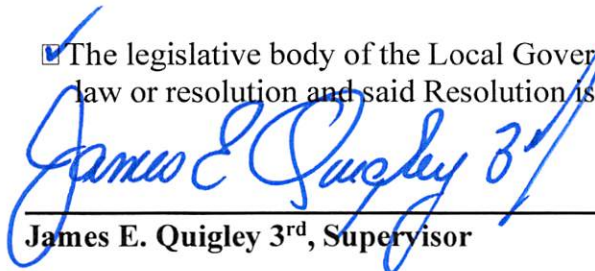


NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE
PLAN CERTIFICATION FORM

Instructions: The Chief Executive of each local government must complete and submit this certification and a copy of their Plan to the Director of the New York State Division of the Budget on or before April 1, 2021 at EO203Certification@budget.ny.gov.

I, James E. Quigley 3rd, as the Chief Executive of Town of Ulster, Ulster County (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 and said Resolution is attached hereto.



James E. Quigley 3rd, Supervisor

Dated: March 16, 2021

Resolution of the Town Board

TOWN OF ULSTER

Resolution to Adopt the Police Reform and Reinvention Collaborative Committee Final Report Pursuant to Executive Order 203

Date: March 4, 2021

WHEREAS, beginning on May 25, 2020, following the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability; and

WHEREAS, these incidents have led the Governor of the State of New York to sign into law the Say Their Name Agenda which reforms aspects of policing in New York State; and

WHEREAS, it has been determined that government has a responsibility to ensure that all of its citizens are treated equally, fairly, and justly before the law; and

WHEREAS, one of the essential roles of government is to maintain public safety, which requires mutual trust and respect between police and the communities they serve; and the success and safety of our society depends on positive police-community relationships and policies that allow police to do their jobs to protect every member of the public; and

WHEREAS, the Governor has enacted Executive Order 203 entitled the "New York State Police Reform and Reinvention Collaborative"; and

WHEREAS, Executive Order 203 states that in coordination with the resources of the Division of Criminal Justice Services and the Division of the Budget, local governments may "increase the effectiveness of the criminal justice system by ensuring that the local police agencies within the state have been actively engaged with stakeholders in the local community and have locally-approved plans for the strategies, policies and procedures of local police agencies; and

WHEREAS, pursuant to Executive Order 203 each local government entity, including the Town, which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law, must adopt a policing reform plan after performing a collaborative review of the needs of the community served by its police agency, and evaluate the department's current policies and practices to address any racial bias and disproportionate policing of communities of color and promote trust, fairness, and legitimacy; and

WHEREAS, on or about August 17, 2020, the Office of Budget released a Guidance Document in order to assist municipalities in the development of the Program (the "Guidance Document"); and

WHEREAS, the Supervisor of the Town is required to convene the head of the local police agency, and stakeholders in the community to develop such plan; and

WHEREAS, the Town, in coordination with its police agency, must consult with stakeholders, including stakeholders identified in the Guidance Document as required or recommended, and create a Police Reinvention and Collaborative Program (the "Program") to adopt and implement the recommendations resulting from its review and consultation, including any changes 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;

WHEREAS, such Program must be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative body in such political subdivision, which shall ratify or adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021; and

WHEREAS, the Town is then required to transmit a certification to the Director of the Division of the Budget to affirm that the Program has been developed and the required local law or resolution has been adopted approving the Program; and

WHEREAS, the Town has formed a Police Reform and Reinvention Collaborative Committee, comprised of all interested residents of the Town of Ulster, stemming from diverse backgrounds, under the facilitation of Town of Ulster Police Chief Kyle S. Berardi and Councilman Clayton Van Kleeck, and said Committee has met numerous times, and has prepared a Final Report; and

WHEREAS, said Committee has held two (2) public hearings, on January 20, 2021 and January 28, 2021, to gather feedback from the public on its Final Report;

NOW, THEREFORE BE IT HEREBY RESOVLED the Town Board of the Town of Ulster hereby adopts the Police Reform and Reinvention Collaborative Committee Final Report; and be it further

RESOLVED, that the Town of Ulster Town Board hereby authorizes the Town of Ulster Police Chief and/or the Town of Ulster Supervisor to file the required certification with the New York State Division of the Budget by April 1, 2021, that the Town has met the requirements of Executive Order No. 203.

