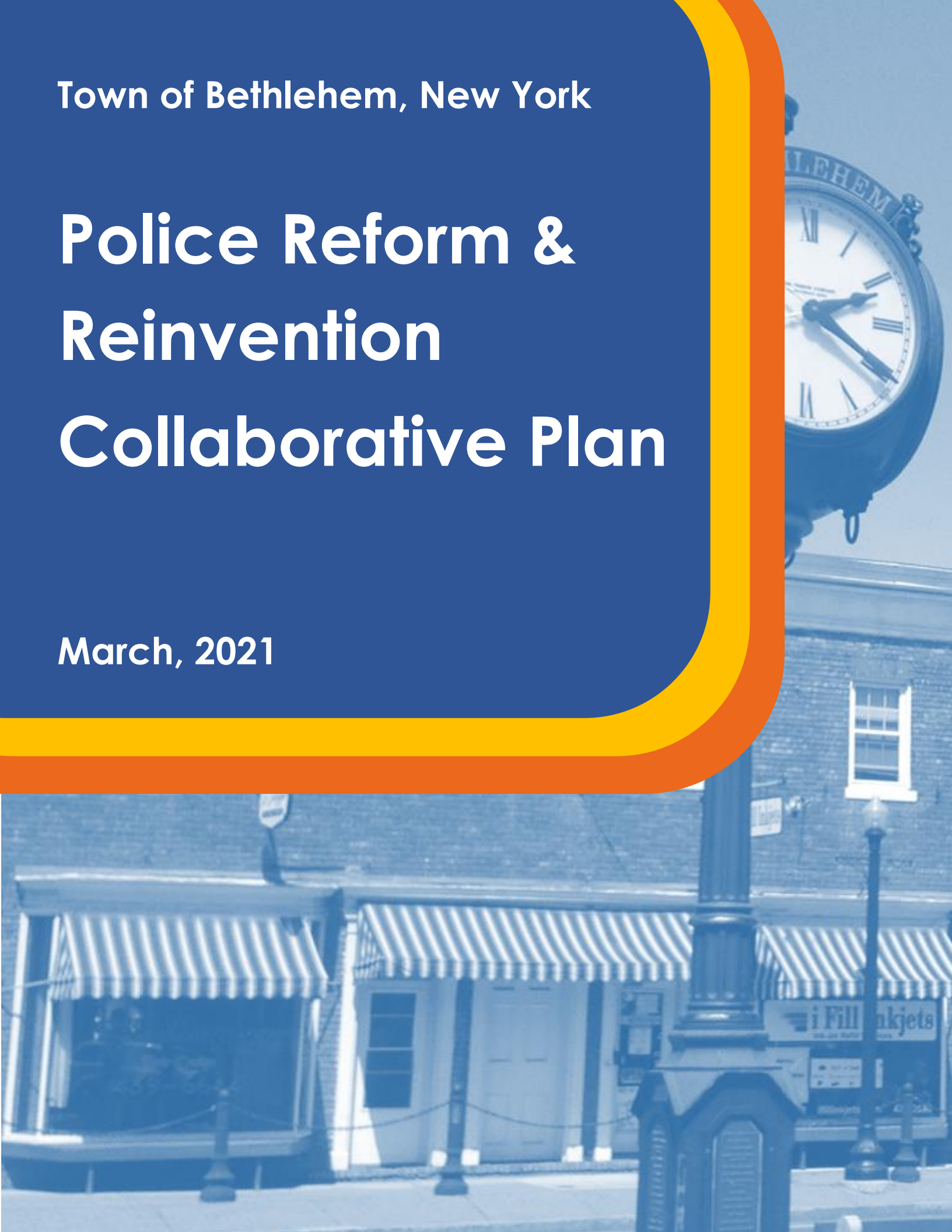


Town of Bethlehem, New York

# Police Reform & Reinvention Collaborative Plan

March, 2021



# ACKNOWLEDGEMENTS

This plan is the collaborative product of Bethlehem's community who came together with the common purpose of addressing systemic racism and making our community more fair, just, and equitable.

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The many Bethlehem community members who shared concerns, questions, ideas, and recommendations



The Bethlehem Town Board adopted this plan by resolution on March 24, 2021 and transmitted it to the Director of the State Division of the Budget on March 25, 2021 in accordance with Executive Order #203.

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# EXECUTIVE SUMMARY

On June 8, 2020, more than 1,500 Bethlehem community members demonstrated against racism and police brutality. The vigil began with 8 minutes 46 seconds of silence – the length of time a Minneapolis police officer knelt on the neck of George Floyd, brutally killing him – and continued with a march through the streets of Delmar.

Four days later, Governor Andrew Cuomo issued an Executive Order that all municipalities with police departments undertake comprehensive Police Reform & Reinvention Collaborative processes. The purpose of each Collaborative was to foster trust, fairness, and legitimacy between police departments and the communities they serve, and to address any racial bias and disproportionate policing of communities of color. The Executive Order set a deadline of April 1, 2021 for local adoption of police reform plans.

While the following pages are intended to meet that planning deadline, they are by no means the completion of the effort to address the challenges identified within them. Black lives matter in Bethlehem – in our government, our schools, and our community – and we are committed to achieving greater justice, equity, and fairness in Bethlehem, not just in words, but in actions.

## Who is the Bethlehem Police Department?

Bethlehem's police officers are part of our community. They are our neighbors. Their children are in classrooms beside our own. Their families work in local businesses. They coach teams, volunteer as fire fighters, and so much more.

As of March, 2021, the Bethlehem Police Department had 36 sworn officers, five of whom were Black, Latino, or multi-racial, and five of whom were female. The Chief of Police, newly promoted in August, 2020, is the first female, openly gay Police Chief in Bethlehem's history, and just the 8<sup>th</sup> female Police Chief currently serving out of more than 500 police departments across the State of New York.

The Bethlehem Police Department today is very different from twenty years ago. The warrior mentality is gone, replaced gradually over the years by a more service-oriented approach that emphasizes community service and respect.

Bethlehem has a police department because we need it. Serious crime does occur here, and many people do not realize that until they are impacted. Our Police Department is here to address not only criminal activity, but also to serve those in personal crises.

## Community Interactions & Transparency

The experiences that each community member has had in their personal and professional lives, in addition to what they've seen in the media, likely have greater effects on their perceptions of our Police Department than actual interactions with our officers. As such, community members may view our police officers with fear and distrust regardless of the actions of our police officers as individuals or together as a department. This perception may or may not be fair – no one wants to be grouped in with people who do terrible things – but it is real and it needs to be treated seriously.

It is vital for our officers to be trained to recognize the roots of trauma when interacting with community members. For some, the distrust may manifest as unease because of something that they recently saw in the news. For others, the mere presence of an officer can be a connection to past personal trauma and cause extreme anxiety that makes any interactions more difficult for both the community member and the officer.

Fostering trust and legitimacy are fundamental tenets of the Police Reform & Reinvention Collaborative. Relationships between communities and agencies are, like all relationships, fundamentally about relationships between people. Ultimately, it often all comes down to personal connections.

Through the Collaborative process, we have recognized problems of the past, acknowledged shortcomings of the present, and set a clear path for re-imagining law enforcement. It is the obligation of our Police Department to not only ensure that all community members *are* safe, but also to work with the community to make sure all members *feel* safe, and that all people are treated with dignity and respect.

## **Traffic Enforcement**

The purpose of traffic enforcement in Bethlehem is ensuring our roads are safe for drivers, cyclists, and pedestrians alike. Traffic enforcement is focused on areas that have the highest crash rates. These tend to be State roads which have heavier traffic volumes and higher speed limits, particularly Rte 9W, River Rd, and Delaware Ave.

Looking at the number of tickets given to alleged violators by race, a clear disparity appears when one compares it to the demographics of the Town of Bethlehem. According to the U.S. Census Bureau, Bethlehem residents from 2012-2017 were 91% white, 2% Black, 4% Asian, and 1% Other (rounding errors result in the total being less than 100%). When tickets were issued from 2015-2019, 69% were issued to alleged violators who were white and 24% to alleged violators who were Black, Hispanic, Asian, or other.

This is a ticketing pattern that needs to be delved into more deeply, as there are several potential explanations for it. One key challenge in assessing these statistics is that while our Police Department has tracked the number of traffic-related stops that are made each year, they have not tracked the number of stops that have resulted in tickets. Instead, they have tracked the number of traffic tickets issued. This is different from the number of stops, because one stop can result in several tickets being issued.

## **Use of Force**

Over the five years between 2015 and 2019, Use of Force incidents were extremely rare. Of the 16,000 incidents that typically involved interactions with community members each year, on average only 16 escalated to Use of Force incidents annually from 2015-2019. This means that 99.9% of police interactions with community members did not involve Use of Force.

## **Mental Health**

Mental health calls can be some of the most unpredictable calls to which our police officers respond, and can involve risks and challenges that are very different from other calls. Many



mental health calls come from mental health facilities, medical offices, and psychological services (such as crisis counselors and suicide hotlines) with callers asking for police officers to arrive *before* mental health professionals to ensure the scene is safe for everyone. Our police officers are usually able to handle mental health calls without criminal arrests because most are personal health crises, not criminal emergencies.

The department's emphasis on communicating and connecting are particularly important in cases involving mental health emergencies. As a small town, our police officers have frequently had past interactions with community members experiencing mental health challenges, and as such often know involved community members by name and are known to them. This allows our officers to verbally connect more quickly with community members when they are in distress, and to help them get the support services they need safely, respectfully, and without arrests being made.

### **School Resource Officers**

Students from the Town of Bethlehem attend school in three school districts: Guilderland Central, Bethlehem Central, and Ravena-Coeymans-Selkirk (RCS). Clear goals have not been established for SROs in the Bethlehem Central School District, what needs the program is trying to fill, who the program is really serving, and whether or not our Police Department is best suited to achieve the stated goals.

The presence of SROs and DARE instructors from our Police Department in Bethlehem Central schools is determined by the school district. Decisions about whether or not they are there, what services they provide, whether or not they wear sidearms, and their professional training would be made by the Bethlehem Central School District administration and Board of Education.

### **Public Complaints & Accountability**

Police officers in Guilderland and Saratoga Springs currently wear body cameras, while officers in Bethlehem, Niskayuna, and Rotterdam currently do not. Bethlehem's police unions support body cameras, as does the Chief of Police if the community is willing to accept the costs. If the town decides to pursue the use of body cameras, the success of the technology will depend on how it is used. Since there are clear instances where police interactions should not be recorded (e.g., conversations with confidential informants, undercover officers, child victims), the efficacy and ultimately the ability of this tool to inspire public confidence relies on police officers turning their cameras on and off appropriately.

Public complaints typically involve patrol officers, which is to be expected given that they are usually first on the scene of conflicts, are responsible for managing tense situations, and have the most frequent interactions with our community. While our Police Department's Command staff has a good recollection about the types of issues public concerns were typically about, our Police Department's method for filing complaints has been inconsistent over the years. *Our Police Department feels this is a serious problem that needs to be addressed.*

## Reform & Reinvention Opportunities

The following recommendations are a summary of more detailed recommendations presented throughout this plan.

- Create a community board that would help to ensure transparency and accountability of our Police Department.
- Gather more focused data on traffic enforcement and other police activities to help better identify patterns and the causal factors behind them.
- Update the Use of Force Policy to further emphasize the importance of de-escalation.
- Expand opportunities for our police officers to have social workers and mental health specialists available for mental health calls.
- Establish clear goals for School Resource Officers and the DARE program that relate to school and community needs, and ensure that the existence and/or participation of an SRO is aligned closely to the needs and goals of the program.
- Add sections relating to Anti-Discrimination (other than in hiring practices) and to social media to the Code of Ethics so it applies to all Town employees, including police officers.
- Consider the implementation of a body camera program with clear policies on camera use, data retention, and data sharing.
- Create multiple avenues for community members to share complaints, and involve non-Police Department individuals, such as a Town Board member or community members, in reviews of Use of Force incidents and other formal complaints against officers.
- Expand the training curriculum to include training in practices around implicit bias and trauma-informed policing, and work with training providers to integrate de-escalation, effective verbal and non-verbal communication, social interaction skills, ethics, and professionalism into all training curricula.

# INTRODUCTION & VISION

## Introduction (by David VanLuven)

Following the events of the summer of 2020, first with the killing of George Floyd and followed by the protests in Bethlehem and throughout the country, Governor Cuomo mandated that each Police Department in New York State undertake a comprehensive Police Reform & Reinvention Collaborative process.

In Bethlehem, the process for creating this plan has been rigorous. It began with the promotion of Gina Cocchiara to replace the previous Police Chief who in 2009 was disciplined for using a racial slur. The process for hiring Chief Cocchiara was intensive and thorough, spanning several months and involving extensive input from many residents at demonstrations, on social media, and in conversations by email, phone, and in person. This process also benefited from insights from outside law enforcement professionals on department cultures and community relations.

This promotion was an important part of the Collaborative process because Chief Cocchiara took leadership of our Police Department with an ambitious vision for modernizing its culture. Even before the Advisory Committee was formed, the Town Supervisor and Town Board, through the hiring of Chief Gina Cocchiara, aimed to create a greater focus on community policing and forge stronger bonds between our police officers and the community they protect and serve.

In September, 2020, the Town Supervisor and Town Board passed a strong resolution supporting Black lives with all but one Town Board Member voting in favor of it (see Appendix 1) and appointed an Advisory Committee to help guide the Collaborative effort. The Committee's two key roles were to (a) ensure that the process was transparent and effectively gathered community experiences and knowledge; and (b) ensure the process identified and addressed patterns of racial bias and disproportionate policing of communities of color.

The 19-member Advisory Committee was composed of residents with a wide range of experiences and perspectives, and a common commitment to working with our Police Department to address challenges and support its strengths. A list of Advisory Committee members and their bios is included in Appendix 2.

From October, 2020 through March, 2021, the Advisory Committee met 10 times with meetings focused on different topics: process and purpose, transparency, traffic enforcement, Use of Force, School Resource Officers, and Opportunities for Reform & Reinvention. Community members were able to participate in the first five meetings during a Public Comment period at the end of each, and also in five community forums. All meetings were broadcast live, and all meetings were recorded with links for each on the Town website. Committee members also formed five subcommittees to delve more deeply into specific issues (see Appendix 5).

## Community Members

Early in the Collaborative process, the Advisory Committee discussed who beyond our Police Department should be considered in the plan. As systemic racism and inherent bias affect everyone in Bethlehem, the Committee concluded that the experiences and concerns of everyone,

whether they were residents or visitors to the town, were important and relevant. Throughout this plan, therefore, the term “community member” means everyone in Bethlehem, inclusive of residents, visitors, shoppers, employees and business owners, and people just passing through.

### **Plan Format & Content**

The content and organization of this plan is largely based on the questions and issues raised in the [NYS Reform & Reinvention Collaborative resource guide](#), with an emphasis on issues raised by community members. To prepare this plan, we worked through about 100 questions raised in the Guide grouped largely around the issues of our Police Department’s current roles, policies and practices, culture, personnel, training, and officer wellbeing.

There are two keys to this plan being useful. First, it should clearly identify challenges that need to be addressed. Second, it should identify potential actions that can overcome those challenges. While this is simple in concept, plans often drift from these keys to identify solutions that are not connected to specific issues needing attention, and to flag issues without noting potential actions for addressing them. This plan, therefore, is structured around key issue areas, with **Reform & Reinvention Opportunities** noted at the end of each section that are specifically connected to the issues.

### **Implementation**

More important than the content of a plan like this is implementation of the opportunities identified within it. This plan was created with extensive opportunity for community involvement and with the full participation and support of our Police Department and Town Board. Bethlehem therefore has commitment from the community, commitment by the Town’s elected officials, and commitment from our Police Department to implement the plan’s recommendations. Beyond that, we must regularly review progress on the plan together, identify what is and is not working, and adapt our strategies accordingly.

While the following pages are intended to meet the April 1, 2021 deadline established by Governor Cuomo, they are by no means the completion of the effort to address the challenges identified within them. Black lives matter in Bethlehem – in our government, our schools, and our community – and we are committed to achieving greater justice, equity, and fairness in Bethlehem, not just in words, but in actions.

### **My Vision for the Bethlehem Police Department (by Chief Gina Cocchiara)**

In August, 2020, Gina Cocchiara was promoted to Police Chief with an ambitious vision for our Police Department, one that looked to build on lessons learned from the past, to make the department more fair and effective, and to better connect with the community the department serves. Her vision is presented below.

“The Bethlehem Police Department today is very different from the one I joined as a young officer in 1998. The warrior mentality is gone, replaced gradually over the years by a more service-oriented approach that emphasizes community service and respect.

Bethlehem has a Police Department because we need it. Serious crime does occur here, and many people do not realize that until they are impacted. Your Police Department serves as a line of safety and service. We are here to address not only criminal activity, but also serve

those in personal crises. We serve the community in many different ways. The number of calls we receive every day for assistance not only indicates the need for police officers, but also the willingness of people to allow us to help.

When I became Chief of Police last summer, my first action was to open the door both literally and metaphorically. My office door is literally open to my officers because I need to be there to hear their ideas and concerns, to provide insights and guidance, and to lead as a part of the team.

In order to foster trust and strengthen community relationships, I want people to see what we do and how we do it. Our department must change to become more transparent so people can know us better and see us as part of the community, not a government body separate from it. We also need to change to be more accountable to the community in order to build trust and show that we are not only stating strong values, we are living them.

Respect and dignity are fundamental values in our Police Department. We are very selective about who we hire because we want officers who are driven by a desire to help and protect people, not a need to exercise power. We want guardians, not warriors. Over the years we have done this very successfully, as demonstrated by our extremely low Use of Force rates and low complaint numbers.

Female officers today are welcomed and valued in our department – something I didn't feel was extended to me when I first joined the department. Today, no one is left out or treated differently due to their gender, sexual orientation, or race, and all are welcomed equally.

My officers and I have actively participated in the Collaborative process because we share its goals. We are dismayed when police professionals across the nation abuse their authority, make racist statements, or use force unjustifiably against the people they serve. And we are hurt when our community members see these situations, then look at us and assume that we do this too. We do not.

Through the Collaborative process, we are recognizing problems of the past, acknowledging shortcomings of the present, and paving a new way of thinking to re-imagine law enforcement. These include the following.

- We acknowledge that systemic racism is pervasive in our society and is no stranger to law enforcement. Here in Bethlehem, we understand that previous Bethlehem Police administrations utilized misguided methods and practices that negatively impacted some of our residents, some people of color, and some visiting our community from less affluent circumstances. Under the leadership of previous administrations, our Police Department deployed an enthusiastic approach to community and traffic safety through aggressive traffic enforcement initiatives. Though effective in keeping roadways safer by reducing accidents, our Police Department now realizes that this enforcement may have negatively affected people from less affluent circumstances, some of whom were people of color. In acknowledging this outcome, we will strive to deploy traffic enforcement initiatives that do a better job of balancing the needs of public safety with the imperative of reducing disproportionate negative effects on those from less affluent circumstances

and people of color. This is one way that we are redefining our Police Department's culture.

- In the past, our Police Department has responded to calls asking us to check on community members walking in a neighborhood or business district because of their perceived race. In some cases, we failed to understand the impact of these calls and our responses on the affected individuals. Our Police Department will work to redefine our procedures and not respond when callers cannot articulate a reason for us to check on a person other than their race or skin color. More training will also be introduced for our dispatchers and police officers to help them better understand the needs of all within our community.
- Our Police Department will actively seek and offer implicit bias, de-escalation, and defensive tactics training, and will continue to modernize our training programs. We fully support ongoing education that will help us provide a more progressive law enforcement experience for all community members.
- Our Police Department supports the mandatory use of officer-worn body cameras to provide fuller transparency about our interactions with community members. That said, this project still needs further research for purchasing and implementation, particularly the additional personnel required to manage it, before the Town can fund it.
- Our Police Department will work to enhance our police activity and statistics through new data sets, analyze and publish this activity on our social media pages, and work to modernize our Police Department's web page on the Town's website.
- We will work to create a more effective public portal for discreet communications, complaints, and comments. These communications will be previewed and filtered, possibly through a Town Board liaison or another separate, non-police reviewer, prior to being forwarded to my office for review and investigation. This will work alongside the standing procedure for online reporting forms already updated through the Collaborative process.

The actions noted above are just the beginning, but they are a beginning that I believe will help put our community on a path to becoming more fair, just, and equitable.

The first reaction of most people in a crisis is to call 911, and we will always be there for you. We'll be there for you if you're a victim of a crime, affected by a domestic dispute, involved in a motor vehicle accident, and for any other crisis where we can provide comfort and service. We are a part of this community in our professional and personal lives. I am so excited for all of our community to get to know us better, to work with us to institute needed changes, and to support the good work we do. We are here to serve, and my door is always open."



# BACKGROUND

## A Brief History of the Bethlehem Police Department (by Susan Leath)

Law and order has been a source of concern for Bethlehem residents since the town's organization in 1794. That year six constables were elected at the annual meeting: John J. Van Derheyden, Milan Warner, Elisha Wyncoop, Hugh McKnab, Den Dimmick, and Claus Karkner. Constables, like modern day police officers, were charged with keeping the peace and maintaining public order.

By the early 1900s, the Town Board was appointing constables, one of whom, in 1924, was David R. Main. Main served until his death in 1949 becoming well known for patrolling the Four Corners on foot with his white bulldog at his side. His cases were frequently mentioned in the newspapers, from rounding up lost heifers in South Bethlehem to dealing with an aggressive "cat burglar" who was breaking into homes in Delmar, Elsmere, and beyond. He described that criminal as the meanest burglar he had ever had to contend with. Missing persons, peeping toms, and fire investigations are all mentioned.

In 1941, the town transitioned from a constabulary to a formal Police Department, with Main appointed the first chief. Also transitioning over were constables, now patrolmen, C. Arthur Blodgett and John A. Hotaling. A police department of three was deemed sufficient by the Town Board for the growing suburbs of Delmar, Elsmere, and Slingerlands, and the more rural Glenmont, South Bethlehem, and Selkirk. Officers worked closely with the New York State Police on keeping the proverbial peace. The Bethlehem Police Department has gone on to grow and professionalize. It became one of the first to be accredited by the New York State Law Enforcement Accreditation Program in 1990, a recognition that is still in place today.

Bethlehem residents' concern for law and order was also realized in two different mutual aid organizations: the Bethlehem Conscript Society and the Bethlehem Mutual Protective Association.

The Bethlehem Conscript Society was organized in 1874 to pursue and recover horses and wagons stolen from members. The Society met for at least 20 years as evidenced by their August 31, 1895 annual meeting announced in the *Coeyman's Herald*. Such banding together for the mutual aid was not that unusual in rural, upstate New York.

The Bethlehem Mutual Protective Association was incorporated in 1909 with the express purpose of guarding against theft, trespass, and malicious mischief. At the beginning there were

This brief history relates readily available historical information about Bethlehem's Police Department.

It does not delve into potential connections to slave patrols, disproportionate policing of communities of color in town, or the underground railroad in Bethlehem. The Collaborative timeline is just too short for that level of research. Hopefully, interested community members will be inspired to research these important issues further and help us better understand our community's past.

several hundred members, most of whom were farmers, from Coeymans, Bethlehem, and New Scotland. A snippet in the October 28, 1910 *Altamont Enterprise* sums up why someone would join the group. “Mr. Van Wie was unfortunate in having his horse stolen last Wednesday night, but had the good fortune to recover the horse and outfit after considerable trouble and expense. He contemplates joining the Bethlehem Mutual Protective Association.”

The group pursued offenders both big and small, sometimes offering rewards, like the \$50 offered in 1911 for information leading to the arrest and conviction of the parties who stole the chickens from John Patterson, Glenmont, or the \$50 offered in 1914 for the person who stole the horse from the pasture of Elisha Stoff. They were active in the apprehension of Chicken Charlie, Charles Rathke, an unrepentant chick stealer. 1917 brought a rash of “automobile parties with motor cars, cycles, and hunters making raids upon orchards and gardens and helping themselves to fruits and vegetables.” Drugstore robberies and blanket thefts are also mentioned in the papers.

### **A Brief Overview of the History of Policing in the United States (by Dr. Roxanne Booth)**

Policing is defined as “the maintenance of law and order by a police force.”<sup>1 2</sup> In the 1830s, the first publicly funded and supported police force in the United States was in Boston, MA.<sup>3</sup> By the 1890s, every major city in the United States had a police force. However, prior to the publicly funded and supported professional police forces, watch guards, militias, and community watch patrols carried out the semblance of law and order.<sup>4</sup>

As early as the 1790s, southern cities like Charleston, SC created watch guards to primarily control the movement of the enslaved population. In Charleston, the enslaved population outnumbered the white population 3 to 1 and the whites were terrified about the possibility of uprisings and revolts by the enslaved.<sup>5</sup> The Watch Guards made sure that the enslaved population was being monitored

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<sup>1</sup> Because this section has so many references, the formatting for citations is different from the rest of the plan.

<sup>2</sup> Oxford Dictionary via Google. Definition of policing. Retrieved from:  
<https://www.lexico.com/en/definition/policing>

<sup>3</sup> Time. [Olivia B. Waxman](#). May 18, 2017. How the U.S. Got Its Police Force. Retrieved from:  
<https://time.com/4779112/police-history-origins/>

<sup>4</sup> Potter, G. June 25, 2013. Eastern Kentucky University. Police Studies Online. [The history of policing in the United States](#), <https://plsonline.eku.edu/insidelook/history-policing-united-states-part-1>

<sup>5</sup> PBS. Resource Bank. People & Events: Conditions of antebellum slavery 1830 – 1860. Retrieved from  
<https://www.pbs.org/wgbh/aia/part4/4p2956.html>



and controlled.<sup>6</sup> The Watch Guards patrolled the movements of the enslaved and by 1850, under the Fugitive Slave Act,<sup>7 8</sup> became bounty hunters locating what were called “runaways.”

During Reconstruction (1865-1877) and Jim Crow segregation (1878 -1965), police forces reinforced the practices of the Watch Guards in both the North and the South primarily controlling and monitoring the movements of African Americans.<sup>9</sup> The Civil Rights era ushered in extensive policing of African American communities.<sup>10</sup> During this time, many police forces were infiltrated by and recruited members of the Ku Klux Klan.<sup>11</sup>

The Civil Rights Era brought new attention to police brutality, especially across the South. Police forces in these places used aggressive dispersion tactics, such as police dogs and fire hoses, against individuals in peaceful protests and sit-ins. Following the assassination of Rev. Dr. Martin Luther King, Jr. in 1968, riots erupted in many cities throughout the United States, often resulting in violent clashes with the police.<sup>12 13</sup> These widely publicized examples of

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<sup>6</sup> NPR. June 13, 2020. The History Of Policing And Race In The U.S. Are Deeply Intertwined.

