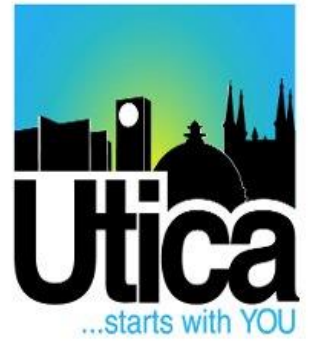


City of Utica Police Advisory Committee

Email: mayor@cityofutica.com

Website: cityofutica.com



REFORM REPORT



“The reforms in this booklet are innovative, from the heart and were developed by people who share a love for our community.”
--Utica Mayor Robert M. Palmieri



<i>Message from Mayor Robert M. Palmieri</i>	2
<i>Summary of Reforms</i>	6
<i>Meet the Committee Members</i>	7
<i>Public Outreach</i>	11
Solutions Summit	11
Six-College Partnership	12
Community Meetings	13
In the News	15
<i>Reform Advisory Committee Rules and Approach</i>	16
Process	16
Adopted Duties	17
Key Questions Considered	17
Categorization of Subjects	18
Timeline	18
<i>Use of Force Related Issues</i>	19
Important Current Policies and Practices	19
Areas Identified for Improvement	23
Recommended Reforms	25
<i>Crime Prevention and Engagement</i>	26
Important Current Policies and Practices	26
Programs / Building Trust	30
Complimentary Efforts	32
Areas Identified for Improvement	35
Recommended Reforms	37
<i>Justice Administration</i>	39
Important Current Policies and Practices	39
Areas Identified for Improvement	44
Recommended Reforms	45
<i>Officer Accountability / Transparency</i>	46
Important Recent Policy Developments	46
Areas Identified for improvement	48
Recommended Reforms	50
<i>Barriers Presented by Civil Service Law</i>	55

Mayor's Message

Message from Mayor Robert M. Palmieri

Bountiful reservoirs of diversity and tolerance are our most critical resource in the City of Utica, and we use them to nourish our growth in times of challenge. Neighborliness, mutual respect and acceptance are more than objectives here, they're part of our identity and our culture. For these reasons, Gov. Andrew M. Cuomo June 12th Executive Order presented a challenge and opportunity to build on our accomplishments and develop the most effective and humane police practices possible.



It is worth noting that the Utica Police Department was among the first in the state to tape interrogations, wear body-worn cameras and to release officer personnel records online. Before any gubernatorial directive was given, our police were taking children holiday shopping, partnering with preschools to read books and cooking hotdogs at

community events. The Utica Police Department signed a mural that reads “Black Lives Matter” and has sent an officer to every neighborhood meeting in the City of Utica for my entire administration. Every Wednesday we walk a different neighborhood as partners in community, bringing City Hall to our residents and establishing a rapport.



Mayor's Message

The Utica Police Department established an entire unit dedicated to community policing and we've worked hard to build a department that is representative of a population that speaks 42 different languages in a City of just over 60,000 residents.

Our Police Department is progressive but there is also room to improve and we must build upon our high standards as it will allow us to reach towering heights that can be seen across city and state lines as a paradigm for positive policing practices.

The City of Utica is not exempt from our nation's troubled

racial past and things like implicit bias and systemic injustice don't die at our City's borders. We have outstanding police officers but when misconduct occurs, we hold everyone accountable.

In order to address our challenges and implement the best model possible, I convened a committee in compliance with the Governor's order. Our Committee was chosen with the assistance of our Access and Inclusion Committee, which we established four years ago.



The Access and Inclusion Committee held a Solutions Summit in February of 2020 to address issues involving public safety, policing and gun violence in the City of Utica. More than 100 residents showed up to share their ideas and solutions. As a result, we gained ideas and partnerships. The Access and Inclusion Committee was a natural vehicle to consult in choosing a Police Reform Advisory Committee as the committee has the relationships and partners.



I want to thank the members of our Police Reform Advisory Committee. They were not paid to be on the committee, which has been a huge commitment and has opened them up to scrutiny that some of them had never been exposed to prior. They were attentive, thoughtful and diligent in doing the hard work of coming up with solutions. The Committee met bi-weekly, and more when necessary. It involved officers, community leaders, budgetary experts, impacted family members and people that are passionate about making a more perfect City.

I also want to thank the public. They came to our Solutions Summit. They came to our town halls and community meetings even before police reform was the subject. When it was time to make real reforms, they were attentive, insightful and helpful. This was a collaborative process

in so many ways. The public reached out to the City and the members of our committee, and we needed them in order to complete this important task.

In the end, we did this like we do all things in Utica: together. I could not be happier with the results nor more excited about the future of public safety in our great City. The reforms in this booklet are innovative, from the heart and were developed by people who share a love for our community. I think we have set a standard that can serve as a model for other cities. The challenges the year 2020 brought upon us were immense, but the reservoirs of diversity and tolerance turned challenge into opportunity in Utica, and, as I am prone to saying, the best is yet to come in Utica, New York.

Sincerely,

Robert. M. Palmieri
Mayor of Utica





Summary of Reforms

All Recommended Reforms for Utica Police Department

1. Establishment of a Crisis Intervention Team
2. Increase and Enhance Implicit Bias Training
3. Familiarize Recruits with City Neighborhoods
4. Mandatory Community Service Events Following a Hire
5. Rotate Officers Through Community Outreach
6. Develop Comprehensive Recruiting and Preparation Program
7. Training to Resolve Language Barriers for non-English speakers and Individuals who are Deaf and/or Hard of Hearing
8. Work to Establish “Blue Light” Districts
9. Add Adherence to Procedural Justice Policies to Body Cam Audits
10. Increase Peer Support for Officer Wellness
11. 911 Call Diversion Program
12. Increase Transparency with Citizen Complaints
13. Establish Citizen Public Safety Board and Auditor
14. Add Body-Worn Cameras to SWAT Operations

Meet the Committee Members



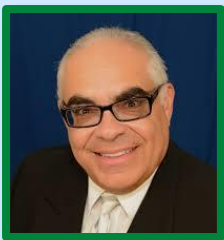
Rev. Dr. Mary J. Webster (Co-Chair)

Rev. Dr. Webster is retired pastor who served four local American Baptist churches over a span of twenty-five years and has been a Utica Resident for more than 54 years. She worked at General Electric Aerospace Division for twenty years. Rev. Dr. Webster kept a license as a credentialed alcohol and drug addiction counselor until 2016, helping people with substance abuse disorders. She Co-Founded and still helps run the *Upthegrove Memorial Wall of Fame*, a monument in the City's Martin Luther King Jr. Dream Park that recognizes meaningful community leaders that have passed away.



Marques Phillips (Co-Chair)

Marques Phillips is a native Utican who attended Utica Schools and graduated from Thomas R. Proctor High School in 2001 where he played quarterback. He received a Bachelor's Degree in Journalism from Buffalo State College. Marques was a reporter for the Observer-Dispatch and was a teen and family specialist at Johnson Park Center before serving as an Oneida County Legislative Analyst, the Mayor's Chief of Staff and now Codes Commissioner and Director of City Initiatives.



Anthony "Tony" Colon

Anthony "Tony" Colón and his wife Marabella raised two children Christina and Christopher in Utica after moving here in 1986. Tony serves his community by helping unreached and/or under-served individuals access resources and opportunities. He is the Co-Founder of the Mohawk Valley Latino Association, the chairman of the City of Utica Access and Inclusion Committee and the chair of the Mohawk Valley Community College Board of Trustees. He's a member of the Utica Planning Board and a nationally certified Spanish Interpreter.



Sgt. Michael Curly

Michael Curley is a Sergeant with the Utica Police Department in his 15th year of service. He is currently assigned to the Criminal Investigations Division where he oversees felony level investigations. Additionally, he is currently the department's Public Information Officer. Sergeant Curley has been involved in the Department of Criminal Justice Services Gun Involved Violence Elimination program since its inception in 2014. GIVE formed many of the cornerstone programs and tenants that the Governor's police reform committees seek to enact wide. He also was a member of the John E. Creedon Police Benevolent Association for eight years, most recently serving as its Vice President. Additionally, for the last 12 years he has worked in the Utica City School District as a School Resource Officer.



