

AGENDA
Special Council Meeting
Monday, March 29, 2021
6:00 PM

Due to public health and safety concerns related to COVID-19 and in accordance with the Governor's Executive Order 202.1, remote attendance for this meeting will also be offered via videoconferencing using GoToWebinar.com and a transcript will be provided at a later date.

The public will have an opportunity to participate in the meeting in accordance with §AR-17(G) of the Ogdensburg Municipal Code using the following link:
<https://attendee.gotowebinar.com/register/5643028339154519566> or by calling 1-415-655-0052 and entering Access Code #154-401-094. The public can preregister to attend the meeting by using the link above.

Those who are only able to attend by telephone and do not have a device to view the meeting (i.e., desktop, laptop, tablet/ipad, smartphone) will not be able to be unmuted for Public Hearings, Personal Appearance or Citizen Participation during the meeting. Those people are encouraged to request their comments be read at the meeting by sending a message to cjock@ogdensburg.org before 4pm on Monday, March 29, 2021. If those people are unable to send their comments by email, please call the City Clerk's Office at 315-393-3540 before 3pm on Monday, March 29, 2021.

I. Pledge of Allegiance

II. Call to Order

III. Personal Appearance

Comments will only be allowed regarding the Ogdensburg Police Reform Collaborative

IV. Items for Council Action

1. A resolution to approve the Ogdensburg Police Reform Collaborative Action Plan. (Bill #20)

V. Adjournment

Business of the City Council
City of Ogdensburg

SUBJECT: Resolution to approve the Ogdensburg Police Reform Collaborative Action Plan.
FOR AGENDA OF: March 29, 2021
BILL #: 20
DEPT. OF ORIGIN: City Manager
DATE SUBMITTED: March 25, 2021
APPROVED AS TO FORM BY CITY ATTORNEY
EXHIBITS: Resolution & Action Plan
APPROVED BY CITY MANAGER FOR SUBMITTAL

EXPENDITURE REQUIRED: -0- AMOUNT BUDGETED: -0- APPROPRIATION REQUIRED: -0-

SUMMARY STATEMENT

A resolution to approve the Ogdensburg Police Reform Collaborative Action Plan.

RECOMMENDED ACTION

Approval of resolution.

MOVED BY: _____ SECONDED BY: _____

VOTE ON ROLL CALL:

MAYOR SKELLY _____ COUNCILLOR DILLABOUGH _____

COUNCILLOR FISHER _____ COUNCILLOR KENNEDY _____

COUNCILLOR POWERS _____ COUNCILLOR RISHE _____

COUNCILLOR SKAMPERLE _____

RESOLUTION TO APPROVE THE OGDENSBURG POLICE REFORM COLLABORATIVE ACTION PLAN

WHEREAS, on June 12, 2020 Governor Andrew Cuomo issued Executive Order 203 titled “New York State Police Reform and Reinvention Collaborative”, which directed each local government entity having a police agency operating with police officers to perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and to develop a plan to improve such deployments strategies, policies, procedures, and practices for the purpose of addressing particular needs of the communities served by the police agency and to promote community engagement to foster trust, fairness and legitimacy, and to address any racial bias and disproportionate policing of communities of color; and

WHEREAS, the Ogdensburg City Council established a Police Reform Community Stakeholder Committee to evaluate policing policy and procedures, to develop recommendations, and to gather community input; and