<https://www.npr.org/2020/06/13/876628302/the-history-of-policing-and-race-in-the-u-s-are-deeply-intertwined>

<sup>7</sup> Scott J. Basinger, Regulating Slavery: Deck-Stacking and Credible Commitment in the Fugitive Slave Act of 1850, *The Journal of Law, Economics, and Organization*, Volume 19, Issue 2, October 2003, Pages 307–342, <https://doi.org/10.1093/jleo/ewg013>; retrieved from <https://academic.oup.com/jleo/article-abstract/19/2/307/857258>

<sup>8</sup> Bass, S. (2001). Policing Space, Policing Race: Social Control Imperatives and Police Discretionary Decisions. *Social Justice*, 28(1 (83)), 156-176. Retrieved February 15, 2021, from <http://www.jstor.org/stable/29768062>; retrieved from <https://www.jstor.org/stable/29768062?seq=1>

<sup>9</sup> Robinson MA. Black Bodies on the Ground: Policing Disparities in the African American Community—An Analysis of Newsprint From January 1, 2015, Through December 31, 2015. *Journal of Black Studies*. 2017;48(6):551-571. doi:[10.1177/0021934717702134](https://doi.org/10.1177/0021934717702134). Retrieved from: <https://journals.sagepub.com/doi/full/10.1177/0021934717702134#articleCitationDownloadContainer>

<sup>10</sup> Stanford University. [The Martin Luther King, Jr. Research and Education Institute](https://kinginstitute.stanford.edu/encyclopedia/birmingham-campaign). Birmingham Campaign. Retrieved from: <https://kinginstitute.stanford.edu/encyclopedia/birmingham-campaign>

<sup>11</sup> Brennan Center for Justice. New York University Law School. Michael German. August 27, 2020. Hidden in Plain Sight: Racism, White Supremacy, and Far-Right Militancy in Law Enforcement. Retrieved from: <https://www.brennancenter.org/our-work/research-reports/hidden-plain-sight-racism-white-supremacy-and-far-right-militancy-law>

<sup>12</sup> The Washington Post. July 18, 2016. What happened in Chicago in 1968 and why is everyone talking about it now? Retrieved from: <https://www.washingtonpost.com/news/arts-and-entertainment/wp/2016/07/18/what-happened-in-chicago-in-1968-and-why-is-everyone-talking-about-it-now/>

<sup>13</sup> The Guardian. [David Taylor](https://www.theguardian.com/us-news/ng-interactive/2018/aug/19/the-whole-world-is-watching-chicago-police-riot-vietnam-war-regan) and [Sam Morris](https://www.theguardian.com/us-news/ng-interactive/2018/aug/19/the-whole-world-is-watching-chicago-police-riot-vietnam-war-regan). August 19, 2018. The whole world is watching: How the 1968 Chicago 'police riot' shocked America and divided the nation. Retrieved from: <https://www.theguardian.com/us-news/ng-interactive/2018/aug/19/the-whole-world-is-watching-chicago-police-riot-vietnam-war-regan>

police brutality along with pervasive violent policing in communities of color fostered growing distrust at a local, everyday level between communities of color and the police.<sup>14 15 16</sup>

By the 1990s, policing was militarized through the purchase of US Defense Department weaponry to be used at the local level. The 1033 Program was instituted in 1997 under the Clinton administration to bolster the police forces' ability to fight the war on drugs.<sup>17</sup> In 2014, the program was spotlighted by the militarized police response to Black Lives Matters protest in Ferguson, MO, following the police shooting of Michael Brown.<sup>18</sup> The Obama administration placed some restrictions of the types of items that could be transferred to police departments. However, these restrictions were lifted by the Trump administration in 2017.<sup>19 20</sup>

Policing today can be summarized in this excerpt from the 2015 New York University Law Review article "[Democratic Policing](#)" by Barry Friedman which analyzes the problem of the "democratic vacuum" in American policing, and argues for greater public involvement in police rulemaking:

"Policing agencies are authorized by breathtakingly broad delegations of power, and there is virtually no process that ensures democratic input into the means by which they go about their tasks. As a result, policing suffers from a failure of democratic accountability, of policy rationality, of transparency, and of oversight that would never be tolerated for any other agency of executive government. It is this democracy deficit that drives the need for policy reform. ... Rather than attempting to regulate policing primarily post hoc through episodic exclusion motions or the occasional action for money damages, policing policies and practices should be governed through transparent democratic processes such as legislative authorization and public rulemaking."

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<sup>14</sup> Smithsonian. [Katie Nodjimbadem](#) July 27, 2017 | UPDATED: May 29, 2020. The Long, Painful History of Police Brutality in the U.S. Retrieved from: <https://www.smithsonianmag.com/smithsonian-institution/long-painful-history-police-brutality-in-the-us-180964098/>

<sup>15</sup> Stanford University. [The Martin Luther King, Jr. Research and Education Institute](#). Birmingham Campaign. Retrieved from: <https://kinginstitute.stanford.edu/encyclopedia/birmingham-campaign>

<sup>16</sup> PBS. The Birmingham Campaign. 2019. Retrieved from: <http://www.pbs.org/black-culture/explore/civil-rights-movement-birmingham-campaign/>

<sup>17</sup> Steven M. Radil, Raymond J. Dezzani & Lanny D. McAden (2017) Geographies of U.S. Police Militarization and the Role of the 1033 Program, *The Professional Geographer*, 69:2, 203-213, DOI: [10.1080/00330124.2016.1212666](https://doi.org/10.1080/00330124.2016.1212666). Retrieved from <https://www.tandfonline.com/doi/full/10.1080/00330124.2016.1212666>

<sup>18</sup> Delehanty C, Mewhirter J, Welch R, Wilks J. Militarization and police violence: The case of the 1033 program. April 2017. *Research & Politics*. doi:[10.1177/2053168017712885](https://doi.org/10.1177/2053168017712885). Retrieved from: <https://journals.sagepub.com/doi/full/10.1177/2053168017712885>

<sup>19</sup> United States Department of Defense's Defense Logistics Agency. 1033 Program FAQs. <https://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/ProgramFAQs.aspx#q10>

<sup>20</sup> NBC News. Pete Williams and Julia Ainsley. August 28, 2017. Trump Reverses Obama Policy on Surplus Military Gear for Police. Retrieved from: <https://www.nbcnews.com/politics/donald-trump/trump-reverses-obama-policy-surplus-military-gear-police-n796581>

## Policing Mindsets & Procedural Justice (by Katie Yezzi)

### *Warrior Vs. Guardian Mindset*

One of the key dynamics currently playing out in the culture of police forces across our country today is that of the “Warrior vs. Guardian” mindset.

The warrior mindset is characterized by a focus on survival in the most demanding circumstances, a hypervigilance while in any situation, fear of possible violence, and a potential militarizing of the police force. It has been noted that while there are specific trainings or situations for which a warrior mindset would be necessary, in some police departments, this has become the broad mindset applied to their work in general. When applied broadly, this approach warns officers to see potential danger in each interaction and to worry about surviving each day. This approach drives a wedge between police and the community, with police seeking to maintain a safe distance from the communities in which they work. This shift in police culture has led to a lack of trust from the citizens they are seeking to serve (Florida State University. ["Data-driven evidence on warrior vs. guardian policing."](#) ScienceDaily, 26 February 2019).

By contrast, the guardian mindset places service above all other functions. This mindset places less focus on crime-fighting and more on protecting the whole community. In his 2015 Harvard Law Review Forum article entitled, [“Law Enforcement’s ‘Warrior’ Problem,”](#) Seth Stoughton explains that the guardian mindset,

“...instructs officers that their interactions with community members must be more than legally justified, they must also be empowering, fair, respectful, and considerate. The guardian mindset emphasizes communication over commands, cooperation over compliance, and legitimacy over authority. And in the use-of-force context, the Guardian emphasizes patience and restraint over control, stability over action.”

Police departments that build a culture around the guardian mindset focus on building relationships with those they serve and interact with each day.

### *Service Style Policing*

Another useful framework for consideration are the styles of policing first identified by James Q. Wilson (1968, *Varieties of Police Behavior*. Harvard University Press) and subsequently studied by William Muir. By style, this refers to the approach, thought processes, and techniques that a police agency takes. The styles commonly taught in Criminal Justice classes include the watchman style, legalistic style, and service style.

The style that Wilson emphasizes the most is a service style of policing. Service style “focuses primarily on service to the community and the citizens.” In their 2005 *Police Quarterly* article entitled [“Policing Styles and Organizational Priorities: Retesting Wilson’s Theory of Local Political Culture,”](#) Kimberly D. Hassell and Jihong “Solomon” Zhao describe service style policing as,

The police departments with a service orientation emphasize community residents’ satisfaction as a major organizational goal. Accordingly, police officers

take all requests for both law enforcement and order maintenance seriously. Crimes such as burglaries and robberies take precedence over minor infractions of the law, and “arrests are avoided when possible but there will be frequent use of informal nonarrest sanctions” (Wilson, 1968, p. 201). A good public relationship with the community and responsiveness to community needs are the major concerns of all ranks.

### **Procedural Justice**

Procedural justice is a concept at the center of rebuilding and maintaining trust with the community, of fulfilling the ideals of community policing, and of moving towards a guardian mindset. Leading voices in law enforcement reform, Sue Rahr and Stephen K. Rice, state,

“The research tells us that, despite three decades of falling crime rates – and improved training, technology and tactics – public trust in the police has not improved. Instead, empirical assessments of trust and confidence in the police have remained generally unchanged in recent years. It turns out that people do not care as much about crime rates as they do about how they are treated by the police. This phenomenon, known in academic circles as procedural justice, is regularly practiced and understood by effective and respected beat officers. The public knows it when they see it.” (Rahr, Sue and Stephen K. Rice. [From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals](#). *New Perspectives in Policing*. Executive Session on Policing and Public Safety. April 2015.)

Procedural justice is explained through four central principles, laid out by the [Task Force on 21st Century Policing](#) (p. 24) and included in the [NYS Reform & Reinvention Collaborative Resource Guide](#):

- 1) Treating individuals with dignity and respect;
- 2) Giving individuals a voice during law enforcement interactions;
- 3) Practicing neutrality and transparency in decision making; and
- 4) Conveying trustworthy motives.

When individuals are treated in just ways by law enforcement, it increases their trust in police and investment in the laws of the community, even if the outcome is not in their favor. As stated in the NYS Reform & Reinvention Collaborative Resource Guide, when procedural justice is used, “The community, in turn, is more likely to follow the law because it has trust in the criminal justice process and feels that it shares common values with law enforcement” (pp.10-11).

## A Trauma-Informed Approach to Policing (By Jaye Holly)

The experience of trauma has serious implications both on police officers and on the public they are sworn to serve and protect. According to the [Centers for Disease Control](#),

“an event, or series of events, that causes moderate to severe stress reactions, is called a traumatic event. Traumatic events are characterized by a sense of horror, helplessness, serious injury, or the threat of serious injury or death.”

Symptoms of trauma can include poor concentration, lack of focus, intrusive thoughts, emotional dysregulation, detachment from others, irritability, increased aggression, and self-destructive behaviors, to name just a few. Untreated trauma, whether from one’s personal life or through on-the-job exposure, can contribute to escalation of dangerous events. Even the most well trained and experienced officers can succumb to the impacts of trauma.

As noted in a previous section, there is a trauma history between communities of color and the police. Racism is deeply embedded in the fabric of American society, and our systems and institutions are a reflection of that history. According to the [National Law Enforcement Museum](#), what we know as the police force of today in America has direct lineage to slave catching patrols of the pre-Civil War era. Even the oaths that officers take when joining the force mimic some oaths that were taken by slave catchers “...to discharge the trust reposed in me as the law directs, to the best of my power.” This sheds light on the fraught relationship between police and communities of color. From the very founding of our country, law enforcement has often not been there to protect or serve people of color, but to be weaponized against them. Names of infamous police officers like Bull Connor and Derrick Chauvin stand out in our collective memories, but the experiences of so many people of color, in particular Black men, in their interactions with police have been so traumatizing that there is little trust of police in many communities. Where there is no trust, there is little opportunity for collaboration and police need collaboration from community members in order to do their jobs effectively. Abuses of power and abject racism nationally have left deep wounds in community relations locally which will continue to fester until the necessary work is done to heal them.

Police officers regularly interact with members of the public who may have experienced trauma. The [CDC-Kaiser Permanente Adverse Childhood Experiences \(ACE\) Study](#) was the first to demonstrate how widespread the experiences of childhood trauma are, with more than 2/3 of adults indicating they had experienced trauma as a child. There is also a strong correlation between those childhood experiences and mental and physical health outcomes in adults. The CDC has continued to study this through the [Behavior Risk Factor Surveillance System](#), finding that 61% of respondents have experienced at least one ACE, while one in six respondents have experienced at least four ACEs. ACEs are correlated with many conditions and behaviors that make it likely that individuals will come into contact with police, including substance use, fighting, intimate partner violence, mental health crises, heart disease, and depression/suicidality.

It is important to note that not only are people who have experienced multiple or complex trauma likely to find themselves in contact with the police, the situations which have garnered police presence are likely to be traumatizing events. Therefore, for many people, the mere presence of the police is a connection to trauma.

Additionally, those who work in professions in which they are repeatedly exposed to the trauma of others, such as police officers, are vulnerable to vicarious trauma. Vicarious trauma has a cumulative effect which builds over time, significantly altering one's world view. In other words, it changes who they perceive themselves to be and how they perceive the world around them. Trauma therefore is not only a vital consideration for police officers interacting with community members, it can be a vital factor in how police officers view themselves and the work they do. An excellent [introduction to vicarious trauma for law enforcement](#) was prepared by Northeastern University's Institute on Urban Health Research & Practice in collaboration with the Center for Violence Prevention & Recovery at the Beth Israel Deaconess Medical Center and the International Association of Chiefs of Police.

# OVERVIEW OF THE BETHLEHEM POLICE DEPARTMENT

Bethlehem's police officers are part of our community. They are our neighbors. Their children are in classrooms beside our own. Their families work in local businesses. They coach teams, volunteer as fire fighters, and so much more.

## Department Structure

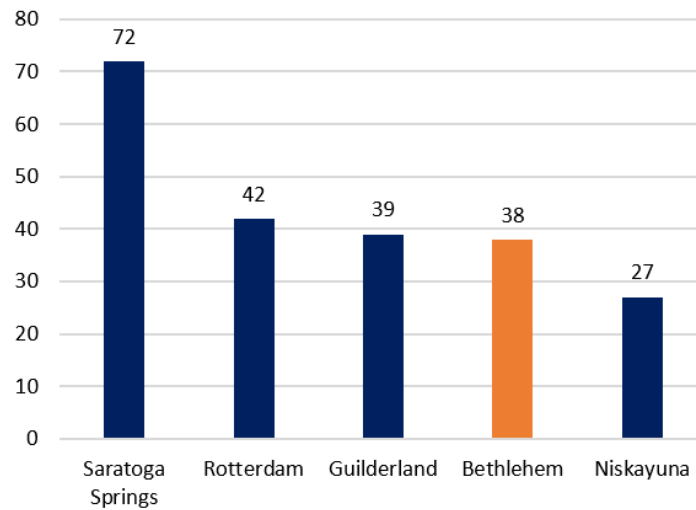
The Bethlehem Police Department is structured around three divisions: Patrol, Special Services, and Headquarters.

- The ***Patrol Division*** consists of uniformed officers who respond to calls for service from the community, patrol neighborhoods, and ensure road safety.
- The ***Special Services Division*** comprises plain-clothes detectives who investigate felony-level criminal complaints (such as sexual assaults, arson, identity theft, burglaries, and narcotics). They also investigate all deaths. The Division's School Resource Officers follow up on most domestic incidents initially handled by Patrol. They also investigate juvenile cases and provide guidance and education in schools. Animal Control responds to calls involving animals in addition to investigating animal cruelty cases with detectives.
- The ***Headquarters Division*** is staffed by Telecommunicators who dispatch officers, emergency medical services, and fire fighters in response to calls for help. It also handles records and all other administrative functions.

These divisions are overseen by the Command staff, and are supported by a small administrative team.

As of December, 2020, our Police Department had 37 sworn officers (see Figure 1). This is consistent with Capital Region municipalities with similar population sizes except for Saratoga Springs, which has roughly twice as many sworn officers despite having a population of 28,212 in 2019 compared to 34,895 in Bethlehem – presumably due to their much larger population of visitors.

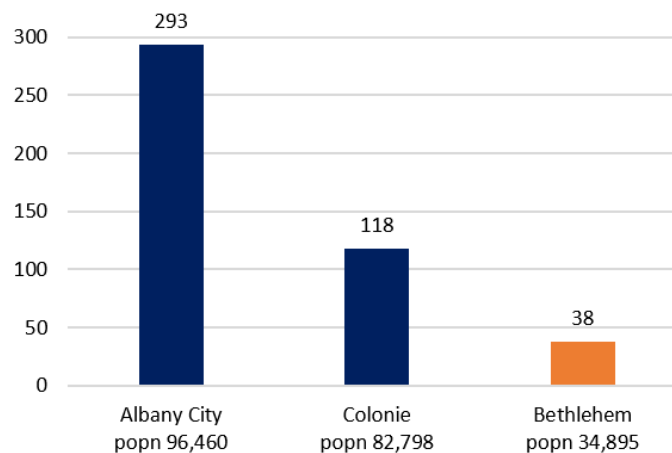




**Figure 1.** Full-time sworn police officers in Capital Region municipalities with similar population sizes to Bethlehem.

*Note.* In 2020, Bethlehem had 37 full-time officers, down one from 38 in 2019, and the 40 budgeted for 2020 prior to the pandemic and associated economic collapse. Data from the [NYS Division of Criminal Justice Services' Law Enforcement Personnel](#) (5/2020).

Our Police Department is sometimes compared to the Town of Colonie's and City of Albany's as adjacent neighbors, but these are poor comparisons (see Figure 2). Colonie is more than twice as large as Bethlehem (with 82,798 residents in 2019) and has more than three times as many officers (with 118 in 2019). The City of Albany is also much larger than Bethlehem (96,460 residents in 2019), is much more demographically diverse, has much greater economic disparities, and has much higher crime rates. These differences are reflected in the Albany Police Department, which with 293 full-time sworn officers in 2019 is not just 8 times larger than Bethlehem's Police Department, it has about 70 more officers than the *entire Bethlehem Town government*.



**Figure 2.** Full-time sworn police officers in Bethlehem in comparison to the Town of Colonie and City of Albany in 2019.

*Note.* Data from the [NYS Division of Criminal Justice Services' Law Enforcement Personnel](#) (5/2020).



With regard to sex and racial identity, as of March, 2021, our Police Department had 36 sworn officers, four of whom were Black, Latino, or multi-racial, and five of whom were female. Diversifying our Police Department has been a major emphasis in recent years. Since 2014, 12 officers were hired, 9 of whom were people of color or women (these numbers are higher than the numbers above because of officer departures). The Chief of Police, newly promoted in August, 2020, is the first female, openly gay Police Chief in Bethlehem's history, and just the 8<sup>th</sup> female Police Chief currently serving out of more than 500 police departments across the State of New York.

In early 2020, the Town Human Resources Department did an informal survey of Police Departments in Colonie, Guilderland, and Rotterdam to compare diversity of sworn officers. That review indicated that our Police Department is more diverse than most: 9 of our 40 (23%) sworn officers were women or people of color, compared to 12 of 114 (11%) in Colonie, 2 of 39 (5%) in Guilderland, and 4 of 39 (10%) in Rotterdam. (Note that the total number of officers in Police Departments varies in the course of a year due to retirements and new hiring, so the total numbers here do not align exactly with those in Figures 1 and 2.)

Bethlehem's police officers come from a variety of locations, including rural towns in the Capital Region, the Bethlehem Central and RCS School Districts, and the South End of Albany. Census data show that these areas are also socioeconomically diverse. This is important because officers sometimes have to go from a call at a million dollar home directly to a residence that barely has running water. A core principle of the department is that every community member, regardless of their socio-economic background, receives the help they need with respect and courtesy. Further, we believe a diversity of officer backgrounds builds greater empathy with the diversity of our residents' circumstances.

Our Police Department continues to actively recruit qualified candidates of diverse backgrounds whenever positions open. One of the major challenges to hiring, however, is that the Town of Bethlehem must follow State Civil Service Law, which restricts the officers we consider to the top three candidates on a Civil Service list that is dictated primarily by a test score, or to candidates who are already sworn police officers. The Town cannot legally violate this law, despite the drawbacks that come with this antiquated system. Although the NYS Reform & Reinvention Collaborative resource guide recommends expanding selection criteria and some written and physical tests, it is State law that prohibits municipalities from doing this.

Each year, our Police Department responds to about 22,000 "incidents." These incidents are typically in response to calls to 911, which include calls for assistance with domestic violence, drug overdoses, emergency medical situations, and theft. They also include calls for help with flooded basements, stuck cars, noisy neighbors, and much more.

These incidents also include self-initiated activities such as stopping a car for a traffic violation or speaking to someone in an unusual place (like behind a closed business at night). These activities can also be positive, such as patrol officers handing out ice cream tickets to children they see wearing bicycle helmets, or chatting with residents they are driving by.

## Accreditation

Police departments that meet high State standards can become “accredited” after a rigorous review by the State Division of Criminal Justice Services. Accreditation is a progressive approach for police departments to evaluate and improve their overall performance by meeting or exceeding defined expectations of professionalism and adherence to State law enforcement standards for:

- Operations (including high-speed pursuits, roadblocks, patrol, and other critical and potentially litigious situations);
- Training (including basic and in-service instruction, training for supervisors, and specialized technical assignments); and
- Administration (including agency organization, fiscal management, personnel practices, and records management).

The importance of accreditation is underscored in the NYS Reform & Reinvention Collaborative Resource Guide. Our Police Department was first accredited in 1990, and was just the fourth department in New York to receive this recognition. It has been re-accredited every 5 years since then, including in 2020.

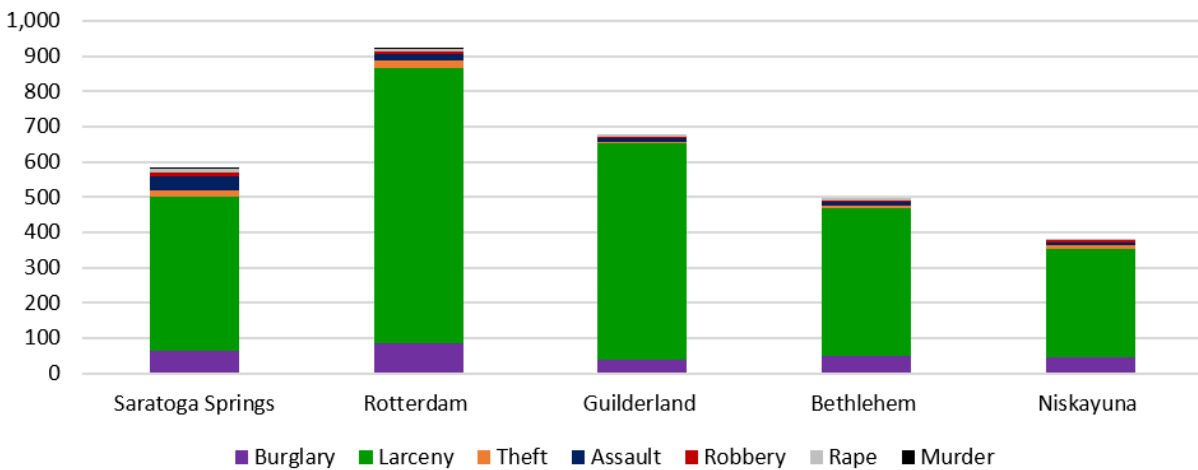
## Crime Rates

All municipalities report annual data to the State Division of Criminal Justice Services on the number of arrests that are made for crimes within their jurisdictions. Crimes are separated into seven categories:

- **Burglary** – entering a building with intent to commit a crime
- **Larceny** – taking or attempting to take another’s property by theft or stealth
- **Theft** – theft or attempted theft of a motor vehicle
- **Robbery** – taking or attempting to take anything of value by force, threat of force, or violence
- **Assault** – injuring someone without legal justification
- **Rape** – engaging in non-consensual sex
- **Murder** – causing the death of another person (includes manslaughter)

Burglary, larceny, and theft are considered to be property crimes. Because they involve physical violence against another person, robbery, assault, rape, and murder are considered to be violent crimes.

The crime rates in Bethlehem, like those in Capital Region municipalities of similar size, tend to be low, but they do occur (see Figure 3).



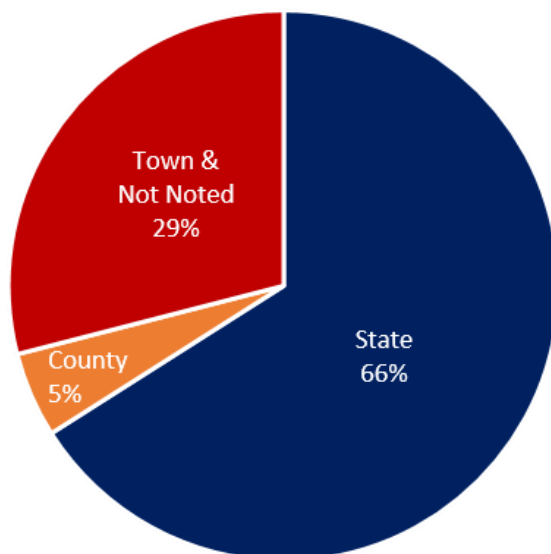
	Saratoga Springs	Rotterdam	Guilderland	Bethlehem	Niskayuna
Burglary	63	84	37	48	44
Larceny	437	784	616	419	310
Theft	19	20	4	8	10
Assault	42	18	9	14	8
Robbery	10	9	4	3	4
Rape	8	5	6	8	3
Murder	0	0	0	0	0

**Figure 3.** Crimes reported 2014-2018 for Capital Region communities of similar size to Bethlehem.  
*Note.* Data from the [NYS Division of Criminal Justice Services' Index of Crimes Reported 2014-2018](#).

## Traffic Enforcement

Traffic enforcement is a major police activity that is not done in response to calls from community members. The purpose of traffic enforcement in Bethlehem is ensuring our roads are safe for drivers, cyclists, and pedestrians alike. Our goal is to use enforcement and education to decrease crashes, deter aggressive driving, and ensure vehicles are in compliance with State and Town traffic laws (e.g., inspections, insurance, registration, etc.). Generating revenues for the Town is NOT a goal.

Traffic enforcement is focused on areas that have the highest crash rates. These tend to be State roads which have heavier traffic volumes and higher speed limits, particularly Rte 9W, River Rd, and Delaware Ave (see Figure 4). Enforcement is also undertaken on other roads throughout town to help keep speeds down and in response to resident complaints about traffic issues (usually speeding).



**Figure 4.** Road types where tickets have been issued by Bethlehem police officers.

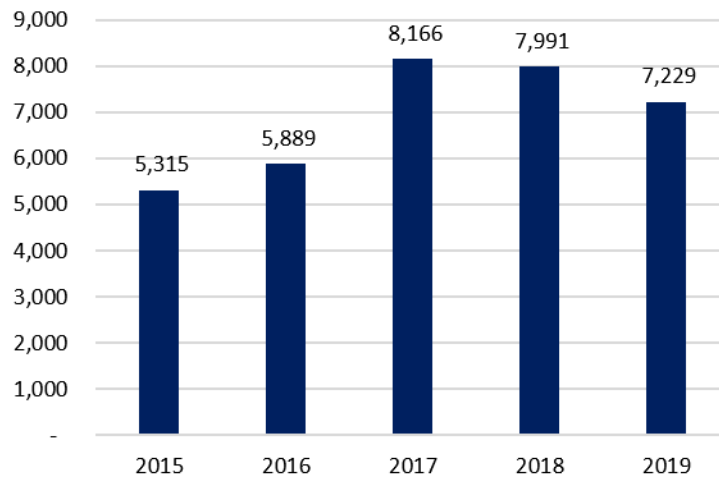
*Note.* Percentages are based on the total number of tickets issued, not the number of stops made, between January, 2015 and October, 2020. Data provided by the Bethlehem Police Department.

