



Ulster County Justice & Reform Commission

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LETTER FROM THE ULSTER COUNTY EXECUTIVE

In the wake of George Floyd’s death, our country was confronted with the results of generations of injustice and systemic racism. Thanks to the Governor’s Executive Order, we created this commission and gave them the daunting task of reimagining what policing could be for our County.

Thanks to their hard work and dedication, we now have a community-built plan to guide Ulster County towards becoming a community where there is justice for all. We know that this will take time and that there will need to be many iterations of this plan along the way. We will need to continue to work with community leaders, non-profits and elected officials for years to come to execute and improve this plan. This is the beginning of this great work, not the end.

In this plan, you will see a call to action for our entire community. No community is immune to the perils and far-reaching effects of institutional racism and it falls on all of us—no matter your race, gender, or creed—to not just speak up, but to actively self-reflect and fight against these types of injustices. We will need to shape how the community responds to people at risk of entering our criminal justice system; utilizing a trauma-informed approach that is restorative instead of punitive. We are calling for the involvement of the entire community in this process, through events at our Restorative Justice and Community Empowerment Center and through new Advisory Boards which will create increased communication and transparency with the Sheriff’s Office.

I am committed to seeing the programs in this plan implemented. In the 2021 Budget, we have already included funding to expand our Mobile Mental Health team and our Restorative Justice program. For years to come, we will look at this plan and make sure that we are including funding for these programs so that we can execute our community’s vision.

I am proud of our community for coming together to create this plan and I look forward to implementing it in the years to come.

Sincerely,

Patrick K. Ryan, Ulster County Executive

Transforming the criminal justice system will ensure that all persons regardless of race, gender or economic status are treated fairly and humanely. In the interest of justice, we must learn to communicate and be unafraid of the laws and the legal system which have needed reforming for decades.

The Ulster County Sheriff's Office understands the history and the inequities of how people are treated. We need to respect our citizens with fairness as well as understanding that this profession sees the worst in humanity and the best in humanity, which means we have an important role for the wellness of both the officers and the citizens we serve. Law enforcement interactions with the public should be scrutinized.

The Criminal Justice system is multifaceted, encompassing the victim, complainant, police, district attorney, public defender, defense attorneys, judges, division of corrections, probation and parole. It is our responsibility to look at the system in its entirety and assure that everyone is treated equally and fairly throughout the legal process.

This transformation has begun from specific required trainings on issues like crisis intervention, citizen interaction, de-escalation, and bias training to updating policies and reaching out to our community leaders to better serve the public. Through the upcoming citizen's academy, we can better understand the roles of the police officer and improve professionalism, accountability and transparency. Personal responsibility is also a key factor. True reform can be accomplished by working with those in our community who have suffered from negative and unjust enforcement of laws, and the system that unfairly metes out justice due to the color of their skin or how much money they make.

This is the start of a process to treat all people with respect and assure that our criminal justice system is fair. I thank my fellow commission members for the difficult discussions and the hard work we have in front of us. I look forward in engaging with our community to sustain this process.

Sincerely,

Juan Figueroa, Ulster County Sheriff

BACKGROUND

This document was created by the Ulster County Justice and Reform Commission in response to [Governor Cuomo's Executive Order 203](#) which declared that every municipality with a police agency “must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, to address the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.”

With this directive in mind, we put together a commission of community members, advocates, elected officials, and law enforcement to work together to create a plan and a vision for what Ulster County would like their policing to look like moving forward. Given that this directive was to examine the racial disparities in our existing system, we gathered a diverse group of representatives where 11 of the 16 members were people of color, to make sure that our reforms were addressing this need.



COMMISSION MEMBERS:

Clint Johnson, Chair
Ulster County Attorney

Juan Figueroa
Ulster County Sheriff

Dave Clegg
Ulster County District Attorney

Ruth Boyer
Ulster County Public Defender

Heidi Haynes
Ulster County Legislator, District 18,
Deputy Chair of Law Enforcement and
Public Safety Committee

Eve Walter
Ulster County Legislator, District 20,
Chair of Law Enforcement and Public
Safety Committee

Tyrone Wilson
Ulster County Commissioner of Human
Rights

Maggie Veve
Citizen Action

Jackson Speller
Youth Member

Rev. Ray Younger
Ellenville Village Trustee, Community-
School Liaison for Ellenville Central
Schools, Pastor New Testament
Church

Rita Worthington
City of Kingston Alderwoman, Ward 4

Lester Strong
Executive Director, The Peaceful
Guardians Project

Maud Bruce
President of the Ellenville Chapter of
the NAACP

Kyle Berardi
President of the Ulster County Police
Chiefs Association

Rev. James Childs
Kingston City School Board and Pastor
of Pointe of Praise Church

Shannon Harris
Town of Esopus Supervisor, President
of the Ulster County Association of
Town Supervisor

Anna Markowitz
Assistant County Executive, Report
Author and Meeting Facilitator

PROCESS

Our goal from this commission was to hear from as many Ulster County community members as possible and make sure that their views were reflected in our plan. To achieve this goal, we began our process by hearing directly from the community through a Town Hall (where we had over 75 participants voice their ideas and concerns) and an online form (where we had nearly 100 comments submitted). Please see Appendix A for a complete list of ideas submitted by the community.

We then compiled the community ideas into a document and went over the suggestions as a commission. We synthesized these ideas into “topic areas” and made sure that we were not missing any important areas of concern. Once we had a list of topics to choose from, we broke



them out into subject areas so that we could meet in smaller subcommittees to discuss specific plans and reforms for each topic.

The four subcommittees were:

- Ending mass incarceration
- Police oversight and accountability
- Addressing systemic racial bias
- Healing divisions between law enforcement and the communities they serve.

Each commission member picked a subcommittee to join and selected a topic to research and present on at meetings. Each Subcommittee had roughly 4 members and 3 topics to research.

MEETING SCHEDULE

The Justice and Reform Commission held 12 meetings between June 30th and April 1st, beginning bi-monthly to shorten the timeline for compiling ideas and picking reforms to research. Once the topics were picked in October, they reduced to monthly meetings which allowed more time for writing and researching reforms. The subcommittees met in between the meetings to discuss research and guide the policy direction.

TOWN HALLS

The Justice and Reform Commission held three Town Halls throughout the process to help guide our research and make sure that our direction was in line with the goals of our community.

Our first Town hall was in July. The goal of this meeting was to gather ideas directly from the public to be used as a framework for our commission’s policy research.

