

Southold Town Police Reform and Reinvention Collaborative Plan

February 2021

Part II

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Abbreviations:	
CPPB - Community-Police Partnership SPD - Southold Town Police Department Town Board - Southold Town Board SRO - School Resource Officer	PC - Police Commissioners Task Force - Southold Justice Review & Reform Task Force EO 203 - Executive Order 203 issued by Governor Cuomo

Community-Police Partnership “CPPB”

Goal: To establish a standing Southold Town Community-Police Partnership Board that will attend to the progress of the implementation of the Task Force’s recommendations and ensure that the voices and experiences of Latino, African-American and other community members continue to be heard about their interactions with SPD. The Board shall conduct annual surveys regarding interactions between police and the community in order to increase procedural justice and accountability which will increase trust between the community and its police officers. The Board will serve as a resource and in an advisory role to the Town Board as Police Commissioners and to the Police.

Background: Southold Town has a history of being committed to ensuring that our town is a bias-free community. In response to recent national events, Governor Cuomo in his EO 203, mandated that municipalities with police departments establish collaborative task forces made up of community members, Town Officials and Police. Such task forces were to seek community input, review police policies and procedures, and research best practices in order to propose recommendations for reforms to ensure equitable treatment for all members of the community by the Police.

The official Guidance regarding Governor Cuomo’s EO 203 states, “[a]fter 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” (p. 115-116).

The CPPB is a critical and essential component of the Task Force’s final recommendations.

Recommendations:

The Town Board shall:

1. Establish a standing Southold Town Community-Police Partnership Board (“CPPB”) which will:
 - a. Consist of (11) members including: (7) representatives from the community, prioritizing the inclusion of members who are Black, Brown, LGBTQ, people with disabilities, and those who work with such historically marginalized groups, (2) representatives from the Police, and (2) members of the Police Commissioners/town Board members, one of whom shall be the Town Supervisor.

- b. Conduct a bi-annual review to examine the progress regarding recommendations enumerated in the adopted Plan.
- c. Conduct an annual survey of the community and police regarding their experiences with policing.
- d. Hold regular meetings with community leaders, police officers and interested residents to review data, discuss concerns, receive community comments, and maintain ongoing, trust-building dialogue.
- e. Consult with the Town Board annually on the status of the implementation of enumerated recommendations in the adopted plan, as well as to provide any future recommendations.
- f. The CPPB shall meet at least quarterly, in sessions open to the general public.

References

1. Modified from New Rochelle's plan in response to E.O. 203 from January 2021
2. <http://southoldtownny.gov/DocumentCenter/View/8136/NYS-Gov-Exec-Order--Police-Reform-and-Reinvention-Collaborative>
3. *New York State Police Reform and Reinvention Collaborative Resources & Guide for Public Officials and Citizens*
http://southoldtownny.gov/DocumentCenter/View/8133/Gov-Guidance---Police_Reform_Workbook-unmarked

Procedural Justice

Goal: Both the practice and the guiding philosophy of Procedural Justice must be utilized internally and externally by SPDt. The objective is to ensure that all parties have a voice, and that there is transparency, fairness and impartiality of the Department.

Background: “Procedural justice [is a philosophy that] is based on the premise that... [a police department]...must consistently demonstrate its legitimacy-that its existence is valid and justified-to the public it serves”.¹ It is “...grounded in the idea that people’s perceptions of police legitimacy will be influenced more by their experience of interacting with the officers than the end result of those interactions.”² “Perceptions of legitimacy, in turn, can increase the willingness of the public to assist, cooperate with, and otherwise support the police.”³ Additionally, “[t]here are both internal and external aspects to procedural justice in policing agencies. Internal procedural justice refers to practices within an agency and the relationships officers have with their colleagues and leaders...officers who feel respected by their supervisors and peers are more likely to accept departmental policies, understand decisions, and comply with them voluntarily. It follows that officers who feel respected by their organizations are more likely to bring this respect into their interactions with the people that they serve [thus enhancing external procedural justice].”⁴

There are four pillars of Procedural Justice:

1. Voice
1. Transparency
2. Fairness
3. Impartiality

“Procedural Justice” is both a set of policies as well as a culture. It is a mindset that needs to pervade every police interaction with the public, and interactions between themselves. All of the recommendations of the Task Force, even if they ripen into policies, will not be effectively employed, or employed at all for that matter, unless said policies are nourished in a procedurally just environment. In outreach to the community, there were a number of community members sharing negative experiences with police officers in regards to treatment. In addition there was strong feedback from officers themselves that they do not always feel valued or respected by Management, which should be ameliorated. Therefore, it is critical that the Town Board require that the SPDt officially adopt and continually practice both internal and external Procedural Justice.

Recommendations:

The Town Board shall:

1. Ensure that the SPD officially adopts and institutionalizes the tenets of Procedural Justice.
2. Retain the services of a Procedural Justice Trainer from the Yale Law School “Justice Collaboratory” or similar entity to train the Department in the principles of Procedural Justice.

3. Ensure that the SPD designates an officer to be a procedural justice compliance officer who will be further trained in procedural justice, provide continuing training to officers, and ensure compliance of both internal and external procedural justice principles.
4. Hold a public hearing prior to adoption of any new general or special order issued or updated, that is likely to substantially impact the residents of Southold Town. This will increase transparency and give the public a voice.
5. Authorize the CPPB to conduct an annual audit, to be presented to the Town Board, of whether SPD has and is maintaining the principles of Procedural Justice both internally and externally.

References:

1. Gold, E.(2013). The Case for Procedural Justice: Fairness as a Crime Prevention Tool.
2. Quattlebaum, Meares & Tyler (2018). Principles of procedurally Just Policing. The Justice Collaboratory Yale Law School pg. 2.
3. Brasnly, Luna, Mostyn, Schnitzer & Wycoff (2015). Implementing a Comprehensive Performance Management Approach in Community Policing Organizations: An Executive Guidebook pg. 1.
4. Final Report of The President’s Task Force on 21st Century Policing Pg. 10.

Mental Health & Wellness of the Officer

Goal: We must allocate and make resources available to officers and their families in order to be proactive regarding issues of mental health and wellness in the Department. It is crucial that we establish a cultural shift away from one of silence and condemnation of mental health issues towards a culture of proactive acknowledgement, support and treatment to promote overall wellness. Mental health issues should be treated with the same attention as any other medical issue.

Background: According to The Final report of the President’s Task Force on 21st Century Policing, 2015, “The wellness and safety of law-enforcement officers is critical not only to themselves, their colleagues, and their agencies but also to public safety. An officer whose capabilities, judgment, and behavior are adversely affected by poor physical or psychological health not only may be of little use to the community he or she serves but also may be a danger to the community and to other officers.” “Law Enforcement officers are subject to more stress than the general population owing to the nature of their jobs. In addition to working with difficult, even hostile, individuals, responding to tragic events, and sometimes coming under fire themselves, they suffer from the effects of everyday stressors – the most acute of which often come from their agencies because of confusing messages or non-supportive management; and their families, who do not fully understand the pressures the officers face on the job. When both work and family relations fray the individual’s coping, abilities can be stretched to the limit resulting in alcohol abuse, domestic violence, over aggressive policing, even suicide.” “An agency work environment in which officers do not feel they are respected, supported, or treated fairly is one of the most common sources of stress. And research indicates that officers who feel respected by their supervisors are more likely to accept and voluntarily comply with departmental policies. This transformation should also overturn the tradition of silence on psychological problems, encouraging officers to seek help without concern about negative consequences.”

In efforts to outreach to the SPD, a survey was conducted. The results showed that 61% of the officers (100% of the survey respondents) would utilize services to benefit their mental health and wellness.

Current Situation: The Department should be commended for instituting a Peer Mentoring/Support Program designed to promote Officer wellness through anonymous connections with other Police Officers from surrounding departments. In addition, the Department has used resources such as those offered by First Responder Departments in the wake of traumatic incidents such as the tragic limo accident on Rt 48. However, there is minimal proactivity by the Department to promote Officer wellness. There are numerous free resources available and others that require a shift in policy and mindset. The National Officer Safety and Wellness (OSW) Group was formed as a collaboration between the Office of Community Oriented Policing And the Bureau of Justice Assistance (part of DOJ Office of Justice Programs). OSW recognizes that

emotional wellness is a public health issue. Problems left untreated due to stigma or lack of resources may lead to behavioral manifestations both in the community and in the Officer's family. Resources should be made readily available and promoted by leadership so officers do not have to look far to access assistance when needed.

