



Village of Bainbridge Police Reform Commission Report and Plan February 16th, 2021

In response to New York State Governor's Executive Order # 203

Executive Summary

In response to Governor's Executive Order #203, the Mayor of the Village of Bainbridge convened a commission of representatives of the community to review Village of Bainbridge Police Department Procedures and Practices, and other related policing practices to examine their applicability to the Village of Bainbridge to problems of racial bias in policing. This report contains a plan for implementing 8 policing recommendations for the Village of Bainbridge Police Department. The plan was presented for public comment on January 27th, 2021 and was approved on February 16th, 2021 by the Village Board.

Submitted to the New York State Director of the Budget Robert Mujica

February 18th, 2021

by the Village of Bainbridge Board of Trustees

Philip C. Wade, Mayor

Background and Executive Order

In response to a number of incidents involving police that resulted in the deaths of black citizens in New York as well as in other states, including George Floyd, Freddie Grey, Trayvon Martin and others, Governor Cuomo issued executive order #203 on June 12, 2020, requiring all municipalities in New York State with police departments to review practices and procedures. Municipalities were required to convene a commission of representatives of the municipality to examine existing police procedures, practices and new police practices to reduce racially attributed violence by the police to people of color. The executive order, a copy of which is included in the appendix, along with a handbook issued by the Governor's office, recommends specific police practices to review.

Paraphrasing the Executive order, the purpose of the Commission was to

“...perform a comprehensive review of current police force 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 goal of the commission is to

“...create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing... tailored to the specific need of the community...”

The Mayor of the Village of Bainbridge solicited representative members of the community and the 8 members of the commission began meeting together by zoom on Oct. 9th, 2020.

Role of the Police in the Village of Bainbridge

The Village of Bainbridge has a part time police department consisting (currently) of 2 part time officers and a working Chief. There is a 4th open officer position which is to be filled in the near future. Together, the officers provide approximately 80 hours per week of police coverage in the Village. Additional part time officers are hired for special events, such as parades, to provide extended coverage. When no officer(s) are working, police coverage for the Village is provided by the Chenango County Sheriff's department with Sheriff Deputies or by New York State Police Officers, dispatched through the Chenango County 911 system.

The primary purpose of the Village Police department is to keep village residents and property safe by patrolling streets, responding to police calls, and monitoring specific individuals and properties. Officers handle incidents from simple parking tickets, to domestic violence, to drug problem incidents, to burglary and larceny. From time to time, officers are required to serve warrants and to dispose of drugs collected from the Village drug drop off collection bin.

Proposed Plan

After reading the materials provided by the Governor's office, gathering background information on various policing practices and discussing how these practices would apply to our Police Department, and in the context of the size and nature of our community and the size of our Police Department, the Commission recommends the following 8 point plan to improve Policing and to address potential racial bias in the police force.

1. Provide annual training to all officers on race related issues and racial relationships.

- The Village of Bainbridge has a low population of persons of color compared with other local municipalities (less than 5% according to the American Community Survey report of 2019 estimated¹). The current Chief of Police can't remember a single serious altercation or arrest of a person of color in his 21 years serving the Village. However, noting the changing demographic in our community we believe early training on race related issues and relationships will prepare officers for the future, as we expect an increase in the number of persons of color in the area.
- If our officers are made aware prior to these potential interactions, we feel the interactions will be smoother and more representative of what we expect from our police. Training can occur using online or in-person methods, and can be completed as soon as it becomes available. We recommend at least yearly training in this important field.
- As part of the training, the concept of implicit bias will be discussed.

2. Provide annual crisis and mental health incident response training to all officers.

Events involving law enforcement interactions with people in crisis have often times led to the deaths of those individuals. Data suggests that when police encounter people in a mental health crisis, people with untreated mental illness were [16 times more likely to be killed by law enforcement](#). This can erode trust between the community and the police. A [survey in Illinois](#) estimated that 7% to 10% of police-citizen interactions involve a citizen with a mental health disorder and that officers are 1.4 to 4.5 times more likely to use (deadly) force during these interactions, increasing the risk of harm for both the officer and the individual in crisis. [Note: there is no history of use of deadly force by any Bainbridge Police Officer, in an encounter with a person in a mental health crisis or otherwise.]

