

*Our City. Our County. United for Change.*

# NO TIME FOR EXCUSES: IT'S TIME FOR ACTION

Report of the Commission on Racial And Structural Equity (RASE)

Prepared for the Commission on Racial and Structural Equity by the Center for Governmental Research

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Center for Governmental Research**



# Letter of Transmittal

March 12, 2021

Mayor Lovely A. Warren  
City Hall  
30 Church Street  
Rochester NY 14614

County Executive Adam J. Bello  
County Office Building  
39 West Main Street  
Rochester, NY 14614

Dear Mayor Warren and County Executive Bello,

You will find enclosed the final report of the Commission on Racial and Structural Equity (RASE). We have completed a thorough analysis of laws, policies, practices and programs that have supported and sustained systemic and institutional racial inequities, and perpetuated systems that consistently exclude or constrain African-Americans, Latinx and other people of color from full and unfettered participation in all aspects of society. We have conducted research into the ways to design and implement more equitable and inclusive systems and approaches, and we have set forth a list of transformative recommendations which can be implemented by your respective governments.

While we found hardly any laws in the City and County which created and sustained racist policies, we have found practices and conditions where diversity of race, ethnicity and gender are nearly non-existent; where people of color are unable to fully participate and are implicitly or explicitly excluded from opportunities that could enhance their economic, social and mental health; and where people of color are denied the opportunity to participate in the rule-making and decision-making that shapes our lives, from birth to death.

Racism is deeply embedded in the culture and practices of Rochester and Monroe County. This declaration may shock some people, but it affirms what many others have been saying: **the entire County of Monroe has a racial problem**, one that is not contained within its largest municipality, Rochester. And it is a problem that must be fixed. That is why this report is submitted under the title, **NO TIME FOR EXCUSES: IT'S TIME FOR ACTION**.

Your initial charge to the Commission was to focus our examination on the City and County, and what you and your legislative bodies could accomplish within your respective powers. As the work evolved, it could not be contained within those prescribed confines. We found too many issues that cut across institutional and geographic lines, and affecting many sectors beyond the reach of government. We discovered many points of intersection, and

the inter-connectivity of these issues clearly require a broader systemic approach to solving these issues.

We will stipulate that we have not addressed every racial inequity and instance of racial bias that exists in our community, although we are confident that we have addressed the most blatant. We were given six months to complete our engagement, and we have identified enough problems to engage community resources for the foreseeable future. The work does not end with the submission of this report; it is only just beginning.

We urge a careful examination of the nine Working Group reports that make up Part 3 of the report. There are many details in the prioritized findings, as well as a discussion of issues needing more community attention that could not be addressed in this report. We urge you to carefully consider the Recommendations that are found in Part 2 that evolve from the Working Groups. They set forth aggressive and creative remedies to problems previously unacknowledged or ignored. We especially direct your attention to the Implementation Strategies, also discussed in Part 2. These strategies lay out a roadmap of the steps that must be taken, if the words in this report are translated into meaningful action.

Several hundred people were engaged in this work during the past six months, including over 160 citizens who volunteered their time to work with one of the nine working groups. These groups have labored scores of hours. Even under the severe coronavirus restrictions imposed on large public gatherings, they found ways to share and discuss their work with citizens who have been adversely impacted by discriminatory systems, other interested citizens, and advocates and practitioners in the field. The feedback from these meetings has been most helpful in the development of our findings and recommendations.

The efforts of all who worked on this project must be commended: the twenty-one (21) Commissioners who excellently facilitated the work of the nine Working Groups, which added many hours to their already busy work schedules; the City and County staff who so brilliantly supported this work while doing their regular jobs; the six (6) Interns from area colleges who contributed greatly to our efforts while balancing their school work; the excellent work of our consultant who answered every inquiry and compiled the input from every source to write this incisive report; and the large number of volunteers who participated for numerous hours. All are listed by name in the Acknowledgments section. All of this human energy and ingenuity would be rendered null and void, if this report suffered the fate of so many preceding Commissions and Task Forces, disregarded and forgotten. We are determined that this Commission's work will not be ignored. The Implementation Strategy is an integral part of this work, and it will be the roadmap to the future, which begins now.

Two commissioners have dissented from this report, citing recommendations that did not come through the Working Group process. We have included their statement of dissent in Part 2 of this report.



We are most appreciative for the opportunity to chair this important work, and we look forward to discussing these findings and follow-up strategies with you in person, in the company of the full commission; and to work with you as you consider the next steps on our journey toward a more just and inclusive, and less racist, community.

Sincerely,

*William A Johnson, Jr.*  
William A Johnson, Jr.  
Co-Chair



Arline Bayó Santiago  
Co-Chair

*Muhammad Shafiq*

Muhammed Shafiq, Ph.D.  
Co-Chair

# Executive Summary

**R**ochester is a city with a unique and conflicting history. We are proud of our rich racial and social justice legacy as the home of Frederick Douglass, Harriet Tubman, and Susan B. Anthony. Yet today, half of Black children in the Monroe County live in poverty, compared to 12% of White children. The homeownership rate among White residents of our County is 71% and less than half that for Black and Latinx residents. And, most recently, Rochester has been the focus of national attention as the community responded to the death of a mentally distressed Black man after being restrained by police. Making our community more equitable and just for all of its residents has been the focus of the Commission on Racial and Structural Equity (RASE).

The Commission was created on June 18, 2020 by Rochester Mayor Lovely Warren and Monroe County Executive Adam Bello, with a charge to:

- 1.** Inventory and assess current local laws and policies that either promote or are intended to eliminate institutional and structural biases, racism and inequities in the City of Rochester and Monroe County.
- 2.** Provide recommendations to enhance current local laws/policies to increase effectiveness, and/or “sunset” local laws/policies that are ineffective or no longer applicable.
- 3.** Provide recommendations on any new local laws/policies to address identified gaps.

The Commission was organized with three co-chairs and 21 members, eight of whom were pre-designated by the Mayor and the County Executive because of leadership roles in local governance and law enforcement, and 13 of whom were selected through a community-led process described in the

body of this report. The Commission’s work was carried out through nine Working Groups, each facilitated by two to three Commissioners, and complemented by citizens who volunteered to serve. The focus areas for Working Groups represent the broad spectrum

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**Making our community more equitable and just, for all of its residents, has been the focus of the Commission on Racial and Structural Equity (RASE).**

of sectors and areas where racial discrimination has produced inequity: Business Development, Criminal Justice, Education, Healthcare, Human Services, Housing, Job Creation, Mental Health and Addiction Services, and Policing.

Working Groups engaged in a six-month process of working to uncover and prioritize key issues of racial and structural inequity in Monroe County. Working Groups analyzed local laws and policies, collected and analyzed data and engaged the community to understand how structural racism operates and how it can be dismantled.

Hearing directly from the affected communities was a top priority of the Commission. Community engagement was conducted via virtual town hall meetings, surveys and interviews of community members impacted by the focus areas, as well as tours of affected neighborhoods to speak with residents and business owners. Sessions were mostly held virtually because of the COVID-19 pandemic using a variety of

platforms, and some were streamed live on Facebook. But in addition to those, one group conducted a bus tour to gather perspectives from small business owners, while another held discussions with incarcerated youth, high school students and formerly incarcerated men. In all, hundreds of community residents connected with the Commission and offered input into this report.

The Commission's work makes clear that structural racism exists across every examined sector and system and persists because of policies and practices that do not work for the benefit of Black, Indigenous and People of Color (BIPOC). Having identified a wide range of issues, the Commission uncovered the following themes that cut across systems and sectors:

### **Inequitable and inadequate access to essential resources and systems critical to closing equity gaps.**

BIPOC have inadequate access to networks of opportunity, including access to capital, civil service jobs within government, and a variety of housing options in local areas and neighborhoods across the County.

### **Structures and protocols inequitably impact and disadvantage BIPOC.**

People of color, especially Black people, are disproportionately arrested, suspended from school, and brought into systems like child protective services, foster care and juvenile justice that often do not serve their needs.

### **Structures and personnel lack cultural/linguistic competencies critical for effective engagement.**

Cultural competence exists when individuals and organizations are able to effectively interact with diverse populations since they possess information about different cultural value systems, beliefs and knowledge.<sup>1</sup> Similarly, linguistic competence exists when community members are able to access interpreters, translation services and materials in their native

language.<sup>2</sup> Systems ranging from courts to 911 to health providers to schools to human services are sorely lacking in cultural and linguistic competence.

### **Systems create and perpetuate disadvantages.**

These systems include hiring systems with historic but unnecessary job requirements, or screens for criminal convictions or drug use, as well as the human services system, which applies rules that limit the availability of financial assistance to those who need it. In education, the testing and accountability system for schools labels urban schools with predominantly BIPOC student bodies as failing, with demoralizing effects on students.

### **City/County structures lack reliable transparency and accountability operations, negatively impacting trust among BIPOC.**

Many of the systems the Commission studied do not track or report their impact on individuals by race/ethnicity, which allows racial inequity to continue. Inaccessibility to information about compensation policies, police training curriculum and the juvenile justice system also limit understanding about disparate outcomes for Black, Indigenous and People of Color.

### **Current City/County/State systems possess insufficient economic investment in structures and resources critical to attaining equity.**

Across many systems, economic investments that could make a difference for people of color are lacking or inadequate. Major issues include low wages across sectors dominated by BIPOC as well as the failure of the Minority and Women-Owned Business Enterprise program to have a large impact on business success for people of color. Income is a profoundly important contributor to outcomes for individuals, families and communities, impact health/mental health, education levels and life expectancy.

<sup>1</sup> <https://nccc.georgetown.edu/curricula/culturalcompetence.html>

<sup>2</sup> <https://www.ahrq.gov/ncepcr/tools/cultural-competence/definition.html>



The Commission developed five systemic solutions and almost 40 specific recommendations. The systemic solutions are stated below and illustrated with a sample of the recommendations found in Part 2 of the body of the report.

**1. Create and invest in sustainable economic opportunities in Black and Latinx communities to promote and maintain self-sufficiency, entrepreneurship and career advancement. Recommendations include:**

- The City and/or County should create a local process for becoming MWBE certified so that local businesses can use that as an alternative to the lengthy and cumbersome state process. This should include entrepreneurial mentoring and work with financial institutions to expand access to capital, with a clear focus on businesses owned by people of color.
- Redesign civil service functions to ensure equitable and unobstructed access to qualified applicants, which will lead to a racially diverse workforce.
- Build on the momentum toward a \$15/hour minimum wage by ensuring the City and County have \$15/hour minimums, that they use their leadership to persuade all employers to raise their starting pay to that level, and that they add this minimum wage as a requirement to contracts with agencies and businesses with which they do business.

**2. Implement and incentivize practices and programs that increase the racial/ethnic diversity and cultural competence of employees, vendors, and contractors. Recommendations include:**

- Build systems in City and County governments to increase and sustain the cultural competence of their entire workforces that include budget resources, advisory committee with community representation and training tied to job roles.
- Use government contracting and procurement practices to require all

contractors to have diversity, equity, and inclusion policies in place, including diverse hiring practices, and annual reports board and leadership composition.

- Increase linguistic competency by ensuring Monroe County school districts provide the full range of curriculum offerings for English Language Learners, and that programs aimed at assisting students and their families are offered in their native language.

**3. End practices that disproportionately drain resources from Black and Latinx communities. Recommendations include:**

- End the use of pretextual stops (stops for a minor offense to investigate something else), decriminalize and de-prioritize violation-level offenses, make incarceration a last resort; and embrace a philosophy of diversion and restorative justice.
- End Monroe County's high use of financial assistance sanctions in human services to ensure individuals who need help can get it.
- Increase access to mental health and social emotional support services for all Rochester City School District BIPOC students.

**4. Decentralize services and embed them in trusted agencies throughout the community. Recommendations include:**

- Create and fully fund community alternatives to police, including trained community responders, crisis intervention specialists and community mediators.
- Create a community-based program for youth facing criminal charges that includes counseling and mentorship, restorative justice circles, case managers who create a comprehensive plan with parents and youth, respite services, and a forensic psychiatric specialist equipped to handle youth with

complex mental health issues. Redesign child protective and foster care services to do more to keep children with their families, including using blind removal meetings, hiring culture brokers, and developing kinship navigators.


- Decentralize Monroe County Department of Public Health services and put locations in neighborhoods with high populations of BIPOC.

**5. Embed accountability measures in all policies to ensure equity and fairness across all services, programs and delivery models. Recommendations include:**

- Create a racial justice task force comprised of the major players in the criminal justice system and community members to meet quarterly to review local criminal justice data and identify additional strategies to eliminate racial disparities.
- Increase the access of BIPOC to all housing options by adopting tenant protection strategies such as a right to counsel, a local fair housing law, and incentives to expand affordable housing options throughout the County including our suburbs.
- Support and invest in the Livable Communities for Older Adults Initiative to address racial discrimination and systemic inequities impacting older BIPOC adults, under the oversight of representative and diverse advisory boards.

additional resources or state or federal action.

**This is a report by and for the community. The entire community must get involved in working to achieve the success of these recommendations. This report cannot only be embraced by the victims of inequity. It must be affirmatively and energetically embraced by those community members whose indifference to these conditions have led to generational denial and oppression of BIPOC individuals. We hope this report impacts the hearts and minds of the majority and moves them from being passively part of the problem to actively joining in creating solutions.**



To implement these recommendations, we outline a four-pronged strategy in the body of the report that calls for the Mayor and County Executive to identify recommendations they and/or their elected bodies can implement; develop a process to bring other needed entities to work on recommendations that require their involvement; create a successor to the RASE Commission to monitor implementation efforts; and develop plans to address recommendations requiring

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# Introduction

On May 26, 2020, the nation witnessed the death of another unarmed Black man, George Floyd, at the hands of a white police officer in Minneapolis, Minnesota. George Floyd lay helplessly on the ground while the officer's knee stayed pressed against Mr. Floyd's neck for close to nine minutes. The shock and horror of witnessing the life being drained from George Floyd's body set off months of protests and demands for police accountability and systemic change across the country, in Monroe County, and in the City of Rochester.

In acknowledgment of these national and local calls for systemic and institutional change, and in response to New York State Governor Andrew Cuomo's June 12th Executive Order 203 "to reinvent and modernize police strategies," Rochester Mayor Lovely Warren and Monroe County Executive Adam Bello created the Commission on Racial and Structural Equity (RASE) on June 18, 2020. The 21-member commission was charged to:

- 1) inventory and assess current local laws and policies that either promote or are intended to eliminate institutional and structural biases, racism and inequities in the City of Rochester and Monroe County;
- 2) provide recommendations to enhance current local laws/policies to increase effectiveness, and/or "sunset" local laws/policies that are ineffective or no longer applicable;
- 3) provide recommendations on any new local laws/policies to address identified gaps.

The Commission was given the responsibility to conduct a review of the state of policing, education, healthcare, mental health and addiction services, job creation, business development, human/social services, criminal justice, and housing. The Commission's report was expected six months from its formation.

Both the Mayor and County Executive saw this as a unique opportunity to fundamentally reshape the systems that govern the lives of their constituents and provide government services in an equitable and non-discriminatory manner. Mayor Warren stated that such changes will "deliver equity and strengthen our community," especially for Black and Brown citizens who have routinely been excluded. County Executive Bello stated that the RASE Commission was one of the essential steps towards "rebuilding Monroe County as an actively anti-racist government that embraces diversity and inclusion."

Three co-chairs were appointed as leaders of this effort: William A Johnson, Jr., the 64<sup>th</sup> Mayor of Rochester (1994-2005) and a retired Public Policy professor at Rochester Institute of Technology (2006-2013); Arline Bayó Santiago, Senior Vice President and General Counsel at ESL Federal Credit Union; and Muhammad Shafiq, Ph.D., Executive Director of the Hickey Center for Interfaith Studies and Dialogue at Nazareth College.

Senior staff from the City and County, led by City Chief Equity Officer Dr. Cephas Archie, Deputy County Executive Corinda Crossdale, County Chief Community Engagement Officer Dr. Candice A. Lucas, and Commissioner of the Department of Human Services



Thalia Wright, were assigned to work with the co-chairs to organize the Commission, and recruit 13 community members to join the eight designated members who would form the full commission. The eight designated members were determined based on specific positions they held within City or County government. The full Commission was seated on August 10, 2020 and immediately began its work.

In September, shortly after the RASE Commission's work was getting underway, the Rochester community learned that a police-involved killing of an unarmed Black man, Daniel Prude, occurred in our own community in March 2020.

Daniel Prude travelled from his home in Chicago to seek assistance from his family in Rochester during a time of mental distress.<sup>1</sup> He had only been in Rochester for a few hours when his brother, Joe Prude, called police for help getting him to the University of Rochester Medical Center (URMC) for observation and treatment. Mr. Prude received a mental health evaluation and was discharged back to his brother's home. Still exhibiting mental distress, he left his brother's house around 3 a.m. At this time, he had been in Rochester for fewer than 12 hours.

Upon discovering his brother's absence from the house, Joe Prude called 911 to report a missing person. Shortly afterwards, several Rochester Police Department (RPD) officers encountered Daniel Prude wandering naked and showing signs of distress. During the encounter, the officers placed Mr. Prude in custody, handcuffed him and ordered him to the ground. A spit hood was placed over his head to prevent him from spitting at the officers, who feared he might have the Covid-19 virus. In an attempt to control Mr. Prude's behavior, the officers performed a technique which involved pressing his head to the pavement. Mr. Prude lost consciousness and was subsequently transported back to URMC. Mr. Prude died a week later.

It is unknown as to why Mr. Prude did not receive a more comprehensive evaluation of his condition. URMC stated it cannot release the details of Mr. Prude's care because of mental health laws protecting patient privacy. In September, a group called White Coats for Black Lives, comprised of more than 200 trainees at all levels of medical practice, openly criticized URMC for its mishandling of the Prude case and urged it "to take concrete steps to address systemic racism within the institution." In URMC's response, it stated that its review found that the care was "medically appropriate and compassionate."<sup>2</sup>

The Monroe County Medical Examiner ruled the death a homicide and named the cause as asphyxiation in a setting of physical restraint. Video footage of the encounter, the existence

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<sup>1</sup> As no official reports have yet been released on the Prude case, we cite information from news articles such as <https://www.democratandchronicle.com/story/news/2020/09/02/daniel-prude-rochester-ny-police-died-march-2020-after-officers-restrained-him/5682948002/>.

<sup>2</sup> Sean Lehman, "Medical students say systemic racism at UR contributed to 'murder' of Daniel Prude," Rochester Democrat and Chronicle. September 23, 2020. <https://www.democratandchronicle.com/story/news/2020/09/23/daniel-prude-university-rochester-medical-students-post-letter-calling-urmc-address-failings-race/3501639001/>

of which the City had known about for several months, shook the community and prompted weeks of protests, along with calls to defund the Rochester police and for leading city officials to resign.

It is not surprising that concerns have been raised regarding the events leading up to, during, and after Mr. Prude's death. These concerns show examples of overlapping institutions and how issues that appear straightforward might involve more complex analyses to return an effective solution. The Prude case is not just a policing issue. A more comprehensive analysis reveals that there were multiple systems involved in the death of Daniel Prude.

Based on the autopsy, Mr. Prude tested positive for levels of PCP in his blood system. The cause of death was determined to be a result of asphyxia. How do we understand the role of substances in this case and within our community? How do we understand the role of substances in police-caused deaths?

- Mr. Prude had a history of family trauma and mental health issues. Before police involvement, his brother Joe Prude noticed that he needed professional mental help after Daniel began accusing him of wanting to hurt him. Daniel Prude was brought to Strong Memorial Hospital for a psychiatric evaluation but was eventually released a few hours later. How do we understand the role of psychiatric evaluations concerning police-related incidents? What other institutions, if any, are involved—and how can we transform these institutions to prevent police-related deaths?
- When police arrived at Mr. Prude's location, they found him naked. They asked him multiple times to get on the ground. Mr. Prude complied and was placed in handcuffs. While in police custody, Mr. Prude became agitated and claimed he had COVID, a spit hood was placed over his head. This led to Mr. Prude demanding that the hood be removed. Eventually, he was pinned to the ground for approximately two minutes and fifteen seconds. He later died of complications from asphyxia after being taken off life support. How does police training play a role in these types of incidents, and how can that training be improved? Are there certain measures that police officers should be trained in when it is probable that mental health is a factor?
- How does race play a role in this incident?

The manner of Mr. Prude's death highlights the necessity and possibilities for systemic changes within the City of Rochester and County of Monroe. These issues, questions and systems failures are the basis for this Commission's work. We did not come into existence to advocate for any position. Our charge is to identify problems and propose the necessary solutions, while proposing an accountability system for validating that the appropriate steps are being taken to implement the systemic and sustainable recommendations found in our proposals.

The facts of Daniel Prude's ordeal extend beyond RPD's and URM's relatively brief encounters with him. The news of those encounters, made public nearly six months after

they occurred, greatly outraged many citizens. Many of them took to the streets, in peaceable assembly and in full exercise of their right to petition City government for the redress of these specific grievances. They strongly condemned the unacceptable deaths of Black people at the hands of the police. Protest rallies, organized by Free the People ROC, and other allied groups which attracted thousands of people, launched the same day (September 2) that the police body-worn camera videos were publicly released by the Prude family attorneys. They continued every succeeding day for more than two weeks.

On several occasions, there were confrontations between the protesters and the police, leading to the police detonating tear gas canisters and pepper spray, firing pepper balls into the crowds, displaying of police dogs, and at least one report of an armored military-styled vehicle at the scenes. These were widely condemned by the protesters. The City Council strongly urged the Mayor and the Chief to de-escalate tensions with the protesters. The opposite occurred. The police countered that these tactics were only deployed when acts of violence were directed towards them, and that these acts were largely perpetrated by “outside agitators.”

Images of police officers outfitted in riot gear, with police dogs on visible display, were jarring for residents of a city with the social justice legacy of Rochester. This out-of-proportion use of force, and the inappropriate description of protesters as “outside agitators,” were reminiscent of the 1960s Civil Rights era police-protester confrontations led by the likes of ‘Bull’ Connor, Jim Clark and George Wallace. Complicating this was the inability or outright refusal of City and police officials to explain who ordered this style of “show of force,” and whether any established guidelines existed for these deployments.

The events of the first four night of protests, with multiple arrests and injured citizens and police, pungent tear gas and pepper spray contaminating the air, and pepper balls aimed directly at protesters in what were considered to be efforts to maim rather than maintain the peace, brought on escalating outrage among the protesters. After the fourth night, Saturday September 5, tensions greatly escalated when police battled the protesters near City Hall. Critics labeled their actions “military warfare” and said the protesters were being treated as “enemy combatants.”<sup>3</sup>

On Sunday afternoon September 6, the Mayor conducted a televised press conference with the RPD chief, and they revealed a “de-escalation” plan proposed by Pastor Myra Brown of Spiritus Christi Church, located across the street from City Hall and where a number of protesters had sought refuge from the police. A number of community elders would serve as buffers between the protesters and the police at that evening’s rally outside the Public Safety Building. Fifty elders answered the call, and that night’s rally was the first peaceful assembly since the beginning of the rallies.

That tenuous peace extended for several more evenings. On night #11, Saturday September 12, it dissolved, with furious clashes between the two sides at the intersection of Wilder and

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<sup>3</sup> See descriptions of these nightly events in Timeline accounts compiled by local media. These particular terms are found in reporting from WHAM- Channel 13 on September 5-6, 2020.

Child streets, leading to several arrests and more pepper spray and pepper balls shot into the crowd.

After two weeks of internecine battles, the City Council unanimously approved an independent investigation where every aspect of city actions involving the Prude matter could be subpoenaed and evaluated. The Council also directed the Mayor and RPD to develop guidelines for how the police will respond to future protest rallies, particularly the use of chemical weapons. According to a story in the February 13 edition of the Democrat and Chronicle, a draft version of that plan was delivered to the Council in January, but it was described by Interim RPD Chief Cynthia Herriott-Sullivan as “fluid” and not in its final form. It was reviewed in open session by the Police Accountability Board in mid-February, and the board’s questions revealed how many more details are necessary to ensure that the police response is appropriate and well-measured during these types of protest situations. Many questions remain, but several independent bodies are working to obtain transparent and sustainable responses. Our recommendations will be discussed in Part 2 of this report.

The City Council was not the only body upset over these developments. Members of the RASE Commission were equally outraged upon learning that the Mayor had not informed them of Daniel Prude’s death at the time of their appointment. The Mayor asserts that she first learned of the mishandling of the Prude case on August 4, and she swore in the members of the Commission on August 10. She, County Executive Bello and Chief Singletary (who did not attend) were invited to meet, virtually, with the full Commission on Labor Day morning. Many of the newly sworn Commissioners, some of whom had been at the rallies, expressed outrage at the actions of the police. They were equally perturbed that the Mayor had not disclosed this matter at the time of the swearing in, and there was a lengthy discussion of whether the Commission could do its work under circumstances where trust was so low. After nearly two hours of intense discussion, there was agreement to continue when the Mayor expressed her regrets and indicated how necessary this work would be for her future efforts to reform policies and programs on all levels.

Even so, the ground is rapidly shifting. Since the creation of the RASE Commission in mid-June, and its official launching in mid-August, several new developments have occurred:

1. The circumstances and implications of Daniel Prude’s death have become public.
2. Massive public demonstrations were launched by activists seeking justice for Mr. Prude.
3. An independent investigation, with full subpoena power, was authorized by the City Council, with no individual official, function or employee exempt from its scrutiny.
4. The Mayor ordered a complete audit of her administration’s actions by the city’s Office of Public Integrity, which promised an investigation beyond the Mayor’s control.
5. The NYS Attorney General convened a grand jury to examine all aspects of the Prude case. On February 22, she announced that a grand jury had failed to indict any of the seven RPD officers on any charges, but she did release “a comprehensive report with detailed descriptions of the events of March 22 and 23, 2020, legal analysis, all the evidence, findings, and recommendations that [her] office collected during the

investigation outside of the grand jury process.” Included were a number of specific recommendations regarding operations and procedures within the RPD.

6. The U.S. Justice Department has been asked to investigate the actions of the RPD and whether the civil rights of Mr. Prude were deprived. The disposition of that request is unresolved, with the transfer of power in DC.
7. The Mayor and City Council contracted for the services of the national law firm WilmerHale to develop new policing guidelines and standards, in order to comply with the Governor’s Executive Order 203 to address police reform. Concurrently, the Mayor appointed a “Working Group on Police Reform and Reinvention.”
8. The Police Accountability Board, approved by citizens’ referendum in 2019, has now become fully functional, with the hiring of its executive director. It now has the ability, as well as the authority, to conduct independent investigations into police operations.

Thus, within the space of six months, rather than one independent body (RASE) being vested with the duty to examine the operations of the RPD and the conduct of its employees, several new entities now occupy that space. This is in addition to the scrutiny directed from such advocacy groups as the United Christian Leadership Ministries (UCLM), MPACT (Ministers and Police Alliance for Community Transformation), the Faith Leaders Roundtable, Free the People ROC, and other allied groups. It is clear that the RPD is the most scrutinized entity in the City of Rochester and County of Monroe at this time.

Several groups – the United Christian Leadership Ministry, MPACT, the Police Accountability Board, the NYS Attorney General, and the Faith Leaders Roundtable – have submitted well-articulated proposals and recommendations that reflect the thinking of a diverse group of concerned citizens, who clearly support the need for a new way to deliver policing and allied services, like mental health intervention, in communities of color. These services will need to be tailored to meet specific needs, and they must be more transparent and more accountable to the communities they serve. Their workforces must be diverse along racial, ethnic and gender lines and more attuned to the unique needs of the citizens who require their services.

A review of these various constituent reports finds consistency in their findings with many that the RASE Commission is advocating. There may be slight differences in focus and tone, but we have all concluded that policing in this community must change, and that all of the negative consequences of its work must be banished. It is left to the Working Group on Police Reform and Reinvention and the WilmerHale consultants to take the various recommendations and knit them into a coherent plan.

Once all of this input has been submitted and analyzed, there will be a great necessity to extract the relevant issues of police operations and culture, and fuse them into a coherent and comprehensive plan that makes policing, mental health and social services in Greater Rochester totally responsive to the needs and security of all communities of color, especially the Black community.

We would not be at this moment of change and reinvention without the determination and persistence of thousands of outraged citizens, who took to the streets, to demonstrably and

peaceably point out a grievous wrong and demand that it be corrected. If the reforms and reinventions that are contained on these pages, and within the recommendations of others, are soon enacted, Rochester will finally live up to its legacy as a place where social justice for all people dwells, not just in words but actions.

A few notes about this report: This report is organized in three sections. Part 1 includes background information and the Commission's findings and recommendations. Part 2 contains the Working Group reports. Part 3 is an Appendix with supplementary material.

About language: Understanding that race is a social construct, it is necessary to refer to racial and ethnic groups in this report. These terms may be preferred or disfavored by individual readers. Our intent is to be as clear, specific and respectful as possible. Here is how we thought about the terms we use:

**BIPOC:** Black, Indigenous and People of Color. This is an encompassing term that has recently been embraced by many. We use this term when discussing issues that affect this broad group.

**Black and Brown:** We use this term to refer to people of African and Latin American descent.

**Black and African American:** We use this term to refer to people of African descent who have been subject to a variety of specific injustices, starting with slavery, in the United States.

**White:** We use this term to refer to people of Caucasian descent who have historically maintained privilege and supremacy in the U.S.

**Latino or Latinx:** We use these terms when speaking of people of Latin American origin or descent (inclusive of people with origins in Cuba, Puerto Rico and other places), with Latinx used as a gender-neutral or nonbinary alternative to Latino or Latina.



# Part 1: Background Information

## Charge of the Commission

Through the RASE Commission, our community has an obligation, as well as an opportunity, to bring together City and County government, community partners, existing initiatives and citizens to address the issue of perpetual and pernicious racial and ethnic disparities, particularly within the context of poverty, across the lifespan and across generations, as well as the impact of associated trauma and toxic stress. The traumatic events of recent years, including a rise of white nationalism and white supremacy and the deadly, inexorable violence against Black people by police and other malevolent forces, have exposed, once and forever, the contradiction between the founding ideals of equality and opportunity, and the reality of inequity as a result of racist laws, policies and practices.

The confluence of these factors has informed the work of the Commission as it reviews legislation, policies and practices which continue to pose barriers to equity, while developing the same to increase support for racial and structural equity, thereby positively impacting the future of our community.

These disparities derive from centuries of structural racism in America, beginning with the genocide of Native American peoples and enslavement of Africans and moving through the development and institutionalization of racist ideology and policies in nearly every facet of life in this country. The history of the United States is one where systems were built, and supported by law and force, to lock Blacks and other people of color out of economic opportunity and the ability to freely participate in society.<sup>4</sup> These include race-based and exclusionary policies in every aspect of life and commerce -- housing, employment, education, entrepreneurship, health care, and equal treatment by police and in the dispensation of criminal justice.

These inequities have been compounded over many generations by the failure of both public and private sector leadership to repudiate and replace these noxious and metastasizing conditions, as, for example, African Americans who could not own homes decades ago were unable to share in the benefit of homeownership, which is the most common transfer of wealth across generations.

While explicit policies of the past (banning Blacks from government-funded housing developments, racial covenants limiting property ownership to Whites, redlining which prevented Blacks from securing home loans<sup>5</sup>) are no longer in place, the systems they

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<sup>4</sup> Many sources could be cited here, including: <https://www.smithsonianmag.com/history/158-resources-understanding-systemic-racism-america-180975029/>

<sup>5</sup> Federal agencies from 1934 to 1968 used the racial makeup of neighborhoods to gauge risk in lending, using “redlining” to mark neighborhoods with nonwhite residents as ineligible for federally insured home loans. A wide variety of sources explain these dynamics, including:

created remain and are maintained by present-day structures and practices. Residential segregation by race continues in our community, with 72% of Monroe County Blacks living in the City and 83% of Monroe County Whites living in the suburbs. Suburban zoning policies, realtor and landlord practices of steering members of racial groups to different areas, and lower home lending rates to Blacks all play a role in maintaining segregation, which has profound implications for opportunity and equity. The segregation of racial groups into communities with unequal opportunities and resources maintains existing structures of power and opportunity that reduce social mobility and outcomes for Blacks and other people of color across generations, as demonstrated in research.<sup>6</sup>

This report addresses a full spectrum of focus areas, policies and systems that obstruct and constrain Black lives, and it offers solid recommendations for equitable changes. The issue of policing merits a special mention here. As noted previously, the Commission's work began in a context of fierce debate over the history of policing and the proper role of community policing from this date forward, including a mandate by New York Gov. Andrew Cuomo for every police agency in the state to review and recommend changes to police force deployments, strategies, policies, procedures, and practices to eliminate racial bias.<sup>7</sup> This mandate obviously applies to the Rochester Police Department, Monroe County Sheriff's Office and suburban police departments throughout the county.

While the RASE Commission seeks to inform that effort through this report, we also note that other community entities have engaged in research and community engagement and issued reports and recommendations that should be carefully examined and considered for implementation. As discussed in our Introduction, these include the Rochester Police Accountability Board,<sup>8</sup> United Christian Leadership Ministries, the Ministers and Police Alliance for Community Transformation (MPACT), and the Faith Leaders Roundtable.<sup>9</sup> Each of these specifically addressed the need for different supports and interactions for residents suffering from mental health distress, a critical issue brought to the foreground by Daniel Prude's death. We believe that the City, County and all police agencies in Monroe County should carefully consider all of these recommendations, including those found in this report, as well as the recommendations coming from the review conducted by the WilmerHale law firm on behalf of City government.

We believe that it is not merely the job of the Commission to identify and call out these racial inequities and divisions or to set forth innovative and sustainable solutions that can be adopted by City and County governments. Rather, this report must become the platform for generating broader community support from all sectors. This report cannot only be

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<https://www.washingtonpost.com/news/wonk/wp/2018/03/28/redlining-was-banned-50-years-ago-its-still-hurting-minorities-today/> and

[https://repository.upenn.edu/cgi/viewcontent.cgi?article=1002&context=cplan\\_papers](https://repository.upenn.edu/cgi/viewcontent.cgi?article=1002&context=cplan_papers)

<sup>6</sup> *Where is the Land of Opportunity? The Geography of Intergenerational Mobility in the United States*, by Raj Chetty, Nathaniel Hendren, Patrick Kline & Emmanuel Saez. <https://www.nber.org/papers/w19843>

<sup>7</sup> <https://www.governor.ny.gov/news/no-203-new-york-state-police-reform-and-reinvention-collaborative>

<sup>8</sup> <https://www.cityofrochester.gov/pab/answers/>

<sup>9</sup> *Becoming a New Policing Blueprint Community, Public Safety and Thriving Communities, A Model for Dignity*, the Faith Leaders Roundtable

embraced by those victimized by e inequities and disparities. It must be affirmatively and energetically embraced by those community members whose indifference to, and even acquiescence in, these conditions have led to generational denial and oppression of BIPOC individuals for no reason other than the color of their skin. The Commission seeks to impact the hearts and minds of the majority, who must move from being passively part of the problem to actively part of the solution.

While we do not expect that every word and idea herein will receive unanimous backing, the members of the RASE Commission submit these findings, and strategies for implementing them, with the expectation that they will be considered, embraced and followed through on by a significant core of the community.

## Commission Structure

The 21-member Commission is led by three co-chairs: former Rochester Mayor William Johnson, Ms. Arline Santiago, Esq., and Dr. Muhammad Shafiq. The Commission worked with a six-month goal to report back to the community on recommended changes to local laws and policies.

*The commission's formal charge:*

*In alignment with The City of Rochester and Monroe County's priorities for racial equity and social justice, the Commission on Racial and Structural Equity (RASE) is hereby charged to:*

*Inventory and assess current local laws/policies that either promote or are intended to eliminate institutional and structural biases, racism and inequities in the City of Rochester and Monroe County*

*Provide recommendations to enhance current local laws/policies to increase effectiveness, and/or "sunset" local laws/policies that are ineffective or no longer applicable*

*Provide recommendations on any new local laws/policies which address "gaps" identified per "a." and "b."*

The focus on policies and practices beyond those functions directly controlled by local government was necessitated by the inclusion of areas which functioned under the auspices of other sectors, such as other arms of the criminal justice system, education, healthcare, housing, job creation and economic development. There are many aspects of these sectors whose operations manifest institutional and structural biases, and racial disparities. They should not escape the analysis and reform efforts of the RASE process.

From the outset, the Mayor and the County Executive determined that the Commission would be comprised of twenty-one (21) members in addition to the co-chairs. Eight (8) were pre-designated because of their leadership roles in local governance and law enforcement in the community and their influence and authority to enact the changes recommended by the Commission. Among these were two members of the City Council and two members of the County Legislature, as well as the Monroe County Sheriff, Rochester Police Chief, the head of police union and the head of county public safety.

With the announcement of the formation of the Commission came very high community interest. People began reaching out through various channels to seek appointment. With only 13 seats to fill and interest numbering into the hundreds, the co-chairs and staff devoted much thought to the creation of the most objective method of identifying a slate of

nominees to present to the County Executive and Mayor, who were the final appointing authorities.

An application form which captured the candidate's background and personal interest in racial justice work was developed specific to the needs of this Commission. It was widely promoted through media and outreach to numerous community organizations and posted online. Two hundred and thirty (230) people completed it and expressed an interest in serving on the Commission. Additionally, a Selection Committee, comprised of 15 community members, was established to review the applications, interview the applicants, and recommend a slate of candidates to the chairs for their review. Persons who chose to serve on the Selection Committee knew that they could not be nominated to serve on the Commission. From the original 230 applications, 40 were submitted to the co-chairs by the Selection Committee for further screening. From this list, 21 were recommended to the Mayor and County Executive who made the final selection and appointment. It must be reiterated that no person was appointed to the 13 open Commission seats who did not submit an application, and who did not advance from the Selection Committee through the co-chairs. Appointment to the Commission was highly competitive, and steps were taken to ensure the integrity of the process, from beginning to end.

Less than a month after the Commission began its work, the news of Daniel Prude's fatal encounter with the Rochester Police Department rocked the city. After many days of protests, the roles of two Commissioners, Police Chief LaRon Singletary and Police Union (Locust Club) President Michael Mazzeo, became entangled in that controversy. Since both were designated appointees of the Mayor, she believed that their continued presence would hamper the Commission's work. Both were replaced by persons with strong police and union credentials.

# Working Groups

The bulk of the Commission's work was carried out through nine Working Groups, each facilitated by two to three Commissioners, and complemented by citizens who volunteered to serve. The focus areas for Working Groups were determined to represent the broad spectrum of sectors and areas where racial discrimination has produced inequity.

The Working Groups and their co-facilitators are:

- **Policing:** consider how to respond to Governor Andrew Cuomo's mandate to review policing policies, as well as community proposals to completely restructure the ways that police agencies perform their public safety and policing functions. Facilitators: Wayne Harris and Kim Nghiem
- **Other Aspects of the Criminal Justice System:** examine the role of other players in this system, such as the prosecution and defense of criminal cases, the probation and parole systems, the maintenance of city versus suburban justice systems, bail reform, and alternative adjudication systems. Facilitators: Logan X Brown, Danielle Ponder and Catherine Thomas
- **Education:** consider how to achieve equitable education outcomes for City public school students. Facilitators: Denishea Ortiz and Luis Ormaechea
- **Healthcare:** examine the government's role in reforming a system where people of color and all marginalized and poor people are denied access to equitable and quality health services? Facilitators: Sady Fischer and Stephanie Townsend
- **Mental Health and Addiction Services:** consider how to achieve better access to needed mental health and addiction services when people have no access to the healthcare system. Facilitators: Aaron Anandarajah, Eric Caine and Richard Tantalo
- **Housing:** identify strategies to achieve equitable access to housing/home ownership throughout Monroe County. Facilitators: Steve Brew and Damond Wilson
- **Job Creation:** identify ways that government can stimulate and incentivize job creation at a time when technology in the workplace is destroying job opportunities for people of color and all marginalized and poor people across the board. Facilitators: Todd Baxter and Frank Keophetlasy
- **Business Development:** identify strategies and resources necessary to expand minority and female-owned businesses. Facilitators: Marcus Dunn and Willie Lightfoot
- **Human/Social Services:** examine the full range of available human services for families, other adults and young people, which are operated and/or funded by the City and County, to determine where there are disparities in service delivery and outcomes. Facilitators: Karen Elam, Mitch Gruber and Bruce Popper

The complete roster of each working group can be found in the Acknowledgments.



# Methodology

The pillars of the RASE Commission work were law and policy analysis, data collection and analysis, and community engagement – all aimed at understanding how structural racism operates to reduce equity and opportunity in our community, and how it can be dismantled.

The RASE Commission's work kicked off with a daylong retreat for Commission members, staff and CGR to get to know one another and learn about structural racism, systems and local government. Commission members received copies of *The Color of Law* by Richard Rothstein, outlining how government policy directly caused racial segregation and inequitable access to decent housing, and the *Hard Facts* report by ACT Rochester and the Rochester Area Community Foundation, exploring the depth of local racial disparities across quality of life areas. Commission members also heard a presentation by Community Foundation Vice President Simeon Banister on local history exploring how the timing of African American migration to our area, as well as explicit policies, contributed to Blacks being left out of Rochester's economic growth. Elizabeth McDade also participated in the orientation and talked about the work of the Coalition to Prevent Childhood Lead Poisoning, sharing an example of how a commission of dedicated people could change policy in Rochester. Finally, the Commission learned about the structure and authority of City and County government, discussed in more detail below.

Thereafter, the RASE Commission met every two weeks to share updates and discuss progress. Commission members discussed the key issues they were identifying through the Working Groups, preliminary thoughts about recommendations, strategies for community engagement, and issues that went across Working Group areas.

Working Groups met on a weekly basis to identify key issues, priorities and ultimately recommendations through brainstorming, research, law and policy analysis, data collection and analysis, and community engagement. They identified and added members from the community who had expressed interest in the Commission's work, as well as local experts, practitioners and community members who were invited to join and share their knowledge and perspectives. Working Groups reviewed key resources, reports and data pertaining to their focus area to establish a common knowledge base for their members. They formed work plans outlining key issues they wanted to explore in more depth, their connections to local laws and systems, needed data and research, preliminary recommendations and connections to other Working Groups. Through ongoing community engagement, data collection and research, Working Groups confirmed and distilled priorities and developed deeper understanding of policy and law connections, leading ultimately to their final recommendations.

## Community Engagement

Community engagement was a high priority for the Working Groups and was carried out in a number of ways, including virtual town hall meetings, surveys and interviews of community members impacted by the focus areas, and tours of affected communities to speak with residents and business owners. Sessions were mostly held virtually, using a variety of platforms due to the COVID-19 pandemic, and some were streamed live on

Facebook. One group conducted a bus tour to gather perspectives from small business owners, while another held discussions with incarcerated youth, high school students and formerly incarcerated men.

Several of the groups designed and conducted online and paper surveys reaching hundreds of respondents. These surveys asked about individuals' experiences with structural racism and a variety of systems in our community, perspectives on the challenges faced, areas of need, ideas for improvement, and potential solutions. Paper surveys were distributed through community-based organizations and at accessible locations such as libraries in order to increase their reach.

## Data Collection

In addition to collecting primary data through surveys, interviews and other forms of community engagement, Working Groups examined data from a wide variety of official sources, including the U.S. Census Bureau, NYS Education Department, NYS Department of Criminal Justice Services, U.S. Small Business Administration, and U.S. Centers for Disease Control, as well as local sources such as Common Ground Health and the Monroe County Department of Human Services.

## Identification of Priorities & Recommendations

As described above, Working Groups used themes and findings from community engagement, data collection and research to confirm or modify their priorities, understand connections to local law and policy, and explore recommendations. Some Working Groups used criteria or matrices to help them assess and prioritize issues. One group used a rubric with criteria related to the issue's connection to City/County government, barriers to addressing issues, impact on local youth and other factors to help prioritize issues.

Details of each Working Group's efforts can be found in the Working Group Summaries section of this report.

# Mapping Our Community

## Overview of Our Community and its Racial Disparities

Since the summer of 1964, Rochester has been at the forefront of social change. The uprising of July 1964 thrust Rochester into the national spotlight as Black residents railed against discrimination in housing, employment, schools, and police-community relations. For three days, the Black citizens of Rochester let their discontent with racist practices be heard. At the end of the rebellion, organizations like F.I.G.H.T. (Freedom, Independence, God, Honor, Today), Action for a Better Community, the Urban League of Rochester and the Ibero American Action League emerged to address some of the issues of the day.

In the many decades since then, Rochester has continued to evolve its social justice efforts. Rochester Initiative on Structural Equity (RISE), Facing Race, Embracing Equity (FR=EE), the Rochester Monroe Anti-Poverty Initiative (RMAPI), the Racial Equity and Justice Initiative (REJI), and Interrupt Racism are a few of the initiatives aimed at recognizing and addressing racial injustice at the interpersonal and institutional levels. The RASE Commission acknowledges the groundwork that has been laid and is carrying the mantle to address the structural and systemic issues that allow inequities to persist in our county and city.

Below, you will find a Community Profile providing a data-focused overview of our community and its racial disparities across dimensions of individual and family well-being.



**741,770**  
**205,695**

Monroe County is located in western upstate New York and is centered on the City of Rochester, with 19 surrounding suburban and rural towns. According to July 2019 population estimates, Monroe County is home to 741,770 people, with 205,695 of them living within the Rochester city limits.

The County's population has remained relatively stable since 2010, while the population of the City has decreased almost 2.5%. (US Census Bureau)

**-2.5%**

### **THE LATINO POPULATION IS THE FASTEST GROWING SEGMENT OF MONROE COUNTY'S POPULATION, HAVING INCREASED BY 65%**

The community has seen a shift in terms of both age and race, indicating increased diversity among its citizens. Minority populations have grown in Monroe County, particularly among children and youth, while the white population has declined. The Latino population is the fastest growing segment of Monroe County's population, having increased by 65% in the County and 37% in the City of Rochester since 2000. During the same time period, the Asian population has increased by 50% in the County and 46% in the City; the Black/African American population has increased by 14% in the County and 1% in the City; while the white population has decreased by 2% in the County and 9% in the City.

41%

The population of Monroe County is aging and diversity is greater within the younger population. The number of people age 60 to 84 has increased by 41% and the number of people age 85 or older has increased by 33% since 2000.

25%

In the City, the number of people aged 60 to 84 increased by 25%, while the number of people 85 and older decreased 32%. Residents age 60 or older currently account for 23% of Monroe's and 16% of Rochester's population.

At the same time, the number of children, youth and young adults under the age of 20 has declined by 12% in the County and 19% in the City. Of the 180,483 children, youth and young adults under age 25 within Monroe County, 34% of them reside in the City of Rochester. Across the County, 19% of youth under 25 are Black/African American, 12% are Latino and 4% are Asian, compared to the City, where 42% are Black/African American and 22% are Hispanic/Latino. The margin of disparity grows when comparing City youth to those outside the City, where 7% are Black/African American and 7% are Hispanic/Latino. Even as the overall numbers of children, youth and young adults in Monroe County has declined, the Hispanic, African American and Asian populations are all more youthful than whites: 47% of Hispanics, 41% of African Americans and 38% of Asians were under 25, while 28% of whites were younger than 25. (US Census Bureau and ACTRochester.org)



The overall poverty rate in the County currently stands at 14.4%, up from 13.2% in 2013, which is slightly less than state and national levels and at first glance does not appear concerning. When one looks at the concentration of poverty, the scope and magnitude of the problem comes into focus. In contrast to County rates, the poverty rate in the City of Rochester sits at 32.6%, up from 31.1% in 2013.

The poverty rate for African Americans in the County is 35% and 39% in the City. The poverty rate for Hispanic or Latinos is 33% in the County and 43% in the City. By comparison, the poverty rate for Whites in the County is 10% and 25% in the City.



Poverty is further concentrated in certain areas or zip codes within the City. The number of census tracts with poverty rates greater than 40% grew from 14 in 1990, to 19 in 2000, to 27 in 2010 to 37 tracts in 2016.

(Sources: ACT Rochester and Hard Facts: Race & Ethnicity in the Nine County Greater Rochester Area).

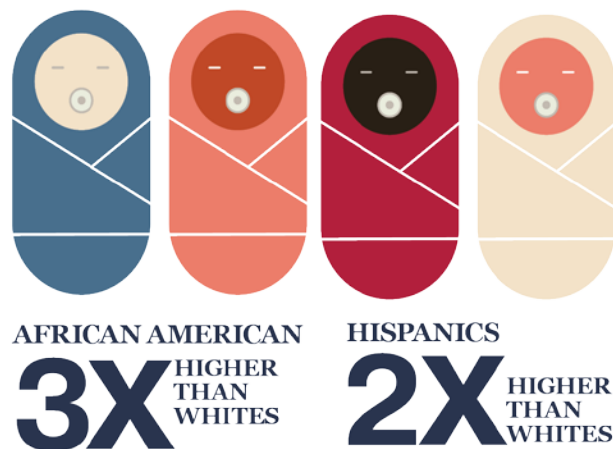
Poverty affects children, particularly children of color, at disproportionate rates as well. Across the County, 22% of children live in poverty, with wide variation based on racial and ethnicity. While 50% of Black/African American children and 42% of Hispanic children in the County live in poverty, 12% of white children do. A greater percentage of children live in poverty in the City across all racial and ethnic groups: 56% of Black/African American children, 55% of Hispanic/Latino children and 43% of white children in the City of Rochester live in poverty. (Source: Hard Facts: Race and Ethnicity in the Nine County Greater Rochester Area, ACT Rochester/Community Foundation-Update, August 2020).



