

OVERVIEW

Governor's Exec. Order 203:

NYS Police Reform &
Reinvention Collab. —

Plans

by

Municipalities of
Saratoga County



JUNE 12, 2020 | Albany, NY

Governor Cuomo Signs 'Say Their Name' Reform Agenda Package

PUBLIC SAFETY

CRIMINAL JUSTICE

Enacted June 12, 2020: *'Say Their Name'* NYS Reform Agenda

Signed into NYS Law as of June 12, 2020:

Allowing for transparency of prior disciplinary records of law enforcement officers by reforming 50-a of the civil rights law;

Banning chokeholds by law enforcement officers;

Prohibiting false race-based 911 reports and making them a crime;

Designating the Attorney General as an independent prosecutor for matters relating to the deaths of unarmed civilians caused by law enforcement.



JUNE 12, 2020

No. 203: New York State Police Reform and Reinvention Collaborative

EXECUTIVE ORDER

June 12, 2020: NYS Governor's Exec. Order 203

WHEREAS, the Constitution of the State of New York obliges the Governor to take care that the laws of New York are faithfully executed; and

WHEREAS, I have solemnly sworn, pursuant to Article 13, Section 1 of the Constitution, to support the Constitution and faithfully discharge the duties of the Office of Governor; and

WHEREAS, beginning on May 25, 2020, following the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability; and

WHEREAS, there is a long and painful history in New York State of discrimination and mistreatment of black and African-American citizens dating back to the arrival of the first enslaved Africans in America; and

NYS Governor's Exec. Order 203

WHEREAS, this recent history includes a number of incidents involving the police that have resulted in the deaths of unarmed civilians, predominantly black and African-American men, that have undermined the public's confidence and trust in our system of law enforcement and criminal justice, and such condition is ongoing and urgently needs to be rectified; and

WHEREAS, these deaths in New York State include those of Anthony Baez, Amadou Diallo, Ousmane Zango, Sean Bell, Ramarley Graham, Patrick Dorismond, Akai Gurley, and Eric Garner, amongst others,

and,

in other states, include Oscar Grant, Trayvon Martin, Michael Brown, Tamir Rice, Laquan McDonald, Walter Scott, Freddie Gray, Philando Castile, Antwon Rose Jr., Ahmaud Arbery, Breonna Taylor, and George Floyd, amongst others,

NYS Governor's Exec. Order 203

WHEREAS, these needless deaths have led me to sign into law the Say Their Name Agenda which reforms aspects of policing in New York State; and

WHEREAS, government has a responsibility to ensure that all of its citizens are treated equally, fairly, and justly before the law; and

WHEREAS, recent outpouring of protests and demonstrations which have been manifested in every area of the state have illustrated the depth and breadth of the concern; and

WHEREAS, black lives matter; and

WHEREAS, the foregoing compels me to conclude that urgent and immediate action is needed to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust; and

NYS Governor's Exec. Order 203

WHEREAS, the Division of the Budget is empowered to determine the appropriate use of funds in furtherance of the state laws and New York State Constitution; and

WHEREAS, in coordination with the resources of the Division of Criminal Justice Services, the Division of the Budget can increase the effectiveness of the criminal justice system by ensuring that the local police agencies within the state have been actively engaged with stakeholders in the local community and have locally-approved plans for the strategies, policies and procedures of local police agencies; and

Each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.

NYS Governor's Exec. Order 203

Each chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies, including but not limited to,

use of force policies;

procedural justice;

any studies addressing systemic racial bias or racial justice in policing;

implicit bias awareness training;

de-escalation training and practices;

law enforcement assisted diversion programs;

restorative justice practices;

community-based outreach and conflict resolution;

problem-oriented policing;

hot spots policing; [areas of historically higher crime/violence]

focused deterrence; violence prevention and reduction interventions;

crime prevention through environmental design;

model policies & guidelines promulgated by the NYS Municipal Police

Training Council; and standards...by the NYS Law Enf. Accreditation Program.

NYS Governor's Exec. Order 203

The political subdivision [muni] in coordination with its police agency, must consult with stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials, and create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing.

NYS Governor's Exec. Order 203

Such plan shall be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative body in such political subdivision, which shall ratify or adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021; and

Such local government shall transmit a certification to the Director of the Division of the Budget to affirm that such process has been complied with and such local law or resolution has been adopted; and

The Director of the Division of the Budget shall be authorized to condition receipt of future appropriated state or federal funds upon filing of such certification for which such local government would otherwise be eligible; and

The Director is authorized to seek the support and assistance of any state agency in order to effectuate these purposes.

Glossary

[EO203](#): NY Exec. Order 203 —
Police Reform & Re-invention Collaborative

[SS](#): Saratoga Springs

[SOP](#): Standard Operating Procedure

[Muni](#): Municipality (City, Town, or Village)

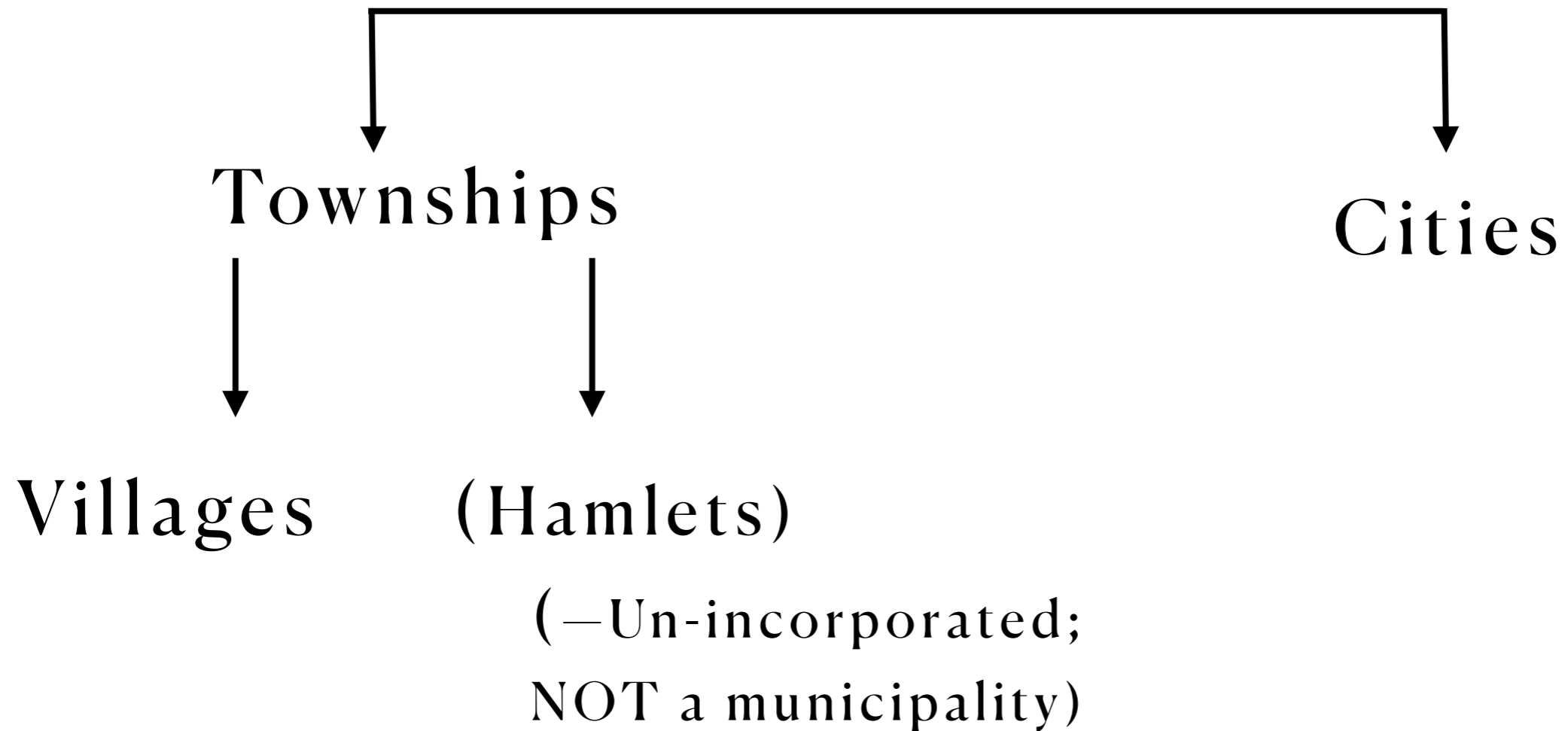
[PD](#): Police Department

[DOJ](#): Dept. of Justice (Federal)

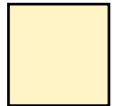
[DOD](#): Dept. of Defense (Federal)

