



Executive Order 203

New York State Police Reform & Reinvention Collaborative Plan

2021

I. Introduction

A. On June 1, 2020 Governor Andrew Cuomo issued an executive order directing the chief executive of municipalities that employ police officers to convene the head of the local police agency, and stakeholders in the local community to develop a locally approved plan for the strategies, policies and procedures of local police agencies. This plan must be offered for public comment to all of the citizens in the locality and after consideration of such comments, must be adopted by resolution no later than April 1, 2021.

B. Municipality Demographics

The Village of Wellsville is located in Allegany County in the rural, southwestern part of the State. It is the largest community in the County with a population of 4,375 (*2019 census est.*) and an additional 3,000 residents in the township. The racial makeup of the village is 95.92% White, 0.66% Black or African American, 0.19% Native American, 1.49% Asian, 0.29% from other races, and 1.45% from two or more races. Hispanic or Latino of any race were 0.91% of the population (*2000 census*).

C. Agency Demographics

The Wellsville Village Police Department employs twelve people full time and eleven people part time. There are eleven full time police officers consisting of the Chief of Police, one lieutenant, two sergeants, eight patrol officers and one school resource officer. All eleven full time police officers are white males. There are eight part time patrol officers consisting of seven white males and one white female. Additionally, there are three civilian employees. The one full time communications technician is a white male and the part-time crossing guard and part-time police matron are both white females.

II. Reform & Reinvention Collaboration Process

A. Committee Formation

1. On November 10, 2020, Mayor Randy Shayler formed the Village's Police Reform & Reinvention Collaborative Committee. The committee consisted of:
Mayor Shayler
Chad Green – community member & Vice-President Local 2574C (*police officers labor union*)
Dawn Ketchner – community member & former Deputy Mayor
Mike Raptis – community member & local business owner
Lindy White –community member & mental health professional
2. Chief of Police Tim O'Grady was the facilitator of the meetings.

B. Plan Development

1. The committee met at the Village Offices, located at 23 North Main Street, on December 15, 2020; January 5, 2021; January 12, 2021; January 19, 2021; January 26, 2021; to review, discuss and address each of the "Key Questions and Insights for Consideration" contained in the Resources & Guide for Public Officials and Citizens that

was supplied by Governor Cuomo’s office. Because of COVID-19 considerations, some committee members used conference calling to attend while others attended in-person. Each meeting’s announcement and minutes were posted on the police department’s website, www.wellsvillepolice.com , under the banner “Important Messages”.

2. Chief O’Grady reviewed the information from the twenty-five pages of meeting minutes and drafted a plan of action items for the committee’s review.
3. The committee approved the plan being forwarded to the Village Board of Trustee’s for their consideration on February 4, 2021.
4. On February 8, 2021, the Village Board of Trustee’s announced the availability of the plan electronically on www.wellsvillepolice.com . Printed versions were supplied upon request, for no charge at the Village Offices and the Police Department.
5. As required, the Village Board of Trustee’s held a public comment session on February 22, 2021.
6. After consideration of the public comments the Village Board of Trustee’s adopted such plan by resolution #20/21-20 on March 8, 2021 as required.

III. Village of Wellsville Reform & Reinvention Plan

Key Question	Description	Action	Status
How should the police and the community engage with one another?	Institutionalize the four pillars of the Principles Policing. Respect; all are treated with respect & dignity. Trustworthiness; officers convey trustworthy motives about those impacted by their decisions. Voice; all are given a chance to tell their side of the story. Neutrality; decisions are unbiased and guided by transparent reasoning.	Incorporate Principles of Policing into annual department in-service training.	To be completed by 12/31/21
Should police be involved in non-criminal activity?	Because we are a small community, the police often get calls for and deal with non-criminal matters. Should this continue?	Yes continue involvement.	Completed
Will curtailing police activities decrease the risk of overreaction to minor offenses?	Will this lead to more complaints from the public of under reaction by the police as opposed to over reaction? There is an expectation the public has that a problem will be dealt with when the police are called. Committee felt the department should not curtail their activities as it pertains to minor offenses if the offense is a bother to the general public.	None	Completed

