

NYS POLICE REFORM & REINVENTION COLLABORATIVE

1/5/21 Meeting Minutes: Tim O’Grady, Chief of Police

Attendance: Dawn Ketchner [call-in] (DK), Chad Green (CG), Mike Raptis (MR), Lindy White (LW), Tim O’Grady (TO)

Absent: Randy Shayler

- Approval of minutes from 12/15/20 meeting: APPROVED - Aye: 4 Nay: 0 Absent: 1

- Page 17: What Function Should 911 Call Centers Play in Your Community? –
TO: Wellsville does not operate a 911 call center. All 911 and most non-emergency calls are answered by the County 911 Center. However, how a dispatcher conducts themselves on the phone can set the tone for the call an officer has to respond to. He explained that because of this the Wellsville dispatchers will be included in the Principles of Policing training when the officers receive it in the next several months.
MR: Inquired as to how we handle someone who is belligerent and repeatedly calls our office in a short time frame.
TO: Explained that officers and dispatchers don’t have to tolerate being yelled at and cursed over a phone any more than the general public does. In these non-emergency situations, the officer or dispatcher will typically warn the caller several times that if they don’t calm down and stop swearing the call will be terminated. If that doesn’t work the call is terminated. All agreed with this approach.
LW: Expressed frustration that sometimes when she calls our office with a welfare check request that she feels the calls are being screened by the dispatcher especially when she can’t obtain police action. She stated that it would be nice to speak to a person of authority, an officer or a supervisor, and have things explained as to why the police can’t or won’t take action. She thinks that better communication between the dispatchers and the public would have improved results.
All agreed that dispatchers should be more “customer service oriented” than “procedural oriented” when handling non-emergency calls.

- Page 18: Should Law Enforcement Have a Presence in School? –
TO: Explained the presence of a School Resource Officer in the schools is at the request of the Wellsville School District following input from the community. A memorandum of understanding between the Village and the School that clearly establishes the SRO’s role and responsibility has been in place since 2018.
CG: Explained that school pays for 100% of his position through grant funding.
TO: Stated that Sgt. Green has been busy since he accepted the SRO position and has attended juvenile officer training. He handles most juvenile issues that come through the station and all of the ones that a generated through the school.

Staffing, Budgeting, and Equipping Your Police Department

- Page 19: What Are the Staffing Needs of the Police Department the Community Wants? –
TO: Stated that 100% of the staffing level is dictated by the collective bargaining agreement.
MR: Asked what are our current staffing needs?
TO: Stated that we currently have enough staff.
CG: Stated that special events staffing has been decreased over the years like fishing derby, sidewalk sales, balloon rally, etc.
TO: Stated that is true but it's hard to justify staffing for worse case scenarios and that he tries to staff appropriately.
- Page 19: Should Components of the Police Department Be Civilianized? –
TO: Explained that this would be fiscally difficult for the Village to take on especially in the dawn of a financial crisis created by the COVID epidemic.
MR: Asked if this would be like a neighborhood watch?
TO: Answered not really because neighborhood watch isn't usually a part of a police department. It would be more like hiring social workers who work with the police.
LW: Stated that even if this was possible there is not enough licensed professionals in this area to staff such a program. She explained that they tried to have 24-hour mental health services but the low volume of calls could not justify it.
- Page 20-21: Crowd Control & Demilitarization –
TO: Explained that like the majority of small police departments, Wellsville is not equipped with adequate personnel or equipment to deal with large crowd control or riotous situations. The Village PD would have to act in a support role to the NYSP. Any military type equipment possessed by the department is for safety of the officers and is limited to ballistic helmets.

Procedural Justice and Community Policing

- Page 24-26: "Broken Windows" Policing – Does the community wish to continue the enforcement of minor type offenses? Does this approach help deter more serious offenses from being committed?
TO: Explained that "Broken windows" policing is addressing minor issues in hopes it deters more serious crimes from being committed. He used blight that is present throughout the Village as an example. He stated that by addressing the small violations, grass, garbage, etc. it prevents larger problems like junk vehicles, etc.
MR: Agrees. In a small community with most people having a good upbringing it was a good way to deal with and prevent bigger problems.
LW: Agrees. She used open containers as an example. Stated that if you deal with one open container violation it may prevent a group from congregating with open containers or drugs, etc.
CG: Agrees and stated that it should be a consistent application of the law.

TO: Explained that the department does not utilize “Stop and Frisk” unless reasonable suspicion that an individual was involved in criminal activity. Discriminatory, Bias-Based Stops, Searches and Arrests, and Racial Profiling are already tactics that are prohibited for use by Wellsville officers but I will research the policies to ensure it is addressed.

- Page 27: Chokeholds and Other Restrictions on Breathing –

TO: Explained that prohibition of chokeholds is not specifically addressed in the Response to Resistance policy. It is not a technique that is taught in defensive tactics. In the department’s Use of Force training, it was addressed that this is not a tactic that should be used UNLESS use of deadly force is warranted. It is also be addressed in the training that if an officer injures someone by applying a chokehold and use of deadly force was not warranted, they could be charged with a felony.

- Page 28: Use of Force for Punitive or Retaliatory Reasons –

TO: Explained that from his experience this is not a common practice in modern law enforcement and that it is already prohibited in the Necessary Force policy but could be addressed more specifically.