NYS Municipalities

COUNTY



Saratoga County Sheriff's Office adopted EO203 Plan covers Townships.*



Sar. County Sheriff & NY State Police service

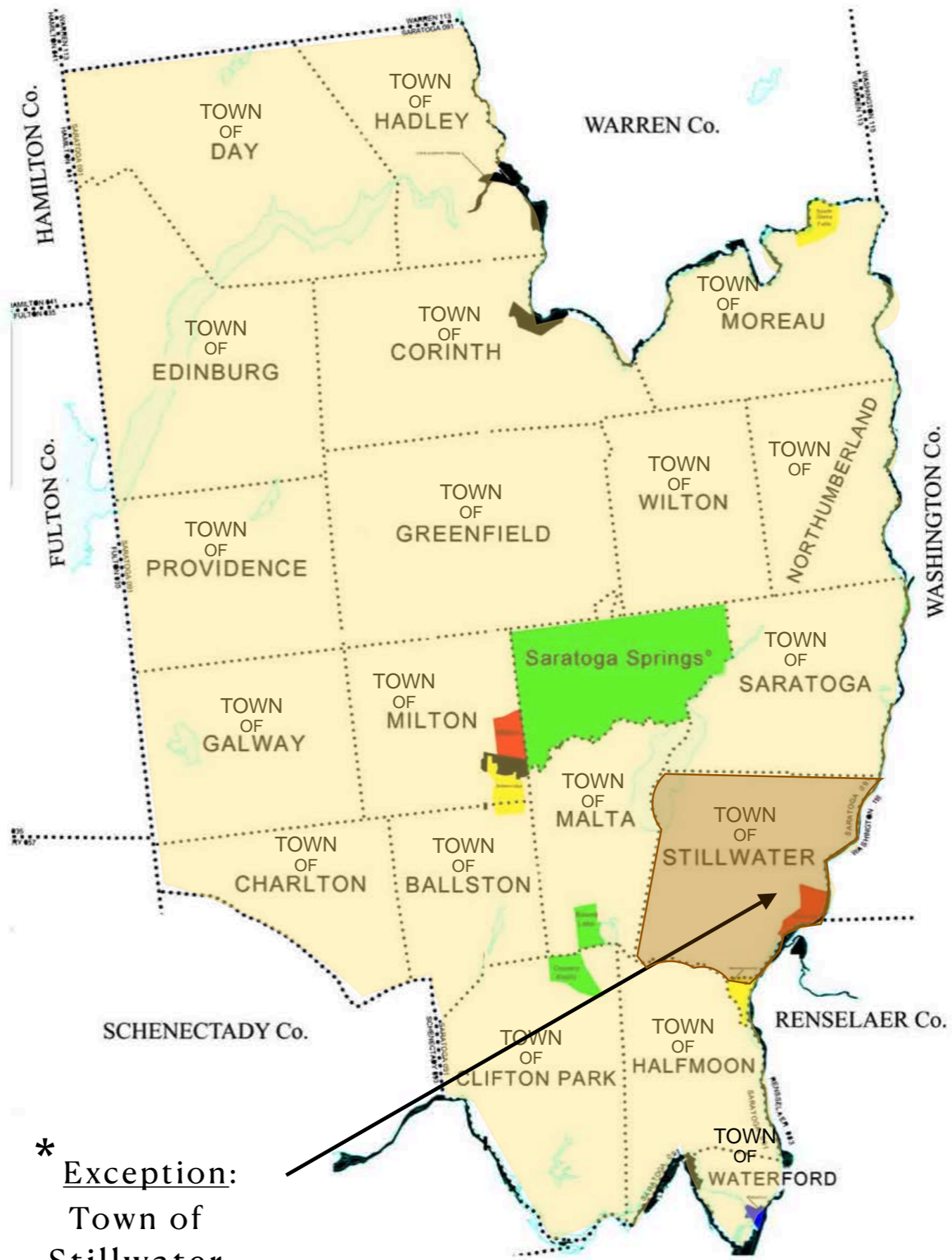
ALL TOWNS*

AND

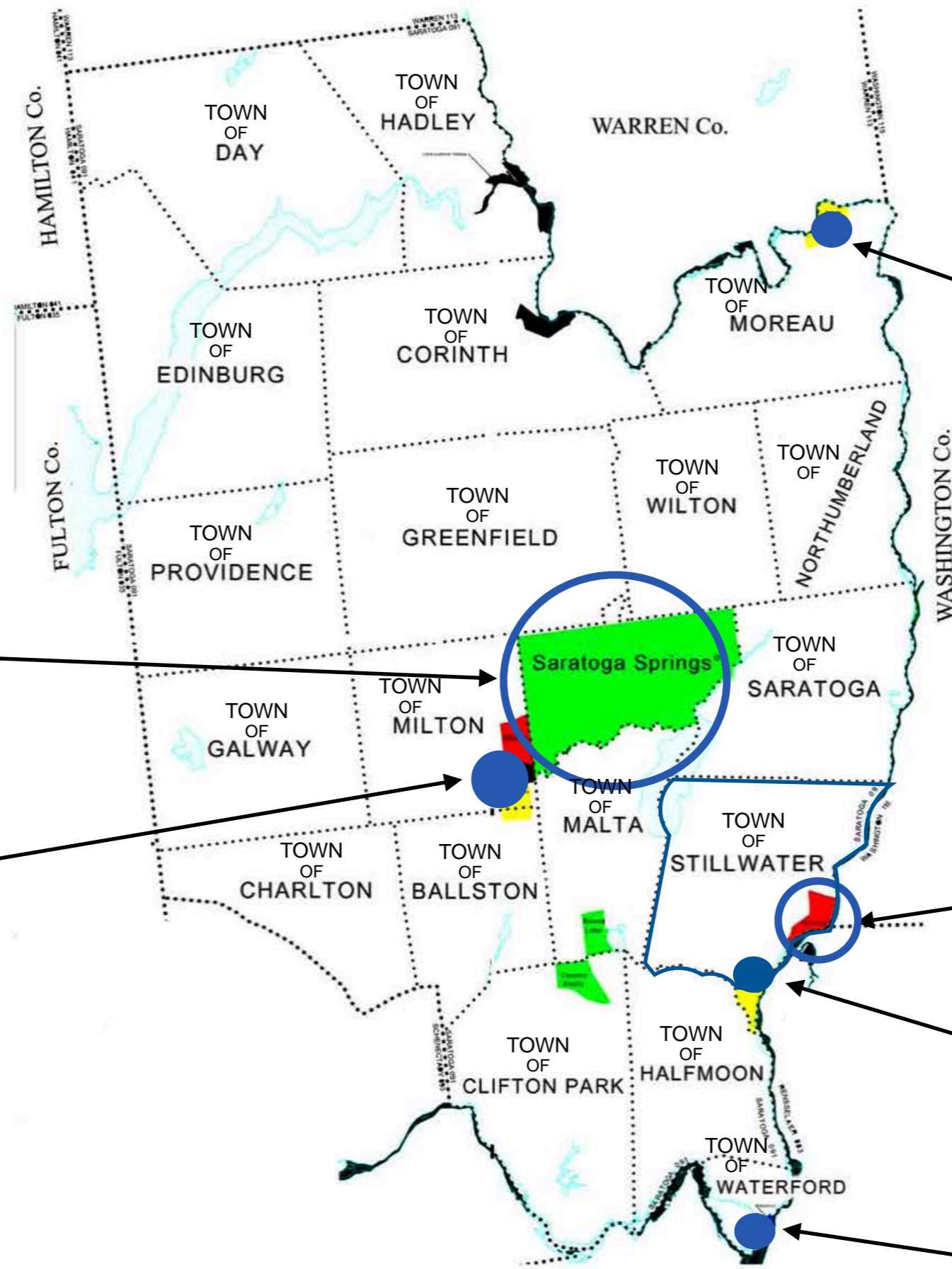
Available to assist other muni PD's



* Exception: Town of Stillwater has own PD



Municipalities
with
Police Depts. —
EO203 Plan
Required



Village of
So. Glens Falls

City of
Saratoga Springs

Village of
Ballston Spa