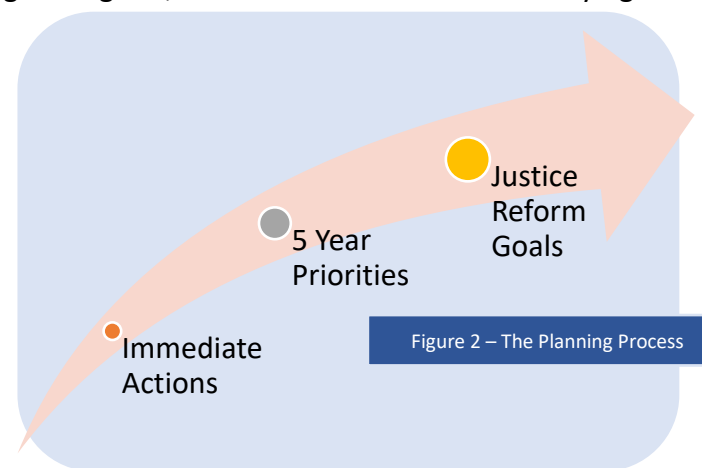
Our second Town Hall was in September (midway through the process). We presented each topic that we were beginning to research to make sure that the public agreed with the direction that we were headed.

The third and final Town Hall was in January to present the final plan for review and suggestions.

WRITING OUR PLAN

Based on the feedback and guidance from the community, we began writing our plan. The goal of this plan is to be a visionary document that outlines the concrete steps needed to create a criminal justice system that reflects the beliefs and needs of our community. We want to both lay out a 5 year plan so that in each budget season we can check that we are on track for making the incremental steps needed to attain our long term goals, while at the same time identifying immediate actions we can take to change our systems today through resolutions, budget amendments, and executive orders.

By having one document with both a short term and long term action plan, we can make sure that all of the stakeholders (the legislature, Sheriff’s Office, the District Attorney, Public Defender, County Executive, local non-profits, and the community at large) all have access to the same plan. At each step along the way, we can reference this plan and ask: Does the action that I am taking today bring me closer to achieving the goals of our community adopted plan?



RESTORATIVE JUSTICE

Restorative Justice is an approach to justice in which the response to a crime/error in judgement is to help the responsible individual find an alternative path. The goal is to negotiate for a resolution to repair the harm to the victim or community and that will assist the person in making positive decisions concerning their future. Ulster County has been operating a youth Restorative Justice program since 2013 for people aged 7-17. Since the program started, nearly 300 Restorative Justice Circles have been completed, resulting in a recidivism rate of only 6%, far less than the national recidivism rate of 40 percent for non-violent offenders.

Given the success of this program and Restorative Justice initiatives at a national level, the Justice and Reform Commission is recommending expanding this program and growing our Restorative Justice Programs to include the adult criminal justice system. The vision is to slowly grow Ulster County's Restorative Justice programs over the next 5 years until it becomes an ingrained part of our culture and we are diverting as many people as possible from incarceration.

In the County's 2021 budget the County Executive included funding to expand our restorative justice program to adults aged 18-26 with misdemeanors and non-violent felonies. Through this funding and the commitment of District Attorney Dave Clegg to executing this program, we are on track to complete our 2021 goal.

The Ulster County Probation Department is also expanding Restorative Justice to their adult population and will be using Restorative Justice in lieu of violations of probation whenever possible in 2021. It has been a goal of the department to reduce the number of technical violations and to increase successful probation completions. Over the next five years, the Probation Department will increase the use of Restorative Justice techniques to respond to and resolve probation violation behavior. The Probation Department has found the use of Restorative justice through the One80 program to be highly effective to divert youth out of the juvenile justice system. It is expected that the utilization within all ages in both the juvenile and adult probation system will have a positive impact on the success of probation clients and will reduce recidivism and support meaningful engagement with victims and communities.

Over the longer 5 year horizon, the Justice and Reform Commission recommends expanding Restorative Justice to schools and to the broader community. In Brooklyn, NY the Center for Court Innovation did a three year study on the effect of a Restorative Justice Program at five of New

York Cities schools that had the highest suspension cases.¹ They found that suspension levels dropped significantly, that it built a community of trust, and that it increased the social and emotional skills of the students. They also found that this work was particularly important for communities of color who are disproportionately suspended:

“I don't think you can possibly be doing restorative justice work in the world, or even America, and not be doing racial healing work, because the entire premise, as I understand it, of restorative justice is about connecting humanity, it's about this shared kinship, and the entire premise of racism is the opposite.

If you are trying to build community, then you have to address the divisions within that community. And it made me think a lot when we started this project, just about how racism was this distortion of community, and what we were seeing in the schools was the impact of that distortion.”²

By expanding Restorative Justice programs into our schools and community, we can reduce our suspension rates for our youth and reduce the school to prison pipeline.³ This diversion work will tie into our adult and youth Restorative Justice programs offered by the county and will be a unified system with the goal of healing the divisions and trauma in our community. In future budgets, we should use this document as a guide to make sure that we are on track to achieving our longer-term goals for Restorative Justice and are continuing to supply the manpower and funding to make restorative justice a central pillar to our diversion plan.

Immediate Actions	5 Year Priorities	Justice Reform Goals
➤ Expand Restorative Justice program to Adults aged 18-26 with misdemeanors and non-violent felonies.	➤ Train all Ulster County School Districts in Restorative Justice and encourage them to have a Restorative Justice model for discipline.	➤ Create a culture in Ulster County of healing and repairing instead of punitive. By creating this culture and supporting our youth from birth

¹ Watkins, Matt, and Matt Watkins. “New Thinking: Restorative Justice Is Racial Justice.” *Center for Court Innovation*, 1 July 2020, www.courtinnovation.org/publications/restorative-racial-justice.

² Watkins, Matt, and Matt Watkins. “New Thinking: Restorative Justice Is Racial Justice.” *Center for Court Innovation*, 1 July 2020, www.courtinnovation.org/publications/restorative-racial-justice.

³ “Restorative Justice and Its Effects on (Racially Disparate) Punitive School Discipline.” *Restorative Justice and Its Effects on (Racially Disparate) Punitive School Discipline* -, www.justiciarestaurativa.org/www.restorativejustice.org/RJOB/restorative-justice-and-its-effects-on-racially-disparate-punitive-school-discipline.

