



**CITY COUNCIL AGENDA
1ST FLOOR COUNCIL CONFERENCE ROOM, CITY HALL
CITY OF NEW ROCHELLE
REGULAR LEGISLATIVE MEETING
TUESDAY, DECEMBER 8, 2020
6:15 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

**APPROVAL OF MINUTES: Regular Legislative Meeting, Tuesday, October 20, 2020;
Committee of the Whole Session, Tuesday, November 10, 2020.**

**SUBMISSION OF MINUTES: Special Meeting, Tuesday, November 17, 2020; Regular
Legislative Meeting, Tuesday, November 17, 2020; Special Meeting, Tuesday,
November 24, 2020; Committee of the Whole Session, Tuesday, December 1, 2020**

LEGISLATION IN VOTING ORDER

CONSENT AGENDA

1. PROPOSED AMENDMENT TO CODE OF THE CITY OF NEW ROCHELLE, CHAPTER 312-62 AND CHAPTER 133 RE: MARINA PARKING DECK - Ordinance amending Section 312-62, Parking Lots, of Chapter 312, Vehicles and Traffic, and Section 133-1, Enumeration of Fees, of Chapter 133, Fees, of the Code of the City of New Rochelle (Marina Parking Deck). (Revised)
2. PROPOSED AMENDMENTS TO CODE OF THE CITY OF NEW ROCHELLE RE: CHAPTER 312-62 AND CHAPTER 133 - PROSPECT STREET LOT - Ordinance amending Section 312-62, Parking Lots, of Chapter 312, Vehicles and Traffic, and Section 133-1, Enumeration of Fees, of Chapter 133, Fees, of the Code of the City of New Rochelle (Prospect Street Lot). (Revised)
3. OMNIBUS AUTHORITY - Resolution giving the City Manager omnibus authority to certain contracts and to apply for certain Federal, State and County grants.

City of New Rochelle
City Clerk

MEMORANDUM

TO: Honorable Mayor and City Council
THRU: Charles B. Strome, III, City Manager
FROM: Michelle Oliveros, City Clerk
DATE: December 8, 2020
SUBJECT: POLICE REVIEW COMMITTEE - Requested by Mayor Noam Bramson

DISCUSSION ITEM

Police Review Committee Report - Further Review

MEMORANDUM

To: Honorable Council

Cc: City Manager Chuck Strome
Corporation Counsel Kathleen Gill
Commissioner Joseph Schaller
Deputy Commissioner Rob Gazzola

Fr: Mayor Noam Bramson
Council Member Yadira Ramos-Herbert

Date: December 1, 2020

Re: Police Review Committee Recommendations

The following is intended to provide structure to the City Council's consideration of the Report of the Policing Review Committee and also represents our recommendation for the direction that should be provided to the City Manager and professional staff.

As noted throughout this document, we still recommend receiving guidance from the NRPD and City staff. This guidance will prove to be helpful as we work towards the adoption of a plan. Once the Council adopts a plan, we request quarterly updates from the NRPD that will provide a status report on the implementation of the recommendations and adopted plan.

Community-Police Partnership Board (CPPB)

In addition to the specific responses noted below, and as a means of implementing several of the recommendations made by the Policing Review Committee, we suggest as a priority item in 2021 the formation of a Community-Police Partnership Board (CPPB) with the following responsibilities, to be discharged in concert with NRPD leadership and relevant personnel, and in a spirit of active engagement and collaboration:

- Review and recommend improvements to NRPD training protocols and use-of-force policies, with an emphasis on “advancing procedural justice practices, emotional intelligence, [and] community-oriented policing,” as well as conflict de-escalation and implicit bias prevention. Such reviews should occur as often as deemed necessary and no less than annually.
- Examine the circumstances surrounding “serious incidents” that entail significant injury or death and/or an officer’s discharge of a weapon and “that have the potential to damage community trust or confidence in the agency.” At the Police Commissioner’s request, advise on disciplinary matters.
- Supplant and assume the functions currently discharged by Citizens for a Better New Rochelle, including regular meetings with community leaders and interested residents to review data, discuss concerns, and maintain ongoing, trust-building dialogue.