Officers currently and historically gathered all data required by the State. For traffic enforcement, these requirements included:

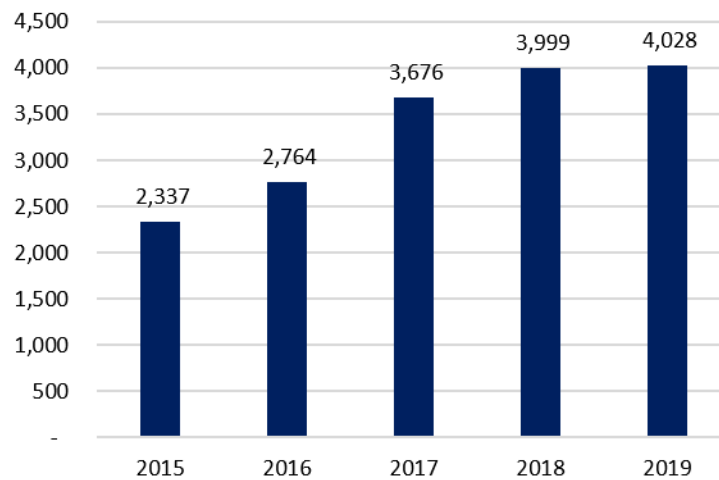
- Location of the stop
- Officer making the traffic stop
- Number of tickets issued and for what violations (multiple tickets are issued when there are multiple violations, which is not uncommon)
- Age of the alleged violator
- Gender of the alleged violator

The race of the alleged violator was only noted when tickets were issued, and even this was inconsistent in the past as it has been an optional rather than a mandatory data field. Further, the determination of race is based on the officer's perception. The computer system does not automatically fill this data category as it does for some other fields, and alleged violators are not asked to self-identify their race. In some cases, officers leave this data category blank.

While our Police Department has tracked the number of traffic-related stops that are made each year (see Figure 5), they have not tracked the number of stops that have resulted in tickets. Instead, they have tracked the number of traffic tickets issued (see Figure 6). This is different from the number of stops, because one stop can result in several tickets being issued.



**Figure 5.** Traffic stops made by the Bethlehem Police Department only, 2015-2019.  
*Note.* Stops made by the State Police and County Sheriff’s Department are not included). Data provided by the Bethlehem Police Department.



**Figure 6.** Tickets issued by the Bethlehem Police Department only, 2015-2019.  
*Note.* Tickets issued by the State Police and County Sheriff’s Department are not included. Data provided by the Bethlehem Police Department.

When initiating traffic stops from their vehicles, patrol officers rarely can tell the race of the driver. During the day, light reflecting off car windows and the darker vehicle interior usually reduces vehicle occupants to silhouettes. At night, headlights usually make it impossible to see the interior of the vehicle at all. As a result, patrol officers usually cannot ascertain the racial identity of the driver until they are standing beside the vehicle.

During a traffic stop, officers are given discretion on whether or not to issue a ticket. Typically, officers consider the following during stops:

- severity of the alleged violation (tickets must be issued for misdemeanors such as lack of insurance, driving with a suspended or revoked license, and driving while intoxicated)
- demeanor of alleged violator
- explanation given by alleged violator

- whether the Town is participating in a statewide zero-tolerance event organized by the Governor’s Traffic Safety Committee

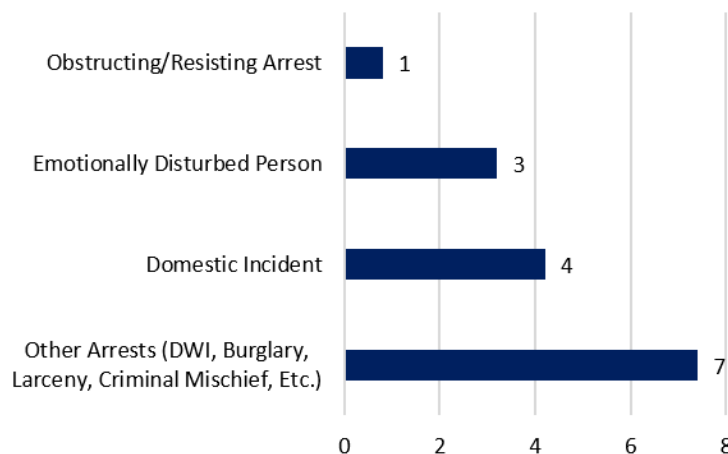
## Automatic License Plate Readers

Automatic license plate readers mounted on some Bethlehem patrol cars scan license plates and feed the numbers into a computerized system to identify misdemeanor- and felony-level offenses such as stolen vehicles, stolen plates, wanted suspects, and suspended registrations. They also provide information during Amber Alerts (for missing children) and Silver Alerts (for missing vulnerable people). Our Police Department uses the readers to help identify stolen vehicles, flag vehicles with suspended registrations, and apprehend suspects wanted for court-issued warrants.

## Use of Force Statistics 2015-2019

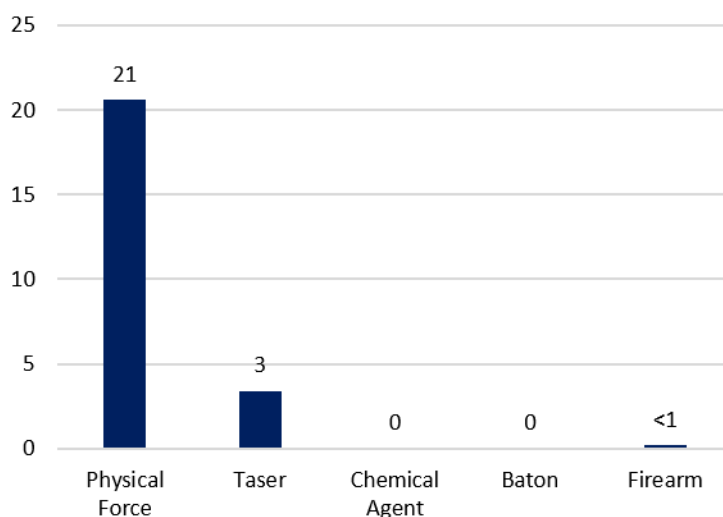
Over the 5 years between 2015 and 2019, Use of Force incidents were extremely rare. Of the 16,000 incidents that typically involved interactions with community members each year, on average only 16 escalated to Use of Force incidents annually from 2015-2019. This means that 99.9% of police interactions with community members did not involve Use of Force.

Use of Force incidents stemmed from a variety of call types, but domestic incidents and emotionally disturbed persons were the most common (see Figure 7).



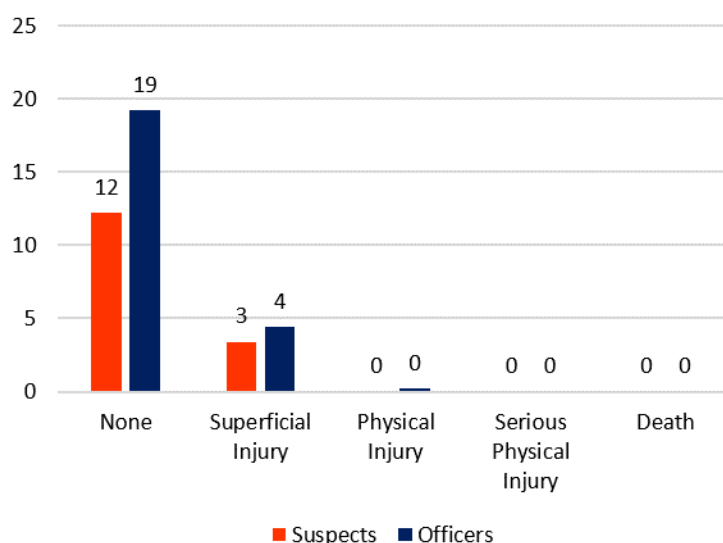
**Figure 7.** Annual averages (2015-2019) of Use of Force incidents associated with Incident Types.  
*Note.* The 5-year average for Use of Force is 15.6 incidents annually, which rounds to 16 incidents in total. For incident types, the individual numbers round down, so the total above looks one short.  
 Data provided by the Bethlehem Police Department.

Use of Force incidents rarely go beyond physical force. As noted above, incidents typically consist of (a) grabbing a suspect to place them in handcuffs when they are actively resisting, and (b) grabbing a suspect’s shirt to stop them from fleeing (see Figure 8).



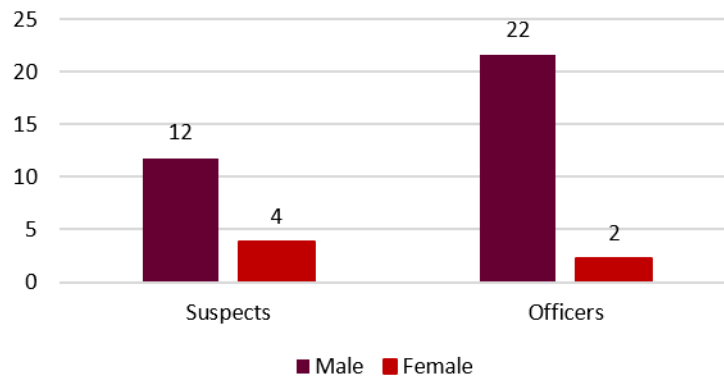
**Figure 8.** Annual averages (2015-2019) of types of force used in Use of Force incidents.  
*Note.* In some incidents, multiple types of force are used. When this happens, each is documented, so the Types of Force totals can be more than the Use of Force incidents. Data provided by the Bethlehem Police Department.

On the rare occasions where Use of Force was necessary from 2015-2019, injuries rarely happened. Superficial injuries were incurred, on average, by only 3 suspects in 16 incidents, and officers were as likely to be injured as suspects (see Figure 9).



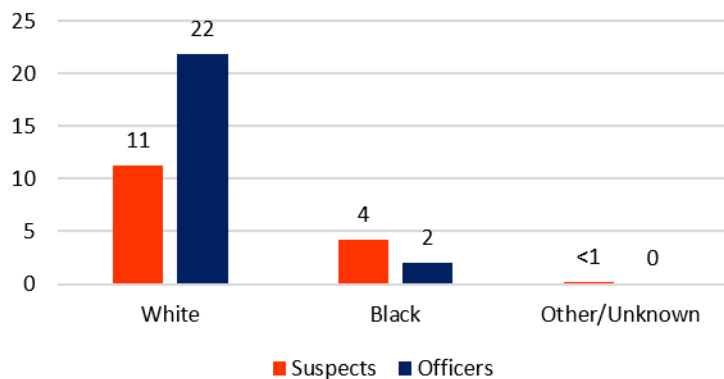
**Figure 9.** Annual averages (2015-2019) of levels of injury sustained in Use of Force incidents.  
*Note.* The 5-year average for suspects is 15.6 incidents, which rounds to 16 incidents in total. For levels of injury, the individual numbers round down (12.2 for no injury, and 3.4 for superficial injury), so the total above looks one short. Data provided by the Bethlehem Police Department.

Most Use of Force incidents involve male suspects and male officers, but female suspects and officers are involved too (see Figure 10).



**Figure 10.** Annual averages (2015-2019) of individuals involved in Use of Force incidents, by sex.  
*Note.* The State system only allows sex to be identified as male, female, or unknown/not reported.  
 Data provided by the Bethlehem Police Department.

Most Use of Force incidents involved white officers and suspects, but black suspects and officers were involved too. Of 16,000 incidents that typically involve interactions between police officers and community members, on average 4 Use of Force incidents each year from 2015-2019 involved Black suspects (see Figure 11).



**Figure 11.** Annual averages (2015-2019) of races and ethnicities for people involved in Use of Force incidents.  
*Note.* The 5-year average for suspects is 15.6 incidents, which rounds to 16 incidents total. For race, the individual numbers round down (11.2 for white, 4.2 for Black, and 0.2 for other/unknown), so the total above looks one short. Data provided by the Bethlehem Police Department.

## Special Weapons & Tactics (SWAT) Team

Our Police Department does not have a SWAT team. In rare situations that require this level of response, the State Police SWAT team is available and they operate under State protocols. Between 2015 and 2019, the State Police SWAT team was called 3 times. Our Police Department was able to resolve all of these situations without Use of Force and before the SWAT team arrived. In early 2020, the State Police SWAT team was called to assist with an extended standoff at a residence. The incident was ultimately resolved by trained Bethlehem Police and NY State Police crisis negotiators without Use of Force or the use of chemical agents.



## Officer Misconduct

Misconduct typically applies to serious infractions such as brutality and criminal offenses. It does not apply to technical violations such as arriving late for a shift, and is different from public complaints.

There are clear procedures for reporting officer misconduct, and in April 2021 new state laws will mandate that reports of officer misconduct be done directly by the officer and other officers involved in an incident. History has shown that, as a small department, it is extremely difficult for internal reports of misconduct to be kept confidential. With this in mind, the Town has the option of bringing in outside investigators and legal firms for cases where potential retaliation by supervisors is a concern.

# RECOMMENDATIONS FOR REFORM & REINVENTION

## Community Interactions & Transparency

Fostering trust and legitimacy are fundamental tenets of the Police Reform & Reinvention Collaborative. Relationships between communities and agencies are, like all relationships, fundamentally about relationships between people. Ultimately, it often all comes down to personal connections.

As our community in Bethlehem has grown to more than 35,000 residents in addition to many visitors each day, and as the number of sworn police officers has remained steadily between 35 and 40 for the last decade, it has become increasingly difficult for our officers to establish personal relationships with everyone. The result is that interactions are often rooted in assumptions – assumptions by officers about community members and assumptions by community members about officers.

While few community members shared personal experiences about police interactions through the Collaborative process, there was a general sense that some were happy with our Police Department while others viewed it with unease, distrust, and even fear. Concerns in the latter group, for example, noted fear of allowing children of color to walk through neighborhoods wearing hoodies or to play in their front yards with toy guns, and fear about children of color getting licenses and driving through town. Several community members related how they, as teenagers of color, were treated differently from their white peers.

It is the obligation of our Police Department to not only ensure that all community members *are* safe, but also to work with the community to make sure all members *feel* safe. Further, procedural justice requires that police officers treat all people with dignity and respect. Chief Cocchiara came into her new role with an ambitious vision for increasing connections between police officers and the community members they serve by continuing events that have been underway for years, and by instituting new programs and activities. To this end, in 2020 our Police Department:

- Created a new Facebook page with information about Police Department activities;
- Continued having patrol officers stop and give children ice-cream coupons when the kids were wearing bike helmets; and
- Organized a Holiday Parade-Special Edition when the traditional Town holiday parade had to be cancelled due to COVID-19.

Prior to the pandemic, our Police Department also partnered with Cumberland Farms to have *Coffee with a Cop* events, held *National Night Out* with local fire departments and emergency services, organized bicycle safety events and car-seat fittings, and more.

The purpose of these events, in addition to officers chatting with residents in local shops and in neighborhoods, has been to give community members an opportunity to interact with officers in settings that do not involve a traffic stop or an emergency call. Through these interactions, the

hope is to establish real and authentic relationships. Given sentiments expressed in demonstrations and through the Collaborative process, more needs to be done.

One approach highlighted by the Collaborative Advisory Committee was restorative justice. The NYS Reform & Reinvention Collaborative Resource Guide describes restorative justice as offering community members meaningful opportunities to resolve conflicts outside of the traditional courtroom processes. A restorative justice program would bring affected community members together with a trained mediator with the goal of finding resolution through healing rather than punishment. To be successful, restorative justice programs require that all sides of a conflict commit to and cooperate with the alternative approach.

A subcommittee met to discuss specific steps that a healing-informed lens and restorative justice could be integrated into the work of our Police Department. Their recommendations are noted below, and are presented in more detail in Appendix 5.

### Reform & Reinvention Opportunities

- Create a streamlined Community Board whose goal is to ensure transparency and accountability of our Police Department:
  - The goals of such a board would be to include more community input in policing, help identify opportunities for training, give a voice to the community, create a safe mechanism for people to voice complaints or concerns without fear of intimidation, and increase transparency, accountability, and trust. The board can also help provide a bridge between people of color and others who fear or distrust police with the Police Department.
  - Keep the board streamlined to make it more budget-friendly and more feasible for our smaller community.
  - The roles of this board would be to: (a) make recommendations on new policies; (b) review and provide feedback on policies created by our Police Department; (c) provide oversight of complaint and investigation procedures; (d) ensure there is a mediation process in place and ensure restorative justice when possible, so that community members feel their voices are heard, and that better relations between the public and the police can evolve (i.e., trust is nurtured); (e) provide annual reports to the public and other communication as needed; (f) help identify training opportunities; and (g) serve as a bridge between the community and the Police Department.
  - The composition of the board should be all volunteers, no elected officials should be members, membership should be diverse and include people of color, the size should be 3-5 people to keep it streamlined and feasible, and legal counsel should be included. Ideas can be gathered from other boards forming in municipalities across the state.
- To initiate creation of a Community Board, create a working group that can help define the board's scope and mandate, and that can ensure that the board is launched.
- Identify a Town Board liaison, in addition to the Town Supervisor, to create more communication channels between the Police Department and the public.

- Ask the Police Chief to prepare an Annual Report to present to the Town Board.
- Consider allowing community members, particularly people of color, to shadow a police officer or do a ride-along so they can see what the officers do and experience on a daily basis, and hopefully dispel misconceptions.
- Improve opportunities for community feedback so officers can hear the perspectives of individuals who have had contact with officers and thereby help the Police Department continue improving procedures for engaging people who may be in crisis.
- Explore creation of a restorative justice program that would allow community members to resolve conflicts outside of the traditional courtroom process and in partnership with our Police Department.
- Establish regular patrols with officers on bicycles so they can more easily patrol busy off-road areas like the rail trail and stop to chat and interact with community members.
- Develop more opportunities for police officers to connect with parents and children of color to build understanding, connect as individuals, alleviate fear, and develop trust.
- Explore strategies for police officers to connect with community members who do not live in Bethlehem, but who come here to shop or work.

## Civil Service

A subcommittee met to discuss the role of Civil Service within our Police Department, and concluded that it would be beneficial to conduct a review of the costs and benefits of Civil Service on department operations, and potentially advocate at the State level to allow for municipal police departments to opt out of the system. This conclusion was based on the three following observations.

- The Civil Service system has a restrictive hiring process which may operate in ways that are counter to the goals of our Police Department. For example, when an opening occurs for an officer, the command staff must choose from the top three candidates according to how they scored on an exam. This exam takes on substantial weight in the process, though it is unclear how strongly performance on the exam correlates to success on the job. This also can create a less equitable hiring process because the command staff is not allowed to continue to recruit to ensure a diverse hiring pool unless candidates are in the top three or are already police officers in the Civil Service system.
- The Civil Service system also uses exams to rank officers for promotions. Again, this is one measure and may not align completely with job performance.
- When a Chief has identified a low performing officer or officer with unacceptable conduct, the Civil Service system places additional obstacles to removing that officer.

The subcommittee recognized that the Civil Service system, including the exams, was established with the intent of creating a fair system of hiring and promotion, protecting candidates against favoritism and nepotism. In seeking to exit this system, the Town would need to create multiple fair and objective measures for hiring and promotion that supported the original intent of the Civil Service system, but that allowed supervisors to better work toward the Town's additional goals of equity and diversity. The subcommittee

noted that police forces in other states that have opted out of civil service, including about two dozen in Massachusetts, according to a 2020 article in the [Worcester Telegram](#).

### Reform & Reinvention Opportunities

- Assess the costs and benefits of hiring police officers through the Civil Service system.
- Partner with other municipalities, police unions, and community members to advocate for the state legislature and Governor to amend the Civil Service laws to modernize hiring requirements to go beyond test scores.
- Prioritize diverse promotions into leadership positions to ensure a Police Department culture with more equitable practices.
- Work with high schools throughout the Capital Region to encourage students to consider careers in policing.

## Data

When 911 calls are made, dispatchers classify the initial call by incident type. Up until 2021, there were 163 different incident types, and these were summarized in our Police Department's annual reports. With the transition to a new computer-aided dispatch system in 2021, the number of incident types has been compressed into 52 types.

Incident data can be used to get a general picture of the types of incidents that occur in Bethlehem and their general frequency relative to one another, but they are not of sufficient quality to enable detailed analyses, even across years. This is because the data were never used by the State, Police Department, or public, so they were not rigorously managed for consistency. Problems with the data include the following.

- ***Variations in classifications by dispatchers*** – With so many categories, different dispatchers likely classified the same call types into different categories. For example, one dispatcher might classify a call as “Check for a Possible Intoxicated Driver” while another classified it as “Check for an Erratic Vehicle.” This subjective variation likely occurred between calls by the same dispatcher as well.
- ***Inconsistent reclassification*** – Incidents were not consistently reclassified when the initial information received by the dispatcher at the time of each call turned out to be different from the actual incident officers found at the scene.

Incident data show that, each year from 2015-2019, police officers responded to roughly 22,000 incidents each year, and that roughly 16,000 of these were likely to involve direct interactions with community members. Unfortunately, the data are not rigorous enough to answer more detailed questions and should be treated as such. Nonetheless, incident data for 2015-2019 are presented in Appendix 3.

A subcommittee met to discuss data needs and uses. Their recommendations are provided in more detail in Appendix 5.

## Reform & Reinvention Opportunities

The Advisory Committee and Police Department alike agree that inconsistent data collection procedures are serious problems that need to be corrected.

- Identify key questions that need to be answered about incidents and the data that would be needed to answer those questions, then set up mechanisms for gathering and processing those data into useful information.
- After identifying key questions that need to be answered, standardize incident data management practices to make the data more robust and useful.

## Hate Crimes

Our Police Department is alert to hate crimes, and after investigations submits these cases to the State Division of Criminal Justice Services for confirmation and mandatory reporting.

According to the State Anti-Hate Crime Resource Guide, in New York,

“A hate crime is a traditional offense that is motivated by bias. A person commits a hate crime when one of a specified set of crimes is committed targeting a victim because of a perception or belief about their race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, or when such an act is committed as a result of that type of perception or belief. These crimes can target an individual, a group of individuals or public or private property.” ([NYS Anti-Hate Crime Resource Guide](#))

From 2015-2019, there were three incidents involving offenses that were categorized as hate crimes. The first 2018 incident involved criminal mischief with hate speech at Henry Hudson Park. Unfortunately, this case remains unsolved. The second 2018 incident involved aggravated harassment as a hate crime and making a terroristic threat against a local church. A suspect was arrested and the case against them is still pending. The 2019 incident involved aggravated harassment against a local business owner of Middle Eastern descent. The victim in this case declined prosecution against the suspect.

Our Police Department submits monthly Hate Crime Incident Reports as required by State law, though the incidents noted below do not appear in the State database due to the way reports are required to be made. When an officer investigates a crime, the original report will be labelled with the reported crime, then supplemental reports will be completed with new information as the investigation continues or an arrest is made. For example, if someone committed grand larceny against an elderly resident, the initial report would be for grand larceny. When the case is taken over by a detective (who handles felony cases), they may determine that it is a hate crime. But since the initial report did not list it as a hate crime, the incident is not captured in the State database.

## Reform & Reinvention Opportunity

- Partner with other municipalities to advocate on changing the reporting requirements on hate crimes so that the State’s online database indicates the number of hate crimes based on the conclusions of investigators, not on the initial report of dispatchers.

## 911 & Other Calls

Most police officer actions begin when community members call 911 or our Police Department's regular 10-digit phone number. Dispatching is a vital and difficult job in the our Police Department, as dispatchers are typically the first people to be contacted in emergency situations, and they need to be able to gather the right information (often from distressed community members) and relay that information to emergency responders who are typically a combination of police officers, emergency medical staff, and fire fighters.

Dispatchers in Bethlehem's telecommunications center receive about four months of specialized training in communications, emergency medical dispatch, CPR, and related services. State protocols require dispatchers to be recertified in emergency medical dispatch every two years. This training is enhanced with on-the-job training which pairs new dispatchers with experienced dispatchers to work on call taking, speaking with difficult callers, and the correct questions to ask in different emergency scenarios. Dispatchers often need to make split second decisions that affect the safety of community members and of responding police officers and emergency workers.

The types of calls received by the telecommunications center are wide-ranging. Some are straightforward, such as older residents who cannot open medicine bottles and residents with flooded basements. Others are active crises, such as despondent community members considering suicide, major car crashes, and domestic incidents. As noted above, the telecommunications center averaged 22,000 calls from community members each year from 2015-2019.

A scenario of concern raised by community members during the Collaborative process was residents calling 911 to report suspicious persons. The Town does not have data indicating how many of these calls identified the race of the alleged suspicious person or people, or the race of the person making the call. Anecdotal observations by police officers, however, indicate that some of these calls are white callers expressing concern about community members of color. Further, these anecdotes often note that the alleged suspicious person in these incidents was frequently either a resident in the neighborhood or someone visiting a neighborhood resident (e.g., a friend of a college student visiting over school break). People of color in Bethlehem have also reported having neighbors call the police on them for something as mundane as taking the garbage out in their own front yard. That said, the vast majority of suspicious person calls do not relate to neighbors reporting other neighbors.

From the perspective of the Collaborative mandate, there are three key considerations relating to police dispatching.

- 1) It is the policy of our Police Department to respond to all calls. Part of this policy is rooted in the desire to support community members, and part is rooted in the legal responsibility that Police Departments assume when 911 calls are received.
- 2) Our Police Department needs to ensure that 911 responses do not result in inappropriate Use of Force incidents. This is particularly important for mental health crises where



additional support from mental health and behavioral specialists, such as those with the Albany County Mobile Crisis Team, would help officers and community members alike.

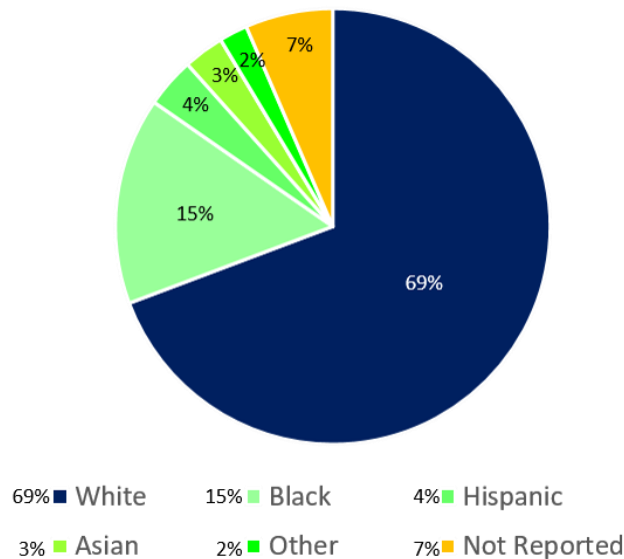
- 3) Our Police Department and our community need to find ways to protect people of color, whether residents or visitors, from unwarranted interactions with police officers simply because racism or unconscious racial bias in the community leads neighbors to call 911.

### Reform & Reinvention Opportunities

- Expand opportunities for our police officers to have social workers and mental health specialists available for mental health calls. One potential model would be to have this service provided to all area municipalities through expansion of the Albany County Mobile Crisis Team. Another would be to add social workers and mental health specialists to our Police Department or another Town agency that could support our Police Department.
- Redefine procedures so police officers do not respond when callers cannot articulate a reason for checking on a person other than their race or skin color.

## Traffic Enforcement

Looking at the number of tickets given to alleged violators by race, a clear disparity appears when one compares these numbers to the demographics of the Town of Bethlehem. According to the [U.S. Census Bureau](#), Bethlehem residents from 2012-2017 were 91% white, 2% Black, 4% Asian, and 1% Other (rounding errors result in the total being less than 100%). When tickets were issued from 2015-2019, 69% were issued to alleged violators who were white and 24% to alleged violators who were Black, Hispanic, Asian, or other. Perceived race was not noted for 7% of traffic tickets issued during this 5-year timespan (see Figure 12 and Appendix 4).



