band together even tighter.”⁷⁵ Local law enforcement agencies are required to submit Hate Crime Incident Report forms to the Division of Criminal Justice Services each month.⁷⁶ You should ensure your police department is complying with these reporting requirements and has the capacity to effectively identify and investigate hate crime and bias incidents.

Evaluate your practices concerning the identification and investigation of hate crimes. Are members of your department trained to investigate hate crimes and interview members of minority communities and groups? What additional training and community resources can you draw on to enhance hate crime prevention and response?

3. Community Engagement

Community engagement is imperative to forming trust between officers and the citizens in the neighborhoods they police. The concept of community policing can, however, often be misunderstood and misapplied. Many applications of this concept do not capture the deeper, sustained role a

⁷⁵ Governor Andrew M. Cuomo. (March 11, 2020). Governor Cuomo Directs State Police Hate Crimes Task Force to Assist in Investigation of Assault Against Asian Woman. <https://www.governor.ny.gov/news/governor-cuomo-directs-state-police-hate-crimes-task-force-assist-investigation-assault-against>.

⁷⁶ For more information on reporting Hate Crimes to the Division of Criminal Justice Services, please visit: <https://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/forms/hatecrime.pdf>.

community can play in policing.⁷⁷ Community-oriented policing seeks to address the causes of crime and to reduce fear of social disorder through problem-solving strategies and police-community partnerships.⁷⁸

Consider whether any of the following tools would help you to achieve these goals.

Community outreach plans

A number of law enforcement agencies have developed plans for institutionalizing community engagement.⁷⁹ For example, in 2018 the Seattle Police Department released a report outlining their Community Engagement Program, what was done, and where the program saw success.⁸⁰ Seattle developed and articulated specific ways in which it engages with communities, including but not limited to: appointing community liaison officers, fostering police community partnerships, holding regular community meetings, and tracking and rewarding positive interactions between officers and community groups.

By deepening their contact and collaboration with the community, agency efforts in engaging with citizens are more likely to be successful.

⁷⁷ United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing*. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

⁷⁸ Community Policing. (n.d.). <https://www.bjs.gov/index.cfm?ty=tp&tid=81>

⁷⁹ For examples please see: The Ohio Collaborative Community-Police Advisory Board's suggestions at <https://www.ocjs.ohio.gov/ohiocollaborative/links/Examples-Community-Police%20Engagement.pdf> Or the New Orleans Police Department's Community Engagement Manual at [https://www.nola.gov/getattachment/NOPD/NOPD-Consent-Decree/Community-Engagement-Manual-\(3\).pdf/](https://www.nola.gov/getattachment/NOPD/NOPD-Consent-Decree/Community-Engagement-Manual-(3).pdf/)

⁸⁰ For example please view report at <http://www.seattle.gov/documents/departments/police/reports/communityengagementreport2018.pdf>

Citizen advisory boards and committees

Community engagement emphasizes working with residents to promote public safety. Law enforcement agencies can work with community residents to identify problems and collaborate on implementing solutions that produce meaningful results for the community.⁸¹ A community advisory board/committee is a group that meets regularly to provide advice and perspectives to executive staff in law enforcement agencies. Membership should reflect and represent the different voices and needs in the community, meaning a board should be as diverse as the community in which it functions.⁸²

The goal should be the creation of an inclusive space designed to accommodate the community's diverse needs. An advisory board can play a continuing and meaningful role in the decision-making process and keep the community informed of developments and achievements made by law enforcement. This provides a sustained communication structure between the community and law enforcement leadership.

For example, the Albany Police Department (APD) has had a positive experience using such a mechanism for continued community policing and engagement. The department sought assistance from the city's Common Council to ensure all 15 wards of the city were equally represented on the Community Policing Advisory Committee. This committee was charged with

⁸¹ United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing*. pp. 48. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

⁸² IACP. (2019, May 6). Promoting Community Involvement in Law Enforcement: Community Advisory Boards. Retrieved from <https://www.theiacp.org/news/blog-post/promoting-community-involvement-in-law-enforcement-community-advisory-boards>

reviewing and addressing items to reinvigorate the relationship between community members and APD.⁸³

Partnership with community organizations and faith communities

It is important to work within the community in order to build trust and nurture legitimacy. Law enforcement agencies can proactively increase public trust by initiating positive non-enforcement activities to engage communities that typically have high rates of investigative and enforcement involvement with government agencies.⁸⁴

Can your law enforcement agency develop programs that create opportunities for patrol officers to interact regularly with neighborhood residents, faith leaders, and business leaders? Some communities have developed Police Athletic Leagues (PALs) which provide an opportunity for the police to engage with youth in the community and build enduring beneficial relationships. Communities are often more willing to assist law enforcement when they have forged positive relationships through non-law enforcement-related community engagement.⁸⁵

Partnering with students and schools

Adopt-a-school programs seek to build a rapport between a school, its students and a local police department. In such programs, police officers visit the school at regularly scheduled intervals, have lunch with the students and

⁸³ Albany, C. O. (n.d.). Retrieved from <https://www.albanyny.gov/Government/Departments/PoliceDepartment/AlbanyCommunityPoliceAdvisoryCommittee.aspx>

⁸⁴ United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing*. pp. 14. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

⁸⁵ *Id.* at 15

spend time with them at recess. Students are encouraged to engage with and ask questions of the officers. The goal is to cultivate a mentoring relationship from these interactions, with the officers serving as community role models.⁸⁶ Unlike School Resource Officers (discussed above in Part I), officers in adopt-a-school programs are *not* intended to enforce student discipline or address truancy issues, nor should they be used for such purposes. Rather, adopt-a-school programs are designed to have students engage with officers in a relaxed, non-adversarial fashion, fostering positive connections that carry through the students' academic and personal lives, into adulthood.⁸⁷

Police-community reconciliation

The police-community reconciliation process seeks to improve strained relationships between police and communities of color. The goal is to strengthen and build a community perception that law enforcement is a trustworthy partner with which it can collaborate in achieving public safety.

In many communities of color, a history both of violence unaddressed by law enforcement and police misconduct has left a legacy of grievance and distrust between these communities and the law enforcement agencies that serve them. A 2020 Center for Court Innovation survey of New York City youth at high risk of gun violence found a deep distrust of law enforcement, with only 19% believing that the police want to understand their community needs.⁸⁸ The

⁸⁶ See e.g., Valparaiso Police Department. <https://www.ci.valparaiso.in.us/366/Adopt-a-School>;

⁸⁷ See e.g., Rancho Cordova Police Department. <https://www.ranhocordovapd.com/programs/adopt-a-school>.

⁸⁸ Center for Court Innovation. "'Gotta You're your Own Heaven' Guns, Safety, and the Edge of Adulthood in New York City." Pg. 13

study found that “this lack of trust stemmed from three primary concerns: being stopped for low-level offenses, feeling the police were not addressing serious crime and violence, and sensing a lack of care for people in the community.⁸⁹” When these issues are addressed openly, new and different understandings can emerge, and a profound transformation in community–police relations becomes possible.⁹⁰ While engaging in discussion with communities of color on how historical and current police practices affect their communities, consider:

- Discussing how policies, culture, engagement, and other mechanisms can change to create a more transparent system built on trust.
- Communicating a willingness to improve as well as acknowledge past and continuing harm.
- Following through on changes to demonstrate commitment to the reconciliation process.
- Acknowledging that the intention is to create new practices in recognition of historical harm (in tandem with the announcement and implementations of new initiatives adopted by the collaborative). Not only will this reinforce the message of reconciliation in the department, it will help in educating the general population.⁹¹

https://www.courtinnovation.org/sites/default/files/media/document/2020/Report_GunControlStudy_08052020.pdf

⁸⁹ *Id.*

⁹⁰ Mentel, Z. (2012). *Racial reconciliation, truth telling, and police legitimacy*. Retrieved from https://s3.truandjustice.org/misc/Racial-Reconciliation_Truth-Telling_and-Legitimacy.pdf

⁹¹ Kuhn, S., and Lurie, S. (2018). *Reconciliation between Police and Communities: Case Studies and Lessons Learned*. New York: John Jay College.

Attention to Marginalized Communities

Your department may need to devote special training and management attention to interaction with marginalized communities.

- **Limited English Proficiency (LEP) Citizens:** For citizens who have Limited English Proficiency, communication with law enforcement is more difficult and could result in law enforcement perceiving these citizens as noncompliant. Law enforcement agencies must ensure reasonable and equitable language access for all persons who have encounters with police or who enter the criminal justice system. Statewide language access requirements discussed in New York State Executive Order No. 26 (E.O. 26), require New York State executive agencies to provide interpretation services in any language and translation services in the top six most commonly spoken non-English languages in the state. Consider adopting elements of E.O. 26 as part of your plan, and requiring law enforcement agencies to provide appropriate resources to community members.
- **Citizens with communication disabilities.** Similarly, citizens who are deaf, hard-of-hearing or have sensory and stimulation sensitivities can be perceived by officers as noncompliant. It is important that officers are able to recognize when a community member may have a disability that could affect the way they communicate. Consider working with experts and members of the disability community to create training programs to educate officers to identify and work with disabled community members.
- **The LGBTQIA+ Community:** Law enforcement agencies must take steps to eradicate discriminatory policing based on a community member's perceived gender identity or sexual orientation. For example, a 2014 report on a national survey of LGBT people and people living with HIV found that 73% of respondents had face-to-face contact with the police in the past five years. Of those respondents, 21% reported encountering hostile attitudes from officers, 14% reported verbal assault by the police,

3% reported sexual harassment, and 2% reported physical assault at the hands of law enforcement officers. Police abuse, neglect, and misconduct were consistently reported at higher frequencies by respondents of color and transgender and gender-nonconforming respondents.⁹² One example of a positive policy change is the LAPD's 2012 policy requiring officers to refer to transgender individuals by the name and gender they prefer and precluding officers from searching transgender individuals solely for the purpose of determining their biological sex.⁹³ For more examples and guidance please review *Gender, Sexuality, and 21st Century Policing: Protecting the Rights of the LGBTQIA+ Community*.⁹⁴

- **Immigrant Communities:** To begin to bridge the gap between immigrant communities and law enforcement, in 2017 Governor Cuomo signed Executive Order 170 which prohibits New York State agencies and officials from asking a person's immigration status. This rule also prohibits officials from disclosing a person's immigration status to federal authorities, except in certain situations such as a law enforcement investigation.⁹⁵ You should look for opportunities to integrate members of immigrant communities into community discussions on policing. Engaging with communities is the best way to continue to get feedback that can shift police culture and values, and foster community trust.

Involving youth in discussions on the role of law enforcement agencies

Creating avenues to reach youth, such as youth leadership councils, can assist law enforcement in building trust and forming relationships with the

⁹² Mallory, C., Hasenbush, A., & Sears, B. (2015, March). Discrimination and Harassment by Law Enforcement Officers in the LGBT Community. Retrieved from <https://williamsinstitute.law.ucla.edu/publications/lgbt-discrim-law-enforcement/>

⁹³ Copple, James E., & Dunn, P. (2017). *Gender, Sexuality, and 21st Century Policing: Protecting the Rights of the LGBTQ+ Community*. Washington, DC: Office of Community Oriented Policing Services Retrieved from <https://www.iadlest.org/Portals/0/cops%20LGBTQ.pdf>

⁹⁴ *Ibid.*

⁹⁵ Governor Cuomo Signs Executive Order Prohibiting State Agencies from Inquiring About Immigration Status. (2017, September 20). Retrieved from <https://www.governor.ny.gov/news/governor-cuomo-signs-executive-order-prohibiting-state-agencies-inquiring-about-immigration>

greater community. Such groups can provide early positive encounters with law enforcement that benefit both the police and the community at large. Similar to the creation of citizen advisory boards, it is important that youth councils in communities be diverse and inclusive and reflect the makeup of the community.

III. Fostering Community-Oriented Leadership, Culture and Accountability

Reforms cannot succeed or be sustained without commitment from strong and effective leadership – in other words – without a supportive institutional culture. Culture determines behavior much more powerfully than policies and rules. The ultimate goal of reform is to ensure an institutional culture consistent with your goals for community-police relations.

Accountability is essential for a strong institutional culture and for mutual trust between the community and the police. Your department must engage in meaningful review of officer conduct, including use of force, to give the community confidence that misconduct is identified and the conduct is appropriately addressed. Much of the current unrest across the country is rooted in a belief that some police departments tolerate abuse of authority, including excessive force and other misconduct or adhere to practices that are inconsistent with community values. In the long run, this belief will harm police officers as well as degrade public safety.

In developing your plan, consider whether improvements are needed in your leadership selection process, community oversight structures, accountability mechanisms or other efforts to shape and maintain a healthy and productive institutional culture.

1. Leadership and Culture

Is your leadership selection process designed to produce the police-community relationship you want?

The process of selecting your chief of police, as well as other department leaders, should be based upon the characteristics and needs of your jurisdiction and should be structured in a manner that is legitimate and fair. Recruitment of a law enforcement leaders, whether by internal promotion or hiring an external candidate, needs to begin with an analysis of the needs of the local community.⁹⁶

The process for conducting a search and identifying candidates can incorporate input from a variety of community groups and stakeholders, even if the ultimate appointment authority resides with the chief executive of the jurisdiction. This will produce more meaningful results and candidates better able to uphold specific community values than if the search is conducted solely through the office of the chief executive.

Does your selection process ensure consideration of a diverse group of candidates? Does it take into account applicants' views on and experience with police-community relations?

In some jurisdictions, citizen committees are established to conduct an applicant search and provide advice and recommendations regarding the

⁹⁶ *Selecting a police chief*. (1999). Retrieved from https://icma.org/sites/default/files/308762_E-42370.pdf

selection process.⁹⁷ In Tallahassee, Florida for example, a panel comprised of law enforcement, non-profit groups, and religious leaders was formed to participate in the process of selecting a new chief of police for the city.⁹⁸ Your community should consider whether a similar approach that includes a well-balanced and representative search committee, might yield a broader array of candidates.

Does your officer evaluation structure help advance your policing goals?

CompStat has been an enormously valuable tool for many communities to enhance their level of public safety. However, in many instances localities still rely on mechanisms for promotions based on “the annual reports that chiefs of police submit to city councils and mayors emphasizing the number of arrests they’ve made, even if the crime rate continues to climb.”⁹⁹ Such cases can be a powerful indicator that arrest is being misused as a tool and is not helping to achieve public safety.

Jurisdictions may need to modify their CompStat implementations and other incentive and promotion structures to ensure their officer evaluation metrics reduce crime and promote public safety while promoting larger reform goals including improved community relationships and police legitimacy.¹⁰⁰

⁹⁷ *Selecting a police chief*. (1999). Retrieved from https://icma.org/sites/default/files/308762_E-42370.pdf page 5.

⁹⁸ Etters, K. (2019, July 01). Meet the individuals who will help pick the new Tallahassee police chief. Retrieved from <https://www.tallahassee.com/story/news/2019/07/01/meet-people-who-help-pick-new-tallahassee-police-chief/1618663001/>

⁹⁹ Mentel, Z. (2012). *Racial reconciliation, truth telling, and police legitimacy*. Retrieved from https://s3.truandjustice.org/misc/Racial-Reconciliation_Truth-Telling_and-Legitimacy.pdf

¹⁰⁰ *Ibid.*

What incentives does your department offer officers to advance policing goals?