Law enforcement officers are often the first point of contact for someone who is experiencing a mental health crisis. Crisis Intervention Team training emphasizes understanding of mental illness and incorporates the development of communication skills, practical experience, and role-playing

Chenango County is fortunate in that it has a mental health department that can respond to incidents of mental health crises in a timely manner. Services are available to individuals who seek help on their own or to police who find themselves in a situation with an individual with mental health issues, in which situation involved imminent danger to him/herself, danger to others and/or danger to property. Police are called as the first responders and must make quick judgements on action to take. Traditionally, calls do

¹ Margin of error is 10%

not go first to mental health crisis responders, and even if they do, mental health personnel request police presence for support due to the potentially dangerous situation.

Crisis Intervention Team (CIT) training is a specialized police curriculum that aims to reduce the risk of serious injury or death during an emergency interaction between persons with mental illness and police officers

Officers and deputies receive training to recognize signs of mental health disorders, de-escalate crises, and utilize the mental health services in their specific community. Training typically is provided through a 40-hour course. While Crisis Intervention Teams, or CIT, focus on law enforcement training and procedures, the program is also designed to coordinate the efforts of law enforcement personnel, mental health providers and community stakeholders to increase the safety of encounters and, when possible, divert people suffering from mental illness away from the criminal justice system and into mental health treatment.

We recommend that the Chief of Police work with the Chenango County Mental health Services department to develop and implement Crisis Intervention training for the Bainbridge Police offices An initial training session should be implemented no later than the end of 2021, with subsequent shorter, refresher courses on an annual basis..

3. Expand community policing activities by visiting and speaking to other community organizations. Include problem centered Policing

- Community Policing is the theory that a Community is more effectively and efficiently served if there is a connection between the Police and those we serve. Appearing as a guest speaker at organization meetings allows the police to reach multiple people from different walks of life easily. Topics to speak on include “Safety in the Home”, “Burglar proofing your Property”, “Situational Awareness”, “Crime Prevention” and a host of others. Interactions with community groups also allow for concerns of citizens to be heard and discussed, with efficient resolution of issues possible. Implementation can start with our local Service Organizations (e.g. Rotary, Lions, Women’s Club, Garden Club) meetings, and can expand into school groups, workplace training and other gatherings. The Bainbridge Police currently speak to groups such as Rotary and the Sidney Federal Credit Union. Expansion is easily done.
- As suggested during the public meeting by a Village resident, community policing sessions for students will also be scheduled. These are supported by the Superintendent of Schools and will be done in cooperation with the School Resource Officer.

4. Introduce the Village police force with short bios in community publications.

- Due to the nighttime working hours for our part time officers, many local citizens have very little interaction with the officers, and may have never seen or spoken with them. In line with the principles of community policing which we strongly support and espouse, we will introduce the officers to the community through short biographies (bios) in various communication channels available to the Village. We will include the bios on our website,

and in a local newsletter (called Bainbridge Connects) that is compiled and distributed by the Bainbridge Chamber of Commerce. A decision must be made whether or not to include pictures of the officers. No personally identifiable information will be included in the bios. Further, all bios must be approved by the Chief of Police prior to publication.

5. Offer security consultations to businesses and individuals.

- Security consultations are a long standing tradition in local policing. A trained Officer meets with a Homeowner or Business owner and reviews the property for access points a Burglar might use to enter the building. Suggestions are made as to improving security, (Better locks, lighting, environmental landscaping such as adding bushes or removing them) Not only does the land owner learn about ease of access to their building and how to harden the facility from attacks, but they also get to know the officer who had helped them secure their home or business. Similar to Community Policing, this connection between a citizen and the police make long lasting impressions. The Bainbridge Police have offered Security Surveys for years and conduct several each year. That number could be expanded with some advertising on our social media. Surveys can be completed with little advance scheduling, and require only a few hours' time.