<ul style="list-style-type: none"> ➤ Coordinate with the District Attorney’s office, the Restorative Justice and Community Empowerment Center, and Family of Woodstock’s One80 Program. ➤ Resolve Probation technical violation through Restorative Justice to reduce recidivism. 	<ul style="list-style-type: none"> ➤ Expand RJ program to all first-time offenders of misdemeanors and non-violent offenders regardless of age. ➤ Train community leaders in all sectors in Restorative Justice Practices. 	<p>through adulthood, we can repair the trauma that is often the underlying cause of misbehavior and reduce the level of incarceration in our county.</p>
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RECIDIVISM

To truly end mass incarceration, the Justice and Reform Commission believes that we must support and rehabilitate our current Ulster County jail population to reduce recidivism.

The Sheriff’s Office has been working in partnerships with local companies such as Bread Alone to train incarcerated people on skills like baking so that they can have a job placement lined up upon release. The Justice and Reform Commission would like to see programs like this that train and upskill incarcerated people expanded upon. By partnering with more local businesses to train and place formerly incarcerated people in jobs, we can ensure that everyone has a discharge plan that includes making them financially stable and more likely to thrive.

The Commission would also like to see an increase in mental health supports so that incarcerated people that are suffering from a mental illness or trauma can receive care and treatment so that they are ready to re-enter the world in a healthier state. The current policy at the Ulster County Jail is to assess everyone upon arrival and if they have a mental health issue that deems them at risk to themselves or others then they are placed in a one on one living arrangement. The Justice and Reform Commission is recommending that we add a “continuum of care” and that while we should keep this procedure for our most dire cases, that we should add counseling and supports for individuals in the grey area of not being an immediate threat but who still are struggling with mental health issues.

We also recommend connecting incarcerated people to counseling and mental health treatment upon release from the Ulster County Jail. If the incarcerated person approves this plan of

connecting, the jail discharge coordinator can pre-schedule appointments for each participant so that they have a plan for continuing their mental health treatment upon release.

Lastly, the Commission believes that access to safe housing upon release is necessary to help reintegrate the person while they get on their feet and find employment. There are current inventory shortages of affordable and supportive housing in Ulster County which make it difficult for people leaving the jail to have a stable housing situation upon release. The Justice and Reform Commission recommends building additional affordable and supportive housing so that our most vulnerable residents have the stable housing needed to be successful upon release from jail. In the meantime, as we wait for the development of additional housing supply, we recommend that the discharge plan contains connections to housing service providers such as Family of Woodstock, RUPCO and our Department of Social Services. These connections should be made prior to release so that they have the best arrangements possible as they re-enter society.

The Justice and Reform Commission is recommending that discharge plans include connecting incarcerated people to:

- Housing
- Mental Health Supports
- Job Placement

By having a system that tracks if these three needs are fulfilled prior to release, we can make sure that incarcerated people have better support systems and are less likely to recidivate.

Immediate Actions	5 Year Priorities	Justice Reform Goals
<ul style="list-style-type: none"> ➤ Create discharge plans that connect incarcerated people to housing, mental health treatment and jobs prior to release ➤ Increase job training programs to upskill incarcerated people and connect them to jobs upon release 	<ul style="list-style-type: none"> ➤ Increase Affordable and supportive housing stock in Ulster County ➤ Increase mental health supports at the jail so that more people are receiving counseling and treatment while incarcerated 	<ul style="list-style-type: none"> ➤ By creating a wholistic approach to supporting our jail population, we can reduce recidivism and create healthier individuals who can strengthen our communities.

ULSTER COUNTY JAIL SIZE AND BUDGET

Ulster County operates a Jail that is currently licensed for 456 incarcerated people at a cost of \$23 million per year. Pre-bail reform in 2018 our average population was 280 and that declined to 217 in 2019 (in anticipation of bail reform courts were preemptively releasing people without bail). For the 2021 budget, Sheriff Juan Figueroa and County Executive Pat Ryan were able to reduce spending by \$1 million without layoffs. They were able to achieve this through attrition based on a retirement incentive that reduced the staff from 158 corrections officers to 147.

While in the long run, the Justice and Reform Commission recommends permanently resizing the jail through the Commission of Corrections to a level that better reflects our actual population count, in the short run we recommend continuing to reduce staffing while the Sheriff gathers accurate jail population numbers. In 2020 with bail reform and the COVID-19 pandemic it is difficult to assess what the long-term jail population will be. In September of 2020 the population was 165 inmates (with 17 boarded in and 148 Ulster County residents) but that could increase once more court cases are being processed. Given this uncertainty, we are recommending that the Sheriff track the jail population for one year after the end of COVID-19 prior to officially requesting a reduction in jail capacity. Once we have a sense of our post COVID-19 level, we recommend officially resizing the jail through the Commission of Corrections.

In the meantime, with a 2020 population under 200, the Justice and Reform Commission recommends continuing to evaluate necessary staffing levels and doing as much as possible to continue to reduce staffing below 147 while we wait for the longer-term official resizing of the jail. While we understand that population alone is not used to determine staffing levels and that there are formulas based on numbers of housing units (pods) that are used to determine the staffing levels, if there is a sustained reduction in incarcerated people, it would be worth altering the jail and finding alternative uses for unused areas of the building.

The Justice and Reform Commission also recommends investing these saved funds back into many of the other topics discussed in this document such as Restorative Justice, Mobile Mental Health Expansion, Recidivism Reduction Programs, etc. It is imperative that we are fiscally responsible at the jail so that Ulster County has the funds available to support the many diversion and social programs needed to support our residents.

Immediate Actions	5 Year Priorities	Justice Reform Goals
<ul style="list-style-type: none"> ➤ Reduce Ulster County Jail budget by \$1MM and reduce staffing to 147. 	<ul style="list-style-type: none"> ➤ Continue to reduce jail staff based on population and alter pod usage and jail design accordingly. 	<ul style="list-style-type: none"> ➤ Continue to invest our savings from reducing incarceration back into the community in

	<ul style="list-style-type: none"> ➤ Resize jail through Commission on Corrections, with future size determined based on average jail population. ➤ Re-evaluate jail size continually based on population. If our restorative justice and other diversion programs are working, then jail size could continue to shrink. 	<p>the form of mental health, diversion programs, and social supports.</p>
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SCHOOL RESOURCE OFFICERS (SRO’S)

While the Sheriff’s Office currently supplies School Resource Officers (SRO’s) for two school districts in the County (BOCES and Onteora) the school districts control if they remove or keep this position at their schools. Given that the Sheriff’s Office does not have direct control over the removal of these positions, there was much debate about what types of reforms we could do to have an impact on this topic.

