



City of Batavia Police Reform Plan



January 20, 2021

*In response to Governor Andrew M. Cuomo's Executive Order 203
New York State Police Reform and Reinvention Collaborative*



Table of Contents

Executive Summary.....	3
Relevant Information about Batavia.....	6
Community Engagement and Outreach: Batavia Stakeholder Group.....	9
Evidence-Based Policing Strategies Considered and Discussed.....	14
Action Items.....	16
Training:.....	16
Community Engagement/Community Policing:.....	17
Transparency in sharing crime data and reporting information:.....	18
Implementation of Crime Watch™ Technology:.....	18
Accreditation through the New York State Accreditation Council:.....	18
New York State Civil Service Reform:.....	19
Officer Wellness:.....	20
Appendix A:.....	21
Monroe County Crime Statistics from 7/15/2020.....	21
Appendix B:.....	22
Citywide Survey and Results and Focus Group Summary/Report.....	22
Appendix C:.....	23
Materials Shared and Discussed Regarding Evidence Based Policing Strategies.....	23



Executive Summary

The City of Batavia and the Batavia Police Department on behalf of the residents and other stakeholders in the City, are pleased to submit a response to Governor Andrew M. Cuomo's Executive Order 203 – New York State Police Reform and Reinvention Collaborative.

In Batavia, we are very proud of the collaborative effort that was made in developing our response to Executive Order 203. Every effort was made to conduct outreach and engagement in the communities highlighted in the Governor's order. This engagement and outreach is highlighted in significant detail in the contents of the plan.

In fulfilling Executive Order 203, the City of Batavia and the Batavia Police Department performed a comprehensive review of current police force deployments, strategies, policies, procedures, and practices. It also included various presentations and discussions with mental health professionals, advocates and representatives from minority communities.

It should be noted that upon review of these policies and procedures they were all found to be compliant with current federal and state laws as well as model policies as promulgated by the New York State Municipal Police Training Council.

It also should be noted that the Batavia Police Department adheres to a plethora of policies and procedures. This runs the gamut from rules and regulations pertaining to Body Worn Cameras to Bias-Based Policing to Use of Force. It is expected that every Batavia police officer adheres to the department's Standards of Conduct. All of these policies and procedures were reviewed by community stakeholders as part of the public and community outreach in developing the City of Batavia and Batavia Police Department plan submitted to New York State.

In accordance with Executive Order 203, the City of Batavia and the Batavia Police Department developed a plan that considered the needs and concerns of the communities served by the Batavia Police Department, particularly minority populations.



The City of Batavia and the Batavia Police Department consulted and engaged with various 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; non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials.

All of this was accomplished through the creation of the Batavia Police Advisory Collaboration Stakeholder Group (Stakeholder Group) which was comprised of a diverse representation reflective of the community, including the entities outlined above.

The Stakeholder Group was created to “foster trust, fairness, and legitimacy devoid of racial bias” and its work was conducted by recognizing the concerns expressed by communities of color and other minorities in the City of Batavia.

In developing its plan, the City of Batavia, the Batavia Police Department and the Stakeholder Group had discussions and reviewed various documents and materials related to evidence-based policing strategies highlighted in Executive Order 203.

In addition to the 7 meetings of the Stakeholder Group, the City of Batavia and the Batavia Police Department conducted a city-wide online survey in which approximately 840 respondents participated. A focus group also was conducted that was comprised primarily of representatives from minority neighborhoods.

This engagement resulted in not only the creation of the plan but also a commitment by all parties to continue the discussion regarding community policing and the various action steps outlined in the plan, including but not limited to conducting annual implicit bias training; maintaining a certified de-escalation instructor and defensive tactics instructor; mental health training through a partnership with Genesee County Department of Mental Health and crisis intervention training for members of the police force; and, investing in *Crime Watch™* software platform technology that is intended to keep the community informed about the various aspects of policing in the City.



The plan was made available for public comment to all citizens in the City of Batavia during February 2021 through the creation of a feedback form that was made available on the City of Batavia and Batavia Police Department websites. This feedback was considered prior to the adoption of the final plan.

The attached plan was adopted by resolution by the Batavia City Council affirming that the processes identified in Executive Order 203 were factored into the plan that was submitted to New York State.

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Relevant Information about Batavia

Demographics:

Batavia is the only city in Genesee County and serves as the county seat with a corporate boundary of 5.2 square miles. The county sits between the metropolitan regions of Buffalo, NY and Rochester, NY.

