

TOWN OF SHELTER ISLAND POLICE REFORM AND REINVENTION



REPORT AND RECOMMENDATIONS **DRAFT 3-12-21**

SECTION 1 - BACKGROUND AND ANALYSIS

Reform Committee Composition and Process (Resolution Attached as Appendix A)

In response to New York State Executive Order 203, the Town of Shelter Island formed the Police Reform and Reinvention Committee to recommend potential improvements to the Shelter Island Police Department. The committee met at least weekly over the over the course of three months. The Committee comprises 5 members either living or working in Shelter Island Town,

Committee members participated actively in the process, engaging in a healthy and productive exchange of information and ideas with each other and with Police Chief James Read and Town Supervisor Gerard Siller and Deputy Supervisor Amber Brach Williams. Through this open, two-way process, the Committee learned much about how the police department currently operates, its members familiarizing themselves with such things as police rules and procedures, processes for filing complaints, the variety of trainings police periodically undergo (capacity and funding permitting), the demographic composition of the police force, and the efforts already underway to strengthen police-community relations and create more transparency and accountability. Chief Read provided all documents requested by the Committee promptly and was an active, constructive participant in the reform process, including by being receptive to Committee members' points of view and recommendations.

Community Survey (Results attached as Appendix B)

The Town distributed an anonymous online survey in Spanish and English to the community, receiving 591 responses (10 of which were in Spanish). The survey covered the following areas: Police roles and services, personal experience and perception of the Police (including language access and profiling questions), use of force, transparency and accountability, the complaint process and future of the police force.

The survey was shared with the public through various channels including on the Shelter Island Town website, Town social media, and advertising in the local media. Hard copies of the survey were available at the Town Hall and the Shelter Island Public Library

While the survey indicated some areas that the police department needs to address and improve, the responses were generally positive.

Stakeholder Meetings

The committee arranged meetings with local groups it believed would have an interest in police reform including the Police Benevolent Association (PBA), the Chamber of commerce and local business leaders; business, nonprofit (advocacy and non-advocacy organizations), education, faith, and mental health sectors. The vast majority of the feedback received was positive. There were questions regarding whether the police received anti-bias training and a general interest in body cameras and diversification of the department.

Public Forum (Appendix C)

The Police Reform and Reinvention Committee, Town Board and the police chief held a virtual listening session and public forum on March 3, 2021 to learn about community members' experiences and perceptions of Shelter Island Police Department. The vast majority of the comments regarding the police department were extremely positive. The public mostly had questions rather than criticism leading to the conclusion that communications should be improved. Additionally, community members express interest in diversification of the police force and the introduction of body worn cameras.

Public Comments (Appendix D)

Based upon publicity and an invitation on the survey, a total of 20 comments were received by the committee from community members over the course of the reform process. Of those comments 12 were positive. Of those with concerns the primary issues were the size of the police budget and officer's salaries, a desire for an alternate avenue to bring complaints against a police officer, interest in more positive police involvement with school activities, interest in a Spanish speaking and/or female officer, a concern that the police target certain individuals (this seems to be based on personal relationships rather than race or ethnicity). There were also a number of comments regarding operational issues and town code enforcement that fell outside of the review parameters.

Committee Recommendations (Appendix E)

The recommendations that follow emerged from Committee meetings, Plan Drafting Subcommittee meetings, community and youth survey results, and public comments. The Committee reviewed them in draft form and then in semi-final form before they were presented to the Town Board and to the public for comment. The Committee addressed all of the issues required by the Executive Order, placing an emphasis on improving police-community relations, which the Committee understands to be the overarching goal that encompasses issues related to outreach, trust building, transparency, accountability, bias-free policing, and community needs.

Police Department Self Evaluation

Accreditation

The Shelter Island Police Department has been accredited by the New York State Department of Criminal Justice Services since 2009, is reviewed annually and has continued to meet the or exceed the standards.

Accreditation is a progressive and contemporary way of helping police agencies evaluate and improve their overall 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 New York State program became operational in 1989 and 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; and
2. To promote increased cooperation and coordination among law enforcement agencies and other agencies of the criminal justice services; and
3. To ensure the appropriate training of law enforcement personnel; and
4. To promote public confidence in law enforcement agencies.