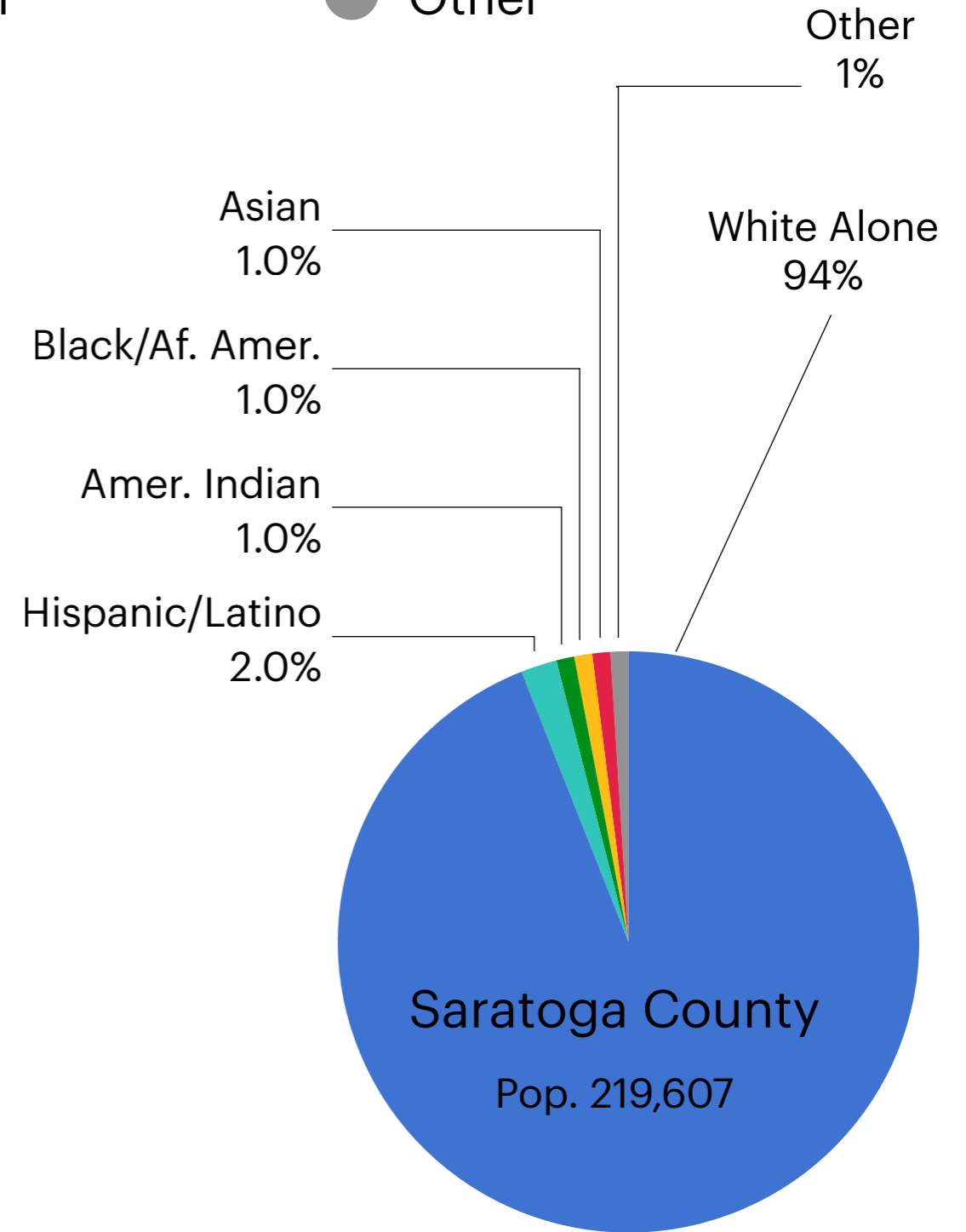
City of
Mechanicville

(Town &)
Village of
Stillwater

Village of
Waterford

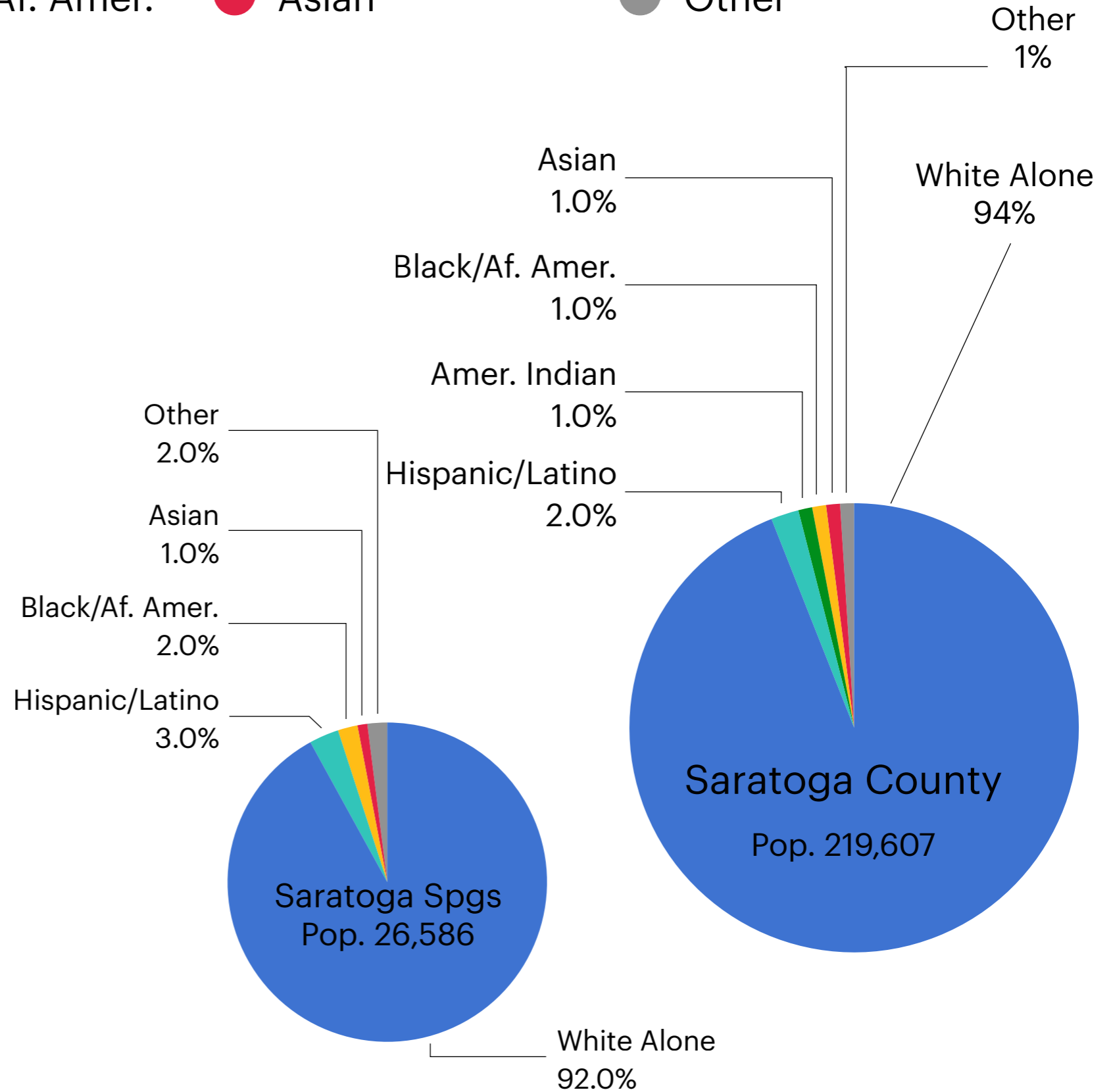
CENSUS by RACE : SARATOGA Co./ Muni's w. Police Depts

- White Alone
- Black/Af. Amer.
- Hispanic/Latino
- Asian
- Amer. Indian
- Other



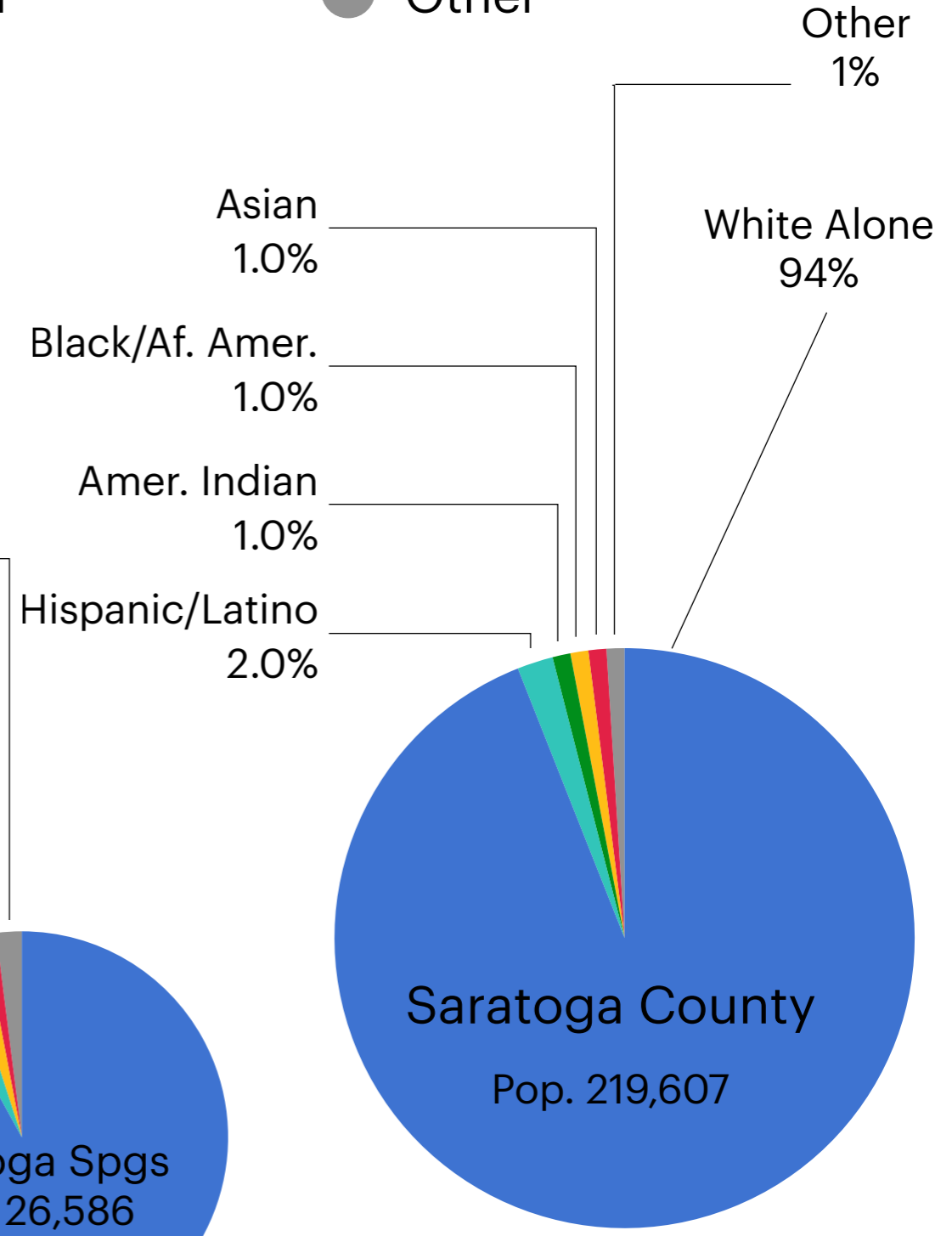
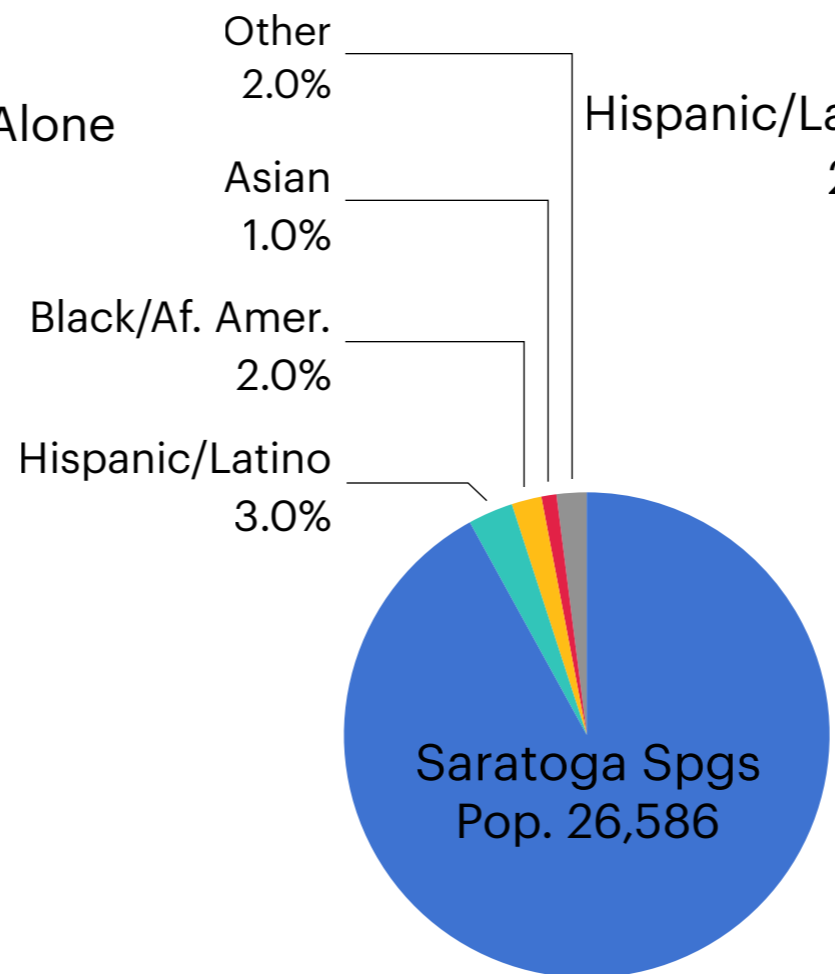
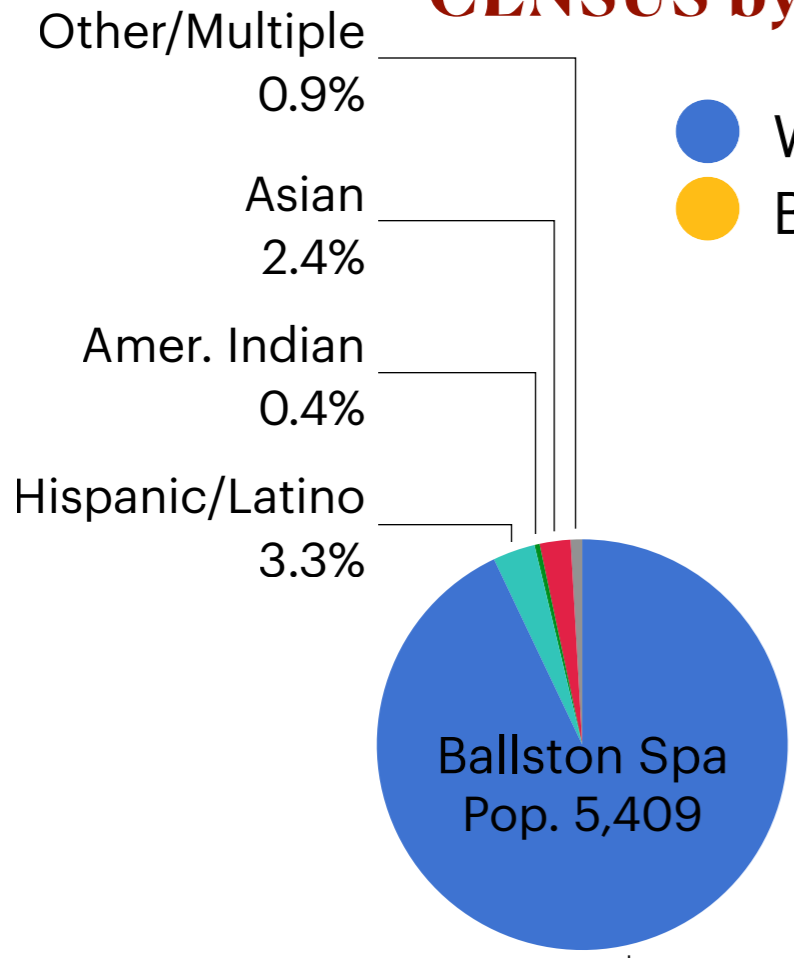
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- Other