**Figure 12.** Perceived race and ethnicity of alleged violators issued traffic tickets (2015-2019).

*Note.* Data are for tickets issued by the Bethlehem Police Department and do not include tickets issued by the State Police or County Sheriff's Department. Percentage numbers are based on the number of tickets issued, not the number of people issued tickets. Race categories are defined by the NYS Division of Criminal Justice. Data provided by the Bethlehem Police Department.



This is a ticketing pattern that needs to be delved into more deeply, as there are several potential explanations for it.

*Possibility #1.* Officers are deliberately targeting people of color when issuing tickets.

Insights into this possibility could be gained by looking not at the number of tickets issued, but at the number of stops that result in tickets being issued compared to the total number of stops made. This will require all traffic stops from 2021 forward to note the race of the driver stopped, and for data to note the number of stops where tickets are issued in addition to the number of tickets issued.

*Possibility #2.* Traffic enforcement is mostly taking place in areas where the population of drivers is more racially diverse than the Town of Bethlehem's residents.

Insights into this possibility could be gained by looking at the geographic locations where stops are made and where tickets are issued (again, separating the number of stops resulting in tickets from the number of tickets issued). There are no data available indicating the race of all drivers on roads, but we may be able to assume that the driving population on major roads adjacent to the City of Albany (which is more racially diverse than Bethlehem) will be more diverse than the driving population adjacent to Guiderland, New Scotland, and Coeymans (where racial diversity is similar to Bethlehem's).

The focus of traffic enforcement on locations with higher crash rates has historically led to more traffic enforcement on the higher volume, higher speed State roads adjacent to the City of Albany (i.e., River Road, Rte 9W, Rte 85, and Delaware Ave). This, in turn, may be leading to heavier enforcement of a driving population that is more diverse than Town of Bethlehem residents, and in turn disproportionate policing of people of color.

*Possibility #3.* Traffic enforcement is taking place in areas where drivers are less affluent, and in turn are driving older vehicles that are more likely to receive multiple tickets for violations (e.g., expired inspection, tail lights out, etc.) compared to more affluent drivers in newer vehicles.

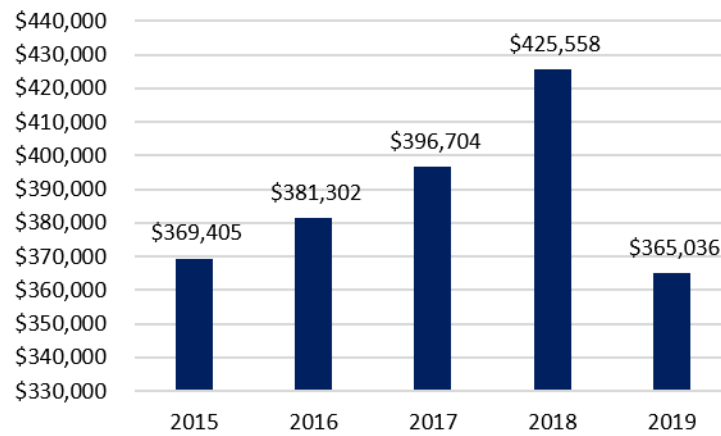
Insights into this possibility could be gained by looking at the race of drivers receiving tickets, the types of tickets being issued, and the geographic location of the stops. The City of Albany is less affluent than Bethlehem, so if drivers from Albany are stopped, we may be able to assume that they are more likely to be driving older cars and thus are more likely to receive multiple tickets.

*Possibility #4.* Officers are deliberately targeting less affluent drivers when issuing tickets.

Insights into this possibility would be difficult to distinguish from the data suggested in Possibility #3, unless there was a source of data that showed the affluence-level of all drivers during periods when police were conducting traffic enforcement.

Bethlehem police officers are not given ticket quotas. Traffic quotas are illegal under New York State Labor Law 215-a. They are also inconsistent with our Police Department's traffic enforcement purpose, which is safety, not revenues. Further, the Town cannot distinguish revenues received from Bethlehem Police Department tickets from fines and forfeitures from 57

other sources including tickets issued by State Police (who are particularly active on the NYS Thruway) and the Albany County Sheriff’s Department, DWI special surcharges, parking violations, civil penalties for animal abuse, and surcharges for missed court dates. These fines and fees are handled by the Town Court, which at the end of each month issues a check to the Town Comptroller’s office for the total amount from all sources (see Figure 13).



**Figure 13.** Revenues from 58 different Fines & Forfeited Bail revenue sources, including tickets written by Bethlehem police officers, from 2015-2019.

*Note.* Data provided by the Bethlehem Town Comptroller’s Office.

Ultimately, all revenues from tickets and forfeitures go into the Town’s General fund and do not affect our Police Department budget. In fact, the total fines and forfeitures revenues are a very small part of annual General Fund revenues for the Town. In 2019, for example, the \$365,363 received through all fines and forfeitures constituted 1.7% of the \$21,665,347 General Fund revenues.

In each Town annual budget, revenue projections for Fines & Forfeited Bail revenues are based on numbers from previous years. When the Town Board expects overall revenue shortfalls (like they did for 2021), they do not bump up the projected Fines & Forfeited Bail line to try to close the gap. They also do not direct officers to issue more tickets.

#### Reform & Reinvention Opportunities

- Require that the race of alleged traffic violators be recorded for all traffic stops and tickets, ideally with the data field being filled automatically using driver license data.
- Track the number of stops made, sorted by the race of the alleged violators.
- Review data on stops and tickets to get better insights into the causes behind the disparity of tickets issued to people of color compared to the Town of Bethlehem’s demographics.
- Gather and review data to see if lower income community members are more likely to be ticketed, perhaps using car ages combined with zip code data on community income levels as a surrogate data set.

### Substance Use/Abuse, Mental Health, & Homelessness

Our Police Department is a first-responder to heroin overdose calls because our officers carry Narcan to reverse overdoses, and carry Automated External Defibrillators in case a patient goes

into cardiac arrest before emergency medical staff arrive on the scene. With any death, including those resulting from overdoses, our Police Department conducts investigations to rule out foul play.

Our police officers respond to substance abuse calls because, depending on the circumstances, these incidents can be accompanied by acts of violence. Our officers can also initiate investigations into where the drugs came from and work to stop the drug dealers and prevent further overdoses from happening. It is important to recognize that the State Good Samaritan law protects people who may need medical attention as the result of drug use, and the person reporting the incident, from prosecution, except in extreme cases.

Mental health calls can be some of the most unpredictable calls to which our police officers respond, and can involve risks and challenges that are very different from other calls. These calls can also involve weapons, drug involvement, and serious medical conditions. Many mental health calls come from mental health facilities, medical offices, and psychological services (such as crisis counselors and suicide hotlines) with callers asking for police officers to arrive *before* mental health professionals to ensure the scene is safe for everyone. Our police officers are usually able to handle mental health calls without criminal arrests because most are personal health crises, not criminal emergencies.

Bethlehem police officers respond to calls regarding community members experiencing homelessness to help get them to a safe place with food and shelter, to make referrals to the Homeless & Travelers Aid Society, and to check on their wellbeing. Police interactions with homeless residents usually do not end in arrests. Instead, our officers assess each situation and, when needed, connect community members to referral agencies and support services. This is particularly important when temperatures drop below freezing. At these times, the State Mental Hygiene Law and Social Services Law require our Police Department to work with County social service agencies to identify people unwilling or unable to find shelter from the cold, and to offer to move them to an appropriate shelter. Homeless shelters are also required to extend their hours of operation so those without shelter can remain indoors.

Our Police Department operates 24 hours a day, 365 days per year. Our officers are trained to make referrals to other agencies when needed, and to provide assistance in any way they can. That said, the Town of Bethlehem does not have a Mental Health Department, nor does it have staff who specialize in mental health emergencies.

Mental health support services are currently provided to Bethlehem community members by the State and Albany County. Albany County has a Department of Mental Health whose mission is to

“ensure that persons with mental illness, substance and alcohol problems or developmental disabilities are provided a full range of services that promote stabilization, rehabilitation and recovery for the purpose of enhancing or improving their lives.”

([Albany County Department of Mental Health](#))

The County partners with the Capital District Psychiatric Center Crisis Unit to operate a Mobile Crisis Team that includes a psychiatrist, registered nurses, social workers, and credentialed alcohol and substance abuse counselors.

Our Police Department works in partnership with the County Mobile Crisis Team on calls involving serious mental health emergencies, but unfortunately there are times when their staff are not available or their response times are much longer than ours (the Mobile Crisis Team usually needs 25-30 minutes to get to a call in Bethlehem). Community members can also get help through 2-1-1 call centers maintained by the United Way and New York State Alliance of Information & Referral Systems in partnership with the NYS Office of Mental Health. Helping community members get support independent of our Police Department can build trust with mental-health service providers, and also help avoid situations where the presence of a police officer triggers the person in need of help.

### Reform & Reinvention Opportunities

- Expand opportunities for our police officers to have social workers and mental health specialists available for mental health calls. One potential model would be to have this service provided to all area municipalities through expansion of the Albany County Mobile Crisis Team. Another would be to add social workers and mental health specialists to our Police Department or another Town agency that could support our Police Department.
- Work with community partners to educate residents about 2-1-1, as calls to this resource can more effectively guide community members to health and human services than 911 dispatchers can.
- Find ways to let more community members know that they can notify our Police Department about family members with behavioral challenges or special needs who live or work at a particular address. Then, if a call is ever made and the address appears for dispatch, it will be flagged so officers know to be even more mindful and careful when responding and what they might expect when they arrive.
- Increase training for dispatchers to help them better identify calls that are related to behavioral health issues.
- Increase training in trauma-informed policing to help officers more effectively help residents experiencing homelessness, substance abuse, and mental health crises.

### School Resource Officers

Students from the Town of Bethlehem attend school in three school districts: Guilderland Central, Bethlehem Central, and Ravena-Coeymans-Selkirk (RCS).

- The Bethlehem Police Department has provided DARE training in the ***Bethlehem Central School District*** since 1989, and School Resource Officers (SROs) in their middle and high schools since 1996.
- SROs in the ***Guilderland Central School District*** are provided by the Guilderland Police Department.
- The Albany County Sheriff's Department provides SRO services in the ***RCS School District***, though the Bethlehem Police Department teaches DARE courses at the AW Becker Elementary School.

- The Bethlehem Police Department also teaches DARE classes at the private *St Thomas the Apostle School* in Delmar.

### ***SROs in the Bethlehem Central School District***

The SROs provided to the Bethlehem Central School District are sworn police officers. They receive specialized training in the NYS Division of Criminal Justice Services' Basic Juvenile Officers Course (which is 5-days long) and the Basic School Resource Officers Course (which is 4-days long). The course descriptions originally taken from the NYS Division of Criminal Justice Services' [Standards & Compliance Verification Manual](#) (2015) are:

- 1) Basic Juvenile Officers Course (5 days) – The curriculum includes: role of the juvenile officer, laws and procedures of juvenile custody, laws relating to juveniles and applicable case law, functions of related governmental agencies, juvenile diversion programs, investigative techniques, interview and interrogation skills, interviewing the child victim/witness, child abuse investigations, substance abuse, missing persons overview, signs of suicide, and current trends in juvenile crime.
- 2) School Resource Officer Course (4 days) – This course prepares a police officer to work in an academic environment so they will be able to function more effectively in schools. Training includes academic organizational structure, public speaking, counseling, handling special needs students, violence in the school, gang activity, creating drug free schools, and crisis management.

SROs may also take additional, optional training courses on specific issues such as domestic violence awareness and diversity.

In the Bethlehem Central School District, the intention is that School Resource Officers are not involved in school discipline. The school administration only brings in an SRO if a crime is alleged (e.g., drug possession, weapons possession, child pornography, sexual misconduct, etc.).

SROs wear business attire, while DARE officers wear patrol uniforms. Both carry weapons, though the SRO sidearm is smaller and is carried in a more compact holster. Our Police Department's general orders require all sworn officers to possess the necessary equipment to protect and serve the public at all times, including carrying their sidearms when on duty (according to General Order 227). [This General Order](#) is required for a police department to receive state accreditation, as noted on page 75 of the accreditation guidelines.

Costs for SROs are shared between the school district and our Police Department. The Police Department does not track time spent on SRO and DARE duties separately from other duties, so we cannot give a precise cost for these services. However, in 2019 the average cost of two SRO detectives for 10 months (the length of the school year) was approximately \$250,000. Per the [MOA approved by the Town Board and the Bethlehem School District](#), the school district paid \$65,000 of these expenses.

### ***Purpose of SROs in the Bethlehem Central School District***

The SRO subcommittee of the Advisory Committee noted that clear goals have not been established for SROs in the Bethlehem Central School District, and differing goals have been

presented by district and town leaders through the course of the Police Reform and Reinvention Collaborative. It is therefore unclear what the goals of the program are, what needs the program is trying to fill, who the program is really serving, whether the data (if they were available) justifies the program, and whether or not our Police Department is best suited to achieve the stated goals. Specifically, the subcommittee found that different stakeholders articulated different goals. The subcommittee would like to see greater clarity and realignment with this program moving forward, as per their recommendations in this section.

Our Police Department states that one function of SROs is to serve as a resource to students, parents, and school staff. SROs provided by our Police Department walk school halls to ensure that doors are locked and that the educational environment is safe for learning. They work with school staff as information resources regarding incidents occurring in the community, and as experts ready to handle crisis incidents with them on school grounds. They also provide support for school counselors working with families off school grounds. Further, they typically lead investigations involving juveniles that are unrelated to schools.

The subcommittee, however, noted that the lack of clarity surrounding the purpose and roles of SROs could have the unintended consequence of diminishing rather than building trust between students and police officers. They noted that if the goal of the SRO program is to establish positive police relationships with students, as they informally learned directly from their conversations with Bethlehem Central School District representatives, then we need greater clarity on why it is so important to have police officers in schools to develop those relationships. If this is in fact the goal of the SRO program, then the community might be better served if the police officers and the students were to interact in a different, more neutral environment, such as community sports or town programs rather than in one that is both compulsory and in which students have the possibility for positive interactions but also really negative ones. The subcommittee recommended establishing goals for SROs and considering whether or not sworn police officers were the most qualified professionals for achieving them. Detailed questions and recommendations from this subcommittee are provided in Appendix 5.

Within the broader Advisory Committee, members expressed a wide-range of perceived goals as well, reflecting the lack of clarity in the program. The subcommittee agrees that as a program that has been in existence since 1996, there is a need to closely examine and reimagine the program to meet the current needs and goals of the community.

Our Police Department and the Bethlehem Central School District have not tracked student/SRO interactions or the race of students who interacted with the SROs. Our Police Department does not oversee SRO services or incidents in the Guilderland Central or RCS School Districts.

The issue of SROs carrying firearms was raised on more than one occasion. While some committee members expressed that SROs having firearms gave them as teachers or parents a sense of security or peace of mind, other committee members and members of the community expressed discomfort or disapproval with SROs carrying sidearms. The committee feels that it is important to note that more than one member of the community shared that SROs in some municipalities do not carry firearms while in schools. Additionally, we note that non-sworn employees of our Police Department serving in this role would not be required to carry a firearm.

The Advisory Committee did not discuss SROs in the Guilderland Central or RCS School Districts since they are not provided by the Bethlehem Police Department.

### **DARE Program**

The DARE program originated in 1983 and maintains an ethos of curbing drug use expressed in its famous slogan, “just say no.” Nationwide, the DARE program has been very controversial due to its ineffectiveness, and criticized as a waste of taxpayer dollars, and waste of student and teacher learning time. After mounting public pressure, the DARE programs were forced to reform, but the usefulness of the reforms remain in question. As the DARE program has expanded to the majority of American schools, its efficacy has not changed since the 1990s. The subcommittee’s conversations with the school district and others have, in fact, revealed that the program is largely seen as outdated and in need of major updating. For more on the DARE program, please refer to this 2017 [Washington Post analysis](#) of DARE and peer review studies including this 2017 article in [Drugs: Education, Prevention and Policy](#).

### **SRO Decision-making Authority**

The presence of SROs and DARE instructors from our Police Department in Bethlehem Central schools is determined by the school district. They dictate which schools have SROs and what those officers do and do not do. They should have a say as to whether or not SROs carry firearms. Decisions about whether or not they are there, what services they provide, whether or not they wear sidearms, and their professional training would be made by the Bethlehem Central School District administration and Board of Education. Similarly, for Bethlehem residents attending middle and high school in the Guilderland Central and RCS School Districts, these issues would need to be addressed by the school administrations and Boards of Education in those districts (as SRO services there are provided by the Guilderland Police Department and Albany County Sheriff’s Department, respectively).

## **Reform & Reinvention Opportunities**

Because the SRO and DARE programs are partnerships between three law enforcement agencies and three school districts, we make recommendations to all entities according to the ability each has to reinvent and reimagine these programs:

### **Recommendations for School Districts**

- Clarify the school and community need for the SROs and the DARE program.
- Establish clear goals for SROs and the DARE program that relate to the school and community needs.
- Ensure that the existence and/or participation of an SRO is aligned closely to the needs and goals of the program.
- If it is determined that an SRO is needed for this program moving forward, explore assigning police officers who have more specialized training, as well as alternatives to police officers, including professionals with other training, such as social workers (see Recommendations for our Police Department below).
- Revise and reimagine the DARE curriculum: (a) emphasize the preventative approach to substance abuse; (b) conduct a review of the curriculum by mental health and substance



abuse experts; and (c) use police officers in a guest-speaker role to cover the legal aspects of DARE, but not as the lead teacher/trainer.

- Establish an annual cycle of gathering data on SRO activities and the DARE program relating to their goals and the SROs' interactions with the community, and provide annual reports on them. This should include data on: (a) numbers of referrals to SROs; (b) arrests by SROs and the nature of them; (c) program evaluation/survey with stakeholders across the district(s) to understand the impact of the SRO program; and (d) number of calls/incidents managing drug related incidents with teens. These data should be presented annually to the School Board(s), the Town Board(s), and the Albany County legislature.
- Conduct surveys of the school communities in all 3 districts to help assess whether SROs and the DARE program are successfully meeting their community's needs and expectations.
- Formalize and communicate a clear, safe process to help students report incidents related to SROs (or other police officers) that does not require them to interact with police officers.
- Provide students with proactive instruction in regards to searches (both by school and police), questioning, confiscation, etc. This training can help students make decisions about their conduct, as well as build an understanding of what they can and cannot expect in terms of privacy and personal liberties in and out of school. We recommend including this kind of curriculum in 8th or 9th grade, and to consider having a lawyer and a police officer or a social worker teach these lessons. One program to investigate is the Know Your Rights program developed and administered by the Center for Law and Justice which brings together a police officer and an attorney to talk to young adults about their rights when they have an interaction with law enforcement in school, on the street, or when driving.

### **Recommendations for Police Departments**

- Create and codify the process for ensuring the right person is selected for the SRO role. Revise the current process and policies for assigning SROs to allow for the Chief to place police officers in this role whose skills and training enable greater success in the role (such as specific background or training). Consider hiring a social worker to fill that role.
- Limit the work of the SROs outside of school in pursuing juvenile incidents to avoid confusion for students and eroded trust, as well as to avoid criminalizing youth based on information shared at school.
- Commit SROs to full participation in diversity and other training offered by the district for school staff, and as a prerequisite to becoming an SRO, when these trainings are made available.
- Revise or add training for the SRO to ensure it is aligned to success in the role since an SRO plays a very different role than a patrol officer. This should be aligned to the goals set by the community and district, and may include training in: (a) Implicit and Explicit Bias/diversity; (b) How to talk so teens will hear you; and (c) De-escalation with youth.



- Include at least one member of the Police Reform & Reinvention Collaborative Advisory Committee (or related body, such as a Community Board) and/or other members of the community in the annual contract negotiation process between the school and the town to reimagine the purpose and goals of the SROs. This discussion should include whether or not SROs need to carry sidearms while on school grounds to meet the need and goal of the program, or whether other alternatives should be considered given that some students may feel threatened by seeing firearms. Per municipal law, all contracts are approved by the Town Board before being signed by the Town Supervisor.
- As an immediate next step and to continue the work on the Police Reform & Reinvention Collaborative process, we recommend forming an SRO working group with representation from students, parents, and school district staff only. This group should take steps to continue to move the process of reimagining SROs forward, meet with the district and our Police Department, and map out a plan for reform.

## Crowd Control

Crowd control in Bethlehem is typically limited to large events like the annual Memorial Day Parade, the Turkey Trot road race, the lighting of the menorah and Christmas tree, and First Night festivities. The roles of Bethlehem police officers are primarily emergency planning, site security, and traffic management.

On June 8, 2020, a vigil against racism and police brutality was held in Delmar and was attended by an estimated 1,500 to 1,700 community members. The vigil was followed by a march through Delmar, and a second smaller march the following week. On July 4, further demonstrations were held, two in support of Black Lives Matter, the other in support of the police.

The role of our Police Department during these events was ensuring that demonstrators had safe spaces in which to express their views. For the marches, police officers coordinated with march organizers to close streets and keep traffic away from demonstrators. During the first march, police stationed vehicles close to demonstrators, but this made many marchers feel threatened. For the second march in June, the police pulled their vehicles back to the nearest intersections to keep streets closed and give marchers a more comfortable environment.

For the June 8 vigil and the Fourth of July protests at the Four Corners, police were also dispersed throughout the crowd to ensure that protesters were not disrupted by violence. This was a particular concern for the vigil because of reports of white supremacist groups coming into demonstrations throughout the Capital Region to incite violence.

Bethlehem police officers engaged in crowd control wear their patrol uniforms. Our Police Department does not have surplus military equipment for this purpose (in fact, the only surplus military equipment owned by the department at the time of this writing were two night vision goggles that were most commonly used to locate missing and injured community members). The department does not have water cannons, rubber pellets, acoustic weapons, or tear gas. The department does not own riot gear. Helmets and batons are available to officers – in addition to their sidearms, tasers, and pepper spray that are standard gear – but these were not worn during the vigil or any of the demonstrations and marches in 2020.

As noted above, the role of our Police Department during demonstrations is to ensure that community members have a safe place to express their views. Officers do not in any way police the content of demonstrations, as the First Amendment rights of our community members are essential to our democracy. At the same time, our officers try to work with demonstrators to keep traffic flowing and to respect neighbors who may not be participating in the demonstrations.

### Reform & Reinvention Opportunities

- Consider “soft look” uniforms that include different shirts or emphasize wearing ballistic vests under the shirts whenever feasible.
- Continue emphasizing, in practice and perhaps explicitly in general operating orders, de-escalation and interpersonal interactions to ensure productive communication with demonstrators and that demonstrations remain safe for everyone involved.
- Consider instituting an official policy of not purchasing riot gear or military equipment.

## Use of Force

Use of Force involves physical actions by an officer towards a suspect. Typical examples in Bethlehem include:

- grabbing and placing a suspect’s hands behind their back to put them in handcuffs while the suspect is actively attempting to prevent the officer from doing so, and
- grabbing a suspect’s shirt to stop them from fleeing.

Use of Force is legally limited to the amount necessary to stop an action or to affect an arrest. It is legally defined in Article 35 of the New York State Penal Law, and its restrictions apply to police and citizens alike.

As noted above, Use of Force incidents involving our Police Department are extremely rare. Of the 16,000 incidents that typically involved interactions with community members each year between 2015 and 2109, on average only 16 escalated to Use of Force incidents. This means that 99.9% of police interactions with community members did not involve Use of Force.

Bethlehem’s police officers do not use chokeholds or other holds that restrict breathing, as these can be dangerous to suspects. Our officers are trained in safe restraints in accordance with the New York State Police Municipal Training Curriculum.

Our Police Department has a Use of Force Policy that is publicly posted on the Town website. It is consistent with NYS Division of Criminal Justice Services model policies and State laws, and meets all State accreditation standards. Key elements of the Use of Force Policy include the following.

- Non-physical actions are always emphasized. Use of Force is the last option, never the first.
- Officers must start at the lowest possible level of interaction with suspects, and move to stronger actions only as required.
- Brandishing a firearm or taser are now considered Uses of Force.
- Anytime a Use of Force incident occurs, a Use of Force Form is completed and forwarded to the officer’s immediate supervisor for review. The report is then reviewed

by a Division Commander, and finally by the Chief of Police. In criminal cases, Use of Force incidents are also reviewed by the Albany County District Attorney's office.

A subcommittee met to discuss important elements of Use of Force policies that should be considered when re-assessing the current policy. Their recommendations are noted below, and are presented in more detail in Appendix 5.

### **Reform & Reinvention Opportunities**

- Define Use of Force in a manner that is based on the techniques used (e.g., come-alongs, wrist locks) and not on whether injuries did or did not result.
- Replace the term “non-lethal” with “less lethal” in a revised Use of Force Policy to acknowledge the risks that all Uses of Force carry. No force option is completely safe, as Uses of Force that are currently identified as “non-lethal” could be lethal if done incorrectly or if the subject has a pre-existing medical condition. While the possibility of death in these incidences is minimal, the possibility still exists.
- Emphasize the importance of de-escalation in a revised Use of Force Policy, preferably by highlighting de-escalation techniques that could be used at each level of the Use of Force continuum. A multitude of de-escalation techniques should continue to be the first instinct of every officer, in addition to the extra care and sensitivity that should be extended to subjects with mental health and substance use issues.
- Continue de-escalation training (expanded in 2020), and expand these trainings to include the unique challenges that arise with subjects who suffer from mental illness or substance-use disorders. Also, include implicit bias and trauma-informed policing training to help officers identify cultural barriers to communication, systemic racism, and distrust of police officers, and in turn employ communication and de-escalation techniques to ensure everyone's safety in high-stress situations.
- Include explanations of why de-escalation techniques were not successful in all Use of Force reports. Further, our Police Department should consider having each officer involved in a Use of Force incident prepare separate reports rather than having a single report for each incident. The department may also consider having officers who were present but not involved in the Use of Force incident co-sign reports as witnesses to indicate that the incident was accurately reported.
- Post annual Use of Force statistics on our Police Department web page to increase transparency and accountability.
- Review past Use of Force incidents to assess whether people of color were more likely to experience stronger Use of Force actions than white suspects.
- Involve non-Police Department individuals, such as a Town Board liaison or a Community Board, in reviews of Use of Force incidents.
- Provide more information to suspects involved in Use of Force incidents about their rights relating to the Use of Force.

## “No Knock” Warrants

Breonna Taylor was shot and killed in her apartment in Louisville, KY on March 13, 2020 at 12:40am, when police were executing on a “no-knock” warrant to search for drugs and for an individual. Ms. Taylor’s boyfriend, Kenneth Walker, stated he heard pounding on his door but did not hear police announce themselves.<sup>21</sup> Walker shot an officer in the leg, thinking an intruder was breaking in. Police broke the door down with a battering ram and fired more than 20 rounds. Walker was not injured, but Taylor was killed. Louisville has since passed “Breonna’s Law” which bans no-knock warrants in Louisville and requires police to use body cameras while executing on a warrant.

No-knock warrants are search warrants authorized by judges which authorize law enforcement officials to enter a private residence without having to first announce their presence. A judge may authorize a no-knock warrant if law enforcement officials present sufficient evidence, in a sworn affidavit, that announcing law enforcement presence prior to entering may allow suspects to destroy potential evidence or endanger police safety. Examples include when law enforcement believe drugs are present on the premises and knocking and announcing that police are at the door would allow the resident to flush drugs in the toilet prior to the police entering. Also, police have requested no-knock warrants in instances where police fear the individuals inside the residence may take up weapons against the police if given advanced notice.

