

The Town of Vestal NY, in compliance with Governor Cuomo's Executive Order # 203, presents the following summary and plan for the future to the NYS Director of the budget.

The Town of Vestal is located in the western part of Broome County, New York. The Town's major thoroughfares are State Route 17, State Route 434, State Route 26 and State Route 201.

In addition to the thoroughfares listed above, the Town is a suburban community with shopping areas that include large shopping malls, smaller strip malls, restaurants, hotels and other major businesses. These are located mainly along State Route 434. Within the Town of Vestal lies Binghamton University which has a population of approximately 20,000 students. Approximately 3,500 students live off campus in the Town of Vestal.

The racial breakdown for residents residing in the Town list as follows: White-23,120, Black or African American-1,200, Asian-3,544, Two or more races-514, Hispanic or Latino-1,315. There are 14,403 Males in the Town along with 14,175 Females.

The Town encompasses rural areas as well as heavily traveled commercial areas. Accordingly, there is a strong demand for a variety of public safety services. Our mission is to affirmatively promote a feeling of safety and security to the members of our community as well as to people visiting the Town for whatever reason. We do this by providing high quality police services related to the protection of life and property as well as taking steps to prevent criminal activity. The Vestal Police Department takes pride in providing leadership in community involvement and awareness programs, training of personnel and maintaining high ethical standards. All officers of the Vestal Police Department use the enforcement of laws in a fair, consistent and unbiased manner.

The Vestal Police Department consists of 39 sworn officers and three police clerks. The 39 officers are made up of the Police Chief, Captain, 2 Lieutenants, 5 Sergeants, 27 patrol officers and 3 School Resource Officers.

The Town of Vestal Police Department attained NYS Accreditation in 1992. The department has successfully been reaccredited during each 5 year reassessment period. The most recent being the fall of 2016 during which time members of the state's Accreditation Council conducted an intense audit of all of our policies and procedures ensuring our adherence to the current standards of New York State Accreditation. Our files, policies and procedures are constantly updated as we prepare for the next audit.

Since 2018, every Vestal Police Officer has been equipped with a Body-Worn-Camera. This program has greatly improved many aspects of our service to the community. They serve to provide additional transparency and accountability from the police department to the public which we serve. The cameras also provides the department with a tool to verify officer conduct and to help identify training needs.

The Town experiences a minimal amount of serious crime on a yearly basis. For example, this year's DCJS crime data summary reflects that there was one Murder, five rapes, and ten aggravated assaults for the first three quarters of 2020.

The Town of Vestal has made every effort to comply with Governor Cuomo's Executive Order 203. A 14 person panel was formed during the first week of July to re-examine the community's approach to policing in order to develop a plan for improvement. The process required a thorough review of police policies, procedures, training and operations, engaging with community stakeholders in order to create a plan that would address any deficiencies and provide improvements or modifications.

The panel was made up of two town board members, three police administrators, two pastors, one mental health professional, three community members, a former district attorney, a school principal and the human resources director. A local group who called themselves Campaign Zero had contacted this office requesting that various changes in the department's policy and procedure be made. There were eight changes requested. These changes were already reflected in the department's policy and procedure. This was explained in detail to the group. Campaign Zero was asked to have a representative be part of the panel however the group did not respond to the request.

There were a total of four two hour meetings during which all fourteen of the Governor's required topics were discussed at length. There was also a fifth meeting during which each participant was tasked with providing a summary of what they felt the panel had achieved and what improvements to the Vestal Police Department should be made.

Summaries of the meetings where the fourteen topics were discussed are made part of this submission. Initially the department's mission statement was read as a preamble to the subsequent meetings and discussions. The mission statement reads "the primary goal of the Vestal Police Department is to preserve the rights of all citizens without prejudice or bias against race, religion, ethnic background, national origin or sexual orientation".

The concept of evidence-based policing was explained and discussed. This department utilizes this concept to obtain the most current informational research in order to make appropriate policy decisions and establish the best policing practices for the Town of Vestal. This day to day information enables the department to adapt its capabilities to prevent crime, connect with the community, and improve the quality of life.

