

Local Law No. ____ of 2020

A LOCAL LAW AMENDING CHAPTER XIX OF THE
CODE OF THE CITY OF HUDSON

Section 1: Title

In honor of the lives of those stolen by police and state-sanctioned violence — Breonna Taylor, Tony McDade, Natasha McKenna, George Floyd, Aiyana Stanley-Jones, Elijah McClain, Pearlie Golden, Kayla Moore, Trayvon Martin, Freddie Gray, Atatiana Jefferson, Oscar Grant, Daniel Prude and far too many more — this local law shall be known as the Hudson Breathe Act of 2020. This visionary bill reinvests our taxpayer dollars in a new vision of public safety—a vision that allows all communities to finally breathe free.

Section 2. Legislative Findings, Intent and Purpose

George Floyd’s nine-minute long, agonizing and public murder demonstrates that the police system needs more direct and systemic reform to stem the violence and racism inherent in the founding of America. We acknowledge the City of Hudson is not immune or exempt from systemic racism, and the very name “Hudson” documents our settler colonial history, including the near genocide of the former estimated 8,000 Mohican residents. We acknowledge the expansion of the Hudson Police Department in the 1980s in response to “urban clusters” began a pattern of racial profiling that continues today.

In May 2020, a post circulating social media detailed a Hudson Police Department budget of approximately \$3 million, based on information readily accessible from the city’s publicly posted budget. After further investigation, we now know actual annual city spending on police exceeds \$4.8 million, encompassing more than 33% of the overall city budget, and far above all other spending categories. The next largest group of expenses, Utilities, is \$1.97 million less than the police budget. This Bill serves to better align our stated verbal priorities with financial priorities.

We acknowledge the individuals serving in the Hudson Police department are talented, capable, and respectful individuals who took the oath in order to serve this community. Yet the underlying problem of police brutality is not only related to individual police officers, but is a societal problem that centers on an American overdependence on an armed police, and the lasting influence of the institution’s origins as an all-white force for the express purpose of enforcing slavery. The residents of Hudson have elected a City Council and Mayor that is diverse and progressive for this very reason, that we should lead our county, state, and country in the adoption of best practices. These practices include but are not limited to a greater investment in community programs, a ban on no knock warrants, a non-emergency phone number, the development of a Citizen

Response Team, data mapping and transparency, and police members that reside within the community they police.

We affirm the words of Mayor Johnson that “the residents of the City of Hudson are diverse, possess universal human rights and are entitled to dignity, respect and equal treatment under the law.” Therefore, we propose the following reforms and resolutions in order to codify the changes called for in the Executive Order, and more. We acknowledge the urgency at this time to act and that its passage in 2020 is an overdue act of justice, with much work remaining. We envision this bill to be only Part I of the Hudson Breathe Act.

Section 3: Statement of Authority

This local law is authorized by the Municipal Home Rule Law (chapter 36-a of the Consolidated Laws of the State of New York) and the General City Law (chapter 21 of the Consolidated Laws of the State of New York).

Section 4: Amendments to the Charter of the City of Hudson

A. Residency requirement for Hudson police officers

An amended section of Article XIX Department of Police of the Hudson City Charter/Code is as follows:

Section C20-3.

A currently employed police officer with the City of Hudson shall have a period of one year from the effective date of this bill to be domiciled within the City of Hudson. All future newly employed police officers for the City of Hudson shall have a period of six months from the date of employment to establish his, her, or their domicile within the city limits.

B. A reduction in the number of police officers

An amended section of Article XIX Department of Police of the Hudson City Charter/Code is as follows:

Section C19-23.

The number of policemen, including the Chief of Police and Sergeants, shall not exceed 16.

C. Breonna’s Law, a ban on no knock warrants

C.1. Definitions

A new section of Article XIX Department of Police of the Hudson City Charter/Code is as follows: Section C19-23. Definitions. For the purpose of Article XIX of the Hudson City Charter/Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

No-knock search warrant: Any search warrant issued by a judge and executed upon a premises that does not require those executing the warrant to knock and announce themselves and their purposes at the premises.