One possible reform is that the Sheriff’s Office could not supply officers to schools. While the schools alone can decide whether they want to fund and support an SRO at their school, the Sheriff’s Office does have the ability to say that they won’t staff these positions. That would make it so that the school district would have to find an alternative supply of officers in order to continue staffing the position.

A second reform is that the Sheriff’s Office could continue providing officers to schools, but that they could come up with a set of “best practices” to ensure that SRO’s were not used for disciplinary action. For example, they could limit this role to being about protecting students and faculty from school shooting incidents. This would keep the safety aspect of this role without having them involved with student discipline which has been shown to create a school to prison pipeline for students of color. According to a 2011 report from the Justice Policy Institute, “when schools have law enforcement on site, students are more likely to be arrested by police instead of discipline being handled by school officials. This leads to more kids being funneled into the

juvenile justice system.⁴ By eliminating the discipline aspect of the SRO position, the Sheriff's Office could eliminate the negative effects on youth while retaining the positive safety aspect.

While only the schools can defund these positions, the commission did agree that reform was necessary to ensure that we are protecting youth from the school to prison pipeline in Ulster County. The Justice and Reform Commission recommends that the Legislature examines which of these two potential reforms would have the most positive impact on the students of BOCES and Onteora who currently have SRO's provided by the Sheriff's Office.

STRENGTHENING OVERSIGHT AND ACCOUNTABILITY

RIGHT TO KNOW ACT

In 2020 Poughkeepsie and Kingston both passed a "Right to Know Act." This police transparency law requires police officers to identify themselves, name the reason for a stop or encounter, and provide information on the complaint process at the end of encounters that do not result in an arrest or summons. The Justice and Reform Commission recommends creating a "Right to Know Act" for the Ulster County Sheriff's Office.

Ulster County Sheriff's Office will commit to printing business cards for every officer so that they can hand out identification at every traffic stop or police encounter. This will make the community feel that there is more accountability with our officer's actions and will make it easier to reconnect with officers in the future. The Ulster County Sheriff's Office recognizes that in order to build trust between the community and its members, they should provide the public with information such as but not limited to notice of the reason(s) of their encounter, name(s) of the deputies they interacted with and access to a written record of their interaction.

Every police encounter, no matter the circumstance or situation, will require a deputy to identify themselves by providing their name, rank and agency as well as an explanation for the encounter. At the conclusion of the encounter, the deputy must offer an agency issued business card. Deputies would be excluded from this task if the deputy is working in an undercover capacity, undercover operation or when an individual flees, is physically resistant or other factors exist which make it impractical or unsafe. The business cards will have the name, rank, badge number and agency of the deputy, an incident number, an email link to obtain a copy of a report, an email

⁴ Mariame Kaba Published: October 10, 2017. "How the School-to-Prison Pipeline Works - Justice Policy Institute." - Justice Policy Institute, www.justicepolicy.org/news/11809.

link to file a complaint or commendation, a non-emergency phone number and a tips line phone number.

This transparency will help develop a sense of accountability, promote professionalism and support a positive interaction with law enforcement.

Immediate Actions	5 Year Priorities	Justice Reform Goals
<ul style="list-style-type: none"> ➤ Have the Ulster County Legislature pass a resolution to create the “Right to Know Act” 	<ul style="list-style-type: none"> ➤ Track the success of this program by surveying the community ➤ Evaluate if there are additional accountability measures that would improve this act or justify an additional accountability act. 	<ul style="list-style-type: none"> ➤ Create a transparent and accountable system that makes the community feel safe and protected.

CONSENT TO SEARCH REFORM- ODOR RECOGNITION

There are fundamental issues that arise on the topic of whether a police officer can or cannot search a vehicle in the absence of any physical evidence in view. Many of these issues have been addressed in case law, including but not limited to some of the more notable cases such as *People v. DeBour* 40 N.Y. 2d 210⁵, *People v. Hollman* 79 N.Y. 2d 181, *People v. Garcia* 20 N.Y. 3d 317⁶ and *People v. Battaglia* 86 N.Y. 2d 755⁷. These cases have shaped, influenced and even changed how police function and operate however there is still much ambiguity when it relates to vehicle

⁵ “*People v. De Bour* - 40 N.Y.2d 210, 386 N.Y.S.2d 375, 352 N.E.2d 562 (1976).” Community, www.lexisnexis.com/community/casebrief/p/casebrief-people-v-de-bour-1218948516.

⁶ “*People v. Garcia* - 2012 NY Slip Op 8670, 20 N.Y.3d 317, 959 N.Y.S.2d 464, 983 N.E.2d 259.” Community, www.lexisnexis.com/community/casebrief/p/casebrief-people-v-garcia-1114332974.

⁷ SMITH, J. (dissenting). “*People v. Battaglia*.” Legal Research Tools from Casetext, 5 July 1995, casetext.com/case/people-v-battaglia-15.

searches. More specifically; when it relates to a vehicle being searched and the probable cause is based on an odor, such as the odor of marijuana.

Members of the minority community feel they are being disproportionately searched during traffic stops and perceive vehicle searches under the basis of an odor of marijuana as a circumvention of the law and a violation of their rights. There is little to no recourse for a person to refute an officer’s assertion that such odor exists during and after the stop. This creates speculation that the search is being conducted because of an individual’s race or ethnicity.

In order to help bridge the gap of trust between the community and law enforcement, the Ulster County Sheriff’s Office has developed a form and policy as it relates to probable cause searches based solely on the affirmation of an odor. The form is designed to capture the sex, age, race and ethnicity of the individual searched, the name of the officer who conducted the search, and the results of the search. An analysis of this data will help identify how often an odor is being used as the sole probable cause factor for any search, the demographic of those being searched and which deputies are using it. If misconduct by a member is discovered through the data it will be investigated. With increased transparency, the Ulster County Sheriff’s Office will share this data and have it readily available for the public on their website.

Immediate Actions	5 Year Priorities	Justice Reform Goals
<ul style="list-style-type: none"> ➤ Create an Odor Recognition Form for tracking Officer’s use of “the smell of marijuana” as a cause of searching 	<ul style="list-style-type: none"> ➤ Publish Data on website of the demographics of people stopped to understand if people of color are more often stopped for marijuana odor. 	<ul style="list-style-type: none"> ➤ Increase Transparency of searches based on odor. ➤ Identify any misuse of this search method to protect Ulster County residents

PUBLICALLY DISCLOSE DATA TO BUILD TRUST

In order to truly understand the problems and successes of our criminal justice system, it is imperative that we have robust data to evaluate our programs and reforms. Without a complete set of data to inform us of our current landscape, we acknowledge that our reforms and solutions might not fully address the underlying problems. With this in mind, the Justice and Reform Commission is recommending that the Sheriff’s Office creates a user-friendly dashboard that provides data to the community. With more robust and transparent data we can continue to reshape our reforms to best meet the needs of our community.

