

CITY OF TROY
POLICE OBJECTIVE REVIEW BOARD
2021 ANNUAL REPORT
Spring 2021-December 31, 2021

SUBMITTED TO:

HONORABLE PATRICK MADDEN
MAYOR, CITY OF TROY, NEW YORK

HONORABLE CARMELLA R. MANTELLO
PRESIDENT, CITY OF TROY CITY COUNCIL

CHIEF DANIEL DEWOLF
CHIEF OF POLICE, CITY OF TROY, NEW YORK

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EXECUTIVE SUMMARY

On June 12, 2020, Governor Andrew Cuomo issued Executive Order 203 which required local governments across New York State to undertake a review of community needs provided by their local police department, evaluate the department's current policies and practices, and adopt a policing reform plan by April 1st, 2021.

In response, the City of Troy established a Troy Police Reform & Reinvention Collaborative (PRRC) to assist in the process outlined in the Governor's Executive Order. 15 individuals were appointed to serve on the PRRC. Membership consisted of representatives from throughout the community, including Troy police department leadership, city & county officials, faith leaders, representatives from non-profit service agencies, and city residents.

The collaborative Steering Committee held a series of listening sessions and public presentations during the months of February and March to gather suggestions & recommendations from the public. Committee members also engaged in discussions with police leadership on a comprehensive review of police strategies, policies, procedures, and practices.

From the basic guidelines set forth by the executive order and a collaboration of community input, several recommendations were bought forth in the hope of improving the quality of **transparency**, fairness, and accountability- all which are critical to maintain public trust in our, or any police department.

II. INTRODUCTION

In the Spring of 2020, eight (8) members, who reside in the City of Troy were selected by the City's administration to serve as a representative for various sectors of the city. The eight members were appointed and officially sworn in by the City Clerk to perform the lawful duties and responsibilities, following mandates of the city, State, and Federal constitutions in conducting the business of the Police Objective Review Board; as voting members, and without compensation. It should be noted that the advisory and support staff assigned to assist the Board, such as the City's executive attorney, along with police department leadership from the Inspectorial Services Bureau, and a representative of the Troy Police Benevolent Association are **non-voting** members in regards to business conducted by the Board.

Please be cognizant of the fact, this newly formed board and members are the fulfillment of the PRRC's recommendation to reconstruct an independent board to work toward improving the levels of transparency and accountability of the police department. The mission of the PORB as given by the City Council is to "promote and enhance a relationship of mutual respect, understanding and trust between the people of the city of troy and members of the Department; to achieve positive interaction of all members of the community irrespective of age, race, ethnicity, religious, philosophical, or political persuasion, gender, sexual, orientation or economic status. This to be done in accordance with Chapter 79, Article II of the Troy City Code.

III. POLICE OBJECTIVE REVIEW BOARD

The purpose of the Police Objective Review Board (PORB) is to review and make recommendations of completed investigations conducted by the Inspectional Service Bureau of alleged misconduct by employees of the Troy Police Department.

Board duties and responsibilities are specified in City ordinance, Chapter 79, Article II: Police Objective Review Board are as follows:

- A. Review completed professional standards investigations conducted by the Troy Police Bureau and make findings and recommendations concerning the Bureau's internal processes and thoroughness of each such investigation and based upon such reviews, study and recommend means through which the Police Bureau may provide greater service to the community.
- B. Study and recommend means to improve relations between the city police and the public.
- C. Study existing hiring practices and make recommendations concerning the need for changes (e.g., the need for additional background investigation, psychological tests, different educational requirements etc.).
- D. Study existing training requirements and programs and make recommendations for improvements; and
- E. Examine the administrative review process for completed professional standards investigations, perform further examination of such process and investigations upon such direction to the Board by the Mayor and submit a report of Board findings to the Mayor upon completion of each such review.

MEET THE POLICE OBJECTIVE REVIEW BOARD:

Marcus Nix- Chair

Starletta Smith- Vice Chair

Jeff Anderson- Secretary

Columbus Buish

Taneisha Harris

Stacey Pompey

Elijah Scott

Michael Tuttman

IV. SUMMARY OF MEETINGS

May 17, 2021

Due to Covid-19 concerns, the first meeting of the Troy Police Objective Review Board (PORB) was held by ZOOM on May 17, 2021, with Mayor Patrick Madden officiating. It was during this meeting that board members were formally introduced to one another, and along with introduction of advisory and support staff of both the city administration and department staff. The mayor laid out plans for some of the training concerns to be addressed with board, and introduced a draft of by-laws.