## DISPARATE RATES BY RACE AND ETHNICITY, AND LINKED TO POVERTY, ARE SEEN IN A VARIETY OF WELLNESS INDICATORS.

While the infant mortality rate average for the County between 2015-2017 was 7.7 per 1000 live births, it was 12.2 in the City. Across the County, the infant mortality rate for Black/African Americans is 3 times that for whites: 15 per 1000 live births compared to 5 per 1000 for whites. The infant mortality rate for Hispanics (10 per 1000) is twice that of whites. (Source: Monroe County Department of Health) Additionally, African American infants are nearly 2.5 times as likely as white infants to experience low birthweight, which is a leading indicator of developmental and neurological problems. Latino infants are twice as likely to experience low birthweight as white infants.

### INFANT MORTALITY RATE



Passing rates on various measures of academic achievement in Monroe County have improved over the last few years, but disparities remain, with chronic absenteeism playing a role in success. On state assessments, white and Asian students in Monroe County achieved passing scores in the range of 52% to 63%. Hispanic and African American students achieved between 25% and 32% on 3rd grade assessments in 2019.



Notably, white and Asian students scored similarly in both 3rd and 8th grade, while Black/African American and Latino students' success in 8th grade dropped to 16% and 19% respectively. (Source: ACTRochester.org)

While graduation rates for schools in Monroe County perform on par with the rest of the state, the graduation rate in the Rochester City School District for a 4-year cohort for the 2018-19 school year was 63%, up from 51% in 2015. (Source: ROC the Future 2019 Annual Report)



*2019 graduation rates in Monroe County*

Graduation rates continue to vary by race and ethnicity, although the gap is beginning to decrease: County wide, 92% of white students, 71% of African American and 74% of Latinos graduated on time in 2019. (Source: ACT Rochester) If children are not in school, they cannot learn. In the Rochester City School district, for the 2016-2017 academic year, 30% of students in kindergarten through 3rd grade missed 10% or more of the school year (18+ days), meeting the standards for chronic absenteeism. Forty nine percent (49%) of RCSD high school students were chronically absent. The overall absenteeism rate for RCSD was 35%.

Median household income dropped 15% in Monroe County and 18% in the City of Rochester between 2000 and 2018. The median household income of Black/African Americans and Hispanic/Latinos within the County is less than half that of whites. Additionally, Black/African Americans in Monroe County earn 76% of what Black/African Americans earn nationwide and 65% of their peers across New York. Hispanic/Latinos earn about 64% of what Hispanic/Latinos earn nationwide and 68% of what Hispanic/Latinos earn in New York State. While Black/African American and Hispanic/Latinos in the City fare somewhat better relative to whites, all groups in the City earn between 58% and 56% of their counterparts across New York State. Black/African American and Hispanic/Latinos are more likely to be poor than whites throughout the lifespan.

**THE UNEMPLOYMENT RATE FOR WHITES IN MONROE COUNTY IS 4.4% COMPARED TO 14.1% FOR AFRICAN AMERICANS AND 11% FOR HISPANICS.**

Seventy-one percent (71%) of Whites own homes in Monroe County compared with 32% of African Americans and 34% of Hispanic or Latino adults. (Source: Hard Facts: Race and Ethnicity in the Nine County Rochester Area and ACTRochester.)

In our community, there has been a move toward collective impact and shared responsibility, with multiple initiatives to address the issues of poverty and racial disparities. State initiatives include the Rochester Anti-Poverty Task Force established in 2015, as well as the Empire State Poverty Reduction Initiative. Local initiatives include the Monroe County Paths to Empowerment program; Rochester Monroe Anti-Poverty Initiative (RMAPI); the City of Rochester's

Office of Innovation and Strategic Initiatives; ROC the Future (which strives to improve the academic achievement of Rochester's children as a means by which to address poverty and racial disparities); Pathways to Prosperity (a link between regional economic development and anti-poverty efforts focusing on the relationship between education, employment and poverty); Connected Communities (focusing on holistic revitalization of select neighborhoods); Unite Rochester; Stand Against Racism; Person2Person; and Great Schools for All. The United Way Blueprint for Change for 2016-19 focused on four (4) areas: basic needs, giving babies the best start, preparing kids for success, and supporting seniors and caregivers.

In addition, the City of Rochester was chosen as one of 16 cities to receive a Smarter Cities Challenge grant from IBM in 2015. During a three-week period in October 2015, a team of five IBM experts worked to deliver recommendations to improve the delivery of services to individuals in need. They found five overarching themes related to serving individuals:

- 1.** Misalignment of agency services. Poverty awareness across City, county and state organizations has generated genuine efforts to fund programs that address related issues. The result, however, is a community that is "program rich but results poor."
- 2.** Reactive with no focus on proactive and preventive action. While the programs and services have succeeded in assisting those they are intended to serve, there is no material decrease in poverty being recorded.
- 3.** Lack of person-centric delivery and measurement system. Programs that provide services to those in need tend to operate in a mode of self-sustainment.

4. Unrealized potential within the community. The IBM team consistently heard that communities and neighborhoods need to play a more significant role in helping children and their families succeed.
5. Inconsistent approach to data sharing across government, education, nongovernmental organizations (NGOs) and nonprofit organizations. Improvement is essential in helping reduce poverty.

...

**These findings clearly point to a need to link the individual systems with a more institutional and systemic approach to assisting our communities most impacted by structural racism.**

...

## Opportunity Mapping

One tool that can help us see the outcomes associated with structural racism in the systems in our community is opportunity mapping. Using data that measures aspects of access to opportunity or quality of life, we can create maps showing where opportunity/quality of life is higher and where it is lower, and compare that to the racial and ethnic makeup of communities within Monroe County.

To further understand racialized inequity in our area, we can examine the maps below, created using U.S. Census Bureau data at the census tract level on median household income, share of adults with bachelor's degree or higher and the share of households spending 30% or less of their income on housing. The indicators were selected because high incomes, high education levels and affordable housing are all indicators of quality of life that also impart opportunity to future generations.<sup>10</sup> The indicators were combined into one value representing an Opportunity Index.<sup>11</sup>

In the following map of Monroe County, the areas shaded darker red have the lowest Opportunity Index levels, while the lighter orange areas have higher levels.

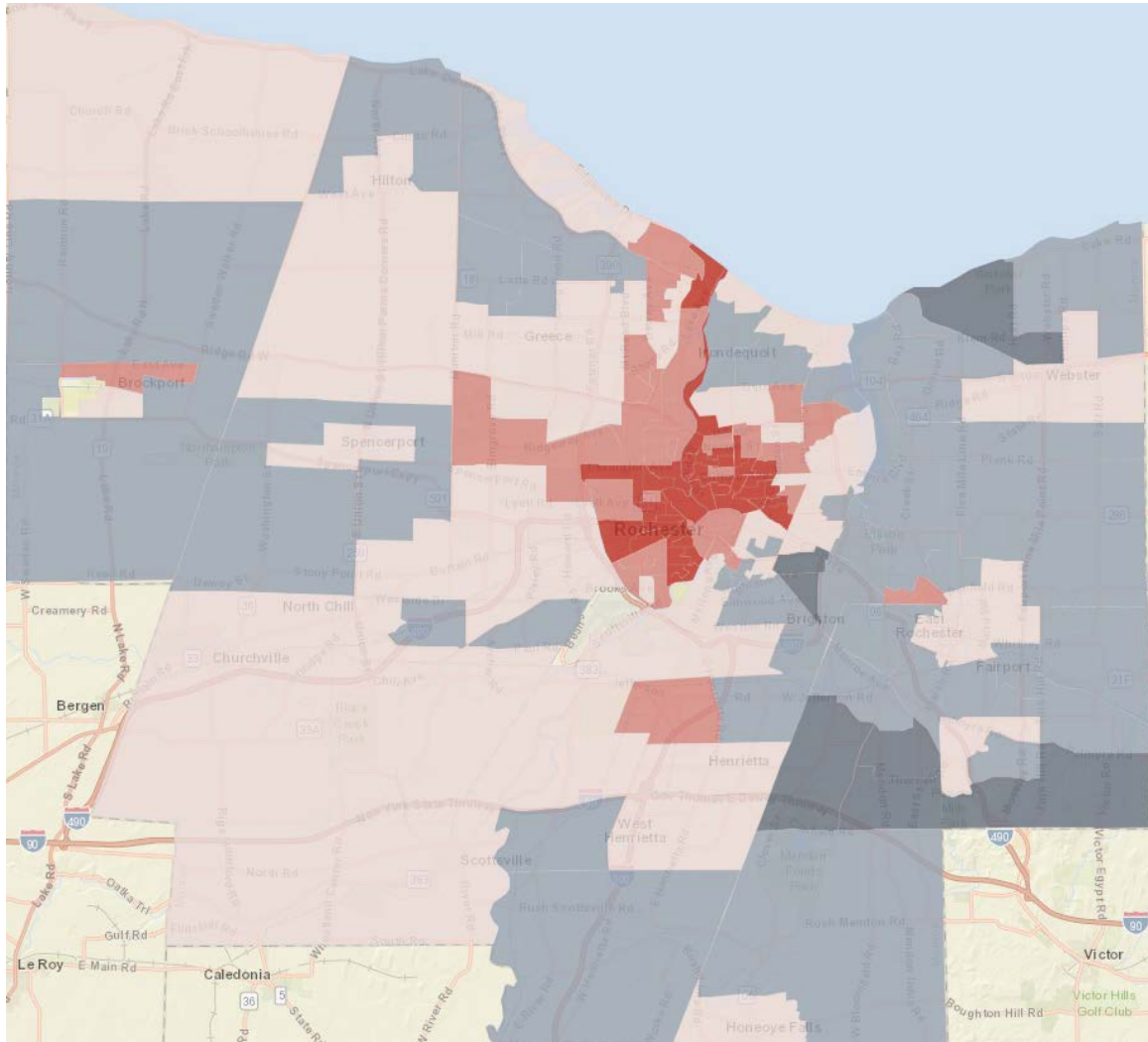
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<sup>10</sup> Other variables have similar effects; these were chosen for ease of access and use.

<sup>11</sup> The income data underwent a log transformation to adjust the distribution. Using the same methodology used by [opportunityindex.org](http://opportunityindex.org) the individual indicators were rescaled:  $((\text{observed value} - \text{lowest value}) / (\text{highest value} - \text{lowest value})) * 100$ . The final index value was computed as the average of the three indicators.



## Monroe County Opportunity Index



### Legend

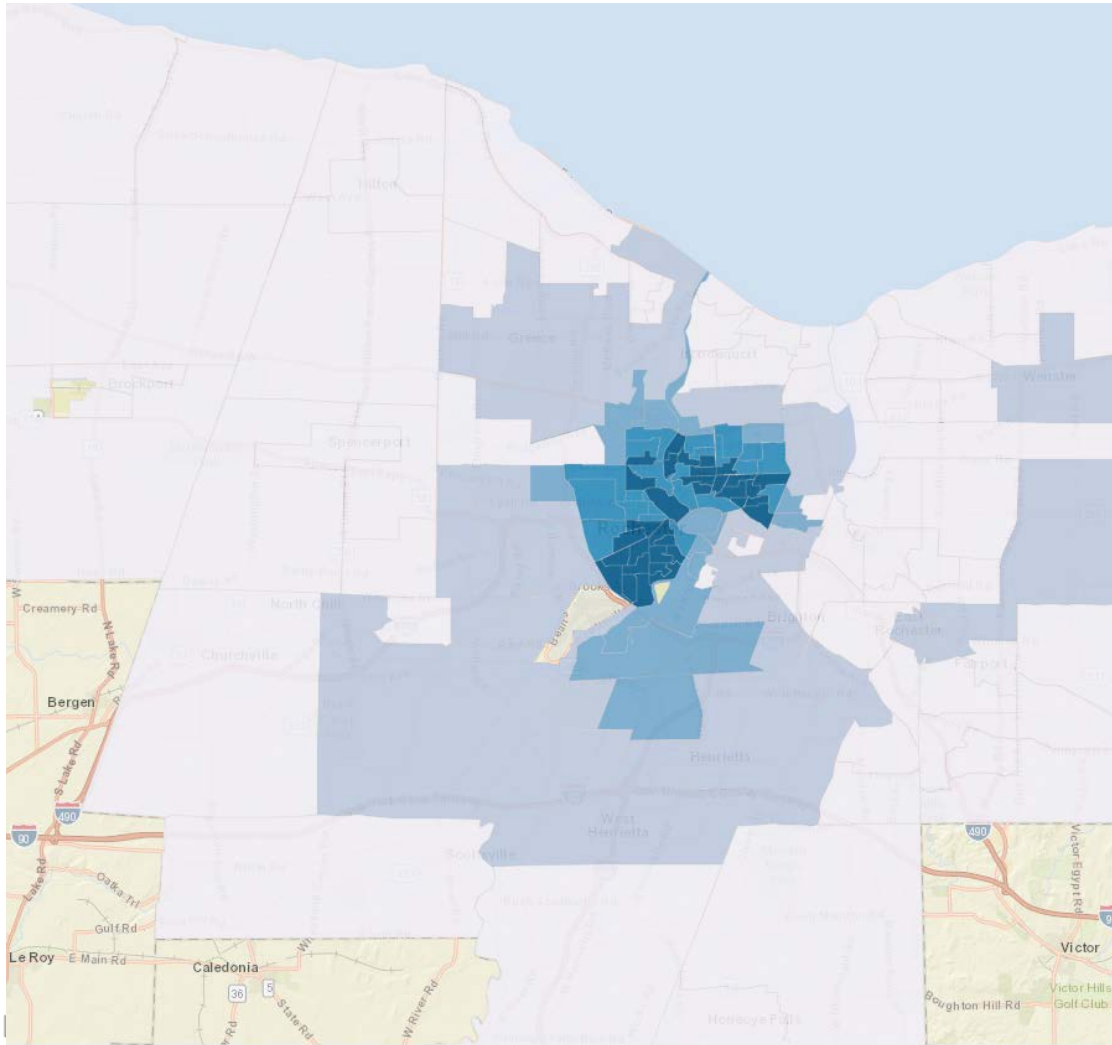
#### Monroe County

#### Opportunity Index



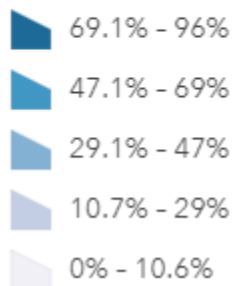
As illustrated below, our Opportunity Index correlates with race, with areas of the County with higher nonwhite populations shown in gradations of blue.

## Monroe County, Share of Population that is Non-white



### People of Color

Percent of population who are people of color (non-white)



The maps can be found and manipulated online at <https://arcg.is/P1vHa>.

# Mapping the Systems

## Structural Racism

As discussed above, the RASE Commission was designed to combat structural inequities that exist because of race, racialization, and racism in the City of Rochester and Monroe County. These dynamics of racism have been in existence since before our country's founding and rule every dimension of our lives. Yet, they are not clearly understood by all. Therefore, in order to understand how to eliminate structures and systems of racial inequity, we must first define what racism is and how it operates in our daily lives.

Racism is a complex dynamic that can be defined at four levels: internalized, interpersonal, institutional and structural.<sup>12</sup>

**Internalized racism** happens within an individual's own psyche. It is the conscious and unconscious acceptance of negative attitudes, beliefs, ideologies, and stereotypes about oneself, one's racial group, and other groups based on a racial hierarchy. Internalized racism speaks to how we see and feel about ourselves as a member of a racial group. It can lead to a false sense of inferiority or superiority. It governs how people interact with authority, what is tolerated and accepted, and what a person believes he/she can or cannot do.

**Interpersonal racism** occurs between individuals. This happens once our conscious or unconscious racial bias becomes part of our interactions with others. Interpersonal racism may appear as racial slurs, discriminatory practices, unfair treatment, and threats or harassment based on race. This is where most conversations about racism occur, but it is not where conversations should stay or end.

**Institutional racism** exists in policies, procedures, practices and cultures of institutions/organizations that produce racially disparate outcomes. This form of racism may appear as lack of diversity in hiring practices, disparity in wages and earnings, lack of promotional or advancement opportunities, and/or disparate disciplinary actions. And, they occur even if the people working within those institutions have good intentions.

**Structural racism**, which is the focus of the RASE Commission, exists across institutions and is dynamic and cumulative in its impact. It is a system in which public policies, institutional practices, cultural representations, and other norms work to routinely advantage whites while producing cumulative and chronic adverse outcomes for people of color. It is a system of hierarchy and inequity, primarily characterized as white supremacy

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<sup>12</sup> Many resources explore these terms and concepts. We consulted several, including the Aspen Institute's Glossary for Understanding the Dismantling Structural Racism/Promoting Racial Equity Analysis (available at [www.aspeninstitute.org](http://www.aspeninstitute.org)), [www.movetoendviolence.org](http://www.movetoendviolence.org), <https://www.racialequitytools.org/glossary> and [Systems Thinking and Race: A Workshop Summary](#).

– the preferential treatment, privilege, and power for white people at the expense of racially oppressed people. Structural racism is not something that a few people or institutions choose to practice. Instead, it is a feature of the social, economic, and political systems in which we all exist. It is interdependent, interacting and compounding.<sup>13</sup>

Systems thinking helps explain how structural racism and other structures that limit opportunity and equity exist across institutions and within systems. Systems thinking encourages us to use a broad perspective that includes seeing overall structures, patterns and cycles in systems, rather than seeing only specific events, issues or problems.

In *Systems Thinking and Race*, the authors explain:

“In most conversations, people think about racism as a problem between two or more individuals. From a systems perspective, different facets of racism work interactively to reinforce a system that racializes outcomes. In other words, interactions between individuals are shaped by and reflect underlying and often hidden structures that shape biases, create disparate outcomes even in the absence of racist actors or racist intentions. The presence of structural racialization is evidenced by consistent differences in outcomes, whether you are looking at educational attainment, family wealth, or life span that correlate with the race of the community.”

## Systems

As discussed above, structural racism comes from policies, practices and processes across systems that produce racialized outcomes (or different outcomes for different racial groups). As explained in *Systems Thinking and Race*:

“Structural inequity describes a dynamic process that generates differential outcomes based on class, race, gender, immigration status, etc. Structural inequities work well for a few, but in fact work against most people. The outcome of Structural Racialization is a highly uneven geography of opportunity that constantly changes and evolves, and does not require explicitly racist actors. Our challenge is to identify the most effective ways to change or interrupt the processes that create inequity.”

Some of the biggest systems that impact individuals and families easily demonstrate how racialized policies, practices and outcomes in one can impact the others, and in fact, how they reinforce each other. Core outcomes such as family stability, wealth and individual well-being can all be affected by systems ranging from child welfare to K-12 education to criminal justice to quality housing to civil service and employment. If there are racial disparities in one system --child welfare, as an example --this will have a disproportionately negative effect on the family stability of families of color. Due to the historic legacy of redlining and other racialized housing policies, families of color are more likely to live in undervalued neighborhoods and have less access to quality, affording housing with recreation, parks and grocery stores nearby. They may also not live in close proximity to

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<sup>13</sup> Definitions from materials used by Rochester’s Racial Equity and Justice Initiative, adapted from the Aspen Institute.

living-wage jobs that are located in downtown areas or the suburbs, or have access to convenient transportation if they do not have the resources to own a car. In these ways, BIPOC face structural barriers across systems that limit opportunity and result in the inequitable outcomes discussed above and displayed in the maps of Monroe County.

### Levels of Intervention

In thinking about remedies for structural racism and its effects, efforts can be targeted at several levels. Efforts aimed at **Individuals** provide services or education to the individuals impacted. If we think about access to homeownership as an example, an individually focused intervention would be increasing knowledge of homebuyer assistance programs for those in need. Interventions at the **Institutional** level change policies or practices of organizations. Following our example, an institutional intervention for low levels of homeownership among a racial group would be changing policies and practices within a bank to increase lending to members of that group. **Structural** interventions work to achieve change across institutions, focusing at the system level. In this example, the structural intervention could be increasing legal requirements and enforcement of them to ensure fair lending practices across lenders.

While interventions at all three levels are important and can be powerful, the RASE Commission is focused on **structural interventions**.

# Authority of City and County Government

Key to the RASE Commission's work is an understanding of the authority and purview of the local governments that created it. Under their respective roles as chief executives, the Rochester Mayor and Monroe County Executive both have the authority to propose local laws, sign or veto legislation approved by City Council or the Monroe County Legislature, implement policy, supervise the executive branch of local government, prepare an executive budget for submission to city council or the Monroe County Legislature, and appoint and remove executive officials.

Under their respective roles, the City Council and the County Legislature have the authority to propose and approve local laws, amend and approve the executive budget of their governments, levy taxes to support the budget, confirm the appointment of key executive officials and some board/commission members, and focus governmental and public attention on specific issues through legislative efforts and processes such as public hearings.

Factors which limit the authority of city and county government include:

- State statutes and authority, which sets the boundary of local government authority and creates mandates for local governments to follow.
  - An example is the civil service law, which creates a prescribed system for testing and selecting employees for many jobs within local government.
- Collective bargaining agreements with public sector unions, which govern work practices, compensation levels and disciplinary procedures. Though the agreements are bargained and mutually agreed upon, once in place, they can be very difficult to change.
- Key County officials are independently elected.
  - Sheriff, District Attorney, Clerk
- Neither government has any management/policy authority over local schools, though local tax revenues flow to the schools in a variety of ways and schools provide a critical local function, nor do they have any authority over town or village governments within the County. There are specific financial commitments which each enters into, such as funding which the City provides to the City School District, and the sharing of sales tax revenues by the County with the City and County municipalities, but these financial commitments do not confer any authority for interfering with or directing actions of these autonomous units of government.

The table on the following page outlines major functions and departments of each government that pertain to each of the RASE Working Groups, and then additional major functions.

<b>RASE Group</b>	<b>City of Rochester</b>	<b>Monroe County</b>
Policing	Rochester Police Dept	Sheriff's Office • Corrections, Road Patrol, Civil Unit, and Court Security
Criminal Justice		Public Safety Dept • Probation, 911, Stop-DWI, Alternatives to Incarceration
		Public Defender
		District Attorney
Education	Provides funding for Rochester School District	Monroe Community College
Healthcare		Public Health Dept
		Monroe Community Hospital • Medicaid administration (within Human Services Dept)
Mental Health & Addiction Services	Recreation & Human Services Dept • Family & Crisis Intervention Team	Office of Mental Health (within Human Services Dept)
Housing	Neighborhood & Business Development Dept • Zoning, code enforcement, housing development	Planning & Development Dept • Administer federal housing programs
Job Creation	Neighborhood & Business Development Dept • Economic development	Planning & Development Dept • COMIDA, Workforce Development
Business Development	Neighborhood & Business Development Dept • Economic development	Planning & Development Dept • COMIDA, Workforce Development
Human & Social Services	Recreation & Human Services Dept • R Centers (recreation), Public Market	Human Services Dept • Income support, medical/nutrition assistance (including Medicaid), children & family services, youth bureau, mental health
<b>Other</b>		
Emergency Services	911/311 Rochester Fire Department	
Environmental	Environmental Services Parks	Environmental Services Water Authority
Transportation		Transportation Dept Rochester Genesee Transit Authority Airport
Additional		Clerk Board of Elections Parks



## Review of Local Laws

To further understand the role of local government, the RASE Commission conducted a scan of local ordinances to identify any that pose barriers to equity in our community. Online versions were reviewed:

- City of Rochester: <https://ecode360.com/RO0104>
- Monroe County: <https://www.ecode360.com/MO0860>

The review did not uncover specific laws that explicitly limit or pose barriers to equity. A summary was shared with RASE commissioners and some Working Groups used the information to shape recommendations discussed in the Working Group summaries. The summary, provided in the Appendix to this report, identified connections between Working Group focus areas and local laws. Some examples of relevant connections include:

- The City has a human rights ordinance<sup>14</sup> which bans discrimination in public accommodations, employment, financing, housing, and City services on the basis of age, race, creed, color, national origin, gender, gender identity or expression, sexual orientation, disability, marital status or source of income. The ordinance specifically bans redlining, and a provision added in 2017 prohibits landlords from discriminating against renters based on the source of their income (meant to end a practice of landlords not renting to those receiving government rental assistance). It also includes a fair employment screening component, added in 2014, which specifically prohibits employers located within the City from asking job applicants about criminal convictions during the application process. The County does not have a similar law. Potential opportunities: County to adopt a similar law; ways in which the City might further or strengthen the objectives of the law.
- Both the County and City have the ability to adopt comprehensive planning processes in statute. The City's plan, Rochester 2034, was adopted by City Council in November 2019. The City plan is being incorporated into its zoning ordinances. The County intends to launch a planning process in 2021 that will produce the first County Comprehensive Plan in many years. Potential opportunities: There may be methods to adopt as part of these plans/planning processes to increase racial and structural equity, for example, through broadening the availability of affordable housing throughout the County.
- The County has local ordinances charging criminal justice-related fees for probation and electronic home confinement. Nationally, these types of fees have been criticized for contributing to poverty. In addition, other local ordinances, such as City codes regarding bicycles, noise and other issues, could be enforced in inequitable ways. Potential opportunities include eliminating fees and exploring how ordinances are enforced.

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<sup>14</sup> <https://www.ecode360.com/8676660>



In addition to reviewing this material, the Commission investigated the potential for new legislation to be developed to enhance racial and structural equity, including through research into efforts in other local areas. The results of this exploration are detailed in recommendations of the Commission and specific Working Groups.

## Part 2: Commission Findings

Through the process of data collection, research and community engagement described above, the Working Groups each identified key issues and priorities related to improving racial equity. The Commission also analyzed the issues to uncover the cross-cutting, overarching themes connecting them.

This section has three parts: a summary of the top priorities identified by each Working Group, a discussion of cross-cutting themes, and the Commission's recommendations. Full explanations of each issue and the processes the groups used to identify and prioritize issues are found in the Working Group summaries in Part 3 of this report.

In the Recommendations section, specific recommendations are reported and categorized under five specific action areas. While these items may appear to be redundant, in this section they are stated in actionable and measurable terms. They are also attributable to the specific Working Group that originated them. These will be tied to our implementation strategy, to ensure full accountability for these recommendations.

### Working Group Priorities

The central themes and conclusions of this Commission are based on the reports from the nine Working Groups. Throughout their deliberations, these groups examined a number of issues that illuminated many racial disparities and systemic inequities throughout this community and the nation. These issues were further examined and validated through various community engagement methods, within the significant constraints imposed by the coronavirus pandemic. These processes are described elsewhere in this report. To conclude the work of these nine groups, each of them reviewed the issues that they had discovered and ranked their top priorities. Those are reported in this section by Working Group category.

#### Business Development:

- Access to capital: Businesses owned by BIPOC often have inadequate access to capital needed to launch and sustain operations. Traditional loan requirements, including business and credit history, are barriers to capital, and these businesses receive insufficient support from local government programs.
- Operations/mentorship: Information regarding available government assistance is not reaching the intended audiences, and there is a lack of culturally competent mentorship.
- MWBE<sup>15</sup> contracting: Process to becoming certified as a Minority or Women-Owned Business Enterprise is difficult, and bidding process has barriers for MWBEs, especially those that are small.

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<sup>15</sup> Note that MWBE is an official term used on contracting laws and policies that uses the dated term "Minority" to describe people of color.

### Criminal Justice:

- Pre-arrest diversion: Disproportionate arrests of Black residents point to a need for culturally competent intervention services and an end to police stops and arrests for minor infractions.
- District Attorney/Public Defender: Inequitable practices impacting BIPOC include lack of 24-hour arraignments for people arrested in the City (as opposed to those in the suburbs); lack of adequate funding for the Public Defender's office, contributing to an overwhelmed Family Court section, as one example; and lack of transparency and progressive policies in the District Attorney's office.
- Court/probations/jail: A focus on punishment, rather than restorative justice and rehabilitation, includes charging fees for probation services and calls to/from inmates of the jail.
- Juvenile justice: Youth with severe mental health diagnoses (i.e., schizophrenia, manic depression) who have been charged with crimes are being placed in a juvenile detention facility that is not equipped to meet serious mental health needs, in violation of state regulations.

### Education:

- Limited access and resources: The Rochester City School District, which serves the majority of BIPOC students in Monroe County, has inadequate mental health and social emotional supports, as well as enrichment and advanced learning opportunities.
- Testing and curriculum: State testing regimen identifies urban schools as failing, resulting in negative impacts on student engagement and self-esteem, and schools lack an anti-racist curriculum.
- Language access and resources: English Language Learners experience a variety of inequities, including lack of choice in instructional programs, inadequate access to mental health supports, and assessments and parent activities that are not offered in native languages.
- Funding: Inequitable state funding contributes to disparities for Rochester City School District students. The City has contributed the same level of school funding even as RCSD costs have increased. Voter exclusion from school funding decisions limits input regarding the City's contributions. Additionally, administering funding to private and charter schools uses vital RCSD human and capital resources.

### Healthcare:

- Government systems and infrastructure: City/County health structures do not have needed focus on racism and impact on health for BIPOC.
- Access & affordability of healthcare: Expanded access to care in BIPOC communities, including variety of services and living wages for workers, is needed to increase racial health equity.

- **Social determinants of health:** Social and economic inequities for BIPOC, including lower incomes and less access to healthy food and recreation spaces, negatively impact health. Notably, these are the same factors that have put BIPOC at greater risk of illness, hospitalization and death during the coronavirus pandemic.

#### Housing:

- **Discriminatory practices:** Historic practices such as redlining and racial covenants have given way to current discrimination in the form of inequitable lending practices and income discrimination by landlords that continue to limit housing options for BIPOC.
- **Land use regulations and economic development incentives:** Exclusionary zoning codes in the suburbs concentrate public and lower income housing options in the City, limiting location choices for BIPOC residents with fewer means.
- **Housing affordability:** Black and Latinx residents in Monroe County face unique affordability challenges, paying significantly more of their income toward rent than those of other racial and ethnic backgrounds. This is happening while the costs for housing continue to increase, thus limiting housing options for BIPOC.

#### Human Services:

- **Disproportionality in child welfare:** African-American children in Monroe County disproportionately enter out-of-home (foster) care placements by a significant margin.
- **Eligibility for financial assistance:** Monroe County has disproportionately high rates of sanctions for non-compliance and fair hearings. That disproportionality leads to significant reductions of financial support to those in need.
- **Older adults:** Older BIPOC adults face a range of issues, from disproportionate and increasing rates of poverty, to challenges affording health care, nutritious food, safe/quality housing and transportation, to difficulties adapting to new, expensive technologies.
- **Lack of cultural competency:** Racially inequitable client outcomes result from a lack of policy, administration, practice and service delivery centered on cultural competency.

#### Job Creation:

- **Civil service:** The civil service system is antiquated and has been manipulated to provide BIPOC with inadequate access to good-paying, secure government jobs.
- **MWBE enterprises:** Process to becoming certified as a Minority or Women-Owned Business Enterprise is difficult, limiting these firms' ability to provide meaningful job opportunities to BIPOC.
- **Job accessibility and equity:** Barriers to employment include transportation, child care, pay discrimination and inflated minimum requirements in credentials, education and experience that may not be needed for success at the job. Inequitable promotion

practices and disproportionate employment in low-wage industries depress wages and income of BIPOC workers.

#### Mental Health and Addiction Services:

- Limited availability of needed services: Availability of sufficient, high-quality mental health and addiction services in trusted community settings is extremely limited for BIPOC and low-income people.
- Lack of cultural competency: A lack of diversity and cultural competency among local, licensed mental health or addiction providers (in both public and private systems) leads to inadequate or inappropriate services for people of color.
- Misalignment: Mental health and addiction services are often unaligned and disconnected, as are City and County initiatives on these issues. Misalignment exacerbates and prolongs racial and ethnic inequities in access to mental health and addiction services.

#### Policing:

- Hiring: Lack of diversity on police forces hinders equitable treatment.
- Training: Gaps in police training include cultural competency and implicit and explicit bias, de-escalation, sanctity of life and trauma; this contributes to negative outcomes for BIPOC interacting with police.
- Operational practices: Practices, including lack of data collection on police-citizen interactions and accountability for officers who violate policies, are insufficient to ensure proper behavior by police officers.

## Cross-Cutting Themes

There are several issues derived from the individual Working Groups that intersect with similar concerns from one or more Groups. This intersectionality is very important to identify because if the issues are addressed separately, resources may be spread too thin, and meaningful progress may be dissipated and ineffective. Eliminating racism and structural inequities will require powerfully effective systemic strategies. The discussion of cross-cutting themes is a means of identifying the strength of these issues and the most effective way of addressing them.

Below, we discuss six cross-cutting themes and illustrate them with issues identified by the Working Groups.

### Theme 1: BIPOC within the City/County possess inequitable and inadequate access to essential resources and systems critical to closing equity gaps

#### Key Issues Identified

The RASE Commission Working Groups identified numerous systems and opportunity networks across sectors that provide inadequate access for Black, Indigenous and People of Color. This includes access to capital for minority-owned businesses, access to civil service jobs within government, and access to a variety of housing options in local areas and neighborhoods across the County.

#### What policies are at play?

#### Access to Capital

Minority-owned businesses represent a disproportionately small share of enterprises in our community. Approximately 18% of firms in Monroe County were minority-owned in 2012, with 10% being Black-owned and 4% being Latinx-owned, while in the City of Rochester, 36% of firms were minority-owned in 2012, with 25% being Black-owned and 7% being Latinx-owned.<sup>16</sup> These rates are far lower than the population, which is 30% minority in Monroe County and 63% in the City.

While it is illegal to deny credit based on race or ethnicity, local interviews (detailed in the Business Development Working Group Summary) and national data demonstrate lower access to capital for Black and Latinx-owned businesses as a major difficulty in creating and sustaining business operations.<sup>17</sup> This suggests a need for further policy action to address the issues that are resulting in lower lending rates.

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<sup>16</sup> 2012 Census Bureau Survey of Business Owners

<sup>17</sup> See: <https://advocacy.sba.gov/2020/07/23/minority-owned-employer-businesses-and-their-credit-market-experiences-in-2017/>



## Civil Service

Civil service is a system that has been in place for decades, originally intended to prevent patronage and create a fair playing field for obtaining jobs. Civil service offers some of the most stable, well-compensated employment available in our community, with good wages and attractive benefits, including health benefits and pensions. Revamping the civil service system could provide an opportunity for real equity in a major sector of jobs throughout the city, county and state.

Policies contributing to inadequate access to civil service jobs include the state civil service exams and policies for awarding jobs. The Job Creation Working Group identified poor marketing of exam opportunities, unnecessary job requirements, and the “rule of 3” requiring hiring from the top 3 exam scorers as factors contributing to inequitable access.

## Residential Segregation

Residential racial segregation, discussed in the Introduction to this report, plays an important role in limiting access to housing options, educational opportunities and resources such as health care. Specific, contributing policies include suburban zoning policies that require minimum setbacks or lot sizes that discourage or prevent the development of affordable housing options.

Exclusionary zoning policies such as these limit where affordable and multi-family housing can be built in our region, with a substantial portion of the most affordable, public and / or income-restricted housing stock concentrated in the City of Rochester, and to some extent, in neighboring suburbs.<sup>18</sup> Exclusionary zoning was sometimes adopted with explicitly racist intent in decades past.<sup>19</sup> Today, whether intentional or not, zoning still contributes to racial and class divisions. Note that while cities, towns and villages in New York are enabled to adopt zoning, counties cannot; county governments may, however, prepare comprehensive plans that lay out guidance or overarching goals for development.<sup>20</sup> The County is preparing to begin a comprehensive planning process in 2021.

Historic practices such as redlining, racial covenants and other discriminatory real estate practices provided white residents of our region a pathway to build wealth through homeownership, while excluding Black residents. While this overt discrimination is barred today,<sup>21</sup> our community still reflects this dynamic, with redlined neighborhoods continuing to suffer from disinvestment and many residents having been denied a significant opportunity to build intergenerational wealth. Even today, Black and Latinx residents of

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<sup>18</sup> Johnson, William A., Jr. “Sprawl and Civil Rights: A Mayor’s Reflections.” In Bullard, Robert D. (Ed.), “Growing Smarter: Achieving Livable Communities, Environmental Justice, and Regional Equity.” The MIT Press.

<sup>19</sup> Reynolds, Conor Dwyer. “The Motives for Exclusionary Zoning.” [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3449772](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3449772)

<sup>20</sup> New York State Department of State. “Land Use Planning and Regulation.” [https://www.dos.ny.gov/lg/handbook/html/land\\_use\\_planning\\_and\\_regulation.html](https://www.dos.ny.gov/lg/handbook/html/land_use_planning_and_regulation.html)

<sup>21</sup> Racial covenants cannot be legally enforced but may still have impacts. See: [https://deepblue.lib.umich.edu/bitstream/handle/2027.42/143831/A\\_12%20Racially%20Restrictive%20Covenants%20in%20the%20US.pdf?sequence=1&isAllowed=y](https://deepblue.lib.umich.edu/bitstream/handle/2027.42/143831/A_12%20Racially%20Restrictive%20Covenants%20in%20the%20US.pdf?sequence=1&isAllowed=y)

Monroe County own their homes at less than half the rate of white residents (32% among Black residents, 35% for Latinx, and 71% for white).<sup>22</sup>

There also is strong evidence that housing discrimination against Black and Latino residents continues today, albeit in more subtle forms. Consider, for example, recent instances of [redlining](#)<sup>23</sup> and reports of income discrimination against tenants who receive public assistance, despite a 2019 state ban on such discrimination. Empire Justice Center (EJC) and the Greater Rochester Community Reinvestment Coalition (GRCRC) have documented high rates of [home loan denials](#) to Black and Latino applicants.<sup>24</sup> EJC and GRCRC as well documented that the recent foreclosure crisis disproportionately harmed predominantly Black and/or Latino neighborhoods in the City of Rochester.<sup>25</sup>

In addition, the organization of schools into local districts segregates a majority of Black, Latinx and other children of color in the City and inner-ring suburbs and higher income and white children in other suburbs.

### Connections to Local Laws

Existing local laws do not bear directly on access to capital or civil service. Civil service is a state system governed by state laws and regulations.

Residential segregation is an issue with more direct connections to local laws and regulations, through zoning codes and local government Comprehensive Plans. The City of Rochester has a comprehensive plan in place, and Monroe County is embarking on a comprehensive planning process. Comprehensive plans are adopted by local governments to lay out ideas, aspirations and overall goals for community development. For example, Rochester's [Comprehensive Plan](#)<sup>26</sup> addresses equitable housing and establishes diverse housing outcomes as a placemaking principle. Goals in the plan for housing include supporting innovative and equitable housing and community development. Comprehensive plans influence the creation of local laws and zoning codes, which directly impact development.

In a broader sense, the City's human rights ordinance relates to this theme of access to resources and systems. As discussed above, the ordinance<sup>27</sup> bans discrimination in public accommodations, employment, financing, housing, and City services on the basis of age, race, creed, color, national origin, gender, gender identity or expression, sexual orientation, disability, marital status or source of income.

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<sup>22</sup> U.S. Census Bureau, American Community Survey, 2014-18.

<sup>23</sup> Daneman, Matthew. Democrat and Chronicle. "NY settles with Five Star Bank over mortgages." <https://www.democratandchronicle.com/story/money/2015/01/18/five-star-settles-redlining-claims/21879775/>

<sup>24</sup> Van Kerkhove, Barbara. Empire Justice Center. "The River Runs Dry II: The Persistent Mortgage Drought in Rochester's Communities of Color." <https://empirejustice.org/wp-content/uploads/2017/12/river-runs-dry-ii.pdf>

<sup>25</sup> Hanley, Michael, & Maker, Ruhi. Empire Justice Center. "In the Eye of the Storm: Why the Threat of Foreclosure Damage Continues." <https://empirejustice.org/wp-content/uploads/2018/01/report-in-the-eye-of-the-storm.pdf>

<sup>26</sup> Chapter 130, <https://www.ecode360.com/8684690>

<sup>27</sup> <https://www.ecode360.com/8676660>

## Working Group Suggested Actions/Responses

In response to the identified issues related to this theme, RASE Commission Working Groups drafted recommendations designed to increase access to systems and networks of opportunity.

- **Access to capital:** The Business Development group recommended increasing access to city/county financial assistance and that local government, working with local financial institutions, create a guided pathway for MWBE borrowers, connecting them first to Community Development Financial Institutions (CDFIs) and then to traditional financial institutions to expand access to capital.
- **Civil service:** The Job Creation group recommended changes to local implementation practices related to civil service job opportunities, including additional marketing/recruitment efforts to BIPOC communities to ensure individuals are aware of job and exam opportunities and review of job requirements to eliminate those that may not be necessary. In addition, the group recommended advocacy at the state level to eliminate “rule of 3” to allow more flexibility in hiring. Finally, the group suggested new exploration programs and career pathways to increase awareness, particularly among young people, of civil service-related career opportunities.
- **Residential segregation:** The Housing group recommended that towns and villages review/revise zoning codes to embrace inclusionary, rather than exclusionary, zoning policies that expand affordable housing options throughout the County; that the City and/or County consider adopting a local fair housing law to allow for local enforcement of existing federal laws prohibiting discrimination; and that the City and/or County adopt a local law ensuring tenants a right to counsel to help protect tenants from unjust, discriminatory actions. In addition, the group noted that the County’s upcoming comprehensive planning process offers an opportunity for the County to play a leadership or convening role in a countywide effort to identify and reverse zoning laws that unnecessarily restrict affordable and multifamily housing.

## Theme 2: Current City/County structural programs and protocols inequitably impact and disadvantage BIPOC

### Key Issues Identified

Working Groups identified issues in criminal justice, education and human services that relate to systems that have a disproportionate impact on Black, Brown and other people of color. These include arrests, including for low-level crimes often related to poverty, and the suspension of students from school – two related issues that advocates for change refer to as a “school to prison pipeline.” A 2019 report by The Children’s Agenda noted that suspensions in the Rochester City School District, while reduced under a new Code of Conduct, continue to disproportionately impact Black and Latino students.<sup>28</sup> Suspension rates per 100 students were 33 for Black students, 19 for Latino students and 13 for White students in 2017-18. A large body of research demonstrates a connection between school suspensions and poor outcomes, including the risk for juvenile justice involvement.<sup>29</sup>

Arrest data also demonstrate disproportionality: While Monroe County’s 18+ population is 74% White, Whites made up just 37% of those arrested, 29% of felony arrests and 22% of prison sentences in 2019. By comparison, Blacks made up 14% of the population, yet 49% of arrests, 56% of felony arrests and 61% of prison sentences.<sup>30</sup>

Child protective services were also identified as a system that, while intended to protect children, disproportionately affects children of color, especially Black children. Analysis of Monroe County data by the Human Services Working Group found children of color made up 75% of those placed in foster care, 86% of those in protective cases, and 77% of those placed in direct custody. This is an identified issue in the field nationally that has persisted despite studies finding that child abuse and neglect is lower in Black families than White,<sup>31</sup> and a trend that has obvious negative impacts for the health of Black and other families of color.

Juvenile justice is another such system. In 2020, there were 147 youth from Monroe County at the Detention center. Out of the 147, 25 had been detained more than once. Youth were brought to the Detention Center after being arrested on charges of violation of probation/parole, along with misdemeanor and serious felony charges. The length of stay in detention facilities has increased over the last 3 years.

A particular concern is youth with severe mental health diagnoses such as schizophrenia and manic depression charged with crimes and placed in a Juvenile Detention Facility that

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<sup>28</sup> [https://thechildrensagenda.org/wp-content/uploads/2019/03/rochester\\_schoolclimatereport\\_FINAL\\_website.pdf](https://thechildrensagenda.org/wp-content/uploads/2019/03/rochester_schoolclimatereport_FINAL_website.pdf)

<sup>29</sup>

[https://www.academia.edu/40214453/More\\_than\\_a\\_Metaphor\\_The\\_Contribution\\_of\\_Exclusionary\\_Discipline\\_to\\_a\\_School\\_to\\_Prison\\_Pipeline](https://www.academia.edu/40214453/More_than_a_Metaphor_The_Contribution_of_Exclusionary_Discipline_to_a_School_to_Prison_Pipeline)

<sup>30</sup> <https://www.criminaljustice.ny.gov/crimnet/ojsa/comparison-population-arrests-prison-demographics/2019%20Population%20Arrests%20Prison%20by%20Race.pdf>

<sup>31</sup> <https://www.ncsl.org/research/human-services/disproportionality-and-disparity-in-child-welfare.aspx>

is not equipped to meet serious mental health needs. State regulations prohibit this, yet youth continue to be placed in the detention center even when clinicians have determined it is not fit to meet their needs. These youth linger much longer in the center due to a lack of resources and placements. They tend to be subject more often to restraints and room confinements related to their mental illness, in part because staff are not equipped or trained to work with severe mental health youth.

### What policies are at play?

A wide variety of policies contribute to the disproportionality described above. In criminal justice, arrests are driven by federal, state and local statutes that include low-level crimes such as petty larceny and marijuana possession - as well as by police officer discretion over who to stop, search, interrogate and arrest. Suspensions are related to school codes of conduct, which may include zero-tolerance policies, although the Code of Conduct in RCSD was rewritten in 2016 to promote alternatives to suspensions and make them a last resort. Suspensions have declined since its adoption. Child welfare is governed by a complex set of federal and state laws and regulations. Research into disproportionality establishes that race plays a role in decision-making at several points including reporting of child abuse or neglect, investigation, substantiation, placement and exit from care, but does not identify specific policy-related causes.<sup>32</sup>

### Connections to Local Law

Existing City of Rochester and Monroe County codes do not bear heavily on the issues described above. In reference to arrests for low-level crimes, there are ordinances regarding bicycles, noise and other issues that could be enforced in inequitable ways. In addition, the City's [Comprehensive Plan](#) addresses quality education, outlining goals for schools and community centers, including improving conditions for students, nurturing a culture of positivity and providing educational facilities and programs of the highest quality. These aspirations, while noteworthy and important, do not have a large impact as the City's relationship with the Rochester school district is one of a funder mandated to provide local revenue at a prescribed level but not empowered to exercise authority over policies or decisions. Education policies and procedures are set at the state level and by local school boards, and implemented by superintendents and district and school administration.

### Working Group Suggested Actions/Responses

Working Group suggestions included:

- Disproportionate arrests: The Criminal Justice Working Group recommended reinvestment of funds now going to policing in order to expand pre-arrest diversion programs using culturally competent intervention services, as well as an end to police stops and arrests for minor infractions.

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<sup>32</sup> <https://www.aecf.org/resources/synthesis-of-research-on-disproportionality-in-child-welfare-an-update/>

- **Disproportionate suspensions:** The Education group suggested the creation of a credit-bearing course on social-emotional learning for students; countywide advocacy for schools to adopt restorative practices that help all students learn to resolve disagreements, take ownership of their behavior, and engage in acts of empathy and forgiveness; and tracking and publishing suspension data disaggregated by race/ethnicity of students.
- **Disproportionate representation in child welfare:** The Human Services group recommended creating a strategic plan in the County department to ensure equitable case practice that includes blind removal meetings (where decisions about whether children are to be removed from families are made without any information indicating the children and families' race/ethnicity), hiring of cultural brokers to advocate for families and kinship navigators to ensure kin placements are fully considered for children who need out-of-home placements; and expanded training for workers to increase overall cultural competency.
- **Juvenile justice:** Advocate for state legislation stating that youth deserve to be in a facility that meets their mental health needs and provides them their human rights. In addition, develop a forensic psychiatric facility designed to meet the mental health needs of justice-involved youth that will provide a safety and security for youth.



### Theme 3: Current City/County structures and personnel lack cultural/linguistic competencies critical for effective engagement of BIPOC

#### Key Issues Identified

A number of RASE Commission Working Groups identified City/County structures and personnel that lack cultural/linguistic competencies critical for effective engagement of Black, Indigenous and other people of color as a problem. Cultural competence exists when individuals and organizations are able to effectively interact with diverse populations since they possess information about different cultural value systems, beliefs and knowledge.<sup>33</sup> Similarly, linguistic competence exists when community members are able to access interpreters, translation services and materials in their native language.<sup>34</sup>

This challenge was identified across numerous systems. In criminal justice, inconsistent access to non-English and American Sign Language interpreters is a challenge that can place those arrested at a disadvantage. In business, there is an absence of mentors who look like and share similar cultural experiences as Black and Latino business owners to help navigate city and county business development opportunities that are not transparent. Lack of language access in education alienates students from an equitable education as assessments are not offered in native languages, leaving students unable to demonstrate their skills and knowledge. English language learners do not have access to programs that build foundational literacy.

Public services including 911, emergency response, courts, and health and human services are perceived by many residents who engaged with the RASE Commission as lacking personnel with the cultural knowledge and language skills to effectively address the needs of residents who encounter these structures. White-dominated workforces across many professions (e.g., teaching, child welfare, policing, health and mental health) have implications for cultural understanding and quality of care, especially in the mental health and health systems. Local research verifies the lack of BIPOC mental health practitioners in the community and the essential role they play in meeting the needs of patients who desire a provider who shares a similar racial identity and experience.<sup>35</sup>

Many in the BIPOC community believe that the lack of cultural competence of local law enforcement officers is tied to their underrepresentation. October 2020 diversity statistics from the Monroe County Sheriff's office indicates that only 3% of deputies and 11% of jail officers were BIPOC. An examination of the law enforcement curriculum by the policing working group found a limited focus on cultural diversity.

