

**PUBLIC SAFETY AND EMERGENCY SERVICES COMMITTEE
MINUTES**

**(REMOTELY)
THURSDAY, FEBRUARY 18, 2021
3:30 P.M.**

PRESENT: Kevin W. Hines, Chairman
Thomas Faggione, **Kevindaryán Luján**, Rob Sassi,
Joel Sierra, Kathy A. Stegenga, John S. Vero

ALSO

PRESENT: L. Stephen Brescia, Chairman
Michael Amo, Independence Party Leader
Katie Bonelli, Majority Leader
Leigh J. Benton, Legislator
Peter V. Tuohy, Legislator
Betsy N. Abraham, Legislative Counsel
Steven M. Neuhaus, County Executive
Harold J. Porr, III., Deputy County Executive
Dan Bloomer, Director, Operations and Cost Control
Karen Edelman-Reyes, Senior Assistant County Attorney
Carl E. DuBois, Sheriff
Kenneth T. Jones, Undersheriff
Anthony Mele, Corrections Administrator
Craig Cherry, Deputy Commissioner, Emergency Svcs/Div. of Police Liaison Svcs
Deborah Slesinski, Deputy Budget Director

Chairman Hines opened the meeting at 3:30 p.m. and asked everyone to stand for the Pledge of Allegiance. All committee members were present.

Ms. Stegenga moved the request to accept and adopt the Orange County Sheriff's Office Police Reform and Reinvention Collaborative Advisory Panel Reform and Reinvention Plan, seconded by Mr. Sassi.

Mr. Porr stated that in 2020, the governor mandated that each police agency in every county form a Police Reform and Reinvention Collaborative Panel. The panel was made up of individuals who will review the current police department operations. In Orange County Government there is one agency, the Orange County Sheriff's Office. Steve Neuhaus is the Chief Executive Office of county government, and as directed by the governor's mandate, he was charged with establishing a collaborative panel by appointing members who will work to produce the final report. The County Executive solicited help from the entire county by taking in the need to provide a panel that represented the county geographically, ethically, and racially. Equally as important the panel needed to include its experts in important relevant areas as well as representatives from various communities. The panel appointed by the County Executive includes experts in the areas of police

services, social and mental health disciplines, emergency services, human rights advocates, legal aid representatives and other legal experts, community service representatives, advocates for the homeless, the poor, the underprivileged and the helpless. All demographic, racial and ethnics of the county were included in the panel of composition. On behalf of the County Executive, he thanked the professionals and community members who volunteered many hours of their time to produce this important document. There was collaborative work that had many challenges, and he believes the final work is a good piece of business that will be helpful to all throughout the county. He specifically thanked Craig Cherry who served on point for this effort, and his office headed by Brendan Casey, and a special thanks to Karen Reyes who was instrumental in drafting the initial report.

Mr. Cherry referred to page 4 of the plan under Plan Meetings (see original minutes) and stated that press releases were released to the media as well as the county Facebook page. Media releases were sent out on December 4, 2020, January 12, 2021, January 24, 2021, and on February 8, 2021. He added that public meeting dates were also posted on the Reform and Reinvention web page. The web page provided information regarding the reform process as well as survey participation, the police reform email for the public to provide comments, it also provides links to attend meetings as well as transcripts and to view comments made by the public. The final draft reflects 21 proposals made by the panel. These recommendations include but not limited to improving transparency, citizen encounters and accountability, reducing racial bias to build trust, improvements to the citizens' complaints process, diversity in the work force, creation of a Chief Diversity Officer to ensure diversity and inclusion as well as oversee training such as diversity education and explicit bias. He deferred to the committee as to how they would like to proceed by either reviewing the 21 grayed areas of the proposals (areas of recommendations) or open it up as Chairman Hines sees fit.

Mr. Hines responded that the committee has the document; therefore, nothing needs to be read aloud and the Sheriff should make a statement.

Sheriff DuBois stated he was not on the panel for good reasons. This was an objective review of his office and the Undersheriff is appointed to be a source of information as to what they already had in place to their five accreditations. He added the Sheriff's Office was ahead of the curve on this many year ago and he knows several members of the legislature encouraged them and agreed that the office should be an accredited agency. Furthermore, he refrained from making any comments on the process because he was not part of the committee.

Ms. Reyes explained that the process is well laid out in the planned document itself and it also describes the process they went through. She pointed out that anything that is not in gray (see original minutes) reflects where the Sheriff's Office was prior to ever starting the process and what is not in gray is what they have been doing all along. One thing they learned as a whole panel is that the Sheriff's Office does a lot that the public knows nothing about in terms of building up its workforce, making sure the workforce is properly trained and maintained and that they are always meeting their accreditations. She then stated that it would be best to open it up for questions that the committee may have.

