



Greene County, NY

Police Reform & Reinvention Collaborative

POLICING REFORM PLAN

March 17, 2021



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PART I - Genesis

A Message from Sheriff Peter J. Kusminsky



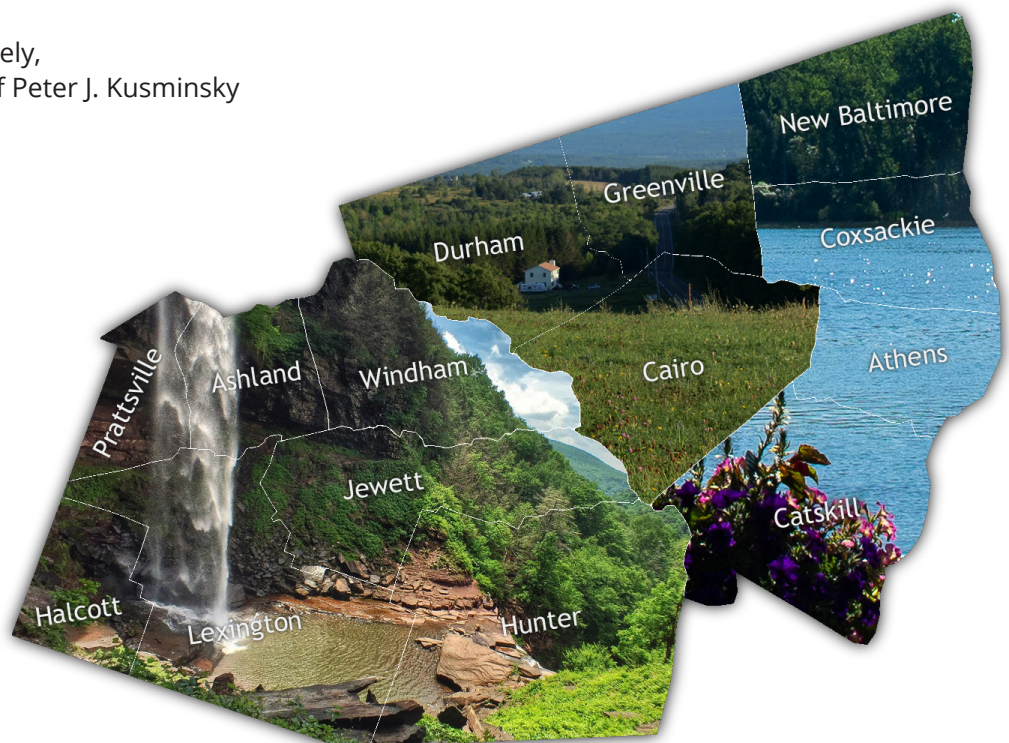
Sheriff Peter Kusminsky

I am humbled and honored to lead this agency as we move into the future. The Office of the Sheriff of Greene County is mandated by the New York State Constitution. As the county's only elected law enforcement officer, the Sheriff of Greene County answers directly to the people. The primary goal of the Sheriff is to assure public safety to the citizens and visitors of Greene County. I am committed to providing professional courteous services to the public. I firmly support our Mission Statement which States: Our vision is to strive to be a Model of Excellence for all Law Enforcement, By Our Teamwork, Loyalty, Accountability, Leadership and A Commitment to Performing All of our duties to the Best of Our Ability. Our Core Values also require Honor, Integrity, Dedication, Professionalism and Loyalty.

I am extremely proud of the entire staff of the Sheriff's Office, especially during this past year of unprecedented challenges. While most of the country shut down, many businesses were closed and people were sticking close to home, The GCSO never missed a day. My Deputies, Corrections Officers and Civilian Staff never stopped working. We were ON DUTY serving and protecting as we have all sworn to do.

I view the process of this Reform and Reinvention as a building block to create more paths of open communication with all parts of the community we serve. I am looking forward to making even further connections and relationships throughout our County. No one should be afraid of the Police and I stand ready to reach out to those who may not have had a voice before. 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 and 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". In these trying times, we all need to come together for the common good.

Sincerely,
Sheriff Peter J. Kusminsky



PART I - Genesis

1. Introduction/Formation of Committee

On June 12, 2020, Governor Andrew Cuomo signed Executive Order 203 requiring each local government with a policing agency to adopt a policing reform plan by April 1, 2021.

Pursuant to Governor Cuomo's Executive Order 203, New York State Police Reform And Reinvention Collaborative, each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law must perform a comprehensive review of current police force deployments, strategies, policies, procedures and practices and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color

In a transmittal document dated August 2020, the Governor proposed four questions and insights for consideration to be addressed in the reform plan:

- ***What Functions Should Police Perform?***
- ***Employing Smart and Effective Policing Standards and Strategies***
- ***Fostering Community-Oriented Leadership, Culture and Accountability***
- ***Recruiting and Supporting Excellent Personnel***

In response to Executive Order 203, the Greene County Legislature convened a Committee of 10 volunteers, representing a diverse range of experiences and perspectives and a common commitment to working with the Greene County Sheriff's Office to address challenges and support its strengths, including, institutions and organizations supporting education, business, religion, as well as not-for-profit agencies, including people of color.

2. Members of Police Reform and Revitalization Committee

Initially this Committee was composed of:

- **Dr. Ronell Cook** – Superintendent of the Catskill Central School District
- **Rev. Richard Turpin** – 2nd Missionary Baptist Church, Catskill
- **Ms. Rita Taylor*** – Community Member, Hop-O-Nose
- **Mr. Gary Slutzky** – Business Community Member/MTP (Mountaintop Progressive) Member
- **Mr. Angelo Scaturro** – Public Defender
- **Mr. Jeff Friedman** – Executive Director of the Greene County Chamber of Commerce
- **Pastor Richard Snowden** – Community Life Church
- **Ms. Katie Oldakowski** – Mobile Crisis Assessment Team (MCAT), Mental Health Association of Columbia-Greene, Inc. (MHACG)
- **Rabbi Zoe B. Zak** – Temple Israel of Catskill
- **Mr. Peter Kusminsky** – Greene County Sheriff
- **Mr. Joseph Stanzione** – District Attorney
- **Mr. Shaun S. Groden** – County Administrator – Committee Chair

**Unfortunately, one initial member was unable to continue attending these meetings: Ms. Rita Taylor was subsequently replaced by Mr. Kai Hillmann – CASAC II (Director, Youth Clubhouses (Greene and Columbia Counties) through the Mental Health Association of Columbia and Greene Counties.*

It was the decision of the Greene County Legislature not to be represented on this Committee as it was felt that this should be a community discussion as to how our Sheriff's Office interacts with the residents it serves, with our agencies, and with our criminal justice system.

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The Committee met ten times, (3 Public Forums and 7 Members Only sessions) both in-person, and virtually due to pandemic restrictions.

Additional support was given to the Committee by:

- **Mr. Michael Overbaugh** – Superintendent of the Greene County Jail
- **Mr. Adam Brainard** – Undersheriff, Greene County Sheriff
- **Ms. Tracey Quinn** – Captain, Greene County Sheriff
- **Mr. Warren Hart** – Deputy County Administrator / Director, Greene County Department of Economic Development, Tourism & Planning
- **Ms. Teri Weiss** – Director of Business Marketing, Greene County Department of Economic Development Tourism & Planning

This plan was created with extensive opportunity for community involvement and with the full support of the Greene County Sheriff's Office. Included in this report is a comprehensive examination of the operations of the GCSO outlined as issues, concerns, finding an Committee recommendations. Beyond the report is a commitment to regularly review progress on the plan and adapt strategies accordingly.

The questions covered in the outline come directly from the Governor's "Resources & Guide for Public Officials and Citizens".

The outline is categorized into four sections addressing the following topics:

TOPIC 1: What Functions Should Police Perform?

TOPIC 2: Recruiting and Supporting Excellent Personnel

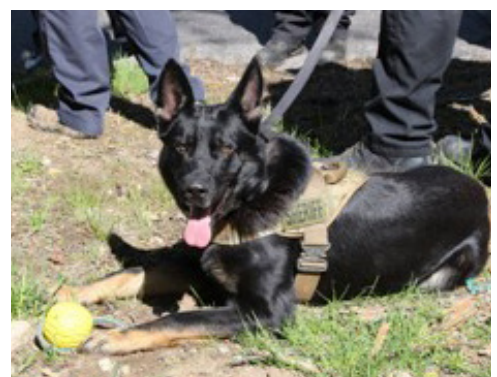
TOPIC 3: Employing Smart and Effective Policing Standards and Strategies

TOPIC 4: Fostering Community-Oriented Leadership, Culture, and Accountability

The goals for the Committee were as follows:

1. Review the needs of the community served by its police agency, and evaluate the Sheriff Department's current policies and practices.
2. Establish policies that allow police to effectively and safely perform their duties.
3. Involve the entire community in the discussion.
4. Develop policy recommendations resulting from this review.
5. Offer a plan for public comment.
6. Present the plan to the Greene County Legislature to ratify or adopt.
7. Certify adoption of the plan and submit to the State Budget Director on or before April 1, 2021.