Under New York’s Criminal Procedure Law (“CPL”) 690.35(4)(b) and 690.40(2), a judge may issue a warrant that allows officers to enter a premises without announcing authority or purpose, if they find there is “reasonable cause to believe” that property sought to be confiscated may be easily and quickly destroyed or disposed of, or the giving of such notice may endanger the life or safety of the executing officer or another person. A [New York Times investigation](#) reported in 2017 that at least 94 people, including 13 officers, have been killed during forcible police entries between 2010 and 2016 nationwide.

A “Breonna’s Law” bill was introduced in the New York State Legislature in 2020 which would ban “no-knock” warrants statewide and would require police to announce their presence at least 30 seconds prior to entering the premises. As of this writing, this bill has not passed either chamber of the legislature.

Our Police Department has not maintained data on how many “no-knock” warrants were obtained and executed each year. In order to compile these data, police would have to manually review each warrant that was issued to ascertain whether it was or was not a “no-knock” warrant, then search the incident records to determine if the warrant was actually executed as a no-knock.<sup>22</sup> However, our Police Department noted that they rarely seek such warrants and that local judges are hesitant to grant no-knock warrants unless good cause is shown. Chief Gina

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<sup>21</sup> Louisville Police have stated they did announce themselves before entering the premises.

<sup>22</sup> While some warrants authorize the police to not identify themselves before entering, in some instances the police nonetheless do identify themselves before entering. Thus, just because a “no-knock” warrant was issued does not necessarily mean that the police did not identify themselves before entering the premises.

Cocchiara observed that the primary reason a no-knock warrant would be sought is officer safety rather than evidence preservation, meaning a no knock warrant may be sought when the police reasonably believed the occupants had firearms and that giving notice prior to entry would give the occupants time to arm themselves.

Whenever an officer desires to obtain a no-knock warrant, the request for such a warrant must be reviewed by and approved by a Commander prior to submitting the request to a judge, and the Chief must approve a no-knock entry prior to such a warrant being executed. Bethlehem command staff advised that they try to avoid entering a premises without knocking and announcing their presence first – even when the warrant allows for a “no-knock.” Also, police have other methods to stake out locations and monitor persons inside of the structure prior to serving warrants to minimize person-to-person contact. It is the stated policy of our Police Department to utilize all possible strategies to avoid the execution of a no-knock warrant so as to limit the possibility of harm to both the occupants and the officers.

A subcommittee who researched this issue did not recommend the complete banning of no-knock warrants in Bethlehem. The following are the recommendations regarding no-knock warrants:

#### **Reform & Reinvention Opportunities**

- Continue to minimize the use of no-knock warrants and to utilize all possible strategies to avoid the execution of a no-knock warrant so as to limit the possibility of harm to both the occupants and the officers.
- Track the number of no-knock warrants obtained each year and the number of entries that occurred without the police first knocking and announcing that they are going to enter the premises.
- If a Community Board is created, have it review the use of non-knock warrants annually.

### **Standards of Conduct & Accountability**

Our Police Department has Rules of Conduct that are part of the department’s general operating orders. They were last updated in 2002 (see Appendix 6). The Town of Bethlehem also has a Code of Ethics that applies to all Town employees, including police officers, that is part of the [Employee Policy Handbook](#) (see Appendix 7).

The Rules of Conduct are policies and procedures that govern the on- and off-duty conduct of police officers. When developed almost 20 years ago, they were based on standards and guidelines from the State Division of Criminal Justice Services and State law. In addition to setting strict standards for officer behavior, they set forth a discipline process with tiered punishments ranging from counseling to training to suspension and even termination.

Neither the Police Department’s Rules of Conduct nor the Town’s or Police Department’s Code of Ethics contain sections relating to Anti-Discrimination (other than in hiring practices) or to the use of social media. None of the Town’s or the Police Department’s policies contain sections on membership in hate groups. The Southern Poverty Law Center has compiled a list of hate groups (940 as of March 2020). The Law Center defines a hate group as an organization or

collection of individuals that – based on its official statements or principles, the statements of its leaders, or its activities – has beliefs or practices that attack or malign an entire class of people, typically for their immutable characteristics.

### Reform & Reinvention Opportunities

- Add sections on Anti-Discrimination and the use of social media, ideally to the Code of Ethics so it applies to all Town employees. The purpose of this policy update would be to ensure that Town employees, including but not limited to police officers, do not discriminate or show bias to any community members on the basis of race, gender, religion, or sexual orientation while performing Town duties. The policy would further set ground rules for the use of social media, not just while working as Town employees, but also while on personal time to ensure that employees do not post anything online that could expose the Town to liability, breach confidentiality, or interfere with the productivity of other Town employees. These added policies should state that Town employees are subject to discipline if they breach the policies. That said, the actual punishment should be determined after a hearing is afforded to the employee. Potential language for this policy is included in Appendix 8.
- Adopt a town policy that bars Police Department personnel from being members of any hate group identified by the Southern Poverty Law Center.

## Public Complaints

Public complaints typically involve patrol officers, which is to be expected given that they are usually first on the scene of conflicts, are responsible for managing tense situations, and have the most frequent interactions with our community. The complaints typically are about a perceived level of professionalism, a training issue, receipt of a ticket instead of a warning, or a lack of action in the direction the complainant wanted. Community members can fill out a formal complaint form, but most do not. Instead, concerned community members typically ask to speak with a supervising Sergeant or command officer, or express their concerns by email. To date, these complaints rarely continued to a submission of formal written complaint forms.

While our Police Department's command staff has a good recollection about the types of issues that public concerns were typically about, our Police Department's method for filing complaints has been inconsistent over the years. *Our Police Department feels this is a serious problem that needs to be addressed.*

Before the repeal of Section 50-a of the Civil Rights Law, there were no requirements or expectations that Police Departments would track this information. As a result, we cannot generate numbers about the past frequency of complaints, particular complaint types, or concerns related to race. That said, our Police Department can definitively note that from 2015-2019, just one Use of Force complaint was filed.

A subcommittee met to discuss specific steps that could be taken to create a more fair, safe, and effective process for community member complaints. Their recommendations are noted below, and are presented in more detail in Appendix 5.



## Reform & Reinvention Opportunities

- Create multiple avenues for community members to share complaints, including some that allow complaints to be communicated without direct interaction with our Police Department. Potential avenues could be (a) a more simple complaint form that is posted on the Town website, (b) a dedicated email address for complaints, (c) contact info for the Town Supervisor and a Town Board liaison, (d) contact info for a Community Advocate, and (e) contact info for a Community Board.
- Codify a process for managing complaints and contacting community members who complain to let them know that (a) their concerns were heard, (b) what follow-up is taking place, (c) the timeline for resolution, and (d) outcomes.
- Track the types of complaints received and outcomes, and publish summaries annually to help the community understand the concerns being raised about our Police Department.
- Implement the following changes to the current complaint process (General Order-099 Citizen Complaints Regarding Department Personnel):
  - Change the name of the General Order to replace the word “Citizen” with “Community Member” to communicate that all community members may make use of this process regardless of where they live and/or their citizenship status.
  - Section II, part A – Add that the public can enter complaints using the online form, with step-by-step instructions.
  - Section II – Add language about tracking the incidents and making the incidents and subsequent actions/findings public.
  - Section II, part C – Add that the complaint may be resolved but would still be logged and tracked.
  - Section II, part H – Add a timeframe for expected communication from our Police Department to the complainant.
- Post scenarios on the website to show some possible situations where a community member might feel compelled to make a complaint (e.g., inappropriate language, profiling, unnecessary Use of Force), and provide general steps that typically occur after a complaint is filed, while noting that each case is unique and may require changes to the steps outlined. This is intended to better educate community members about the complaint process.
- Put a QR code on a flyer that links to the complaint page on the Town website and post it in the Town Court.
- Designate a town staff member or Community Board member (with training) to be a neutral party to guide a community member through the complaint process if they need assistance.

## Disciplinary Procedures

When our Police Department receives complaints, whether through formal written forms or less formally through conversations or emails, they are assessed and investigated through a tiered process depending on their severity. These assessments can also be initiated by Police Department Sergeants and Command staff when they see or hear about potential problems.

- A complaint against an officer is initially directed to their shift sergeant.
- If the complaint is minor (such as slow arrival to a call or rudeness), and if agreeable with the complainant, the matter can be resolved at the shift level.
- If the complaint is serious (such as allegations of corruption, brutality, or civil rights violations), the matter is brought to the attention of the Division Commander, who notifies the Police Chief.
- For complaints that cannot be resolved at the shift level, command staff will investigate the matter. This investigation, depending on the severity of the claim, can involve verbal or written questioning of the officer involved, and subsequent questioning for further clarification. Investigations can also include checking footage from car cameras, tracking locations using vehicle GPS records, and additional interviews with the complainant and witnesses.
- The Human Resource Department and Town labor attorney typically participate in investigations, reviews of serious complaints, and internal allegations of misconduct. Very serious situations can proceed to arbitration with union representation for the officer in question.
- Complaints are referred to the District Attorney's Public Integrity Unit when they involve a violation of law and are found by the Town to have merit. Any use of deadly physical force is automatically reviewed by the District Attorney. Recently enacted State law also dictates that any deadly physical force that results in the death of a non-law enforcement community member be investigated by the NYS Attorney General (whose office actually responds directly to the crime scene).
- Discipline is issued according to the severity of the situation, and can include written reprimand, fines, loss of accrued leave time, suspension, demotion, and dismissal from service.

In all disciplinary proceedings, the officer in question is presumed innocent until proven guilty by the Town. The burden of proof rests upon the Town as the employer, and is the preponderance of evidence on the record, not proof beyond reasonable doubt (which is only used in criminal cases).

### Reform & Reinvention Opportunities

- Send a brief survey to a subset of community members who had interactions with our Police Department to gauge their level of satisfaction with how incidents were handled, and publish an annual summary of the results.
- Involve non-Police Department individuals, such as a Town Board liaison or Community Board, in reviews of Use of Force incidents and other formal complaints against officers.

## Body Cameras

Police officers in Guilderland and Saratoga Springs currently wear body cameras, while officers in Bethlehem, Niskayuna, and Rotterdam currently do not. Police officers typically wear body cameras to help document incidents more completely and counter false complaints against officers. They are intended to complement other cameras, such as those in vehicles and within



the police station. Many businesses where incidents occur also have security cameras capturing footage on their properties.

Bethlehem's police unions support body cameras, as they feel the cameras would provide them with corroboration of how incidents were handled and what was said when complaints are made by community members. The Chief of Police also supports the use of body cameras if the community is willing to accept the costs outlined below.

Research on the effectiveness of body-worn cameras has shown mixed results. According to a 2020 article from [Pew Trusts](#), there is "a growing awareness, backed by several new studies, that body cameras do not necessarily have a huge effect on police officers' behavior or how residents view the police." Additionally, there is very little known about the impact of body cameras on racial disparities in policing. According to [Andrea Headley](#), an assistant professor of public affairs with the Ohio State University who researches police-community relations, "there isn't published research on how body cameras affect racial disparities in policing."

### **Use Policy**

If the town decides to pursue the use of body cameras, the success of the technology will depend on how it is used. Since there are clear instances where police interactions should not be recorded (e.g., conversations with confidential informants, undercover officers, child victims), the efficacy and ultimately the ability of this tool to inspire public confidence relies on police officers turning their cameras on and off appropriately. It is therefore critical that the use of body cameras is directed with clear policies on their use, data retention, and data sharing.

A body camera use policy must have clear rules for when the cameras may be turned off, with a strong presumption on always having them on. Officers with body cameras must be required to record all interactions with community members for the full duration of the encounter. Officers should not be allowed to turn off their cameras on a case-by-case basis to shield their behavior from review. With this in mind, all instances of body cameras being turned off must be documented and reviewed. Further, the Chief of Police should provide regular reports (e.g., quarterly) to the Town Board, noting the number of times officers turned off body cameras during interactions with community members, and the reasons why it was done.

### **Data Retention & Sharing**

In addition to managing body camera footage through our Police Department, a long-term plan should also be explored for storing the data in an independent agency. Until this is put into effect, computer systems with body camera footage should automatically document who accesses, shares, modifies, or deletes any video footage. This will help support community confidence in the integrity of the video footage, and ensure the data are managed with the highest quality-control standards.

Protocols should also be developed for sharing data required for court proceedings, needed for reviews of complaints, and requested through Freedom of Information Law (FOIL) requests (whether from community members or media outlets). These standards will help maintain transparency, particularly if there are incidents that generate wide-scale public concern such as footage of a death or serious physical injury.

Body cameras carry costs on two fronts. The first is the capital cost of the equipment, including cameras for each patrol officer, a server to manage data downloaded from each camera, and hardware and software to manage these data. The second is the personnel cost for: (a) managing the data from the cameras to ensure that they are correctly catalogued and stored; (b) extracting the correct video and audio records for court cases, community member complaints, and FOIL requests; and (c) redacting video and audio footage that cannot be legally shared publicly (such as the faces of children and nudity). These personnel costs involve both video-data management staff and officers to guide the data management staff through the footage.

Our Police Department, working in consultation with the Town Comptroller's Office and Human Resources Department, projected that the initial capital cost for equipment in the first year would be roughly \$115,000 (for body cameras, redaction software, and associated hardware) and approximately \$100,000 for personnel (to manage the data and deliver them for court cases, complaint reviews, and FOIL requests). Subsequent years were projected to annually require \$15,000-\$20,000 for redaction software and licensing, and approximately \$100,000 for personnel (with the rate increasing 2-3% annually with Civil Service step increases and cost of living increases).

### Reform & Reinvention Opportunities

- Assess whether or not body cameras are required to address issues of concern within the community, particularly Use of Force incidents, community complaints, racial bias and discrimination, and internal reports of misconduct.
- Monitor new studies that assess whether the use of body cameras affects racial disparities in policing.
- Develop a Body Camera Use Policy, if body cameras are purchased, that includes guidelines for when cameras may be turned off, and review and reporting procedures for document these occasions. The policy should be reviewed by the Community Board.
- Establish protocols for video footage storage and for documenting when footage is accessed, shared, modified, or deleted, and by whom.
- Establish protocols for sharing video footage.

## Training

Bethlehem police officers receive ongoing training after joining the department to refine and expand their skills, and to ensure that they maintain proficiency in key skills. Fundamentally, Bethlehem police officers train continually throughout their careers to ensure they are able to do their jobs safely and well.

In order to meet State accreditation standards, officers must have a minimum of 21 hours of training each year. Officers currently are regularly trained in the proper use of firearms, Use of Force, changes in laws, and CPR and Narcan administration. Some training sessions end with mandatory tests to help ensure fundamental concepts are understood. Some officers also take specialized training in topics such as fire investigation and crash reconstruction.

Training sessions and courses are provided by the Zone 5 Regional Law Enforcement Training Academy, various State and Federal services, and professional organizations. There are also

monthly training sessions organized and led by Bethlehem Police Department staff. Most training courses are conducted online or in classroom settings, though some trainings are reality-based. Some Bethlehem police officers are instructors at the Training Academy.

All supervisors are additionally required to complete a three-week training course within a year of being promoted. Courses include liability, supervisory principles, and incident command. The purpose is to give new supervisors a solid training foundation to build upon.

### ***Trauma-Informed Policing***

The experiences that each community member has had in their personal and professional lives, in addition to what they have seen in the media and in other communities, including highly visible incidents like the killing of George Floyd, Breonna Taylor, and many others, likely have greater effects on their perceptions of our Police Department than actual interactions with our officers. As such, community members may view our police officers with fear and distrust regardless of the actions of our police officers as individuals or together as a department. This may or may not be fair – no one wants to be grouped in with people who do terrible things or commit wrongdoing – but these perceptions and this lack of trust is real and it needs to be treated seriously.

It is vital for our officers to be trained to recognize the roots of trauma when interacting with community members. For some, the distrust may manifest as unease because of something that they recently saw in the news. For others, the mere presence of an officer, a uniform, or a firearm can be a connection to past personal trauma and cause extreme anxiety that makes any interactions more difficult for both the community member and the officer.

### ***De-escalation Training***

De-escalation training has been an element of our police training for several years, but it was increased and incorporated into other trainings in early 2020. Firearms safety and Use of Force procedures are reviewed twice each year (proficiency with firearms is required by Police Department policy and State accreditation mandates). Tactics for not having to resort to firearms is a core element of many training sessions. Officers also take non-lethal force and reality-based training, likewise with tactics for not having to resort to force as core components of the training.

Beyond formal training, sergeants regularly review incidents with officers to help them learn and become better at their jobs. As demonstrated by the extremely low number of Use of Force incidents, and by the rarity of injuries occurring when Use of Force is required, communicating and connecting are core skills for Bethlehem police officers during volatile incidents.

### ***Training for Mental Health Emergencies & Substance Use/Abuse Incidents***

The department's emphasis on communicating and connecting are particularly important in cases involving mental health emergencies. As a small town, our police officers have frequently had past interactions with community members experiencing mental health challenges, and as such often know involved community members by name and are known to them. This allows our officers to verbally connect more quickly with community members when they are in distress, and to help them get the support services they need safely, respectfully, and without arrests being made.

Officers are further trained, both in formal sessions and on-the-job, to recognize and respond appropriately when interacting with individuals who may be impaired as a result of substance use/abuse. Typically, these interactions involve stabilizing the individuals to make sure they are safe, and connecting the community members with other agencies that can get them the help they need. In medical emergencies involving overdoses, Bethlehem police officers are trained in Narcan administration and in stabilizing patients until emergency medical services arrive (though some officers are also trained as Emergency Medical Technicians).

A subcommittee met to discuss specific steps that could be taken to help our Police Department better consider trauma in their interactions with community members. Their recommendations are noted below, and are presented in more detail in Appendix 5.

### **Reform & Reinvention Opportunities**

- Integrate the concepts of procedural justice into all training programs.
- Expand the training curriculum to include training in practices around implicit bias and trauma-informed policing, ideally including Crisis Intervention training that involves in-person interactions with professional educators and volunteers willing to share their experiences. Training in trauma-informed policing is particularly important because it can help officers understand what community members, particularly people of color, are feeling and work with them more effectively and with greater respect and dignity.
- Work with training providers to integrate de-escalation, effective verbal and non-verbal communication, social interaction skills, ethics, and professionalism into all training curricula. Also, integrate the core elements of these into the regular routine of officers to further cement them as core cultural values of our Police Department.
- Increase training for dispatchers to help them better identify calls that are related to behavioral health issues.
- Build out a regular training schedule for officers to help establish continued learning of new and emerging best practices as a fundamental part of our Police Department's culture.
- When hiring, consider how open new officers will be to training and learning.

### **Wellbeing & Mental Health of Police Officers**

Working as a police officer is a demanding, high stress job. Our officers work in extremely tense situations, and are expected to endure verbal abuse and disrespectful behavior (such as being spit on) without ever losing their calm and professional demeanor. They also see heartbreaking situations first hand, such as families killed in car crashes, victims of child pornography and sexual abuse, domestic violence, suicides, and more.

It is important that we consider the wellbeing of our police officers just as we consider the wellbeing of our community members who interact with them. Our Police Department established an officer wellness program in 2019. This program has included training officers in peer support and identification of red flag indicators, and complements services available to officers through the State Employee Assistance Program. Our Police Department has also begun

creating a support system for officers dealing with critical incidents and the culmination of multiple incidents over time.

Police officers have attended State trainings on these topics, and our Police Department is currently reviewing other agency models to further develop the program. Similarly, the department is developing a program for officers who have left the department. The original timeline was to have the program fully established in 2020, but the COVID-19 pandemic slowed progress.

### **Reform & Reinvention Opportunities**

- Create a more formal peer support team and officer wellness program within our Police Department.
- Consider increasing training that will prepare officers and supervisors to identify signs of PTSD and secondary traumatic stress in themselves and their colleagues.
- Utilize local behavioral health experts and services as needed to support officers. One approach would be to have a counselor or therapist on staff who can check-in with officers on a regular basis. The goal would be to give officers access to support without stigma and before they have to deal with a traumatic event.
- Consider using smartphone apps, such as Smart Assessment on your Mobile, to help officers identify times when they might benefit from support services.
- Review department policies and procedures around not only the provision of mental health support services for officers exposed to trauma on the job, but also processes that reinforce the expectation that officers will utilize them. One approach might be mandatory weekly check-ins for officers to normalize the ideas of processing how they are coping with stressful elements of their jobs.
- Create a police therapy dog program to both assist with community engagement and support officers and dispatchers in the police station.

## Conclusion

Over the course of roughly six months, the Bethlehem Police Reform & Reinvention Collaborative Advisory Committee spent countless hours researching and exploring opportunities to improve – and in fact, to reform and reinvent – our Police Department to build greater trust with the public, and in particular, with people of color in our community. The resulting research, analysis, and opportunities in this plan represent the culmination of these efforts. With the hiring of a new Police Chief in 2020 and the formation of the most racially diverse Town committee in Bethlehem’s history, we have embraced the Police Reform & Reinvention Collaborative process as an opportunity, above all else, to be better and to do better. We hope the opportunities identified in this report will help us do just that.

This is a historic opportunity for Bethlehem. We have a common dedication to anti-racism and are increasingly recognizing that systemic racism and inherent bias are local as well as national problems. We have a new Police Chief committed to the Collaborative effort and to positive change within our Police Department. The opportunities in this report are not just words, but rather are a new path forward for our Police Department our entire community that will, we hope, ultimately lead to a better and safer Bethlehem for all.

# SUPPLEMENTAL INFORMATION

## Appendix 1 - Town of Bethlehem Resolution Supporting Black Lives

**WHEREAS**, the deaths of Ahmaud Arbery, Philando Castile, Stephon Clark, George Floyd, Eric Garner, Freddie Gray, Botham Jean, Atatiana Jefferson, Tamir Rice, Alton Sterling, Breonna Taylor, and countless others have drawn attention to structural and systemic racism in our country;

**WHEREAS**, "structural racism" is not just an expression of racial animus; rather, it is a set of consequences within society that lead to racially unequal outcomes in people's lives via the ordinary daily workings of society, caused by the accumulated history of racist oppression from slavery through Jim Crow, as well as past and continuing discrimination;

**WHEREAS**, Black people, immigrants and people of color have been, on countless occasions, historically marginalized, disproportionately criminalized, and targeted by excessive force and brutality by an unjust system;

**WHEREAS**, the Black Lives Matter movement and the COVID-19 pandemic have illuminated the current crisis, along with the socio-economic and environmental inequalities that have negatively impacted communities of color, specifically related to the lack of access to opportunities in education, housing, employment, healthcare, and every aspect of American life;

**WHEREAS**, the Town of Bethlehem commits to the affirmation that Black lives matter because so many Black lives and people of color have for so long been discounted, undervalued, abused, and taken from us;

**WHEREAS**, the Town of Bethlehem appreciates the dedicated women and men of our Police Department who work to keep our community safe. At the same time, the tremendous power of our Police Officers must be balanced with the tremendous responsibility they have. We will recommit to a shared understanding of how we treat our residents as well as visitors to our community, and this soul-searching work will be a part of our forthcoming Police Reform and Reinvention Collaborative and a priority of our Police Chief, Police Department and Town Council;

**WHEREAS**, the Town of Bethlehem acknowledges that we must do our part to dismantle all injustices within our community and we must not let silence render us complicit with these injustices;

**WHEREAS**, the Town of Bethlehem believes in individual liberties, civil rights, human rights, and voting rights;

**NOW THEREFORE BE IT RESOLVED**, that the Town of Bethlehem will advocate against racism in our community and will work actively with residents and town leaders, our town institutions, and our law enforcement and justice system to ensure that all Black, Brown and Indigenous people and all people of color have equal protection under the law;

**BE IT FURTHER RESOLVED**, that the Town of Bethlehem, through its Town Council, affirms that Black lives matter, commits to being anti-racist, and strives to be a place where people of all races are welcome and can move freely without fear or intimidation; and

**BE IT FINALLY RESOLVED**, that the Town of Bethlehem will continue to seek solutions that foster *a better future for all*, regardless of race, ethnicity, religion, disability, gender or sexual orientation so that we may truly become a society and a nation “indivisible, with liberty and justice for all.”

On a motion by Councilwoman Cunningham, seconded by Councilwoman Becker and approved on September 9, 2020 with the following vote:

AYES: Supervisor VanLuven, Councilwoman Becker, Councilman Coffey, Councilwoman Cunningham

NOES: Councilman Foster

ABSENT: none



## Appendix 2 - Police Reform & Reinvention Collaborative Advisory Committee Members

As part of the Bethlehem Police Reform & Reinvention Collaborative, the Town formed an Advisory Committee to help ensure the Collaborative successfully improved trust, fairness, equity, and justice within our community and our Police Department, and addressed any racial bias, discrimination, and disproportionate policing of communities of color. The core mission of the committee was to advise on how to most effectively engage the community and incorporate community input into the Collaborative process. The committee's membership represented a broad range of views and perspectives about our town and our Police Department, including members with particular insights into experiences that people of color have had with our Police Department, and who could offer recommendations on how to improve these interactions.

### Consultant

#### Jasmin Brandow



Jasmin S. Brandow is a facilitator committed to empowering people through intentional conversations about identity, awareness, and impact. She has a B.A. in Sociology from University at Albany, SUNY, and an M.A. in Political Science from Nelson A. Rockefeller College of Public Affairs. During graduate school, Jasmin completed a fellowship with the Center for Women Government and Civil Society and wrote a policy on respect and interpersonal behavior for NYS Office of Mental

Health. From 2007-2012, she worked with the NYS Office of Court Administration, including Offices of Workforce Diversity, Alternative Dispute Resolution, and Court Improvement Programs, where her efforts were focused on policies and projects related to preventing workplace violence, increasing access to justice, and addressing disparities in the child welfare and juvenile justice systems. In 2015, Jasmin co-founded HumanKind Workshop to develop and share learning experiences that bring people together around topics like culture, bias, humility, and healing. She is also co-founder of Sol & Luna LLC, a small business designing yoga products to support mindfulness practices for children and families.

## Community Members

### Jennifer Ansong



Jennifer Ansong is a lifelong resident of Bethlehem, NY. She is currently a fourth year undergraduate at the University of Buffalo studying biology and music. She also works at the University of Buffalo's Intercultural and Diversity Center where she plans and leads programs and other initiatives for underrepresented students on campus. In this position she educates, advocates and celebrates underrepresented identities. She chose to serve on the Advisory Committee because she believes the Committee has the power to mend the racial divide in the community around the police, K-12 education, and other institutions. She wants to be a

part of that change so that Bethlehem can be a more welcoming community to future generations of people of color. She loves this town and always wants it to be better.

### Darnell Douglas



Darnell Douglas is a longtime Bethlehem resident and alum of Bethlehem Central High School. He and his wife have three children, two of which still attend Bethlehem Central Schools. He received his undergrad at Manhattan College and was a track athlete throughout his college career. He decided to bring his passion for track and field back to BCHS in 2007 and became a coach for the track and field team, which he proudly coaches to this day. Darnell received his Master's in School Counseling from Russel Sage College in 2013 and joined the BCHS Counseling Department in 2015. He has an immense passion for all things track and standup comedy so if you know any good

knock-knock jokes, pass them on. He enjoys staying active and taking adventures to new places with his family. Darnell is excited to be a part of this committee and is looking forward to contributing to a better future for our community.