The first topic discussed was the department's use of force policy which was revised on June 2nd, 2020. This revision complied with the NYS MPTC standards. This revision included the banning of headlocks and choke holds. It also calls for assisting officers to intervene when they believe excessive force is being used. The majority of this policy complied with the standards prior to being revised, however some modifications were made to bring it into total compliance. Officers are required to complete use of force reports which are reviewed by their immediate supervisors and finally police administration. There is a written procedure to address civilian personnel complaints, which are investigated by departmental supervisors and documented.

The Vestal Police Department has had one excessive force complaint over the past fifteen years. That case was dismissed in Federal Court via a jury trial.

The panel then turned towards the discussion of procedural justice. It was defined as protecting the rights of everyone with fair and impartial treatment, increasing trust in the community and being transparent. There needs to be an opportunity for the community members to be heard. Training was discussed. This year's in-service training included bias and implicit bias, mental health responses and responding to autism.

Implicit bias was discussed at length by the panel along with the police response to mental health issues. The panel recognized that there is implicit bias. As a police department we need to recognize when it is surfacing as it can influence appropriate decision making. A panel member suggested that this training may be conducted by someone other than a police supervisor. A member on the panel said he was pulled over eight times, seven being outside the Town, for no real reason. He feels it was because he is a black male.

Although implicit bias must be addressed, the department has received no bias personnel complaints over the past several years. We also have not received hate crime complaints between. On September 12th, 2020 graffiti was documented on a NYS bridge indicating hatred towards the Jewish community.

The department's response to mental health issues also came into focus. Obviously the goal is to get the people the appropriate help. The police are trained in responding to and handling mental health issues. Attempts to reach out to mental health professionals are made depending on the situation. Officers can typically make mental health arrests when a person is a danger to themselves or others. The panel did not feel comfortable with mental health professionals responding to these calls absent an officer. The panel also pointed to fiscal cuts that have been made regarding this issue. The panel indicated that removing the police and leaving these types of complaints to mental health professionals is not the answer. The group felt that restoring funding to mental health services is necessary. People are not getting the help they need resulting in more police response. Over the past year this department has responded to (145) mental health related complaints. There were a total of (91) mental health arrests.

Domestic violence responses were discussed. Police procedures were discussed with the goal being to get the person(s) the help they need. Police are mandated reporters and have mandated report forms. They employ the Crime Victim's Center as well as the NYS Hot Line. In line with this a panel member shared his opinion that the lack of fathers or a family unit was the biggest problem facing minorities, especially in the urban core.

The Vestal Police Department has partnered with RISE to provide both officers and victims with greater resources when it comes to domestic violence response.

The panel discussed de-escalation and its importance in police work. Training begins with the selection process and continues through the academy. It is a focal point of the department's in-service training in formal settings as well as at roll call. Topics include dealing with people in crisis, communication and active listening skills.

Police administration on the panel stated that officers are taught that all approaches should be exhausted prior to going "hands on". The department has trained officers to effectively deal with Emotionally Disturbed Persons and has three trained crisis negotiators.

Panel members asked about officer wellness initiatives and training. All Broome County police officer recruits receive training in fair and impartial policing, mental illness, bias and cultural diversity. The recruits also receive training in ethical awareness, de-escalation techniques and officer wellness. Currently the department utilizes the Employee Assistance Program and the NY Law Enforcement Assistance Program or NYLEAP. These agencies assist officers who have been traumatized by incidents or who are experiencing issues outside of the workplace. The department is working to have a dedicated and trained officer to act as a liaison capable of assisting an officer who believes he or she has been traumatized and assists in finding the appropriate assistance.

The panel was informed about law enforcement assisted diversion programs. This is shared between law enforcement and the prosecution. Officers have discretion as to whether a simple arrest be made or issuing as appearance ticket. The panel members do feel that drug addiction is not a crime but rather an illness. A person who is addicted can avoid arrest on a misdemeanor charge by entering a drug rehabilitation program. It was said that many would rather be arrested because they know they will be released or given an appearance ticket. Then they don't have to enter a program.

Restorative justice was discussed. This is shared between law enforcement and the rest of the judiciary system. The Raise the Age statute was discussed. When a person under the age of eighteen commits a crime the offender must be made to understand the harm that his or her actions caused. Victim-Offender dialogue was discussed. A panel member said that many people who are incarcerated come from broken homes or are indigent. There are local agencies which provide support to victims of crime. It was agreed that victims should have a voice in its resolution.