The Accreditation Program is comprised of a set of standards developed to further enhance the capabilities of an agency and is divided into three categories. Standards in the Administrative section 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.

Law enforcement accreditation is a method and an ongoing process to ensure that the Police Department is in compliance with national "best practices" in policing covering all aspects of law enforcement policies, procedures, and operations. Accreditation makes a statement to other law enforcement agencies, professions, and the community that the Police Department meets the highest standards of professionalism.

Lexipol

Prior to the start of the police reform process, the Shelter Island Police Department started the process of reviewing all of its policies. This process is continuing and is anticipated to be completed by the end of the year. Policy review includes Federal and New York State Law compliance, New York State accreditation and best practices.

Lexipol creates polices with the intent to decrease risk and preserve life with a goal of Public Safety and Positive Community Relations. Lexipol is a non-bias third party that brings forth best practices from around the country. This ensures that departments like ours are provided an outside perspective with an eye to 'checks and balances.

Lexipol sets forth standards for police departments in the following areas.

- Transparency
- Training
- Policy Review and management
- Third Party Review
- Understanding best practices (nationally)

Compliance with State Statutes

In 2020 the State of New York instituted a number of o statutory changes that effect policing and police officers. The police department has been evaluating these changes and incorporating them into training and departmental policies.

Presentation to Union

NEEDS TO BE DONE

Town Board Discussion & Approval

NEEDS TO BE DONE

Public Comments on Reform Plan

NEEDS TO BE DONE

SECTION 2

POLICE REFORM AND REINVENTION

ACTION PLAN 2021

COMMITTEE RECOMMENDATIONS

REFORM PROPOSAL # 1 – Increase Diversity of Police Department

Description

Evaluate recruitment efforts to ensure that the composition of the Police Department reflects the demographic composition of the community.

Action Items

- Increase recruitment efforts to recruit highly qualified female and racial and ethnic minority candidates.
- Refer interested applicants for pre-test training.
- Add an additional police officer to ensure the process may begin while the existing civil service list is in effect.
- Evaluate the possibility of conducting community workshops or internships to expand recruiting.
- Look into a partnership with BOCES to provide training to potential candidates.

Status

Based on initial recruitment, it is anticipated that several female candidates will meet civil service requirements for hiring at the next opportunity. The remaining items should be address on an ongoing basis as hiring opportunities arise.

REFORM PROPOSAL # 2 – Address Implicit Bias Issues

Description

Implicit bias training should be sufficient to ensure marginalized populations are properly served by the Police Department.

Action Items

- Expand existing implicit bias beyond the standard 2-hour annual training and conduct annual refresher training.

Status

All officers completed a 2-hour webinar on implicit bias in November 2020. Several officers will be attending an intensive 8 hours of training in March 2021 conducted live at the Suffolk County Police Academy by a specialized nationally recognized trainer with annual refreshers provided as part of mandatory training. New officers will receive training at the Suffolk County Police Academy which is anticipated to incorporate such training into its curriculum.

REFORM PROPOSAL # 3 – Expand Language Services

Description

Increase capability for language assistance to accommodate growing Hispanic community.

Action Items

- Continue use of Language Line as necessary for public interactions.
- Provide all officers basic language training.
- Give preferences to candidates with language skills at time of hiring.
- Discuss with the PBA the possibility of giving additional compensation to officers with language skills.
- Provide periodic refresher training to maintain competency.

Status

Language Line is already in use. Officer training should take place within the next 1 to 2 years and remain ongoing.

REFORM PROPOSAL # 4 - Publicize and Simplify Complaint Process

Description

Better publicize the process for filing complaint against the police department or a police officer to ensure that the public is aware that there is an alternate point of contact for filing the complaint if they are not comfortable bringing the complaint directly to the police department.

Action Items

- Publish complaint policy and form on town web site in English and Spanish and have hard copies available at town hall.
- Publicize alternate avenues of complaint (Town Board/police commissioners or Town Attorney for those not comfortable with reporting to police.
- Consider retaining an outside investigator for any serious complaints.
- Make public aware that any potentially criminal complaints can be reported to the Town Attorney or the District Attorney
- Instruct complainants that a complaint can be lodged directly at the police department and that the timeline for a determination and rectification may be streamlined in that manner.