Legislator Evon Ervin

Oneida County Legislator and former Utica School Board member Evon Ervin is a native of Utica and has been married to Venice Ervin for over 40 years. A lifetime Utican, she is currently the Deputy Director of Mohawk Valley Community Action Agency. Mrs. Ervin Graduated from Utica College of Syracuse University and earned a B.S. in Psychology-Child Life /Child Development. Currently, Evon the Education Chair of the Utica/Oneida County NAACP, she sits on the Utica Public Library Board, Board of Cooperative Educational Services (BOCES), City of Utica Youth Bureau Board, MVCC Alumni Board, and is a certified Bridges Out of Poverty Trainer, and Getting Ahead Facilitator.



Margaret Gallaway

Margaret Gallaway is the Program Director at RCIL, a civil rights organization advocating for the rights of individuals with disabilities to live, work and participate in the community. She has worked there for over 26 years with a primary focus on serving youth with disabilities. A Utica Resident for more than 43 years, Mrs. Gallaway has served on several boards and is currently serving as Vice President of a local nonprofit. Mrs. Gallaway has been married for over 33 years and has two sons and two grandsons. She earned her B.P.S. in Business Public Management from SUNY College of Technology (SUNY Poly).



Gary Harvey

Mr. Gary Harvey is a familiar face to Utica children and families. He first served as a Parent / School Liaison in the district for four years. From there, he helped launch a Youth Construction Initiative program, became a substitute teacher and an Academic Counselor. He has become a staple in the community and a fierce advocate for children and family. Mr. Harvey has earned B.A. in Speech Communication and Dramatic Arts from Utica College of Syracuse University and a Master's Degree in Management from Excelsior College.



Stephanie Heiland

Stephanie Heiland is the Project Director of the DOL Funded Pathways to Justice Careers grant. Through this project, she works with at-risk youth in Utica, increasing their interest in public safety careers and working to diversify those agencies in the Utica area, including the Utica Police Department. Stephanie is the co-chair of the Access and Inclusion Committee and the Advisor of the Utica Youth Common Council. Stephanie has earned a Bachelor's Degree in Forensic Psychology from Fairleigh Dickinson University and a Master's Degree in Criminal Justice from the University of New Haven.



Patrick Johnson

Patrick Johnson has worked as a consultant in and outside of the Mohawk Valley on the issues of race relations and gun violence since 2001. He has facilitated hundreds of workshops and lectures for law enforcement, college faculty, staff and students, as well as non-profit and business professionals and people from of all walks of life in the community. He served as director of Utica YWCA's Racial Justice Department from 2003 to 2009 and founded Hoops and Dreams in 2002 and New Life Institute in 2005. Since 2013, as a member of the Oneida County District Attorney's team, Patrick has served as the first program director of "Save our Streets", which aims to eliminate gun violence in Utica. Patrick has won several awards for his leadership.

Committee



Dr. Mark Montgomery

Dr. Montgomery is the Chief Diversity Officer at SUNY Poly, law enforcement & education consultant, and is a member of the Genesis Group Education Committee. He has served as a Dean who oversaw a Phase One Law Enforcement Academy. He has served on the Race-Relations and Second Chance committees with a District Attorney's office. He is the founder and chair of a local cancer-based charity, serves on the Opiate Task Force Steering Committee and on the Access and Inclusion & Committee in Utica, NY.



Councilman Delvin J. Moody

Delvin is a life-long resident of Utica who was reared in the church and is an advocate for young people. He is an unapologetic progressive representing Utica's Melting Pot (Cornhill) on the City of Utica Common Council. In addition to that, he is currently getting his Master's at Colgate University in Religion. He has been active in numerous organizations on various topics. From the NAACP to the American-Israel Public Affairs Committee (AIPAC) and The United Nations. He served as National Chairman of the National Black Action Committee, State Treasurer of the New York State Young Democrats, founder of the Young Christians Network, and Pastor. Delvin is a highly sought-after speaker both locally and nationally. He loves sharing his message of hope and faith with the others, in belief that together we can change the world.



Heather Mowat

Heather Mowat C.P.A. has been the Budget Director for the City of Utica for 3 years coming from the public practice regional firm of the Bonadio Group. Prior to that, Heather served as a Principal Analyst for the NYS Senate Majority Finance Committee in Albany and Comptroller for the Town of New Hartford. Heather was recently appointed by the NYS Board of Regents to the NYS State Board of Public Accountancy and serves as a member of First Source Federal Credit Union's Supervisory Committee. She received her Bachelor Degree from Utica College and her Master in Taxation from University at Albany, SUNY.



Deputy Chief Ed Noonan

Ed Noonan was born and raised in Utica, New York where he currently resides with his wife, Shannon, daughter, Kathryn, and son, Liam. He attended Notre Dame High School and SUNY Geneseo. After college, he returned to Utica where he worked for Upstate Cerebral Palsy as a Speech Therapist before joining the Utica Police Department in 2001. At the Utica Police Department, he worked in the Uniformed Patrol Division and the Community Policing Unit. He was promoted to Sergeant in 2004, Lieutenant in 2009, Captain in 2013, and Deputy Chief in 2015. He graduated from the FBI National Academy in Quantico Virginia in 2017. Deputy Chief Noonan serves on the boards of several area not for profit agencies.

Committee



Mayor Robert M. Palmieri

Mayor Robert M. Palmieri is a Utica native, a father of five and a grandfather of 13 children. He attended Blessed Sacrament Elementary, T.R. Proctor High School and Mohawk Valley Community College. During his tenure as Mayor, he has overseen upgrades from all three credit ratings agencies and taken the City of Utica from the brink of receivership to the largest fund balance in 25 years. The Mayor has overseen the continued accreditation of the Utica Police Department and sits on the NYS Accreditation Council. The Mayor is known for walking the streets in his Quality of Life Sweeps and has been part of a persistent drop in crime while also having to oversee a leaner-staff in the Police Department.



Utica Police Chief Mark Williams

Chief Williams was born and raised in Utica. He attended Utica Schools and graduated from Utica Free Academy in 1978. He then received a degree in Criminal Justice from Mohawk Valley Community College in 1983 before receiving a Bachelor's Degree in Behavioral Science from SUNY-IT in 1985. Chief Williams is a U.S. Army Veteran with an Honorable Discharge. He joined the Utica Police Department in 1988 and was promoted to Sergeant in 1998, Lieutenant in 2002, Captain in 2008, Deputy Chief in 2009 and Chief of Police 2010. Chief Williams also graduated from the FBI National Academy Program in Quantico, Virginia in 2005.



Attorney Oneka Roach-Campbell, Esq., LLM

Attorney Roach-Campbell was born in Trinidad and Tobago. She is the proud product of two Historically Black Colleges and Universities (HBCU). Roach-Campbell attained a Bachelor of Science in Business Economics and a Juris Doctor degree from Florida A&M University. She further holds an LLM degree in Immigration and Nationality Law from Texas Southern University's Thurgood Marshall School of Law. Attorney Roach-Campbell is not a native Utican, but has made the area her home and place of business for the last three years. She is a member of the Mohawk Valley Frontiers and the Black Leadership Coalition of Utica NY.



Walter E. Savage Sr.

Mr. Savage is a coach, mentor, father, grandfather and has been married to his wife Lillie for 41 years. He's spent time volunteering for the NAACP, Mohawk Valley Community Action Agency, the Cosmopolitan Center and more, usually advocating for low-income parents and children. He graduated Utica Free Academy in 1976, attended MVCC and Utica College. Mr. Savage is a long-time Parent Liaison in the Utica City School District and has coached several sports teams from football to track and field and now is in his second tenure as the Girls' Varsity Basketball Coach at T.R. Proctor High School. Mr. Savage has earned three Mayor's Trophies for dedicated work with youth in the City of Utica under three different mayors. He's also Head Deacon and a teen Sunday School teacher at the Greater Holy Temple Church in Utica NY.