Mr. Hines commented, as everyone knows he was on the committee and it was very interesting. He applauded Mr. Cherry and Ms. Reyes for their hard work and complimented the Sheriff's Office for working with the Mental Health Department because they work hand in hand.

Mr. Cherry agreed with the Sheriff that his role would be to listen to the information and not provide opinions. As Ms. Reyes stated, it does not do any good to solicit comments or receive them if people do not know what is currently going on with the organization being reviewed. The draft that was put out answered a lot of questions before it was off the ground. When people look at the Police Reform Intervention Plan as a whole, they tend to look at it from the wide angle of state events going on around the country when the focus is on the Sheriff's Office and how to get them to improve with any of the recommendations from the Governors Reform Plan and that is what the role here is today. He reiterated this is a review of the Sheriff's Office where they are now and where they can go for any or better improvement in their process.

Mr. Hines pointed out that some of the people that made comments didn't realize it, they thought this was being done for the County of Orange when it was being done for the Sheriff's Office. Each municipality is taking care of their own agency and he thinks some of the comments from the public did not understand that. The Sheriff's Office is not setting any policies for the County of Orange other than working with the Sheriff's Office.

Mr. Faggione stated that for disclosure, he was lucky enough to be asked to sit on the Town of Deerpark's Committee to review their Police Department in terms of their practices. The report is comprehensive on the county level. He complimented everyone who has worked through the committee process as it is a great document and shows the work and effort.

Sheriff DuBois clarified that since 2003, it was promised to bring the Sheriff's Office into the 21st century which they have by the accreditations. They have always been open to constructive criticism to better themselves hence, their monthly appearance at the Public Safety Committee meetings. He stated that he does not know of any other time in history that the Sheriff has ever done that. Furthermore, he hopes he sets a good precedent and that it continues for time and memorial as they want to further themselves and stay current.

Mr. Hines asked that Legislative Counsel Betsy Abraham explain to the legislature their role in this process as they do not have the ability to make changes to the document, they can only receive it.

Legislative Counsel Abraham explained that Executive Order 203 delineates the plan itself by laying out the intention behind the reinvention plan as well as the panel members that need to be appointed to come to the plan that was ultimately made. The executive order states that the plan must go before the legislature for either/or adoption and ratification as there is a specific time frame for the ratification to be made which is by April 1st. Furthermore, the executive order does not delineate any specific information as to allowing for changes to be made.

Mr. Hines clarified that if this is not passed the ramifications are financial.

Legislative Counsel Abraham stated that is correct, state and federal funding will be withheld.

Mr. Hines noted that it is not the role of the legislature to alter this document, this was a document created by a citizen panel to work with the Sheriff's Office.

Mrs. Bonelli commented that she was not on the panel, therefore; she did not have the knowledge that Mr. Hines had in working on all of this, so when the document was presented for review, she was pleasantly surprised as to how it was structured regarding the shading. It was very helpful in reviewing the document and enhanced it.

Mr. Hines mentioned that from being a member of the committee, that one of the things that stood out was to add an online complaint issue as well as detailing diversity issues along with having a civilian diversity position. In the meantime, the Human Rights Commissioner Inaudy Esposito offered to do training even more so than she has been as well as additional training with Mental Health. One other important issue that stood out was when the Sheriff was able to hire part-time people to enhance the staff, the percentage of the make-up of minorities was drastically higher when they did not have to deal with civil service issues.

Mr. Luján stated that he was glad to see that some of these changes especially with personnel were added, but someone who did sit in public and listen to the questions and the back and forth, there were a lot of concerns raised. The governor did something that was unfortunately not great as he left it open-ended in a way that left it open for interpretation about how panels across that state could be done. He pointed out that this leaves little direction as to what needs to happen and whether legislators can address and/or modify suggestion. Several concerns were brought to him by constituents even though they felt there was diversity and saw that the panel consisted of professional individuals. The main concern was what happens to the stakeholders or individuals who receive county grants. Is it a possibility that some individuals on the panel might have chosen not to speak out because of those contracts? Part of those bad optics is that it was not explained well, and other conversations took place besides the public forum. During the forum, he spoke to several community members who thought that was the only meeting going on. There were also a lot of community members that showed dissatisfaction with the fact that a lot of their questions were not answered. As someone who has listened to the City Newburgh 203 and the Town of Newburgh 203, (The 203 Directive mandated every municipality with a police department to do the review) the ability to see the questions and interact freely was missing. Furthermore, it could be a technology issue, so it is neither here nor there. What it comes down to is what is the substance of what is being asked? He then further explained what the 203 was about, racial justice and future trainings as he is concerned about body cameras and I.D.'s from police officers. These are simple issues that can be fixed as it is an easy way to connect to the community.