Departments may want to consider offering awards, prizes, or other recognition to officers who advance reform goals. Such incentives can change officer behavior and department culture. Some departments invite community members to nominate officers for community policing awards.¹⁰¹ This incentivizes officers to establish a positive relationship with community members and engages the community.

Does your hiring and promotion process help build an effective and diverse leadership team?

Diversity in leadership is a persistent problem for law enforcement agencies. For example, 80 percent of the NYPD's chiefs, deputy inspectors, and inspectors who hold a rank above captain are classified as "non-Hispanic white."¹⁰² In addition to hiring diversity, promoting leaders within the department who reflect a broad range of diversity, including race, gender, sexual orientation, gender identity, language, life experiences, and cultural background, will improve understanding and effectiveness in policing and community relations.

Consider how your police agency uses cognitive, written and physical performance tests for promotion and hiring into leadership roles. Are there

¹⁰¹ U.S. Department of Justice, Bureau of Justice Assistance, Understanding Community Police: A Framework for Action, <https://www.ncjrs.gov/pdffiles/commmp.pdf>.

¹⁰² Despite diversity gains, top NYPD ranks fall short of reflecting communities. (2019, September 03). Retrieved from <https://brooklyneagle.com/articles/2019/09/03/nypd-diversity-top-ranks/>

qualifications other than exam scores that can be woven into criteria for leadership positions?¹⁰³ Other questions to consider include: Do applicants have specialized training or additional education? What are the culture, values and mission the applicant envisions for the agency? Has this person shown clear commitment to community engagement?

What is your strategy to ensure that your department's cultural-norms and informal processes reflect your formal rules and policies?

Policy makers and law enforcement organizations can create policies and set rules and guidelines, but if policies conflict with institutional culture these policies will not become part of the institutional fabric and may not effectively guide individual behavior.¹⁰⁴ Leadership must take an active role in demonstrating commitment to the values important to the department and the community. It is not sufficient for chiefs and department leaders to talk the talk without walking the walk.

On April, 2014, the Office of Community Oriented Policing Services (COPS Office) hosted a conference with law enforcement officials, civil rights activists, academic experts, community leaders and policymakers. At this meeting Chief Chris Magnus, of the Richmond California Police Department, led a discussion on engaging communities of color. He described using a multipronged approach to change policies in his own department. These policies included: engaging all officers, not just a subset; using up-to-date evaluation tools capable

¹⁰³The Leadership Conference Education Fund. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. Retrieved from https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf

¹⁰⁴ United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing*. pp. 12. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

of evaluating new hires' community policing skills; providing developmental training in progressive policies; and keeping officers in their positions long enough that they could understand how to deal with challenges in the community. Chief Magnus also shifted the department's focus to issues other than crime to help show that crime is not the police's only priority. For example, Richmond's police helped reduce the number of abandoned cars, in part by moving code enforcers into the department.¹⁰⁵

It is possible that more comprehensive changes may be required where police/community relations have deteriorated beyond the point where they can be repaired through policy reform. For example, in 2013 Camden, New Jersey "eliminated its city police department and established a new one under county control."¹⁰⁶ Previously the community-police relationship was undermined by lack of trust, high crime rates and corruption within the police department. Supporters say that the Camden restructuring made police officers a more regular presence in the community, and rebooted the culture of policing in the city. Since the reforms, violent crime rates have fallen, including a sharp decrease in the homicide rate, and excessive use of force has also decreased.¹⁰⁷

¹⁰⁵ Palladian Partners, Inc. (2014). Strengthening the Relationships between Law Enforcement and Communities of Color: Developing an Agenda for Action. Washington, DC: Office of Community Oriented Policing Services. Retrieved from https://www.nnscommunities.org/wp-content/uploads/2017/10/StrengtheningtheRelationshipBetweenLE_CommunitiesofColor-DevelopinganAgendaforAction.pdf

¹⁰⁶ Landergan, K. (2020, June 12). The City that Really Did Abolish the Police. Retrieved from <https://www.politico.com/news/magazine/2020/06/12/camden-policing-reforms-313750>

¹⁰⁷ Landergan, K. (2020, June 12). The City that Really Did Abolish the Police. Retrieved from <https://www.politico.com/news/magazine/2020/06/12/camden-policing-reforms-313750>

2. Tracking and Reviewing Use of Force and Identifying Misconduct

When should officers be required to report use of force to their supervisor?

Building on prior use-of-force reporting reforms, Governor Cuomo recently signed legislation requiring that law enforcement officers report all firearm discharges in circumstances where a person could have been injured, whether or not any injury occurred.¹⁰⁸ Beyond this requirement, police departments should have clear policies regarding documenting the use of force.¹⁰⁹ Consider what other incidents, including other uses of force, your department should require be reported.

What internal review is required after a use of force?

The authors of the 2019 report “New Era of Public Safety” recommended reviewing all uses of force.¹¹⁰ These incidents can be reviewed by a supervisor, other individuals in the officer’s chain of command, a dedicated review board within the department, or an outside entity. Multiple levels of supervisory review can ensure that all supervisors carefully review use of force reports because they will receive scrutiny from their own supervisors.¹¹¹

¹⁰⁸ Governor Andrew M. Cuomo, Governor Cuomo Signs Policing Reform Legislation, <https://www.governor.ny.gov/news/governor-cuomo-signs-policing-reform-legislation#:~:text=This%20new%20law%20requires%20that,a%20written%20report%20within%2048>.

¹⁰⁹ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. p. 144. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf

¹¹⁰ *Id.* at 146.

¹¹¹ Samuel E. Walker & Carol A. Archbold, *The New World of Police Accountability*, Chapter 3, https://us.sagepub.com/sites/default/files/upm-assets/99450_book_item_99450.pdf

As one example, the NYPD reviews all use-of-force incidents, with varying levels of scrutiny, ranging from review by an individual supervisor to review by an independent review board, depending on the severity of the incident.¹¹²

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

Regular attention by supervisors to officers' use of force may promote adherence to departmental policy. Does department policy direct them to review the officer's history of use of force and other forms of misconduct, including under prior supervisors? Other flags such as sexual misconduct or a high number of complaints or lawsuits may signal potential for future misconduct.¹¹³

Does your department use external, independent reviewers to examine uses of force or misconduct?

Impartiality is one of the four pillars of procedural justice and could help instill confidence in determinations regarding potential abuse of force or other misconduct.

¹¹² Use of Force Report 2017, New York City Police Department, <https://www1.nyc.gov/assets/nypd/downloads/pdf/use-of-force/use-of-force-2017.pdf>

¹¹³ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. p. 204. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

Does your department leverage Early Intervention Systems (EIS) to prevent problematic behavior?

An EIS is a system that electronically tracks officer performance in an attempt to identify abnormal patterns indicative of problematic behavior.¹¹⁴ EIS's are used across many disciplines, to identify potential issues before they fully manifest.

In the law enforcement context, these systems can help departments identify officers that may need intervention before a major problem occurs. Behavior that can suggest the need for corrective action includes a high number of use-of-force incidents or citizen complaints, or misuse of sick leave. An EIS can help prevent future misconduct, which in turn results in a more just law enforcement system, reduced complaints, and reduced litigation risk.¹¹⁵

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?

The Final Report of the President’s Task Force on 21st Century Policing recommends that law enforcement entities review “sentinel” or “near miss” events.¹¹⁶ Sentinel review consists of non-punitive peer review of critical incidents that resulted in or came close to undesirable outcomes.

¹¹⁴ *Id.* At 198.

¹¹⁵ Early Warning Systems: Responding to the Problem Police Officer, National Institute of Justice, <https://www.ncjrs.gov/pdffiles1/nij/188565.pdf>.

¹¹⁶ United States Department of Justice. (2015). Final Report of the President’s Task Force on 21st Century Policing. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

Understanding what went wrong in these events can help prevent the same issue from recurring.

The National Institute of Justice (NIJ) recently studied the use by three large departments of peer review of sentinel incidents.¹¹⁷ The NIJ study found that a practice of regular peer review, intended to create an opportunity for learning rather than punishment, can promote a culture of excellence.¹¹⁸

3. Internal Accountability for Misconduct

What does your department expect of officers who know of misconduct by another officer?

Some law enforcement agencies, such as the LAPD, have imposed on their officers a duty to report misconduct by other officers. Within the New York State Police, there is an obligation to report the misconduct of another trooper.¹¹⁹ Similarly, some law enforcement agencies have imposed on their supervisors a duty to respond to reports of possible misconduct. Should your department adopt such policies?

Does your police department have clear procedures for reporting misconduct to the department and/or to outside agencies such as the Attorney

¹¹⁷ National Institute of Justice, Mending Justice: Sentinel Event Reviews, <https://www.ncjrs.gov/pdffiles1/nij/247141.pdf>.

¹¹⁸ Similarly, many hospitals conduct regular peer review of surgeries with poor outcomes.

¹¹⁹ New York State Police Members Manual, Article 9B1(C) "Even if no allegation or complaint is received, Division Members must report to the Troop/Detail Commander any incident that, in their judgment, indicates that an official Complaint Against Personnel Investigation is necessary."

General, the District Attorney, a civilian oversight agency or the EEOC? Are these procedures well understood by department personnel?

Does the department have robust anti-retaliation policies to ensure that officers are willing to report misconduct by others? Does and should the department accept anonymous internal complaints?

Does your department have a clear and transparent process for investigating reports of misconduct?

Misconduct investigations must ensure both community trust in the department and fairness to officers. Do the department's procedures achieve these goals? Does the department have an appropriate timetable in which to complete misconduct investigations in light of these goals?

In a 2019 report by The Leadership Conference on Civil and Human Rights, the authors recommend that all misconduct reports be investigated, even if they occur when disciplinary actions can no longer be imposed.¹²⁰ Should your department adopt this practice?

Does your department respond to officer misconduct with appropriate disciplinary measures?

Do officers in your department believe that misconduct will result in appropriate discipline, or do they believe that it will be overlooked?

¹²⁰ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. p. 255. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

Does your department have a continuum of responses to misconduct? Supervisors and department leadership should not be in the position of having to either ignore misconduct or impose harsh penalties that may be disproportionate.

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?

Review of misconduct and adverse legal actions can be helpful in evaluating a department's policing activities. In particular, the discovery and trial processes can provide evidence that is more comprehensive than what is typically available to departments.¹²¹

What controls are in place to ensure impartiality when reviewing potential misconduct or complaints? When appropriate, are cases referred to either the District Attorney or another prosecutor?

In 2015, Governor Cuomo issued Executive Order 147 requiring a special prosecutor's office within the Office of the Attorney General to investigate killings of unarmed citizens and prosecute when appropriate. The Executive Order also permitted the special prosecutor's office to investigate and prosecute killings of citizens where there was a significant question as to whether a citizen was armed and dangerous at the time of his or her death.

In 2020 the Executive Order was codified into state law, creating a permanent Office of Special Investigation within the Office of the Attorney

¹²¹ Schwartz, Joanna C., What Police Learn from Lawsuits (December 2, 2010). *Cardozo Law Review*, Vol. 33, p. 841, 2012, Available at SSRN: <https://ssrn.com/abstract=1640855>.

General. This new legislation provides an independent review in situations where local relationships and pressures can hamper thorough review and impede necessary corrective action. This law also expands the permissible scope of the Attorney General's oversight to cases where an individual was known to be armed at the time of death.

The community must have confidence that such cases are handled fairly and without partiality either for or against the officers involved. In light of the permanent working relationship between a police department and the District Attorney, maintaining public confidence requires an independent review. Beyond cases that are currently referred to the Office of the Attorney General, consider how best to establish a disciplinary review process that gives the whole community confidence that misconduct will be fairly and impartially reviewed.

Does your department expect leaders and officers to uphold the department's values and culture when off-duty?

Behavior of officers when they are off-duty can reinforce a lack of trust in police officers and the justice system as a whole. While you cannot control the behavior of officers while they are off-duty, it is important to acknowledge the impact their off-duty conduct may have on the community members' faith in your department, and consider measures you can implement to ensure off-duty conduct does not undermine the community relationship-building work of the department.

Many police departments hold officers to certain standards of conduct even when they are out of uniform, including imposition of sanctions ranging

from termination and suspension to administrative duty. For example, an off-duty police officer in Missouri was removed from his official duties and placed on administrative duty after he was seen verbally abusing a man following a car accident. The incident was caught on video and quickly went viral. In the video the officer, who was not in uniform, threatened and cursed at the citizen, all while a uniformed officer was also at the scene.¹²² In another example, an officer in Savannah, Georgia, was fired as the result of a social media post. This post violated one of the department's conduct policies, which reads in part, "Employees shall not engage in offensive or harassing conduct, verbal or physical, towards fellow employees, supervisors or the public during work hours or off-duty hours."¹²³

4. Citizen Oversight and Other External Accountability

Does or should your department have some form of civilian oversight over misconduct investigations or policy reform?

Many larger law enforcement entities have some form of civilian oversight entity.¹²⁴ Unlike citizen advisory boards discussed in Section II - which are broad committees to encourage dialogue and community connection - civilian oversight entities have formal duties and authorities. For example,

¹²² Gstalter, M. (2020, June 24). Off-duty officer in Trump hat relieved of official duties for threatening man in viral video. Retrieved from <https://thehill.com/blogs/blog-briefing-room/news/504335-off-duty-officer-in-trump-hat-placed-on-leave-for-threatening>

¹²³ Staff, W. (2020, June 26). Savannah officer fired after making controversial Facebook post about privilege. Retrieved from <https://www.wtoc.com/2020/06/26/savannah-officer-fired-after-making-facebook-post-about-privilege/>

¹²⁴ "Police Oversight by Jurisdiction (USA)." National Association for Civilian Oversight of Law Enforcement. https://www.nacole.org/police_oversight_by_jurisdiction_usa.

these entities may have the power to review investigative findings of Internal Affairs bureaus, to conduct their own investigations, to leverage various investigative tools, including subpoenas, and/or to impose discipline.¹²⁵ Some entities also have the power to weigh in on key policy decisions.¹²⁶

Police and reform groups often advocate different approaches to civilian oversight. For example, the Equal Justice Initiative recommends that civilian oversight entities reflect the entire community, observing that “[s]tudies show that white Americans are far more likely than Black Americans to believe that the police use an appropriate amount of force.”¹²⁷ The New Era of Public Safety also recommends empowering such review boards by giving them the necessary resources to fully evaluate complaints.¹²⁸ This includes giving oversight entities the power to weigh in on pertinent policy, the requisite financial resources, and access to investigative information.¹²⁹ Effective oversight requires full cooperation of subject and witness officers in investigations.

By contrast, the National Association for Civilian Oversight of Law Enforcement (NACOLE) recommends that police departments select the least intrusive civilian oversight entity that is able to accomplish its desired goal.¹³⁰

¹²⁵ “Oversight Models: Is one model better than another?” National Association for Civilian Oversight of Law Enforcement. https://www.nacole.org/oversight_models.

