
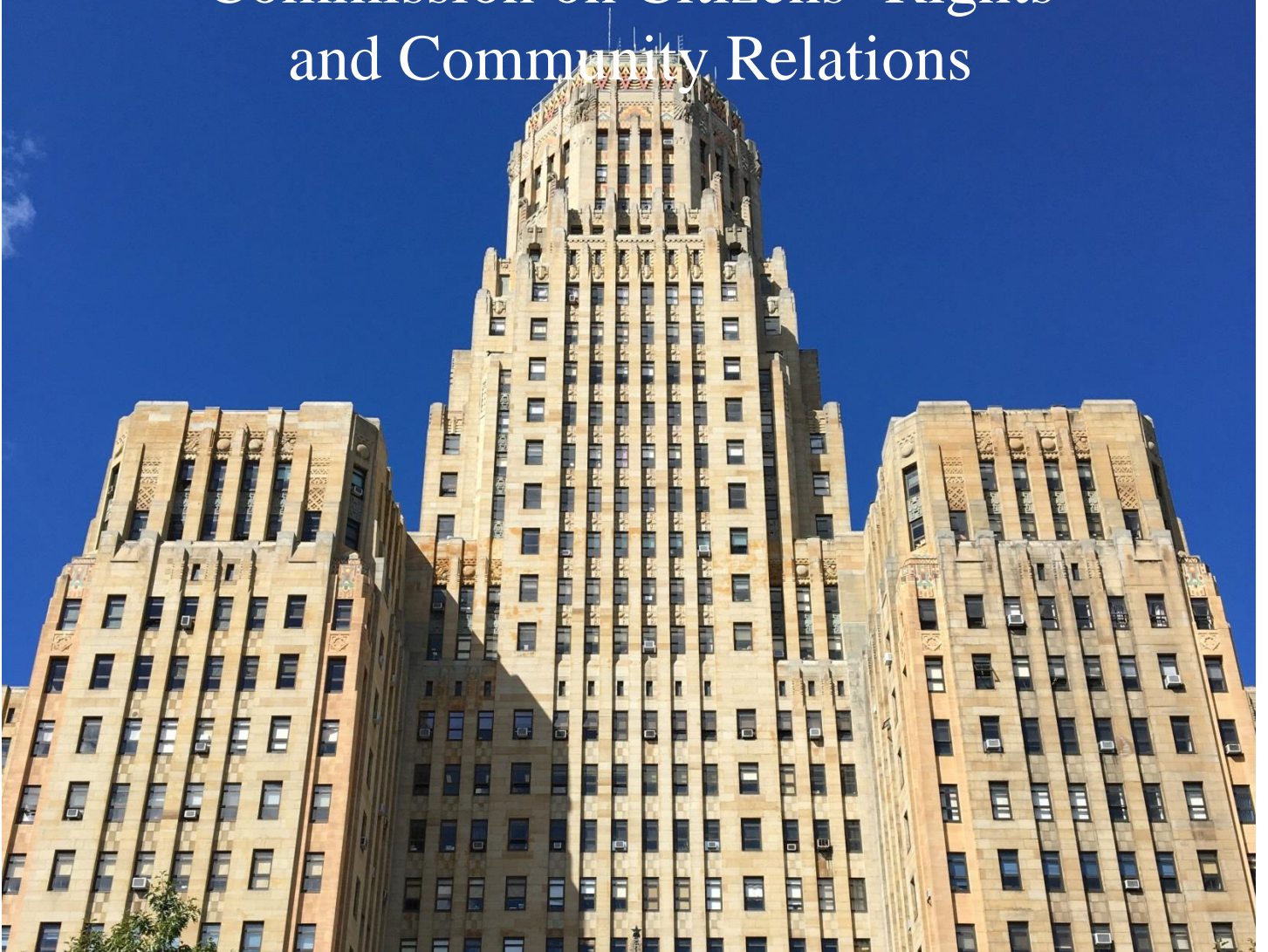


CITY  OF  
BUFFALO

.....  
MAYOR BYRON W. BROWN

Commission on Citizens' Rights  
and Community Relations



Commission on Citizens' Rights and Community Relations  
**2019-2020 ANNUAL REPORT**



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## INTRODUCTION

Welcome to the 2019-2020 Annual Report for City of Buffalo's Commission on Citizens' Rights and Community Relations (alternatively known as, the Commission or CCRCR). This report will introduce the Commission, its values, its history, and its structure. In addition, it will offer a comparative review of citizen complaints from the commission's inception through 2020. The Annual Report will also list last year's accomplishments and delineate its plans and goals for the coming year. Lastly, this Annual Report will offer policy recommendations the Commission believes will further its mission if adopted.

# VISION, MISSION STATEMENT, AND GOALS

## **COMMISSION ON CITIZENS' RIGHTS & COMMUNITY RELATIONS' VISION:**

A Buffalo where citizens' differences are acknowledged, understood appreciated and embraced.

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## **COMMISSION ON CITIZENS' RIGHTS & COMMUNITY RELATIONS' MISSION:**

The Commission on Citizens' Right and Community Relations of the City of Buffalo strives to eliminate prejudice, intolerance, bigotry and discrimination; to encourage equality of treatment and prevent discrimination against persons based upon race, ethnic background, cultural background, language, religion, gender, sexual orientation, gender identity and expression, disability, nationality and age; and to assure respect of civil liberties of all citizens.

City Charter §18:20

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## **COMMISSION ON CITIZENS' RIGHTS & COMMUNITY RELATIONS' GOALS:**

To accomplish both the vision and mission of the Commission the following goals have been established:

- Prevent and eliminate prejudice, bigotry, and discrimination
- Encourage equality of treatment
- Assure respect for the civil liberties of all citizens
- Provide channels of communications among various racial, religious, and ethnic groups in the City of Buffalo
- Recognize and track problems and patterns in areas of human and community relations
- Improve inter-racial, inter-ethnic and community relations
- Promote understanding, respect, and goodwill among citizens

# HISTORY

In 2000, then Mayor Anthony M. Masiello appointed a group of citizens to address race relations in the City of Buffalo. The Commission on Citizens' Rights and Community Relations was formed to advocate on behalf of citizens of the City of Buffalo regarding their Human & Civil Rights as well as to improve community relations within the City. The Commission functions as a statutory agency of the City and as such its powers are granted by Section 18:20 of the City Charter.