Public Outreach

Solutions Summit

The City of Utica's Access and Inclusion Committee hosted its first Solutions Summit on February 22, 2020 at the Parkway Recreation Center. The summit was themed Public Safety and Gun Violence, and sought



constructive input from the public as well as private, public and non-profit stakeholders in the topic areas. The Summit was broken into three parts:

- In the first hour, presenters including mental health experts, the Utica Police Department and the Oneida County District Attorney's Office spoke about current efforts, concerns and resources that surround the topic.



- In the second hour, attendees broke into groups moderated by committee members to brainstorm potential solutions.
- Finally, the groups presented and identified solutions and the Committee set goals and is implementing the solutions identified by the public.

All members of the public were encouraged to attend the event and it was advertised on social media and publicized in local news outlets

The discussion groups included: *Victim Outreach, Public Safety Relations, Preventative Programming and Community Voices.*

The Summit pre-dated the governor's call for reform, but the input that was garnered was invaluable at informing the process of reform, identifying community partners versed in the subject and the work it started serves as a compliment to the suggested reforms outlined in this report.

Six-College Partnership

In an effort to bolster awareness, increase research capacity and to gain insight into public opinion, area partners formed The College/Community Partnership for Racial Justice Reform. The members included six area colleges – Hamilton College, Herkimer College, Mohawk Valley Community College, Pratt MWP, SUNY Polytechnic Institute (SUNY Poly), and Utica College – and it was formed in 2020 with the Community Foundation of Herkimer and Oneida Counties, Frontiers Club of the Mohawk Valley, and the United Way of the Mohawk Valley to pursue constructive, equitable change in the criminal justice system locally and statewide.

The Partnership embarked upon a multi-pronged program designed to provide resources for the community and local government in response to the Black Lives Matter movement and, specifically, to Governor Cuomo's executive order 203.

In addressing this challenge, the partnership enacted several programs including:

- A survey of experience and opinion about law enforcement, racial justice, and criminal justice conducted by Zogby Analytics.
- Use of the United Way's 2-1-1 system, funded by the Community Foundation, to deploy the same survey so that anyone with a text capable phone will be able to have his or her voice heard.
- An eight-part lecture/webinar/Q&A series that covers Black Lives Matters, police use of force, the treatment of people with mental illness in the criminal justice system, domestic violence, and other issues relevant to effective reform. The series will be broadcast by WUTR/PNR and accessible via Zoom.
- Contact with the chief executive officers of each of the 24 policing jurisdictions in the two counties to open discussion about the way the partnership's work and resources can be leveraged by each jurisdiction in the reform process.

The City of Utica Police Reform and Advisory Committee and the College Partnership shared some members and the groups shared data, insight and coordination efforts. At the conclusion of its work, the College Partnership submitted findings to the City's Advisory Committee and the fruits of that collaboration permeate this report.

Community Meetings

Meeting with Mobile Crisis Assessment Team on Nov. 12, 2020

The Neighborhood Center's Mobile Crisis Assessment Team (MCAT) team leadership was invited to City Hall via Zoom to discuss the mental health challenges in the city and potential solutions to address the problems as part of police reforms. The presentation

and question and answer period lasted about an hour. The discussion was about the cost/benefits of a potential partnership that would lead to a Crisis Intervention Team (CIT) with full-time crisis management personnel.

Special Meeting of the Common Council Public Safety Committee Feb. 3, 2021

The City of Utica Common Council called a special meeting of the Public Safety Committee to meet and discuss reforms. Councilman Delvin Moody provided the Committee with an update on the reforms being considered with help from Deputy Chief Ed Noonan and Committee co-chair Marques Phillips. The meeting lasted for an hour and also served as a public accounting of progress being made.

Forum hosted By the Black Leadership Coalition, 6 p.m. on Feb. 25

The Black Leadership Coalition is newly-formed and has quickly gained traction and energy as it features some of those prominent voices in Utica's African-American Community. Its members have been engaged and asking to be heard about police reform, and it's an honor to bring this new organization to the table as a host.

Forum hosted By Mohawk Valley Community College, 7 p.m. on March 1

Mohawk Valley Community College (MVCC) was the first community college established in New York State and stands as an education pillar in the City of Utica and a place where our residents vote, get vaccines, exercise and participate in community discussions. From the expertise of its staff, to the curiosity of its students and the trust it has built with the community, MVCC is a perfect choice to lead the difficult, but necessary discussion on reimagining law enforcement.

Forum hosted by RCIL, 1:30 p.m. on March 8 via Zoom

The Resource Center for Independent Living (RCIL) is one of the most active, dedicated and outspoken civil rights organizations in Utica. The RCIL mission is to ensure a fully accessible, integrated society that enables full participation by people with disabilities. With expertise in dealing with individuals with disabilities and as one of the most diverse employers in the area, RCIL is an ideal partner to have this discussion with.

In the News

NEWS

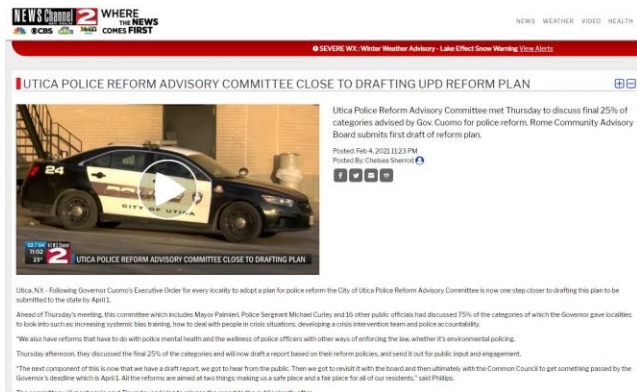
Utica's police reform committee takes shape

Steve Howe showe@uticaod.com
Published 4:45 a.m. ET Sep. 1, 2020



In this May 2018 file photo, Patrick Johnson stands in the park at the corner of South and Steuben in Utica. Johnson is one of 18-members of the City of Utica's police reform advisory committee. O-D FILE PHOTO

Utica Mayor Robert Palmieri announced his appointments to the city's police reform advisory committee Monday.

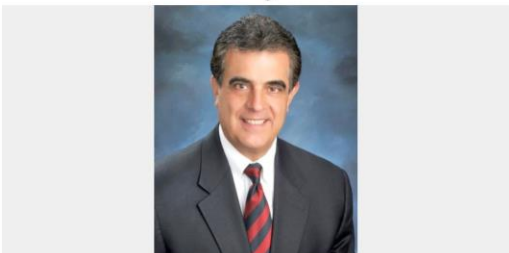


Rome Sentinel

43°
Overcast

Search

Utica mayor names members of city's Police Reform Advisory Committee



Robert M. Palmieri
Posted Monday, August 31, 2020 10:17 am

In accordance with an Executive Order issued by Gov. Andrew M. Cuomo, Utica Mayor Robert Palmieri has appointed the Utica Police Reform Advisory Committee.



Reform Advisory Committee Rules and Approach

Composition

The Police Reform Advisory Committee consists of 18 members with background in government, non-profit, law enforcement community relations, youth service, religious organization and/or education. The Committee was chosen by the mayor with assistance from members of the



City's Access and Inclusion Committee and in accordance with the Governor's Executive Order. Members range in age from 24 to 75 years-old and of the 18 members, 11 are black or Latino and three members of the committee are police officers.

Process

The Committee voted to have co-chairs and to have regularly scheduled bi-weekly meetings, creating space for special meetings when the need arose. The first meeting of the month was informational and designed to equip committee members with factors that informed their knowledge of the "status quo". Some of those factors include: police statistics, administration policy, public opinion and budgetary allotments. The meetings following informational meetings were about proposals. In these meetings, committee members were allowed to bring forth proposed reforms related to the subjects of informational meetings. The Committee was then tasked with writing a draft report and seeking public input on the proposed reforms before revisiting the document.

