NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE PLAN CERTIFICATION FORM

Instructions: The Chief Executive of each local government must complete and submit this certification and a copy of their Plan to the Director of the New York State Division of the Budget on or before April 1, 2021 at EO203Certification@budget.ny.gov.

I, Daniel P. McCoy, as the Chief Executive of the County of Albany, State of New York (the "Local Government"), hereby certify the following pursuant to Executive Order No. 203 issued by Governor Andrew M. Cuomo on June 12, 2020:

☑ The Local Government has performed a comprehensive review of current police force deployments, strategies, policies, procedures, and practices;

☑ The Local Government has developed a plan, attached hereto, to improve such deployments, strategies, policies, procedures, and practices (the "Plan");

☑ The Local Government has consulted with stakeholders (including but not limited to: membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials) regarding the Plan;

☑ The Local Government has offered the Plan in draft form for public comment to all citizens in the locality and, prior to adoption of the Plan by the local legislative body, has considered the comments submitted; and

☑ The legislative body of the Local Government has ratified or adopted the Plan by local law or resolution.

Daniel P. McCoy

Name

Daniel P. McCoy

Signature

Albany County Executive

Title

3/25/21

Date

RESOLUTION NO. 75

APPROVING THE POLICE REFORM AND REINVENTION PLAN AS SUBMITTED BY THE ALBANY COUNTY SHERIFF'S OFFICE

Introduced: 3/8/21
By Public Safety Committee:

WHEREAS, The Albany County Sheriff's Office has prepared a plan for police reform and reinvention in accordance with the mandates of Governor Cuomo's June 2020 Executive Order Number 203, and

WHEREAS, The proposed Police Reform and Reinvention Plan must be certified by the Albany County Legislature, and

WHEREAS, This plan was drafted following a collaborative process with agency and community input collected by holding meetings, accepting electronic submissions, attending forums, conducting a public survey in partnership with the National Center for Security and Preparedness at the University at Albany and posting this plan on the agency website for public comment, now, therefore be it

RESOLVED, By the Albany County Legislature that the Albany County Sheriff's Office Police Reform and Reinvention Plan is hereby ratified and approved, as annexed hereto, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

ALBANY COUNTY SHERIFF'S OFFICE

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CRAIG D. APPLE, SR.
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LEON A. BORMANN
CHIEF DEPUTY

In June of 2020, Governor Andrew Cuomo signed Executive Order Number 203, instructing all police agencies as defined by New York State law, to conduct reviews aimed at reform and reinvention. These reviews are to be in collaboration with stakeholders drawn from the community to which each agency provides primary police services. The Governor further defined specific groups within each community which must be represented amongst the stakeholders. In accordance with this order, the Albany County Sheriff's Office has been conducting a comprehensive review of its policies, procedures, training, community programs, and methods which is in addition to the standard agency review conducted each year as part of standard protocol. This review employs evidence based policing strategies as defined by the State in the executive order as well as in their New York State Police Reform and Reinvention Collaborative Guidebook. Said strategies have been developed further during the course of this review based upon the ongoing research and through information gained from webinars and courses led by experts in the field organized by the New York State Division of Criminal Justice Services.

As part of this agency's review process and in accordance with the Governor's order, the Albany County Sheriff's Office has drafted a preliminary plan to continue successful strategies and methods while improving others to meet current societal and community needs. These improvements are based upon the principles of procedural justice and seek to employ evidence based policing strategies where they are not already in use. This preliminary draft plan has been compiled following a review of agency policy, practices and strategies along with discussions with agency working group members and community stakeholders. The agency working group consists of civilian support staff, deputies, supervisors, investigators, and command staff who initiated the review process and then met with the community stakeholders. Each stakeholder was selected to represent their communities based upon their specific qualifications and their positions within