The Justice and Reform Commission understands that designing this dashboard and identifying the different metrics that should be reported will take time and resources. Over the year of 2021, the Sheriff’s Office will work with leaders in the field of data collection (such as Vera Institute⁸ or Police Data Initiative⁹) to identify the data that they would like to include on the dashboard and a plan for how to track this data. The Police Data Initiative for example is working with 130 Police Organizations across the country to help guide offices through the process of including open data. By partnering with existing experts in this field we can learn from them on how to best collect and integrate data.¹⁰ Once the metrics are identified and the methods for tracking this data are established, the Sheriff’s Office will work with Ulster County’s Information Services or with an outside vendor to create a dashboard similar to our COVID 19 dashboard¹¹.

The goal of this dashboard is to be a “one stop shop” for people to understand how policing is effecting their community. The Sheriff could put data that they already collect and which is presented on various state websites such as jail population, arrest data, use of force data, and recidivism data. They could also present their annual report for review which includes data on the number of stops and policy changes within the office. Lastly, they could identify key areas for new data to help evaluate current programs and reforms.

Creating a transparent and easy to use dashboard is key to both evaluating our current system as well as building trust and communication with the Ulster County community.

Immediate Actions	5 Year Priorities	Justice Reform Goals
<ul style="list-style-type: none"> ➤ Identify important data to collect throughout 2021 ➤ Work with partner organizations and data experts to design data collection methods 	<ul style="list-style-type: none"> ➤ Build the data dashboard in 2022 ➤ Over a 5 year period continue to tweak and refine the data that we are collecting based on the needs of the community 	<ul style="list-style-type: none"> ➤ Create a transparent and easy to use dashboard that allows us to analyze the performance of our current systems and reforms.

⁸ Subramanian, Ram, et al. “Scoping the Problem.” Vera Institute of Justice, 25 Jan. 2019, www.vera.org/ending-mass-incarceration/scoping-the-problem.

⁹ “Law Enforcement Executive's Guide to Open Data.” National Police Foundation, 1 Nov. 2017, www.policefoundation.org/publication/law-enforcement-executives-guide-to-open-data/.

¹⁰ “Home.” Police Data Initiative, 22 Feb. 2018, www.policedatainitiative.org/.

¹¹ “COVID-19 VIRTUAL CENTER.” Ulster County COVID-19 Information, covid19.ulstercountyny.gov/.

RESPONDING TO MENTAL HEALTH EMERGENCIES

While law enforcement and emergency personnel are critical in responding to myriad urgent events, there are many occasions when the expertise of mental health professionals is essential in de-escalating and working through crises and other challenging matters. To meet the needs of Ulster County residents experiencing mental health emergencies, the Justice and Reform Commission is recommending increasing our mobile mental health program and training more officers in Crisis Intervention Trainings.

Ulster County Mobile Mental Health is a service provided by Access: Supports for Living. The program, which launched in 2015, operates from 10am-10pm every day and is a free service that allows residents to connect with a trained counselor when stress, depression, anxiety, emotional trauma, family crisis, substance use or other mental health issues create a personal crisis. The team can respond to an urgent issue at home or anywhere in the community, and the service includes people with lived experience who can relate to residents' needs through their own experiences. Together, they develop support plans and assist individuals and families in carrying them out. In 2020, the team has served 1,166 individuals, made 298 face to face contacts, 1,286 telephone contacts and 2,429 follow up contacts. Their average time to respond in the community so far in 2020 was 32.6 minutes. In 2019, they served 2,088 individuals with an average response time of 30.5 minutes.

The Justice and Reform Commission recommends expanding this service and hiring a full-time licensed social worker who would work at the Department of Emergency Services in their 911 dispatch and would have the ability to send Mobile Mental Health professionals to respond to mental health crises, either alongside emergency personnel or on their own depending on what is appropriate to the situation. The Commission also recommends adding additional capacity to the current Mobile Mental Health teams so that they are able to respond to the anticipated increase in cases due to the connection to the 911 dispatch center. In addition, they recommend adding a nurse and access to a psychiatrist to add a third team which could handle prescribing medication if needed. Having both social workers for counseling/ de-escalation and medical professionals for urgent medical needs related to mental health will make sure that our Mobile Mental Health team is able to respond to a wider variety of calls in Ulster County.

The Commission is also recommending training additional officers in Crisis Intervention Training (CIT). CIT training is a first-responder model of police-based crisis intervention training to help persons with mental health and/or addictions to access medical treatment rather than place them in the criminal justice system due to illness-related behaviors. It also promotes officer safety and the safety of the individual in crisis. The Sheriff's office already has 6 officers trained

in CIT who work on their Oracle team and respond to overdose scenes and connect the individuals to treatment. By increasing these trainings, if an officer does respond to a scene and finds a resident experiencing a mental health emergency, they will have the skills needed to de-escalate the situation and refer them to treatment.

In addition to training the Ulster County Sheriff’s staff, the Sheriff’s office is committed to offering these trainings to the local police departments throughout Ulster County so that no matter who receives the call, the responding officer is able to respond in an appropriate de-escalating manner. The Sheriff’s goal is to train 50% of his staff and 25% of all local police officers throughout Ulster County.

Immediate Actions	5 Year Priorities	Justice Reform Goals
<ul style="list-style-type: none"> ➤ Fund a full-time social worker within the 911 Emergency Communications Center to provide a trained, trauma-informed response to residents who are experiencing a mental health crisis. ➤ Fund a nurse and psychiatrist to create a 3rd team which can prescribe medication. 	<ul style="list-style-type: none"> ➤ Expand Crisis Intervention Trainings to 50% percent of the Sheriff’s Office personnel and 25% of all local Police Departments in Ulster County. ➤ Evaluate usage of mobile mental health and increase staffing and hours if there is demand. 	<ul style="list-style-type: none"> ➤ Residents experiencing mental health emergencies will be met with social workers or CIT trained officers. We will create a Ulster County culture of treatment and healing instead of incarceration and punishment for people experiencing mental health crises.