The Commission handles complaints of discrimination or misconduct by City of Buffalo employees, including the Police Department, Fire Department, the Parking Violations Bureau, the Buffalo Municipal Housing Authority (BMHA), the Buffalo Urban Renewal Agency (BURA) and the Buffalo Public Schools (BPS). CCRCR staff works with Commissioners who by the City Charter are eleven (11) unpaid volunteer citizens appointed by the Mayor. Commissioners are recognized community leaders, selected for diversity and demonstrated commitment to social justice. At least one member is required to have law enforcement experience by Charter.

Commissioners and staff work together to proactively address the City's continually changing inter-group issues. The leadership of the Commission is vested in the Chairperson who is elected by the Board of Commissioners. There are currently three issue-focused subcommittees that address the needs of the Citizens and bring matters before the entire board to efficiently support the mission of the CCRCR. The Commission aims to improve community relations through constructive dialogue, community mediation and training in the areas of diversity, inclusion, and police/citizen interaction. CCRCR Commissioners and staff work together to enhance human relations through the core service areas of inter-group relations, police-community relations, diversity, and equality. Within these areas, the CCRCR seek to accomplish the following goals:

- Prevent and eliminate prejudice, intolerance, bigotry, and discrimination
- Encourage equality of treatment
- To assure respect for the civil liberties of all citizens
- Provide channels of communication among various racial, religious, and ethnic groups in the City of Buffalo
- Recognize and track problems and patterns in areas of human and community relations
- Improve inter-racial, inter-ethnic and community relations
- Promote understanding, respect, and goodwill among citizens

## COMMISSIONERS & STAFF

Currently, the Commission has ten (10) Commissioners with one pending reappointment. It is the Commission's hope that the remaining vacancy will be filled in the next few months. Our Commissioners consists of the following volunteers:

Charles F. Torres  
**CHAIRPERSON**

Rev. Kenneth Simmons  
**VICE CHAIRPERSON**

Sherrill Colston

John Calvin Davis

David Granville

Barbara Kloberdanz

Alexsandra Lopez

Ekua Mends-Aidoo

Crystal Rodriguez

Sheila Wallace

Zaw Win

Jason Whitaker  
**EXECUTIVE DIRECTOR**

Lizbeth Gonzalez  
**CONFIDENTIAL SECRETARY**

# COMMITTEE STRUCTURE

The Commission operates through three subcommittees to function more efficiently. These three committees are charged with reviewing and/or setting the course of the work of the Commission. The Committees are as follow:

## **Citizens' Rights Committee:**

- Meets periodically to review complaints
- Discusses current trends and patterns about discrimination and other complaints
- Develops strategies and solutions to address discrimination within the City of Buffalo

## **Community Relations Committee:**

- Provides direction that focuses on diversity, inclusion and equity, public awareness, program/activity planning and community organizational collaboration
- Discusses current trends and patterns with respect to community relations in the City of Buffalo.

## **Police Oversight Committee:**

- Meets with the Commissioner of the Buffalo Police Department and key staff on a consistent basis to discuss training, patterns and trends of complaints, various police activities and programs, community relations initiatives and policy.
- Reviews complaints alleging police misconduct and reviews these items with key staff from the Internal Affairs Division of the Buffalo Police Department.

# COMMISSION DUTIES & POWERS

The Charter for the City of Buffalo (Section 18:20-22) outlines the mission of the Commission, including its duties and powers which are as follows:

## **18-22: Duties and Powers**

The duties and powers of the commission shall be to:

- a) Develop programs in cooperation with civic, community and civil rights organizations and state and federal agencies, to improve relations among the city's racial, religious, ethnic, and other communities and build an inclusive sense of community throughout the city.
- b) Investigate and recommend action in response to incidents, patterns and causes of discrimination on grounds of race, ethnic background, cultural background, language, religion, gender, sexual orientation, gender identity and expression, disability, nationality, and age.
- c) Examine, assess, and recommend action on issues of equal opportunity and respect for cultural diversity within city government and its services and programs.
- d) Assist citizens with filing and pursuing complaints of police misconduct.
- e) Review, monitor, report on, and recommend to the appropriate city officials action concerning the police departments (i) initial and continuing training program in community relations and respect for citizens' rights; and (ii) standards and procedures for investigating, acting upon, and resolving complaints of police misconduct. Upon completion of the police department's investigation of a complaint of police misconduct, the commission may review the police department's file of the investigation;
- f) Submit at least once each year, and as requested by the Mayor or Common Council, a report on: (i) its activities (ii) the state of community relations in the City (iii) the state of equal opportunity and respect for cultural diversity within city government and in its services and programs; (iv) the state of the police department's initial and ongoing training programs in community relations and respect for citizens' rights and standards and procedures for investigating and acting upon complaints of police misconducts; and (v) significant issues that have arisen concerning any of the foregoing matters;
- g) Hold public and private hearings and take testimony under oath, and to issue subpoenas requiring the attendance of person and the production of books, papers, and other things.
- h) Request the cooperation of other agencies of city government; and
- i) Within the amounts appropriated by the common council or otherwise made available by grants, expend, contract for, or direct the expenditure of such sums, and accordingly provide, as permitted by ordinance or grant, the necessary facilities and personnel.



# HISTORICAL PERSPECTIVES

## Police and Non-Police Related Complaints

Based on a review of available records, CCRCR has had 527 complaints filed since 2001. Generally, these complaints fall into the following categories; complaints against the Buffalo Police, former-BMHA Police and the NFTA Police; complaints against other City departments; complaints that were outside the Commission’s jurisdiction and thus referred to other agencies; complaints that the Commission weighed in on but should have referred out for lack of jurisdiction (mostly in its early years); and complaints where the citizen simply could not be assisted for a variety of reasons. The following table shows the annual totals since 2001:

YEAR	TOTAL
2001-2002	49
2002-2003	50
2003-2004	35
2004-2005	20
2005-2006	27
2006-2007	37
2007-2008	54
2008-2009	45
2009-2010	15
2010-2011	29
2011-2012	12
2012-2013	31
2013-2014	15
2014-2015	12
2015-2016	3
2016-2017	27
2017-2018	6
2018-2019	26
2019-2020	34

# COMMISSION COMPLAINTS

## 1. POLICE

One of statutory duties of the Commission is to assist citizens with filing and pursuing complaints of police misconduct. Additionally, upon completion of the BPD Internal Affairs Division's (IAD) investigation, the Commission will receive an overview of the investigation and the results in email or letter form.

Currently, The Commission can only assist a citizen in filing a complaint regarding police misconduct and cannot conduct its own investigation of the allegations. All citizens who request Commission assistance are notified that their information and complaint details are maintained in the CCRCR office for statistical purposes and used in efforts to identify pattern incidents and causes of discrimination/alleged and misconduct against citizens. They are also notified that until an official complaint is filed with IAD, that no action can be taken by the Commission.