WHEREAS, the inaugural Police Reform Community Stakeholder Committee meeting was held on January 26, 2021, and included a broad spectrum of community members and City Administration including City Manager Stephen Jellie; Chief of Police Robert Wescott; St. Lawrence County District Attorney Gary Pasqua; St. Lawrence County Public Defender James McGahan; Father Christopher Carrera of the Roman Catholic Diocese of Ogdensburg; Mary Joly Wills, a retired school teacher and current Director of the St. Lawrence County People Project; Tom Luckie, Executive Director of the Ogdensburg Boys & Girls Club; Ogdensburg City School District Superintendent Kevin Kendall; Anthoni Pope, a recent college graduate and resident of the City; and Tyler Carrow, a Registered Nurse who works in the mental health field and resident of the City. The Stakeholder Committee developed a plan entitled the “City of Ogdensburg Police Reform Collaborative”, setting forth the goals and procedures for developing an action plan. A subsequent meeting of the Stakeholder Committee was held on February 17, 2021. The Stakeholder Committee developed a draft police reform action plan which it offered for public comment. The Stakeholder Committee held two open meetings for community input, the first on March 9, 2021 at 2:00 p.m. and the second on March 9, 2021 at 6:00 p.m. A Stakeholder Committee meeting was held on March 18, 2021 to review the draft action plan which was made available to the Ogdensburg City Council and the public (via the City website) on March 19, 2021. A duly noticed special City Council meeting was held on March 29, 2021 to receive public comment and feedback on the “Police Reform and Collaborative Action Plan”, and those wishing to be heard were given the opportunity to speak; and

WHEREAS, the Stakeholder Committee’s proposed “Police Reform and Collaborative Action Plan” was considered by the Ogdensburg City Council at its March 29, 2021 Special City Council meeting. The Action Plan identifies a process for implementation of reform items; and

WHEREAS, the City Council has reviewed and considered the Committee’s proposed “City of Ogdensburg Police Reform and Collaborative Action Plan policy drafted in response to Executive Order No. 203;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby ratifies and adopts the City of Ogdensburg Police Reform Collaborative Action Plan at its meeting, a copy of which is attached to this Resolution; and

BE IT FURTHER RESOLVED, that the City of Ogdensburg Police Reform Collaborative Action Plan be filed with the New York State Governor’s office by April 1, 2021.

**CITY OF OGDENSBURG
POLICE REFORM AND COLLABORATIVE ACTION PLAN**

DRAFT



Target Timeline

- SHORT** 1-2 Years
- MEDIUM** 3-4 Years
- LONG** 5-6 Years

CATEGORY	REFORM ITEM	DESCRIPTION	IMPLEMENTATION ACTIONS	TARGET TIMELINE
EQUALITY & SOCIAL JUSTICE	1. Diversify and Increase Candidate Pools	Increase hiring diversity to better reflect community demographics.	Develop recruitment presentation and partner with a broad spectrum of community stakeholders to identify and provide presentation to potential candidate pools.	SHORT
EQUALITY & SOCIAL JUSTICE	2. Provide Test Training	Provide Civil Service test training to prepare applicants for the entry-level examination.	Partner with State University of New York at Potsdam University Police to provide test training and exam notifications for candidates expressing interest in applying for Civil Service examinations, and ensure the training and exam notices are widely advertised including to marginalized populations	SHORT

EQUALITY & SOCIAL JUSTICE	3. Expand Diversity and Bias Awareness Training	Expand diversity and bias awareness training to include marginalized populations such as Low Income, Substance Use Disorders, Minority, and LGBTQ+ communities, as well as training to recognize systemic racism.	Review implicit bias training to identify deficiencies and ensure marginalized populations are covered in expanded training opportunities.	SHORT
EQUALITY & SOCIAL JUSTICE	4. Identifying False Reports Concerning a Member of a Protected Class	Falsely Summoning a Police Officer - S.8492 (Parker)/A.1531-B (Richardson) Establishes civil penalties for summoning a police officer or peace officer when there is no reason to believe a crime or offense, or imminent threat to person or property, is occurring involving a member of a protected class. (Chapter 93, effective June 13, 2020)	Provide in-service training to reflect changes in New York State statutes and caselaw.	SHORT
CATEGORY	REFORM ITEM	DESCRIPTION	IMPLEMENTATION ACTIONS	TARGET TIMELINE
TRANSPARENCY & ACCOUNTABILITY	1. Require the Reporting of Police Acts or Omissions Resulting in a Person's Death to the Office of Special Investigation	Establish an Office of Special Investigation -S.2574-C (Bailey)/A.1601-C (Perry) –Establishes an Office of Special Investigation within the Office of Attorney General which will have investigative authority and criminal jurisdiction for any incident involving the death of a person caused by an act or omission by a police officer or a peace officer employed as a correction officer or contracted by an education, public health, social service, parks or housing agency. Where an investigation concludes that the death or matters relating to the death or investigation of the death involved criminal conduct, the office will be empowered to prosecute any such alleged offenses. (Chapter 95, effective April 1, 2021)	Waiting for the State to form the Office of Special Investigations and provide for guidance to local law enforcement for implementation.	SHORT