RESPONDING TO ADDICTION AND OVERDOSES WITH TREATMENT

Ulster County’s Sheriff’s Office is committed to responding to overdoses and people struggling with addiction with treatment instead of incarceration.

The Sheriff’s Office launched their Opioid Response as County Law Enforcement (ORACLE) program in 2019 which responds to phone calls to their hotline as well as to reports of non-fatal overdoses from officers in the field. The team’s goal is to make contact with an individual who overdosed within 72 hours of an overdose as that’s a time when they may be more receptive to offers of help. The team meets with the individual, explains treatment options, and if they’re amenable, arrange for their enrollment in an inpatient or outpatient rehab program.

Thanks to a \$900,000 grant that the Sheriff’s office and the Department of Health recently received, they will be expanding this program to provide additional supports to the community through an additional team called the High Risk Mitigation Team. This team will work with the Ulster County Health Department, Ellenville Regional Hospital, Samadhi, Catholic Charities, People USA, Access’s Mobile Mental Health team, and the Kingston Police Department to make sure that we are collaborating and creating a unified county-wide response to this epidemic. This program will begin in January 2021 and has funding to last for 3 years of operation under this grant.

The High-Risk Mitigation Team (HRMT) in Kingston will be made up of two peer recovery advocates and a social worker which will be embedded in the Sheriff's office ORACLE team. They will be responding to all calls which are substance use disorder connected. They will work directly with individuals struggling with addiction providing them with harm reduction link treatment navigation, case management (housing, childcare, employment, food, etc) and maintain a connection with individuals throughout their continuum of care and recovery.

This team was designed to embody the notion of reinventing policing and, in fact, a model of how and why police departments can play a critical role in providing help to those who need it most. The HRMT combines the unique rapid response resources available to law enforcement with the compassionate care, treatment and recovery services traditionally offered by the health, behavioral health and public health communities.

The current ORACLE team is trained in alcohol and substance abuse counseling, critical incident response (CIT) and other behavioral health skills that allow them to better understand the individuals who they are trying to help. Adding peer recovery advocates, social workers and other health and human services professionals on the team, creates a compassionate model that enhances everyone’s ability to reach people who are in crisis and connect them to the immediate treatment and ongoing follow-up care that they need.

The Justice and Reform Commission recommends that the Sheriff’s Office continues to grow and improve this program and that they collaborate with the many treatment providers in Ulster County to provide a unified program to prevent as many overdoses as possible.

Immediate Actions	5 Year Priorities	Justice Reform Goals
<ul style="list-style-type: none"> ➤ Hire a Social worker and 2 peers to join Sheriff’s Oracle Team ➤ Work with Kingston Police and Opioid Treatment partners 	<ul style="list-style-type: none"> ➤ Collect data to show the efficacy of this program through reduced Opioid overdoses and fatalities 	<ul style="list-style-type: none"> ➤ Reduce Opioid Fatalities by 50% by 2023

to create a unified County System		
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POLICE REVIEW BOARD

Police Review Boards remain a rarity for elected Sheriff’s across the country and a mere 11 counties have commissions or advisory boards who review police discipline and policies.¹² While many cities have created these review boards to oversee appointed police chiefs and commissioners who do not get re-elected every 4 years, it is a much rarer case for Sheriffs who directly report to their constituents in a way that appointed chiefs do not. We reviewed the models of the 11 counties which do have Police Review Boards including the Richland, SC model and the Suffolk, NY models which both keep in mind the political nature of these elected positions while ensuring oversight and trust building with the community that they serve.

In Richland South Carolina, the Sheriff’s Office established a Citizen’s Advisory Council. This Council reviews and comments on citizen complaints, disciplinary actions were taken against deputies and/or employees, and internal policies and procedures, and then provide the Sheriff with an objective viewpoint.¹³ The members of this board are community members who are appointed by the Sheriff.

In Suffolk New York, the Sheriff’s Office established a Community Advisory Board. This board is similar in model to Richland’s and give residents an opportunity to meet regularly with the Sheriff and his staff, discuss topics of interest and concern, be a conduit for information to local communities, and to provide input on Sheriff’s initiatives and policies relating to the Office and its relationship with the general public.¹⁴

After reviewing these models, the Justice and Reform Commission did not like that the Sheriff would be appointing members instead of allowing any interested member of the community to participate. Given this concern, they recommend tweaking the Suffolk County model and having 6 regional Community Advisory Boards (one in Kingston, Ellenville, New Paltz, Saugerties, Plattekill, and Woodstock) so that as many people in Ulster County can participate as possible.

¹² Charlie Ban Jun. 22, 2020. “Civilian Review of Law Enforcement Remains Rare for Counties.” NACo, www.naco.org/articles/civilian-review-law-enforcement-remains-rare-counties.

¹³ “Citizens’ Advisory Council.” Richland County Sheriff’s Department – SC, www.rcsd.net/our-programs/citizens-advisory-council/.

¹⁴ “Boards and Task Forces.” Sheriff’s Office, www.suffolkcountysheriffsoffice.com/community-advisory-board#:~:text=formed%20a%20Sheriff's%20Community%20Advisory,to%20the%20Office%20and%20its.

Individuals would volunteer to sit on the Community Advisory Board for a year and would have quarterly meeting with the Sheriff’s Office to discuss local concerns and ideas for improvement.

The Justice and Reform Commission recommends that the County further study and assess options throughout 2021 and develop a recommended plan by the end of the year to ensure accountability and maintain public trust and confidence.

Immediate Actions	5 Year Priorities	Justice Reform Goals
<ul style="list-style-type: none"> ➤ Work with community to determine best Review Board Model 	<ul style="list-style-type: none"> ➤ Implement the chosen model and allow a diverse set of community leaders to serve on this board 	<ul style="list-style-type: none"> ➤ Create a transparent model that builds community trust and keeps our residents safe.

PREVENTING EXCESSIVE FORCE

In July, the Sheriff’s Office updated it’s excessive force policy to prohibit choke holds. The Justice and Reform Commission commends the Sheriff’s office for analyzing their policies after the traumatic experience of George Floyd’s death and making sure that all Ulster County residents are safe from experiencing excessive force.

The Justice and Reform Commission recommends including updated policies on the data dashboard and website so that the community can actively track which policies are being updated.

In addition, the Justice and Reform Commission recommends tracking any use of force (including use of tasers) on the recommended data dashboard so that the community has a transparent view of the frequency and type of force that is being used in the community.