This was not an easy task, given time limitations and COVID restraints, complicated further by the fact that approximately forty (40%) percent of all law enforcement calls within Greene County are responded to by the NYS Police, who are not required to be involved in this effort.



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However, we learned a great deal along the way, about both the operation of the Sheriff's Office, and the issues and concerns of citizens in our communities.

The most important thing we learned was that there were no citizen complaints related to racial or gender bias, use of force or mistreatment of any civilian against the Greene County Sheriff's Office.

The Committee met a total of 10 times from September of 2020 through February of 2021. Three Public Forums were held in multiple locations to obtain the public's vital input.

Our plan is specific to the Greene County Sheriff's Office (GCSO), although there are seven other town or village police departments within Greene County, who were invited to contribute. Representatives from all seven agencies partnered with the Committee and attended one of the public meetings.

In addition to scheduled meetings, Committee members also utilized their own time reaching out to their communities for input and suggestions on how to make a good system better.

It must be noted that the Greene County Sheriff is new to his position, having taken office January 1st of 2020. Even before this directive came from the Governor, the Sheriff's immediate goal was accreditation of the Office, resulting in policies and procedures meeting or surpassing official standards. This process is underway, with anticipated accreditation before the end of March, 2021.

At the Organizational Meeting held in September of 2020, each Committee member was given a Binder from the Chairman of this Committee, County Administrator Shaun S. Groden, containing various documents for their education.



The County established an icon on its website specifically for the Police Reform and Reinvention Committee, leading to web pages containing:

- Agendas;
- Minutes;
- Governor's Resources and Guide for Public Officials and Citizens;
- Greene County Code of Ethics;
- A local Map of Law Enforcement Jurisdictions;
- Sheriff's Department Organization Table;
- The Sheriff's Department's various operational policies;
- Sheriff's Department training programs;
- Statistics, Sheriff: 2018, 2019 and 2020;
- Statistics, County-wide: January-September, 2020;
- Affordable Housing and Census info;
- Closest Car Doctrine;
- Civil Service Police exam information, and;
- The ability to submit Questions to the Committee.

All public meetings were announced to local media and posted to the County Website. Video of public meetings held were posted to the County's YouTube channel.

Questions, comments and concerns were brought before this Committee through the county's website, from the public at public hearings and from the Committee members themselves. The Committee created and reviewed a list of dozens of these comments, questions and concerns and formulated feasible and effective recommendations in response.



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3. Greene County Demographics

As of the 2019 American Community Survey (ACS) estimates, there were 47,188 people and 17,100 households residing in the county. The population density was 76.1 people per square mile. There were 29,678 housing units at an average density of 46 per square mile.

The racial makeup of the county was 89.8% White, 6.1% Black/African American, 0.5% Native American and 1.3% Asian. Hispanic or Latino people of any race were 6.3% of the population.

There were 17,100 households, out of which 29.2% had children under the age of 18 living with them, 51.2% were married couples living together, 10.3% had a female householder with no husband present, and 33.9% were nonfamilies. 27.9% of all households were made up of individuals, and 12.2% had someone living alone who was 65 years of age or older.

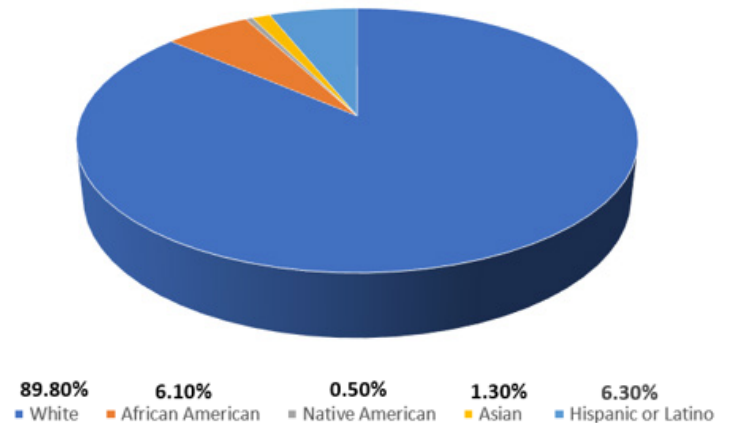
The average household size was 2.58, an increase of 0.11 from the 2010 Census

The population of Greene County based on the most recent ACS has 16.2% under the age of 18, 61.1% of the population between 18 and 64, and 22.7% who were 65 years of age or older. The median age was 46 years. The population was 52.1% male and 47.9% female.

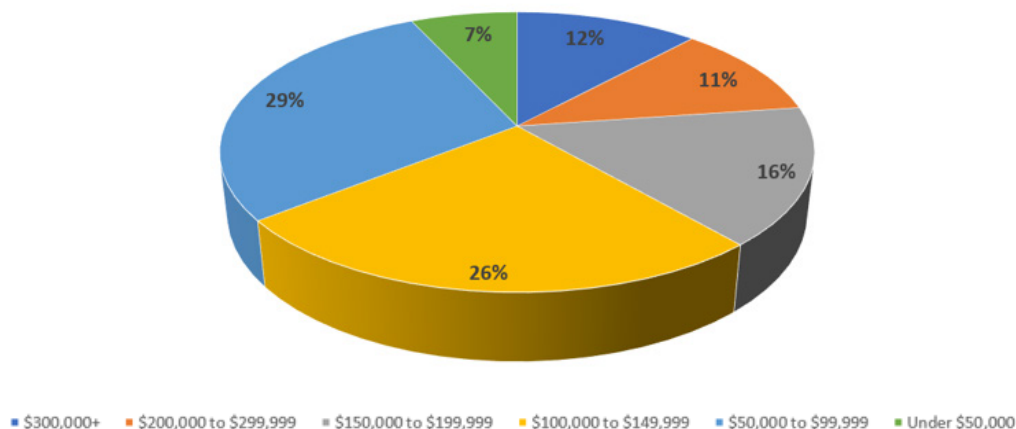
- The median income for a household in the county was \$53,601, and the median income for a family was \$73,800.
- The per capita income for the county was \$28,433.
- About 9.8% of families and 12.6% of the population were below the poverty line, including 17.7% of those under age 18 and 15.4% of those age 65 or over.

A 2017 Survey of The Economic Impact of Greene County Second Homes identified 27% of all housing units in the county as second or vacation homes (approximately 8,200). The annual income of these second homeowners is detailed below.

**Racial Makeup of Greene County, NY
by Percentage of Population**



Annual Income of Greene County Second Homeowners



PART II - Community Input

1. Three Public Hearings, 7 Members Only Meetings, 2 Committee Meetings with the Greene County Legislature Meetings were held as per the schedule below:

Wednesday, September 30, 2020	Organization Meeting - Greene County Office Building - Members Only
Wednesday, October 14, 2020	Public Hearing / Open Meeting - Catskill High School
Wednesday, October 28, 2020	Public Hearing / Open Meeting - Cairo Elementary School
Tuesday, November 10, 2020	Public Hearing / Open Meeting - Catskill High School
Wednesday, December 9, 2020	ZOOM Video Conference - Members Only
Wednesday, January 13, 2021	ZOOM Video Conference - Members Only
Wednesday, January 27, 2021	ZOOM Video Conference - Members Only
Thursday, February 4, 2021	ZOOM Video Conference - Members Only
Wednesday, February 10, 2021	ZOOM Video Conference - Members Only
Wednesday, February 24, 2021	ZOOM Video Conference - Members Only
Wednesday, March 3, 2021	Public safety Committee Meeting - Public Introduction of draft policing reform plan
Monday, March 10, 2021	Committee Presentation to Public Safety Committee of the Greene County Legislature
Monday, March 15, 2021	Special Public Safety Committee meeting of the Greene County Legislature
Wednesday, March 17, 2021	Full Board Meeting of the Greene County Legislature for Final Action

The initial Organizational Meeting held in September, 2020 was conducted to set dates, times and locations of future meetings; Discuss the purpose of the Committee and its task as set forth by the Governor, and; provide each Committee Member with a reference binder for review and discussion of all relevant documentation as it pertains to the task.

The Three Public Hearing / Open Meetings were advertised in local media and on the County website, inviting the public to voice their views and concerns on interactions with the GCSO.

