

CITY OF NORWICH
Police Reform
Community Advisory Board (“CAB”)
Meeting Minutes
December 29, 2020
3:00 p.m.
Zoom meeting

PRESENT

Police Chief Rodney Marsh
Assistant Police Chief Scott Burlison
Michael Ferrarese – District Attorney
Christine Rudy – First Assistant District Attorney
Alderdwoman Nancy Allaire
Police Officer Brandon Clarke – PBA President
Pastor Jen Westervelt
Adrienne Zornow
David Jennings
Missy Beers
Lynn Murray

Other

David Zieno
Mike Ranalli, Lexipol
Sharon Piper, Lexipol

Meeting Intro:

Our next meet will be 1/6/2020 at 3:00 pm via Zoom. The first work session was held on 12/28/2020 which was attended by Adrienne, Missy, Lynn, Jen and DA Michael Ferrarese, it was a productive meeting. Work session will continue next Monday 1/4/2021 and Tuesday 1/5/2021 at noon and the Monday 1/11/2021

Introduction of Meeting Guest Speaker

Chief Marsh was asked to introduce Mike Ranalli and reviewed his background.

Presentation by Mike Ranalli

Mike wanted to thank everyone for allowing him to present to the “CAB”. He also introduced Sharon Piper, Director of Content Marketing, Lexipol. Please see Zoom meeting for content.

Q&A Session

Nancy had a couple of questions; she was wondering on the stance of allowing local jurisdiction to use community input and then if we could make changes to a policy because of copy write. Mike stated that the copy write is just like anything else we produce a product and spend a lot of effort to produce that product, it does not stop the Chief from sharing the content that is not the purpose of the copy write. The copy write is there so that a police force does not buy Lexipol and share the product with other municipalities for a percentage of the cost. As far as community input or review there is no stance but a caution if things are based on legal standards we should really consult with legal before making a change. If there was community input, you would not re-review and say you cannot make that change? The way our content works is we have tags (to alert people that it is federal or state best practice) they urge strong caution before changing without input from legal. How has the George Floyd issue that has caused us to get to this point impacted your work and have you been working with other municipalities about changing

laws based on this executive action by the Governor? Our company has listened we are watching this and want to stay on top of things, they felt comfortable with their use of force policy, but as a company we choose to re-evaluate and went through and issued a global update, which means every state (35 states) had changes to their use of force policy. As far as the Governor's executive order, there is a presumption that we are all doing things wrong but that is not necessarily the case, but we all need to evaluate what we do on an ongoing basis and see if there is anything we can approve. When he saw the Governor's executive order, he knew what was going to happen, because there are a lot of agencies that need to improve their policies and need to revise them and Lexipol can provide that. The company does not have an override provision it is your manual to do what you want to. Shannon had a couple points, changes pro George Floyd, Lexipol has always had de-escalation principles in our policies. The policies are the foundation of policing, but it is only the foundation. There is only so much we can capture in a policy. Lexipol offers training free of charge.

DA Ferrarses wanted to thank Lexipol for participating in the meeting, one quick question. Everything you have put in a policy has been vetted by some type of legal team is that true? That is true. Would you agree with me before the city makes a change to any Lexipol's policies should it be vetted through your legal team and the City's legal team. Lexipol defines the policies then it is up to the City. Based on research a good example is our DWI policy deals with the issue of drawing blood, we have it written to be conservative and it favors the suspect and may not be required by our court of appeals or appellate decisions. If you want to change it run it by the District Attorney to ensure they can prosecute the case.

Adrienne had questions. If for some reason our police department terminates the agreement what happens with the policies, are they taking back? What the Chief sees is KMS, web-based portal into the policies. Every time the police department issues a new manual you get a PDF of the new manual. If an agency terminated, they must download all versions of the manual and save them to their server. Then access to KMS is turned off, Lexipol does not delete any client. The actual content with all revisions is the agencies. If the community wants to make a change to the biased based policy and the City Council agrees with the change what happens if there is a global update are the changes erased? If you are familiar with working in review mode on word documents this is how the changes occur. Once a change is made the administrator for the agency would get a notification that there are updates to process, then he would see the policy changes that would be in a triangle, he would go in and process the updates then the existing content would show as modified which means you changed the document in some way, then it is now visible side by side with what Lexipol is proposing as an update, in that there will be blue (added content) and red (stricken out) content which alerts your administrator what changes are being proposed. You can look at it two ways, the changes are valid, and we are excepting the changes or no we do not like the update, so we are going to reject it. Nothing gets changed in the manual without someone in our agency approving the change. What services did the City sign up for with Lexipol and how long is the current agreement. Agreements are a year at a time, the City did a full implementation with Lexipol and the standard subscription. If we have the full implementation is the time frame up to us on how long it takes to finish? Correct. The committee would like to know which policies are mandatory, either federally or state and which policies are discretionary. Could Mike help with which policies are mandatory, etc. It is hard to say for sure which policy is mandatory etc. Adrienne showed a policy and did not know which is mandatory. Mike said that there are two ways to share a policy, one is with tags and one is without tags. Mike will email a sample policy with tags so that the committee could see what one looks like.