ADDRESSING SYSTEMIC RACIAL BIAS

The “Doll Test” administered by Dr. Kenneth and Mamie Clark in the 1940’s and 50’s and then repeated in 2015 is an essential study to see the impact that race has on our community. The study shows that children between the ages of 2 and 7 were shown dolls or pictures of children with different shades of color from pure white to very dark brown. Roughly 65-70% of the children interviewed, Black, White, and Latinx, consistently identified the white or near white dolls and pictures as being smarter, friendlier, and prettier, while finding the dolls and pictures

of darker brown children as stupider, meaner and uglier. These prejudices are ingrained so early and their reinforcement so pervasive that the bias is both visceral and unconscious.

This could be the greatest barrier to overcoming systemic racism in law enforcement. By asking members of law enforcement to suddenly contravene four centuries of discrimination is a daunting task that will not be easily accomplished. However, we can take concrete steps to make sure that people of color in Ulster County are not more frequently stopped by our Sheriff's department and that when they are stopped, they are treated with respect.

In 2018 out of the 4,089 arrests in Ulster County, 34% were people of color in comparison to 16.8% of the population that they represent. While not all of these arrests were made by the Sheriff's department, and many of these could have been conducted by local police departments or by the State police, it does tell us that we are disproportionately arresting people of color in our county and that we should examine ways to improve these outcomes.

REQUIRE INTELLIGENCE/ EVIDENCE FOR STOPS

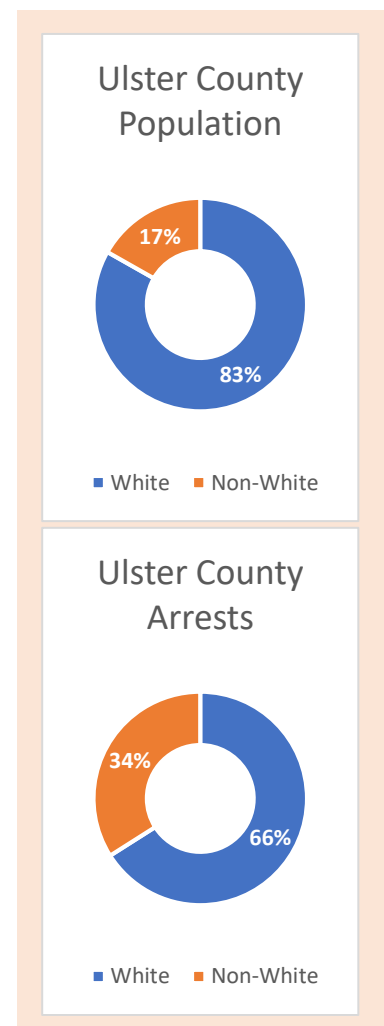
In Oakland, California, the Oakland Police Department adopted a more prescriptive engagement policy in 2018 that reduced the number of African Americans stopped by the police. Their policy created higher and clearer thresholds for reasonable suspicion which caused their patrol officers to make fewer stops. This had the effect of reducing racial disparities in who gets stopped in the first place. The wide discretion was replaced with prescriptive guidance for making stops based on factors borne out by empirical analysis, such as specific behaviors that are known to be reliably related to criminal behavior.

Prior to adopting an intelligence led method in 2017, Oakland officers made about 32,000 stops across the city. In 2018 Oakland added a question to their form:

“Is this stop intelligence-led?” In other words, “do I have prior information to tie this specific person to a crime?”

In 2018 they made about 19,000 stops. African American stops fell by over 43% and the crime rate didn't go up.

The Justice and Reform Commission recommends adopting a similar policy for the Sheriff's Office in hopes of reducing the disparities in arrests of people of color in our County.



Immediate Actions	5 Year Priorities	Justice Reform Goals
<ul style="list-style-type: none"> ➤ Analyze the number of stops of People of Color to understand the scope of the problem ➤ Create a form similar to Oaklands to reduce the number of unnecessary stops 	<ul style="list-style-type: none"> ➤ Track the data of number of stops and evaluate if this form has reduced the number of stops for people of color 	<ul style="list-style-type: none"> ➤ Reduce the number of unnecessary stops for people of color in Ulster County.

RACIAL BIAS TRAINING FOR OFFICERS

The Justice and Reform Commission recommends having an annual racial Bias training for officers to undue any unconscious bias and enable officers to better recognize when their prejudices are being triggered.

The Sheriff’s department has already committed to a two-day training with SUNY New Paltz professor of Black Studies, Ed Lawson. This is a training that has been recommended by Rise Up Kingston and has also been adopted by the City of Kingston.

Additional training such as Citizen Interaction (a course that teaches officers to communicate more effectively) could be implemented to compliment Racial Bias trainings so that officers not only are working on their bias, but also their communication with the community that they serve. Similar to the Crisis Intervention Training mentioned in the mental health section, this is a weeklong program that provides practical skills to building communication tools so that Officers can reduce confrontational situations.

The Justice and Reform Commission commends the Sheriff’s office for prioritizing this training and recommends that trainings on similar topics of bias, communication, de-escalation, and trauma informed care be executed on an annual basis and that they develop metrics to determine the effect of these trainings.

Immediate Actions	5 Year Priorities	Justice Reform Goals
<ul style="list-style-type: none"> ➤ Partner with Ed Lawson on Racial Bias Training 	<ul style="list-style-type: none"> ➤ Create a yearly training schedule that focuses on racial bias, 	<ul style="list-style-type: none"> ➤ All officers are trained to respond to crisis in a compassionate and healing manner.

	communication and de-escalation	
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PRIORITIZE HIRING PEOPLE OF COLOR

In order to have a culture in law enforcement that promotes equality and trust with the community, it is important to have diversity among officers. To encourage and promote people of color to apply to become Sheriff’s Officers we will be offering civil service training sessions at SUNY Ulster and increasing outreach to communities of color to build awareness of employment opportunities.

The Sheriff’s Office will partner with SUNY Ulster to create a course dedicated to training potential officers on the following topics:

- Civil service test prep
- Physical fitness agility test prep
- Proper resume tactics, to include questions and specific meaning of questions
- Interview concepts and proper dress prep

By recruiting a diverse pool of candidates and then leveling the playing field through trainings and support, the Sheriff’s office can create a more diverse work force.

Immediate Actions	5 Year Priorities	Justice Reform Goals
➤ Partner with SUNY Ulster to create a training course for Civil Service, physical fitness and resume assistance	➤ Hire Community Liaison to prioritize outreach and recruitment in diverse communities that are underrepresented.	➤ Create a recruitment and training pipeline for people of all backgrounds to become Sheriff employees.

