## APPENDIX B

## 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, Jay May, as the Chief Executive of The Village of Arcade (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.

Jay May

**Name**

**Signature**

Mayor

**Title**

3-16-2021

**Date**

**ADOPT 203 POLICE REFORM AND REINVENTION COLLABORATIVE PLAN POLICY AS PRESENTED**

Motion by Trustee Roll and seconded by Trustee Rule to accept the following resolution:

WHEREAS, Governor Andrew M. Cuomo issued Executive Order No. 203 on June 12, 2020, requiring all local governments to adopt a Police Reform and Reinvention Collaborative Plan ("plan") by April 1, 2021; and

WHEREAS, as part of the plan, local governments were required to perform a comprehensive review of current police force deployments, strategies, policies, procedures and practices in order to develop a plan improving the same; and

WHEREAS, the Village of Arcade, in conjunction with the Wyoming County Sheriff's Office, and the Village of Warsaw, entered a collaborative effort to move through a county-wide process to enact police reform plans; and

WHEREAS, stakeholders worked on the plan for and offered a draft form at Village of Arcade Board of Trustees meeting on February 23, 2021 and at the Village of Arcade Board of Trustee Meeting and Public Hearing on March 16, 2021 and offered the plan for public comment to all citizens in the Village of Arcade, with said comments being considered prior to finalizing the plan.

NOW THEREFORE, BE IT RESOLVED, the Village of Arcade Board of Trustees hereby adopts the Village of Arcade Police Reform and Reinvention Collaborative Plan as presented at the public hearing on March 16, 2021; and be it further

RESOLVED, the Mayor of the Village of Arcade, is hereby directed to certify the plan pursuant to Executive Order No. 203 issued by Governor Andrew M. Cuomo on June 12, 2020; and be it further

RESOLVED, a certified copy of this resolution shall be provided to the Village of Arcade Chief of Police.

The motion was passed upon the following vote:

| **VOTE** | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Mayor Jay May | X | Yes | | No | | Abstain | | Absent |
| Trustee Andy Koerner | X | Yes | | No | | Abstain | | Absent |
| Trustee Elwyn Roll | X | Yes | | No | | Abstain | | Absent |
| Trustee Ken Rule | X | Yes | | No | | Abstain | | Absent |
| Trustee Donna Schiener | X | Yes | | No | | Abstain | | Absent |
| | | | | | | | | |
| **VOTE TOTAL:** | 5 | Yes | 0 | No | 0 | Abstain | 0 | Absent |
| **RESULTS** | **X** | **PASS** | | | | **FAIL** | | |

STATE OF NEW YORK)
COUNTY OF WYOMING) SS:
VILLAGE OF ARCADE)

I, Jennifer Kraft, Clerk/Treasurer of the Village of Arcade, Wyoming County, State of New York, do hereby certify that I have compared the foregoing copy of resolution or motion with the original resolution or motion now on file in the office and which was passed by the Village of Arcade Board of Trustees on March 16, 2021 a majority of all the members elected to the Board voted in favor thereof, and that the same is correct and true of such original resolution or motion and of the whole thereof.

SEAL

In witness whereof, I have hereunto set my hand and affixed the official seal of the Village of Arcade on March 17, 2021.

Jennifer Kraft

Village of Arcade Clerk/Treasurer

# VILLAGE OF ARCADE, NY

# POLICE-COMMUNITY COLLABORATIVE

# EXECUTIVE ORDER 203 COMPLIANCE REPORT

# MARCH 2021

## I. LEGISLATIVE CONTEXT

On June 12, 2020, New York State Governor Andrew Cuomo signed Executive Order 203, in response to nationwide concerns regarding police conduct and the relationship between the Police and the communities they serve. The order outlines an approach for a community-driven review of police policies, procedures, and other elements of community interaction with the department.

## II. PLAN INTENT

This plan is intended to both meet the spirit of the Executive Order, and to provide for a framework for future improvements to policies, procedures and community engagement of the Arcade Police Department.

## III. PLANNING PROCESS

The Executive Order generally provides for a planning process to support this effort, which is driven by a community-based committee. On January 21, 2021, Chief of Police Matthew Krist (Arcade Police Dept.), Sheriff Gregory Rudolph (Wyoming County Sheriffs Dept.), and Chief of Police Peter Hoffmeister (Warsaw Police Dept.) appointed a steering committee to manage this effort, including:

1. Susan May, Chairwoman of the Wyoming County Board of Supervisors Public Safety Committee (Elected Sector)
2. Joe Robinson, Mayor- Village of Warsaw (Elected Sector)
3. Becky Ryan, Chairwoman of the Wyoming County Board of Supervisors (Elected Sector)
4. David Granger, Supervisor and member of the Wyoming County Board of Supervisors Public Safety Committee (Elected Sector)
5. Peter Hoffmeister, Village of Warsaw Police Chief (LE Sector)
6. Don O'Geen, Wyoming County District Attorney (DA & Elected Sector)
7. Norm Effman, Wyoming County Public Defender (PD Sector)
8. Matt Wilkins, Warsaw Central School District Superintendent (School Sector)
9. Dan Walczak (Veteran & Community Sector)
10. Kelly Dryja, Wyoming County Director of Community Services (Mental & Community Health Director)
11. Rosemary Shader, Director of Wyoming County Community Action (Community Sector)
12. Pastor Chris Lonneville, Family Life Church (Faith Based Sector)
13. Winston Platt, President of the Jail Chaplaincy Committee (Faith Based Sector)
14. Dave Linder, Wyoming County Sheriff's Office Undersheriff (LE Sector)
15. Greg Rudolph, Wyoming County Sheriff (LE & Elected Sector)
16. Matthew Krist, Village of Arcade Police Chief (LE Sector)
17. Jay May, Mayor- Village of Arcade (Elected Sector)
18. Josh Bower, Minister- Arcade United Church of Christ (Faith Based Sector)
19. Elwyn Roll, Trustee- Village of Arcade & Retired Teacher (Elected Sector)

The Committee collaborated throughout the months of February and March of 2021, and a public forum was held at the Village of Arcade Boardroom on March 16, 2021. On that same date the draft plan was presented to the Village of Arcade Board for adoption. The Village of Arcade Board reviewed the policies recommended by the Executive Order, the input from the Community-based committee, and the public forum.

## IV. DATA OVERVIEW

The Committee charges the Chief of Police with developing data surrounding demographics of the Village of Arcade community, as well as statistics on arrests and use of force. It was determined that the Committee should review three complete years of data, as well as any substantial data developed in 2020.

Population 2019 - **2,071**

Encompass's - **2.65 Sq miles**

| ***Race*** | ***Percentage*** |
|---|---|
| White | 97% |
| Black | < 1% |
| Hispanic | 1% |
| American Indian | < 1% |
| Asian | < 1% |
| Other | < 1% |

# Village of Arcade Police

**Adult Arrests 2017 - 2020**

| Year | Arrests | White | Black | Hispanic | Female | Male | Traffic Tickets | Mental Health Arrests |
|---|---|---|---|---|---|---|---|---|
| 2017 | 283 | 274 | 9 | 0 | 114 | 169 | 1341 | 8 |
| 2018 | 442 | 426 | 16 | 1 | 148 | 294 | 1593 | 5 |
| 2019 | 337 | 331 | 6 | 1 | 114 | 223 | 1240 | 5 |
| 2020 | 248 | 237 | 11 | 1 | 88 | 160 | 962 | 5 |

The committee recognized that the black population for the Village of Arcade is less than one percent of the population. The amount of black individuals arrested over the past 4 years has an overall average of less than 3% arrest rate per year. Chief Matthew Krist explained that in the past four years no black individual arrested was a resident of Arcade. Of the arrest of black individuals, most were due to traffic related contacts, such as speeding etc.

## ARCADE POLICE DEPARTMENT use of force 2017-2020

| | 2017 | 2018 | 2019 | 2020 |
|---|---|---|---|---|
| Hands on | 3 | 2 | 2 | 0 |
| Taser Deployed | 1 | 0 | 1 | 0 |
| Gun Pointed | 0 | 0 | 1 | 1 |
| Gun discharged | 0 | 0 | 0 | 0 |
| OC Spray | 0 | 0 | 0 | 0 |
| Baton used | 0 | 0 | 0 | 0 |

**Note: All use of force cases were against white individuals**

The committee felt that there were no issues to address in reference to use of force. Uses of force incidents are far less than 1% occurrence in relationship to arrest numbers.

## V. POLICY REVIEW

The executive Order charges the community with a review of certain police policies. The Village of Arcade Police Department contracts with Lexipol Policy Management System, which provides for regular updates of policy changes with federal and state legislation, as well as best practice management. This ensures that the department's policy manual is in alignment with these critical issues.

The following policy areas were reviewed.

### USE OF FORCE

**What it is**: includes use of any tool or weapon designed to gain compliance over a suspect or detainee.

**Executive Order Intent**: Departments should have a regularly reviewed policy, with recurring training, review of data, and investigation of anomalies.

**Village of Arcade PD status**: Village of Arcade Police Department Officers are subject to a policy based upon national and state validated best practices. Officers are trained twice per year with firearms and annually for article 35 (use of deadly physical force).

## PROCEDURAL JUSTICE

**What it is**: Procedural justice includes the conditions with which the department interacts with the community, and how these interactions shape the perceptions of the department.

**Executive Order intent**: Committee to evaluate whether practices and procedures foster dignity and respect, give individuals a voice, demonstrate neutrality, and convey trustworthy motives.

**Village of Arcade PD status**: The department mission statement is centered on fair treatment for all. This is reinforced with officers, who also receive training at hire on proper conduct.

## IMPLICIT BIAS

**What it is**: Policies or processes that deter intentional or implied negative impacts disproportionably on certain populations.

**Executive Order intent**: Evaluate policies, processes for their ability to detect and remediate bias-driven impacts.

**Village of Arcade PD status**: The Village has a policy based upon national and state validated best practices. Officers receive training on systemic and implicit bias at hire and will complete Bias training annually.