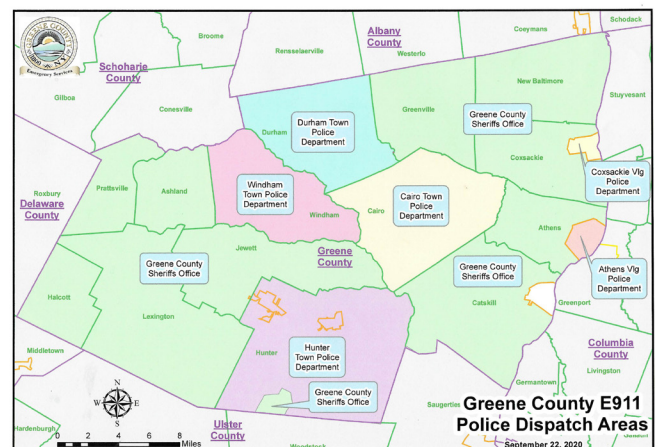
It was with the recommendation of the Committee that the December through February working meetings of the Committee be conducted without the public, for review and brainstorming, in order to reach its goal of completing a comprehensive Police Reform Plan.

The October 28th Public meeting included representatives from all seven local Police Agencies within Greene County as below:

- Village of Athens Police Department
- Village of Catskill Police Department
- Village of Coxsackie Police Department
- Town of Cairo Police Department
- Town of Durham Police Department
- Town of Hunter Police Department
- Town of Windham Police Department

The November 10th Public meeting included representatives from local Mental Health and Domestic Violence agencies who work with the GCSO.

The December 9th Members Only meeting included representatives from local Substance Use Disorder Provider agencies who work with the GCSO.



PART III - Committee Findings & Recommendations

TOPIC 1: What Functions Should Policy Perform?

Staffing, Budgeting, and Equipping Your Police Department

INSIGHTS FOR CONSIDERATION

Are the services provided by the GCSO adequate and appropriate for the communities they serve?

Does the GCSO utilize and/or deploy military-style tactical equipment?

FINDINGS

The Greene County Law Enforcement Division is comprised of the following positions:

- Sheriff
- Undersheriff
- Captain
- Lieutenant
- 6 Sergeants
- 3 Investigators
- 18 Deputies

The 27 Road Patrol Personnel operate within the **GCSO's Law Enforcement Division** and includes 4 white females, 1 Hispanic female, and 1 African American male.

The **GCSO's Office Civil Enforcement Division** is responsible for the enforcement of all civil processes in Greene County which includes Summonses, Property Executions, Evictions, Income Executions and Subpoenas just to name a few.

The **Greene County Corrections Department (GCCD)** is administered by the GCSO and is responsible for the operation of the Greene County Jail. The GCCD provides adequate care, custody, treatment, supervision, discipline and correctional programs for all persons committed to the custody of the Sheriff.

An Organization Description Overview and Chart is contained in Appendix E.



PART III - Committee Findings & Recommendations

The Law Enforcement Division of the Greene County Sheriff's Office (GCSO) is comprised of: The Sheriff; an Under-sheriff; a Captain; a Lieutenant; six Sergeants, three Investigators, and eighteen Deputies. Of the 27 road patrol personnel, four are white females, one is an Hispanic female, and one is an African American male.

On a normal day, GCSO assigns 4 patrols to post coverage encompassing the 658 square miles of our county. Among those patrols are deputies with specialized training like K9 handlers, firearms instructors, defensive tactics trainers, field trainers, and School Resource Officers (SROs). The GCSO has marine patrol duties, utility terrain vehicles, snowmobile patrols, and rifle snipers.

Generally, a deputy sheriff's duties include but are not limited to: patrol, investigating suspicious activities and answering complaints, watching for wanted and missing persons and stolen vehicles, maintaining order in crowds, parades, funerals and other public gatherings, serving subpoenas, and legal documents, citing traffic violators, investigating crimes, collecting evidence, transporting prisoners, attending court, presenting testimony and evidence, answering questions, directing the public, and filing a report of all such activity on a daily basis.

Candidates for hire as a deputy must conform to physical and psychological standards set by New York State Civil Service law and the sheriff. They must reside within Greene County, hold a valid NYS driver's license, a high school diploma and be at least 20 years old. Only candidates with excellent moral character and unquestionable integrity are considered by the Greene County Sheriff's Office.

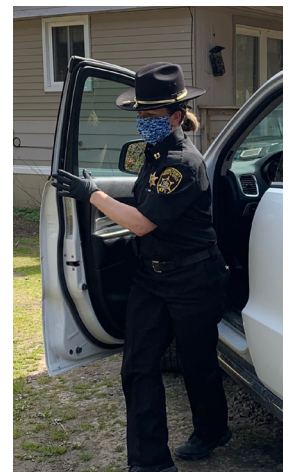
The investigators, in addition to many of the duties and qualifications described above, handle serious crimes and investigations. They investigate every natural, unattended or suspicious death, all fatal motor vehicle accidents, all cases involving firearms, children, sexual abuse and elderly abuse. They are tasked with handling evidence, interviewing suspects, victims and witnesses including children. Additionally, they conduct background investigations on all county employees. Investigators generally work 8am to 4pm but are on call 24/7. They are supervised by a detective sergeant and a lieutenant.

Two sergeants and eight deputies are assigned to the Sheriff's Emergency Response Team. They are very specifically trained for and practice high risk arrest situations, armed standoffs, hostage situations and barricaded subjects, among other dangerous events and situations.

Two deputies are K9 handlers, partnered with a highly trained German Shepard or Belgian Malinois dogs. They are specifically trained to detect illegal drugs, protect their handlers, and track suspects and missing persons.

Five deputies are currently assigned as School Resource Officers (SROs) in four school districts across the county. A full description of the SRO program, Special Patrol Officers, and County Building Security is contained in Appendix E.

Deputies' shifts begin at 7:00pm and 7:00am. A sergeant is considered the first line of supervision on every shift. All serious calls are reported to the lieutenant and eventually to the Sheriff through a "chain of command". The Sheriff holds accountability for the actions of the entire office.



PART III - Committee Findings & Recommendations

The GCSO Color Guard participates and supports various civic functions and events throughout the area, and GCSO community service crews provide additional maintenance and clean-up assistance on municipal facilities, public spaces, and places impacted by severe weather events.

Continuing professional training is a priority for the GCSO, and will be further detailed under 'Topic 2' of this report.

The GCSO is voluntarily enrolled in the New York State Law Enforcement Agency Accreditation Program. This program provides the GCSO with a mechanism to evaluate and improve the overall effectiveness of the agency and the performance of its staff.

Accreditation status by the State is recognition that our policies and practices meet or exceed the standards established by the Law Enforcement Agency Accreditation Council. This Accreditation status is also a factor reviewed during applications for State and Federal grants and funding.

The GCSO has passed all requirements and is now awaiting official accreditation from the Accreditation Council. Once approved, the GCSO will be reassessed every five years to verify compliance.



The NYS Law Enforcement Accreditation Program is comprised of a set of standards developed to further enhance the capabilities of an agency and is divided into three sections.

- Standards in the **Administrative** section have provisions for such topics as agency organization, fiscal management, personnel practices, and records management.
- **Training** standards encompass basic and in-service instruction, as well as training for supervisors and specialized or technical assignments.
- **Operations** standards deal with such critical and legal topics as high speed pursuits, roadblocks, patrol, and unusual occurrence.



Greene County is a small, rural county in upstate New York, without a city and without a hospital. We also do not have the type of crimes or crime rates that occur in more urban areas of New York State.

As such, there has been no need or priority to purchase or deploy military style equipment or riot gear. The GCSO does own one older armored vehicle, however, it is not in service for crowd or riot control, rather used for search and rescue functions.

In fact, the Committee learned that no Greene County Sheriff's officer has fired a weapon at a person in over fifty (50) years.



RECOMMENDATION 1

The Committee concluded that the Greene County Sheriff's Office is well staffed and trained, with an appropriate budget and equipment required to best serve our communities. Moving forward, the Committee recommends that the GCSO continue to bring requests for additional programs and funding before the Public Safety Committee of the Greene County Legislature for review and action.

PART III - Committee Findings & Recommendations

TOPIC 2: Recruiting and Supporting Excellent Personnel

Recruiting a Diverse Workforce

INSIGHTS FOR CONSIDERATION

How can the GCSO increase and sustain diversity within its workforce?

Are the training and accreditation programs utilized by GCSO adequately addressing the need for professional skills development, officer well-being, and implicit bias mitigation?

FINDINGS

The Racial/Ethnic makeup of Greene County, NY is typical of small, rural counties in New York State with 89.8% of its residents are White, 6.1% African American, 6.3% Hispanic or Latino, 1.3% Asian and 0.5% Native American.