### Xavier R. Fitzsimmons Cruz



In an effort to address the inequitable enforcement of policing on residents, the racially biased distribution of traffic enforcement in the town of Bethlehem, and to highlight the growing concerns of Student Resource Officers in schools, Xavier has been an active participant on the Bethlehem Police Reform Committee. Healing and reform go hand and hand for Xavier, and as such he dedicates his time promoting and inspiring leadership among Latinx, and other minority youth. As co-founder of the group Bethlehem for Social Justice, a BOCES Educator, and youth activist, Xavier has a keen understanding that top-down reform is

not change, and that the future of justice is in the hands of those who have been victimized by it

the most. We will achieve our place when we each stand courageously in the face of injustice as our ancestors so bravely did so that we could live as they dreamed. Say their names, Breonna Taylor, George Floyd, Elijah McClain, Philando Castile, Michael Brown, Terence Crutcher, Eric Garner, Alton Sterling, Oscar Grant, Freddie Gray, Botham Jean, Atatiana Jefferson, Bettie Jones, Laquan McDonald, Tamir Rice, Dominique White, and all those that if it were not for the color of their skin, would not find themselves victims of the carceral state.

### **Jaye Holly**



Understanding that it is from our differences that we draw our strength, Jaye Holly has been a lifelong advocate and activist for equity, diversity and inclusion (EDI). She works for the Sanctuary Institute, serving as a trainer and consultant to human-service organizations that are working to build trauma-informed cultures. Her job takes her all across the country, working with agencies large and small, as they create environments that support healing and resilience for their communities.

Additionally, she operates Jaye Holly Consulting, working with organizations on identifying and addressing their EDI challenges, as well as other training needs.

Jaye attended Marist College in Poughkeepsie for her Bachelor's Degree in psychology. She received her Master's in Human Resources Development from McDaniel College (then Western Maryland College). Recently, she completed a certificate program from Cornell University in Diversity & Inclusion.

As a child growing up in the Midwest, Jaye watched her parents navigate the racial challenges of the 1960s by working to empower themselves and others. She learned that activism was the antidote to hopelessness. She carries that spirit with her today, through her professional life as well as her volunteerism. Throughout her life, Jaye has served on many boards of directors for non-profits, including In Our Own Voices here in Albany. She is quite active with her church, the First Unitarian Universalist Society of Albany, where she has served on the Social Responsibilities Council as well as on the Inclusion Team. She is also a member of Bethlehem Indivisible.

Although Jaye is not a native of Bethlehem, she and her wife Judy have been delighted to call Delmar their home since 2008. They are the proud parents of a very energetic beagle-mix named Oscar. If Jaye had any spare time, she would like to use it for reading, baking, playing Scrabble and doing Zumba.

## Zhiying Li



I am very excited and honored to have the opportunity to contribute to a positive change in our community. I am Chinese. I came to the US for graduate study in the field of life sciences more than twenty years ago and stayed since. My family and I moved to the capital region three years ago due to job relocation. We chose to live in Delmar for one of the most common reasons: the school district. Our two kids are at Eagle Elementary.

The pandemic gave me a chance to be a lot more informed about things happening around me locally, nationally and internationally. As a result, I found myself becoming more and more interested in being involved in activities that my neighbors and friends (who I got to know in the past three years) are involved in. As a minority member of the community, I am very much interested in contributing positively in community affairs that matter to every member of the community, on behalf of all Chinese residents who I may or may not have gotten the opportunity to know in person. I believe this reform and reinvention task is one of such important issues.

As advised by the Governor and stated by our town board, the Police Reform and Reinvention Advisory Committee aims to foster collaborative work relationship and community involvement. Building collaborative work relationship is a key element in ensuring progress. Engaging community openly and positively is the first step in achieving the trust needed to pave the road for reaching fairness, equity and justice built upon mutual understanding and respect.

As a scientist, I would like to contribute positively on data analysis and related issues such as data collection, trouble-shooting and others, if assistance as such is needed. As a member of a minority group, I would like to share information and comments from Chinese immigrants' perspective, to increase the diversity of the committee. As a mature and healthy adult, I would do my best to contribute people power to support the committee's decisions and actions, whenever needed.

As the whole nation reflects on the passing of RBG, one particular comment from the NYTimes caught my attention, "Judge Ginsburg's ... role" when serving on the United States Court of Appeals for the District of Columbia Circuit "sprang from deep convictions that in a healthy democracy, the judicial branch should work in partnership with the other branches, rather than seek to impose a last word that left no room for further discussion." I believe forming the advisory committee and working toward building a collaborative relationship to serve the bigger and better good of the community is one of such actions a healthy democracy could take. I applaud the town board's action in this regard and look forward to moving forward with all the other committee members in assisting our town and our police in achieving the goal of reform and reinvention.



## Donald Robbins



Don Robbins is a 30-year resident of Bethlehem (Slingerlands). Don recently retired from a 40-year professional career which included senior staff positions with the New York State Assembly and senior executive positions in two State agencies: the NYS Division of Substance Abuse Services and the NYS Department of Social Services. Don also spent 13 years in the private sector as Director of Operations for WellCare of New York a regional managed health care company, Government Analyst for the Law Firm Hinman Straub and, Vice President for Regional Government Affairs at Magellan Health a national health care provider.

Don and his wife Pamela Clark Robbins are the parents of two sons Matthew and Tyler both of whom attended Bethlehem schools, and the grandparents of four- one of whom attends Slingerlands Elementary School. Pam is the President of Policy Research Associates a Delmar based firm which employs 60 persons.

Don's volunteer activities have included Coaching for Bethlehem Pop Warner and the Board of Directors of the Bethlehem Basketball Club (BBC). Currently Don serves on the Boards of: The Schuyler Center for Analysis and Advocacy, St. Catherine's Center for Children, and Community Caregivers.

### *Statement on Police Reform and Reinvention Advisory Committee*

As a 30-year resident of Bethlehem (Slingerlands), I have seen many changes in the Town impacting demographics, governance, commerce and development. All of these changes result in a Community which looks and feels different now than it did 30-years ago. There are new faces, new opinions, more businesses and more visitors. As an African American male my view of the Town has an added lens. There are more Black, Brown and Asian faces around. There are fewer residents who have spent their lifetimes in the Town and more who have come from other places, near and far. There is an increased diversity of people, experiences and opinions.

One thing that unifies us all however is the desire to feel welcomed, safe and fairly and equitably treated by and in the Town. The Police Reform and Reinvention Advisory Committee will play a critical role in ensuring that the work of the Bethlehem Police Department (BPD) reflects the best practices and highest standards of Community service; that the BPD will treat all people, regardless of race, ethnicity, religion or sexual orientation, residents and visitors, with respect, fairness and professionalism. Additionally, the Advisory Committee will help to reimagine the role of the BPD, to again ensure that the service provided reflects best practices, uses resources efficiently and engenders trust within all the Community. I have an extensive background in policy development and implementation. I have drafted and negotiated legislation and budgets and I have also been responsible for the implementation of those policies. I believe I can bring that experience to the work of the Advisory Committee and do the hard work to ensure that the BPD operates in a way that we can all have confidence and pride in.

### **Monica Scherzer**



Monica moved to Bethlehem in 2003, and she resides in the hamlet of Delmar with her husband, Jonathan, and her two sons. An educator since 1998, Monica has worked in various areas that differ in demographics and socioeconomic backgrounds. This experience has allowed her to witness the differences in how police officers interact with a variety of communities. Monica's goal for working on the Police Reform Advisory Committee is to improved trust and to strengthen relationships between the police and people of color as Bethlehem's diversity continues to grow.

### **Suni Swann**



Suni Swann, a town resident (Selkirk) since 1992, grew up in a multi-ethnicity, lower-income family. This background, along with her bi-racial marriage and faith allowed for Suni to experience diversity and inclusion challenges. These challenges taught her perseverance, ingenuity, and self-control. Her post-secondary education centered on education and psychology (with a focus on law enforcement). Her interest in law enforcement reform stems from her studies and life experiences. Suni has spent the majority of her time volunteering within the Capital

Region mentoring others. She has served on numerous committees within her school district where she now substitutes as a teacher, when needed.

### **Caren Tiu**



I have lived in the Town of Bethlehem for more than 13 years alongside my husband, Ronan and our 2 children. I am looking forward to being a part of the Police Reform and Reinvention Advisory Committee to help facilitate trust and respect between the police department and all of the members of this community. I am Puerto Rican, Bronx raised, married to a Filipino with two wonderful mixed race children. This diversity in my own family guides me to be a part of this conversation.

## **Katie Yezzi**



Katie Yezzi grew up in the Capital Region. Having moved away for college and career for 18 years, she returned to the area in 2006, purchasing a home in Delmar, where she currently lives with her spouse and two children who attend the Bethlehem Public Schools.

Professionally, Ms. Yezzi has spent the majority of her 27-year career committed to social justice through education by serving predominantly Black and Latinx communities. Most recently, she was a school founder and an Assistant Superintendent in Troy, providing previously underserved students from the Capital Region a high quality, college preparatory education.

She views her role on the committee as an opportunity to give back to our community, to seek fair and equitable policing for all people who live, work, and travel through Bethlehem, and to leverage this moment as a way to bring our community closer together through democratic participation. She is eager to analyze data and solicit the input of a broad range of stakeholders in order to ensure our police meet the needs of Bethlehem.

### ***Faith Based Community Group***

#### **Rev. Dr. Roxanne Jones Booth, Riverview Missionary Baptist Church**



Rev. Dr. Roxanne Jones Booth is Co-Pastor of the Riverview Missionary Baptist Church in Coeymans Landing. In addition to Co-Pastoring, she is an Adjunct Professor in the College of Arts and Sciences Department of Africana Studies at SUNY Albany. She is also a Recovery Coach at Homer Perkins Center in Albany, NY, which is a re-integration facility for men in recovery from alcohol and substance abuse. Dr. Booth enjoys traveling. She and her husband most recently traveled

to Japan to celebrate their 20th Wedding Anniversary. She has served for 10 years as a Christian mission worker living in Eswatini and South Africa. Currently, she coordinates an annual short-term mission trip to Southern Africa sponsored by the Riverview Missionary Baptist Church. She is a life-time member of Delta Sigma Theta Sorority, Inc. and serves as the Chair of the International Awareness and Involvement Committee for the Albany (NY) Alumnae Chapter. She and her husband, the Reverend Antonio Booth have been residents of Selkirk for over 10 years.

Dr. Booth wanted to participate on the Advisory Committee because of her shared experience with men, women, boys and girls of African descent who live each day in a nation that is still trying to be a “a more perfect union.” She brings the perspective of having grown up in this community with family and friends who have experienced micro-aggressions and discrimination all their lives. Dr. Booth will use her academic expertise in African American history as well as her lived experiences in making our community better for everybody.

## ***Police Department***

### **Gina Cocchiara, Chief of Police**



Gina F. Cocchiara is the Chief of Police of the Bethlehem Police Department. She is a twenty-six year veteran of law enforcement with a Bachelor of Science in Criminal Justice Administration and has held the positions of Patrol Officer, Patrol Sergeant and Detective Sergeant before being appointed to the position of Chief in 2020.

Chief Cocchiara believes in developing strong community relationships and bonds, both professionally and personally. She is a strong proponent of the community policing philosophy, police professionalism and continuing education and training.

She is a member of the International Association of Chiefs of Police, the New York State Association of Chiefs of Police, and New York Women in Law Enforcement Organization and sits on the board of directors for the Bethlehem Youth Court.

The Chief resides in Glenmont, New York.

## ***County District Attorney's Office***

### **Mary Tanner-Richter, Asst District Attorney**



Mary Tanner-Richter has been an Assistant District Attorney in the Office of the Albany County District Attorney since February 2001, and is currently the Chief of the Vehicular Crimes Unit and a designated Traffic Safety Resource Prosecutor for the State of New York. She has specialized in the area of vehicular crimes prosecution since 2004 and was instrumental in creating the Albany County District Attorney's Vehicular Crimes Unit in 2008. Ms. Tanner-Richter has completed training in At Scene Motor Vehicle Collision Investigation, and is responsible for overseeing the prosecution of all felony alcohol/drug-related vehicular crimes, vehicular assaults and vehicular homicides in

Albany County. She has participated in numerous trainings of various law enforcement officials and prosecutors across the State and has spoken on numerous occasions to high school parents and students, and college students. Additionally, Ms. Tanner-Richter has been involved in providing training to Bar and Tavern Owners throughout the Capital Region. Ms. Tanner-Richter is a member of the Albany District Attorney's Office DWI Advisory Board, the Albany County STOP-DWI Program, and currently sits on the NYS GTSC Taskforce on Impaired Driving Enforcement Team. In addition, Mary is a member of the Appellate Division 3rd Department Character and Fitness Committee.

Ms. Tanner-Richter received a Bachelor of Arts Degree in Political Science from Nazareth College in Rochester, New York, in 1994, and received her JD from Albany Law School in 1998. Prior to coming to the Albany County District Attorney's Office, Ms. Tanner-Richter was



an Associate at the Buffalo Law Firm of Jaeckle, Fleischmann, & Mugel, LLP., assigned to the Litigation Department, from 1998-2000.

Ms. Tanner-Richter is the recipient of the 2011 Recognition of Excellence Award presented by NYS STOP DWI, Mothers Against Drunk Driving, in conjunction with the New York State Governor's Traffic Safety Committee. Additionally, Albany County STOP DWI presented Mary with the Daniel S. Dwyer Memorial Award in December 2012 to honor her commitment to justice for victims of DWI crimes. In 2015, Mary Tanner-Richter was named the National Traffic Safety Prosecutor of the Year by the National Association of Prosecutor Coordinators (NAPC).

In 2018, Bureau Chief Tanner-Richter was named as one of two Traffic Safety Resource Prosecutors (TSRP) for the State of New York through the Governor's Traffic Safety Committee's Highway Safety Program. The program is grant funded by the Federal Highway Safety Program under the National Highway Traffic Safety Administration (NHTSA), and addresses roadway safety through education and trainings across the State of New York, as well as nationwide. As a TSRP, Ms. Tanner-Richter is working in conjunction with members of the Governor's Traffic Safety Committee, the National Highway Traffic Safety Administration (NHTSA) and the National Traffic Law Center of the American Prosecutors Research Institute to keep New York prosecutors and police officers apprised of the latest traffic safety issues affecting the entire country.

### **County Public Defender's Office**

#### **Gabriella Romero, Asst Public Defender**



Gabriella Romero is an Assistant Public Defender with the Albany County Public Defender's Office where she serves as a Felony Trial Attorney as well as the Primary Public Defender assigned to Bethlehem Town Court. Prior to her assignment to Bethlehem, Ms. Romero served as the Assistant Public Defender assigned to Colonie Town Court, Guilderland Town Court, and Menands Village Court where she zealously represented hundreds of clients.

Ms. Romero graduated from Albany Law School in 2018, where she was a Pro Bono Scholar, Editor in Chief of the Government Law Review, Executive Vice President of the Student Bar Association, in addition to the President of her 1L Class. In law school she was a Puerto Rican Bar Association Diamond Jubilee Scholar, as well as a recipient of the J.H. Milstein award for Excellence in Clinical Programs for her leadership, professionalism, and advocacy during her internship at the Schenectady County Public Defender's Office.

Prior to law school, Ms. Romero was awarded the Minerva Fellowship for the 2014-2015 session where she focused on social issues and political unrest in Estero de Platano, Ecuador. Gabriella completed her B.S. at Union College in 2014. She is excited to not only listen, but to add her voice to this discussion on issues of race, community, and ethics within Bethlehem.

## **Elected Officials**

### **David VanLuven, Town Supervisor**



David VanLuven joined the Town Board in January 2016 and was elected as Town Supervisor in November of 2017. He previously served on the Bethlehem Comprehensive Plan Assessment Committee and the Citizens Advisory Committee on Conservation. Professionally, David led a variety of programs with nonprofits and state agencies for 20 years, including directing the NY Natural Heritage Program in the NYS Department of Environmental Conservation, and launching The Nature Conservancy's Hudson River Estuary Program. In these roles, he built strong teams, navigated shifting politics, managed complex budgets, and raised millions through grants and appropriations. More recently, David worked as a strategic planning consultant for nonprofit organizations and government agencies throughout the Northeast. David and his wife Isabelle Bleecker moved to Delmar in 2001, and have three daughters Catie, Juliette, and Emma. David has a B.A. from Middlebury College with a double major in Religion and Arctic/Alpine Ecology (for which he did his thesis research 130 miles north of the Arctic Circle), and a joint M.S. from Tufts University in Urban/Environmental Policy and Biology.

### **Joyce Becker, Town Councilmember**



As an experienced Town Department head, Joyce dedicated her working life to improve the lives of families and older adults. Retired from municipal service, Joyce is a recognized leader who wants to represent the community with integrity and compassion on the Town Board.

### **Dan Coffey, Town Councilmember**



Dan Coffey joined the Town Board in January, 2019 and began a full four-year term in January, 2020. He previously served on the Town's Planning Board (2009) and as Chair of the Town's Zoning Board of Appeals (2010-2017). He also served on the Town's Comprehensive Plan Assessment Committee (2013). Dan is an attorney and partner of the Albany law firm Bowitch & Coffey, LLC, practicing in the areas of environmental/land use and insurance-related litigation. He volunteers as an attorney mentor in Bethlehem Youth Court, serves as an assistant-volunteer at the Albany County Family Court, and is a member of the

Third Judicial District's Committee on Character and Fitness. In 2016, Dan was President of the Albany County Bar Association. Dan is a graduate of Union College of Schenectady (BA, political science), Columbia University (Master of Public Administration) and Georgetown University Law Center (juris doctor). He previously worked for the U.S. Congressional Budget Office and General Accounting Office in Washington before relocating to the Capital Region. Dan, his wife Eileen, and their two daughters live in central Delmar. In his spare time, Dan can be seen running or biking on the streets of Bethlehem.

### **Maureen Cunningham, Town Councilmember**



Maureen Cunningham joined the Bethlehem Town Board in 2018. She recently served two years as a Board Member on the Bethlehem Youth Court, as well as formerly serving on the town's Conservation Easement Review Board, Local Waterfront Revitalization Advisory Group, Open Space Working Group, and Bicycle and Pedestrian Committee. Maureen also served on the Friends of Five Rivers Board of Directors for several years and led several PTA initiatives at Hamagrael Elementary School while her sons were students there, including launching their popular Walk to School and Bike to School events. A fifth generation Upstate New Yorker and a town resident since 2008, Maureen lives with her husband, Paul, and two teenage sons in Delmar. She currently serves as the Deputy Director of Water and Senior Strategic Advisor for the Environmental Policy Innovation Center (EPIC), a nonprofit organization dedicated to building policies that improve the speed and scale of conservation, where she works on ensuring clean water for all by prioritizing equity, public health and innovative financing. Prior to this, she served as Senior Director for Clean Water at Environmental Advocates NY, where she championed statewide clean water legislation and policies, including pushing the state to set nation-leading drinking standards for emerging contaminants. Maureen also served as Executive Director of the Hudson River Watershed Alliance for several years, strengthening the capacity of dozens of grassroots groups and municipalities to protect their streams and water resources. Before moving back to New York, she worked for Rare in Washington, DC, where she led international initiatives in several countries linking community-based ecotourism projects and social marketing strategies to biodiversity conservation. Maureen holds a Master of Environmental Management from the Yale School of the Environment and a Bachelor of Arts in International Studies from The American University School of International Service, and she speaks Spanish and French. Maureen's priorities on the Town Board include open space protection, expansion of parklands, bike and pedestrian safety, community policing, a just transition from fossil fuels, social and environmental justice, and a safe and healthy community for all.

## **Jim Foster, Town Councilmember**



Jim Foster was elected and took office on the Town Board in January 2018. A third generation resident of Bethlehem, Jim has volunteered hundreds of hours serving the community in various capacities, including as a long-time member of the Elsmere Fire Company. After graduating from Bethlehem Central High School, Jim attended Georgetown University from which he graduated with honors with a dual major in Government and Psychology. While in college Jim earned his EMT certification and received hands-on medical training working in the Georgetown University Hospital Emergency Room. He

continued on to employment as a Senior Auditor at UHY Advisors, where he was granted Top Secret security clearance and provided consulting services to various federal agencies, including the Department of Defense, at multiple civilian and military installations, including the US Embassy in Nairobi, Kenya. In 2007, Jim left UHY Advisors to attend Albany Law School, where he served on the Executive Board of the Albany Law Review and graduated with honors. He then accepted a position as a litigator in the Manhattan office of Milbank, Tweed, Hadley & McCloy, LLP, a top international law firm. As a litigator, Jim worked on highly-complex commercial cases and managed a team of over 60 attorneys. While in Manhattan, Jim also worked pro bono on environmental policy at the Environmental Defense Fund. Jim received further executive legal and business training at Harvard University and was recognized by Legal Services NYC for his dedication to providing legal representation to the poor and underserved. Most recently, Jim joined Dowling Law, PLLC in Albany where he provides legal counsel to corporate clients, not-for-profits, and small businesses regarding a wide range of matters including entity formation, corporate governance, and contract review and drafting. He sits on the Advisory Council of the Bethlehem YMCA and on the Board of Directors of the Elsmere Fire Company, where he also continues to serve as an active firefighter and “big brother” to several junior firefighters. Jim currently resides in Delmar with his better half, Katelyn, and their young son Huxley.

## ***Police Department Technical Advisors***

### **Mike Cozzy, Commander**

### **Adam Hornick, Commander**



Commander Adam Hornick is a lifelong public servant who grew up in the Bethlehem community and graduated from Bethlehem Schools. After earning the rank of Eagle Scout at 16, he joined the Onesquethaw Volunteer Fire company, where he is now a life member. He was a NYS certified EMT for 25 years. Commander Hornick earned his Associate’s Degree in Criminal Justice at HVCC, his Bachelor’s Degree in Criminal Justice from SUNY Albany and his Master’s Degree in Public Administration from Marist College. Commander Hornick



began his career with the Bethlehem Police Department as a Telecommunicator and worked as an Albany County Deputy Sheriff for one year before returning to Bethlehem PD as an officer. As a member of BPD he is a NYS Certified Fire Investigator, an original member of the Capital District Forensic Hazardous Materials Team, an FBI Certified Crisis Negotiator, and has attended numerous training sessions and testified at multiple local, state and federal courts in all types of cases.

Commander Hornick was selected as the Keynote speaker at the Statewide Arson Seminar in 2017 speaking in front of over 400 fire investigators. He has also presented at the NYS Conference of Mayors on Cannabis legalization and the FBI WMD conference. During the course of his official duties as a detective and administrator he has traveled to ten different states to work on cases, extraditions and investigations. He has experience in all types of criminal investigations including homicides, sexual assaults, white collar crimes, arson, narcotics and cold cases. Commander Hornick has great experience as an emergency manager, being the incident commander for a variety of incidents including, large scale hazardous material incidents, multi-day operations, natural disasters, large scale criminal investigations, multi-agency investigations, and leading the Department through the COVID 19 pandemic. He has authored many grants for the Bethlehem Police Department and helped formulate policy for all Albany County Police Agencies to conform to the 2020 Discovery Reform Laws. Commander Hornick has received the BPD Drug Buster Award, Gallantry Award, and Chief's Achievement Award three times over his career; as well as the Sheriff George Infante Law Enforcement Award for his dedication to victims and survivors of crime. He also served as the BPD public information officer for over five years. He currently teaches in the joint initiative Bachelor's Program between SUNY Delhi and Columbia Greene Community College, and previously spent three years as an adjunct instructor at Columbia Greene Community College.

### **Jim Rexford, Commander**



Commander James Rexford started his law enforcement career in 1997 with the Town of Coeymans Police Department as a police officer. He transferred to the Town of Bethlehem Police Department in 1998, was promoted to Patrol Sergeant in 2007, and again to Master Sergeant in 2019. He recently was promoted to Commander in 2020 and oversees the Patrol Division.

Commander Rexford holds a Bachelor's Degree in Criminal Justice from SUNY Albany and a Master's Degree in Public Administration from Marist College.

Commander Rexford's philosophy for policing is based in a community policing model, which emphasizes building relationships with the community. His vision for this collaborative reform effort is that it will facilitate positive change within the Town of Bethlehem Community. By going through this collaborative reform process it provides the police department with an excellent opportunity to showcase the positive aspects of the department, while at the same time it will assist in identifying ways the police department can improve.

## Appendix 3 - Data on Incident Types

The tables below show incident data from Police Department Annual Reports from 2015-2019, with the 163 different incident types used in the past cross-walked into the 52 compressed incident types that will be tracked by our Police Department starting in 2021. These incident data can be used to get a general picture of the types of incidents that occur in Bethlehem and their general frequency relative to one another, but they are not of sufficient quality to enable detailed analyses, even across years. This is because the data were never used by the State, Police Department, or public, so they were not rigorously managed for consistency.

<b>New Incident Type (infrequent sworn officer/public interaction)</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Administration	310	1,467	278	265	191
Animal Control	1,384	1,389	1,417	1,293	1,230
Other	2,407	2,275	2,244	1,951	2,728
Property Check	303	3	369	333	341
Public Works Notification	457	231	307	308	256
Records	812	113	755	935	1,207
Test	47	57	78	42	30
Traffic Detail	181	70	25	46	338
Traffic Hazard	619	578	584	647	653
Train Incident	6	14	16	11	4
<b>Subtotal (infrequent public interaction)</b>	<b>6,526</b>	<b>6,197</b>	<b>6,073</b>	<b>5,831</b>	<b>6,978</b>

<b>New Incident Type (frequent sworn officer/public interaction)</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Alarm-Bank	40	32	12	30	16
Alarm-Burglary	1,120	1,092	1,114	1,051	1,102
Assault	21	23	16	26	22
Assist-Other Agency	308	4,238	401	317	273
Assist-Person	1,187	1,182	1,253	819	862
Bomb Threat	1	1		2	
Burglary	51	3	36	25	24
Check a Person	865	746	954	846	976
Check a Vehicle	1,543	1,439	1,475	1,223	1,408
Community Program	490	465	430	564	401
Court	85	2	83	77	76
Crash-Personal Injury	140	147	234	169	133
Crash-Property Damage	958	902	851	962	894
Crash-Unknown	104	68	96	99	89
Criminal Mischief	135	79	121	79	89
Dispute-Civil	122	396	169	176	171
Domestic-Physical	146	135	154	146	147
<b>New Incident Type (frequent sworn officer/public interaction)</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>

Domestic-Verbal	219	265	254	243	245
Drugs	42	38	490	534	200
Emotionally Disturbed Person	67	59	102	72	116
EMS Call	2,818	44	3,078	3,280	3,054
Fight	32	2	23	3	54
Fire Call	813	100	796	793	699
Fireworks	29	126	45	30	48
Get Report	387	1,232	313	326	327
Investigation/Follow Up	1,289	267	1,030	931	1,029
Juvenile Incident	115	139	82	44	68
Larceny	475	163	488	517	423
Missing Person	59	543	54	39	61
Open Door/Window	56	2	43	61	83
Person Suicidal	21	10	9	13	13
Person with a Weapon	5	35	9	3	1
Police Information	1,053	9	1,141	1,004	1,067
Property	564	616	307	304	394
Prowler	17	213	8	16	12
Robbery	2	165	3	3	1
Sex Crimes	100	4	84	87	116
Shots Fired	35	42	52	45	33
Town Offense	36	225	275	306	18
Traffic Stop	363	14	323	294	300
Vehicle in Violation	88	35	68	58	80
Vehicle Lockout	306	254	265	237	212
Warrants	276	277	333	285	261
<b>Subtotal (frequent public interaction)</b>	<b>16,583</b>	<b>15,829</b>	<b>17,074</b>	<b>16,139</b>	<b>15,598</b>

<b>INCIDENT TOTALS</b>	<b>23,109</b>	<b>22,026</b>	<b>23,147</b>	<b>21,970</b>	<b>22,576</b>
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## Appendix 4 - Data on Perceived Race of Alleged Violators Issued Tickets 2015-2019

	White	Black	Hispanic	Asian	Native American	Other	Not Reported
<b>2015</b>	1,530	458	65	52	0	51	181
<b>2016</b>	2,096	443	104	72	0	49	0
<b>2017</b>	2,749	494	128	127	1	53	124
<b>2018</b>	2,695	580	137	129	0	95	363
<b>2019</b>	2,571	609	188	128	0	106	426
<b>5-year average</b>	2,328	517	124	102	0	71	219
<b>5-year average</b>	69%	15%	4%	3%	0%	2%	7%

## Appendix 5 - Subcommittee Reports & Recommendations

### *SUBCOMMITTEE: Student Resource Officers*

**Members:** Jennifer Ansong, Maureen Cunningham, Xavier Fitzsimmons Cruz, Katie Yezzi

As a subcommittee exploring the School Resource Officer (SRO) program, we remain unclear about the goals of the program, who the program is really serving, whether the data (if we had it) justifies having the program in the first place, and whether or not the Police Department is best suited to achieve the stated goals. The same could be said of the Define, Assess, Respond, Evaluate (DARE) program. **Our primary recommendation for the Police Reform & Reinvention Collaborative Advisory Committee, therefore, is to seek greater clarification: determine what the need is that these programs are trying to fill, what the goals are of these programs, and again, whether or not Police Officers - who currently have no mandatory training in education, teaching, social work or communicating with youth - are the best use of available resources to fill the need and the goal.**

Getting this right is critical, not only for the wise use of financial and human resources provided by the school and the town in tandem, but also for the important first interactions that many of our children have with the Bethlehem Police Department through these two programs, both good and bad. As the Police Reform & Reinvention Collaborative was formed to build trust between the public and the Police Department, we believe the lack of clarity surrounding the SRO and DARE programs as well as an outdated vision for both can actually have the unintended consequence of diminishing trust between students and the Police Department.

