

Allison Kardon

From: Orangetown Supervisor
Sent: Tuesday, February 16, 2021 1:17 PM
To: Mark Dery; Orangetown Supervisor
Cc: Michael Lockett; Larry Lynn; Bonnie Christian; Jeffrey Hirsch; Michael Hogan; Catherine McCue; Michele Hamilton; Luisa Fuentes; Mark Pessin; Elijah Reichlin-Melnick; peoplespanelonpolicing@gmail.com; James Marshall; Steve White
Subject: RE: QUESTIONS ABOUT THE ORANGETOWN POLICE-REFORM COMMITTEE
Attachments: Police_Reform_Workbook81720.pdf

Mark,

I apologize for my delay in responding. After reading your e-mail, it is clear to me that I misjudged your intentions regarding the Orangetown Police Reform Committee. I now know that you are not interested in learning about the committee or the work that we have been doing. Therefore, I will not use what limited time I have these days to respond to your questions, as to do so would validate the underlying assumptions, many of which are nothing more than inflammatory statements that I do not agree with.

However, I will take a minute to point out that Executive Order 203 and the guide provided by Governor Cuomo, which I have attached for your review, specifically requires membership and leadership of the local police force, the public defender, the district attorney and local elected officials to be on the committee.

I would also suggest that you read the minutes from the Orangetown Police Reform Committee meetings that we have had to date – and I mean really read them. The committee members have spent countless hours of their time to learn about and understand the current policies and procedures of the Orangetown Police Department. In addition, we have had presentations from the Behavioral Health Response Team (BRHT), the Mental Health Committee of Rockland County to End the New Jim Crow, Christopher Strattner from the Rockland County Police and Public Safety Academy, and the Orangetown Police Department on the accreditation process and what that means.

In addition, I have personally reached out to several local organizations, including the RPPP, local school districts, the Nyack Center, and the Pride Center, to extend invitations to our public forums and see how we can work together, and we are working on a survey monkey to extend even further outreach to the community.

For you to dismiss the work of the Orangetown Police Reform committee without bothering to take the time to try to learn what we are actually doing speaks volumes about your objectives and not at all on the work that we are doing – and continue to do.

On a separate note, I cannot help but note that I find your remarks that it may be “technically true” that I am the “titular chairperson” to be insulting at best, misogynistic at worst. As a practicing attorney for over 30 years in a male dominated profession, I

know it when I see it. From those unwarranted statements, it is clear to me that you do not know a thing about me.

Teresa M. Kenny
Town Supervisor
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(845) 359-5100

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From: Mark Dery [REDACTED]
Sent: Tuesday, February 9, 2021 10:53 PM
To: Orangetown Supervisor <supervisor@orangetown.com>
Cc: Michael Lockett <[REDACTED]>; Larry Lynn [REDACTED]; Bonnie Christian [REDACTED]; Jeffrey Hirsch <[REDACTED]>; Michael Hogan [REDACTED]; Catherine McCue <[REDACTED]>; Michele Hamilton [REDACTED]; Luisa Fuentes <[REDACTED]>; Mark Pessin [REDACTED]; Elijah Reichlin-Melnick [REDACTED]; peoplespanelonpolicing [REDACTED]; James Marshall [REDACTED]; Steve White [REDACTED]
Subject: QUESTIONS ABOUT THE ORANGETOWN POLICE-REFORM COMMITTEE

[External Email]

Supervisor Kenny:

In response to your invitation, in the chat window of a recent videoconference hosted by the Rockland People's Panel on Policing ("I am happy to answer specific questions via e-mail at supervisor@orangetown.com"), I'm sending a few preliminary questions. After I've received your responses, I'll follow up with the phone call you proposed ("I am happy to speak with you personally...and answer any questions you have").

(I'm including, in the .cc line of this mail members of the RPPP as well as representatives from the Rockland Coalition for the End of the New Jim Crow and members of the South Nyack EO 203 police-reform committee on the assumption that they'll find your answers as informative as I know I will.)

My exploratory questions are as follows:

1) On the official Orangetown page (<https://www.orangetown.com/groups/police-reform-committee/>) announcing the formation of your police reform committee and providing the context for it—the governor’s executive order 203—the text reads, “In response to growing social unrest occurring across the country on June 12, 2020, Gov. Cuomo signed Executive Order 203 requiring each local government in New York State to adopt a policing reform plan that will maintain public safety while building mutual trust and respect between police and the communities they serve.”

I’m curious to know: who authored this text, and who approved it? If you approved it—and I can’t imagine it was published on the Orangetown website without your approval—do you feel this is an accurate interpretation of the stated motivations and intent of the governor’s order?