Adopted Duties

- Review the needs of the community served by its police agency and evaluate the department's current policies and practices;
- Establish policies that allow police to effectively and safely perform their duties;
- Involve the entire community in the discussion;
- Develop policy recommendations resulting from this review;
- Offer a plan for public comment;
- Present the plan to the local legislative body to ratify or adopt it, and;
- Certify adoption of the plan to the State Budget Director on or before April 1, 2021

Key Questions Considered

- What Functions Should the Police Perform?
- How should the police and the community engage with one another?
- Should you deploy social service personnel instead of or in addition to police officers in some situations?
- How Should the Police Engage in Crowd Control?



Categorization of Subjects

The committee arranged the subjects to be considered into four categories for the purpose of addressing each one. The categories were broken down as follows and will be addressed in this report by category.

USE OF FORCE:

Use of Force Policies, De-escalation Training and Practices, Mental Health and Social Response

CRIME PREVENTION / ENGAGEMENT

Community Outreach and Conflict Resolution, Focused Deterrence, Diversion, Building Trust, Programs, Crime Prevention Through Environmental Design.

JUSTICE ADMINISTRATION

Procedural Justice, Restorative Justice, Problem-Oriented Policing, Hot Spot Policing.

OFFICER COMPLAINTS / TRANSPARENCY

Timeline

**Please note that the original timeline (below) was impacted by Covid-19. The Committee was delayed about a month.*



Use of Force Related Issues

Important Current Policies and Practices

“Objective Reasonableness”

The standard for a use of force is judged through the perspective of a reasonable officer facing the same circumstances without the benefit of hindsight. In other words, would a reasonable officer in the same situation have seen it necessary to apply the force that was applied? Was the use objectively reasonable?

While the Committee sees no inherent fault in the language and legal necessity of the current language, the Committee sees a need to address the idea of the officer’s “perspective”. Implicit bias, racial stereotypes and the officer’s cultural exposure or lack thereof could impact an officer’s perspective. Some of the suggested reforms are aimed at addressing this concern.

Duty to Intervene and Duty to Render Aid

Utica Police have a duty to render aid to a subject who is injured as a result of a use of force incident. Additionally, all law enforcement officers have a duty to intercede on behalf of a citizen whose constitutional rights are being violated by fellow officers regardless of standing or rank. It is codified in the Utica Police Department policy that officers that witnessed a violation of a citizen’s rights can be held liable for the “preventable harm” inflicted upon that citizen as a result of the failure to intervene or render aid. The Committee members found this policy to be particularly important because it sets a culture in which excessive use of force will not be tolerated. In the City of Utica, there was a high-profile incident of unwarranted force on a subject. In

that incident an officer did intervene to stop the use of force. Committee members praised the intervention, which was evident from body camera footage. Therefore, the Committee thought it was important to emphasize the Duty to Intervene and the Duty to Render Aid.

De-Escalation Training and Practices

When an officer uses too much force, it's often because the officer acts on impulse, uses poor communication skills, rushes into a dangerous situation or is over-reacting to events. To prevent this, police are trained in de-escalation tactics. De-escalation is designed to reduce the immediacy of a given threat, stabilize the situation and buy the officers and the suspect time and more options. De-escalation tactics are trained in the Utica Police Academy and include but are not limited to: verbal commands or warnings, verbal persuasion, tactical repositioning or any tactic that can result in a lower level of force being used.

Utica Police policy is that when it is reasonable, safe, feasible and appropriate, officers should attempt to de-escalate a threat. The Committee found this language to be reasonable, but agree that in areas related to mental health and social issues where feasible, there should be particular attention paid to who approaches a person and how a response can increase the likelihood a situation can be de-escalated.

Response to Resistance

Sworn officers in the Utica Police Department shall only use the level of physical force reasonably necessary in the performance of their duties. Any officer who uses force shall document the associated incident and complete a Response to Resistance form. Officers have to justify each use of force individually, so if an officer strikes a suspect twice, each strike is judged independently of the other. Officers receive Response to Resistance training for 20 hours in the academy and 8 hours annually.

Use of Force Continuum

As a person increases his or her level of resistance an officer may have to increase his or her response until an officer is able to gain control. An officer must use an objectively reasonable amount of force necessary to control the person and accomplish the law enforcement objective. The use of force continuum goes from verbal commands, to empty hand controls, to less lethal devices and then, finally, to deadly force.

Prohibited Uses of Force

Officers may **not** use force in the following ways:

- Against a person that is handcuffed or restrained unless it is used to prevent injury or escape or otherwise overcome resistance.
- For punishment or retaliation.
- Chokehold or neck restraint unless deadly force is warranted.
- To coerce a confession.
- To obtain bodily fluids for testing without a court order.

Duty to Warn

Officers have a duty to warn a suspect “whenever feasible” before using force. In most circumstances, an officer has a duty to warn a person before using force against that person. An example of an exception to this policy is if the officer enters a situation where gunfire is already being exchanged and it’s meant to illustrate when it is not feasible to warn the person involved. In situations where a warning was not given, whether or not it was feasible to warn the subject before using force is part of the analysis of whether or not the use of force was in keeping with departmental policy.

Crowd Control

The Utica Police Department monitors social media and potential large crowd gatherings and attempts to work with organizers ahead of time in an effort to ensure safety. The department has a mobile field force that is dedicated and trained for protests or potentially unruly crowds. The mobile field force is prepared during lawful gathering, but does not have a visible presence unless the gathering reaches elevated stages of lawlessness. For example, four or more people engaging in criminal activity makes it an unlawful assembly and the mobile field force may need to stage at or near the gathering. In response to unlawful gatherings, officers need to give clear warnings that can be heard for multiple blocks and instruct gatherers on a way to exit. The crowd also has to be given an opportunity to disperse and leave. Officers are equipped with lethal and non-lethal munitions to deal with potentially unlawful gatherings. As much as intelligence and evidence can isolate the unlawful incidents taking place, the preference is to deal with those situations individually and not as part of the entire crowd. Police are also prohibited from using K-9s as part of crowd control. When it comes to the press, the Utica Police Department is obligated to give them a safety area. The press can leave that area but cannot be afforded the same level of protection once they do.

Moving Vehicles

Discharging firearms at or from moving vehicles shall be done only in the “most extreme” situations under emergency circumstances when no other alternative exists. Further, an officer cannot put themselves in the path of a moving vehicle and then claim to have been threatened by that vehicles motion.

Militarization / Force Display

Utica Police Chief Mark Williams told the Committee that over the past several years, training within the department has focused on adopting a “guardian mindset”, as opposed to an aggressive “militarization/warrior mindset”. Officers in the Community Policing Division wear more relaxed uniforms and polo shirts to gatherings and community functions.

During protests and demonstrations, police prefer not to show a visible presence unless the protest becomes unlawful. However, the mobile field force does wear face shields, elbow and shin guards, gloves and chest protectors during large gatherings that require its presence.

The Utica Police Department did also purchase an armored vehicle—it’s called a “Bearcat”. It’s a bulletproof vehicle designed to respond to fires and emergency rescues when there is potentially gunfire on the scene, allowing responders access to structures and individuals. In addition to being used for SWAT operations, it’s also equipped and can be used as a medical rescue and firefighting vehicle where armored protection is needed. Also, on October 31, 2019, our city experienced a devastating flood. UPD’s “Bearcat” was used to evacuate stranded residents in flood affected areas of the Utica.

Areas Identified for Improvement

Mental Health and Social Issue Related Calls

A person in crisis requires police to make greater efforts to control the situation through less intrusive means. The Committee expressed concern with the officers’ ability to determine if a person is having mental health issues and whether or not a

typical police response is the right avenue to handle such problems. Further, Committee members expressed a desire for people trained in mental health issues to be involved with responding to calls involving disturbed persons.