Recommendations:

The Town Board shall:

1. Pre-arrange and fund Critical Incident Stress Debriefing to enable expedited services when needed, made available at the department's expense following officer-involved traumatic incidents.
2. Conduct annual in-service training with EAP or other support providers to increase awareness about signs of trauma and wellness strategies and decrease stigma.
3. Prominently display mental health resources
4. Prominently display mental health resources in numerous areas around the headquarters for easy access and updated regularly.
5. Identify and promote virtual mental health services.
6. Establish a consortium with other neighboring departments to pool resources.
7. Ensure that mental health wellness checks are routinized during annual physical evaluations in order to catch problems early when they are most treatable.
8. Ensure that spouses and families are covered by insurance as well, given that marital and financial challenges can affect job performance for officers if unacknowledged.
9. Ensure that insurance policies adequately cover mental health care as well as the physical needs of officers/partners.

References:

1. Destinationzero.org - database of examples of outstanding programs that have been implemented in departments across the country
2. Safe Call Now – a confidential, comprehensive 24-hour crisis referral service for all public safety employees and first responders and their families nationwide. They provide education, support healthy alternatives and resources to save lives and put families back together.
3. <http://1sthelp.net/>
We're giving first responders easy, quick access to organizations that can assist them with a range of problems related to their jobs. From peer support to mental health care to financial aid – everything first responders need can be found by answering a short questionnaire. Agencies from all around the world, equipped to answer the first responders' calls, have provided their information and are standing by ready to assist. *“We are providing free informational cards to any individual or department that would like to hand them out to their members. These cards bear our logo and the website and are a handy reminder that you are never alone. Contact contact@bluehelp.org to have some shipped to your department.”*
4. DOJ - <https://cops.usdoj.gov/RIC/Publications/cops-w0862-pub.pdf>

Police Officer Staffing/Scheduling

Goal: To ensure SPD is adequately resourced and supported, we must appropriately fund and staff the SPD. To ensure optimal physical and mental health, and morale of police officers we must improve the current schedule.

Background: Officers within SPD reported feeling dissatisfied by the current work schedule, some saying that it has negatively impacted their overall well-being. According to an officer who responded to the survey “I believe the way our department handles our schedule/shift work has a large impact on all officers. I typically find myself completely fatigued”. Another officer states that “nearly all other police departments have long since transitioned to a more healthy and more desirable work schedule. Many cops have sleep problems...due to the continual rotations/messed up sleep schedule.”

According to a study conducted for the USDOJ, Amendola (2012) found that different police schedules are associated with varying perceived quality of work-life, amount of sleep and amount of overtime accrued. In addition, writing in Police Chief Magazine, Scism, R. delineates the extensive challenging impacts of 24/7 rotating shifts among police officers. He reports that “fatigue is a leading cause of impairment on the job - it is four times more likely to cause impairment in the workplace than alcohol and drugs” p.1. Furthermore, sleep deprivation is associated with:

- Increased irritability and lacking levels of tolerance
- Reduced levels of alertness and increased propensity for accidents
- Memory impairment, lack of concentration, and overall inattention
- Stress-related illnesses, obesity, hypertension, and changes in both metabolic and hormonal functions...”
- ...An inability to perform the following functions:
 - Comprehend complex situations
 - Perform risk assessment and accurately predict consequences
 - Think latterly and be innovative
 - Take personal interest in outcomes control mood or behavior
 - Monitor personal performance
 - Recollect timing of events
 - Communicate effectively”

It is apparent from both the SPD officers’ perspective and findings from the literature, there is a need to explore possible alternative scheduling as well as ensure the Department has adequate funding and staffing to address the needs of the community.

Recommendations:

The Town Board shall:

1. Establish a working group of police rank & file & leadership and Town Board members to explore the most feasible and health-sustaining scheduling structure for police officers to identify a proposal within six months.
2. Adequately fund and staff Southold Police.
3. Consider hiring more seasonal officers to afford full time officers the time for training.

References

1. Amendola, K.L., Weisburd, D., Hamilton, M.A., Jones, G., Slipka, M., Heitmann, A., Shane, J., Ortize, C., and Tarkghen, E.(2012) The Impact of Shift Length in Policing on Performance, Health, Quality of Life, Sleep, Fatigue, and Extra-Duty Employment. Research funded by USDOJ.
2. Scism, R.M. (Captain, Missouri State Highway Patrol Research and Development Division,) **Human Fatigue in 24/7 Operations: Law Enforcement Considerations and Strategies for Improved Performance.** *Police Chief Magazine.*
3. <https://www.policchiefmagazine.org/human-fatigue-in-247-operations/?ref=4e63e5c423ffc023857a2f5868da1a29>

Enhance Police Officer Training

Goal: A proactive stance surrounding orientation and training for officers needs to be taken to ensure the growth and development of positive community relations, confident officers and effective policing.

Background: 30/49 officers in Southold took our survey, and 27 out of those 30 indicated a desire for more training. Officers articulated similar passionate expressions of the need for additional training during our Police Listening Session as well as in multiple conversations with individual officers.

Governor Cuomo states in the Guidance of EO 203, that training should not end at recruitment. Officers should be encouraged to grow and learn throughout their career, incorporating and reinforcing practices that emphasize values such as accountability, transparency and fairness in all aspects of policing.

Current Situation: It is the belief of this Task Force that the issues regarding training in general are inextricably intertwined with the factors relating to staffing and scheduling. In order for training to be pursued to the degree necessary, on a consistent basis, systemic changes will be required. Issues related to staffing, schedules, overtime and the contract all affect the possibility of the Department having ongoing, high quality, rigorous, and professional training. Findings from the Police Survey indicate that nearly half (48%) reported that they only “sometimes” “feel well-prepared” and an additional (6.9%) “hardly ever” “feel well-prepared”. Thus, the officers have given the Task Force feedback that they are - across the board - desperate for more training. It is our sincere hope that the Town Board, especially in their role as Police Commissioners, undertake a review of the overall needs of the Department in order to change the current obstacles to professional training. The Department should be commended for doing incredible work given the limited personnel currently scheduled at any given time. At this time, it is not clear exactly how training needs are assessed and or addressed. It appears that basic and essential certifications have lapsed for many of the Officers. In addition, there is no clearly stated plan to institutionalize training for Community Engagement.

Recommendations:

The Town Board shall:

1. Direct the SPD to undertake a comprehensive analysis of training needs; identify what certifications are in good standing and what have lapsed. This includes areas such as:
 - a. Firearms
 - b. EMT Recertification
 - c. De-escalation
 - d. Defense Tactics
2. Examine the role of Field Training Officers (FTO’s) in giving hands-on training to new recruits by

- a. Ensuring that FTO's comprehensively educate a new hire in understanding the demands of the police and unique needs of their local community.
 - b. Ensuring that the input from FTO is valued and used effectively before a new recruit is graduated.
3. Officially request access to information about the content of the curriculum of the Suffolk County Police Academy. This Task Force has been granted no access to the Academy training protocol. It must be reviewed by the Town Board and/or the CPPB in order to better understand whether there are specific areas of training (such as crisis intervention or basic language instruction) that should be enhanced by in-service training at the local level.
4. Ensure that the SPD keeps all officers up to date on state of the art practices, procedures and approaches, which is critical to ensuring that they are prepared and that the people of the Town can depend on such preparedness.
5. Ensure that Officers, as part of training, examine events in which force was used within the Department, in a non-disciplinary context. While it is not possible to specify all situations in which the use of force is either reasonable or unreasonable, officers should be given some direction and examples of what reasonableness means as a concept. This should be accomplished through ongoing training.
6. Identify possible alternative sources of funding for training needs including collaboration with neighboring towns.

911 Dispatchers

Goal: 911 Dispatchers must participate in ongoing training to ensure competence in new technology and equitable and culturally responsive treatment while responding to phone calls.