¹²⁶ *Ibid.*

¹²⁷ Equal Justice Initiative, *Reforming Policing in America 2020*, <https://eji.org/issues/policing-in-america/>

¹²⁸ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. p. 222. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

¹²⁹ *Ibid.*

¹³⁰ National Association for Civilian Oversight of Law Enforcement, *Civilian Oversight of Law Enforcement, A Review of the Strength and Weaknesses of Various Models* (https://d3n8a8pro7vhm.cloudfront.net/nacole/pages/161/attachments/original/1481727977/NACOLE_short_doc_FINAL.pdf?1481727977).

If you consider establishing an entity outside the police department to review citizen complaints of excessive force or other police misconduct, here are some relevant questions:

- What level of review should it conduct? Should it review the findings of an Internal Affairs Bureau or conduct its own investigation?
- What power should it have to interview officers or other witnesses, to compel officers or other witnesses to be interviewed, and to review documents, recordings, interviews conducted by Internal Affairs or other evidence?
- Should it be empowered to impose disciplinary action, recommend disciplinary action, or simply to substantiate complaints?
- Should it be authorized to formally refer cases to the Attorney General or District Attorney?
- What mechanisms are in place to ensure subject and witness officers fully cooperate with civilian oversight investigations?

There are a number of existing oversight entities to look to as models.¹³¹

- The New York City board is composed of 13 members: five appointed by the Mayor, five appointed by the City Council, and three appointed by the Police Commissioner. The board has power to investigate complaints, including subpoena power, and can recommend discipline. However, the Police Commissioner has final authority over the imposition of discipline.¹³²

¹³¹ U Ofer, Udi (2016) "Getting It Right: Building Effective Civilian Review Boards to Oversee Police," Seton Hall Law Review: Vol. 46 : Iss. 4 , Article 2, p.1053. Available at: <https://scholarship.shu.edu/shlr/vol46/iss4/2>.

¹³² For more information on the NYC Civilian Complaint Review Board please visit its website at <https://www1.nyc.gov/site/ccrb/index.page>.

- The Chicago board is composed of nine members appointed by the Mayor with the consent of the City Council. The board has investigative and subpoena power, and power to impose disciplinary measures.¹³³
- The Baltimore board is composed of nine voting members nominated by the Mayor and confirmed by the City Council, along with five non-voting members from community stakeholders. The board does not have power to investigate or impose discipline. It may simply review complaints.¹³⁴

Is there an easy, accessible and well-publicized process for members of the public to report complaints about police misconduct?

To encourage citizen feedback, the 2019 report “New Era of Public Safety” recommends that departments make claim filing processes easy and accessible. Some considerations include language and disability accessibility, formats supported for filing (email, phone, in-person, Internet, etc.) and length of intake process.¹³⁵ Law enforcement agencies should also seek feedback on these processes from the public through many of the outreach avenues discussed in this report. Listening to feedback regarding the complaint process and incorporating that feedback into process reform will improve the complaint review process, improving confidence in the system and encouraging citizen complaints.

¹³³ For more information on the Chicago Civilian Office of Police Accountability please visit its website <https://www.chicagocopa.org/>.

¹³⁴ For more information on the Baltimore Civilian Review Board please visit its website at <https://civilrights.baltimorecity.gov/civilian-review-board>.

¹³⁵ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf

Newly enacted legislation authorizes the New York State Attorney General to investigate allegations of misconduct against local police agencies.¹³⁶

Are investigation outcomes reported to the complainant? Are they reported to the public? Should the department or the citizen complaint review entity, if any, accept anonymous complaints?

Disclosing the outcome of investigations to complainants and the public increases transparency and can increase confidence in law enforcement. Some departments choose to disclose this information in aggregate reports instead of sharing individualized data.

Accepting anonymous complaints may assuage citizen fears of police retaliation. However, anonymous complaints can be less reliable and are difficult to investigate because the investigator cannot ask follow-up questions or interview the complainant, and they can be retaliatory. New Era of Public Safety recommends that departments review anonymous complaints fully, but disclose during intake that anonymity can hinder the review process.¹³⁷

¹³⁶ Governor Cuomo Signs Legislation Requiring New York State Police Officers to Wear Body Cameras and Creating the Law Enforcement Misconduct Investigative Office, <https://www.governor.ny.gov/news/governor-cuomo-signs-legislation-requiring-new-york-state-police-officers-wear-body-cameras-and>.

¹³⁷ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. Retrieved from: civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

Does your local legislature engage in formal oversight of the police department? Should any changes be made in the legislature's oversight powers or responsibilities?

While uncommon, legislative oversight of police departments can be a helpful tool.¹³⁸ Legislatures often have the power to conduct investigations and learn about local policing practices through hearings and other means. This investigative authority allows legislatures to access more information regarding policing practices than the general public. Further, if legislatures identify practices that pose concerns, they have the power to address those concerns through legislation.

Some experts believe legislative oversight is critical to ensuring democratic accountability in policing because it provides clear authority for policy and makes the legislature accountable to the public for police functions at the “front-end” instead of relying on uncertain “back-end” procedures, such as Constitutional analyses by courts.¹³⁹

Is your police department accredited by any external entity?

Accreditation is a useful tool that enables external review of agency policies, procedures, and practices to improve the standards of your police department and quality of your policing services. The Division of Criminal Justice Services administers the New York State Law Enforcement Agency

¹³⁸ Mary M. Cheh, Legislative Oversight of Police: Lessons Learned from an Investigation of Police Handling of Demonstrations in Washington, D.C., 32 J. Legis. 1 (2005). Retrieved from: scholarship.law.gwu.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1467&context=faculty_publications

¹³⁹ Friedman, Barry and Ponomarenko, Maria, Democratic Policing (November 23, 2015). New York University Law Review, Vol. 90, 2015; NYU School of Law, Public Law Research Paper No. 15-53. Available at SSRN: <https://ssrn.com/abstract=2694564>

Accreditation Program, which provides structure and guidance for police agencies to evaluate and improve overall performance in areas such as administration, training, and operational standards. The program encompasses four principal goals:

1. To increase the effectiveness and efficiency of law enforcement agencies utilizing existing personnel, equipment and facilities to the extent possible;
2. To promote increased cooperation and coordination among law enforcement agencies and other agencies that provide criminal justice services;
3. To ensure the appropriate training of law enforcement personnel; and
4. To promote public confidence in law enforcement agencies.

Accredited agencies must meet minimum standards, considered “best practices” in the field, which promote a high degree of professionalism and public confidence. The standards of the NYS Law Enforcement Agency Accreditation Program can be found in the Standards and Compliance Verification Manual.¹⁴⁰ Please refer to the “Becoming an Accredited Law Enforcement Agency” section of the Manual for information on how to apply. For any questions regarding the application process or for general Accreditation related inquiries, please contact NYS Law Enforcement Accreditation Program staff at ops.accreditation@dcjs.ny.gov. This program is available at no cost to localities and participation should be considered as part of your community policing plan.

¹⁴⁰ NYS Division of Criminal Justice Services Law Enforcement Agency Accreditation Council. *Standards and Compliance Verification Manual*. September 5, 2019.
https://www.criminaljustice.ny.gov/ops/docs/accred/standards_compliance_verification_manual.pdf.

Does Your Police Department Do an Annual Community Survey to Track Level of Trust?

An annual survey that measures the community's level of trust in the police department, the community's view on the effectiveness of certain policing strategies, as well as one that collects any negative feedback may be a helpful tool in gaging the community's satisfaction with the police department. The 21st Century Policing Report recommends such an annual community survey, advising that it should be conducted by zip code, so as to delineate the responses from each neighborhood.¹⁴¹

5. Data, Technology and Transparency

Transparency is one of the four pillars of procedural justice and is critical to ensuring accountability. Without a full picture of law enforcement policies, procedures, and activity, the public cannot meaningfully evaluate the performance of law enforcement. Even a well-functioning department risks losing public confidence when it does not engage in meaningful transparency. Departments should consider various ways to make law enforcement practices more transparent to the public.

Data is an important tool for improving accountability because it provides the public with insight into police activity and can be leveraged to inform data-driven policies.

What police incident and complaint data should be collected? What data should be available to the public?

¹⁴¹ United States Department of Justice. (2015.) *Final Report of the President's Task Force on 21st Century Policing*, pp. 16. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

Local law enforcement data increases transparency by providing a snapshot of police conduct. Collection of police activity data can be useful to evaluate if policing practices are effective, ensure compliance with the law, and identify potential biases and disparities. Data reporting and analysis are key components of many DOJ consent decrees with law enforcement agencies.¹⁴² Data analysis has been critical in identifying disparate and biased policing of minorities. Reports also suggest that transparent use-of-force data builds community trust and increases accountability within law enforcement departments.¹⁴³

Governor Cuomo recently signed legislation (Police Statistics and Transparency Act) requiring courts to compile and publish racial and other demographic data for low-level offenses.¹⁴⁴ This legislation also requires departments to report arrest-related deaths to DCJS. Many law enforcement agencies collect and publish other types of data regarding policing activity. For example, the NYPD publishes an annual report with use-of-force statistics.¹⁴⁵

Other legislatures are adopting laws requiring departments to collect “stop data” regarding traffic and pedestrian stops.¹⁴⁶ Stop data typically includes information regarding the stop (rationale, outcome, etc.) and the

¹⁴² The Civil Rights Division’s Pattern and Practice Police Reform Work 1994-Present, Civil Rights Division, U.S. Department of Justice. <https://www.justice.gov/crt/file/922421/download>.

¹⁴³ *Ibid.*

¹⁴⁴ The Laws of New York, Article 7-A: Judicial Administration, Section 212, <https://www.nysenate.gov/legislation/laws/JUD/212>; Press Release: Governor Cuomo Signs Policing Reform Legislation, <https://www.governor.ny.gov/news/governor-cuomo-signs-policing-reform-legislation>.

¹⁴⁵ Use of Force Report 2017, New York City Police Department, <https://www1.nyc.gov/assets/nypd/downloads/pdf/use-of-force/use-of-force-2017.pdf>.

¹⁴⁶ Passage of 'Traffic Stop Data Collection Act' in Illinois is Key "First Step" to End of Racial Profiling, ACLU Says, <https://www.aclu.org/press-releases/passage-traffic-stop-data-collection-act-illinois-key-first-step-end-racial-profiling>.

target (race, gender, age, etc.). Analysis of stop data can inform the effectiveness of policing and identify potential biases or disparate impact.

In determining how your agency should collect and use data, consider the following questions:

- What policing activity data should be collected by your department? This could include data regarding shootings by officers, firearm discharges, civilian injuries, use of force incidents, and officer stops, searches, and/or arrests.
- Should this data include demographic data, which can be used to detect racial disparities and biases?
- Beyond disclosures required under state and federal law, what other policing data should be disclosed? Made public? Should this data be aggregate data or individualized data? Should individualized data be anonymized or redacted? How frequently should data be disclosed?
- Should the department make available to the public aggregate data on its review of use of force incidents, such as number of incidents reviewed, number found to be inconsistent with department policy or number referred for prosecution?
- Should the department make available to the public aggregate data about the number and disposition of citizen complaints, including the nature of any discipline imposed?

How should your law enforcement agency leverage data to drive policing strategies?

Data can be useful for informing policing strategies. For example, data can be used to shape decisions on resource allocation, personnel deployment, and

policy. Data collection and utilization can be enhanced by employing crime analysts to inform decision-making and support policing operations.

It is important that departments are aware that data-driven findings can be unreliable if the underlying data is of poor quality or is biased.¹⁴⁷ For example, law enforcement agencies may be inclined to deploy more resources to an area because it has a high number of arrests. However, the high number of arrests may be related to over-policing in the area.

Agencies should consider formally partnering with their regional NYS Crime Analysis Center which can assist with data-driven and intelligence-led policing efforts, as well as provide specific investigatory support. DCJS partners with local law enforcement agencies to support a network of 10 regional Crime Analysis Centers (CACs) that provide investigative support and information to help police and prosecutors more effectively solve, reduce and prevent crime. Using data-driven processes, the CACs coordinate, expand, and enhance investigative services and provide real-time investigative support to law enforcement agencies.¹⁴⁸

How can your police department demonstrate a commitment to transparency in its interactions with the public?

Police Departments can consider policies that require officers to state explicitly their name, badge number, and purpose before interacting with a

¹⁴⁷ Andrew Guthrie Ferguson, Policing Predictive Policing, 94 Wash. U.L. Rev. 1109 (2017).
https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=6306&context=law_lawreview.

¹⁴⁸ For more information on the DCJS Crime Analysis Center network, please visit:
<https://www.criminaljustice.ny.gov/crimnet/ojsa/impact/CACCI.pdf>.

member of the public. Departments can also require that officers provide a business card following an interaction. To instill confidence in the public following substantial criticism of its “stop-and-frisk” program, in 2018 the NYPD began offering business cards to individuals who were subject to a “stop-and-frisk,” but were not arrested.¹⁴⁹ The business cards include officer information and information on how to obtain body camera footage.

Law enforcement agencies can also consider requiring officers to inform individuals of their rights in certain scenarios even when not legally required. For example, an officer seeking to conduct a consent search could be required as a matter of policy to advise the subject that he or she has the right to refuse to consent to the search.

As a general matter, policies aimed to enhance transparency will be most effective if they include enforcement mechanisms to ensure compliance with these policies and procedures.

How can your police department make its policies and procedures more transparent?

Does your department have comprehensive policies and procedures in place to address common and controversial forms of police activity? The Municipal Police Training Council (MPTC) – created under Executive Law §837 to establish training standards and guidelines – is comprised of law enforcement officials and academics appointed by the Governor. The MPTC has

¹⁴⁹ New York City Civilian Complaint Review Board. “What is the Right to Know Act?”, Available at: <https://www1.nyc.gov/site/ccrb/complaints/right-to-know-act.page>

developed model policy guidance for law enforcement agencies to use as an initial framework in their own policy development.

Topic areas include but are not limited to: Body Worn Cameras, Identification Procedures, Investigation of Hate Crimes, Recording of Custodial Interrogations, and Use of Force. All MPTC model policy guidance issued by the Council is available to law enforcement and may be requested by contacting DCJS at OPS.GeneralPolicing@dcjs.ny.gov.

- Does your department have a process for developing or revising its policies and procedures? Does this process include the solicitation of community and/or stakeholder input?
- How can your department make its policies and procedures accessible (format, language, ADA-compliant) and understandable to the public?
- Are your policies and procedures evidence-based? Do they reflect current peer-reviewed research?
- Do your policies consider disparate impact and potential biases?

How can your police department ensure adequate transparency in its use of automated systems and “high-risk” technologies?

New technologies including biometric technologies, surveillance systems, unmanned aerial systems, data mining tools, geofencing tools, and resource allocation tools may provide significant value to police departments. However, reports suggest that these technologies may rely on obscured

systems with unstudied effectiveness and pose a risk of bias or interfering with civil liberties.¹⁵⁰

For example, as discussed earlier in Section II on policing strategies, researchers from MIT and Stanford have found that facial recognition technology can be ineffective, especially for certain skin colors and genders.¹⁵¹ In the previous section, we discussed assessing if a new technology is an effective policing tool. Before employing a new technology, experts recommend that departments carefully consider the potential risks posed by the technology, pursue mechanisms to audit the performance of the technology prior to use, and properly train all users of the technology so that it is appropriately used.¹⁵²

Unlike other policing resources, new technologies have not had decades of established practice to refine attendant policies and procedures.¹⁵³ For this reason, many experts suggest departments take a special approach to establishing policies and procedures, and solicit community input prior to deploying a new technology.¹⁵⁴ Law enforcement may want to review resources from or consult with civil liberties and privacy experts, non-profit

¹⁵⁰ United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing*. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

¹⁵¹ Hardesty, L., MIT News Office. *Study Finds Gender and Skin-Type Bias in Commercial Artificial-Intelligence Systems*. MIT News, 11 Feb. 2018, news.mit.edu/2018/study-finds-gender-skin-type-bias-artificial-intelligence-systems-0212.