Currently, the GCSO Road Patrol is comprised of 92.9% of personnel as White, 3.6% as African American, and 3.6% Hispanic or Latino. The Road Patrol also has 5 female officers.

The Committee understands the importance of a diverse workforce that aligns with the ethnic breakdown of the county population and its impact on the communities served by the GCSO.

The GCSO is constantly seeking talented and service-oriented people to join the Department and assist in providing the best service to the community, its residents and businesses.

GCSO candidates are required to take a New York State written civil service examination. All GCSO officers are hired under the regulations and requirements of NYS Civil Service Law. Those applicants that pass the civil service exam with a 70 percent grade or higher will make up the eligibility list to fill positions. Applicants are then notified by canvas letter that they are reachable for the certified eligible list for an open position.

The applicants so notified are required to pass a Physical Fitness Test. Once complete, there is an interview process along with a physical and psychological evaluation. The interview process is conducted in a fair, uniform and non-discriminatory manner to determine the most qualified and suitable candidates to fill the vacant positions.

Upon selection, a candidate's name is selected by the Sheriff for appointment. Greene County is an Equal Opportunity Employer. In order to obtain the most diverse candidate pool possible, the GCSO currently posts job announcements on the Greene County website.

NYS now requires (for most competitive positions) that the employer choose a candidate from the top three persons as scored on the applicable eligible test-results list for the position.

This rule of three applies to promotions as well but is even more limiting because only candidates that scored in the top three of a competitive exam for promotion can be considered. It almost completely eliminates the agencies' administration from considering qualified candidates who fall below that level and diversifying the supervisory ranks of an agency.



PART III - Committee Findings & Recommendations

Although overall qualifications are the deciding factor in the hiring process, the need for diversity in police agencies is obvious and paramount. NYS Civil Service requirements limit the possibility of considering candidates who would benefit a police agency with diverse perspectives.



RECOMMENDATION 2 & 3

With both a shared desire for increased diversity and the reality of hiring under NYS Civil Service Law, The Committee recommends that to the extent permitted within the state regulated system, that this becomes a priority for the GCSO in all hiring practices to reduce racial and gender disparities, with the following additional actions implemented as part of an action plan:

- 2 Recruiting efforts should be expanded to include other venues, such as job fairs, school outreach programs, social media announcements, community gathering places, and minority neighborhoods or places popular with people of color, and;
- 3 In conjunction with recruiting and job postings, the GCSO should also provide guidance and support to prospective applicants, especially persons of color and women who may wish to serve.

Training and Continuing Education

FINDINGS

The GCSO participates in an accreditation process which involves a critique and review (by outside independent assessors) of all its policies and procedures to ensure that they are in compliance with the standards set by the New York State Division of Criminal Justice Services. There is an on-going, self-assessment of the Department, and preparation for a full assessment that takes place every five years. This is a comprehensive and thorough assessment involving months of work by department staff. During 2020 and 2021 (even during the pandemic), the Department participated in its first accreditation process and as a result of this review, the GCSO successfully met the criteria required for accreditation through the next five years. This is a prestigious honor and major accomplishment for the Sheriff and Officers of the GCSO, initiated under the leadership of Sheriff Kusminsky.

The accreditation program has long been recognized as a means of maintaining the highest standards of professionalism thus establishing confidence in the Department by the residents of Greene County.

The GCSO conducts vigorous and robust training for its personnel (See Appendix G). Training is provided in general areas of diversity, sensitivity and awareness, and ethical practices, as well as specific skills required for highly qualified tactical and leadership positions.

During 2020, the GCSO completed over 40 hours of in-service training consisting of both mandatory training and electives including:

- Anti-Bias Training
- De-Escalation Training
- Harassment Training
- Use of Force Training
- Bail Reform Legal Updates
- Legal Discovery Updates
- Stop the Bleed Training
- CPR/AED Re-Certification
- Plain Clothes Encounters Training
- Firearms Training
- Evidence Collection and Photography Training
- Policy and Procedure Update Training
- Community Interaction, Civil Policy Updates and Training



RECOMMENDATION 4

The Committee recommends that the GCSO continue the successful completion of this recurring, continuous training, enabling it to meet or exceed the standards established by the Law Enforcement Agency Accreditation Council – especially in the areas of Anti-Bias, De-Escalations, Harassment and Use of Force training.

PART III - Committee Findings and Recommendations



RECOMMENDATION 5

The Committee recommends that the GCSO continue to emphasize that policing is a partnership with the community, requiring a foundation of positive, trust-based relationships with all segments of the population. The Committee concluded that the GCSO provides its officers with a training program that allows it to both perform its mission and accomplish its goal of keeping the community safe while treating its citizens with dignity, honor and respect.



RECOMMENDATION 6

The Committee recommends that the GCSO consider communicating and coordinating its training programs and opportunities with the seven local municipal police departments. While the Committee understands that local participation cannot be mandated, it believes there is value in uniform and consistent training for all law enforcement agencies operating within the county, especially since the 'Closest Car' response policy results in local, county or state agencies to be first on the scene of a reported incident.

Interface with the New York State Police

FINDINGS

The Committee discovered that New York State Police are not required to participate in the Governor's Police Reform and Reinvention Collaborative Directive. Troop F operates a South Cairo barracks and Greenville office in Greene County supporting a large number of state police, including their own PSAP.

NYS Police accounts for approximately 40% of the responses for assistance within Greene County. Many Greene County residents encounter NYS Troopers in both traffic stops and as first responders to calls for assistance.



RECOMMENDATION 7

The Committee recommends that Troopers serving in Greene County be held to the same high-standards as is the GCSO, and that the Governor mandate that New York State Police conduct the same Reform and Reinvention exercise as required for local agencies.

Supporting Officer Mental Health and Well-Being

FINDINGS

The GCSO employs a system for addressing traumatic incidents including the use of its Critical Incident Stress Management (CISM) team, mental health and support services, and internal support from fellow officers. Peers are also trained in Crisis Intervention.

The Committee believes there needs to be more training and awareness regarding the mental well-being of first responders, and that the GCSO can champion this effort, specifically incorporating the Helping Every Responder Overcome Resilience Program, that will be launched late 2021

The HERO Act is bipartisan Federal legislation that directs the Department of Health and Human Services (HHS) to collect data on first responder suicides and help determine best practices for identifying and treating post-traumatic stress and combating suicide among firefighters and other first responders. The Act also establishes a grant program for peer-to-peer counseling programs to address mental health challenges for first responders.



RECOMMENDATION 8

The committee recommends that the GCSO continue to utilize all available support resources to support the mental health and well-being of its officers, as well as with implementation of the Helping Every Responder Overcome Resilience Program." **This program is not currently complete and does not exist within GCSO. Trainings will begin May/June of this year.**

PART III - Committee Findings and Recommendations

TOPIC 3: Employing Smart and Effective Policing Standards and Strategies

Law Enforcement Strategies to Reduce Racial Disparities and Build Trust

INSIGHTS FOR CONSIDERATION

What practices and/or programs does the GCSO currently utilize to build trust and accessibility within our communities?

Is Greene County doing enough to support them?

Greene County has long recognized that effective policing requires standards and strategies that advance the goals of protecting the community, engaging with the citizenry in a meaningful and multi-faceted way, and demonstrating respect for individuals during law enforcement interactions.

Greene County has always believed that policing is a partnership with the community, requiring a foundation of positive, trust-based relationships with all segments of the population. As an important component of this Police Reform review, the Committee examined whether the GCSO uses the principles of Procedural Justice to inform its interactions with the public.

As discussed above, those principles encourage police departments to always consider how the police will interact with the public – the process – instead of focusing solely on the law enforcement outcomes of the decision-making process – the arrest/outcome. The fact-based review conducted by the Committee found a strong relationship and collaboration existed between the police and the community they serve. In Greene County, the GCSO and the community have always worked in concert for the safety of all. This relationship allows for a proactive, community-based solution to many of the community public safety priorities.

Not surprisingly, the Committee concluded from its examination of the relationship that exists between the police and the community that the GCSO engages in practicing the principles of “Procedural Justice” without necessarily attaching that formal term to the process and it’s the practice of the GCSO and its officers to:

- Treat all individuals interacting with the GCSO with dignity and respect;
- Give individuals a voice during law-enforcement interactions;
- Act in a neutral and transparent way in the decision-making process, and;
- Convey and express trustworthy motives when dealing with the public.

FINDINGS

While the diversity of the GCSO closely mirrors the make-up of Greene County, there is a concern that people of color are generally mis-trustful of law enforcement. The GCSO is very aware of this reality, and diversity and ethnic awareness training are standard protocols for all personnel.