Some of the complaints received by the Commission are concerning allegations of police misconduct. As a result of these complaints the Commission supports training for Buffalo Police Officers and establishment of a counseling culture aimed at minimizing such issues.

Generally, most of the misconduct complaints have centered on customer service or the lack thereof. Generally, complaints filed with this office center on rudeness, shortness, curt behavior, or loud behavior.

Evidentiary hurdles in these types of complaints abound. Often the complaint amounts to hearsay, and without sufficient documentary, physical, or witness accounts, a resolution or conclusion is difficult to achieve.

### **Buffalo Police Department's Complaint Process**

As stated above, all citizens who have a police complaint are required to file an official complaint with the Buffalo Police Department. Citizens can do so either by filing a complaint at the district level or by contacting the Internal Affairs Division of the Buffalo Police Department, which is located at Buffalo Police Headquarters, 68 Court Street, Buffalo, NY 14202..

As a policy, anyone seeking assistance from the Commission has also been referred directly to IAD to lodge their complaint. IAD will also follow up with complainants upon receipt of our complaint to file their own internal complaint.

It is IAD who determines whether an investigation will be opened and if so, whether such investigation will be handled by their staff or sent to the district level to be handled. Whatever decision is made, an Internal Affairs investigation is generally completed within 30 days. However, this time can be extended due to common circumstances that hinder investigation, such as location of witnesses,

evidence, etc. Once an investigation is completed, IAD staff discusses the complaint with the Police Commissioner where he will render a finding and if necessary, decide an appropriate remedy for the officer(s) involved. Citizens are notified of the finding in writing. Finding levels include Sustained (allegations proven); Not Sustained (insufficient evidence exists to clearly prove allegation); Exonerated (alleged facts were justified); Unfounded (alleged facts did not occur or officer was not involved); Termination; and Other (Training, Conferences, Retirement, Resignations, On-going Investigation).<sup>2</sup> IAD and the Commission have developed a wonderful working relationship where meetings are held periodically.

## 2. REFERRALS

The Commission on Citizens Rights & Community Relations jurisdiction is limited to City of Buffalo entities. It does not have jurisdiction over county officials or entities, such as the Sheriff's Department or the Holding Center, nor does it have jurisdiction over state, federal employees, and their law enforcement agencies.

The Commission cannot get involved in private cases of discrimination or misconduct, nor can it assist in employment-based discrimination. While the Commission cannot assist citizens with every complaint, the Commission has access to an extensive list of agencies that provide various services and carefully refers citizens to the agency/ agencies that can be of the most assistance, often personally making the first contact on behalf of the citizen. Below is a list of the main entities the Commission often refers citizens to when their complaints fall outside of its jurisdiction:

**Housing Opportunities Made Equal (HOME)** – [www.homeny.org](http://www.homeny.org) – a civil rights organization whose mission is to promote the value of diversity and to ensure all people have an equal opportunity to live in the housing and communities of their choice- through education, advocacy, the enforcement of fair housing laws and the creation of housing opportunities.

**Neighborhood Legal Services (NLS)** – [www.nls.org](http://www.nls.org)- While NLS, a legal services agency for low- income citizens, offer a variety of services, the Commission usually sends citizens there who have landlord/tenant issues. NLS's housing unit state the following on its website: "Homelessness is an increasing serious problem, especially for families with young children. The correlation between eviction and homelessness is strong and undeniable. Neighborhood Legal Services (NLS) represents clients facing housing conditions that threaten health and safety. Through negotiation and legal advocacy, NLS is often successful in stabilizing our clients' housing situation. Sometimes that means working with a landlord and tenant to work out a repayment plan that allows our clients to get caught up with back rent and to maintain their tenancies. In other cases, through negotiation and advocacy, our clients can persuade their landlords to make necessary repairs to their home. By making sure that landlords maintain apartments that are safe and habitable, NLS helps preserve and improve our communities. Neighborhood Legal Services also represents tenants in public and subsidized housing and help clients obtain or retain housing subsidies. We can also provide information and advice about other landlord-tenant issues including security deposit, leases, and roommate situations."<sup>3</sup>

<sup>2</sup> <https://www.bpdny.org/Home/Services/InternalAffairsDivision/SemiAnnualStatistics>

<sup>3</sup> <http://www.nls.org/Housing>

**New York State Division of Human Rights** – [www.dhr.ny.gov](http://www.dhr.ny.gov) – New York has the proud distinction of being the first state in the nation to enact a Human Rights law, which affords every citizen “an equal opportunity to enjoy a full and productive life.” This law prohibits discrimination in employment, housing, credit, places of public accommodations and non-sectarian educational institutions, based on age, race, national origin sex, sexual orientation marital status, disability, military status, and other specific classes.

The New York State Division of Human Right was created to enforce this important law. The mission of the agency is to ensure that “every individual...has an equal opportunity to participate fully in the economic, cultural and intellectual life of the state,” It does so in many ways, including the following:

- Through the vigorous prosecution of unlawful discriminatory practices.
- Through the receipt, investigation, and resolution of complaints of discrimination.
- Through the creation of studies, programs, and campaigns designs to, among other things, inform and educate the public on the effects of discrimination and the rights and obligations under the law.
- Through the development of human rights policies and proposed legislation for the state.<sup>4</sup>

**U.S Equal Employment Opportunity Communion** – <https://www.eeoc.gov/field/buffalo>- The U.S equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the persons race, color, religion, sex (including pregnancy, gender identity, and sexual orientation),national origin, age (40 or older), disability or genetic information, It is also illegal to discriminate against a person because the person complained about discrimination investigation or lawsuit.

