

## Village of Brockport Advisory Committee on Police Reform and Reinvention

### Meeting Minutes September 16, 2020, 7PM, LGI Room, Oliver Middle School, 40 Allen Street

#### *Present in person:*

Co-Chair Mayor Margay Blackman, Co-Chair Trustee Annie Crane, Chief Mark Cuzzupoli, Village Clerk/Manager Erica Linden, Monroe County Legislator Jackie Smith, Karen LoBracco, Dan Brockway, Patrenia Owens, Robert LeSuer, Melanie McDonald, Orlando Benzan, Bill Plews

#### *Attending via Zoom:*

Howard Ward, Katy Wilson

Lt. Mesiti excused]

*Virtual Public Participation:* Livestream on Facebook/Village of Brockport by Susan Smith; email questions or comments to [mblackman@brockportny.org](mailto:mblackman@brockportny.org).

The meeting was called to order at 7:06pm by Co-chair Annie Crane. Trustee Crane noted that there were undoubtedly many questions about what was happening in Rochester, but that we will hold off discussion of that until a future meeting. The use of force, scheduled for tonight, may also have to wait until next time.

Questions that had been submitted by committee members for tonight's meeting were handed out, along with copies of the Powerpoint presentation by the evening's guest, Sam Farina, Chief of Police of Fairport.

*Background:* As noted in the handout Chief Farina has been the accreditation manager for 4 police depts, an assessor for international accreditation programs and a member of the NYS accreditation council.

He has 32 years of law enforcement experience with the RPD, the Sheriff's dept, and the Village of Fairport

#### **Topic: Police Accreditation.**

Use of best practices as it applies to accreditation. How it applies to state standards and works across Monroe county. Villages are on same page about how to develop policy.

The Presentation covered: The Goals of Accreditation, the Process, the Benefits, Policies and Procedures, Use of Force, Dealing with Persons in Custody, Other pertinent standards, and concluded with “How Could Accreditation prevent an incident like the death of Daniel Prude”

The thought behind accreditation is to “professionalize policing”. Accreditation is a voluntary process that is constantly evolving. Farina believes there is a dramatic difference between departments that are accredited and those that are not. NYS was the first to adopt accreditation; Monroe County is the only county in NYS where all departments are accredited. Every five years a department has to be accredited.

The following are brief notes/comments from Chief Farina on the ppt presentation

- Accreditation makes it difficult to sue a department.
- Accreditation helps with public confidence
- Keep up with case law and changes. Many depts in NYS have no policies
- Officers are responsible for knowing all policies and have to sign off on them
- Have to prove to assessors how you meet policy
- We have a policy on mental health and how to address it; an internal affairs piece, with ethnical standards, performance evaluation.
- Use of force gets changed, is constantly in flux. DCJS (Dept of Criminal Justice Services) has a model policy re same. Have to show how policy on use of force complies the NYS penal law 35.
- Make sure you have a diverse workforce, how does workforce reflect the community it serves?
- Both Fairport and Brockport undergo training in mental health distress

REVIEW OF QUESTIONS—Chief Cuzzupoli and Chief Farina both answered questions that had been submitted by committee members on Accreditation, General Orders, and Use of Force.

RE Accreditation:

- All parts of accreditation process are related to the requirements in Executive Order 203
- Any changes in the disciplinary system with repeal of 50-A—YES [I didn’t note any specifics]
- Specialized training, in what? CIT (crisis intervention training), bike training, firearms, tasers, canine, property clerk, etc.

RE General Orders

- RE notification [neither Brockport or Fairport have a requirement that the mayor, or village board be notified of incidents.] Chief Cuzzupoli noted that there is constant communication. Not written, but it is common sense. In their job descriptions to notify, not written policy. [written policy might be good to have given that not every police chief is so diligent in notification]

- RE reviews of General Orders: General orders and policies are annually internally reviewed. Abide by state policy as much as possible re general orders. May have legal review for some policies. Policies are shared among depts or the state may come out with new policies. International Chiefs of Police also have model policies. E.g. body cams and when used
- RE firearms: one is a police officer 24/7, so yes dept issued firearms are taken home when the officer is off duty. Privately owned firearms are taken into custody after an incident.
- Question about why Brockport uses hollow tipped bullets: They are what is recommended by the FBI. Less likely to go through walls, fences or other objects if the officer misses the intended target.
- Fairport's use of force policy goes into more detail than Brockport's about many things. Because Fairport sees a high liability here.

### Use of Force

- Mental health—no standards for that specifically. Only enough force to overcome resistance and put the person under arrest. Once that force is stopped all force from officer ceases. Mental health to protect that person from harming self or others.
- Mental health transport is the terminology used. Follow up with Forensic Investigative Team (FIT). Discussion of FIT team and funding followed. Police call the FIT team to an incident.
- Chokeholds have never been trained in Rochester. Now it is in writing as we don't do it. [see The Erica Garner Anti-Chokehold Act, passed in NYS June 8, 2020 which criminalizes chokeholds in NYS]
- Followup of individuals who have had force used against them—no formal followup. If medical treatment needed we call for ambulance. Have to get mental and medical assessment or services for anyone in custody; is a NYS requirement.
- Tracking use of force: Fairport—it is tracked and reported in the annual report. Brockport—we don't track specifically, but the chief reads every report, ticket etc. Chief Cuzzupoli noted that this could be an area of growth for BPD
- Use of force—components/levels: 1. Presence—Person in uniform 2. Verbal— escalation of force by commands, voice level 3. Empty hand control (using empty hands to search, relieve weapons, immobilize or otherwise control a subject 4. Intermediate weapons (nonlethal—e.g. chemical, tasers) 5. Deadly force. [ amplified my notes by online information]
- Re when deadly force may be used: Armed and fleeing suspect with the potential to use deadly force against someone else, then according to article 35 of NYS penal law the police are allowed to use deadly physical force. Have to justify deadly physical force.
- Duty to intervene—failure to do so is subject to criminal as well as civil charges.
- Discussion of use of pepper spray, pepper balls (oleoresin capsicum) in policing. Very irritating to mucous membranes. Mace is no longer used. Postponed discussion of tasers to meeting on training.
- Reporting of statistics on categories—by race no. We will be going forward per the governor (law takes effect December 12, 2020). Obligated by law to report traffic tickets

by race. Misdemeanors and violations also will require reporting race. Is often problematic to ask if it becomes necessary.

#### Final questions from committee members

- Karen: There is a disconnect between what's happening to people (injuries, etc). and what we hear. Chief Farina— What happens in a case is also part of the discovery process. (i.e. more information comes out on a case during discovery.
- we are trying to listen, to how the community wants us to police. We need the community to be supportive of us. We need to listen.
- Bob how do we apply the operation of small depts to larger ones like Rochester.? Are there lessons here? Chief Farina—larger depts are more complex. Two principles are important no matter the size: leadership and the quality of supervision.
- Jackie Smith followed up on accreditation by sending a link to committee members of a presentation on Executive Order 203 presented to the Association of Counties ([https://www.youtube.com/watch?v=Nw8yzm\\_f1ZY&feature=youtu.be](https://www.youtube.com/watch?v=Nw8yzm_f1ZY&feature=youtu.be)). MB— I highly recommend listening to it (did so as I was typing these notes)