According to the U.S. Census Bureau as of July 2019 the City of Batavia had a population of 14,379 residents.

Also, according to the Census Bureau, the population of the City is 86.5% white; 5.1% Black or African American; 4.6% are Hispanic or Latino; and 5.2% are two or more races.

The median household income is \$47,712 and the per capita income in 2019 dollars is \$25,945. Nineteen percent of the population lives in poverty.

Slightly over one-quarter of the households in the City of Batavia do not have a broadband internet subscription while 15.5% of households (Black, American Indian/Alaskan, Asian, Pacific/Islander) do not own a computer.

The percentage of those persons 25 years of age or older with at least a high school diploma or higher is 89% while those with a bachelor's degree or higher is 23.8%.

According to the New York State Education Department, the City of Batavia School district is comprised of students who are 76% white and 24% who are American Indian/Alaska Native, Black or African American (6%), Hispanic or Latino (8%), Asian Pacific Islander and Multi-Racial (10%).

Approximately 59% of the school district's students are from minority and economically distressed households and 12% are students with disabilities.



Crime:

According to a crime statistics evaluation by the Monroe Crime Analysis Center from July 2020, the general trend for Part I (aggravated assault, larceny, burglary, etc.) and Part II (criminal mischief, loitering, etc.) crimes committed in Batavia, NY shows a decline.

When looking at the average of percent change in Part I crimes over a 5-year period (2015 – 2019), the only crimes that experienced an increase were Rape (+9%) and Aggravated Assault (+2%). When looking at the average of percent change in Part II crimes over a 5-year period (2015 – 2019), 10 of the listed 28 crime types saw an increase, with the largest being for Unauthorized Use of Vehicle (+67%). An infographic and chart highlighting these statistics are attached in Appendix A.

Violent crime is not an issue in the City of Batavia and when it occurs it is in most instances among people who knew each other. When a violent crime occurs it unfortunately skews overall crime statistics, but statistically the City of Batavia is very safe. In fact, a Batavia Police Department officer has not discharged his/her weapon in the line of duty in over a decade.

Batavia also is unique in that it is a small city that is located between two large metro regions – Buffalo and Rochester - that have significantly more violent crime than Batavia. Because of its geographic location, there is more drug-related criminal activities that occur in Batavia than other small cities of similar demographics.

The Batavia Police Department responds to 911 calls/dispatches and general calls for service. The Department also spends an inordinate amount of time investigating crimes which is a contributing factor to limiting more pro-active engagement with the community.

At the same time, the Batavia Police Department is engaged in the local community through community efforts and initiatives such as the Summit Street Group, Police Explorers Post and providing details and staffing for community events such as National Night Out and parades, carnivals and other special events.



These are ideal opportunities for Batavia police officers to build a rapport with the local community and are the foundation for community policing and engagement. Through anecdotal evidence and conversations with people in the community, there would more opportunities to do this, but there are significant budget restraints that prevent the Batavia Police Department to allocate any additional resources towards community policing and engagement.

Finally, police officers in the City of Batavia are required to wear nameplates on their uniforms, which must be worn at all times. Officers wear body cameras and follow policies as far as the usage of cameras as it pertains as to when a camera gets turned on and turned off. Officers also are equipped with pepper spray and electronic controlled devices (tasers). These are all tools that are at the disposal of officers when responding to calls. It should be noted that all Batavia police officers receive significant training on the use of these items.

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Community Engagement and Outreach: Batavia Stakeholder Group

In August 2020, various city leaders met to discuss the creation of a group of concerned citizens and stakeholders in order to engage key segments of the community for input and guidance in developing the plan.

The Batavia Police Advisory Collaboration Stakeholder Group was officially formed and announced to the community in August 2020.

The Stakeholder Group is comprised of a diverse group of individuals who volunteered their time to discuss police policies and ideas for reform over a five-month period.