Homelessness, intoxication and other social issues triggered a lot of discussion on this topic. This City has seen a rise in these problems and several committee members expressed the view that people from the neighborhoods that are being policed might have a better rapport with some of the people involved.

“Perceived Threat”

Much of the concern and work of the Committee was centered on the idea of a “perceived threat”. Members of the Committee expressed a concern that officers could be bias in their perception of different individuals based on race.

Recommended Reforms

Establishment of a Crisis Intervention Team

The Utica Police Department shall designate and establish a Crisis Intervention Team. Such a team should be specialized and trained to deal with issues involving mental health, persons in crisis, addiction, intoxication, homelessness and other issues of social or mental health.

Increase and Enhance Implicit Bias Training

The Police Department shall mandate annual implicit bias training , and, where possible, portions of the training should be done by local experts on the topic who have familiarity with the communities in the City of Utica.

Familiarize Recruits with Neighborhood

Recruits attending the Utica Police Department’s Academy shall be required to have guided neighborhood tours as part of their academy training. Such tours, when possible, should be conducted with residents of said neighborhood.

Crime Prevention and Engagement

Important Current Policies and Practices

Community Outreach and Conflict Resolution

As a response to national incidents in 2015, the City of Utica and the Utica Police Department created a Community Outreach Division in 2016. The mission of the Community Outreach Team is to help bridge the gap between the police department and community members by developing and strengthening partnerships with community leaders, neighborhood watch groups, civic groups, schools, faith-based groups, businesses and public service agencies throughout the city. The unit is also responsible for passing on information regarding problem areas in the city or tips to other officers, as well as identifying nuisance properties and working with homeowners to address any quality-of-life issues. The team has grown to three people and has a host of activities that they are involved in.

Quality of Life Sweeps



The Police Chief, Deputy Chief, patrol officers and the Community Outreach Team routinely participate in Quality of Life Sweeps. The sweeps have been going on since 2011, and the idea is to bring City government into neighborhoods on a weekly basis. Officers join Mayor Palmieri and other department heads and personnel to walk each street in the City of Utica. The officers converse with people on their porches, listen to issues and help clean up litter during the walk. When people feel disconnected or have reservations to speak to police about their concerns, it's important that the police come to them. It gives public servants the ability to meet people in context, where they live and inside an environment that is comfortable.

Domestic Violence Team

The Utica Police Department, along with the YWCA of the Mohawk Valley, are engaged in a collaborative effort with the formation of the Domestic Violence Team. The goal of the Domestic Violence Team is to effectively reduce the occurrence of domestic violence by increasing reporting and by identifying and tracking repeat victims and/or offenders. The Domestic Violence Team also seeks to increase victims' access to supportive services by encouraging victims to report their abuse, thereby increasing arrest rates for domestic offenders. This partnership allows the Utica Police Department to take advantage of the slate of services the YWCA has available to victims of domestic violence. Some of these services include housing, legal assistance, mentoring and support groups. The goal is to respond not just with police, but also follow through with experts in the impacted field to try to prevent future occurrences.

Focused Deterrence

The Utica Police Department participates in focused deterrence utilizing several partnerships and the latest tools in law enforcement. Using the Crime Analysis Center

and data compiled, the department ranks potential victims and likely purveyors of gun violence. The ranking is based on department intel and an objective scoring system that rates the likelihood someone is to fall into these categories. After identifying the objects of the focused deterrence, there's a call-in process. The police reach out to these people and call them in to speak about their options and the consequences of being involved in gun violence. The group that addresses these people includes members from the faith-based community, past victims of gun violence, past purveyors of gun violence and professionals with expertise in law enforcement and social services. The people who are called in to focused deterrence are then followed-up with by social service experts to try to address their needs and concerns. If the initial call-in doesn't work or a person doesn't respond, they are scheduled a home visit by a similar service team. While a person is an object of focused deterrence, police patrols increase their monitoring and actions with those identified individual to try to prevent them from being involved in gun violence.

Armadillo Surveillance



The City of Utica deploys a nuisance property surveillance vehicle to “hot spots” and areas that get high volumes of complaints. The vehicle, called an “armadillo”, is an armored truck that has video recording equipment and a large, noticeable presence. Its

primary objective is to deter crime, but it can be a way to show presence and monitor a neighborhood while limiting police contact and interactions. To date, the armadillo has helped solve many crimes, including contributing to solving three murders in the City of Utica.

School Partnerships

The Utica Police Department works with the Utica City School District in a number of ways. For example, the City works with Safe Schools Mohawk Valley to implement an arrest diversion program with school-aged children and young adults. These services are voluntary and use a strengths-based approach in which the youth and their family are empowered to take ownership over the service plan by working with team members to identify their strengths and needs and what supports are necessary for them to be successful, especially in school.

The Utica Police Department also makes available Community Outreach officers to speak with children about crime and policing, read to younger children and try to build bridges of trust between the officers and the community. Finally, Utica Police work with the schools to provide emergency response plans, security at major events and resource officers at the high school level.

Neighborhood Meetings

Each of the six districts in the City of Utica has a neighborhood association. Those neighborhood associations hold regular meetings to discuss issues impacting their neighborhoods. The Utica Police Department's Community Outreach Team attends every single one of these meetings. The officers give a readout of the police calls and

the nature of the calls to service in that neighborhood. They also convey important information in regards to local ordinances, events, policy changes and public service messages. Further, the officers take notes as to what the residents' concerns are and attempt to address these concerns with the appropriate governmental agency.

Nuisance Abatement

When there are frequent neighbor disputes, landlord/tenant issues or issues related to nuisances generating a lot of calls to service for a particular address, the Community Outreach Team intervenes to try to make the situation better. The Community Outreach Team visits the impacted addresses, including the one that is the subject of the complaints and attempts to provide help and get voluntary compliance with local laws and regulations. If the officer is unable to resolve the conflict that way, the parties are called into City Hall for a meeting and the Community Outreach Team, along with Corporation Council, work together to try to have an agreed-upon, mediated plans.

Programs / Building Trust

Adopt A Cop



In partnership with Mohawk Valley Community Action agency, the Community Outreach Team checks in with students at a local pre-school. The children in the pre-school “adopt” the officer and he or she acts as a mentor, helps with school work, reads to children and engages in activities with the children. The officers check in with the children on a bi-weekly basis and it helps to familiarize the children with officers at a young age, investing in relationships and early education.

Movies in the Park / National Night Out

The Utica Police Department hosts movies in the park annually. The police provide the movie, the screen and grill hotdogs and hamburgers and all of the neighborhood is welcome. These events take place in multiple parks throughout the City and last for the entirety of the summer. The idea is to bring families and police together in an effort to build relationships beyond law enforcement encounters. In 2020, Utica hosted its first National Night Out event with movies in the park events.

Community Events



The Community Outreach Team is often called to marches, celebrations and community events. The officers have participated in several peace marches as well as events ranging from face painting exhibits to Halloween Candy giveaways. The team

usually grills hot dogs and hamburgers for the eventgoers. The idea is to allow the police to be part of some of the positive things in the community and not just when there is a law enforcement issue.

Recruiting

When a Civil Service exam is announced, the department reaches out to community partners, media and relevant agencies to get the word out. Officers traditionally reach out to local colleges, job fairs and various public safety related programs in order to find recruits for the force. The Department also runs a Ride Along program to engage potential applicants. Things included in recruiting strategies include:

- Advertising on billboards, radio, television and local news media.
- Offering internships to local college students.
- Working with black and Hispanic community leaders and the city's Access and Inclusion Committee to increased interest for recruiting minority candidates.

