

Broome County
Police Review Taskforce

Location: Zoom Video Conference Meeting

Date: December 15, 2020

Time: 1:00 p.m.

MINUTES

Meeting Called to Order 1:03 p.m.

Members Present: Kevin McManus, Colleen Wagner, Amber Jennings, Sammy Davis, Mike Korchack, Michael Baker, Nancy Williams, Sandra Felton, Kathleen Newcomb, Mario Williams, Scott Baker, Kim Myers

Members Absent: N/A

Previous Meeting Minutes Approved

Deputy County Executive McManus: Introduction to Broome County Legislator Kim Myers
Turn it over to Captain Newcomb for Agenda

Captain Newcomb: Overview of Sheriff's Office and Strategies for Law Enforcement

- BCSO patrols more of the rural areas of the county that are not covered by local jurisdictions (Binghamton, Endicott, Vestal, JC)
 - Share that role with NYSP
 - Covers a big diverse area - 65% rural 35% suburbia
- Cover 15 townships, 3 villages not patrolled by their own police force
- Reports are prioritized as they come in
 - Breakdown:
 - 40% Emergency/Priority 1
 - 36% Priority 2
 - 24% Priority 3-4
- 24/7 - 365 days a year agency
- Handle a wide range of calls – can be anything from a cat in a tree call to full blown emergency.

How we respond to calls for service? Proactive/Reactive

Proactive Enforcement: Targeted/Focused Aspect of Law Enforcement

- DWI Stop Check Point
- Targeted area for speeders
- Develop proactive policing several ways
 - Broome County GIS/Crime mapping
 - Crime Trends - ex. porch pirates this time of year
 - Complaints from the public - ex. Drug activity in an area that the public tips off

Accountability for Personnel:

- How misconduct is handled with own personnel
 - Supervisory staff determines if someone is not doing their job effectively. This is brought to attention of supervisory staff and then issue is addressed
 - Ex. poor work performance
- Complaints from the public: Investigated fully, make every attempt to confirm if it is a founded complaint or unfounded.
 - Brought to administrative staff through chain of command
 - Determination made how to proceed
 - Action can be taken against employee - historically done through formal disciplinary office.
 - Variety of different ways to be reprimanded.
- In the past 7 years:
 - 2014 – 0 founded complaints
 - 2015 – 0 founded complaints
 - 2016 – 1 founded complaint
 - 2017 – 0 founded complaints
 - 2018 – 1 founded complaint
 - 2019 – 1 founded complaint
 - 2020 – 1 founded complaint

Question & Answer

1. **Mario Williams:** How do you determine staffing need/Do you have adequate staffing to cover that territory?
Captain Newcomb: The number of positions determined by the Broome County Budget process. The Sheriff determines if there are enough and makes recommendations to have additional positions approved by the Broome County Executive and Legislature if needed.
2. **Mario Williams:** How much do you work with neighborhood watch?
Captain Newcomb: We have a deputy assigned to that and participates in neighborhood watch programs.

3. **Mario Williams:** EAP - What programs do you provide for your officers?
Captain Newcomb: This is something we are going to touch on later in the discussion.
4. **Kevin McManus:** During disciplinary issue – you offer union representation, could you describe the process?
Captain Newcomb: During an investigation when it comes time to speak to the employee, they are invited to come with union representative to ensure that the employee’s rights are being met and dealt with fairly. Union representation follows the employee throughout entire process.
5. **Kim Myers:** When someone calls 9-1-1 - how do you determine which agency answers the call?
Captain Newcomb: This is Handled by the Office of Emergency Services when the call is received. The call is directed into the 9-1-1 center and dispatched based on address/geomapping to the jurisdiction they are in.
6. **Mario Williams:** What is the average response time for a call?
Captain Newcomb: If it is a lower priority call - how they respond to that is dictated without a time constraint. For example, a car parked on the side of the highway, unoccupied, might be checked on at some point during shift. Higher priority call gets responded to in minutes unless it is an outlying, difficult to reach area. Not every area we cover is accessible by highway. The minimum staffing requirements on each shift is 4 people per shift. Response time can also be hampered by call volume.

Sergeant Davis: Stop, Search, Seizure

Anyone who gets into law enforcement goes to the academy. There is a DCJS checklist that has a minimum standard sheet of what they have to learn.