2) Our exchange in the chat window of the RPPP Zoom meeting touches on two questions:

- The fact that Orangetown’s EO 203 panel is, like too many such panels in Rockland county (as noted by RPPP leaders in their recent LoHud op-ed), topheavy with law enforcement and elected officials who rely for their political fortunes on law-enforcement support (i.e., the support of powerful police unions, active-duty and retired law enforcement, etc.).

In our brief exchange in the chat window, I asserted that “Orangetown’s EO 203 panel is run by police... Since Supervisor Kenny is listening right now, will she commit to ... appointing BIPOC leaders, not law enforcement?” You responded that I was “incorrect in [my] statement that our committee is run by the Police,” noting that you are the titular chairperson.

While that may be technically true, the composition of your panel is self-evidently contrary to the intent of the governor’s order. The minutes from your October 20, 2020 meeting list 18 committee members, of whom at least five are elected officials or town employees, seven of whom are district attorneys, assistant district attorneys, or attorneys in the employ of the town or one of its municipalities (a group not noted for its sympathy with Black Lives Matter or radical calls for police reform), and the remainder of whom, with the exception of two individuals (Pastor McLaughlin and “Tappan resident Willie Outlaw”) are members of law enforcement, one of whom is a president of the local PBA, a union notoriously hostile to BLM and widely criticized for its racist rhetoric and knee-jerk defense of police brutality. (See: <https://www.newyorker.com/magazine/2020/08/03/how-police-unions-fight-reform>. <https://www.thecity.nyc/2020/6/1/21277684/nyc-pba-police-union-poised-to-tap-warchest-to-shield-nypd-discipline-records-amid-george-floyd>) The composition of the panel at this meeting is typical of all of your meetings, all of whose minutes I reviewed.

How many BIPOC (Black, Indigenous, People of Color) members sit on your panel? Are they leading the proceedings, or in the minority? Are your meetings focused on the problem of racial bias in policing or given over, in large part, to presentations by law enforcement about details of hiring, training, etc., as your minutes seem to suggest? Do the composition of your panel and the agenda of your meetings reflect the intent of the governor’s order?

Signed in response to the Black Lives Matter protests against police brutality in the wake of George Floyd’s murder, and in recognition of “racially-biased law enforcement” (“a number of incidents

involving the police that have resulted in the deaths of unarmed civilians, predominantly black and African-American men, that have undermined the public's confidence and trust in our system of law enforcement and criminal justice"), EO 203 repeatedly emphasizes the crucial importance of giving Black and brown voices pride of place in police-reform panels, and of aggressive outreach to communities of color to ensure not only their representation on EO 203 panels but their presence at EO 203 meetings, where they will, it is implied, be empowered to directly challenge law enforcement and elected officials on their policies and records related to racial bias in policing.

Governor Cuomo's order emphasizes the importance of "local police agencies within the state *actively [engaging] [emphasis mine]* with stakeholders in the local community." It stresses that "the political subdivision, in coordination with its police agency, must consult with stakeholders, including...members of the community, *with emphasis in areas with high numbers of police and community interactions [italics mine]*."

What, if anything, have you, your fellow officials, and Orangetown's "police agencies" done to "actively engage with stakeholders," specifically communities of color? Are you in compliance with the order's requirement that your panel consult with members of communities "*in areas with high numbers of police and community interactions*"? If so, how is the consulting taking place? And why is your EO 203 panel so heavily stacked with D.A.'s, assistant D.A.'s, and law enforcement rather than a significant percentage of members of communities of color who, if appointed to lead your meetings and shape your agenda, would surely demand real and lasting reform?

3) Another point made by me in our Zoom exchange: Orangetown's EO 203 meetings appear to permit public comment only in the form of written questions rather than direct interrogation of panelists and guest speakers by the public. This format isn't conducive to transparency and thwarts the spontaneous, real-time give-and-take that is essential to grassroots democracy. It's not only contrary to the spirit of the governor's order, but contrary, as well, to the spirit of the open-meetings law. Any elected official committed to government transparency, and to executive order 203, as you profess to be, should support a robust, real-time discussion and debate with the public he or she was elected to serve. Pressed on this point, you claimed, "Nothing in EO 203 requires the public to speak at every meeting," to which I responded that "the spirit of EO 203 clearly *encourages*" direct engagement with the public, adding, "If you support EO 203, why would you resist permitting the public to speak in real time, and to receive answers in real time?"

Thank you for taking the time to read and respond to this lengthy letter. I, and the members of the racial-justice groups CC'd here, look forward to your response.

Sincerely,

M. Dery

South Nyack EO 203 Police-Reform Steering Committee