Mr. Hines **stated the committee addressed what Mr. Luján** spoke about regarding body cameras as they are 100% in favor of it and have cameras throughout the jail that has saved the county a fortune with respect to civil litigation. The problem is the footage must be stored for three years, so that is where the cost becomes cumbersome. If they could get grant funding, that would be wonderful, and they would be happy to do it. With respect to the back-and-forth comments, they did not answer questions other than Deputy Commissioner Cherry answering questions in a chat session because it was a public hearing and that is what this process was designed to do. Regarding the I.D.'s, the only people that have business cards are members of the command staff and the investigators. He knows everyone understands how easy it is to determine what deputy someone is dealing with because they have their numbers on their uniforms and jackets. One other important thing that was pointed out was there are AVL's in every vehicle; therefore, the radios are identified; therefore, if someone is pulled over the Sheriff's Office can tell in real time who is being dealt with and if there was an issue.

Mr. Paduch commented that he had a discussion with the Mayor of the City of Middletown regarding some of these issues. Regarding the reform document, he stated that he likes everything that was highlighted in gray, but one concern is the identification. The City of Middletown has cards they hand out at every stop and invested \$150,000.00 a year for a 10-year top notch

program for body cameras. In his opinion, it is about what we want to invest and how much to ensure they are doing the best job they can. He complimented the Sheriff and his office on what is included in the report, but there are little things missing which are not offensive.

Mr. Hines stated costs were discussed and the Sheriff and Undersheriff agreed to investigate it, but the storage for body cameras is the hang-up because it must be done correctly. He added that the Sheriff's Office is open to suggestions from this committee at any time and it does not have to be in this report.

Mr. Paduch suggested that someone from the Sheriff's Office speak with the Mayor of the City of Middletown to see what is included in the \$150,000.00 for a 10-year period.

Ms. Stegenga stated she received several calls from her constituents concerning the fact that the investigation part of the complaint is through the same department. She asked if someone could explain the group that would be investigating complaints to show that it is an independent group even though it is listed under the Sheriff's Office. In the last three or four years there were not many complaints and the ones they received they did not sweep under the rug. The other issues on the plan were good and will bring more transparency to the public.

Mr. Hines pointed out that with any large agency, we will see Internal Affairs, State Police, and the Sheriff's Office. He asked that Sheriff DuBois explain Captain Cowart's operation.

Sheriff DuBois replied that they are in favor of body cameras, but the issue is the storage which would be expensive. It would be a legislative decision and they would need to hire someone to keep all of it in line. The other issue is discovery which they must comply with which means there is a lot of maintenance. He reiterated that the Sheriff's Office is in favor of body cameras, but they want to be in compliance with the District Attorney and the Rules of Evidence. As far as internal investigations, he would like to defer to Ms. Reyes.

Ms. Reyes explained that the Sheriff's Office is very unusual in that they have their own internal investigating body. What they learned from sitting on the panel and doing research in the planned document is that the Sheriff's Office has set themselves up in a way that they have a captain in charge of all the internal investigations who is Captain Cowart. He is a very experienced police officer and only answers to the Sheriff and Undersheriff; therefore, he is outside the chain of command and does not have to answer to anyone else. She added that he focuses his efforts on the integrity of the personnel that is trying to ensure are following the rules. The panel also learned that there are also other avenues available when it comes to any police officers conduct in any municipality which means a citizen can complain to the Orange County District Attorney's Office, the New York State Police, or the Attorney General's Office. When Chairman Hines was explaining about how one identifies a police officer and the issue regarding business cards, she kept thinking that when the State Police have been called into investigate another municipalities officer, they are incredibly quick at finding out the who, what, where, and when as they are never precluded from that information. It is never a mystery of who the person was meaning the officer who was involved in any incident, because they have the AVL system in their vehicle. Her only personal experience in her professional life, is with the Civilian Complaint Review Board in New York City who was an independent investigating body for the New York City Police Department. In their own independent investigatory powers, only had the power to recommend discipline, so they would investigate but then recommend discipline back to the same agency. She reiterated there are other avenues where citizens can go to complain about the behaviors, conduct, and unconstitutionality of a police officer's actions besides their own entity even if they have an internal investigating body.

Mr. Luján reiterated that it would be unmistakable for the committee to not mention the accreditations to the Sheriff's Office as well as the immense collaborations they do with organizations throughout Orange County. He then stated that for community members looking at these forums and public hearings, they were expecting 10% to 15% of the time would be focused on what is done and done correctly. It is good to share that and he understands that it was recognized that perhaps they can do a better job at explaining and show what is already being done. He thinks it is important not to get away from the original goal which was to focus on racial justice and racial equality. Furthermore, he applauds the efforts that were done, but regarding business cards, he feels it is something everyone should be doing as it is very simple to do. One other issue that needs to be addressed is a diversity officer as he has spoken about the need for one in Orange County. He pointed out that he would be in favor of creating a position for one and work in hand with departments especially the Sheriff's Office.