¹⁵² United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing*. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf; Algorithmic Accountability Policy Toolkit, AI Now, October 2018, <https://ainowinstitute.org/aap-toolkit.pdf>; First Report of the Axon AI & Policing Technology Ethics Board, June 2019, https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/5d13d7e1990c4f00014c0aeb/1561581540954/Axon_Ethics_Board_First_Report.pdf.

¹⁵³ United States Department of Justice. (2015). *Final Report of the President's Task Force on 21st Century Policing*. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf. ("We live in a time when technology and its many uses are advancing far more quickly than are policies and laws.")

¹⁵⁴ New York City, Automated Decision Systems Task Force Report, November 2019, <https://www1.nyc.gov/assets/adstaskforce/downloads/pdf/ADS-Report-11192019.pdf>.

research organizations, public technologists, and researchers when evaluating new technologies to ensure selection of low-risk, effective technologies. Law enforcement may also want to consider any racial-equity impact assessments--systematic examinations of how different racial and ethnic groups will be affected by the proposed technology usage--in an effort to identify interventions that will minimize adverse consequences. This approach should also apply to technologies leveraged by third parties to assist law enforcement investigations. Below are some questions your department may want to consider:

- What process does your department have in place for the adoption of new technologies? Does the process include the solicitation of stakeholder and researcher input? Is there a process for community input? Does the process include the creation and publication of clear policies that articulate how the technology works, how it can be audited, and how, where, when, and why it is used?
- Does your department perform a cost-benefit analysis when adopting new technologies?¹⁵⁵ Does your department consider the risks of using a novel technology (unstudied effectiveness, potential biases and intrusion on civil liberties), as well as the ability of the technology to solve an existing problem?
- What is your department's process for procuring or using a new technology? Does your department study the effectiveness of the technology and analyze potential biases?¹⁵⁶

¹⁵⁵ First Report of the Axon AI & Policing Technology Ethics Board, June 2019, https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/5d13d7e1990c4f00014c0aeb/1561581540954/Axon_Ethics_Board_First_Report.pdf.

¹⁵⁶ New York City, Automated Decision Systems Task Force Report, November 2019, <https://www1.nyc.gov/assets/adstaskforce/downloads/pdf/ADS-Report-11192019.pdf>.

- Does your department have policies or procedures for training officers on how properly to use new technologies? New technologies can be difficult to understand and there are documented instances of technologies being used improperly or in contexts for which they have not been validated. This is a particular risk for technologies that allow users wide discretion in deployment and allow users to select acceptable tool accuracy.
- Does your department have policies in place to ensure that vendor contracts do not interfere with transparency? Many new technologies are considered proprietary and have audit and/or disclosure restrictions.¹⁵⁷ Some experts recommend that departments implement policies to refrain from signing vendor contracts that restrict auditing of technologies or that prevent the public disclosure of basic information regarding how each technology system works, including any agreements that restrict defense attorneys from understanding how a technology system was used in a criminal investigation or prevent compliance with oversight legislation or public-records requests. These restrictions significantly reduce transparency, making law enforcement less accountable, and interfering with procedural justice.
- Does your department have a process through which residents can register feedback on a certain technology or request information on any personal data it has collected about them without their knowledge?
- Does your department have a policy for maintaining sensitive data or information? Many new technologies involve handling sensitive data. Experts recommend that privacy and security safeguards are included in departmental policies to ensure proper handling of data.
- Is your department required to disclose the technologies its uses to the public? If so, does this disclosure requirement extend to technologies that were given to the police department (i.e., not procured)? Several cities,

¹⁵⁷ Rashida Richardson, ed., “Confronting Black Boxes: A Shadow Report of the New York City Automated Decision System Task Force,” AI Now Institute, December 4, 2019, <https://ainowinstitute.org/ads-shadowreport-2019.html>.

including San Francisco and Seattle, require departments to disclose which technologies it is using. New York City recently passed similar legislation called the Public Oversight of Surveillance Technology (POST) Act.

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

In-car and body-worn cameras (BWCs) are frequently recommended, and are mandated for some police forces, as monitoring mechanisms to ensure accountability.¹⁵⁸ In particular, BWC usage has increased significantly in the past few years in response to controversial policing incidents. According to one study, over one-third of law enforcement agencies in the U.S. use BWCs in some capacity.¹⁵⁹

Governor Cuomo recently signed legislation requiring New York State Police patrol officers to use BWCs while on patrol.¹⁶⁰ Officers are required to record immediately before exiting a patrol vehicle to interact with a person or situation, all uses of force; all arrests and summonses; all interactions with individuals suspected of criminal activity; all searches of persons and property, any call to a crime in progress; investigative actions involving interactions with members of the public; any interaction with an emotionally disturbed person; and any instances where an officer feels any imminent danger or the need to

¹⁵⁸ United States Department of Justice. *The Civil Rights Division's Pattern and Practice Police Reform Work 1994-Present*. ("Policing experts and empirical studies strongly support the positive effects of in-car cameras on accountability and officer safety.") (<https://www.justice.gov/crt/file/922421/download>)

¹⁵⁹ Reaves, R. U.S. Department of Justice, Bureau of Justice Statistics, Local Police Departments, 2013: Equipment and Technology, <https://www.bjs.gov/content/pub/pdf/lpd13et.pdf>.

¹⁶⁰ New York State Press Release. "Governor Cuomo Signs Legislation Requiring New York State Police Officers to Wear Body Cameras and Creating the Law Enforcement Misconduct Investigative Office." June 2020. Available at: <https://www.governor.ny.gov/news/governor-cuomo-signs-legislation-requiring-new-york-state-police-officers-wear-body-cameras-and>

document their time on duty. This legislation also requires law enforcement to retain footage of these interactions. Some law enforcement entities are hesitant to adopt BWCs because they are costly; one estimate suggests BWCs cost approximately \$1,000 per user per year.

In 2017, the National Criminal Justice Reference Service (NCJRS) funded a cost-benefit analysis of BWC usage at the Las Vegas Metropolitan Police Department.¹⁶¹ The cost-benefit analysis estimated that BWCs saved over \$6,200 in office time spent investigating an average complaint against an officer and decreased the overall number of complaints. Ultimately, the study found that BWCs generate a net annual savings between \$2,909 and \$3,178 per year per user. The results of a cost-benefit analysis may be different depending on how a department uses BWCs and how common complaints or controversial interactions are. If a department decides to implement BWCs, it should consider what policies govern the use of BWCs. Below is a list of considerations for discussion.

- When should officers be required to turn on their BWCs? When interacting with members of the public? When conducting a law enforcement investigation?
- When should officers be required to notify members of the public that BWCs are on? In private settings? In public settings?
- What should the penalties be for non-compliance?
- How long should the department maintain footage?
- Under what conditions should footage be accessible to officers, the public, or investigators?

¹⁶¹ National Criminal Justice Reference Service. "The Benefits of Body-Worn Cameras: New Findings from a Randomized Controlled Trial at the Las Vegas Metropolitan Police Department" 2017, <https://www.ncjrs.gov/pdffiles1/nij/grants/251416.pdf>.

IV. Recruiting and Supporting Excellent Personnel

Staffing and personnel management is one of the most critical responsibilities of law enforcement leaders and the communities which they protect and serve.¹⁶² Each of the State's more-than 500 county and local law enforcement agencies must therefore have robust strategies for recruitment, hiring, and retention of officers whose diversity reflects the communities they serve. Law enforcement agencies should also design and oversee training and wellness programs that aim to ensure the safety of officers and the public while reinforcing relationships of trust between police departments and their communities.

1. Recruiting a Diverse Workforce

In setting out to address these issues, it may be helpful to first assess your current law enforcement workforce:

- What are the demographics of your agency?
- What are the demographics of your community?
- Are those demographics aligned?
- What steps, if any, has your agency taken to increase diversity in the workforce?
- Can my officers and my community relate in terms of socio-economic background? Life experiences? Any other metrics?

¹⁶² United States Department of Justice. (2015). Final Report of the President's Task Force on 21st Century Policing. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

Does your agency reflect the diversity of the community it serves?

It is essential that local law enforcement agencies reflect and represent the diversity of the communities they serve. President Obama’s Task Force on 21st Century Policing recognized that diverse law enforcement agencies foster trust in the community.¹⁶³ This trust, in turn, aids in easing community tensions, reducing and solving crime, and creating a system where residents have positive views of law enforcement as fair and just.

The recent protests and civil unrest that swept the nation following several law-enforcement involved civilian deaths, has brought to light the stark imbalance between the demographics of many law enforcement agencies and the communities they serve. A report by the Washington Post found that “many major police forces are still much whiter than the communities where they work.”¹⁶⁴ This holds true for communities throughout New York State. In Syracuse, New York, for example, 89% of the police are white, compared with about 55% of the population.¹⁶⁵ New York City has been more successful than most police agencies in its minority recruitment efforts where 67% of New York City residents self-identify as members of a racial or ethnic minority (Black, Hispanic or Asian) and 47% of the police force is white.

Increasing diversity of your workforce can have tangible benefits for both your agency and the communities you serve. For example, research shows that

¹⁶³ *Ibid.*

¹⁶⁴ Keating, D., Uhrmacher, K. (2020) “In urban areas, police are consistently much whiter than the people they serve.” *The Washington Post*. <https://www.washingtonpost.com/nation/2020/06/04/urban-areas-police-are-consistently-much-whiter-than-people-they-serve/?arc404=true>

¹⁶⁵ United States Census Bureau. *Quick Facts: Syracuse, NY – New York, NY*. (2019). <https://www.census.gov/quickfacts/fact/table/syracusecitynewyork,newyorkcitynewyork/PST045219> AND New York State Division of Criminal Justice Services, data

female officers are just as capable as their male colleagues in carrying out law enforcement functions, but they are more likely to both rely on an interpersonal style of policing, and to use less physical force.

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

Many law enforcement agencies may find difficulties in recruiting and retaining appropriate numbers of applicants that represent the diversity of the communities they serve. These challenges may stem from multiple factors such as individuals from underrepresented communities (1) lacking trust in law enforcement; (2) being dissuaded by law enforcement's reputation or operational practices; or (3) being unaware of employment opportunities in law enforcement.¹⁶⁶

In assessing how to attract a more diverse workforce, law enforcement agencies should consider their current recruitment strategies and assess what role they play in advancing or hindering the process.

Additionally, law enforcement agencies should consider how to both leverage existing community ties and create new ones that will support their efforts to expand their applicant pools.

- To encourage diverse populations to apply to your agency, consider proactive and targeted community outreach efforts. Studies show success in recruiting people of color, women, and other members of underrepresented populations where police departments have worked

¹⁶⁶ United States Department of Justice, (2016) "Advancing Diversity in Law Enforcement Report" - <https://www.justice.gov/crt/case-document/file/900761/download>

with community organizations and religious institutions to showcase the human face of law enforcement.¹⁶⁷

- The Sacramento, California Police Department, for example, routinely holds free hiring workshops where they explain their recruitment and testing process. You might consider holding community workshops to educate the public on the process and answer questions about how to become an officer. Consider whether you should create an internship or community mentorship program through partnerships with educational institutions. This provides young people a way to experience law enforcement as a profession first-hand and creates a pipeline of future potential applicants.
- “Behind the scenes” looks at policing, can help improve the historically negative experiences that many minority communities have with law enforcement.
- Be active on social media, and use these tools as a form of communication to connect with all members of the community. Your online presence can be both a great recruitment strategy, and a way to directly communicate with underrepresented populations.
- Examine the number of female officers in your workforce. Research shows that increasing the number of women officers has tangible, positive benefits for both agencies and the communities they serve. Women are more likely to use community-oriented policing techniques focusing on cooperation and de-escalation. Also, when handling domestic violence calls, female officers have been shown to be more effective, and are often the main contact for women and youth victims of domestic violence.¹⁶⁸

¹⁶⁷ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. p. 274. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf

¹⁶⁸ United States Department of Justice, (2016) “Advancing Diversity in Law Enforcement Report.” p 19. <https://www.justice.gov/crt/case-document/file/900761/download>

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

Most law enforcement agencies use very similar processes to select, screen, and hire potential employees, relying heavily on some combination of medical and psychological exams, background investigations, and criminal and driver records checks, fitness tests, written aptitude tests, and credit history checks.¹⁶⁹ However, agencies in New York State have wide discretion in their hiring criteria, so long as they comply with the minimum qualification standards set by the Municipal Police Training Council (MPTC).

Research has consistently shown that traditional hiring practices too often leave underrepresented populations at a disadvantage. These practices frequently exclude those who come from communities without a history of members working in law enforcement. Screening tools, such as fitness and cognitive tests, and background checks also have been found to have disparate impacts on underrepresented communities.¹⁷⁰

The Department of Justice recommends that agency leadership be prepared to “re-evaluate employment criteria, standards, and benchmarks to ensure that they are tailored to the skills needed to perform job functions, and consequently attract, select, and retain the most qualified and desirable sworn officers.”¹⁷¹

¹⁶⁹ *Ibid.*

¹⁷⁰ *Ibid.*; Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. p. 274. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf

¹⁷¹ *Ibid.*

Consider eliminating selection criteria and written or physical tests that do not relate directly to actual job-duties, and which often disproportionately eliminate underrepresented individuals from the process.

Consider whether you should offer assistance or preparation materials to help prospective officers prepare for the application testing and process. Even short of affirmative research shows that mere transparency in the hiring process can be helpful to applicants from diverse backgrounds who may not be familiar with the, often, complex law enforcement hiring process. Creating a short but comprehensive tool describing the process can lead to higher passage rates for these individuals. Creating test preparation materials and offering coaching or other assistance will be even more helpful in increasing minority recruitment.

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

Police Cadet programs offer law enforcement apprenticeships to young people, typically between the ages of 18 and 20 years old.¹⁷² They provide the opportunity for a young person to explore a career in law enforcement and obtain relevant training and skills.¹⁷³ Many programs offer a salary or tuition benefit, have work requirements, and are targeted towards college students. These benefits can help departments recruit students who otherwise would not have considered a career in law enforcement. Some programs allow high

¹⁷² Leland R. Devore, The Purpose and Function of Police Cadet Programs in Medium Sized Police Agencies by the Year 2000, <https://www.ncjrs.gov/pdffiles1/Digitization/124727NCJRS.pdf>.

