

Draft Report
Police Reform and Reinvention
Town of Mamaroneck Police Department

Introduction

The murder of George Floyd at the hands of law enforcement this past summer shocked the nation and our community. Forced to confront the uncomfortable truth of persistent institutional racism and its potentially lethal impact when channeled through the hands of law enforcement, a national call to arms for reform took root. Protests and memorial gatherings took place daily throughout the nation and in communities across New York State, including ours, demanding change, action, and accountability in response to the death of Mr. Floyd and a long list of other unarmed civilians of color killed in recent police incidents.

Recognizing the importance of this moment, Governor Andrew Cuomo issued Executive Order #203 to promote institutional reform and change aimed at combating racism and bias in police services. Pursuant to this Order, police departments throughout New York State are required to develop a program of reform and reinvention to address racial inequities in policing, modify and modernize police practices, and improve community engagement to foster trust and collaboration in promoting public safety.

In compliance with this order, but also channeling our community's desire to implement change and reform, the Town has reviewed the operations, training and practices of our own Town of Mamaroneck Police Department. This review has been conducted through community engagement, including public forums convened by the Town's Racial Equity Task Force and a public survey seeking feedback from the experiences and interactions residents have had with the Police Department.

As a result of this review, and based on the recommendations of the Racial Equity Task Force, the Town has set forth in this report a number of important actions to enhance its overall mission of protecting our community in an equitable manner. The goal of the program is to improve training, policies, and procedures to make our Town's police services a model for community policing, free from bias and quick to

identify and prevent racially motivated incidents. In addition, we seek to promote and improve the transparency of the department and take the steps necessary to build upon an already strong atmosphere of trust and understanding within our community.

The Town of Mamaroneck has had the good fortune over the years of having a police department whose record of performance in the Town is held principally in high regard. Thankfully, we have not experienced in our community a tragic incident of police abuse against African-Americans such as the horrific examples that have recently been in the front pages, but which sadly reflect a legacy of unaddressed and unacknowledged bias long affecting our entire nation. While recognizing the professionalism and high esteem in which the police department of the Town of Mamaroneck is held by our community, it would be a mistake to believe that our town is somehow immune from the risk of such events happening here. This report seeks not to criticize or indict the Town of Mamaroneck's police services, but rather to provide a roadmap to address and reform longstanding racial and ethnic biases that, even if not overtly manifested, nevertheless impact social services such as the police, in a manner that can and does disproportionately impact minority communities. These issues affect our entire country, and our town is not immune.

We must thus view the myriad national examples of police officers engaged in violent and sometimes deadly interactions with citizens of color as an opportunity for education and reform everywhere—including here. These incidents raise questions not just about the appropriateness of a certain police officer's actions—that would ascribe these incidents to just the individuals involved—but also about the underlying causes of these incidents, which are symptoms of a greater malaise.

The Town is keenly aware that it is vital that the Town government and the police department look inward to modify existing policies and develop new strategies for training, community outreach and interaction to maintain and enhance the trust of the *entire* community. New strategies, along with new training methods and procedures will allow the department to continue into the future their record of reliability and good performance.

We are also aware that these reforms must be more than a checklist of incremental, tactical steps. Instead, this moment presents an opportunity for a cultural shift, an

embrace of a holistic approach to addressing racial bias as a core part of the mission to deliver fair, safe, and effective policing. This mindset is not in tension with the goal of public safety – rather, it is essential to it. By fully embracing and embedding the values that build trust in policing – fairness, equity, procedural justice, legitimacy, community engagement, transparency, and accountability – our hope is that the Town can set a shining example for other communities across the nation.

The Town of Mamaroneck

Important to understanding how best to improve upon the mission of the Town Police Department is understanding the environment in which the department operates. Understanding jurisdictional boundaries of Towns and Villages in Westchester County is not always an easy task.

Within the statutory boundaries of the Town of Mamaroneck is the entire Village of Larchmont, a large portion of the Village of Mamaroneck and the unincorporated area of the Town. Although the Villages of Larchmont and Mamaroneck operate as autonomous governments with their own police departments, the Town does provide some services to the Villages. The Town’s primary service area for the Town government including the police department is the unincorporated area.