Key Question	Description	Action	Status
What role do the police currently play in your community?	All participants should understand the current role of the police department in the community. Because we are a small community the police department gets called for a variety of reasons; public intox, mental health, drug overdose, water line breaks, vehicle/house unlocks, wild animals, barking dogs, etc. The current role of the police department was favorable and should continue.	None	Completed
Should you deploy social service personnel instead of or in addition to police officers in some situations?	Some jurisdictions are utilizing agencies other than police to address situations that fall more squarely within the expertise of other professionals. Your community may rely on police to respond to calls involving mental health and substance abuse. Social services are managed at the County level and are out of the Village's control.	None	N/A
What function should 911 call centers play in your community?	Wellsville does not have a 911 center but does have a non-emergency dispatcher during normal business hours. Dispatchers should be customer service oriented rather than procedural oriented when handling non-emergency calls.	Include dispatchers in Principles of Policing in-service training.	To be completed by 12/31/21
Should law enforcement have a presence in the schools?	The Wellsville School District approached the police department about having a school resource officer. There are agreements in place that clearly establish the role & responsibilities of the SRO. Program is fully funded by the school district.	Yes continue program.	Completed
What are the staffing needs of the police department the community wants? Should components of the police department be civilianized?	Some people suggest that functions currently performed by officers could instead be assigned to civilian employees, particularly functions that involve interactions with citizens and that do not call for an arrest or potential use of force. 100% of the staffing levels is dictated by the collective bargaining agreement between the Union & Village. Any changes would have to be negotiated.	None	N/A

Key Question	Description	Action	Status
How should the police engage in crowd control? Should the police be demilitarized?	Police have acquired surplus military equipment. The military equipment has been used for crowd control. Civil rights advocates have criticized the militarization of crowd control arguing that not only has it failed to increase public safety but it actually results in escalation and increases the likelihood that excessive force will be used. Like most small agencies, Wellsville is not equipped with adequate personnel or equipment to deal with a riotous crowd without outside assistance. Any military type equipment the department has is for officer safety and is limited to ballistic helmets and vests.	None	N/A
Does the community wish to continue the enforcement of minor type offenses? Does this approach help deter more serious offenses from being committed?	"Broken windows" policing rests on the theory that minor offenses committed in public, such as disorderly conduct, contribute to a degradation of society that, in turn, incubates more serious crimes. Currently practiced by the department and the feeling is that this type of enforcement is expected by the community.	Yes continue practice.	Completed
Chokeholds and Other Restrictions on Breathing	NYS has criminalized the use of chokeholds by police officers that causes injury or death (<i>Aggravated Strangulation</i>). Chokeholds are not, nor have they been a use of force endorsed in department policies or trainings. Aggravated strangulation has been and will continue to be stressed in future in-service trainings.	None	Completed
Use of Force for Punitive or Relaliatory Reasons	How is the abuse of the use of force for retaliatory or punitive reasons addressed? Prohibited under Necessary Force policy. Also addressed in Use of Force policy under duty to intervene.	None	Completed
Pretextual Stops	Pretextual stops involve stopping an individual on one stated basis, when the real purpose is to investigate the individual for an entirely different and usually more serious crime. The police department does use this tactic and it is effective. Especially in DWI enforcement and illegal drug interdiction. Committee agreed to continue practice.	None	Completed

Key Question	Description	Action	Status
Informal Quotas for Summones, Tickets, or Arrests	NYS has banned formal quotas for issuance of tickets or summonses, stops of individuals suspected of criminal activity, and arrests. Not a practice used by the Wellsville Police Department.	None	N/A
Shooting at Moving Vehicles	Shooting at a moving vehicle risks injury to unintended targets, including innocent bystanders. Many experts believe that shooting at a moving vehicle has low utility as a tactic for neutralizing threats. Committee reviewed the Response to Resistance policy and found that shooting at moving vehicles was adequately addressed.	None	Completed
High Speed Pursuits	Whether to engage in a high speed pursuit in the first instance is a decision point for this collaboration. Committee reviewed the Vehicle Pursuit policy and determined that changes were not necessary.	None	Completed
Use of SWAT Teams	SWAT teams are increasingly used to execute even routine search warrants. Consider is such a tactic should only be used when there is a specific threat to officer or civilian life. Wellsville does not have a SWAT team and rely on NYSP for their expertise. Any SWAT action done by NYSP would be in accordance with their policies & procedures.	None	N/A
No-Knock Warrants	Consider if no-knock warrants should only be used when there is a specific threat to officer or civilian life. Wellsville officers are not prohibited from obtaining no-knock warrants as is gives the tactical advantage of surprise if evidence can be easily destroyed or the people inside the loctaion are dangerous.	Wellsville officers will have no-knock warrant applications reviewed by the District Attorney and signed by a County Court Judge.	To be completed by 12/31/21
Less Lethal Weaponry such as Tasers and Pepper Spray	Less lethal weapons can still cause serious harm Consider additional training of such less lethal weapons by Wellsville officers. Committee reviewed Less Lethal Substances & Devices policy as well as the department's Use of Force training. No revisions necessary at this time.	None	Completed

