

REFORM AND
REINVENTION OF
POLICING –
LEROY NY
DEPARTMENT OF
POLICE

Mayor Greg Rogers



Chief Christopher Hayward



The Village of Le Roy would like to thank the following people for participating in the Reform Collaborative:

Lori Steinbrenner – Business Owner/Village Resident

Jack Hempfling - Pastor/Village Resident

Jake Whiting – Legal Representative/Village Resident

Christine Gephart – Mental Health Professional/Community Kitchen

Mary Margaret Scanlan – Mental Health Professional

James Farnholz – Town Supervisor

Sean Ancker – Police Department Representative

Greg Kellogg - Police Department Representative

Merritt Holly – School Superintendent

Kevin Finnell – First Assistant District Attorney

Jerry Ader – Public Defender

Weldon Ervin – Village Resident

Laura Kettle – Village Resident

Monica Scarlotta – Village Resident

Steve Reese – Village Resident

Tiffany Goodenough – Village Resident

Eileen Carmel – Recording Secretary/Village Resident

Preface

The Le Roy Police Department serves the law enforcement needs of all Village residents, as well as visitors to the community. We strive to do so in a professional manner, respecting the rights of all without regard to race, color, nationality, creed, gender or sexual orientation. Our policies and procedures are developed and carried out with that goal in mind and our seventeen officers are selected, trained and supervised with that goal in mind.

While the Department has general law enforcement jurisdiction throughout the Village, the majority of the Towns and Villages within the County do not have their own police departments and rely on the Sheriff's Office and New York State Police to serve those respective municipalities as the "primary" agency. Therefore, issues specific to geographic areas where this Department is not the primary agency should be raised with the appropriate law enforcement agency.

The Department exercises primary jurisdiction over the Village of Le Roy, all Village Property (e.g... Parks, Wastewater Treatment Facility, Highway Garage, etc.). Additionally, we provide School Resource Officers (SRO) to the local school district. By inter-municipal agreement the Department also provides officers for court security to the Town Court and responds to calls in the Town as provided in that agreement.

We use our knowledge, experience and professional judgment, combined with available information, data, analysis and research to develop our policing strategies, training, policies and procedures. **Prior to the issuance of [Executive Order 203](#), this Department already had measures in-place addressing most of the issues/concerns raised by the Order.** There are some points, notably those concerning diversion of arrested subjects out of the criminal justice system and restorative justice, which are not under the purview of law enforcement and other government entities are far better suited to address those issues.

Some of the relevant strategies, policies and procedures and related issues are set forth below for community review and comment. We hope that after reviewing this document, you will agree that with respect to the key points raised in the Governor's Executive Order 203, the LeRoy Police Department meets or exceeds the established goals in the Executive Order.

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Deployment of Police Resources



Patrol Deployment

- The 6 full-time and 10 part-time officers assigned to the road patrol services generally report to the Village Hall. Their primary role is road patrol and they are dispatched to calls for service by the Genesee County Communications center based in Batavia, NY.
- School Resource Officers are deployed at the Trigon Park Campus through inter-municipal agreement with the Le Roy Central School District. The Department has had an SRO since 2003 and is the only agency in the County that has had a continuous presence in a school district since that time.

Detective Deployment

The detective is responsible for four primary areas:

- I. General Investigations/Violent Crimes/Organized Crime
- II. Narcotics Related Investigations
- III. Forensics/Warrants/Fugitives
- IV. Crime Analysis and Intelligence

The detective not only works on investigations originating with our Department, but they may also assist local, State or Federal law enforcement agencies with complex investigations and serious felonies.

Policing Strategy

We deploy our force to meet the needs of the Village or the entity contracting our

services. These agreements set forth the minimum number of officers, shifts, and responsibilities. For example, this Department is currently contracted by the school district for School Resource Officers. Similarly, we are contracted by the Town of Le Roy to provide officers at the Town Court when it is in session.

Procedural Justice and Bias

Procedural justice is the idea that the methods for resolving disputes should be fair. Procedural justice focuses on the way police and other legal authorities interact with the public and how the characteristics of those interactions shape the public's views of the police, their willingness to obey the law, and cooperation with the police in fighting crime.