The unincorporated area is roughly 5.5 square miles with a population of 12,319. Within the unincorporated area are 4,500 housing units. The unincorporated area is overwhelmingly residential in nature. Of the 4,500 housing units, there are 3,000 single-family homes. Prior to the recent pandemic, a large percentage of the population commuted to work in New York City or other areas outside of the Town. There is no central business district in the unincorporated area. Commercial properties are found generally along the Boston Post Road corridor. Appendix #1 is a detailed profile of the demographics of the Town’s unincorporated area prepared by the Westchester County Planning Department. Appendix #2 is a map of the unincorporated area to better clarify the boundaries with the two Villages.

The Mamaroneck Union Free School District serves the entire Town including all but the Rye Neck Section of the Village of Mamaroneck. The Hommocks Middle School, Central School and Murray Avenue School are all located in the unincorporated Town of Mamaroneck. Also located in the Town is the Sts. John and Paul Church and parochial school.

The Town of Mamaroneck Police Department

The Town of Mamaroneck Police Department consists of 38 sworn police officers including the Chief of Police and 15 civilian employees (School Crossing Guards & administrative staff). The department's function is accomplished through an organizational structure consisting of a Patrol Division, Detective Division and Administration Division.

The Patrol Division focuses on random patrol of the Town for the purpose of prevention. When an emergency occurs, the Patrol Division responds immediately to stabilize a situation and begin the investigative process.

The Detective Division primarily centers on expanding the preliminary patrol investigations into a thorough criminal investigation ultimately leading to the arrests of offenders if applicable in a given situation. In addition, the Detective Division accomplishes their duties by locating and collecting evidence and witnesses to facilitate a successful prosecution by the Westchester County District Attorney's Office. Also, it is the Detective Division that provides outreach to the community on such things as home and personal security.

The Administrative Division serves as a repository for all department records, ensures adherence to department policy and accepted police practices. Also, it is the Administrative Division's responsibility to maintain budgetary discipline and provide resources to the Patrol and Detective Divisions.

The operating budget of the Town Police Department is \$5.8 million. On average the department will respond to 11,000 calls for service in a given year. Appendix #3 is the Town Police Department's organization chart.

Methodology and Preparation of this Report

In Executive Order #203, the Governor calls upon all local governments, including the Town of Mamaroneck, to call together stakeholders to develop a dialogue with the community on reform and reinvention of their police departments. In doing so, municipalities are required to perform a comprehensive review of current police operations and develop a plan to address racial bias and promote community

engagement to foster trust, fairness, and legitimacy. The Governor’s manual on the executive order specifically points to the following:

- ❖ Review the needs of the community served by the local policy agency and review current policies and procedures.
- ❖ Involve the entire community in the review.
- ❖ Develop a report with policy recommendations
- ❖ Make a public presentation of the report for public comment
- ❖ Present the plan/report to the local legislative body for adoption
- ❖ Certify the adoption of the plan to the New York State Budget Director on or before April 1, 2021.

The Town’s recently constituted Racial Equity Task Force assisted the Town Board in the review of the Police Department pursuant to Executive Order #203. The Task Force conducted public outreach as described below and worked closely with Police Department leadership to inform its review. The members of the Task Force are:

Jeffery King	Town Board Member
Sabrina Fiddelman	Town Board Member
Helen Horsham-Bertels	Town Resident
Lynne Murphy-Rivera	Town Resident
Andrew Tannenbaum	Town Resident
Gonzalo Zeballos	Town Resident

Liaisons to the Task Force:

Stephen Altieri	Town Administrator- Town of Mamaroneck
Paul Creazzo	Chief of Police – Town of Mamaroneck

Other Stakeholders:

Dr. Robert Shaps	Superintendent- Mamaroneck Union Free School District
Toniann Gagliardi	New Rochelle Branch Chief-Westchester County District Attorney’s Office
Dr. Mark Levy	Executive Director- Community Counseling Center
Jirandy Martinez	Executive Director- Community Resource Center

In terms of the organization of the report, several categories of emphasis were developed. The Task Force’s review includes recommendations for each of the following categories:

- I. Community Policing**
- II. Bias-Free Policing**
- III. Types and Training Methods for Police Officers**
- IV. Use of Force Policies/Methods of Engagement/De-escalation**
- V. Equipment Used by Town Police for protection of the community**
- VI. Review of Complaint Procedure/Oversight/Discipline**
- VII. Disclosure of Data**
- VIII. Recommendations to New York State Regarding Civil Service Law**
- IX. Recommendations to Westchester County**
- X. Follow Up**