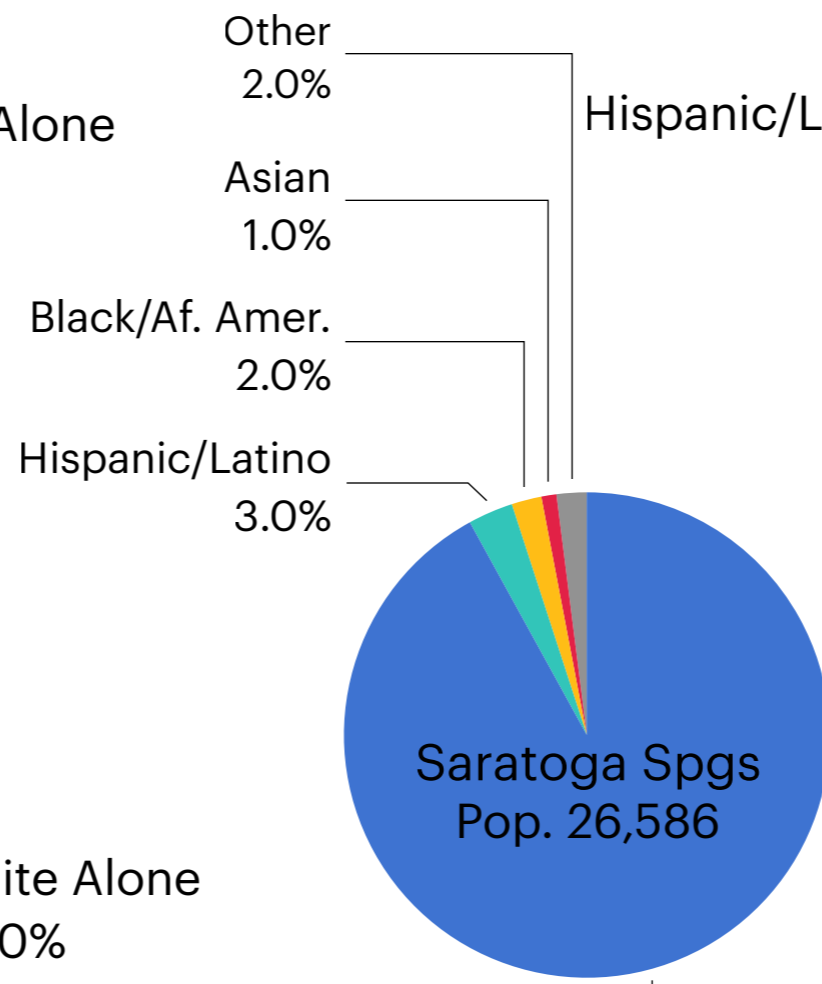
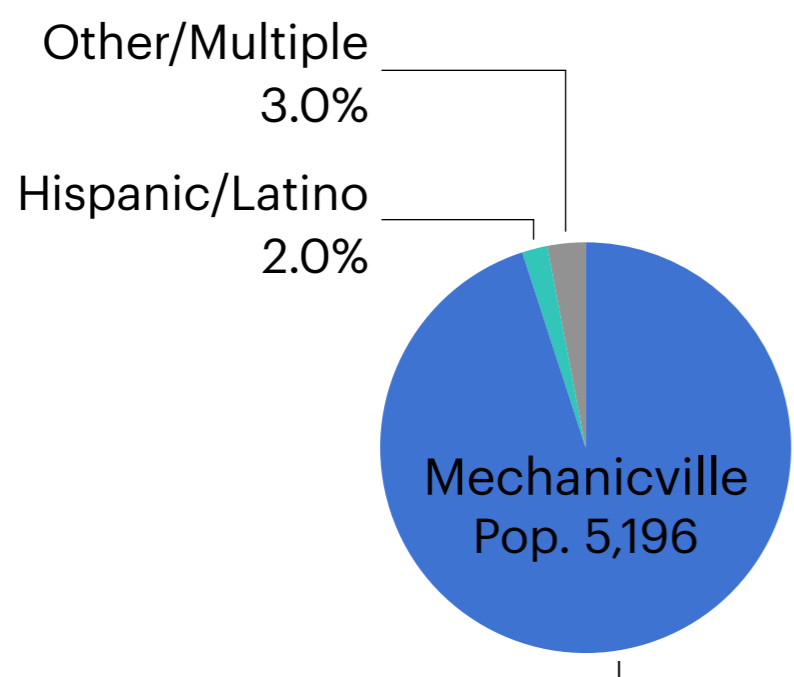
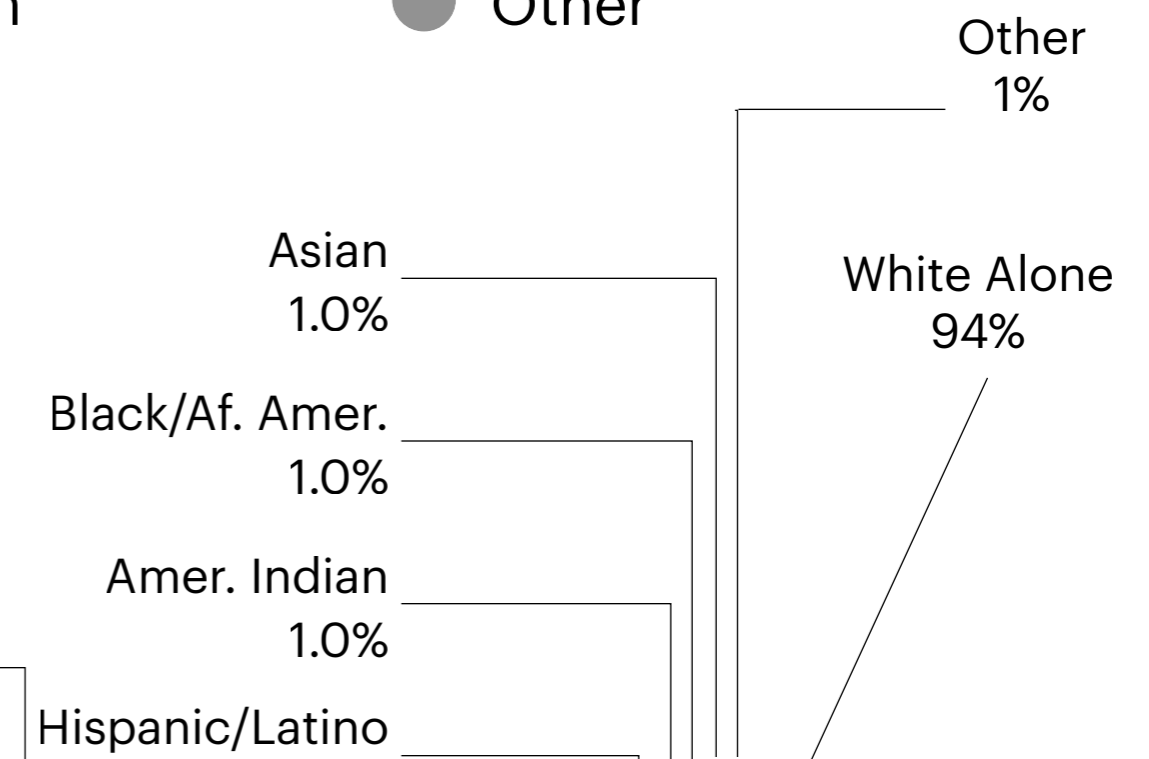
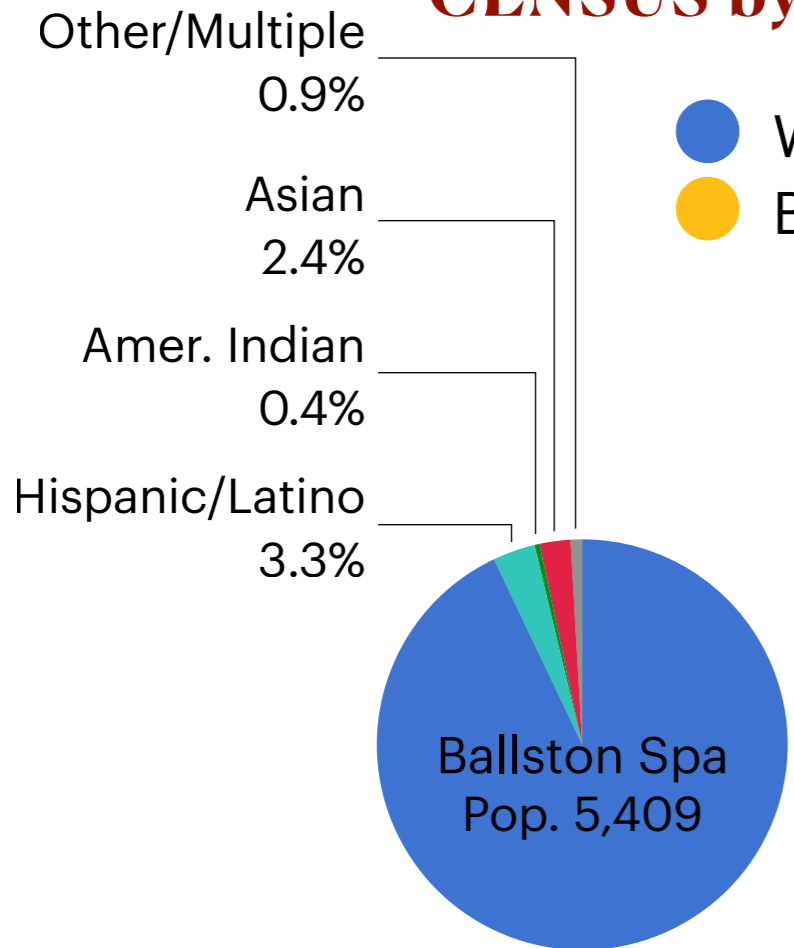
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- Other



