

Response of Supervisor Quigley to Questions Raised during and after the Zoom Call of January 21,2021 on the Town's Response to Executive Order 203 – Police Reform

E-Mail Received: January 22, 2021 From a Town Resident:

Hello Mr. Quigley,

I am a Town of Ulster resident. I am seeking more information about the Police Reform and Reinvention Collaborative Committee. In particular, I would like to know from you how the committee was assembled.

I see in a [July 20 Daily Freeman article](#) that people were to be placed on the committee "based on the expertise of applicants." Very little information about the committee members has been made easily accessible to the public.

Who made the decisions about who was seated on the committee?

On July 16, 2020 the Town of Ulster Town Board during a regularly scheduled Town Board Meeting, agreed to form a Committee of Involved Citizens of the Town to undertake the requirements of EO 203. The Town Board authorized the Town Clerk to place on the Town Website and the Town Clerk's Facebook page an announcement requesting individuals to participate. In addition, the Town Board individually reached out to the leaders of the Town's Democratic and Republican Committees along with other Community Leader seeking participants.

The Kingston Freeman published a story on July 20, 2020 indicating that the Town was seeking participants for this Committee.

As a result of the solicitation process 13 (thirteen) individuals expressed a desire to participate in the process. **ALL 13 WERE ACCEPTED.** There was no need to make a decision on who was to participate and who was not.

What "expertise" were considered?

Since all 13 Applicants were accepted, no selections of Committee Members were based upon "Expertise".

So as to address the issue of "expertise" the following professions are present on the Committee:

Retired Professional Accountant – NYS HCR Employee
Retired Social Worker – Ulster County Department of Health
Retired School Administrator
Retired Probation Officer – Dutchess County Office of Probation
Retired Computer Industry Professional
Licensed Clinical Social Worker – Private Practice
Retired General Contractor
Retired IBM Employee
School Psychologist
Medical Doctor
Pastor
Marketing Professional – Chamber of Commerce

Why was each member seated on the committee?

They were willing to serve

Were their applicants who were not seated? Why?

As discussed previously, 13 Applicants applied and all 13 were accepted. No one was rejected.

Why are 2 white men the co-chairs of the committee? What is their role as a co-chair and how were they selected for it?

The Term “Co-Chairman” is a misnomer in relation to the role that the two individuals played in the Committee.

EO 203 states: “The political subdivision, in coordination with its police agency, must consult, 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-profits and faith-based community groups; the local office of the District Attorney; the local public defender; and local elected officials, ...

The Town of Ulster Town Board in the spirit of Governor Cuomo’s statement in a news conference that; “Each Community will get the Police Department they want” made a decision that the Town of Ulster Town Board Board and Police Department would not direct or control the activities of the Committee.

Mr. VanKleeck (elected official) and Chief Berardi (Police Chief) acted as facilitators for the Committee organizing meetings, providing technical support for the Zoom calls and keeping the Committee aware of the schedule to deliver a report among other administrative tasks. Mr. VanKleeck and Mr. Berardi **DID NOT PARTICPATE** in any of the discussions on Policy or Practice. They provided all information that was requested by the Committee in order for the Committee to accomplish their mission.

In addition, the Town Board authorized three Police Officers to serve the Committee as Resources for information. The members were:

President of the PBA Union
Patrol Officer who was a former SRO At Miller Middle School
Detective

The Complete list of Committee Members and Resources can be found at:

<https://townulster.digitaltowpath.org:10023/content/Departments/View/7:field=documents;/content/Documents/File/4974.pdf>

To emphasis the roles of Mr. VanKleeck and Chief Berardi I am including an e-mail between a Committee Member and an acquaintance who participated in the January 21st Zoom call asking about the Committee”

Hello

You may not have recognized my name at tonight's Town of Ulster EO 203 meeting

...

I was wondering your involvement with this State mandate on racism in policing?

And would like to know your opinions about the process being used to effect this required report?

To let you know, I have been very involved in the New Paltz group that we have formed as an alternative to the politically appointed committee which operates in secrecy. I attended the Ulster Town meeting out of interest in seeing how other towns are functioning in this process.

So if you would, I would really like to hear from you about your perceptions and critique.

T....