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<sup>33</sup> <https://nccc.georgetown.edu/curricula/culturalcompetence.html>

<sup>34</sup> <https://www.ahrq.gov/ncepcr/tools/cultural-competence/definition.html>

<sup>35</sup> <https://theqrhf.org/wp-content/uploads/2020/12/Crisis-in-Care-Report-2016.pdf>

## What policies are at play?

Federal law prohibits discrimination and affirms language access rights. Title VI of the Civil Rights Act prohibits discrimination based on national origin and Executive Order 13166 enacted in 2000 affirms language access rights. Any entity receiving federal funds is required to ensure language access.<sup>36</sup>

### Police Screening and Certification

Members of the community believe that the 1975 Federal Consent Decree promotes outdated screening practices that do not match the needs of the city's current demographic composition including the goal that 25% of the RPD should be minority officers.<sup>37</sup> The screening practices of local police agencies, including background checks, psychological testing and polygraph testing, during the hiring process are viewed as significant, biased contributors to the inadequate presence of Black and Latino officers in this region. The subjectivity present in the opinions rendered by the psychologists who administer the psychological test on police recruits is also believed to be a factor. In addition, the NYS basic Course for Police Officer has a limited focus on cultural competency, requiring only 5 hours of diversity content for certification.

### Private mental health provider system

Most mental health and addiction services are delivered by the region's large private health systems and nonprofit agencies, not by the City of Rochester or by Monroe County. The roles of the County Office of Mental Health and the County's new Addiction Services Director in coordinating or overseeing care are limited, and the fee-for-service model for delivering health care provides few incentives in the areas of mental health promotion or prevention of substance use disorders. Many clinicians opt to work for private providers given higher wages and the ability to select clientele.

## Connections to Local Laws

### Language Access

Monroe County Code 569-89 states that language interpreters and persons skilled in communicating with vision- and hearing-impaired individuals will be provided as required by law.

Monroe County's Non-Discrimination Policy prohibits all forms of discrimination in hiring, business procurement, contracting and services. It also affirms that County services will be offered in accessible locations. Disability accommodation requests from a county agency, such as sign language interpreters, should preferably occur a week in advance.<sup>38</sup> The

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<sup>36</sup> <https://www.justice.gov/crt/executive-order-13166>

<sup>37</sup> John E. Howard et al vs. Elisha Freeman et al (1975) Federal Consent Decree <http://rochester.indymedia.org/node/148045>. Note that minority is the term used in the decree, reflective of its day.

<sup>38</sup> Monroe County NY (n.d.) Non-Discrimination Policy. <https://www.monroecounty.gov/hr>

Monroe County Clerk has also developed a language access plan that aligns with federal and county expectations.<sup>39</sup>

### Working Group Suggested Actions/Responses

RASE Commission Working Groups identified numerous recommendations designed to increase cultural/linguistic diversity and competence in service delivery. The primary recommendations in this theme are categorized by professional development, workforce development and standards and service delivery.

#### Professional Development

- **Business development:** City/County should provide culturally competent mentorship with outreach to assist Black, Indigenous and People of Color who are business owners and entrepreneurs with discovering available business development opportunities and how to go about certain processes such as grant applications. Since City and County services are not readily apparent to MWBEs, conduct in-person outreach at the client's business site. To kick-start a more culturally competent offering of services, we recommend that the City and County start with internal audits of their business support services for cultural competence and service delivery method.
- **Criminal Justice, Health, Mental Health & Addictions, Human Services, Education and Policing:** Mandated training for workforces in areas such as anti-racism, cultural competence/responsiveness, language competence/responsiveness and trauma. Demonstrate proficiency in these areas. The Policing Working Group recognized how trauma impacts all in a community. It is recommended that Pillar Six of the Final Report of the President's Task Force on 21<sup>st</sup> Century Policing be adopted and adhered to, and that uniformed personnel be provided training on the consequences of trauma for themselves and the community, and that they have more resources available for officer wellness.
- **Mental Health:** City/County establish benchmarks for diversity and language proficiency in contracts with providers in order to increase cultural and linguistic competency in the sector.

#### Workforce Development & Standards

Many working groups offered suggestions that focus on the recruitment of more people of color into various workforces to improve the diversity and cultural and linguistic competency of staff.

- **Policing:** Petition the US District Court of WNY to amend the language of the Rochester Police Department's 1975 Consent Decree to mandate that the department accurately reflects Rochester's current racial demographic population (56% Black and Latino and other). This change will not completely resolve the minority recruitment challenges local police agencies are facing so it is further recommended that they pursue aggressive

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<sup>39</sup> Office of the County Clerk, Monroe County NY (2019, December 13). Language Access Plan. <https://www.monroecounty.gov/files/clerk/2019-12-13-CountyClerkLanguageAccessPlan.pdf>

hiring of Black, Latino, and other people of color to increase BIPOC representation; and involve racially/ethnically diverse community representatives in the final interviews for all local law enforcement officer selection. Finally, it is recommended that the City and County promote and support through mentorship/resources the Rochester City School District's Career Pathway to Public Safety program and the Monroe Community College Police Recruit Education Program (PREP) to encourage middle, high school and college students to consider a career in law enforcement.

- **Mental Health and Addiction Services:** Establish a Community Behavioral Health Advocates (CBHA) program that employs local residents who are trained and certified to assist people with advocacy; offer help to connect with and navigate behavioral health services; identify distressed persons who need services before emergencies occur; and provide low-complexity therapeutic interventions, as appropriate. CBHA employees will serve a unique role, with responsibilities based in social work (e.g., service navigation, assisting case managers in primary care and mental health / addiction treatment systems) and informal mental health response. They will respond to 211/LIFE LINE calls, when appropriate.
- **Mental Health and Addiction Services:** City/County establish benchmarks for cultural and linguistic diversity in contracting process with vendors/contractors; redesign City and County contracts to appropriately include peer services that will enhance the delivery of mental health and substance treatment services; encourage providers to shift current services to trusted settings (e.g., schools, faith communities) and engage in a high-profile campaign to recruit diverse professionals;
- **Health:** Establish public-private partnerships to recruit Black, Indigenous and People of Color as service providers in the Department of Public Health and among contracted providers. Provide scholarships to people of color in educational/training programs for health professionals, including douglas as a public health service. Require racially/ethnically diverse representation on boards in areas such as County Medical Advisory Board.

## Service Delivery

- **Criminal Justice:** Require linguistic competency in public services and at needed points in time, such as criminal arraignment.
- **Education:** Create a centralized language center for residents to access resources in their native language and create a county-wide magnet school with a focus on multicultural and multilingual education.

## Theme 4: Current City/County/State systems create and perpetuate disadvantages negatively impacting BIPOC

### Key Issues Identified

Working Groups identified a range of issues related to systems that perpetuate disadvantage. One of the largest is hiring systems, which can perpetuate disadvantage in a number of ways. Unemployment rates are persistently higher among BIPOC groups than among Whites: Pre-pandemic, only 4.1% of Asians and 4.4% of Whites in Monroe County were unemployed, compared with 11% of Latinos and 14.1% of Blacks. In the City of Rochester, the figures were about 7% for both Whites and Asians<sup>40</sup>, compared with 15.7% of Latinos and 17.5% of Blacks. Although we will not have data for 2020 until later this year, the pandemic may have widened those gaps as low-wage workers, who tend to be disproportionately BIPOC, were heavily impacted by COVID-19 closures.<sup>41</sup>

Hiring practices that create and perpetuate disadvantage include employers applying job requirements that may be historical but unnecessary. This can include screening out applicants based on prior criminal convictions or drug tests. In addition, employers that serve BIPOC communities may not make it a priority to hire workers from those communities.

Other systems create and perpetuate disadvantage in different ways. The human services system, through its interpretation of regulations related to substance abuse and employment requirements, at times limits the availability of assistance to those who need it. Similarly, the testing and accountability system for schools was noted as leading urban schools with predominantly BIPOC student bodies to be labeled as failing, with demoralizing and other harmful effects to students. Working Groups also identified discrimination in the health care system and fees charged in the criminal justice system as perpetuating disadvantage.

### What policies are at play?

A variety of public and private policies contribute to systems perpetuating disadvantage. Hiring, for example, is governed by both public and private policies. Research has shown that discrimination in hiring has persisted over decades,<sup>42</sup> despite laws that ban it. These include studies of employer reactions to fictitious resumes that include information or clues about job applicant's race: resumes that have been "whitened" are more likely to receive consideration.<sup>43</sup> In an unscientific survey, the RASE Job Creation Working Group found

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<sup>40</sup> American Community Survey data for 2014-18. Because of the proportionately smaller number of Asian residents in the City of Rochester, the unemployment number has a standard error of 35%-50% of the estimate and should be considered unreliable.

<sup>41</sup> <https://projects.propublica.org/coronavirus-unemployment/>

<sup>42</sup> <https://www.pnas.org/content/early/2017/09/11/1706255114>

<sup>43</sup> <https://hbswk.hbs.edu/item/minorities-who-whiten-job-resumes-get-more-interviews>

71% of Black respondents had experienced job-related discrimination, and 63% believed race was a barrier to employment.<sup>44</sup>

Public policies impacting hiring include the policies and practices that governments use in hiring as well as laws that impact all employers. These include anti-discrimination laws and the “ban the box” law recently adopted by the City of Rochester that prevents employers from asking about criminal convictions during the job application process. (Employers can inquire and consider criminal convictions during the interview process.) Local laws and policies also impact MWBE contracting, with some governments requiring that a specific share of business go to MWBEs.

Federal, state and local policies (some law, some regulation) also impact the financial assistance system for individuals in need. The interpretation of regulations can also have an impact. The RASE Commission Working Groups focused on human services and mental health/substance abuse are suggesting that Monroe County examine interpretations of regulations regarding substance abuse and employment requirements, and take a stronger stance in embracing harm reduction as an intervention – all with the goal of ensuring that assistance reaches people who need it, and that effective approaches are used in helping people with substance abuse disorders. Local police policies can also have an impact, as one form of harm reduction involves syringe exchange programs that may not be supported by local police.

In education, the state policy to test all students using standardized assessments and use results to identify failing schools is in question. The Education Working Group identified this policy as having a demoralizing impact on BIPOC students in those schools. Studies have shown that discrimination in health care, while banned by federal law, persists.<sup>45</sup> An issue raised by the Criminal Justice Working Group is fees in the system that can contribute to the “criminalization of poverty,” as people charged with often low-level crimes are impoverished by excessive fees and fines.<sup>46</sup>

## Connections to Local Laws

As we have noted previously, the City’s [Human Rights](#) law<sup>47</sup> prohibits discrimination on the basis of age, race, creed, color, national origin, gender, gender identity or expression, sexual orientation, disability, marital status or source of income. This applies to employment, and Article II of the law, Fair Employment Screening, prohibits the City, its vendors, and all employers located in City limits from asking about criminal convictions during the job application process. However, consideration of a prior conviction can take place after an application is submitted and an initial interview is conducted. Article II is colloquially referred to as “ban the box.”

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<sup>44</sup> See Working Group Summaries for additional details on the survey.

<sup>45</sup> <https://www.scientificamerican.com/article/racism-in-health-care-isnt-always-obvious/>

<sup>46</sup> <https://www.hrw.org/news/2017/10/04/criminalization-poverty-driver-poverty-united-states>

<sup>47</sup> <https://www.ecode360.com/8676660>



**Chapter 34** of Monroe County code specifies fees the County can charge, including \$30 a month to people on Probation, \$50-500 for Probation investigations conducted regarding custody and visitation for Family Court, \$4.06 per day for people on electronic home confinement, \$20 for DWI victim impact panels and \$50-200 for sex offender polygraphs. The law allows waiver of fees where ability to pay in an issue.

### Working Group Suggested Actions/Responses

Working Groups identified several potential responses to the issues they highlighted:

- **Hiring:** The Job Creation group recommended that the City and County re-examine job requirements and eliminate all possible hiring screens and requirements that may not be necessary. This would remove any requirements for experience and skills beyond the minimum necessary to directly perform the job, in order to make these jobs accessible to individuals from a wider range of backgrounds. The group would like local government to encourage private employers to likewise review their hiring practices with the goal of making them accessible to the widest possible pool of applicants and noted that the Rochester-Monroe Anti-Poverty Initiative's Employer Pledge<sup>48</sup> provides a good model for this effort. Further, the group recommended that the County adopt "ban the box" legislation as the City has, and that both private and government employers should consider the benefits of an "open hiring" model and utilize it where appropriate. In open hiring, employers set no requirements for entry-level positions other than willingness to work.
- **Barriers to financial assistance:** Both the Human Services and Mental Health and Addiction Services groups called for the County to change its interpretation of state regulations so that sanctions removing financial assistance from individuals in need are used only as a last resort. Human Services also proposed a conciliation process that proactively engages individuals whose compliance is in question in order to give them an opportunity to remedy problems. In addition, the Mental Health/Addiction Services group called for accelerated approval of harm reduction as an approved intervention for those struggling with addiction, which could assist in maintaining financial assistance to them.
- **School accountability systems:** The Education group called for the use of alternative assessments in schools, elimination of annual testing of all students and potentially a new system to measure student learning by testing samples of students, as is currently done with the National Assessment of Educational Progress.
- **Discrimination in health care:** The Healthcare group suggested amending Section 63 of City code to prohibit discrimination, including racial discrimination, in health care.
- **Fees in the criminal justice system:** The Criminal Justice group called for the elimination of fees for probation and for calls between inmates of the jail and their family and friends.

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<sup>48</sup> <http://endingpovertynow.org/wp-content/uploads/2019/08/RMAPI-Employer-Best-Practices-Pledge-1.pdf>



## Theme 5: Current City/County structures lack reliable transparency and accountability operations, negatively impacting trust among BIPOC

### Key Issues Identified

The RASE Commission Working Groups identified the lack of transparency and accountability when systems do not track their impact on individuals by race/ethnicity concerning business development, courts, probation, police interactions, job promotion, and health disparities. Inaccessibility to information about compensation policies, police training curriculum and the juvenile justice system limit understanding about disparate outcomes for Black, Indigenous and People of Color. In this section, we focus on issues in the criminal justice, police, health and employment and business development systems.

**Criminal justice:** During community engagement events, community members raised concerns about the unfair prosecution of Black and Brown people by the District Attorney. They expressed particular worries about the charges filed against the protestors in response to Daniel Prude's death at the hands of police and up-charging of minor crimes to felonies. Although the Division of Criminal Justice Services (DCJS) collects and makes public data available regarding arrests, dispositions and sentencing, information from the District Attorney's Office is not available from a state or county agency. There are also gaps in the types of information publicly reported about other areas of the criminal justice system, including demographic information associated with all aspects of judicial decisions regarding a case and probation including technical violations.

**Youth held at the Children's Detention Center** expressed a lack of understanding about the criminal justice system and raised concerns about rarely hearing from their attorney. Parents and guardians are also left to fend for themselves within the criminal justice system.

**Police:** A review of police training policy is warranted in response to community concerns regarding local law enforcement's mistreatment of Black and Brown communities. The RPD has confronted increased scrutiny given excessive force allegations associated with the death of Daniel Prude and associated protests in 2020 as well as the handcuffing and pepper spraying of a nine-year-old girl in early 2021.<sup>49</sup> The NYS Basic Police Officer course curriculum required for certification is not publicly available and requires a FOIL request. Concerns about police accountability for misconduct have raised for consideration whether police certification should be guaranteed after initial accreditation and requiring monetary consequences when an officer is convicted of misconduct. Specifically, research has shown that numerous states have explored a recertification process that requires a police officer to be recertified every two or three years to remain working. This process is similar to the

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<sup>49</sup> <https://www.nytimes.com/2021/01/31/nyregion/rochester-police-pepper-spray-child.html?searchResultPosition=1>

board recertification that physicians are required to go through. A recertification process would ensure our uniformed police officers are adept in the skills necessary to serve our communities. It would afford our community the opportunity to determine what skills are felt to be critically important for our officers to possess.

An additional key issue is the operational response to the civil protests that occurred in Rochester following the deaths of George Floyd and Daniel Prude, which identified police strategies that are contrary to the high standards of policing our community demands. During the protests, tactics such as tear gas, pepper balls and spray, armored vehicles, and police dogs were deployed against the protesters. Many of these tools harken back to police tactics that were used during the civil rights movements of the sixties and are viewed as antithetical to recognized best practices in policing. Their use identifies the difficulty that exists in coordinating multiple agencies under one direction that is reflective of the standards of policing required by the community. Specifically, and as an example, the deployment of police dogs during the protests were part of the New York State Police detachment. Their presence was in direct violation of RPD standards that prohibit dogs being used in protest response or crowd control situations. Multiple agency operations are managed under a unified command system which is designed to efficiently coordinate all available resources believed to be necessary. However, each assisting agency brings their approved tactics and resources, which may be contrary to the policies of the primary agency. This is an operational deficiency that can be corrected through a reevaluation of the unified and incident command system.

**Health:** The health outcomes for Black residents are far lower than white residents. Premature mortality is a major concern. Regional data show the rate of years of potential life lost before age 65 is 5.8 per 1000 for Black residents of Monroe County, about 30% more than White and Latino communities.<sup>50</sup> Research shows that racial discrimination impacts the health outcomes of BIPOC. Racial stereotypes that portray patients of color negatively (e.g., as less intelligent, as drug abusers) affect treatments options and medical determinations. Interactions with medical professionals who hold negative biases may result in mistrust and affect patient buy-in to a prescribed medical treatment plan. Encounters with medical discrimination may also contribute to a physician's decision to use less rigorous treatments for BIPOC.<sup>51</sup>

**Employment:** Local data confirms racial disparity in employment and wages in Rochester. From 2014 to 2018, 6.7% of Asians and 7% of whites were unemployed in the City of Rochester compared to 15.7% of Latinos and 17.5% of Blacks. A community survey distributed by the Job Creation Working Group shows that 71% of African American respondents reported discrimination in the work place. National evidence documents

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<sup>50</sup> <https://www.commongroundhealth.org/insights/regional-health-measures>

<sup>51</sup> Harris, D. (2019). Racial and Ethnic Health Disparities in New York State: A Review of Data and Recommended Strategies. CGR.

persistent racial disparities in Black wages regardless of educational level.<sup>52</sup> Local data show similar disparities in Rochester. Without access to employer information about compensation and promotion, it will be difficult to determine the drivers of racial inequality.

**Business development:** Community engagement with MWBE business owners indicates that they have little-to-no contact with representatives from the City or the County. Many of these entrepreneurs then face challenges in navigating the City/County bidding and contracting processes. The application and business processes to qualify for these opportunities are not transparent especially for emerging businesses.

What policies are at play?

### Qualified Immunity

Qualified immunity protects government officials, such as police officers, from being held personally liable for constitutional violations like excessive force, and for money damages under federal law so long as the individual did not violate “clearly established” law. Indemnification sections in contracts allocate risk and expense in the event of a breach, default, or misconduct by one of the parties in an executed contract/agreement. They are clauses used in contracts to shift potential costs from one party to another.

### Pay Transparency

New York State law currently forbids discrimination in pay rates for protected classes (covering race, ethnic and gender pay discrimination), but the fact that salary information is often closely guarded means that individuals may not be aware if they are being paid less than colleagues for equal work.

### Public and Private Business Promotion Policy

Identifying and remedying inequities in promotion and advancement is more challenging as promotion decisions are complex and there is no standard metric to measure wage fairness.

Regulated and unionized systems for promotion and advancement in the public sector, such as Civil Service, should have clear rules about the criteria for advancement, seniority and pay increases. In private sector organizations, policies around promotion and advancement are often substantially less transparent, which can breed mistrust and impressions that favoritism, patronage or internal politics, rather than strict merit, determine who is advanced.

### Working Group Suggested Actions/Responses

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<sup>52</sup> <https://www.epi.org/blog/black-white-wage-gaps-are-worse-today-than-in-2000/>

Across the systems discussed above, the Working Groups recommended mandating collection, analysis, and reporting of racial equity data.

- **Criminal Justice:** Provide training for parents/guardians of court-involved youth about the juvenile system and offer tools to explain terminology. In addition, the District Attorney is the most powerful player in our local criminal justice system. While District Attorneys across the country have adopted progressive policies, Monroe County lags behind. The Mayor and County Executive should publicly recommend that the District Attorney adopt the Brennan Center for Justice's 21 Principles for the 21st Century Prosecutor. Progress on these principles and diversion efforts should be reported in the District Attorney's annual report to the County's legislative body.
- **Police:** Hold local police accountable through supervisory monitoring of department early warning, and re-certification and de-certification processes. Require regional certification for law enforcement officers and periodic recertification until a state process is adopted. Additionally, develop a process for decertification. Change indemnification/qualified immunity language in local law enforcement agencies' collective bargaining agreements so that police officers, not their employers, may be held responsible for the financial costs that result from criminal or civil proceedings that arise from any egregious misconduct that constitutes criminal behavior. Additionally, include the option to rescind indemnification in the disciplinary matrixes for all local police agencies as a consequence of termination. Change unified and incident command system guidelines to prohibit any operational action that violates the primary agency's policies and procedures. Universally prohibit the use of police dogs in mass gathering protests in the City of Rochester and County of Monroe.
- **Health:** Establish a county-wide Ombudsperson Office where residents can report discrimination in healthcare and obtain assistance with filing NYS Commission on Human Rights complaints; create a racially diverse advisory board for the Ombudsperson Office that is compensated if permitted by law; and require notification of public health care recipients about their right to file discrimination claims with the county's Ombudsperson Office.
- **Employment:** The Job Creation group recommended both exploration of the feasibility of a pay transparency law and that public and private employers review promotion policies to ensure equity and inclusion. In addition, Monroe County should consider a living wage policy equivalent to the City of Rochester.
- **Business Development:** City/County audit business development services to better coordinate outreach and communication, eliminate duplication and assess the efficiency of current services.

### Connection to Local Laws

The City of Rochester's Human Rights Ordinances, including Chapters 63-1 through Chapter 63-8, articulate the city's responsibility to provide equal opportunity to everyone and ensure that individual rights are not violated regardless of race, gender, sexual orientation, religion and other personal characteristics among several sectors, including public accommodations, employment, housing and commercial spaces, financing and city

services. These laws apply to city agencies as well to external organizations that are vendors to the city. Individuals who oppose any discriminatory practices or policies are also protected from retaliation. The Human Rights Ordinances lay the foundation for the City's ability to implement existing policy and create new legislation and requirements to address employment inequities found in city agencies, local businesses and non-profit organizations.

[Comprehensive Plan](#) – Chapter 130 – The Comprehensive Plan provides a vision for the City of Rochester and its agencies to enact related goals, including equity. Several plan goals for public health and safety, including increasing the capabilities of RPD through collaboration, data analysis, technology, and new/improved resources, may offer ways to address challenges identified regarding consistent transparency and accountability (see Section 5). Although the actions outlined in the comprehensive plan promote equity, the issues outlined above provide areas to deepen and specify commitments about how these racial inequities will be resolved. For example, the Comprehensive Plan has numerous goals specified regarding economic growth and workforce development, but there is little attention to existing wage and job promotion inequities.

### Living Wages

The City of Rochester has a living wage ordinance and Monroe County does not.

The City of Rochester has a living wage ordinance<sup>53</sup>, adopted in 2001. This sets minimum wage rates for employees of companies entering into contracts worth \$50,000 or more for services with the City of Rochester, though certain contracts and types of employees are exempt.

The wage is set so that a full-time employee with a family of four will not earn below the poverty level. The current rate is \$12.58 for employees offered health insurance benefits and \$14.06 for those not offered these benefits.

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<sup>53</sup> <https://www.cityofrochester.gov/article.aspx?id=8589937003>

## Theme 6: Current City/County/State systems possess insufficient economic investment in structures and resources critical to attaining equity for BIPOC

### Key Issues Identified

Working Groups pointed to a variety of areas where economic investments are lacking or inadequate, having profound negative impacts for Black, Indigenous and People of Color. One of the biggest issues is low wages across sectors dominated by BIPOC. We can see the impact of this by comparing median household incomes for racial groups. While White households in Monroe County have a median income of \$67,500, Black households were at less than half that level, at about \$32,000.<sup>54</sup>

Income is a profoundly important contributor to outcomes for individuals, families and communities. Individuals with higher incomes have higher education levels, better health and live longer.<sup>55</sup> Common Ground Health identified poverty as the critical factor impacting health and health equity in our region.<sup>56</sup> Families with higher incomes have the ability to pass on those benefits to the next generation, and communities with higher incomes have more amenities and lower rates of crime. Health researchers have framed these connections using the phrase “social determinants of health” to explain how social factors have as much, if not more, impact on health as individual health behaviors or access to medical care. The RASE Healthcare group identified impacting social determinants of health as necessary to increase racial health equity. Both the Business Development and Job Creation working groups identified the ability to become certified as Minority or Women-Owned Business Enterprises and the share of business going to MWBEs as issues impacting equity, as well.

### What policies are at play?

**Wages:** Governments impact wages through minimum wage laws, living wage laws and laws specific to particular industries or projects, such as requirements for prevailing wages in New York State. While local governments typically do not set minimum wages (which require hourly pay at a specific level), several local governments in the United States have adopted living wage ordinances, requiring that employers pay wages at a level calculated based on the cost of necessities.

**MWBE:** Governments make policies and procedures setting out the process for becoming certified MWBEs and for establishing targets for providing business to MWBEs. The RASE Business Development and Job Creation groups both identified the state certification process as a barrier to the development of successful BIPOC-owned business, citing concerns they heard in the community about the process being time-consuming,

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<sup>54</sup> <https://actrochester.org/economic-security/median-household-income-by-race-ethnicity>

<sup>55</sup> <https://www.sciencedirect.com/science/article/abs/pii/S027795361200202X>

<sup>56</sup> <https://media.cmsmax.com/ravk3pgz5ktlujs1r08ci/overloaded-the-heavy-toll-of-poverty-on-our-regions-health.pdf>



cumbersome and taking too long to come to fruition. City and County targets for awarding business to MWBEs are 30% and 12%, respectively, though the County's requirement applies only to construction projects. In addition, local government practices related to bidding and payment may also hinder the ability of MWBEs to be successful.

**Health:** In addition to wages and incomes, the social determinants of health include factors such as access to healthy food and safe spaces for recreation and play. These resources can be impacted by local government planning, zoning, development and investment policies.

### Connections to Local Law

The City of Rochester has a living wage ordinance<sup>57</sup>, adopted in 2001. This sets minimum wage rates for employees of companies entering into contracts worth \$50,000 or more for services with the City of Rochester, though certain contracts and types of employees are exempt.

The wage is set so that a full-time employee with a family of four will not earn below the poverty level. The current rate is \$12.58 for employees offered health insurance benefits and \$14.06 for those not offered these benefits.

The City's [Comprehensive Plan](#), referenced in earlier sections of this report, includes healthy living as a policy principle, as well as goals for public health and safety related to improving understanding of community health conditions, needs, services and increasing access to healthy food (see Section 5). This provides a foundation for zoning, planning and development policies that promote these goals.

### Working Group Suggested Actions/Responses

- **Wages:** The Job Creation group recommended the County mandate living wage for government contractors (as the City has done) and investigate options for mandating pay transparency to combat discrimination in pay. In addition, the Healthcare group recommended that the City and County mandate a living wage for home health providers and peer health advocates.
- **MWBEs:** Both Job Creation and Business Development groups suggested that the City and/or County create a local process for certifying MWBEs, as other local governments in New York have done. See the Working Group summaries and a special report in the Appendix for additional details. In addition, Job Creation recommended the County apply its MWBE target beyond construction and consider increasing it above 12%. As well, Business Development would like to see local government ensure prompt payment of vendors to help MWBEs, especially small businesses, and adopt a "best value" bid scoring system that takes into account previous performance and other factors related to equity when awarding business.
- **Health:** To positively impact social determinants of health, the Healthcare group recommended amending Zoning Codes, Incentive Zoning, and Planned Development

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<sup>57</sup> <https://www.cityofrochester.gov/article.aspx?id=8589937003>

Districts to support development of grocery stores, pharmacies, community health centers, primary and specialist care, recreational green space, and fitness centers in neighborhoods with high racial health disparities. In addition, the group suggested establishing a universal basic income for women at risk for maternal mortality and premature birth who are disproportionately Black, Indigenous, and Women of Color, and requiring that all grocery stores allow use of federal food programs (such as SNAP and WIC) as a condition of Planned Unit Developments, public-private partnerships, or Payment In Lieu Of Taxes (PILOT) agreements (as permitted by state law).

# Recommendations

1. *Create and invest in sustainable economic opportunities in Black and Latinx communities to promote and maintain self-sufficiency, entrepreneurship and career advancement.*
  - a. Both the City and County operate separate Civil Service functions, for the purpose of recruiting, hiring and retaining their workforces. They must operate within the rules and procedures of the NYS Civil Service system. Yet, the way the system has functioned has had disparate, inequitable and exclusionary effects on BIPOC. Past efforts to reform this antiquated system have produced very modest reforms. In the current environment, when racial disparities and structurally racist practices are being exposed and rooted out, both governments must join forces to redesign their civil service functions to ensure equitable and unobstructed access to qualified applicants, which will lead to a racially diverse workforce. They should identify other municipalities that are undergoing the same redesign and, together, petition State Government to incorporate their redesign ideas into a more diverse, equitable and accessible Civil Service system. (Job Creation)
  - b. The City and/or County should create a local process for becoming MWBE certified so that local businesses can use that as an alternative to the lengthy and cumbersome state process. In addition, the focus should be on businesses owned by people of color, as opposed to White women, who have historically benefited more from these programs than people of color. (Business Development, Job Creation)
  - c. The City and County Economic Development departments and allied agencies (e.g., REDCO and COMIDA) should work with area financial institutions (including banks and investment firms) to create a new Capital Access Program that will be targeted to local BIPOC-owned businesses with annual gross incomes of less than \$100,000 and fewer than 20 employees. (Business Development)
  - d. Monroe County should raise its lowest starting wage to \$15 per hour and sign the Rochester-Monroe Anti-Poverty Initiative's Employer Pledge, which commits employers to working toward providing sustainable employment for individuals seeking to move from poverty to economic security. The City of Rochester has already signed the pledge. In addition, County and City governments should use their leadership to join RMAPI and others in persuading all employers to raise their pay to a minimum starting wage of \$15, and add this minimum wage as a requirement to contracts with agencies and businesses with which it does business. Raising wages will impact tens of

thousands of workers of color in Monroe County who work in low-wage jobs. (Human Services, Healthcare)

1. Because it is a direct provider of health services and because of its direct engagement with community health providers, Monroe County should convene a working group of providers and BIPOC consumers to develop sustainable strategies to expand access to equitable living wages and equitable services across the full spectrum of health care within the County. (Healthcare)
  - e. Create/amend Land Trusts and Land Banks to include use of land for community health centers in underserved neighborhoods with high populations of BIPOC. (Healthcare)
  - f. Promote/expand the Career Pathways to Public Safety program offered by the Rochester City School District and the Police Recruit Education Program offered by Monroe Community College to firmly establish a direct pipeline for the youth of Rochester to enter the ranks of the local law enforcement. The four-year results of this program do not reflect any individuals entering policing. Promotion of these programs is needed to establish a “pipeline” into the ranks of the area police agencies and significantly improve minority representation. (Policing)
  - g. Expand programs, such as the New Visions program for RCSD students, to introduce them to healthcare professions and mentor them in applying for post-secondary certification and higher education programs that provide career exploration opportunities. This should include establishing full tuition scholarships and grants for Black, Indigenous, and People of Color who are enrolled in medical and other programs. This approach should also be used to expand or create pipelines that provide workers for a variety of systems, including criminal justice, policing, mental health and addiction services, and education. (Healthcare)
2. *Implement and incentivize practices and programs that increase the racial/ethnic diversity and cultural competence of employees, vendors, and contractors.*
    - a. The need for increased cultural competency and responsiveness, along with anti-racism practices, was identified for several systems at both the City and County levels, by almost every working group. Given the increasing requirements that their employees must be able to effectively understand, communicate with and appropriately interact with multi-racial and multi-ethnic constituencies, City and County governments must undertake a series of steps to increase and sustain the cultural competence of their entire workforces. These include (1) developing a cultural competence plan with

designated budget resources, (2) hiring Cultural Competence Officers and Cultural Competence Managers, and (3) creating a cultural competence advisory committee. Staff development must include training for staff and contracted service providers on racism, implicit bias, and cultural and linguistic competency tied to their job roles and responsibilities. (Business Development, Criminal Justice, Education, Healthcare, Human Services, Mental Health and Addiction Services, Policing)

- b. Local government should use contracting and procurement practices to require that all contractors to have diversity, equity, and inclusion policies in place, including diverse hiring practices, and report on their board and leadership composition annually as a condition of doing business. The County funds a large non-profit sector whose boards and senior leadership do not reflect the populations that they serve. The County and City could lead the way on such policies, especially for smaller employers without an HR capability, by providing guidance and model policies. The impact of this policy should be assessed to ensure it does not overly burden very small businesses and organizations, and adjusted if needed. (Human Services)
- c. Create a mentoring program that matches established business persons and high school students with emerging BIPOC entrepreneurs. Mentors and mentees will work together for a minimum of 12 months on specific projects that will increase the knowledge and skills of the emerging entrepreneurs while also elevating their general level of financial readiness. High school students will benefit from the opportunity to learn a trade and develop skills that can supplement their education and count towards a diploma. Focus should be on those that have expressed interest in entrepreneurship or students who will benefit from alternative methods of learning, assessment, and curriculum. (Business Development, Education)
- d. Create and financially support an information exchange that leads to new business opportunities for BIPOC-owned businesses. This should include a centralized language center that all Monroe County students and families can access resources in their language working in conjunction with local universities, school districts, and non-profits serving immigrant communities. (Business Development, Education)
- e. Permanently fund the Monroe County Diversity Officer for Language Access to promote best practices and address any legal compliance issues. This should not be limited to spoken languages but should include ASL and other sign-based communication. (Education)
- f. Amend Chapter 101 of the County Codes to require representation of BIPOC on the County Medical Advisory Council and County Medical Advisory Board and (if permitted by state law) compensate members for their service. (Healthcare)

- g. The City of Rochester should seek to amend the 1975 Police Consent Decree, which establishes the goal of 25% minority hiring for the Police Department. As it stands, the current language of the decree will not result in a demographically reflective police department. This case is under the supervision of the US District Court of WNY. This revision will allow for an increase in the minority representation within the Rochester Police Department, to more accurately reflect the various racial demographic populations of Rochester, and to maintain this status through aggressive hiring of minorities. In order for any new recruitment outreach to be successful, the Rochester Police Department should address factors that make police work so unappealing to young African Americans. (Policing)

3. *End practices that disproportionately drain resources from Black and Latinx communities*

- a. The following criminal justice changes are needed:
  1. Officers in predominantly Black and Brown neighborhoods engage in a form of policing which is rarely seen in other communities. To address over-policing, Monroe County Law enforcement should end the use of pretextual stops (stops for minor offenses made to investigate other matters) and decriminalize and de-prioritize violation-level offenses.
  2. It is recommended that Monroe County create a 24-hour arraignment for Rochester City Court, waive all county imposed fees for defendants who qualify for a public defender and fully fund the Public Defender's Office, particularly the Family Court section.
  3. Probation and the District Attorney's office must focus their efforts on diverting individuals away from incarceration and criminal convictions. Monroe County should only use incarceration as a last resort. Probation must move away from its punitive nature and embrace a philosophy of diversion and support. The District Attorney must prioritize diversion, restorative justice and dismissals for minor offenses. Both agencies should be required to report their efforts in their annual reports. (Criminal Justice)
  4. As needed to implement these changes, convene a task force comprised of the major players in the criminal justice system (such as the District Attorney, Public Defender, the Administrative Judge of the 7th Judicial District, the heads of local bar associations including the Black Bar Association, police chiefs, and the heads of local Criminal Justice organizations and advocacy groups) to work through issues



and identify additional strategies to eliminate racial disparities in local criminal matters (arrests, prosecutions and incarceration).<sup>58</sup>

- b. Monroe County DHS maintains the highest sanction rate of the largest counties in New York (those with urban centers), and an exceptionally high rate of fair hearings requested. Monroe County should adjust internal policies to ensure that sanctions – which remove needed resources from individuals, many of whom are BIPOC – are used only as a last resort, and never as a first step. Specific strategies include amending the employment plan, reducing the attendance threshold for substance abuse treatment plans, and create both a pre-sanction review process and post-sanction support system. In addition, the County should establish a working group consisting of DHS staff, public assistance recipients, substance abuse treatment providers, and legal services providers to facilitate continuous improvement to ensure that our rate of sanction decreases dramatically while maintaining compliance with OTDA regulations. (Human Services)
- c. Develop strategies to increase access to mental health and social emotional support services for all Rochester City School District BIPOC students, equivalent to similar services provided to students enrolled in suburban schools. In addition, school-based health centers should be created in every RCSD school. These strategies must include additional financial support to the RCSD, given its dire fiscal straits. (Education and Mental Health & Addiction Services)
- d. There is a great lack of understanding about the pervasive and malignant influences of racism and structural inequities in society. In order to eliminate this condition, school boards in Rochester and throughout Monroe County should adopt an anti-racist curriculum. (Education)
- e. Labeling schools as failing leads to low student affective or emotional engagement, which in turn impacts the students' attachment to school and influences their willingness to learn. School curricula need to be revised to create engagement in order to spark learning, rather than solely focus on testing scores. Monroe County school districts must expand curriculum offerings for English Language Learners so that they have curriculum choices that are comparable to those of their counterparts. Programs aimed at assisting students and their families need to be offered in their native language. (Education)

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<sup>58</sup> This should include local members of national organizations working to improve criminal justice, such as the Law Enforcement Action Partnership (LEAP), the National Organization of Black Law Enforcement Executives (NOBLE), the National Association of Black Law Enforcement Officers (NABLEO), and the National Latino Peace Officers Association (NLPOA).

*4. Decentralize services and embed them in trusted agencies throughout the community*

- a. Invest in and develop Community Behavioral Health Advocates (CBHA), a program employing local residents trained and certified to assist people with advocacy, offer help to connect with and navigate behavioral health services, identify distressed persons who need services before emergencies occur, and provide low-complexity therapeutic interventions, as appropriate. (Mental Health and Addiction Services)
  1. As well, additional mental health clinicians in the region – particularly those serving low-income residents who rely on Medicaid – should be a top priority to address the extremely limited availability of high-quality mental health and addiction services for people of color and low-income people. Primary, specialist and preventive healthcare services should be similarly expanded. (Mental Health and Addiction Services, and Healthcare)
- b. To address the disproportionate arrest of Black and Latinx residents, the City of Rochester and Monroe County should create and adequately fund community alternatives to police. The cases of George Floyd and Daniel Prude, and so many others, makes it clear that armed police officers are not the appropriate party to respond to non-violent crimes and mental health crises. Instead, the City and County must build off of the work of the Forensic Intervention Team and Person in Crisis Team to create more alternatives to traditional policing that utilize trained community responders, crisis intervention specialist and mediators. 911 should analyze calls for service over the last 5 years to understand patterns for calls for service in order to determine the appropriate amount of funding to reallocate. Considering that 66% of crimes in Rochester are misdemeanors, funds diverted from RPD must be significant. As the City and County begin to decrease the size of police departments and increase the size of crisis intervention units, there must be a priority to hire Black and Latinx community members. (Criminal Justice)
- c. Develop a Community Center for Restorative Justice and Court Diversion (“CCRJCD”), with the mission of embedding restorative justice and alternatives to incarcerations into our criminal justice system. This center should have satellite offices located within neighborhoods. CCRJCD will provide an alternative to the punitive justice system and will be grounded in the principals of rehabilitation, restorative justice and desistance theory of behavior change. It is crucial that these diversion efforts do not contain eligibility requirements based on prior criminal records; such requirements result in diversion programs that simply mimic the racial disparities seen in the traditional system. This center could be funded by shifting resources from the Monroe County Jail, Rochester Police Department and the Department of Probation. Restorative justice practices should be adopted in schools throughout Monroe County as well. (Criminal Justice, Education)

- d. Justice-involved youth have few alternatives to detention. Monroe County must invest in a community-based program for youth facing criminal charges. This program should include: counseling and mentorship, restorative justice circles, case managers who create a comprehensive plan with parents and youth, respite services, and a forensic psychiatric specialist equipped to handle youth with complex mental health issues. Youth with severe diagnoses such as schizophrenia must not be placed in a detention facility unequipped to meet their needs.
- e. To address the fact that Black and Latinx children in Monroe County are placed in foster care homes in significantly higher numbers than any other demographic, Monroe County must redesign services to do more to keep these children with their families. Strategies include implementing blind removal meetings, hiring culture brokers, and developing kinship navigators. The County must also provide consistency in case workers and in the application of federal laws like the Multi-Ethnic Placement Act and the Interethnic Adoptions Provisions law. (Human Services)
- f. Create interconnectedness between mental health and addiction services as they are often unaligned and disconnected. Misalignment exacerbates and prolongs racial and ethnic inequities in access to mental health and addiction services. Assure that current County and City initiatives regarding mental health emergency response services are fully integrated, i.e., one emergency response system, not two. (Mental Health and Addiction Services)
- g. Decentralize Monroe County Department of Public Health services and put locations in neighborhoods with high populations of BIPOC; this can be implemented through community schools, which is a current initiative of RCSD and ROC the Future. (Healthcare, Education)
- h. Local police agencies should be mandated to collect and regularly report on a quarterly basis demographic information of all individuals they interact with in arrests, traffic investigations, street stops, and uses of force. Furthermore, we recommend the demographic information be collected and regularly reported for personnel complaints, also on a quarterly basis. We further recommend this data be included in their annual reports and, relative to the Rochester Police Department, be included on their Open Data Portal, entered into their TRACS system, and sent to the Rochester Police Accountability Board. If other local police agencies develop similar civilian oversight processes, we recommend this data be sent to their board for review. (Policing)
- i. The County should work with the local organization Measures for Justice to create a criminal justice data portal that includes local data from police agencies, District Attorney, Public Defenders, Probation and the court

system. Data should include, but not be limited to, plea offers, final dispositions, technical violations, and the race of defendants and attorneys, whether they are public defenders or private attorneys. (Criminal Justice)

*5. Embed accountability measures in all policies to ensure equity and fairness across all services, programs and delivery models.*

- a. Create a racial justice task force comprised of the major players in the criminal justice system and community members (such as the District Attorney, Public Defender, the Administrative Judge of the 7th Judicial District, the heads of local bar associations including the Black Bar Association, and the heads of local Criminal Justice organizations and advocacy groups). This Taskforce should meet on a quarterly basis to review local criminal justice data and identify additional strategies to eliminate racial disparities in local criminal matters (arrests, prosecutions and incarceration). School-age students should also receive attention in this process with a focus on ending the school-to-prison pipeline. (Criminal Justice, Education)
- b. In order to address inequities in the greater Rochester housing market, the City and County should take the following steps:
  1. Work with housing developers and financial institutions to increase the supply of quality affordable housing for BIPOC individuals who are seeking to own their homes, and for persons for whom renting is their preferred option.
  2. Identify and develop strategies to correct all of the impediments that have historically kept Black and other people of color from fully participating in the local housing market, including redlining, exclusion from incentives that increase homeownership, and land-use policies that prescribe housing types that keep BIPOC out of the markets. In order to meet these objectives, the City and County will engage with persons who directly influence the development of these markets and with BIPOC consumers who have been adversely impacted by the way these markets have been developed. Together, they will develop the criteria for new markets that are equitable, inclusive and free of racial bias.
  3. The County Legislature should incentivize affordable housing development in all communities within Monroe County. The County should encourage affordable housing county-wide, with consideration to which locations could best provide access to economic and educational opportunities.
  4. Adopt new tenant protections, such as right to counsel in eviction proceedings, “just cause” eviction mandate, and a local fair housing statute that enables local jurisdictions to prosecute individuals or organizations in violation of fair housing practices.

5. Enact a Tenant Opportunity to Purchase law in Rochester. This type of program would provide an opportunity for rental tenants, qualified housing nonprofits or some combination to assemble funds to purchase a rental property if an owner offers it for sale.
  6. Advocate for a public bank that can be used to support affordable housing efforts as well as credit unions that produce mortgages for low-income homebuyers. A public banking bill has been introduced in the state Senate.
  7. Establish a policy for the City of Rochester that would require banks to submit annual reports to the city that detail the programs and products they have offered to meet the community's credit needs, and a plan for what they will offer in the future. Pending the establishment of a policy, the City will evaluate the banks' performance based on the reports submitted by the banks. (Housing)
- c. The issues of racial discrimination and systemic inequities have hit BIPOC older adults harder than other groups in this demographic. Their problems range from increasing rates of poverty, lack of affordable health care, limited access to nutritious food, inaccessibility to transportation, a dire shortage of quality, affordable housing to all of the implications of the digital divide. Local governments must effectively engage the not-for-profit providers of services for these older citizens, and their advocates, to redesign a more equitable and bias-free delivery system across the full spectrum of services. Specifically, local government should support and invest in the Livable Communities for Older Adults Initiative. The Livable Communities approach will provide a broad and coordinated platform for all those involved in services to older adults in which to participate. Implementation of Livable Communities proposals should include the establishment of representative and diverse advisory boards with significant oversight responsibilities. (Human Services)
  - d. Address the funding disparity between suburban and urban senior centers. Funding to senior centers in urban areas is based on meal volume annually. There is a clear differential between suburban and urban centers analogous to the disparities in local school districts. Towns are able to supplement Federal and state dollars. (Human and Social Services)
  - e. To ensure accountability, Community Behavioral Health Advocates (CBHA) should be constituted as a separate, independent local organization with an executive director selected by a diverse community board, which would carefully ally with local health providers and coordinate with the County OMH. (Mental Health and Addiction Services)
  - f. Create a number of City-County Accountability Committees/Boards, comprised of diverse consumer, non-governmental organizations, and professional membership, for monitoring system initiatives to overcome

barriers to care based on structure, race, or ability to pay. While this recommendation emanates from the Mental Health and Addiction Services working group, this approach should be used for a number of the systems studied during this process.

1. Establish a County-wide ombudsperson office where residents can report discrimination in healthcare (whether provided by the County or private healthcare systems) and receive assistance in filing complaints with the NYS Commission on Human Rights. The office should have a Community Advisory Board with requirements that members include BIPOC and representatives from other marginalized groups who (if permitted by state law) are compensated for their service. (Healthcare)
- g. Create a municipal health care access program that guarantees affordable healthcare for any uninsured county resident that does not qualify for another healthcare plan, regardless of immigration status, income level, or pre-existing conditions. (Healthcare)
  - h. Amend Section 63 of City Charter to add healthcare to the list of areas in which discrimination is prohibited. (Healthcare)
  - i. The final interviews for police candidates should be expanded to include representatives from the community as interviewers, including interviewers from diverse racial and ethnic backgrounds. (Policing)
  - j. Amend Zoning Codes, Incentive Zoning, and Planned Development Districts to support development of grocery stores, pharmacies, community health centers, primary and specialist care, recreational green space, and fitness centers in neighborhoods with high racial health disparities. (Healthcare)
  - k. In addition to the cultural competency training recommended for all city and county departments above, additional training is recommended for police officers of local departments. A recent study entitled “*Procedural Justice Training Reduces Police Use of Force and Complaints against Officers*” shows that procedural justice training reduced police use of force and complaints against officers in the Chicago Police Department. The NYS basic Course for Police Officer requires only 5 hours diversity for certification. It is recommended that this requirement is significantly increased to include cultural competency training, implicit and explicit bias training, Procedural Justice training and historical aspects of policing training. Additionally, the New York state Division of Criminal Justice Services (DCJS) has developed a 32-hour program titled Principled Policing which focuses on Procedural Justice and Implicit Bias instruction. It is recommended that it be used as the foundation for the recommended increase in cultural competency training and include all previously mentioned training subjects. (Policing)



## Implementation Strategy

When the Commission was created, it was charged with the responsibility “to examine and develop policies and legislation to overcome systemic and institutional inequities, as well as, racism in Rochester and Monroe County.” Examining the conduct, policies and practices of the Rochester Police Department and other policing agencies in the county, in the face of George Floyd’s brutal death, was expected to occupy a great amount of our attention. It did, but we were also charged to examine many other systems that create oppressive and systemic barriers to equitable and non-racist participation by African Americans and other marginalized citizens of color. During the past six months, we have examined nine of those systems, including Policing and other aspects of the Criminal Justice system. Because our focus quickly shifted from George Floyd to Daniel Prude, the Mental Health system became another major focus.

This report does not address every problem stemming from racist practices and policies in this community. It does not even address all of the issues within the systems we examined. The lack of additional time and the inability to meet with key players within these systems was an impediment that could not be overcome. Even so, those factors do not diminish the importance of this work. It contains many long-overdue recommendations which, if adopted, will transform the racial pendulum in the City of Rochester and greater Monroe County, from injustice and inequity to a system which guarantees that there are no barriers to entry into any of these systems, and each of them will incorporate standards and practices that insure equity, inclusion and diversity.