Background:

In a study reported in the Journal of Emergency Dispatch (Trefts & Hurst, 2020), members of “diverse communities lacked trust in 911”. This lack of trust related to a fear that contacting 911 would result in their “being wrongfully arrested or becoming the target of disrespect, mistreatment, or even violence from responders. It also reflected that they anticipated that their “calls for help would be met with neglect rather than timely aid”. The authors recommend that in order to build trust, communities need to listen to affected communities as a first step, provide cultural training for dispatchers, hire diverse candidates and provide education to youth and adults in minority communities about the rigorous training in cultural awareness that dispatchers receive. According to the US DOJ Division of Civil Rights Disability Rights Section, the Americans with Disabilities Act requires thorough training for 911 Dispatchers to recognize and utilize TTY calls for people with speech and hearing disabilities. Furthermore, the Act requires that “PSAPs* should require or offer refresher training at least as often as they require or offer training for voice calls, but at a minimum, every six months.” *PSAP = Public Safety Answering Points (PSAPs)

Current Situation: The current 911 Dispatchers in Southold work out of the Police Department in Peconic during the same shifts around the clock as the police. 911 dispatchers are hired from a civil service list and are trained on the specific computer system that all Police Departments use on Long Island. The training takes approximately three months to complete, and is primarily done by senior dispatchers. In the final stage of training, new dispatchers begin to take calls with senior dispatchers observing and listening in. There is no ongoing training for dispatchers unless there is a new technology for them to be trained on.

Recommendations:

The Town Board shall:

1. Institute regular ongoing periodic training and refresher courses for 911 Dispatchers in the areas of cultural diversity, bias-reduction, mental health, substance abuse, and disability awareness that should include incorporating community members from different backgrounds, cultures, and communities within Southold.
2. Consider instituting a customer service survey to be sent out after 911 calls.

References:

1. <https://frdat.niagara.edu/assets/911-ops-dat-brief.pdf>
2. Trefts, E. & Hurst, J. (2020). Ensuring trust in 911. The Journal of Emergency Dispatch.
3. <https://iaedjournal.org/ensuring-trust-in-911%E2%80%AF-%E2%80%AF/>
4. [Improving Service to Callers With Disabilities](#)
5. [Serving Equally: Removing Bias-based Inequities from 9-1-1](#)

Incorporating Community Resources for People in Crisis

Goal: To incorporate best practices for policing when utilizing community resources instead and/or as a supplement to, police in situations involving people in crisis in the Town of Southold.

Background:

Resources providing best practices for policing frequently address concerns regarding the interaction between police and persons in crisis.

Over the past few decades, a model known as the Crisis Intervention Team (CIT) has become an increasingly popular paradigm for Police—People with Mental Illness (PMI) interaction. The first model was developed in Memphis, TN in response to a police encounter in 1987 with Joseph Dewayne Robinson, a 27-year-old man with a history of mental illness and substance abuse. Mr. Robinson’s mother called 911, reporting that her son was a danger to himself and others. In the subsequent police encounter, Mr. Robinson did not respond to verbal requests by the police, then “lunged” at the officers, who shot him multiple times.

In response to this incident, various aspects of the Memphis community, including the Universities of Memphis and Tennessee and the Memphis Police Department, came together to establish what became the Memphis Police Department’s Crisis Intervention Team.

Elements of the Memphis Crisis Intervention Team (CIT) Model:

- Dispatchers are trained to identify people in mental health or other crises.
- Officers volunteer to serve as crisis intervention officers and receive specialized training in crisis intervention techniques.
- CIT officers are spread across the city during all shifts.
- CIT officers perform regular patrol duties but are immediately dispatched to scenes of mental health crises.
- CIT officers use de-escalation techniques and verbal tactics to defuse crisis.
- CIT officers determine whether to transport people to hospitals or other service providers for further evaluation.
- Receiving facilities refer people to resources, such as community mental health services, social services, and veterans’ services.

The success of these programs has been shown by de-escalating scenarios involving persons with mental illness and better provision of appropriate care and treatment. It has also freed police to focus on criminal activity and diverted cases from the criminal justice system. In addition, officers engaged in the CIT efforts reported greater job satisfaction and increased confidence in handling crisis scenarios.

Current Situation:

The SPD are called upon to respond to a wide range of citizen needs, far beyond the purview of crime response/prevention. Police officers euphemistically refer to 911 calls as “one-stop shopping” on the part of the community. Consequently, they find themselves responding to incidents of homelessness, substance use, and mental and emotional crises. In survey responses and the listening session with police conducted by the Task Force, officers reported a need for greater training in order to respond more effectively to the range of services they are called upon to perform, with several expressing specific interest in better training in responding to persons in mental health crises.

In recent years, in an effort to better serve persons in crisis, resources such as DASH (Diagnostic Assessment and Stabilization Hub) have been developed in Riverhead. In partnership with resources from ELIH Stony Brook and Peconic Bay Medical Center, DASH has created a network of resource providers to offer critical assistance to police in the proper handling of crisis situations. It appears that many of the necessary elements of a CIT program are available on the North Fork, but linkages between services and awareness on the part of police officers needs to be strengthened.

Recommendations:

The Town Board shall:

1. Implement a comprehensive Crisis Intervention Program that strengthens existing linkages between the SPD and mental health resources available to residents in Southold Town.
2. Mandate all SPD officers receive the basic 40 hours of CIT training, with annual refresher training.
3. Ensure that SPD encourages officers to self-select for advanced CIT training, create a team of CIT officers with advanced training, coordinated by an officer identified as the CIT liaison, and assure that a member of the specialized team is available on an on call basis or is assigned to as many shifts as possible.
4. Ensure that SPD provides advanced training for 911 dispatchers to coordinate efforts with the CIT team and liaison, to improve their ability to identify calls involving persons with mental illness, substance use or developmental challenges.
5. Hold an annual consultation with various mental health service providers and the police CIT liaison and officers, and Police Chief to assure proper coordination among partners, identify needs for improved linkages, and suggest content for further training.
6. Collaborate with the CPPB to review the implications of the CIT coordination findings.
7. Ensure the SPD data collection captures the number of incidents involving persons in crisis, either identified by 911 dispatchers or by the responding officer’s report.

References

1. Crisis Intervention Team (CIT) Programs: A Best Practice Guide for Transforming *Community Responses to Mental Health Crises*.

2. Leadership Conference on Civil and Human Rights. (2019). New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing, p. 150.
<https://civilrights.org/wpcontent/uploads/PolicingFullReport.pdf>
3. American Academy of Psychiatry and Law, Vol.47, Number 4, 2019, p.1.
4. Leadership Conference on Civil and Human Rights. (2019). New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing, p. 156.
<https://civilrights.org/wpcontent/uploads/PolicingFullReport.pdf>
5. Fair and Just Prosecution (2018), Effective Collaborative Responses to Individuals with Mental Illness: A Compendium of Models from Across the Nation,
https://fairandjustprosecution.org/wp-content/uploads/2018/10/FJP_Brief_MentalHealthCompendium.pdf
6. 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.

Policing and Youth, Prevention, Parent Support and School Resource Officers

Goal: Procedural justice should be formally implemented by SPD for all Southolders but for youth in particular as research shows it can positively influence behavioral choices and relationships with authority figures in general and can lead to “legal socialization”.

Background:

How young people, especially those between the ages of 12-18, experience policing and interactions with police is a critical time period. As noted in Principles of Procedurally Just Policing Report this is referred to as “legal socialization.” The adolescent brain is in a critical period of development during this stage and any efforts to implement positive youth programs, outreach, work with parents of at-risk youth and general interactions and relationships with law enforcement and the justice system have a lasting impact. Treating the interactions occurring with minor offenses and in pro-active program-based interaction creates the “socialization” and relationship that may lead to better outcomes for prevention and trust-building as young people prepare for the responsibilities of adulthood is supported in the literature on best practices.

“That criminal offending peaks in late adolescence is not surprising. As a growing body of developmental neuroscience and behavioral research reveals, “adolescents differ from adults in their greater propensity for risk-taking and susceptibility to peer influence and their reduced capacity for self-regulation and for attending to future consequences.”¹

The following model principles from the same report outline the basis for building on the existing structures in place in Southold Town.

1. When police officers must interact with young people in the context of stops, frisks, arrests, and the like, they should always exhibit procedurally just behavior.
2. All police officers—particularly those, like School Resource Officers (SROs)—who interact frequently with young people, should be trained in concepts of procedural justice.

Current Situation

Currently each of the Southold Town School Districts has the recommended Memorandum of Agreement (MOU) outlining the role of School Resources Officers. Principals all reported long-standing positive relationships with the SROs as well Southold PD in general. The ability to pick up the phone and ask for advice, on-site support for educational purposes, and appropriate enforcement when needed was described as uniformly positive. Each district has a different approach to use of officers. The expansion to 2 fulltime SROs was noted as a big improvement and helpful. Schools expressed a request for more access to local experts on issues around prevention and response to anti-bias issues, understanding the impact of implicit bias and better restorative justice which may be something to explore outside the scope of this project.