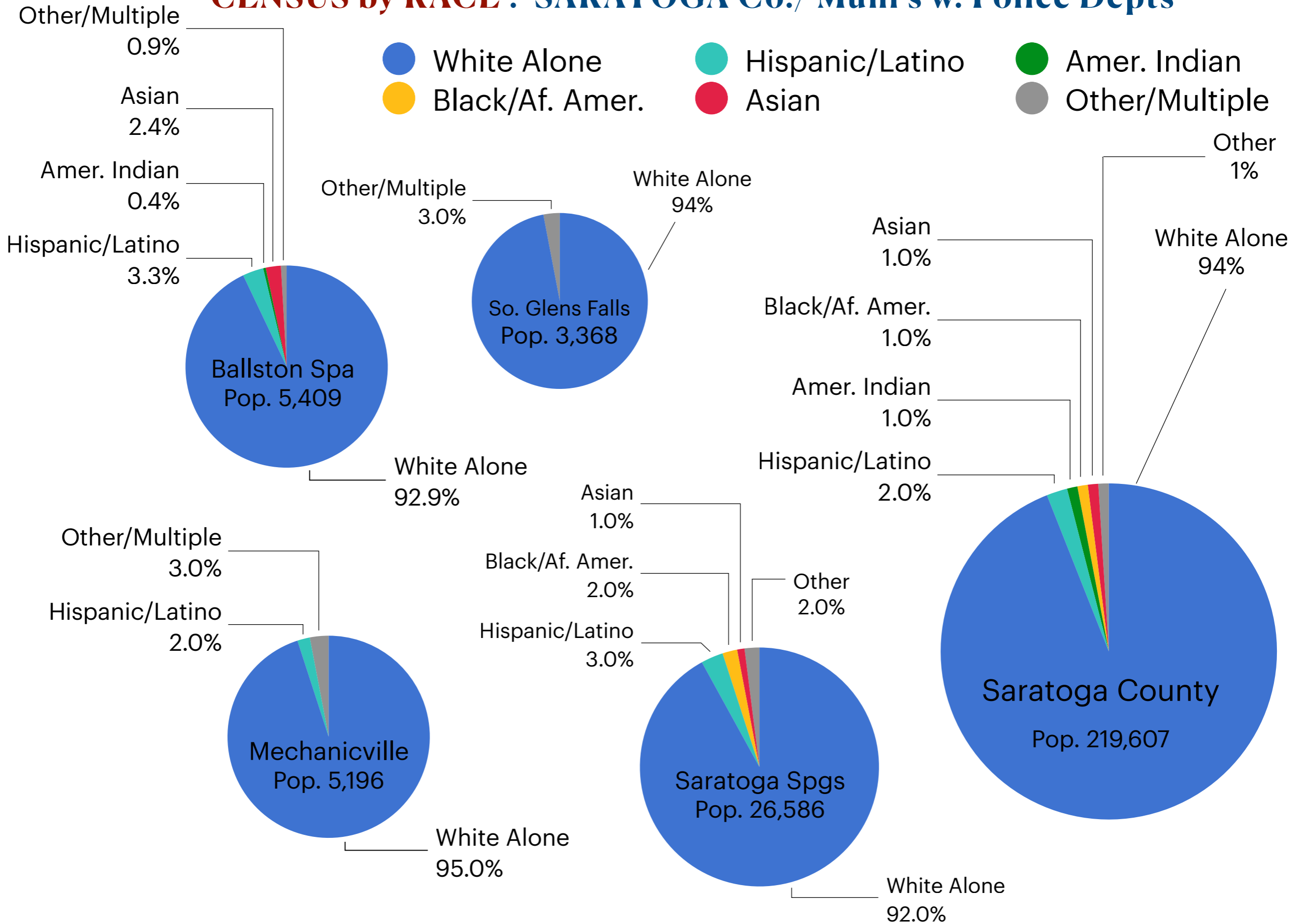
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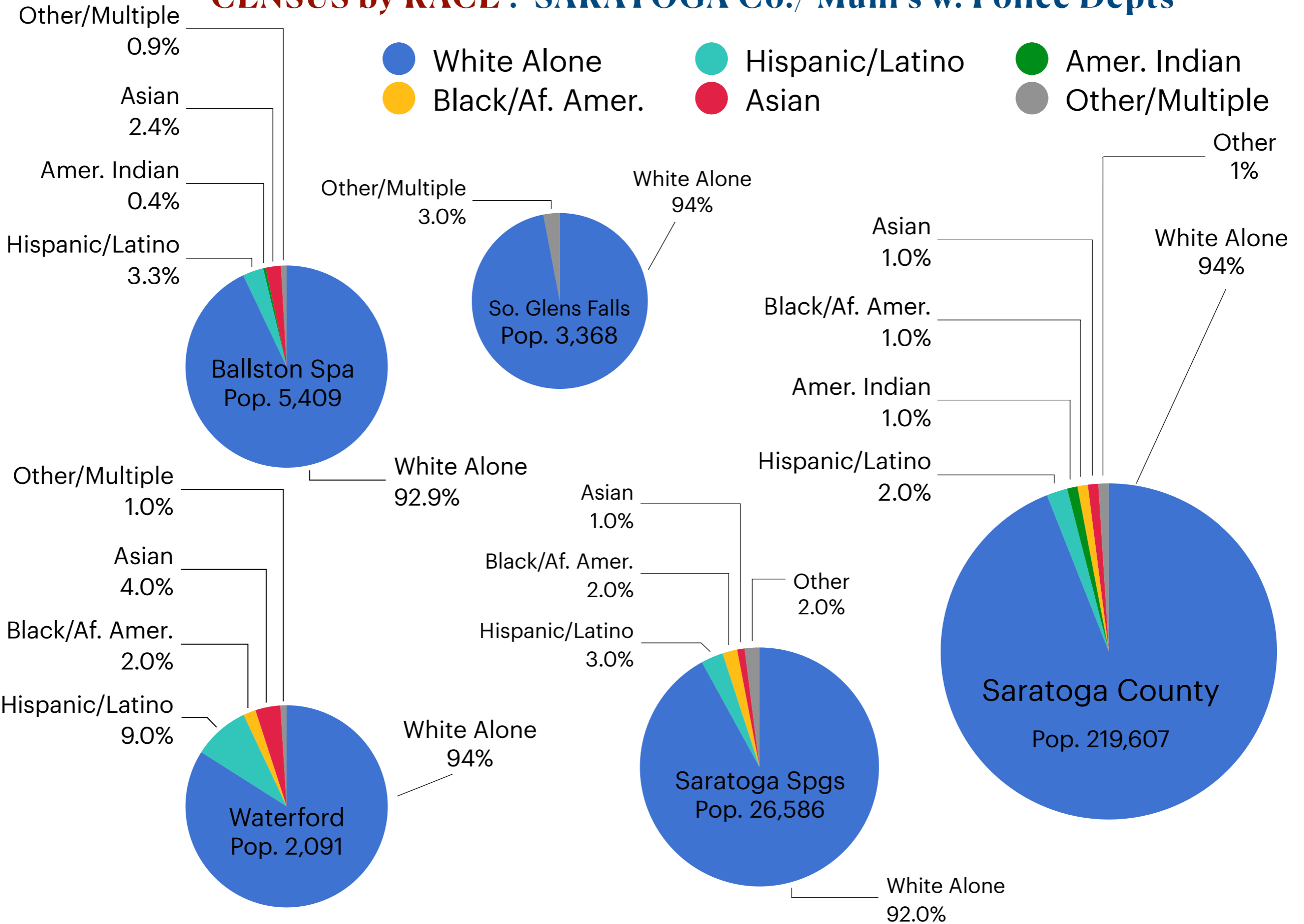
CENSUS by RACE : SARATOGA Co./ Muni's w. Police Depts