The Committee also determined that, while the GCSO collects data on race and gender for every arrest, and provides it to NYS in monthly Incident Based Reports (IBRs)/Uniform Crime Reports (UCRs), its current Records Management System (RMS) software doesn’t record whether a specific arrest resulted from an ‘observed violation’ or from a ‘service call’ to a Public Safety Answering Point (PSAP). The IBR/UCR also does not provide a breakdown of arrests by ethnicity and gender.

The Committee discussed the importance of having this verifiable data set to ensure that persons of color aren’t being targeted or profiled.

The GCSO, like all agencies, uses a software product for Records Management System (RMS) to document all arrests. All arrests by the GCSO collect data on race/ethnicity and gender, however, the RMS used by the GCSO does NOT provide a searchable data entry field that distinguishes or separates arrests that have been made via a Dispatched Call from 911 versus an arrest made from an observed infraction. The only way the race and gender can be sorted into these two categories is by having staff read through every arrest report, as the arresting officer does provide this breakdown in a narrative section of the software. It would be very time consuming to go back years to examine thousands of reports.

PART III - Committee Findings and Recommendations

The GCSO's RMS software platform is aging out and has not kept with technology. This is an issue statewide with law enforcement agencies. The GCSO, like many other agencies, intends to release an RFP that will select a vendor's RMS software that will be compatible with the County's Computer Aided Dispatch (CAD) system as well as provide better fields for sorting data to ensure more effective data capture, analysis and transparency.

The NYS Division of Criminal Justice Services (DCJS) serves as the central repository of crime and arrest information for New York State. DCJS oversees the Incident Based Reporting (IBR)/Uniform Crime Reporting (UCR) Program for the State and reports crime and arrest data to the FBI. New York State law enforcement agencies submit monthly crime reports to DCJS. These crime reports are reviewed by DCJS personnel for completeness and accuracy before being added to the statewide database and submitted to the FBI.

Timely and accurate crime statistics are essential to reducing crime in New York State. Each month, preliminary statewide crime data are posted on eJusticeNY, a secure law enforcement website. These crime reports are structured so that police departments and prosecution can quickly see if crime in their jurisdiction, county, or region is up or down, and whether spikes in crime, such as burglary, are specific to their region or more widespread. Timely and accurate crime reporting is a critical first step to understanding crime, facilitating communication between neighboring departments, and proactively addressing increases in crime. This can improve state and local law enforcement's ability to gauge and react to current statewide crime trends.



RECOMMENDATION 9

The Committee recommends that the GCSO prioritize procuring new RMS software that will collect and record data to include how often arrests come from 'observed violations' versus responses to 'service calls', and provide a clear breakdown of arrests by ethnicity and gender.



RECOMMENDATION 10

The Committee also recommends that NYS provide funding for updating local RMS platforms as this will advance the Governor's goals to reduce racial disparity.

Community Engagement

FINDINGS

The Committee found that the GCSO is widely engaged across the communities it serves through numerous outreach and interaction programs, and the Sheriff is very proactive in engaging groups and organizations.

The GCSO's School Resource Officer (SRO) program is a vital part of this effort, as it provides positive interactions between students and deputies, fostering trust, communication and mutual respect within the Cairo-Durham, Greenville, Windham-Ashland-Jewett, and Hunter-Tannersville central school districts. Indeed, SROs have become integral contributors to the development of our children and youth as they grow into responsible citizens. SROs are often the go-to source for answers to questions about situations and events that students experience both at home and in their communities.

In 2018 the Sheriff's Office worked with School Superintendents across the county to develop a School Resource Officer program.



PART III - Committee Findings and Recommendations

Goals and objectives within the program include the following key points:

- Refrain completely from functioning as a school disciplinarian. The SRO is not to be involved in the enforcement of disciplinary infractions that do not constitute violations of the law. The SRO shall follow each schools policies;
- Build and promote a trusting relationship by developing lines of communication with students and staff and help promote positive behavior and interaction between students;
- Develop expertise in presenting various subjects such as drug/alcohol abuse prevention education, social media, peer mediation, conflict resolution etc. and shall provide these presentations at the request of the school personnel in accordance with the established curriculum;
- Work with Guidance Counselors and other student support staff to assist students and to provide services to students involved in situations where referrals to service agencies are necessary;
- The SRO shall become familiar with all community agencies that offer support and services to students and their families such as mental health clinics, drug treatment centers etc., and;
- Build and promote a trusting relationship by developing lines of communication with students and staff and help promote positive behavior and interaction between students.

The GCSO currently contracts with the Cairo-Durham, Greenville, Hunter-Tannersville, and Windham-Ashland-Jewett Central School Districts.

The GCSO also participates in the Sheriff Summer Camp located near Penn Yan near Seneca Lake in Yates County. Supported by the NYS Sheriff's Association's Honorary Members (through contributions and annual dues) this week-long program accommodated over 900 boys and girls from New York State in 2019, including 22 from Greene County. During their stay, children observe and participate in special exhibits and demonstrations presented by deputies from across the state including:

- D.A.R.E. (Drug Abuse Resistance Education) presentations;
- Boat and Bicycle Safety programs;
- Law enforcement equipment and technical demonstrations;
- Pistol and Archery competitions, and;
- Even a Talent Show (just for fun).

Upon completion of their stay, all the children were awarded a diploma for their participation in a program of "Good Citizenship and Law Enforcement Studies".

The GCSO is a major participant in the Cairo Youth Fair, and the GCSO's Community Service Crews assisted in projects at the Durham Town Park and municipal building, McQuade Park in Coxsackie, Sacred Heart Church in Palenville, and Pratt's Rock in Prattsville.

The Sheriff agreed that increased community engagement in these areas will ensure that the first experience with the GCSO is a positive one, and foster ongoing interactions as members of the community.



PART III - Committee Findings and Recommendations



RECOMMENDATION 11

The Committee recommends that the GCSO should seek opportunities to enhance their community outreach with presence at events, functions, and public housing – demonstrating that the GCSO is approachable and serves the community in addition to its law enforcement duties.



RECOMMENDATION 12

The Committee recommends that the GCSO continue to maintain the School Resources Office program at as many Greene County schools as possible. The programs and services provided by the GCSO to the School Districts are a great success and have the overwhelming support of the school administrators, teachers, parents, and frequently, the students themselves.



RECOMMENDATION 13

The Committee also recommends that Greene County create a youth program to partner with and enhance the efforts of local youth groups and clubhouses, religious organizations, and town and village art & recreation programs. While events and activities will be organized by specific local groups, they could be sponsored and supported by Greene County through small grants and transportation resources, and coordinated under a 'Healthy Communities' message from the GCSO, and other not-for-profits such as the Columbia-Greene Health Consortium.

Transitioning Arrested & Incarcerated Individuals Back Into Communities

FINDINGS

Our Justice System in Greene County participates in alternatives to incarceration. "Drug Court" is one such alternative.

Drug Court is a program that was initially available only to those persons who were charged with a Felony offense. Due to the program's success it has been expanded to persons charged with misdemeanor offenses as well. Drug Court is available for those charged with non-violent crimes and who are addicted to alcohol or other substances, and demonstrate a willingness to lead a sober lifestyle. This program requires abstinence and honesty on the part of the participants.

Drug Court is run by a well-structured team composed of: County Court Judge Tailleux; A member of the District Attorney's Office; A member of the Public Defender's Office; A member of the Probation Department; The State's Drug Court Coordinator; A Mental Health Counselor from GCMH, and; A Drug Treatment Counselor from Twin Counties.

The program lasts approximately 12 – 18 months. To start, the participant acknowledges accountability by entering a plea of Guilty to a Criminal Offense (with the possibility of having that offense later reduced if successful in the program). Participants appear in Court before Judge Tailleux regularly (weekly during Phase 1, every 2 weeks in Phase 2, monthly in Phase 3). The Participant is assigned to Probation Supervision and counsels with Twin County Recovery Services. Participants attend at least 3 "Self-Help" meetings each week (typically AA) and performs 25 hours of Community Service. Every Participant is subject to random drug screening, random home visits, and random searches of their person and belongings.

Participants who violate are assessed graduated penalties, including: Verbal reprimands; Writing essays; Performing additional Community Service, and ultimately; Jail time.

Drug Court has become an essential part of our Justice System in Greene County because we recognize that at least 60% of crime here finds its source in addiction. Those who complete this program are deserving of congratulations. It is a grueling program; by no means a "Walk in the Park". Despite the rigorous requirements the success rate exceeds 90%.

PART III - Committee Findings and Recommendations

Upon completing the program (Graduation), each participant gives a “Commencement Speech” in which he/she talks about how their respective lives are now, as opposed to when they were abusing substances. Most participants express gratitude that they were arrested & given the opportunity to participate in the Drug Court Program.