Most employers with at least 15 employees are covered by EEOC laws (20 employees in age discrimination cases). Most labor unions and employment agencies are also covered. The laws apply to all types of work situations, including hiring, firing, promotions, harassment, training wages, and benefits.<sup>5</sup>

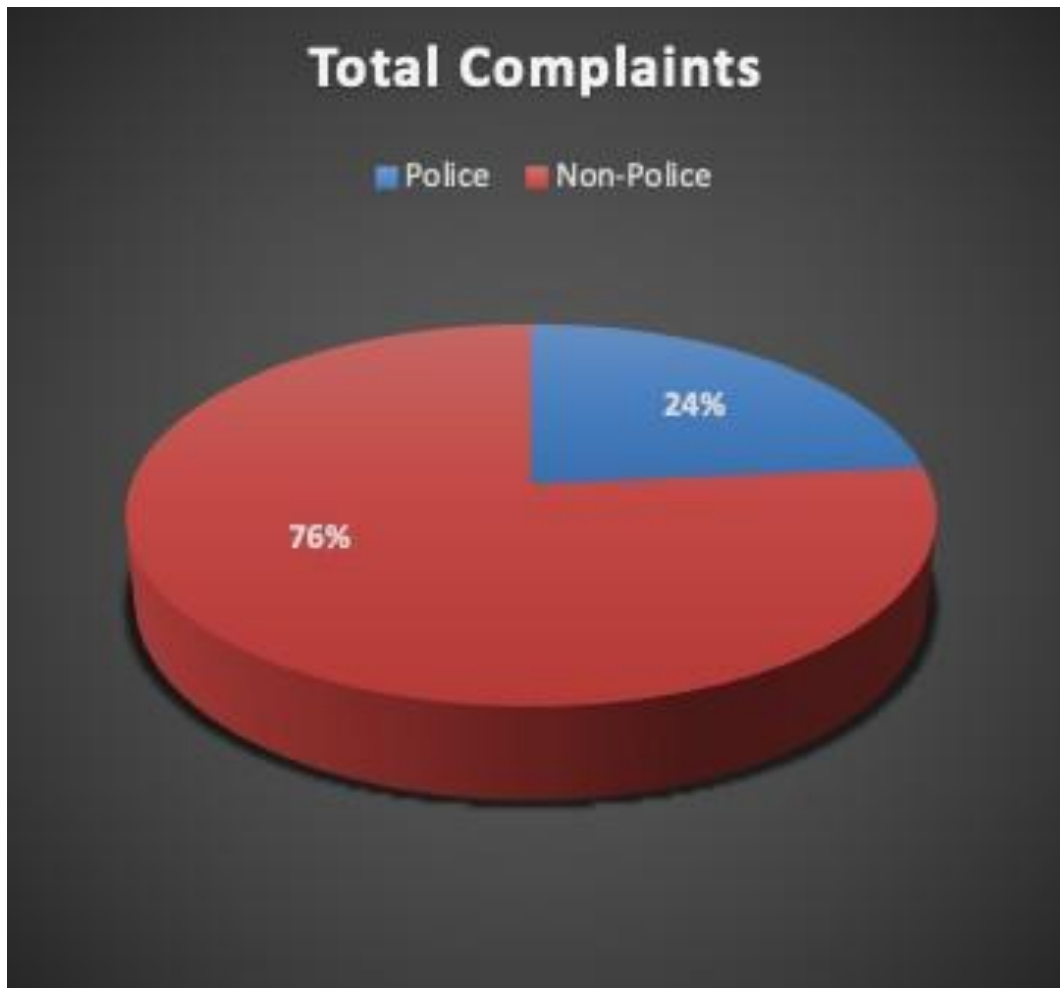
### 3. MISCELLANEOUS

This category refers to those types of complaints and/or cases that the commission could simply not help for a variety of reasons, including lack of contact information for the complainant; the complainants failure to follow through with the commission and/or IAD, the resident wanted to discuss their complaint and chose not to file a formal complaint and at times, upon the reviewing the credibility issues regarding their complaint.