Key Question	Description	Action	Status
Using Summonses Rather than Warrantless Arrests for Specified Offenses	Police officers have broad discretion to choose between treating certain incidents as misdemeanor crimes and making warrantless arrests, or treating such incidents as a civil infraction or violation and issuing appearance tickets or summonses. NYS bail reform (2019-20) mandates the use of appearance tickets versus bail. Since bail reform, Wellsville officers have issued appearance tickets and utilized criminal summonses for all low level offenses and crimes not committed in their presence.	None	Completed
Diversion Programs	Diversion programs recognize that incarceration or establishment of a criminal record may not be the most appropriate mechanism to address certain conduct and that education, drug or mental health treatment may provide a better alternative for the individual and the community. There are several of these types of programs run at the County level. The Village does not have the resources to establish their own programs.	None	N/A
Restorative Justice Programs	Restorative justice programs brings the affected parties together, mediated by a trained community member, allowing aggrieved parties to vocalize hurt and encouraging accountability. The Village does not have the resources to establish their own programs.	None	N/A
De-Escalation Strategies	De-escalation has proven effective in certain circumstances to diffuse what would otherwise be a dangerous encounter. De-Escalation tactics can slow down an evolving situation and reduce the risk that a situation may become violent. De-escalation has been incorporated into the Response to Resistance policy.	The department will include it into annual in-service trainings once an officer obtains their instructor certification on the topic.	Within six months of an officer obtaining their certification to instruct the topic.
Can Your Community Effectively Identify, Investigate and Prosecute Hate Crimes?	You should ensure your department is complying with hate crime reporting requirements and has the capacity to effectively indentify and invetigate hate crimes. The department complys with reporting requirements. Committee felt the department could identify and investigate hate crimes.	None	Completed

Key Question	Description	Action	Status
Community Outreach Plans	A number of law enforcement agencies have developed plans for institutionalizing community engagement. Committee felt a specific plan is not necessary. Officers give presentations to different community groups upon request. Officers are involved in the community through youth sports and membership in different civic organizations.	None	N/A
Citizen Advisory Boards and Committees	A community advisory board is a group that meets regularly to provide advice and perspectives to executive staff in law enforcement agencies. Committee felt this was not necessary at this time.	None	N/A
Partnership with community organizations and faith communities.	Can your department develop programs that create opportunities for officers to interact regularly with neighborhood residents, faith leaders, and business leaders? Committee felt this was a similar conversation as community outreach plans.	None	N/A
Partnering with Students and Schools	Adopt-a-school programs seek to build a rapport between a school, its students and a local police department. Committee felt the current SRO program was sufficient in this regard.	None	N/A
Attention to Marginalized Communities.	Your department may need to devote special training and management attention to interaction with marginalized communities. Examples of marginalized communities are limited english proficiency citizens, citizens with communication disabilities, LGBTQIA+, immigrants, Amish, etc.	Have officers obtain culturally sensitive training through EAP. Develop a written policy for guidance on what to do if an officer encounters a communication barrier.	To be completed by 3/31/22.
Involving youth in discussions on the role of law enforcement agencies.	Creating avenues to reach youth, such as youth leadership councils, can assist law enforcement in building trust and forming relationships with the greater community. Committee felt it would be a difficult program for the Village to administer.	None	N/A