<p>TRANSPARENCY & ACCOUNTABILITY</p>	<p>2. Provide the Public Access to Personnel Records of Police Officers</p>	<p>Repeal of Civil Rights Law § 50-a - S.8496 (Bailey)/A.10611 (O'Donnell) – Repeals Civil Rights Law § 50-a, which had made all personnel records used to evaluate the performance toward continued employment or promotion of police officers, firefighters, paramedics, correction officers or peace officers confidential and not subject to inspection or review without the individual's express written consent or a court order. This legislation also amends the New York State Freedom of Information Law (FOIL), subjecting any record created in furtherance of a law enforcement disciplinary proceeding to disclosure under FOIL. The new FOIL provisions require specific sensitive personal information, including medical history, to be redacted from such records prior to being disclosed. (Chapter 96, effective June 13, 2020)</p>	<p>Notify the Local Records Access Officer of the change in the law.</p>	<p>COMPLETED</p>
<p>TRANSPARENCY & ACCOUNTABILITY</p>	<p>3. Require Police Officers to Report the Discharge of Weapons</p>	<p>Police Weapon Discharge Reporting - S.2575-B (Bailey)/A.10608 (Perry) – Requires a police officer or peace officer (whether on or off duty) who discharges his or her weapon under circumstances where a person could be struck by a bullet to verbally report the incident within six hours, and file a written report within forty-eight hours. (Chapter 101, effective September 13,2020)</p>	<p>Policy already reviewed and in compliance.</p>	<p>COMPLETED</p>

<p>TRANSPARENCY & ACCOUNTABILITY</p>	<p>4. Require Policing Statistics to be Reported to the Department of Criminal Justice Services</p>	<p>Police Statistics and Transparency (STAT) Act - S.1830-C (Hoylman)/A.10609 (Lentol) – Requires courts to compile and publish data concerning arrests and court proceedings involving low-level offenses such as violations and traffic offenses. Such report will include aggregate and anonymized demographic information such as race, ethnicity and sex. This bill requires police departments to submit annual reports on arrest-related deaths to the Department of Criminal Justice Services, as well as the Governor and the State Legislature. (Chapter 102, effective December 12, 2020)</p>	<p>Waiting implementation by Court system and the method of reporting.</p>	<p>SHORT</p>
<p>TRANSPARENCY & ACCOUNTABILITY</p>	<p>5. Allow the Recording of Law Enforcement Activity</p>	<p>Recording Law Enforcement Activity - S.3253-A (Parker)/A.1360-A (Perry) – Provides that a person not under arrest or in the custody of a law enforcement official has the right to record police activity and to maintain custody and control of that recording and of any property or instruments used by that person to record such activities. A person in custody or under arrest does not, by that status alone, forfeit such right to record. (Chapter 110, effective July 13, 2020)</p>	<p>Provide in-service training to reflect changes in New York State statutes and caselaw.</p>	<p>COMPLETED</p>