6. Implement use of body cameras by all officers.

- Body worn cameras are recent and practical means to document interactions between our police and the public that we as a government protect. If there is a complaint regarding an event between any of our officers and a citizen, there is a complete and unbiased audio, and visual recording of the interaction, which can then serve as a reference point to improve future contact with the public, demonstrate specific directions/components for training, and show what disciplinary or policy changes may be in order. Body worn cameras add to the transparency of our government, and build trust in the relationships between police and the public, and assist in the protection of both citizens and police officers alike. Our Department has purchased cameras for each officer, has developed a policy for use, and implemented their use effective October 24th, 2020

7. Provide annual training in procedural justice to all officers.

- Procedural justice seeks to ensure that justice systems treat everyone with dignity and respect. It applies to all levels of the justice system. For police, it begins with the interactions of police and the public, including offenders. Often people care more about how they are treated than the actual outcome of the situation. Procedural justice builds trust between the police and the community which can help keep everyone safer and improve cooperation.
- There are four principles of procedural justice: fairness, transparency, voice, and respect. Fairness means that no one will be treated differently because of their race or

class or other characteristic. Transparency means that nothing that is being done is hidden, or that there are hidden agendas, and that the welfare of the whole community is of primary concern. Voice means that all people concerned have an opportunity to tell their side of the story. Treating people with respect allows them to retain their dignity and curtails feelings of resentment and revenge.

- Training in procedural justice will be instituted in the annual training program for police officers so that these principles are enhanced as part of the culture of the department.

8. Establish a Civilian Police Review Board (CPRB) to maintain transparency and accountability:

A civilian Police Review Board is a Board of citizen representatives charged with investigation of complaints by members of the public concerning misconduct by police officers. It is comprised of citizens who are interested and appointed by the Mayor, with support of the Village Board. It is particularly important in light of the Governor's executive order as a means of reviewing and commenting on the results of a completed internal police investigation. The Commission feels that a review Board will provide not just review capability but also serve to advise the Police Chief on matters related to civilian complaints. It is rare that a review board have the final say in the disposition of an investigation or the discipline (if called for) for a police officer. We recommend the following to be part of the Village of Bainbridge Police Review Board:

- It should be composed of community members and a member of the Village Board.
- It should be charged with review an internal affairs type of investigation, make recommendations to Chief of Police for discipline, and determine if the issue is one of poor training, policy, experience or other matters, etc.
- It will not only review an event ex post facto, but serve as a support committee that is available for consult in a preemptive capacity.

We further recommend that the Mayor appoint a new committee of not more than 5 people to draft the charter for the Bainbridge Complaint Police Review Board that will address and document:

- The size of the review board
- How members will be selected to serve on the review board and their term
- Who is eligible to serve on the review board
- The responsibilities of the review board

The committee must commence its initiative no later than April 15th, 2021 and submit its draft charter for the Village Board to approve and review by the Village Board meeting normally scheduled in May, 2021.

Public Comments

The proposed plan was presented to a public forum for comment on Jan 27th, 2021 at 7 pm by means of a Zoom meeting as in person meetings were not possible because of Covid-19 protocol. There were 4 people in addition to the Commission in attendance.

Questions raised by attendees?

1. Do all the trainings that the plan recommends exist today?
 - a. No; the Chief is responsible for getting training material or scheduling officers for readily available existing courses for the proposed training.
2. Will the department develop the training recommended in the plan?
 - a. No; we do not have a training officer, and the Chief does not have time to develop the training on his own. We must use currently available training available from other sources.
3. Was a survey used to develop the plan?
 - a. No; we followed the executive order and reviewed police procedures as recommended in the order. The Commission was a cross section of community members that have a good sense of what the community issues are.
4. Could the scope of public presentations recommended in the plan (item 3) be expanded to other sections of the community that might not be represented in the existing community groups?
Could police presentations be done for school students?
 - a. Yes; presenting community policing sessions to students is an excellent idea, and supported by the Superintendent of Schools. We will modify the plan to include sessions at the school in cooperation with the School Resource Officer, and discuss other possible groups to reach out to.