Despite all of these collective efforts, structural racism continues to impact every aspect of life. Our youth and families, specifically those of color, are not immune to becoming victims as part of interactions with the Justice System in general as stated in the research around youth and policing (Trent, et al., 2019).

Recommendations:

The Town Board shall:

1. Annually survey students to better understand their experiences (both positive and negative) around SRO's and SPD in general.
2. Ensure the SRO's meet regularly with school principals as a group .
3. Organize a youth “synergy” event across the districts.
4. Strengthen SPD connections with Family Service League, Mobile Crisis Response Teams and other Behavioral Health resources in order to enhance training, updates and portable response tools such as “tear off pads” with specific helplines and contacts for families.
5. Ensure that SRO's are specifically trained in Crisis Intervention strategies for responding to all youth-related incidents (on and off school grounds) where behavioral health or substance-related issues are present. (See Section VII)
6. Ensure protocols for SPD communication with school officials following incidents should be codified and clarified.
7. Ensure SRO's have formal planned opportunities to educate students about the various career paths in civil service, law enforcement and the justice system.
8. Conduct a formal annual review of the individual school district MOUs to clarify and revise as needed.
9. Amend Policy 8.1 “Taking Custody of Juveniles” (Raise the Age) to reflect current New York State Law.

References:

1. Richard J. Bonnie & Elizabeth S. Scott, *The Teenage Brain: Adolescent Brain Research and the Law*, current directions in Psychol. sci. (2013).
2. Quattlebaum, Meares & Tyler (2018). Principles of Procedurally Just Policing. The Justice Collaboratory Yale Law School
3. The Impact of Racism on Child and Adolescent Health Maria Trent, Danielle G. Dooley, Jacqueline Dougé. Pediatrics Aug 2019, 144 (2) e20191765; DOI: 10.1542/peds.2019-1765 <https://pediatrics.aappublications.org/content/144/2/e20191765>

Officer Recruitment

Goal:

Align SPD with the community that they serve in terms of race, gender, and socioeconomic status.

Background:

Southold has limited direct input into the recruitment process of police officers. This recruitment is governed by Suffolk County civil service rules. Applicants apply directly to the county and all screening is done within the county system. The county administers a test from which municipal agencies within the County select potential candidates. The selection is made first based on residency within the town. If the list of resident candidates is exhausted, then the town must select from the larger, county-wide list. Once selected, candidates must go through the following screening process prior to entering the academy: medical, personality assessment, polygraph, extensive background check and physical fitness screening.

It should be noted that the test from which candidates are chosen is given once every four years. Academy classes are normally held every six months, however, currently, they are only given annually due to budget constraints. It should also be noted that all police agencies within the county are competing for candidates from the same list.

Throughout the multiple efforts by this Task Force to solicit input from the community during this process, a general concern from community members highlighted the concern that the current makeup of SPD does not represent diversity in terms of race, ethnicity and gender.

Current Situation:

The majority of recruitment efforts are done at the County level. SPD participates in these recruitments as well as in job fairs at the town level. The job fairs occur along with other civic departments in the town as opposed to specific recruitment fairs for the Police Department. The town has virtually no input into the recruitment process for police officers beyond the local job fairs.

Other jurisdictions, such as Shelter Island, display the basic information in a relatively prominent place on their website (<https://www.shelterislandtown.us/shelter-island-police-department>). At a minimum, Southold Town should have the basic information on their website. The Town Board and SPD should seek out recruitment ideas from other jurisdictions (i.e. <https://www.police1.com/police-recruiting/>), and open up a dialogue with the county to possibly increase the frequency of testing and academy classes.

Recommendations:

The Town Board shall:

1. Increase its involvement in the recruitment process of police officers to ensure that future officers reflect the diversity of the town.

2. Engage in a marketing campaign using various social media platforms to reach potential candidates.
3. Consider hiring a marketing firm to develop a target marketing campaign to reach groups that would otherwise not respond to traditional methods.
4. Create and publish ads in the local news outlets, such as the Suffolk Times and the Patch and radio stations.
5. Develop/increase a mentoring program that includes enhanced guidance on the recruitment process, e.g., practice for tests, physical fitness training.
6. Engage in active outreach to both male and female youth in all Southold communities
7. Update the Town website:
 - a. Include detailed facts about the process/timing to become a police officer,
 - b. Link to the Academy and to information about the civil service exam.
8. Enter into dialogue with East End towns about the need for recruitment and initiate dialogue with the county to possibly increase the frequency of testing and academy classes.
9. Investigate the possibility of diverse officers being recruited and relocating from other parts of Suffolk County to join the force.
10. Conduct an annual review of officer to population ratio to ensure that ratio is appropriate.
11. Develop a program for hiring/budgeting at regular intervals to prepare for future retirements.

References:

1. Other jurisdictions, such as Shelter Island display the basic information in a relatively prominent place on their website (<https://www.shelterislandtown.us/shelter-island-police-department/>).
2. Resource for recruitment - <https://www.police1.com/police-recruiting/>)

Police Strategies / Use of Force

Goal:

To specify how and when use of force should be used and to provide alternatives.

Background:

Use of Force determinations are based on a standard of reasonableness which, in the words of the US Supreme Court means “objective reasonableness” under the circumstances. Considerations of reasonableness must depend on the individual circumstances of every incident. ¹

The Department of Justice Guidance for Law Rules pertaining to intervention state “An officer who purposefully allows a fellow officer to violate a victim’s Constitutional rights *may be prosecuted for failure to intervene to stop the Constitutional violation.*” (emphasis added).

An Early Intervention System (EIS) can assist with accountability between officers and supervisors.⁵ It is a required reform in all Justice Department consent decrees and settlement agreements.⁶ EIS flags officers whose conduct could jeopardize the relationship between the police and the community which can at times be fragile. Because it is driven by data there is no issue of bias or favoritism on the part of supervisors. It can provide data for positive steps including promotions.

The use of an EIS could save managers’ time preparing evaluations as well as disciplinary reports by providing previously entered data for performance evaluations. Data stored in an EIS can assist in directing resources for the needs of officers, such as substance abuse or mental health issues in a non-punitive manner. (Police Executive Research Forum) It will also point to areas in which training has not been addressed.

Sentinel or near-miss events should be required for inclusion in a use of force report. These should include the “...accidental discharge of a conducted energy device” or “where a firearm was discharged at a subject.” 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. This should include near miss incidents which may not have caused harm to a subject.

Current Situation:

In regards to Use of Force Policies, the SPD provides in General Order No. 2.01 that “Law enforcement officers are authorized to use reasonable and legitimate force in specific circumstances.” It also states, “officers shall use the least amount of force necessary to effect cooperation and control of a situation which requires police intervention, and then only when all other reasonable alternatives have been exhausted or are not available.”

Order No. 2.01 does not specify the conduct that may or may not be reasonable. Section IX of the Order lists only four actions in which force may not be used. ² Policies pertaining to de-escalation and other steps to be taken before force is used are not stated in the General Orders.

The General Order states “A supervisor that is made aware of a force incident shall insure the completion of a use of force report by all officers engaging in reportable use of force and, to the extent practical, make a record of all officers present.” It is required that officers complete a Use of Force Report prior to the end of their shift and submit the report to their supervisor by the end of their shift. Mandatory fields on the Use of Force Report are: the age, race and gender of the reporting officer as well as that of the subject of the arrest and whether the officer or the subject sustained serious physical injury or death.

General Order 2.01 states that under the Use of Force Policy “Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.”

It further states that “An officer who observes another officer using force that exceeds the degree of force as described in subdivision A of this section shall promptly report these observations to a supervisor.”