TRANSPARENCY & ACCOUNTABILITY	6. Provide Use of Force Data to the Public	Provide public data on state mandated reportable Use of Force by OPD	Provide a link on City Website to DCJS for public to access.	SHORT
TRANSPARENCY & ACCOUNTABILITY	7. Pursue Standardization of the Personnel Complaint Process	Improve and publish civilian complaint process and make available on City's website to increase accountability when addressing and reporting police misconduct.	Review and revise OPD's Citizen Complaint Policy	SHORT
TRANSPARENCY & ACCOUNTABILITY	8. Republish Police Log	Encourage local news sources to publish police logs so the public is aware of daily police activities.	Supervisor review of daily blotter then forward to local news sources.	COMPLETED
TRANSPARENCY & ACCOUNTABILITY	9. Switch OPD from Uniform Crime Reporting system to the upcoming mandated Incident Based Reporting system to better track crime statistics	<p>Replace computerized records management system to comply with New York State Incident Based Reporting System (NYIBRS) requirements. This new system will allow for enhanced tracking/retrieving of complaints and police interactions to include:</p> <ul style="list-style-type: none"> A. Calls for Service B. Arrests C. Resisting Arrest D. Use of Force <p>This will make it easier to track and retrieve data based on race, and evaluate practices, and agency and individual performance.</p>	RMS installed, procedures implemented and personnel trained.	COMPLETED

TRANSPARENCY & ACCOUNTABILITY	10. Evaluate Potential Body Camera Program	Assess the usefulness and cost of implementing a sustainable body camera program.	Conduct a review of the necessity, system requirements, cost, and sustainability of the program.	SHORT
TRANSPARENCY & ACCOUNTABILITY	11. Provide Public Access to NY Minimum Critical Standards	Make descriptions and compliance of critical standards (i.e., Use of Force, Vehicle Pursuits, Background Investigations, etc.) readily available to improve transparency.	Summarize New York State critical standards and the Department's compliance and post online.	SHORT
TRANSPARENCY & ACCOUNTABILITY	12. Create OPD Use of Force Review Board	Establish a more comprehensive process for OPD to review use of force by its members.	Write and establish the Policy by which to establish, give authority, and implement.	SHORT

TRANSPARENCY & ACCOUNTABILITY	13. Comply with NYS Use of Force Data Collection which will be posted to the DCJS public website	Executive Law 837-t requires each police department, county sheriff, and the state police to report any occurrence in which a police officer or peace officer employs use of force as listed below: <ul style="list-style-type: none"> ○ Brandishes, uses or discharges a firearm at or in the direction of another person; ○ Uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; ○ Displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas; ○ Brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy; ○ Brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb, or long-range acoustic device. 	As of November 2020 transitioned to the E-Justice NY Integrated Portal for submission of reportable incidents.	COMPLETED
CATEGORY	REFORM ITEM	DESCRIPTION	IMPLEMENTATION ACTIONS	TARGET TIMELINE
COMMUNITY RELATIONS	1. Raise Public Awareness about Police Services	Educate the public about what services the Police Department provides, how/when to access those services, and how to interact with officers.	Identify common issues and recommendations to be included in educational materials made available on the department's website.	MEDIUM

COMMUNITY RELATIONS	2. Strengthen Community Relations	To strengthen trust and relationships, institute the following actions: A. Increase visibility of walk/bicycle patrols. B. Identify opportunities for citizen meetings, community gatherings, special events, etc.) C. Identify other community policing opportunities.	Review walk/bicycle patrol resource allocations. Identify opportunities and develop request system for groups to seek officers' participation.	SHORT
COMMUNITY RELATIONS	2. Enhance Customer Service	Review officer and dispatcher training to determine areas of customer service (i.e. critical listening skills, tone of voice, imparting empathy, follow-up calls as appropriate, etc.) and diversity awareness that can be improved.	Identify critical customer service skills and develop training program.	MEDIUM
CATEGORY	REFORM ITEM	DESCRIPTION	IMPLEMENTATION ACTIONS	TARGET TIMELINE
TRAINING	1. Establish and Promote Core Values	Establish and promote a set of departmental core values to guide officer conduct.	Define core values, add them to the department's mission statement, and conspicuously post internally and online.	SHORT
TRAINING	2. Expand Educational Incentives	Expand educational stipends to encourage officer education in fields which enhance their ability to positively interact with the public.	Review current education stipends, and identify fields which enhance communication abilities and interpersonal relations. Negotiate stipends with the Ogdensburg Police Benevolent Association (PBA) and the Ogdensburg Police Supervisory Unit (PSU) during the next round of collective bargaining.	LONG