¹⁷³ See NYPD, Cadet Corps Requirements & Benefits, <https://www1.nyc.gov/site/nypd/careers/cadets/police-cadets-program.page>; San Francisco Police Cadet, <https://www.sanfranciscopolice.org/your-sfpd/careers/civilian-job-openings/san-francisco-police-cadet-program>.

school students to participate, but are typically less comprehensive.¹⁷⁴ Upon completion of a Police Cadet program, participants are often eligible to become police officers, subject to testing and other requirements.¹⁷⁵ These programs are useful recruiting tools because they engage young community members who have not yet settled on a specific vocation.¹⁷⁶

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

Beyond recruitment and hiring, law enforcement agencies – like other employers – must focus on retention. Retaining all employees, but especially diverse officers, comes with its own set of challenges. Research has shown that many members of underrepresented demographics in law enforcement may struggle with adjusting to the organizational and culture of law enforcement¹⁷⁷. Additionally, officers belonging to historically under-represented groups often face obstacles to promotion, ranging from outright bias and discrimination to less insidious but no less harmful factors such as a lack of transparency about the promotion process, or inadequate mentoring relationships and professional development opportunities.¹⁷⁸

- Consider supporting your new officers, especially those from underrepresented populations, by establishing mentoring programs and

¹⁷⁴ See, for example, Seattle Police Explorers, <https://www.seattle.gov/police/community-policing/police-explorers>.

¹⁷⁵ *Id.*

¹⁷⁶ Leland R. Devore, The Purpose and Function of Police Cadet Programs in Medium Sized Police Agencies by the Year 2000, <https://www.ncjrs.gov/pdffiles1/Digitization/124727NCJRS.pdf>.

¹⁷⁷ *Id.* at 30, See also: Rand Center On Quality Policing, Identifying Barriers To Diversity In Law Enforcement 3 (2012), http://www.rand.org/content/dam/rand/pubs/occasional_papers/2012/RAND_OP370.pdf

¹⁷⁸ Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. p. 274. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf

leadership training for new recruits. For example, DCJS' Municipal Police Training Council (MPTC) holds frequent trainings and seminars appropriate for officer development.

- The same community partnerships that your agency uses during recruitment and hiring, can remain helpful in the context of retention. Stakeholders can aid in retention of officers of color and women by addressing and understanding the unique challenges these groups face in the law enforcement profession. These partnerships allow agencies to diagnose the barriers in their practices, policies, or systems that often prevent or discourage officers from staying on the job.

2. Training and Continuing Education

Smart and effective policing starts with smart and effective training. Training should not end at recruitment; officers should be encouraged to continue to grow and learn throughout their career. Training should incorporate and reinforce best practices while emphasizing values such as accountability, transparency, and fairness in all aspects of policing.

There is no universal standard of police training, and individual jurisdictions must make important decisions around the types of training and education that should be required of the police officers who will serve and protect their communities. Your approach to police officer training and education can have a significant impact on the way those officers engage in real world policing. Your agency should consider research relating to effective adult learning techniques and law enforcement training environments as you decide how to achieve your police officer training objectives.

This section will pose questions that you should consider in developing a training program that advances your community’s policing goals.

How can you develop officer training programs that reflect your community values and build trust between police officers and the communities they serve?

It is important to engage both internal and external stakeholders in the development and implementation of your police department’s training materials and curricula.¹⁷⁹ Incorporating members of the community in this process can strengthen the overall quality of your training program while reinforcing public trust and ensuring that your training and education programs reflect the values of your community.¹⁸⁰

- A number of subject matter experts have found that police training academies are sometimes modeled after military boot camps.¹⁸¹ This environment, they argue, contributes to the development of a “warrior” mentality among police officers that can translate to hostile and fear-

¹⁷⁹ The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, pp. 301-304. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; Gokey, C. & Shah, S. (Eds.). (2016). *How to Support Trust Building in Your Agency*. Police Perspectives: Building Trust in a Diverse Nation, no. 3. Office of Community Oriented Policing Services, 41. https://www.vera.org/downloads/publications/police-perspectives-guide-series-building-trust-diverse-nation-diverse-communities-building-trust_1.pdf.

¹⁸⁰ The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 301. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; U.S. Department of Justice. (2019). *Law Enforcement Best Practices: Lessons Learned from the Field*, pp. 11-12, 15. <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>.

¹⁸¹ See Rahr, S. & Rice, S.K. (2015.) From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals. *U.S. Department of Justice, National Institute of Justice*. <https://www.ncjrs.gov/pdffiles1/nij/248654.pdf>; Stoughton, S. (2015). Law Enforcement’s “Warrior” Problem, *Harvard Law Review* 128(6), pp. 225-234. <https://harvardlawreview.org/2015/04/law-enforcements-warrior-problem/>.

based interactions with the communities they serve.¹⁸² Police departments should assess whether their training models and environments may foster a potentially adversarial relationship with their communities, and should consider redesigning training models as necessary to ensure they align with community policing goals. Agencies may consider developing training models aimed instead at establishing a “guardian” mindset among police officers.¹⁸³

- Reports issued by groups including the President’s Task Force on 21st Century Policing, the Leadership Conference for Civil and Human Rights, and the Justice Collaboratory at Yale Law School suggest that police departments should consider how to build principles of procedural justice into all police officer training programs.¹⁸⁴ This can involve engaging community members in the process of developing training programs and ensuring that trainers actively discuss the importance of procedural justice and integrate these principles into all aspects of their instruction. A recent study published by the Proceedings of the National Academy of Sciences found that procedural justice training can build community trust in police and decrease incidents involving police use of force.¹⁸⁵

¹⁸² See Rahr, S. & Rice, S.K. (2015.) From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals. *U.S. Department of Justice, National Institute of Justice*.

<https://www.ncjrs.gov/pdffiles1/nij/248654.pdf>; Stoughton, S. (2015). Law Enforcement’s “Warrior” Problem. *Harvard Law Review*, 128(6), pp. 225-234. <https://harvardlawreview.org/2015/04/law-enforcements-warrior-problem/>

¹⁸³ The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, pp. 262-263. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf

¹⁸⁴ United States Department of Justice. (2015.) *Final Report of the President’s Task Force on 21st Century Policing*, pp. 51-52. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf; The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 17. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; Van Craen, M. & Hennessy, C.L. (2014). Training Police for Procedural Justice. *Journal of Experimental Criminology*, 11, pp. 319-334. https://www.researchgate.net/publication/269723704_Training_police_for_procedural_justice; Quattlebaum, M., Meares, T., & Tyler, T. (2018). Principles of Procedurally Just Policing. *The Justice Collaboratory at Yale Law School*. https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf.

¹⁸⁵ Wood, G., Tyler, T.R., & Papachristos, A.V. (2020). Procedural justice training reduces police use of force and complaints against officers. *Proceedings of the National Academy of Sciences*, 117(18), pp. 9815-9821. <https://www.pnas.org/content/117/18/9815>.

- You can partner with academic institutions, community organizations, and other relevant experts to create rigorous, evidence-based police officer training programs.
- Police practices around issues like arrests, searches, and public demonstrations continue to be the focus of significant attention from advocates and members of the public. Groups from the Electronic Frontier Foundation to the International Association of Chiefs of Police, for example, have discussed the public’s First Amendment right to record police officers in public,¹⁸⁶ and lawsuits have resulted in police departments implementing training programs on this issue.¹⁸⁷ Policies like “stop and frisk” have also led to widespread condemnation and lengthy litigation, and the New York Civil Liberties Union found that the policy in New York City disproportionately impacted communities of color.¹⁸⁸ Your community should review police policies and practices concerning stops, searches, arrests, and public protests/demonstrations and should consider implementing training programs aimed at eliminating bias and unconstitutional conduct in these types of interactions.¹⁸⁹
- If you are preparing training modules that focus on police relationships with specific community groups, you should consider soliciting input from advocacy groups and community members who represent the viewpoint of the community on which the policing is focused. For example, police departments in New York, Los Angeles, Atlanta, Washington, D.C., and elsewhere have established working groups that

¹⁸⁶ Cope, S. & Schwartz, A. (2020, June 8). You Have a First Amendment Right to Record the Police. *Electronic Frontier Foundation*. <https://www.eff.org/deeplinks/2020/06/you-have-first-amendment-right-record-police>; International Association of Chiefs of Police. (n.d.). *Public Recording of Police*. <https://www.theiacp.org/prop>.

¹⁸⁷ American Civil Liberties Union. (2018, Jan. 19). *First Amendment Training for Lafayette PD Included in Settlement with ACLU of Louisiana*. <https://www.aclu.org/press-releases/first-amendment-training-lafayette-pd-included-settlement-aclu-louisiana>.

¹⁸⁸ New York Civil Liberties Union. (n.d.). *Stop-and-Frisk Data*. <https://www.nyclu.org/en/Stop-and-Frisk-data>.

¹⁸⁹ United States Department of Justice. (2015.) *Final Report of the President’s Task Force on 21st Century Policing*, p. 59, https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf; The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, pp. 101, 174. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

engage with the LGBTQIA+ community around training and other policing issues that impact LGBTQIA+ individuals.¹⁹⁰

- When soliciting input from community members around issues relating to training or agency policies, police departments may tend to partner with community groups and individuals with whom they have existing relationships. However, when developing and implementing officer training programs, your agency should seek to engage segments of the community that typically have not had strong and trusting relationships with the police in the past.¹⁹¹ By bringing these perspectives into the conversation, you can show your commitment to procedural justice and to building up relationships of trust.

What training policies can you adopt to ensure that police officers continuously receive high-quality, relevant in-service training sessions?

Continuing education or in-service training requirements help ensure that officers can refresh skills learned in the past, develop new skills, and remain abreast of new information on emerging topics and best practices. Police departments should carefully consider how to identify and select staff who should conduct these and other training sessions.¹⁹²

- Your community should consider your current in-service officer training standards and determine whether more rigorous requirements should be established, including requirements around the number of annual in-service training hours officers must receive.¹⁹³ The New York State Law

¹⁹⁰ Copple, J.E. & Dunn, P.M. (2017). Gender, Sexuality, and 21st Century Policing: Protecting the Rights of the LGBTQ+ Community. *Office of Community Oriented Policing Services*, pp. 22-23. <https://www.iadlest.org/Portals/0/cops%20LGBTQ.pdf>.

¹⁹¹ Office of Community Oriented Policing Services. (2019). *Law Enforcement Best Practices: Lessons Learned from the Field.* , p. 32. <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>.

¹⁹² The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 304. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

¹⁹³ *Id.* at 301.

Enforcement Accreditation Program, for example, establishes a standard of at least 21 hours of in-service training per year.¹⁹⁴

- Your community can develop specific goals for police officer in-service training programs and may identify certain topics that are critical to your community and around which all officers must receive recurring in-service training (e.g. implicit bias, de-escalation, and use of force training).
- Education experts advise that adults learn most effectively when they utilize and build on real-world experiences, rather than through the passive consumption of information.¹⁹⁵ As a result, law enforcement trainers have been encouraged to adopt models focused on experiential learning.¹⁹⁶ Your agency should consider developing realistic, scenario-based training programs that reflect circumstances your officers may encounter in their community. For example, this may involve role-playing scenarios or reviewing body camera footage.
- Consider establishing performance-based criteria for selecting personnel who will conduct agency training programs. For example, you may require that training instructors be veteran officers who have demonstrated mentorship skills and who are up-to-date on their in-service training requirements. Your agency may choose to prevent officers with histories of misconduct from serving as training instructors.¹⁹⁷

¹⁹⁴ New York State Law Enforcement Accreditation Program. Standard 33.1: Length and Content.

<https://drive.google.com/file/d/1FvS2MxjJBoCOA3c5h4RYhd3-LGIsOoT/view>.

¹⁹⁵ See, e.g., Knowles, M.S. (1988). *The Modern Practice of Adult Education: From Pedagogy to Andragogy: Revised and Updated*, pp. 43-45, 48-51. Cambridge.

<https://pdfs.semanticscholar.org/8948/296248bbf58415cbd21b36a3e4b37b9c08b1.pdf>; The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 304. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

¹⁹⁶ See, e.g., Birzer, M.L. (2003). The theory of andragogy applied to police training. *Policing: An International Journal of Police Strategies and Management*, 26(1), pp. 29-42.

<https://www.researchgate.net/publication/242020962> The theory of andragogy applied to police training

¹⁹⁷ The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, pp. 304-305. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

How can leadership training improve community policing and strengthen relationships between your police department and members of the public?

Ongoing leadership training can foster leadership skills, reinforce positive conduct, and strengthen officers' commitment to community standards and procedural justice.¹⁹⁸ Leadership training can also promote diversity at the executive level of law enforcement agencies.¹⁹⁹

- Police departments should consider providing ongoing leadership training to all officers throughout their careers.²⁰⁰ Different standards, programs, and learning goals may be established at each level of leadership within a department.
- Agencies may also consider encouraging officers to engage in cross-discipline leadership training programs.²⁰¹ This can help expose officers to new and valuable knowledge and skills that can complement their own.
- You should consider developing leadership training standards in partnership with academics, non-profit groups, and other community members. These standards should be evidence-based and reflect community values.

How can your police department use its training programs to avoid incidents involving unnecessary use of lethal or nonlethal force?

¹⁹⁸ The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, pp. 267-268. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf

¹⁹⁹ *Ibid.*

²⁰⁰ United States Department of Justice. (2015.) *Final Report of the President's Task Force on 21st Century Policing*, p. 54. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

²⁰¹ *Id.* at 55.

Police department training programs focused on elements of de-escalation can lead to actual outcomes that achieve police objectives while resolving potentially dangerous scenarios safely and peacefully.²⁰² There is no universal standard model for de-escalation, though the term generally refers to a variety of practices or actions used “during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary.”²⁰³ De-escalation training can include instruction focused on decision-making, effective verbal and non-verbal communication and social interaction skills, ethics and professionalization, use of force, defensive tactics, and crisis intervention skills.

- Reports issued by the Leadership Conference on Civil and Human Rights and the U.S. Commission on Civil Rights have noted that police departments often devote substantially more time to firearms and defensive tactics training than they do to trainings around de-escalation and nonlethal use of force.²⁰⁴ Your agency should consider requiring officers to undergo use of force and de-escalation training at regular intervals throughout their career. Experts recommend that such

²⁰² Abanonu, R. (2018). De-Escalating Police-Citizen Encounters. *Review of Law and Social Justice*, 27(3), pp. 249-251.

<https://gould.usc.edu/students/journals/rjsj/issues/assets/docs/volume27/Summer2018/3.Abanonu.pdf>

²⁰³ Engel, R.S., McManus, H.D. & Herold, T.D. (2017). *The Deafening Demand for De-Escalation Training: A Systematic Review and Call for Evidence in Police Use of Force Reform*. International Association of Chiefs of Police, p. 6. https://www.theiacp.org/sites/default/files/IACP_UC_De-escalation%20Systematic%20Review.pdf.

²⁰⁴ The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p.143. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; U.S. Commission on Civil Rights. (2018). *Police Use of Force: An Examination of Modern Policing Practices*, pp. 101, 114. <https://www.usccr.gov/pubs/2018/11-15-Police-Force.pdf>.

trainings utilize scenario-based training practices in interactive training environments.²⁰⁵

- Police departments should consider requiring specialized training programs focused on the use of force against vulnerable groups, including children, individuals with disabilities, people experiencing mental health emergencies, people under the influence of substances, and people who are pregnant.²⁰⁶
- Agencies should consider developing use of force training simulations that include scenarios in which police officers are expected not to resort to using force.²⁰⁷ Leadership within the Oakland, CA police department has attributed a reduction in the agency's use of force incidents to a shift in the design of their training programs to include such circumstances.²⁰⁸
- Agencies should consider developing a training schedule in which use of force training is conducted immediately following de-escalation training so that de-escalation training concepts can be most effectively incorporated into use of force training.²⁰⁹
- Law enforcement agencies should also consider training officers on the effects of violence not only on communities and individual victims but

²⁰⁵ The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 143. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

²⁰⁶ Fair and Just Prosecution. (2020). *Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System*, p. 11. <https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf>.

