

Town of Orangetown Police Reform Committee

Minutes

February 16, 2021

Present

Special Guest Clarke Osborn, District Attorney's Office
Teresa Kenny, Orangetown Supervisor
Donald Butterworth, Chief of Police
Michael Shannon, Police Captain
Tanya Gayle, Nyack NAACP & RC Public Defender Representative
Brandon D. McLauchlin, Pastor of St. Charles AME Zion Church
Nicholas S. Whalen, Orangetown Sergeant and PBA President
Elizabeth Brancati, Deputy Town Attorney
Michael Lawler, Assemblyman
Allison Kardon, Clerk

Not Present

Don Hammond, Nyack Mayor
Denis Troy, Town Councilman
Dominic Crispino, First Assistant District Attorney
Barbara Gionta, First Assistant District Attorney
John McGowan, County Legislator, Youth Court & Pearl River Resident
Jerrell Jones, Nyack HS Teacher and Coach
Willie Outlaw, Tappan Resident

Supervisor Kenny Introduction

Thank you for attending the third virtual forum of the Orangetown Police Reform Committee for public comment. Our goal is to hear from you, but please allow me to give you a quick summary of the what the committee has done to date and what we still want to do.

Please know that all of this can be found on the Town website – which we will continue to update with copies of all correspondence from the public.

1. Not including tonight, the committee has had 5 committee meetings, and one public presentation to the Town Board;
2. The following presentations have been made to the committee
 - a. Behavioral Health Response Team (BHRT);
 - b. The Mental Health Committee of the Rockland Coalition to End the New Jim Crowe;
 - c. Christopher Strattner from the Rockland County Police and Public Safety Academy on police training requirements;
 - d. Orangetown Police Department on the NYS Division of Criminal Justice Services (DCJS) Accreditation process;
 - e. Orangetown Police Department presentation on general orders and policies and procedures with regards to complaints against police officers;
 - f. Orangetown Police Department response to questions and answers from committee members and the public. All questions and answers can be found on the website; and,

- g. Some committee members and I have participated in the Rockland People's Panel on Policing virtual presentations (RPPP).

I wanted to thank the members of the committee for volunteering their time. Too many are quick to criticize, question and judge the work that we are doing without really knowing just how much work we have done. I can personally tell you that I have learned a lot on how the police department is run even after working here for 24 years. We can only recommend change when we truly understand what the current policies and procedures are.

3. Important date: You must submit any suggestions, recommendations or comments to be considered by February 23rd as to allow time to be included in the draft report;
4. The draft plan will be presented to the public on ~~March 9th~~ March 16th and needs to be adopted by the Town Board before April 1st.
5. Submit comments to policereform@orangetown.com
6. One requirement of the Executive Order – and is already one of my recommendations – is that this process continue long after the Town Board adopts the Plan. My recommendation is that the Town Board establish a permanent Committee to continue with the work that this committee has started. It is the beginning, not the end.
7. Comments open to Committee Members
8. Open public comments, have 5 minutes to speak and I ask that you be respectful.

M. Dery Have reviewed your minutes. What specific actions have been proposed by your committee to root out racial bias in policing and white supremacist elements in police culture? As the recent insurrection at Capitol Hill revealed, a number of police were involved in that insurrection and are members of militias and white supremacist groups like the Oath Keepers and the Three Percenters as well as the Proud Boys. An abundance of evidence in criminological studies suggest that white supremacist elements do exist in law enforcement across the states and the Governor's order is emphatic on this point. It's in fact a response to racial justice unrest prompted by police murders of unarmed black and brown people. So, I'm curious to know what steps your committee is proposing to address these two questions racial bias in policing and racist elements in police culture.

Supervisor Kenny: One of the presentations we received was from Chris Strattner up at the the Police Academy and they talked about what they're doing up there and what they're looking to do moving forward. Which leads back to this committee and what we're doing and the recommendations that are going to come from us. Every committee member is entitled to make a recommendation--I know I have some in mind. They will be available before March 9th (now March 16th) with specific recommendations. We all recognize what went on and I like to deal with specifics so we're going to talk about our training, what we can do better. I would say check back to see the specifics of what we're going to be proposing that the Town Board adopt.

M. Dery: I reviewed the minutes for the meetings and while I did see a mention of the Strattner presentation, I don't recall there being any very granular detail about the recommendations you just

mentioned to address the question of racial bias in policing or racist elements and what I'm broadly calling police culture. Can you expand on what you just said which is that in his presentation he addressed those questions?