The precise composition and appointment methodology of the CPPB requires further discussion.

Support as Recommended **Immediate or Short-Term Implementation in 2021**

PRC Recommendation: The committee strongly recommends implementation of the Implicit Bias training that was delayed due to COVID-19 and refreshes ICAT.

YRH/NB Comment: The NRPD is already committed to implementation of implicit bias training, as soon as public health conditions permit.

PRC Recommendation: The committee recommends NRPD engage in robust training on when and how to engage Clergy Rapid Response Team.

YRH/NB Comment: The Clergy Rapid Response team has already proven its value. Nonetheless, standards for the engagement and responsibilities of the Clergy Rapid Response team should be formalized.

PRC Recommendation: The committee recommends the City Council join any County level shared services model for crisis responders.

YRH/NB Comment: We are in full agreement with this recommendation.

PRC Recommendation: The committee recommends that the NRPD update its website and allow public access to monthly reports that detail racial, ethnic, gender and location data related to all police stops, crime data, complaint data, vehicle and traffic law and daily activity logs. The committee recommends the hiring of a data entry clerk who will aggregate the information in a manner that allows monthly digital access. The committee recommends a comprehensive data management overhaul be undertaken to analyze the following but not limited to collection, maintenance, analyzing, and disclosure practices.

YRH/NB Comment: This will require an amendment to the 2021 budget of at least \$70,000, and possibly additional resources for software. The specific data categories to be collected and presented will require further discussion and consideration, but, at a minimum, the racial, ethnic, and gender composition of police interactions should be recorded, aggregated, and transparently displayed.

PRC Recommendation: The committee recommends all complaints concerning a member of the NRPD should be: capable of being filed through an on-line fill-in form; tracked to a final disposition with a detailed explanation of the ultimate result; and available to the public with legal necessary redaction. All identifying information of complainants should be held confidential and restricted to only those with the need to investigate, resolve or adjudicate such complaints and subject to a strictly enforced

retaliation policy which confirms that any retaliation against any complainant will result in disciplinary action and possible termination by the offending officer. The retaliation policy should be clearly stated on the complaint form.

YRH/NB Comment: The NRPD is engaged in creating an online complaint form. While implementation of certain aspects of this recommendation is contingent upon definitive resolution of state-level regulations governing disciplinary records, we support the immediate implementation of an online complaint portal and request an analysis from staff on how transparency can be achieved for both complainants and the general public, consistent with state guidelines.

PRC Recommendation: The committee recommends all information shared on the NRPD website be provided in English and Spanish.

YRH/NB Comment: This recommendation has obvious merit in a community with a substantial Spanish-speaking population. The staff should provide the Council with a clear description of the steps necessary to implement this recommendation, including any necessary budget allocation and/or assignment of personnel. This will facilitate informed consideration of options.

PRC Recommendation: The reinstatement of Resident Security Officers (“RSO”) who are residents from the community to serve as liaisons with NRPD and helped to reduce crime.

YRH/NB Comment: Strengthening resident-police partnerships is of urgent importance and must be pursued vigorously, so that residents can be more fully engaged in providing for safe neighborhoods. Recognizing that the specific proposal for RSOs requires additional information in order to fully frame an actionable step, the staff should analyze costs, implementation models, and relevant examples from other communities in order to determine whether and how such a program – or an alternative program with similar intent – could be implemented in New Rochelle and under the auspices of which authority.

PRC Recommendation: If as part of its police reform task force or county level legislation, Westchester County establishes a Civilian Review Board the committee recommends New Rochelle seek the participation in the County level review board.

YRH/NB Comment: We are in full agreement with this recommendation.

PRC Recommendation: The creation of the Office of an Inspector General, which is not a part of NRPD but is an office within City Hall charged with investigating and resolving complaints or allegations of misconduct.