This is the charge of the executive order

Governor Andrew M. Cuomo today signed an Executive Order — the 'New York State Police Reform and Reinvention Collaborative' — requiring local police agencies, including the NYPD, to develop a plan that reinvents and modernizes police strategies and programs in their community based on community input. Each police agency's reform plan must address policies, procedures, practices and deployment, including, but not limited to use of force.

Police forces must adopt a plan by April 1, 2021 to be eligible for future state funding and certify that they have:

1. Engaged stakeholders in a public and open process on policing strategies and tools;
2. Presented a plan, by chief executive and head of the local police force, to the public for comment;
3. After consideration of any comments, presented such plan to the local legislative body (council or legislature as appropriate) which has approved such plan (by either local law or resolution); and
4. If such local government does not certify the plan, the police force may not be eligible to receive future state funding.

"The protests taking place throughout the nation and in communities across New York in response to the murder of George Floyd illustrate the loss of community confidence in our local police agencies — a reality that has been fueled by our country's history of police-involved deaths of black and brown people," Governor Cuomo said. "Our law enforcement officers are essential to ensuring public

safety — they literally put themselves in harm's way every day to protect us. This emergency regulation will help rebuild that confidence and restore trust between police and the communities they serve by requiring localities to develop a new plan for policing in the community based on fact-finding and meaningful community input."

<https://www.governor.ny.gov/news/governor-cuomo-signs-executive-order-reinvent-and-modernize-police-strategies-and-programs>

Systemic racism certainly is something to be considered in the context of the mandate, and at last night's open house Zoom meeting, I did see some people get up and vent passionately on it, as I'm sure you would have liked to had your sound worked.

However:

- From my contact with the ToUP, I haven't seen and heard of explicit evidence of it, though in any majority white situation it can and often does exist implicitly.
 - One of the participant last night was a black woman, Cheryl Benjamin, who did not speak. She is Detective rank in the ToUP with a Masters (IIRC in policing and Hostage/Suicide Negotiation) degree. She is articulate, brilliant and no wallflower. She has been a liaison with the Committee, answering our questions completely and frankly but being scrupulously careful not to not 'sell' us BS or whitewash.
 - The Chief, Kyle Berardi, has consistently evidenced an earnest, hard-working committed intent and action to do the best policing possible; it has been consistently obvious he cares deeply about being fair, about the controlled and measured use of least possible force....always with respect for the individual as well as the letter of the law
- It is easy to take potshots at policing these days and certainly there's plenty of justifiable targets nationally
- It's also easy to forget how difficult policing is, that it does have an ideal and can be a calling that entails sacrifice and commitment, that people rarely respond to their apprehension in breaking the law with grace and acceptance, but instead act like a certain president when confronted and react with lies, denial, abuse and violence.
- Policing should be a calling viewed with respect and appreciation...but unlike medicine, firefighting and other such, it rarely receives it.
- America is waking up to evils and darkness that have always existed. However ugly there are, it is time and past that they should be brought out into the light and extirpated in as far as possible given the fallibility and weakness of men and women.

But.. I do not see anything but exemplary effort and action by the ToU police. Ditto of Clayton Van Kleeck, who is a member of the Town Board and, with Chief Berardi, was given the task of chairing the Reinvention Committee: they have **not**

- controlled the Committee actions
- tried to direct or influence our thoughts

What they *have* done is to organize the Committee to fulfill the executive order and to supply full and frank answers to *all* of our questions, to clarify any misunderstanding of law, justice and policing.

The Committee, while older and largely white, is diverse with people on both ends of the political spectrum, from Trump supporters to liberals and progressives, social work and mental health professionals. People of color were included, though I haven't seen them at the Zoom meetings. We worked together and were frank and honest, yet respectful, of each other. I was on the Policies and Procedures subcommittee and was the one who wrote a recommendation for body cameras and another for the police to explain themselves and their mission to the community. We were given full access to the codified policies and procedures of the ToUP and found them sensible and principled. I made a point of

saying that such can be so, yet policing really exists in its walk, not just its talk....and came to think that, as far as is humanly possible, the ToUP was exemplary in its walk as well

Throughout it all, Chief Berardi and Board member Van Kleeck were assiduously careful in word and deed to empower and inform us *but not* to influence our discussions.