Supervisor Kenny: He did he talk about some of the training that they offer. He also talked about the fact that they're going to be working with the New Jim Crowe group to bring them in to help identify where we can fill in some gaps, where we could add additional training. They were very much open to working with that organization and actually County-wide. This is a County-wide issue needless to say it's probably further than that. I'm saying that's what he presented, I'm not saying that other committee members may have other ideas. I've actually been in touch with Nyack Hospital about offering some kind of program. Again, this is the beginning, it's far from the end. You'll see what our proposals are, you may think we need more, you may think it's great. But I would say to check back and see what kind of proposals myself and other members of this committee come up with.

M. Dery: You keep referring to the measures that will be taken in the Police Academy but can you be specific about them, in other words are you talking about bias training, sensitivity training? What precisely is the Coalition to End the New Jim Crowe going to do in partnership with the Police Academy?

Supervisor Kenny: They were definitely working together to enhance what the Academy was offering. It already offers bias training. We also send up officers from our department to get trained and then train further with our officers. It may be a question of is that enough or we may want to seek to have all the officers go up and get trained. Maybe that's something that's in the works but my point is that yes, they do currently offer it. I know our officers get trained to train others. We will have to look at the what they're offering to do with the academy and then where we think we need to enhance on that.

M. Dery: Would you agree that given the abundance of news stories and studies by criminologists at places like John Jay, about the truly alarming involvement of elements within law enforcement in white supremacists and militia groups like the Oath Keepers and Three Percenters? Would you agree that this is a problem and that the Governor's order intends for us to focus on not just racial bias and policing but racist elements within what I'm calling broadly police culture?

Supervisor Kenny: I think the Governor's Executive Order speaks for itself. I have read every page of his booklet on Police Reform, highlighted it and underscored. Don't even know what the Three Percenters are so I certainly can't comment on what they're doing. What we're focused on here is on the Orangetown Police Department --I'm not going to worry about what the Three Percenters are doing.

M. Dery: One thing that some sources are advising is that officers, when they're hired, there be a forensic analysis of their social media trail for racist posts. We have a sheriff right here in Rockland County who was recycling far-right memes and spewing racism on his social media account. So that would seem to be a very effective way of weeding out white supremacist elements. Has your committee considered that approach?

Supervisor Kenny: I have not heard that approach recommended. I do know that they do undergo psychological exams and they have to do a background exam. I am going to guess that they do some sort of investigation into that. I would defer to the Chief on what kind of background investigation

they do, but I'm going to think in this day and age, they're doing some kind of social media search. I don't know it's forensic but I don't think it's a bad idea and I have absolutely no problem with it.

M. Dery: You are absolutely certain that that kind of social media paper trail analysis is done before hiring an officer? Would it be possible for you to look into that and then raise that data point at the next meeting of the committee?

Chief Butterworth: We do check social media as part of the background check.

M. Dery: Specifically for a racial bias Officer?

Chief Butterworth: I'm not going to get too far into what we do with the background, but we do check their social media and if there's indicators of racial bias, we certainly would address that in our background. We would never condone somebody who conducts themselves in that matter.

M. Dery: Do I understand you to be saying that would be a disqualifying factor for the hiring of that individual?

Chief Butterworth: There's a lot of elements that that would disqualify somebody and that would certainly be one of them.

R. Riemen Schneider: I am a resident of Pearl River. You were giving some statistics on the racial backgrounds of police officers in Orangetown and it seemed to be over overwhelmingly white. I know you said you did some outreach to try to diversify a bit more without much luck. Just wondering how you can push that a little bit further.

Supervisory Kenny: Long before the Executive Order, I'm only in office one year, I was looking for ways to get a more diverse police department. We unfortunately have to deal with Civil Service law which makes it a little bit on the tricky side because they have to be a resident and they have to place on the list. You can sometimes have a separate list if you have a need in the department. For example, if I need a Spanish-speaking officer, I can go to a different list. We've looked into those alternatives hiring off of a County list as opposed to a Town list because when we're hiring off the Town list we're not getting a diverse candidate group. Going back to before the Executive Order happened, I had reached out when the test was being given to the NAACP, to the Nyack Center, and to the schools. I was trying to get the word out about the exam being given because that's the first step. Now the test got cancelled last year and they're going to be holding it in the near future. There's also a question about whether they're going to leave the cut off to those who had applied beforehand. I'd like to see them open it up, but this again goes above me. I'm going to have to deal with maybe one of our Assemblymen or the Governor to basically open that list to try and get people who haven't thought about applying, applying for the exam. For those who don't know, I've been in the Town for 24 years, I worked as an attorney and I remember back when I started there was one female police officer so we're making progress, but it's very slow. I do appreciate it and it's one of my recommendations that I have already have for the committee.