Public Engagement/Input

An important component of this exercise is the involvement of the community to obtain their input. To that end, the Task Force utilized the following methods of outreach:

- A. December 17, 2020 – Public Forum on Town of Mamaroneck Police Department. On this date members of the Task Force and the Town Board held a public forum to present the purpose of the Task Force, explain the Governor’s Executive Order #203 and receive comments from the public on the topic of the Town Police Department. More than a dozen members of the community observed the forum, and three individuals made comments to the Task Force.**
- B. December 21, 2020 and January 4, 2020 – At public meetings of the Task Force, the following stakeholders offered their input on their work and contact with the Town Police Department.**

Jirandy Martinez- Community Resource Center- While most of her organization’s contact is with the Village of Mamaroneck Police Department, Ms. Martinez explained the close and porous character of the boundary between the Town and Village and thus the need for cooperation between the

two police departments. She expressed concern over the tendency for police agencies to pull over minorities and the need for developing more trust between the police and minority populations through outreach.

Dr. Mark Levy- Community Counseling Center

Dr. Levy explained that his organization works primarily with the youth of the community and the importance of building trust between the youth and the police departments in both the Town and the Villages. To that end, his organization has worked closely with the youth officers from the police departments that are assigned to the schools. His experiences with the Town Police Department have been predominantly favorable.

Dr. Levy offered to resurrect a sensitivity training program once provided by his organization to train officers on mental health issues.

Toniann Gagliardi-Westchester County District Attorney's Office

Ms. Gagliardi spoke of the District Attorney's close working relationship with the Town Police Department. The District Attorney's offices work with the Police Department generally begins at the time criminal charges have been filed against a person. She also spoke to the changing environment for law enforcement and the need for continued training of police officers. According to Ms. Gagliardi, the Town Police have been receptive to new policies developed by the District Attorney's office with respect to investigations and prosecutions.

Dr. Robert Shaps- School Superintendent-Mamaroneck School District

One of the unique circumstances is the location of District's schools in three distinct police jurisdictions however, the District has developed cooperative relationships with all three police departments.

The District maintains a staff of guidance counselors, social workers and psychologists available to work with students as needed. The Youth Officers from the three police departments work with District staff on social and emotional issues of youth in the District when it is appropriate to have police involvement. Generally, the police departments are called into the schools where there is an incident of a criminal nature.

C. A public survey in English and Spanish was posted on the Town of Mamaroneck website offering residents the opportunity to answer questions on their impressions of the Town Police Department and to offer statements regarding any instances of racism or bias they may have experienced or encountered. Town residents were also asked to rate their experience when seeking assistance from the Police Department. In order to encourage participation in the survey, the Town Supervisor conducted robo calls to Town residents and mailed a postcard (in English and Spanish) to every home in the unincorporated area reminding them of the survey. Those completing the survey were able to remain anonymous or could provide contact information at their election. The Town received 512 responses to the survey of which 48 came from respondents living outside the unincorporated area. We thank all those that took the time to respond to the survey.

Appendix #4 is a summary of the responses to the survey. Generally, the Town Police Department received high marks for its performance in providing a safe and secure environment in the Town. Among the written comments, most expressed satisfaction with the Police Department's response to their calls for service, and a large majority (92%) reported being treated fairly and respectfully by Town police officers. However, a non-trivial number of individuals (36 people, constituting 7% of responses) indicated that they had witnessed or experienced discriminatory treatment by the police. Significant percentages of residents also favored expanded community outreach programs by the police (84.6%) as well as other reforms noted below.

It must be acknowledged that, since this survey was intended to detect racial and ethnic biases against *minority* communities, which comprise approximately 15.6% of the town's population,¹ concerns adversely affecting those communities would not likely be reflected in a majority of responses under any circumstances. Thus, those responses that did reflect instances of negative views or interactions with police (on average 8.85%) must be taken particularly seriously, even where they do not reflect the majority experience of the town. Thus, while we cannot know the details of the circumstances surrounding each survey-taker's responses, it is incumbent on the Town

¹ The Town of Mamaroneck is approximately 8.3% Hispanic, 1.4% Black, and 5.9% Asian.