Key Question	Description	Action	Status
Is your leadership selection process designed to produce the police-community relationship you want?	The process for conducting a search and identifying candidates can incorporate input from a variety of community groups and stakeholders, even if the ultimate appointment authority resides with the chief executive of the jurisdiction. Other than selecting a Chief, much of the decision on who can be selected for department leadership is dictated by and can be hampered by NYS Civil Service rules.	None	N/A
What incentives does your department offer officers to advance policing goals?	Departments may want to consider offering awards, prizes, or other recognition to officers who advance reform goals. NYS Accreditation Standards, which the department follows, incorporates a similar program. Committee felt it adequate to continue current program.	None	Completed
When should officers be required to report use of force to their supervisors? What internal review is required after a use of force?	Police departments should have clear policies regarding the documentation on the use of force. Multiple levels of supervisory review can ensure that all supervisors carefully review use of force reports because they will receive scrutiny from their own supervisors. Committee felt current process and policies for requiring officers to report use of force incidents was adequate.	None	Completed
Does your department review officers' use of force and/or misconduct during performance reviews?	Does department policy direct supervisors to review the officer's history of use of force and other forms of misconduct, including under prior supervisors? Committee felt it best to address these issues at the time of occurrence and not wait until a performance review. Village-wide employee evaluations are conducted.	Village should consider addressing this practice in the Employee Handbook.	Under review
Does your department use external, independent reviewers to examine uses of force or misconduct?	Impartiality is one of the four pillars of procedural justice and could help instill confidence in determinations regarding potential abuse of force or other misconduct. Policy 25.1 Internal Affairs Function states "The Chief of Police may ask for assistance from another agency to participate in or undertake the investigation." Committee felt this was adequate.	None	Completed

Key Question	Description	Action	Status
Does your department leverage Early Intervention Systems (EIS) to prevent problematic behavior?	An EIS is a system that electronically tracks officers performance in an attempt to identify abnormal patterns indicative of problematic behavior like a high number of use-of-force incidents, citizen complaints or misuse of sick leave. Department does not have EIS. Chief keeps spreadsheet of use-of-force incidents which is readily accessible and could help identify an abnormal pattern. Committee felt this was adequate.	None	N/A
Does your department review "sentinel" or "near miss" events? Does the department respond to questionable uses of force with non-punitive measures designed to improve officer performance?	Sentinel review consists of non-punitive peer review of critical incidents that resulted in or came close to undesirable outcomes. Department does not currently do this but it could be implemented in the future.	Under Review	N/A
What does your department expect of officers who know of misconduct by another officer?	Some law enforcement agencies have imposed on their officers a duty to report misconduct by other officers. Does your police department have clear procedures for reporting misconduct?	Not currently but guidance for employees will be added to policy 14.1 Rules and Regulations.	To be completed by 3/31/22.
Does your department have a clear and transparent process for investigating reports of misconduct?	Misconduct investigations must ensure both community trust in the department and fairness to the officers. Do the the department's procedures achieve these goals? Committee reviewed Internal Affairs policies and deemed them adequate.	None	Completed
Does your department respond to officer misconduct with appropriate disciplinary measures?	Do officers in your department believe that misconduct will result in appropriate discipline, or do they believe that it will be overlooked? The department uses a progressive discipline type system depending on the severity of the misconduct. Committee agreed with this approach.	None	Completed

Key Question	Description	Action	Status
What controls are in place to ensure impartiality when reviewing potential misconduct or complaints? When appropriate, are cases referred to either the District attorney or another prosecutor?	The community must have confidence that such cases are handled fairly and without partiality either for or against the officers involved. Committee again reviewed policy 25.1 in regards to the Chief's ability to obtain investigative assistance from another agency. Chief assured committee that if something needed to be referred to the District Attorney it would be. Also misconduct complaints can be reported directly to the NYS Attorney General's Office.	None	N/A
Does your department expect leaders and officers to uphold the department's values and culture when off-duty?	Behavior of officers when they are off-duty can reinforce a lack of trust in police officers and the justice system as a whole. Policies will be reviewed to ensure off-duty behavior is adequately addressed.	Under review	N/A
Does or should your department have some form of civilian oversight over misconduct investigations or policy reform?	Civilian oversight entities have formal duties and authorities. These entities may have the power to review investigative findings of Internal Affairs bureaus, to conduct their own investigations, to conduct their own investigations, to leverage various investigative tools including subpoenas, and/or to impose discipline. Obviously there is civilian oversight for reform but the committee was satisfied with the department's current process for handling misconduct investigations. Additionally, people have the option of making complaints directly to the NYS Attorney General's Office.	None	N/A
Is there an easy, accessible and well-publicized process for members of the public to report complaints about police misconduct?	The "New Era of Public Safety" recommends that departments make claim filing processes easy and, accessible. Committee reviewed the department's current process for making a complaint against an officer. Committee felt process was adequate. Committee also felt that there are multiple ways for a citizen to initiate a complaint as phone numbers, email and the stations physical address are publicized on the department website and Facebook.	None	Completed