R. Riemen Schneider: I think just in general I feel similarly to other situations in our Town whether I'm looking at the School Board or whether I'm looking at different Town Zoning Boards. It all looks the same and it would be I think we have a big opportunity there to do better.

Supervisor Kenny: I agree with you.

Pastor McLaughlin: I know you mentioned earlier that you were on the Rockland People's Panel on Policing. They're doing some different things and I know they plan on giving some recommendations out later. Is that something that you would consider using in the recommendations for our Town as well? Even though they're doing for Rockland as a county, would that be something we would consider?

Supervisor Kenny: Absolutely. I have done outreach to the RPPP and I've spoken with some of the members and I think they understand that we're waiting. I did encourage them to get it to us sooner rather than later. But again, I want everyone to understand that this is not the end by any means. The sooner they get it to us the better, but if it gets here later you know, of course we would still consider it. I actually sat in on both of their presentations and found them extremely helpful and I thought they were really informational. They know where to find me so I'm sure they will when they're ready.

Pastor McLaughlin: It would be great in the future that maybe there's a partnership formed. Since we're saying that this is just the beginning of what we're doing, maybe a partnership with them in some capacity or to be able to help in the future would be great.

Supervisor Kenny: Absolutely. We reached out personally to the Nyack Center, to the Pride Center, and to the high schools. It's just tough with Covid and these virtual meetings. I would love to see some members of our youth from the community get involved. I'm not giving up on a Survey Monkey. I've actually reached out to both the Nyack Center and Pride Center to see if the directors would help with the questions and to make sure they are geared in the right direction. Hopefully before we do our final, but if not, they we will do it in the future whether it is with the RPPP or our own committee here.

M. Dery: I have noted the overwhelmingly white complexion of this EO 203 panel and the appearance at least that the majority of the participants are either law enforcement, DA's, Assistant DA's, a member of ICE, and elected officials. To the question of ensuring that BIPOC (Black, Indigenous and People of Color) are well represented in these meetings and on this panel, I would exhort you to meet privately with the steering committee of the RPPP and the Rockland Coalition to End the New Jim Crowe. They're doing something right because I've attended many of their meetings and there's not a single zoom meeting that doesn't have at least 60 to 70 participants who are overwhelmingly People of Color. It's certainly possible to incentivize Communities of Color to attend these meetings and perhaps you can reach out to them to find out what they're doing right. The Governor's order makes it quite clear that BIPOC voices should be centered in this discussion as it was prompted by mass protests against police brutality and police murder of unarmed black and brown people. The process should I believe the Governor's order, at least makes this clear in spirit, should be guided by BIPOC people. They should be setting the agenda so their presence on the panel and in these meetings is vitally important. One reason they may not be turning out and may not have volunteered for the panel, and this is pure speculation on my part, but I do know this to be true at least in South Nyack where I sit on our EO 203 committee is that People of Color have told me they are fearful of speaking their minds with law enforcement in the room. They fear retribution.

Supervisor Kenny: I think that's one of the reasons we talked about doing a Survey Monkey to

give people another place to go. Nikki Hines, who is on the RPPP had originally been on this panel and then opted out. So there was outreach made. We are moving forward at this point and I have spoken to Michael Lockett on the RPPP multiple times and I was supposed to have a conference call with the committee and then it got cancelled. I've told them I'm here when they're ready, and they're aware of it, but I'll continue to do the outreach. I should ask them to do a joint meeting with us.

M. Dery: Do you have any idea why Nikki Hines opted out?

Supervisor Kenny: She had personal obligations and I was extremely disappointed and I told her that I was disappointed for no other reason that I thought she would have been a great asset to have. We certainly did reach out and we have Tanya Gayle from the NAACP.

M. Dery: We found it effective to hold the occasional meeting where law enforcement was not present and BIPOC people told us that they felt more empowered to speak.

Supervisor Kenny: We are open all suggestions and comments and we unfortunately had planned to go into Nyack and Don Hammond offered the community center to actually meet in person but COVID has another plan for us. It won't be here forever so we will be able to do that going to the future. I would like to see more involvement.

Just want to remind everyone: Feb 23rd for any questions/comments.

Draft by March 9th (now March 16th) We will try to get the draft ready as soon as possible so you can have time to review and comment.

I am going to wish everybody a good night and thank you for joining us.