The Stakeholder Group members include:

- Jerry Ader, Genesee County Office of the Public Defender
- Brandon Armstrong, Black Business Community
- Lynda Battaglia, Genesee County Mental Health Services, Director of Mental Health and Community Services
- Bill Blackshear, City of Batavia minority resident
- Kathy Briggs, City of Batavia City Council Member
- Chris Camp, Assistant Chief, Batavia Police Department
- Julie Carasone, Lake Plains Community Care, Cultural Competence and Health Literacy Operations Specialist
- Raelene Christian, City of Batavia resident
- Cassandre DiPiazza, LMSW, Clinical Mental Health Social Worker
- Kevin Finnell, Genesee County District Attorney, First Assistant District Attorney
- Erik Fix, Batavia Stakeholder Group Moderator
- Jay Gsell, Batavia Stakeholder Group Moderator
- Bill Hayes, Business Owner, City of Batavia
- Michael Henry, City of Batavia resident
- Shawn Heubusch, Chief of Police, Batavia Police Department
- Marty Macdonald, Pastor, City Church



- Francis Marchese, City of Batavia resident
- Gregory Munroe, City of Batavia minority resident
- David Rumsey, Commissioner, Genesee County Department of Social Services
- Anibal Soler, City of Batavia Schools Superintendent
- Lydia Schauf, City of Batavia resident
- Rachael Tabelski, Interim Manager, City of Batavia
- Victor Thomas, Just Kings
- Millie Tomidy-Pepper, Executive Director, YWCA of Genesee County
- Nate Varland, City of Batavia Housing Authority
- George Van Nest, Esq., City of Batavia Attorney
- Christi Waldron, Restore Sexual Assault Services (Certified NYS DOH Rape Crisis Program)
- Matt Wojtaszczyk, Batavia Police Department Detective and President, Batavia Police Benevolent Association

The Stakeholder Group met on several occasions throughout the process in developing the plan. It should be noted that due to the COVID19 pandemic and in adhering to Governor Cuomo's restrictions on gatherings, many of the meetings were conducted virtually and were recorded. These meetings also were open to the public, including the media and were posted live to the Department's social media page as well as the recordings were posted to the Department's YouTube page immediately following. Press releases were issued for each meeting and in some instances, media outlets attended and reported on the meetings.

The Stakeholder Group conducted meeting on the following dates:

- Thursday September 24, 2020
- Thursday October 8, 2020
- Thursday October 22, 2020
- Thursday November 5, 2020 (virtual)
- Thursday December 10, 2020 (virtual)
- Thursday, January 7, 2021 (virtual)
- Thursday, January 14, 2021 (virtual)



Among the scope of work of the Stakeholder Group, included an electronic survey that was conducted city-wide in which approximately 840 residents responded.

Recognizing that there may be some reticence among Black, Hispanic and other minority groups to participate in the survey, members from the Stakeholder Group made outreach to stakeholders in order to enhance participation by residents in these neighborhoods. Approximately 6.3% of survey respondents were comprised of these groups.

In addition to this outreach, the survey was announced through a news release and through various social media channels and email Listservs. The survey was extended another week to increase responses through similar outreach tactics.

Among the highlights from the survey conducted December 8, 2020 through December 22, 2020:

- Despite all of the tumult over the last several months regarding incidents involving law enforcement, respondents were asked if their opinion of the Batavia Police Department had changed as a result. Approximately 81% stated their opinion had not been impacted.
- Approximately 1/3 of respondents to the survey indicated that their last interaction with the City of Batavia Police Department was at a community event.
- Almost 80% rated their interaction as being professional and/or very professional while 10.8% rated their interaction as unprofessional and/or very unprofessional.
- Additionally, of the 8 individuals that reported their last interaction with the Department was due to an arrest, 75% reported their interaction was professional or very professional.



- Recent public discussions have involved assigning non-law enforcement professionals to certain types of 911 calls such as a call when a suspect has been determined to have potential mental health issues.
 - Approximately 47% believe that police officers should respond to the scene first and then request non-law enforcement professionals once the scene is safe and 36% stated that both the police officers and non-law enforcement professionals should respond together at the same time.
- Respondents strongly agreed and/or agreed overwhelmingly that the “presence of City of Batavia police officers in my neighborhood makes me feel safer” and “if I encounter a City of Batavia police officer I am confident that I will be treated fairly and with respect” versus disagreeing and/or strongly disagreeing that “if I see a City of Batavia police officer I get nervous that I might be unfairly targeted due to my race or gender identity.”
- When asked to prioritize what you believe the City of Batavia Police Department should focus on in order to continue to develop its relationship with the community the top three responses were:
 - Engage more with the community
 - Assign more resources to assist youth in the community
 - Assign more resources to assist those with substance abuse issues

Full survey results, including demographic information and comments from survey participants are included and attached in Appendix A.