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- Asian
- Other/Multiple



CENSUS by RACE : SARATOGA Co./ Muni's w. Police Depts

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- Black/Af. Amer.
- Asian
- Other/Multiple



HIGHLIGHT:
Town & Village of Stillwater



Adoption of new Stillwater PD Policies **Pre-EO203** — Summer 2020

- Updated Police Commission Charter
- Updated SOP's: Use of Force
- Use of Tasers
- Domestic Violence
- Mental Health Crises
- Body Cams/Mobile Audio
- Body Armor

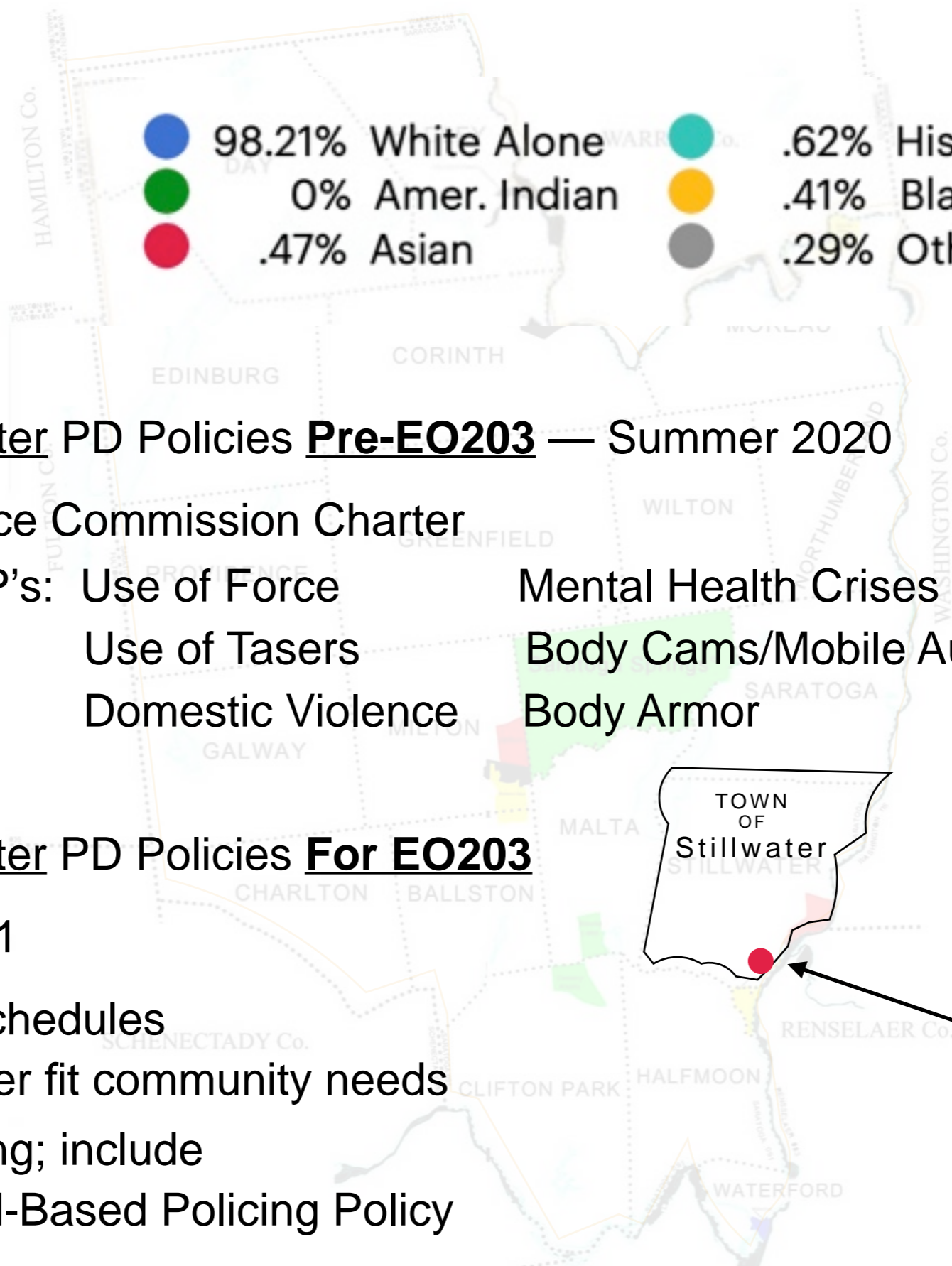
Adoption of new Stillwater PD Policies **For EO203**

— Adopted in May, 2021

- Adjust Patrol Schedules to better fit community needs
- Increase Training; include Biased-Based Policing Policy



Village of Stillwater





Selected EO203 PLAN FEATURES by Municipality

Note:

These graphs show only **SOME** of the **MAIN FEATURES** of the Muni plans.

MUNI								
Sar. Springs								
Ballston Spa								
Mechanicville								
So.Glens Falls								
Stillwater								
Waterford								

-  = Recommended in Plan
-  = Already in place

Selected EO203 PLAN FEATURES by Municipality

Establish a **C**ivilian **R**eview **B**oard = **CRB**

MUNI	CRB							
Sar. Springs	Under Review							
Ballston Spa								
Mechanicville	CRB*							
So.Glens Falls								
Stillwater								
Waterford								



- = Recommended in Plan
- = Already in place

Selected EO203 PLAN FEATURES by Municipality

Establish a **C**ivilian **R**eview **B**oard = **CRB**

Body **C**am/**D**ash **C**am = **BC/DC**

MUNI	CRB	BC/DC						
Sar. Springs	Under Review	BC/DC						
Ballston Spa								
Mechanicville	CRB*	BC/DC						
So.Glens Falls								
Stillwater		BC/DC						
Waterford		BC						

-  = Recommended in Plan
-  = Already in place

Selected EO203 PLAN FEATURES by Municipality

Establish a **C**ivilian **R**eview **B**oard = **CRB**

Body **C**am/**D**ash **C**am = **BC/DC**

Increase **B**ias **T**raining = **IBT**

MUNI	CRB	BC/DC	IBT					
Sar. Springs	Under Review	BC/DC	IBT					
Ballston Spa			IBT					
Mechanicville	CRB*	BC/DC	IBT					
So.Glens Falls			IBT					
Stillwater		BC/DC	IBT					
Waterford		BC						

- = Recommended in Plan
- = Already in place

Selected EO203 PLAN FEATURES by Municipality


Establish a **C**ivilian **R**eview **B**oard = **CRB**


Body **C**am/**D**ash **C**am = **BC/DC**

Increase **B**ias **T**raining = **IBT**

review/**r**evise **U**se of **F**orce **P**olicy = **rUFP** to comply with: "Eric Garner Anti-Chokehold Act;" prioritize de-escalation & alternatives to force; increase reporting, investigations & accountability on the use of force. (Slide "G. Floyd Justice in Policing Act")

MUNI	CRB	BC/DC	IBT	rUFP				
Sar. Springs	Under Review	BC/DC		rUFP				
Ballston Spa			IBT	rUFP				
Mechanicville	CRB*	BC/DC	IBT					
So.Glens Falls			IBT	rUFP				
Stillwater		BC/DC	IBT	rUFP				
Waterford		BC		rUFP				


 = Recommended in Plan


 = Already in place

Selected EO203 PLAN FEATURES by Municipality

review/revise Diversity in Recruitment = rDR

MUNI	CRB	BC/DC	IBT	rUFP	rDR			
Sar. Springs	Under Review	BC/DC	IBT	rUFP	rDR			
Ballston Spa			IBT	rUFP	rDR			
Mechanicville	CRB*	BC/DC	IBT					
So.Glens Falls			IBT	rUFP	rDR			
Stillwater		BC/DC	IBT	rUFP				
Waterford		BC		rUFP				

 = Recommended in Plan

 = Already in place

Selected EO203 PLAN FEATURES by Municipality

review/revise **D**iversity in **R**ecruitment = **rDR**

Increase **C**ommunity **O**utreach = **ICO**

May Include: Updates on #203 implementation

More transparency, accountability


Periodic Surveys


est./increase Foot and/or Bicycle patrols

Public Meetings

Person-to-Person interactions via website, portal, and/or "coffee talks"

MUNI	CRB	BC/DC	IBT	rUFP	rDR	ICO		
Sar. Springs	Under Review	BC/DC	IBT	rUFP	rDR	ICO		
Ballston Spa			IBT	rUFP	rDR	ICO		
Mechanicville	CRB*	BC/DC	IBT			ICO		
So.Glens Falls			IBT	rUFP	rDR	ICO		
Stillwater		BC/DC	IBT	rUFP		ICO		
Waterford		BC		rUFP		ICO		

 = Recommended in Plan

 = Already in place

Selected EO203 PLAN FEATURES by Municipality


review/revise **D**iversity in **R**ecruitment = **rDR**

Increase **C**ommunity **O**utreach = **ICO**

Mental Health **C**ommunity/**M**ental Health **O**fficers = **MC/MO**

These muni's included BOTH Mental Health training/referrals aimed at community members & establishing/increasing mental health resources for Police Officers.