In regards to community outreach and conflict resolution the panel was made aware of several departmental initiatives. The yearly youth and civilian police academies, national night out and active shooter training for places of worship, local businesses and citizen groups were explored. One member wanted the name of the civilian police academy changed to something else which we will take into consideration.

Although the department reaches out to the media, Facebook and the departmental web site, members of the panel felt the department could do more and increase community transparency. Members also felt the community has to be part of the outreach effort. This would have a positive effect on the department and the community.

During the next meeting problem oriented policing, hot spots policing, focused deterrence and crime prevention through environmental design were discussed. The group felt that these four topics are interchangeable. It was agreed that in regards to the first three topics that the department and its officers have to be proactive rather than simply reactive. In Vestal the officers are able to be more proactive than in an urban environment because they have the time to do so. Vestal, being a suburban community, has different issues than an urban environment. The Town's demographics, racial makeup and crime rate are vastly different from neighboring urban settings. Vestal officers have the time to follow through on complaints and investigations in order to bring successful results and interaction with members of the community.

The police officer hiring process was explained to the panel. The hiring process in the Town is extensive. Candidates are interviewed by a panel at least twice prior to background checks being completed. Questions on racial bias, excessive force and sexual harassment are investigated by the interviewing administrators. Currently the department has one minority and four women officers. The department would like to hire additional minority officers however that is difficult due to NYS Civil Service requirements. The testing is highly competitive and candidates are taken from a county wide civil service list.

One mechanism this department has utilized to recruited new officers, including minorities, is through the two week youth academy. Police supervisors and officers teach various law enforcement topics to over forty high school students each summer. There is substantial back and forth interaction between the students and the officers throughout the two weeks of classes and demonstrations.

A second method of interacting with community high school students is through the School Resource Program (SRO). One of the goals of the program is to foster educational programs and activities that will increase students' knowledge and respect for the law and the function of law enforcement. The SRO'S serve as a positive role model to instill in students good moral standards, good judgement and discretion, respect for other students, and a sincere concern for their school and community. The SRO'S do not act as a school disciplinarian, nor do they make decisions regarding school discipline.

The panel talked about focused deterrence or problem oriented policing. The Vestal Police Department follows the "pulling levers" philosophy, targeting specific criminal behavior committed by a small number of chronic offenders. A member of the panel indicated that the entire community has to take responsibility for what goes on, not just the police. Citizens need to be responsible as well. Violence prevention was discussed. It is the department's position to take a proactive approach whenever possible.

In regards to domestic violence the department has a mandated arrest policy regarding physical domestic violence. Officers have been trained to deal with persons in a crisis situation. They have been trained to de-escalate using active listening and communication skills. In 2019 there were 168 incidents in which a NYS Domestic Incident Report was completed.

The fourth meeting discussed the final considerations as mandated by the Executive Order. We discussed the policies and guidelines promulgated by the NYS Municipal Police Training Council. The panel learned that the MPTC oversees law enforcement training and dictates model policies in New York State. This department's policies such as the "Use of force" policy are modeled after the MPTC policies. This department's training, such as bias, implicit bias and de-escalation is based on MPTC guidelines.

The Vestal Police Department has been accredited since 1992. We are in compliance with all accreditation standards and have been assessed by NYS assessors every five years.

The panel shifted to another point of discussion, the stereotyping of protestors by law enforcement and the stereotyping of law enforcement by protestors. It was agreed that some police officers stereotype all protestors just as some protestors stereotype all police officers comparing them to officers who have been involved in excessive force and racial bias across the country. A panel member said there should be a place in the community for both the police and black lives matter. "Citizens should be a voice, not an echo". Defunding the police would create more chaos. The community needs to know what the police are doing and the police need to know what the community is saying.

The local media attended this meeting. The media had an opportunity to speak to each committee member about the meetings and what their thoughts were regarding the progress that has taken place.

CONCLUSION

The entire panel was asked to individually comment regarding his or her participation on the committee. All indicated that the discussions were conducted in an open, positive setting. It was the general consensus that the committee members worked hard and participated by engaging in the discussion of the fourteen points the Executive Order mandated. It was felt that everyone on the Panel including police administration, learned a great deal. The panel learned about the inner workings of the department including policies, procedures and new initiatives as well as the police perspective regarding the many issues. In turn the police administration present at the meetings learned the community's perspective on these issues and what the civilian panel members felt could be modified or improved.