We have gone beyond our charge, because the identification of problems and solutions have taken us beyond the scope and authority of city and county government. The Working Groups have deliberated on issues under the auspices and control of the private and not-for-profit sectors; local governments including suburban towns, villages and school districts; and the state and federal governments. If our inquiries led us to these institutions, we did not retreat from identifying solutions because we had not been authorized to look at them. Our hope and belief is that from this examination, resolute discussions will occur, with officials in charge as well as the constituencies they represent.

Everything we have proposed could be filed away and soon forgotten, or even worse, endlessly debated until the resolve to take action is undermined and dissipated. That must not happen. The tentacles of racism are well rooted, not as much from law as by practice and policy, and they must be systematically removed. A roadmap to removal and replacement is found within the recommendations. However, in order for that roadmap to prove useful, there must be a community-wide bias towards action.

The release of this report to the Mayor and County Executive will coincide with its release to the public. We strongly urge them to create opportunities that will allow for a full discussion of the report and its findings. While the RASE Commission will fully participate

in these discussions, the comments should be directed to the elected officials, as it is within their sole province to act. Our interest is to see spirited action flow from this process, not endless debates.

Concurrent with this engagement with citizens, the Mayor and County Executive must immediately institute a four-fold set of actions:

1. Identify those recommendations which are within their Executive authority, or within the authority of their respective legislative bodies, to implement, and they should publicly announce a timeframe for when these set of recommendations will be enacted.
2. Create a process for the implementation of those recommendations which require the active engagement of parties beyond the scope and authority of city and county governments, such as the private, not-for-profit and various government sectors specified above. The involvement of these parties means that they will be prepared to take definitive actions to eliminate all inequitable and exclusionary practices, policies and programs that are racist in reality and perpetuation. These processes should be established with measurable outcomes and accountability requirements, with specific reporting timelines and implementation schedules.
3. Establish a successor body to the RASE Commission, with the authority to monitor the timeliness of the implementation of the recommendations contained in this report. That body will establish the manner of the reporting process, including the format for reporting progress and the intervals for the submission of these reports. We recommend that this body be authorized to discuss these progress report with each entity, and to have the power to recommend and enforce corrective steps that will insure the successful implementation of all recommendations.
4. Upon review of these recommendations, the Mayor and County Executive may determine that some of them cannot advance without the infusion of additional financial or technical resources; or direct action at the state or federal levels. Those areas of exception should be publicly identified, and both officials should facilitate community engagement that leads to a strategic plan that both informs and advocates for state and federal responses to these recommendations.

The success of this Commission's findings and plan of action will require decisive responses from our government leaders. Their ability to leverage the full support and commitment from all sectors of the community is critical to transforming the diversity, equity and inclusion footprint of the greater Rochester. This is no time for excuses. It's time for action.

## Letter of Dissent

Danielle Ponder and Damond Wilson respectfully dissent from the majority opinion that neglects to address the economic wealth gap between African American families and their white counterparts. As stated elsewhere in the report, the average black family's net worth is ten times less than the average white family, with the possibility of becoming more disparate in the wake of the pandemic. This disparity will continue without the introduction of economic equity laws and policies, better known as reparations.

We recommend that a community foundation, otherwise known as a community chest, be established to redress systemic issues in the City of Rochester and Monroe County. This community foundation would serve as the medium to invest in private ventures such as, but not limited to, homeownership, entrepreneurship, legal expenses, family stabilization, economic security, etc. Funding for the proposed community foundation would derive from the legalization of marijuana, reallocation of tax revenues, and excising taxes.

The board of directors for the proposed community foundation dedicated to reparations would consist of Black Monroe County residents ranging from diverse backgrounds, including business professionals, community activists, healthcare professionals, educators, etc. The board of directors would be responsible for identifying grant opportunities, fund management, and addressing systemic issues in the Greater Rochester Area.

In addition, the City and County should advocate for the passage of H.R. 40, Commission to Study and Develop Reparation Proposals for African-Americans Act. This bill reintroduced by Rep. Sheila Jackson Lee establishes a commission to "examine slavery and discrimination in the colonies and the United States from 1619 to the present..." Once passed, the bill would pave the way for economic policies that would greatly influence the work of a community foundation dedicated to reparations.

We believe that any recommendation short of addressing the economic wealth gap between African Americans and White Americans is peripheral and an insubstantial attempt to redress racial and structural equity.

## Part 3: Working Group Summaries

The individual summaries of RASE Working Groups are presented in alphabetical order in the section below. Working Groups prepared their own reports, based on the resources, research, analysis and community engagement each used to arrive at its priorities and recommendations. They are presented below, with minimal to no editing of the text that each group created.

# Business Development

**“Investing in people, not in brick and mortar.”**

## Preamble

The Business Development Working Group was tasked with identifying structural barriers for entrepreneurs of color in Monroe County and developing recommendations to invest in these individuals. Given the history of racist practices and policies regarding essential areas of starting a business, such as racial discrimination in the credit market<sup>59</sup>, this group’s mission was to address the most pressing areas in need of reform that the Monroe County government could play a role in.

We want to recognize that the current financial and economic systems were built to cultivate and protect the rights of White male landowners and our recommendations are a small part of dismantling the systems which continue to operate in a racist manner. These systems evolved over centuries and require a thoughtful, integrated and collaborative review that includes private sector, financial institutions, business owners, public sector entities, entrepreneurs, and BIPOC (Black, indigenous and people of color) individuals who have been historically excluded from these systems.

The COVID-19 pandemic has only exacerbated the challenges faced by small businesses, and Black-owned businesses are particularly vulnerable to financial hardship associated with the economic shut-downs<sup>60</sup>. Not only are we interested in addressing the harms imposed on entrepreneurs of color, we want to elevate these individuals to create an equitable business community. Simply put, we are interested in investing in people.

Reflecting on additional areas outside the scope of our recommendations, we highlight the need for a holistic approach to the mission of achieving racial equity. In terms of the individual, policy must consider the interdependent nature of different areas which determine well-being and life outcomes. In terms of systemic change, the work of racial equity can be achieved through examining each system’s evolution and growth as well as the components and tools that have been exclusionary, and reverse-engineering and reconstructing systems for inclusion. Investing directly in entrepreneurs and small businesses, in addition to the organizations that serve them, should also be a regional priority. It is one thing to successfully launch programs and initiatives that advance equitable growth and social inclusion; it is another thing to allocate sufficient resources to bolster and sustain these to optimize our collective impact.

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<sup>59</sup> <https://advocacy.sba.gov/2018/02/01/financing-patterns-and-credit-market-experiences-a-comparison-by-race-and-ethnicity-for-u-s-employer-firms/>

<sup>60</sup> <https://advocacy.sba.gov/2020/08/31/small-business-facts-black-business-owners-hit-hard-by-pandemic/>

## Statistics

Based on the 2012 Census Bureau Survey of Business Owners<sup>61</sup> (the most recent comprehensive data available), MWBE enterprises represented a clear minority of the overall businesses in both the City and County.

Approximately 18% of firms in Monroe County were minority-owned in 2012, with 10% being Black-owned and 4% being Hispanic-owned (these categories may overlap for some owners).

Approximately 36% of firms in the City of Rochester were minority-owned in 2012, with 25% being Black-owned and 7% being Hispanic-owned (these categories may overlap for some owners).

If this ownership pattern has held relatively constant to today, it would indicate clear disparities: currently, 30% of Monroe County residents are minorities, while 63% of City of Rochester residents are minorities.

This suggests much work remains, and must be done, to achieve equitable business ownership and increase economic vitality in minority communities. The recommendations this working group presents below represent initial steps along the path to inclusion and equity.

## Resources Consulted

Equity and inclusion in business development and entrepreneurship is not a new topic or a new challenge for the Rochester area, nor is the RASE Commission the first group to address this. We are indebted to the work that has already been done by multiple organizations and individuals to understand this issue; we look to build on their insights and recommendation and add them to our own.

To gain an understanding of what barriers entrepreneurs face in Rochester, the group consulted multiple studies and research reports which provided critical background and action suggestions, from national-level research on the credit market experiences for minority-owned businesses conducted by the Federal Reserve<sup>62</sup> and U.S. Small Business Administration<sup>63</sup>, to local-level research, such as the Rochester Area Community Foundation's 2019 Rochester Entrepreneurial Ecosystem Assessment Report<sup>64</sup>, Empire

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<sup>61</sup> <https://www.census.gov/library/publications/2012/econ/2012-sbo.html>

<sup>62</sup> <https://www.fedsmallbusiness.org/medialibrary/fedsmallbusiness/files/2019/20191211-ced-minority-owned-firms-report.pdf>

<sup>63</sup> <https://advocacy.sba.gov/2014/01/01/credit-scores-and-credit-market-outcomes-evidence-from-the-survey-of-small-business-finances-and-the-kauffman-firm-survey/>

<sup>64</sup> <https://www.racf.org/wp-content/uploads/2020/03/Rochester-Entrepreneurial-Ecosystem-Assessment.pdf>

Justice Center's 2018 #AllTogetherNow<sup>65</sup> report on Rochester-area small business lending, and the City of Rochester's 2019 Commercial Corridor Study<sup>66</sup>, among others. Racial equity initiatives in multiple cities, such as Philadelphia, Minneapolis and Seattle, were examined for best practices and ideas of how to address barriers to equitable business development.

## Community Engagement

The Business Development Working Group used a multi-faceted community engagement approach to identify areas of focus for the recommendations. This included interviewing key informants, agencies and organizations that work on business development in the Rochester/Monroe County area, surveying local businesses, hosting a live-streamed community forum and taking a bus tour of local businesses.

### Key Informant Interviews

Between October 7th and November 9th, 2020, working group representatives held one-on-one or group meetings with more than twenty supporting organizations, including: City of Rochester - Department of Neighborhood and Business Development; Office of Community Wealth Building; Purchasing Department, Empire State Development, Greater Rochester Black Business Alliance, Greater Rochester Chamber of Commerce, Greater Rochester Enterprise, Junior Achievement, Monroe County Department of Planning and Development, NYSED ACCES-VR, PathStone Enterprise Center, ROC2025, Rochester Downtown Development Corporation, Rochester Economic Development Corporation (REDCO), Rochester Institute of Technology - Center for Urban Entrepreneurship, SCORE Greater Rochester, SUNY Brockport - Institute for Poverty Studies and Economic Development, U.S. Small Business Administration - Buffalo District Office, University of Rochester - Simon School of Business, the Urban League of Rochester and the Venture Jobs Foundation.

These interview meetings gathered expert perspectives, input and suggestions about critical areas of need and potential solutions and action items.

### Community Forum

An online community forum was held via Zoom on October 28, 2020, with both Spanish and ASL interpretation to ensure access to Spanish-speaking and deaf or hard-of-hearing community members. Guiding questions for the evening's discussion invited participants to speak on racism and structural inequities in business as well as challenges and advantages of being a minority or woman-owned business. Participants were also asked about their experiences obtaining a Minority- or Women-Owned

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<sup>65</sup> [https://empirejustice.org/resources\\_post/alltogethernow/](https://empirejustice.org/resources_post/alltogethernow/)

<sup>66</sup> <https://www.cityofrochester.gov/CommercialCorridorStudy/>



Businesses Enterprise certification (MBE or WBE) and encouraged to identify resources that would help them to grow their business.

The community forum had 56 participants through the Zoom platform, including 34 current business owners, 12 prospective business owners, and 6 former business owners. The forum was also live-streamed to the RASE Facebook page<sup>67</sup> where watchers were invited to post questions and give other input via the comments section. As of December 20, 2020, the permanently posted recording of the forum on the RASE Facebook page has garnered 830 views.

## **Business Survey**

Before, during, and after this community forum, further engagement with participants was ensured by sending out a pre-registration questionnaire, a business survey, and an evaluation, respectively. The business survey gathered 113 responses. Approximately 78% of respondents to that business survey were certified minority-owned, woman-owned, or disabled veteran-owned businesses. Approximately 35% of respondents were Black/African American, Hispanic/Latino origin, or Asian.

Funding was reported as a top need for responding businesses. Many were coping with fallout of the COVID-19 pandemic and its effect on the economy.

## **Bus Tour**

The Business Development Working Group also took a bus tour to reach out to ten small MWBE's. This helped gather face-to-face input on experiences of systemic inequity, MWBE challenges, and resources needed from the City and County that are lacking. Members of the working group engaged with businesses in Brighton, West Irondequoit, Thurston Road in the 19th Ward, and Clinton Avenue in the 14621 zip code area.

## **Reopening Petition**

In December 2020, new orange zone restrictions were enacted in particular areas of Monroe County due to COVID-19 which disproportionately harmed MWBE's. A petition was developed by the group to ask for gyms and salons to be reopened, in light of evidence that they were not a significant source of COVID transmission. The petition garnered 1,542 signatures and led New York governor Andrew Cuomo to reopen gyms and salons in Monroe County starting December 14th.

## **Prioritization of Issues**

Issues were prioritized through discussions among work group members. A list of issues found through resource consulting and community engagement were narrowed down

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<sup>67</sup> <https://www.facebook.com/ROCRASE>

based on the amount of influence that the City and/or County government has over the specific issue, the amount of time it will take for the City and/or County government to resolve the issue, and the relative amount of MWBE's that the issue negatively impacts.

## Key Issues & Recommendations

### Key Issue #1: Access to Capital

- Increase access to city/county financial assistance.
- In partnership with local financial institutions, local government can create a guided pathway for MWBE borrowers which connects them first to Community Development Financial Institutions (CDFIs) and then moves them to traditional financial institutions, as appropriate.

Based on the input gathered from our community engagement, only 12% of business owners responding to the survey report having received business support or financial assistance from the City of Rochester, while only 20% of business owners report having received business support or financial assistance from Monroe County. Some business owners are even unaware that they are able to apply for and receive assistance from the county government.

Limited access to capital was a commonly mentioned issue throughout our interviews with supporting organizations. This feedback is also supported by the U.S. Small Business Administration (SBA), which reports that Black and Hispanic businesses are more likely to have been denied credit and are less likely to receive the full requested amount.<sup>68</sup>

However, organization leaders had varying ideas on how to approach this issue: suggestions included gap funding, bridge lending, venture funding, partnerships with Community Development Financial Institutions (CDFI), and using public funding to leverage private funding. All of these tied into the need for MWBE's to be more bankable, often through credit building and improved professional accounting practices.

To resolve this issue, we recommend that the City of Rochester and Monroe County governments work to bring CDFIs together with traditional financial institutions. This partnership can take people from alternative credit options to the banking mainstream and provide them with loans at reasonable interest rates.

The referenced SBA report shows that Blacks and Hispanics are more reliant on CDFIs and Credit Unions for lending than White borrowers, yet they use them overall at far lower rates than conventional banks. So, we believe that these lenders should be

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<sup>68</sup> <https://advocacy.sba.gov/2020/07/23/minority-owned-employer-businesses-and-their-credit-market-experiences-in-2017/>

encouraged to engage with minority borrowers and expand on services provided to these borrowers.

We also feel that larger financial institutions should work with customers that have repaid obligations with CDFIs to provide lending at competitive rates. The City and County can actively refer to the CDFIs while seeking commitments from larger financial institutions to form relationships with minority-owned businesses that have successfully used CDFI lending products.

Lastly, the larger financial institutions should be encouraged to refer to CDFIs to match borrowers with lenders that will be able to lend to them. We expect the City and County to be able to leverage their relationships with larger financial institutions to bring them on board and usher more MWBEs into the banking mainstream.

## **Key Issue #2: Operations/Mentorship**

- Work with MWBE businesses and entrepreneurs to increase their credit-readiness.
- Provide culturally competent mentorship and support that is proactive at reaching MWBE businesses and entrepreneurs where they currently are:
  - Design appropriate outreach to both meet them in their current physical locations and to meet them where they are in the business development cycle.
  - Conduct an internal audit of existing support services to determine shortcomings that are preventing services from reaching eligible businesses.

Based on input from many business development community organizations, it is not enough to provide credit to businesses that are not ready to deploy it effectively. This can create a vicious cycle as bad decisions with capital can lead to poor business results, bad credit, and inability to access credit going forward.

Additionally, our community engagement revealed that business owners feel the city and county government lack transparency regarding business development opportunities and how to go about certain processes such as grant applications. Business owners say that they would benefit from in-person assistance that demystifies stressful and confusing processes.

Thus, many MWBEs find themselves in situations where they are struggling to operate and are not aware of the services made available to them by the City, County, or otherwise.

To resolve this issue, we recommend that the City of Rochester and Monroe County governments create culturally competent services that provide on-site technical/operational assistance and a level of mentorship for businesses owners. To kick-start a more culturally competent offering of services, we recommend that the City

and County start with internal audits of their business support services to review cultural competence and service delivery methods.

In our community engagement, we found that many people are calling for mentors who look like them and can relate to their struggles. We also found that the life of a business owner is quite time-consuming, which must be considered in designing services. For these reasons, we recommend an audit that forces the City and County to ask if business development services could be delivered in a way that will better serve the community. A guiding principle here would be to serve more people where they are, instead of forcing them to come to the provider.

### **Key Issue #3: MWBE Certification/Contracting**

- Create a local city/county MWBE certification program, similar to those of Erie County/Buffalo, Syracuse and Albany.
- Consider raising the \$10,000 limit on no-bid municipal contracts to a higher level, to allow MWBE vendors access to greater potential revenue.
  - MWBEs, which tend to be smaller and newer, are often disadvantaged in a competitive bidding process as they face larger and more established competitors who can afford to underbid them.
- Re-examine municipal vendor payment policies to assure small subcontractors, who often lack the capital reserves to cover weeks of operating expenses, are promptly paid and able to pay their workers.
- Enact a more holistic “best value” bid scoring system, including the bidder’s previous contract performance and success in meeting supplier diversity goals as part of their scoring, replacing simple lowest-bidder selection.

Based on the input gathered from our community engagement, the process to obtain and maintain an MWBE certification can be difficult, confusing, and time-consuming. Due to State MWBE requirements, many small businesses are not eligible to apply until they have been in operations for more than two years. After that, they must actually apply and go through the process, which means a business may be in their third or fourth year of operation before they receive certification.

Furthermore, once entrepreneurs have received their MWBE Certification, they stated that the bidding and contracting processes often favor mid-size or large companies that have greater resources and revenue. We also heard the amount of time it takes for contractors to get paid is far too long. Many MWBEs, and small businesses in general, are running on smaller margins with smaller reserves and cannot wait for payment.

In order to resolve these issues, we recommend that the City and County consider a local MWBE certification process. This will not replace the State certification, but will

allow companies to experience benefits sooner than the two to three years it takes to get a state MWBE certification. To be effective, a business should be able to apply after six months to one year. Please see Appendix for more information about other cities' local MWBE certification programs.

We also recommend that the City review their policy around open contracts. Currently, any contract that would lead to more than a \$10,000 annual spend with any one company must be put through an arduous bid process. Meanwhile, larger companies like Staples have open contracts where they can receive more than \$10,000 in contracts annually without the City going through bidding. We could make small MWBEs more competitive by raising that limit substantially.

Additionally, we recommend that the City of Rochester and Monroe County examine their vendor payment policies. We understand that New York State does have prompt payment laws but those can still be disadvantageous for smaller businesses. In reviewing these laws, we find that a subcontractor may still have to wait between 37 - 52 days before payment. We feel that upon completion of work, subcontractors should be able to expect payment within two weeks. The City and County should think of creative ways to make this possible, including bridge loans that use the contract as collateral.

Finally, we recommend that the City of Rochester and Monroe County consider implementing a holistic "best value" bid scoring system. Bid criteria is often designed to award contracts to the lowest bidder. However, this system can disadvantage smaller and less established businesses, such as MWBEs, which face difficulty competing with large, well-established firms that can leverage their size and economies of scale to offer lower prices. While simple lowest-bidder criteria may provide cheaper costs to local governments and taxpayers in the short run, in the long run it can raise costs and reduce competition by preventing smaller MWBE firms from receiving the level of business necessary to develop into larger, more cost-effective bid competitors.

In contrast, a "best value" bid system would evaluate how well bidders meet several criteria, including the bidder's previous contract performance and success in meeting supplier diversity goals as part of their scoring. For example, local businesses certified as good performers who consistently meet diversity goals could be given a 5% bid preference. Such a policy could be leveraged to intentionally increase supplier/vendor diversity and competitiveness, resulting in a larger, more equitable field of businesses ready to contract with local governments.

## **Key Issue #4: Communications/Outreach**

- Host an annual joint City/County MWBE Business Development Fair, which can:
  - offer training on certification and contracting requirements;
  - publicize forthcoming contract work suitable for small businesses and MWBEs;

- promote local and regional MWBE businesses;
- provide matchmaking for MWBE vendors and subcontractors with municipal agencies, prime contractors, and major local purchasers.
- Audit the City and County's business development services to better coordinate outreach and communication, eliminate duplication and assess the efficiency of current services.

Based on the input gathered from our community engagement, we found that many MWBE entrepreneurs have little-to-no contact with representatives from the City or the County. Many of these entrepreneurs then face challenges in navigating the City/County bidding and contracting processes. The City and County must position themselves as advocates for MWBEs and do much better at communicating and reaching out to MWBEs.

To resolve this issue, we recommend that the City of Rochester and Monroe County host an annual MWBE Business Development Fair that highlights local MWBEs, acts as a forum for continued engagement, provides training on contracting and procurement processes, and offers the opportunity to review or bid on current opportunities.

The MWBE Certification process cannot be an exercise in compliance. The City and County should be heavily promoting the products and services of MWBEs, sharing information on the best ways to turn an MWBE certification into new business, and providing the opportunity to take part in the bidding process. A local MWBE Business Development Fair can help accomplish these goals and help the local community view MWBEs as vibrant businesses with something to offer.

In addition to the MWBE Business Development Fair, the perceived lack of communication from the City and County must be addressed. We recommend that an audit be performed on the functions of the City and County government regarding MWBE business development. For example, we know that the City employs community liaisons but we need to know if they are being effective in their work. If we find they are not, we need to reimagine how community outreach should work on a day-to-day basis.

Another step in the audit is to identify inefficiencies between departments that do similar work. In our outreach, we spoke to many people in City and County government and found that resources are often limited to one person doing a lion's share of the work. Before looking to increase headcount, we should examine overlap in the Department of Neighborhood and Business Development and the Office of Community Wealth Building. If we find that they are doing similar work, we may be able to realize efficiency gains and become more effective in promoting successful MWBE development.



## Parking Lot

The above recommendations cover only some of the items the Business Development working group considered; specifically, those it believes will have the broadest possible impact and should be given the highest priority for action.

Simultaneously, the working group has identified a secondary set of more specific priorities and recommendations related to each of the recommendation areas above. These recommendations should not be considered less important; rather, their adoption can provide critical support to each of the priority areas identified above.

## Access to Capital

- New loan/grant products to better serve community
  - Increase 50/50 matching grant programs to 15k/25k for new/existing businesses.
  - Create convertible loan-to-grant programs tied to major milestones for established businesses to support next-stage growth.
  - Examine “brick and mortar” requirements to access City funds.
- City/County should develop a proposal to bring a black-owned bank to serve Rochester and Monroe County.

## Operations/Mentorship

- City/County funded grants for businesses after they complete certain programs (economic gardening, the Jobs Kitchen, Center for Urban Entrepreneurship trainings, etc.).
- Develop mentoring program that provides tax incentives to participants at completion.
- Expanded support for programs teaching entrepreneurship and business skills to school-aged children, such as Junior Achievement.

## MWBE Certification/Contracting

- Examine insurance/bonding policies; high requirements often block small MWBEs.
  - Consider a bonding readiness program, such as that offered by [New York City](https://www1.nyc.gov/nycbusiness/article/bond-readiness-program).<sup>69</sup>

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<sup>69</sup> <https://www1.nyc.gov/nycbusiness/article/bond-readiness-program>



- Encourage anchor institutions to adopt MWBE contracting policies that will increase their spending with MWBE contractors.
  - 25% increase per year over four years
- Review representation at all leadership levels in City/County to ensure they are proportionate to the population.

## **Communications/Outreach**

- City/County-sponsored shared workspaces that turn abandoned buildings into store fronts, art galleries, etc. that will work as incubators for small businesses.

# Criminal Justice

The leaders: Commissioner Logan Brown, Commissioner Danielle Ponder and Commissioner Catherine Thomas led the criminal justice work group. This group met weekly or biweekly from September to November 2020. Subgroups were developed to focus on: Juvenile Justice System, Probation and Parole, Court System and Judicial Review, District Attorney/Public Defender, and Pre Trial/ Post Conviction/ Criminal Codes.

The members of the Criminal Justice Working Group: Yesenia Reed, Frank Liberti, Joe Hennekey, Carlos Garcia, Kayla Atkin, Michael Simpson, Lisa Johnson, Yohannes Tesfa Michael, Corey Hepburn, Frank Ham, Ciera Caldwell, Sydney Cuyler, Lisa Barr, Michael Bleeg, Frank Hamlin, Torey Richardson, Cynshel Wilson, Lamaar Jackson, Pamela Flemming, Amanda Santacroce, Raymond Kenne, Kerry Gant, Michelle Daniels, Isaac Elliot, Sherron Sawyer, Wayman Harris, Vanessa Cheeks, Anayra Gutierrez, Carla Perez, Yesenia Reed, Frank Liberti, Joe Hennekey, Carlos Garcia, and Kayla Atkins.

Working group members included Monroe County residents with backgrounds in criminal justice including defense attorneys and former law enforcement personnel.

## Summary of Group's Process

### Resources Consulted

- ∞ Meetings with several system players reviewed Monroe County Disposition data. RIT Center for Public Safety Initiatives reports were consulted: *COVID-19 Pandemic and the Opioid Epidemic*<sup>70</sup>, *Fatal and Non-Fatal Shootings in the City of Rochester 2015-2018*<sup>71</sup>, *Local Criminal Justice Data: Part I in a Series Police Staff & Population*<sup>72</sup>,

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<sup>70</sup> Duda-Banwar, J., & Altheimer, I. (2020, April). *COVID-19 Pandemic and the Opioid Epidemic* (Rep. No. 2020-03). Retrieved [https://www.rit.edu/liberalarts/sites/rit.edu.liberalarts/files/docs/CRIM%20Resources/COVID-19%20Pandemic%20and%20the%20Opioid%20Epidemic%20\\_WP%202020\\_03.pdf](https://www.rit.edu/liberalarts/sites/rit.edu.liberalarts/files/docs/CRIM%20Resources/COVID-19%20Pandemic%20and%20the%20Opioid%20Epidemic%20_WP%202020_03.pdf)

<sup>71</sup> Burt, J., Duda-Banwar, J., Altheimer, I., & Klofas, J. (2019, April). *Fatal and Non-Fatal Shootings in the City of Rochester 2015-2018* (Rep.). Retrieved <https://www.rit.edu/liberalarts/sites/rit.edu.liberalarts/files/docs/CRIM%20Resources/Fatal%20and%20NonFatal%20Shootings%202015-2018%20Working%20Paper%202019-04.pdf>

<sup>72</sup> Burt, J., Duda-Banwar, J., Klofas, J., & Altheimer, I. (2018). *Local Criminal Justice Data: Part I in a Series Police Staff and Population* (Rep.). Retrieved [https://www.rit.edu/liberalarts/sites/rit.edu.liberalarts/files/documents/our-work/Local%20Criminal%20Justice%20Data%20Part%20I%20\\_Police%20Staff%20and%20Population.pdf](https://www.rit.edu/liberalarts/sites/rit.edu.liberalarts/files/documents/our-work/Local%20Criminal%20Justice%20Data%20Part%20I%20_Police%20Staff%20and%20Population.pdf)

*Rochester Homicide Statistics for 2019*<sup>73</sup> and, *Living with Warrants: Life under the Sword of Damocles*<sup>74</sup>.

- ∞ Juvenile Alternative & Reform Team – (JART) Report Barb Mitchell – Monroe County Juvenile Justice Planner, Juvenile Detention Alternative Initiative, Monroe County – Disproportionate Minority Contact (DMC)<sup>75</sup>, Reduction Strategy Development Program Final Report, Sheriffs General Orders<sup>76</sup>, RPD General Orders<sup>77</sup> and Police Union Labor Relations Agreement<sup>78</sup>.

## Community Engagement

- ∞ Engaged working group members for several weeks to define priority issues.
- ∞ Hosted virtual Town Hall with Timothy Donaher from the Public Defender's Office and Kristine Durante from Probation.
- ∞ Conducted a focus group with formerly incarcerated men that was facilitated by working group members, Kerry Grant and Pamela Flemming.
- ∞ Twenty-five youth held at the Monroe County Children's Center were engaged in conversations relating to their experiences in the juvenile justice system. In order to create trust, interviews were conducted individually or in groups of two. This strategy allowed participants to easily communicate their opinions. Youth participants were 14 to 19 years old and had been placed at the Children's Center facility multiple times. Their adjudication status was Adolescent Offender (AO), Juvenile Delinquent (JD) or

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<sup>73</sup> Altheimer, I., Klofas, J., & Rodriguez, L. (2020, January). *Rochester Homicide Statistics for 2019* (Rep. No. 2020-01). Retrieved from <https://www.rit.edu/liberalarts/sites/rit.edu.liberalarts/files/docs/CRIM%20Resources/Rochester%20Homicide%20Statistics%20for%202019.pdf>

<sup>74</sup> Duda-Banwar, J., & Burt, J. (2019, October). *Living with Warrants: Life under the Sword of Damocles* (Rep.). Retrieved <https://www.rit.edu/liberalarts/sites/rit.edu.liberalarts/files/docs/CRIM%20Resources/Warrants%20Community%20Report%20-%20Final%20for%20Distribution.pdf>

<sup>75</sup> <https://www.criminaljustice.ny.gov/ofpa/jj/documents/monroe-co-dmc-report.pdf>

<sup>76</sup> <https://www.keyssso.net/genOrds>

<sup>77</sup> <http://rochester.indymedia.org/sites/default/files/General%20Order%20Manual%20-%20March%202016.pdf>

<sup>78</sup> <http://rochester.indymedia.org/sites/default/files/Locust%20Club%20contract%20PLC%20CBA%202016-2019.pdf>

Juvenile Offender (JO). Most of the youth that we spoke to were charged with serious felonies. However, there were a few JD youth that were in the facility for minor misdemeanor charges. Many youth have lingered in the facility far beyond the regulations time this may be due to COVID.

Key themes expressed by youth: 1) Frustrated because often times they were unable to speak to their attorneys prior to court and in a timely fashion; 2) Frustrated because they were unable to speak out; 3) The lack of attorney contact often caused uncertainty regarding their disposition; and 4) Concerns about school credits and the possibility of graduation.

- ∞ Conducted a conversation with Mercy High School's Mosaic & Leadership Clubs. Approximately 40 students/faculty attended the presentation. Distributed a criminal justice survey to assess perceptions regarding the criminal justice system.
- ∞ Lisa Carr, Kerry Gant and Mike Bleeg presented a plain language questionnaire for the incarcerated.
- ∞ Mike Bleeg connected with LEAD: Law Enforcement Assisted Diversion, a pre-arrest diversion program that improves public safety and public health through partnership between community, police and service providers.
- ∞ Presented work to Black Women's Leadership Forum and solicited recommendations.
- ∞ Presented to Rochester-Monroe County Youth Bureau - 20 minute presentation to approximately 30 Juvenile Justice Employees.
- ∞ RMAPI presentation that provided an overview of RASE and the 4 key areas to be put forward for final report. Solicited feedback
- ∞ Presented an update to the Juvenile Alternative & Reform Team (JART) Work Group to provide and solicit input for the RASE.
- ∞ Unable to do a jail visit due to COVID outbreak.

## Prioritization of Issues

- ∞ Our issues were prioritized after several meetings with working group members, one community town hall and a focus group.
- ∞ Working group was split into four sections looking at different areas of the system, courts, district attorney & public defenders, pre-trial and post-conviction.

# Key Issues & Recommendations

## Key Issue #1 PRE- ARREST DIVERSION

ACT Rochester data shows that Black individuals in Monroe County are arrested at a rate 6.8 times greater than white residents.<sup>79</sup> Of all felony arrests in 2019, Black people constituted 56% compared to 29% whites.<sup>80</sup> Once in the Monroe County court system, Black people are more likely to receive prison sentences compared to their white counterparts. Of the 500 individual sentenced to prison in Monroe County in 2019, 61% were Black and 22% were whites. According to the ACT Rochester report, racialized stereotypes, community conditions, and policy all work together to create disproportionate arrest rates.<sup>81</sup>

New York State Division of Criminal Justice Services data for 2019 indicates that two-thirds of all adult arrests in Monroe County are for misdemeanor crimes. In 2019, 8,401 adults were charged with a misdemeanor in Monroe County.<sup>82</sup> There are racial disparities in misdemeanor sentencing outcomes in this region. About 12% of Black people who are arrested for a misdemeanor will serve time in jail compared to 6.9% of whites.<sup>83</sup> Only 9.4% of Blacks are fined compared to 25.4% of whites for misdemeanor sentencing.<sup>84</sup> These statistics demonstrate harsher sentencing for Black people in Monroe County's criminal justice system.<sup>85</sup>

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<sup>79</sup> Arrest Rates by Race/Ethnicity. (n.d.). Retrieved January 22, 2021, from <https://www.actrochester.org/public-safety/arrest-rates-by-race-ethnicity>

<sup>80</sup> NYS Adult Arrests and Prison Sentences by Race/Ethnicity in 2019. (2020, August 31). Retrieved from <https://www.criminaljustice.ny.gov/crimnet/ojsa/comparison-population-arrests-prison-demographics/2019%20Population%20Arrests%20Prison%20by%20Race.pdf>

<sup>81</sup> Arrest Rates by Race/Ethnicity. (n.d.).

<sup>82</sup> Disposed Adult Arrest Demographics. (2020, July 17). Retrieved from <https://www.criminaljustice.ny.gov/crimnet/ojsa/dispositions-adult-arrest-demographics/2019/Monroe.pdf>

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> Data is only available for arrests that have reached a final disposition. Arrests with no disposition, an interim disposition, or a conviction without a sentence are not included.

**Community:** There was a general consensus within the Criminal Justice working group that **Monroe County should use incarceration as a last resort county**. It is important that we find ways to deal with social problems that does not involve incarceration. Alternatives to incarceration, restorative justice, and diversion programs were frequently discussed in the Town Hall and working group meetings. Youth at the Juvenile detention center also highlighted the need for vocational training.

*System Players Consulted: Dr. Lyman-Torres, Mike Bleeg, Simeon Banister & Irshad Altheimer*

Dr. Lyman Torres leads the city's Crisis intervention Team. Her program allows 911 operators to divert calls from the police to crisis intervention teams. This program primarily focuses on individuals who are in mental health crisis. While this program is a strong start, limiting it to just individuals with mental health issues lessens its impact.

Working group member Michael Bleeg and United Christian Leadership Ministry (UCLM) developed a proposal for a Law Enforcement Assisted Diversion Program. The L.E.A.D. program would give officers on the street the ability to refer "suspects" to diversion programs. There are currently Pre-Arrest diversion programs such as BHAC. According to Public Defender Timothy Donaher, these programs are rarely used by law enforcement officers.

## Recommendations

### **Develop a Pre-Arrest Diversion Program:**

To address the disproportionate arrest of Black and Latinx residents, the City of Rochester and Monroe County should create and adequately fund community alternatives to police. The cases of George Floyd and Daniel Prude, and so many others, makes it clear that armed police officers are not the appropriate party to respond to non-violent crimes and mental health crises. Instead, the City and County must build off the work of the PIC units to create more alternatives to traditional policing that utilize trained community responders, crisis intervention specialist and mediators. 911 should analyze calls for service over the last 5 years to understand patterns for calls for service in order to determine the appropriate amount to reallocate. Being that over two-thirds of crimes in Rochester are misdemeanors, funds diverted from RPD must be significant. As City and County begin to decrease the size of police departments and increase the size of crisis intervention units, there must be a priority to hire Black and Latinx community members.

- a). Crisis Intervention Team: a team of mental health professionals, social workers and/or crisis counselors to send as first responders to calls involving mental health crises, welfare check, substance abuse, family disputes and homelessness such as the CAHOOTS model in Eugene, Oregon.
- b). Trained Community Responders: a team of community responders who can respond to low level crimes, crimes of poverty such as retail theft and some non-violent felonies. These responder will connect individuals with community services, support and if necessary mediation.

C) The city should aim to utilize these alternatives for most low level crimes and non-violent offenses.

### **End Pre-Textual Stops:**

Pre-Textual stops are a tool often used by law enforcement agencies by allowing an officer to stop an individual for a minor infraction for investigatory purposes, however, its value is outweighed by its harm. Being stopped by police for minor infractions is an experience shared by far too many Black men. These stops can result in humiliation or even death as we saw in the case of Philando Castille, Walter Scott and Sandra Bland. [Evidence shows](#) pre-textual stops increase racial bias in the system and do not make communities safer. A national study found that white drivers were about [20% less likely](#) to be stopped than Black drivers. The study further revealed that white drivers, were searched 1.5 to 2 times less often than Black drivers, but were more likely to have drugs, guns or other contraband.<sup>86</sup> For these reasons the following policies should be implemented:

- A. Upon stopping a vehicle for a minor traffic infraction, officers should not engage with occupants beyond what is necessary to issue a citation. Before searching or asking for consent to search officers should have probable cause to believe that the vehicle contains evidence of a crime. Upon asking for consent to search, law enforcement in Monroe County should advise occupants of their right to refuse consent.
- B. Law Enforcement agencies should end the practice of stopping vehicles and pedestrians for the following infractions: failure to use the sidewalk, jaywalking, no bell on bike, no light on bike, front or rearview obstructed (VTL 375) and tinted windows.
- C. Law Enforcement agencies in Monroe County should not be permitted to search vehicles, or persons based on the smell of marijuana.
- D. All vehicle and traffic stops should be recorded, race and ethnicity of the motorist should be documented.

**End Zero Tolerance Policing.** The City of Rochester should end zero tolerance policing by decriminalizing and de-prioritizing the following quality of life ordinances: marijuana possession, disorderly conduct, public use of marijuana, trespassing, open container of alcohol, littering, public intoxication, loitering, and aggressive panhandling. These activities do not threaten public safety and are used to over-police the black and Latinx community. Community concerns regarding the aforementioned violations should be routed to community responders.

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<sup>86</sup> <https://5harad.com/papers/100M-stops.pdf>



## Key Issue #2 DISTRICT ATTORNEY AND PUBLIC DEFENDER

Several community members spoke to what they believe to be an unfair prosecution of Black and Brown community members. During the Town Hall, community members spoke about the charges filed against protestors, the lack of restorative justice programs and what was perceived to be an up-charging of minor crimes to felonies. Community members also expressed concern with the Public Defender's Office representation of defendants. Youth at the Children's Detention Center expressed that they never hear from their lawyer and they rarely understand court procedures.

New York State legislation put a cap on felony caseloads for the Monroe County Public Defender's Office in July of 2019, to be fully implemented by 2023.<sup>87</sup> Prior to the change, caseloads were unacceptably high with around 200 non-violent felony cases or 85 violent felony cases being assigned to the Public Defender's Office per year.<sup>88</sup> This finding sheds light on the low-quality representation community members may have experienced in the past.

System Players Consulted: Timothy Donaher & Sabina Lamar

Timothy Donaher: Mr. Donaher stated that historically a lack of funding impacted the Monroe County Public Defender's office ability to provide quality representation. Recently, state aid has increased, barring any cutbacks from the pandemic, with additional funding Mr. Donaher can decrease the caseload of his attorneys. One area of specific interest is Family Court where Black families face child removal proceeding at a higher rate. Mr. Donaher believes that one factor which contributes to this is the insufficient number of family court attorneys, and the lack of blind removal proceedings.

Sabrina Lamar: Acknowledge that oversight of the District Attorney office is difficult. Legislator Lamar states that the legislator only has control over the District Attorney's budget but not over the office's daily policies and practices.

John Klofas: Regarding criminal arraignments. In Rochester, a person arrested can be, and frequently is, taken directly to jail. The Monroe County jail has an RPD lockup process and section. That person will wait in jail until their arraignment- it could be the next day, or after the weekend, or after the holiday. City Court Juries. The County Commissioner of Juries manages this process. City Court and Town courts both have jury trials, although they are not as numerous as in the higher courts.

## **Recommendations**

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<sup>87</sup> Moffit, J. (2019). *Office of the Public Defender Annual Report* (Rep. No. 20-0003).

<sup>88</sup> Ibid.

**District Attorney/Public Defender:** Inequitable practices impacting BIPOC include lack of 24-hour arraignments for people arrested in the City (as opposed to those in the suburbs); lack of adequate funding for the Public Defender's office, contributing to an overwhelmed Family Court section, as one example; and lack of transparency and progressive policies in the District Attorney's office.

**24 Hour Arraignment for City Court Residence:** Create 24 hour arraignments for Rochester City Court allowing criminal defendant to immediately see a Criminal Court Justice upon their arrest.

**Public Defender's Office Funding:** In order to reduce the caseload of attorneys and provide families with quality representation, fully fund the Monroe County Public Defender's Office Family Court Section

**Public Defender Fee Exemption:** Monroe County should waive any county imposed fees for any criminal defendant who financially qualifies for a public defender, including but not limited to fees for probation and the victim impact panel.

**Data Transparency:** The district attorney should provide extensive data on cases, pleas, disposition etc., to the community through an open data portal.

**Tie DA budget allocation to the increased use of diversion programs.**

**End Project Exile:** Monroe County should end referrals of gun charges to the federal courts. Project exile a program which started in Richmond, Virginia has been discontinued in several cities. Rochester is one of the few cities which still utilizes this program. There has been no research to support its efficacy and it is a clear example of a policy that results in lengthy sentences for primarily Black men.<sup>89</sup>

The District Attorney is the most powerful player in our local criminal justice system. While District Attorneys across the country have adopted progressive policies Monroe County lags behind. The Mayor and County Executive should publicly recommend that the District Attorney adopt the Brennan Center for Justice's 21 Principles for the 21st Century Prosecutor. Progress on these principles and diversion efforts should be reported in the District Attorney's annual report to the County's legislative body.

### **Juvenile Justice Recommendations**

- Training for Parents of involved youth with the criminal justice system regarding navigating systems and understanding terminology.
- Adequate time granted for youth to consult with public defender/attorney prior to going into a court proceeding.

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<sup>89</sup> <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.487.3638&rep=rep1&type=pdf>

### Key Issue #3 COURT/ PROBATIONS / JAIL

Once again a recurring theme for community members was the need for an alternative to the traditional court system. The community expressed interest in restorative justice, treatment programs, and other alternatives to incarceration. Formerly incarcerated individuals also shared the feeling that probation was a “set up” and would only result in defendants going back to jail.

There were no diversions reported for misdemeanor or felony charges in 2019 for the 12,538 arrests that occurred in 2019 in Monroe County.<sup>90</sup> However, not all diversion program statistics are provided to Division of Criminal Justice Services. Additional data from Monroe County is needed to confirm available statistics.

As cities across the United States grappled with the effects of COVID-19 on prison and jail populations, policy-makers urged cities to release low-level offenders, especially for technical parole violations.<sup>91</sup> The willingness of correction officials to release these inmates draws attention to the criminal justice system’s propensity to incarcerate individuals for reasons apart from public safety. Monroe County should consider the high costs of incarceration to the individual and community when alternative forms of justice are not explored.

Also, the criminal justice administrative fees including those imposed by probation place a burden on individuals especially for those living on limited incomes.<sup>92</sup>

System Players Consulted: Judge Craig Doran, Yohanness Tesfa Michael (probation). Kristine Durante (probation)

Judge Craig Doran: lack of resources for alternatives to incarceration. Judges need more community led programs to refer defendants to OCA (Office of Court Administration) does not collect data, Judges do not know whether they are acting in a discriminatory manner.

Yohannes Tesfa Michael: Probation has become an extension of law enforcement, there should be a greater focus on rehabilitation.

### Recommendations

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<sup>90</sup> Disposed Adult Arrest Demographics. (2020, July 17). Retrieved from <https://www.criminaljustice.ny.gov/crimnet/ojsa/dispositions-adult-arrest-demographics/2019/Monroe.pdf>

<sup>91</sup> Bertram, W., & Widra, E. (2020, April 24). Hundreds are still jailed for technical parole violations in NYC, which means decarceration is happening far too slowly. Retrieved January 22, 2021, from <https://www.prisonpolicy.org/blog/2020/04/24/nyc-technical/>

<sup>92</sup> <https://nydailyrecord.com/2010/11/09/the-high-price-of-supervision/>

**Increase transparency on sentencing:** Monroe County Judges should be required to collect and report all sentencing data, including the race and gender of defendant.

**Probation Transparency:** should collect and release all data regarding technical violations, probation terms and racial and gender demographics.

**End the fee for administration of probation services:** Monroe County currently charges a fee for probation supervision. This fee is currently \$30 a month. Individuals on probation with limited means experience are greatly burdened from this assessment. Furthermore, a monthly fee gives the county motivation to keep individuals on probation for a longer term.

**Jail Budget Reduction.** The County should reduce the corrections budgets due to the declining jail populations as well as end the practice of charging for jail calls. The County should reinvest these savings into community based diversion programs.

### **Invest in restorative justice and diversion programs**

**Family Connection for incarcerated persons:** Forty years of research has consistently demonstrated that inmates with strong family connections also have lower rates of recidivism.<sup>93</sup> By providing a source of support during the incarceration period and after release, the family can act as a social support that inhibits criminal activity.<sup>94</sup> Monroe County should end the practice of charging families for phone calls made to the jail. Monroe County should provide free jail calls to all inmates.

The RTS Bus System provides transportation to the Monroe Correctional Facility from the city of Rochester which takes a half-hour to reach.<sup>95</sup> Monroe County should invest in a program that provides family members free transportation to the juvenile facility. The Monroe Correctional Facility is only open for visitors from 9:30 AM to 2:30 PM on Tuesdays.<sup>96</sup>

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<sup>93</sup> Friedmann, A. (2014, April 15). Lowering Recidivism through Family Communication. Retrieved January 22, 2021, from <https://www.prisonlegalnews.org/news/2014/apr/15/lowering-recidivism-through-family-communication/>

<sup>94</sup> Ibid.