<sup>4</sup> <https://dhr.ny.gov/mission-statement>

<sup>5</sup> <https://www.eeoc.gov/eeoc/index.cfm>

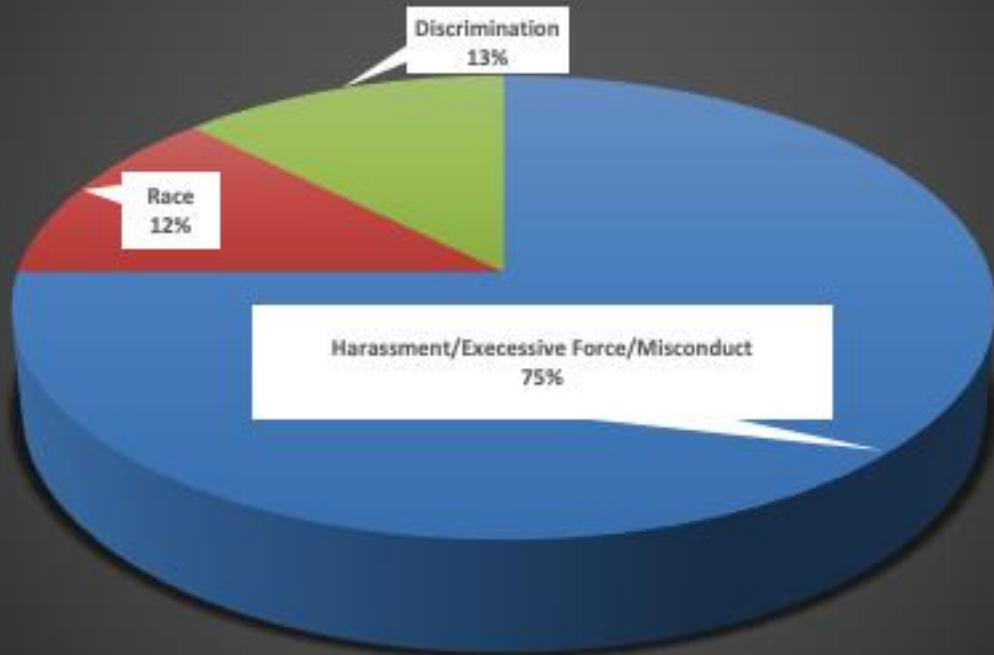
## 2019-2020 COMPLAINTS



Breakdown of Complaints	Number of Complaints
Police	8
Non-Police	26

# Police Complaints

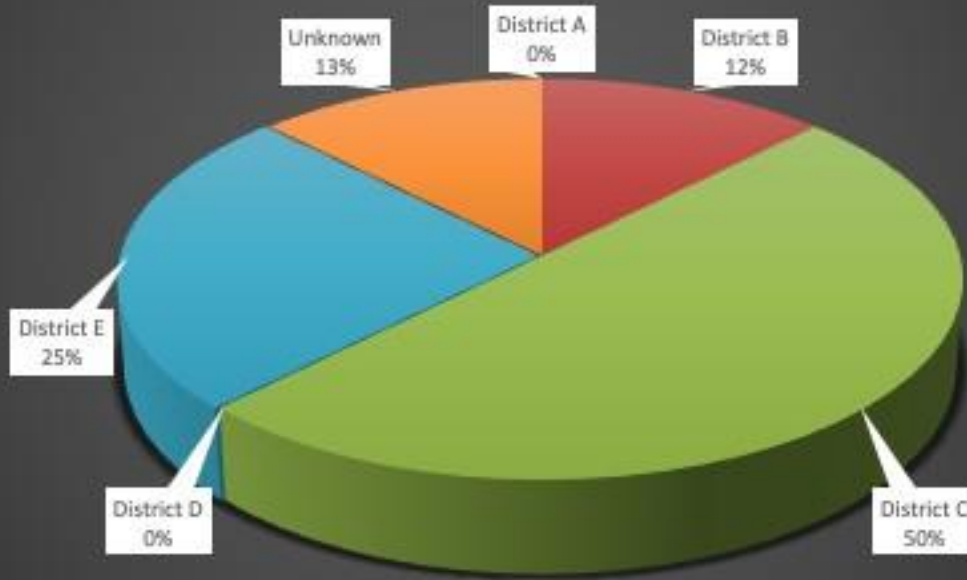
■ Harassment/Excessive Force/Misconduct ■ Race ■ Discrimination



Type of Discrimination	Number of Complaints
Harassment/Excessive Force/ Misconduct	6
Race	1
Discrimination	1

## Police Complaints by District

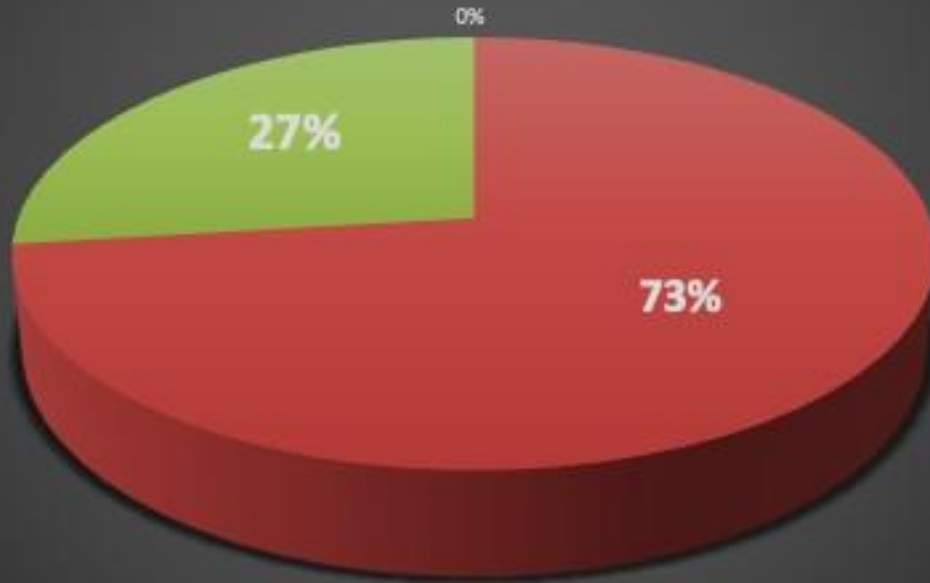
■ District A 
 ■ District B 
 ■ District C 
 ■ District D 
 ■ District E 
 ■ Unknown



Complaints by District	Number of Complaints
District A	0
District B	1
District C	4
District D	0
District E	2
Unknown	1

## Non-Police Related Complaints

■ Discriminatory ■ 311 ■ Misc.



Non-Police Related Complaints	Number of Complaints
Discriminatory	0
311	19
Misc.	7



# ACTIVITIES & ACCOMPLISHMENTS IN 2019-2020

## THE YEAR IN REVIEW

In March of 2019, the Commission appointed, Jason Whitaker as Executive Director. Mr. Whitaker's appointment to the Commission has resulted in greater visibility and community engagement, detailed below.

### **Participated in the Police and Community Together Citizen's Police (PACT) Academy**

Executive Director Whitaker has been invited by Deputy Commissioner Lark & Captain Stephen Nichols to present to several different groups at the Buffalo Citizen's Academy on the vision, mission, and purpose of the Commission. These sessions were held at the Buffalo Police & Fire Headquarters, 68 Court Street in downtown Buffalo.

### **Enhanced Community Outreach**

Executive Director Whitaker has made a concerted effort to enhance community outreach and Commission's visibility. Since becoming the Executive Director last March, he has:

- Met with the Buffalo Common Council Members individually
- Participated in various community meetings held by Council Members
- Regularly attended and presented at monthly Police District Chiefs' meetings
- Been featured as a guest speaker at the Board of Block Club Coalition's meetings
- Attended the Hispanic Heritage Month Kickoff event
- Met with representatives of PUSH Buffalo, Voice Buffalo, Black Love Resist in the Rust
- Attended District Police Community Day's held by the Buffalo Police N.E.T Division
- Attended the 2019 National Night Out
- Attended and presented at the quarterly sessions held by the Police Advisory Board
- Met with Commissioner Byron Lockwood and Executive Leadership
- Gave a presentation during the 2020 Black History Month Program in City Hall
- Participated in the ribbon cutting ceremony at the annual 2019 Orthodox Greek Festival
- Special guest at "NAACP Speaks" with President Mark Blue of the NAACP at WUFO 1080 AM Power 96.5
- Participated in the Women's Annual History Day Program
- Attended Eight Days of Hope City Restoration Announcement
- Presenter at Discrimination Forum held by Annetta Williams
- Attended and participated in the New York Gun Law Discussion with Attorney Peter Vasilion
- Attended Mattie's Restaurant's 50th Anniversary

- Participated in the Webinar: “Understanding the School’s Role When Bullying Occurs”
- Hosted a Clean Sweep at Emmanuel Temple Church of God in the Masten District
- Keynote speaker at the Senior Services Volunteer’s Luncheon
- Attended the East Side Festival at the Central Terminal
- Presenter for the Youth Mentorship Program offered through Council Member Rasheed Wyatt
- Participated in the Set for My Glory Prayer Day at Sahlen Field
- Participated as mentor for My Brother’s Keepers Career Shadowing day
- Attended the Western New York’s Puerto Rican and Hispanic Flag Raising Ceremony as well as parade
- Facilitated District Attorney John Flynn’s attendance and participation in a Police Advisory Board meeting
- Volunteered in Senior Services Turkey Giveaway
- Volunteered with Division of Public Works Recycling Program
- Presenter at former Lovejoy Council Member Richard Fontana’s Youth Day event held in Schiller Park.
- Attended Community and Speak Out Event held at the Metro CDC
- Attended and participated in the Bell Reform and Raise the Age Law Forum at the Frank E. Merriweather Library
- Attended the Trans Gender Remembrance Day at the St. Andrew’s Episcopal Church
- Met with representative from the PRIDE Center of WNY
- Attended forum with guest speaker Anthony Hinton death row survivor held at the Montante Cultural Center of Canisius College
- Attended Ending Torcher: A Solitary Confinement Community Discussion
- Attended the Student Support Services Community Partner Meeting
- Attended virtual meeting with NYS Department of Human Services to discuss issues regarding race relations and discrimination during the pandemic
- Presented at Virtual Town Hall Meeting hosted by Masten Council Member Ulysees O. Wingo

