



VILLAGE OF MASSENA

Police Reform & Reinvention Collaborative



Adopted: March 16, 2021

Introduction

State of New York Governor Andrew M. Cuomo signed **Executive Order No. 203** on June 12, 2020 requiring each local government in the State to adopt a policing reform plan by April 1, 2021. The Order authorizes the Director of the Division of the Budget to condition State aid to localities on the adoption of such a plan.

The Village of Massena (hereinafter referred to as “VOM”) and the Massena Police Department (hereinafter referred to as “MPD”) is dedicated to continuously maintaining constitutional and effective law enforcement.

The MPD serves the law enforcement needs of all Village residents, as well as visitors to the community. We strive to do so in a professional manner, respecting the rights of all without regard to race, color, nationality, creed, gender or sexual orientation. Our policies and procedures are developed and carried out with that goal in mind and our thirty employees are selected, trained and supervised with that goal in mind. While the MPD has general law enforcement jurisdiction throughout the Village, the majority of the Towns and Villages within the County do not have their own police departments and rely on the Sheriff’s Office and New York State Police to serve those respective municipalities as the “primary” agency. Therefore, issues specific to geographic areas where the MPD is not the primary agency should be raised with the appropriate law enforcement agency. The MPD exercises primary jurisdiction over the Village of Massena. By inter-municipal agreement the MPD also provides officers for court security, when requested, to the Town and Village Court.

MPD uses their knowledge, experience and professional judgment, combined with available information, data, analysis and research to develop our policing strategies, training, policies and procedures. Prior to the issuance of Executive Order 203, MPD already had measures in-place addressing most of the issues/concerns raised by the Order. There are some points, notably those concerning diversion of arrested subjects out of the criminal justice system and restorative justice, which are not under the purview of law enforcement and other government entities are far better suited to address those issues. Some of the relevant strategies, policies and procedures and related issues are set forth below for community review and comment. We hope that after reviewing this document, you will agree that with respect to the key points raised in the Governor’s Executive Order 203, the Village of Massena Police Department meets or exceeds the established goals in the Executive Order.

There shall be two versions of this plan: the draft plan and the final plan. The draft plan will incorporate suggestions and comments provided by the community stakeholders and residents through meetings and obtained via response to the community-wide survey that was released in November 2020. Pursuant to the Governor’s Executive Order, the draft will be made available for public comment prior to ratification by the Village of Massena Board of Trustees.

The finalized plan that will incorporate relevant and appropriate suggestions, concerns, and input gathered from the stakeholders, as well as members of the community after their review. Modifications will occur as deemed necessary and be considered for inclusion in the plan. The finalized plan will be submitted to the Village of Massena Board of Trustees for ratification and subsequent submission to the State.

Planning

A panel of Village staff was identified and formed. The importance and necessity of engaging and facilitating communities and stakeholders to develop a report for approval and submission by the Village Board of Trustees was clearly recognized and stakeholders were identified. The Village staff panel was comprised of Village Administrator Monique N. Chatland, Chief of Police Jason Olson and Community Outreach Patrol Officer Shawn Hatch.

Early in the process, a concentrated effort was initiated by panel members to reach out to other law enforcement agencies, clergy, human service, mental health agencies, individuals, local community members and faith-based community members to attempt to ensure a diverse group from the community, including those that represent or are part of marginalized persons and populations were invited and asked for input at sessions. Correspondence regarding the review was distributed with invitations. An open meeting and a lengthy discussion amongst the panel and stakeholders was held.

Listening and Learning

Meeting #1:

A listening session, as well as email correspondence with stakeholders, was conducted. The session was focused primarily on community policing efforts and strategies, training qualifications for police officers, demilitarization of Police, and transparency.

A listening session for municipal leaders occurred subsequently to that session.

The listening session was an open and announced public session with community stakeholders to initiate efforts to engage and collaborate with the public the Massena Police Department serves.

Public Survey

The below questions were asked of the stakeholders and served as a guide for discussions. The questions were also posed via a survey that was distributed in a variety of ways (social media, email "blasts", posted on the official Village website and reported on by the local media) in order to engage and collaborate with the public that MPD serves. The questions asked are as follows:

In addition to typical, obvious law enforcement functions and duties, what other functions should Police perform?

