Policing Policies in 2021 and Beyond: Training, Reform, Reinvention
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Build trust, budget and take action based on community input using Zencity. Our cross-channel platform takes civic engagement to the next level by tapping into the silent majority and automatically transforming online resident feedback into actionable insights using AI and expert analysts.
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Executive Order 203 Compliance

NYSAC Seminar February 23, 2021
"Policing Policies in 2021 and Beyond: Training, Reform, Reinvention"
Presented by Karlee Bolaños of Bolaños Lowe PLLC
Karlee S. Bolaños is a founding partner of the law firm Bolaños Lowe PLLC. Karlee is a veteran of labor and employment law. For over 20 years, Karlee has focused extensively on public sector labor and employment law. For years, there has been a legal standard defined by big corporate law firms that simply go through the motions, charge too much, and display a distinct lack of commitment. Karlee believes municipalities deserve better and went into business to prove it. The Bolaños Lowe firm practices a different kind of law—one where the bare minimum is nothing short of unprecedented partnership and success. Karlee and her firm offer expertise and results that rival the leading large firms, with a small firm mentality that’s centered around the client.
Agenda

Today I will briefly cover some of the legal nuts and bolts of the Executive Order No. 203: New York State Police Reform and Reinvention Collaborative, along with a brief reminder regarding the aspects of the NYS Criminal Justice Legislative Reform: “Say Their Name Agenda”.
Executive Order 203

• By now we are all aware that on June 12, 2020 Governor Cuomo issued Executive Order 203 with the stated purpose of creating law enforcement changes in response to police-involved deaths and concerns about racially biased law enforcement and to create accountability for law enforcement agencies.

• In summary, EO 203 requires all municipal entities with police officers to create a police reform and reinvention plan, allow for public input and comment on the plan, take legislative action with to adopt the plan, and submit the plan to the State.
Overall Requirement of Executive Order 203

• In summary, the required process under EO 203 includes the following steps:
  • Engage stakeholders in a public process to discuss policing strategies and tools to create a plan for police reform and reinvention for the community.
  • Present a plan created by the chief executive, the head of the local police force, and the stakeholder groups to the public for comment.
  • After consideration of any public comments, present such plan to the local legislative body for approval (by either local law or resolution).
  • Submit a certification and plan to the Director of NYS Division of Budget on or before April 1, 2021. Submit via email to EO203Certification@budget.ny.gov.

• Failure to submit proof of compliance with the Executive Order may result in the local government entity losing funding.

• At the State level, the Division of Budget and the Division of Criminal Justice Services (DCJS) are responsible for oversight of the plans.
Government Entities Covered by EO 203

• For purposes of the Executive Order, covered governmental entities are those that employ *police officers* as that word is defined in Section 1.20 of the NYS Criminal Procedure Law.

• This definition of police officer includes, for example, a sworn member of the division of state police; Sheriffs, Undersheriffs and Deputy Sheriffs of counties; sworn officers of authorized police departments or police forces in cities, towns, villages or police districts; investigators employed in the office of a district attorney; sworn officers of the division of law enforcement in the department of environmental conservation; and university police officers appointed by the state university.
EO 203: Initial Review

- Each local government should have started the process by performing a comprehensive review of current police force deployments, strategies, policies, procedures, and practices.
- Typically, this data has been shared with stakeholders to inform recommended reinventions.
- The teams/focus groups have spent time researching policy best practices, gold standards, and possible accreditation criteria.
EO 203: Developing the Plan

• The chief executive of the local government entity must convene with the head of the local police agency and community stakeholders to review any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices.

• Ultimately, a plan must be developed, adopted, and implemented based on this review and consultation. The plan should be 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 to continuously reduce or eliminate racial disparities in policing.
EO 203: Stakeholders

• The local government entity, 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.
EO 203: Necessary Components of the Plan

According to the text of EO 203, the plans must consider the following:

- Evidence-based policing strategies, including but not limited to, use of force policies and procedural justice;
- 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;
- Focused deterrence;
- Crime prevention through environmental design;
- Violence prevention and reduction interventions;
- Model policies and guidelines promulgated by the New York State Municipal Police Training Council.
- Standards promulgated by the New York State Law Enforcement Accreditation Program.
EO 203: Public Comment and Legislative Act

• The plan must be offered for public comment to all citizens in the locality.
• After consideration of the public comments, the plan must be presented to the local legislative body in the political subdivision.
• The local legislative body must ratify or adopt such plan by local law or resolution, as appropriate, by no later than April 1, 2021.
EO 203: Submission of Plan to NYS

- The local government entity must 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.
- The Director of the Division of the Budget will condition receipt of future appropriated state or federal funds, which such local government would otherwise be eligible for, upon filing of such certification.
Many plans are already posted online and are in the public comment stage.
Related Laws: Say Their Name Agenda

- The Eric Garner Anti-Chokehold Act
- Civil Action for Summoning a Police Officer Without Reason
- New Yorker’s Right to Monitor Act
- The Police Statistics and Transparency Act
- Reporting Police Officer’s Discharge of Weapon
- Right to Medical and Mental Health Attention While In Police Custody
- NYS Police Body-Worn Camera Program
- Law Enforcement Misconduct Investigative Office
- Office of Special Investigation
- Repeal of 50-a
Bolaños Lowe is a premier law firm in Rochester, NY providing senior-level experience in Labor, Employment, and Corporate law — powered by enthusiasm and driven by a partnership that’s on your terms.