Chief Marsh wanted to know how many agencies are using Lexipol? He thinks around 100 in NY, it arranges from a couple of officers to 3000 officers. Do you know how many accredited agencies use Lexipol? There are several agencies that are accredited.

Adrienne had one more question, for the agencies that you know of that have customized their policies how long does it take? Lexipol bases everything on how many layers it takes to review the policies, since

our system has a lot of layers the review process could be slow. One agency took 6 months another took 3 years. Lexipol has tiers that they try to encourage people to use, an example would be to Finish tier 1 then issue, finish tier 2 then issue. This allows the agencies to implement different policies within a time frame.

Review Biased-based policing policy.

Under Member Responsibilities, is there a clear overarching policy to address how an officer should "intervene to prevent any bias-based actions by another member," or should a recommendation be made to include that in this (and other) policies? **It is extremely difficult to capture everything that could possibly happen in a policy. We have a strong duty to intervene in the use of force policy. Everything will be different and there maybe an opportunity to stop someone from saying something biased the other officer has a duty to say no you cannot act like that. Also, you may not know until the instance is completed. The manual is designed to work together, and the code of conduct policy would tie into this policy.**

Under Training, should the training opportunities be noted? (For example, I know there is a "Culture and Diversity" training members of the PD have attended through the police academy, and I know Chief mentioned making de-escalation a mandatory training on an annual basis. I am not sure that applies here, but I thought I would ask.) I realize specific training can change, so I am not sure they'd want to be noted in a policy. **Was answered**

Under Definitions: What is an example of "affiliation with any non-criminal group?" **It would be a protective characteristic, examples would be gay and lesbian alliance, etc. it is trying to give a little more protection, you may not be part of a protective status, but you may be affiliated with that group and can make you a victim for violence.**

Under Bias Based Policing Prohibited: Doesn't the verbiage "However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information..." leave too much open for interpretation? How does this section not negate the entire point of the policy itself? **There are times when there are legitimate investigatory instances when you must disclose "an African American person height, doing this or an elderly while male doing this" because we are looking for a suspect in order to solve the crime. You are defining a specific reason to stop a person or detain them. The phrase "credible, timely and distinct information. When we are talking about bias-based policing we are really talking about targeting the poor or people in a targeted class, this is saying that it is prohibited however if there is a specific instance with credible and timely information that also happens to have in the description of a protected characteristic there is nothing from stopping the agency from putting out a description. It is credible and we are able to protect the community.**

Under Administration: It states that the Deputy Chief needs to produce an annual report to the Chief on these efforts but nothing is mentioned about reporting efforts to the Public. Would the internal report be FOIL-able? How do we ensure the public who may want that information has access to it? **It is a process for the Chief to identify. If the City Council wants to be transparent that would be up to them.**

Under Reason for Contact: What's an example of where the last sentence would be utilized/needed?, "Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting." **Less formal contacts, stopping and**

having a conversation on the street with someone and then parting ways. During a traffic stop there should be no reason that a person protected characteristic be in the statement.

Follow up on action

Review the Lexipol policy list and determine which ones to discuss.

Reviewing the outstanding discussion that we must talk about, which ones we want to prioritize for January 6th. Pastor Jen stated that some things overlap with other things that we have already touched base on. Topics that should be discussed: Data technology and transparency how important is this to us, is the transparency part the important issue. Adrienne thinks that citizen oversight and external accountability and identifying misconduct would be something that we should review. Use of force should be another topic, use of force is under tracking and reviewing and procedural justice. What is our focus for these topics? The focus could be just the topic or it could be the topic and the policy.

Missy wanted to know if the City Council or the City has a policy that allows a police officer to live within 30 miles of the PD. It is a contract between the city and the PBA. This used to be 10 miles in 1996 and was increased to 30 miles because they were not getting quality applicants.

Use of force and oversight and accountability should be reviewed next week.

Adrienne needs to continue to work on the survey results.

Lynn's progress on publicity. Everything will be in the Pennysaver, Evening Sun, City Facebook page and CAB website.

Jen and Officer Clarke any progress on the SOR presentation? The presentation will be on 1/13/2021 during the Board of Ed meeting, it is informational. The presentation has a note that the CAB will be recommending the SOR position, should she take that out or leave it. Adrienne thinks that this should be an objective and informational meeting. Officer Clarke will this be in Zoom or in person. It will be both, Pastor Jen will be calling in Zoom and Officer Clarke will be in-person. The school board has a sign-up sheet because of capacity limits with COVID. There is a link on the Norwich City web page to sign up for the meeting.

Common Council on 1/19/2021 is tentatively being changed to a zoom meeting, will let the committee know. City is still trying to decide if the 1/26/2021 meeting will be a zoom meeting. The members think that it would be hard for regular community members to attend and would prefer the public forum should be in person.

Reminder of our work sessions Monday and Tuesday at noon.

Next meeting January 6, 2021 at 3:00 p.m. via Zoom

Closed meeting at 4:30 pm