Most graduates continue on Probation wherein they continue to adhere to restrictions of the initial program and their abstinence is monitored and confirmed. In most cases of successful completion of the program the initial plea is vacated and the participant re-pleads to a lesser offense so as to lessen the harshness of a criminal conviction. This reduction opens the door for greater job opportunities and a reduced stigma of having been involved in the Criminal Justice System.

The Drug Court Program has worked well and is supported by Team members, defendants who participate in the program and family members of Drug Court Participants. It is requested that the committee recognize that the Drug Court Program works, that it is acceptable for the needs of Greene County and that its use be expanded to the extent possible.

The Law Enforcement Assisted Diversion Program (LEAD) is a newer program that the County Court, the Sheriff's Office, the District Attorney's Office and the Public Defender's Office are currently developing.

This program will focus on certain non-violent misdemeanor offenses. The goal of the program is basically that when an offense is committed, the police agency in charge will look to determine the root of the offense; whether it is substance abuse, mental health issues or some other particular cause.

Based on the determination the officer will have the authority to hold the evidence and refrain from charging with a criminal offense. Instead of a criminal charge the offender will be given a period of time within which to seek services, whether it be through Greene County Mental Health, Twin County Substance Abuse or some other entity.

A peer support person will be assigned to assist the offender in the coordinating of services. If services are obtained and the offender continues with needed services, it is possible that criminal charges will never be assessed.

The theory of this program, however, is new and the parameters of the program are not yet fully known. The program is used in certain Jurisdictions, such as Schoharie County. We are in the process of setting up a meeting with Schoharie County officials to further understand the elements of the program. If the program is feasible we will consider setting up such a program in Greene County.

The Committee's recommendation is sought to continue our efforts in looking into, and possibly developing a “LEAD program”

The completion of the new Greene County Jail will accommodate up to 80 persons who have been placed in the custody of the Greene County Sheriff. This new state-of-the-art facility will enable the Greene County Corrections Department to facilitate the efforts required for its inmates as they prepare to re-enter the community.

The new facility will have dedicated staff to facilitate ‘re-entry’ programming (services not afforded at the old jail). This is especially important for those who have mental health and substance abuse issues. It has also been widely demonstrated that the support of a faith-based leader, specifically dedicated to these efforts, plays an extremely important role in their success.



RECOMMENDATION 14

The Committee recommends that the Greene County Justice System continue to expand the Drug Court program as an alternative to incarceration, and further explore the possible creation of a LEAD Program for Greene County.



RECOMMENDATION 15

The Committee recommends that the Sheriff appoint a local faith leader as Chaplain for the Greene County Jail, and with Rev. Richard Turpin of the 2nd Missionary Baptist Church in Catskill be advanced for consideration.

PART III - Committee Findings and Recommendations

Responding to Mental Health Events

INSIGHTS FOR CONSIDERATION

Why do armed GCSO personnel respond to mental health events reported to the 911 system?

FINDINGS

While some New Yorkers believe that an armed police officer should never be the first person called for a mental health event, our Committee determined that the current practices and policies of the GCSO is best suited to the needs of our rural county with a relatively low population density.

Greene County employs a 'Closest Car Doctrine' to respond quickly to all calls for assistance. The county's 911 Emergency Services Dispatch Center serves as its primary Public Services Access Point (PSAP), however, the New York State Police has its own PSAP, and so does the Village of Catskill.

While Greene County's 911 Operators are trained to obtain all information required to dispatch a response, as well as provide support to callers in emergency situations, they are not trained clinicians.

When a Greene County Sheriff's Officer responds to a mental health event as the 'Closest Car' they are trained to de-escalate the situation, ensure the safety of all involved and make a determination if client meets criteria for a 9.41 Mental Hygiene Law. A 9.41 MHL is defined as "reasonable cause to believe that the person has a mental illness for which immediate observation, care and treatment in a hospital is appropriate and which is likely to result in serious harm to him/ herself or others." If a person does not meet criteria and further support is warranted, a Mobile Crisis Assessment Team (MCAT) is called in to provide mental health services.

MCAT is a program operated by the Mental Health Association of Columbia-Greene Counties, Inc. that came to fruition in July 2015 providing crisis services in Greene and Columbia Counties. The goals of these services are engagement, symptom reduction, and stabilization. These services are provided to an adult or child/adolescent, who is experiencing or is at imminent risk of experiencing a psychiatric or substance use (BH) crisis.

Additionally, MCAT-MHACG provides prevention services (connecting individuals before a crisis), postvention (follow up from emergency department and inpatient psychiatric services or SUD treatment facility) and critical incident stress management working collaboratively with our first responder community. MCAT Crisis Case Manager also works along with Greene County Sheriff's Office Impacted Citizen's Program (GCSO ICP) responding to alleged sustained overdoses in Greene County and connecting to appropriate and requested services (detox, rehab, MAT, Narcan, MH treatment, housing, etc).

MCAT hours are from 8am to 10pm, 7 days a week, 365 days a year. Those hours are subject to change depending on grant and state funding. There is generally one team (two staff members) working per day that covers both Greene and Columbia Counties. To date, they have served 2,884 residents (unduplicated) of Greene County. This translates into a total of 47,663 points of contact (phone and in-person) with those individuals.

MCAT is often contacted by the GCSO if there are calls related to mental hygiene or when clients are in crisis. GCSO does not contact MCAT if someone immediately meets criteria to go to the hospital for psychiatric services (i.e., is a harm to themselves or others). Additionally, GCSO requests services after there has been a traumatic event to provide support to the family or officers.

MCAT can only respond and assist in situations that we are made aware of. There is an opportunity for further collaboration after someone is in a crisis or needs assistance to hopefully reduce contact with a law enforcement officer (LEO) in the future. This can include information on mental hygiene, domestic violence, trauma or abuse related calls being sent to the appropriate resource, ensuring that contact and possible linkage to services is made.

Whenever possible, it is the policy of the GCSO to have trained mental health professionals assist in responding to calls where the mental health of the individual in question may be an issue. Greene County relies on the Columbia-Greene Mobile Crisis Assessment Team (MCAT) to provide trained professionals to respond to mental health calls. The Greene County Mental Health Department also offers a wide range of services to Greene County

PART III - Committee Findings and Recommendations

residents, including treatment for mental illness. The Mental Health Department's mission is to ensure that persons with mental illness 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.

In Greene County's rural environment, many law enforcement encounters may involve substance abuse and/or mental health events. Therefore, our law enforcement officers are trained and able to interact with such individuals. The MCAT team works closely with GCSO and Columbia Memorial Hospital.

The Committee heard directly from frontline mental health and substance abuse professionals during this review regarding the importance and necessity of GCSO responding to calls involving mental health altercations and concurs that this policy and practice is vitally necessary and beneficial to the safety of those needing assistance as well as the overall safety of the community.

In coordination with MCAT, and all community addiction services providers, the GCSO has implemented its 'Impacted Citizens Program' (ICP). The ICP directs members of the Sheriff's Office to 'respond to reported overdoses within 24 to 48 hours after being notified of a substance use concern, if deemed appropriate. Members of the team will assist the individual by providing information and the awareness of available resources for recovery and other services that would assist the individual with current or circumstantial difficulties. Should the individual not wish to receive any services at that time, they will be provided with the contact information of a team member if they desire such assistance. Team members will follow up in either case to assess future needs or progress.



RECOMMENDATION 16

The Committee recommends that the GCSO continue its current policies as they are in accordance with best practices, and serve our communities well. The Committee also recommends that the GCSO continue to work in consort with the MCAT on all mental health events, and continue on-going training in de-escalation practices and techniques.



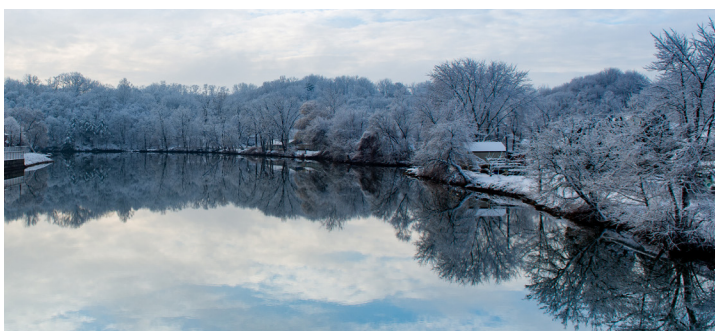
RECOMMENDATION 17

The Committee recognizes that MCAT is not dedicated to only Greene County. This occasionally causes delays in moving from one crisis to another due to the geography of calls, which is often frustrating for law enforcement and emergency services. MCAT's hours of operation are only 8am-10pm, leaving 10 hours with no in-person crisis coverage available (Greene County Mental Health offers a "warm-line" for emergency MH calls). To ensure that mental hygiene, domestic violence, trauma or abuse related calls are followed up by appropriate service providers the Committee recommends examining funding opportunities to support having a dedicated team to provide responses specific to Greene County.