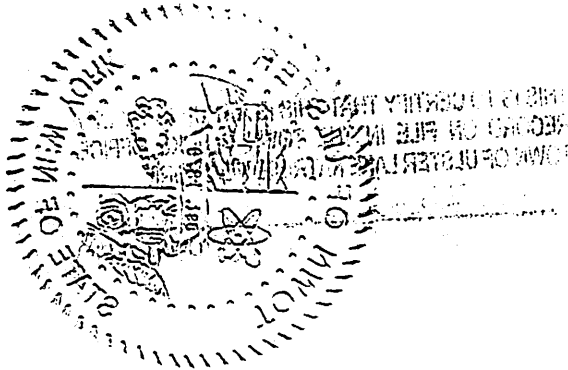
MOTION: Councilman Morrow
SECOND: Councilman Secreto

Supervisor James E. Quigley 3 rd :	Yes
Councilman Eric Kitchen:	Yes
Councilman John Morrow:	Yes
Councilman Rocco Secreto:	Yes
Councilman Clayton Van Kleeck:	Yes

CARRIED

THIS IS TO CERTIFY THAT THIS IS A TRUE COPY OF A
RECORD ON FILE IN THE TOWN CLERKS OFFICE
TOWN OF ULSTER LAKE KATRINE, NEW YORK.

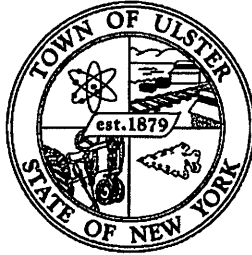
Suzanne Reamy
TOWN CLERK



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TOWN OF ULSTER

Police Reform and Reinvention Collaborative Committee

February 12th, 2021

Recommendations to the town board from our committee for consideration and adoption

This committee first met and began its work August 27th, 2020. We are made up of community volunteers from within the Town of Ulster, members of the town's police department, members of the county's district attorney's office and a town councilman. This committee was formed as part of the process directive of Governor Cuomo.

Members of the committee

Jess Davis, Eileen Murphey, Ed Steedle, Jon Brown, Walter Woodley, Henry Yost, Stewart Dean, Wayne Spanier, Marlene Anderson-Butler, Stephanie Pleshette, Don Gottlieb,

Officers on the committee

Sergeant Andrew Seyfarth, Detective Cheryl Benjamin, Officer Fred Kesick

Co-chairmen

Chief Kyle Berardi and Councilman Clayton Van Kleeck

Legal resources

Assistant District Attorney William Ghee, Chief Assistant Public Defender Clifford Owens and Assistant Public Defender Russell Schindler

Our Purpose and Mission

- To foster trust, fairness, and legitimacy within our community regarding our police department
- To address any racial bias and disproportionate policing that might be in our communities
- To have honest and thoughtful discussions about our goals among the local government officials and the community

- To make recommendations for building and enhancing relationships of trust and respect between law enforcement and the communities, with an understanding of the functions our communities want its police force to perform.

Our Goal

- To make collaborative policy and procedural recommendations to the town board that would ensure healthy and productive engagements and a fostering of a mutual trust, between our police and all segments of our community.
- All policy recommendations must be uniquely tailored to our town, and its communities.

Our timetable

- September and October: “**Listening and Learning**”. We separated into sub-committees for research, with each sub-committee reporting back to the committee of the whole with their findings
- November and December: “**Draft Initial Proposals**”. We worked together to draft collaborative proposals from the findings of our sub-committees. Each sub-committee headed up the discussions for their respective topics.
- January: “**Public Comment**”. We published our preliminary proposals requesting comments by mail or email. We had two public comment “hearings” via Zoom, January 14th and 28th.
- February and March: “**Revise and Ratify**”. We have made any agreed upon revisions to our proposals, that may have come because of the public comments and now present the final document to the board for review and ratification by adoption.