MUNI	CRB	BC/DC	IBT	rUFP	rDR	ICO	MC/ MO
Sar. Springs	Under Review	BC/DC	IBT	rUFP	rDR	ICO	MC/ MO
Ballston Spa			IBT	rUFP	rDR	ICO	MC/ MO
Mechanicville	CRB*	BC/DC	IBT			ICO	
So.Glens Falls			IBT	rUFP	rDR	ICO	MC/ MO
Stillwater		BC/DC	IBT	rUFP		ICO	MC/ MO
Waterford		BC		rUFP		ICO	MC/ MO

 = Recommended in Plan

 = Already in place

Selected EO203 PLAN FEATURES by Municipality

Crime Prevention through Environmental Design = CPED To reduce crime, decrease fear

Semi-public spaces; community events; multi-land use (parks, food shops, str. vendors, sports)


Maintenance/beautification: to discourage crime & foster residents' sense of "ownership"

Clear sight-lines, improved lighting = "natural surveillance;" (linked walkways btwn. 'hoods, shared events)

Community Watch/Community Policing (officer foot patrols, etc.)

Foster ethnic, cultural, income level, & age diversities

MUNI	CRB	BC/DC	IBT	rUFP	rDR	ICO	MHC/ MHO	CPED
Sar. Springs	Under Review	BC/DC	IBT	rUFP	rDR	ICO	M/M	
Ballston Spa			IBT	rUFP	rDR	ICO	M/M	
Mechanicville	CRB*	BC/DC	IBT			ICO		
So.Glens Falls			IBT	rUFP	rDR	ICO	M/M	CPED
Stillwater		BC/DC	IBT	rUFP		ICO	M/M	
Waterford		BC		rUFP		ICO	M/M	

 = Recommended in Plan

 = Already in place

Passed House (March 3, 2021) [—currently in Senate—] George Floyd Justice in Policing Act of 2021



Increase accountability for law enforcement misconduct,
restrict the use of certain policing practices,
enhance transparency and data collection, and
establish best practices and training requirements.

.....Among other things, it will do the following:

- lower the criminal intent standard—from “willful,” to “knowing or reckless”—to convict a law enforcement officer for misconduct in a federal prosecution
- limit “qualified immunity” as a defense to liability in a private civil action against a law enforcement officer
- grant administrative subpoena power to the Department of Justice (DOJ) in pattern-or-practice investigations.....

Pattern-or-Practice Investigations

Violent Crime Control and Law Enforcement Act of 1994

gave DOJ the authority to conduct pattern-or-practice investigations — in the aftermath of the vicious beating of Rodney King by LAPD officers.

- Aim at systemic problems, not individual officers
- Civil, not criminal, investigations by the DOJ
- Allow Justice Dept. to sue any law enforcement entity that engages in

“a pattern or practice of conduct ... that deprives persons of rights, privileges, or immunities secured...by the Constitution or laws of the United States.”

Passed House (March 3, 2021) [—not yet Senate—] George Floyd Justice in Policing Act of 2021 (cont'd)



- establish a framework to prevent and remedy racial profiling by law enforcement at the federal, state, and local levels.
- limit the unnecessary use of force
- restrict the use of no-knock warrants, chokeholds, and carotid holds.
- create the National Police Misconduct Registry
- establish new reporting requirements, including on the use of force, officer misconduct, & routine policing practices (e.g., stops and searches).
- direct DOJ to create uniform accreditation standards for law enforcement agencies
- require officers to complete training on racial profiling, implicit bias, and the duty to intervene when another officer uses excessive force.

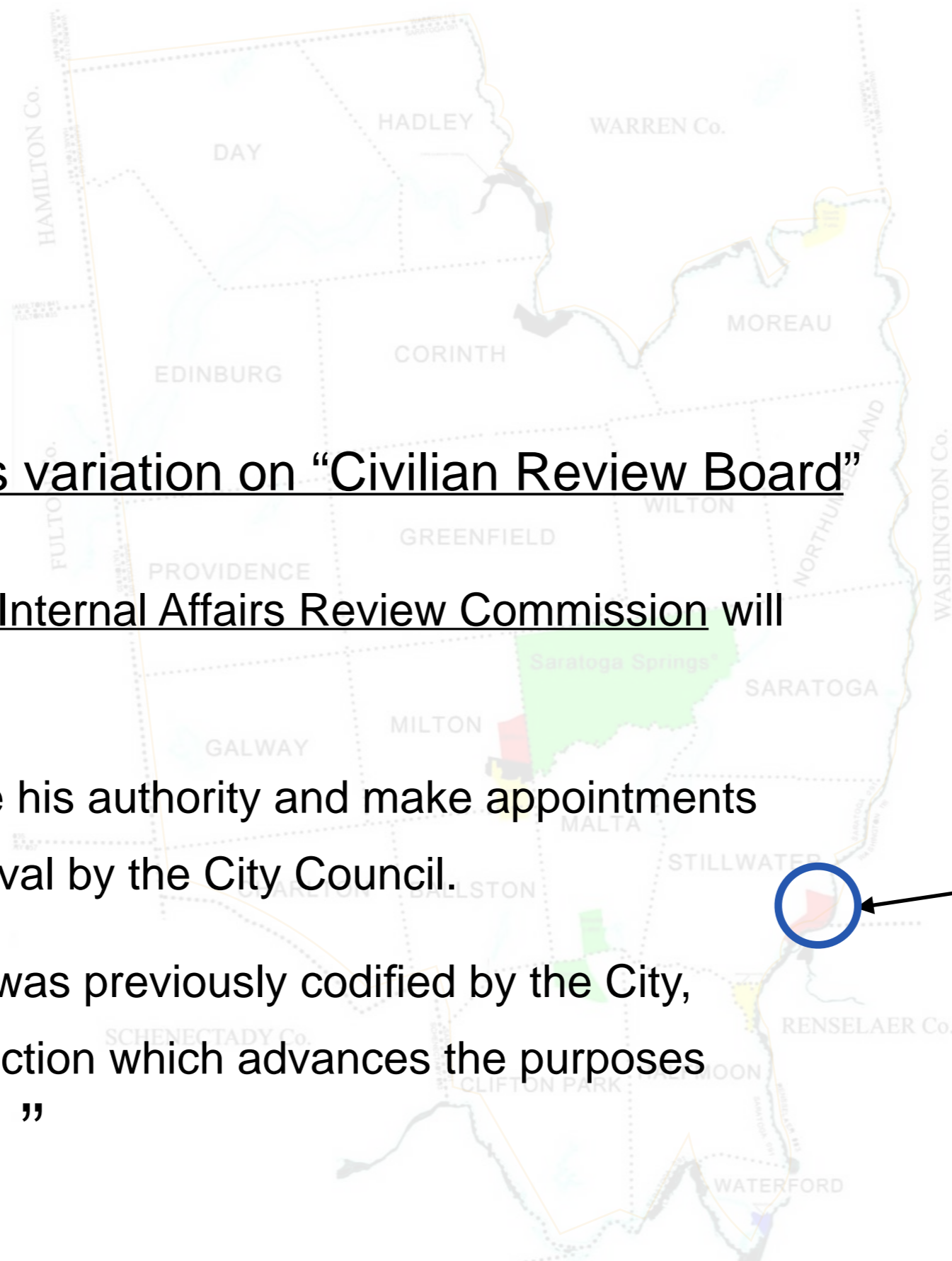
HIGHLIGHT:
City
of
Mechanicville

Re: Mechanicville's variation on "Civilian Review Board"

" The Police-Civilian Internal Affairs Review Commission will be restarted.

The Mayor will exercise his authority and make appointments to be referred for approval by the City Council.

The Committee, which was previously codified by the City, serves an important function which advances the purposes of Executive Order 203. "



City of
Mechanicville



HIGHLIGHT: City of Saratoga Springs
4 items: UNDER REVIEW

Comments by SS City Council re: Items under review

1. Prohibiting No-Knock Warrants

- “...are and should be rarely, if ever, utilized”
- always requires app. & review by a judge: if evidence will be destroyed, or officer’s life would be in danger
- “recognizes existing debate” including possible passing of G. Floyd Justice in Policing Act banning No-Knock Warrants in drug cases



HIGHLIGHT: City of Saratoga Springs
4 items: UNDER REVIEW

Comments by SS City Council re: Items under review

1. Prohibiting No-Knock Warrants
2. Terminating Paramilitary & other training fostering violent PD overreach; prohibiting outside depts. entering the City with military equipment.
 - Sar. Springs does NOT participate in DOD1033 (the transfer of excess DOD supplies & equipment to state, county, & local govts.)
 - “...current PD training is consistent with state & federal...guidelines”
 - has no authority to control weapons used by county, state, or federal agencies, & no authority to ban them from entering City boundaries.



HIGHLIGHT: City of Saratoga Springs
4 items: UNDER REVIEW

Comments by SS City Council re: Items under review

1. Prohibiting No-Knock Warrants
2. Terminating Paramilitary & other training fostering violent PD overreach; prohibiting outside depts. entering the City with military equipment.
3. Diverting Seized Assets to community service orgs/restorative groups.
 - “...funds seized through asset forfeiture are strictly governed... [and] must comply with applicable requirements, and be used for law enforcement purposes.”
 - S. S. has historically received only minimal asset forfeiture funds.

HIGHLIGHT: City of Saratoga Springs 4 items: UNDER REVIEW

Comments by SS City Council re: Items under review

1. Prohibiting No-Knock Warrants
2. Terminating Paramilitary training; No outside depts. entering City with military equipment
3. Diverting Seized Assets to community service orgs/restorative groups
4. Civilian Review Board

“...City Council approves the Task Force recommendation...in principle while calling for an evaluation and review...[of] potential legal, union, Charter and community elements that could impact the ability to adequately develop a Civilian Review Board...

... The review will be conducted by an independently appointed panel with monthly updates to both the City Council and the public...