- Committee discussed the possibility of a civilian complaint review board, but considering the number and level of complaints, a standing board is neither necessary nor desirable. An alternate avenue for filing a complaint against a police officer is available through Town Board/police commission or Town Attorney.
- The committee also recommended assigning a current town hall employee as a designated receiver of complaints, but this would not be appropriate due to privacy concerns other than the Town Supervisor or Town Attorney.
- The Committees recommendation that to Empower the Police Commission to receive briefings on all investigations and review all disciplinary actions recommended by the officer's supervisor or the Chief. Is well taken but unnecessary as they already have that power by virtue of their office.

Status

The civilian complaint policy and complaint form (Appendix F) is published on the Police Department web site. The remaining items are in progress and anticipated to be completed by the end of 2021.

REFORM PROPOSAL # 5 – Social Media Policy

Description

Police Officers are required to avoid an appearance that they are violating any law or portraying the Police Department in a bad light. However, they are permitted to express their opinions on political or social issues online or otherwise so long as it is clear that the opinions are their own and not those of the department.

Action Items

- Review Social Media Policy.
- Provide training and information to offices on appropriate use of social media.

Status

The Shelter Island Police Department has adopted the Lexipol Standard Social Media Policy (**NEED POLICY NUMBER**) (Appendix G) which represents best practices and balances officer responsibility with freedom of speech.

The committee had recommended that officers be required to remain politically neutral on social media, but this is a clear first amendment violation.

REFORM PROPOSAL # 6 – Camera Program

Description

Institute a vehicle/body camera program to enhance officer safety and transparency.

Action Items

- Install vehicle mounted cameras as scheduled.
- Evaluate the costs, staffing, policy consideration and privacy concerns regarding a transition to body worn cameras. (The committee had recommended 1 to 2 years, but it is not likely that budgetary constraints, staffing, training and policy concerns can be addressed in that time)
- Provide information to the public regarding the use and results of vehicle mounted cameras prior to transitioning to body worn cameras.
- Utilize the vehicle mounted camera program as a model to develop policies and procedures for body worn cameras.

Status

Vehicle cameras are being installed concurrently with this report. Transition to body worn cameras in 3 to 5 years.

REFORM PROPOSAL # 7 – Community Policing

Description

Police officers should become more involved in the community with activities that are not enforcement driven. Officers should be encouraged to create opportunities for social engagement with the community and especially with our middle and high school population.

Action Items

- Increase walking patrols where appropriate and casual interactions with citizens and identify opportunities for citizen engagement.
- Continue and expand the ride along program focusing on community leaders, media, the Shelter Island School & by request.
- Identify opportunities and develop request system for groups to seek officer participation.
- Identify and implement other community policing opportunities and events.
- Budget for community events that are attended to and/or run by police officers.
- Budget for trips with the senior van to the mall, sports events, movies.
- Increase interaction with middle and high school students.
- Continue and expand “Lunch with a Police Officer” program. And look for opportunities for other small group interactions where an officer can teach his interests or hobby to students.
- Evaluate the DARE program to insure it is benefiting our kids and if not explore other programs.
- Work with PBA to foster positive interaction with

Status

Police Department and officers are available to Shelter Island School and community upon request; Police officers have lunch with students (k-12) during winter months; DARE program will resume for high school students upon the lifting of COVID-19 restrictions and is constantly evaluated from improvements; Ride along programs are available upon request for educational purposes. The remaining items will be evaluated and implemented subject to department availability and budget considerations over the next 1 to 3 years.

REFORM PROPOSAL # 8 – Domestic Violence and Victim Advocacy

Ensure that crime victims found to be in a dangerous circumstance are afforded the opportunity to contact and receive assistance from government or private sources regardless of whether charges are laid.