Our commitment

- We agree the process is to be collaborative
- We agree that we dealt with the issues relevant to our town
- We agree that the process was transparent
- We agree that our work should be productive for our community and our police

We are pleased to present our recommendations:

Recruitment, Hiring and Training

- The Town Board should work with Ulster County to increase the frequency of the exam offerings to at least one time per year. People who might be interested in a police career may have to wait up to 3 years to be able to enter the field.
- The County should consider disseminating exam notifications more broadly. Community groups might be considered.
- The Town currently uses restricted lists. They should consider open lists. Even though the current force, apart from gender, reflects the demographics of the citizenry of the Town of Ulster it may not be representative of the Police Department’s interactions. The Town, by nature of its location, attracts pass-thru travelers and out-of-area shoppers.

- The Town should consider, in cooperation with the other towns in the County, developing a program whereby officers of diverse backgrounds have the opportunity to interact with secondary students at times when they have organized career days.

For the positions of Sergeant, Lieutenant, and Chief the Town has traditionally used a promotional civil service list. Only people who currently serve in the Department are considered for these positions. On rare occasions the Town Board has chosen to go from outside the current Department.

- The Town Board should consider utilizing outside candidates. This might serve to foster new perspectives.

For the part-time positions, the Department has utilized a laid-back approach. Applications, which are unsolicited, are submitted and retained until a need arises.

- The Department should consider a more aggressive approach to obtaining applicants for part-time positions.

HIRING: The interview process is somewhat random. It is led by the Chief who occasionally has input from other staff members. In order to be an applicant, the State requires several minimum standards that must be met. The Town has a robust system in place for ascertaining a candidate's qualifications. This includes mental, physical, and emotional examinations. The sub-committee was impressed with this part of the hiring process. In addition, there is a final interview with a member of the Town Board's Personnel Committee prior to presentation to the Town Board. The sub-committee feels that this is a very important part of the process.

- The sub-committee feels that the interview process should be more formalized. By this we mean that there should be a set of guidelines that are followed as to the interviewers, the questions, and so on.

TRAINING: Section 209-q of the General Municipal Law of NYS defines the training requirements for all police officers, full or part-time, in NYS. Part 6020 further specifies the training courses that must be completed. Ulster County is fortunate to have a State-Certified program that is operated under the aegis of UCCC. In order to be certified the curriculum and the staff must be approved by the State. The minimum program for the Basic Course includes topics such as Ethics & Professionalism, Cultural Diversity, Bias Related Incidents, Professional Communications, Persons with Disabilities, Crisis Intervention, Use of Physical Force & Deadly Force, Active Shooter Response and Decision Making. The recruits are also mandated to complete numerous Reality Based Training Scenarios. The program is reviewed annually by the State through written submissions and on-site visitations. This college certificate program appears to have the local Police Chiefs as an advisory committee. Representatives of the college meet with the Chiefs on a regular basis. The College makes available a linkage between UCCC's degree program and the certificate program. There appears to be an articulation agreement between the BOCES and UCCC.

- The sub-committee would like to see the curriculum have an increased emphasis on Ethical Awareness, Diversity, and People with Disabilities.
- The sub-committee would further recommend lay members to be on UCCC's advisory committee for the certificate program.
- The sub-committee would like to recommend the substitution of non-militaristic terms whenever possible.

Further the Department conducts several in-service programs for the current staff.

All staff are on one-year probationary terms. At the anniversary date no action is taken currently.

- The sub-committee feels that a formal resolution on the part of the Town Board should occur when a person achieves Permanent status. This should include a written recommendation from the Chief and the Personnel Committee. We feel that this is a significant step and can go a long way toward improving morale, improving self-image, and enhancing standing in the community.

Policies and Procedures

- The committee recommends that the town purchase and require the use of **Body Worn Cameras** by all police officers. The officers of the TOU force we talked with (and their union) said they would welcome BWC adoption
- The committee recommends increased and improved communications between the Police and the communities they serve.
 - Establish a program within the police department to **create liaisons between the Town of Ulster Police and the immigrant and communities of color within our town.** This would resemble or work with the "Peaceful Guardians Project".
 - **Establish a Public Relations program within the police department** to highlight the good policing does, while explaining its people's difficulties, sacrifices and commitment.
 - Have more public and open channels to deal aggravation and grievance
 - Open offer to meet with aggrieved parties publicly
 - Grievance/Open House days
 - Proactive outreach to community disadvantaged by police activities, ex: firing range. Don't just 'do stuff' and hope. In the military, they say, 'Hope is not an action plan'. Instead, actively and consciously identify things that might outrage or annoy people, find out what people think and feel *beforehand*. Then proactively manage the activity to reduce the aggravation
 - Establish an unpaid civilian review board for critical police crisis oversight and feedback.

