Draft of February 18, 2021

New York State

Police Reform and Reinvention Collaborative

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Plan for the
Village of Quogue

_____, 2021

Background

On June 12, 2020 New York Governor Cuomo issued Executive Order No. 203 mandating that each of the more than 500 local government entities which has its own police department "perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color."

Executive Order No. 203 further directed the chief executive of each such local government to "convene the head of the local police agency, and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any 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; and standards promulgated by the New York State Law Enforcement Accreditation Program."

The Executive Order went on to direct that each local government "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, and create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, 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 which seek to reduce any racial disparities in policing."

In an email to residents on June 17, 2020, the Mayor advised residents of Quogue of the existence of Executive Order No. 203 and described its contents.

In accordance with Executive Order No. 203, the Mayor organized a committee consisting of himself, Police Chief Chris Isola, Police Lieutenant Dan Hartman, and residents Joe King, a professor at John Jay College of Criminal Justice (and a Quogue Firefighter), Rev. Gale Williams,

pastor of St. Paul's AME Zion Church in Quogue, Mary Malhotra, a Quogue Part-time resident and former Senior Warden and an officer of the Vestry at St. James' Church in New York City, David Rowe, Convener of the Executive Committee at Church of the Atonement in Quogue, and Lynn Lomas, president of the Quogue Association.

In August 2020 the State of New York issued a "Resources and Guide for Public Officials and Citizens" pertaining to Executive Order No. 203. On August 19, the Village posted this document on its website, and the Mayor described it in an email to residents. He invited people in Quogue to send comments and observations via email to the Village. A later reference to the ongoing development of a plan pursuant to Executive Order No. 203 and a solicitation of comments was published in an email to residents on November 16, 2020.

The Committee's Process

The Quogue Village Police Department is an agency that has been accredited by the New York State Law Enforcement Accreditation Council (the "Accreditation Council") three consecutive times, most recently in 2019. The Accreditation Council is overseen by the New York State Division of Criminal Justice ("DCJS") through its Office of Public Safety.

According to the description of the program on the DCJS website, accreditation acknowledges the implementation of policies that are conceptually sound and operationally effective. The cornerstone of the accreditation program lies in established standards that contain a clear statement of professional requirements. Agencies participating in the program conduct a thorough analysis of their organization to determine how existing operations can be adapted to meet established standards. When an agency adopts policies and procedures that meet the standards, a team of independent professionals conducts an on-site assessment to verify that all applicable standards have been successfully implemented. This process culminates with a decision by the Accreditation Council that the agency is worthy of accreditation.

Accordingly, it was to be expected that the policies of the Quogue Village Police Department would be comprehensive, well-organized and set forth policing standards that are reflective of current standards. Nevertheless, the Department's policies relevant to the policing review mandated by Executive Order No. 203 were furnished to the Committee for its review.

The Committee held several in-person meetings. At its initial meeting on August 25, 2020, it met with Chief Chris Isola and Lt. Dan Hartman and discussed (1) the roles of the Police Department in Quogue, (2) inter-agency cooperation among police departments on the east end of Long Island, (3) departmental policies, including the plan of the Department to contract with Lexipol LLC in order to compare Quogue's policies with national best practices and also enhance training of officers, (4) the Department's use of force policy, (5) the affirmative obligation, expressed in a Quogue Village Police Department policy adopted in July 2019, of officers to intervene irrespective of rank upon observing another officer using a degree of force that is beyond what is reasonable, (6) the possible role of social workers and the availability of

programs that are available to the Department in Suffolk County, (7) tactics when subduing an arrestee, (8) the Department's vehicle pursuit policy, (9) the lack of militarization of the Department, (10) recruitment of officers in Quogue, and (11) the availability to officers of electronic translation devices, "language line" services (live interpreters via telephone), and interpreter services to aid in communication with Spanish speakers (and if, necessary, other non-English speaking persons).