One common thread focused on departmental transparency with the public. It was felt by all, police and non-police members, that the department could improve its informational flow to the general public. This should be accomplished via additional dialogue and increased communication with members of the community.

There was considerable conversation in regards to the police response to mental illness. It was generally agreed that the police are not trained professionals in this field and need to reach out for assistance from those who are. It was agreed that funding should be restored or increased to professionally help individuals who suffer from mental illness. This assistance would also benefit officers who respond to this type of call on a daily basis.

The committee felt that the department's policies and procedures were in line with the model policies provided by MPTS and the standards provided by NYS Accreditation. Members felt the policies were appropriate and well written. Members of the department are trained in these policies and procedures and abide by them.

The committee members discussed the police response in several nationally, well publicized situations. This included incidents in Minneapolis, Rochester, and Kenosha, Wisconsin. It was concluded by police administration and the non-police members of the panel that there have been several incidents on a national basis that police have used excessive force on members of the minority population. This fortunately has not been the case in the Town of Vestal. As has been stated there have no cases of racial bias and only one accusation of excessive force within the Town over the past several years. This case was taken to a Federal jury trial where the involved officers were found not guilty. The Town has a small amount of serious crime in its suburban setting in comparison to the neighboring urban communities.

The panel members felt that the meetings were successful and informative. They enjoyed the opportunity to participate and be heard which had not happened to this extent in the past. The committee members felt that the meetings should continue into the future and even be expanded to additional members of the community:

THE PLAN FOR THE FUTURE

One of the primary topics discussed by the panel was how to make the department more transparent to the citizens of the Town. Civilian panel members as well as participating law enforcement administration both agreed that the department could do a better job with keeping the public informed. The department will expand its dedicated web site by including training topics as well as various policies such as the newly updated use of force and officer intervention policy. It can also be utilized to share non-criminal information as well as assisting in the investigative process. The department's face-book page could also be expanded to help achieve greater transparency.

The members of the panel felt it would be beneficial to continue to have periodic meetings and explore the concept of having a citizen advisory committee. This committee would have discussions, when possible to do so, regarding personnel complaints, serious incidents, FOIL requests, hiring and other departmental initiatives. These aspects of law enforcement could be looked at from the public's perspective as well as from law enforcement. Having a committee member involved with the police hiring process is a viable idea and will be looked into.

It was agreed that community engagement through the citizen's police academy, the youth academy and the active shooter/safety training for community based businesses and religious based organizations should be continued and expanded. One lay panel member felt we would attract more participation if the name was changed from the citizen's police academy to citizens for a safer Vestal.

The department has taken steps to redirect in-service training focusing on bias, implicit bias and de-escalation techniques. It was suggested that the department involve knowledgeable non police instructors to assist with bias and implicit bias which will be looked into. Training was also utilized to present the new officer intervention policy. If an officer witnesses another officer using what he or she perceives to be excessive force, the witnessing officer must take steps to stop it and report it to his or her supervisor.

The department's response to mental health issues and officer wellness were also discussed at length. Both subjects were recently taught in the 2020 in-service training. The department plans to expand officer wellness training in 2021 and take additional steps to expand this program.

In regards to responding to mental health issues, the department utilizes the county wide mobile crisis unit when necessary to do so. A panel member who is a mental health expert volunteered her time to assist and advise the department regarding this issue.

The department is in the process of forming a peer support program. Officers selected to be part of this program will be trained on how to effectively make a referral and remain in a support role while an officer receives necessary care from professionals. These officers will serve as "gatekeepers", meaning that they are the first persons that an officer experiencing difficulty may go to for help.

In closing it was agreed by each of the panel members that the informational exchange and dialogue between the participants was a beneficial undertaking. Many thoughts and suggestions were shared during the several meetings which brought a positive effect for the police department as well as the local community.

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 1st, 2021 at EO203Certification@budget.ny.gov.

I Walter John Schaffer, as the Chief Executive of the Town of Vestal, hereby certify the following pursuant to Executive Order No. 203 issued by Governor Andrew Cuomo on June 12th, 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