RECOMMENDATION 18

The Committee also recommends that the GCSO should report all relevant incidents into the Overdose Detection Mapping Application Program (ODMAP) to ensure that "spike alerts" are issued and all appropriate agencies can respond in a timely manner, providing supports and education to Greene County reducing overdose fatalities.



PART III - Committee Findings and Recommendations

TOPIC 4: Fostering Community-Oriented Leadership, Culture and Accountability

INSIGHTS FOR CONSIDERATION

Has the GCSO identified and addressed any inappropriate 'Use of Force'?
Does the GCSO have appropriate means that enable transparency and accountability to the community?

FINDINGS

Leadership and Culture

The Committee agreed that constructive interaction between the community and the GCSO will not end with the issuance of this report. Policing is a partnership with the community, requiring a foundation of positive, truth-based relationships with all segments of the population. Indeed, community leaders and Greene County law enforcement must continue to have opportunities and vehicles to address issues and concerns as they may arise.



RECOMMENDATION 19

The Committee recommends that there be a continuation of open and honest discussions between the community and the GCSO.



RECOMMENDATION 20

The Committee recommends that community organizations need to take responsibility for positive interactions with police agencies by partnering with the GCSO moving forward with structured community programs that include the Sheriff.

Tracking and Reviewing Use of Force and Identifying Misconduct

Use of Force

FINDINGS

Policy 128 of the GCSO regarding Use of Force (Dated 1/1/2020) was issued by Sheriff Kusminsky upon taking office "To establish a policy whereby personnel of the GCSO have guidance and procedures in the use and reporting of the use and presentation of physical force."

Section I states:

"The federal and state standards by which the use of force is measured are both founded in the basic premise of objective reasonableness. The amount of force that is used by the officers shall be the amount of force that is objectively reasonable under the circumstances for the officer involved to effect an arrest, prevent an escape, or in defense of themselves or others. The standard of objective reasonableness, established by the United States Supreme Court in *Graham v. Connor*, is used in this policy and intended to provide officers with guidelines for the use of force, including deadly physical force."



PART III - Committee Findings and Recommendations

Subsequent sections of Policy 128 provide clear and concise guidance in the areas below:

- II. DEFINITIONS [of the terms 'Objectively Reasonable', 'Deadly Physical Force', 'Physical Injury' and 'Serious Physical Injury' as described in the policy]
- III. USE OF FORCE [General guidance and 4th Amendment compliance]
- IV. DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE
- V. DUTY TO INTERVENE
- VI. USE OF PHYSICAL FORCE
- VII. MEDICAL CONSIDERATIONS
- VIII. PROHIBITED USES OF FORCE
- IX. REPORTING & REVIEWING THE USE OF FORCE
- X. PROCEDURES FOR INVESTIGATING USE OF FORCE INCIDENTS

GCSO Policy 184 is attached to this report as part of Appendix F

Several key policies and practices were identified as issues in policing across New York State including the use of 'Stop & Frisk' and 'Chokehold/Knee Pressure' tactics. The Committee was assured by the Sheriff that the GCSO does not employ any of these tactics, and officers are specifically trained not to use them.

Indeed, GCSO Policy 184 specifically states:

"A chokehold or similar restraint is prohibited for use solely for the purpose of gaining compliance."

The Greene County Sheriff's Office reported that there have been no complaints brought forward by the public in over a decade regarding inappropriate use of force.

Use of Force by members of the GCSO is governed by agency policy and state law including Article 35 of the NYS Penal Law. GCSO procedures require officers to file agency use of force reports following use of force incidents and all incidents, both law enforcement and corrections, are reviewed for compliance by shift and command staff.

GCSO Use of Force policy was updated pursuant to Governor Cuomo's criminal justice reforms with changes including new definitions and guidelines. New mandated reporting protocols where use of force is reported to NYS Department of Criminal Justice was also added to allow for more data tracking.

Additionally, key updates included new standards are Duty to Intervene requiring officers to intercede and report when use of force by another officer has exceeded beyond objectively reasonable standards.

Also, there is no current 'Broken Windows' or 'Hot Spot Review' policy in place as the GCSO has multiple community outreach programs including Community Service Crews and School Resource Officers as well as supporting youth programs in Good Citizenship and Law Enforcement Studies. The Greene County Sheriff's Color Guard serves as a positive community presence as it supports and participates in multiple civic functions across the county throughout the year.

The GCSO also operates in strict compliance with the Greene County Code of Ethics, which is also provided in Appendix C.

The Committee explored the practices of debriefing GCSO personnel after any incident involving 'Use of Force'. The current practice of the GCSO is to conduct a thorough debriefing, and not place an officer involved immediately back on patrol (if there is adequate staff coverage). It was agreed that this practice provides insight and accountability, as well as providing time for the involved officer to regain professional composure after such an encounter.



RECOMMENDATION 21

The Committee recommends that the GCSO continue its current practices regarding incidents involving 'Use of Force'.

PART III - Committee Findings and Recommendations

Internal Accountability for Misconduct

FINDINGS

In the last five years GCSO has located eleven disciplinary actions. Nine out of eleven incidents originated internally. Only two of the incidents were complaints made by citizens. Nine of the incidents resulted in appropriate disciplinary action. The other two were referred to an outside agency for further action.

No allegations were related to racial or gender bias, use of force or mistreatment of any civilian by any deputy.

As of January 1, 2021, a new procedure was instituted to track and document all reports of potential misconduct.

The Committee determined that any publication of discipline reports was unnecessary due to both the low occurrence of incidents requiring disciplinary action, and the public's ability to obtain any such report through a FOIL request.



RECOMMENDATION 22

The Committee recommends that persons seeking access to any GCSO discipline reports file a FOIL request with the Greene County Attorney FOIL Officer by following the directions at <https://www.greengovernment.com/how-do-i#file-a-freedom-of-information-request>

Citizen Oversight and Other External Accountability

FINDINGS

The Greene County Sheriff's Office reported that there have been no complaints brought forward by the public specific to racial discrimination.

Under the Leadership of Sheriff Kusminsky, in 2020 the GCSO instituted a transparent citizen complaint procedure with access via the GCSO website and also included in the new GCSO mobile application. Internal Affairs and Complaints are now handled directly by the Captain position with duties responsible for investigating complaints of misconduct, internal affairs and other duties as assigned by the Sheriff to ensure members are responsible and professional in their dealings with the public.

During the Public Hearing Committee Meetings, some public concern was raised that there is no clear system to file complaints with the GCSO. The Committee found that multiple options exist, but determined that additional improvements could be made via a third-party anonymous system.



RECOMMENDATION 23

The Committee recommends that Greene County publicize all methods available, including: Contacting the Sheriff; Contacting their Greene County Legislator; Contacting the NYS Attorney General, and; Using the GCSO's mobile app.



RECOMMENDATION 24

The Committee also recommends the creation of a volunteer 'Community Advocate Committee' (CAC) to facilitate any citizen complaints regarding the GCSO. This three-person committee will include either the Chair of the Greene County Legislature or its Public Safety Committee and two citizens (one from a faith-based organization, and the other leading community outreach. This committee will include one or more persons of color. The CAC will receive complaints anonymously through a form on the County website, vet each submission for legitimacy, and bring it to the GCSO directly for investigation and resolution. This process will minimize any perceived fear of retaliation that may exist with some citizens.

PART III - Committee Findings and Recommendations

Data, Technology and Transparency

FINDINGS

During the Public Hearing Committee Meetings, a request was made that the GCSO use Body/Dash Wireless Cameras (BWCs) for transparency and accountability. The use of technology can be a valuable tool to review facts involving an altercation or complaint. The Committee noted that body cameras can be used to hold officers accountable for their actions and can also be a means to exonerate a law enforcement officer from false allegations.

BWC policy requires members to record their interactions with the public and also includes exceptions to recordings such as investigating sexual assault victims. Members are required to record incidents until it has reached conclusion.

BWC system software “auto-tags” video with a case number and call type. Videos are automatically uploaded to a server when the BWC is docked.

Upgraded BWCs have an automatic record setting that starts recording when:

- The vehicle emergency lights are activated;
- A Deputy exits the vehicle on a call;
- A TASER is activated;
- A Deputy draws his/her weapon from an a holster device with a sensor, or;
- If it detects the audio signature of a gunshot.

BWCs will also automatically turn on other BWCs within 30 feet of each other.