Department Policy

This Department promotes procedural justice and opposes bias through its policies that demand police officers fulfill their duties in a professional manner consistent with their oaths to uphold the state and federal constitutions. These include express directives that this Department's police officers, among other things, "be responsible for humane treatment and safekeeping of prisoners," "be courteous and respectful to all members of the public," "not use discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender or sexual orientation" and "exhibit and maintain an impartial attitude toward complainants, violators, witnesses, suspects and other members of the public and not mistreat any person."

Action Taken/Proposed Reform/Change

Training Levels

Our Department provides many opportunities for training to its officers. However, the State is slow to offer training in critical areas such as de-escalation skills or do not offer enough training dates which would allow all officers to attend this critical training. It is important moving forward that the State begin to offer more in-service training opportunities that can be delivered at the local level by providing 'train the trainer' classes for identified areas of need. We currently have five certified general topics instructors who are able to teach Division of Criminal Justice Services sanctioned classes to Department officers as well as surrounding agencies. Additionally, we have recently begun participating in and instructing at the Rural Police Training Academy located at Genesee Community College.

Age/Sex/Race Report

Currently there is no easy way to track arrests by age/sex/race/ethnicity. A recommendation of this committee is that the Public Safety Law Enforcement Records should be modified by the County to include the ability to easily generate a report that will track the age, sex, and race of all persons arrested. This data could then be submitted to the Village Board on a semi-annual basis as part of a report.

Recruitment

This Department irregularly hires full-time officers but routinely hires part-time officers. We utilize a panel interview system and all candidates who submit a resume are guaranteed an interview. Efforts to diversify our staff are hampered by several factors:

1. The restrictive nature of the governing civil service laws and rules;
2. An inability to move past universally undesirable candidates that happen to score well on the civil service exam, pass the agility, and continue to answer canvass letters;
3. The loss of good candidates to other jobs;
4. The fact that few who would be categorized by other than “male whites” take the exam.

Since 2005 we have hired five female officers and currently employ two females with one of them being a Sergeant. Currently the Department does not routinely require psychological or polygraph examinations as a condition of employment due to the expense. It is the recommendation of this committee that moving forward all candidates be required to take these examinations as a condition of their employment with the Village.

Accountability and Transparency

Like any organization, every law enforcement agency needs a strong, healthy work culture to operate effectively. A culture of accountability in law enforcement is of particular importance.

Police departments need to create a system of internal checks and balances to make sure officers carry out their duties properly and act with integrity. Police accountability ensures that officers can work together effectively. They can trust their commanders to make ethical decisions. They know their fellow officers will put the needs of the department and the public ahead of personal interests. A culture of accountability in law enforcement also builds trust between the police and the community. As with recruitment, there are several issues that hamper efforts towards increased accountability:

1. The restrictive nature of the governing civil service laws and rules;
2. Collective Bargaining Agreement;
3. Under current Village Law the Chief of Police may only recommend discipline. Imposing discipline is the decision of the Village Board.

The recommendations of the Committee are:

1. The current rules and regulations are not encompassed in a General Order and should be changed to an order titled Standards of Conduct. These standards identify those areas for which an officer may be disciplined.

2. Work with the Police Union to adopt language in the Collective Bargaining Agreement. This language should reflect the desire of Management and Labor for a healthy work culture and culture of accountability for its officers.
3. Publish the Departments policy for filing a citizen complaint on its Facebook page and also make the forms available on the page as well. The notice on the page should indicate that the Department encourages citizens to file complaints if they believe the officer(s) acted in an improper manner.

Use of Force

Our use of force policy complies with the statutory requirement (established June 2019) that it be consistent with the Municipal Police Training Council model policy as published by the Division of Criminal Justice Services. In keeping with that model policy, the Department will adopt language that requires an officer to intercede when they observe force being used that is clearly beyond that which is objectively reasonable under the circumstances. It further requires that the officer report these observations to a supervisor.

The policy will include a limit on chokeholds to those circumstances where deadly physical force is authorized. On June 16, 2020 President Trump issued an executive order that stated law enforcement agencies wishing to continue to receive discretionary funding must submit their use of force policy to and receive approval from a credentialing body. The credentialing body will determine if the policy adheres to all local, State and Federal law as well as containing language limiting chokeholds as specified above. It was not until late December 9, 2020 that information was received as to who the credentialing bodies are in New York State and our policy will be submitted prior to the January 31, 2021 deadline.

It should be noted that Use of Force, as defined, was used in a small percentage of arrest situations in 2019 and 2020.