YRH/NB Comment: This is already in process and included within the 2021 proposed budget. Further discussion about how this role will come to fruition should be held.

PRC Recommendation: The committee recommends body cameras for all officers and supervisors operating in the field as well as in-car cameras for all marked and unmarked vehicles.

YRH/NB Comment: This is already in process and included within the 2021 proposed budget.

PRC Recommendation: The committee recommends the footage for these cameras should be stored and retained in a way that is easily accessible to third parties such as the NYS Attorney General's Office and requests from the public.

YRH/NB Comment: This is already in process and included within the 2021 proposed budget.

Support as Recommended
Medium or Long-Term Implementation, as Resources Permit

PRC Recommendation: The committee recommends the hiring of police officers and community members who will allow the creation of relationships that will reduce crime in hot spot areas, including 5 police officers assigned solely to Peter Bracey and Heritage Homes. These officers should be trained in community service model practices that will help to build trust and engagement between the residents and the police.

YRH/NB Comment: The cost of hiring 5 additional officers makes immediate implementation of this recommendation impractical, particularly given the fiscal uncertainties associated with COVID. Nonetheless, this should be established as a clear municipal goal to be implemented when resources are available.

Support as Recommended
Refer to CPPB for Implementation

PRC Recommendation: The committee recommends NRPD participate in rigorous and robust training that focuses on advancing procedural justice practices, emotional intelligence, community-oriented policing, and specifically addresses the role of race in officer's perceptions of risk and their decision making in potentially dangerous interactions with citizens.

PRC Recommendation: The committee recommends collaboration between NRPD and community members to "co-produce" and update policies and training programs in a manner that reflects clear roles and responsibilities to achieve community centered safety goals, violence reduction and address key problem areas. Special consideration should be paid to Use of Force and De-escalation policies to reflect norming best practices, including the ban of intentional neck and chokeholds.

PRC Recommendation: The committee recommends the creation of a *Serious Incident Review Board* comprising of sworn staff and community members to review cases involving officer involved shootings and other serious incidents that have the potential to damage community trust or confidence in the agency.

PRC Recommendation: The committee recommends that the NRPD should proactively seek opportunities to participate in neighborhood and community meetings. These meetings should have staggered start times and days, accept written comments/questions (via an online portal), the recording of meetings and should be advertised.

Support in Principle Implement Through Alternative Means

PRC Recommendation: Communication modalities have changed and social media is the key way to share information. The committee recommends the hiring a staff member who is trained to permit a more robust social presence without violating NRPD Rules and Regulation sections 3.1, 3.2 and 3.4.

YRH/NB Comment: The City should initially seek to accomplish this important goal utilizing existing personnel and resources. If this proves infeasible or inadequate, then the Administration and Council should consider the addition of dedicated staff in a future budget. This should be prioritized in 2021 with updates to the Council about whether existing personnel and resources will permit the NRPD to enhance its communication through social media.

PRC Recommendation: The committee recommends the hiring of a community stakeholder liaison. The liaison will be responsible for implementing strategic initiatives to foster better police/community relations. The individual will work closely with the Youth Bureau and other various City/State agencies to ensure better communication between City, State, Federal agencies and the community stakeholders.

YRH/NB Comment: The City should initially seek to accomplish this important goal utilizing existing personnel and resources. If this proves infeasible or inadequate, then the Administration and Council should consider the addition of dedicated staff in a future budget.

PRC Recommendation: The institution of a "Cure Violence" program where leaders in the community are trained to change norms, respond to shootings, organize the community and mediate violence and proactively address areas with high risk.

YRH/NB Comment: This function may be effectively discharged by the Clergy Rapid Response Team and by the CPPB.

PRC Recommendation: The institution of a Credible Messengers program, in which formerly incarcerated community members with street credibility receive mediation training (for disturbances/disputes/suspicious person/trespassing/juvenile disturbance calls not related to mental health issues) and are able to connect with and motivate the most at-risk young people to successfully challenge and transform destructive thinking, attitudes and actions.