Government and the Police Department to review all of the comments made in the survey whether good or bad, and not to discard certain viewpoints simply because they represent a minority of respondents. A complete review of the comments will assist in the development of reform measures of department policies and procedures.

- D. There will be one final public forum held in March prior to certifying to New York State completion of the report. The community will have the opportunity to review the report and comment.**

Recommendations for Enrichments to the Town Police Department

When surveyed by the Racial Equity Task Force, our community overwhelmingly identified (84.62%) expansion of Community Outreach programs in which police directly engage with community members to build relationships, seek input, and solve problems, as the key to enhancing the relationship between the Town of Mamaroneck Police Department and the community. Training programs for bias-free policing, including diversity and inclusion training received the overall support of more than half of the community at 53.85%. The survey also proposed the establishment of an independent community oversight body to review police department policies and complaints about police conduct (supported by 40.56% of respondents) and the collection of data on police activity disaggregated by race, gender, sexual orientation, disability and other relevant demographic markers and making that information public (supported by 37.76% of respondents). The recommendations set forth below represent an effort to address these concerns and help guide the development of policies and procedures to be proposed in the near term.

I. Community Policing

- ☸ Commit to community policing in mission statements, strategic plans and leadership development programs.**

- ❖ **Expand community outreach programs to target and connect with all segments of the community, especially marginalized ones such as racial, ethnic, immigrant, and LGBTQ communities, as well as people with disabilities or limited English proficiencies**
- ❖ **Provide mechanisms for on-going community input on policing policies and practices (e.g., community meetings, highly visible feedback page on PD website).**
- ❖ **Review and enhance policies for interactions/encounters with people with limited English proficiency, to make communication easier with police officers.**
- ❖ **Promote public trust by initiating positive non-enforcement activities e.g., Softball, Kickball, games, Field Trips to sporting events, etc. to engage the community and build public trust.**
- ❖ **Ensure all appropriate department policies are available for public view and regularly posted on the department's website.**
- ❖ **Have a representative of the Police Department come to a Town Board meeting quarterly and update the Board/Public on what is going on in the Department and interactions with the community.**

II. Bias Free Policing

- ❖ **Adopt comprehensive policies on bias-free policing and identify equity and fairness as core values in the department's mission statement.**
- ❖ **Embrace procedural justice as a guiding principle that informs the policies, practices and training in the department.**
- ❖ **Set clear policies for responding to bias-based complaints and calls for service from community members.**

- ❖ **Prioritize a culture of equity and inclusion by working to eliminate racial, ethnic, and gender bias in the police department workplace.**
- ❖ **Review and evaluate the manner in which underrepresented communities are referenced in policy manuals and update as appropriate.**

III. Training - Town of Mamaroneck Police Officers

- ❖ **Prioritize the development and implementation of rigorous in-service training that covers a wide variety of skills.**
- ❖ **Require annual principled policing training (procedural justice, bias-free policing, implicit bias, community policing), de-escalation techniques, crisis response and intervention, and cultural competency, as well as active bystander ship like the ABLÉ project.**
- ❖ **Emphasize values of fairness, equity, procedural justice, legitimacy, transparency and accountability in all training.**
- ❖ **Directly involve community members (marginalized and diverse) in the development of training initiatives and curricula. Additionally, call upon local guest speakers, i.e. crime victims, mental health service providers, advocates for social change.**
- ❖ **Attend to and promote officer health and wellbeing. Promote health and wellbeing in training - led by mental health and wellbeing experts.**
- ❖ **Ensure that Police Department Leadership is equipped with bias-free management skills to model desired behavior for the department.**
- ❖ **Make Diversity, Equity and Inclusion a skills-based training program for leaders.**
- ❖ **Field Training Officers should be required to model expected behaviors and community values.**
- ❖ **Include in basic training and throughout careers methods to improve social-interaction.**

- ❖ **Keep records of training curricula, methods and attendance to ensure officers have completed training and have all the needed skills and knowledge.**
- ❖ **The Town should continue to coordinate with Westchester County to provide training.**