designated community groups as required by the Governor's order. The community stakeholders were as follows: Albany County District Attorney David Soares; Albany County Public Defender Hon. Stephen Herrick; Assistant Professor of Law and Director of the Government Law Center at Albany Law School Ava Ayers; Albany County Legislators Victoria Plotsky (District 38 Clarksville), Christopher Smith (District 39 Berne), and George Langdon IV (District 37 Selkirk); Westerlo Town Councilwoman Amie Burnside; Rensselaerville Democratic Party Leader Herbert Joseph; local faith leaders and representatives Pastor David Trayhnam of the Sweet Pilgrim Baptist Church in Albany and Karol Harlow resident of the Town of Berne and member of the Baha'i Faith; community based non-profit group leaders Jamil Hood of Hoods House of Hoops in Albany, Richard Harris of 100 Black Men based in Albany, and Stephanie Lao of Catholic Charities; and local community representatives Dr. Brian Bailey, Ed.D. Superintendent of Schools for the Ravena Coeymans Selkirk School District and resident of the Town of Knox, Lisa DeGroff of the Town of Coeymans, and Aaron Kelsey the Public Affairs Officer for Lafarge Holcim in Ravena.

Although this agency ensured that it met all the requirements of the Executive Order, it also extended its community collaboration efforts beyond that which was strictly set forth in the order. The Sheriff and members of the agency working group worked with other community and legislative partners in addition to the aforementioned formal group of Executive Order 203 Stakeholders and developed new relationships through this collaboration. Among these other efforts were participation in a community forum held by our stakeholder, Pastor David Trayhnam, and assisting the Honorable Wanda Willingham in hosting a community panel to address the rise in area gun violence as well as other community matters in and around the City of Albany. These forums included other area law enforcement partners; the District Attorney; County and local legislators; and community, neighborhood, and religious leaders in an effort to engage with as many people as are safely and practically possible given the restraints imposed by the current public health emergency. Further input was then sought directly from the community itself through a community survey. The combined information and insights gathered were used to draft a plan which was then offered for public comment on the agency's public website. Members of the community were encouraged to submit their constructive comments relative to the plan to this agency for consideration at contactsheriff@albanycounty.com. After consideration of the community input, this final plan for

agency reform and reinvention is being submitted to the Albany County Legislature for adoption as a County Resolution by April 1, 2021 pursuant to the Governor's executive order.

Please be advised that the Albany County Sheriff's Office currently intends to institute the following plan to pursue improvements to agency policy and practices to meet the current concerns of the community. While recognizing the broader concerns being voiced throughout our nation at this time, the primary focus is currently on how to best address those concerns brought forth by the communities directly policed by this agency as well as those we encounter in adjoining municipalities within the county. Beyond that, the Sheriff's Office prides itself on being a forward thinking agency and will do its best to keep pace with the evolving societal concerns both locally and nationally and provide the best public service to our residents. A formal summary report documenting the review process itself is also being drafted and the Sheriff's Office remains committed to accepting and considering public input and engaging in collaborative efforts in the future. This plan is being submitted at this time to meet the requirements and timeline set forth in the Governor's Executive Order 203 as well as the demands of the County Legislature's calendar and legislative process. It does not mean the end of this agency's efforts to work with the community, but simply serves as a formal response to the Governor's Executive Order and a useful foundation upon which to build future partnerships and growth.

1) As a New York State accredited police agency since 2003, the Albany County Sheriff's Office complies with or exceeds all standards established by the New York State Law Enforcement Accreditation Program. This includes a formal review of agency policies once a year by unit commanders as well as on going reviews and updates by the Office of Professional Standards as needed throughout the year. Additionally, both training and legal updates are issued as they are issued by the New York State Division of Criminal Justice Services, the state's Municipal Police Training Counsel, and the New York State Sheriff's Association. Accordingly, the Albany County Sheriff's Office commits to remaining a New York State Accredited Agency and continuing its efforts to exceed those standards whenever possible. Moreover, reviews of policy and practice, including working in collaboration with community partners, shall continue in the future as they did prior to the Governor's executive order.

2) Among the numerous policy updates made over the past year or so, both before and after the Governor's Executive Order 203, was the agency use of force policy. This policy was updated several times in 2019 and 2020 in accordance with state legislative reforms, accreditation program requirements, and Municipal Police Training Council model policies. Updates included such things as expanded definitions and formally defining in writing topics like objective reasonableness and steps for determining the same, use of force against restrained subjects, responsibilities of members who witness excessive force, strictly prohibiting chokeholds, expanded reporting requirements, and requiring the documentation and reasonable administering of aid to those complaining of injury or mental health emergencies. Most of these topics were already covered by agency training and practice, but they are now formally part of written agency policy. Chokeholds for instance were already not utilized or part of agency training nor permitted outside of instances where deadly force was already authorized. These updates now formally made such practice part of written policy. Similarly, use of force incidents were already reported and injuries documented by agency reports and the incidents reviewed as standard procedure by the Office of Professional Standards. Expanded reporting requirements established by New York State for data collection and analysis have now been implemented as part of the ongoing statewide reforms. The Sheriff's Office affirms its dedication to maintaining or exceeding the state's standards for policy and training relative to the use of force by members.