1. *Are there any functions currently performed that you feel are unnecessary? Please explain.*
2. *Are you familiar with Massena PD's community policing and outreach programs? If so, please describe.*
 - a. *Do you feel we should continue with community policing and outreach programs?*
 - b. *Are there additional areas, efforts, or populations that you feel should be targeted?*
3. *What role, if any, should Massena PD play in our schools? Please explain.*
4. *In addition to emergency medical technicians, Massena PD currently responds to drug overdose calls. Do you feel as though this practice should continue? Why or why not?*
5. *Do you feel that there are other matters that the Massena PD currently handles that may be better addressed by other professionals with different skills and expertise?*
6. *How do you feel we can strengthen the relationship between the Massena PD and the community?*
7. *Based on your experiences with the Massena PD, how do you feel the Massena PD responds to incidents that may include members of the community that are vulnerable or could be a target of bias?*

Comments were also solicited at the completion of the survey.

Meeting #2

At this session, the plan will be shared, and input requested. Input is summarized in this section of the plan. Changes will be implemented as deemed appropriate and workable. Future considerations will also be noted.

Public Comment and Ratification

Pursuant to Executive Order 203 the plan be posted for public comment. The plan will then be revised to incorporate public comment. Upon completing public comment and finalizing a plan, the Executive Order requires that the local legislature adopt and ratify the proposal. This must occur before the April 1, 2021 deadline.

Administration

To provide comprehensive public service and safety, the department is comprised of various divisions. The administration includes the Chief of Police, Operations Lieutenant, and Records Clerk. A supervisor is assigned and available every day for each shift. The around the clock supervisory component enhances public safety and service and reinforces accountability. The administration and supervisors in divisions investigate complaints lodged against officers by members of the community. The department adheres to federal and state laws and numerous state rules enacted and promulgated concerning complaints, use of force, deadly force, rules for traffic stops and pursuits, disciplinary matters, and personnel records.

Department Units

The MPD deploys their forces to meet the needs of the VOM or the entity contracting services. Collective bargaining units also set forth the minimum number of officers per shift. Currently, the MPD is comprised of a Chief of Police, Lieutenant, a senior patrol sergeant, three (3) patrol sergeants, sixteen patrol (16) officers, two (2) investigators, four (4) dispatchers and a clerk.

Units in the department include Road Patrol and Criminal Investigations. In addition to law enforcement and criminal investigations, the road patrol unit also offers K-9 services, specialized patrols, field training oversight, drug recognition officer, juvenile officer, bike patrol and accident investigations. Investigators assigned to our investigations unit are also assigned to various task forces with other law enforcement agencies throughout St. Lawrence County.

Training

Despite the obstacles that may arise due to lack of State-sponsored training availabilities, the current department administration has made several adjustments in response to the ever-evolving law enforcement and community needs, mandated programs and services. Additionally, the implementation MPD's own, new initiatives and the desire to provide the best quality services possible continues. Some of the changes include the annual mandated training that include but are not limited to de-escalation techniques, use of force and less than lethal weapons such as tasers and pepper spray, deadly force, effective communication strategies, the use of Narcan in drug overdoses, implicit bias and diversity and challenges that face special populations and marginalized persons and groups.

The following outlines what changes were made based on meetings with stakeholders and information obtained through the survey process as well as what actions and programs are already in place.

The MPD provides many opportunities for training to its officers, including annual, mandated training. However, the State is slow to offer training in critical areas, especially for departments located in rural areas, such as de-escalation skills or do not offer enough training dates which would allow all officers to attend this critical training. It is important moving forward that the State begin to offer more in-service training opportunities that can be delivered at the local level by providing 'train the trainer' classes for identified areas of need. We currently have five certified general topics instructors who are able to teach Division of Criminal Justice Services sanctioned classes to Department officers as well as surrounding agencies.

The VOM recently sent two officers to training in order to be certified to instruct de-escalation training techniques to the rest of the MPD, as required. Additionally, the MPD currently employs seven certified instructors that are able to provide implicit bias training to the remaining members of the MPD. Both, de-escalation technique and implicit bias training, has been mandated as an annual training.