On September 14, 2020, the Committee met again. We discussed with Chief Isola the Department's camera capacity. It does not presently have body cameras that are worn by officers, but each patrol car (of which there are four) is equipped with a camera that operates automatically when the car's flashing lights are on and can be activated by an officer at any other time. The cameras look forward and also into the back seat of the car in order to observe and record the actions of a detainee. Audio is worn on the officer's body and has a range that would record all audio whenever the camera is operating and the officer is within approximately 300-500 feet of the patrol car. As a practical matter they capture most police-citizen interactions that occur in Quogue. Chief Isola estimated that the remaining life under warranty of our dash camera system is about two years. He said that body cameras would be evaluated as possible replacements or for use in combination with dash cameras.

We also discussed the capacity of the Department's records management system to record a subject's race and ethnicity. Currently, the officers record their impression of these characteristics for identification purposes, but in the past the system has not been searchable on these criteria.

We discussed the Department's policy on complaints, which is to accept and investigate all of them, including anonymous complaints. In practice, complaints are rare.

We reviewed with Chief Isola the procedures for hiring and integrating new officers, which involve a full background check and 180 hours of field training with a variety of officers.

The Committee also interviewed Sergeant Dan Bennett (President of the Quogue Police Benevolent Association) and Officer Barbara Tiedemann, two of the senior and well-respected members of the Department, and discussed training of members of the Department on mental health issues and possible bias. Officer Tiedemann complimented the Department on the extensive metal health training she had received. We also discussed their attitudes toward the scrutiny that police in general are currently under and their impressions of the conduct of police officers in recent well-publicized incidents between the police and black citizens, including Rayshard Brooks in Atlanta.

The third meeting of the Committee was held on October 28, 2020. We met with Brad Magill, Assistant Head of the East End Bureau of the Suffolk County District Attorney's office. He has been in the East End Bureau for 13 years. He had high praise for the Village's police department. He felt that it was a great service to the Village and very beneficial to the DA's office. The dash cameras on the Quogue patrol vehicles are particularly helpful, he said, and of

good quality. The Quogue police officers treat suspects with respect and are to be commended for their patience. Brad said that he had never seen an instance of police misconduct by a Quogue officer or any evidence of pretextual stops or the targeting of any racial or ethnic groups.

We also met separately with Leo Cuomo and Bryan Browns, head of the East End Bureau of the Suffolk County Legal Aid Society and Chief Legal Operations Officer of that Bureau, respectively. They were asked questions similar to those asked of Mr. Magill and responded in a very consistent way. They had apparently looked at some Quogue video in preparation for the meeting. They said that comparatively speaking, the Quogue Police treated their clients with respect and certainly humanely. Although the vast majority of their clients in Quogue were Latino, they did not feel that there was any targeting—the videos showed good reasons for the stops, they agreed. Overall, they see the attitudes of their client base toward the police as very much "us vs. them." They also were very much against the militarization of police departments, which they do not see in Quogue.

We also met with Police Officers Ronan Seltenreich (recently named the Department's 2020 Officer of the Year) and Ashley Trotta, the third and second most junior officers in the Department, respectively. Generally, their descriptions of their training in the Suffolk County Police Academy and in the Department were very positive. Ronan mentioned that he would like to attend defensive tactics training to have another alternative to subdue a subject. They said that they felt well-supported by their supervisors in the Department whenever needed. We discussed the recent incident in Philadelphia involving the shooting of Walter Wallace. While recognizing that the situation was very difficult, Ronan said that he thought the actions of the Philadelphia officers were probably justified. Unfortunately, lethal force (a knife, in that case) is generally met with lethal force.

They decried the well-publicized misconduct of some police officers. "Good cops hate bad cops," Ronan said. They both believed that they could confront a senior officer behaving badly, while recognizing that they had never had to do so.

They both believed that law enforcement is not regarded as an attractive career by those in their generation. They believe, however, that they are well-respected by Quogue residents.