3) The Albany County Sheriff's Office recognizes the desire for accountability and dedication to maintaining trust with all groups which make up the communities which we serve. The agency is also aware of the need to continually reinforce a positive perception of the agency and its members, reinforce existing community bonds and forge new relationships to maintain confidence in the agency. In addition to maintaining state accreditation and exceeding standards where possible, the Sheriff's Office has taken measures to boost confidence and accountability. The Sheriff instituted a Body Worn Camera Program for both the Corrections Division and the Law Enforcement Division in 2019 which was paid for through grants obtained by this agency. These devices are compatible with and

supplement the in car dash cameras used by this agency for many years. As a part of his continued dedication to fostering trust in his agency, the Sheriff expanded this program in 2020 to include members assigned to the agency's Emergency Response Team, Criminal Investigations Unit, and outside agency task forces. Policy was amended to establish new guidelines for when these members will be required to wear a body worn camera including during arrests and warrant executions. The agency also established a new Discovery Unit to expand the former Records Unit to enable fast and efficient release of information as required by the new Discovery Law reforms instituted by New York State.

4) The current agency mission statement will be updated to formally reflect its established recognition that principled policing practices and training are a core belief and a guiding principle. This agency remains committed to engaging the communities which it polices and working in partnership with them to identify and address their specific needs. It also recognizes their desire for accountability as well as innovative support for community needs independent of the primary police function, such as mental health and substance abuse support, re-entry and counseling services, and alternatives to enforcement and incarceration. Although many of these topics are primarily under the purview of the courts or legislative sectors of our government, this agency is committed to addressing them and innovating where applicable. Several examples of this are the Medically Assisted treatment program at our correctional facility in an effort to address the opioid crisis and reduce recidivism by ensuring unimpeded access to treatment and recovery. The Sheriff's Homeless Improvement Program (SHIP) also seeks to ease re-entry by providing shelter, counseling, advice, and training after release as well as for those members of the community for whom a traditional shelter is not a proper fit. This program has proven a success thus far and not only seeks to remove obstacles, but provide benefits which will hopefully ultimately reduce recidivism rates, support our communities, and reinforce a positive image for this agency and thereby garner trust. Two programs currently being developed are Albany County Crisis Officials Responding and Diverting (ACCORD) and the Sheriff's Mental Health Assessment Response Team (SMART) which seek to improve access to mental health services by partnering with emergency medical services and social

workers. Applicable calls will be identified by emergency dispatchers at the time of the call and if safe, the aforementioned non-police assets will be dispatched to handle the matter and render aid.

5) The Albany County Sheriff's Office has a standard policy based system for receiving complaints or concerns about members from both within and without the agency. Complaints can be received in various ways including through a special email established to allow community members to voice concerns to the Sheriff. Additionally, the agency website contains a description and contact number for the Office of Professional Standards which oversees the internal affairs process for the Sheriff's Office. Although many matters may be addressed and corrected by means of non-disciplinary counseling, others require formal disciplinary steps. The County endorses a system of progressive discipline to address deviations from policy which can range from formal reprimands to termination in accordance with policy, collective bargaining agreements, and the totality of circumstances related to the specific incident. The Albany County Sheriff's Office recognizes the need to project a positive, accountable, and respectful image to strengthen legitimacy and garner trust and confidence amongst those it serves and protects. Moreover, it is recognized that this must be demonstrated and practiced by all levels of the agency in order to be successful and set an example for all members.

6) The Albany County Sheriff's Office will explore possible updates to the current records management and reporting systems to enable greater demographic data collection and analysis capabilities. This may provide greater data for comparison and analysis which could assist in making policy and deployment decisions in keeping with evidence based policing. Such updates will be pursued as deemed effective and feasible.

7) The Albany County Sheriff's Office recognizes that each community has unique concerns, as do many of the groups and neighborhoods of which they are made. Accordingly, all efforts will be made to base decisions on pertinent research rather than just standard, generalized "industry wide" practices. Furthermore, decisions will be re-evaluated after a time to ensure that they are truly effective for our communities. Current reviews and assessments will be expanded as needed to accomplish this goal.