June 7, 2021

Informational training topics- Capt. Jon Becker discussed the organizational chart, providing a description and operation from the top, down for each Bureau and Division. From a human resources aspect, he spoke of hiring concerns and difficulties with recruiting and training new officers. He advised that in their recruitment efforts 200 people canvassed, 48 responded, 19 showed up and 11 passed the agility standard. We also heard about the trainings offered at Zone 5 Academy, and training classes under taking by new recruits.

For Board business, members to give consideration as to who to nominate for the offices of chair, vice chair and secretary.

July 7, 2021

Informational training session- Captain Kiley presented a summary of General Order 03-21 which set forth the policy and procedures for “Compliment/Complaint intake process”. He addressed the department’s current revision for a new formal complaint/compliment form, yet to be printed. He also provided summary General Order # 3.22 – (Investigation of Misconduct and Citizens Complaint’. Hand-outs were provided pertaining to both General Orders.

Board Business- agreement among Board members to nominate Marcus Nix as chair, Starletta Smith as vice chair and Jeff Anderson as secretary. Concerns were also discussed relative to By-Laws.

August 2, 2021

Mayor Madden called the August meeting to order, and the new leadership of the board was formalized. He said, that as the board completed its training it would become independent of the Mayor’s Office. Daniel DeWolf was introduced to the Board as the new Chief of Police for the City of Troy.

Informational Training topic- Review of actual Inspectional Service Bureau (ISB) case file (closed) for the purpose of familiarization with filing instrument and ISB’s investigation and reporting process.

The board was encouraged to arrange ride-a-longs.

September 7, 2021

Informational training session- Captain Kiley revisited General Order 3.22- (Investigations of Misconduct and Citizens Complaints). He advised information will be made available on-line in coming months, for public assess. He also discussed “Probable Cause” and incidence that may lead to an arrest, search of one’s person, or receipt of a warrant. He also spoke on the topic of “use of physical force” – General Order # 06-01. In addition, a brief explanation of NYS law Police vs De Bour, which established the four levels of police intrusion. Also briefly addressed was “Personal Transport” – General Order 3 08-14.

October 4, 2021

Captain Anthony Conyers was introduced to the Board, as the new head of the Inspectional Service Bureau, replacing Captain Kiley who was transferred to new position within the Department.

Informational training topic- Implicit and explicit biases; Everyone has bias of one nature or another. We all must learn to recognize our biases and work to change our attitude against someone or something.

Board Business- Q/A session between board members the mayor and Mr. Morrisey (advisor), in an attempt to have better understanding of by-laws, Article VII and VIII of the by-laws.

In addition, discussion was had as to how a complaint file will be summarized and then presented to the board on a monthly bases for review. The board has a particular interest in those in the most serious categories, Levels 3 and 4. It was noted that the 22 complaints received to date, 10 complaints involved police contacts.

November 1, 2021

Information training topic- presentation covered more in-depth information regarding hiring and recruiting process of new officers. Discussion touched on how background investigation, interviews, various examinations are conducted relative to new recruits to attend the academy. Outreach efforts utilized by the Department to find new recruits consist of making high school presentations and outreach to grassroot and other community organizations to solicit individuals for cadet program.

Board Business – held a special call meeting on November 10th, to discuss the draft by-laws and recommended they be adopted at the December meeting without revision

December 6, 2021

The board adopted the by-laws at December's meeting, allowing it to do business in the future as an independent organization.

Of the 22 complaint case summaries review members expressed interest in seeing more details on three, category level 3 incidents. A requested was made to see body cam footage associated with ISB 21-06 case file to see if we were in agreement with investigation's outcome. In addition, it was requested that the January meeting topic for training address persons coping with mental or emotional problems.,

V. INVESTIGATIONS:

Of the 22 complaint files looked at by the board a special interest was expressed with three (3) cases, all categorized as level 3 incidence. Below is an outline of the three cases called to be reviewed by the board.

The PORB review process is designed to ensure that each investigation is fair to both citizens and police officers. The standard used by the PORB board is to ensure fairness is by the preponderance of evidence to reach their findings on the individual allegations. meaning it is less than the standard in a criminal case, which is guilt beyond a reasonable doubt, which is needed for a board member to conclude a sustained, exonerated, or unfounded finding. The definitions of each finding are listed below.