MPD utilizes Lexipol, a program for policies and training services. Lexipol's New York Law Enforcement Policies and Training Services. The service provides New York specific policies aligned with the NYSLEA standards, as well as an electronic platform that facilitates dissemination and tracking. The Lexipol system will allow the MPD to customize the policies to fit our needs and address the specifics of law enforcement in a small community setting. Using Lexipol's electronic platform will make it easier to quickly disseminate information to the officers using the mobile application. Lexipol also provides Daily Training Bulletins allowing officers to get refreshed on techniques and procedures they don't normally do. These daily training pieces, completed at the beginning of an officer's shift, provide 24 hours of training annually per officer. The system also provides tracking to assure officers have completed training bulletins and acknowledged policies.

Various policies and procedures that the MPD has adopted in utilizing Lexipol, implemented and trained on, such as "Use of Force", "Hate Crimes", "First Amendment Assemblies", "Community Relations", and "Bias Based Policing" are available for public viewing on the VOM's official website (<https://massena.us/491/Public-Information-on-Police-Practices>).

Training will continue to be reviewed and updated, as needed, in relation to new state laws, initiatives and regulations, officer and public safety issues and other community needs.

Procedural Justice and Bias

Procedural justice is the idea that the methods for resolving disputes should be fair. Procedural justice focuses on the way police and other legal authorities interact with the public and how the characteristics of those interactions shape the public's views of the police, their willingness to obey the law, and cooperation with the police in fighting crime.

The MPD promotes procedural justice and opposes bias through its policies that demand police officers fulfill their duties in a professional manner consistent with their oaths to uphold the state and federal constitutions. These include express directives that the MPD officers, among other things, "be responsible for humane treatment and safekeeping of offenders," "be courteous and respectful to all members of the public," "not use discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender or sexual orientation" and "exhibit and maintain an impartial attitude toward complainants, violators, witnesses, suspects and other members of the public and not mistreat any person."

Additionally, the MPD has adopted the "guardian" mindset, instead of a "warrior" mindset, as police academy training models often promote the "warrior" model: to expect that every encounter with the members of the public is a threat. Officers are taught to protect their community, watch over it and engage with those in it, which also aligns with community policing efforts.

The MPD has also taken steps to demilitarize their "look" without diminishing officer safety to reduce the stigma that may arise from the public perspective.

Community Outreach/Community Policing

It is often recognized that, currently, it is more challenging than ever to build and strengthen relationships between law enforcement and communities. We are inspired about the success the MPD has had to date with relationship building especially in our local and school community. It is very encouraging to know that the efforts to date are helping others, especially now, when our profession and our communities need it the most. Public survey results received overwhelmingly support the continuation of MPD's community outreach and policing efforts.

While we can point to success stories in our efforts to build relationships in the community, we have also adopted the Community Relations policy contained within the Lexipol platform.

It is the policy of the MPD to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner. Per adopted policy, officers are encouraged to, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships
- (b) Become reasonably familiar with the schools, businesses and community groups
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members.

The Chief of Police or his/her designee is the designated member of the MPD to serve as the community relations coordinator.

The MPD has a long history of strongly supporting community policing standards, ideals, and programs. Focuses include collaborating with youth, schools, parents, and agencies and problem-solving rather than arrest. The department is very aware of the "school to prison pipeline" dilemma and take steps to avoid actions that may lead to adverse outcomes. MPD strives to facilitate trust and communication with all members of the public including our youth, students, schools, and all members of the community.

The MPD is committed to continued collaboration with the Village of Massena Board of Trustees, various mental health agencies, St. Lawrence County Probation Department, St. Lawrence County Department of Social Services, numerous substance abuse services, and related agencies to explore and develop effective and enhanced methods to assist community members and offenders in need.

In an effort to continue fostering positive community relations and deliver community policing approaches, members of the Massena Police Department have and will continue to attend community outings and events regularly. Some of the community outings the MPD has participated in include events held by the Police Activities League of Massena, various Massena School Safety Committees and Trainings, True Blue Community Youth Outreach Initiative, Massena Drug-Free Coalition, New York State Special Olympics, St. Lawrence County Opioid Task Force, DEA Drug Take-Back programs, Horizons Youth Club, Seaway Valley Prevention Council, TRIAD Senior Citizens Group, and Neighborhood Community Center programs. Additionally, MPD participates in bike rodeos, car seat checkpoints, local school events, Civilian Active Shooter Training, Cops on Top – Special Olympics, and the Law Enforcement Torch Run. Additional community outreach programs include the Child Safety Seat and Operation Safe Child ID programs, Trunk or Treat, various local benefit 5k walk- runs, and various STOP DWI awareness projects.

