

Penn Yan Police Reform
and
Reinvention Collaborative Plan

I. Background:

On June 12th, 2020, Governor Andrew Cuomo signed Executive Order 203 stating in part “Each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law must 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.”

II. Establishing Stakeholders:

Mayor Leigh Mackerchar and Deputy Mayor/ Head of Public Safety Dan Condella met with Chief of Police Thomas Dunham and began to develop a list of community stakeholders including members of the local school district, faith based community, police union membership, nonprofit organizations, members of the business community, the district attorney, the public defender’s office, Finger Lakes Drug and Alcohol Counseling, peer advocates, incarcerated members of the community, victim advocates and Safe Harbors of the Finger Lakes.

III. Stakeholders Meetings:

- A. On September 18th, 2020, the stakeholders met for the first time and began a discussion into the current make-up of the Penn Yan Police Department, their use of force policies and procedures, their rules and regulations, the deployment of officers, training and budget. Also, a survey was conducted to gage the

stakeholder's feelings on staffing levels, deployment and budget of the police department.

- B. On October 23rd, 2020 the Mayor convened a second meeting with the stakeholders. At this meeting the stakeholders looked into various topics to include: 911 Center rerouting calls/training, SRO, CPEP, mental health calls and Social Services, staffing, budgeting and equipping the police dept., police engagement with crowd control, demilitarization, procedural justice, SWAT, no knock warrants, use of force reporting, less lethal, pursuits, facial recognition, summons vs warrant, diversion programs, community outreach, de-escalation, body camera's, hiring, promoting, internal accountability on and off duty, personnel complaints, civilian oversight and training, civil service and diversity.

IV. Reform and Reinvention Plan:

- A. After conducting a comprehensive review of the Penn Yan Police Departments force deployments, strategies, policies, procedures, and practices we would make the following recommendations:
 1. Policies and Procedures- We have found that we are currently satisfied with the departments policies and procedures and rules and regulations. The department has been updating its policies and went through a recent overhaul of their rules and regulations. However, we understand that laws and practices change and the police department must, at least annually, review the polices to ensure they are up to date. They must also immediately review any policy effected by a law change or update and make any necessary revisions.
 2. Training- The stakeholders and community agree that training is a key component of success in law enforcement and is essential in keeping officers up to date in an ever-changing environment. The police department and the board of trustees agree to annually review the police departments training budget to ensure officers are able to attend appropriate trainings.
 3. Hiring- In New York State, police hiring practices are dictated by New York State Civil Service Law. We recognize that the police department must hire from a valid civil service list and can only accept those who have scored in the top three and have passed the appropriate fitness and background checks. We would urge New York State to review current civil service testing

requirements and grading to ensure it is effectively allowing the best candidates to be hired.

4. Staffing Levels- The Penn Yan Police Department staffing level has gone down slightly over the last forty-one years and is currently smaller than it was in 1979 while receiving almost double the number of calls. The Board of Trustees through the management team and personnel committee must review department staffing levels to determine if it is adequate. It is essential the police department be adequately staffed to handle the public safety needs of the village while not being over staffed.
5. Body Cameras- In 1829, Sir Robert Peel developed what came to be known as the Nine Principles of Law Enforcement. Peel's second principle stated, "The ability of the police to perform their duties is dependent upon public approval of police existence, actions, behavior and the ability of the police to secure and maintain public respect." This principle still remains valid today. With today's body worn camera technologies members of the public can view law enforcement encounters as the officer sees it. We believe body cameras will play an increased roll in law enforcement going forward. We would recommend that the police department, public safety committee, budgeting office and management team work together to review and develop a plan to purchase and deploy body worn cameras going forward. The police department must also review its policies and procedures on body cameras going forward.
6. Equipment- It is essential that the Penn Yan Police Department be provided with the appropriate equipment to safely perform the functions of their jobs without becoming overly militarized. The department currently does not have a SWAT team and we do not see an immediate need for its development. Nor does the department have specialized vehicles or equipment outside of what a typical uniformed officer would carry or drive. The department and village budgeting committees must annually review planned purchases to ensure they are in line with the community's needs and expectations.
7. Search Warrants- The Penn Yan Police Department currently has a standard operating procedure for how they conduct no knock search warrants of premises. Part of that procedure is having an ambulance on standby, announcing oneself while making entry and having a uniformed officer make first entry. We believe that the department should memorialize these procedures in either a policy or a memorandum to be dispersed to the department members.
8. Traffic Diversion Program- The department should work with the district attorney's office to develop a process in which people being pulled over and

issued tickets for vehicle and traffic violations are informed of the newly enacted local traffic diversion program.

- B. Overall, we have found that the Penn Yan Police Department is meeting or exceeding community expectations and has had appropriate civilian oversight by the elected officials. The department staffing levels and budget should be regularly reviewed to ensure that the community is safe and receiving effective police services. We did not find that the department was over staffed or over equipped to address the public safety needs of the Village of Penn Yan.