

# New York State Police Reform and Reinvention Collaborative Plan

## City of Niagara Falls, New York



On June 15, 2020, in response to a series of peaceful protests regarding police brutality and racial injustice, Mayor Robert M. Restaino announced the formation of a Social Justice Commission. The Commission was tasked with examining the following areas: health care, education, economic opportunities, housing, and law enforcement. A committee for each area was established made up of community leaders and residents to identify actions necessary to address inequities.

The Law Enforcement Committee was convened on July 14 and met throughout the month of July and August reviewing the policies and practices of the Niagara Falls Police Department (NFPD) and its relationship with members of the minority community. The Committee's focus was Governor Cuomo's Executive Order #203 regarding New York State Police Reform and Reinvention Collaboration.

On November 30, 2010, the City of Niagara Falls and the Niagara Falls Police Department entered into a Stipulated Order of Consent with the Attorney General of the State of New York because of an investigation of complaints by members of the African American community. The order was signed by New York State Supreme Court 8<sup>th</sup> Judicial District Justice Ralph A. Boniello III. In November 2015, the City and the NFPD were deemed by the court appointed Independent Auditor and the New York State Attorney General to have achieved compliance with all required sections of the Order.

The Committee reviewed the revised policies and procedures because of the Consent Decree as outlined below.

### Use of Force

The NFPD has revised its use of force policies to include the following:

- a. Use of Force order
- b. Electronic Controlled weapon

- c. Chemical agents
- d. Impact weapons
- e. Firearms
- f. Reporting force order

The NFPD Use of Force Policies include a use of force continuum which encompasses all authorized instruments and weapons. These policies go into detail as to how each tool shall be used and how their use falls into the Use of Force Continuum. Due to the high liability of use of force policies, NFPD continues to review and revise said policies when necessary.

The above policies have been approved by the New York State Attorney General's Office.

*In addition to its use of force policies, NFPD has instituted a comprehensive Use of Force reporting system which ensures all Use of Force incidents are reviewed and evaluated in a timely manner in accordance with NFPD policy.*

NFPD continues to incorporate mandatory training for all officers. Topics include a review of policies, Use of Force reporting mandates, Use of Force continuum, de-escalation tactics, and authorized lethal and non-lethal weapons.

#### Procedural Justice

The NFPD has employed core concepts of police legitimacy and procedures to maintain social order, manage conflicts, and solve problems in the community through the *Gun Involved Violence Elimination (GIVE) program*.

- a. *Gun Involved Violence Elimination (GIVE)* Evidence-Based Policing Strategies.

The GIVE initiative requires NFPD to implement evidence-based police strategies with a gun violence reduction plan that employs the following evidence-based strategies: hot-spots policing, focused deterrence, street outreach and crime prevention through environmental design. The NFPD integrates procedural justice into their plan to foster trust and respect among in the community.

- b. Problem-Oriented Policing.

The NFPD uses the Niagara Intelligence and Crime Analysis Center to examine a cluster of similar incidents with the goal of identifying the underlying problem and discovering a new or enhanced way to address the problem. The incidents are discussed in bi-weekly COMPSTAT (police administration) meetings.

c. Hot-Spots Policing

The NFPD uses Hot-Spot policing to dedicate resources to areas where crime is more prevalent to target, reduce and prevent it from occurring. Hot-Spots are discussed in bi-weekly COMPSTAT meetings.

d. Focused Deterrence

Focused deterrence is based on the premise that a small group of individuals is typically responsible for most of the shootings, gun violence and firearm-related deaths in “hot-spot” neighborhoods. The strategy identifies those chronic offenders and targets them for enhanced attention, investigation, enforcement, and prosecution.

The NFPD uses “custom notifications,” where small teams of law enforcement officers and Community Policing Aides meet with particularly high-risk individuals to deter violent behavior.

e. Crime Prevention Through Environmental Design (CPTED)

Crime Prevention Through Environmental Design (CPTED) is defined as a multi-disciplinary approach for reducing crime through urban and environmental design and the management and use of built environments. It operates around four principles: natural access control, natural surveillance, territorial reinforcement, and maintenance.

Several NFPD members have completed the 40-hour CPTED certification course and have used their training to assist community members.

f. Community Based Outreach.

a. Through the GIVE grant program NFPD employs two Community Policing Liaisons. These Liaisons work with members of the community by organizing block clubs, passing on information about NFPD community policing programs, as well as being a resource for community members to express their concerns about quality-of-life issues or any other concerns with the NFPD.

Through the Office of Professional Standards (OPS) the NFPD has worked to promote public trust by engaging in several non-enforcement programs (i.e., pastor police basketball tournament) throughout the community with an emphasis on areas with high rates of enforcement and investigative involvement. The NFPD remains committed to continuing these programs in the future.

b. The Niagara Falls Police Department recognizes the importance of maintaining an atmosphere of openness with the community we serve. Members of the NFPD

actively seek to establish a cooperative relationship and keep the community informed on matters of public interest.

The Office of Professional Standards (OPS), in conjunction with the Superintendent of Police, represents the NFPD at most formal community relations activities.

The OPS Commander is responsible for the coordination and development of programs in police/community relations including neighborhood watch programs, crime prevention and any other programs as assigned by the Superintendent of Police.