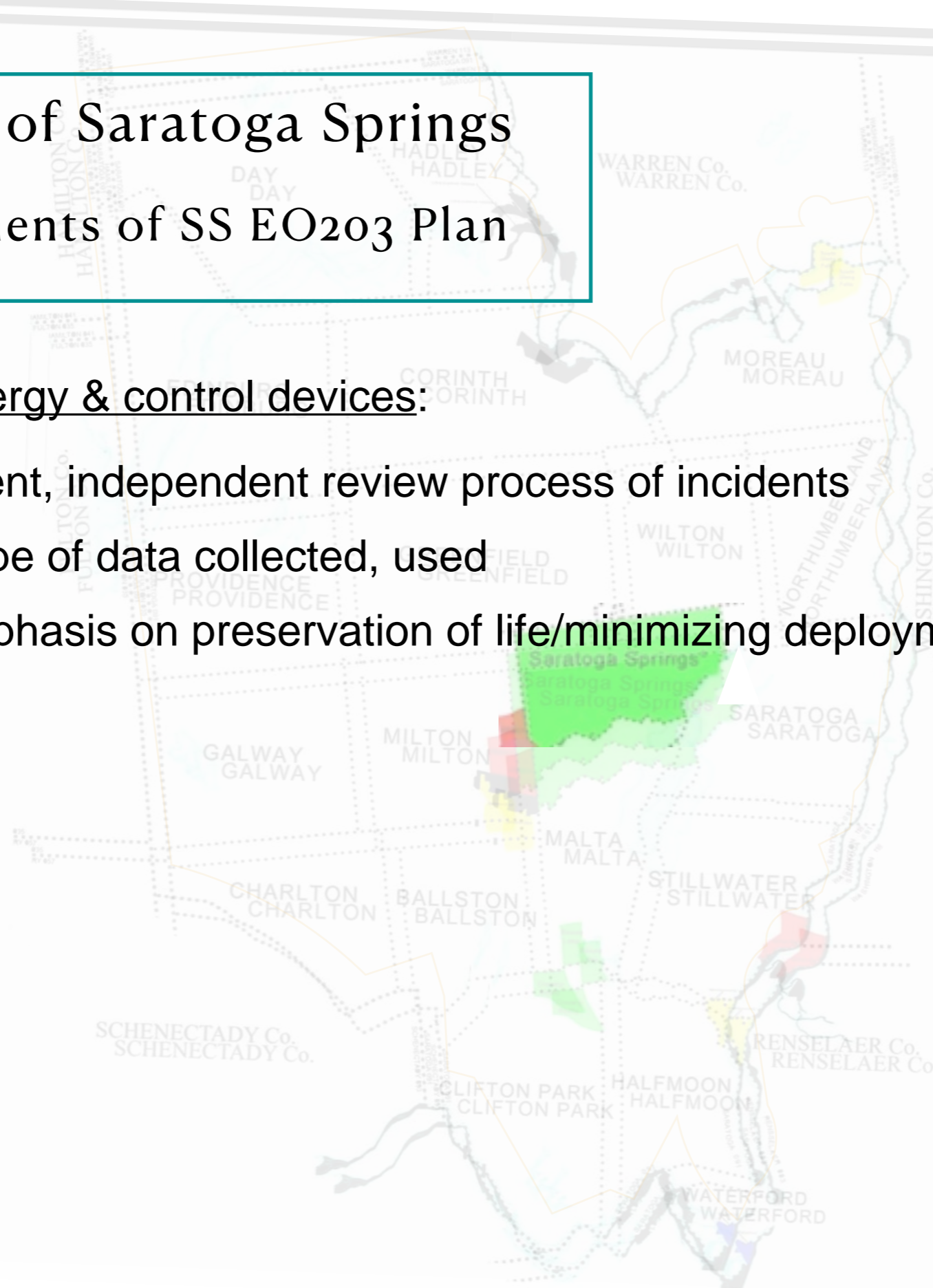
At the end of the review period, and based on the totality of findings, the City Council, with input from the community, will make a final determination.”

HIGHLIGHT: City of Saratoga Springs

Add'l Adopted Elements of SS EO203 Plan

Tasers & other energy & control devices:

- more stringent, independent review process of incidents
- expand scope of data collected, used
- training: emphasis on preservation of life/minimizing deployment, injury



HIGHLIGHT: City of Saratoga Springs

Add'l Adopted Elements of SS EO203 Plan

Tasers & other energy & control devices:

Community-Centered Reinvention

- Collab pilot program: social services work with, not for, PD's
- Invest (\$) in innovative bio-psycho-social services:
 - Mitigating Police involvement, encounters
 - Allowing more involvement of behavioral, crisis professionals as 1st responders
 - Eval/develop pre-arrest diversion (pilot) program (i.e. CAHOOTS) to reduce police encounters with unhoused & mentally ill individuals.
 - Invest in local programs re: food/housing insecurity

HIGHLIGHT: City of Saratoga Springs

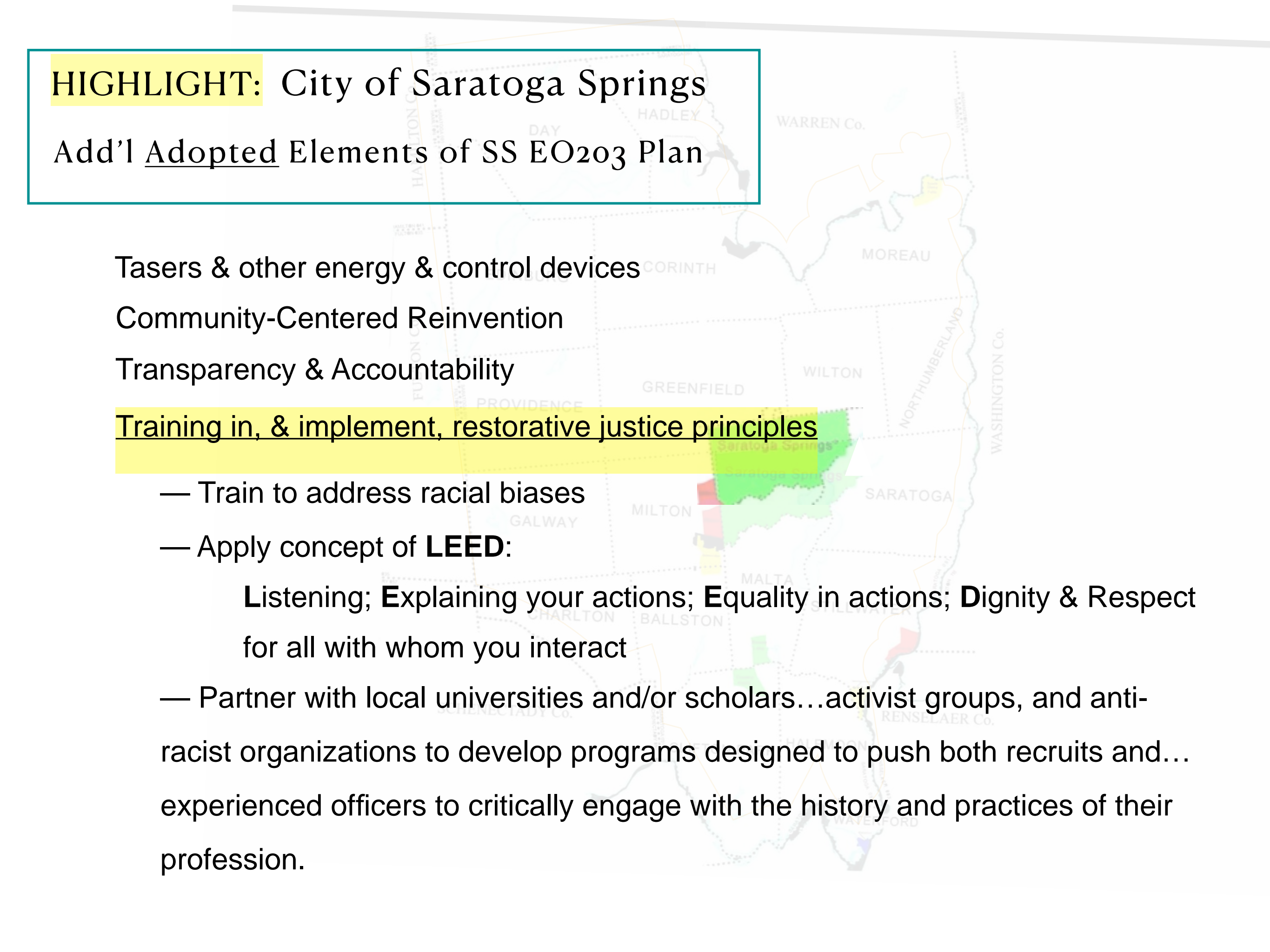
Add'l Adopted Elements of SS EO203 Plan

Tasers & other energy & control devices

Community-Centered Reinvention

Transparency & Accountability

- Prioritize dev./analysis of race-related data, other demographics
- Learn/adopt a culture re: data & its use
- Create Public Collab. Forum that involves Youth
- “Seek additional resources, when available, to staff a database manager within the PD.”
- Revise Complaint Form and filing process



HIGHLIGHT: City of Saratoga Springs

Add'l Adopted Elements of SS EO203 Plan

Tasers & other energy & control devices

Community-Centered Reinvention

Transparency & Accountability

Training in, & implement, restorative justice principles

— Train to address racial biases

— Apply concept of **LEED**:

Listening; **E**xplaining your actions; **E**quality in actions; **D**ignity & Respect
for all with whom you interact

— Partner with local universities and/or scholars...activist groups, and anti-racist organizations to develop programs designed to push both recruits and... experienced officers to critically engage with the history and practices of their profession.

— Our Next Guests —

Sheriff Michael H. Zurlo

&

Undersheriff Richard Castle

of Saratoga County

Michael S. Prezioso, Phd.

Dept. Mental Health & Addiction Svces.

of Saratoga County;

Ass't. Prof. Of Psychiatry,

U. Of Albany