Complimentary Efforts

Pathways to Justice Careers



Juniors and Seniors in high school are recruited to take part in Pathways to Justice Careers. The program is designed to get young adults interested in careers in public safety, including the police department as they begin making career and post-secondary education choices. The program consists of academy-level training classes, volunteerism and mentoring. Members of the Utica Police Department work closely with program administrators to ensure that children are not only given a quality program, but that they are contacted beyond the program in order to try to help with diversity in recruitment. The Pathways program features a diverse pool of children, usually from underserved communities, and it involves mentorship, tutoring and college preparation.

Police Community Athletic League



Partners including Bridge the Gap and HMO Workforce Development Board hosted our first-ever Police Community Athletic League so children and police can play and learn together. The league was a challenge because of COVID-19 protocols, but more than 4 dozen children participated and played video games with police in an effort to humanize the members of the department and develop relationships in the

community. As a City, we will build upon these efforts.

UticaStartsWithYouth.com

Members of the Access and Inclusion Committee worked with non-profits, private partners and government organizations to develop a service and activities portal so parents and their children have an easy place to access and identify all of the services available to them. This effort comes from community feedback. City partners found that parents and children were frustrated with services, partially because they weren't aware of all of the services and activities that existed. This site will offer a simple portal for residents to look for and understand what is available to meet the needs of their children. The site, which will be launched in 2021, engages youth and parents in local activities, services and educational opportunities and creates easier access to those opportunities.

Together We Are



The Utica Police Department has continuously stressed the need for witness cooperation in order to help solve crimes. There are many reasons that witnesses would be hesitant to come forward. The City has worked with partners to orchestrate a campaign to encourage residents to speak out against crime.

Increased Security Camera and Lighting Presence



The City of Utica is in the process of installing additional security cameras over the next several months in an effort to better monitor crime areas throughout the City. The cameras, combined with an \$11 million revamp of the City’s street lighting, will make a smarter environmental design for crime prevention, evidence gathering and efficient policing. By monitoring crime in the Crime Analysis Center, force presence and police interaction can be reduced while giving police additional tools to better solve crimes. Cameras are being deployed in areas identified by the Crime Analysis Center. In addition, a new LED street lighting system will allow the City to brighten some areas where cameras are and adjust lights to increase public safety.

Areas Identified for Improvement

Diversity in Recruiting

The recruitment process has not yielded a police force that is ethnically represented of our City, one of the most diverse cities in the country. The City of Utica Police Department currently has five officers of African-American decent, one of Asian origin and nine that identify as Hispanic. There are also 11 officers of Bosnian decent,

reflecting a recent refugee influx in the City. In a force that currently employs 165 officers, we need to see the ethnic diversity increase to better reflect the cultures and backgrounds prevalent in our City.

Language/Deaf and/or Hard of Hearing Barriers

More than 40 languages are spoken in the City of Utica and our police officers often encounter residents that can't understand them. The Committee found that the City could do a better job identifying language barriers, including the deaf and/or hard of hearing, and conditioning officers to overcome such barriers.

Community Acclimation and Service

Members of the Committee would like to see more officers involved in community events and community service. Typically, the Community Outreach Team is involved in public-facing events, but the Committee would like to see such services expanded throughout the department to better acclimate the community with the entire force.

Environmental Design / Camera Coverage

The members of the Committee have found surveillance cameras to be a powerful crime deterrent as well as an effective tool in solving crime. There is a feeling that City could use more camera coverage throughout the City. The expense to having cameras that are compatible with the City network was seen as a significant barrier to increased coverage.

Recommended Reforms

Mandatory Community Service Events Following a Hire

After a police officer graduates the Utica Police Academy, during the employment probationary period, that officer shall be required to work no less than 8 hours a month doing Community Outreach, community service and/or service-related events. This allows for an introduction period between the new officers and the people they serve.

Rotate Officers Through Community Outreach

When feasible, the Utica Police Department shall assign officers outside of the Community Outreach team to serve as part of the Community Team for designated periods of time. This will provide opportunities for more officers to interact with the community in a friendly atmosphere.

Develop Comprehensive Recruiting and Preparation Program

The City of Utica, led by the Public Safety Commissioner, will develop a comprehensive plan for recruiting public safety officials that: Has a goal of having public safety departments match City demographics. Seeks partnership with the Utica City School District and Local Colleges in developing talent and promoting careers. Takes into account obstacles faced by traditionally disenfranchised communities. Develops programs geared toward proactively developing interests and skills in public safety careers.

Training to Resolve Language Barriers for non-English speakers and Individuals who are Deaf and/or Hard of Hearing

Police shall make, as part of their annual in-service training, a training session that involves dealing with people with language barriers for non-English speakers and people who are deaf or hard of hearing. Such training shall include how to identify such barriers and how to follow procedure to overcome these obstacles, including when it is necessary to call an interpreter to assist.

Work to Establish “Blue Light” Districts

The City of Utica shall work with private entities in an effort to establish “Blue Light” districts. These districts will work to build public / private camera networks and video sharing agreements in an effort to have enhanced surveillance. The districts shall be designated with signage and other environmental designs that will make the increased surveillance known and prominent.

Justice Administration

Important Current Policies and Practices

Procedural Justice

Procedural justice is based on the premise that the criminal justice system must consistently demonstrate its legitimacy—that its existence is valid and justified—to the public it serves. In deciding whether a law enforcement agency is legitimate and acting in service to their best interests, community members assess interactions not only by what officers do but also by how they do it. Procedural justice is commonly described through four pillars or key components—voice, transparency, fairness and impartiality. These pillars align with public demands for increased oversight to ensure integrity of police practices. Elements include:

1. **Voice** affords residents the opportunity to share their perspectives and is therefore important in facilitating positive interactions. Individuals are more content with police interactions when they feel that they have been allowed to be active participants in the decision-making process or have, at minimum, been genuinely heard.
2. **Transparency** involves law enforcement authorities sharing processes and rationales behind their decisions at every stage of enforcement. Officers should share how their motives are based on a genuine intention to promote safety and well-being. Acknowledging that police officials are required to keep some information confidential, this aim can be best achieved through transparency of process, policy, and procedure. Transparency can also have the effect of improving perceptions of neutrality.

3. **Fairness** recognizes that community members want to be treated with dignity, regardless of their situation. The quality of interpersonal treatment that individuals experience is important regardless of the particular outcome of their situation, such as an arrest or traffic ticket.
4. **Impartiality** requires that residents perceive police decisions to be made on the basis of legal facts and an objective evaluation of the situation. Officers are expected to refrain from acting on prejudices or biases they may hold. If individuals perceive police as impartial, they are more likely to believe that their interactions with the police are fair. Conversely, perceptions of bias or a lack of neutrality in decision-making processes can damage public attitudes toward the police.

Officers are to handle each encounter with the public with procedural justice principles in mind. Command staff evaluates body camera footage every week to see if procedural justice principles are being implemented. There are currently three UPD officers certified to train procedural justice. Officers' procedural justice training measurement is part of their personnel file, which is made public on the City's web site.

Restorative Justice

Restorative Justice focuses on the rehabilitation of offenders through reconciliation with victims and the community at large. The idea is to offer pathways to undo some of the long-term repercussions of criminal behavior when the offender has shown the willingness to change.

Operation Second Chance

In 2015, the Oneida County District Attorney's office created a program that would allow people convicted of non-violent criminal acts the opportunity to expunge their criminal records. This allows them to experience a clean slate and removes barriers to housing, employment and reputation damage.

The program applies to people who:

- Have committed a single criminal act, or very few, in a short period of time.
- Fulfilled sentences and paid all appropriate restitution to any victims or forfeited any illegal gains.
- Maintained a crime-free life for at least 15 years

At least one member of Utica Police Department leadership always assigned to work with this program. A nine-member committee – to include three prosecutors, a probation official, a defense attorney, at least one police officer and at least two private citizens – would consider these factors and then recommend to the DA whether the conviction should be vacated by an Oneida County Court judge.