#### Implicit Bias Awareness Training

- a. In May of 2015 NFPD completed Blue Courage Inclusive Leadership and Diversity Trainers program as part of our compliance with the consent decree. This program included a Train the Trainer portion allowing NFPD to include this in our yearly in-service training.
- b. NFPD has instituted a policy on Citizen Encounters. The purpose of said policy is to “reaffirm the Niagara Falls Police Department’s commitment to unbiased policing, and to reinforce procedures that serve to assure the public that the members of NFPD are providing services and enforcing laws in a fair and equitable manner.”

#### De-escalation Training and Practices.

- a. NFPD subscribes to Police One Academy, an online training which is part of our annual in-service training. In 2020 and forward, NFPD will require all members to complete a 2-hour de-escalation and reasonable use of force training provided by Police One Academy.

In addition, as a part of our partnership with the Niagara County Law Enforcement Academy, we will continue to seek more de-escalation training when available.

- b. As a part of our Use of Force policies, NFPD has included a de-escalation mandate in section VI, A and B. (copies provided upon request)

#### Law Enforcement Assisted Diversion Program.

In July 2020 NFPD began participating in the L.E.A.D. program which is a community-based effort allowing Law Enforcement to utilize alternatives to booking people into jail for illegal activity that stems from unmet behavioral health needs.

## New York State Law Enforcement Accreditation Program

The Niagara Falls Police Department is an Accredited Agency.

The purpose of Accreditation is to enhance the effectiveness, efficiency, and professionalism of an agency, while promoting training and public confidence in law enforcement. Accreditation demonstrates the agency performs in a consistently professional manner, that formalized policies are in place to govern its operational practices and procedures, and that all employees contribute to the agency's mission and know what is expected of them. Achieving accreditation and reaccreditation is evidence that a law enforcement agency's policies, procedures and operations meet the standards of current policing best practices, are an indication of professionalism.

The NYS Law Enforcement Accreditation Program provides formal recognition that an agency meets or exceeds general expectations of quality in the field.

### Building Public Trust.

The NFPD remains committed to build public trust through transparency and accountability. On a yearly basis the NFPD collects data on use of force, citizen complaints, and police involved accidents. This information is used as a statistical tool to analyze our operations and to assist in making decisions and or policy for evidence-based practices and procedures. The data is compiled and documented in our annual Risk Assessment Report which is available for viewing.

While the Committee acknowledges the positive changes that have been instituted in the Niagara Falls Police Department, it recommends that the Department remains vigilant in ensuring that these changes remain in place. In response to concerns raised by the Committee, the following recommendations are made:

- 1.) Implicit Bias and Cultural Diversity Training be required annually for all members of the Niagara Falls Police Department. In addition, the Department will be providing the following trainings to its members: de-escalation and reasonable use of force, anti-bias training for law enforcement and interacting with the mentally ill as a first responder.
- 2.) There is the need for more engagement on the part of the Niagara Falls Police Department with the community with a focus on enhanced communication and transparency and increased visibility in non-traditional settings. Considerable discussion focused on providing a vehicle for members of the community to interact and provide feedback to the Department.

As a result, the Committee is recommending the establishment of a Community Relations Committee (CRC). The CRC shall be made up of a minimum of 3 people and a

maximum of 5 people who shall be appointed by the Mayor. Each member shall serve a two-year term, with a two-year extension upon notification to and approval of the Mayor. The CRC shall select a chairperson to serve a two-year term. Staff assigned to the CRC will be from the Executive Office and the Law Department.

The CRC shall meet quarterly with a focus on the following:

- Report from the Deputy Chief or his/her designee on the activities of the Community Policing Liaisons and the Community Policing Aides and concerns that have been raised by community members.
- Reporting from the Niagara Falls Police Department on activities to enhance trust with the community which would include information on officer training and response to complaints.
- Information on Youth Services activities/programming and dissemination to the community.

The CRC will provide a report quarterly to the Mayor as to the three listed tasks along with other issues that may be brought forward at their meetings.

In keeping with the focus of enhanced communication and transparency, the Committee is recommending that the Department establish a Community Relations Newsletter. This newsletter would include information on how members of the community can file a complaint with the Department and provide a “Meet the Officer” section which would highlight the interests of a selected officer such as favorite sports team, music, food, hobbies, etc.

3.) Re-establishment of the Niagara Falls Police Chaplain Program which will look to create a partnership with local faith-based leaders to help assist both the community and the Department in times of need. By working together, the faith-based leaders can provide emotional, social, and spiritual support while the officers can provide support in the form of law enforcement.

The Chaplains will help bridge the gap between the Niagara Falls Police Department and the community, as well as provide a source of balance and spiritual support for both the police and the public. This program will present opportunity for the Department and the Chaplains to work together to organize venues for interaction to strengthen the relationship between the Niagara Falls Police Department, the public and the clergy.

4.) To increase diversity in the Niagara Falls Police Department, establish recruitment sessions within the community to inform young minority adults about becoming a member of the Department. In order to assist potential candidates, the City and the Department should discuss with Niagara University the creation of a scholarship fund to for low income candidates for the Police Academy.

The Committee recognized that to be effective in reform the process cannot be static. The recommendations and procedures set forth here, and in the prior Consent Decree, must be continually reviewed to determine if they remain best practices and to reflect a continued response to changing circumstances. The collaboration of community members, police personnel and city administration have developed these recommendations which our community believes serve the purposes set forth in Executive Order # 203 by Governor Cuomo in a direct and straightforward fashion. These are submitted for compliance with the aforesaid Executive Order.