Action Items

- Provide information to victims regarding available services and ensure that they are given an opportunity to contact the appropriate service and assist them in making contact.
- Look into creating a list of properly licensed and trained volunteers to serve as victim's advocates to address immediate needs and assist victims in locating long term help.
- Victims Policy (Policy 318) (Exhibit H) should be reviewed to determine if privacy protections are sufficient.
- **The committee had recommended using volunteers to directly interact with those with mental health or substance abuse programs. However, there are potential liability and privacy issues involved.**

Status

The Shelter Island Police Department has recently updated their policy (Policy 318) regarding victim and witness assistance to reflect the New York State standard. The Shelter Island Police work with several groups including the local social worker, the retreat (Domestic violence) , Suffolk County Social Services, Child Protective Services, Adult Protective Services and other advocacy based groups. The Shelter Island Police Department referral form (Exhibit I) is published on the department web page..

REFORM PROPOSAL # 9 – Crisis Intervention to Address Abuse and Social Issues

Establish cooperative effort between the law enforcement community and various treatment providers to leverage services officers need to better address calls with a domestic violence, mental health or substance abuse component.

Action Items

- Assess current services and make modifications to meet law enforcement’s mission. Ensure that all officers are trained and aware of the available services.
- Improve collaboration with mental health agencies and organizations and provide information to victims regarding available services and ensure that they are given an opportunity to contact the appropriate service.
- Provide training to allow officers to better identify mental health, domestic abuse and substance abuse issues.
- Look into creating a list of properly licensed and trained volunteers to serve as victim’s advocates to address immediate needs and assist victims in locating long term help.
- Expand Crisis intervention training available from the New York Department of Mental Hygiene and collaborate with the Suffolk County Police Academy to expand local training options.

Status

The Shelter Island Police have a victim assistance policy (Policy 318 above) that includes assistance for the family/victims of abusive relationships. Additionally, The Court system has an early intervention drug court that functions essentially as a diversion program to get treatment for low level offenders who present with substance abuse problems. Relationships with advocacy groups are described in Proposal # 8 above)

REFORM PROPOSAL # 10 – Advocacy for People with Social Problems

Establish cooperative effort between the law enforcement community and various treatment providers to leverage services officers need to better address calls with a mental health or social service component.

Action Items

- Further involve Town Social Worker or other qualified individual when substance abuse or mental health issues are noted by a police officer.
- The Social Worker or other professional should follow up with the person involved within 24 hours.
- The committee had recommended that the social worker reach out to treatment programs and advocacy groups without victim consent, but this is a violation of privacy laws. Additionally, the Town social worker is employed only part time and may not be readily available. Referral to a local organization as per items 8 & 9 above is a more feasible option.

Status

The Shelter Island Police are already providing the assistance recommended as discussed in Proposals #s 8 & 9 above.

COMPLIANCE WITH REFORM STATUTES

REFORM PROPOSAL # 1 – Reporting Officer Involved Shootings and Deaths

Description

Reporting of Officer Involved Shooting or Death – Pursuant to NY Executive Law 827-v officer involved shootings and deaths must be reported to the State of New York. The Office of Special Investigation within the Office of Attorney General (see Executive Law 70-B) will have investigative authority and criminal jurisdiction for any incident involving the death of a person caused by an act or omission by a police officer or a peace officer

Action Items

- Implement reporting policy for officer involved shooting or death to comply with NY State Statute.

Status

Police Department Policy Number 305 addresses reporting requirements. This policy has recently been revised to reflect revised New York State Law.

REFORM PROPOSAL # 2 – Provide Public Access to Records of Police Officers

Description

The Freedom of Information Law (Public Officers Law sections 84-90) requires any record created in furtherance of a law enforcement disciplinary proceeding to be publicly available. However, the law also specific sensitive personal information, including medical history, to be redacted from such records prior to being disclosed.

Action Items

- Review Section 50A repeal with town attorney labor counsel and Implement compliance with new law.
- Ensure that released records are properly redacted to protect personal privacy.
- Appoint Chief of Police as records officer for police records to ensure prompt response to requests for records.

Status

Town Code Section 100 and accompanying policy have been updated to accommodate new law., Chief of Police made records officer in 2020.

REFORM PROPOSAL # 3 – Use of Force Reporting

Description

Pursuant to Executive Law section 837-t the Chief of police must report to the State of New York when any police officer brandishes or discharges a weapon, uses a chokehold, deploys a chemical agent, brandishes or uses an impact weapon, brandishes or uses an electronic weapon or engages in conduct that results in death or serious bodily injury. The officer involved is required to verbally report the incident within six hours and file a written report within forty-eight hours.