In addition to these meetings, Chief Isola consulted with Minerva Perez, Executive Director of the Organization for Latino Americans (OLA), and discussed how the Quogue Village Police Department can better serve the population that OLA represents. He came away with many ideas on that topic, particularly methods of improving communications with individuals who do not speak English.

Chief Isola also listened in on and discussed with the Mayor police reform committee meetings of other jurisdictions in Suffolk County and has had an ongoing dialogue with the chiefs of other East End police departments concerning the ongoing progress of their reform committees and the issues that they were considering.

Chief Isola also answered a series of written questions posed to him by the Mayor, and his answers were shared with the Committee.

Description of the Village of Quogue and the Quogue Village Police Department

Historically, the Village of Quogue has been primarily a seasonal community with a population that is approximately 5,000 during the summer months and 1,000 in the off-season. The Village has one public school, which has students up through grade 6. In 2020-2021 the full-time population increased significantly as a result of the coronavirus pandemic. Whether that trend continues over the long term remains to be seen. The Village has a small number of full-time Black and Hispanic residents but generally is not a racially diverse community. The Police Department has a full complement of 14 police officers, including the Chief of Police, the Lieutenant (Executive Officer) and a Detective. The remaining 11 officers are patrol officers, including three Sergeants who have supervisory roles. The full-time members of the Department are supplemented by a handful of part-time officers who fill in on patrol shifts and also in the marine unit that patrols the waters surrounding the Village. The racial composition of the Department currently consists of 11 male and two female Caucasians. Dispatch and 911 calls are handled by the Town of Southampton.

The normal deployment for patrol officers is two per shift, one of whom is primarily assigned to the north side of the Village and one of whom is assigned to the south side. Having two officers allows for backup in the event of an incident and also allows each officer to be more proactive knowing that another Quogue officer is available to respond to emergencies that may arise.

In a typical year, the Department handles 3,100 to 3,500 radio calls. Well over 100 of those are medically-related rescue calls. Most officers are certified EMTs, and the Department operates as an official Emergency Medical Services Agency. For its responses on medical calls, the Department gets uniformly excellent reviews from residents. Significant attention is devoted to vehicle and traffic law enforcement, including DWI enforcement, with well over 1,000 summonses issued annually and a roughly equal number of warnings. Investigations of suspicious persons and vehicles are also prevalent. Violent crime is rare and generally involves less than a dozen domestic violence cases per year. Slightly more numerous in Quogue are instances of grand larceny, including burglaries, which are non-violent.

The reputation of the Quogue Village Police Department in the area, we believe, is that it is a particularly active and vigilant group. This reputation has a strong deterrent effect on persons who would conduct criminal activity in Quogue and also on individuals who might otherwise risk driving in or through Quogue after consuming alcoholic beverages or drugs.

In the community generally, the regard for the police is good. Among the people who know the leadership of the Department or some of its officers fairly well or have interacted with members of the Department, the perception of the Department is even better and generally excellent. For example, several years ago the Quogue Association hosted a forum at which about 10 police officers were present and spoke about themselves and the Department. Unfortunately, the attendance was fairly sparse, but those residents who did attend were uniformly impressed.

The Police Department does reach out to the community. It conducts CPR training for the public at local beaches and elsewhere, does free child seat inspection and installation training for the public, annually presents an anti-bullying program at the Quogue School, conducts crime prevention seminars at the Quogue Library, participates in career day at the Westhampton Beach High School, gives distracted driving awareness training to the Westhampton Beach High School Seniors and Juniors and participates in a "Coffee with a Cop" event at a local cafe.

What Functions Should the Police in Quogue Perform?

The functions performed by the Police Department and the relationship between the Police Department and the Quogue community are described above. Given the size of the Village and the frequency of calls of any type, it is not realistic or necessary for the Village to replace police officers with social workers and other civilians. When the Police Department does have occasion to be faced with individuals having mental health issues, resources are available through Suffolk County, although they may require transport from the Village. Available resources include the psychiatric unit at Stony Brook (which hosts the Comprehensive Psychiatric Emergency Program (CPEP), a wide array of services networked together in order to provide psychiatric and medical service to Suffolk County residents), the Family Service League's Diagnostic, Assessment, Stabilization Hub (DASH) in Hauppauge, and privately-operated shelters for battered women.