The use of body cameras and vehicle dash cameras will require the development of policies and programs to outline the proper utilization of BWC’s and the requirements for the recording of civilian victims, witnesses, suspects or violators, as well as the custody and control of such recordings.

The custody and control of such recordings may likely require the dedicated assignment to a civilian GCSO employee whose duties will also include the necessary custody and control of recordings required for court discovery preparation.

While the data collected and reviewed by the Committee did not rise to the level of justified concern, the use of body cameras can be a proactive forward approach to ensure openness and transparency as an objective documentation of events and encounters.

Both the Committee and the GCSO support this request, and recognize that the significant cost and the creation of a new civilian position to maintain the data will need to be approved by the Greene County Legislature. A significant financial commitment would be necessary to adequately implement this program and associated policy, including initial capitalization of hardware and software, annual maintenance, data storage capacity and sufficient redundancy for back-up archival purposes. Preliminary estimates of costs for initial capitalization range from \$400,000 to \$600,000.



RECOMMENDATION 25

The Committee recommends that the County Administrator bring this request before the Public Safety Committee for referral to the full body of the Greene County Legislature for action to provide the GCSO and the community with an accurate, unbiased audiovisual record of enforcement related law enforcement interactions.

PART V - PRRC Committee Member Responses

Date: 3/3/21

From: **Kai Hillmann**, CASAC II – Director, Youth Clubhouses -
The Mental Health Association of Columbia-Greene Counties, Inc.

email: **khillmann@mhacg.org**

MESSAGE:

"Hi Everyone,

Just to clarify - I did bring up some of these items throughout our meetings, which I will clarify in respective topics below. As far as the language changes that I suggested in the document today, I could not address these before we saw the final document which was only released to us late Monday and I was only able to review late last night. Just to mention again, I was brought in after this process had started (which is not reflected on the webpage itself, only in the document) and we all have all felt and expressed that this process was extremely rushed for multiple reasons. I was asked to be on the committee, share any insights that I may have, and express dissent. I do have a diverse background in ways and want to make sure we are coming from a sensitive and culturally competent perspective in this document and in our daily practice that will represent our community, whether we choose to see all of it or not. I am not perfect in this, but I hope to just start (and continue) these important conversations and implement important cultural changes to truly serve the entire community. This is progress, not perfection. I do not point out or say things to put blame on anyone. The Sheriff and the community have really great things going and I seek to further enhance all of the things for the safety and inclusion of all.

Please ask if you need more clarifications than what is provided here.

TYPOS

Page 4 "2021" should be "2020" (when Sheriff took office)

Page 7 "withing" should be "within"

Page 10 the topic of civil service tests comes off as a generalization that people of a diverse background cannot pass a civil service test, which is a problematic sentiment, stigmatizing, and untrue. While I understand that there are systems in place that disproportionately prevent some people of diverse backgrounds to be exposed to the civil service process and/or creates challenges with testing, we have to be careful with language, as not to further stigmatize.

Also, a diverse workforce can be a complete culture shift which would require **cultural humility** of **all** staff persons in an organization, policy, procedures, and practices to support and protect the mission of safety and inclusivity, and accountability. From various feedback I have received, people of diverse backgrounds that have been historically oppressed, typically (yes a generalization), do not want to work in places they don't feel safe. So are we looking to implement a culture shift and how?

OTHER WORDING

Page 16 "events, functions, and **Public Housing**"..... What are we saying here? This also comes off as an assumption that people of diverse backgrounds live in public housing? Same reasoning as above to be careful with language. How we are saying things does matter. If we aren't providing context and acknowledging systems and history regarding public housing and disproportionate numbers of diverse people living there, then we should avoid certain language..... Obviously, people of color, women, and transgendered people live throughout the county and can be reached in other ways.

Page 16 "self-help" should be "mutual aid meetings"

"typically AA" could maybe say "for example, AA" because there's a whole 'nother rabbit hole we can get into if Drug Court is mostly utilizing AA as a mutual aid meeting. Along with the lack of alternatives to "abstinence"

PART V - PRRC Committee Member Responses

- Page 17 "he/she" is not representative or inclusive. It invisibilizes an entire segment of the population that does exist in our County. Not to mention, trans lives are also a targeted population that should be included in public safety measures. We should respect and recognize their existence and experience. I would write "they"
- Page 19 I don't "concur" (without more information and education) **in reference to the "current policy and practice" that there is a "necessity of the GCSO respond to calls involving mental health altercations. "**
- For me, without more education and exploration of alternative options, I am on the fence about whether I concur or not. We discussed that in a previous meeting where I dissented due to not having enough knowledge of alternative models to what currently exists now. That dissent was shot down immediately and it was stated that alternative systems wouldn't be entertained.**
- Page 20 Recommendation 19 - How? **I believe the committee and GCSO should outline how this process will continue to evolve, whether it be scheduled meetings, who is involved and/or responsible, and how to hear more community voices, etc (quarterly community meetings?)**
- Recommendation 20 - This is a bold framing of language to which I do not agree "community organizations NEED to take responsibility for positive interactions with police agencies by partnering with the GCSO moving forward with structured community programs that include the Sheriff."
- Page 21 "(adequate staff coverage)" - problematic safety concern. **As it reads, depending on "adequate staff coverage" makes the determination if a deputy is involved with a 'use of force' situation they would not be able to take the time to take care of themselves depending on staffing, which could be a safety concern for the officer and/or the public**
- Page 22 The CAC - Not sure that having a legislature on the 3 person committee feels safe and proper way to proceed here. **I feel like including government officials that provide oversight to GCSO leads to an immediate distrust of the process defeating the purpose of the committee"**



Resolution No. 66-21

Adopting The Greene County Sheriff's Policy Entitled "The Greene County Police Reform And Reinvention Collaborative Policing Reform Plan"

WHEREAS, Greene County and the Greene County Sheriff's Department has performed a comprehensive review of the current police force deployments, strategies, policies, procedures, and practices; and

WHEREAS, Greene County and the Greene County Sheriff's Department has developed a plan, as previously distributed, to improve such deployments, strategies, policies, procedures, and practices as identified within the "Plan"; and

WHEREAS, Greene County and the Greene County Sheriff's Department has consulted with stakeholders (Including but not limited to: membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; mental health organizations; the local office of the district attorney and the local public defender) regarding the Plan; and

WHEREAS, Greene County and the Greene County Sheriff's Department has offered the Plan in draft form for public comment to all citizens and, prior to adoption of the Plan by the Greene County Legislature, has considered the comments submitted;

NOW, THEREFORE, BE IT RESOLVED that the Greene County Legislature by way of resolution hereby adopts the Greene County Police Reform And Reinvention Collaborative Policing Reform Plan.

MEETING HISTORY

3/15/21 **Public Safety** **MOVED FOR ADOPTION**

RESULT: MOVED FOR ADOPTION [UNANIMOUS]

MOVER: Charles A. Martinez, Legislator / Budget Officer

SECONDER: Patricia Handel, Patrick Linger

AYES: Hobart, Martinez, Bloomer, Handel, Gardner, Thorington, Linger, Lawrence, Lennon

CURRENT MEETING

3/17/21 **Greene County Legislature** **ADOPTED**

RESULT: MOVED FOR ADOPTION [UNANIMOUS]

MOVER: Charles A. Martinez, Legislator / Budget Officer

SECONDER: Patricia Handel, Patrick Linger

AYES: Bloomer, Bulich, Davis, Gardner, Handel, Hobart, Keller, Lawrence, Lennon, Luvera, Martinez, Overbaugh, Thorington, Linger

Ayes 14 Noes 0 Absent 0

APPENDIX B

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE
PLAN CERTIFICATION FORM

Instructions: The Chief Executive of each local government must complete and submit this certification and a copy of their Plan to the Director of the New York State Division of the Budget on or before April 1, 2021 at E0203Certification@budget.ny.gov.

I, Patrick S. Linger as the Chief Executive of Greene County
(the "Local Government"), hereby certify the following pursuant to Executive Order No. 203 issued by Governor Andrew M. Cuomo on June 12, 2020:

- ☒ The Local Government has performed a comprehensive review of current police force deployments, strategies, policies, procedures, and practices;
- ☒ The Local Government has developed a plan, attached hereto, to improve such deployments, strategies, policies, procedures, and practices (the "Plan");
- ☒ The Local Government has consulted with stakeholders (including but not limited to: membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials) regarding the Plan;
- ☒ The Local Government has offered the Plan in draft form for public comment to all citizens in the locality and, prior to adoption of the Plan by the local legislative body, has considered the comments submitted; and
- ☒ The legislative body of the Local Government has ratified or adopted the Plan by local law or resolution.

Patrick S. Linger
Name


Signature

Chairman, Greene County Legislature
Title

March 18, 2021
Date