### **Attended Police Advisory Board Community Meeting Sessions**

Executive Director Whitaker attended and presented at each of the quarterly sessions held by the Common Council’s Police Advisory Board. These sessions were organized throughout various neighborhoods within the city of Buffalo for the purpose of gathering information from concerned citizens and then submitting recommendations to the Common Council. At each session, Executive Director Whitaker shared the purpose of the Commission and extended its services to all in attendance as well as a willingness to work in partnership with the PAB.

## **Anti-bullying and What to do When Stopped by Police Workshops for Mayor's Summer Youth Orientations**

Executive Director Whitaker presented on the topic of anti-bullying and what to do when stopped by the police workshops to nearly 2,000 Mayor's Summer Youth workers during their orientation sessions. These workshops involved interactive role-playing and improvisation, where volunteers from the Youth Program play alongside Commission and Community Services staff to better understand the dynamics of bullying (including cyberbullying) and police stops.

## **Commission Maintains Dashboards to Record Complaints**

The Commission has maintained an excel spreadsheet dashboard that captures the complaints the office receives via walk-ins, calls, emails, and letters. These dashboards deal not only with complaints the Commission can address directly, but also complaints that the Commission refers to other agencies, and other miscellaneous calls and concerns from residents.

## **Commission Updates its Community Brochure, Police Stops Booklet, and Website**

Commission staff reviewed and revised its trifold brochure, "What to Do when Stopped by the Police" booklet as well as the active website. This action was taken to reflect the most accurate and current information.

## **Commission Established Resource Guide of Current Events & Relative Issues**

The Commission has established a resource guide of current events and relative issues to remain informed with the most pressing issues, monitor patterns within our city, and identify concerns pertaining to discrimination, race, and police misconduct.

## **Commission Organizes Virtual Community Meetings**

The Commission has recently organized a series of Virtual Community Meetings to remain connected due to the pandemic and address critical subjects such as, The Purpose of the CCRCR, Race & Reconciliation, How to Survive Police Stops, Preventing & Eliminating Prejudice, Intolerance, Bigotry, & Discrimination, Encourage Equality of Treatment, Strengthening Relations between the Community & Police, Recognizing the Problem & Patterns of Race in the areas of Human & Community Relations, Promoting Understanding & Respect for all Citizens within the City of Buffalo

# POLICE REFORMS

The Commission would like to acknowledge the reforms implemented by the BPD in their efforts to improve community relations. The following reforms align with the spirit of the Commission's vision statement- a Buffalo where citizens' differences are understood, appreciated, and embraced- and are thus worthy of mention in this annual report.

It is vitally important that each encounter between any resident of our city and the Buffalo Police Department is characterized by the officers' professional conduct and the highest consideration for people's constitutional rights including the duty to intervene by fellow officers when witnessing their colleagues exhibiting excessive force. Our office agrees with the recent decisions made to address these very grave concerns. Mayor Brown's executive order to ban chokeholds from being utilized

by Buffalo Police officers was a significant first step. Eliminating the potential for negative physical interaction between police and citizens for minor, nonviolent offenses and creating a new police detail to protect the First Amendment Rights of Citizens were also commendable and necessary decisions.

The implementation of the first phase of the restorative policing policies which were contained in the Buffalo Reform Agenda that Mayor Brown announced on June 9, 2020, is now in effect. The Buffalo Reform Agenda is a community-driven outline for achievable and immediate initiatives the City of Buffalo is committed to taking to shift its law enforcement model to a restorative model that strengthens its ties to the community it is meant to serve.

The action steps that were announced are part of an effort to ensure greater transparency, equity and fairness for Black residents as well as all of the other people who live in the City of Buffalo by beginning with community-police relations.

## **The first reforms implemented by the City are as follows:**

- Buffalo Police officers are directed to issue appearance tickets instead of handcuffing and transporting suspects for low-level offenses unless New York State law mandates an arrest, or the individuals present a danger to themselves or others. Buffalo Police Commissioner Byron Lockwood issued General Order #2020-009 to officially implement the reforms.
- Stop receipts will be issued at all traffic stops. This means that a police officer who approaches a stopped vehicle, must immediately tell the resident a reason for the stop and complete a form indicating that reason and the alleged violation observed which is then provided to the driver of the vehicle, onsite.
- Tickets issued for correctable equipment violations or "Fix-It Tickets" issued by the Buffalo Police Department will have a correction period of seven days, instead of the 24 hours provided by New York State Vehicle and Traffic Law, for the motorist to repair the condition and avoid any penalties or fines.

- Buffalo Police Department management created a new link to the Buffalo Reform Agenda on their and the City's web pages to prominently display the Body Camera, Use of Force and Manual of Procedure policies, as well as the latest version of new forms, and the Police Commissioner's general orders on all current updates to policing in the City of Buffalo. These web updates may be found at: [www.buffalony.gov/reformagenda](http://www.buffalony.gov/reformagenda).

# COMMISSION'S RESPONSE TO THE DEATH OF GEORGE FLOYD & IMPACT WITHIN THE CITY OF BUFFALO

After the horrific death of George Floyd, the Commission released the following public statement:

The past week has been one filled with turmoil and Americans have come together in solidarity to protest and speak against racism, all instigated by the murder of George Floyd by Minneapolis police. We have seen many gather in downtown Buffalo over the last week to protest the loss of yet another black man at the hands of law enforcement, to demand an end to racism, and an end to bias treatment in policing.

The members of the Commission on Citizens' Rights & Community Relations are profoundly affected, alarmed and saddened by George Floyd's killing, as we are by the events that have taken place across the country and in our own city. For this reason, the CCRCR stands with community members who choose to peacefully exercise their first amendment rights in this timely fight for social justice. Your message is not lost.

Racism, biased policing, and violence are all things the CCRCR has sought to eliminate in its work over the years in the community. We not only stand with the community during these times, but we also want the community to know we are here, now, as always.