Additional specialized patrol units are also provided in an effort to augment public safety and service to the community.

Use of Force

MPD's use of force policy complies with all State and Federal laws established. Through Lexipol, this policy is continuously reviewed and updated with the most current State and Federal law.

Any use of force by a member of the MPD shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law (Executive Law § 840).

Chokeholds as a use of force tactic are strictly prohibited by the MPD and against NYS's anti-chokehold law, "Eric Garner Anti-Chokehold Act."

Hate Crimes

Nationwide trends have indicated increases in hate crimes in the last few years (*Allam, Hannah 2020*).

A hate crime is defined as "a crime motivated by prejudice based on actual or perceived race, color, religion, religious practice, age, national origin, ethnicity, gender, sexual orientation, gender identity or expression, ancestry, or disability of the victim."

The Massena Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law. The Massena Police Department follows Federal and State guidelines and collaborates with the local District Attorney and other agencies as needed if an alleged hate crime occurs. The MPD has a comprehensive policy and procedure on how to handle these types of investigations. Massena Officers receive regular annual training regarding these types of incidents.

Transparency Efforts

To maintain transparency with police operations and the public's needs, the Massena Police Department posts several policies and procedures online for the public to view. Those include Use of Force, Training, Hate Crimes, First Amendment Assemblies, Community Policing and Outreach, and Bias Based Policing. A link to that page is provided here:

<https://massena.us/491/Public-Information-on-Police-Practices>

In comparison to the number of calls received and handled by the MPD, the number of complaints lodged against officers is extremely low. MPD has created a system of internal checks and balances to be certain their officers carry out their duties properly and act with integrity. Accountability in law enforcement also builds trust between the police and community.

All complaints are heard, investigated and are subject to discipline as determined by the Chief of Police. Additionally, the Village Board of Trustees is notified of all investigations of an officer.

Use of force situations are and must be investigated following already established state laws and mandates. The department's policy regarding filing a personnel complaint and use of force is included on the department's website. As noted above, the department adheres to state laws and numerous state rules enacted and promulgated concerning complaints, use of force, deadly force, search and seizure practices, disciplinary matters, and personnel records.

Information on filing a complaint can be located on the VOM's official website (<https://massena.us/278/Complaints-Commendations>)

Additionally, records request forms, pursuant to the Freedom of Information Act, may be easily accessed online at the VOM's website, here: <https://massena.us/275/Obtain-Police-Reports-Records>.

Officer Wellness and Well-Being

Historically, the MPD has utilized the Employee Assistance Program when it has identified concerns or potential issues with officers. However, absent of discipline, attendance is and has been voluntary by officers. While the MPD recognizes the need and importance of a wellness program for their officers, the impediment to developing a program is that absent of discipline, it would be extremely difficult to compel officers to participate in such a program.

The Village of Massena Board of Village Trustees, administration at the MPD, colleagues and citizens of the community recognize the prime importance of an officer's wellness and well-being. The department's administration, coupled with labor contract agreements and other available services, such as the Employee Assistance Program, ensures actions are taken to maintain physical and mental health and wellness and provide appropriate support services to officers. Services include consultation with supervisors and referrals to counseling and outside agencies as needed.

Employment

The Massena Police Department must adhere to New York State and local Civil Service laws and regulations pertaining to the recruitment, employment, and promotion of law enforcement officers.

Several factors have hampered MPD's efforts to diversify staff, particularly the restrictive nature of the governing civil service laws and rules, the inability to move past the universally undesirable candidates that happen to score well on the civil service exam, as well as the loss of good candidates to other jobs. MPD remains committed to working to attain a diverse staff.

In an effort to encourage careers in law enforcement, the MPD has collaborated with area schools and colleges, offerings internship experiences to college students that provide an experiential learning experience and may assist in recruitment and a ride-along program for students attending the Criminal Justice Program through BOCES.

References

Allam, Hannah 2020 FBI Report: Bias Motivated Killings At Record High Amid Nationwide Rise In Hate Crime NPR retrieved January 9, 2021 from <https://www.npr.org/2020/11/16/935439777/fbi-report-bias-motivated-killings-at-recordhigh-amid-nationwide-rise-in-hate-c>