²⁰⁷ The Justice Collaboratory at Yale Law School. (2018). *Principles of Procedurally Just Policing*, p. 43. https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf.

²⁰⁸ Quattlebaum, M., Meares, T., & Tyler, T. (2018). *Principles of Procedurally Just Policing. The Justice Collaboratory at Yale Law School*, Endnote 148. https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf. See also Apuzzo, M. (2015, May 4). Police Rethink Long Tradition on Using Force. *New York Times*. <https://www.nytimes.com/2015/05/05/us/police-start-to-reconsider-longstanding-rules-on-using-force.html>.

²⁰⁹ The Justice Collaboratory at Yale Law School. (2018). *Principles of Procedurally Just Policing*, p. 43. https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf.

also on police officers themselves.

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?

Awareness of and appreciation for cultural diversity are integral components of a professional police force.²¹⁰ Police forces must understand and appreciate the cultural diversity within the communities they serve. This understanding can help officers to de-escalate specific situations, and also to build ongoing, effective dialogue with community members.

Research suggests that biases, including implicit biases, can affect interactions between communities of color and law enforcement.²¹¹ Implicit bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. Law enforcement agencies across the country have begun to train police officers in implicit bias.²¹² Implicit bias

²¹⁰ United States Department of Justice. (2015.) *Final Report of the President's Task Force on 21st Century Policing*, p. 58. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf. Gokey, C. & Shah, S. (Eds.). (2016). *How to Support Trust Building in Your Agency. Police Perspectives: Building Trust in a Diverse Nation*, no. 3. Office of Community Oriented Policing Services, 42. https://www.vera.org/downloads/publications/police-perspectives-guide-series-building-trust-diverse-nation-diverse-communities-building-trust_1.pdf.

²¹¹ Clark, A. (2017, Aug. 24.) The Harmful Effects of Implicit Racial Bias in the Police. *Race, Politics, Justice*. <https://www.ssc.wisc.edu/soc/racepoliticsjustice/2017/08/24/the-harmful-effects-of-implicit-racial-bias-in-the-police/>; National Institute of Justice. (2013, Jan. 9). Race, Trust and Police Legitimacy. <https://nij.ojp.gov/topics/articles/race-trust-and-police-legitimacy>; The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, pp. 39-40. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf; U.S. Commission on Civil Rights. (2018). *Police Use of Force: An Examination of Modern Policing Practices*, pp. 101, 103-105. <https://www.usccr.gov/pubs/2018/11-15-Police-Force.pdf>.

²¹² CBS News. (2019, Aug. 7). We asked 155 police departments about their racial bias training. Here's what they told us. <https://www.cbsnews.com/news/racial-bias-training-de-escalation-training-policing-in-america/>.

awareness allows officers to recognize their own human biases and how implicit biases can affect their perceptions of others and their behavior. This awareness improves policing and has a positive effect on the relationship between police and the community. Finally, implicit bias awareness training develops skills and tactics to reduce the influence of bias on police practice and allows officers to be safe, effective, and just police professionals.²¹³

- Many entities, including the International Association of Police Chiefs and the National Training Institute on Race and Equality, offer implicit bias and cultural competency trainings designed for police departments.²¹⁴ You may consider also partnering with advocacy and community groups that can enhance these trainings by sharing the experience of the community.²¹⁵
- Community-specific implicit bias and cultural competency training programs might focus on groups such as Black communities; Orthodox Jewish, Muslim, Arab, and South Asian communities; individuals with limited English proficiency; LGBTQIA+ individuals; individuals with disabilities; and individuals experiencing homelessness.²¹⁶

²¹³ The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, pp. 59-60. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

²¹⁴ See, e.g., Kirwan Institute for the Study of Race and Ethnicity. *Implicit Bias Module Series*. <http://kirwaninstitute.osu.edu/implicit-bias-training/>; International Association of Chiefs of Police. (2020). *Bias-Free Policing*. <https://www.theiacp.org/sites/default/files/2020-06/Bias-Free%20Policing%20January%202020.pdf>; The Perception Institute. *Services and Solutions*. <https://perception.org/services-and-solutions/>; Fair and Impartial Policing. *FIP Training Courses*. <https://fipolicing.com/fip-training-courses/>; The National Training Institute on Race and Equity. *Implicit Bias Training*. <https://www.ntire.training/book-a>.

²¹⁵ United States Department of Justice. (2015.) *Final Report of the President's Task Force on 21st Century Policing*, p. 58. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

²¹⁶ Fair and Just Prosecution. (2020). *Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System*, p. 11. <https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-Roadmap-FINAL.pdf>; United States Department of Justice. (2015.) *Final Report of the President's Task Force on 21st Century Policing*, p. 58. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

- Community-focused trainings can include instruction about the type of language or behavior that may be viewed as offensive by a given community and direct officers to avoid such conduct.
- Training programs focused on communities that have historically viewed police with distrust may benefit from the inclusion of training materials that provide officers with the appropriate historical perspective and context to understand how past policing practices may have contributed to these negative perceptions.
- You may also consider implementing basic training and in-service training requirements that establish a set period of time that officers must spend interacting with individuals and groups within their communities and engaging in meaningful, non-enforcement related conversations. As explained by Professor Seth Stoughton in the Harvard Law Review, this type of “non-enforcement contact” can build trust, reinforce officers’ commitment to community policing, and build communication skills that will be valuable throughout an officer’s career.²¹⁷

How can your training program help officers effectively and safely respond to individuals experiencing mental health crises or struggling with substance abuse?

Responding to circumstances involving people who are under the influence of a substance and/or are experiencing a mental health crisis can be extremely difficult. Initially, this guidebook suggests that the collaborative consider whether and to what extent the police should respond to such calls. If the collaborative has determined that police should be a part of such response, it must recognize that responding officers need to make a series of difficult

²¹⁷ Stoughton, S. (2015). Law Enforcement’s “Warrior” Problem. *Harvard Law Review*, 128(6), pp. 225-234. <https://harvardlawreview.org/2015/04/law-enforcements-warrior-problem/>

judgments and decisions about how to safely resolve such situations,²¹⁸ which too often turn violent. Indeed, the Treatment Advocacy Center has found that individuals with untreated mental health conditions are significantly more likely than members of the general population to be killed during interactions with police.²¹⁹ Appropriate training programs²¹⁹ can help prepare police officers to respond to these types of situations safely, effectively, and humanely. Police responding to situations involving a member of the public experiencing a mental health crisis should consider the following best practices:

- Police departments should consider making Crisis Intervention Team (CIT) training a standard component of their training program.²²⁰ CIT has been shown to enhance officers' ability to recognize and respond to mental health emergencies, increase likelihood of jail diversion and treatment for individuals experiencing mental illness, reduce officer injury rates, and reduce police officer use of force in encounters with people experiencing mental health emergencies.²²¹
- Police departments can also ensure that their training programs equip officers to recognize the signs of substance abuse and respond appropriately when interacting with individuals who may be impaired as a result of substance abuse.²²² This may include training and equipping officers with overdose-reversal drugs like Naloxone.²²³

²¹⁸ International Association of Chiefs of Police. (2018). *Responding to Persons Experiencing a Mental Health Crisis*. <https://www.theiacp.org/resources/policy-center-resource/mental-illness>.

²¹⁹ Fuller, D.A., Lamb, H.R., Biasotti, M., & Snook, J. (2015). *Overlooked in the Undercounted: The Role of Mental Illness in Fatal Law Enforcement Encounters*. Treatment Advocacy Center, p. 12. <https://www.treatmentadvocacycenter.org/storage/documents/overlooked-in-the-undercounted.pdf>.

²²⁰ The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 163. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

²²¹ United States Department of Justice. (2015.) *Final Report of the President's Task Force on 21st Century Policing*, p. 56. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf; The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 157. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

²²² United States Department of Justice. (2015.) *Final Report of the President's Task Force on 21st Century Policing*, p. 57. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

²²³ National Institute on Drug Abuse. (2020). *Opioid Overdose Reversal with Naloxone (Narcan, Evzio)*. <https://www.drugabuse.gov/drug-topics/opioids/opioid-overdose-reversal-naloxone-narcan-evzio>.

- Police departments should consider training dispatchers to recognize these types of crises, ask the rights questions, and dispatch the appropriately trained personnel to respond to the scene.²²⁴
- Law enforcement agencies should consider establishing a network of mental health and disability professionals to support and inform the work of officers trained in crisis response.²²⁵

What practices and procedures can you put in place to measure the quality and efficacy of your police department's training programs?

It is important to review periodically your police department's training programs to determine whether they remain up-to-date and whether they are yielding the desired results.²²⁶

- Agencies should consider establishing a periodic review, audit, and assessment of training programs to ensure that they are not teaching outdated practices and/or basing their trainings on outdated understandings of community needs.
- Your community should consider implementing a process through which training outcomes can be measured by assessing post-training officer performance.

²²⁴ The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 163. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

²²⁵ Civil Rights Coalition On Police Reform. (2014, Aug. 14). *A Unified Statement of Action to Promote Reform and Stop Abuse*. <https://lawyerscommittee.org/wp-content/uploads/2015/08/Civil-Rights-Coalition-on-Police-Reform-Resource-Packet.pdf>.

²²⁶ The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, pp. 307-309. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

- The critical self-analysis approach used by law enforcement agencies to evaluate incidents involving use of force, searches and seizures, crisis response encounters, and other similar circumstances can also be used to inform the agency’s training goals and priorities. For example, agencies that have recently experienced high rates of use-of-force incidents may want to emphasize training courses focused on de-escalation.²²⁷
- Agencies should consider adopting a policy requiring the maintenance of complete, accurate, and up-to-date records of training curricula, materials, and attendance. This will help ensure that officers complete their ongoing training requirements, and will provide communities with an added opportunity to hold departments accountable for insufficient or outdated training.

3. Support Officer Wellness and Well-being

Law enforcement is inherently a physically and emotionally dangerous career. Studies show that people working in law enforcement are at an elevated risk of physical and mental health issues when compared to the general population.²²⁸

Consider how your police department can include in its plan an effective and proactive approach to preparing officers to handle the stress of the occupation and to ongoing support for and promotion of officer wellness.

²²⁷ *Id.* at 301.

²²⁸ *The Canadian Journal of Psychiatry*, “Mental Disorder Symptoms among Public Safety Personnel in Canada.”, Carleton, R. Nicholas, et al. vol. 63, no. 1, 2017, pp. 54–64., <https://journals.sagepub.com/doi/pdf/10.1177/0706743717723825>

What steps can you take to promote wellness and well-being within your department?

The members of your department may face different risks and stressors depending on their daily assignments. Well-being, self-care, counseling, and intervention programs are important resources that should be made available to officers starting at the training academy and then continuously thereafter.

In order to understand the issues affecting your officers, seek their input. Surveys, confidential meetings, and assistance programs all provide a means for leadership to understand the concerns of their individual officers.

Law enforcement leadership should consider how officer wellness is incorporated into your department. You should take steps to ensure that support for officer wellness and safety is integrated into all aspects of your department's work, and commitment to officer wellness and safety should be reflected in your policies, practices, attitudes, and behaviors. Department leadership should endeavor to lead by example, as rank and file personnel are likely to model the behavior and attitudes they see in their leaders.

Your department can engage professional organizations (such as Blue H.E.L.P., Valor for Blue, and Blue Wall Institute), that provide mental health and wellness training to police officers and first responders.²²⁹

²²⁹ Blue H.E.L.P., Training and Resources <https://bluehelp.org/resources/training-and-resources/>; Valor for Blue. <https://www.valorforblue.org/>; Blue Wall Institute. <https://www.bw-institute.com/>.

Are there ways to address officer wellness and well-being through smarter scheduling?

Your department should consider how to incorporate concern for wellness and wellbeing into everyday operations, including how shifts are arranged.

Research shows that shift lengths frequently are correlated with officer stress levels.²³⁰ As such, managers may consider limiting maximum shift lengths along with overall limits on an officer's work hours by, for example, limiting back-to-back shifts and overtime that could be staffed by other officers.

Consider staffing patterns and whether tasks can be performed effectively by sworn or civilian staff.

How can you effectively and proactively address the mental health challenges experienced by many police officers throughout their careers?

Rates of death by suicide among law enforcement officers appear to be higher than those within the general U.S. population,²³¹ and deaths by suicide among officers may have outnumbered those caused by fatal line-of-duty incidents in recent years.²³² Your agency should consider providing training to

²³⁰ The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 320. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

²³¹ Police Executive Research Forum. (2019). *An Occupational Risk: What Every Police Agency Should Do To Prevent Suicide Among Its Officers*, pp. 11-14. <https://www.policeforum.org/assets/PreventOfficerSuicide.pdf>; National Officer Safety Initiatives. (2020). *Preventing Suicide Among Law Enforcement Officers: An Issue Brief*, pp. 4-5.

²³² Police Executive Research Forum. (2019). *An Occupational Risk: What Every Policy Agency Should Do To Prevent Suicide Among Its Officers*, p.11. <https://www.policeforum.org/assets/PreventOfficerSuicide.pdf>.

recognize early warning signs of mental health problems and/or suicidal behavior. This could include specialized training for supervisors on how effectively to intervene with at-risk personnel.²³³

Officers often feel more comfortable speaking to fellow officers. As such, your agency should also consider creating internal peer support and mentoring programs that can aid officers in expressing their thoughts and concerns about the job with more seasoned officers that “have been where they are.”

Employee Assistance Programs (EAP) are another tool that can provide law enforcement personnel with confidential support in many areas of their personal and professional lives. For example, the New York State Police manages an EAP that can either provide direct assistance to individual employees at local agencies or assist an agency in establishing its own EAPs.

How can you address the well-being of an officer after a traumatic event?

Traumatic events are unavoidable for members of law enforcement. The aftermath of such events can deeply affect those involved and jeopardize their physical and mental well-being.

Following a crisis event, you should consider making sure the personnel involved have the option to access crisis counseling.

Supervisors and peers should monitor employees involved in potentially traumatic incidents for changes in their demeanor and behavior, prepared with

²³³ International Association of Chiefs of Police. (2014). *IACP National Symposium on Law Enforcement Officer Suicide and Mental Health: Breaking the Silence on Law Enforcement Suicides* p.18. https://www.theiacp.org/sites/default/files/Officer_Suicide_Report.pdf.

formal and informal intervention systems to provide meaningful assistance to those officers in need.²³⁴

²³⁴ The Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, p. 322. https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

Part 2: Developing Your Collaborative Plan

There are over 500 law enforcement agencies across the state. The New York State Police Reform and Reinvention Collaborative (the Collaborative) was designed to bring each community together with its local police agency to chart its individual course forward. Your most important task in this Collaborative is to ensure a healthy, productive engagement and fostering a relationship of mutual trust between the police and the community – including all segments of the community. In some localities, that relationship is already strong. In others, it is frayed or broken. Each community will have to approach this task in a way tailored to its unique experiences and needs, and will come to its own shared vision of the role of law enforcement.