The systemic biases and conditions that lead to racial disproportionality in policing, use of excessive force and other societal ills such as mass incarceration are not going to change overnight. The time for change is now, and this change will require vigilance, oversight, accountability, transparency, and a willingness of everyone to take a hard look at some of the worst parts of our systems. Strengthening that oversight is a step in the right direction.

If you have experienced or witnessed police misconduct, you are encouraged to file a complaint with the Buffalo Police Department's Internal Affairs Unit and the Commission can help you complete that process, and assist you as needed throughout. Please contact us at (716) 851-8000 or by emailing [LGonzalez@City-Bufferalo.com](mailto:LGonzalez@City-Bufferalo.com)

## **ABOUT THE COMMISSION ON CITIZENS' RIGHTS & COMMUNITY RELATIONS**

The Commission on Citizens' Rights and Community Relations of the City of Buffalo was formed in 2000 and strives to eliminate prejudice, intolerance, bigotry and discrimination; to encourage equality of treatment and prevent discrimination against persons based upon race, ethnic background, cultural background, language, religion, gender, sexual orientation, gender identity and expression, disability, nationality and age; and to assure respect for civil liberties of all citizens. Additionally, the following letter was sent out to our community partners to introduce ongoing efforts to address the unrest within our City and across the nation through Virtual Community Meetings to remain connected despite the current pandemic:

Our city, as well as our nation is facing a pivotal time in our history, which has intensified, since witnessing the horrific death of George Floyd at the hands of four former Minneapolis police officers. The death of George Floyd has sparked global conversations about systemic racism, race relations, police encounters, and police brutality.

Since beginning my tenure as Executive Director of the Commission, it has been my goal to address these very pressing concerns through weekly meetings as a presenter with multiple block clubs, stakeholders meetings with Council Members, community meetings with District Police Chiefs and the Buffalo Police Citizen's Academy to name a few.

During those meetings topics discussed were: The Purpose of the Commission on Citizen on Citizen Rights (CCRRCR), How to Survive Police Stops, Preventing & Eliminating Prejudice, Intolerance, Bigotry & Discrimination, Encouraging Equality of Treatment, Strengthening Relations between the Community and Police, Recognizing the Problem & Patterns of Race in the areas of Human & Community Relations, and Promoting Understanding & Respect for all Residents in the City of Buffalo. I intend to continue leading these discussions and encouraging effective change. In the coming weeks and months, I will organize additional panel discussions, guest lectures and presentations on these important topics through Virtual Community Meetings. I believe our societal climate is ripe for significant and historical change.

With the unrest facing our nation today due to racism and police brutality, the City of Buffalo can lead in this important change. Our very own City has been featured in many news outlets, including the national media, because of the obvious instances of police conduct that were witnessed when two members of the BPD's Emergency Response Team pushed 75-year-old protester, Martin Gugino as well as the complaint of one white officer who was seen on video punching a black man, Quentin Suttles. Our City's residents, joined by the residents of many other cities around the nation, have organized marches and protests to bring attention to these actions and attitudes while expressing that Black Lives Matter.

It is vitally important that each encounter between any resident of our city and the Buffalo Police Department is characterized by the officers' professional conduct and the highest consideration for people's constitutional rights including the duty to intervene by fellow officers when witnessing their colleagues exhibiting excessive force. Our office agrees with the recent decisions made to address these very grave concerns. Mayor Brown's executive order to ban chokeholds from being utilized by Buffalo Police officers was a significant first step. Eliminating the potential for negative physical interaction between police and citizens for minor, nonviolent offenses and creating a new police detail to protect the First Amendment Rights of Citizens are commendable and necessary decisions.

The implementation of the first phase of the restorative policing policies which were contained in the Buffalo Reform Agenda that Mayor Brown announced on June 9, 2020, is now in effect. The Buffalo Reform Agenda is a community-driven outline for achievable and immediate initiatives the City of Buffalo is committed to taking to shift its law enforcement model to a restorative model that

strengthens its ties to the community it is meant to serve.

The action steps that were announced are part of an effort to ensure greater transparency, equity and fairness for Black residents as well as all of the other people who live in the City of Buffalo by beginning with community-police relations.

**The first reforms implemented by the City are as follows:**

- Buffalo Police officers are directed to issue appearance tickets instead of handcuffing and transporting suspects for low-level offenses unless New York State law mandates an arrest, or the individuals present a danger to themselves or others. Buffalo Police Commissioner Byron Lockwood issued General Order #2020-009 to officially implement the reforms.
- Stop receipts will be issued at all traffic stops where a summons is not issued. This means that a police officer, who approaches a stopped vehicle, must immediately tell the resident a reason for the stop and complete a form indicating that reason and the alleged violation observed which is then provided to the driver of the vehicle, onsite.
- Tickets issued for correctable equipment violations or “Fix-It Tickets” issued by the Buffalo Police Department will have a correction period of seven days, instead of the 24 hours provided by New York State Vehicle and Traffic Law, for the motorist to repair the condition and avoid any penalties or fines.
- Buffalo Police Department Management created a new link to the Buffalo Reform Agenda on their and the City’s web pages to prominently display the Body Camera, Use of Force and Manual of Procedure policies, as well as the latest version of new forms, and the Police Commissioner’s general orders on all current updates to policing in the City of Buffalo. These web updates may be found at: [www.buffalony.gov/reformagenda](http://www.buffalony.gov/reformagenda).



# COMMISSION'S RESPONSE TO PROPOSED REFORMS FROM THE FREE THE PEOPLE COALITION

## **Riot police must stand down**

- The Commission is in favor of reforming a new Protest Unit that will have the responsibility to protect & offer security for demonstrators as they peacefully protest.

## **Fire officers with a history of brutality and killing people**

- The Commission supports the repeal of 50-A, which has made public officers' history of offenses in an effort to provide greater transparency. Furthermore, we would strongly recommend training and/or counseling to address topics of concern, and for the more severe infractions such as police brutality or loss of life, we agree that officers involved should go through the Internal Affairs process for a thorough review.

## **Make officers pay for settlements with their pensions, not taxpayer dollars**

- The Commission would suggest that every lawsuit be addressed on a case by case basis and if it is determined that an officer(s) is found to be personally liable, to then leave the next course of action up to the complainant & their legal counsel to pursue as they see fit.

## **Increase transparency of police policies, activities, and cameras**

- The Commission supports the BPD's efforts to become more transparent and serving more actively to ensure that the concerns of citizens are acknowledged and addressed.