Pretextual Stops –

TO: Explained that pretextual stops are currently used by Wellsville officers and are an effective method utilized in everyday police work particularly in DWI & drug enforcement. He gave an example that a pretextual stop is pulling over a vehicle that has an equipment violation with the suspicion that the driver maybe intoxicated or a car that has been observed briefly stopping at a house known for illegal drug sales.

MR: Asked the question on whether a pretextual was legal? He assumed they are if they are being stopped for a legitimate reason.

TO: Answered that are legal since the vehicle is being stopped for a valid reason.

MR: Stated that it could be a good a community relations tool if someone is stopped and there are no other crimes being committed, they don’t know they have an equipment violation and are given a warning and asked to get it fixed.

All agreed that the department should continue using pretextual stops as they have been.

- Page 29: Informal Quotas for Tickets & Arrests –

TO: Explained that the Wellsville Police Department does not have any quotas for tickets and arrests and that ironically the only department he is aware of that does is the State Police.

- Page 32: Use of SWAT teams –

TO: Explained that the Wellsville Police Department does not have nor participate in a tactical team. If it were determined that a tactical team was needed it would be requested from the NYSP. He went on to explain that the NYSP have their own policies governing their tactics and use and would be required to follow them. The NYSP would take over command of an incident once their team is utilized. They would then turn the incident back over to our department once their tactical team was done.

No Knock Warrants –

TO: Explained that Wellsville officers are not prohibited from applying for a no-knock warrant, but like all warrants it has to be approved by a Justice or Judge. The only reasons for obtaining a no knock is to prevent the destruction of evidence and if the people at the residence are believed to be dangerous. It gives officers the tactical advantage of the element of surprise.

MR: Stated then it would be out of your (police) hands if the Justice signs it.

TO: Replied, not really as the local Justices are relying on us to give them accurate information regarding the circumstances of the warrant. He also stated that he believes the State Police have discontinued using no knock warrants for cases that are solely drug related.

It was suggested that maybe the department should start utilizing County Court Judges for no-knock warrant applications.

TO: Will look into it.

- Page 34: Facial Recognition Technology – not used by the Wellsville Police Department.

Law Enforcement Strategies to Reduce Racial Disparities and Build Trust

- Page 35: Using Summonses Rather than Warrantless Arrests –

TO: Explained that the nature of the offense committed determines the charge. The Bail Reform Act passed by NYS already dictates the use of appearance tickets versus cash bail. He went on to explain that COVID has made it difficult to have Judges available to get warrants signed and once we have a signed warrant they have to appear in front of Judge once arrested (arraignment) which has been equally challenging. He stated that instead of wasting our (police) time getting Judges to sign warrants, getting Skype set up for virtual arraignment only to have the person released and directed to court, the department has started using a criminal summons in most circumstances. He explained that a criminal summons is a combination of a warrant and appearance ticket. A case is presented to local Justice and if they believe there is enough evidence to substantiate the charge, they sign the criminal summons as presented and direct the individual to court on a specific date. The officers then officers then serve the criminal summons upon the individual. Once they come to appear in court they are arrested, processed and arraigned in front of the Justice. If they fail to appear an arrest warrant may be issued.

- Page 36: Diversion Programs –

TO: It was his opinion the Village does not have the resources to establish these types of programs. There are several diversion programs operated at the County level including Domestic Violence (DV) Court, Youth Court, Drug Court and Traffic Diversion.

All agreed
- Page 37: Restorative Justice –

TO: Explained the general idea of restorative justice was to have two parties in disagreement come to a resolution through the use of a mediator instead of the criminal justice system. He discussed his experience with the program. He saw it tried in Alfred when he was Chief there and it failed because of a lack of utilization. He said that it may be handy to refer people to mediation that may be having a civil disagreement, that police often get called to, like a property boundary dispute, but he does not see the value of instituting it as an alternative to the criminal justice system. An additional hurdle for the Village would be determining who would administer the program. Alfred used an agency from Olean for mediation and the program was administered by a Village Trustee.

CG: Commented that the school systems are using it.

LW: Admitted that she did not know a lot about it so she researched it. She felt that the program would likely be ineffective in Wellsville.

MR: Reiterated, who would run it?

All agreed that while restorative justice may have some merit it was not a program that would be utilized by the police department as a substitute to the criminal justice system.
- Page 38-39: Community-Based Outreach and Violence Interruption Programs, Hot-Spot Policing and Focused Deterrence –

TO: I don't believe these strategies are pertinent to the Wellsville community.

All agreed.
- Page 40: De-Escalation Strategies –

TO: Explained that this has been incorporated into our Response to Resistance policy. We currently do not have a de-escalation instructor but he believed we (department) can work toward it and incorporate it into our annual in-service trainings. All new officers receive instruction on de-escalation in the police academy.
- Page 41: Can Your Community Effectively Identify, Investigate and Prosecute Hate Crimes? –

TO: We have not had any crimes that qualified as a hate crime since he began his tenure in Wellsville in 2014. He feels the officers currently possess the ability to identify and investigate a crime of this nature. If needed we would request the NYSP BCI for investigative assistance.

TO: Will email the committee the Response to Resistance, Less Lethal Devices, and the Pursuit policies as well the Use of Force training so they can have a chance to review them before the next meeting on 1/12/21 @ 2:00pm.