HEALING RELATIONSHIPS

COMMUNITY LIAISON POSITION IN SHERIFF’S OFFICE

Establishing a Community Liaison or Police Ombudsman position in the Sheriff’s Office could assist with bridging the gap between the Sheriff’s Office and communities of color.

This position could implement community programs, plan community events, meet with community stakeholders, churches and schools to help foster a safer and equitable place to live by building a positive, trusting and lasting relationship.

This position would be able to partner with Faith Based and Community Leaders to create communication between the police and community.

By having a dedicated staff member committed to participating in community events and having them coordinate with the rest of the Sheriff’s office to promote participation by all Ulster County Sheriff employees, we can promote positive police interactions to build trust.

Many police departments across the nation are working on creating positive interactions between police and the community. If a community only has negative interactions with police and only see them when they are getting tickets, then they will not have a positive mindset about the police. Getting to know community residents helps both groups to break down personal barriers and overcome stereotypes.

Two existing programs that could be further leveraged to build trust are “Sheriffs’ Summer Camp” and the Cadet Program.

The Sheriffs’ Summer camp is a 1 week free summer camp for youth ages 9-12 and is open to any economically disadvantaged Ulster County youth. The Sheriff’s Office could promote this program more actively in communities of color and create positive connections to youth and their families.

Ulster County also has a Cadet program for youth ages 14-18 where they receive training to help prepare them to become an officer when they graduate from high school. This program started in 2018 and is off to a great start, however they could more heavily promote this program to communities of color so that there is a more diverse pipeline of young officers entering the field.

A community liaison could help strengthen the existing community building programs by expanding the outreach to diverse youth who were previously unaware of these programs.

Immediate Actions	5 Year Priorities	Justice Reform Goals
<ul style="list-style-type: none"> ➤ Hire a Community Liaison to build trust and connections. 	<ul style="list-style-type: none"> ➤ Promote existing community building programs such as Cadet and Summer Camp. ➤ Increase number of positive engagements between the police and the community 	<ul style="list-style-type: none"> ➤ Create a culture of trust and inclusion between the Sheriff’s Office and the community they serve.

USE RESTORATIVE JUSTICE CENTER TO HOLD COMMUNITY BUILDING EVENTS

The Justice and Reform Commission recommends further utilizing the already existing Ulster County Restorative Justice and Community Empowerment Center to serve as a hub of community building between the Sheriff’s office and the community. Adding police and community conversations would further the “community empowerment” mission of this center.

One type of event that has been successful in Denver is Community Academies. This type of class can serve both as a way for residents to get to know officers as well as a recruitment tool to diversify their office. It is designed to familiarize community members with the “how/what/why” of Police procedures and provide an opportunity to interact with officers and ask questions.¹⁵ In Denver, they expanded these Community Academies to train women on the type of careers available as well as give virtual trainings to simulate being an officer.¹⁶ Their goal was to both educate the public as well as increase the number of women in the Denver police force. Ulster County could hold twice annual Community Academies (each academy would be a two-week program) on topics ranging from community building to recruitment and civilian trainings on practical knowledge of police practices.

The Justice and Reform Commission recommends expanding on the Denver model by also having community led events quarterly to educate officers on the needs of their communities. By having both events led by the community and events led by the police we can all communicate with each other and build bridges to better understand each other.

Immediate Actions	Future Budget Priorities	Justice Reform Goals
<ul style="list-style-type: none"> ➤ Hold a community and police conversation at the Restorative Justice & Community Empowerment Center where the Sheriff’s Office hears directly from the community about the type of 	<ul style="list-style-type: none"> ➤ Host quarterly police and community events at the Restorative Justice and Community Empowerment Center. ➤ Hire a community liaison to continue 	<ul style="list-style-type: none"> ➤ Create a culture of trust and understanding between the Ulster County community and the Sheriff’s Office.

¹⁵ “Community Academy.” City and County of Denver, www.denvergov.org/content/denvergov/en/police-department/programs-services/community-academy.html.

¹⁶ Karlik, Michael. “Denver to Offer 2-Day Women's Police Academy.” Colorado Politics, 24 Jan. 2020, www.coloradopolitics.com/denver/denver-to-offer-2-day-womens-police-academy/article_fd4e8bb8-3ee0-11ea-a4e1-6f9b6a95d82a.html.

<p>engagement they are looking for.</p> <ul style="list-style-type: none"> ➤ Survey community on their baseline feelings on police. 	<p>implementation of trust-building events and programs.</p> <ul style="list-style-type: none"> ➤ Continue to survey community to make sure connections are improving. 	
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APPENDIX

Please see the complete list of ideas submitted by the community. While we included as many ideas as possible for our April deadline, we realize that there will be a continued need to examine our Criminal Justice system on an ongoing basis. The Justice and Reform Commission hopes that this list of community ideas can help guide future conversations and actions taken by the Sheriff’s department, local government, and community organizations.

Community Ideas
➤ Reduce the Jail size to fit the average population
➤ Decriminalizing small drug crimes
➤ Guaranteed access to psychological assessment and counseling to any detainees
➤ Expand Restorative Justice programs
➤ Add Alternatives to Incarceration Department
➤ School to prison pipeline- more supports for at risk youth.
➤ School Resource Officers (SRO) Reform
➤ Judge Accountability to ensure specific lawyers don't get more favorable results
➤ Support programs that reduce Recidivism
➤ Reduce Patrolling Vehicles and only respond to emergencies
➤ Police Oversight Commission
➤ Right to Know Act
➤ Preventing excessive use of force
➤ All Police forces in Ulster become accredited
➤ Train all officers in de-escalation and mental health response
➤ Send Social Workers to respond to mental health emergencies
➤ Create Crisis Stabilization Center or Mental Health Urgent Care

➤ Reduce number of police stops for people of color
➤ Prioritize hiring people of color
➤ Train officers in Racial Bias
➤ End Ticket and Arrest Quotas
➤ Evaluate Jury System to make sure people of color are represented on Juries
➤ Increase Community Service and Community Outreach
➤ Diversity trainings
➤ Community Policing (Walking the Beat)
➤ Residency Requirements for Officers
➤ Do not give media arrest records
➤ Eliminate Military Gear from Sheriff's Office
➤ Create Police Athletic League
➤ Use Restorative Justice and Community Empowerment Center for Community and Police Conversations