Year	Use of Force	Arrests	Percentage
2019	3	148	2.03%
2020	3	121	2.48%
<i>Note: State Guidelines issued in 2019 define reportable "Use of Force Incidents" incidents to the State. Only four of the six listed required a report to the State.</i>			

De-escalation

Policy

Our Use of Force policy incorporates the Municipal Police Training Council (MPTC) model policy language regarding de-escalation and in addition, specifically provides that before resorting to physical force or escalating the level of force used, de-escalation techniques should be used whenever feasible and consistent with the safety of the police officer and others.

Training

De-escalation is incorporated in the Basic Recruit Academy. In March 2020 the Municipal Police Training Council was scheduled to begin instructor courses, however due to the pandemic the implementation of this training has been pushed back to January 2022. The State does not currently offer other training courses which could be offered to officers during their annual in-service cycles. Therefore, the Committee recommends that the Department identify a research-based training program which it may deliver to its officers unless and until the State implements the crisis intervention program scheduled for January 2022.

Pursuit Driving

The Department maintains a policy that while restrictive does not prohibit pursuits. Things such as the offense committed, time of day, condition of roadway and traffic volume must be taken into consideration by the officer before engaging in a pursuit. Pursuits may not be based solely on a traffic infraction. Language will be added to the current policy placing further restriction on pursuing motorcycles due to the inherent risks involved with motorcycles.

Hate Crimes

The Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes, and forming networks that address prevention and response.
- (b) Providing victim assistance and community follow-up, or identifying available resources to do so.
- (c) Educating community and civic groups about hate crime laws.

During the course of the reform discussions, we identified that we did not have a formal policy in place and the Department has adopted the Hate Crimes policy contained within the Lexipol platform.

Law Enforcement Assisted Diversion Programs

A Law Enforcement Assisted Diversion program is a community-based police diversion approach to addressing those involved in the criminal justice system because of addiction, mental illness, and poverty.

In general, our officers exercise discretion, within the parameters authorized by State law, at the time of contact with an individual. For example, when circumstances dictate, individuals are brought for mental health evaluations in lieu of arrest. Another example would be our dealings with the homeless. When our officers encounter homeless people, they are referred to Social Services. If we encounter them in the elements during the overnight, we contact the on-call Social Services worker and they will plan for a facility that can receive them.

The Department also participates in a PAARI program with GCASA and other law enforcement agencies in the County. This program is a pre-arrest diversion program designed to offer treatment to individuals that present themselves to our officers and request help with their addictions. An individual presenting themselves at our Department requesting help with an addiction would be immediately screened for the program, and any drugs/paraphernalia in their possession would be accepted for destruction; these subjects would not be criminally charged. The program may also be available for subjects encountered on the street, with the facts and circumstances of the street encounter dictating eligibility.

Criminal Justice System

The Department is a sitting member of the Genesee County Criminal Justice Advisory Council. The mission of the council is to promote the public good and safety by seeking solutions to crime, which preserve life, protect property, hold those who violate public trust accountable and giving standing to victims. This is accomplished through community participation, crime prevention, education and by monitoring and assessing the Criminal Justice System itself. The ultimate intent is multi-focused:

- To preserve life, protect property and promote the rights of all citizens
- To make the criminal justice system accountable to the victim, offender and community-at-large
- To enhance the criminal justice system through planning and research
- Preservation of Law (individual rights and due process), Order and Community Peace (maintain the safety, welfare and order of the individual and the community as well as promoting and protecting the rights of its citizens).
- Protect the rights of the accused
- Promote and encourage the Fair Treatment of Victims
- Emotional, psychological mental, physical well-being of all citizens
- Uphold the standards of law and justice
- Prevent justice system deficiencies

- Monitor and assess the criminal justice system and offender accountability

Restorative Justice

Restorative justice is an approach to justice in which one of the responses to a crime is to organize a meeting between the victim and the offender, sometimes with representatives of the wider community. The goal is for them to share their experience of what happened, to discuss who was harmed by the crime and how, and to create a consensus for what the offender can do to repair the harm from the offense. This is the proper purview of the Unified Court System, New York State Corrections, Genesee County Corrections, Genesee Justice and perhaps the Department of Probation not law enforcement.