8) The Albany County Sheriff's Office has a standard system, defined by policy, by which it monitors employee performance and addresses any issues or concerns. This includes a robust training system, digital training tracking software, remedial training as needed, and non-disciplinary counseling to address corrective actions if necessary. Current performance evaluations for line staff conducted annually and after gaining new assignments shall be continued in accordance with agency policy and New York State Law Enforcement Accreditation Program standards. The course of instruction for new recruits includes a period of field training prior to graduation which includes daily observation reports and a final successful completion of the training program. The potential for expanding or improving the monitoring of members' performance and progress in keeping with an evidence based policing model will be explored. This is intended to ensure that members are performing their duties in keeping with the principles of this agency, meeting the needs of their communities, and to address minor performance issues before they become problematic.

9) The Albany County Sheriff's Office renews its commitment to pursuing innovative training methods tailored towards the needs of its members and the communities it serves. Such work is exemplified by the establishment in 2019 of the Sheriff's Public Safety Training Institute. This allowed for greater input and control of the training process for new deputy sheriffs while still meeting all New York State Department of Criminal Justice Services standards for newly certified police officers. Not only are recruits now better prepared to serve and protect their communities upon graduation, but they are imbued with the principles of procedural justice from the first day of training. Among other subjects, implicit bias, cultural diversity, crisis intervention, wrongful convictions and de-escalation training shall continue to be taught and updated as necessary. New York State Department of Criminal Justice Services instructors will continue to be utilized for use of force training to ensure that recruits are instructed in accordance with the latest state standards. Although they may change over time, outside partners such as the Albany Law School, the Legal Project, County Department of Health, and Offices of the Public Defender and

District Attorney will continue to be engaged to instruct recruits to provide an array of perspectives beyond just those of law enforcement professionals.

10) Efforts will be made to increase the availability and frequency of already regular in-service training. These efforts will stress repetitive reality based training scenarios and de-escalation techniques which seek to continually reinforce the proper techniques and create a proper mindset for members. New techniques and technology such as the recently acquired MILO training simulator will be used, and upgraded over time if possible, to provide the most realistic yet safe environment in which members can learn. Such technology can also serve as a means of identifying problems or weaknesses that may lead to issues in the future and enable them to be addressed before they manifest in real life scenarios. Information reviewed during the course of this process has also demonstrated the greater effectiveness of repetitive training and regular performance monitoring to create cultural changes in law enforcement agencies and forming a new mindset for modern policing.

11) The Albany County Sheriff's Office will continue to provide community programs and support services. This agency's Community Resource Unit and School Resource Officers will continue their community engagement efforts backed by the newly created Bias Crimes Unit. These recently reassigned investigators will pursue bias crimes and matters involving discrimination alongside the other agency investigative units including the Office of Professional Standards and the Criminal Investigations Unit. The bias crimes investigators will also proactively engage the community, as well as specific groups therein, to remain abreast of the specific and ever evolving concerns in each. Moreover, this agency will also continue to support and assist community based programs and initiatives that arise and develop outside of this agency. This will not only serve to provide further support to the community and reinforce confidence, but also strengthen existing relationships and help forge new ones. One such new relationship was with Jamil Hood and his community center which he hopes to help not only youth through sports and educational support, but also senior members of the community. He and other community leaders engaged through forums like Jamel Muhammad President of Promise Youth in

Development, LLC were able to reinforce the need for collaboration with community liaisons who can reach those who do not trust or otherwise wish to engage directly with law enforcement or those outside of their specific community. These liaisons not only serve as positive role models, but provide examples of success by those who faced the same adversities and environment growing up.

Adopted by unanimous vote – 3/8/21

State of New York
County of Albany

This is to certify that I, the undersigned, Clerk of the Albany County Legislature, have compared the foregoing copy of the resolution and/or local law with the original resolution and/or local law now on file in the office, and which was passed by the Legislature of said County on the 8th day of March, 2021, a majority of all members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and/or local law and the whole thereof.

IN WITNESS THEREOF, I have hereunto set my hand and the official seal of the County Legislature this 9th day of March, 2021..

Clerk, Albany County Legislature