- Exonerated – The investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate TPD policies, procedures, or training.
- Sustained –The investigation determines, by a preponderance of the evidence that the alleged misconduct did occur.
- Unfounded – The investigation determines, by a preponderance of the evidence, that the alleged misconduct did not occur or did not involve the subject officer.

The city legislation currently in effect authorizes the findings and recommendations of the Police Objective Review Board be forwarded to the Chief of Police for review. The Chief of Police then issues a final decision on all allegations.

PORB Case Reviews-

Case # ISB 21-06: PORB reviewed a citizen generated complaint of excessive use of force. The complaint alleged that officers snatched their bag which resulted in them falling to the ground. BWC footage is available in the investigative packet, however not presented to PORB as blurring faces out of the video will take some time as there are many different angles from different officer's cameras. Once PORB can review all camera footage, we will revisit and provide an amendment to our findings.

Findings: Exonerated

Case # ISB 21-07: Use of physical force

Complaint of police brutality during mental health law arrest and escort into hospital.

Review of body cam footage revealed the complainant attempted to flee at which time the complainant was placed in handcuffs.

Findings: Exonerated

Case ISB 21-08: Use of physical force

Officers responded to call for intoxicated individual yelling out racial slurs in the middle of street (this individual also the complainant) was not cooperative and allegedly spit at the officer, actively resisted arrest. Force used was determined to be appropriate.

Findings: Exonerated

VI. RECOMMENDATIONS:

PORB recommendations evolve from the boards review of cases. PORB members are encouraged to make recommendations to address concerns that have arisen during an investigative review. PORB members' concerns are formally noted and result in a formal recommendation(s) to the Chief of Police, and Mayor who will determine any actions to be taken. PORB recommendations are classified in one of three categories:

1. **Policy Recommendation:** Suggested changes to an existing Departmental policy/procedure to improve the policy or service.
2. **Investigative Recommendation:** Suggested investigation changes made to Chief and sergeants for attention to some aspect of the overall case investigation. For example, if potential witnesses were overlooked.

3. Training; Remedial Counseling/Memo/ Recommendation: Officer recommended for a refresher course or additional training to deter problems from recurring, officer recommended for either oral or remedial instruction, or officer recommended for a memorandum of record drawn up and placed in file.

During this report period, the PORB generated (0) zero recommendations*.

They are classified as follows:

POLICY: Zero (0)

TRAINING/ REMEDIAL: Zero (0)

INVESTIGATIVE: Zero (0)

* Once PORB can review all camera footage, we will revisit the three (3) cases and provide an amendment to our findings.

VII. 2021 Statistics

The Troy police Department currently has 119 officers, which is made up of 92% white, 6% Black, .2% Hispanic; 90% Male and 10% Women

There were 50,332 calls for service of which resulted in 1202 arrest.

Of those calls, there were 22 incidents reports filed on the Troy Police Department
Police shootings in 2021: 0

VIII. Next Steps

It is **recommended** that due to the sheer enormity of the duties a responsibility imposed on the PORB the training and support be supplemented by the Government Law Center, or the Department of Criminal Justice Services to assist with a better understanding of board powers and provide procedural instructions that will enhance our development for becoming a confident and creditable board.

The Board is engaged in the process of becoming familiar with policies and procedures, which govern the department, and its officers. For the past 9 months, we have met with both leadership for the City of Troy and the leadership of the police Department. The intended purpose is for them to provide us informational training on a variety of topics intended to increase our knowledge and understanding relative to the internal workings of the city and police departments. To date, the topics and instruction provided to us by both departments has been presented in a timely manner.

We are looking at the police complaint process to find an alternative means of filing a police complaint. It is our concern that some citizens are less likely to feel intimidated or hesitate to file a police complaint initiated through an independent non-police agency.

As we move forward to become an effective PORB for the City of Troy, we shall continue to query the department's leadership in order for us to become fully versed and knowledgeable of all current and upcoming community/ policing practices. We are presently engaged in the development of strategies to increase our involvement with members of the community we represent. Our hope is to accomplish this by identifying various grassroot organizations and

holding public meetings for an exchange of information of how best to advance their concerns regarding police/community relations.

Respectfully submitted,

Marcus Nix

Chair -Police Objective Review Board

02/28/2022