After reviewing the results from the survey, the Batavia Stakeholder Group recognized there was low participation from various cultural groups. Therefore, a focus group was developed and it was comprised of various individuals representing these constituencies.

The meeting resulted in participation from members of Just Kings, a local organization whose mission is to provide a voice for the local Black community and



works to educate and mentor the youth, neighbors and its members in efforts to continue the fight to end racism.

Among the highlights from the focus group discussion that occurred on January 4, 2021 included:

- An acknowledgement of the importance of “working” and “building bridges” with the police department.
- Addressing the inequities of the judicial system e.g. sentencing.
- Getting more people of color engaged in the community discussion about policing.
- Finding ways to get more community engagement with the police department.

The highlights from the focus group and results from the survey are addressed and considered in some fashion in the various action items that the Batavia Police Department identified as the community engagement process continues moving forward.

At the last meeting of the Stakeholder Group on January 14, 2021 the members enthusiastically agreed to maintain the group and continue meeting after the submission of the plan to New York State. The members of the focus group also committed to continue meeting.

On January 25, 2021, the draft of the plan was presented to the Batavia Council for an initial review by that body. At that meeting the Council issued the draft for public review which occurred throughout February 2021. The draft of the plan was made available online and at the Batavia Public Library. Due to COVID19 restrictions and protocols, the City urged residents to review and submit comments to the document online.



Evidence-Based Policing Strategies Considered and Discussed

Executive Order 203 outlines various evidence-based policing strategies to review and consider in developing reform plans, including use of force policies; procedural justice; model policies and guidelines; studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; problem-oriented policing; hot spots policing; focused deterrence; violence prevention and reduction interventions; community-based outreach and conflict resolution; and, crime prevention through environmental design.

In addition to general discussions about policing in the City of Batavia, the Stakeholder Group reviewed various relevant materials, including the following presentations:

- A review of Governor Cuomo Police Reforms to Address Racial Inequity
- Procedural Justice Survey from the City of Poughkeepsie
- Police Reform and Reinvention Collaborative Process: Making it Work for Your Community (New York Conference of Mayors)
- Office of the Governor: New York State Police Reform and Reinvention Collaborative
- Presentation by the Genesee County Sheriff's Office – Role of the Genesee County Emergency Dispatch Center in Community Policing
- Unacceptable Terminology
- Person Centered Language
- Fighting Against Cognitive Biases (United States Army)
- Batavia Police Department Organizational Chart
- Basic Course for Police Officers – New York State Division of Criminal Justice Services
- City of Batavia Police Department Policy 423 – Body Worn Cameras
- City of Batavia Police Department Policy 339 – Police Assisted Addiction and Recovery Initiative Program
- City of Batavia Police Department Policy 401 – Bias-Based Policing
- City of Batavia Police Department Policy 300 – Use of Force



- City of Batavia Police Department Policy 319 – Standards of Conduct
- City of Batavia Police Department Policy 338 – Community Relations
- City of Batavia Police Department Policy
- Lake Plains Community Care Network – Implicit Association/Bias

At its meetings, members from the Stakeholder Group conducted various presentations as it pertains to evidence-based policies from members of the group, including presentations by the Director of the YWCA Domestic Violence Crisis Prevention and Services and the Director of Mental Health and Community Services, Genesee County Department of Mental Health.

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Action Items

Based on discussions with the Stakeholder Group, as well as responses and information from the city-wide survey and from the community focus group, a number of items were raised and discussed to enhance community policing in the City of Batavia. Below is an overview of those items and various action items that were identified.

Training:

- A national issue related to police training of late pertains to officers arriving on a scene where a suspect may be experiencing mental or other behavioral issues. The Batavia Police Department will work to enhance current mental health training through a partnership with Genesee County Department of Mental Health and enhance crisis intervention training for members of the police force.
- This is a subject matter in which a broader discussion is currently taking place among all law enforcement agencies across Genesee County as part of an effort to explore developing a plan for shared services.
- The Batavia Police Department is committed to conducting implicit bias training for its officers on an annual basis. The Department will identify and utilize professionals skilled in such training to develop the annual program, including discussions regarding potential opportunities for inter-agency and inter-departmental shared services.
- The Department will continue to strive to continue to maintain a certified de-escalation instructor and defensive tactics instructor. These are important aspects of training, especially in situations that involve use of force measures.