The rest of this guidebook includes information and resources on the best ideas available on developing a modern police force, which will inform your community’s discussions and decision making.

While some localities have already started to develop a plan, this Part provides organizing principles that may be helpful in designing your process, along with a suggested 4-phase timeline for bringing stakeholders to the table, facilitating productive conversations, and successfully developing and ratifying a redesigned police force by April 1, 2021, as required by Executive Order No. 203 (reprinted as Appendix A).

Key Organizing Principles

Bring Your Community to the Table

The Governor's Executive Order specifically requires an inclusive, open and transparent process. The Executive Order identifies some of the key stakeholders who must be involved:

- Membership and leadership of the local police force;
- Members of the community, with emphasis on areas with high numbers of police and community interactions;
- Interested non-profit and faith-based community groups;
- The local office of the district attorney;
- The local public defender; and
- Local elected officials.

Beyond this group, you should ensure that participants bring to your process a broad range of the perspectives, experiences, knowledge and values of your community.

Specifically, you should consider engaging:

- Residents who have had interactions with the police;
- Residents who have been incarcerated;
- Any local police unions;
- Local education officials and educators;
- Local neighborhood, homeless, and housing advocates;
- LGBTQIA+ leaders and advocates;
- The Local Health Department and healthcare leaders and advocates;
- Mental health professionals;
- Business leaders;
- Transportation and transit officials; and
- Legal and academic experts.

Run an Open and Transparent Process

In addition to incorporating a diverse group of community members, you should keep the public informed throughout the process. The Police Reform and Reinvention Collaborative was designed to enable all members of the community to participate in reimagining the role of law enforcement. Your process will not be successful if it simply restates the current functions, strategies and operations of the police department, without deep and probing consideration of the perspectives of those who seek reform.

The Collaborative emphasizes transparency. All draft plans must be posted for public comment before finalization. Further, the chief executive must certify that the community was engaged in this process and the local legislative body ratified the plan. Transparency is essential to ensure that the plan reflects a shared vision for the future of law enforcement. Transparency entails:

- Making planning and deliberation meetings public.
- Polling and surveying the public for their views on specific issues, if feasible.
- Providing periodic updates as the planning process moves forward.
- Engaging local media.
- Making all research materials public.
- Having a plan to incorporate public comment feedback in the final plan.

Suggested Workplan



Phase 1: Planning (August-September 2020)

Create an operations plan: Create a work plan for your process and identify staff to manage the information gathering and plan development. Many localities have already begun this process. If appropriate, hire any external consultants or facilitators. You can also develop a preliminary list of the critical issues that need to be addressed through the plan development process, based on the material provided in Part 1 of this guidebook.

Coordinate with neighboring localities: Consider whether aspects of this process can be done in conjunction with neighboring localities. In some areas a countywide process may be useful during parts of this process, bearing in mind that each locality will need to solicit meaningful input from its own community and develop an individual plan tailored to its own needs.

Convene key stakeholders: Identify local leaders who can work closely with you to facilitate conversations with key constituencies in the community.

Assess where you are now: Gather information on how your police department currently operates including data, policies, procedures, prior

complaint history, budget, contracts, equipment, etc. Share this information with the public. This self-assessment will help focus the conversation on what you and your community want to change.

Phase 2: Listening and Learning (September-October 2020)

Listening Sessions: Conduct listening sessions with the public. You may want to organize these sessions thematically or focus on meeting with individual stakeholders separately.

Engage Experts: This guidebook provides you with a starting point. Engaging with the experts and resources referenced in this guide may help you consider difficult issues more fully. It may be efficient for neighboring jurisdictions to coordinate in finding research useful for the region.

Request Comments and Information: All localities will release their draft plans for public comment before completing this process. However, you may want to collect public feedback early in your plan development, especially from people unable to or uncomfortable with joining public meetings. Consider posting questions or prompts asking for written comments or suggestions.

Phase 3: Draft a Plan (November-December 2020)

Identify areas of focus: After evaluating the current state of your law enforcement agency and getting feedback, identify what issues or areas are in need of change. Breaking down and organizing issues to be addressed allows decisions to be made in a more manageable way.

Identify measurable goals: In the areas identified as needing reform, identify what success will look like in the short- and long-term. Articulating measurable goals will help focus your policy development, allow you and all stakeholders to assess outcomes, and identify needed adjustments in the future.

Draft a reform and reinvention plan: Decide what format your final product will take. You may choose to solicit suggested language from stakeholders to help facilitate drafting and to see different stakeholders' positions in writing. Consider articulating not just the policy changes but your vision for what these changes will accomplish. Make sure to include how you will measure success.

Keep the public engaged: If the public has the opportunity to share proposals and hear deliberations, the public comment period will be more productive.

Phase 4: Public Comment and Ratification (January-March 2021)

Release your draft plan for public comment: Executive Order No. 203 requires that these plans be posted for public comment. Consider diversifying the ways the public can share feedback, in writing and at events.

Educate the public: When releasing your draft, think about how you and other key stakeholders involved in the development can explain the proposals to the public. Consider holding events, engaging the media, or publishing an op-ed in the local newspaper.

Revise the plan to Incorporate public comment: Ensure the public comment is addressed in a meaningful way in your final plan. Consider how you will address those comments which are not adopted and those that highlight areas of tension and disagreement among members of the community or between community members and the police.

Ratify the plan: After public comment and finalization of a plan, the Executive Order requires that the local legislature adopt or ratify the proposal. Build in sufficient notice and time for this to occur before the April 1, 2021 deadline.

Certify with New York State: Submit your certification (included here in Appendix B) that your locality has met the requirements of Executive Order No. 203 to the Division of the Budget by April 1, 2021.

Going Forward

After the plan is adopted, there will still be important work to do. You will need to implement the plan and communicate progress reports and metrics to the public. You will need continuously to monitor and respond to community concerns with the police. Public engagement should not end on April 1, 2021. The Collaborative is an important step in your continual process of building,

maintaining and strengthening the relationship between your police department and your community.

Part 3: Appendices

Appendix A: Executive Order No. 203

Appendix B: Plan Certification Form

Appendix C: New York State Police Agencies

APPENDIX A

No. 203

E X E C U T I V E O R D E R

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE

WHEREAS, the Constitution of the State of New York obliges the Governor to take care that the laws of New York are faithfully executed; and

WHEREAS, I have solemnly sworn, pursuant to Article 13, Section 1 of the Constitution, to support the Constitution and faithfully discharge the duties of the Office of Governor; and

WHEREAS, beginning on May 25, 2020, following the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability; and

WHEREAS, there is a long and painful history in New York State of discrimination and mistreatment of black and African-American citizens dating back to the arrival of the first enslaved Africans in America; and

WHEREAS, this recent history includes a number of incidents involving the police that have resulted in the deaths of unarmed civilians, predominantly black and African-American men, that have undermined the public's confidence and trust in our system of law enforcement and criminal justice, and such condition is ongoing and urgently needs to be rectified; and

WHEREAS, these deaths in New York State include those of Anthony Baez, Amadou Diallo, Ousmane Zango, Sean Bell, Ramarley Graham, Patrick Dorismond, Akai Gurley, and Eric Garner, amongst others, and, in other states, include Oscar Grant,

Trayvon Martin, Michael Brown, Tamir Rice, Laquan McDonald, Walter Scott, Freddie Gray, Philando Castile, Antwon Rose Jr., Ahmaud Arbery, Breonna Taylor, and George Floyd, amongst others,

WHEREAS, these needless deaths have led me to sign into law the Say Their Name Agenda which reforms aspects of policing in New York State; and

WHEREAS, government has a responsibility to ensure that all of its citizens are treated equally, fairly, and justly before the law; and

WHEREAS, recent outpouring of protests and demonstrations which have been manifested in every area of the state have illustrated the depth and breadth of the concern; and

WHEREAS, black lives matter; and

WHEREAS, the foregoing compels me to conclude that urgent and immediate action is needed to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust; and

WHEREAS, the Division of the Budget is empowered to determine the appropriate use of funds in furtherance of the state laws and New York State Constitution; and

WHEREAS, in coordination with the resources of the Division of Criminal Justice Services, the Division of the Budget can increase the effectiveness of the criminal justice system by ensuring that the local police agencies within the state have been actively engaged with stakeholders in the local community and have locally-approved plans for the strategies, policies and procedures of local police agencies; and

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of

New York, in particular Article IV, section one, I do hereby order and direct as follows:

The director of the Division of the Budget, in consultation with the Division of Criminal Justice Services, shall promulgate guidance to be sent to all local governments directing that:

Each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.

Each chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program.

The political subdivision, in coordination with its police agency, must consult with stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected

officials, and create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing.

Such plan shall be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative body in such political subdivision, which shall ratify or adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021; and

Such local government shall transmit a certification to the Director of the Division of the Budget to affirm that such process has been complied with and such local law or resolution has been adopted; and

The Director of the Division of the Budget shall be authorized to condition receipt of future appropriated state or federal funds upon filing of such certification for which such local government would otherwise be eligible; and

The Director is authorized to seek the support and assistance of any state agency in order to effectuate these purposes.

G I V E N under my hand and the Privy Seal of the State in the City of Albany this twelfth day of June in the year two thousand twenty.

BY THE GOVERNOR

Secretary to the Governor

APPENDIX B

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE PLAN CERTIFICATION FORM

Instructions: The Chief Executive of each local government must complete and submit this certification and a copy of their Plan to the Director of the New York State Division of the Budget on or before April 1, 2021 at EO203Certification@budget.ny.gov.

I, _____, as the Chief Executive of _____
(the “Local Government”), hereby certify the following pursuant to Executive Order No. 203 issued by Governor Andrew M. Cuomo on June 12, 2020:

- The Local Government has performed a comprehensive review of current police force deployments, strategies, policies, procedures, and practices;
- The Local Government has developed a plan, attached hereto, to improve such deployments, strategies, policies, procedures, and practices (the “Plan”);
- The Local Government has consulted with stakeholders (including but not limited to: membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials) regarding the Plan;
- The Local Government has offered the Plan in draft form for public comment to all citizens in the locality and, prior to adoption of the Plan by the local legislative body, has considered the comments submitted; and
- The legislative body of the Local Government has ratified or adopted the Plan by local law or resolution.

Name

Signature

Title

Date

APPENDIX C

New York State Police Agencies

County	Agency
Albany	Albany City Police Department
	Albany County Sheriff's Office
	Altamont Village Police Department
	Bethlehem Town Police Department
	Coeymans Town Police Department
	Cohoes City Police Department
	Colonie Town Police Department
	Green Island Village Police Department
	Guilderland Town Police Department
	Menands Village Police Department
	Watervliet City Police Department
Allegany	Alfred Village Police Department
	Allegany County Sheriff's Office
	Andover Village Police Department
	Angelica Village Police Department
	Belmont Village Police Department
	Bolivar Village Police Department
	Cuba Town Police Department
	Friendship Town Police Department
	Independence Town Police Department
	Wellsville Village Police Department
	Willing Town Police Department
Broome	Binghamton City Police Department
	Broome County Sheriff's Office
	Deposit Village Police Department
	Endicott Village Police Department
	Johnson City Village Police Department
	Port Dickinson Village Police Department
	Vestal Town Police Department
Cattaraugus	Allegany Village Police Department
	Cattaraugus County Sheriff's Office
	Cattaraugus Village Police Department
	Ellicottville Town Police Department
	Franklinville Village Police Department
	Olean City Police Department
	Portville Village Police Department
Cayuga	Salamanca City Police Department
	Auburn City Police Department

Chautauqua	Cayuga County Sheriff's Office
	Moravia Village Police Department
	Port Byron Village Police Department
	Weedsport Village Police Department
	Carroll Town Police Department
	Chautauqua County Sheriff's Office
	Dunkirk City Police Department
	Ellicott Town Police Department
	Fredonia Village Police Department
	Jamestown City Police Department
	Lakewood Busti Police Department
Chemung	Westfield Village Police Department
	Chemung County Sheriff's Office
	Elmira City Police Department
	Elmira Heights Village Police Department
Chenango	Elmira Town Traffic District # 1
	Horseheads Village Police Department
	Afton Village Police Department
	Bainbridge Village Police Department
	Chenango County Sheriff's Office
	Greene Village Police Department
	New Berlin Town Police Department
Clinton	Norwich City Police Department
	Oxford Village Police Department
	Sherburne Village Police Department
	Clinton County Sheriff's Office
Columbia	Plattsburgh City Police Department
	Chatham Village Police Department
	Columbia County Sheriff's Office
	Germantown Town Police Department
	Greenport Town Police Department
	Hudson City Police Department
	Philmont Village Police Department
	Cortland
Cortland City Police Department	
Cortland County Sheriff's Office	
Delaware	Homer Village Police Department
	Colchester Town Police Department
	Delaware County Sheriff's Office
	Delhi Village Police Department
	Hancock Village Police Department
Dutchess	Sidney Village Police Department
	Walton Village Police Department
	Beacon City Police Department
	Dutchess County Sheriff's Office

	East Fishkill Town Police Department
	Fishkill Town Police Department
	Fishkill Village Police Department
	Hyde Park Town Police Department
	Millbrook Village Police Department
	Millerton Village Police Department
	Pine Plains Town Police Department
	Poughkeepsie City Police Department
	Poughkeepsie Town Police Department
	Red Hook Village Police Department
Erie	Rhinebeck Village Police Department
	Wappingers Falls Village Police Department
	Akron Village Police Department
	Amherst Town Police Department
	Blasdell Village Police Department
	Brant Town Police Department
	Buffalo City Police Department
	Cheektowaga Town Police Department
	Depew Village Police Department
	East Aurora/Aurora Town Police Department
	Eden Town Police Department
	Erie County Sheriff's Office
	Evans Town Police Department
	Gowanda Village Police Department
	Grand Island Town Police Department
	Hamburg Town Police Department
	Hamburg Village Police Department
	Kenmore Village Police Department
	Lackawanna City Police Department
	Lancaster Town Police Department
	North Collins Village Police Department
	Orchard Park Town Police Department
	Springville Village Police Department
	Tonawanda City Police Department
	Tonawanda Town Police Department
Essex	West Seneca Town Police Department
	Essex County Sheriff's Office
	Lake Placid Village Police Department
	Moriah Town Police Department
Franklin	Ticonderoga Town Police Department
	Franklin County Sheriff's Office
	Malone Village Police Department
	Saranac Lake Village Police Department
Fulton	Tupper Lake Village Police Department
	Broadalbin Village Police Department

	Fulton County Sheriff's Office
	Gloversville City Police Department
	Johnstown City Police Department
	Northville Village Police Department
Genesee	Batavia City Police Department
	Corfu Village Police Department
	Genesee County Sheriff's Office
	LeRoy Village Police Department
Greene	Athens Village Police Department
	Cairo Town Police Department
	Catskill Village Police Department
	Coxsackie Village Police Department
	Durham Town Police Department
	Greene County Sheriff's Office
	Hunter Town Police Department
	Windham Town Police Department
Hamilton	Hamilton County Sheriff's Office
	Inlet Town Police Department
Herkimer	Dolgeville Village Police Department
	Frankfort Town Police Department
	Frankfort Village Police Department
	Herkimer County Sheriff's Office
	Herkimer Village Police Department
	Ilion Village Police Department
	Little Falls City Police Department
	Mohawk Village Police Department
	Webb Town Police Department
Jefferson	Adams Village Police Department
	Alexandria Bay Village Police Department
	Antwerp Village Police Department
	Black River Village Police Department
	Brownville Village Police Department
	Cape Vincent Village Police Department
	Carthage Village Police Department
	Clayton Village Police Department
	Dexter Village Police Department
	Glen Park Village Police Department
	Jefferson County Sheriff's Office
	Philadelphia Village Police Department
	Sackets Harbor Village Police Department
	Theresa Village Police Department
	Watertown City Police Department
	West Carthage Village Police Department
Lewis	Lewis County Sheriff's Office
	Lowville Village Police Department

