

CITY OF TROY
POLICE OBJECTIVE REVIEW BOARD
2022 ANNUAL REPORT
January 1, 2022-December 31, 2022

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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I. 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 PRRRC. The 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 ordered and a collaboration of community input, several recommendations were brought 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 as "public officers" 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 Office of Professional Standards, and a representative of the Troy Police Benevolent Association are non-voting members regarding business conducted by the Board.

Please be cognizant of the fact that 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 of Troy 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 Police Department 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 Office of Professional Standards 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 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 of 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

Tanisha Harris

Stacey Pompey

Elijah Scott

Michael Tuttman

IV. SUMMARY OF MEETINGS

January 10, 2022

PORB discussed with Mayor Madden the different functions between the PORB and the Police Reforms & Reinvention Collaboration. In addition, Capt. Conyers gave an instructional briefing about the use of body cameras worn by Officers. Also, addressed were updates that govern Emotional Disturbed Person Response Team (EDPRT).

February 7, 2022

Informational session held with regards to policy, procedure, and practice for use of TASER/stun gun. Also engaged in open conversation about Public Compliment or Complaint Process, recognizing more discussion needed. Moved to establish 3 working committees (Outreach committee, Messaging Committee, and Report Committee.)

March 7, 2022

Continuation of discussions regarding Compliment/Complaint Form. Reviewed Body Camera footage ISB-21-06 allegation about “unwarranted force”, case closed by Department with a disposition- “Exonerated”. PORB’s review of “body cam footage” found to agree with the disposition to exonerate and close the case file.

April 4, 2022

Briefing from Captain Montanino about the Emotional Disturbance Person Response Team (EDPRT) – eleven (11) additional officers have completed the 5-day EDPRT training; reportedly, 90% of officers have completed this training. In addition, Captain Conyers and Officer Fitch provided briefings about police officers’ authority and the use of body-cam footage inside area hospitals. The PORB’s Outreach Committee discussed the role to play in the upcoming Juneteenth event.

May 2, 2022

Outreach Committee report-PORB to participate in community grass root “Juneteenth” event. Officer Fitch discussed the condition and means by which the Police Benevolent Association (PBA) and the PORB may have the opportunity to join together and intentionally have events/interactions in the community. Additionally, Capt. Conyers presented body cam video of case file ISB 21-31, alleging ‘use of excessive force’. This case was closed by the Department as “Exonerated”. Review and examination of body cam footage by PORB there was “No” indication of injury nor was any interaction with officers appear to be excessive.

June 29, 2022

PORB attended the “Reality Based Training” which is an in-house annual training designed for Troy Police Department (TPD) officers. Training was conducted by Command Staff. PORB members observed the use of various equipment and techniques employed by officers, such as, but not limited to usage of verbal commands, physical subduing, handcuffing an arrestee, use of body camera & application, and use of TASER. The session concluded with a debriefing of PORB members about observations and opinions of the training session.

September 12, 2022

Failed to make Quorum. Review and Observation of ISB- 22-08 -case file alleging “use of excessive force” by responding officers. PORB’s review and observations of footage from a body camera, “No” evidence of excessive force by officers. The conduct displayed by Officers was observed as being courteous, patient, and professional.

October 3, 2022

Revisited the By-Laws discussion and addressed questions regarding the orientation program for new PORB members. Review and observation of body cam footage for case file ISB 22-13,

alleging “harassment” by animal control officer. PORB reviewed reports about the incident and determined that the harassment claim was “unfounded”. (Animal Control Officers are not assigned body cameras.)

November 7, 2022

Presentation from Kaleel Jamison Consulting Group (KJCG) advising of activities and engagement they’ve had with the Troy PD for the past two years. An update was provided on various aspects of promoting ‘diversity and inclusivity’ and invited the PORB to become part of upcoming to enhance a community-police partnership.

December 5, 2022

Revisions to By-laws were approved by unanimous vote.

Stacey Howard resigned from the Board.

Discussion about demographics of the City of Troy and ethnic languages spoken. M. Tuttmann and M. Nix who investigated this issue advised that Afghan and Iranian languages are spoken to a greater degree than the Arabic language.

Also, S. Smith, Nomination Committee Chairperson, is to prepare an election slate for new officers. Smith and Nix have agreed to stay in their current offices- Vice Chair and Chair respectively. Starletta, Marcus, Michael, and Taneisha agreed to stay on the board for another three (3) year term. J. Anderson expressed and declined the desire not to continue as Secretary. Jeff nominated Elijah and Elijah expressed a willingness to take on the role as secretary.

In order to fill present and future seats, the PORB will seek three (3) candidates for each one (1) board member that resigns or term expires, to present to the Mayor for final selection.

Canvassing will begin immediately for resignations, and 3 months prior to terms expiring.

Taneisha and Elijah have agreed to work on the press release.

Captain Conyers presented case file ISB 22-19 (excessive force) for review. An observational review from two separate body cameras and different angles failed to reveal excessive use of force by officers. The PORB saw “No” egregious behavior by officers; in agreement to close as “Exonerated”.

V. INVESTIGATIONS:

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 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.

Following the above prescribed responsibilities, the Board conducted a review of five (5) complaints filed with the TPD alleging excessive wrongdoing by the police officer(s). Those complaints involved the classification Level III (issues of excessive force, abuse of power, etc.) and Level IV (civil rights violations, narcotic violations, theft, etc.). Of the five complaints consisting of these classifications' levels, the Professional Standards Bureau of the department investigated each matter and officially closed the matter with an official disposition. The Board's investigative review of the department's official closing and assigned disposition of case file complaints, did not find any evidential material to substantiate any of the five allegations as alleged by the complaints.

The board reviewed completed investigations and camera footage for ISB-21-06; ISB-21-31; IS-22-08; ISB-22-13; ISB-22-19. Of the investigations and camera footage the board reviewed, none of the material presented supported the complaints. The board agreed with the department's disposition.

VI. 2022 Statistics

The Troy police Department currently has 135 officers operating at full complement. The breakdown in the demographics are as follows:

White- 124, Black-8, Hispanic-4,

Men- 123 Women- 12

There were 50,624 calls for service of which resulted in 1,442 persons arrested.

Mental Health Calls: 1,261

Complaints received: 20

19 Police Officers, 1 other

Compliments received: 15 (via email/web, letters, cards)

Officer involved shootings in 2022: 0

Officer use of force: 223

Firearms recovered: 89

Incidents of gunfire by citizens: 85

VII. RECOMMENDATIONS:

The PORB recommendations evolve from the board's 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 aspects 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 (3) three recommendations classified under policy. Please note that these recommendations are pertaining to the complaint form and complaint log.

They are classified as follows:

POLICY: Three (3)

TRAINING/ REMEDIAL: Zero (0)

INVESTIGATIVE: Zero (0)

Recommendation #1:

The compliment/complaint form should be offered in multiple languages. We understand that not all citizens or visitors speak English and may come in contact with the Troy Police Department. Whether that experience is positive or negative, everyone should have access to all forms generated out of the department.

Recommendation #2:

When a compliment and/or complaint is made, the form should be handed in to a third party. This action can build trust through transparency.

Recommendation #3:

On the compliment/complaint log, the date of the occurrence and the date the compliment/complaint comes in should be documented. This shows transparency and starts to track the duration of a case from start to finish.

Marcus Nix

Chairman – PORB

March 7, 2023