Arrest Diversion Program

The Arrest Diversion Program is a collaborative effort between Safe Schools Mohawk Valley, the Utica City School District, the Utica Police Department, the Oneida County Probation Department, the Oneida County Department of Social Services, and the Oneida County Mental Health Department. It seeks to keep kids in school by diverting youth aged 10 - 17 from the criminal/juvenile justice system when they commit non-serious illegal acts. When a juvenile commits a crime, where appropriate, officers can refer the student to the Arrest Diversion Program instead of making an arrest. The referral is contingent on the victim agreeing to allow the person to go through the program rather than go forward with a criminal case. Often, this requires the potential suspect to apologize,

replace stolen items or otherwise help to restore the damage done by the crime. The officer refers the student to Arrest Diversion and can restore the charges against the juvenile if they don't commit to the program.

In many instances, when youth commit an illegal act, they face action that results in being removed from school and potentially facing placement in detention and/or other facilities. This program uses the concepts of Family Group Conferencing and Wrap-Around (both research and evidenced-based programs) in which youth are held accountable for their actions through the principles of Restorative Justice, instead of being charged with a crime. The student also receives support services through Utica Safe Schools such as mentoring, grief and loss, anger management, etc., which seek to enhance protective factors while attempting to mitigate any at-risk factors present.

The program was independently evaluated by SUNY Albany and was labeled as a "promising approach to reducing the school to prison pipeline."

Some of the program's outcome data, via Utica Safe Schools:

- 92% of all enrolled students did not reoffend
- 57% of all enrolled students improve their attendance
- 62% of all enrolled students have fewer discipline referrals
- 52% of all enrolled students improved their Grade Point Average (GPA)
- 100% of all enrolled students had fewer or "0" In-School Suspensions

Gun Involved Violence Elimination Program

The Utica Police Department participates in the Division of Criminal Justice Services GIVE (Gun Involved Violence Elimination) Program. Through Give, UPD employs state recommended best practices to address violent crime through partnerships, evidence-

based policing strategies including: hot-spots policing, focused deterrence, street outreach and crime prevention through environmental design. The department has moved away from a “zero tolerance” approach to combat crime by utilizing timely data and targeting known violent offenders, rather than unfairly affecting an entire neighborhood, which could have an adverse effect on police community relations.

Hot Spot Policing

Hot Spot policing uses software and the Crime Analysis Center to develop “hot spots” marked for crime reduction in the city. In collaborating with the public, the Utica Police Department, has made the decision to focus hot spot policing to only areas where gun related crimes have become an issue. Narrowing the focus to gun related crimes avoid unnecessary targeting. Analysts determine the size of the “hot spot” by the geography in which the reported crimes took place. The “hot spot” is not just a numbers game, it’s a combination of data, public input and gathered police intelligence.

All of the data and information surrounding a hot-spot is put into a readable map. The map is put into a weekly crime report that shows the 13 current hot spots around the city. This mandates officers to check on the hot spot during patrol shifts and hotspot details are assigned. Also, the city may choose to monitor a hot spot with cameras, the “armadillo” or visible, walking presence of officers. The idea is to not just monitor the area, but also meant to deter crime and show community members that police are being responsive to criminal activity.

Public Safety Commissioner

The Committee reviewed and discussed New York State Second Class Cities Law § 131 speaking about the Public Safety Commissioner’s role and appointment. The

Committee was advised that Second Class Cities Law provides the authority for this position, not local law. According to the law: *the public safety commissioner shall have cognizance, jurisdiction, supervision and control of the government, administration, disposition and discipline of the police department, fire department, buildings department and health department, and of the officers and members of said departments, and shall possess and exercise fully and exclusively all powers and perform all duties pertaining to the government, maintenance and direction of said departments, and the apparatus and property thereof and buildings furnished therefor, and shall have the general direction and supervision of the expenditure of all moneys appropriated to said departments. He shall possess such other powers and perform such other duties as may be prescribed by the law or by ordinance of the common council.*

Areas Identified for Improvement

Auditing Procedural Justice Adherence

Procedural justice practices are to be followed by officers in all interactions. However, it is not one of the enumerated criteria for review. Therefore, adherence to procedural justice practices isn't prominent enough in officer performance reviews.

Recommended Reforms

Add Adherence to Procedural Justice Policies as Part of Body Camera Reviews

When supervisors review body camera footage to evaluate officer performance, the supervisor must explicitly look to see if the officer gave the resident a voice, worked to build trust, treated the citizen with respect and operated in a transparent manner.

Increase Peer Support for Officer Wellness

In an effort to improve resources available for officer mental health, the Utica Police Department shall increase the number of officers trained as peer support officers (PSO) by at least three officers. Approved training for PSO's will be in accordance to NYS and DCJS guidelines. Ultimately, the Utica Police Department's newly trained PSO's (Peer Support Officers) will provide training to the agency members during annual in-service training. The officers will also be used during the week-long delivery of the Officer Wellness program in the basic course for police officers.

911 Call Diversion Program

*The City of Utica shall work with the Oneida County Emergency Services Department and non-profit partners in an effort to form a 911 Call Diversion Program. This program will train dispatchers to identify non-threatening situations where social service or mental health providers can be called in lieu of police in a fashion similar to the program Broome County has administered since 2017. The goals of this program shall include providing appropriate help to individuals with social or mental health needs and to limit police contact with individuals who are not exhibiting criminal behavior. *In support of this initiative, the City of Utica has made more than \$600,000 in Emergency Solutions Grant funds available to agencies that will work to better coordinate street outreach and delivery of mental health and social services, particularly to its homeless population.*

Officer Accountability / Transparency

Important Recent Policy Developments

Personnel Files Available Online

As the laws have become more permissible to transparency, the City of Utica and its police department have tried to lead the way in being forthcoming with our residents. One example of this is that the City of Utica was the first in the state to post officer personnel files online.

On June 12, 2020 Section 50a of the state Civil Rights Law, which had been used to shield police disciplinary records from the public for decades, was repealed through legislation signed by Governor Andrew Cuomo. On June 17, 2020 just five days later, the City of Utica announced that its files would be made completely public, with appropriate legal redactions.

"We looked at where we could be better, the engagement within our community, and this is a decision that, again as we have talked about, building bridges and being able to bring that trust. I believe this is a huge component of it," Utica Mayor Robert Palmieri said at the time.

To set an example, the first of the records posted online were Police Chief Mark Williams and Deputy Chief Ed Noonan. The City started from the top, and worked its way down the chain of command when it comes to revealing records so that the officers with the most authority were the first ones displaying accountability.

"There will be the good and the bad with it. I agree with that because it should be the entire picture of the police officer, not just the negatives. It's definitely being transparent, it's definitely being open," said Utica Police Chief Mark Williams.

Changes in State Law

There have been several changes in New York State Law that have aimed to increase public access to information and trust. The Committee was informed of these changes, and weighed how those changes are going to impact the Utica Police Department in the future.

Opening up disciplinary records

Senate Bill S.8496 passed the Senate 40-22 and the Assembly 101-43. This repealed section 50-a of the Civil Rights Law that provides additional protections to the personnel records of police officers, firefighters and correction officers. This makes these records subject to the Freedom Of Information Law while protecting contact and health information of these officers.

The right to record police activity

Senate Bill S.3253B passed the Senate 59-3 and the Assembly 128-16. This codified that residents not under arrest or in custody have the right to record police activity and to maintain custody of property used to record police activities.

Tracking low-level offenses

Senate Bill S.1830C passed the Senate 60-2 and the Assembly 100-44. The Police Statistics and Transparency (STAT) Act requires courts to compile and publish racial

and other demographic data of all low-level offenses, including misdemeanors and violations. The bill also requires police departments to submit annual reports on arrest-related deaths to be submitted to the Department of Criminal Justice Services.

Reporting police-involved shootings

Senate Bill S.2575B passed the Senate 59-3 and the Assembly 105-39. This law requires police to report, within six hours, when they discharge their weapon where a person could have been struck, whether they were on or off duty.