C.2. No-knock search warrants banned

Section C19-23. Use of no-knock search warrant banned.

No Hudson Police Department (HPD) police officer, or any other Hudson law enforcement or public safety official shall seek, execute, or participate in the execution of a no-knock warrant at any location within the boundaries of the City of Hudson.

C.3. Guidelines for the execution of search warrants

A new section of Article XIX Department of Police of the Hudson City Charter/Code is as follows: Section C19-23. Execution of search warrants by Hudson employees.

Any Hudson police officer or any Hudson law enforcement or public safety official charged with the execution of any search warrant shall be accompanied only by such other persons as may be reasonably necessary for the successful execution of the warrant with all practicable safety.

Before entering the premises, any executing officer shall:

C.3.1. Physically knock on an entry door to the premises in a manner and duration that can be heard by the occupants;

C.3.2. Clearly and verbally announce as law enforcement having a search warrant in a manner that can be heard by the occupants; and,

C.3.3. Absent exigent circumstances, wait a minimum of 15 seconds or for a reasonable amount of time for occupants to respond, whichever is greater, before entering the premises.

C.4. Complaints and discipline

A new section of Article XIX Department of Police of the Hudson City Charter/Code is as follows:

Section C19-23. Complaints and discipline.

C.4.1. An employee of Hudson Government who violates this section may be subject to disciplinary action, such as oral reprimands, written reprimands, suspension without pay, and/or discharge, under the appropriate union contract, civil service commission rules, or department work rules.

C.4.2. Complaints of a violation of this section by an employee of Hudson shall be received and investigated by the Mayor's Office. Complaints of a violation of this section by an employee of any other Hudson Government departments shall be received and investigated by the Mayor's Office. The results of any such investigation shall be provided to the complainant in writing within seven days of the completion of the investigation, which shall occur no later than one year after

receipt of the complaint or in accordance with time frames specified in any applicable collective bargaining agreement, whichever is shorter.

C.5. Title

A new section of Article XIX Department of Police of the Hudson City Charter/Code is as follows: Section C19-23. Title.

The provisions of Section C19-23 of the Hudson City Charter/Code shall be known as Breonna's Law.

Section 5: Resolutions for the City of Hudson

A. A reallocation of a portion of the police budget to community programs

A.1. At least \$490,000 (or 10% of the adopted \$4.8MM 2020 Hudson Police Budget) shall be diverted to the Hudson Community Development & Planning Agency (HCDPA). This funding shall provide for at least 6 more subsidized housing units made immediately available to offset houselessness needs, or for other purposes as determined by the management of the HCDPA. Additional funds may be added as needed to address the current affordable housing crisis.

A.2. At least \$242,552 (or 5% of the adopted \$4.8MM 2020 Hudson Police Budget) shall be diverted to the Hudson Youth Department. Additional funds may be added as needed.

A.3. At least \$145,000 (or 3% of the adopted \$4.8MM 2020 Hudson Police Budget), shall be diverted to services for assisting formerly incarcerated individuals with re-entry and job placement or business development services, such as ReEntry Columbia. Additional funds may be added, with special interest in investing funds for new businesses being started by formerly incarcerated individuals.

A.4. At least \$100,000 (or almost 2% of the adopted \$4.8MM 2020 Hudson Police Budget) shall be diverted to the development of a Citizen Response Team, including hiring of the staff needed to run the program.

A.5. At least \$100,000 (or almost 2% of the adopted \$4.8MM 2020 Hudson Police Budget) shall be diverted to the creation of a non-emergency phone service, with the inclusion of a modern CRM solution, such as SeeClickFix, and staff.

B. Body Camera Review Protocol

B.1. As per existing policy, the Hudson Police Department Body Camera Program, body cameras will be worn and on at all times during a police interaction with a member of the public.

B.2. As per existing policy, the Hudson Police Department Body Camera Program, Police Officers will file a report each time they use or threaten force against a civilian.

B.3. The Hudson Police Department Body Camera Program shall include a proactive routine supervisory review of video footage and a weekly report of the findings shall be submitted to the Chief of Police and the Chairman of the Police Committee. The Chief will report the results of the review to the Mayor and Chairman of the Police Committee, and indicate whether any incidents resulted in discipline or identified training needs. The report will also be submitted to the Police Reconciliation & Advisory Commission.