Mr. Hines emphasized that the committee did recommend a position for a civilian officer and discussed it with Commissioner Gross. The Department of Human Resources already handles that for the Sheriff's Office through the civil process and it was explained in detailed. With respect to transparency (last page of report), he pointed out that there are comments from the public whether they were founded/unfounded, statements or suggestions. No one was hiding information and the Sheriff's Office was very accepting of the suggestions.

Mr. Cherry stated that as the state and federal government push the issue on body cameras, everyone will see more funding available as this is something that was recommended by 21st Century policing. He added the chapter is not closed and they worked the best they could with what they had. This is not the last chapter about police reform.

Mr. Hines pointed out that a survey was put out and there were very little, if any, complaints in respect to racism against the Sheriff's Office. Most of the complaints were with respect to policing and mental health.

Ms. Reyes explained that all comments and questions were relevant and things that the panel members were interested in, but the mandate was specifically laid out in the guidance that came with the executive order which was 139 pages of a "How To" book on how to go about having these discussions without getting lost. The governor's office issued that and that is why the document is planned and specifically tracks the governor's outline on what they were supposed to find out about our own police office. She stated that they were doing what the governor told them, which was discussing each issue, lay out whether it is being done, how it is being done, is it being done well and then state how it could be done better. The panel discussions also broke up every subject that is in the planned document into three sections. It was a build on all things being discussed and implemented to provide the best possible scenarios.

Mr. Hines thanked Ms. Reyes for her input and asked that the Sheriff research body cameras and get back to the committee.

Mr. Luján agreed with Ms. Reyes explanation, but stated that there was a clear disconnect between what community members were expecting, what they would like to see and the misunderstanding of what we do as a county versus what local municipalities do. When something gets lost in translation like that, community members get frustrated especially when seeing what is happening throughout the country. The big issue is that a lot of this should have been focused on the solutions on what could be done differently. In looking at the document, there are great changes and room for growth but then there are big issues that need to be done and not discussed regardless of the cost.

Mr. Sierra thanked Sheriff DuBois for his hard work and dedication. He stated that he had a chance to sit in on a few meetings held in Middletown and is okay with the document if it is fluid. Body cameras are the future of policing and he is glad to see the Sheriff is open to researching it more as he is in favor of them.

Mr. Hines stated that this committee and any other legislator can make comments and suggestions to the Sheriff at any time.

County Executive Neuhaus thanked Mr. Cherry and the team that put this together, they did a great job. The panel was very diverse and there were people invited who wanted to be involved. He pointed out that they did not have maximum overdrive participation from some of the people who should have been on the panel. He is proud of the Sheriff's Office and the living document as it gives guidelines in moving forward. Furthermore, he will continue "sharpening the sphere."

Sheriff DuBois confirmed that this is a living a document which is subject to change, subject to suggestion and review. He stated the Sheriff's Office uses videos from across the country for trainings to show what not to do and how to continue making improvements. Executive Order 203 has its model in the Division of Criminal Justice Services accreditation and those standards are also a living document. Standards change as they move through different trends through the years.

Motion carried. All in favor with the exception of Legislator **Luján** who voted against.

Ms. Stegenga moved to discuss the Corrections Report, **seconded by Mr. Luján**.

Mr. Mele stated that as of this morning the facility headcount is 400, of that 79 are ICE detainees and 79 are Marshals. He added the total boarder revenue through January is \$657,121.00.

Mr. Hines clarified that there are ICE detainees that have COVID-19 in Orange County.

Mr. Mele stated they have had COVID-19 positive inmates and all unlimited transfers are medically screened and tested upon admittance to the facility.

Mr. Hines asked how many ICE detainees currently have COVID-19.

Mr. Mele replied zero at this time.

Mr. Hines then asked that Mr. Mele explain how the ICE detainees are isolated if they have COVID-19.

Mr. Mele replied they have negative pressure cells that they utilize in the medical unit for anyone who is symptomatic or test positive.

Mr. Faggione moved to discuss the Sheriff's Report, **seconded by Ms. Stegenga**.

Undersheriff Jones stated January was an average month with a substantial amount of pistol applications. This will be the first time ever that will exceed 3,000 applications in a single year.

Mr. Hines asked if there are any updates regarding construction of the range.

Undersheriff Jones replied they are anticipating a meeting with the County Executive's Office, the Department of Public Works, and the Law Department so some things related to the construction can be expedited. He recently received information from the DEC that allows movement of one of the piles that was blocked for the construction of the second range. The matter has been rectified and they anticipate a meeting to make sure things are ironed out for building the structure and completing it.

The meeting adjourned at 4:43 p.m.