Key Question	Description	Action	Status
Are investigation outcomes reported to the complainant? Are they reported to the public?	Disclosing the outcome of investigations to complainants and the public increases transparency and can increase confidence in law enforcement. The outcome of investigations are disclosed to the complainants. The recent repeal of CRL 50-a makes the outcome a subject to FOIA unless it is a technical infraction.	None	N/A
Should the department accept anonymous complaints?	New Era of Public Safety recommends that departments review anonymous complaints fully, but disclose during intake that anonymity can hinder the review process. Committee discussed that anonymous tips regarding illegal activity or misconduct of an officer which may substantiate other complaints would be accepted. Misconduct resulting in discipline should be written and signed by the complainant.	Committee recommends adding guidance to the policies.	To be completed by 3/31/22.
Does your local legislature engage in formal oversight of the police department? Should any changes be made in the legislature's oversight powers or responsibilities?	While uncommon, legislative oversight of police departments can be a helpful tool. Legislatures often have the power to conduct investigations and learn about local policing. This investigative authority allows legislatures to access more information regarding policing practices than the general public. Further, if legislatures identify practices that pose concerns, they have the power to address those concerns through legislation. The Village Board of Trustee's oversight is more financial than operational. Board receives annual reports which is oversight. Committee felt that at this moment they were oversight. Policies and Procedures are available for Board review at anytime.	None	N/A

Key Question	Description	Action	Status
Is your police department accredited by any external entity?	<p>Accreditation is a useful tool that enables external review of agency policies, procedures, and practices to improve the standards of your police department and quality of your policing services. The program encompasses four principal goals:</p> <ol style="list-style-type: none"> 1. To increase the effectiveness and efficiency of law enforcement agencies utilizing existing personnel, equipment and facilities to the extent possible. 2. To promote increased cooperation and coordination among law enforcement agencies and other agencies that provide criminal justice services. 3. To ensure the appropriate training of law enforcement personnel. 4. To promote public confidence in law enforcement agencies. <p>Department was accredited by NYS until 2016. The department determined accreditation was labor intensive and detracting from investigative responsibilities. The department continues to follow current NYS Accreditation Standards. 25% of NY agencies are accredited. A private company called Lexipol provides up to date best practices to departments based on national policing trends and court decisions. It has an annual cost estimated at \$1000-\$1200.</p>	<p>Continue to follow NYS Accreditation Standards. Can reevaluate Accreditation if department funding or manpower needs change.</p>	N/A
Does your department do an annual community survey to track level of trust?	<p>An annual survey that measures the community's level of trust in the police department, the community's view on the effectiveness of certain policing strategies, as well as one that collects any negative feedback may be a helpful tool in gauging the community's satisfaction with the police department.</p> <p>Department does not do an annual survey. Committee felt an annual survey was not necessary at this time.</p>	None	N/A

Key Question	Description	Action	Status
How can your police department demonstrate a commitment to transparency in its interactions with the public?	Police departments can consider policies that require officers to state explicitly their name, badge number, and purpose before interacting with a member of the public. Departments can also require that officers provide a business card following an interaction.	Committee felt having an officer provide a business card with their information on it as well as a space for an incident number to be documented might add a level of customer service.	To be completed by 3/31/22.
How can your police department make its policies and procedures more transparent?	Does your department have comprehensive policies and procedures in place to address common and controversial forms of police activity? Does your department have a process for developing or revising its policies and procedures? Does this process include the solicitation of community input? Committee reviewed department process for developing and revising policies. Policies and procedures are subject to FOIA. Committee felt current practices were adequate.	None	N/A
Should your police department leverage video camera to ensure law enforcement accountability and increase transparency?	In-car and body-worn cameras (<i>BWC</i>) are frequently recommended, and are mandated for some police forces, as monitoring mechanisms to ensure accountability. Committee discussed the need and the cost of a BWC program. All agreed that BWC would be welcomed by the officers but it is currently cost prohibitive. BWC quotes range from \$10,500-\$25,000 + some had annual maintenance fees.	Will pursue if funding becomes available.	N/A
Recruiting a Diverse Workforce	What are the demographics of your agency? What are the demographics of your community? Are those demographics aligned? Committee reviewed the current processes for hiring a police officer and found that most of the process is dictated by NYS Civil Service rules. Committee felt there is little that can be done to recruit a diverse workforce since Civil Service is administrated at the County level.	None	N/A