B.4. A surveillance camera shall be installed into the basement of the Hudson Police Department and any other on-site areas deemed helpful in advancing transparency by the Mayor and/or Police Committee.

C. Use of Force

C.1. As per existing policy, the Hudson Police Department and its Police Officers shall not employ a “chokehold” nor restrain any individual by placing a knee upon the individual’s neck, nor otherwise restrain any individual in a manner that restricts the flow of air or blood by compressing the windpipe, diaphragm, or the carotid arteries on each side of the neck.

C.2. As per existing policy, the Hudson Police Department and its Police Officers shall not restrain any individual by connecting or tying rear-cuffed hands to cuffed or shackled ankles or legs, or as such practice is more commonly known, “hog-tie,” any individual.

D. Duty to Intervene

D.1. As per existing policy, any member of the Hudson Police Department who is present and observes another member of the Hudson Police Department using force that is clearly beyond that which is objectively reasonable under the circumstances or in any way physically or verbally escalating a law enforcement interaction, shall safely intercede to prevent the use of such excessive force or escalation.

D.2. As per existing policy, any member of the Hudson Police Department who observes such use of excessive force or physical and/or verbal escalation shall promptly report such observation to a supervisor.

E. Reconciliation & Advisory Commission and Community Relations

E.1. Studies have shown that most trainings on bias and race are not effective in combating systemic racism or racist or bias attitudes held by individuals. Accordingly, instead of requiring training, the City will hold quarterly 2-hour Community Conversations; two during the lunch hour and two in the evening.

E.2. Attendance guidelines: All Police Officers shall be required to attend one of these sessions. One quarter of Police Officers in the Hudson Police Department shall attend one of the sessions at one time. Such sessions shall also be attended by members of the community who volunteer to participate in the sessions. The Mayor shall select different community members to participate in each of the sessions from those who volunteer to serve.

E.3. The sessions will be facilitated by an outside facilitator. The intent of these sessions is to develop understanding between both the police and the community about the issues and concerns each face related to police interactions in the community in the hope of forging better community and race relations.

F. Forfeiture Funds & the Demilitarization of the Hudson Police Department

F.1. No additional police officers will be hired until further notice.

F.2. A full accounting of forfeiture funds and equipment shall be provided to the Mayor and City Council for the last 3 years.

F.3. No forfeiture funds will be accepted without review by the Office of the Mayor.

F.4. The City will not accept vehicles or equipment formally used for military purposes through the federal forfeiture program.

F.5. Police Officers will not use military equipment and military-style uniforms.

F.6. Effective immediately Hudson Police Officers may wear less formal attire approved by the Police Commissioner and for such duties as the Police Commissioner authorizes.

G. Reporting

G.1. The Police Chief shall cause to be collected the following data for the previous 5 years, summarized in monthly and annual totals. The data shall continue to be collected on a monthly basis moving forward. For previous and future reports, the data shall include:

- Number of Use of Force incidents;
- Number of times Police Officers intervened;
- Number of arrests and crimes alleged as the basis for such arrest, with columns that include the race, gender, and ward per arrest category;
- Number of emotionally disturbed person calls;
- Number of calls involving a drug overdose or suspected drug overdose;
- Patrol incidents initiated by police by ward
- Incidents of suspicious activity, suspicious person, and suspicious vehicle shall be reported by location, race, and gender; these incidents shall be plotted on a map

G.2. The data shall be collected in a digital spreadsheet, and digital map, and posted to the police website. A summary of the data shall be shared at the monthly Police Committee meeting for purposes of transparency and tracking improvements. The council may request additions to the report based on community requests and questions they have pertaining to community safety.

Section 6. Severability

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined to its operation in said clause, sentence, paragraph, section or part of this Local Law.

Section 7. Effective Date

This Local Law shall take effect immediately upon passage and filing with the Secretary of State.

Introduced _____

Seconded _____

Approved _____
 Kamal Johnson, Mayor