TRAINING	3. Expand De-escalation Training	Expand de-escalation training to provide officers with additional techniques and situational a periodic basis to minimize the use of force, including crowd management	Identify best practice techniques and course training options to provide additional de-escalation training.	MEDIUM
TRAINING	4. Expand Less than Lethal Weapons Options and Defensive Tactics Training	Provide officers additional options for less than lethal force weapons (e.g. Tasers) and tactics.	Identify products, best practice techniques and course training options to provide additional less than lethal options.	MEDIUM
TRAINING	5. Provide High Risk Incident Training	Provide officers with training to professionally execute procedures for high-risk search warrants, hostage situations, barricaded subjects, etc. to reduce the possibility of injury to officers and the public.	Identify best practice techniques and course training options to provide high risk incident training in coordination with area law enforcement agencies.	SHORT
TRAINING	6. Provide Mental Health Awareness Training	Train officers to include techniques to better identify mental health issues and address interactions with those individuals.	Identify best practice techniques and course training options to provide mental health awareness and interaction training.	SHORT
TRAINING	7. Participate in Joint Training and Coordination between Law Enforcement and Social Workers	Establish cooperative effort between the law enforcement community and various treatment providers to leverage services officers need to better address calls with a mental health or social service component.	Assess current services and make modifications to meet law enforcement's mission.	MEDIUM

TRAINING	8. Promote Referrals to Alternative Services	Train some officers in Youth and Adult Mental First Aid, as well as Crisis Intervention to promote early recognition of mental health needs and referral mechanisms to link populations to mental health resources and services (e.g. Ogdensburg Mental Health Clinic and other appropriate County agencies).	Signed Letter of Commitment with the Fort Drum Regional Health Organization's Mental Health Awareness Training Program to support their attempt to secure a grant to train some officers to recognize and implement evidence-based strategies.	SHORT
TRAINING	9. Promote Employee Assistance Programs	Ensure current employee assistance programs can meet officers' physical and mental health needs to handle the stress of the profession.	Review current employee assistance programs for current needs, expand options, and train supervisors to promote their use.	SHORT
CATEGORY	REFORM ITEM	DESCRIPTION	IMPLEMENTATION ACTIONS	TARGET TIMELINE
POLICIES & PROCEDURES	1. Ban Chokeholds	The Eric Garner Anti Choke Hold Act - S.6670-B (Benjamin) /A.6144-B (Mosley) –Creates the crime of aggravated strangulation (making it a Class C felony) and establishes criminal penalties for a police officer or peace officer who uses a chokehold that causes serious physical injury or death. (Chapter 94, effective June 12, 2020)	Provide in-service training to reflect changes in New York State statutes and caselaw.	SHORT

POLICIES & PROCEDURES	2. Require Medical Response for Arrestees	Require Medical Response for Arrestees - S.6601-B (Bailey) /A.8226-B (Fernandez) – Affirms an individual’s right to medical and mental health attention while under arrest or otherwise in custody of a police officer or peace officer. Failure to provide reasonable and good faith medical assistance could result in a cause of action against the officer, representative, and/or entity. (Chapter 103, effective June 15, 2020)	Policy already reviewed and in compliance.	COMPLETED
POLICIES & PROCEDURES	3. Ensure Victim Privacy	Ensure process and facilities are in place to protect privacy of victims.	Review procedures, facilities and resources to ensure victims’ privacy are maintained during the complaint process.	SHORT
POLICIES & PROCEDURES	4. Strive to Meet All New York State Critical Law Enforcement Standards	Continue to work with LEXIPOL to completely overhaul department policies and procedures to meet Federal and State mandates, as well as recognized best practices.	Currently working to Identify deficiencies in current polices & procedures and make improvements to meet the State standards.	SHORT
POLICIES & PROCEDURES	5. Accreditation	Work to become NYS DCJS accredited agency.	Attend DCJS training & Form an Accreditation Committee to complete this goal.	LONG