YRH/NB Comment: A related initiative is currently underway in the New Rochelle City Court with the creation of an "Opportunity Youth Part." In addition, the Court is exploring a potential partnership with the incoming

Westchester County District Attorney to provide restorative justice programming. These efforts should be strongly supported by the City government.

PRC Recommendation: The committee recommends this civilian committee assist in determining policy for the police department, share policy and policy changes in publicly accessible formats, hold public disciplinary hearings, discipline and dismiss police officers and participate in hiring decisions of the Police Commissioner.

YRH/NB Comment: Given the constraints associated with collective bargaining and other considerations, the goals implied by this recommendation can best be accomplished through the CPPB.

PRC Recommendation: The committee recommends an affirmative declaration from NRPD that they will not purchase or look for grants to purchase military grade weapons including rubber bullets, chemical gases.

YRH/NB Comment: The NRPD notes that there are limited instances in which chemical gases and military-grade firearms may either be necessary to address emergent public safety hazards and/or the best means of limiting injury. The City should require that any such purchase be preceded by and conditioned upon written justification, as well as notification to the City Manager and City Council.

Requires Additional Analysis

Questions for Staff or Referral to CPPB for Review & Discussion

PRC Recommendation: The committee recommends NRPD explore other potential community crisis responders with a focus on de-escalating outcomes.

YRH/NB Comment: Articulating standards for the engagement and responsibilities of the Clergy Rapid Response team and identifying a community policing model where residents of the community are empowered and trained to serve as bridges to the NRPD will help facilitate the aims of this recommendation and should continue under the auspices of the CPPB.

PRC Recommendation: The committee recommends NRPD implement the (ABLE) Project.

YRH/NB Comment: The ABLE Project is a notable program that requires community support (as noted on the website, two letters from community organizations are required). The goal of CPPB is to facilitate active engagement and collaboration between the NRPD and the community around issues of training and related policies, and we recommend an examination of this model by the CPPB.

PRC Recommendation: The committee also recommends that the NRPD should proactively collaborate with the appropriate City Department (for example the communications department) to continuously monitor the languages spoken by residents of New Rochelle. As new languages become prevalent in our community efforts should be made to translate these materials into the emerging languages in our community.

YRH/NB Comment: This recommendation has obvious merit in a community with a substantial and ever-evolving foreign-born population. The staff should provide the Council with a clear description of the steps necessary to implement this recommendation, including any necessary budget allocation and/or assignment of personnel. This will facilitate informed consideration of options.

PRC Recommendation: The committee also recommends digitizing all police employment records and civilian complaints.

YRH/NB Comment: The staff should provide the Council with a clear description of the costs associated with implementing this recommendation, so that it can receive further consideration.

PRC Recommendation: For all stops by a police officer, the committee recommends that all officers are required to give their name, badge number, reasons for the stop and a card with instructions for filing a complaint.

YRH/NB Comment: This proposal requires additional information from the staff, specifically: is this a practice in other jurisdictions and what feedback can be obtained about the efficacy of this practice?

PRC Recommendation: Examination of civil service policies. Does this require advocacy to state representatives? Consider tools available to advance practices that focus beyond cognitive abilities to measure key personality traits, community-oriented skills and capabilities. Explore opportunities for candidates to earn hiring “points” from a range of desirable attributes, specifically focused to mitigate disparate impact that minority or working class, or low-income candidates may have in the process. Consider current educational requirements thoughtfully and whether they present a barrier or can be adjusted in other ways to get more qualified candidates in the door while still incentivizing the attainment of higher education and its corresponding benefits for officers.

YRH/NB Comment: The City should simultaneous and strongly pursue the dual objectives of greater diversity within the NRPD and of local hires. To the extent these objectives conflict, priority should be given to diversity. The staff should provide the City Council with a clear description of which potential civil service and hiring changes fall under State authority and which under local authority, and then with a recommended action plan for implementing changes in local policy and for advocating for changes in State policy.