Summary of Recommendations:

The Town Board shall:

1. Amend the Use of Force Policy to make clear to officers that the list of four actions in section IX of General Order 2.04 is in no way exhaustive.
2. Ensure a stand alone de-escalation policy is drafted and included in the General Orders detailing the steps to be taken to de-escalate a situation as well as steps to be taken before force can be used.³
3. Amend Reporting policies to include Use of Force incidents in accordance with the following:
 - a. Any force used by the subject, any threat made to officers or others, and any evidence of intoxication or mental health issues must be reported in the document.
 - b. In addition to the mandatory fields, reports will include:
 - i. The name of the officer completing the report
 - ii. The location, date, and time of the incident
 - iii. A description of the events leading up to the use of force
 - iv. The number and names of officers at the scene of the incident and whether a senior officer acting in a supervisory capacity was present or consulted with at the scene⁴
 - c. Procedure: After an officer submits the report to his or her supervisor that report is to be passed up the chain of command until it reaches the Chief of Police for review. The Chief will be made aware of any and all incidents that occur regardless of whether there is any reason to consider disciplinary action.
 - d. After use of force incident reports are reviewed by the Chief of Police they must be reported to and reviewed by the Commissioners (Southold Town Board) regardless of whether the Police Department has taken disciplinary action. This should not create an undue burden for the Commissioners given the fact that in 2020 only five complaints were lodged against officers and of those, it is not known how many of those complaints involved the use of force, as the nature of the complaint has not

been required to be reported. If the Commissioners deem it appropriate they shall refer a complaint to the Office of the District Attorney.

3. Investigate the option for SPD implementing an Early Intervention System to include data taken from arrest and incident reports. This data is to be entered by non-police personnel with conclusions from that data to be drawn by supervisors;
4. Ensure the SPD creates an exhaustive list of near-miss events, published to all officers and required for inclusion in Use of Force Reports and provided to the Town's Police Commissioners.

References

1. Graham v O'Connor 490 U.S. 386
2. Force shall not be used for the following reasons: 1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present; 2. To coerce a confession from a subject in custody; 3. To obtain blood, saliva, urine or other bodily fluid or cells, from an individual for the purpose of scientific testing in lieu of a court order where required; 4. Against persons who are handcuffed or restrained unless it is to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.
3. United States of America v. The City of Ferguson Consent Decree
4. FBI Uniform Crime Reporting-National Use-of Force-Data Collection
5. *(Strategies for Intervening with Officers through Early Intervention Systems)* US Department of Justice, COPS
6. Samuel Walker, *civil liberties, policing and criminal justice*).

Bias-Free Policing and Traffic Stops

Goal: To reduce and mitigate the effects of bias in policing, SPD and the Town Board should continue to confront the current reality, and long history, of racism and discrimination as embedded in the institutions of our society. To build trust, equitably engage communities, and improve public safety for all, SPD should make clear that discriminatory policing has no place in Southold by continuing to develop policies that establish bias-free policing as the norm.

Background: Multiple individual interviews were conducted to discuss the current state of policing in Southold. There were 2 white females, 5 black males, 5 black females, and 1 white male. Their employment varied as well, 2 retired, 2 contractors, 2 health care workers, 1 pastor, 3 self-employed and one social worker. The ages varied from the 40's through 80's. Most are life-long residents (born in Greenport), part-time residents and residents who relocated to Greenport and have made their permanent home here.

In analyzing the responses from the interviews, the following themes appeared regarding police - community relations:

- The lack of transparency and trust by the community of the police
- The need for community interaction to foster greater trust.
- The need to diversify the department to reflect the community (i.e., race, gender, ethnicity, etc).
- The perception that the department is engaged in nepotism in their treatment of lawbreakers.
- The perception that the department has bias issues that reflect on ethnicity, economic status and politics which sets up a system of unfair policing practices.
- There is a need for diversity training, which focuses on unconscious biases and how to work through them to create an atmosphere of sensitivity toward persons who are typically mistreated or unfairly prejudged. Diversity training should cover race, ethnicity, sexual orientation, gender, gender identity, sex, the elderly, and people with disabilities.
- It is also believed that most stops are discriminatory and biased.

Recommendations:

The Town Board shall:

1. Ensure SPD conducts all law enforcement activities without discrimination and such activities are based on observable conduct or specific information that provides a legal basis for the activity.
2. Ensure SPD records and reports demographic information, including race, for all law enforcement activities, including pedestrian and vehicle stops, detentions, frisks, searches, seizures, arrests, uses of force, and complaint data, according to the department's formal data collection processes.

3. Intervene to prevent or stop discriminatory police activities. Policy and procedures must require that officers that observe discriminatory behavior on the parts of fellow officers and do not intervene are culpable and subject to discipline by SPD.
4. Enact policies and procedures which require that officers report bias-based incidents that they witness or are aware of.
5. Ensure each patrol car is equipped with a designated device, such as a department issued cell phone, used exclusively for Officers to access the language line in order to ensure that any/all interactions with Spanish speaking individuals are afforded the same respect given to English speaking citizens.
6. Ensure SPD officers are adequately trained, particularly in areas such as the following:
 - a. The negative effects of discriminatory policing on police legitimacy.
 - b. Constitutional and other legal protections that safeguard against unlawful discrimination.
 - c. The history of racism and discrimination in the United States and globally.
 - d. Procedural justice principles including respect, bias free decision-making, explaining process during interactions and allowing people to express themselves during interactions with the community.
 - e. The impact of arbitrary classifications, stereotypes, and biases, including subconscious or implicit biases.
 - f. How to minimize the effects of bias when officers recognize it.
 - g. Cultural competency and humility, including cross cultural communication skills (so officers can appreciate cultural and ethnic norms and differences.)
 - h. Data collection protocols to identify and evaluate patterns of discriminatory practices.
 - i. Deescalation training.
 - j. How to intervene to prevent or stop misconduct.
 - k. Updated Use of Force training (see policy).

References

1. Leadership conference on civil and human rights (2019) New Era of Public Safety: A Guide to Effective Community Policing pp 51-54.

Update Discrimination Policies

Goal: Update police manual to be in compliance with EO 203 and NYS Human Rights Law passed in 2020. In order to ensure equitable policing within the community as well as a safe, unbiased work environment, there needs to be a clearly defined policy on discrimination.

Background:

The Guidance released following EO 203 states that, “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.”

NYS Law S6209A/A7797A amends the NYS Human Rights Law and Dignity for All Students Act to make clear that discrimination based on race includes hairstyles or traits associated with race.

Race discrimination based on hair and hairstyles most closely associated with Black or African American people has caused significant physical and psychological harm to those who wish to maintain natural hair or specific hairstyles but are forced to choose between their livelihood or education and their cultural identity and/or hair health.

Current Situation:

The current SPD policy on discrimination states in its entirety:

- “A. It shall be unlawful to discriminate against any person because of race, creed, color, national origin, sex, marital status or being handicapped.
- B. Ethnic name calling or remarks directed towards any of the above is prohibited.
- C. Failure to comply will/may result in disciplinary action being taken by the Chief of Police.²”

General Order 1.04 on “Grooming” states in its entirety:

“Female

- a. Hair will be neat, trimmed, clean, and present a well-groomed appearance. Female personnel’s hair will not exceed 1 ½ inches in thickness as measured from the scalp; it will not extend below the collar, but may be too mid-ear.
- b. Hair longer than above is permissible, but when in uniform a member must wear it in a style that conforms to the above. Hair must be pulled back away from the face and secured so that it does not interfere with the proper wearing of issued headgear. In no event shall ponytails or other styles or lengths of hair be exposed which may be readily grabbed by an aggressor.
- c. Items used to hold hair up must blend with hair. Decorative articles may not be brown in hair.
- d. Wigs or hairpieces will not be worn while on duty except for cosmetic reasons to cover natural baldness or physical disfigurement.
- e. Make-up, if worn, is to be worn in moderation.

- f. The Chief of Police will have the authority to waive these standards to meet the individual needs for special assignment.”

Male

- a. Regulations are applicable to male employees of the Department and waivers may be granted by the Chief of Police to meet individual needs for special assignments.
- b. Hair will be neat, clean, trimmed, and present a well-groomed appearance. Hair will not exceed 1 ½ inches in thickness as measured from the scalp; it will not extend below the collar, but may extend to mid-ear.
- c. If a member chooses to wear a mustache it must be neatly trimmed and may extend one-half inch beyond and/or below the mouth.
- d. Beards, goatees and ponytails or similar configurations will not be allowed. A Waiver for medical reasons may be granted by the Chief of Police.
- e. Wigs or hairpieces will not be worn while on duty except for cosmetic reasons to cover natural baldness or physical disfigurement. If, under these conditions, a hairpiece or wig is worn, it will conform to the standards as set forth herein for natural hair growth."