While we lack the quantitative evidence and metrics related to the success of the program, we do have anecdotal evidence that seems to support that many parents and school staff like the program, while some parents and students - in particular students of color - feel differently. We would like to confirm this anecdotal data with quantitative data through a survey to the school community.

If the ultimate goal of the SRO program is the safety and security of our students, then we believe a better approach must be considered, even having a Police Officer or patrol car positioned outside of the school and never interacting with students unless necessary. How is our current model keeping students safe and secure if the SRO charged with this is playing basketball with kids, in a classroom teaching a DARE class, or walking the halls (all stated activities of an SRO), rather than guarding the main entrance to the school? If this is in fact the goal, then we would recommend identifying what the real safety threats are and creating a program that meets those threats. We do not believe the SRO program, as it is currently designed, meets that goal.

If the goal of the SRO program is to establish positive police relationships with students, as we informally learned directly from our conversations with Bethlehem Central School District representatives, then we wonder why? Why is it so important to have Police Officers in schools to develop those relationships? In this case, we believe the community would be better served if the Police Officers and the students were to interact in a different, more neutral environment, such as community sports or town programs rather than in one that is both compulsory and in which students have the possibility for positive interactions but also really negative ones.

The DARE program originated in 1983 and maintains an ethos of curbing drug use expressed in its famous slogan, “just say no.” Since its origins, however, the most consistent positive result of the DARE program cited is a slight reduction in tobacco use. The [US Department of Justice reported](#), in their original evaluation of the programs that, “As revealed by the meta-analysis, the original D.A.R.E.® core curriculum had small short-term effects on 5th- and 6th-grade pupils' drug use; only the effect on tobacco use was statistically significant.”

As the DARE program has expanded to the majority of American schools, its efficacy has not changed since the 1990s. Our conversations with the school district and others have, in fact, revealed that the program is largely seen as outdated and in need of major updating.

In addition, [multiple studies](#) over the years have indicated the DARE program has little to no effect on student behavior.<sup>23</sup> One of the reasons for this failure is that DARE is not instructed by preventative experts, or people with a pedagogical background. Another reason for the program's lack of success is that it is not instructed by a substance abuse counselor, or more specifically, someone especially trained with communicating these lessons to minors.

The high school SRO curriculum is also in need of improvements and updating. A presentation the SRO makes to high school-level health classes includes important information about the legal penalties of doing drugs and committing various crimes. Their instructional presentation lists several norms in high school that would result in a crime offense like bullying and sexual harassment. An emphasis is placed on the bullying and harassment of specific groups like the LGBTQ plus community and womxn, with the notable exception of people of color. While there are lengthy mentions of laws protecting and punishing students for a wide range of crimes, there is no mention of the [Dignity for All Students Act \(DASA\)](#) or the role of a DASA coordinator.

Based on the above, we believe that a deeper examination of the purpose and scope of both the SRO program as a whole and the DARE program in particular are necessary. Rather than accepting anecdotally that this program is working and liked by students and teachers alone, we believe a more thorough analysis needs to be done. Our specific recommendations are below.

1. **Program need, purpose and scope:** We understand that the contract between the school district and the town for the SRO program is negotiated on an annual basis. Based on this, we recommend the following:
  - Commit to including at least one member of the Police Reform & Reinvention Collaborative Advisory Committee (or Community Review Board, when formed) in the renegotiation of the contract for SROs with the district.
  - Clarify the need for and the goals of the SRO program.
  - Ensure that the existence and/or participation of an SRO is aligned closely to the need and goals of the program, and if necessary, consider alternatives.

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<sup>23</sup> Despite this fanfare, data indicate that the program does little or nothing to combat substance use in youth. A meta-analysis (mathematical review) in 2009 of 20 controlled studies by statisticians Wei Pan, then at the University of Cincinnati, and Haiyan Bai of the University of Central Florida revealed that teens enrolled in the program were just as likely to use drugs as were those who received no intervention.

- Ensure the role of the SRO is aligned closely to the needs and goals of the program.
  - Clarify the need for and use of sidearms by the SRO.
  - Make curriculum revisions vis-a-vis the instructional role of the SRO.
  - Commit SROs to full participation in diversity training with the district when these trainings are made available.
  - Limit the work of SROs outside of school to not create inconsistent roles in order to prevent a patrol and criminalization mentality.
2. Once the goals of the program are clarified, we believe that it is essential to the success of the program that the right person is in the role. We recommend the following assurances for getting the right person in the role:
    - If the goal is the program is determined to be more to create positive interactions with students, one option could be to hire a social worker as an SRO or a resource for the SROs, assuming that person would still bridge communication between the police and the school.
    - Revise process and policies for assigning SROs to allow for the Chief to place officers in the role that meet criteria that align to success in the role (such as specific background or training).
  3. Because an SRO plays a very different role than a patrol officer, we recommend revising or adding training for the SRO to ensure it is aligned to success in the role. This may include adding or revising training on:
    - Bias/diversity
    - How to talk so kids will hear you
    - De-escalation with youth
  4. As we described in our introduction, there is a need to collect data around the SRO and DARE programs to understand the impact in the community. Some areas we recommend for data collection include:
    - Numbers of referrals to SROs, arrests by SROs and the nature of both
    - Conduct a program evaluation/survey with stakeholders across the district(s) to understand the impact of the SRO program
    - Conduct a survey regarding community desire for armed officers in schools and alternatives
    - Number of calls/incidents managing drug related incidents with teens
    - Success of the DARE program
  5. We see a need to increase communication between town, school district and community in regards to SROs (clarity about what they do, why they do it) and police relationship to District 9. Articulate a clear process for students to report any incidents with SROs. Additionally, the police annual report should be presented to the town board, inclusive of the data collected on the SRO and DARE programs.
  6. There is an absence of preventative experts and social workers in teaching the DARE program. We recommend revising the DARE program to realign the curriculum and instructors to the purpose. Emphasize the preventative approach to substance abuse, including:

- Implementing a review of the curriculum by mental health and substance abuse experts
- Transitioning the program to be taught by school staff and incorporating into existing courses/coursework (e.g. FACS)
- Using Police Officers in a ‘guest speaker’ role to cover legal aspects of DARE, but not as lead teacher/trainer

We believe that it is important for students to understand their rights as students and as community members when it comes to policies, rules and laws. Proactive instruction in regards to searches (both by school and police), questioning, confiscation, etc. can help students in making decisions about their conduct, as well as to build an understanding of what they can and cannot expect in terms of privacy and personal liberties in and out of school. This is a recommendation for the school districts that serve children from the Town of Bethlehem, to include such curriculum in 8th or 9th grade, and to consider having a lawyer and an officer or social worker from the BPD teach these lessons. One program to investigate is The Know Your Rights program developed and administered by the Center for Law and Justice which brings together a police officer and an attorney to talk to young adults about their rights when they have an interaction with law enforcement in school, on the street or when driving.

### ***SUBCOMMITTEE: Data and Statistics***

**Members:** Adam Hornick, Beau Melita, Mary Tanner-Richter, Zhiying Li, Xavier Fitzsimmons Cruz

**Mission Statement of the subcommittee:** Our goal is to make our police department more transparent and accessible by suggesting data to be made public while augmenting the process of other subcommittees by offering ways to collect data concerning their work.

We believe the following data should be made accessible to the general public:

<b>Recommendation</b>	<b>Timeline</b>
How often do police officers in our town respond to underage drinking or drug use? Or suspected incidents of such a thing.	Post information on website Quarterly
Post criminal cases and total cases closure rates	Post information on website Quarterly
Stop Data <ol style="list-style-type: none"> <li>1. Demographics on person stopped</li> <li>2. Ticket issued or not</li> <li>3. # of people receiving tickets</li> <li>4. Type of violation</li> </ol>	Post information on website Quarterly
Use of Force Data – state vs Town mandates of reports <ol style="list-style-type: none"> <li>1. Demographics of officer</li> <li>2. Demographics of defendant</li> <li>3. All state required information</li> </ol>	Post information on website Quarterly
Have an independent company or organization analyze past years traffic stop and ticket	Post results when found by hired vendor

demographic data. Findings should be used to develop policy which should also be reviewed by a third party to properly understand change and continuity.	
Posting of Personnel discipline files	Post information on website Quarterly
Personnel Complaint data – numbers and dispositions of investigations	Post information on website Quarterly
Annual Survey of SRO status and community input- end of school year One survey for students – One survey for parents/community	Post data publicly once survey is complete
Arrest Data 1. Resident/non-resident 2. Custodial Arrest numbers 3. Use of holding cells vs seated at table for arrest processing	Post information on website Quarterly
Data on number of vehicle searches – listed by category – warrant, consent- probable cause – and if contraband was located or not	Post information on website Quarterly
Data on Body Cameras- Records of instances when an officer mutes or turns off their body camera during a situation where it's mandated to be on.	Post information on website Quarterly

### ***SUBCOMMITTEE: Oversight of Police Department***

**Members:** Jennifer Ansong, Chief Gina Cocchiara, Maureen Cunningham, Donald Robbins, Gabriella Romero, Suni Swann, Caren Tiu, Annie Rody-Wright

#### **1. Local Recommendation: Create a streamlined Bethlehem community board whose goal is to ensure transparency and accountability of the Bethlehem Police Department**

The subcommittee weighed the pros and cons of a civilian or community review board, and agreed generally on the creation of a board that could improve relations between the public and the Police Department, create a bridge between the two, and ultimately improve safety of all in the community. The goals of such a board would be to include more community input in policing, give a voice to the community, create a safe mechanism for people to voice complaints or concerns without fear of intimidation, and increase transparency, accountability and trust. While the subcommittee weighed the successes and failures of other civilian review boards in Albany and elsewhere, the subcommittee agreed to create a more streamlined board to make it more budget-friendly and more feasible for our smaller community. We studied the City of Geneva's civilian review board and believe there are aspects in this and others we may want to emulate. Ultimately, our recommendation is to create a working group which can help define the scope and mandate for this board and ensure that the board is launched.

The following represent some of the ideas of this committee:

- **Name:** Possibly not using ‘community review board’ but something like ‘accountability and transparency board’
- **Board Role:**
  - Make recommendations on new policies
  - Review policies created by Police Department to provide feedback
  - Provide oversight of complaint and investigation process
  - Ensure there is a mediation process in place and ensure restorative justice when possible, so that community members feel their voices are heard, and that better relations between the public and the police can evolve (trust is nurtured)
  - Provide annual report to the public, and other communication as needed
  - Serve as a bridge between community and Police Department
- **Police Department Role:**
  - Responsible for investigations and discipline
  - Responsible for creating and writing policy
- **Composition of Board:**
  - All volunteers
  - No elected officials on board
  - Include people of color
  - Diverse group
  - 3-5 people (keeping it streamlined and feasible)
  - Legal counsel
  - Look at Geneva Board for ideas on composition of Board
  - Police member could attend meetings but not actually be on the board
- **Budget:**
  - Streamlined
- **Questions:**
  - How do we protect an anonymous complainant?
  - How can we do it without the big budget that other municipalities have (e.g. Geneva)?



## **2. Local Recommendation: Ensure Body Cams are purchased by the Bethlehem Police Department when possible**

The subcommittee had some discussions on the high cost of body cameras, but all members of the committee were in agreement that this should be something that the Town of Bethlehem should invest in at some point in the future when possible.

- **Budget:** Police Department needs to circulate the budget for this
- **State Recommendation:** Make grant funding available for Police Departments to purchase this equipment
- **Policy:** Police Department needs to come up with safe, transparent and responsible use of body cams

## **3. Local Recommendation: Explore having database of disciplinary records available to the public for greater transparency**

There was discussion of having disciplinary records available in some form, to ensure greater transparency. This was not universally agreed upon, and there is some concern among the Police Department and in general about the safety of the officers themselves. This could be another area that a future working group discusses and finalizes.

## ***SUBCOMMITTEE: Trauma, Healing Informed Lens, Restorative Justice, & Behavioral Health & Wellness***

**Members:** Darnell Douglas, Officer Roy Swann, Joyce Becker, Jaye Holly

### **1. We need to have a trauma informed community**

- a. Police officers and people of color are dealing with secondary or “indirect trauma” this occurs when an individual who observes a traumatic situation.
- b. People of color experience this when their communities are over policed & under-policed. This can happen simultaneously. This also happens when people of color are constantly seeing police officers have negative experiences with people of color.
  - i. Example. 9 year old is pepper sprayed by police in Rochester
  - ii. What seems to be a routine stop for a police officer drums up a lot of fear for people who have a distrust of police.
  - iii. Most people don’t have relationships with police officers so they don’t see officers as individuals, they see them as a collective.
  - iv. Every negative interactions with police is added to the collective. (They don’t like me because...)
- c. Police officers are also dealing with trauma in today’s society it can be difficult to be an officer because they are not viewed as a “whole” person.
  - i. The intense spotlight that they are put under.

1. Ex. Go home and don't end up on YouTube
- d. The over exposure of trauma can lead to "Vicarious Trauma." This happens a lot to police officers.
  - i. This can break down coping skills. Someone who at one point had a strong faith, now loses that faith over time.

**Action plan:**

- Trauma training for the officers: This will be done so that they can understand their trauma and also the trauma of Black and people of color.
  - trauma creates predictable behaviors
- Training needs to happen in a controlled setting so that it can become standardized

**Limitation:**

- Funding

## **2. Healing Informed Lens**

- a. I would not say that Town of Bethlehem sees it's self as having any trauma so the Town of Bethlehem might not see that it needs to have a healing informed lens. What I mean by this is that Bethlehem police are an extension of the community, but does the community feel like it has a problem with race or the police.
- b. Some of our officers see themselves as part of the change. The younger the department becomes, the more open they are to accepting new ideas and working with the community to break down the negative perceptions that the BPD held.
- c. The older officers would also like to be a part of the healing process. Some of them feel like they were not a part of the problem, but they are being blamed for the faults of others.
  - i. Halo vs. Bandwagon influence:
    1. Halo: Whoever has the most influence people will change their response to side with this person
    2. Bandwagon: Human nature to gather around the common mean.
 

If people who are in charge has one set of value that does not speak to everyone's value, it can be difficult to speak out against this person.

We must first acknowledge there was a problem, before we can work to fix the situation. Because it only takes "one" negative interaction to change people's perception of BPD.

## **3. Restorative Justice**

- a. The chief has a plan to find out how the community sees the BPD. This idea could lead to working with people who have had negative interactions of police officers and also with people who are critical of BPD.

- i. Create a restorative circle: This involves a mediator and instead of the two parties involved. Members of the police force and members of the affective party
  - 1. restorative circle focused on the interactions and ongoing conflicts between the family and the officers and what each participant thought the solutions to the conflicts should be.
  - 2. the restorative circle built new relationships that have deepened over time, and that “the shared understanding and connections from the Restorative Circle enabled peaceful and efficient navigation of ongoing, serious challenges and turned further devastating circumstances into additional opportunities for healing
  - 3. Communication builds education
    - \* Restorative Justice system built into the community to impact people of trauma
    - \* Policing
    - \* Me too
    - \* Bike theft
    - \* Neighbor calling the police on Neighbor
- b. Shadowing/ride along: If we give people in the community (particularly under represented population) an idea of what a police officer go thought on a daily basis it will break down some of the misconception
- c. Citizen police academy
  - i. We need to be a more proactive community. If we only deal with the police in times of crisis, we only see them in one light.
  - ii. Community policing should build positive interactions and build “relationship capital”

#### **4. Behavioral Health & Wellness**

- a. Officers have the option of utilizing EAP (Employee Assistant Program) to deal with stress, family issues or work related trauma.
  - i. Officers are less likely to utilize this service do to fear of being looked at as weak, stigmatized.
  - ii. Some officers will turn to self medication (alcohol, drugs) to deal with issues of stress.
  - iii. If offices had to speak to someone, they would prefer to speak with someone who has the same experience as them. Such as a retired officer.
    - 1. Train officers to recognize significant stress in peers and (for supervisors), junior members. (this form of training is done in the Marine Corp)

**Action Plan:**

- The police department should have a counselor/Therapist on staff.
  - This will allow officers to do check in with the therapist, bi-weekly, month. So they know how to process this stress.
  - This will destigmatize the idea of counseling and it might avoided (vicarious trauma)
  - Officers will not have to wait until they deal with critical incidents, such as a shooting or a death to speak to someone.
  - If the town already has counselors on staff we can utilize them. If not, when we have the funding this should be a priority
- The town of Bethlehem has tremendous amount of resources. If we utilized the resources in this community we would not have to rely on Mobil Crisis when dealing with situations such as mental health and the homeless population.
  - Inform our residents to call 211 before calling 911
  - Create a program similar to CAHOOTS (Eugene Oregon) that deals with
    1. Conflict Resolution and mediation
    2. Dispute medication
    3. Deliver death notification
    4. Grief and loss counseling
    5. Substance use and abuse counseling
    6. Provide water bottles, socks, and other basic needs
    7. First aid and non-emergency medical care
    8. Resource connection and referrals
    9. Provide direct funds for essential items
    10. Transportation to service

This program could collaborate with Bethlehem Community Foundation for resources and funding

**Limitations:**

- Mental health cases are unpredictable. We would not want to send resources to a call when a person is trying to bring harm to another individual
- We need more statistics to find out how many mental health calls police are responding to.
- Train the dispatcher to figure out if a police or someone else should respond to these calls.

## **Action Plan:**

We are not getting funding to bring in resources so we have to do things that can have meaningful impact that will not cost the town money.

1. What is 211 and how can we utilize this rather than 911? 211 is a special telephone number that provides emergency assistance. For example:
  - a. Access to free Medical Services
  - b. Rental payment
  - c. employment and education assistance
  - d. income assistance
  - e. Access homeless shelter
  - f. <https://www.unitedwaygcr.org/211-referrals>

We need to market this number better so that people in our community know who to call for resources. We have been programmed to call 911 for everything and we have to shift this concept.

We could have officers learn more about 211 so that they can help provide this information to the community as well

2. Mobil Crisis is a great way to help police deescalate situations. The limitations are that Mobil Crisis serves the entire Albany County and their response times are usually 25 to 30 minutes to a call. They will also refuse to come to a call if they feel it is unsafe. Mobil Crisis will also send officers to a call because they are afraid that the victim will harm themselves and others. By doing these things they are triggering the person when the police shows up and also breaking down trust between them and their counselor/therapist. This is also a trigger to the victim because they did not call the police for assistance.

## **SUBCOMMITTEE: Policy**

**Members:** Dan Coffey, Gabriella Romero, Monica Scherzer, Katie Yezzi

### **Body Worn Camera (BWC) Policy Recommendations**

Video footage's power to improve policing lies in its undeniable ability to capture truth. Its aim is to avoid illegal and inappropriate police interactions, but it can also exonerate officers falsely accused of misconduct. The success of this technology depends on how it is used. Since there are clear instances where police interactions shouldn't be recorded (conversations with confidential informants, undercover officers, child victims) the efficacy and ultimately the ability of this tool to inspire public confidence relies on the officers themselves to turn the camera on and off appropriately. Body cameras in Bethlehem have the potential to provide the desperately demanded police oversight, but their use must be accompanied by clear policies to govern their use, data retention, and sharing.

### ***Body Worn Camera Use***

A BWC use policy must have clear rules on when the BWC will be allowed to be turned off, with a strong presumption on always having the camera on. Officers with BWC must be required to record all encounters between uniformed police officers and the public. The cameras should be required to run for the full duration of the encounter. An officer should not be able to turn it off on a case-by-case basis to shield their behavior from review. Any instance of turning off a BWC, especially during an in-person encounter, must be documented and then later submitted to the Chief and/or the Community Police Review Board for review.

The Chief of Police should submit to the Bethlehem Town Board and Community Review Board on a quarterly basis a report of the number of times BWCs have been turned off and the reasons why it was done.

### ***Body Worn Camera Data Retention and Sharing***

Support for BWC will not last if the technology becomes a tool to help law enforcement and prosecutors, instead of a means to increase transparency and reformation of police practices. In an effort to avoid mass surveillance by the police, and to balance the protection of the public with their privacy rights, it's important that a long term plan is created to allow body camera footage to be stored and controlled in an agency that is independent from the police department.

Understandably, third party storage will not be immediately implemented. In the interim, the computer systems used by the BPD to store and access body camera data should automatically document which officer accesses, shares, modifies, and deletes video. If this measure is not implemented and immaculately recorded, the public will lose confidence in the integrity of these videos.

It is important to note that a police department that uses BWCs is making a courageous statement that it believes the actions of its officers are a matter of public record. In that vein, departments with BWC create a reasonable expectation that members of the public and news will want to occasionally view the footage. The Bethlehem Police Department must have a policy on the release of BWC footage to the public. For example, the public has a vested interest in footage that results in death or serious physical injury and/or footage that will address wide-scale public concern. A public release policy should be created that outlines the definition of a serious physical injury or issue of public concern in addition to the timeline for release of that footage.

### ***Use of Force Policy Recommendations***

#### ***Separate Policies for Lethal vs Less-Lethal Force***

There is no force option that is completely non-lethal; however it is clear that an officer will handle the decision to use lethal force differently than all others. The strongest recommendation by this subcommittee is to designate two separate policies that explain how the Bethlehem Police Department identifies when to use lethal and "less lethal" force. Less lethal force could be defined as any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another - this involves mechanisms like manual restraint, electronic control weapons, aerosol spray, and impact projectiles. The designation as "less lethal" instead of "nonlethal" is an important one. If manual

restraint, for example, is done incorrectly or if the subject has a pre-existing medical condition, the manual restraint can kill them. While the possibility of death from these instances is minimal, the possibility still exists.

Bethlehem's use of force policy as it stands now uses general language and vague examples. Any new use of force policy must be more specific and descriptive with its language, for example, "objectively reasonable" or "imminent threat of serious physical injury" need to be further defined in the policy.

### ***Emphasis on De-escalation***

When creating new use of force policies, there should be emphasized sections of the policy that highlight de-escalation techniques used at each level of the use-of-force continuum. A multitude of de-escalation techniques should be the first instinct for every officer, in addition to extra care and sensitivity given to subjects with mental health and substance use issues. The policies must reflect that. Language like "where reasonable, some warning should be given prior to the use of deadly force" is unacceptable.

### ***Reporting***

Any use of force report should include the meticulous round of de-escalation with an articulable reason why multiple forms of de-escalation were unsuccessful or not applicable. The specific de-escalation techniques used should also be explained in writing in the use of force report, which will be reported to the Bethlehem Town Board and posted on the website quarterly. Use of force should be defined in a more inclusive way that includes come-alongs, wrist locks, and generally any use of physical touch with the subject, irrespective of if there is an actual, apparent, or reported injury. There are many instances of lower level force (handcuffing, come-alongs) that can be abused and interpreted negatively for subjects that experience them. Each officer involved in the use of force incident should be required to complete an individual use of force report, instead of a single form for the singular incident. Officers involved in the incident as witnesses should co-sign these narratives to indicate they reflect the incident accurately.

### ***Training***

To bolster the ability to engage in effective de-escalation, continual, scrupulous training on creative de-escalation should be given to every member of the BPD in order to provide officers the confidence and education required to actually use these techniques in the field. This training must include education on the especially unique challenges that arise with subjects that suffer from mental illness or substance use disorders. These situations can compound the complexity of a use of force decision-making trajectory; however the de-escalation emphasis must be present. In tandem with general de-escalation training and mental illness/substance abuse de-escalation training, there should be racial/implicit bias training that addresses community or cultural barriers to communication, systemic racism and the resulting distrust of public safety officers which then provides options to creatively and quickly build trust in these high-stress environments.



### ***Anti-Discrimination and Social Media Policies***

The Committee recommends the Town adopt an anti-discrimination and social media policy. The policy would be applicable to all Town employees, not just employees of the police department. The purpose of the policy is to assure that all employees, including police officers, do not discriminate or show bias to any individuals (both citizens of the Town and visitors to the Town) on the basis of race, gender, religion or sexual orientation while performing Town duties.

In addition, the Town needs to adopt a social media policy which sets ground rules for the use of social media, not just while working as Town employees but also while on personal time, to assure that employees do not post anything online that could expose the Town to liability, breach confidentiality or interfere with the productivity of Town employees.

The policy should state that Town employees are subject to discipline if they breach this policy, although the actual punishment should not be set forth in the policy, but be determined after a hearing is afforded to that employee.

### ***Complaint Policy***

Based on discussions of the PRRC, the Bethlehem community and the BPD want to ensure a fair and safe process for community member complaints. This is a crucial piece of building trust with the police department through transparency and accountability. Following a review of the current complaint process: GO-099 Citizen Complaints Regarding Department Personnel, we recommend the following changes:

- Change the name of the GO to remove the word “Citizen” and replace it with “Community Member” to communicate that all community members may make use of this process - not based on where they live or their citizenship status.
- Section II, part A - Add in the additional method for the public to enter complaints, namely using the on-line form. This process should be spelled out as the current one is - step by step - where it differs from the current procedure.
- Section II- Add in language about tracking the incidents and making the incidents and subsequent actions/findings public.
- Section II, part C - add that the complaint may be resolved but would still be logged and tracked.
- Section II, part H - add in a timeframe for expected communication from the Police to the complainant.

In addition to these recommended revisions to the policy, we recommend the following actions to better communicate with and educate the public about the complaint process:

1. Post up scenarios on the website to provide the public with possible situations where a community member feels compelled to make a complaint (e.g. inappropriate language, profiling, unnecessary use of force, etc.) and provide general steps that MAY occur (there should be an asterisk provided with a disclaimer that explains that each case is unique and subject to changes in the steps outlined).

2. Put a QR code on a flyer that links to the complaint page on the website and post it in the town court.
3. Designate a town staff member or community volunteer (with training) to be a neutral party to guide a community member through the complaint process if necessary.