<sup>95</sup>

<https://www.google.com/maps/dir/Rochester,+NY/Monroe+Correctional+Facility,+750+E+Henrietta+Rd,+Rochester,+NY+14623/@43.1304574,-77.6510822,13z/data=!4m14!4m13!1m5!1m1!1s0x89d6b3059614b353:0x5a001ffc4125e61e!2m2!1d-77.6088465!2d43.1565779!1m5!1m1!1s0x89d14b261107b01b:0x8ff7385eff21dc90!2m2!1d-77.6125529!2d43.1065784!5i2>

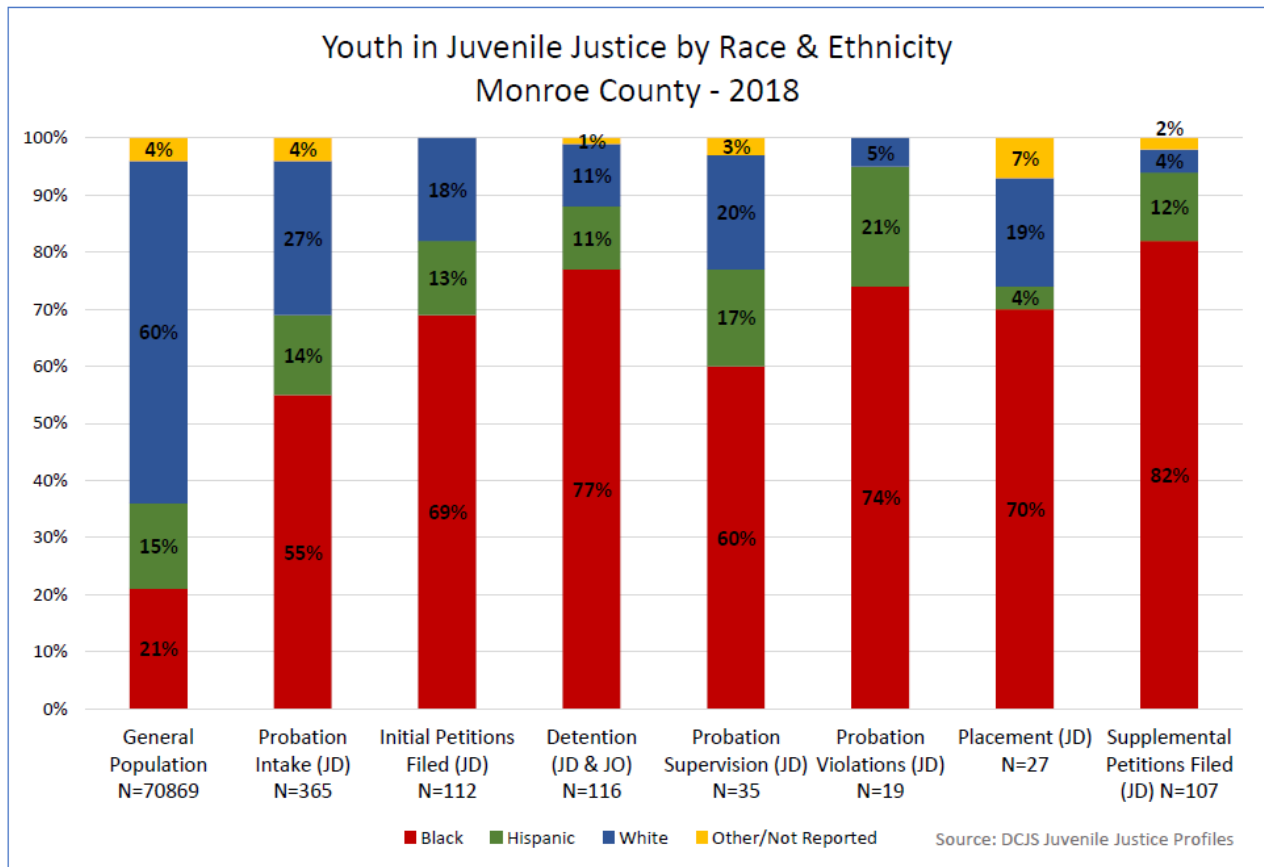
<sup>96</sup> <https://www.monroecounty.gov/sheriff-jailbureau>

Department Probation should transform its culture of punishment to one that embraces guidance and services and supports. To that aim probation should take the following steps:

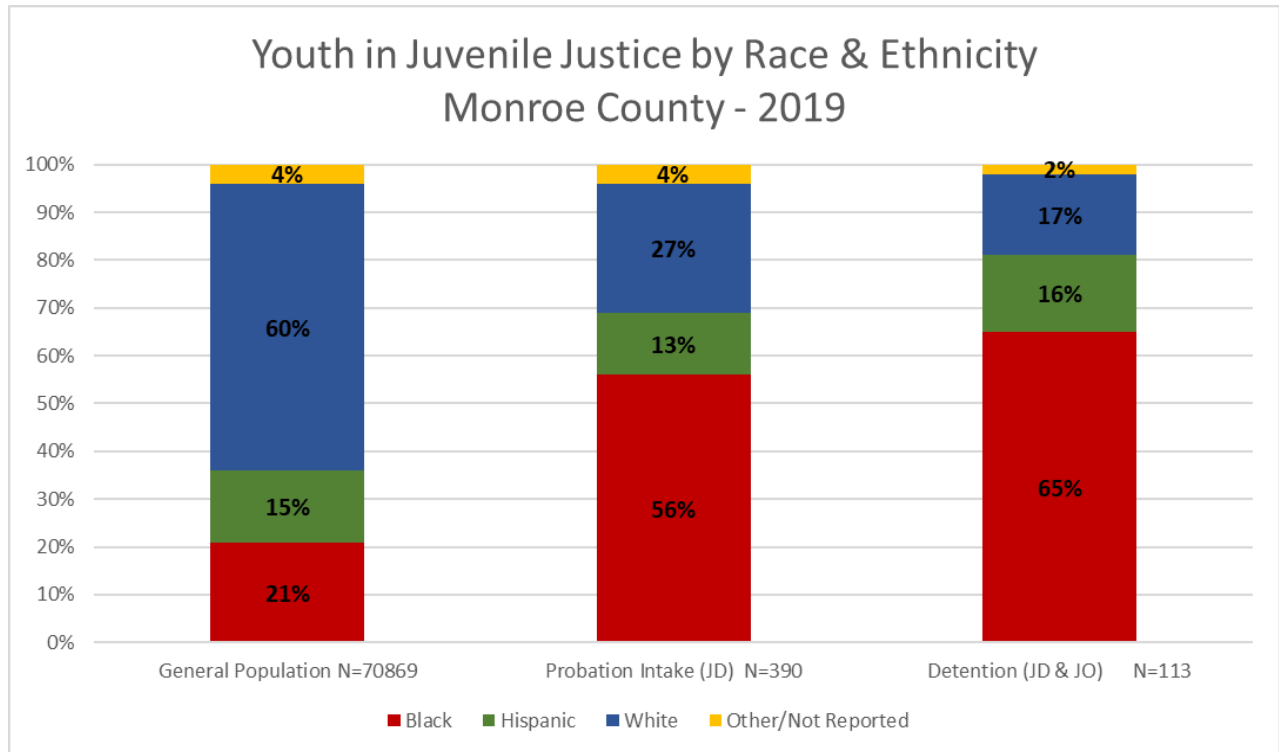
- a) Severely limit the practice of violating probationers for technical rules, and end the practice of violating for failure to pay fines.
- b) End the practice of drug testing individuals who are not on probation for a drug or alcohol related crime.
- c) End the practice of warrantless searches of probationers home.
- d) Decrease reporting requirements, and decrease the use of punitive measures such as curfew and ankle monitors.

## Juvenile Justice Detention

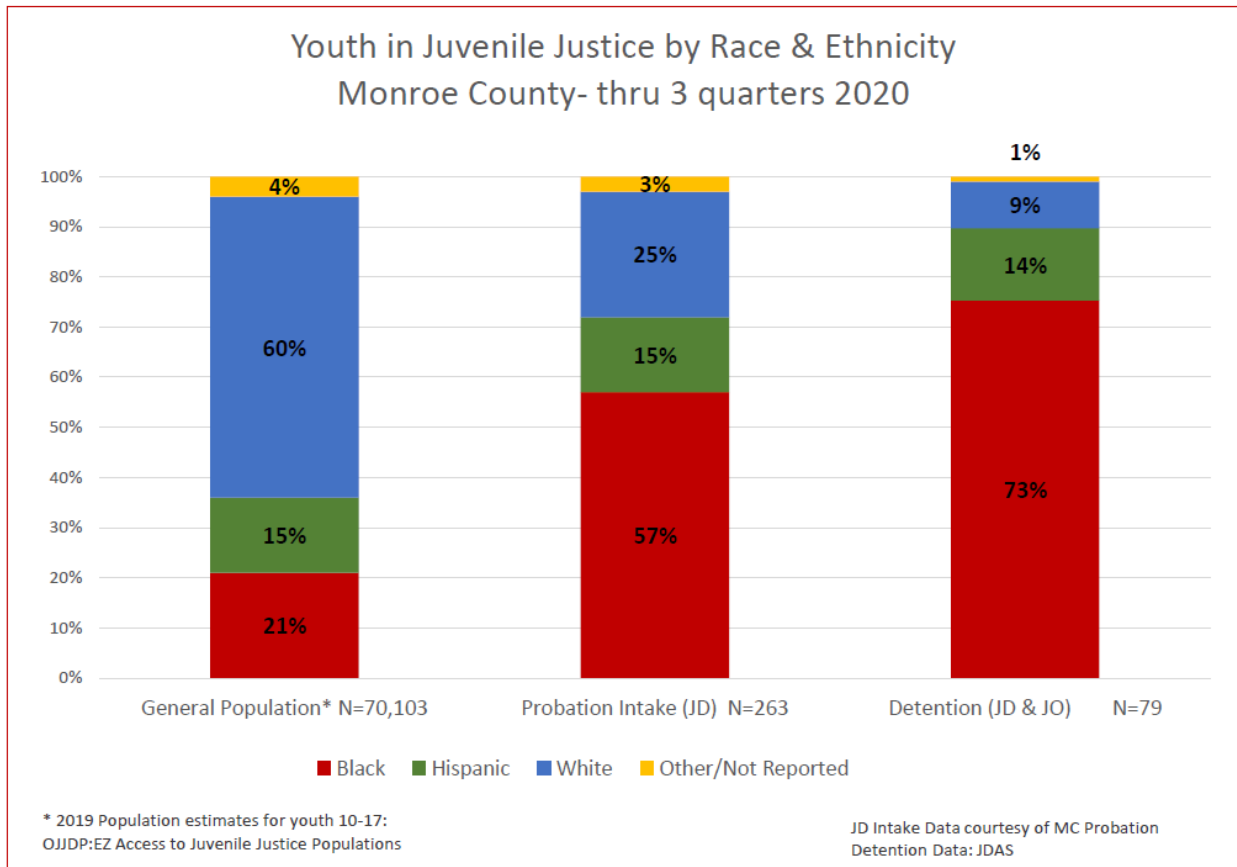
- The Criminal Justice Working Group focused special attention on Juvenile Justice. The Juvenile Justice System in Monroe County is disproportionately represented by Black youth. In 2018, 55% of the juvenile cases related to probation intake were Black compared to 27% for whites. Seventy-seven percent of the juvenile detention population were Black, non-Hispanic teens whereas only 11% were white, non-Hispanic.



- In 2019, 21% of Monroe County's youth population was Black, 15% Hispanic, 60% White and 4% Other/Not Report. In contrast, Black youth were overrepresented in probation intake (56%) and detention (65%). While white youth represent 60% of the County's youth population, they only reflect 27% of those involved with probation intake and 17% of those held in detention.



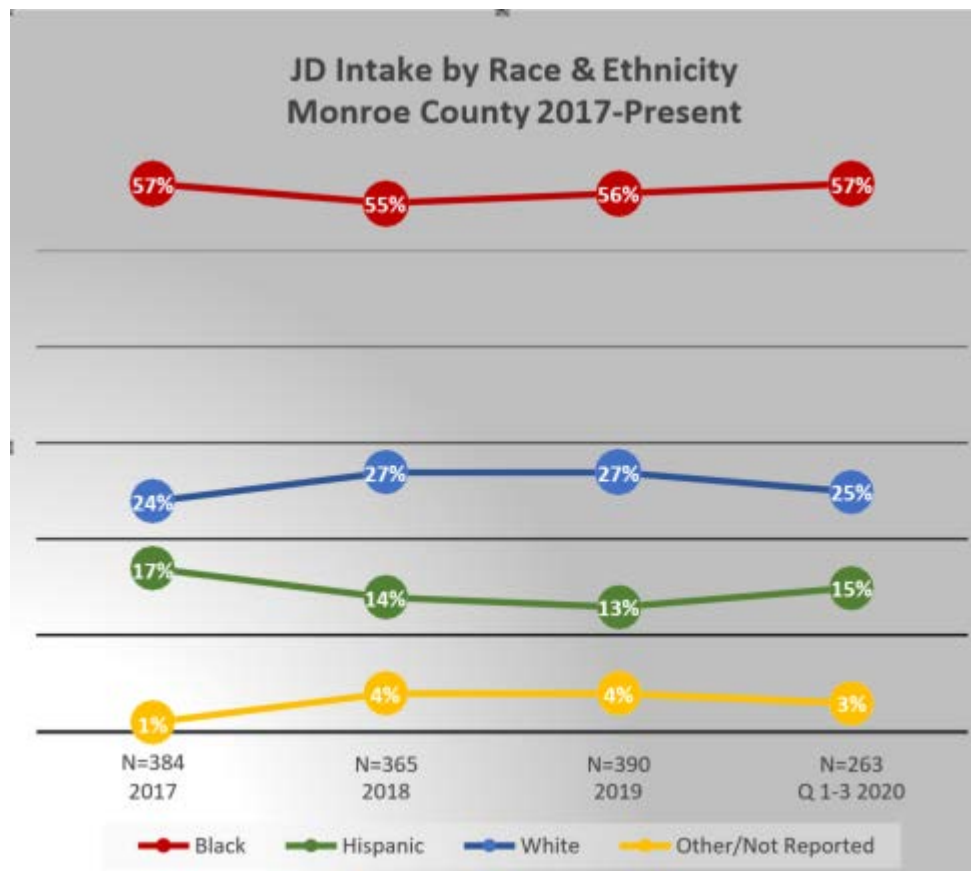
- Data from the first through the third quarter of 2020 shows that although Black people present 21% of the 10-17 population, they represent 57% of those involved with probation intake and 73% of the JD/JO detention population.<sup>97</sup>



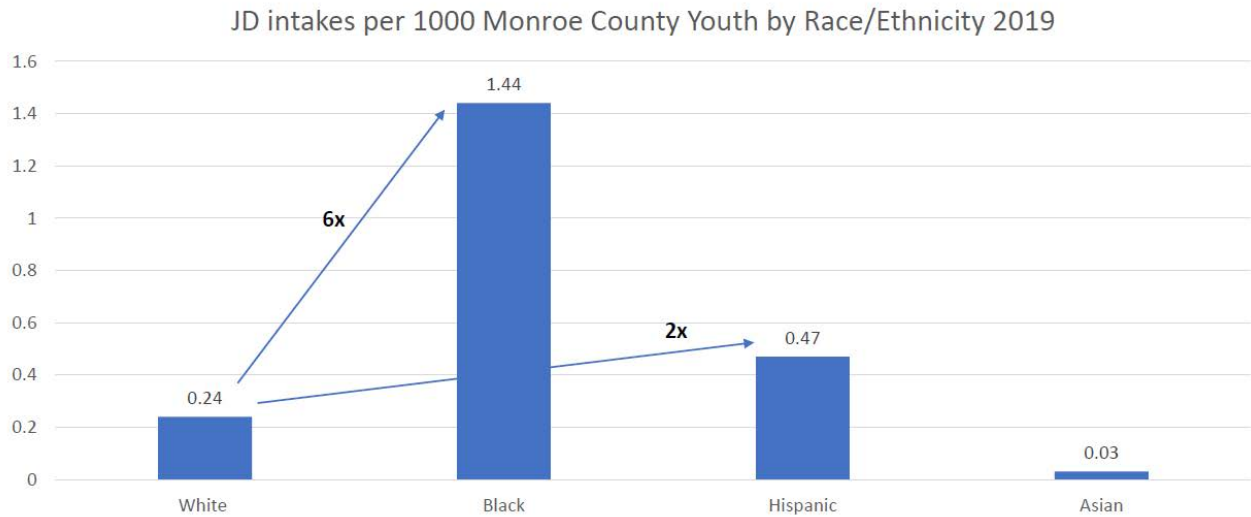
<sup>97</sup> Mitchell, B. (2020, December 3). Juvenile Alternatives and Reform Team Review. Monroe County (NY) Department of Human Services.



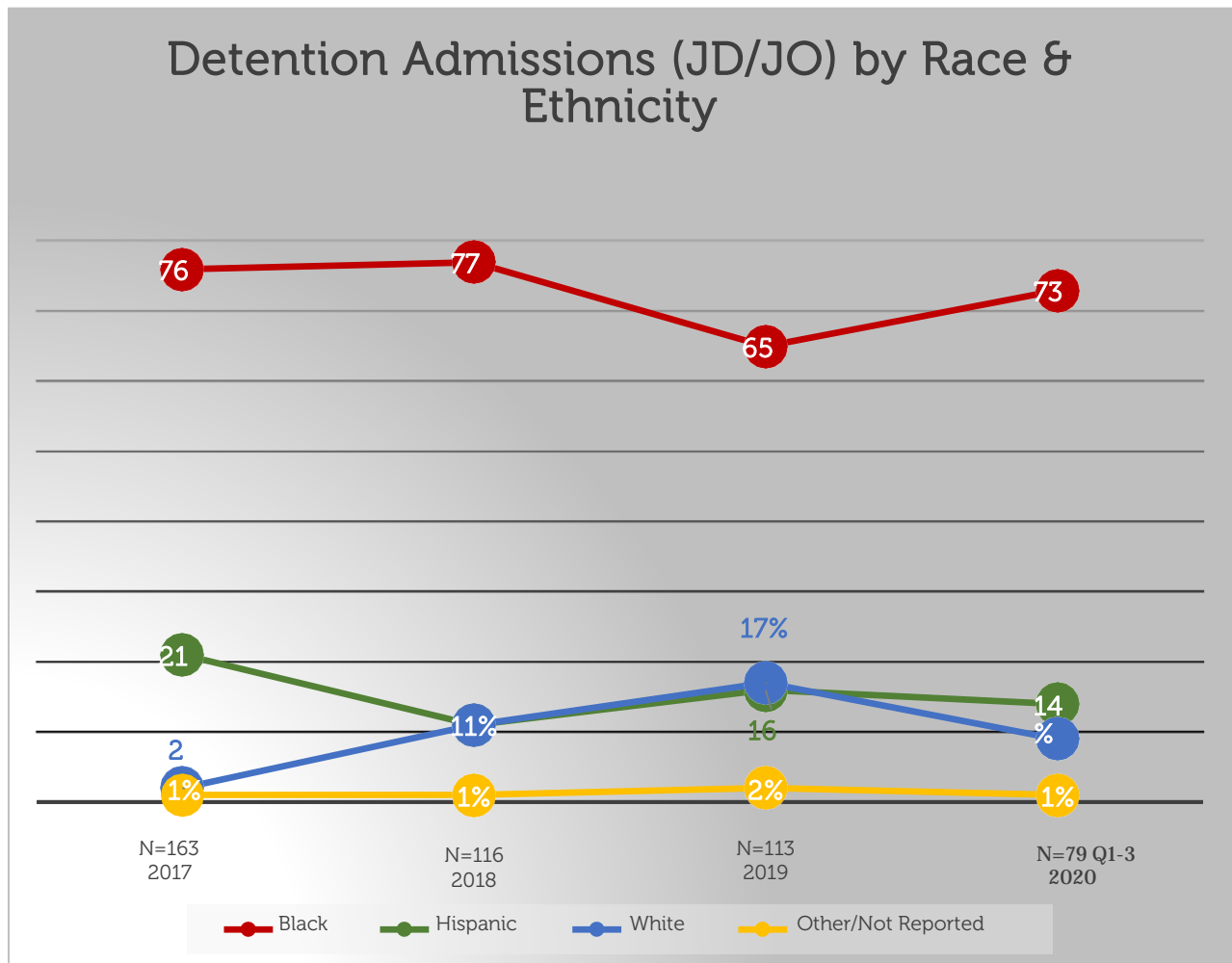
- In 2020, there were 147 youth from Monroe County detained at the Children's Detention Center. Out of the total, 25 had been detained more than once. Youth were brought to the Detention Center after being arrested from charges of violation of probation/parole, misdemeanor to serious felony charges. Length of stay in the Children's Detention Center facilities has increased over the last 5 years (2015-2019 the average length of stay for Juvenile Delinquents was 17 to 20 days). From 2017 through the third quarter of 2020, Black youth represent over 50% of all Juvenile Delinquent (JD) intakes followed by white youth at about 25%.



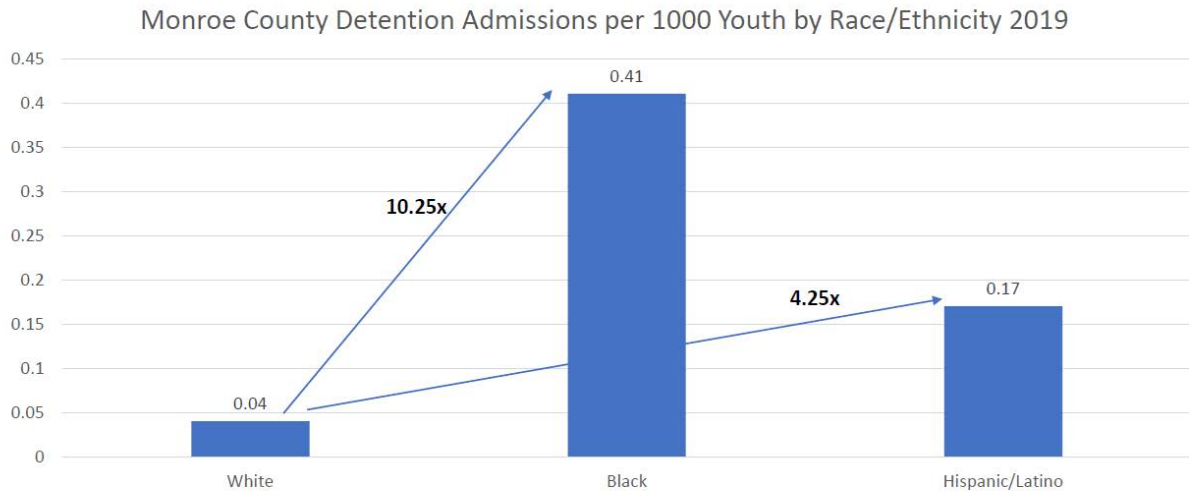
- The JD intake rates per 1,000 Monroe County youth were highest for Blacks at 1.44 followed by Latinos at .47 and whites at .24. Black and Latino youth intake rates were 6 and 2 times respectively greater than whites.



- Juvenile delinquent (JD) and juvenile offender (JO) detention admissions among BIPOC youth were at a higher rate than other ethnic groups according to the JART 2020 Youth Report from 2017 through the third quarter of 2020. In 2017, Black youth represented 76% of detention admissions followed by Latinos at 21%. By the third quarter of 2020, Black youth represented 73% of detention admissions, a 3 point drop from 2017. Latino youth detention admission representation also dropped 7 points from 21% to 14%. White youth detention admission representation also dropped 7 points from 2% to 1%. Other/Not Reported youth detention admission representation also dropped 1 point from 1% to 1%.



- In 2019, the detention admissions rate per 1,000 Monroe youth was .04, ten times greater for Blacks (.41) than whites (.04). The Latino youth detention rate per 1,000 at .17 was four times larger than whites.



\*\*\*Remember that in 2019, a smaller % of admissions were attributable to Black/African American youth:  
The Disparity Rate for Detention Admissions for Black/African American youth in 2018 was 18.25

“Raise the Age” legislation is currently in effect for 16 and 17 year olds as of October 1st, 2019 to divert youth charged with misdemeanors to family court instead of criminal court as well as the majority of youth charged with a felony.<sup>98</sup> While this is a promising first-step to address the over-criminalization of youth, further action is needed in Monroe County to reduce the disparate impact of incarceration on Black minors in this region.

- Lack of job opportunities for justice involved youth was identified as a barrier. Work group recommends community connections along with mentoring programs for youth to eradicate the recidivism rate.
- Research shows that youth are less like to re-offend when they are provided with community based services and supports. Justice involved youth have little alternatives to detention.
- **Recommendations**

<sup>98</sup> Moffit, J. (2019). *Office of the Public Defender Annual Report* (Rep. No. 20-0003).

- Monroe County must invest in a community based program for youth facing criminal charges. This program should include:
  - a) Counseling and mentorship.
  - b) Restorative Justice Circles. Increase restorative circles use starting in the schools and community for lower level offenses.
  - c) Case Managers that create a comprehensive plan for success with parents and youth.
  - d) Education for family members.
  - e) Respite Services.
  - f) Forensic Psychiatric specialist equipped to handle youth with complex mental health issues.
  - g) Increase community mentoring programs opportunities for kids at risk.
  - h) Create a job training program that diverts youth from the penal system into skill training and employment.
  - i) Develop an after-hours diversion program for youth in jeopardy of detention placement.
  - j) Place social workers in Youth Court.
  - k) Establish within Monroe County a psychiatric facility that is equipped to assist youth facing criminal charges who are struggling with mental illnesses. While these youth are often brought to the detention center, the center is not adequately staffed to meet their needs.

## Key Issue 4: Language

The working group identified the lack of an interpreter as a gap in the criminal justice system and disadvantages those who are non-English speakers or deaf.<sup>99</sup> This is an issue at all phases of contact within the system including at arrest and during arraignment. According to Part 217 of the Uniform Rules for NYS Trial Courts (and Judiciary Law section 390 regarding sign language interpreters for the deaf or hard of hearing), courts must provide translation services free of charge for all participants involved in the proceedings.<sup>100</sup>

Language: Raymond Kenney.

## Recommendations

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<sup>99</sup> <https://www.cdrnys.org/blog/advocacy/rochester-police-department-meets-with-the-deaf-community/>

<sup>100</sup> We Speak Your Language. (n.d.). Retrieved January 22, 2021, from <http://ww2.nycourts.gov/COURTINTERPRETER/index.shtml>

- Interpreters should be present from the beginning of a case. Defendants need their own interpreter throughout the pendency of their court case.
- 911 Operators should be trained to inquire about the language needs of suspects.
- County should create uniform standards with respect to interpreters providing services in the criminal justice system.

## Parking Lot

- ∞ Several state law issues were not considered, including:
  - ∞ Mandatory surcharges for criminal convictions
  - ∞ Bail reform
  - ∞ General orders relating to juveniles
  - ∞ Alternatives to placement for 18 year olds who don't have parents as resources to return home, therefore lingering in detention longer
  - ∞ Preventative services for youth
  - ∞ Alternative to Detention options should be offered around the clock. NO youth should be detained in a Detention facility due to not being able to contact a parent.
  - ∞ More funding should be put into Restorative Justice Programs.
  - ∞ Funding should be invested into programs such as Incredible Messengers.
  - ∞ Funding should be provided to develop options for youth prior to Detention and after Detention, particularly our Adolescent Offenders (16-18) year old who do not have viable resources available returning to the community.
  - ∞ Reclassify criminal offenses and turn misdemeanor charges that don't threaten public safety into non-jailable infractions, or decriminalize them entirely.
  - ∞ Support the Less is More Parole Reform Act
  - ∞ Support an end to cash bail.
  - ∞ Support the abolishment of Mandatory Minimum Sentencing laws
  - ∞ Demographic database

- ∞ Advocate for the end of felony disenfranchisement and make all inmates and felons eligible to vote



# Education

## Summary of the Group's Process

### Resources Consulted

#### Workgroup Members:

##### Facilitators:

Luis Ormaechea  
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##### Workgroup Members:

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Caterina Leone  
Mannino  
Steve Martin  
Emily Odhiambo  
Laura Smith  
Michael Vaughn  
Diane Watkins  
Jen Weg

#### Access and Resources

- Common Ground Health. Beatriz Lebron and Jenn Beidenman. HealthiKids and PlayRoc
- Community School Data Synthesis. Roc the Future. <https://rocthefuture.org/community-schools-data-synthesis/>
- E-Learn Act. [www.nysenate.gov/newsroom/press-releases/shelley-b-mayer/senator-mayer-advocates-announce-e-learn-act-provide-free](http://www.nysenate.gov/newsroom/press-releases/shelley-b-mayer/senator-mayer-advocates-announce-e-learn-act-provide-free)
- Free Learning Pods Debut in City Libraries. Oct 27, 2020. <https://www.racf.org/news/free-learning-pods-debut-in-city-libraries-2/>
- RCSD: Comprehensive Plan Chapter 130
- Johnson, Rucker C. (2014). Essay in NYU's The Dream Revisited, "In Search of Integration: Beyond Black & White", January 2014.
- <https://furmancenter.org/research/iri/essay/in-search-of-integration-beyond-black-white>
- Monroe County Office of Mental Health
- New Vision for Youth Bureau. <https://www.monroecounty.gov/news-2020-09-16-youth>

### Testing and Curriculum

- Antiracist Curriculum Project  
<https://pathstone.foundation/antiracist-curriculum-project/>
- Every Student Succeeds Act (ESSA). US Department of Education.  
<https://www.ed.gov/essa?src=rn>
- NY State's Dignity for All Students Act (DASA)  
<http://www.p12.nysed.gov/dignityact/>
- *The Global Achievement Gap*. Wagner. 2007
- *The New Jim Crow in Education*, Well. 2018
- *The Testing Charade: Pretending to Make Schools Better*. Koretz. 2017

### Language Access

- Lourdes Rios - Mid-West RBERN (Regional Bilingual Education Resource Network) Executive Director located in BOCES II, Monroe County
- [monroecounty.gov](http://monroecounty.gov)
- Monroe County Language Access Coalition

### Funding

- Declining Child Care Options for Young Children Pre-K Expansion and the Birth-3 Gap in Rochester, NY. The Children's Agenda., Pete Nabozny  
[thechildrensagenda.org/wp-content/uploads/2020/01/Declining-Child-Care-Options-for-Young-Children-Exec-Summ-01\\_09\\_20-Final.pdf](http://thechildrensagenda.org/wp-content/uploads/2020/01/Declining-Child-Care-Options-for-Young-Children-Exec-Summ-01_09_20-Final.pdf)
- RSCD Budget meetings

### Discipline

- *Breaking the School to Prison pipeline*, 2019. The Children's Agenda.  
[thechildrensagenda.org/publications/2019-breaking-the-school-to-prison-pipeline/](http://thechildrensagenda.org/publications/2019-breaking-the-school-to-prison-pipeline/)
- *End Suspensions for children in Pre-K through 3<sup>rd</sup> grade*. Sept 2019. The Children's Agenda.  
[thechildrensagenda.org/wp-content/uploads/2020/11/K-3-suspension-fact-sheet-final.pdf](http://thechildrensagenda.org/wp-content/uploads/2020/11/K-3-suspension-fact-sheet-final.pdf)
- Joseph Durlak et al., 2011. *The Impact of Enhancing Students' Social and Emotional Learning: A Meta-Analysis of School-Based Universal Interventions*.
- New York Equity Coalition. *Stolen Time*. 2018  
[https://equityinedny.edtrust.org/wp-content/uploads/sites/14/2019/08/Stolen-Time\\_2018.pdf](https://equityinedny.edtrust.org/wp-content/uploads/sites/14/2019/08/Stolen-Time_2018.pdf)
- New York State Education at a Glance. [data.nysed.gov/](http://data.nysed.gov/)

### Integrated Schools

- *Brown vs Board*, Johnson, Holme & Finnigan, 2019
- *Children of the Dream: Why School Integration Works*, Rucker Johnson, 2019

- Monroe County School Diversity Index (NYS Education Department)
- *Parent Survey Summary Report*, Great Schools 4 All, 2016
- *Regional Magnet School Study*, William Cala, 2014.
- Rochester-Monroe Anti-Poverty Initiative resulted in Recommendation #5: Children's Education: Racial, Social–Economic Integration (RMAPI Progress Report, 2015)
- *Striving in Common: A Regional Equity Framework for Urban Schools*. Jennifer Jellison Holme and Kara Finnigan, 2018

## Community Engagement:

We understand that many other community groups and individuals have tackled issues related to education in the Rochester and Monroe County region. Our goal is to supplement these efforts, and to focus on what we understand to be a unique approach, impacting City and County laws and policies on issues related to racial and structural equity. We are grateful for the others who have tackled these issues, including but not limited to those who provided input for our work. We understand that there will be overlap with the efforts of others in this space and respectfully offer our recommendations with no implied or explicit declaration that our recommendations should supplant, replace, supersede, or otherwise interrupt the work of such other organizations and individuals. Our goal in preparing and submitting our recommendations is to meet the charge of the Commission, and in anticipation of our recommendations potentially being further studied and possibly supported by others. Some of the organizations and individuals that provided input for our work included:

- Guest speakers included: Shane Wiegand - educator and creator of redlining/race curriculum; Justin Murphy – D&C education reporter; Eamonn Scanlon – education policy analyst; Marlene Cortes – senior program manager at Empire Justice Center; Analy Cruz-Phommanny – RCSD director of bilingual education; Angelica Perez-Delgado – CEO of IBERO; Dr. Thomas Putnam – superintendent of Penfield school district; and Leah Kedley – assistant vice principal of Victor primary school
- Focus groups with 10<sup>th</sup> and 11<sup>th</sup> graders in RCSD classes; youth from Teen Empowerment; Dr Leslie Myers-Small – superintendent of RCSD; Kathleen Graupman – superintendent of Greece school district; the Black Agenda Group, and the Latino Leadership Round Table
- Various discussion with individuals and offices including: Monroe County Office of Mental Health; Monroe County Library System; numerous parents; RCSD parents; former RCSD board members; Monroe County Youth Bureau; Roc the Future; Children's Agenda; Universities: Brockport, SJFC, MCC; BOCES; Great School 4 All; RCSD budget meetings and school board meetings

- Community survey was distributed in December with 96 respondents.
- Workgroup members consisted of RCSD teachers; RCSD principals and former principals; Suburban district teachers and former teachers; former superintendent; social workers; parents of students; amongst others

## Prioritization of Issues:

Education is a complex topic involving many issues. Due to the nature of the Commission (focus on local laws and policies, focus on RCSD, etc.), it was necessary to quickly narrow the scope of the issues to approximately six focus areas, all while maintaining an approach that was consistent with the charge of the Commission. The process was facilitated by Commissioners working with City and County Staff and Commission co-chairs. Moreover, the process involved many volunteers from the community. The processes listed below were utilized to prioritize issues for our recommendations. While the education priorities of the Commission are a result of these processes, they are not presented as necessarily representing the education priorities of the City of Rochester or of Monroe County. Different analyses will result in different priorities. However, much overlap can be observed between the priorities identified by the Commission and the goals and priorities of other community groups and individuals. The processes utilized by the Commission to identify education priority areas included:

- A rubric scorecard and worksheet were used to determine top areas of focus (due to the 6-month timeframe of the Commission, among other real-world limitations, it was not practicable to review all possible issues for drafting of recommendations). This rubric was used to narrow the following list of topic areas (developed by Education Working Group volunteers) down to approximately five issues that could be further analyzed in depth for preparation of recommendations (the issue areas that were not selected may be the subject for future recommendations to be made by others):

Administration Diversity	Language Access	Standards and Expectations
Curriculum and Teaching	Professional Development	Support Services
Discipline	Racially Integrated / Segregated schools	Universal School District
Equitable Access & Resources	Special Education	
Equitable Funding	Standardized Testing	

- A SWOT (strengths, weaknesses, opportunities, and threats) was conducted for each area of focus to narrow recommendations
- An analysis of recommendations was aligned with the results community survey and the Commission's charge

- A review of recommendation from working groups assisted with prioritizing primary and secondary focuses

## Key Issues and Recommendations

### Key Issue #1: Limited access and resources

Access and Resources addresses issues including the following: Not enough schools have mental health providers and in RCSD they are a shared resource and not provided to all students. This leads to a lack of social and emotional support. There are enrichment and advanced learning opportunity disparities for students in RCSD. More so, there is a lack of early grade learning support and remediation.

Recommendations in this area include the following:

- Integrate Monroe County youth services into school system to provide a continuation of learning and access during suspension and long-term absences.
- Implement internet access through the City as permanent legislation starting at Pre-K
- Create a system for the Department of Mental Health to lead and set expectations for certifications and yearly training for teachers, school therapists, and social workers.

Suspensions deprive students of a formal education and classroom instruction. Nationwide the disparity between Black students' and White students' suspensions is great. In New York State, Black students are suspended as much as four times higher than White students, leading Black students to fall behind in academic coursework. Many Black and Brown students lack the support systems White students have to catch up or continue self-learning while out of school.

Two of the Monroe County Youth Services Bureau's goals are to "support the achievement of high academic success and physical/mental wellbeing" of youth and to have a "keen focus on equity in funding ensuring equal representation of the populations served." To combat the racial disparity in education, it is imperative for the County to create a policy that serves the education needs of students who are suspended and/or have long-term absences. Teaching/learning responsibilities should not be placed on working families with limited resources, such as transportation, financial constraints, or limited employment flexibility. Students are missing days of instruction, the learning gaps are widening, and students are engaging in delinquent activities. Access is imperative to learning, growth, and achieving academic success. A policy change can help decrease the likelihood of drop outs, failure to graduate, and school to prison pipeline.

According to our community survey, 67% of respondents are in support of a policy that will bind County youth services to integrate into school systems to promote continued learnings for students during suspensions and long-term absences.

The Monroe County library system should also play a role in educating students and being a resource. A policy (and funding) must be established to provide learning pods for students who are suspended or for long term absences. This act will allow students to have a productive learning environment and provide reliable digital access to learning materials.

To close the digital divide facing many families of color in the City of Rochester, the City must enact high quality broadband to every home in the city. The current E-Learn act has two pitfalls: 1) it applies to students aged 5-21 and 2) it is a temporary solution for the current pandemic. We need city action to advocate to lower the age to 3, pre-K, so young students may begin to build strong foundational education at home. Additionally, the City must enact into law to make high quality broadband access permanent. Many city residents rely on data from phone service, which can be spotty pending service providers and not adequate to service high tech programs or classes such as graphic design and tech classes.

In essence, families should have access to support early child care development and post-pandemic, students will continue to need access to the internet for education. For example, for snow days students may be required to engage in online learning, in which internet access is still needed. Additionally, having broadband will allow families access to tele-medicine and tele-therapy, which improves physical, mental, and emotional health while eliminating the inability to attend such appointments in-person due to work, transportation, and other factors.

Lastly, expectations for mental health therapists vary across school districts. The County's Office of Mental Health needs to lead and set expectations for certifications and yearly training for school administrators, teachers, therapists, social workers, and community-based organizations (CBOs) in school settings. This will improve awareness of community issues that directly affect students and align solutions. The County works with CBOs who serve school districts and this equitable opportunity should be free of charge to RCSD.

## **Key Issue #2: Testing & Curriculum**

Standardized Testing & Curriculum issues include: Too many schools are labeled as failing in which students are seen as failures and this negatively impacts student engagement and self-esteem. Also, failing school accountability policies do not account for differences in student backgrounds. Federal and state accountability policies are more likely to negatively impact urban schools that serve students of color from low-income circumstances. Test scores are used as test measurement for school and teacher performance and it negatively affects students in RCSD. Additionally, an anti-racist curriculum should be infused at all grade levels and anti-racism training should be developed for staff. There is a lack of any desegregated schools in Monroe County to model an integrated school culture and an intrinsically motivating curriculum, and a lack of any serious anti-racist curriculum or multi-racial/cultural emphasis in any K-12 school district.

Recommendations in this area include the following:

- Seek New York State Board of Regents approval to eliminate yearly standardized testing for all RCSD students in grades 3-12.
- Apply for a waiver from the New York State Board of Regents to use alternative methods of assessments that allow students to demonstrate proficiency.
- Create a county-wide team to identify critical skills required for K-12 student development for responsible citizenship and incorporate training in antiracist values and behaviors.

In 2019, 13.2% of RCSD students were proficient in English Language Arts and 13% were proficient in math; compared to Pittsford students with proficiency at 72% and 79% respectively and Greece 32% and 37% respectively. Standardized testing is focused on what students know, not how students can apply their learning.

The methods required of students to demonstrate their proficiency in the skills and knowledge assessed for state standardized tests are primarily psycho-linguistic, despite that students of color have more dominant skills in other domains, such as oral responses and presentations of portfolios and projects. This assessment requirement opposes most research and is institutionally racist, leading to the failure of many students who might have demonstrated proficiency using a different domain.

RCSD is required to take part in state-level assessments. Our recommendation to urge the County and City to advocate for changes to the New York State Board of Regents to eliminate standardized testing and use alternative methods that will allow students to demonstrate proficiency; for example, oral exams, interviews, reports, creative arts, portfolios, and performance and project-based assessments. Another alternative can be auditing a cohort of students every other year instead of yearly. An alternative assessment and curricula system would be more culturally and racially sensitive and fairer to all students, but especially to those who are disadvantaged by poverty and/or descend from traditionally marginalized communities of color.

The decades-long emphasis in NYS on a standardized curriculum, grade-level expectations, and high-stakes standardized testing has failed to demonstrate that it improves student achievement in the RCSD, and in fact, creates another measure of racial disparity. Every Student Succeeds Act (ESSA) includes a provision to “advance equity by upholding critical protections for America’s disadvantaged and high-need students” and “maintain an expectation that there will be accountability and action to effect positive change in our lowest-performing schools, where groups of students are not making progress, and where graduation rates are low over extended periods of time.” Both provisions speak directly to RCSD and finding an alternate method to effect positive change is through eliminating standardized testing.

76% of survey respondents support providing alternatives to testing for students to meet graduation requirements. Survey respondents agree that standardized tests are racially and culturally biased; testing is time consuming and takes away from true learning and comprehension; and students learn differently and testing does not recognize these differences nor does it reflect student’s strengths in other areas.



The test scores also have an effect on the designation of the school quality in a neighborhood, which places lower ratings in communities of color devaluing the education system and the property value.

More so, teachers tend to teach to test, spend less time on critical skill building and have a lack of antiracist training to effectively connect with students of color. There is a significant gap between what is assessed and what students need to know to be well-informed, economically empowered citizens and being culturally sensitive while teaching. We urge the County to create a countywide team composed of teachers, researchers, political scientists, diversity specialists, mental health providers, parents, and students to identify the key, critical skills, values, and knowledge required for K-12 student development for responsible citizenship and careers (e.g., problem solving, critical thinking, and analysis). In addition, this group must incorporate a focus on antiracist training for staff and students to create healthier learning environments for positive growth and development. The outcome should drive all curriculum, teaching and assessment development.

### **Key Issue #3: Language access**

Language Access issues include the following: English Language Learners (ELLs) in the school districts experience inequities across many facets in the education system. Assessments do not fully represent skills and knowledge of ELLs and assessments are not offered in native languages. ELLs do not have access to instructional programs that build foundational literacy, are not provided choices to instructional programs, and do not have similar access to counseling and mental health support as non-ELL students. Additionally, parent activities are predominately in English. These issues lead to achievement gaps in ELLs.

Recommendations in this area include the following:

- Create a centralized language center for residents to access resources in their native language
- Create a county-wide magnet school with a focus on multicultural and multilingual education.

It has been determined that about 14% of Monroe County residents communicate in a non-English language. This includes over 100,000 individuals, many of who reside in the City of Rochester. In 2019, the County Clerk's Office introduced a Language Access Plan. The plan requires meaningful access to services under the Clerk's jurisdiction to individuals with limited English proficiency, and is meant to ensure compliance with Title VI of the Civil Rights Act of 1964. However, although there is a wealth of language and dialects in the county, the current provision of translations and support services is not equitable and non-existent across County districts.

Therefore, one recommendation is to create a centralized language center that all Monroe County students and families can access resources in their language working in conjunction with local universities, school districts, and non-profits serving immigrant communities.

Over 60% of survey respondents support the creation of a language center for non-English speakers to seek information in native language for a variety of services.

There are over 6400 English Language Learners in Monroe County; there are significant achievement gaps in NYS assessments and Regents/local diploma attainment across all districts. Moreover, English Language Learners, or ELLs, are disproportionately over-represented in the poverty rate in each district. However, no district, except for RCSD, provides bilingual education options for students in the largest language groups.

To address these issues, another recommendation is the creation of county-wide magnet school with a focus on multi-cultural, multi-lingual education for English speakers and English Language Learners alongside one another in a dual language immersion model. 43% of survey respondents support the development of a City/County international magnet school to serve ELLs and general education students.

#### **Key Issue #4: Funding**

Funding addresses issues include the following: Inequitable state funding contributes to RCSD disparities. The city has contributed the same amount of school funding even as tax rates have increased. Voter exclusion from school funding decisions limits input regarding the city's contributions to the annual budget. Additionally, bearing the cost of administering funding to private and charter schools uses vital human and capital resources for RCSD.

Recommendations in this area include the following:

- Create a city or county-level platform through which philanthropic funding can flow to individual schools and districts.
- Create or fund county-wide processes and form for transferring between and among schools within the district.
- Implement a need-based model which would allow the funding-levels to adjust as need increases or decreases within districts
- Create a business incubator model, driven by the City and/or County, to stimulate multilingual translation services.

Funding issues tie in to every other issue related to education, often directly. Because of this, there are several recommendations in this area.

First, barriers exist to philanthropic and individual fundraising efforts of individual schools or at the district level. Therefore, it is recommended that the City or County create a city or county-level platform or conduit through which funding can flow to individual schools and districts.

It is also recommended that the City and County create and fund county-wide processes and forms for transferring between and among schools within the district. This is meant to address odd standards/paperwork that must be completed for families who are attempting to transfer between and among districts within the county.

Another recommendation is the implementation of a need-based funding model for schools across the County which would allow the funding-levels to adjust as need increases or decreases within districts. The update to the allocation of the tax allotment for the RCSD can find support in legislation such as the Morin-Ryan Act (1985).

Also, it is recommended that business support funds and resources be made available, perhaps utilizing a business incubator model, to stimulate multi language translation and interpretation business creation for City businesses.

## ADDITIONAL ISSUES AND RECOMMENDATIONS

The following issues were also addressed by the Education Work Group. Recommendations were drafted for each issue. Rationale for each may be found in the additional issues chart below. They are included in this section for the reasons provided below.

### **Issue #5: Discipline**

Included as an additional recommendation because Discipline is more directly addressed within each school district (i.e., through school district discipline/code of conduct documents).

Discipline issues include the following: Racial and disability disparities in the RCSD Code of Conduct and sanctions exist in the disciplining of students in Monroe County. Black students are 2.3 times more likely to be suspended than whites for similar infractions. Students with disabilities were four percentage points more likely to be removed than students without disabilities. Harsher penalties are imposed on students with a disability, Black students, and Latino students. Additionally, there are inconsistent applications of school discipline policies and criminalization of student behavior.

Recommendations in this area include the following:

- Offer credit bearing Social Emotional Learning curriculum to students.

Social, Emotional Learning (SEL), provides a foundation for safe and positive learning, while enhancing students' ability to succeed in school and in life. Research shows that SEL not only improves achievement by an average of 11 percentile points, but it increases pro-social behavior (kindness, sharing and empathy), improves students' attitude toward school, reduces depression and stress among students.

- County wide advocacy to adopt restorative practices and publicly publish with insights discipline and referral data by school.

Before the implementation of a Restorative Practice policy into the new Code of Conduct (2016), Black and Latino students were being suspended at an alarming rate. At one point, they were missing a total of 55, 000 days of school (2009-10). This caused the dropout rate to increase (60%), while the graduation rate decreased (9%). Consequently, the school to prison pipeline increased. The review of disciplinary data on a quarterly basis will allow for early interventions to support both students, teachers and administrators to address inequitable disciplinary practices.

### **Issue #6: School Segregation and Integration**

Included as an additional recommendation because this issue was reviewed by a group of volunteers collaborating outside the formal Work Group.

School Segregation/Integration issues include the following: Central to the Mission of the RASE Commission and provides an action-oriented outcome for replication by other Commission committees; Exemplifies the structural racism that permeates our community; Schools in Monroe County are racially segregated; Separate is never equal; Little change in achievement gap between the city and the county schools

Recommendations in this area include the following:

- Establish a County/City policy for developing inter-district, integrated magnet schools for children and students from the city and suburbs.

The City and the County to work together to close the county-wide school integration gap. A school integration policy would be the first step toward racial equity and accountability.

### **Secondary Issues:**

ISSUE	RECOMMENDATION	RATIONALE
Limited access & resources	Create a Monroe County database that connects all school libraries with an audit requirement of adequate representation of culturally relevant text.	<ul style="list-style-type: none"> <li>- Students should have access to the same category of books across the county.</li> <li>- Serve as a resource to find diverse and appropriate cultural relevant content.</li> <li>- Ensure equity and representation of books that speak to all students and their backgrounds.</li> </ul>
Limited access & resources	Expand community school model to increase access, awareness and provide coordination of resources for families.	<ul style="list-style-type: none"> <li>- School social workers focus on immediate needs (clothes, food) with lack of time for therapy, which are referred out. Adding additional satellite offices or community schools with provide services families need.</li> <li>- Disparities in wealth to gain access to services and community schools would begin to close this gap.</li> </ul>

Limited access & resources	BOCES to provide continuity of services from pre-k through 8 <sup>th</sup> for high need students who are not meeting proficiency, especially at 3 <sup>rd</sup> grade and above at a level 1 on NYS standardized tests	-Students who are not proficient in literacy and numeracy skills continue to fall behind their suburban counterparts, widening the achievement gap, and limiting these students from gaining access to advanced and credit-bearing classes. More so, students who cannot read at grade level are entering colleges such as MCC and are required to enroll in non-credit bearing remedial courses causing an undue financial burden.
Limited access & resources	Create a policy for county-wide school access to low income and highest need students.	-Many students who would greatly benefit from county wide school access are marginalized due to socio-economic disparities. -Students would be benefit academically are often overlooked or denied.
Testing & Curriculum	Require the RCSD to develop a high-standard career and technology vocational diploma program for grades K-12.	Not all students are interested in a college education after high school and prefer or <i>must</i> enter a job or career to support their families.
Testing & Curriculum	Advocate all county school districts to implement a K-12 multi-racial, anti-racist, and cultural curriculum and require proof of inclusion in teachers' lesson plans.	-A well-defined multi-racial, anti-racist, and cultural curriculum with learning that is historically accurate can assist in creating more positive relationships among all Americans. -To dismantle entrenched racism in school communities and to enable students to be active, anti-racists who are part of a strong diverse democracy.
Language Access/Funding	Monroe County should create a specific leadership role focused on Language Access.	-This role would immediately address the County's gaps in compliance with its Title VI legal obligation as recipients of Federal financial assistance to take reasonable steps to make their programs, services, and activities accessible by eligible persons with limited English proficiency. This should not be limited to just spoken languages but should include ASL and other sign-based communication. The role would connect all Monroe County school districts and with existing community resources to identify opportunities for support. -The County has developed a current fund that is unallocated. This is a recommendation for use of that fund to simultaneously remove significant structural barriers and to stimulate economic growth.
Language Access/Funding	Monroe County, through MCC and other appropriate channels, to invest in a program to support those proficient in languages other than English (including ASL or other language involving sign) to obtain the required certifications to establish	-The individual school districts struggle with the logistic and financial challenges of supporting the number of languages spoken in the homes of students. For example, in 2019-20 the RCSD has 75 home languages spoken. Students in districts with low numbers of multilanguage learners also struggle because it's such small numbers. Often students in those districts can't receive support

	themselves as translation or interpretation resources.	<p>because there isn't enough of that language speaker to trigger certain support programs.</p> <p>-The current pandemic has highlighted that there is a clear lack of interpretation and translation of community information from both Monroe County and the School Districts which stops families from not only participating in the community but also understanding critical health messages regarding services for themselves and their children.</p> <p>-Multilanguage learners are missing out on critical school hours due to absence to provide translation support to family members.</p> <p>-There is too much of deficit mindset regarding multilanguage learners both in schools and in the community. This rich language source should be viewed as opportunity for business growth in Monroe County. Money spent on translation and interpretation services could create a substantial local small business economy.</p>
Funding	City or County serve as fiscal administrator for private and charter schools.	Currently, money to charter schools runs through RCSD first.
Funding	Fund the establishment of contracted childcare/Pre-K networks from infancy to school entry; support RCSD with same	<p>-There are limited child care center slots available in Rochester. The number of licensed preschool slots in childcare centers located in the city of Rochester increased considerably (27%) from 2012 to 2019 while the number of infant and toddler slots decreased by 23% over the same period. Home-based childcare capacity in Rochester fell by nearly 25% from 2012 to 2019.</p> <p>4. Turnover of home-based childcare is a great concern in Rochester. There were 467 regulated family and group family childcare programs in Rochester in 2012; by 2019, 336 (72%) had closed. Expansions in New York State funded 3 and 4 -year-old Pre-K unintentionally incentivized providers to reduce infant/toddler care which has much higher costs and less stable funding sources than Pre-K.</p>
Funding	The City should use its resources to better support childcare businesses -- small, revolving loan fund for capital improvements to childcare facilities, allowing access to existing small business grant and loan programs, and career development, etc.	These networks, comprised of home-based childcare, center-based care, and district-operated Pre-K programs, would ensure that families can receive high-quality childcare from infancy through age 5, and that Pre-K programming is supported by after-school care and throughout school breaks. Home-based childcare providers and childcare centers that entered into these networks would contract with Monroe County and RCSD to provide care before

		children entered school and during breaks in education
Funding	Fund reparations based on an analysis of communities that have been inequitably harmed by unjust laws and policies in the education system	Provide monetary relief to compensate for generational inequities
Funding	City Council to advocate to change state policy to allow residents to vote on school budgets.	Allow for a more democratic process to determine expenditure on school budgets.
Funding	City or County serve as fiscal administrator for private and charter schools.	Currently, money to charter schools runs through RCSD first.
Funding	County-wide funding policy.	Helps balance inequities between City and suburbs. Providing funds from a county-wide resource to schools with greater need will help offset inequities.
Funding	Discount the busing cost from accounting to reflect actual education cost per student.	This will more honestly reflect actual education cost per student. This figure can better inform policy decisions regarding student funding.
Funding	City and County take legal action to get foundational aid from the state.	Legal action may succeed in obtaining additional funds.