Key Question	Description	Action	Status
How can you encourage youth in your community to pursue careers in law enforcement?	Police cadet programs offer law enforcement apprenticeships to young people, typically between the ages of 18 and 20 years old. This and programs like it can be a useful recruiting tool because they engage young community members who have not yet settled on a specific vocation. Committee discussed the department's participation in career days, school presentations, the SRO program and the BOCES criminal justice program. Committee felt that current programs were adequate to encourage youth to pursue careers in law enforcement.	None	Completed
Training and Continuing Education	There is no universal standard of police training, and individual jurisdictions must make important decisions around the types of training and education that should be required of the police officers. Committee discussed that the department follows the NYS Accreditation Standard for training of a minimum of 21 hours annually per officer. Trainings include 12-16 hours of in-service training and 8+ hours of instruction from an outside source. Committee felt this was adequate.	None	Completed
What training policies can you adopt to ensure that police officers continuously receive high quality, relevant in-service training sessions?	Continuing education or in-service training requirements help ensure that officers can refresh skills learned in the past, develop new skills, and remain abreast of new information on emerging topics and best practices. Trainings like implicit bias, de-escalation and use of force. Committee again discussed 21 hours of required training. PoliceOne Academy online training was discussed as a way for officers to obtain high quality, relevant in-service training. The annual cost is approximately \$1000.	Will pursue if funding becomes available.	N/A

Key Question	Description	Action	Status
How can leadership training improve community policing and strengthen relationships between your police department and the members of the public?	Police departments should consider providing ongoing leadership training. Committee discussed that supervisors are encouraged to attend a minimum of 8 hours of training that is specific to supervisors annually. Committee felt it was adequate and to continue practice.	None	Completed
How can your police department use its training programs to avoid incidents involving unnecessary use of lethal or nonlethal force?	Police department training programs focused on elements of de-escalation can lead to actual outcomes that achieve police objectives while resolving potentially dangerous scenarios safely and peacefully.	Committee encouraged department to get instructors certified in de-escalation and the current defensive tactics and incorporate them into the department's in-service training.	Within six months of an officer obtaining their certification to instruct the topic.
What steps can you take to promote wellness and well-being within your department?	Well-being, self care, counseling, and intervention programs are important resources that should be made available to officers. Village makes EAP available and there that are offered by officers' labor union. Village offers the officers incentives for physical fitness. Committee felt this is adequate.	None	Completed
Are there ways to address officer wellness and well-being through smarter scheduling?	Your department should consider how to incorporate concern for wellness and wellbeing into everyday operations, including how shifts are arranged. Chief explained that the schedule and shifts are in the collective bargaining agreement and any changes would have to be done through negotiation.	None	N/A

Key Question	Description	Action	Status
How can you effectively and proactively address the mental health challenges experienced by many police officers throughout their careers?	Your agency should consider providing training to recognize early warning signs of mental health problems and/or suicidal behavior. Committee discussed that it starts from the top-down. Supervisors should stress that seeking help is not a big deal. EAP is available as well as the 24 hr. County Crisis Hotline which has access to behavioral health resources. It was also added that "Cop Line" also provides 24 hr. mental health assistance.	None	N/A
How can you address the well-being of an officer after a traumatic event?	Supervisors and peers should monitor employees involved in potentially traumatic incidents for changes in their demeanor and behavior, prepared with formal and informal intervention systems to provide meaningful assistance to those officers in need.	Supervisors will do a better job reaching out to officers and getting them help, if needed, following a traumatic event.	Completed