Recommendations:

The Town Board shall:

1. Amend General Order 2.08 on Discrimination, to include that:
 - a. “The purpose of this policy is to prohibit discrimination and harassment of any form” and establish what the intention of the policy is as well as what it seeks to do.
 - b. Remove the word “may” from General Order 2.08, as this implies that enforcement will not occur and that discrimination practices can continue due to lack of supervision. By replacing “may” with “shall” ensures active enforceability.
 - c. Include definitions of key terms that provides an active frame of reference for the police officers, such as:
 - i. Discrimination
 - ii. Harassment
 - iii. Any other conduct that would be defined as discrimination and/or discriminatory acts (i.e quid pro quo, retaliation)³
2. Ensure enforcement of the Discrimination Policy to require that:
 - a. Any violation of the discrimination policy will immediately be reported to the Commissioners and will result in disciplinary action, and
 - b. Establish that any complaints brought to the Commissioners, the Chief and Supervisory staff will remain anonymous in strictest confidence, and that⁴
 - c. The Commissioners, Chief and Supervisory staff will take prompt and reasonable steps to ensure the mitigation and elimination of any discrimination and harassment occurring with police officers within their jurisdiction.⁵
3. Update the Grooming Policy found in General Order 1.04 “Duties of the Department” to comply with the current human rights law by adopting a policy similar if not identical to the NYPD model as outlined here:

https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide1.pdf
p113

References

1. Cuomo, A. (2020). *New York State Police Reform and Reinvention Collaborative* [PDF]. Albany: Governor Andrew Cuomo.
2. Stanley, D. (1994). *Southold Police General Order Subject: Discrimination Policy* [PDF]. Southold: Southold Police Department.
3. Pristoop, M. (2013). *M.2 Discrimination Harassment- September 2013* [Pdf]. Annapolis Police Department.
4. Otterness, D. (2020). *MSUB Police Department Manual* [PDF]. Bozeman: Montana State University Police.
5. Ibid
6. See Dr. Gillian Scott-Ward, *Moving Past Racist Grooming Standards Terrorizing our Children*, Medium (Jan. 10, 2018)
<https://medium.com/@gillianscottward/moving-past-racist-groomingstandards-terrorizing-our-children-40df73b9ecb3>
7. NYS Law S6209A/A7797A
8. https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide1.pdf

Improve Investigations of Civilian Complaints

Goal: The SPD Internal Affairs policy should ensure that all civilian complaints are addressed and investigated

Background: In May 2001, the SPD adopted General Order 4.01 (the “Internal Affairs Policy”) for the purpose of documenting the procedures for SPD to follow concerning “processing of complaints alleging misconduct or inadequate service by members of the police department.” The Internal Affairs Policy was most recently reviewed and affirmed in June 2016. SPD has acknowledged that their Internal Affairs Policy does not yet fully meet the official requirements for Department accreditation under the NYS Law Enforcement Accreditation Program. SPD has expressed it is fully committed to aligning both its written policies and ongoing practices with those standards as part of its broader program to obtain NYS accreditation.

Current Situation: During the period from 2016-2020, the SPD conducted nineteen internal investigations. Thirteen of those investigations arose solely from civilian complaints; one arose from both civilian complaints and internal information. The following chart describes generally the alleged misconduct and the disposition of the investigations based upon civilian complaints.

Type of Complaint	Disposition	Disciplinary Sanction?
Improper use of official information	Sustained	Yes
Negative personal contact	Exonerated	No
Verbal threats	Not sustained	No
Driving violation	Exonerated	No
Off-duty private personal conduct	Not sustained	No
Police inaction	Not sustained	No
Negative personal contact	Not sustained	No
Use of force	Exonerated	No
Negative personal contact	Exonerated	No
Off-duty private personal conduct	Sustained	Pending
Off-duty officer intimidation	Not sustained	No
Off-duty officer intimidation	Exonerated	No
Officer intimidation	Exonerated	No

Use of force	Exonerated	No
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During the same five-year time period, the SPD responded to an average of nearly 20,000 service calls per year, including more than 200 domestic incident calls per year, and SPD made more than 100 arrests per year.

Recommendations:

The Town Board shall:

1. Amend General Order 4.01 - The Internal Affairs Policy:
 - a. To add the following allegations of SPD employee misconduct to the list of Category 1 Complaints specified in General Order 4.01:
 - i. On-duty physical or verbal intimidation of a civilian;
 - ii. Retaliation against a civilian in response to information provided by a civilian in any complaint.
 - b. To clarify that no investigation of alleged Category I police misconduct shall be conducted by the immediate supervisor of the SPD employee who is the subject of the complaint.
 - c. To include that all investigations should address the question of whether inadequate supervision or training of the SPD employee who is the subject of the complaint contributed significantly to the conduct identified in the complaint.
 - d. To prevent the Duty Sergeant or supervising officer who receives a complaint via telephone or email from communicating to a complainant that the credibility of their complaint depends on their willingness to appear in person at police headquarters to fill out a written complaint form.
 - e. To clarify that the Duty Sergeant or supervising officer who receives a complaint via telephone or any other means must process the complaint by creating either a Civilian Complaint Report or a Negative Personal Contact report.
 - f. To remove the term “Exonerated” from the possible outcomes of an internal investigation. Whether or not a complaint is “Sustained” or “Not Sustained” should be based upon the preponderance of the evidence obtained and evaluated during the investigation. The “Non-Sustained” disposition should be defined as “not proven by a preponderance of the evidence.” If the disposition of the investigation is “Not Sustained”, and the civilian complaint is a Category I complaint, the SPD should provide a short written concerning the Disposition to the complainant if the complainant has not chosen to remain anonymous or has filed the complaint through *pro bono* legal counsel. The “Exoneration” disposition should be eliminated because, by definition, proven SPD employee misconduct is not “justified, legal and proper” as currently defined in General Order 4.01.
 - g. To specify the range of sanctions that may be imposed by the SPD for both Category I and Category II misconduct. The range of sanctions for Category I misconduct should include termination of employment and suspension from employment. Monetary sanctions should be proportional to the severity of the sustained misconduct.
 - h. To include that any SPD officer who becomes the subject of a “Sustained” disposition for more than one Category I complaint or more than two Category II

complaints should be suspended for a period of time consistent with the severity of the multiple instances of misconduct.

- i. To clarify that the Disposition of a Category I Complaint, including any sanction for a Category I Complaint that is Sustained, should be reviewed and approved by the Police Commissioners of the SPD prior to the Disposition becoming final. In addition, it should be clarified that the Police Commissioners have the authority to cause the SPD to conduct additional investigative steps and provide additional information to the Police Commissioners concerning a Category I Complaint prior to the finalization of the Disposition of that Category I Complaint.
2. Direct the SPD to publish an annual report that includes all of the following information:
 - a. The number of civilian complaints received during the prior year, including the number of Category I and Category II Complaints;
 - b. The nature of the Category I and II complaints including a one-sentence description of the allegations made, without disclosing the identity of either the SPD employee or the complainant;
 - c. The Dispositions of the Category I and II complaints during the relevant time period
 - d. The sanctions imposed in connection with any Category I or Category II complaints that are Sustained, again without disclosing the identity of the SPD employee or the complainant.
3. Create on the Town website an information page that describes the SPD's Internal Affairs Policies and Procedures and provides contact information for a group of local attorneys willing to provide *pro bono* legal counsel to Southold Town residents who wish to submit a complaint concerning alleged misconduct for internal review by the SPD. The *pro bono* counsel will only serve the complainants in connection with the internal investigation and shall not represent any complainants in any civil litigation concerning the events giving rise to the complaint. The primary purpose of providing access to *pro bono* legal counsel is to improve the quality of the information presented to the SPD for internal investigation and to better protect the anonymity of any civilian who wishes to make an anonymous complaint. An added benefit will be to provide the civilian with a better understanding of the SPD's investigation of their complaint, regardless of the disposition of the complaint.

Filing Complaints

Goal: It is the position of the Task Force that members of the community should be able to express both compliments and complaints easily both online, by paper and by interview.

Background: Police misconduct and accountability are issues that are central to much of the current and evolving national discussion that reflect concerns about residual effects of historical and systemic racism and relate directly to the reasoning behind the Governor’s EO 203 that initiated Southold Town’s undertaking this review and reform process. Recognizing that Southold is not a big city with a history of overt and/or publicized racial tensions, we also recognize that the underlying beliefs that have helped to fuel the victimization and marginalization of people of color may exist among individuals and communities and the social structures such as policing that have evolved over time.