Stops, Searches and Seizures:

1. Personal contact with people that are just walking about
 - a. Departmental Policy and Case Law
 - i. Law established by judicial decision in cases
 1. People v. Debour
 - a. Level I Objective Credible Reason - Approach to request information
 - b. Level II Founded Suspicion - Common law right of inquiry
 - c. Level III Reasonable Suspicion - Stop and Frisk (in fear of weapon)
 - d. Level IV Probable Cause - Arrest and full search
 - ii. A lot of our training is lecture based

2. Vehicle Stops
 - a. There is no numerical goal for summonses or warnings (no quotas)
 - b. Part of law enforcement's responsibility is to uphold the vehicle and traffic laws

Question & Answer

1. **Kim Myers:** Recruitment - hours of training - academy graduates - hired by any number of municipalities?
Sergeant Davis: To attend our academy you have to be hired by an agency. Over the past years we have been getting people here from all over the state to our academy.
2. **Kim Myers:** Are you seeing a decrease in young people seeking a career in law enforcement?
Sergeant Davis: Yes, and we are seeing people retiring early and a need to fill those slots
3. **Amber Jennings:** Stop/Frisk – is the fear of a weapon what governs it?
Sergeant Davis: Yes – they need a reason to do so.
4. **Mario Williams:** Do all officers wear bodycams?
Sergeant Davis: In our department every officer wears a bodycam when they are doing their duties. We have policies on when they should be on/off.

Sergeant Davis: Crowd Control - People are allowed to gather

Law enforcement's role

1. The crowds' safety and other bystanders' safety
2. Deter members from committing any crimes
3. Protect property nearby

Use of Force:

The amount of effort a law enforcement official uses to get an unwilling subject to become compliant.

Policy: All officers may use only that level of force that is necessary and reasonable in performance of their duties within the limits established by article 35 of the New York State Penal Law and consistent with the training given by the BCSO. It is the responsibility of each officer to be aware of the requirements of Article 35 and Defence of Justification 35.00 - 35.30 which will be provided during annual training in conjunction with firearms training (revised 5/99)

Article 35, New York State Penal Law

A law enforcement officer in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he reasonably believes to have committed an offense, may use physical force when and to the extent he reasonably believes such to be necessary to effect the arrest or to prevent the escape from custody, or to defend himself or a third person from what he reasonably believes to be the use or imminent use of physical forces. (revised 10/20)

Words of Importance:

Reasonable - not extreme or excessive, moderate fair

Necessary - absolutely needed, required

Force continuum

A use of force continuum is a standard that provides law enforcement officers and civilians with guidelines as to how much force may be used against a resisting subject in a given situation.

Use of force policy online:

<https://gobroomecounty.com/sites/default/files/dept/sheriff/pdfs/BCSOUseOfForcePolcy.pdf>

Kim Myers: How often does this get revisited with officers?

Sergeant Davis: Every single year during in-service curriculum

Sergeant Davis: Inservice Training

Examples of Training Done Include:

- Legal Updates
- CPR
- De-Escalation
- Cultural Diversity
- Crisis Respite House & Autism,
- Use of force/firearms training mandated to do once a year

Racial Bias Training BCSO has taken the initiative over the years to work with community partners - has been a challenge in the past to get people to come in to participate

Kevin McManus: Reality Based Training - can you give us some examples?

Sergeant Davis: This is when we take case law and try to recreate the situation. It can often be used as a great teaching moment.

Sergeant Davis: Training

- We can't do training 100% in-house

- We send people wherever we can to get good training - So they can bring those things back home
- We do a lot of things inhouse - and some outsourcing throughout the year
- My job as an instructor is to do the best with what I am given and work with it.

Comments:

Mike Korchack: The DA's office is going to be involved in in-service training this year. I just want to clarify that we teach by case law. Those are cases that have worked their way up through the courts - reviewed police procedures and practices - what is proper/improper. For example, last year covered new discovery laws. Bodycameras are turned over to lawyers early on in proceedings. It is important to stress to the public how valuable these bodycams are. You can clear up a lot. The camera tells the truth which is an important issue for the public to know about.

Captain Newcomb: What we noticed when we went to body worn camera - our calls for lower offenses - complaints like officers being rude, those complaints all but disappeared – they are a great thing.

Question & Answer

1. **Mario Williams:** What are we doing about educating our public?

Captain Newcomb: We have an open-door policy with the media. We try to communicate with the public through those news story, utilize our social media platforms and try to be transparent and educate the public

Kevin McManus – Meeting Wrap-up

MEETING ADJOURNED 2:27 p.m.