More than a few of the attendees to the Zoom meeting had an axe to grind...and came in swinging an (unsharpened) axe. The crack one participant made that Clayton Van Kleeck's running a tire company didn't qualify him to co-chair the committee was contemptible. Running a honest respected business with happy employees takes honor and commitment, the same thing needed to honestly fulfill the purpose of EO 203.

You may wish to raise the recent incident in the Buffalo Wings parking lot, but that was an enormously complicated, difficult and fraught situation that cannot just be rubber-stamped as police misconduct, abuse or racism. The ToUP officer that came as backup actually tried to defuse and de-escalate the situation.

We may all have feelings, even rage, about national police misconduct (or atrocity) and systemic racism, but let us not assume it in the ToUP. Let us instead work with what *is* and what is achievable. Frankly, the committee found a police force that was honest, fair and committed, that *wanted* to be so. What we did find was relatively minor areas for improvement.

Policing is a largely thankless and demanding job; I certainly couldn't do it and enormously appreciate those who make that commitment and sacrifice.

What is the racial make-up of the committee?

The Committee is comprised of (2) African American – males, (1) Female who was in a mixed-race marriage with children who grew up in this community, and the balance are White.

There are 9 Males and 4 Females

How, specifically, does the composition of the committee address executive order 203's directive to "consult" ...? "members of the community, with emphasis in areas with high numbers of police and community interactions?"

I believe that the answers to previous questions outline how the Committee was selected (all applicants were included, no one was excluded), the skills and characteristics each member brought to the Committee and the racial profile of the Committee Members show that the Town of Ulster has formed a Committee based upon the demographics of the Town. The diverse Committee has experience in the Government, Education, Ministry and Private Business. This combination is truly representative of the Town of Ulster.

Question asked during the Zoom call of January 21, 2021

Will all individuals wishing to express their opinion on this issue be allowed to speak?

At the next scheduled Town of Ulster Police Reform Zoom call **all individuals** wishing to speak will be allowed three minutes. If time permits after all of those wishing to speak have had an opportunity to speak, we will allow additional time to those who require it.

I wish to remind individuals that the Town of Ulster has had a written Policy on Conduct during Public Meetings since 2015 and reaffirmed annually at the Organizational Meeting in January. This Policy can be found at:

<https://townulster.digitaltowpath.org:10023/content/Generic/View/95:field=documents;/content/Documents/File/2703.pdf>

The Policy states that a speaker will be requested identify themselves. Proper decorum must be observed at all times. This Policy was formatted using resources from the Division of Local Government Services, New York Department of State and the Committee on Open Government.

Question asked during the Zoom call of January 21, 2021

Were any members of the Ulster Police Department present in Washington, D.C. during the demonstrations of January 6, 2021? If so, will they be disciplined?

In response to this question, Chief Berardi of the Town of Ulster Police Department inquired of the Albany NY Office of the Federal Bureau of Investigation if there was any information indicating that a member or members of the Town of Ulster Police Department were present in Washington, D.C. on January 6, 2021. As of today, the Town of Ulster has not received any information from the FBI that would indicate that a members of the Ulster Police Department were present in Washington, D.C. on that date.

Additionally, Chief Berardi reviewed the Full Time Employee Roster against the Employee Work Schedule and Attendance Records for the period January 5th through 7th. There were no accounted absences of Full Time Employees who were schedule to work. Any employee who was on their scheduled time off was specifically asked as to their location during this time period. Based upon this review the Town can say that **NO** Full-time Ulster Police Department Personnel were present in Washington, D.C. between January 5th through 7th. If they weren't there they couldn't participate.

The Town also employs Part Time Police Officers to fill in shifts that cant be covered by Full Time Employees. These employees are currently being canvased to determine their location during this time period.

I would like to take this opportunity to state the Town of Ulster has had a long standing" No Tolerance Policy" for employees who have broken the law. There are documented cases of Town employees facing disciplinary actions that resulted in the loss of employment.

Additionally, the Town of Ulster Town Board passed Local Law #1 of 2015 establish Police Department Disciplinary Procedures. This Town Law allows the Town Board discipline options outside of the negotiated process set forth in the Collective Bargaining Agreement with the Town of Ulster PBA, Inc. The Law can be found at page 3901 here:

<https://townulster.digitaltowpath.org:10023/content/Laws/View/41:field=documents;/content/Documents/File/4953.pdf>