Principled Policing

Principled policing focuses on the way police interact with the public and how these interactions influence crime rates and the public's view of police and willingness to obey the law. Evidence shows that practicing procedural justice can have a significant impact on compliance, cooperation, public safety and officer safety. A certified instructor from this Department attended a four-day training event, and learned the tenets of Principled Policing, gained a deeper understanding of the core concepts of police legitimacy and to build better relationships within the communities that they serve. This training event followed a train-the-trainer model, and will allow our instructor to train our officers on a timeline that suits our own needs.

Bias-Free Policing

In keeping with the principled policing concept, the Department has adopted the model policy from IACP which states; Citizens having contact with officers shall be treated in a fair, impartial, bias-free, and objective manner, in accordance with law, and without consideration of specified characteristics or based on personal prejudices or partiality of officers toward classes of people based on specified characteristics. Citizens shall be treated in the same manner under the same or similar circumstances irrespective of specified characteristics.

Officers will receive basic and periodic in-service training and, where deemed necessary, remedial training on subjects related to fair and bias-free policing, to include legal aspects and the psychology of bias.

Community Based Outreach



The Le Roy Police Department endeavors to connect with our community through positive and resourceful initiatives that further our goals of building relationships and earning the trust of those we serve.

This Department strives to meet the challenges of connecting with all who live, work, and travel in our Community. We are proud of our community affairs initiatives, events and social media engagement. Our efforts to date have been very rewarding toward building strong and respectful relationships which aid our efforts in providing top notch public safety services and positive community relations.

Today, it is more challenging than ever to build and strengthen relationships between law enforcement and communities. We are encouraged about the success our Department has had to date with relationship building especially in our local and school community. It is very encouraging to know that our efforts to date are helping others, especially now, when our profession and our communities need it the most.

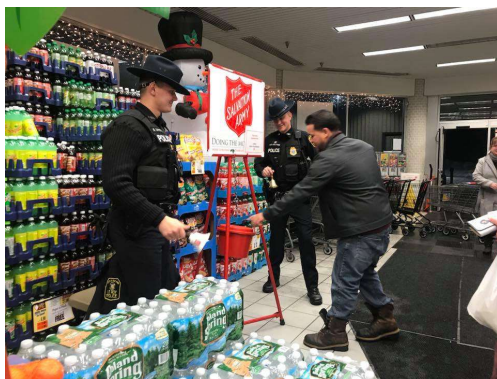
While we can point to success stories in our efforts to build relationships in the community we have not had a written policy for Community Relations. As such we have adopted the Community Relations policy contained within the Lexipol platform.

Community Satisfaction Survey

The Le Roy Police Department published a survey that was available from October 21, 2020 through November 13, 2020. The goal of the survey was to gauge community satisfaction with the Department and how officers interact with the community. Key findings of the survey were:

- Over 91% either agreed or strongly agreed the Department is visible to the public.
- Over 83% either agreed or strongly agreed the Officers act professional in carrying out their duties.
- Over 85% either agreed or strongly agreed that they feel comfortable approaching members of the Department.
- 80% either agreed or strongly agreed that the Department conducts its services in an unbiased and non-discriminatory manner.
- Respondents were asked to rate their overall satisfaction with the Department on a star system (1-star was poor and 10-stars was exceptional). The Department received 8.5-stars out of a possible 10-stars.

Community Policing and Outreach conducted by this Department



- Community Assistance to isolated residents during COVID Pandemic
- Foot Patrols
- Officers conduct summer programs under umbrella of LeRoy Recreation Committee
- Community Parade Details (Birthday's, Teachers, Graduations) - throughout the

Community

- Community Meetings – 911 Board, STOP-DWI, Juvenile Justice, Mental Health Committee, Criminal Justice Advisory Council
- Law Enforcement Torch Run – law enforcement agency run in support of Special Olympics funding
- Stuff the Cruiser
- Genesee Valley BOCES Job-Shadow Program
- Salvation Army Red Kettle Drive
- National Walk to School Day
- Community Kitchen
- Shop with a Cop
- Prom Safety Outreach in coordination with Le Roy Fire and LeRoy Central School
- Local College Internship Program
- School Resource Officers
- School and Community Parade Details
- A Social Media presence and community engagement via Facebook
- Ceremonial Unit – Color Guard for events and parades throughout the area
- Attendance to local criminal justice programs for recruitment.
- Attend career days / job fairs given at the above local colleges

Problem Oriented Policing, Hot Spot Policing, & Focused Deterrence

Problem oriented policing and hot spot policing are similar concepts, involving identifying and analyzing specific crime problems and locations and targeting resources toward solving those problems.