It is important to note that due to limited financial and human resources could impact implementing the breadth and depth of this and other training. The



Stakeholder Group recognizes this dilemma and to the degree practicable will work to advocate for support of these training programs and services.

Community Engagement/Community Policing:

One of the findings from the community survey and in the focus group was a desire for more foot and bike patrol by police officers. This is an action item that the leadership of the Batavia Police Department will review and implement the necessary steps and neighborhood/community groups and organizations to increase community policing.

The Batavia Police Department is committed to creating a community liaison program. Community liaison officers work with both the police department and neighborhoods to build relationships.

Among the responsibilities of a community liaison officers across the nation include crime prevention education and conflict resolution e.g., using nonviolent methods to handle disputes.

There are a number of emerging training programs and services to address these topics particularly related to dispute resolution. There is a movement for developing such training through various groups and organizations across the nation and conduct them virtually with law enforcement agencies.

Again, though, these are instances where funding could impede the ability to create such programming.

Other:

- Continuation of a School Resource Officer Program through the Batavia City Schools
- Establishment of a Citizens Academy Program*
- Maintaining a DARE Officer*



***Denotes programs that require financial resources that due to budget constraints may not be available to the police department and the City. Alternative funding sources should be explored and considered.**

Transparency in sharing crime data and reporting information:

The Batavia Police Department is committed to developing a plan to share timely and relevant information regarding the most up to date crime statistics and data in the City of Batavia. This includes utilizing the New York State Department of Criminal Justice Services database to release information on the City of Batavia's website.

Implementation of Crime Watch™ Technology:

The City of Batavia and Batavia Police Department are investing in *Crime Watch™* software platform technology that is intended to keep the community informed about all aspects of policing in the City.

The technology enables the Batavia Police Department to enhance its information sharing with the community and will drive public engagement among key stakeholders, including community groups, local government entities such as the Batavia City Schools and the media. The technology works across multiple platforms including social media, mobile apps and email and traditional sources such as media and website.

The Batavia Police Department also will be able to communicate to the community about the various aspects of the action items listed in this document.

Accreditation through the New York State Accreditation Council:

The Batavia Police Department will seek initial accreditation from the New York State Accreditation Council which is under the auspices of the Division of Criminal Services. This is a matter that the Department has been focusing on and dedicating resources to, including a police officer as point of contact in coordinating the



information and materials in seeking accreditation, even prior to the issuance of the Executive Order.

The Council meets quarterly and “adopts standards, sets policy and has exclusive authority to grant accreditation to law enforcement agencies. The Council also provides guidance for the overall direction of the program”.

According to the New York State Accreditation Council website the accreditation standards are divided into three categories:

- Standards in the Administration Section
- Training Standards
- Operations Standards

The website further states that “the standards provide a detailed blueprint for professionalism that every law enforcement agency in the state can meet”.

The Police Department will commit to ensuring the Department applies for reaccreditation as per the Accreditation Council.

[New York State Civil Service Reform:](#)

The City of Batavia and the Batavia Police Department share the sentiments of other local government municipalities and agencies calling for sweeping changes of New York State Department of Civil Service requirements.

One of the challenges confronting police departments in recruiting in the minority community are the antiquated and rigid requirements and procedures that have been an obstacle in being able to recruit minority candidates to not only law enforcement positions, but government employment opportunities in general.

The New York State Criminal Justice System should reform the current Civil Service hiring requirements to promote a more diverse and inclusive workforce. The City of Batavia will encourage its state representatives, in conjunction with other government entities in Genesee County, to do the same.



At the same time, the City will work with our local government partners, groups, and organizations in reaching out to the minority community to promote and publicize job opportunities.

Officer Wellness:

Finally, the Stakeholder Group recognizes that being a law enforcement officer can be extremely stressful and challenging and as such there are aspects of the job that can impact the mental wellness of police officers. As such, the Batavia Police Department will implement an Officer Wellness Program that supports the safety, health (both physical and mental), and wellness of every member of the force. Officers, and family members, will be provided with additional resources to help them cope with the acute and long-term trauma of police work and the effects it can have on one's personal life. Resources such as the Police Chaplain program, peer support programs and professional counselling resources will be made available to the members on a confidential basis.



Appendix A:

Monroe County Crime Statistics from 7/15/2020

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Appendix B:

Citywide Survey and Results and Focus Group Summary/Report

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Appendix C:

Materials Shared and Discussed Regarding Evidence Based Policing Strategies

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