In our listening sessions, as well as feedback from the community on surveys, the feedback forms and telephone interviews, a repeated theme that emerged was the need for expedited resolution of community complaints that continue to be outstanding and seemingly “swept under the rug” in order to re-establish trust in the police. In particular, the “police party” during the pandemic was repeatedly mentioned.

Current Situation: The Introduction of General Order 4.01 Reevaluated in July of 2016, subject: Internal Affairs begins:

“It is essential that the community have confidence in the departmental administrative procedures designed to supervise the exercise of police power. If the integrity and efficiency of the department is to be maintained, all complaints of misconduct and/or inadequate service must be thoroughly and expeditiously investigated.” (p. 1)

It is laudable that the SPD acknowledges in this General Order the serious responsibility that the police have in ensuring that community members who are troubled by their treatment by police have their claims considered and investigated faithfully, fairly and fully. However, while well noted in the policy’s introductory sentiments, the responses from the outreach conducted by the Task Force has revealed serious gaps in the current way in which this acknowledged responsibility is put into practice.

Current Status

1. Transparency regarding the complaint process:
 - a. The SPD page on the Town’s website makes no mention of 1- the right to make a complaint, 2- how to make a complaint, and 3- what the existing policy is with regard to the Complaint Process
2. Where Complaints can be Registered/Submitted:

- a. Section IV. Procedures of General Order 4.01 details three ways that civilians can submit complaints to the police department. These include:
 - i. Going into the Police Department in Peconic
 - ii. By telephone
 - iii. By mail
- 3. Mechanism for Receipt of Complaint Information
 - a. Section IV. Procedures Section 2. Contents in General Order 4.01 provides a list of information that should be collected by the receiving officer specifying that he or she should record the allegation, date, time, location of the incident, names, addresses and phone numbers of all witnesses, and police personnel involved. There is not a specific form that the public can complete and submit.
- 4. Time Limit for Complaint Investigation
 - a. Existing policies do not have a defined time limit. On p. 6, the General Order under the section titled “The following procedures shall apply in all civilian complaints: 1. Time Limit – All investigations will be conducted promptly.”
- 5. Transparency & Faithful Representation of Statements given during the Initial Complaint and Evidence Gathering
 - a. The Sargeant / Desk Officer who takes the complaint currently fills out the form. In addition, the officer who is charged with interviewing witnesses writes down his or her interpretation of the statements given. The process depends on the faithful interpretation of the statement. Thus, if a complainant wishes to appeal the decision, the Commissioners would be relying on the statements as interpreted by the police, which may or may not be verbatim and thus may misrepresent the statements.
- 6. Transparency & Procedural Justice Regarding the Entire Complaint Process form for Complainants
 - a. As stated above, there is currently no public way in which a member of the community can easily access information about what to expect once he or she has submitted a complaint.
- 7. Transparency & Procedural Justice Regarding the Entire Complaint Process for Officers
 - a. There is no stated policy that requires fully informing the officer named in a complaint of the ongoing process and updates as the process goes forward.
- 8. Transparency regarding the Appeals Process
 - a. There is currently no formally described process for appealing the decision made by the Department.
- 9. Transparency regarding Public Access to Complaint Outcomes and Patterns
 - a. There is currently no formally described process for the public to have access to information about complaints and their outcomes in Town or Police policy.

Recommendations

The Town Board shall:

- 1. Increase transparency Regarding the Complaint Process:
 - i. Easily understood statements that are also translated into Spanish about the right to file a complaint, information and details about the process of filing a complaint should be easily found as a link on the first page of the SPD’s

- website along with the re-written General Order that serves as the guiding policy for the Department.
2. Inform the community where Complaints can be Registered/Submitted:
 - ii. Community members should be able access information about the complaint process, a complaint form, be able to submit complaints at Town Hall and be provided with a copy of their submitted complaint.
 3. Create a mechanism for Receipt of Complaint Information
 - ii. A simple sample online form can be found here: <https://www.burlingtonvt.gov/Police/BPDCComplaintSubmission>
A simple sample printed complaint form with a clear brief description of the policy and process can be found here: [https://www.burlingtonvt.gov/sites/default/files/Citizen%20Complaint%20Proc
ess%20%26%20 Form.pdf](https://www.burlingtonvt.gov/sites/default/files/Citizen%20Complaint%20Process%20%26%20Form.pdf)
 4. Set a Time Limit for Complaint Investigation
 - i. A defined Time Limit should be established and published on all media describing the complaint process
 5. Ensure Transparency & Faithful Representation of Statements given during the Initial Complaint and Evidence Gathering
 - i. Police policy should require that the complaint and statements by witnesses be audio-recorded. Should an individual decline to be recorded, he/she would need to sign a waiver.
 6. Ensure Transparency & Procedural Justice Regarding the Entire Complaint Process for Complainants
 - i. Easily understood description of the investigative procedure and timeline should be published on the Police Department website as well as posted / provided when the complaint is submitted.
 7. Ensure Transparency & Procedural Justice Regarding the Entire Complaint Process for Officers
 - i. Policy should articulate the inclusion of the named officer to be updated and informed throughout the complaint process.
 8. Ensure Transparency regarding the Appeals Process
 - i. Steps for appealing the decision in any complaint should be specified in policy that establishes and defines the appeals process. For example:
 1. “Prior to the end of the time limit, the complainant shall be informed in writing of the decision and outcome of the complaint. If the complainant does not agree with the outcome, he or she may file an appeal with the Town Supervisor who serves as the Chair of the Town’s Police Commissioners or any other Police Commissioner. The form for such an appeal should be published and accessible online and throughout the Town at such locations as public libraries, Town Hall, etc.”
 9. Ensure Transparency regarding Public Access to Complaint Outcomes and Patterns
 - i. In the interest of increasing the public’s sense of trust in the police, policy should be established that requires that de-identified information about complaints and their outcomes should be published on the Police Department’s website and be available on request.

References:

1. <https://censusreporter.org/profiles/06000US3610369463-southold-town-suffolk-county-ny/>
2. The US DOJ notes: “A complainant should have a wide choice of locations to file a complaint. Permitting non-police officials of an agency’s local government (such as the city clerk, ombudsman, etc.) to accept complaints gives complainants neutral locations to present their complaints without fear. (p.15) (COPS, 2003 Standards and Guidelines For Internal Affairs: Recommendations from a Community of Practice. <https://cops.usdoj.gov/RIC/Publications/cops-p164-pub.pdf>)

Translation of Police Policies

Goal: In order for Spanish speaking members of the community to be able to interact with the police and be aware of police policies, there must be an active effort to provide copies of all public documents in Spanish. While SPD has access to a translation service provided through the Suffolk County Police Department, there is a need for available documentation in Spanish in the Police Headquarters as well as on the website.

Background: “At the core of community policing are partnerships and problem solving, but those essential elements can be hindered if law enforcement is not able to communicate with the growing diverse population in this country. Recognizing the need to improve communication and interaction with limited English proficient individuals is among the next steps in advancing community policing. By developing and implementing a language access plan, law enforcement agencies will be able to strengthen their police-community relations, increase trust, and be better positioned to address public safety problems” (Shah, 2007).

Current Situation: Currently 10% of the Southold population is Hispanic. Among those residents are people who speak a limited amount of English or are non-English speakers. There are currently 2 Officers who are bilingual. For those who are not bilingual, the current translation option available is provided through the Suffolk County Police Department, with six different languages: Spanish, Mandarin Chinese, Portuguese, Italian, Polish, and Haitian-Creole.

The Task Force learned through conducting interviews that Police officers are sometimes reluctant to use their personal cell phones when in need of the language line because if there is an incident/arrest which requires processing, their personal cell phones will be commandeered and must be entered into evidence. This is a disincentive to accessing translation services, thereby providing equal service to non-English speaking members of our community.

On the Southold Town website, in the Police Department’s “Forms and Links” section, there is only one form that is bilingual: The Records Release form.

Recommendations:

The Town Board shall:

1. Translate all current policing policies to Spanish.
2. Ensure that all policing policies are made available on the Town and Police websites in both English and Spanish.
3. Ensure that any current and future forms available for public use, such as record release forms and complaint forms, are available in both English and Spanish.
4. Ensure that each patrol car is equipped with a designated device to be used for access to the language line to ensure that all interactions with Spanish speaking individuals include clear and respectful communication.

References

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2. <https://censusreporter.org/profiles/06000US3610369463-southold-town-suffolk-county-ny>
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A Framework for New Technology

Goal: Implement Body Worn Cameras (BWC) to increase transparency and oversight and adopt a framework for introduction of any new technology used to aid in policing to limit bias incidents, civil rights violations, and other potential issues.