For questions contact Karlee Bolaños/kbolanos@bolanoslowe.com

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New York State Police Reform and Reinvention Collaborative

NYC’s implementation of Executive Order 203

February, 2021
Vision:

The New York City Police Reform and Reinvention Collaborative Plan envisions an NYPD that stays true to its history of bravery in the service to the public, that maintains its stellar record of driving down crime, while continuing to transform itself into an example of just, transparent, and accountable policing, implemented equitably, without regard to race, gender, ethnicity, sexual orientation, religion, or immigration or socioeconomic status.
Framework for Reform and Community Feedback:

- Strengthen accountability through oversight, discipline, and transparency.
- Build trust, fairness and safety through neighborhood partnerships and representation.
- Reform police culture, eliminate bias, and acknowledge experience of communities of color.
- Redefine our responses to poverty and mental health issues, including the role of police.
- Promote a diverse, resilient, and supported NYPD.
Structure

- City Reform and Reinvention Collaboration Working Group
  - Led by First Deputy Mayor Dean Fuleihan
  - City Hall: Community Affairs, Intergovernmental Affairs, Counsel
  - Mayor’s Office of Criminal Justice
  - New York Police Department
  - Mayor’s Office of Operations
  - City Council staff

- Reform and Reinvention Collaboration Co-Sponsors
  - Jennifer Jones Austin, Federation of Protestant Welfare Agencies
  - Arva Rice, New York Urban League
  - Wes Moore, Robin Hood
Community and Stakeholder Engagement:

Focus on most policed, highly impacted communities – community members, including youth; Reform advocates; CBOs/faith based orgs; Oversight agencies, Elected officials

- More than 85 total RRC meetings
- Over 100 organizations represented
- 15 virtual meetings open to every New Yorker (Impacted Community meetings, NYPD listening sessions, CCRB town halls)
- Police oversight entities engaged (all 5)
- >70 plus roundtable meetings with stakeholders, policy experts, community leaders and members, and members of service
Community and Stakeholder Engagements (1/2):

- NYPD + Co-Sponsor Public Listening Sessions (9)
- Members of Service Listening Sessions:
  - Fraternal Organization Leadership, Unions, Precinct Commanders, Detectives, Patrol Officers, Front-Line Supervisors, Volunteers
- Oversight Agency Engagements:
  - CCRB, Federal Monitor, Commission to Combat Police Corruption, DOI-IG, District Attorneys
  - CCRB hosted Town Halls – civilian oversight bodies, youth focused represent
- Elected Officials at all levels
- City agencies and their key partners
  - Thrive, ENDGBV, Unity Project, DYCD, DFTA, MOPD, MOIA
Community and Stakeholder Engagements (2/2):

- **Impacted Communities**
  - Hosted by CAU and RRC Co-sponsors

- **Community Leaders (not comprehensive list)**
  - Community based organizations (CBOs), advocacy groups, clergy, racial justice advocates, cure violence providers, youth groups and youth voices, ethnic and religious organizations, BIDs and small business owners, non-profits, LGBTQI+ community leaders, the deaf and hard-of-hearing community, people with disabilities, tenants’ associations, shelter-based and affordable-housing communities and providers, people involved in the justice system, crime victims, policy experts, oversight bodies, judges, elected officials, academic leaders, and many others.

- **Criminal Justice Stakeholders**
  - Defenders, DAs, policy experts, CMS providers
Already Announced

- For seven years, the administration implemented: precision policing, neighborhood policing, ended stop and frisk, implemented body worn cameras, reduced misdemeanor enforcement and enact c-summons reform
- Disciplinary Matrix and MOU between CCRB and NYPD agreeing to use the penalty guidelines for officer misconduct
- David Dinkins Plan: Strengthening the CCRB,
  - Expanding CCRB’s access and investigative scope creates new review powers
    - Initiate individual investigations without a complaint
    - Full access to officer disciplinary/employment histories
    - Authority to investigate individual biased-based policing complaints.
  - Establish a Patrol Guide Review committee to help drive forward policy changes
  - Expand CCRB to include DOI-OIG and CCPC, strengthening oversight by consolidating functions into a single body
Already Announced (Part 2)

- Joint Force to End Gun Violence: multi-agency task force focusing on small group who drives gun violence
  - Contact tracing for each shooting
  - Citywide shooting reviews
- Double Cure Violence Workforce
- Give communities a direct role in selection and evaluation of precinct commanders
- Putting the Community in CompStat: Elevate Community Feedback
- Embedding Community Engagement into Training
  - Expanding People’s Police Academy
  - Two-week cultural training whenever officer begins in a new precinct
Discussion
***Please submit your questions in writing via the QUESTIONS TAB on your webinar dashboard.***
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