Police officers typically are in attendance during the times of drop-off and pick-up at the Quogue School. Their purpose is primarily to assure safety. Given that the Police are available to respond at the School within very few minutes and that the School is an elementary school, no greater Police presence is believed to be necessary.

The present staffing of the Quogue Village Police Department is what is required to have a structure with two officers on patrol at a time. We believe that this level of staffing is what the community desires and expects. It allows for a deterrent effect against criminal and other dangerous activity, and the very quick response time to calls that greatly enhances the safety and well-being of Quogue residents.

While the Police Department is well-equipped, it is not militarized. It possesses some gear for

crowd control, such as helmets and face shields, but these are used when assisting other east end departments and participating along with other agencies in an east end task force. The Department has two surplus military vehicles used as a high-water vehicle and a beach-driving vehicle, respectively, but all military markings and paint have been removed and replaced with QVPD insignias.

Employing Smart and Effective Policing Standards and Strategies

Procedural justice, community policing. Some controversial and illegal police tactics are not applicable to Quogue. These include "broken window" policing, "stop and frisk," swat team tactics and facial recognition technology.

There is no evidence that bias-based or other pretextual stops are employed, and there are no formal or informal quotas for summonses, tickets or arrests imposed on officers. Officers interviewed emphasized these points, and both the prosecutor and public defenders stated that they have seen no evidence of pretextual stops in Quogue. The records management system utilized by the Quogue Village Police Department has historically not collected racial and ethnic data in a form in which it could be searched electronically. However, the Department was able to modify the records management system, and as of November 2020 the data is being recorded and will be monitored. As the Department migrates to the new records management system under the leadership of the Suffolk County Police Department, racial and ethnic data will continue to be gathered and monitored.

Chokeholds are illegal under New York law and prohibited by Departmental policies.

High speed vehicle pursuits and shooting at moving vehicles are exceedingly dangerous and are prohibited by Departmental policies. Officers are taught that they do not have to win every confrontation. Other measures—identifying a suspect or a vehicle for later investigation or arrest—are effective and less dangerous.

Quogue police officers do carry tasers and pepper spray as potential alternatives to use of firearms. They are taught the correct use of them by Departmental internal and external training.

Strategies to reduce racial disparities and build trust. Because of the racial makeup of the population of Quogue and the overall near absence of violent crime, development of strategies to reduce racial disparities and build trust such as diversion programs, restorative justice programs, violence interruption programs, hot-spot policing and focused deterrence are not applicable to or used in Quogue.

Quogue Village Police Officers do receive extensive training in de-escalation strategies and have used them effectively in several recent incidents.

Community Engagement. The Quogue Police are reasonably visible to the citizens of Quogue. There are normally two patrol vehicles on the road 24 hours per day. Police officers are present at the opening and closing of the Quogue School each day. During the summer months they have been a regular presence on the beaches in Quogue. They participate in the community activities described above, and it is believed that they are trusted and well-regarded by the residents. Nevertheless, more can be done, as the Chief of Police has recognized. He has volunteered to increase outreach to the non-English speaking community by meeting on a quarterly or similar basis with the Organization of Latino Americans and also to improve communications with this community by adding a Spanish-language announcement on the Department's answering machine, expanding the Department's pool of available interpreters, and making all public announcements and forms used by the public available in Spanish. The Chief further intends to offer to attend occasional School Board meetings and meetings of the Board of the Quogue Association and to host an annual community meeting to allow residents to meet officers and ask questions. It is believed that these actions will enhance the standing of the Police Department even beyond what it is today.