# Healthcare

## Summary of Group's Process

### Resources Consulted

The Healthcare Workgroup consulted extensive resources, including:

- Previous data collection done in Rochester and Monroe County that was done using participatory research methods or that included extensive documentation of residents' voices and experiences
- Reports of healthcare and health disparities in Rochester and Monroe County that drew from local archival data
- State-wide and national research on healthcare and health disparities based on race and income
- Recommendations for best practices published by healthcare associations, research and advocacy groups
- Models of policies and community strategies to eliminate health disparities from other states, counties, and municipalities

### Community Engagement

The Healthcare Workgroup's community engagement activities included:

- Drawing extensively from the experiences and personal/professional networks of workgroup members<sup>101</sup>
- A virtual town hall discussion
- An online survey
- Meeting with the County Health Advisory Board

However, it should be noted that the workgroup's community engagement was severely curtailed by challenges of reaching out in authentic ways during the pandemic. There is a deep and long history of exploitation of communities of color by healthcare and health research systems, the resulting mistrust of those systems, and personal experiences of bias in healthcare. In Rochester there is also a fatigue with the community being asked for their input but then people seeing no changes or benefits

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<sup>101</sup> Workgroup membership included: Nurse, health educator, physician (4), speech language pathologist, health advisor/coach (2), health administrator (2), behavioral health provider, special education teacher, researcher (2), social worker, pharmacy technician, and advocates (3). Membership also included representatives from the Black Physicians Network, Black Nurses Association, Native American Cultural Center, and Rochester Refugee Resettlement Services.

to participating in those discussions. Bridging those experiences requires building trust. Online methods and surveys did not have the sufficient reach and personal connection. Therefore, community voices and experiences were largely represented by the insights and experiences of workgroup members and previous research in Rochester and Monroe County that documented community experiences and voices.

## Prioritization of Issues

The generation and prioritization of issues was done through an iterative process that cycled back and forth between the multiple sources of information and perspectives and wove them together. Centering the prioritization were the experiences of our community with priority given to Black and indigenous communities of color and others who are vulnerable to systemic oppression including immigrants and refugees, people with disabilities, seniors, children, and people in lower income households.

At each step of the process, from the workgroup's first meeting through its current discussions, every recommendation was checked back against the community experiences and voices we heard, whether we heard them directly from community members as a workgroup, in our professional and personal interactions with residents of Rochester and Monroe County, or in published reports that relied on and documented community experiences.



## Key Issues & Recommendations<sup>102</sup>

Health and healthcare in Monroe County are marked by striking contrasts. On the one hand, we are rich in healthcare resources. We have two major medical systems that operate four hospitals, the Center for Community Health and Prevention that supports and facilitates community-academic public health partnerships, Common Ground Health that provides community-based health planning, the Finger Lakes Performing Provider System that is working to create an accountable and coordinated network of care, the Rochester Regional Health Information Organization that provides a secure electronic health information exchange for over 1.4 million patients, and a primary provider-to-patient ratio of 970:1 which ranks Monroe County as the sixth best in New York State<sup>103</sup>.

On the other hand, our county has some of the most dire health outcomes and health disparities in the nation. Life expectancy ranges from 72.4 years in some city ZIP codes to 81.1 years in some of the suburbs.<sup>104</sup> Additionally, the causes of premature mortality differ by race/ethnicity with Black residents being more likely to die from cancer, heart disease, homicide, injury, and diabetes.<sup>105</sup>

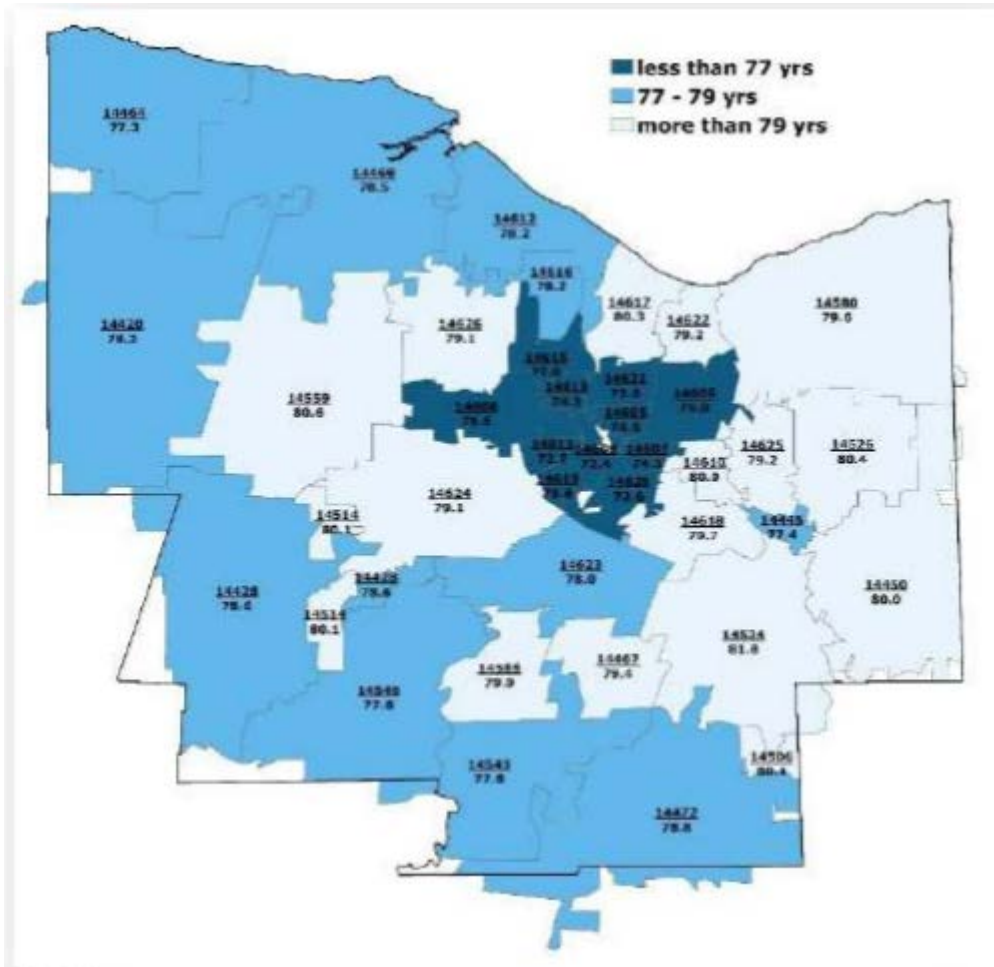
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<sup>102</sup> Recommendations highlighted in green are top priorities of the workgroup

<sup>103</sup> Robert Wood Johnson Foundation, *County Health Rankings* at <https://www.countyhealthrankings.org/app/new-york/2020/measure/factors/4/data?sort=sc-3>

<sup>104</sup> NYSDOH Vital Statistics 2012-2014 3 year estimates

<sup>105</sup> *Monroe County Community Health Needs Assessment*.



The infant mortality rate in Monroe County is twice the national average.<sup>106</sup> Mortality is worse for African American children who are 3 times more likely to die before the age of one year and Latino children who are 2 times more likely than White children.<sup>107</sup> African American mothers are 2.5 times and Latina mothers are 2 times more likely than White mothers to give birth to low-weight babies.<sup>108</sup> From 2014-2016, 44% of our region's emergency department visits were attributable to health inequity and households in poverty are 105% more likely to lose their teeth, 154% more likely to have diabetes, and 224% more likely to be diagnosed with depression.<sup>109</sup> These are but a few of the deeply entrenched disparities linked to both poverty and race/ethnicity.

<sup>106</sup> Robert Wood Johnson Foundation at [https://www.rwjf.org/en/blog/2014/11/babies\\_are\\_dyingin.html](https://www.rwjf.org/en/blog/2014/11/babies_are_dyingin.html)

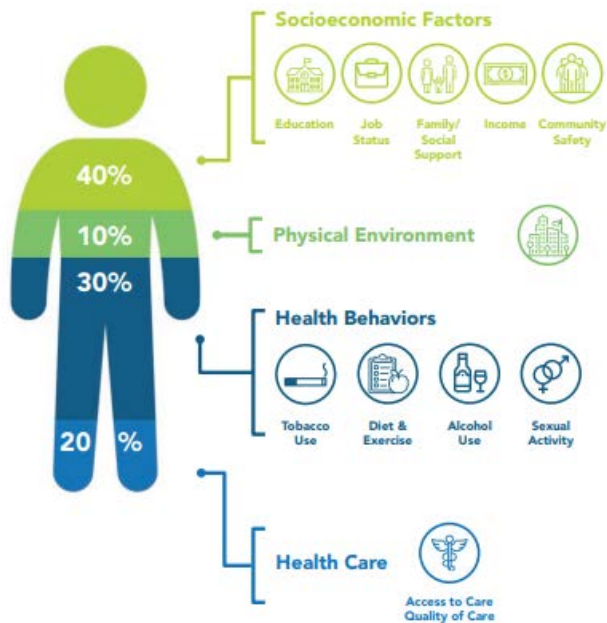
<sup>107</sup> Common Ground Health, *Overloaded*.

<sup>108</sup> Common Ground Health, *Overloaded*

<sup>109</sup> Common Ground Health, *Overloaded*

The health of our community is not merely a matter of the healthcare system itself. Poverty and racism, as manifest in socioeconomic factors, physical environment, and health behaviors account for most of the disparities.<sup>110</sup> Consequently, although city and county government do not regulate the healthcare system, they do have the ability to impact health and healthcare through laws, policies, and programs that are under their authority. The recommendations from the RASE Commission Healthcare Workgroup, detailed in the pages that follow, reflect ways the City of Rochester and Monroe County governments can positively impact people's health through governmental structures, land use, employment policies, and other mechanisms.

### Poverty Undermines the Foundations of Population Health



Source: The Bridgespan Group; adapted from the University of Wisconsin Population Health Institute's County Health Rankings model.

<sup>110</sup> Common Ground Health, *Overloaded*

## Key Issue #1: Government Systems/Infrastructure

The first step city and county government must take is to define health and healthcare as part of the role and responsibility of municipal and county government. This requires implementing governmental structures so that health is prioritized in policy making and the health impacts of all policies are considered. The workgroup noted from the beginning of our process that neither the City nor County have a health committee in their legislatures and the county advisory bodies related to health do not require representation from Black, Indigenous, and other People of Color. In light of the dire health disparities noted earlier, health must be prioritized as an essential function of municipal and county government.

In response to community experiences and research, the following recommendations are made to create an overarching government system and infrastructure that prioritizes healthcare and eliminating health disparities:

Recommendation	City	County
Adopt a <b>Health in All Policies</b> framework that takes into account health impact in all levels of decision-making and aims to align different governmental agencies around a shared vision of healthy and equitable communities, including requiring Health Impact Assessments for all major projects	√	√
Amend <b>Chapter 101</b> of the County Codes to require representation of Black, Indigenous and People of Color on the County Medical Advisory Council and County Medical Advisory Board and (if permitted by state law) compensate members for their service		√
Make a formal <b>declaration</b> that racism is a public health crisis	√	√
Establish a standing <b>Health Committee</b> in the Monroe County Legislature with a charge that includes eliminating health disparities for Black, Indigenous and People of Color		√
Establish a standing <b>Health Committee</b> in the Rochester City Council with a charge that includes eliminating health disparities for Black, Indigenous and People of Color	√	
Establish a <b>Community Health Advisory Board</b> for the City of Rochester that requires representation of Black, Indigenous, and People of Color and (if permitted by state law) compensate members for their service	√	

Allocate <b>funds and personnel</b> to the Department of Public Health to study and create anti-racist health interventions		√
Set <b>goals and benchmarks</b> for eliminating health disparities for Black, Indigenous and People of Color with public reporting of strategies, progress, and impact	√	√
Establish a <b>funded department</b> of Equity and Justice (see Kings County, WA, for a model) whose charge includes eliminating health disparities and addressing connections between health, healthcare, and other issues	√	√

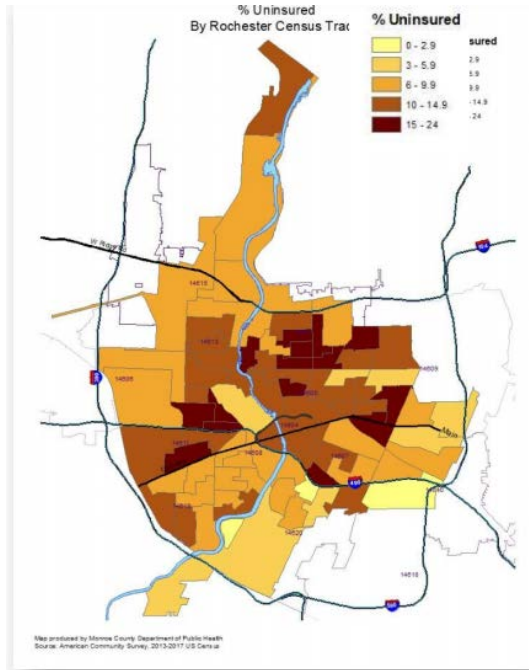
## Key Issue #2: Access & Affordability of Healthcare to Increase Racial Health Equity

The fee-for-service model of healthcare in the United States was identified by workgroup and community members as a major barrier to the healthcare access. Monroe County's uninsured rate (5%) surpasses state and national trends.<sup>111</sup> City residents disproportionately are uninsured (7.4%) or rely on public health coverage (56%).<sup>10</sup> Furthermore, lack of insurance within the city is concentrated in lower income neighborhoods that were historically redlined, as shown below.<sup>10</sup>

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<sup>111</sup> *Monroe County Community Health Needs Assessment* at <https://www.urmc.rochester.edu/MediaLibraries/URMCMedia/community/documents/Final-MC-Needs-Assessment.pdf>





Even when people are covered by health insurance, the feedback received from the workgroup's community engagement and from workgroup members' experiences as healthcare providers and health advocates indicated that the location of health services is a persistent and significant barrier. Not only is there the cost of transportation (both fares for public transit and parking fees), there is also the cost of time. This is especially a barrier for people who rely on public transit.

As an illustration, consider what is required for someone who lives on Conkey Avenue and has an appointment at either Strong Memorial Hospital or Rochester General Hospital. One-way transit would be:

<u>Destination</u>	<u>Direct Route</u>	<u>Bus Route</u>	<u># Buses</u>
Strong Memorial	4.6 miles	46 minutes	2 buses
Rochester General	2.6 miles	54 minutes	2 buses

Despite the short direct distances that could be traveled by car, taking public transportation means that the time required, round trip, would be a minimum of:

<u>Destination</u>	<u>Transit</u>	<u>Appointment</u>
<u>Total</u>		
Strong Memorial	1 hour 32 minutes	30 minutes
Rochester General	1 hour 48 minutes	30 minutes

These times do not include time for walking from home to bus stop or from bus stop to office, which can add at least another 20 minutes. Clearly, even a short medical

appointment represents a significant barrier in terms of time. For hourly and shift workers this may necessitate taking a full day off work for a single appointment. For parents, this may require additional or disrupt existing childcare. "Access" is not merely about insurance and availability of providers. Locating more primary and specialist care in and near neighborhoods can help alleviate barriers to access.

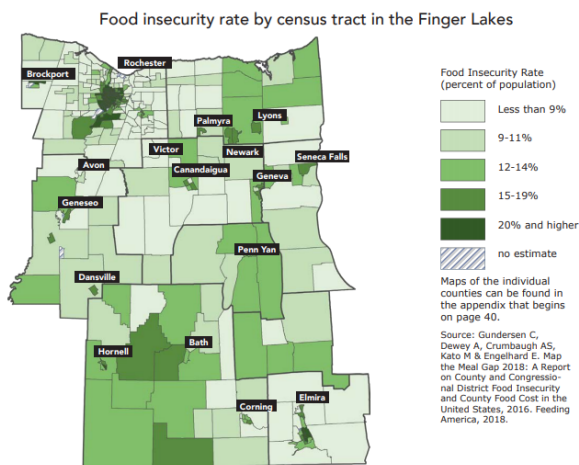
In response to community experiences and research, the following recommendations are made to create access and affordability of healthcare in a way that increases racial health equity:

Recommendation	City	County
Fund training and recruitment of Black, Indigenous, and People of Color as <b>doulas</b> and make doulas available as a public health service		√
Fund <b>school based health centers</b> in all RCSD schools	√	
Create/amend <b>Land Trusts and Land Banks</b> to include use of land for community health centers in neighborhoods with high populations of Black, Indigenous, and People of Color	√	√
<b>Decentralize</b> Monroe County Department of Public Health services and put locations in neighborhoods with high populations of Black, Indigenous, and People of Color		√
Fund <b>transit</b> services to provide residents without transportation to primary and specialist healthcare visits	√	√
Create a <b>municipal health care access program</b> that guarantees affordable healthcare for any uninsured county resident who does not qualify for another healthcare plan, regardless of immigration status, income level, or pre-existing conditions		√
Integrate <b>telemedicine</b> into 911/EMT triage to ensure all residents have access to appropriate medical care and are not transported to Emergency Departments unnecessarily	√	
Endorse and engage in <b>intergovernmental advocacy</b> for passage of the New York Health Act to provide comprehensive, universal health coverage for every New Yorker	√	√

## Key Issue #3: Impacting Social Determinants of Health to Increase Racial Health Equity

Social determinants of health account for approximately half of health disparities. Those determinants include education, job status, family/social support, income, community safety, and physical environment.<sup>112</sup> Additionally, health behaviors, that account for another 30%, can also be related to environmental factors.

Most notably, diet and exercise are integrally tied to factors such as access to stores that sell reasonably priced fruits and vegetables and safe public spaces for outdoor exercise. The combination of corner stores and fast food outlets with relative few full-service grocery stores creates “food swamps.”<sup>16</sup> Additionally, food insecurity in Monroe County is concentrated in the City.

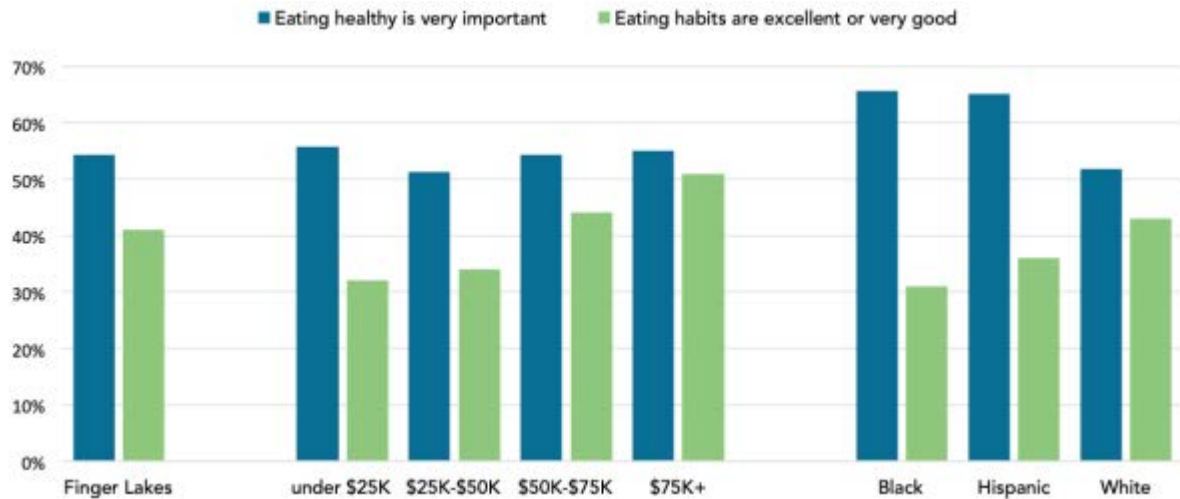


While traditional health education focuses on teaching people the importance of health diets, data from the Finger Lakes indicates that differences in diet are not due to differences in attitudes. In fact, higher percentages of Black and Hispanic residents reported that “eating healthy is very important” than white residents.<sup>113</sup>

<sup>112</sup> Common Ground Health. *Overloaded*.

<sup>113</sup> Common Ground Health. *Food and Health Connection*.

<https://media.cmsmax.com/ravk3pgz5ktlujs1r08ci/food-and-health-connection-final-report-2019opt.pdf>



The differences between those beliefs and eating habits may be explained by a lack of access to and affordability of healthy foods. The top barrier to healthy eating that residents identified was “Buying healthy food is too expensive.” (38%). This is a matter of our economy and the location of healthy food sources – factors that municipal and county government can impact.

Management of chronic health problems are also tied to structural, environmental factors. Residents living with obesity, diabetes, high cholesterol, and high blood pressure frequently cite diet, exercise, and food cost/access as major challenges.<sup>17</sup>

Other chronic health problems such as asthma are also tied to economics and public policy, most notably to housing quality. Rochester census tracts with the highest rate of health-related code violations also have a rate of asthma-driven emergency department visits that is nearly 9 times the rate in suburban towns.<sup>114</sup> The availability of affordable housing and code enforcement are central to municipal and county government and can positively impact health outcomes.

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<sup>114</sup> Common Ground Health. *Overloaded*.

To ameliorate social determinants of health in ways that increase racial health equity, the workgroup recommends:

Recommendation	City	County
Establish a <b>universal basic income</b> for women at risk for maternal mortality and premature birth who are disproportionately Black, Indigenous, and Women of Color		√
Amend <b>Zoning Codes, Incentive Zoning, and Planned Development Districts</b> to support development of grocery stores, pharmacies, community health centers, primary and specialist care, recreational green space, and fitness centers in neighborhoods with high racial health disparities	√	
Require that all grocery stores apply to <b>SNAP and WIC</b> as a condition of Planned Unit Developments, public-private partnerships, or Payment in Lieu of Taxes agreements (as permitted by state law)	√	
Include chronic health issues, which disproportionately affect Black, Indigenous, and People of Color, as a qualifying criterion for City- and County-funded, administered, and approved <b>housing</b> programs	√	√
Adopt an <b>Active Transportation Plan</b> and <b>Complete Streets Plan</b> that prioritize safe streets, walkability, and bikability in neighborhoods with health disparities that disproportionately affect Black, Indigenous, and People of Color		√
Establish <b>public-private partnerships</b> to support development of grocery stores, pharmacies, community health centers, primary and specialist care, recreational green space, and fitness centers in neighborhoods with high racial health disparities	√	√

## Key Issue #4: Preventive Care to Reduce Race Disparities in Health and Well-Being

Too often, healthcare is equated with treating health problems after they arise. Equal emphasis should be placed on preventing health problems. Areas of significant need in Monroe County include preventing chronic disease, promoting a healthy and safe

environment, preventing communicable diseases, promoting healthy women, infants and children, and preventing substance abuse.<sup>115</sup>

To reduce race disparities in health and well-being through preventive care, the workgroup recommends:

Recommendation	City	County
Create a partnership between Department of Public Health, Monroe Community College, and Rochester City School District to offer free online and in-person <b>courses</b> on preventive health topics in community settings		√
Integrated <b>data flow</b> that ensures Department of Public Health can access necessary patient information, including mental health data and Early Intervention and Preschool Special Education data		√
Funding for <b>comprehensive developmental screenings</b> (through the GROW program) and to bring those screenings to neighborhoods with high racial health and education disparities	√	√
Invest in a <b>lactation academy</b> certification program at Monroe Community College to train peer lactation consultants	√	√
Integrate and expand <b>lactation services</b> in the Department of Public Health maternal/child health services with an emphasis on peer consultation		√

## Key Issue #5: Anti-Racist, Respectful, Integrated, and Quality Care

Disparities in quality of care have been documented across the nation. A study published by the National Academies of Science found that half of first- and second-year medical students believed false information about Black people's pain tolerance, skin thickness, and/or blood coagulation.<sup>116</sup> False beliefs can translate into differential practice, as seen in a meta-analysis of 20 years of studies that found Black patients were

<sup>115</sup> Monroe County Community Health Needs Assessment.

<sup>116</sup> Hoffman et al. (2016). *Racial bias in pain assessment and treatment recommendations, and false beliefs about biological differences between Blacks and whites.*  
<https://www.pnas.org/content/113/16/4296>

22% less likely than white patients to receive any pain medication.<sup>117</sup> Nationally, recommendations to address racial discrimination in healthcare include: ensuring equity in access, data systems and monitoring quality of care, regulatory vigilance, monitoring managed care, and education and training.<sup>118</sup>

Workgroup and community members shared story upon story of racism they encountered when accessing healthcare. From ignoring pain levels to assuming drug use, from judging patients' behavior to denying referrals to specialists, from inaccurate medical records to lack of knowledge about how symptoms and diseases manifest in people of color, from undiagnosed developmental delays in children to inadequate care in nursing homes -- the experiences of inadequate and harmful care were innumerable.

Racial discrimination in healthcare is exacerbated by the underrepresentation of Black, Indigenous, and other People of Color in healthcare professions. Compiling data from the US Census, the Health Professionals for Diversity Coalition found:<sup>119</sup>

	Percentage of Health Professionals in the 2000 U.S. Census[13]		Percentage of Students Enrolled in Health-Professions Training in 2003-2004[14]	
	African American	Hispanic	African American	Hispanic
Dentistry	3.3	3.6	5.4	5.9
Medicine	4.4	5.1	7.4*	6.4*
Nursing	8.8	3.3	11.8**	5.2**
Optometry	1.6	2.7	3.2	5.6
Pharmacy	5.1	3.2	9.3	9.5
Physician Assistants	8.4	8.1	6.8	6.5
Podiatry	4.6	1.7	14.0	7.7

\*Students enrolled in an allopathic medicine program leading to a doctor of medicine (MD) degree.

\*\*Students enrolled in a baccalaureate or masters nursing program.

Racial disparities are also seen in the employment of Black, Indigenous, and other People of Color in lower paying healthcare positions such as home health aides, licensed practical nurses, and health support professions. These positions are more often filled by women<sup>120</sup> and nearly half of low-wage jobs are filled by women of

<sup>117</sup> Meghani et al. (2013). *Time to take stock: A meta-analysis and systematic review of analgesic treatment disparities for pain in the United States*. <https://pubmed.ncbi.nlm.nih.gov/22239747/>

<sup>118</sup> Williams & Rucker (2000). *Understanding and addressing racial disparities in healthcare*. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4194634/>

<sup>119</sup> Health Professionals for Diversity Coalition, <https://www.aapcho.org/wp/wp-content/uploads/2012/11/NeedForDiversityHealthCareWorkforce.pdf>

<sup>120</sup> National Women's Law Center. *When hard work is not enough: Women in low-paid jobs*. [https://nwlc.org/wp-content/uploads/2020/04/Women-in-Low-Paid-Jobs-report\\_ES\\_pp01.pdf](https://nwlc.org/wp-content/uploads/2020/04/Women-in-Low-Paid-Jobs-report_ES_pp01.pdf)



color.<sup>121</sup> For example, 86% of personal care aides and 88% of home health aides are women. These workers who provide professional services and upon whom the healthcare system depends often do not earn a living wage. The US Bureau of Labor Statistics provides the following national wage statistics:<sup>122</sup>

Profession	10 <sup>th</sup> Percentile	50 <sup>th</sup> Percentile
Home Health Aide		
Hourly	\$9.16	\$11.63
Annual	\$19,060	\$24,200
Pharmacy Aide		
Hourly	\$9.76	\$13.39
Annual	\$20,300	\$27,850
Hospital Orderly		
Hourly	\$10.38	\$13.93
Annual	\$21,590	\$28,980
Nursing Assistant		
Hourly	\$10.56	\$13.93
Annual	\$21,960	\$28,980
Phlebotomist		
Hourly	\$12.50	\$17.07
Annual	\$26,000	\$35,510
Licensed Practical/Vocational Nurse		
Hourly	\$16.61	\$22.83
Annual	\$34,560	\$47,480

A historical review of Black women in the workplace indicates that Black women have always had the highest level of labor market participation, compared to other women, regardless of their age, marital status, or motherhood.<sup>123</sup> Yet, government has failed to protect Black women as workers and have often left them vulnerable to exploitation. Municipal and county government are obligated to provide baseline workplace protections, including livable wages, healthcare, and paid sick and family leave – whether those workers are government employees or contracted workers.

In response to community experiences and research, the following recommendations are made to ensure anti-racist, respectful, integrated, and quality healthcare:

Recommendation	City	County
Pay <b>living wages</b> for all staff employed by or contracted by the Department of Public Health and Monroe County		√

<sup>121</sup> *The Atlantic*. <https://www.theatlantic.com/politics/archive/2014/07/women-in-low-wage-jobs-are-underpaid-and-overloaded/431166/>

<sup>122</sup> US Bureau of Labor Statistics. [https://www.bls.gov/oes/current/oes\\_stru.htm](https://www.bls.gov/oes/current/oes_stru.htm)

<sup>123</sup> Banks, N. (2019). Black women's labor market history reveals deep-seated race and gender discrimination. *Economic Policy Institute*. <https://www.epi.org/blog/black-womens-labor-market-history-reveals-deep-seated-race-and-gender-discrimination/>

Hospital, with emphasis on the lowest paid employees who are disproportionately Black, Indigenous, and People of Color		
Establish <b>living wage</b> requirements in the City and County for home healthcare providers and peer health advocates, the majority of whom are Black, Indigenous, and People of Color	√	√
Enact County policies to guarantee residents the <b>right</b> to have a health navigator or advocate of the patient/client's choosing present at all appointments for County-administered public health, human, and social services		√
Establish a County-wide <b>ombudsperson</b> office where residents can report discrimination in healthcare (whether provided by the County or private healthcare systems) and receive assistance in filing complaints with the NYS Commission on Human Rights. Office to have a Community Advisory Board with requirements that members include Black, Indigenous, and People of Color and representatives from other marginalized groups who (if permitted by state law) are compensated for their service		√
Increased <b>reimbursement levels</b> to increase availability of and compensation for para-level health services		√
Amend <b>Section 63 of City Charter</b> to prohibit discrimination, including racial discrimination, in health care	√	
Require all recipients of County public health and mental health services be provided clear <b>notification</b> of their rights and how to file a complaint with the County-wide ombudsperson office and the NYS Commission on Human Rights		√
Establish a <b>Patient Advisory Board</b> at Monroe County Hospital with requirements that members include Black, Indigenous, and People of Color and representatives of other marginalized groups who are compensated for their service		√
Enact County procedures to ensure rapid availability of <b>translators and ASL interpreters</b> for County-administered public health, human, and social services		√

## Key Issue #6: Anti-Racist Training & Leadership

Achieving anti-racist, integrated, respectful, and quality care requires training and leadership. Research on training around racism and bias indicates that a general, “Racism 101” type of training is not effective.<sup>124</sup> Training should be linked explicitly to skill development relevant to job roles.

In response to community experiences and research, the following recommendations are made to ensure anti-racist training and leadership:

Recommendation	City	County
Mandate <b>training</b> for Department of Public Health <b>staff</b> on racism, implicit bias, and cultural and linguistic competency <u>tied to their job roles</u> in health services, screening, and counseling, including communication with deaf and hard of hearing clients		√
Mandate <b>training</b> for <b>contracted service providers</b> of the Department of Public Health on racism, implicit bias, and cultural and linguistic competency <u>tied to their job roles</u> in health services, screening, and counseling, including communication with deaf and hard of hearing clients		√
Establish <b>public-private partnerships</b> to recruit more Black, Indigenous, and People of Color as service providers in the Department of Public Health and among contracted service providers		√
Allocate <b>funding</b> for the training and employment of Black, Indigenous, and People of Color as healthcare workers at all levels of the Department of Public Health		√
Convene a partnership between BOCES and RCSD to offer the <b>New Visions</b> program to RCSD students to introduce them to healthcare professions and mentor them in applying for post-secondary certification and higher education programs	√	√
Establish full tuition <b>scholarships and grants</b> for Black, Indigenous, and People of Color who are enrolled in medical programs at Monroe Community College		√
Mandate <b>training</b> for <b>911 staff</b> on racism, implicit bias, and cultural and linguistic competency <u>tied to their job</u>	√	

<sup>124</sup> See Musa al-Gharbi *Diversity is Important. Diversity-Related Training is Terrible* for an overview of research. <https://musaalgharbi.com/2020/09/16/diversity-important-related-training-terrible/>

<u>roles</u> in emergency response, including communication with deaf and hard of hearing clients		
Amend Part II, Section 28 of City Charter to mandate <b>training of licensed ambulance operators</b> and other first responders on racism, implicit bias, and cultural and linguistic competency <u>tied to their job roles</u> in emergency response, including communication with deaf and hard of hearing clients	√	

## Advocacy and Cross-Sector Systems Change

In addition to the above recommendations that can be enacted at the City and County levels, the following recommendations are priorities for the private healthcare systems and state and federal policies.

Recommendation	Private	State	Federal
Truly <b>integrated medical records</b> across hospitals, private practices, and labs so all providers understand the patient's story, needs, and context	√		
Strengthen the Early Childhood to Post-Secondary Education <b>pipeline</b> for Black, Indigenous, and People of Color to enter health professions, including non-clinical jobs	√		
Better <b>retention</b> of Black, Indigenous, and People of Color health professionals and <b>promotion</b> to leadership positions	√		
Adoption of <b>health professions curricula</b> that adequately prepare all healthcare providers for treating Black, Indigenous, and People of Color as patients including effective diagnosis and treatment of health conditions in these populations	√		
Require ongoing <b>training</b> on racism, implicit bias, and cultural and linguistic competency <u>tied to specific job roles</u> in healthcare services	√		
<b>Locate</b> primary and specialist services in neighborhoods, on transit lines, and reducing payment for parking	√		
Reform the <b>residency match</b> process to eliminate barriers for Black, Indigenous, and People of Color medical school graduates from US medical schools being matched	√		
Pass <b>New York Health Act</b>		√	
Lift restrictions that refuse <b>insurance</b> to individuals without documented immigration status		√	
Ease restrictions on <b>scope of practice</b>		√	
Remove barriers to <b>licensing exams</b> due to financial hardship		√	
<b>Single payer</b> healthcare			√
Adopt <b>national reciprocal agreements</b> to recognize licensure of nurses and allied health professionals across all 50 states			√

Adopt a <b>national telemedicine compact</b>			√
Provide <b>loan forgiveness</b> for Black, Indigenous, and People of Color who have educational debt related to their training in all healthcare and allied health professions			√

## Selected Resources Consulted

### Rochester and Monroe County Data on Health Disparities

- Hard Facts Update: Race and Ethnicity in the Nine-County Greater Rochester Area  
<https://actrochester.org/tinymce/source/2020HardFactsUpdate/2020HardFacts.pdf>
- Overloaded: The Heavy Toll of Poverty on Our Region's Health  
<https://www.commongroundhealth.org/news/articles/study-finds-regions-no-1-health-concern-is-poverty>
- \*Health Equity in the Finger Lakes Region  
<https://media.cmsmax.com/ravk3pgz5ktlujs1r08ci/health20equity20chartbook202018-20181128113414.pdf>
- ACT Rochester Health Data <https://actrochester.org/health>
- Monroe County Health Profile  
<https://media.cmsmax.com/ravk3pgz5ktlujs1r08ci/monroe-county-health-profilerev10272020.pdf>
- RMAP Progress Report  
[https://uwrochester.org/UnitedWayGreaterRochester/media/Documents/RMAPI\\_progress-report\\_readers\\_spreads\\_lowres\\_5.pdf](https://uwrochester.org/UnitedWayGreaterRochester/media/Documents/RMAPI_progress-report_readers_spreads_lowres_5.pdf)
- State of Play in Rochester  
<https://media.cmsmax.com/ravk3pgz5ktlujs1r08ci/healthi20kids20-20state20of20play20in20rochester20ny20-20data20brief202016-20160428053223.pdf>
- Addressing the Barriers to Play for Children in Rochester  
<https://media.cmsmax.com/9p433trpk8pdaaywwkfzb/alr-2017-addressing-the-barriers-to-play-in-rochester-ny.pdf>
- Barriers to Health Equity: Place Based Disparities in Clinical Care  
<https://media.cmsmax.com/ravk3pgz5ktlujs1r08ci/barriers20to20health20equity2010-4-201720002-20171004031159.pdf>
- Food and Health Connection <https://media.cmsmax.com/ravk3pgz5ktlujs1r08ci/food-and-health-connection-final-report-2019opt.pdf>
- Health Impact Assessment: The Rochester Bike Share  
<https://media.cmsmax.com/ravk3pgz5ktlujs1r08ci/134-7-cgh-rbs-hia-apr-11-2018-r8-20180802100333.pdf>
- \*Place Matters <https://media.cmsmax.com/ravk3pgz5ktlujs1r08ci/healthi20kids20-20place20matters20for20bicyclists20and20pedestrians-20180424014920.pdf>
- \*The High Blood Pressure Collaborative  
<https://www.commongroundhealth.org/insights/reports?page=2>
- COVID Nursing Home Data for Monroe County (5 documents emailed to Healthcare Workgroup as attachments on 11/2/2020)
- \*Racial and Ethnic Health Disparities in New York State: A review of Data and Recommended Strategies from Center for Governmental Research (emailed to Healthcare Workgroup as an attachment on 11/3/2020)
- \*Social Determinants of Health: A Primer and Discussion of Possible Focus Areas (emailed to Healthcare Workgroup as an attachment on 11/3/2020)



### Models from Other Places

- \*Local Solutions to Reduce Inequities in Health and Safety [https://www.preventioninstitute.org/sites/default/files/publications/IOM\\_Exec%20Summ\\_032310.pdf](https://www.preventioninstitute.org/sites/default/files/publications/IOM_Exec%20Summ_032310.pdf)
- \*Practitioner's Guide for Advancing Health Equity <https://www.cdc.gov/NCCDPHP/dch/pdf/health-equity-guide/Practitioners-Guide-section1.pdf>
- \*Anchor Institutions <https://community-wealth.org/strategies/panel/anchors/index.html>
- California Preterm Birth Initiative (link [here](#))
- [Abundant Birth](#) pilot giving a \$1000/month stipend to cohort of pregnant BIPOC people (ongoing)
- Expansion of Medicaid funds to cover doula services in NY state (link [here](#))
- Pregnancy Pop-Up Village (pilot program) California based, community-health system-city partnership, will deliver co-located clinical care, government/public health entitlements, and wraparound services into high-need neighborhoods, as a "one-stop-shop", on a recurring basis.
- [Project ETHAN](#) in Houston using telemedicine to triage appropriate level of care for people seeking EMS

### Monroe County Health Services

- Description of County services <https://www.monroecounty.gov/health>
- Local Government Role in Health from Center for Governmental Research (emailed to Healthcare Workgroup as an attachment on 9/23/2020)

### City, County and NYS Laws

- City of Rochester Charter <https://www.ecode360.com/12554029>
- Monroe County Codes <https://www.ecode360.com/MO0860>
- NYS General City Law <https://www.nysenate.gov/legislation/laws/GCT>
- NYS General County Law <https://www.nysenate.gov/legislation/laws/CNT>

New York State Human Rights Law <https://dhr.ny.gov/law>

# Housing

The Working Group's co-facilitators were Commissioners Damond Wilson and Steve Brew. Members generally met weekly from September through December – and sometimes more often in subgroups – to identify key issues with racial and ethnic disparities in housing; to review data and research; to speak with content experts and community organizations; and develop recommendations.

The group also organized and led a community engagement meeting on Dec. 9, and designed, implemented and analyzed a community survey.

Working Group members were:

Mohamed Abukar	Virginia Maier
Ryan Acuff	Rebecca Miglioratti
Marcus Bliss	Chris Raymond
Daniel Cadet	Barbara Rivera
Christine Church	Joan Roby-Davison
Joe Di Fiore	Michael Rood
Julie Domaratz	Piffanie Rosario
Jim Dukette	Shawnee Rosenborough
Karla Gadley	Victor Sanchez
Leonard Hall	Steve Santacroce
Allison Harper Bondi	Mildred Scott
Graham Hughes	Van Smith
Alexander Leonty	Richard Tyson
	Eric Van Dusen

## Resources Consulted

The Working Group reviewed data or recommendations from the following resources:

- Rochester-Monroe Anti-Poverty Initiative Progress Report: A Roadmap for Change (2015)
- Hard Facts Update: Race and Ethnicity in the Nine-County Greater Rochester Area (ACT Rochester, 2020)
- Zombies Among Us: The Monroe County Vacant and Abandoned Property Taskforce (2016)
- Analysis of Impediments to Fair Housing Choice, City of Rochester (2015 and 2020 update)
- Analysis of Impediments to Fair Housing Choice, Monroe County (updated 2020, discussed in 2020-24 Strategic Plan)
- The River Runs Dry II: The Persistent Mortgage Drought in Rochester's Communities of Color (Empire Justice Center)

- Rochester 2034 (City of Rochester Comprehensive Plan adopted in 2019)
- Citywide Housing Market Study (City of Rochester, 2018)
- Confronting Racial Covenants (City Roots Community Land Trust and Yale Environmental Protection Clinic, 2020)

## Community Engagement

- Describe community engagement process

## Prioritization of Issues

- Describe process used to prioritize issues, if applicable

# Key Issues & Recommendations

## Key Issue #1

**Discriminatory practices in housing.** Historic practices such as redlining, racial covenants and other discriminatory real estate practices provided white residents of our region a pathway to build wealth through homeownership, while excluding Black residents and fostering segregated areas of concentrated poverty. While this overt discrimination is barred today, our community still reflects this dynamic, with redlined neighborhoods still suffering from disinvestment and many residents having been denied a significant opportunity to build intergenerational wealth. Even today, Black and Hispanic residents of Monroe County own their homes at less than half the rate of white residents (32% among Black residents, 35% for Hispanic, and 71% for white).<sup>125</sup>

There also is strong evidence that housing discrimination against Black and Latino or Hispanic residents continues today, albeit in more subtle forms, as do practices that reinforce racial disparities, regardless of intent. Consider, for example, recent instances of redlining<sup>126</sup> and reports of income discrimination against tenants who receive public assistance, despite a 2019 state ban on such discrimination. Empire Justice Center (EJC) and the Greater Rochester Community Reinvestment Coalition (GRCRC) have documented high rates of home loan denials to Black and Latino or Hispanic applicants.<sup>127</sup> EJC and GRCRC as well documented that the recent foreclosure crisis disproportionately harmed predominantly Black and / or Hispanic or Latino neighborhoods in the City of Rochester.<sup>128</sup>

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<sup>125</sup> U.S. Census Bureau, American Community Survey, 2014-18.

<sup>126</sup> Daneman, Matthew. Democrat and Chronicle. "NY settles with Five Star Bank over mortgages."

<https://www.democratandchronicle.com/story/money/2015/01/18/five-star-settles-redlining-claims/21879775/>

<sup>127</sup> Van Kerkhove, Barbara. Empire Justice Center. "The River Runs Dry II: The Persistent Mortgage Drought in Rochester's Communities of Color." <https://empirejustice.org/wp-content/uploads/2017/12/river-runs-dry-ii.pdf>

<sup>128</sup> Hanley, Michael, & Maker, Ruhi. Empire Justice Center. "In the Eye of the Storm: Why the Threat of Foreclosure Damage Continues." <https://empirejustice.org/wp-content/uploads/2018/01/report-in-the-eye-of-the-storm.pdf>

## Recommendations:

- **Monroe County and the City of Rochester should adopt a policy in support of “greenlining.”** This term refers to initiatives and programs designed to make significant public investments in previously redlined communities. By adopting a policy commitment to greenlining, the County and City would consider broadly how best to invest existing resources to maximize benefits to redlined neighborhoods and communities. Options could include providing incentives for innovative models of housing that would expand opportunities for individuals and collectives to build wealth, or expanding down payment assistance for low-income residents to buy homes in redlined areas.<sup>129</sup>
- **Explore expansion of tenant protections at the local level, as a disproportionate share of people of color in our region rent their homes.**
  - **Adopt a tenant right to counsel.** Consider a local law or policy commitment to ensure tenants county-wide have a right to counsel in eviction proceedings. There is evidence that providing tenant access to counsel helps tenants and property owners to more frequently reach a resolution in such proceedings *without* eviction.<sup>130</sup> One option is to pursue a county-wide expansion of an existing City of Rochester collaboration with legal aid organizations to offer free representation to City tenants facing eviction.<sup>131</sup>
  - **Explore a “just cause” eviction law.** Such laws typically allow a landlord to choose not to renew a resident’s lease only for documented violations of the lease (e.g., nonpayment of rent, damage, criminal or nuisance behavior). It is not immediately clear, however, whether the City or County have authority to adopt such a law at the local level. Within New York State, just clause eviction applies only to rent-regulated units in New York City. Legislation for statewide just cause eviction is pending at the committee level.<sup>132</sup>
- **Consider adoption of a County-level law prohibiting discrimination in the sale, purchase, financing, renting or leasing of housing.** Federal and state laws already prohibit various forms of discrimination in the homeownership and rental housing markets, including race-based discrimination, but research shows that such practices continue. A quick review of Rochester-area apartment postings, for example, suggests limited compliance with a recent state-level ban on discriminating against prospective tenants based on their source of income; apartment ads still often say property owners will not accept applicants who receive public assistance or Housing Choice Vouchers (or Section 8). A County-level law would provide means for Monroe County to provide enforcement that may be lacking or infrequent at the state and federal

<sup>129</sup> The Greenlining Institute. “Equitable Housing & Homeownership.” <https://greenlining.org/our-work/economic-equity/homeownership/>

<sup>130</sup> Stout Risius Ross, Inc. “The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A.” <https://legalaidresearch.org/2020/01/31/the-financial-cost-and-benefits-of-establishing-a-right-to-counsel-in-eviction-proceedings-under-intro-214-a/>

<sup>131</sup> Fanelli, Gino. “Tenant ‘right to counsel’ program begins in Rochester.” <https://www.rochester.citynewspaper.com/rochester/tenant-right-to-counsel-program-begins-in-rochester/Content?oid=12170284>

<sup>132</sup> Senate Bill S2892B. <https://www.nysenate.gov/legislation/bills/2019/s2892>

levels. Similar laws exist in Nassau and Suffolk Counties and allow for county-level commissions on human rights to investigate complaints of discrimination.<sup>133</sup>

## Key Issue #2

**Land use regulations and economic development incentives.** Exclusionary zoning laws limit where affordable and multi-family housing can be built in our region, with a substantial portion of the most affordable, public and / or income-restricted housing stock concentrated in the City of Rochester, and to some extent, in neighboring suburbs.<sup>134</sup> Exclusionary zoning was sometimes adopted with explicitly racist intent in decades past.<sup>135</sup> Today, whether intentional or not, zoning still contributes to racial and class divisions. Land use regulations and economic development incentives also play key roles in “job sprawl” – the outflow of jobs from the urban core to areas that are more difficult to access by transit.<sup>136</sup> The overall result is limited housing options of good quality in areas of economic and educational opportunity for low-income residents, who are disproportionately Black and / or Latino or Hispanic. Note that while cities, towns and villages in New York are enabled to adopt zoning, counties cannot; county governments may, however, prepare comprehensive plans that lay out guidance or overarching goals for development.<sup>137</sup> The County is preparing to begin a comprehensive planning process in 2021.