Action Items

- Create a policy to implement the law.

Status

Shelter Island Police Policies Numbers 300 and 300.7.3 (Exhibit J) require officers to report when they discharge their weapon or following any use of force. The Shelter Island Police Department fully complies with mandated monthly reporting to the New York Department of Criminal Justice Services.

REFORM PROPOSAL # 4 Report Policing Statistics to Department of Criminal Justice Services

Description

Criminal Procedure Law section 10.30 and Judiciary Law section 212 requires courts to compile and publish data concerning arrests and court proceedings involving low-level offenses such as violations and traffic offenses. Such report will include aggregate and anonymized demographic information such as race, ethnicity and sex. To this end NY State has required reporting in NYIBRS format.

Action Items

- Replace computerized records management system to comply with New York State Incident Based Reporting System (NYIBRS) requirements.

Status

The Shelter Island Police Department has already begun the transition to NYIBRS. They are in the process of transferring old records to the new format. They are using NIBRS format for newly created records and will submit them when authorized by the State of NY. Completion of retroactive transition to NYIBRS is anticipated by the end of 2021.

REFORM PROPOSAL # 5 – Permit Recording of Law Enforcement Activity

Description

Civil Rights Law 79-p provides that a person not under arrest or in the custody of a law enforcement official has the right to record police activity and to maintain custody and control of that recording and of any property or instruments used by that person to record such activities.

Action Items

- Revise department policy to comply with new requirements.

Status

The Shelter Island Police Department policy instituted in 2020, (Order 2.18) (Exhibit K) is presently under review for update to the new standard required by New York State Law

REFORM PROPOSAL # 6 - Identifying False Reports Concerning a Member of a Protected Class

Description

New York Civil Rights Law 79-n creates a right of action against any person who falsely summons a police officer or peace officer when there is no reason to believe a crime or offense, or imminent threat to person or property, is occurring involving a member of a protected class.

Action Items

- Ensure that all officers are advised of the change in the law.
- Provide in-service training to adjust to changes in New York State statutes and caselaw as it becomes available from state and county sources.

Status

Officers have been advised of the new law. Additional training is subject to availability through state and local sources but is anticipated to be included in future annual training.

REFORM PROPOSAL # 7 – Ban Chokeholds

Description

NY Penal Law 121.11 and 121.13a establish criminal penalties for a police officer or peace officer who uses a chokehold that causes serious physical injury or death.

Action Items

- Revise local policy to ban chokeholds.
- Provide in-service training to reflect changes in New York State statutes and caselaw.

Status

Choke Holds are already banned under Policy No, 300.3.6 (Exhibit L). Training has and will continue to be incorporated in tactical and de-escalation training.

REFORM PROPOSAL # 8 – Medical Response for Arrestees.

Description

NY Civil Rights Law section 28 required medical and mental health assistance be provided to Arrestees and those in custody and creates a cause of action against the officer, representative, and/or entity for failure to provide care.

Action Items

- Review current policy, applicable law and best practices and update policy as necessary. Work with local organization to ensure that appropriate care is available.

Status

Shelter Island Police Policy No. 300.6 (Exhibit M) has been updated to reflect the new standard established by New York State Law

POLICE DEPARTMENT POLICY REVIEW

REFORM PROPOSAL # 1 – Public Access to and Awareness of Police Procedures

Description

Publish police logs in local newspapers so the public is aware of daily police activities.

Action Items

- Provide police activity log to local papers on a weekly basis subject to redactions for privacy of victims.
- Make job descriptions and performance evaluation process more readily available to improve transparency. The police officer evaluation procedures (Order No. 5.01) are under review for update to Lexipol standards. The New Policy will be posted online by the end of 2021.
- Provide links to State and County initial training and continuing education requirements on Town web site and make public training received by Shelter Island Police Officers
- Make descriptions and compliance of critical standards (accreditation standards) readily available to improve transparency.

Status

Police activity logs are already being provided to the local media subject to redaction for victim privacy. The remaining recommendations are underway and are anticipated to be completed by the end of 2021.