## **Cut the police budget and invest in reforms and community efforts**

- The Commission agrees with reevaluating the police budget and allocating funds to reforms that include training officers on such topics as race relations, sensitivity awareness, de-escalation tactics that preserve life as well as supportive community efforts that will aid in better community relations.

## **End biased traffic stop practices and eliminate unfair fees**

- The Commission agrees with the reforms implemented to end bias traffic stops & elimination of fees.

## **Adopt Cariol's Law to create a duty to intervene**

- The Commission agrees with adopting a law for duty to intervene by all police personnel if a fellow officer is displaying excessive force.

**Give community a seat at the bargaining table**

- The Commission agrees that the community's voice and thoughts should always have a place of consideration to address important topics.

**Update BPD Use of Force policy and codify into law**

- The Commission agrees that policy in general should be reviewed often to ensure best practices are considered and offered for the protection of all citizens.

**Get police out of schools**

- The Commission believes that the safety of our children is paramount and would strongly encourage all measures be considered to guarantee their safety.

# FUTURE PLANS-MOVING FORWARD

## **Continue to Build Community Connections**

- Continue outreach with BPD, community groups, faith community and nonprofits to introduce Commission, its mission and services offered and strengthen working relationships.

## **Establish Partnerships with Community Organizations and Businesses, to Address Critical Topics Facing our City**

- Build on our virtual community meeting topics such as race and reconciliation, eliminating prejudice, intolerance, bigotry, and discrimination, as well as police brutality/encounters and present on a larger scale discussion the includes a series of presenters including a national personality.

## **Schedule Ride Along Opportunities with the BPD**

- Establish periodic opportunities to ride alongside city officers to witness firsthand their interactions with the community.

## **Expand What to do When Stopped by Police Workshops**

- Continue workshops with Mayors Summer Youth Orientations.
- Hold bimonthly workshops at City community centers, church youth groups, YMCAs, Boys & Girls Clubs, and other community organizations.

## **Create “What Can CCRCR Do for You” Brochure, Social Media Presence and Newsletter**

- Create a second brochure for the Commission that lists what services the Commission can provide, as well as what services the Commission can refer one to.
- Moreover, produce a social media presence with the various social platforms as well as create a newsletter on the current activities within the Commission and relative topics.

## **Create a Platform for Community Questions, Thoughts, & General Concerns**

- Establish a platform such as a separate email address to invite general questions, thoughts, ideas, and concerns to be considered and evaluated to ensure the community’s voice is always respected.

## **Offer Community Mediation for Various Disputes Related to Community Relations**

- Offer citizens mediation for “community related” disputes. Often, many of the citizens who seek the Commission’s assistance are experiencing on-going problems with neighbors due to varied cultural differences. By providing mediation services, the Commission hopes to be able to foster positive community relations that reduce confrontation and allows each citizen to enjoy their home as well as their neighborhood. Mediation would be on a completely voluntary basis.

**Create a CCRCR Citizen of the Year Award**

- In line with the mission of the CCRCR, the creation of an annual Citizens of the Year award (which can be a person or an organization), given in December at the end of the calendar year showcasing the city's residents and organizations that exemplify the mission of the Commission.

**Community Beautification Day, in Collaboration with Citizen Services & BPD**

- Citizens (emphasis on the Commission, Citizen Services & VISTA members, and Buffalo Police) work with community and block club leaders on one selected area per year to do cleaning and beautification, with a focus on the most distressed neighborhoods.

**Citizens' Survey**

- A City of Buffalo Citizen Survey: aimed at measuring citizens' perceptions about their quality of life, understanding citizen overall satisfaction with the City's services and amenities, and determining citizens' need for new City programs and services.

# COMMISSION RECOMMENDATIONS

The Commission on Citizens' Right & Community Relations pursuant § 18:22 (f) of the Buffalo City Charter, in conducting its business via research, citizen complaints and community meetings, makes the following recommendations in this Annual Report:

## **1. STRESS THE USE OF “DOUBLE-UP DAYS” FOR BPD TRAINING**

The Commission highly recommends that these days be used for various training opportunities. This much needed time can provide the training at the Central Police Services Academy for officers need with the assurance of being well trained and ensure safety for both officers and citizens.

### **Training topics should include the following:**

- Persons with Special Needs Training
- Diversity Training
- Topics in the Use of Excessive Force
- Race Relations
- Sensitivity Awareness
- De-escalation Tactics
- Crisis Intervention
- Academic Development

## **2. ESTABLISH A COUNSELING CULTURE WITHIN THE BPD**

The establishment of a consistent counseling culture or process is suggested to provide direct guidance, insight, or recommendations by a certified counselor to BPD staff both voluntarily and when senior staff deems this necessary to address the myriad of encounters that comes with such a demanding and stressful responsibility.

## **3. BUFFALO POLICE SHOULD CONSIDER IDENTIFYING A LGBTQ LIAISON**

Doing so would instill confidence in the LGBTQ community that the BPD will be more sensitive to its concerns and show that the City's Commitment to diversity extends beyond race and ethnicity.

## **4. BUFFALO POLICE SHOULD TAKE ADVANTAGE OF THE RACIAL EQUITY ROUNDTABLES EQUITY IMPACT ANALYSIS TRAINING**

The purpose of this training is to introduce one to user-friendly tool called the Racial Equity Impact Analysis, which has the potential to increase an organization's mission performance by furthering success across all racial/ethnic groups. The tool makes the concepts of racial equality actionable and measurable.

Beyond providing the opportunity to “test-drive” the tool on a concrete issue, the session offers grounding in the shared language that reduces misunderstanding around issues of race as well as background to how our regions current racial inequities results from policy and practice choices that we have the power to change. The session is highly interactive, using small group discussion, videos, and application exercise to engage participants’ knowledge and insights.<sup>6</sup>

**5. OBTAIN ADDITIONAL FUNDING FOR EDUCATIONAL/COMMUNITY RELATIONS PROGRAMMING**

The Commission can improve its success and better meet its mission to connect with the Community by providing more educational opportunities through workshops, forums, and sessions with additional funding provided by sponsored partnerships and grant opportunities.

**6. ESTABLISH A CHECK-UP DAY FOR THE CITIZENS OF THE CITY OF BUFFALO**

Purpose of a “Check-Up Day” will be to offer the citizens within the City of Buffalo an opportunity to attend the precinct of their choice and have their names/vehicle information submitted through the police data base to ascertain violations exist and then be offered advice on how to resolve them.

<sup>6</sup> <https://racialequitybuffalo.org/join-gbrer/racial-equity-impact-analysis-training/>