### Recommendations:

- **Work to reduce or eliminate exclusionary zoning.** As noted above, Monroe County cannot impose zoning laws on municipalities. It can and should, however, play a leadership or convening role in a countywide effort to identify and reverse zoning laws that unnecessarily restrict affordable and multifamily housing, playing an important role in continuing to segregate the Rochester region by race and class. The upcoming County comprehensive planning process offers an opportunity to do this.
- **Encourage or incentivize affordable housing in all communities within Monroe County.** The County should encourage affordable housing county-wide, with consideration to which locations could best provide access to economic and educational opportunities. For example, a countywide framework or plan for affordable housing could focus on key transit routes to ensure that low-income residents without cars can access employment from new developments. Efforts should be made to ensure that affordable housing is not concentrated or clustered, but well-distributed throughout both individual developments and larger communities. Another option is inclusionary zoning, which requires that certain new market-

<sup>133</sup> Long Island Board of Realtors. Fair Housing Information Hub. <https://www.lirealtor.com/legal/fair-housing>

<sup>134</sup> Johnson, William A., Jr. “Sprawl and Civil Rights: A Mayor’s Reflections.” In Bullard, Robert D. (Ed.), “Growing Smarter: Achieving Livable Communities, Environmental Justice, and Regional Equity.” The MIT Press.

<sup>135</sup> Reynolds, Conor Dwyer. “The Motives for Exclusionary Zoning.”

[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3449772](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3449772)

<sup>136</sup> CGR. “Transportation and Poverty in Monroe County: How Land Use, Job Locations and Commuting Options Affect Access to Jobs.” <https://www.cgr.org/our-work/case-studies/highlighting-links-between-transportation-poverty/>

<sup>137</sup> New York State Department of State. “Land Use Planning and Regulation.”

[https://www.dos.ny.gov/lg/handbook/html/land\\_use\\_planning\\_and\\_regulation.html](https://www.dos.ny.gov/lg/handbook/html/land_use_planning_and_regulation.html)

rate residential developments include a percentage of affordable units as well. The County lacks authority to enact such a requirement, but it could create a model zoning law and identify incentives to encourage individual municipalities to adopt such a law.

- **Consider targeted use of County tax incentives to encourage affordable housing development.** The County should explore the viability of conditioning tax incentives on the inclusion of affordable housing units in any major development project with a residential component. Any such incentives should be aligned with any county-wide framework or plan for affordable housing if one is developed, as described above.

### Key Issue #3

**Housing affordability.** The 2018 Citywide Housing Market Study stressed that low incomes, rather than rising prices, were the largest source of challenges with housing affordability in the City of Rochester. Whatever the primary cause, housing costs are clearly burdensome for many in our region. The U.S. Housing and Urban Development guideline for affordability says that rent should be no more than 30% of a household's income, but Census data show that a median Hispanic renter in Monroe County spends about 44% of income on rent, and Black renters, 45%. A median white renter, by contrast, spends about 30%.<sup>138</sup> Compounding this challenge, financing is very limited to develop affordable housing for particularly low-income residents.

Recommendations:

- **Support the expansion of community-controlled models of homeownership and rental housing.** Community land trusts (CLTs) are an established model for community stewardship of land. They are often a mechanism for low-income residents to own and build equity in affordable housing, as well as a tool for broader community-building. Upward of 250 CLTs exist across the U.S.<sup>139</sup> CLTs are generally nonprofits governed by boards of community residents. There is an existing CLT in Rochester (City Roots Community Land Trust). The City and County should seek opportunities to expand and support CLTs as a vehicle for empowering low-income residents – particularly those of color – and providing pathways to ownership and wealth-building. This might entail continued efforts to partner with existing CLTs to rehabilitate existing homes for affordable housing and / or identify funding mechanisms and sources of technical support to foster the creation of new CLTs. The County and City should also explore additional housing models that might achieve similar goals.
- **Explore the feasibility of a Tenant Opportunity to Purchase law in Rochester.** This type of program would provide an opportunity for rental tenants, qualified housing nonprofits or some combination to assemble funds to purchase a rental property if an owner offers it for sale. Such programs exist in Washington, D.C., Denver and San Francisco, but there is limited (if any) precedent for this in New York State. It is not clear whether Monroe County or the City of Rochester could adopt such a local requirement, as there is no specific legislation enabling it at

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<sup>138</sup> U.S. Census Bureau. American Community Survey, 2014-18.

<sup>139</sup> Community-wealth.org. <https://community-wealth.org/strategies/panel/clts/index.html>

the state level. State Sen. Zellnor Myrie, D-Brooklyn, is reportedly developing such legislation at the state level, but it has yet to be filed.<sup>140</sup> Legislation pending before the New York City Council would allow a list of pre-qualified entities to submit a first offer and match competing offers on certain rental properties listed for sale, but it has not yet been adopted.<sup>141</sup>

- **Explore additional funding mechanisms for affordable housing development.** The County should explore creation of an Affordable Housing Trust Fund dedicated to affordable homeownership and rental projects, as well as many of the initiatives described above (e.g., greenlining, expansion of community-controlled housing organizations, tenant opportunity to purchase, etc.). Potential mechanisms include an increased deed recording fee or property transfer tax, and / or filing fees for properties with particularly high sale values.

## Cross-sector recommendation

**Explore a county-wide effort to realign school district boundaries.** Racial and socioeconomic inequities in our region’s housing are interconnected with inequities in schools. It will be difficult to make meaningful progress on one issue without also confronting the other. As we described above, discriminatory laws, policies and practices in housing have helped create a region profoundly segregated by race and income, and where poverty is deeply concentrated among Black and Hispanic families in the City of Rochester. Schools are a critical part of this divide. The Rochester City School District (RCSD) is widely considered among the most academically challenged urban districts in New York, a short drive from some of the highest-performing districts in the state. Consider that:

- In the 2018-19 school year, 90% of students in RCSD were considered economically disadvantaged, compared to 4% in the nearby Pittsford Central School District.<sup>[1]</sup>
- The boundaries separating RCSD from neighboring districts like Penfield, Brighton and West Irondequoit are among the most economically segregating in the nation, according to a 2016 study and a 2020 update by the national educational advocacy group EdBuild.<sup>[2]</sup>

Our school districts do not simply reflect our divisions; they help fuel them. In a community survey conducted by this Working Group, 21% of respondents said “school district quality” was the most important factor in their housing choice, second only to “cost of housing.” Among respondents in suburban Monroe County with children, 61% cited “school district quality” as the major factor in their housing choice. Perceptions of schools are clearly a driver of housing decisions for parents with the means to choose.

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<sup>140</sup> Pereira, Sydney. Gothamist. “Tenants Would Get Priority to Buy Their Landlord’s Building Under New Bill.” <https://gothamist.com/news/tenants-would-get-priority-buy-their-landlords-building-under-new-bill>

<sup>141</sup> New York City Council, Int. 1977-2020.

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4573837&GUID=0603C069-82DE-4977-904B-A07F3F468D90&Options=&Search>

<sup>[1]</sup> <https://data.nysed.gov/>.

<sup>[2]</sup> EdBuild. “Fault Lines: America’s Most Segregating School District Borders.” <https://edbuild.org/content/fault-lines/full-report.pdf>



At the same time, our survey found strong interest in at least exploring alternatives to the status quo in public education in our region, as 87% of respondents to our survey approved of the following statement: “Develop policies that break down legal walls segregating our community by race and class, for example, school district boundaries.”

The County and City should join with school district leaders and state lawmakers in our region to seriously explore realignment of school district boundaries to reduce racial, ethnic and socioeconomic segregation, with the goal of developing a specific proposal or range of alternatives that can be considered by key decision-makers and the public.

## Parking Lot

The following recommendations deal with issues beyond the ability of the City or County to address alone in the near term, but requiring attention of government at the State and / or Federal levels.

- Advocate for a public bank that can be used to support affordable housing efforts as well as credit unions that produce mortgages for low-income homebuyers. Public banking appears to require state legislation to amend state finance and / or banking law. State Sen. James Sanders Jr. has a pending bill to amend banking law to create a framework to allow cities and counties to create public banks. It is before the Banks Committee.<sup>142</sup>
- Advocate for additional flexibility with Housing Choice Vouchers (Section 8). Housing Choice Vouchers provide housing assistance to low-income families, among other eligible participants, to rent a home. They are administered locally by the Rochester Housing Authority. The Working Group is interested in allowing them to be used more flexibly to cover other housing costs for low-income residents, such as mortgage payments. U.S. Housing and Urban Development (HUD) indicates that in limited cases, public housing authorities may allow voucher recipients to purchase a home and receive monthly assistance in meeting homeownership expenses.<sup>143</sup> HUD records indicate the Rochester Housing Authority had limited participation in this program as recently as 2017. Any additional flexibility or wider participation in the program would likely require action by the Housing Authority and / or the federal government.
- Advocate for state-level legislation to reduce or prohibit exclusionary zoning. The County and City should work with state legislators to identify and prohibit current tools of exclusionary zoning at the state level.
- Advocate for state-level action inclusionary zoning incentives and / or requirements. It is difficult to meaningfully expand affordable housing by adopting zoning changes one community at a time. The County and City should explore working with state legislators to enact

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<sup>142</sup> <https://www.nysenate.gov/legislation/bills/2019/s1778>

<sup>143</sup> U.S. Department of Housing and Urban Development. “Homeownership Vouchers.” [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/hcv/homeownership](https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/homeownership)

farther-reaching requirements and / or incentives to include affordable housing in new residential development.

# Human & Social Services

## Workgroup Members

**Commissioners:** Karen Elam, Mitch Gruber, Bruce Popper

### Workgroup:

Absolom (Abu) Abraha	Kiah Nyame
Pamela Kim Adams	Alexandra (Lexi) Popovici
Shaka Bedgood	Donette Scott
Jennifer Cathy	Raquel Serrano
Khari Clarendon	Diana Simpatico
Tracy Collins	Rose Tomlinson
Brandi Hayes	James Waters
Ke-nijah Holloman	Jeffrey Williams
Bill McDonald	Thalia Wright
	Rodney Young

## Resources Consulted

The Human & Social Services Working Group as a whole began by consulting the following documents:

- Monroe County Department of Human Services Annual Report 2018
- Monroe County Youth Risk Behavior Survey Report 2019
- Monroe County Transition Report delivered to County Executive Adam Bello, February 11, 2020
- Hard Facts Update by ACT Rochester & Rochester Area Community Foundation, August 2020
- Rochester-Monroe Anti-Poverty Initiative Progress Report, September 2015

We soon realized that we would need to divide our work into smaller subcommittees, given the breadth of human & social services. The four subcommittees were (1) Child Welfare, (2) Eligibility, (3) Older Adults, and (4) Cultural Competence.

The Child Welfare Subcommittee consulted the following sources:

- 2012 Monroe County Institutional Analysis
- 2019 Foster Care Admissions/Discharges Disparity Data
- Disparity Rates in Child & Family Services by Key System Point, 2015-2018. Source: OCFS Comparative Disparity Rates Annual Reports
- DMR County Comparison 2018
- DMR Data

The Eligibility Subcommittee consulted the following sources:

- Monroe County Public Assistance Sanctions, Application Denials, and Case Closings in the Context of NYS OTDA Data for Four Large Urban Counties by Harry Murray, Professor of Sociology, Nazareth College, 8/3/2018
- OTDA regulations at <https://regs.health.ny.gov/content/section-3512-aspects-investigation-and-eligibility>
- Employment Plans of Monroe, Onondaga and Erie Counties available at <https://otda.ny.gov/resources/employment-plans/>
- Interviews with local CASACs, Human Service employees from other counties, and the former Corporation Counsel for NYS OASES
- Interviews with attorneys for LawNY and Empire Justice Center

The Older Adults Subcommittee consulted the following sources:

- Monroe County Transition Report (Adam Bello Transition Team)
- Disrupt Disparities 2.0 Solutions for New Yorkers Age 50+ (AARP)
- Disrupt Disparities 3.0 COVID-19 Wreaking Havoc on Communities of Color (AARP)
- American Tragedy: COVID-19 and Nursing Homes (AARP)
- Age Wave - The changing demographic landscape of America and Greater Rochester (Lifespan)
- ALICE in New York: A Financial Hardship Study (United Way of New York)
- America's Opportunity Gaps: By the Numbers, Systemic Barriers to Equality of Opportunity for Black Americans and People of Color (U.S. Chamber of Commerce)
- Hard Facts Update: Race and Ethnicity in the Nine-County Greater Rochester Area (ACT Rochester, RACF)
- Profile of the Hispanic/Latino Community in Monroe County: A Demographic and Socioeconomic Analysis of Trends (Ibero American Action League and La Cumbre)
- Overloaded: The Heavy Toll of Poverty on Our Region's Health (Common Ground Health)

- Health Equity in the Finger Lakes Region: A Chartbook (Common Ground Health)
- Digital Divide in Rochester & Monroe County (RMAPI, RACF, ROC The Future)
- Connecting, Supporting, Transforming - Together! (Connected Communities)
- What Older Adults Need from Congress (Justice in Aging)
- RFP: Age Friendly Livable Community Initiative for Older Adults (Monroe County)
- MCOFA 2020-24 Four Year Plan Abstract (Monroe County Office on Aging)
- Building Stronger Families: 2018 Annual Report (Monroe County Dept. of Human Services)

The Cultural Competence Subcommittee consulted the following sources:

- <https://www.racialequityalliance.org/>
- [https://wp.sbcounty.gov/dbh/wp-content/uploads/2019/12/CCP-2018\\_2019-Update.pdf](https://wp.sbcounty.gov/dbh/wp-content/uploads/2019/12/CCP-2018_2019-Update.pdf)
- [https://www.smchealth.org/sites/main/files/file-attachments/san\\_mateo\\_county\\_cultural\\_competence\\_plan\\_2018\\_final.pdf](https://www.smchealth.org/sites/main/files/file-attachments/san_mateo_county_cultural_competence_plan_2018_final.pdf)
- <http://www.ocwtp.net/PDFs/Assmt%20VI%20Culturally%20Responsive%20Services.pdf>
- <https://cceh.org/cultural-competency/>
- <https://www.nih.gov/institutes-nih/nih-office-director/office-communications-public-liaison/clear-communication/cultural-respect>
- [https://www.acf.hhs.gov/sites/default/files/opre/brief\\_enhancing\\_cultural\\_competence\\_final\\_022114.pdf](https://www.acf.hhs.gov/sites/default/files/opre/brief_enhancing_cultural_competence_final_022114.pdf)
- <https://health.hawaii.gov/healthequity/cultural-competency-policy/>
- <https://www.nsvrc.org/sites/default/files/2017-06/cultural-competence-guide.pdf>

## Community Engagement

The Human & Social Services commissioners and work group members held a virtual Zoom Community Listening Session from 6 pm to 7:30 pm on Wednesday, October 14, 2020 to hear from community members with experience interacting with human and social services such as financial assistance through TANF or Safety Net, food assistance from SNAP, and healthcare through Medicaid, as well as child welfare programs like Child Protective or Preventive Services and Foster Care. We sought responses to questions such as: What was your experience like? Did programs and staff members help you? Were you treated with respect? What worked well, and what could be improved?

In addition, the Eligibility subcommittee created a public forum for people to be able to share their stories. The community was given an email address, phone number, and a website link to provide testimonial or schedule an interview with the Commission.

The Older Adults Subcommittee expanded its membership beyond the initial working group to include persons from Aging Alliance, United Way, Life Results, Ibero American Action League, and Monroe County Office on Aging. The subcommittee interviewed officials from the Monroe County Federation of Social Workers, Monroe County Office of Aging, Lifespan, Aging Alliance, Jewish

Family Services, Catholic Family Services, NYS Assembly Committee on Aging, Legal Assistance of Western NY, and Woods, Oviatt law firm.

The Cultural Competence Subcommittee interviewed Lenora Reid-Rose, Director of Cultural Competency and Health Equity at CCSI, and Kesha Carter, Chief Diversity Officer at CCSI.

## Prioritization of Issues

The Human & Social Services commissioners asked each member of the working group to send in their recommendations and compared those to the issues that had been highlighted by our pre-reading and the feedback from the listening session. In the end, we proposed to prioritize four areas and then vetted this with the entire work group.

# Key Issues & Recommendations

## Key Issue #1

### Child Welfare

African-American children in Monroe County disproportionately enter out-of-home (i.e. “foster”) care placements by a significant margin (see data below). Monroe County Department of Human Services (**MCDHS**) **must develop a strategic plan for implementing an equitable case practice, with a shared vision that includes the development and consistent use of criteria to make decisions about the removal of children and service provisions.**

Additionally, we believe that MCDHS can address this disproportionality by incorporating culturally responsive engagement strategies, changing some internal policies, and implementing practices to improve cultural competency and educate the community.

### Culturally Responsive Engagement Strategies

- Implement Blind Removal Meetings
  - o The goal of this strategy is to have unbiased decision-making in removals
  - o Participants are not provided with any demographic information that would reveal the race or ethnicity of the family being discussed
- Hire Cultural Brokers
  - o These are members of the community who advocate for families and help navigate through the complex child welfare system. Cultural brokers help educate on:
    - Child welfare laws and system processes
    - Implementing safety measures to ensure the well-being of children
    - Positive steps to prevent the child or children from being removed from the home
    - Developing effective communication skills

- Strengthening parenting skills and life skills
  - Navigating the systems within the community
  - Locating and accessing information and resources
  - Understanding and demonstrating acts of protection toward their children
  - Building and strengthening formal and informal support systems
- Create Kinship Navigators
    - MCDHS staff will verify that all viable relatives and adults have been explored to achieve a kinship-placement before making a non-kinship placement.
    - This will increase kinship-placement and preserve recruited foster homes for children who do not have kin resources, and children who can transition out of congregate care placements.

### **Internal DHS Policy Change**

DHS staff have inconsistently applied the Multi-Ethnic Placement Act of 1994 (MEPA) and the Inter-Ethnic Placement provisions of 1996 (IEP). MEPA and IEP do not prohibit consideration of race when making foster placements although they create very narrow parameters in which race can be considered. DHS leadership must develop new policies and create trainings that will maintain compliance with MEPA and IEP but will ensure that staff employs as much discretion as possible to improve outcomes.

We echo some of the recommendations of the eligibility subcommittee because TANF sanctions have a significant impact on child welfare programs, too. Because of the frequency of issued TANF sanctions in Monroe County DHS, some parents choose to prioritize following their TANF plan at the expense of accessing Medicaid to pay for services required by the child welfare system. This results in delayed entry into court-ordered treatment services, thus delaying permanency for children. In other words, attempts to stave off sanctions can end up destabilizing families. DHS must coordinate between TANF and child welfare and, if necessary, advocate for NYS to waive TANF sanctions under specific circumstances.

DHS must ensure consistency in case workers. Some families of color have experienced more than three different case workers, which makes it harder to stabilize families.

### **Cultural Competence and Community Education**

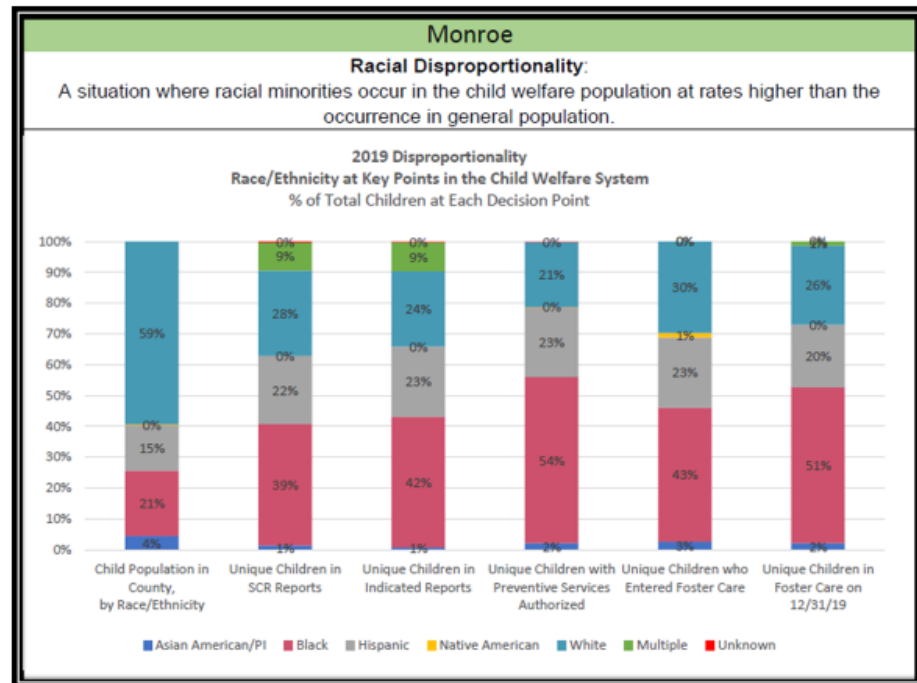
Many of the findings of this subcommittee echo the findings of the subcommittee on cultural competence. We must expand cultural competence and diversity training with opportunities for professional development grounded in the concept of cultural humility and the understanding of race as a construct in the development of American society. Moreover, staff should be familiarized with the construct of race and the ways in which this construct has shaped institutions in society, as well as LIVED experiences of families and the community over time.



Far too many of the individuals we spoke to reported feeling judged and intimidated by CPS workers during investigations. Biological parents also reported feeling judged and being excluded from the decision-making process for their children. The only way to address these issues in an effective, holistic way is to ensure that CPS workers understand the construction of race and have lived experience that reflects the communities they serve.

DHS staff should develop education and training materials for community groups, schools, hospitals, and others who are classified as mandatory reporters. These community partners must understand the impact of their reporting and develop tools to increase cultural competence.

Finally, MCDHS should expand service options, availability and accessibility of resources. African-American families have identified multiple challenges regarding the availability of services that match the needs of their households.



## MONROE COUNTY: YOUTH IN PLACEMENT

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Of the 547 children placed in foster care, 412 (75%) are children of color

Race	Ethnicity	Female	Male	Total
American Indian	Hispanic or Latino	1	1	2
Asian	Non-Hispanic or Latino	2	3	5
Black/African American (Includes Caribbean, Haitian, Native African)	Hispanic or Latino	16	25	41
Black or African America (Includes Native African,	Non-Hispanic or Latino	111	122	233
Multiple	Hispanic or Latino	9	11	20
Multiple	Non-Hispanic or Latino	31	30	61
Native Hawaiian/Pacific Islander	Hispanic or Latino	0	2	2
White	Hispanic	23	25	48
White	Non-Hispanic	56	79	135
		249	298	547

## MONROE COUNTY: PROTECTIVE

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Of the 204 children involved in a protective case, 175 (86%) are children of color.

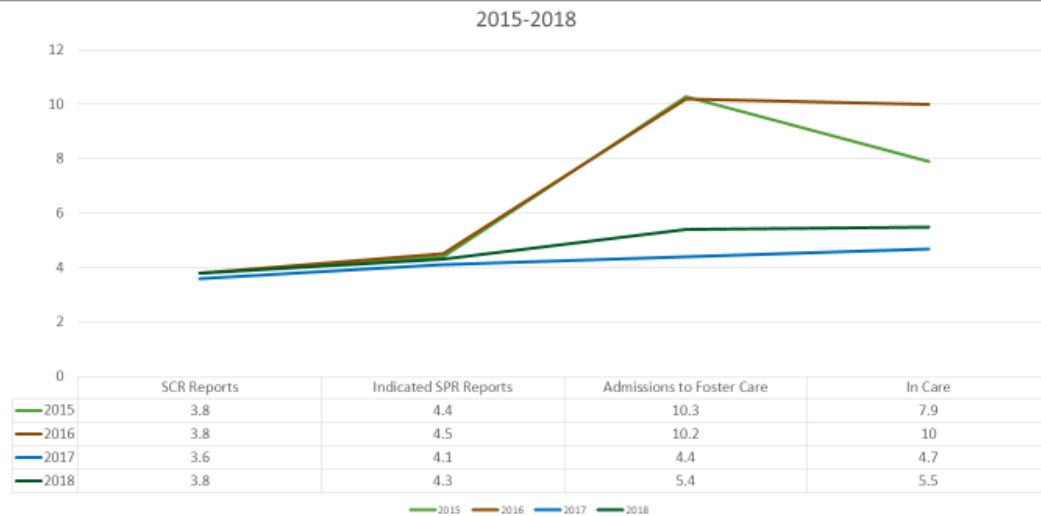
Race	Ethnicity	Female	Male	Total
American Indian	Hispanic or Latino	0	0	0
Asian	Non-Hispanic or Latino	2	2	4
Black/African American (Includes Caribbean, Haitian, Native African)	Hispanic or Latino	7	6	13
Black or African America (Includes Native African,	Non-Hispanic or Latino	63	47	110
Multiple	Hispanic or Latino	3	5	8
Multiple	Non-Hispanic or Latino	6	13	19
Native Hawaiian/Pacific Islander	Hispanic or Latino	0	0	0
White	Hispanic	11	10	21
White	Non-Hispanic	14	15	29
		106	98	204

## MONROE COUNTY: DIRECT PLACEMENTS

Of the 309 children placed in direct custody, 239 (77%) are children of color

Race	Ethnicity	Female	Male	Total
American Indian	Hispanic or Latino	0	0	0
Asian	Non-Hispanic or Latino	2	2	4
Black/African American (Includes Caribbean, Haitian, Native African)	Hispanic or Latino	7	6	13
Black or African America (Includes Native African,	Non-Hispanic or Latino	63	47	110
Multiple	Hispanic or Latino	3	5	8
Multiple	Non-Hispanic or Latino	6	13	19
Native Hawaiian/Pacific Islander	Hispanic or Latino	0	0	0
White	Hispanic	11	10	21
White	Non-Hispanic	14	15	29
		106	98	204

## MONROE COUNTY: DISPARITY RATES FOR BLACK CHILDREN



Key Issue #2

## Eligibility

Human/Social Services provide critical Public Assistance (PA) programs that provide financial support to individuals and households struggling to meet basic needs. PA programs exist to help recipients stave off crisis and become self-sufficient. County Departments of Human/Social Services (DHS) administer these programs and strive for fairness, equity, and compliance with all federal and state requirements.

When a PA recipient is deemed non-compliant, DHS will issue a “sanction” that strips a recipient of PA for a predetermined number of days (“durational”) or until deemed compliant. PA recipients may request a “Fair Hearing” to challenge the sanction before an administrative judge.

Monroe County DHS maintains the highest sanction rate of the largest counties in New York (those with urban centers), and an exceptionally high rate of Fair Hearings requested. We cannot know if these sanctions are disproportionately impacting people of color because this data is not publicly available. However, we do know that PA recipients in Monroe County are disproportionately people of color.<sup>144</sup>

RASE assessed Monroe County’s rates of sanctions and Fair Hearing cases because it is a clear path to dismantle systemic and institutional inequities across NYS. Financial assistance programs are the bottom of the safety net. We must ensure that these benefits are provided to any eligible applicant whenever possible. **Sanctions must only be used as a last resort – not a first step – toward compliance.**

### Key Findings:

- For the past four years, Monroe has issued the most durational sanctions for substance abuse and employment. In fact, Monroe uses durational sanctions more than any other County.
- In 2020, FA recipients in Monroe requested Fair Hearings more than in any other County.
- Nearly two thirds of Fair Hearings resulted in favorable findings for the client, with judges often questioning the strict discretion exercised by Monroe Co that leads to more sanctions
- High rates of sanctions is in part responsible for the precipitous decline in financial assistance recipients in Monroe County – a more than 50% decline since 2014.
- The number of children receiving Public Assistance in Monroe Co has fallen by 48.9% since 2014 despite the city of Rochester maintaining one of the highest child poverty rates in the country.

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<sup>144</sup> All data is in the corresponding appendix

### **Recommendations:**

- Since most sanctions are a result of non-compliance of requirements related to employment or substance abuse, we must assess the way Monroe Co determines compliance and relax any regulations that create particularly high rates of sanction (see analysis to follow).
- Reimagine the process by which someone is sanctioned and then conciliated in order to create a system that uses sanctions as an absolute last resort (analysis to follow).
- Begin to track sanctions and Fair Hearings by race and ethnicity.

### **Employment Plan Requirements**

CGR reviewed the employment plans of Monroe, Erie and Onondaga counties for the eligibility subgroup and found Monroe County has the most stringent, rigid rules around compliance. The employment plans describe the work requirements for individuals receiving public assistance. Key comparisons:

- Both Erie and Onondaga offer reductions in work activity requirements for households with children under 6 years of age. Monroe County explicitly disregards age of children in the household when determining work activity requirements.
- For TANF and Safety Net Assistance applicants, Monroe County has the highest number of requirements for work activities and job contacts.
- Erie County has specific, detailed strategies for engaging sanctioned participants as soon as they are sanctioned, whereas Monroe County only has specific, detailed strategies for engaging sanctioned participants after the sanction is complete.
- Monroe County has the most rigorous employment standards for the conciliation process. In Monroe County, sanctioned individuals are expected to demonstrate double the number of job contacts as their peers in Erie and Onondaga.

In addition to these examples, Monroe County has the most specific “engaged in work” requirements and processes and more detailed processes related to employment assessments.

**Recommendation:** Monroe County should review its Employment Plan in the context of the comparative information gathered and submit revisions that significantly relax the employment requirements for individuals receiving public assistance. This particularly important right now, as the COVID-19 epidemic has significantly impaired our local economy and created exceptionally high unemployment rates. Monroe County’s employment plan must match this economic reality and be “person-centered” to ensure that we are providing public assistance to as many vulnerable households as possible. Specifically, we recommend:

- Reducing work activity requirements for households with young children, as Erie and Onondaga do.
- Engaging participants facing sanctions early in the process (see detailed recommendations in the section on conciliation).

- Reducing the requirements for work activities and job contacts, both for public assistance applicants and those in the midst of the conciliation process. Monroe County could match the requirements in Erie or Onondaga without changing the goals of the employment plan.
- Conducting a full reassessment of the Work Experience Program (WEP) since the entire subcontract was awarded to RochesterWorks. Anecdotally, there is concern that WEP has not been as effective in finding permanent jobs for individuals since RochesterWorks began to administer the entirety of the program. Monroe County should convene a committee of individuals and organizations who participated in WEP and develop a plan for making it more efficient and effective.

### **Substance Abuse Requirements**

Monroe County is unique among counties in having developed a database, Addiction Recovery Employability System (ARES), for substance abuse treatment providers to closely track the progress of all recipients of financial assistance. The system has been in place for many years and has evolved significantly over time. County officials expressed a belief that it simply streamlines the process of tracking state-mandated requirements, but the eligibility subgroup heard from many in the community that the use of ARES hinders both recovery and stability for people receiving assistance. In short, ARES seems to facilitate a rigidity that leads to the outsized number of sanctions and fair hearing cases in Monroe County.

According to treatment providers interviewed by the subgroup, Monroe County requires financial assistance recipients to maintain an 85% attendance rate in treatment programs (though this has been suspended during the COVID-19 pandemic). Treatment providers noted that an 85% attendance requirement is not in accordance with the best practices about addiction recovery services, which recognizes that relapse is often a part of the recovery process and that harm reduction - including meeting basic needs - is often an important part of an effective treatment approach.

This requirement is explicitly a local choice, and not something mandated by NYS. State regulations require screening for substance abuse disorders, assessments of those believed to be dependent on alcohol or drugs, and participation in treatment for those deemed to be dependent. Further, treatment programs must submit progress reports on their clients every three months.<sup>145</sup>

**Recommendation 1:** Monroe County should review the ARES system with a committee that consists of experts in addiction recovery, community-based CASACs, and individuals who previously received public assistance. The committee should set out to amend the reporting

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<sup>145</sup> See (i) Requirements for alcoholism and substance abuse screening, assessment and rehabilitation service at <https://regs.health.ny.gov/content/section-3512-aspects-investigation-and-eligibility>

system to follow best practices of addiction recovery, and to ensure that a sanction is never used as anything other than a last resort.

**Recommendation 2:** Monroe County should permanently eliminate the 85% attendance threshold for individuals recovering from substance abuse. The County should work with the Committee established in Recommendation 1 to create new, person-centered requirements in line with NYS rules and regulations.

**Recommendation 3:** Monroe County should evaluate all substance abuse practices and policies with a goal of embracing harm reduction as an evidence-based strategy, while still encouraging abstinence as appropriate. (This echoes a recommendation of the Mental Health and Substance Abuse Services Working Group.)

### **Internal Strategies to Reduce Sanctions**

When MCDHS believes that an applicant or recipient of assistance has failed to comply with a requirement of the public assistance program, it sends the individual a written notice demonstrating the intent to impose a sanction. If the applicant or recipient does nothing the sanction takes effect. The individual may contest the sanction by using an informal conciliation process, or by requesting a Fair Hearing. Either way, the individual has the burden to demonstrate that either they did comply, or that they had a good reason for not complying.

Monroe County has the highest rate of sanctions among large urban counties. Furthermore, it has the highest rate of Fair Hearing requests for Public Assistance issues of any county in the state. Our data shows that MCDHS often reverses the imposition of a sanction when challenged. Sometimes reversals are spurred by internal review; other times it is due to the Fair Hearing. Therefore, it is recommended that MCDHS adjust internal processes to ensure that sanctions are only used as a last resort. This will maximize improve the compliance of participants, reduce the number of Fair Hearings, and help to achieve the ultimate goal of financial assistance programs – employment and self-sufficiency.

### **Pre-Sanction Review Process**

We recommend that MCDHS move to a pre-sanction case review process. This would involve an additional level of review after MCDHS believes that a sanction is appropriate but before a sanction notice is issued. This additional level of review will allow opportunities for identification of whether the applicant or recipient actually failed to comply with a known obligation, and if so, to determine whether there were barriers to compliance that could be removed so that the applicant or recipient can comply with MCDHS requirements. This would reduce the number of applicants or recipients who are sanctioned for minor issues or incorrectly sanctioned. It would also decrease the number of Fair Hearings requested within the County and lead to cost savings for the agency. Most importantly, often it would increase the chance that the applicant or recipient will successfully obtain employment at an earlier date.



A pre-sanction review would provide the agency with another opportunity to evaluate the circumstances of a possibly non-compliant family or individual, and assist the family or individual to participate successfully in program activities. Additionally, a pre-sanction review provides the individual with more information and understanding around what is required for compliance. This is especially important for individuals who do not speak English as their first language and/or who are illiterate or have intellectual or developmental disabilities.

A pre-sanction review would encompass the following elements:

- A local notice in plain language to the applicant or recipient that fully explains what MCDHS believes the applicant or recipient failed to do, the impact of a possible sanction, and offering the opportunity to discuss the matter with the agency and the availability of additional resources to assist the applicant or recipient.
- Reengagement with the applicant or recipient to identify if they failed to comply with a known obligation and, if so, why and what barriers may have prevented compliance.
- A determination whether the required activity can be modified based on the individual or applicant or recipient's needs (like hidden disabilities) and the indicated barriers.
- A determination whether the applicant or recipient, or, especially, any child involved in the case, is likely to become homeless as a result of the sanction. In the event that an applicant is homeless and asking for emergency housing assistance, MCDHS must create a route to compliance that can be accomplished by day's end as per Fair Hearing #7810833P
- The creation of a conciliation plan to foster compliance, including potential referrals to additional community supports that may help overcome barriers to compliance.

### **Post-Sanction Support System**

If a sanction is imposed, MCDHS should engage the individual and family to discuss the parameters of the sanction, opportunities to lift the sanction or come into compliance, and additional supports available to ensure compliance is maintained. Post sanction engagement would also assist the agency in keeping in contact with sanctioned individuals and families giving them the best possible opportunity for success and reengagement. Post-sanction support should be provided orally by a caseworker and in plain language notices, covering the following:

- Guidance on how to come into compliance and end the sanction
- Identify any barriers to compliance to ensure future success
- Connect to additional resources to address loss of income due to sanction

### **Establishment of a Working Group for Continuous Improvement**

In order to support and guide the above recommendation, we recommend that an active working group be formed that seeks continuous improvement around the sanctioning process and improving communication about that process within the community. Members of the group

would include MCDHS staff, legal services providers, medical providers, treatment providers, applicants and recipients of public assistance and other identified stakeholders.

This working group would be charged with reviewing and making recommendations related to the above recommendations and, more specifically:

- Identifying any needed process improvements;
- Implementing training envisioned above;
- Connection to community-based resources to assist in re-engagement
- Researching and recommending best practices from other localities.
- Developing “plain language” communications for pre-sanction review process
- Creating new communication strategies for recipients who do not speak or read English

## Key Issue #3

### Older Adults

The older population of Rochester and Monroe County is increasing rapidly and the rate of elder poverty is exploding, particularly within the City of Rochester. There are significant racial disparities of income and wealth between older African Americans and other people of color, and whites.

There are vast disparities in resources, physical space, and programs between senior centers in urban and suburban location. There is a need to construct better spaces for urban centers, as well as “reinvent” the very role and function of the centers as inequities are corrected.

Most services for older adults flow through the Monroe County Office on the Aging (MCOFA). Most of MCOFA’s funding comes from Federal and State sources, and roughly 85% of the county’s expenditures and programs for older adults are subcontracted to non-profit agencies.

Many of the issues and recommendations that follow in this report will be detailed in more depth by the Livable Communities for Older Adults Initiative (LCOAI), which was recently awarded a planning grant from Monroe County. LCOAI is expected to address many of the service and systemic needs of the elderly with a particular focus on older adults in need, a disproportionate number of which are African Americans and other people of color. The County and City must fully support and invest in LCOAI.

### Key Issues Facing Older Adults

Many of the issues that face older adults, and specifically people of color, are a direct result of the increasing poverty in our region. Many older adults live on fixed incomes that do not provide enough to meet the cost of living. This means that the older adults in need are facing challenges to afford health care, access nutritious food, pay for transportation, maintain safe, quality housing, adapt to new, expensive technologies, and more.

We expect each of these issues to be addressed in the overall report of the RASE Commission. But we encourage a consistent focus on older adults as each of these issues are addressed. Moreover, we are confident that LCOAI will create strategies for each of these issues and reiterate the need for Monroe County and City of Rochester to support and invest in that initiative.

## **RECOMMENDATIONS**

### **Recommendation 1: Support and Invest in Livable Communities for Older Adults Initiative**

The plan will focus the needs of poor elders, persons of color, and those with disabilities; and address racial and economic disparities that exist in Rochester and Monroe County. The Livable Communities approach will provide a broad and coordinated platform for all those involved in services to older adults in which to participate.

Implementation of Livable Community proposals should include the establishment of representative and diverse advisory boards with significant oversight responsibilities.

### **Recommendation 2: Establish a “Navigator” training program and broader communication to front line workers**

MCOFA should establish a “navigator” training program and create information materials about available services and benefits for older adults. The navigator program could be modeled on the Affordable Care Act navigator role where front line workers were trained to assist consumers in accessing and choosing the best medical insurance plan to meet their needs. It could also be modeled on the highly successful “one stop” Elder Source program run by Lifespan and Catholic Family Services. The navigator program would train and orient all front line county and non-profit staff who have direct contact with older adults in their jobs, and provide the necessary resources for them to direct seniors to appropriate assistance.

MCOFA should also be funded to embark on a multi-media educational program on available services and benefits, with particular focus on older adults of color. The objective is to create and enable a more holistic approach by front line workers serving older adults, backed up by an improved communication program. The program should endeavor to overcome language barriers by communicating in other languages, especially Spanish.

### **Recommendation 3: Upgrade senior centers in neighborhoods of most need**

Huge disparities exist in funding, programs, and physical structures between senior centers in urban and suburban locations. The amount of base funding for senior centers is largely determined by the volume of free meals served each year. The county subcontracts with towns (suburbs) and non-profit organizations (city) to fund senior centers. Many of the towns supplement this funding with their own tax revenues, resulting in significant disparities in physical space, programs, and other key features of the centers. We call for a realignment of funding for senior centers in Monroe County to ensure equity regardless of location. Most

importantly, Monroe County and City of Rochester should collaborate to rebuild the physical infrastructure of senior centers. This project could resemble the Rochester School Modernization Program. In conjunction with new capital projects, senior centers should:

- Undergo a strategic planning process to ensure they have measurable, achievable goals that improve quality of life for older adults in need.
- Maintain direct connection with accessible, affordable transit options.
- Emphasize cultural competence and appropriateness.
- Help address the digital divide by offering training programs on computer literacy and access to free internet and MiFi devices.

**Recommendation 4: New Procedures for MCOFA and their Non-Profit Subcontractors**

MCOFA must be deliberate and intentional in trying to reach older adults who have not historically used their services, and specifically people of color. Part of this work is detailed in the report by the subcommittee on Cultural Competence. In addition, MCOFA should:

- Put all MCOFA functions under one roof in an accessible location
- Create and maintain a MCOFA Facebook page
- Provide materials in multiple languages
- Streamline all application processes and offer help in completing them
- Create forum to regularly seek stakeholder input on policies/practices

So much of MCOFA's work is to subcontract federal and state dollars to non-profit CBOs. Far too often, MCOFA is not advancing racial equity in the way that it contracts with these CBOs. We have two clear recommendations to help address this:

(1) MCOFA should insist that all CBOs it contracts with has a diversity, equity, and inclusion policy in place for both staff, executive leadership, and its board, as well as whether they comply with the proposed new contract requirements listed below. The CBOs should report back on this policy on an annual basis and before having any contracts renewed. Key reporting factors should include:

- Submission of board and senior staff conflict of interest forms
- Signing of the RMAPI employer pledge; which includes paying a livable wage, providing affordable health insurance and an employer financed retirement plan.
- Affirmation of the absence of a union avoidance program and absence of a union avoidance consultant.

(2) To subcontract with MCOFA often requires a substantial (often 25%) match of the program cost. MCOFA should remove this match when possible, especially to allow for partnership with more diverse organizations that can effectively reach older adults in need.

These recommendations are specifically relevant for MCOFA, but they are applicable for all public contracting with CBOs. The RASE Commission should use all opportunities to leverage public contracts to improve tangible Diversity, Equity and Inclusion goals at all CBOs in the region.

### **Additional Recommendations**

Much of the work done by this subcommittee overlaps with other work being done by RASE work groups. We remain concerned that some issues seem general but actually require a specific focus on older adults. We believe that LCOAI will help create a forum for this focus, but we want to highlight a few issues that deserve specific attention:

- Healthcare – A task force on healthcare for older adults could work on increasing participation in the EPIC prescription program and other ways to reduce the cost of prescription drugs, increasing participation in Medicare Part B, improving the quality of care in skilled nursing facilities, addressing health care worker shortages, and more.
- Digital Divide – Addressing this issue for older adults must include trainings, collaboration with businesses, and mentorship opportunities
- Poverty - the disproportionately high rates of poverty among older Black Americans and other adults of color, and their greater need for services, is primarily caused by a lifetime of higher instances of occupational discrimination, underemployment, and lower rates of intergenerational wealth, due in part to redlining and discrimination. There are no quick fixes for the massive income and wealth disparities in our society that are engineered into the fabric of structural racism and the exploitation of labor. The only way to reduce these inequities in the next generation is to correct the current compensation structure of the workforce, while noting that many older adults are currently working in low wage jobs at well beyond “normal” retirement age. Nothing short of “making work pay” will solve the moral injustice of increasing poverty and disparities in the older adult population of Monroe County, a condition largely attributable to declining wages and benefits. Therefore, both county and city governments should join and lead in all efforts to bring every job in Monroe County to a level of self-sufficient wages, comprehensive medical benefits, and retirement savings paid by the employer. One such effort is RMAPI’s employer pledge. Others include the “Fight for \$15” and the drive for a voluntary living wage paid by all employers.
- Lessons from COVID: As of November, 2020, African Americans and Latinx residents of Monroe County have died at over twice the rate of whites from COVID-19. Their rates of hospitalization have been even higher. A huge portion of COVID-19 deaths has occurred among the elderly, especially those residing in local nursing homes. By some estimates, that number has reached 50%. Although the issue of racial disparity in COVID-19 death rates includes many factors (poverty, underlying conditions, health status, housing, types of jobs), there also appears to be a higher proportion of African Americans who reside in more poorly rated nursing homes than whites, a probable contributing factor to this inequity. Monroe County must launch a full and independent investigation into the response and preparedness of local nursing homes to the pandemic. It should result in several action items to improve care in nursing homes, and also in a comprehensive preparedness plan for the possibility of future pandemics, with a priority for those most at risk: older adults, people of color, and the poor.

There are, of course, many additional issues and policies that we would have addressed with more time, and we will leave them in the “parking lot” below.

## Key Issue #4

### Cultural Competence

The Child Welfare League of America (2002) defines cultural competence as:

“the ability of individuals and systems to respond respectfully and effectively to people of all cultures, races, ethnic backgrounds, sexual orientations, and faiths or religions in a manner that recognizes, affirms, and values the worth of individuals, families, tribes, and communities, and protects the dignity of each.”

<http://www.ocwtp.net/PDFs/Assmt%20VI%20Culturally%20Responsive%20Services.pdf>

Other definitions include:

**Cultural competence** is the knowledge and understanding of the diverse and complex needs of people from various cultural groups. **Cultural competency** is a continuum of practice that involves acknowledging cultural differences, identify gaps in treatment, and then tailoring your behavior and the services you provide to meet the needs of all groups by hearing from the groups and involving them in changes and decision-making.

**Cultural humility** challenges us to learn from those we work with and serve, reserve judgement, and actively bridge cultural divides.

**Cultural responsiveness** is when services are framed by understanding of culture, cultural competency, and cultural humility creating a cultural responsive foundation for families and communities to be engaged and supported utilizing the strengths of their diversity and cultural dynamics. Culturally responsive programs and services evolve appropriately to engage families and communities in the design, delivery, and evaluation of effective and appropriate services. Think of cultural responsiveness as a tool to ensure the inclusion of various points of views and experiences. It often requires that those in a position of power take stock of their role in society and the advantages that may come with it and encourages the learning and understanding of other groups to foster respect, trust, and inclusion of that understanding in every step of decision-making. <https://cceh.org/cultural-competency/>

Cultural competence in human and social services is a core component to addressing racial inequity. To be successful, cultural competence must be embraced at all levels, from front-line staff to County and City leaders to legislators. Below are the recommendations put forth by the Cultural Competence subcommittee of the Human and Social Services working group of the RASE Commission.

Many of these recommendations were adapted from the San Bernardino County Department of Behavioral Health's Office of Cultural Competence and Ethnic Services "Cultural Competency Plan Update" from December 2019.

<https://wp.sbcounty.gov/dbh/wp-content/uploads/2019/12/Cultural-Competency-Plan-Update-2020.pdf>

## **RECOMMENDATIONS**

### **I. Develop a County and a City Cultural Competence Plan with Designated Budget Resources**

#### **A. Develop a Cultural Competence Plan that:**

1. Includes policies, procedures, and practices that institutionalize the recognition, value, and inclusion of racial, ethnic, cultural, and linguistic diversity within all County and City systems through training, education, monitoring, and evaluation
  - a. Develop mechanisms to measure and monitor the effect of identified strategies, objectives, actions, and timelines on reducing or eliminating disparities. Begin by identifying target populations and establishing a baseline
  - b. Use available data to determine what steps should be taken vis-à-vis clients, services, workforce, etc. and determine what other data points should be used that are not currently utilized or available
  - c. Develop racial equity audits with recommendations for mitigating and eliminating racial disparities, to be conducted across all departments
  - d. Develop client satisfaction surveys to assess cultural competence
  - e. Create a Code of Ethics
2. Incorporates robust community outreach, engagement, and involvement efforts with identified racial, ethnic, cultural, and linguistic communities
  - a. Provide responsive services that accommodate clients' cultural and linguistic preferences through culture-specific programs and/or referral to community-based, culturally appropriate providers
3. Solicits input to County and City planning processes and services by racially, ethnically, culturally, and linguistically diverse clients, family members, advisory committees, local boards and commissions, and community organizations

#### **B. Designate Budget Resources**

1. Funding allocations should include, but not be limited to:
  - a. Developing policies, procedures, and practices that reduce racial, ethnic, cultural, and linguistic disparities
  - b. Training and education
  - c. Monitoring and evaluation
  - d. Outreach to racial, ethnic, cultural, and linguistic target populations

- e. Interpreter and translation services
  - f. If applicable, financial incentives for culturally and linguistically competent providers
- 2. Set parameters around program cuts and program development when the resulting impact would disparately impact communities/people of color

## **II. Ensure the Success of Cultural Competence Efforts through Staffing and Contractor Supports**

- A. Recruit and hire or designate Cultural Competence Officers and Cultural Competence Managers at the County and City
  - 1. Recruit and hire or designate Cultural Competence Officers (CCO) to facilitate the development of plans that embed the tenets of cultural competence throughout County and City systems and to oversee the work of Cultural Competence Managers
  - 2. Recruit and hire or designate Cultural Competence Managers within each department at the County and City to coordinate cultural competence plans
- B. Recruit, hire, and retain a workforce made up of culturally and linguistically competent staff representative of the client population
- C. Require all staff to receive annual cultural competence training and tie this to position credentialing requirements. Topics should include, but not be limited to:
  - 1. Cultural Formulation
  - 2. Multicultural Knowledge
  - 3. Cultural Awareness
  - 4. Cultural Sensitivity
  - 5. Social/Cultural Diversity
- D. Embed cultural competence into all staff trainings
- E. Develop evaluation methods to follow up and ensure that staff are utilizing the skills learned
- F. Develop mechanisms to measure staff satisfaction with the County and City's ability to value cultural diversity in the workforce and in delivery of culturally and linguistically competent services
- G. Develop processes for staff grievances and/or complaints with regard to cultural competence in County and City departments
- H. Evaluate contractors' ability to provide culturally competent services when selecting contract providers
  - 1. Contractors performing the work should be directly tied to the community
  - 2. Articulate any cultural and language competence conditions in contracts with providers
  - 3. Support contractors to meet these standards



### III. Create a Cultural Competence Advisory Committee

- A. Create a Cultural Competence Advisory Committee (CCAC) made up of:
  1. Clients and family members
  2. County and City management level and line staff
  3. Community-based providers, faith-based organizations/individuals, and other interested parties who advocate for the development, implementation, and evaluation of high-quality, culturally competent services capable of meeting the diverse needs of all cultural groups in Monroe County
- B. The CCAC and its subcommittees should be community-led and chaired by members of the community
- C. The CCAC should interact closely with and advise the CCO on pertinent information and research data regarding the special needs of the target populations in the community. Likewise, information should flow from the CCO to the CCAC and the diverse communities the membership represents. The philosophy of the CCAC should include the belief that persons of all cultural backgrounds have the right to receive quality services regardless of race, ethnicity, gender, sexual orientation, socio-economic status, disability, religion, age, or nationality.