IV. Use of Force Policies/Methods of Engagement/De-escalation

- ❖ **Adopt a policy for all stops, requiring the officer conducting the stop to identify themselves by name, badge number and the reason for the stop.**
- ❖ **Update the use of force policies to incorporate national reforms such as bans on chokeholds and de-escalation tactics.**
- ❖ **Establish a Duty to Intervene Policy that requires police officers to intervene when a fellow officer is improperly using force on a person.**
- ❖ **Expand and clarify procedures for providing medical treatment on site to a person in police custody who has become injured or ill.**
- ❖ **Establish protocols to ensure officers consider personal characteristics before using force such as limited English proficiency, mental health, developmental or physical disabilities or substance use disorders including crisis intervention techniques.**
- ❖ **Establish protocols for interactions with people with mental health or developmental disabilities or who are experiencing substance use disorder crises, including crisis intervention techniques.**

V. Equipment Used by the Town of Mamaroneck Police Department

- ❖ **The department, in order to ensure a safe and secure community must employ the use of certain types of equipment. It will be the policy of the Town for its police not to be militarized in terms of the behavior of its officers or in the type of equipment used. The department will not avail itself of the Federal 1033 Program that permits local governments to purchase or receive surplus military equipment.**
- ❖ **The equipment and vehicles used by the department and its officers will be consistent with those that the community would understand to be traditional law enforcement types of equipment.**

VI. Review of Complaint Procedures/Oversight and Officer Discipline

- ❖ **Make information about how to file a complaint and/or appeal easily available and accessible in many forms and places (e.g., posted online and in various public buildings). Complaints should be able to be filed in person, by phone or online. Information should be provided on how to file a complaint in English and Spanish. Other languages will be made available upon request.**
- ❖ **Form a community oversight committee to oversee, to advise and make recommendations regarding community/police interactions. It should function as a liaison to the community regarding community policing.**
- ❖ **Make complaint and officer discipline policies and processes transparent to the public including but not limited to confidentiality protections, and prohibitions against retaliation.**
- ❖ **Clarify and make transparent Department practice that the Internal Affairs Officer's investigation of serious misconduct shall be reviewed by the Town Administrator.**
- ❖ **Implement and publish a non-retaliation policy to protect citizens who make complaints to the department.**

- ❖ **Clarify and make transparent policies to receive and respond to internal misconduct complaints.**
- ❖ **Prohibit retaliation by the Department against any complainant (internal or external), and develop additional protections for anonymous/whistleblower complainants.**
- ❖ **Establish clear and transparent disciplinary guidelines for officers.**
- ❖ **Reinforce the affirmative duty of officers to report officer misconduct.**
- ❖ **Inform officers of their right to file complaints with outside agencies such as the EEOC, labor representatives, NY State AG and Westchester County District Attorney**

VII. Disclosure of Data

- ❖ **Publicly disclose aggregate information about complaints on a periodic basis (e.g., annual). To the extent permissible, publicly disclose information about resolution of specific complaints alleging serious misconduct.**
- ❖ **Make publicly accessible a dashboard updated monthly with reports that detail:**
 - **Available racial, ethnic, gender and location data related to all police stops, arrests, searches, summonses and use for force, crime data, complaint data, vehicle and traffic law and daily activity logs.**
 - **Collect and publish data on hate crimes and incidents of bias.**
- ❖ **Publish Department policies online as appropriate.**
- ❖ **Recommend that New York State track and record racial, ethnic and gender data for all police stops.**

VIII. Recommendations to New York State Regarding Civil Service Law

- ❖ **Recommend to the State that they evaluate and update the practice of allowing only the top 3 candidates from the CS List be hired. Increase numbers of underrepresented groups, including female and BIPOC officers so that the workforce demographic should more closely represent the community.**

IX. Recommendations to Westchester County

- ❖ **Recommend to Westchester County to provide assistance to local police departments in providing mental health and developmental disability expertise.**

X. Conclusions

This report is just the beginning of a process by which the Town Police Department will pursue the implementation and review of the recommendations made here and propose how best to incorporate them into the Department's operations. The Department's implementation proposals shall be reviewed by the Racial Equity Task Force, which will be given an opportunity to opine and comment upon those proposals, providing part of the community oversight of the Town's police services favored by survey respondents.

Appendices

- 1) Town Demographics**
- 2) Map of the unincorporated area**
- 3) Town Police Department Organizational Chart**
- 4) Summary of the Public Survey**
- 5) Westchester County Police Act**

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