The Department works with local police departments to address crimes and patterns of crimes that affect multiple jurisdictions. Earlier this year the Department participated in a multi-jurisdictional effort to combat the spate of smash and grabs at convenience stores throughout this county and surrounding counties. Using a combination of crime analysis, technology, and solid work by the officers involved, suspects were identified, and in several cases arrested.

This Department also addresses concerns raised by the public with focused enforcement. For example, in recent weeks, there has been a reported increase in the amount of speeding vehicles on the State routes in the community. A traffic study is currently being conducted to determine the level of the problem and establish times of highest incidence of violators. This information will be used for targeted enforcement in the problem areas and the results will be measured by number of tickets issued. A subsequent traffic survey will also be conducted to determine the impact of the increased enforcement.

Supporting Officer Wellness and Well-Being

Historically, the Department has utilized the Employee Assistance Program when it has identified potential issues with officers. However, absent of discipline attendance has been voluntary by officers.

The Le Roy Police Department recognizes the need for a Department wide wellness program. The benefits of a wellness program are particularly important to sworn officers performing enforcement activities related to the nature of their work. The welfare of fellow officers, citizens, and the Police Department can be served best when members maintain an adequate level of mental health and physical fitness.

The police officer's health and well-being are of prime importance to the officer, his/her family, colleagues, police administrators, Village government, and the citizens of the community. But, the impediment to developing a program is that absent of discipline it would be extremely difficult to compel officers to participate in such a program. Therefore, the Department working collaboratively with the union should develop a program which would reward officers for participating in a Wellness Program. It is to the mutual benefit of both parties to have a program in place.

Crime Prevention Through Environmental Design

Attention to environmental design can help to increase the probability that an offender will be caught. Studies show that increased probability of capture tends to deter the commission of crime. Examples of crime prevention through environmental design would be: better lighting in crime-prone areas; conspicuous placement of security cameras with attendant conspicuous signage; elimination of shrubbery where it could serve as a hiding place for an attacker, etc. Environmental design is not usually a function of law enforcement but law enforcement can play a role by identifying possible improvements in the built environment that could help deter criminal activity in the area. Our detective provides guidance in site-security, target-hardening, and crime prevention. This resource is available to businesses, religious institutions, and other similar entities throughout the Community. Sites are visited in-person, assessments formulated, and recommendations are made by the detective.

Model Policies Promulgated by the Municipal Police Training Council

The State MPTC has at times developed model policies on aspects of police operations, which it offers to police agencies for consideration for adoption. Other organizations also develop model policies but not every model policy is suited to adoption by every agency. Many agencies develop their policies and procedures by studying model policies from many sources, such as IACP and by studying actual policies being successfully used by other law enforcement agencies around the State.

We have adapted the MPTC Hate Crimes and Use of Force Policies into our policies and procedures.

Lexipol

In October 2020 the Department transitioned to Lexipol's New York Law Enforcement Policies and Training Services. The service provides New York specific policies aligned with the NYSLEA standards, as well as an electronic platform that facilitates dissemination and tracking.

The Lexipol system will allow the Department to customize the policies to fit our needs and address the specifics of law enforcement in a small community setting. Using Lexipol's electronic platform will make it easier to quickly disseminate information to the officers using the mobile application.

Lexipol also provides Daily Training Bulletins allowing officers to get refreshed on techniques and procedures they don't normally do. The system also provides tracking to assure officers have completed training bulletins and acknowledged policies.

The New York State Law Enforcement Agency Accreditation Standards

The Law Enforcement Agency Accreditation Council establishes a set of standards with which a law enforcement agency seeking accreditation must comply. Law enforcement accreditation is not mandatory for police agencies in New York State, and not every agency is able to attain accreditation from the Council. Our Department is not accredited but has used these standards since 1992 and has continuously implemented and updated policy's in accordance with those standards.

Appendix – Additional Recommendations

In addition to the recommendations already mentioned in this report, the following is also recommended:

Basic Course for Police Officers

Police Academy Basic Course for Police Officers training hours should be expanded to a full week devoted to Procedural Justice/Cultural Diversity/Bias Related Crimes and Incidents. This should be comprised of two days of cultural diversity (to include a research and presentation project done by the recruits), two days of procedural justice, and part of a day related to bias crimes and incidents.