### *Civil Service – Advocacy at State Level*

While the committee did not have the capacity to complete a thorough cost/benefit analysis of the Civil Service system and its impact on the Police Department, there exist a number of reasons why we believe that a review should be conducted and could potentially result in advocating on the state level to allow for town police departments in New York State to opt out of using the Civil Service system. These reasons include:

- The Civil Service system has a restrictive hiring process which may operate in ways that are counter to the goals of the police department. For example, when an opening occurs for an officer, the hiring committee must choose from the top three candidates according to how they scored on the exam. This exam takes on substantial weight in the process, though it is unclear how strongly performance on the exam correlates to success on the job. This also can create a less equitable hiring process because the hiring committee is not able to continue to recruit to ensure a diverse hiring pool unless they are in the top three.
- The Civil Service system also uses exams to rank officers for promotions. Again, this is one measure and may not align completely with job performance.
- When a Chief has identified a low performing officer or officer with unacceptable conduct, the Civil Service system places additional obstacles to removal of that officer.

We want to recognize that the Civil Service system including the exam was established with the intent of creating a fair system of hiring and promotion, protecting against favoritism and nepotism. In seeking to exit this system, we would look to create multiple fair and objective measures for hiring and promotion that support the original intent of the program, but that allow us to better work toward our additional goals of equity and diversity. We note that there are police forces in other states that have opted out of civil service (According to [this article](#), about 2 dozen police departments in neighboring MA have done so).

## Appendix 6 - Police Department Rules of Conduct (Last Updated in 2002)

### ARTICLE XI RULES OF CONDUCT Last Updated in 2002

#### 11.1 Violation of Rules

Officers shall not commit any acts or omit any which constitute a violation of the rules, regulations, directives or orders of the Department, whether stated in this General Order or elsewhere.

#### 11.2 Unbecoming Conduct

Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an officer shall include that which brings the Department into disrepute or reflects discredit upon the officer as a member of the Department, or that which impairs the operation or efficiency of the Department or officer.

#### 11.3 Immoral Conduct

Officers shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of law enforcement profession. Officers shall not participate in any incident involving moral turpitude which impairs their ability to perform as law enforcement officers or causes the Department to be brought into disrepute.

#### 11.4 Conformance to Laws

A. Officers shall obey all laws of the United States and of any state and local jurisdiction in which the officers are present.

B. A conviction of the violation of any law shall be prima facie evidence of a violation of this section.

#### 11.5 Reporting for Duty

Officers shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas or directives shall constitute an order to report for duty under this Section.

#### 11.6 Neglect of Duty

Officers shall not read, play games, watch television or movies or otherwise engage in entertainment while on duty, except as may be required in the performance of duty. They shall not engage in any activities or personal business which would cause them to neglect or be inattentive to duty.

#### 11.7 Fictitious Illness or Injury Reports

Officers shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health.

#### 11.8 Sleeping on Duty

Officers shall remain awake while on duty. If unable to do so, they shall so report to their superior officer, who shall determine the proper course of action.

#### 11.9 Leaving Duty Post

Officers shall not leave their duty assignment during a tour of duty except when authorized by proper authority.

### **11.10 Meals**

Officers shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of having meals during their tours of duty, but only for such period of time, and at such time and place, as established by departmental procedures.

### **11.11 Unsatisfactory Performance**

Officers shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Officers shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officers rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indicia of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the Department.

### **11.12 Employment Outside of Department**

A. Officers may engage in off-duty employment subject to the following limitations: (1) such employment shall not interfere with the officers' employment with the Department: (2) officers shall submit a written request for off-duty employment to the appropriate Division Commander whose approval must be granted prior to engaging in such employment.

B. Approval may be denied where it appears that the outside employment might:

- (1) render the offices unavailable during an emergency,
- (2) physically or mentally exhaust the officers to the point that their performance may be affected,
- (3) require that any special consideration be given to scheduling of the officers' regular duty hours, or
- 4) bring the Department into disrepute or impair the operation or efficiency of the Department or officer.

### **11.13 Alcoholic Beverages and Drugs in Police Installations**

Officers shall not store or bring into any police facility or vehicle alcoholic beverages, controlled substances, narcotics or hallucinogens except alcoholic beverages, controlled substances, narcotics or hallucinogens which are held as evidence.

### **11.14 Possession and Use of Drugs**

Officers shall not possess or use any controlled substance, narcotics, or hallucinogens except when prescribed in the treatment of officers by a physician or dentist. When controlled substances, narcotics, or hallucinogens are prescribed, officers shall notify their superior officer prior to the commencement of their tour of duty.

### **11.15 Use of Alcohol on Duty or in Uniform**

A. Officers shall not consume intoxicating beverages while in uniform or on duty except in the performance of duty and while acting under proper and specific orders from a superior officer.

B. Officers shall not appear for duty, or be on duty while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on their breath.

### **11.16 Use of Alcohol Off Duty**

Officers, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, or obnoxious or offensive behavior which discredits them or the department, or renders the officers unfit to report for their next regular tour of duty.

### **11.17 Use of Tobacco**

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Officers, when in uniform, may use tobacco as long as (1) they are not in a formation, (2) they do not have to leave their assignment or post for the sole purpose of doing so, and (3) they are not engaged in traffic direction and control. When they are in direct contact with the public, officers must obtain permission to use tobacco from the public with whom they are in direct contact as a matter of courtesy.

#### **11.18 Insubordination**

Officers shall promptly obey any lawful orders of a superior officer. This will include orders relayed from a superior officer by an officer of the same or lesser rank.

#### **11.19 Conflicting or Illegal Orders**

11.19.1 Officers who are given an otherwise proper order which is in conflict with a previous order, rule, regulation or directive shall respectfully inform the superior officer issuing the order if it does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior officer. Officers shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule regulation or directive previously issued.

11.19.2 Officers shall not obey any order which they know or should know that would require them to commit any illegal act. If in doubt as to the legality of an order, Officers shall request the issuing officer to clarify the order or to confer with higher authority.

#### **11.20 Gifts, Gratuities, Bribes or Rewards**

Officers shall not solicit or accept from any person, business, or organization any gift (including money, tangible or intangible personal property, food beverage, loan promise, service or entertainment) for the benefit of the officers or the Department, if it may reasonably be inferred that the person, business or organization:

11.20.1 Seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty or

11.20.2 Has an interest which may be substantially affected directly or indirectly by the performance or nonperformance of an official duty.

#### **11.21 Abuse of Position**

Use of official position or Identification.

11.21.1 Officers shall not use their official position, official identification cards badge:

11.21.1.1 For personal or financial gain,

11.21.1.2 For obtaining privileges not otherwise available to them except in the performance of duty, or

11.21.1.3 For avoiding consequences of illegal acts. Officers shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief.

11.21.2 Use of Name, Photograph or Title.

11.21.2.1 Officers shall not authorize the use of their names, photographs, or official titles which identify them as officers, in connection with enterprise, without the approval of the Chief.

#### **11.22 Endorsements and Referrals**

Officers shall not recommend or suggest in any manner except in transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.) In the case of ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, officers shall proceed in accordance with established departmental procedures.

#### **11.23 Identification**

Officers shall carry their badges and identification cards on their persons at all times, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name and badge number to any person requesting that information, when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

#### **1.24 Citizen Complaints**

Officers shall courteously and promptly record in writing any complaint made by a citizen against any officer or the Department. Officers may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from a complaint against any officer or the Department. Officers

#### **11.25 Courtesy**

Officers shall be courteous to the public. Officers shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, officers shall not use coarse, violent, profane or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, lifestyle or similar personal characteristics.

#### **11.26 Requests for Assistance**

When any person applies for assistance or advice or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established departmental procedures.

#### **11.27 Associations**

Officers shall avoid regular or continuous associations or dealings with persons whom they know, or should know are persons under criminal investigation or indictment, or who have a reputation in the community or the Department for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the officers.

#### **11.28 Visiting Prohibited Establishments**

Officers shall not knowingly visit, enter or frequent a house of prostitution, gambling house, or establishment wherein the laws of the United States, the state, or the local jurisdiction are regularly violated except in the performance of duty or while acting under proper and specific orders from a superior officer.

#### **11.29 Gambling**

Officers shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a superior officer.

#### **11.30 Public Statements and Appearances**

11.30.1 Officers shall not publicly criticize or ridicule the Department, its policies, or other officers by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

11.30.2 Officers shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information, or any other matters of the Department while holding themselves out as representing the Department in such matters without proper authority. Officers may lecture on "police" or other related subjects only with the prior approval of the Chief.

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### **11.31 Personal Appearance**

11.31.1 Officers on duty shall wear uniforms or other clothing in accordance with established departmental procedures.

11.31.2 Except when acting under proper and specific orders from a superior officer, officers on duty shall maintain a neat well-groomed appearance and shall style their hair according to the following guidelines.

#### **11.31.2.1 Male Officers**

Hair must be clean, neat and combed. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture. The bulk or length of the hair shall not interfere with the normal wearing of all standard head gear.

11.31.2.1.1 Wigs or hair pieces are permitted if they conform to the above standards for natural hair.

11.31.2.1.2 Sideburns shall be neatly trimmed and rectangular in shape.

11.31.2.1.3 Officers shall be clean shaven except that they may have mustaches which do not extend below the upper lip line.

#### **11.31.2.2 Female Officers**

11.31.2.2.1 Hair must be clean, neat and combed. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture. The bulk or length of the hair shall not interfere with the normal wearing of all standard head gear.

11.31.2.2.2 Wigs or hairpieces are permitted if they conform to the above standards for natural hair.

### **11.32 Political Activity**

Officers are prohibited from:

11.32.1 Using their official capacity to influence, interfere with or affect the results of an election;

11.32.2 Organizing, selling tickets to, or actively participating in a fund-raising function for a partisan political party or candidate;

11.32.3 Otherwise engaging in prohibited partisan activities on the federal, state, county or municipal level.

### **11.33 Labor Activity**

11.33.1 Officers shall have the right to join labor organizations, but nothing shall compel the Department to recognize or to engage in collective bargaining with any such labor organizations except as provided by law.

11.33.2 Officers shall not engage in any strike. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purposes of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

### **11.34 Payment of Debts**

Officers shall not undertake any financial obligations which they know or should know they will be unable to meet, and shall pay all just debts when due. An isolated instance of financial irresponsibility will not be grounds for discipline except in unusually severe cases. However, repeated instances of financial difficulty may be cause for disciplinary action. Filing for a voluntary bankruptcy petition shall not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, provided that a good faith effort to settle all accounts is being undertaken. Officers shall not co-sign a note for any superior officer.

### **11.35 Residence**

Officers shall reside within the geographical area as required by the Town.



### **11.36 Dissemination of Information**

Officers shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with established departmental procedures. Officers may remove or copy official records or reports from a police installation only in accordance with established departmental procedures. Officers shall not divulge the identity of persons giving confidential information except as authorized by proper authority.

### **11.37 Intervention**

11.37.1 Officers shall not interfere with cases being handled by other officers of the Department or by any other governmental agency unless:

11.37.1.1 Ordered to intervene by a superior officer, or

11.37.1.2 The intervening officer believes beyond a reasonable doubt that a manifest in justice would result from failure to take immediate action.

11.37.2 Officers shall not undertake investigation or other official action not part of their regular duties without obtaining permission from their superior officers unless the exigencies of the situation require immediate police action.

### **11.38 Departmental Reports**

Officers shall submit all necessary reports on time and in accordance with established departmental procedures. Reports submitted by officers shall be truthful, legible and complete, and no officer shall knowingly enter or cause to be entered any inaccurate, false, or improper information.

### **11.39 Processing Property and Evidence**

Property or evidence which has been discovered, gathered or received in connection with departmental responsibilities will be processed in accordance with established departmental procedures. Officers shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established departmental procedures.

### **11.40 Abuse of Process**

Officers shall not make false accusations of a criminal or traffic charge.

### **11.41 Use of Departmental Equipment**

Officers shall utilize equipment only for its intended purpose, in accordance with established departmental procedures, and shall not abuse, damage or lose Department equipment. All Department equipment issued to officers shall be maintained in proper order.

### **11.42 Operating Vehicles**

Officers shall operate official vehicles in a careful and prudent manner, and shall obey all laws and all departmental orders pertaining to such operation. Loss or suspension of any driving license shall be reported to the Chief of Police immediately.

### **11.43 Carrying Firearms**

Officers shall carry firearms in accordance with law and established departmental procedures.

### **11.44 Truthfulness**

Upon the order of the Chief, the Chief's designee or a superior officer, officers shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department which may be asked of them.

### **11.45 Use of Medical Examinations, Photographs and Lineups.**

Upon the order of the Chief or the Chief's designee, officers shall submit to any medical, ballistics, chemical or other tests, photographs, or lineups. All procedures carried out under this

subsection shall be specifically directed and narrowly related to a particular internal investigation being conducted by the Department.

#### **11.46 Financial Disclosure**

Upon the order of the Chief or the Chief's designee, officers shall submit financial statements in accordance with departmental procedures in connection with a complaint in which this information is material to the investigation.

#### **11.47 Treatment of Persons in Custody**

Officers shall not mistreat persons who are in their custody. Officers shall handle such persons in accordance with the law and departmental procedures.

#### **11.48 Use of Force**

Officers shall not use more force in any situation than is reasonably necessary under the circumstances. Officers shall use force only in accordance with law and departmental procedures and shall make a report of such use of force to the Chief of Police.

#### **11.49 Use of Weapons**

Officers shall not use or handle weapons in a careless or imprudent manner. Officers shall use weapons in accordance with law and departmental procedures.

#### **11.50 Arrest, Search and Seizure**

Officers shall not make any arrest, search or seizure which they know or should know is not in accordance with law and departmental procedures.

## **ARTICLE XII GENERAL RULES**

**12.1** All members of the Police Department shall be subject to the Rules and Regulations. Members of the Department are not merely employees, but are officers of this State and Town charged with specific duties in maintaining public order and administering justice. Therefore, every member's sole responsibility must be to the Chief of Police, and through him/her to the public.

**12.2** It is the duty of the Police Department and the members of the Force, at all times of the day and night, to protect life and property, prevent crime, detect and arrest offenders, preserve the public peace and enforce all laws and ordinances over which the Police Department has jurisdiction.

**12.3** A Police Officer, regularly performing patrol duty, shall proceed to his/her designated assignment or relieving point without unnecessary delay, inspect his/her assigned area immediately, remain constantly alert and observant, note any condition thereon requiring police attention and take appropriate action.

**12.3.1** He/she is charged with the enforcement of all laws and ordinances, especially with those relating to public morals, vice, gambling, intoxicating liquors; also with the proper condition and maintenance of departmental equipment, traffic control equipment of all types, street lights, public highway, curb and sidewalk conditions within the boundaries of the post of which he/she is assigned; he/she shall promptly report through official channels any condition requiring attention and shall provide safeguards when necessary.

**12.4** A Supervisory Officer on patrol is charged with the enforcement of all laws and ordinances, especially those relating to public morals, vice, gambling, intoxicating liquors and the enforcement of Rules and Regulations. He/she is also charged with the proper condition and maintenance of departmental equipment, traffic control equipment of all types, street lights, public highway, curb and sidewalk conditions within the command to which he/she is assigned,

and he/she shall promptly report through official channels any condition requiring attention and shall provide safeguards when necessary.

**12.5** A member of the Force or Department shall be fit for duty and subject to duty at all times except when on sick report. He/she shall not engage in any other occupation except when suspended from duty without pay; or when having filed his/her application for retirement, he/she is on continuous vacation or other authorized leave, or when having made application on the prescribed form, he/she has been granted a work permit.

**12.6** Members of the Force shall be held strictly accountable for all information acquired by them on or off duty, regarding all suspicious persons or places within the Town.

**12.7** A member of the Force or Department shall treat as confidential the official business of the Police Department. He/she shall not talk for publication, nor be interviewed, nor make public speeches, nor shall he/she impart information relating to the official business of the Department to anyone except under due process of law and as directed, or with the permission of the Chief of Police.

**12.8** A member of the Department found guilty of violating a rule or regulation of the Department, or of the provisions of any order or orders, or of disobedience of orders, or of cowardice, or of intoxication while on duty, or while in uniform, or of conduct unbecoming an officer, or of making a false official communication, record or statement, or a member of the Department convicted in a court having criminal jurisdiction, may be subject to dismissal or other disciplinary action.

**12.9** Disorder or neglect to the prejudice of good order, efficiency or discipline, though not specifically mentioned in the Rules and Regulations, shall be taken cognizance of by the Department, and members of the Department found guilty thereof will be punished at the discretion of the Town Board.

### **ARTICLE XIII PENALTIES**

**13.1** A member of the department found guilty of violating the rules and regulations of the department is subject to one of the following actions described in Section 155 of the Town Law of the State of New York:

13.1.1 Reprimand

13.1.2 Fine

13.1.3 Suspension - with or without pay

13.1.4 Dismissal or removal from the force or department

**13.2** Disciplinary actions and penalties resulting therefrom shall be determined by the Chief of Police, the Town Board and/or any other body as proscribed in any contractual agreement.

### **ARTICLE XIV DEFINITIONS**

**14.1** The following definitions govern the use of these terms in the Rules and Regulations of the Department:

TOWN BOARD: The Supervisor and the Council of the Town of Bethlehem shall constitute the Town Board thereof.

DEPARTMENT: The term "police department" or "department" means the Department of Police of the Incorporated Town of Bethlehem, Albany County, New York and such term includes the term "police force".

**FORCE:** The term "police force" or "force" includes all members of the Police Department who have taken the oath of office and who possess the police power of arrest as well as non-sworn communications, clerical and other specialty personnel.

**OFFICER:** A sworn member of the police force possessing the power of arrest.

**MEMBER:** Any employee of the Department.

**PROFESSIONAL:** Shall mean conduct in accordance with the tenets of the Law Enforcement Code of Ethics which is a part of these rules.

**PRONOUNS:** All pronouns include the masculine and feminine gender unless otherwise specified.

**SUPERIOR OFFICER:** A person holding a higher supervisory or command position.

**SUPERVISORY OFFICER:** Any member, other than the Chief of Police, who is authorized to direct the activities of others.

**DEPUTY CHIEF:** A superior officer.

**COMMANDER/LIEUTENANT:** A superior officer.

**SERGEANT:** A supervisory officer.

**DETECTIVE SERGEANT:** A supervisory officer.

**DETECTIVE SUPERVISOR:** A supervisory officer.

**POLICE OFFICER OR DETECTIVE:** An officer.

**COMMUNICATIONS SUPERVISOR:** A supervisory member

**TELECOMMUNICATOR:** A communications specialist

**CIVILIAN:** A non-sworn, non-communications staff member.

**ON DUTY:** Hours specifically assigned to a member or any time involved serving during a police emergency even though a member was not specifically assigned.

**OFF DUTY:** All hours other than when on duty.

**LAWS AND ORDINANCES:** Those laws, both state and local, and ordinances, the enforcement of which is the responsibility of the Department.

## Appendix 7 - Town of Bethlehem Employee Code of Ethics

The following Code of Ethics applies to all Town of Bethlehem employees, and is part of the [Employee Policy Handbook](#).

### **Town of Bethlehem**

#### **Code of Ethics**

State law requires each town in New York State to adopt a code of ethics. The Town of Bethlehem's Code of Ethics ("Code") establishes the standards of ethical conduct by which all employees and officers of the Town are expected to conduct themselves. Its purpose is to enhance public confidence and respect for Town government by protecting your integrity as well as the integrity of Town government.

This Guide provides general information concerning the Town Code. For specific information concerning the Code, please refer to the Town of Bethlehem Local Law Chapter 16.

The Code applies to any officer or employee of the Town. An "officer" includes any paid or unpaid official of the Town. An "employee" is any person receiving a salary or wage from the Town.

#### **Standards of Conduct**

##### Outside Employment

If you are an officer or employee of the Town you cannot engage in outside employment that is in conflict with your official duties. For example, you must refrain from outside employment that requires (1) more than sporadic recusal or abstention when performing your official duties (2) the disclosure of confidential information or (3) the representation of persons or organizations in matters where the Town is a party.

##### Future Employment

Job offers and solicitations – Officers or employees cannot solicit or accept a private, post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before them, while that matter is pending or within 30 days following the final disposition of the matter. This applies to you whether you act individually or as a member of a board.

##### Post-employment Restrictions

- One year ban – No officer or employee may, for one year after serving as a municipal officer or employee, represent or render services to a person or organization in a matter that involves the exercise of discretion before the Town office, board or department for which he/she served.
- Lifetime ban – No officer or employee may, at any time after serving as a municipal officer or employee, represent or render services to a person or organization in connection with a transaction in which he/she personally and substantially participated as a Town officer or employee.

### Personal Representations and Claims

The Code does not prohibit an officer or employee from representing himself/herself or his or her spouse or minor children before the Town or asserting a claim against the Town on behalf of himself/herself or on behalf of his/her spouse or minor children.

### Use of Municipal Resources

If you are a town official or employee you cannot use or permit the use of municipal resources for personal purposes. Municipal resources include not only money but also Town personnel, vehicles, equipment, materials, supplies or other property. Town policy authorizes the occasional and incidental use of telephone and computers for family and personal matters. Consult the personnel manual or your supervisor regarding questions relating to the lawful use of Town resources.

### Nepotism

Effective July 2, 2012, if you are a Town officer or employee you cannot participate in any decision to appoint, hire, promote, discipline or discharge a relative for any position within the Town. A “relative” is your spouse, parent, stepparent, sibling, stepsibling, sibling’s spouse, child, stepchild, uncle, aunt, nephew, niece, first cousin or household member, and individuals having any of these relationships to your spouse.

No officer or employee may directly supervise a relative in the performance of his/her official duties.

However, the Ethics Code provides that any officer and employee serving the Town at the time the Code became effective would not be prevented from continuing to serve due to this provision. In these existing cases, certain oversight provisions apply to ensure fair treatment.

The appointment of any known relative of a Town officer or employee will be forwarded to the Human Resource Department for final review to assure compliance with hiring guidelines.

### Political Solicitation and Activity

An officer or employee may not use his/her official position to compel or induce another Town officer or employee to make a political contribution. Nor can they take any employment or personnel action against any officer or employee or any applicant for such positions due to their political contributions or lack thereof.

No employee shall engage in political campaign activity during his/her assigned workday. In addition, no officer or employee shall use Town resources for any political campaign or political activities.

### Gifts

No officer or employee shall solicit, accept or receive a gift of any value. There are certain limited and specific exceptions to this prohibition. These include:

- Gifts from a person with a family or personal relationship to the officer or employee when the circumstances make it clear that such relationship (not the recipients status with the Town) is the motivating factor for the gift

- Gifts given on special occasions (marriage, illness, retirement) which are modest, reasonable and customary
- Unsolicited items of little intrinsic value (e.g. pens, pencils, note pads)
- Meals or refreshments provided when an officer or employee is a speaker or participant at a professional or educational program or meeting related to their job or office and such meals/refreshments are provided to all participants
- Contributions to political candidates or parties

#### Investments and Conflicts of Interest

No officer or employee may acquire investments that would impair his/her independence of judgment in the exercise of his/her official duties or, would require more than sporadic recusal or abstention when exercising his/her official duties.

#### Confidential Information

No officer or employee who acquires confidential information in the course of his/her official duties may disclose or use such information unless required by law or in the course of one's official duties.

#### Enforcement

Any officer or employee who violates this Code may be censured, fined, suspended or removed from office or employment.

#### Getting Information or Advice

Town officers and employees are encouraged to seek an advisory opinion when they are uncertain if their conduct may violate the Code. Such advisory opinion will remain confidential to the extent permitted by law, except in the case where the person requesting the advisory opinion chooses to appeal the Ethics Board decision to the Town Board.

Requests for advice should be addressed to:

Town of Bethlehem Board of Ethics

Town Hall

Delmar, New York 12054



## Appendix 8 - Draft Anti-Discrimination & Use of Social Media Policy

The Town of Bethlehem is a welcoming and inclusive community where discrimination, bigotry, and bias are unacceptable. The Town affirms its zero tolerance for any and all forms of bias, discrimination or harassment. The Town embraces its duty to promote a Town free from all forms of discrimination and bias based upon race, color, national origin, religion, creed, sex (including sexual harassment), sexual orientation, age, marital status, disability, genetic status, gender identity or expression, or domestic status. All employees of the Town of Bethlehem shall ensure that while on duty they treat all persons they encounter (both citizens of Bethlehem and visitors to our Town) with respect and dignity, and free from any bias. Engaging in conduct which is threatening, harassing, demeaning, bullying, or disparaging online or through any verbal, written, or electronic means is a violation of Town policy. Prohibited behavior includes, but is not limited to, the use of epithets, slurs, negative stereotyping, demeaning jokes, and vulgar, profane, insulting, or offensive language or content showing hostility or aversion toward an individual or group on the basis of the above.

While not on duty, Town employees will keep their private lives unsullied as an example to all and will behave in a manner that does not bring discredit to that employee or to the department in which they work. Town employees will be honest in thought and deed both in their personal and official life, and will be exemplary in obeying the law and the regulations of the Town. Town employees will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence their decisions. Town policies and laws will be enforced courteously and appropriately without fear, malice, or ill will, never employing unnecessary force or violence, and never accepting gratuities.

The Town of Bethlehem depends upon a work environment of tolerance and respect for the achievement of its goals in serving the citizens of and visitors to the Town. Town employees shall not use Social Media<sup>24</sup> in such a manner as to: (1) breach confidentiality by revealing protected information about the Town, its citizens, visitors to the Town, or Town employees; (2) expose the Town to legal liability for employer or employee behavior that may be harassing, offensive, discriminatory, or maliciously false; or (3) interfere with productivity and/or ability to perform the duties and responsibilities as employees of the Town. Only employees whose jobs require access to town-owned Social Media may post or edit content on those sites.

There is no guarantee of privacy for electronic communications on Town equipment. The Town reserves the right to review and/or monitor all electronic records and communications, at any time, with or without notice, including individual user folders and other information stored on the Town's electronic communications systems. In accessing the Internet, including Social Media sites, users should assume that all connections and sites visited will be monitored and recorded. This examination helps to ensure compliance with Town policies, assists when

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<sup>24</sup> As used herein, "Social Media" refers to online forums in which users participate in the exchange of ideas, messages, and content, including blogs, microblogs, and social networking sites (e.g., Facebook, LinkedIn, Twitter, Instagram, SnapChat).

internal investigations must be conducted, and supports the management of the Town's information systems.

Employees are prohibited from accessing private Social Media while on the job. The Town acknowledges that its employees have a First Amendment right to free speech, but that right is not absolute. While employees may maintain and use Social Media privately outside of work, their status as Town employees requires that the content of any postings on Social Media not be in violation of Town by-laws, policies, directives, rules, or regulations. The Town's image as a professional organization comprised of professional employees is key to maintaining the respect of its citizens. Employees must exercise caution with respect to photos or comments they post in general, and in particular those concerning the Town. Users of Social Media must not reveal any confidential or privileged information about the Town, its citizens, visitors to the Town, or Town contractors. Users of Social Media must not harass any other employee in contravention of the Town's policies, regardless of the time, place, form or manner in which the information is posted or transmitted. Users of Social Media must ensure that they are always honest and accurate when posting, re-posting, or sharing information, and if they make a mistake, must correct it quickly. Users may not post any information or rumors they know to be false about the Town, its officials, fellow employees, constituents, suppliers, vendors, contractors, or any other entities or individuals.

Personnel who are found, after a hearing, to have engaged in conduct that violates this policy are subject to appropriate administrative, remedial, and/or disciplinary action, including unpaid leave and termination.