## DE-ESCALATION

**What it is**: Practices or actions in a potentially violent situation that can resolve the issue without force or injury.

**Executive Order intent**: Identify policies, practices, procedures, training, etc. that contribute to de-escalation techniques.

**Village of Arcade PD status**: The Department use of force policy has specific direction relative to de-escalation. The policy is validated by national and state validated best practice, and officers receive training twice per year.

## LAW ENFORCEMENT ASSISTED DIVERSION/RESTORATIVE JUSTICE

**What it is**: programs seeking to offer initial alternative to incarceration

**Executive Order Intent**: Identify and evaluate measures taken that will reduce or delay arrest, incarceration, etc.

**Village of Arcade PD status**: The department engages regularly with County managed diversion programs (Youth Court, Drug Court, Domestic Violence Court, Etc.)

## COMMUNITY OUTREACH

**What it is**: Programs and services designed to create positive relationship between the Police and the community. This department currently is involved with various community programs such as, stuff the cop car (Warsaw Walmart), Boy's club K-4 Arcade Elementary, Bike Rally, Fire and Police days at the elementary school, Torch run (LE supporting education), and Character "Cops".

**Executive Order Intent**: Identify programs and services designed to engage with high risk populations to deter future criminal activity.

**Village of Arcade PD status**: The Department has a policy on community engagement, which is based on the national and state validated best practices.

## HOT SPOTS POLICING

**What is it**: Leveraging data on criminal activity to prevent future crime

**Executive Order intent**: Identify programs, services, and practices that encourage use of data to develop policing practices.

**Village of Arcade PD Status**: The department has not traditionally used data to drive its patrol operations, due to size of department, scale of community, etc. However, management does use intelligence and trend information to direct patrols when needed.

## FOCUSED DETERRENCE

**What is it**: Using partnership in the community to engage directly with known groups of people at high risk of criminal activity or recidivism

**Executive Order Intent**: Identify programs, policies, or practices where focused deterrence can or should be used.

**Village of Arcade PD status**: The department has not engaged in formal deterrence programs due to the scale of the community and lack of specific criminal activity.

## CRIME PREVENTION THROUGH ENVIROMENTAL DESIGN

**What it is**: The development of design standards for public or private property that may deter criminal activity.

**Executive Order Intent**: Evaluate the community use of such standards, determine PD's role in supporting such measures.

**Village of Arcade PD status**: The department has not engaged in this concept.

## VIOLENCE PREVENTION INTERVENTION

**What is it**: Programs designed to identify community conditions whereby violence is engendered and engage specifically in these areas of concern.

**Executive Order Intent**: Identify existing or potential opportunities to engage in intervention tactics.

**Village of Arcade PD status**: Due to the very low numbers relative to violence, and the scale of the community, the department has not engaged in this concept.

# VI. RECOMMENDATIONS

The committee has provided several recommendations for review and consideration by the Village of Arcade Board of Trustees. Those include:

1: **Enhanced training**

With the addition of several new mandatory trainings and the current list of numerous annual trainings, the challenge will be finding the way to complete the trainings with the current budget or a slightly enhanced budget.

The department has already been able to obtain on-line trainings though Lexipol and the Employee Assistance Program. Using these on-line trainings will reduce the cost on the Village for overtime pay and the cost to have an in person trainer.

The Village Board should continue to enhance investment in training for officers.

2. **Mental Health Considerations**

With the number of mental health incidents on the rise and that the fact that the majority of use of force incidents the department has involves individuals having a mental health crisis, it is important that the department relies on additional support and tools available in our community.

The department has been working with several agencies (Mobile Integration Team, Restore sexual assault and domestic violence, Veteran's 24 hour hotline, Spectrum etc.).

The Village Board should continue to enhance the training of the officers where it pertains to individuals in crisis.

3. **Accreditation program / Police Policy Manual / Continued Review**

With the always evolving changes and updates to laws, Police policies and operating procedures, it is imperative for the administration of the department to stay abreast of the changes.

The addition of the Police Policy Manual from Lexipol will assist the department with updated law changes, police policies and current trainings. Lexipol will also assist with the goal of the Village of Arcade Police Department to becoming an accredited agency within the next two years.

The Village Board should continue to fund the Lexipol program and agree to review data and policy implications, and make recommendations to the Chief of Police.

4. **Department Hiring Process**

The current hiring process was completed by the Chief of Police with the final approval by the Village board. The formal interview was completed by the Chief of Police and the Sergeant. The background investigation was completed by the Chief of Police. No psychological exam was completed.

It is agreed to by the Village Board and the Chief of Police that the new policy for hiring Police Officers will include the police committee being involved in the interview process and that a psychological exam will be completed by all new hires. The Village board understands that adding the psychological exam will add some financial cost to the hiring process.

5. **Officers Wellness / Mental Health**

The physical and mental health of all the Officers of the Village of Arcade Police Department must be a priority for the administration and Village Board. Officers are asked to place themselves in dangerous and mentally exhausting situations daily. The addition of the employee assistance program will assist officers with confidential support.