Contract Review

The Town of Ulster PD approved a contract for the term January 2, 2011 - December 31, 2016. A recent Memo of Agreement was adopted by the Town Board on November 6, 2020 extending the expired contract's length until December 31, 2019. It should be noted that the MOA presented to the town board was accepted with a unanimous vote. While it may appear that the Town of Ulster PD are working without a contract, that is incorrect. The regulations set forth in the Taylor Laws Triborough Amendment state that the following: "The New York State Public Employees' Fair Employment Act, known as the Taylor Law, was amended in 1982 to address what occurs when the term of a collective bargaining agreement between a public employer and a public employee organization expires.1 Section 209-a.1(e) of the Taylor Law, known as the "Triborough Amendment," makes it an improper practice for a public employer, or its agents, deliberately to "refuse to continue all the terms of an expired agreement until a new agreement is negotiated," [emphasis added]." - NYSBA.org, May 2018 The committees review of the contract suggests that the contract as presented is relatively standard for the industry and discipline. While salaries appear lower in comparison to other departments across Ulster County, Town of Ulster PD has a competitive health insurance plan that continues coverage post-retirement at no cost to the employee. Additional findings suggest that while initial salaries and longevity are lower, there is no concern about employee retention rates. There are employees that leave Town of Ulster PD for increased compensation, the impact on Town of Ulster PD is insignificant.

- Schedule contract negotiations to start earlier than the currently recommended 120 days stated in the bargaining agreement
- Consider **interest-based bargaining** as an alternative to adversarial bargaining. Both parties negotiating, seeking a win-win solution in negotiations

Personnel Reports and Complaints

After reviewing information and data on service calls and arrests, as well as the processing of several complaints, there was no compelling evidence of random or systemic racial or other bias in the way the Town of Ulster Police Department interacts with the public. Within the jurisdiction, there appear to be no neighborhoods or districts that are composed predominantly of minority residents. Most of the Department's contact with minorities comes from "transient" traffic, that is, from outside the Town of Ulster, traveling to or through the business district. None-the-less, to minimize the potential for biased policing it is suggested that a variety training be provided to full time and part time officers.

- **EPIC (Ethical Policing is Courageous)**, a nationally recognized program pioneered with the New Orleans Police Department that teaches officers how to intervene with fellow officers when their behavior escalates beyond their department's policy and the requirements of the law.

- **Critical Incident Training (CIT)** teaches officers techniques in handling escalating situations, particularly with those with mental health issues. Three officers in the Department are already certified in CIT.
- **A Departmental peer support and counseling program** to help officers dealing with increased stress from cumulative life problems both on and off the job.
- Operationally, we envision an **on-site Counselor**, in a confidential area where an officer is free to drop in.
- To further enhance the current in-service training and in concert with officer wellness, we would refer you to a **Division of Justice Resilience Training for COPS (Community Oriented Police Services)**. This training is offered through the Bureau of Justice, Washington, DC (1-800-421-6775). This training builds skills in dealing with officers own thoughts and traumas stirred by continuous contact with criminal behavior.
- We suggest a **'safe, detox room'**, before appearing in court. After 'coming down' the arrestee can then be charged, face consequences, perhaps chose treatment as well as any legal mandates, and freeing your officers from these kinds of incidents of disrespect.
- It is also suggested that **the complaint form be updated to make it more "user friendly."** Several questions have been added to the standard form to assist those who may be reluctant to make a report, or whose primary language is something other than English. The complaint form could also be put on the website so that it can be filled out and submitted on-line or downloaded, printed, and mailed.

Facilities

The current facilities provided for the police department are not adequate for the optimal performance of our officers and unaccommodating for public access. They are operating out of a renovated basement.

- It is recommended that the renovations and water damage abatement within the police department offices be completed as planned.
- It is recommended that the town seek a new building and site for the police department, the courts and town offices.