Creating office of special investigation for police-related deaths

Senate Bill S.2574B created an Office of Special Investigation within the Department of Law, under the Attorney General, which will investigate, and, if warranted, prosecute any incident of a person whose death was caused by a police officer or peace officer.

Creating a misconduct investigative office

Senate Bill S.3595B established the Law Enforcement Misconduct Investigative Office within the Department of Law to review, study, audit and make recommendations regarding operations, policies, programs and practices of local law enforcement agencies.

Areas Identified for improvement

Need for Civilian Involvement in Oversight

When it comes to transparency and accountability, there was a consensus on the Committee as well as public outcry for more civilian involvement in oversight. The

Committee got requests from multiple local organizations to develop a process for civilian review of officer complaints.

Other Areas Identified for Improvement

The Committee identified several areas where transparency and oversight could use an upgrade, including:

1. The need for accounting of daily, comprehensive police practices, not just in response of ad-hoc cases.
2. The need to establish a clear place and method for being able to file citizen complaints outside of the police department itself.
3. Clear guidelines for making the public aware of complaints against officers and the outcomes of subsequent investigations.
4. Timelines for updating police personnel files online, so that new information isn't withheld for unnecessary periods of time.
5. A better strategy for talking to the public and adapting to its concerns.
6. The ability to offer future recommendations and respond to unforeseeable concerns that may arise as policing and our city continues to evolve.

Recommended Reforms

ESTABLISH CITIZEN PUBLIC SAFETY BOARD AND AUDITOR

The City of Utica shall establish public safety oversight that couples an audit function with citizen oversight in an effort to improve accountability and transparency. The purpose of this model is to ensure that complaint resolution, citizen interactions and adherence to policies are monitored continuously, not just when a problem arises. It will allow the identification of patterns, cultures and practices that may be modified to improve relations between public safety departments and the residents of Utica. Further, this model will assist the City in tracking the progress and efficacy of recently implemented reforms and to look beyond just citizen complaints, into any area that can impact overall safety and wellness. This oversight mechanism shall give community input when making or revising department policies and discuss current police practices and strategies with the ability to make suggestions for improvement.

Being such, the City of Utica shall establish a Civilian Public Safety Board and therefore outline the duties and composition of such board to establish and evaluate an annual audit that includes public safety practices and treatment of citizen complaints.

Responsibilities of The Civilian Public Safety Board Shall Include:

The Board shall host or attend no fewer than two townhall-style Public Input Meetings per year. These meetings shall involve at least one active member of the Utica Police Department and the Utica Fire Department and should be designed to hear and record resident concerns regarding public safety.

- *The Board may receive citizen complaints and, thus, develop a clear and coherent manner for doing such. It shall forward those complaints to Police Chief or the Fire Chief as appropriate and ensure the findings of investigations into those complaints are shared with the Board in a reasonable manner.*
- *Review the quality of civilian complaint investigations that are completed by the Professional Standards Unit of the Utica Police Department.*
- *The Chief or an appropriate designee shall respond to any concerns or questions raised by the Board after an investigation's findings are initially shared.*
- *The Board shall identify qualified agencies or persons to perform annual public safety audits and, each year, choose a person or agency to perform said audit. The Auditor chosen shall have significant relevant experience, be approved by relevant governing agencies and hold relevant credentials to perform said audit.*
- *The Board shall meet a minimum of eight times each year, while exercising its prerogative and discretion to meet more if deemed necessary by its members.*
- *The Board shall outline the scope of work to be examined by the auditor. The scope of work outlined by the Board should be designed to examine practices, identify areas of strength, flag areas where improvement is needed, and ensure that citizen complaints are being handled in an expeditious and transparent fashion. Board members should work to ensure that citizens are treated equally under the law regardless of race, religion, disability, sexuality, gender or class and that City departments engage with the public in a transparent fashion.*

- *The Board shall receive progress updates from the auditor as to initial findings, timeline updates, emergency concerns and cooperation with the audit process.*
- *When the final audit is received, the Board shall disclose the findings to the public thoroughly and in a manner that is easily accessible.*
- *The Police and Fire Chiefs shall meet with the Board to discuss and answer questions in regards to annual audit results.*
- *The Board shall send an annual report on its activities to the Mayor, Police Chief and Fire Chief and the Common Council. The report should include recommendations based on audit findings.*

Responsibilities of Auditor

- *The Auditor shall thoroughly and completely examine all areas directed by the Civilian Public Safety Board. This examination can include documents, interviews, observations and any other factfinding means necessary to obtain pertinent information.*
- *City Departments shall cooperate fully and completely with said audit and any refusal to do so shall be noted in the final audit report.*
- *The Auditor shall present progress updates to the Civilian Public Safety Board that includes progress being made, initial findings, emergency concerns and departmental cooperation with the audit process.*
- *The Auditor shall produce an annual report that is thorough, clear and presented in a manner accessible to members of the public, media and Board.*

Board Composition

- *The Civilian Public Safety Board should consist of seven members. Terms for serving members shall last two-years. Board membership shall be formed as follows:*
- *Two members shall be appointed by the Mayor of the City of Utica.*
- *Two members shall be appointed by majority vote of the City of Utica Common Council.*
- *One member shall be appointed by the local chapter of the NAACP.*
- *Two members shall be nominated by local not-for-profit agencies or advocacy groups. Each interested group shall nominate a potential board member using criteria set forth by the Public Safety Commissioner. Initially, the Police Reform Advisory Committee will select two of these members, and every selection thereafter shall be made from non-profit nominations by the preceding CitizenPublic Safety Board.*

Board members should undergo training provided by the City of Utica.

The Board shall include representation from traditionally disenfranchised groups and all members shall live in the City of Utica. Mayoral or Common Council appointed positions can serve no more than three consecutive terms, while members from non-profit and advocacy groups can only serve consecutive terms if there are no-other applicants deemed eligible. The City of Utica shall provide meeting space, office space when requested and clerical support for the Community Public Safety Board.

Increase Transparency for Citizen Complaints

The City of Utica and the Utica Police Department will adhere to the following guidelines to maintain transparency with the public regarding citizen complaints, officers' personnel files, and criminal accusations made against officers. These guidelines are contingent on the Internal Investigations Division remaining fully staffed with two officers.

- *Citizen Complaints: The Utica Police Department's website will include a separate page for citizen complaints. Citizens will be able to fill out and submit a complaint form directly from this page. Citizen complaints will be turned over to the Civilian Public Safety Board and the outcome will be available on the website.*
- *Personnel Files: Upon all officers' personnel files being uploaded to the website, the Utica Police Department will commit to updating personnel files with new compliments, complaints, certifications, etc., within 30-60 days of the occurrence.*
- *Criminal Accusations: If a credible criminal accusation is made against an officer, the City of Utica and the Utica Police Department will make the Civilian Public Safety Review Board aware. The officer will not be named nor will specific details be given if doing so would interfere with the investigation process. The City of Utica and the Utica Police Department will provide updates within 30 days to the Citizens Public Safety Board and make them aware of any advancements or findings in the case, as allowed by the District Attorney or jurisdictional office.*

Add Body-Worn Cameras to SWAT Operations

The City of Utica Police Department will expand its body-worn camera program to include SWAT briefings, operations meetings and SWAT tactical operations. This will require cooperation from SWAT Team partners, the New Hartford Police Department and the Oneida County Sherriff's Department.

Barriers Presented by Civil Service Law

The Committee recognized that diversity in hiring is made more difficult by current barriers presented by Civil Service Law. The Committee strongly urges that the state looks at revamping the NYS Civil Service hiring and promotion procedures. The committee is aware of biases in testing that can exist to the detriment of traditionally disenfranchised communities, and recognizes that a multiple-choice test score may not be the best way to measure someone's ability to handle a particular job. Members of the Committee have individually addressed this issue with our State Representatives and urges the State to consider finding ways to break down the barriers these standardized tests create and consider giving municipalities more options in recruiting.

End.