Given the size of the Village of Quogue and the familiarity of the Board of Trustees with the Department and its officers and the ready access that residents have to the Police Department and its leadership, it is not believed that formation of a citizen advisory board or committee is necessary for the Village of Quogue.

Fostering Community-Oriented Leadership, Culture and Accountability

Leadership and culture. A large proportion of the Quogue Village Police Department, including its Chief and Executive Officer, was born and raised in the Quogue area (Quogue, East Quogue, Quiogue, Westhampton, Westhampton Beach). They are very familiar with the area and its culture. Also, the Quogue Village Police Department has a reputation among those interested in a career in law enforcement as being a highly desirable place to work. Thus, recruitment in Quogue is an easier process than at some other agencies and we are able to get people who we believe are highly qualified.

Our preferred way to recruit is to recognize someone who is interested in a law enforcement career and sponsor him or her for the part-time Suffolk County Police Academy, use that individual as a part-time officer, and, if performance warrants, to appoint that person as a full-time police officer after he or she establishes residency in the Village of Quogue. Heavy emphasis is placed on getting the decisions right on the front end. A goal of the Department will be to use this process to identify, groom and eventually hire a bilingual officer who is a native Spanish speaker.

There is also a very strong bias on the part of the Board of Trustees to promote from within

the Department. There has not been a leadership position filled in the Department from outside for more than 30 years. That practice is expected to continue.

Tracking and Reviewing Use of Force and Identifying Misconduct. Use of force and officer misconduct are not common in Quogue. Since June 2018, there have been five instances in which officers used some degree of force. None of them involved a firearm. In each case the incident was documented, investigated by the Department and deemed to be justified with a reasonable amount of force used. The Chief reported four of the incidents to the DCJS as required by its reporting policy.

During the same period, there has been only one instance of officer misconduct. It involved a single entirely internal incident that involved a violation of the Department's sexual harassment policy. It was dealt with via Command Discipline.

In the future, all use of force reports and findings upon investigation, as well as all cases of officer misconduct, will be furnished to and reviewed by the Mayor. A decision whether to seek further review or to take further action will be made jointly by the Chief of Police and the Mayor.

Citizen Oversight and Other External Accountability. Oversight of the Police Department is performed by the Mayor and the Board of Trustees. A member of the Board of Trustees is designated as principal liaison with the Police Department along with the Mayor. It is not believed that additional civilian oversight is necessary or desirable in Quogue. The Police Department is readily accessible to citizens who would wish to lodge a complaint, and a form for doing so is available on the Department's page on the Village website. In practice, citizens write to make compliments far more often than they do complaints. Complaints may be made anonymously, if desired, and all are investigated. If the complaining party desires a report after the investigation, one is given.

In order to confirm the perceptions of the Police Department by Quogue residents, the Village intends to conduct a survey of their attitudes toward the police.

Data, Technology and Transparency. Statistics for each month's police activity are reported publicly at each monthly meeting of the Board of Trustees. Also, the local press regularly reviews the police reports of arrests and reports on all the ones that it considers newsworthy. Virtually all Police records other than certain personnel records are available for examination under the New York Freedom of Information Law.

The Quogue Village Police Department's records management system, while generally adequate now, will be revamped in 2021-2022 in connection with the implementation of a new system by Suffolk County that will also be rolled out to all of the East End police departments. The system is expected to collect all data provided for by law and to be fully searchable for the purpose of data collection.

Recruiting and Supporting Excellent Personnel

Recruiting a diverse workforce. See the discussion above under the heading "Fostering Community-Oriented Leadership, Culture and Accountability."

Training and Continuing Education. Quogue police officers are well trained. Several of them who were interviewed praised their training and specifically mentioned that they felt fortunate to have had substantial training on mental health issues. A lot of the training is by attendance at courses outside the Department, but the Chief of Police has also identified officers within the Department who are talented and effective trainers and taken advantage of outside "train the trainer" courses to qualify these officers to conduct training on certain topics to other members of the Department.