REFORM PROPOSAL # 2 - Raise Public Awareness about Police Services

Description

Educate the public about what services the Police Department provides, how/when to access those services, and how to interact with officers.

Action Items

- Post services offered by police on Town Web Site.

Status

The Shelter Island Police Department anticipates updating its web site by the end of 2021.

REFORM PROPOSAL # 2 - Establish and Promote Core Values

Description

Establish and promote a set of departmental core values to guide officer conduct.

Action Items

- Adapt Officer Code of Conduct & mission statement.
- Publish Law enforcement code of ethics and mission statement online.

Status

The Shelter Island Police Department has updated its Officer Code of Conduct and Mission Statement (Exhibit N) and anticipates posting it online by the end of 2021

REFORM PROPOSAL # 3 - Expand Educational Incentives

Description

Expand educational stipends to encourage officer education in fields which enhance their ability to positively interact with the public.

Action Items

- Review current education stipends and identify fields which enhance communication abilities and interpersonal relations.
- Negotiate stipends with PBA during the next round of collective bargaining.

Status

The feasibility and timing of the implementation of this proposal is contingent on negotiation with the PBA and the availability of funding, as such it is not anticipated for 3 to 4 years.

REFORM PROPOSAL # 4 - Expand and Enhance Critical Training

Description

Expand training to provide officers with additional techniques and situational awareness training on a periodic basis to promote compliance with modern policing standards.

Action Items

- Identify critical customer service skills and develop training program.
- Expand training on de-escalation techniques and addressing people with mental health issues.
- Ensure all tactical training regarding less than lethal force are up to date and incorporate modern understanding of the use of force by police officers.
- Expand anti-bias and use of force training.

Status

Officers will be attending a Suffolk County Police Academy training in March and April 2021. Additional training will be phased in as available from the Suffolk County Police Academy or online.

REFORM PROPOSAL # 4 – Employee Assistance Programs

Description

Ensure current employee assistance programs can meet officers' physical and mental health needs to handle the stress of the profession.

Action Items

- Provide assistance to Officers experiencing difficulties with physical and or mental health issues.

Status

The Shelter Island Police participate with the East End Law Enforcement Peer Support Team, a member of the Department has received training and is a liaison. The group is a resource for an officer who needs help and if necessary, will refer the officer to a health professional.

REFORM PROPOSAL # 6 – Continue to Meet or Exceed New York State Critical Law Enforcement Standards

Description

Increase standardization with other departments and adherence to best practices.

Action Items

- Improve department policies and procedures to meet State issued critical standards using model policies from the New York State Department of Criminal Justice Services, the International Association of Chiefs of Police, Lexipol and New York State Law.

Status

Ongoing as part of continuing accreditation

REFORM PROPOSAL # 7 - Assign 2 Officers to Duty at All Times

Description

Increase staffing and organize assignments so as to permit at least 2 officers to be on duty at all times. The goal of this change is to enhance officer safety, public safety, diversification, supervision the effectiveness of de-escalation techniques.

Action Items

- Hire additional police officer.
- Adjust schedule to assign at least 2 officers to duty at any given time.

Status

As this is a budgetary issue, it is subject to the approval of the Town Board. It has been recommended and is under consideration.

SECTION 3 – CONCLUSION

Being a small department presents both challenges and opportunities. Particularly, as the officers are also members of the community and are active in community events and organizations there is a level of casual interactions with the community that not many police organizations can achieve. With that familiarity, however, comes tendency to envision a lack of impartiality whether real or imagined, which is a difficulty that the department will likely face in perpetuity and is a perception that it must do its best to overcome.

The other major challenge facing the police department is the changing demographics of Shelter Island. There is at the same time an increase in the Hispanic population and an influx of wealthy urban residents. This presents a social conflict on a level that Shelter Island has not previously had to address having until recent decades been predominantly a middle-class farming and fishing community. A number of the recommendations in the report are intended to address these issues.

By and large, the Shelter Island Police Department is ahead of the curve on police reform. Most of the new requirements and even the committee recommendations were already underway in some form. Nevertheless, policies, standards and training will remain under constant review and the Department will continue annual reaccreditation.