Background:

The Town Board must develop a framework for adopting new technologies including public input wherever possible. Local residents will be more accepting of and respond more positively to technology when they have been informed of new developments and their input has been encouraged. How police use technology and how they share that information with the public is critical.⁵ The Town Board must consider the risks of using a novel technology, potential biases, and intrusion on civil liberties, as well as the ability of the technology to solve an existing problem.

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. The Town Board in their roles as Police Commissioners must combat this by prescribing a recommended amount and quality of training for each new technology that is presented.⁶

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.⁷

Many cities including NYC require the department to inform the public of any technologies the police department uses to aid in solving crimes. This includes any technologies that were given to the department free of charge.⁹

Now that agencies operate in a world in which anyone with a cell phone camera can record video footage of a police encounter, BWCs help police departments ensure that events are also captured from an officer's perspective.¹

A BWC program can represent a Police department's effort to demonstrate transparency and accountability. In several studies, community member complaints against officers, and use of force decreased following adoption of BWCs (Katz et al., 2015; Ariel, Farrar, & Sutherland, 2014; Mesa Police Department, 2013). The results from these studies are supported by in-person interviews with 40 law enforcement executives conducted by the Police Executive Research Forum (PERF).²

- As of 2018, over 35% of law enforcement agencies in the U.S. were using BWCs in some capacity.³ That number is estimated to be much higher now.

- Governor Cuomo recently signed legislation requiring New York State Police patrol officers to use BWCs while on patrol.⁴
- Body-worn cameras have a civilizing effect, resulting in improved behavior among both police officers and citizens.

Current Situation:

- The SPD does not currently have a plan for implementing new technologies that may be advertised to aid in policing.
- The SPD does not currently use Body Worn Cameras (BWC).
- The department does, however, use microphones and vehicle cameras, and is familiar with the procedure for when to turn them on and off.
- The department frequently references the video and audio recorded for training and to give a clearer understanding of events that transpired.
- The SPD does not currently employ any facial recognition software or automated systems to help assist in solving crimes.

Recommendations:

The Town Board shall:

1. Adopt the following framework for implementing any new technologies used to aid in policing:
 - a. Public input prior to adoption of new technology.
 - i. *Law enforcement agencies should encourage public engagement and collaboration, including the use of community advisory bodies, when developing a policy for the use of a new technology.*
 - b. Perform a cost-benefit analysis when adopting new technologies.
 - c. Develop policies or procedures for training officers on how to properly use new technology, defining proper vs improper use.
 - d. Ensure that vendor contracts do not interfere with transparency.
 - e. Public input and review after a new technology has been put to use.
 - i. *Law enforcement agencies should include an evaluation or assessment process to gauge the effectiveness of any new technology, soliciting input from all levels of the agency, from line officer to leadership, as well as assessment from members of the community. The CPPB should review effectiveness and community feedback.⁸*
 - f. Require the department to disclose all technologies it uses to the public.
2. Prepare a report using the subject framework to evaluate the need for Body-Worn Cameras.
 - a. Begin investigating grants to finance the cost of BWC including the cost of data storage and plan to purchase and implement a BWC program in the next year.
 - b. Explore the viability of working with neighboring municipalities in order to share in the financing of the BWC program, via an intermunicipal agreement.
 - c. If adopted, officers in SPD shall follow the same protocol as NYS Police Patrol for use of BWC, requiring them 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 document their time on duty.¹⁰

References:

1. Final Report of the President's Task Force on 21 Century Policing. May 2015.
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https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/diagnosticcenter_policeofficerbody-worncameras.pdf
3. Cost and Benefits Of Body-Worn Camera Deployments. April 2018.
https://www.policeforum.org/assets/BWCCosTown_Boardenefit.pdf p.28
4. Requiring Use of Body Cameras (S.8493/A.8674) NY State Gov Website. June 2020.
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9. Governor's Mandate.
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<https://www.governor.ny.gov/news/governor-cuomo-signs-legislation-requiring-new-york-state-police-officers-wear-body-cameras-and>

Use Social Media for Transparency and Relationship Building

Goal: Utilize social media to increase transparency, boost department morale, promote positive police interactions, and build trust between police and the community.

Background

As stated in the President's Report, "Law enforcement agencies should adopt model policies and best practices for technology-based community engagement that increases community trust and access."

Current Situation: The Southold Town PD does have a facebook page, but not Instagram or Twitter. They post very infrequently and do not keep the community informed of upcoming events, engagements or anything that is going on with the Department. It is our belief that just as our SRO program has increased trust in the SPD, the use of Social Media, can help bridge the gap between communities and the police. Featuring officers using themes like "Officer of the Month" or "Caught Doing Good" can help create trust, and help people learn more about the positive aspects of our department.

Recommendations:

The Town Board shall:

1. Direct the SPD to use a bilingual social media manager to engage with the local community.
 - a. Social media should be used for inspiring the youth to aid in recruitment.
 - b. Officers and the Department should incentivize positive interactions and ensure that praise, respect and appreciation is lavished when appropriate. This will help to create a positive cultural shift toward community policing.

References:

1. Final Report of the President's Task Force on 21 Century Policing. May 2015.
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Lexipol & Accreditation

Goal: It is important that the Town Board balance the need to protect the town from litigation with the need to protect its citizens in their interactions with police. This calls for careful coordination among concurrent efforts of the Task Force, the accreditation process of the SPD, and the work of Lexipol. The work of the Task Force would be rendered useless if Lexipol is engaged in a stand-alone review and re-writing of police policies without regard for the recommendations produced by the Task Force. We must also ensure that modifications to Lexipol policies are not lost in routine updates.

Background: Lexipol assures subscribers that its work is in keeping with best practices in policing. However, reviews of the organization suggest that it has a strong bias toward protecting municipalities from liability in litigation.(1) While this is a necessary function of the Town Board, EO 203 addresses the need for greater equity in policing of communities of color: “. . . 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 . . .” (2) Indeed, the Task Force was created by the Town Board in order to create the collaborative process to undertake the assessment of Southold Town Policing as to its equity in policing and to make recommendations that fulfill this mandate. Many resources on best practices in policing encourage greater transparency in police policies and procedures, as well as greater community involvement and feedback in their development and review. (1)

Current Situation: At present, policies and procedures of the SPD are not easily accessed by the public. Recent efforts have been made to put policies in a better format, in part due to the department seeking accreditation by New York State. The Town Board has made a decision to engage the services of Lexipol to assist in the review and updating of policies, with the assurance of alignment with federal and state statutes. Improvement in organization and formatting should make it easier to provide online access to police policies.

Recommendations:

The Town Board shall:

1. Ensure that any policies produced by Lexipol are fully vetted by the Town Board, and those of “significance” by the public via a public hearing, and include any proposed changes thereto.
2. Ensure that any Lexipol policies incorporate the recommendations adopted by the Town Board, as enunciated in the Plan.
3. Translate existing policing policies, forms and records into Spanish and ensure any updates or new documents are available in both English and Spanish.

4. Ensure that the CPPB has the opportunity to engage with Lexipol to assure alignment with the recommendations adopted in the Plan as well as future engagement on new policies and procedures which may be issued. (see Recommendation: Establishment of a standing Southold Town Community—Police Partnership Board)
5. Ensure that the SPD is accepted as an accredited agency by the New York State Law Enforcement Accreditation Program within (1) year of the adoption of the subject Plan, or as soon thereafter as practicable.

References

1. Office of Community Oriented Policing Services. 2015. The President’s Task Force on 21st Century Policing Implementation Guide: Moving from Recommendations to Action. Washington, DC: Office of Community Oriented Policing Services. p.9.
2. Principles of Procedurally Just Policing. The Justice Collaboratory at Yale Law School. p.10. http://law.yale.edu/sites/default/files/documents/pdf/policing_report.3.20.18.pdf.
3. Fair and Just Prosecution. Blueprint for Police Accountability and Reform: A New Vision for Policing and the Justice System, p.10. <https://fairandjustprosecution.org/wp-content/uploads/2020/06/Policing-RoadmapFINAL.pdf>
4. Lexipol: The Privatization of Police Policymaking, Texas Law Review Vol.96:891, p.925.
5. State of NY Executive Order No. 203 New York State Police Reform and Reinvention Collaborative. June2020.