Comments by the Chenango County District Attorney's Office

[February 16, 2021] Mr. Michael Ferrarese, District Attorney, Chenango County NY:

Overall, this plan looks very good. Comments on Section 8 (CPRB): The responsibility for investigation of police conduct and disciplinary action should remain with the highest ranking police executive, in your case, the Chief of Police. The CPRB need not be more than 3 individuals, appointed at the sole discretion of the Mayor. The task force to prepare the charter for the CPRB likewise need not be more than 3 individuals to be most effective.

Comments by the Chenango County Public Defender's Office

[December 15, 2020] Mr. John Martin, Public Defenders Office, Chenango County NY: Upon reviewing the proposal I am very happy to say it looks like a wonderful proposal to address racial bias in police activities in Bainbridge. I just have a couple additions below:

On the topic of the civilian review board I would just like to add some clarity on how complaints would be filed with the board. Would the mechanism be to write the board, would the police refer arrestees to the board if a complaint is raised incident to arrest?

On the recommendations to the chief regarding disposition and discipline, I would just like it added that the review board's recommendation be kept in the police personnel file, as well as kept on record by the review board.

Mayor's Commission

The Mayor's Police Reform Commission consisted of the following individuals:

Chief Casey Caratelli, Village of Bainbridge Police Department, Village resident.

Officer John Cornell, New York State Police and Village resident

Mr. Dave DeClue, former practicing attorney, representative for the Rotary Club of Bainbridge, Village resident

Rev. Rebecca Drebert, Rector for the Bainbridge Episcopal Church, Binghamton resident.

Trustee Steven Eisenberg, Village Board and Village resident

Mr. John Martin, Chenango County Public Defender, ex officio

Ms. Lori Miller, BGCS D Teacher and village resident

Ms. Christine Rudy, Chenango County District Attorney, ex officio

Superintendent Timothy Ryan, Bainbridge-Guilford Central School District (BGCS D), Guilford resident.

Mayor Philip Wade, Village Board and Village resident

Police Topics discussed

The Commission reviewed and discussed the following topics, and their relevance to Village of Bainbridge policing:

1. Use of force policies
2. Procedural justice
3. Any studies addressing systemic racial bias or racial justice in policing
4. Implicit bias awareness training
5. De-escalation training and practices
6. Law Enforcement assisted diversion programs
7. Restorative Justice practices
8. Community-based outreach and conflict resolution
9. Problem-oriented policing
10. Hot spots policing

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11. Focused Deterrence
12. Crime prevention through environmental design
13. Violence prevention and reduction interventions

The following topics were not discussed as the Village Police department has limited access to and/or does not participate in the accreditation program because of costs and resources required:

14. Model Policies and guidelines promulgated by the NYS Municipal Police Training Council
15. Standards promulgated by the NYS Law Enforcement Accreditation Program

Village Board Resolution in support of the plan

Resolved that,

Whereas the Village of Bainbridge is committed to Police Reform as described in the Governor's executive order No 203, and

Whereas the Mayor's Police Reform Commission has thoroughly investigated Village of Bainbridge Police department practices, and potential improvements to support the intent of the Governor's executive order,

The Village of Bainbridge Board of Trustees hereby supports and approves the final version of the Village of Bainbridge Police Reform Commission Report and Plan, dated February 16, 2021.

Ayes: Mr. Jay Campbell, Deputy Mayor
Mr. Steven Eisenberg, Trustee
Mr. Vince Taylor, Trustee
Mayor Philip Wade

Noes: None

Village Board of Trustees,
Brenda Parsons, Clerk/Treasurer

Final Statement

I want to thank everyone on the Police Commission who gave of their time and talents, without remuneration, to participate actively in this project. The Covid-19 pandemic meant meeting virtually but everyone was patient with the technology and the limits this had on interaction. The process was very beneficial to all parties involved and gave everyone better insight to the challenges our Police Officers face on the job and to the limitations we have with a part time force. We are fortunate to have a peaceful community but we are aware of the racial issues we must all deal with in our community and in the world around us. This commission also gave better insight to everyone on the complexities of policing in our modern world. I'm very proud of our officers and thankful for the job they do.

Appendix 1. Copy of Governor's Executive order 203.

No. 203

EXECUTIVE ORDER

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

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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