Courses relevant to the police reform agenda that have been given to all or some of the Quogue police officers are the following:

- Fair and Impartial Policing (train the trainer course)
- Excited Delirium
- Dealing with Emotionally Disturbed Persons
- Ethics
- Defensive Tactics
- Bias Crimes
- Crisis Intervention
- Crisis Debriefing
- Hate Crimes
- Implicit and Explicit Bias
- Mental Health First Aid
- Officer Wellness
- Police Encounters and Emotionally Disturbed Persons
- Suicide by Cop Protocols
- Verbal De-escalation & Crisis Communications
- Individuals with Autism and Spectrum Disorders
- Discrimination
- Discrimination and Workplace Harassment

The Department's recent subscription to Lexipol also opens up its extensive library of training videos to members of our Police Department.

In short, the leadership of the Quogue Village Police Department has demonstrated its commitment to having a well-trained force equipped to confront the current challenges affecting policing in general.

Support officer wellness and well-being. Recent training taken by officers has focused on recognizing cases in which officers need assistance dealing with job-related stresses or those arising outside of the workplace. While the Quogue Village Police Department is too small to employ its own psychologist, those resources are available through the Suffolk County Police Department Employee Services Unit and have been utilized occasionally in the past following the occurrence of a traumatic incident experienced by an officer.

The Department has already begun and will continue to implement an officer wellness program, which will include a fitness evaluation and incentives for those passing a fitness challenge. It also participates in the East End police departments' peer support group to help officers who experience events for which support of other trained officers could be helpful and appropriate.

Plan Summary

A summary of the actions identified in the foregoing discussion to be taken by the Village and its Police Department is as follows:

1. Enhance Spanish-language communications—answering machine and forms.
2. Endeavor to identify a local bilingual individual who is a native Spanish speaker as a potential police officer for Quogue and sponsor him or her for the Suffolk County part-time police academy with a view to hiring the person as a Quogue police officer.
3. The Quogue Village Police Department will continue to provide to its officers the most up-to-date training materials for addressing situations that may involve mental health-related issues and encourage officers to involve available mental health professionals in the area if the situation warrants.
4. The Quogue Village Police Department will continue to stress training in best practices pertaining to intervention, de-escalation techniques and other non-lethal responses to police incidents.
5. As the dash cameras currently used by the Police Department phase out in approximately two years, review whether they should be replaced with body cameras or integrated with a new system that includes both types of devices.
6. All citizen complaints, use of force reports and instances of officer misconduct will be furnished to and reviewed by the Mayor and the Trustee-liaison with the Police Department.
7. Monthly police statistics furnished to the Board of Trustee will be posted on the Police Department page on the Village website.
8. The Chief of Police will periodically offer to attend meetings of the board of the Quogue Association and the Quogue School Board and the Organization for Latino Americans.
9. While continuing current community outreach activities, the Police Department will host an annual forum at which members of the public will have an opportunity to meet

police officers and ask questions of them.

10. The Village will conduct a citizen survey to give residents an opportunity to express their attitudes concerning the Police Department.
11. The Police Department will continue with the development of its wellness program.

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE PLAN CERTIFICATION

I, Peter Sartorius, as the Chief Executive of the Incorporated Village of Quogue (the "Local Government"), hereby certify the following pursuant to Executive Order No. 203 issued by Governor Andrew M. Cuomo on June 12, 2020:

□ The Local Government has performed a comprehensive review of current police force deployments, strategies, policies, procedures, and practices;

□ The Local Government has developed a plan, attached hereto, to improve such deployments, strategies, policies, procedures, and practices (the "Plan");

□ The Local Government has consulted 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) regarding the Plan;

□ The Local Government has offered the Plan in draft form for public comment to all citizens in the locality and, prior to adoption of the Plan by the local legislative body, has considered the comments submitted; and

□ The legislative body of the Local Government has ratified or adopted the Plan by local law or resolution.

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Peter Sartorius
Mayor
March , 2021