Livingston	Avon Village Police Department
	Caledonia Village Police Department
	Dansville Village Police Department
	Geneseo Village Police Department
	Livingston County Sheriff's Office
	Mount Morris Village Police Department
	Nunda Town & Village Police Department
Madison	Canastota Village Police Department
	Cazenovia Village Police Department
	Chittenango Village Police Department
	Hamilton Village Police Department
	Madison County Sheriff's Office
Monroe	Oneida City Police Department
	Brighton Town Police Department
	Brockport Village Police Department
	East Rochester Village Police Department
	Fairport Village Police Department
	Gates Town Police Department
	Greece Town Police Department
	Irondequoit Town Police Department
	Monroe County Sheriff's Office
	Ogden Town Police Department
	Rochester City Police Department
	Webster Town Police Department
Montgomery	Amsterdam City Police Department
	Canajoharie Village Police Department
	Fort Plain Village Police Department
	Montgomery County Sheriff's Office
Nassau	St. Johnsville Village Police Department
	Centre Island Village Police Department
	Floral Park Village Police Department
	Freeport Village Police Department
	Garden City Village Police Department
	Glen Cove City Police Department
	Great Neck Estates Village Police Department
	Hempstead Village Police Department
	Kensington Village Police Department
	Kings Point Village Police Department
	Lake Success Village Police Department
	Long Beach City Police Department
	Lynbrook Village Police Department
	Malverne Village Police Department
	Muttontown Village Police Department
Nassau County Police Department	
Nassau County Sheriff's Office	

	Old Brookville Village Police Department
	Old Westbury Village Police Department
	Oyster Bay Cove Village Police Department
	Port Washington Police District
	Rockville Centre Police Department
	Sands Point Village Police Department
New York City	New York City Police Department
	New York City Sheriff's Office
Niagara	Barker Village Police Department
	Lewiston Town Police Department
	Lockport City Police Department
	Middleport Village Police Department
	Niagara County Sheriff's Office
	Niagara Falls City Police Department
	Niagara Town Police Department
	North Tonawanda City Police Department
	Somerset Town Police Department
	Youngstown Village Police Department
Oneida	Boonville Village Police Department
	Camden Village Police Department
	Kirkland Town Police Department
	New Hartford Town Police Department
	New York Mills Village Police Department
	Oneida County Sheriff's Office
	Oriskany Village Police Department
	Rome City Police Department
	Sherrill City Police Department
	Utica City Police Department
	Vernon Village Police Department
	Whitesboro Village Police Department
	Whitestown Town Police Department
	Yorkville Village Police Department
Onondaga	Baldwinsville Village Police Department
	Camillus Town & Village Police Department
	Cicero Town Police Department
	DeWitt Town Police Department
	Geddes Town Police Department
	Jordan Village Police Department
	Liverpool Village Police Department
	Manlius Town Police Department
	Marcellus Village Police Department
	North Syracuse Village Police Department
	Onondaga County Sheriff's Office
	Skaneateles Village Police Department
	Solvay Village Police Department

	Syracuse City Police Department
Ontario	Canandaigua City Police Department
	Clifton Springs Village Police Department
	Geneva City Police Department
	Manchester Village Police Department
	Ontario County Sheriff's Office
	Phelps Village Police Department
	Shortsville Village Police Department
Orange	Blooming Grove Town Police Department
	Chester Town Police Department
	Chester Village Police Department
	Cornwall Town Police Department
	Cornwall on Hudson Village Police Department
	Crawford Town Police Department
	Deerpark Town Police Department
	Florida Village Police Department
	Goshen Town Police Department
	Goshen Village Police Department
	Greenwood Lake Village Police Department
	Harriman Village Police Department
	Highland Falls Village Police Department
	Highlands Town Police Department
	Maybrook Village Police Department
	Middletown City Police Department
	Monroe Village Police Department
	Montgomery Town Police Department
	Montgomery Village Police Department
	Mount Hope Town Police Department
	New Windsor Town Police Department
	Newburgh City Police Department
	Newburgh Town Police Department
	Orange County Sheriff's Office
	Port Jervis City Police Department
	Tuxedo Park Village Police Department
	Tuxedo Town Police Department
	Walden Village Police Department
	Wallkill Town Police Department
	Warwick Town Police Department
	Washingtonville Village Police Department
	Woodbury Town Police Department
Orleans	Albion Village Police Department
	Holley Village Police Department
	Lyndonville Village Police Department
	Medina Village Police Department
	Orleans County Sheriff's Office

Oswego	Central Square Village Police Department
	Fulton City Police Department
	Oswego City Police Department
	Oswego County Sheriff's Office
	Phoenix Village Police Department
	Pulaski Village Police Department
Otsego	Cooperstown Village Police Department
	Oneonta City Police Department
	Otsego County Sheriff's Office
Putnam	Brewster Village Police Department
	Carmel Town Police Department
	Cold Spring Village Police Department
	Kent Town Police Department
	Putnam County Sheriff's Office
Rensselaer	East Greenbush Town Police Department
	Hoosick Falls Village Police Department
	Nassau Village Police Department
	North Greenbush Town Police Department
	Rensselaer City Police Department
	Rensselaer County Sheriff's Office
	Schodack Town Police Department
	Troy City Police Department
Rockland	Clarkstown Town Police Department
	Haverstraw Town Police Department
	Orangetown Town Police Department
	Piermont Village Police Department
	Ramapo Town Police Department
	Rockland County Sheriff's Office
	South Nyack-Grand View Village Police Department
	Spring Valley Village Police Department
	Stony Point Town Police Department
	Suffern Village Police Department
Saratoga	Ballston Spa Village Police Department
	Galway Village Police Department
	Mechanicville City Police Department
	Saratoga County Sheriff's Office
	Saratoga Springs City Police Department
	South Glens Falls Village Police Department
	Stillwater Town Police Department
Schenectady	Waterford Town & Village Police Department
	Glenville Town Police Department
	Niskayuna Town Police Department
	Rotterdam Town Police Department
	Schenectady City Police Department

	Schenectady County Sheriff's Office
	Scotia Village Police Department
Schoharie	Cobleskill Village Police Department
	Schoharie County Sheriff's Office
Schuyler	Schoharie Village Police Department
	Schuyler County Sheriff's Office
	Watkins Glen Village Police Department
Seneca	Interlaken Village Police Department
	Seneca County Sheriff's Office
	Seneca Falls Town Police Department
	Waterloo Village Police Department
St. Lawrence	Canton Village Police Department
	Gouverneur Village Police Department
	Massena Village Police Department
	Norfolk Town Police Department
	Norwood Village Police Department
	Ogdensburg City Police Department
	Potsdam Village Police Department
	St. Lawrence County Sheriff's Office
Steuben	Addison Village Police Department
	Bath Village Police Department
	Canisteo Village Police Department
	Cohocton Town Police Department
	Corning City Police Department
	Hammondsport Village Police Department
	Hornell City Police Department
	North Hornell Village Police Department
	Painted Post Village Police Department
	Steuben County Sheriff's Office
	Wayland Village Police Department
Suffolk	Amityville Village Police Department
	Asharoken Village Police Department
	East Hampton Town Police Department
	East Hampton Village Police Department
	Head of the Harbor Village Police Department
	Huntington Bay Village Police Department
	Lloyd Harbor Village Police Department
	Nissequogue Village Police Department
	Northport Village Police Department
	Ocean Beach Village Police Department
	Quogue Village Police Department
	Riverhead Town Police Department
	Sag Harbor Village Police Department
	Shelter Island Town Police Department
	Southampton Town Police Department

	Southampton Village Police Department
	Southold Town Police Department
	Suffolk County Police Department
	Suffolk County Sheriff's Office
Sullivan	Westhampton Beach Village Police Department
	Fallsburg Town Police Department
	Liberty Village Police Department
	Monticello Village Police Department
	Sullivan County Sheriff's Office
Tioga	Woodridge Village Police Department
	Candor Village Police Department
	Owego Village Police Department
	Spencer Village Police Department
	Tioga County Sheriff's Office
Tompkins	Waverly Village Police Department
	Cayuga Heights Village Police Department
	Dryden Village Police Department
	Groton Village Police Department
	Ithaca City Police Department
	Tompkins County Sheriff's Office
Ulster	Trumansburg Village Police Department
	Ellenville Village Police Department
	Kingston City Police Department
	Lloyd Town Police Department
	Marlborough Town Police Department
	New Paltz Town & Village Police Department
	Olive Town Police Department
	Plattekill Town Police Department
	Rosendale Town Police Department
	Saugerties Town Police Department
	Shandaken Town Police Department
	Shawangunk Town Police Department
	Ulster County Sheriff's Office
	Ulster Town Police Department
Warren	Woodstock Town Police Department
	Bolton Town Police Department
	Glens Falls City Police Department
	Warren County Sheriff's Office
Washington	Warrensburg Town Police Department
	Cambridge Village Police Department
	Fort Edward Village Police Department
	Granville Village Police Department
	Greenwich Village Police Department
	Hudson Falls Village Police Department
	Washington County Sheriff's Office

Wayne	Whitehall Village Police Department
	Clyde Village Police Department
	Macedon Town Police Department
	Newark Village Police Department
	Palmyra Village Police Department
	Sodus Village Police Department
	Wayne County Sheriff's Office
Westchester	Wolcott Village Police Department
	Ardsley Village Police Department
	Bedford Town Police Department
	Briarcliff Manor Village Police Department
	Bronxville Village Police Department
	Buchanan Village Police Department
	Croton on Hudson Village Police Department
	Dobbs Ferry Village Police Department
	Eastchester Town Police Department
	Elmsford Village Police Department
	Greenburgh Town Police Department
	Harrison Town Police Department
	Hastings-on-Hudson Village Police Department
	Irvington Village Police Department
	Larchmont Village Police Department
	Lewisboro Town Police Department
	Mamaroneck Town Police Department
	Mamaroneck Village Police Department
	Mount Pleasant Town Police Department
	Mount Vernon City Police Department
	New Castle Town Police Department
	New Rochelle City Police Department
	North Castle Town Police Department
	North Salem Town Police Department
	Ossining Village Police Department
	Peekskill City Police Department
	Pelham Manor Village Police Department
	Pelham Village Police Department
	Pleasantville Village Police Department
	Port Chester Village Police Department
Pound Ridge Town Police Department	
Rye Brook Village Police Department	
Rye City Police Department	
Scarsdale Village Police Department	
Sleepy Hollow Village Police Department	
Somers Town Police Department	
Tarrytown Village Police Department	
Tuckahoe Village Police Department	

	Westchester County Department of Public Safety
	White Plains Department of Public Safety
	Yonkers City Police Department
	Yorktown Town Police Department
Wyoming	Arcade Village Police Department
	Attica Village Police Department
	Perry Village Police Department
	Warsaw Village Police Department
	Wyoming County Sheriff's Office
Yates	Penn Yan Village Police Department
	Yates County Sheriff's Office





**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: July 22, 2020

Sponsored by Council Members: Resciniti, Riley, Friedman, Burns, Strawn, Scanlon

Introduced by Committee: Municipal & Public Affairs

RESOLUTION

entitled

**A RESOLUTION CONDEMNING HATEFUL
ACTS AND RACISM**

WHEREAS, the Declaration of Independence defined the founding of the United States of America on the unalienable rights of life, liberty, and the pursuit of happiness, and governments deriving their just powers from the consent of the governed and today we often turn to words written in the Declaration, “We hold these truths to be self-evident, that all men are created equal”; and

WHEREAS, the Fourteenth Amendment to the U.S. Constitution affirmed equal protection under the law; and

WHEREAS, from slavery and Jim Crow laws, to segregation and the modern criminal justice system, systemic racism has led to Black people in America being brutalized and dehumanized for centuries; and

WHEREAS, even in the 21st Century, communities of color have endured the violent acts of racist and white supremacist groups, as well as illegal killings by law enforcement; and

WHEREAS, on May 25, 2020, 46-year-old Black father of two, George Floyd, pleaded for his life while handcuffed and on the ground, while a police officer pushed his knee into Mr. Floyd’s neck for eight minutes and forty-six seconds, ultimately killing Mr. Floyd in a horrific act of murder; and

WHEREAS, racism and death still continue to plague our country despite many pleas for change; and

WHEREAS, civil rights leaders have reported an increase in bias, harassment, and hate crimes, particularly against Asian American, Black, Jewish, Latino, immigrant and other marginalized communities; and

WHEREAS, racism, xenophobia and intolerance are evils prevalent in all societies; and

WHEREAS, continued failures of our institutions to rightfully address the effects of oppression and inequality have perpetuated these injustices; and

WHEREAS, on May 31, 2020, one thousand community members marched on Main Street to Recreation Park in protest of these acts, joining one of the largest protest movements in American history; and

**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

WHEREAS, "Equal Justice Under the Law" is engraved on the west pediment of the United States Supreme Court, this City Council believes all government officials should work together toward making this a reality; and

NOW, THEREFORE, BE IT RESOLVED, THIS CITY COUNCIL,

Celebrates the Life and Advocacy of John Lewis who spent much of his life fighting to end racism of all kinds; with only actions and words that placed peace and non-violence above all else; and

Unequivocally condemns the killing of George Floyd, Ahmaud Arbery, Eric Garner, Breonna Taylor, and condemns all acts of racism; and

Rejects discrimination of any kind, and denounces related harassment based on race, ethnicity, physical ability, socioeconomic status, gender or sexual orientation, age or religion; and

Encourage citizens to promote inclusiveness, celebrate diversity, support our fellow residents and reject hate in all forms; and

Aims to make the City of Binghamton an even more welcoming, inclusive, and safe community to all, regardless of race or ethnicity, and in doing so listen to and honor our marginalized communities.

Introductory No. R20-65

Permanent No. R20-66

Sponsored by City Council Members:
Resciniti, Riley, Friedman, Burns, Strawn, Scanlon

A RESOLUTION CONDEMNING HATEFUL
ACTS AND RACISM

The within Resolution was adopted by the Council of
the City of Binghamton.

Date 7/22/2020

City Clerk Michelle E. Adams

Date Presented to Mayor 5/23/2020

Date Approved 7/23/2020

Mayor Michael A. Dine

	Ayes	Nays	Abstain	Absent
Councilman Scaringi				✓
Councilwoman Resciniti	✓			
Councilwoman Riley	✓			
Councilwoman Friedman	✓			
Councilman Burns	✓			
Councilman Strawn	✓			
Councilman Scanlon	✓			
Total	6	0	0	1

Code of the City of Binghamton

Adopted Defeated

6 Ayes 0 Nays 0 Abstain 1 Absent

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on 7/22/2020. Approved by the Mayor on 7/23/2020