The objectives of the CCAC include:

- Promoting equal access to services
- Promoting equitable distribution of services utilizing multi-lingual, multi-cultural staff
- Supporting community inclusion and input
- Advancing cultural competency through participation in joint efforts to improve the policies and effectiveness of services for all cultural groups
- Promoting research on promising practices with culturally diverse communities
- Working toward cultural attunement and cultural competency as defined as “a set of congruent practices, skills, attitudes, policies, and structures which come together in a system, agency, or among professionals to work effectively with diverse populations” (Cross et. al, 1989, cited in DMH Information Notice 03-04).

#### **Additional Considerations**

Explore deep-rooted policies within the County as well as influence over civil service.

- Where do decision-makers have the ability to make change?
- Where are the decisions bound by civil service requirements?

#### **Cultural Competency Resources**

1. Community Toolbox

- a. <https://ctb.ku.edu/en/enhancing-cultural-competence>
2. NYS Agency Cultural Competence Plan Format
  - a. [https://omh.ny.gov/omhweb/cultural\\_competence/guidance/agency\\_plan.html](https://omh.ny.gov/omhweb/cultural_competence/guidance/agency_plan.html)
3. GARE Resource Guides on Racial Equity
  - a. <https://www.racialequityalliance.org/tools-resources/>

## Parking Lot

The Older Adults subcommittee believes that the LCOAI will take up many of the following initiatives, and advocates for the County and City to support them:

- Advocating for more support at federal and state levels.
- Monroe County Adult Protective Services.
- Establishing an office of Elder Advocate.
- Creating grandparent and caregiver support groups.
- Establishing a volunteer “buddy” system to look in on seniors living alone without family support.
- Improving quality and increasing throughput of Meals on Wheels

# Job Creation

## Introduction

Good jobs that pay living wages are at the heart of every thriving community. Cultivating these in whatever ways it can is a critical mission for local government, but just producing well-paying jobs is not sufficient in itself. Good societies and healthy communities must work to ensure that opportunities for employment are readily available and equitably distributed to all who seek them, and that everyone, regardless of race, ethnicity, gender or background, has the chance to find meaningful and livable work.

The City of Rochester and Monroe County face problems that are echoed throughout our region and country: a history of racism and discrimination has concentrated poverty among people of color, while simultaneously excluding them from career pathways and job opportunities that privileged white residents have long been able access. This not only impacts day-to-day survival, but has robbed communities of color of the chance to accumulate the kind of intergenerational wealth that has so aided white families' pursuit of the American Dream.

Undoing the legacy of racism and creating a community that truly centers equity and inclusion is an enormous undertaking, one that will not be quickly or easily accomplished. The RASE Commission is certainly not the first group to join in this mission. However, like any daunting challenge, it must be faced one step at a time, with a commitment to the best actions we, as a community, can take right now.

The RASE Job Creation working group surveyed the jobs landscape in Monroe County and the City of Rochester to determine what actions, accomplished through the coordination of local governments, could be most effective at this moment in reducing employment barriers and disparities and fostering equity.

## Statistics

The Job Creation working group reviewed statistics from the Census Bureau and U.S. Bureau of Labor Statistics to develop a picture of job creation and employment trends and disparities in Monroe County and the City of Rochester.

### Overall Unemployment

The COVID-19 pandemic has created an unusual situation in regard to employment, and no one is sure how long this will last. As of October 2020, Rochester's

unemployment rate was 6.4%, the same as Syracuse and 0.5% less than Buffalo,<sup>146</sup> and two percentage points below the state's November rate of 8.4%.<sup>147</sup> However, with COVID-19 infections spiking in the region in November and December, and accompanying closures, this rate is subject to rapid change. Only time will tell where the employment level will stabilize, post-pandemic.

Prior to the pandemic, overall employment in Monroe County and Rochester was going relatively well, with Monroe County unemployment rates in 2019 at 4.2%, down from 8% in 2012 and only a bit above the state average of 4.0%. Rochester's rate was 5.9%, down from 11% in 2012.

## Unemployment by Race/Ethnicity

However, when examined by race and ethnicity, disparities are clear. During the 2014-18 period in Monroe County, while only 4.1% of Asians and 4.4% of whites were unemployed, 11% of Latinos and 14.1% of Blacks were unemployed. For the 2014-18 period in the City of Rochester, while 6.7%<sup>148</sup> of Asians and 7% of whites were unemployed, 15.7% of Latinos and 17.5% of Blacks were unemployed.

## Job Creation Performance

Total jobs in Monroe County increased by 4% from 2001 to 2018, much lower than the increases of 22% for New York and 21% for the United States. The county experienced the most job gains in Educational Services (55%) and Financial Activities (37%). Over the same period, Manufacturing and Information jobs in the county both fell, by 48% and 43%, respectively.<sup>149</sup>

## Resources Consulted

To better understand the intersection of poverty and barriers to equitable employment, the Job Creation committee reviewed a variety of reports and data sources, and invited leaders of organizations with key impacts on employability to join working group sessions to answer questions.

## Research reports

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<sup>146</sup> <https://www.bls.gov/charts/metro-area-employment-and-unemployment/metro-area-unemployment-rates-map.htm>

<sup>147</sup> <https://www.bls.gov/charts/state-employment-and-unemployment/state-unemployment-rates-map.htm>

<sup>148</sup> Because of the proportionately smaller number of Asian residents in the City of Rochester, the unemployment number has a standard error of 35%-50% of the estimate and should be considered unreliable.

<sup>149</sup> Statistics in the preceding two paragraphs from [www.actrochester.org](http://www.actrochester.org).

Research reports consulted by the working group include the Rochester Area Community Foundation's 2020 *Hard Facts Update*<sup>150</sup>, the City of Rochester, RMAPI and Strong Medical's 2018 *Employment of People with Disabilities* report<sup>151</sup>, RMAPI and the City of Rochester's *Wage Disparities in Monroe County by Race and Gender* report<sup>152</sup>, and CGR's Greater Rochester Chamber of Commerce-sponsored 2020 *Scan of Workforce Development Efforts, Greater Rochester Region*.<sup>153</sup>

## Key interviews

The working group invited leaders of several organizations to share information relevant to job creation and employment in the region. These included:

- Director of Monroe County's Department of Planning & Economic Development, Ana J. Liss, who oversees the MCIDC & COMIDA economic development agencies and Monroe County's workforce development, informed the working group about the past and current initiatives related to employment that the County is and has been working on.
- Town of Penfield Human Resource Director, Tracey Easterly, who informed the working group on issues of hiring and civil service process from an HR perspective, including what opportunities there are across the community for Civil Service Jobs and what limitations and barriers exist from the Town perspective.
- Regional Director of Greyston Center for Open Hiring, Mubarak Bashir (formerly of the Urban League of Rochester), who informed the working group about the benefits of the Open Hiring Model.<sup>154</sup>
- Rochester-Genesee Regional Transit Authority CEO, Bill Carpenter, who informed the working group on the current Regional Transit System (RTS) re-imagining plan and the effects this will have on the community.

# Community Engagement

## Community Survey

A 25-question survey of the employment experiences of community members was created by the working group. The survey was made available in both electronic and paper format and advertised and distributed through a number of routes, including being advertised via social media and by business associations in the City of Rochester, including the Greater Rochester Chamber of Commerce. As well, the survey was made

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<sup>150</sup> <https://www.racf.org/wp-content/uploads/2020/08/HardFactsUpdate2020.pdf>

<sup>151</sup> <https://www.cityofrochester.gov/WorkArea/DownloadAsset.aspx?id=21474839457>

<sup>152</sup> <https://www.cityofrochester.gov/WorkArea/DownloadAsset.aspx?id=21474842193>

<sup>153</sup> <https://reports.cgr.org/details/1913>

<sup>154</sup> <https://www.greyston.org/about-the-greyston-center-for-open-hiring>

available through Catholic Family Services, RCSD's Office of Adult & Career Education Services (OACES), and libraries across the county. Surveys were also distributed at the RTS Transit Center in downtown Rochester (60 St. Paul Street).

## Results

The community survey garnered 178 responses, with more than 50% of respondents identifying as people of color. Some key results of the survey pertaining to African Americans:

- 30% of African Americans who completed the survey stated they lost a job because of issues with transportation or child care.
- 40% of African Americans who completed the survey stated they lost a job because of a lack of skills.
- 71% of African Americans who completed the survey stated they experienced discrimination in the work place. 23 % stated they experienced Gender discrimination and 35% experienced age discrimination.
- 63% of African Americans who completed the survey stated that race was a barrier to getting a job. 52% of all minorities who completed the survey stated race was a barrier to getting a job.
- 52% of those who completed a survey made less than \$43,000 a year.
- When asked what the survey participants would like to see in a job in relation to diversity, 21% stated Equity or Equality, while 32% stated they would like to see more minority representation in employees, middle management and leadership.
- African Americans responded to the survey question "Did you lose a job opportunity because of any of the following" with the following reasons:
  - Criminal History – 29%
  - Transportation – 26%
  - Education level – 19%
  - Lack of Skill Training – 14.5%
  - Child care – 10%
  - Failed a drug test – 8%
  - Race or Age – 3.2%

## Human Resources Survey

The working group has also designed a 14-question survey for Human Resource directors or hiring staff at local businesses. Data from this survey is still being collected and will be given to the RASE Commission upon completion.

## Prioritization of Issues

After initial consultation, the working group developed subgroups to look at job creation through four different lenses: Civil Service, Private/Public Partnership, Minority- and Women-owned Business Enterprises (MWBEs), and Workforce Development. Each subgroup met independently to understand its subject area and bring issues and ideas back for consideration and discussion by the whole group, from examining barriers and laws or practices that are in place which impact job creation, to simply focusing on obtaining employment for communities of color.

As a result of several rounds of research and discussion, four priority areas were identified:

- Improving access to **Civil Service** jobs;
- Supporting and promoting **MWBEs**;
- Increasing **Job Accessibility** by reducing rules and regulations and barriers to employment;
- Improving **Job Equity** in areas like wages and promotion opportunities.

## Key Issues & Recommendations

### Key Issue #1: Equitable Access to Civil Service Jobs

Civil service is a system that has been in place for decades. It was originally intended to prevent patronage and create a fair playing field for obtaining jobs. After decades of manipulation of the system, in addition to an antiquated process, it has proven to be flawed and no longer accomplishing its intent. It has not resulted in a fair process for people of color to obtain a job.

The focus of the Job Creation working group is securing good jobs for our more marginalized communities. Civil service jobs are some of the most sought-after jobs, complete with good wages and attractive benefits, such as government pensions. Revamping the civil service system can provide an opportunity for real equity in a major sector of jobs throughout the city, county and state.

Note that the Job Creation working group is collaborating with the Policing working group on civil service reforms as they pertain to recruitment of law enforcement jobs.

We are looking to change the current state of several laws, regulations, and practices that we believe contribute to current inequities. Areas to scrutinize for change include:

- The marketing of civil service competitive examinations;
- The application process;

- Minimum qualifications;
- Overhauling state civil service laws.

## Marketing of Exams

The working group considered how to get knowledge of Civil Service opportunities deeper into the community and make the exam process more user-friendly.

### Current state:

- Exams are announced 2 months prior to the test. Job Alerts is an automatic computer system from Monroe County HR that allows interested individuals to have automatic notifications sent to them about opportunities for new tests.
- Monroe County sweep computer program pushes announcements to Rochester Works, Indeed, NYSDOL, school libraries.
- The County has study guides listed, but many applicants do not know where to go to access them.
- Application fees are between \$15-\$25; the fee can be waived for certain reasons

### Recommendations:

- Simplify and streamline job classifications and applications.
- Make the Civil Service test free for all.
- Rebrand Civil Service by making it more enticing to the public:
  - Human Resources departments in the county and city need to hire a marketing firm to identify gaps in public awareness of civil service jobs and exam opportunities.
  - Human Resources departments in the county and city should hire and train recruiters who target underrepresented populations for recruitment to civil service positions.
    - Improve the publicizing and marketing of the exam to targeted audiences including the Rochester City School District, shelters with Case Managers, and on Social Media.
- Expand Civil Service-related Explorer programs in high schools. These have been shown to boost applicants by modeling a career pathway.
  - The Fire Department's Explorer program is an example that has been successful in increasing the percentage of people of color in Fire Department positions.

## Application Process



The working group considered how to expedite the testing process to reduce the time-frame from application to possible hire, including by eliminating redundancies related to test scoring.

#### Current state:

- All tests are sent to Albany for processing, including auditing purposes, data analysis, and a bell curve that is decided upon based on this analysis.

#### Recommendations:

- As a pilot test, New York State should authorize the local Civil Service Commission to proctor, score exams and validate credits, and establish a list of qualified candidates.

### Minimum Qualifications

The working group examined what minimum qualifications may no longer be relevant and how these could be changed.

#### Current state:

- An exam gives a baseline of intelligence, but it does not show character, service attitude or other characteristics that make a good worker and loyal employee.

#### Recommendations:

- Expand credit given for a degree, work experience, volunteer work, minority status, bilingual ability, etc.
  - This would require changes at the state level.

### Overhauling New York State Civil Service Law

The working group examined how current law restricts the ability of agencies to get minority candidates into Civil Service positions.

#### Current state:

- Under the current system, departments are required to work within the rule of three<sup>155</sup>, within a banded scoring system. There is little flexibility to build teams.

#### Recommendations:

- Advocate for a change in state law:

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<sup>155</sup> The "rule of three" means that only the top three scoring candidates may be eligible for a position.

- State Assemblymember Harry Bronson has a starting plan for legislation.
- New York State Senator Gallivan will assist with contact with other State Senators.
- Introduce the concept to newly elected representatives.
- The New York State Association of Police Chiefs (NYSACOP) and the New York State Sheriff's Association (NYSSA) have endorsed the need for change.
- Pastor groups are supportive of change.
- Develop a plan of action and walk it through the Legislature and lobby the governor's office

## **Key Issue #2: Minority- and Women-owned Business Enterprises (MWBEs)**

Minority- and Women-owned Business Enterprises are important to job creation for communities of color. Our community is lacking in minority- and women-owned businesses. We believe there are several contributing factors. Our working group plans to collaborate with the Business Development working group to examine structural and systemic flaws in the MWBE certification and education processes.

Our community lacks the resources and awareness to get certified and the process, at times, can be cumbersome and time-consuming without the right guidance. We believe Monroe County and the City of Rochester can work together to examine better ways to help MWBEs get a fair chance at some of the important contracts and work that is available in our community. This partnership can lead to the expansion of minority or women-owned jobs and businesses.

### **Local MWBE Certification**

One key recommendation is for a local MWBE certification program, similar to those Erie County, Syracuse and Albany have in place. Please see Appendix for information and comparisons of local MWBE certification programs that could serve as a model for a Monroe County certification program.

### **Current state:**

- Rochester is one of the few major cities in New York State without a local MWBE certification program.

### **Recommendations:**

- Create a local MWBE certification program that supports businesses both before and after the certification process.
- This working group endorses the recommendations made by the Business Development working group (under "Key Issue #3" of their section) related to MWBE certification and contracting.

## MWBE Contracting Requirements

### Current state:

- Both Monroe County and the City of Rochester have some MWBE requirements in place, primarily for construction work. The City has requirements for general goods and services contracts, but it is not readily apparent that the County requirements cover these.
  - While the City's current goals are 30% MWBE total, with 15% MBE and 15% WBE, the County's goals are 12% MBE and 3% WBE.

### Recommendations:

- Monroe County should develop clear MWBE purchasing requirements that cover county-purchased goods and services beyond the construction domain.
  - Monroe County should consider increasing the MWBE percentage goals for all contract types.

## Key Issue #3: Job Accessibility

Some of the biggest problems and barriers that people face when looking for jobs involve having the "means/requirements" to find employment and access jobs. When our subgroup got together, we discussed several barriers related to job accessibility. We came up with several that overlap between all jobs, public or private, relating to workforce development. These barriers include, but are not limited to, transportation, child care, education, minimum requirements, etc. The system in place does not provide an environment that is truly accessible to marginalized members of our community.

With regard to Civil Service, many potential applicants are deterred from taking exams by their criminal history or drug history. The survey showed this as a very common issue with obtaining civil service employment. Many people feel that they are automatically excluded from even taking an exam if they have this history, and these rules are not typically clear. The Working Group believes that substance use in the past should not prevent a person from applying and working in a civil service job. We should examine how much time has lapsed and not make these issues lifetime obstacles to the betterment of an individual.

Laws, regulations, and practices that exist, which currently impact job accessibility, include:

- Criminal background checks;
- Drug testing;
- Minimum requirements for jobs;

## Criminal Background Checks

Having stable employment is essential to reintegrating those who have been involved with the justice system back into society. However, these individuals often report believing that they are automatically excluded from most jobs (including Civil Service), or that employers will not even consider them, based on a past criminal record. While this is often untrue, requirements and rules are typically vague around issues like a criminal record. Enacting a county-wide standard would encourage those with criminal records that they will receive a fair shot at available employment opportunities.

### Current State:

- The City of Rochester has passed a Ban the Box ordinance<sup>156</sup> to prohibit employers from asking about criminal convictions during an initial job application or prior to the end of the first interview (although they may ask later). Monroe County does not have an equivalent rule.

### Recommendations:

- Monroe County should enact a Ban the Box policy equivalent to the City of Rochester's policy.

## Drug Testing

There are legitimate reasons to screen for use of illegal drugs, especially depending on the responsibilities the work entails (such as operating machinery). However, many private professional jobs do not require any drug screening, while government jobs with equivalent responsibilities do.

Contrary to the belief of some, there is no requirement in state law that individuals who may have used drugs in the past are permanently disqualified from Civil Service eligibility. However, there is a disparity in how this issue is treated by county government versus city government.

Monroe County appears to have a strict policy relating to drug use and civil service: applicants who fail a drug test for civil service eligibility, such as for marijuana use, are permanently banned from qualifying for county jobs.<sup>157</sup>

The City of Rochester has a less restrictive policy where all applicants are screened for cocaine, phencyclidine (PCP), amphetamines, and opiates, but not for other substances.

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<sup>156</sup> <https://www.cityofrochester.gov/bantheboxfaq/>

<sup>157</sup> [https://www.monroecounty.gov/files/hr/Pre\\_employment\\_documents/Drug\\_Pamphlet\\_1-16.pdf](https://www.monroecounty.gov/files/hr/Pre_employment_documents/Drug_Pamphlet_1-16.pdf)

Applicants for police and fire positions and positions requiring commercial driver's licenses (CDLs) are additionally screened for marijuana.<sup>158</sup>

### Current State:

- Monroe County's rules around a positive marijuana test will permanently disqualify a candidate from a Civil Service position. The City of Rochester only screens for "hard drugs" for most positions, excepting police, fire, and those who operate machinery.

### Recommendations:

- Monroe County should adopt a drug testing policy congruent with the City's current policy.

### Minimum Requirements for Jobs

Job postings often require a level of experience which is unnecessary to do the job itself, such as preferring degrees and credentials not directly related to the work performed. Employers often post profiles seeking their ideal applicant and may not be willing to consider qualified applicants who lack formal credentials.

### The Open Hiring model

The opposite of this is an Open Hiring<sup>159</sup> model, which sets no requirements for entry-level positions other than the willingness to work. The money and time that is saved by eliminating recruitment, application and screening costs can be redirected to training and boosting the bottom line. Time to hire can be reduced from an average of six weeks to one week, benefitting both the hiring company and the employee.

### Current State:

- Entry-level and higher jobs often ask for experience and credentials which are not necessary for the work being performed.

### Recommendations:

- Review local government job postings. Remove any requirements for experience and skills beyond the minimum necessary to directly perform the job, in order to make these jobs accessible to individuals from a wider range of backgrounds.
- Encourage private employers to likewise review their hiring practices with the goal of making them accessible to the widest possible pool of applicants.

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<sup>158</sup> <https://www.cityofrochester.gov/article.aspx?id=8589935825>

<sup>159</sup> <https://www.greyston.org/about-the-greyston-center-for-open-hiring>

- RMAPI's Employer Pledge<sup>160</sup> provides a good model for this effort.
- Both private and government employers should consider the benefits of an "Open Hiring" model and utilize it where appropriate.

## Key Issue #4: Job Equity

Study after study has shown that Monroe County is one of the worst places to live as an African-American in the entire country. This relates to racial wage disparities and unfair/unequal opportunities that have been in place for centuries, and continue to plague communities of color.

Discriminatory actions of our past have left black and brown people behind and catching up seems nowhere in sight. Studies the working group reviewed established that people of color make up a small percentage of those who are employed, and of those employed, a high percentage of employees in the lowest paying jobs.

Job equity is important for giving people a fair chance to have good jobs with rewarding benefits, and making sure that people of color are being paid what they deserve for doing the same work as their counterparts who may not be of color.

Laws, regulations, and practices that exist currently which impact equity include:

- Wage policy, including:
  - Lack of pay transparency;
  - Lack of pay equity and enforcement;
  - Lack of living wages.
- Inequitable promotion and advancement structures, including:
  - Patronage practices, etc.

## Living Wages

The City of Rochester has a living wage ordinance<sup>161</sup>, adopted in 2001. This sets minimum wage rates for employees of companies entering into contracts worth \$50,000 or more for services with the City of Rochester, though certain contracts and types of employees are exempt.

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<sup>160</sup> <http://endingpovertynow.org/wp-content/uploads/2019/08/RMAPI-Employer-Best-Practices-Pledge-1.pdf>

<sup>161</sup> <https://www.cityofrochester.gov/article.aspx?id=8589937003>

The wage is set so that a full-time employee with a family of four will not earn below the poverty level. The current rate is \$12.58 for employees offered health insurance benefits and \$14.06 for those not offered these benefits.

### Current State:

- The City of Rochester has a living wage ordinance and Monroe County does not.

### Recommendations:

- Monroe County should consider a living wage policy equivalent to the City's.

## Pay Transparency, Equity and Enforcement

New York State law currently forbids discrimination in pay rates for protected classes (covering race, ethnic and gender pay discrimination), but the fact that salary information is often closely guarded means that individuals may not be aware if they are being paid less than colleagues for equal work.

One proposed solution to this is pay transparency: policies that require employers to disclose salary ranges for positions, so that applicants may understand how their wages/salaries compare to others currently in the position. With pay transparency, pay inequities should become easier to identify and enforce.

### Current State:

- There are no state or local pay transparency laws or requirements.

### Recommendations:

- Advocate for passage of a state-level pay transparency law.
- Examine what ordinances, regulations or policies supporting pay transparency can be enacted by local government.

## Promotion and Advancement

Identifying and remedying inequities in promotion and advancement is more challenging as promotion decisions are complex and there is not a standard metric equivalent to wages to measure for fairness.

Regulated and unionized systems for promotion and advancement, such as Civil Service, should have clear rules about the criteria for advancement, seniority and pay increases. In private sector organizations, policies around promotion and advancement are often substantially less transparent, which can breed mistrust and impressions that favoritism, patronage or internal politics, rather than strict merit, determine who is advanced.

This working group has not yet identified policy solutions for local government to enact in regard to advancement in private sector organizations. However, it encourages private organizations to consider their degree of transparency in promotion and advancement decisions, along with the extent to which people of color and other minorities are represented in top positions in the organization, and whether this is signaling an environment of equity and inclusion to people of color in the organization, or non-transparent promotion and advancement decisions are creating a culture of inequity, distrust and exclusion.

From viewing the data and survey results, a lot of the respondents from the African American community responded to have felt discrimination in the workplace before. They also stated that having a more diverse leadership team within organization gives more hope for advancement themselves.

One of the most important things to consider is accountability within structures that perpetuate inequity and the steps to creating transparency, which can lead us to how to determine accountability. These are barriers that were recognized between both our Private/Public Partnership and Workforce Development subgroups.

#### Current state:

- Criteria for promotion and advancement are not always clear, building mistrust when people of color are passed over for key positions.

#### Recommendations:

- Both public and private organizations should review their promotion and advancement policies to insure they contribute to equity within the organization and are building a sense of trust and inclusion in employees of color.

## Parking Lot

### Transportation Issues

The survey provided data to support the belief of committee members that transportation and child care are issues that prevent people of color from maintaining active employment. The committee examined public transportation, consulting with the head of RTS, Bill Carpenter, on this issue.

- It was noted by Bill Carpenter that if we are going to put jobs where land is cheap (i.e., in outlying areas) we are going to have problems busing people there. Incentives for businesses should be created to build where bus routes provide the most access to potential employees.



- Monroe County needs to explore adding new bus routes to areas where businesses are building.
- In other municipalities, funding comes from property tax so if they wanted a new bus route their property taxes would increase. In Monroe County, public transit relies on federal money, state money and mortgage tax money. The \$1 fare is the lowest in the country and that is based on the poverty level in our community. We need a subsidy to start a new route or take the service away from another area. Local public transit is woefully underfunded and this should be reviewed from the prospective of building employment and assisting our citizens with being gainfully employed.

## **Survey Analysis**

The Committee recommends that CGR break down the data from the Community Survey as well as from the HR survey to gain a better understanding of the barriers in place that prevent our citizens from gaining employment.

## **Workforce Development**

### **Understand costs of training vs. costs of unemployment**

We need to study the cost associated with training to employment and compare the difference to the cost of unemployment and all the factors associated with that, including disability benefits, welfare benefits, health care costs-(Medicare) on the community. We must compare the cost of training and assistance needed to create a self-sustaining employed citizen who increases the tax base in the community, to the cost of unemployment on the taxpayer. This may provide the data needed to move this forward in the political and business community.

### **Support high-paying jobs**

The County should look to see if we can expand the MPOWER program to add financial jobs or other jobs that would provide more than a decent wage to the citizens of our county.

### **Examine expanding apprenticeships**

We need to look at apprenticeships for students in schools, assessing what skills are required and how we can obtain these and then train to what is needed.

### **Support employment of the homeless**

Many job applications require applicants to list a home address. This is problematic for homeless individuals and it should be reviewed to see if homeless shelters could be allowed to be used as an address.

## **Small Business Support**

It was suggested that we need to start training small business people to get bonded. In order to bid on a job in the County, you are required to be bonded. This may improve MWBEs' chances of securing county contracts, which are paid at prevailing wage plus, as well as allowing MWBEs to bid for bigger jobs and hire more people. The need to assist small businesses with this should be reviewed by the County.

## **Reorienting to Inclusive Attitudes**

From the County Executive to the Legislature, people need to stop coming into the community and asking: *What is wrong with those people?* Instead, we need to ask: *What are the systems in place that caused this issue for you?* We need to ask the people in the community how to best meet their needs. We need to build trust in the community by working side-by-side to help them.

# Mental Health and Addiction Services

## Facilitators:

**Dr. Eric Caine**

**Richard Tantalo**

**Aaron Anandarajah**

The RASE Mental Health/Addiction Service Working Group is one of several concurrent efforts in Rochester and Monroe County to improve the accessibility and quality of local mental health and substance use services, and to address long-standing structural barriers and inequities in the availability and provision of these services. For too long, these inequities have adversely affected the lives of Black, Brown, and other under-represented individuals, families, and communities.

In response, the County and City have launched urgent initiatives to deploy new mental health emergency response services. Immediate, integrated changes in the delivery of these services are critically important; however, mindful that others are attending to these needs and seeking to work in a coordinated manner, this Working Group focused on identifying **systemic changes**, some of which can be instituted in the near-term and others requiring more considered policy review and design. We also have sought to set into motion **programmatic changes** that foster the development of a true system of care that delivers comprehensive, integrated, accessible mental health and substance treatment services for all who need such care.

Working with RASE Co-Chair Dr. Muhammed Shafiq, Commissioners Eric Caine, M.D., Richard Tantalo, and Aaron Anandarajah served as co-Facilitators for the Working Group. Interns Rameen Copeland and Ashley Wimble supported the group. Members generally met at least twice per week from September through December – and more often in subgroups – to identify key issues confronting mental health and substance use service recipients and providers in Monroe County and Rochester; review data and research; reach out and speak with community members, leaders and members of community organizations, and local content experts; and develop recommendations.

## Working Group members were:

April Aycock

Michael Boucher

Tonia Canty-McKinney

Diane DeRuyter

Tanya Ferguson

Renee Gelsomino

Jennifer Cercone Miller

Kit Miller

James Patterson

Gerianne Puskas

Brittany Raczkievicz

Carlos Santana

Dina Johnson  
 Lawana Jones  
 Julio Jordan  
 Don Kamin  
 Noah Kosloske  
 Kenya Malcolm  
 Rebecca Maynard

Michael Scharf  
 Zena Shuber  
 Mandy Teeter  
 Jason Teller  
 Jerry Thompson  
 John Walker  
 Kelly Wilmot

## Community Engagement

Our “Community Voices” subgroup organized and led two community engagement meetings, and designed, deployed, and analyzed a community survey, which yielded a convenience sample of 102 respondents. The survey is summarized in the Appendix to this report.

## Key Issues & Recommendations

A guiding principle behind all the recommendations below is the emphatic need to stride toward an integrated and accessible system that includes **culturally attuned** mental health promotion and substance use prevention programs, as well as comprehensive treatment and rehabilitation services involving areas that overlap with other RASE Working Groups (e.g., housing and job training). All County and City efforts should work toward this goal and avoid creating new silos. Further, local agencies must strive to use whatever authority they have to coordinate and oversee care delivered by the health systems and the many local care organizations.

It is important, however, to note that most mental health and addiction care is delivered by the region’s large private health systems and nonprofit agencies, not by the City of Rochester or by Monroe County. The roles of the County Office of Mental Health and the County’s new Addiction Services in coordinating or overseeing care are limited, and the fee-for-service model for delivering health care provides few incentives in the areas of mental health promotion or prevention of substance use disorders.

Fundamental change in the provision of mental health and substance treatment services will require extensive engagement from the region’s private health systems, providers, and insurers. The leaders of Monroe County and the City of Rochester **together** must *urgently and repeatedly* use their leadership positions to catalyze and foster the development of a true system of care that reduces stigma and serves Black, Brown, and under-represented individuals, families, and communities.

## Key Issue #1

*Availability of sufficient, high-quality mental health and addiction services is extremely limited in trusted community settings for people of color and low-income people.*

Finger Lakes Health Systems Agency (now known as Common Ground Health) has identified behavioral health as “a significant emerging issue” in this region, which has relatively high prevalence of mental health disorders, substance abuse, self-inflicted injury and suicide.<sup>162</sup> Monroe County Office of Mental Health (OMH) data show about 42,000 individuals received services through public mental health providers in the County in 2018 – an increase of 9% since 2015.<sup>163</sup> There also is significant need for additional mental health clinicians in the region – particularly those serving low-income residents who rely on Medicaid.<sup>164</sup>

Evidence suggests these issues have a disproportionate impact on people of color. Low-income residents generally suffer from mental health issues at higher rates than the overall population, and in Monroe County, disproportionate shares of Black and Latino residents live in poverty. These populations may face a disparate burden from mental illness.<sup>165</sup> Firsthand experiences with racism have documented, harmful effects on perceived and experienced stress, on overall mental health, and on overall morbidity and mortality of members of Black and Brown communities.<sup>166</sup> Recent local and national experiences with COVID-19 have again highlighted the profound disparities in health that affect persons of color.

Compounding these issues, existing mental health and addiction services are not widely available in *trusted settings that can be accessed easily by Black or Latino communities*. The Commission on Children’s Behavioral Health in the Finger Lakes noted in a 2016 report that culturally appropriate care is nearly impossible to find for people of color in our region, and there is little established process for the coordination of care among behavioral health providers and trusted community institutions, such as churches and schools.<sup>167</sup> Transportation also is a challenge.

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<sup>162</sup> Finger Lakes Health Systems Agency. “Community Health Assessment / Community Health Improvement Plan / Community Service Plan: Analytical Review of Selected Priority Areas.” <https://media.cmsmax.com/ravk3pgz5ktlujs1r08ci/amendedchipcha20report203172016-20160321114242.pdf>

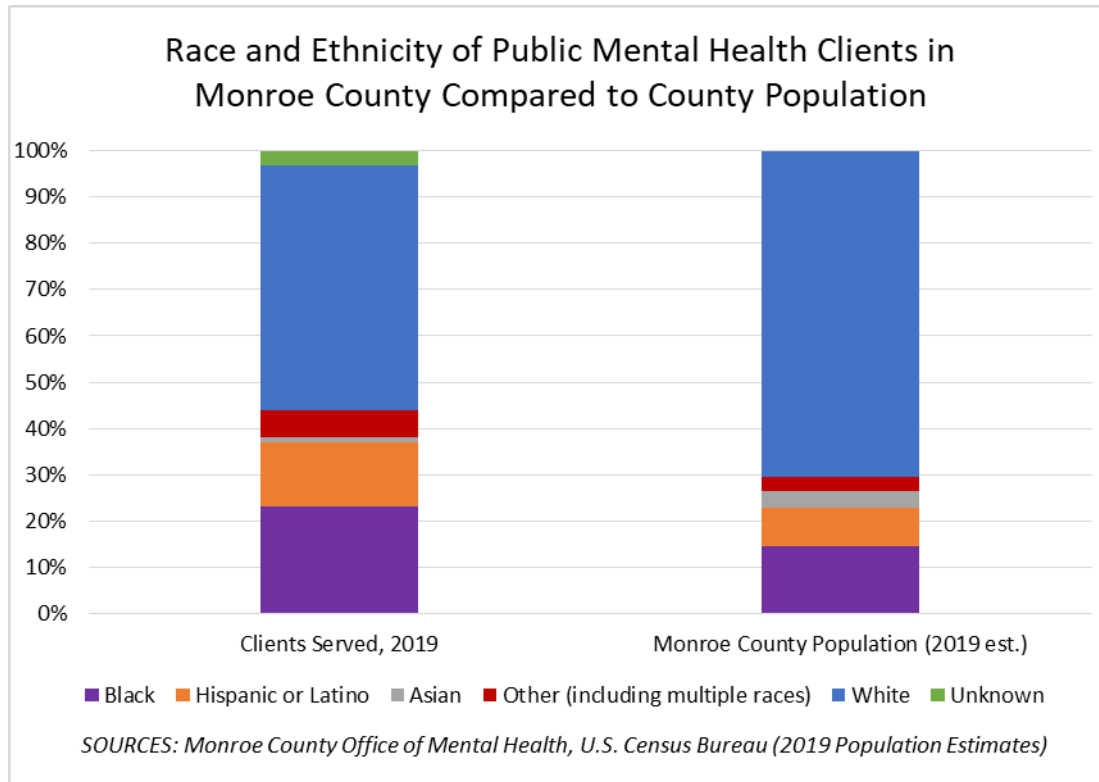
<sup>163</sup> Monroe County Office of Mental Health. “Monroe County Behavioral Health Community Database: 2019 Mental Health Summary Report.”

<sup>164</sup> Finger Lakes Health Systems Agency.

<sup>165</sup> U.S. Census Bureau, American Community Survey, 2015-19. People Living in Poverty. <https://actrochester.com/economic-security/people-living-in-poverty-by-race-ethnicity>

<sup>166</sup> The Community Health Improvement Workgroup. “Monroe County Community Health Needs Assessment, 2019-2021.” <https://www.monroecounty.gov/files/health/DataReports/Final-MC-Needs-Assessment.pdf>

<sup>167</sup> Commission on Children’s Behavioral Health in the Finger Lakes. “Crisis in Care: Gaps in Behavioral Health Services Are Failing Our Children.” <http://www.thegrhf.org/wp-content/uploads/Crisis-in-Care-Report-2016.pdf>



*Further, there is no local workforce of diverse, trained, community-embedded health and mental health advocates / navigators who can play a critical role in connecting people of color and low-income people to mental health and substance use care when and where they need it. Such workers can conduct outreach and build community relationships; facilitate connections to mental health and addiction providers; serve as educators and help to combat stigma against seeking treatment for mental illness or substance use disorders; perform early identification of distressed persons in order to forestall emergency interventions; and provide indicated, low complexity, evidence-based therapeutic interventions (with appropriate supervision).*

These overarching issues came out clearly during the Working Group’s community engagement meetings. Like other agencies nationally, the Mental Health Association of Rochester / Monroe County this year expressed support for a declaration that racism is a public health crisis in our region, and called for “systemic changes to the way our community responds to individuals experiencing mental health distress specifically and the way we, as a community, address mental health generally.”<sup>168</sup>

Recommendations:

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<sup>168</sup> Mental Health Association of Rochester / Monroe County. “Racism is a Public Health Crisis.” <https://www.mharochester.org/mha-acknowledges-racism-as-a-public-health-crisis/>

- **Practices: Develop Community Behavioral Health Advocates (CBHA), a program employing local residents who are trained and certified to assist people with advocacy; offer help to connect with and navigate behavioral health services; identify distressed persons who need services before emergencies occur; and provide low-complexity therapeutic interventions, as appropriate.** CBHA employees will serve a unique role, with responsibilities based in social work (e.g., service navigation, assisting case managers in primary care and mental health / addiction treatment systems) and in informal mental health response. They will respond to 211/LIFE LINE calls, when appropriate. To best serve under-represented communities:
  - Employees need to be diverse (e.g. Black, Brown, proficient in Spanish and / or ASL). They must be embedded in the communities they serve and in trusted settings such as schools and faith organizations, and empowered to develop community relationships.
  - To ensure accountability, CBHA should be constituted as a separate, independent local organization with an executive director selected by a diverse community board, which would carefully ally with local health providers and coordinate with the County OMH.
  - While employees should have tight connections to health providers to facilitate rapid access to care and effective follow-up when appropriate, they should *not* be paid directly by health providers, nor provide assistance on a fee-for-service basis.
  - Without directly operating CBHA, the City and County should provide initial support with identifying and helping to secure start-up funding in partnership with local foundations and health systems, and developing a strategy for ongoing public funding.
  - The organization must develop metrics for rigorous, impartial evaluation that emphasizes continuous improvement and incorporates regular community feedback.
  - Employee compensation should reflect the importance of this role, (e.g. \$42,000 to \$45,000 annually plus 30% for benefits).
- **Practices: Redesign City and County contracts to appropriately include peer services as described above in key work areas that will enhance the delivery of mental health and substance treatment services.**
- **Systems: Initiate the process of shifting and embedding currently funded mental health services into trusted community-accessible sites (e.g., schools, faith communities) to the fullest extent possible.**

## Key Issue #2

*A lack of diversity and cultural competency among local, licensed mental health or addiction providers (in both public and private systems) leads to inadequate or inappropriate services for people of color.*

Cultural and linguistic competency are critical in ensuring quality of care for people of color.<sup>169</sup> There is a limited number of culturally and racially diverse, licensed clinicians in the region. As well, there is a widespread perception within the profession that clinicians often leave public systems once they are licensed and more experienced, preferring to enter private practice where their income potential is higher and where they have the ability to be more selective regarding the persons they accept for treatment. This has been equally true for clinicians of color, who shift to private practice to access better pay, and for some, to escape institutional racism that can occur in the workplace. A lack of diversity limits cultural competency in local health systems and services, and in turn, makes it more difficult for residents who are Black, Brown, or from other under-represented minorities, or whose primary language is not English, to find appropriate care.

Recommendation:

- **Systems: Assure robust services that serve our diverse communities, provided by competent, culturally informed, licensed providers working in the primary languages of persons and families seeking care.** This may entail setting specific goals for diversity and / or language proficiency in contracts with public system providers. Another longer-term step should include a sustained and high-profile campaign involving local government leaders, health systems, insurers, nonprofit care organizations and universities throughout the region to recruit diverse candidates to the mental health and addiction treatment fields. At the same time, local institutions at all levels should work to create a local educational pipeline, reflecting local government and university/college collaborations, to train a therapeutic workforce composed of persons of diverse racial, ethnic, and cultural backgrounds. While the payoff will be measured in years, the process should begin soon.

### Key Issue #3

*Mental health and addiction services are often unaligned and disconnected, as are City and County initiatives on these issues. Misalignment exacerbates and prolongs racial and ethnic inequities in access to mental health and addiction services.*

Monroe County has a large number of mental health and addiction providers and services, but limited coordination or cooperation among them. County oversight of mental health and addiction services also have been separated into different divisions – the existing Office of Mental Health and a new Addiction Services function.<sup>170</sup> This occurred even as New York State now considers

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<sup>169</sup> U.S. Department of Health and Human Services. "Improving Cultural Competency for Behavioral Health Professionals." <https://thinkculturalhealth.hhs.gov/education/behavioral-health>

<sup>170</sup> Monroe County. "County Executive Adam Bello Announces Monroe County's First Ever Addiction Services Director." <https://www.monroecounty.gov/news-2020-09-28-tisha-smith>



combining the state-level OMH and Office of Addiction Services and Supports (OASAS), given the diverse needs of *common patient populations*.<sup>171</sup>

At the same time, ongoing City and County initiatives to improve responses to mental health crises or emergencies do not appear to be fully aligned. Services should be provided in an integrated and accessible system that promotes mental health and substance use prevention and treatment programming; City and County initiatives should work toward this overarching goal.

Mental health and addiction services also are not sufficiently aligned with more comprehensive treatment and rehabilitation services to address other needs of individuals and families, such as housing and job training.

Recommendations:

- **Systems: Assure that current County and City initiatives regarding mental health emergency response services are *fully integrated* — i.e., one emergency response system, not two.** An uncoordinated or siloed approach to new initiatives will only prolong the inequities that residents have rightly called on their leaders to address.
- **Practices: Develop, maintain, and update regularly a community-wide inventory of mental health and substance treatment resources, with online and tablet-based tools that can be used readily by individuals, families, navigators, and clergy for defining needs and facilitating access to care.** The lack of reliable information on services and capacity makes it difficult to coordinate services or to assist individuals with navigating and accessing those services. To avoid having the inventory immediately lose value as a tool, it will be crucial to assign a responsible party to make regular updates.

## Key Issue #4

*Workflow / systems to access services are not consumer-oriented or person / family-centered, are difficult to navigate, and create barriers to accessing care. This poses a particular barrier to low-income Black, Hispanic and Latino residents.*

Recommendation:

- **Practices: Redesign workflow in the County Department of Human Services to make it consumer-oriented, person-/family-friendly.** This effort should be led or coordinated extensively with the ongoing Monroe County Systems Integration Project housed at United Way of Greater Rochester and with any relevant recommendations of the RASE Human Services Working Group.

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<sup>171</sup> NYS OASAS. "Office of Addiction Services and Supports and Office of Mental Health Announce Integration Listening Sessions."

<https://oasas.ny.gov/news/nys-office-addiction-services-and-supports-and-office-mental-health-announce-integration>

## Key Issue #5

*County interpretation of state / federal regulations for people undergoing addiction or mental health treatment, including but not limited to program attendance and compliance requirements, may unnecessarily disqualify people with addiction and mental health issues from accessing financial and social services. Informally, this practice is known as applying “sanctions” to people who do not meet program requirements.*

A 2018 report by a Nazareth College sociology professor indicated that Monroe County applied sanctions to benefits recipients for various reasons – including, but not limited to failure to participate in mandated substance abuse treatment programs – more often than the other three largest urban counties in New York State.<sup>172</sup> The County administration at the time disputed these findings, however.<sup>173</sup>

Recommendation:

- **Policy: Re-examine and modify the interpretation of DHS regulations that affect people with mental health and substance use disorders, including but not limited to attendance and compliance requirements, which otherwise may disqualify them for services.** This also is a major focus of the RASE Human Services Working Group; please see that Group’s section for a more detailed discussion of this issue.

## Key Issue #6

*There has been limited local government support for harm reduction programs, including but not limited to City-based syringe exchange programs and overdose rescue interventions. In some cases, City, County and / or law enforcement policies may interfere with effective implementation of harm reduction efforts. Black and Hispanic residents are among those who might benefit most from expanded harm reduction.*

Harm reduction is increasingly recognized as an evidence-based approach to reducing adverse, sometimes fatal consequences associated with drug use. New York State has increasingly embraced this overall approach in concept; for example, in 2018, New York expanded coverage of harm reduction services at authorized syringe exchange programs for Medicaid members who use or have used drugs.<sup>174</sup>

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<sup>172</sup> Murray, H. “Monroe County Public Assistance Sanctions, Application Denials, and Case Closings in the Context of NYS OTDA Data for Four Large Urban Counties.”

<http://www.saintjoeshouse.org/blog/wp-content/uploads/2018/08/MCDHS-Report.pdf>

<sup>173</sup> Moule, J. City Newspaper. “County’s sanction rates are questioned.”

<https://www.rochestercitynewspaper.com/rochester/countys-sanction-rates-are-questioned/Content?oid=7949097>

<sup>174</sup> New York State Department of Health. “Medicaid Harm Reduction Services Benefit.”

Trillium Health operates the region's sole syringe exchange program in the City of Rochester. Litter and other associated impacts drew concerns from neighborhood residents; in response to these concerns, Trillium has deployed resources to address the identified problems. At the same time, information from the New York State Department of Health (DOH) has indicated that neither City leadership nor the Rochester Police Department (RPD) are fully supportive of syringe exchange programming, despite ample data of its impact decreasing preventable, communicable diseases, such as HIV/AIDs and Hepatitis C, and preventing conditions such as endocarditis and sepsis.

An increase in new diagnoses of HIV and other STI infections in Monroe County in 2019-2020 suggests a need to expand the use of harm reduction practices locally. *This issue disproportionately affects people of color.* More than half of people newly diagnosed with HIV in Monroe County this year were non-Hispanic Black or Hispanic, according to NYS DOH. New diagnoses among persons with a history of injection drug use in particular has been elevated in Monroe County since 2019.<sup>175</sup>

In response to this increase, NYS DOH has encouraged health care providers to take steps to control HIV, including expanded HIV screening and testing. Critically, DOH also urged local organizations to expand harm reduction services, *including facilitation of access to clean syringes, rapid entry to support services for persons who inject drugs, and easy access to buprenorphine for individuals with opioid use disorder.* Such recommendations now are being viewed as the *standard of care.*

Other regions of New York have embraced and expanded harm reduction in recent years. Monroe County and the City of Rochester are out of step with comparable upstate regions and counties. The Capital Region's Project Safe Point offers harm reduction services in 12 counties,<sup>176</sup> while Erie County helps fund Evergreen Health, which offers harm reduction services in Buffalo and Jamestown, Chautauqua County.<sup>177</sup>

#### Recommendations:

- **Policy: Accelerate approval of harm reduction programming as an indicated intervention for DSH-approved treatment.**

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[https://www.health.ny.gov/diseases/aids/consumers/prevention/medicaid\\_harm\\_reduction.htm](https://www.health.ny.gov/diseases/aids/consumers/prevention/medicaid_harm_reduction.htm)

<sup>175</sup> New York State Department of Health. "Health Advisory: Increased Number of HIV Diagnoses In Monroe County." [https://www.health.ny.gov/diseases/aids/providers/health\\_advisories/docs/health\\_advisory\\_monroe.pdf](https://www.health.ny.gov/diseases/aids/providers/health_advisories/docs/health_advisory_monroe.pdf)

<sup>176</sup> Project Safe Point. <https://www.projectsafepointcc.org/>

<sup>177</sup> National Association of Counties. "Erie County, NY: Rapid Access to Treatment." [https://www.naco.org/sites/default/files/documents/ErieCounty\\_Rapid%20Access\\_8.25\\_LL3.pdf](https://www.naco.org/sites/default/files/documents/ErieCounty_Rapid%20Access_8.25_LL3.pdf)

- **Policy: Lead a county-wide effort to re-examine and modify any policies and practices of all municipalities and law enforcement agencies that interfere with effective implementation of syringe exchange programs or overdose rescue interventions.**

### Key Issue #7

*Follow-up or care is limited for people who require emergency treatment for acute addiction problems and / or mental health transports. Monroe County OMH data show that one service for individuals experiencing a psychiatric emergency – the Monroe Mobile Crisis Team – serves a disproportionate number of Black and Hispanic individuals, who may particularly benefit from rapid access to care.<sup>178</sup>*

Individuals with acute addiction problems or mental health crises who are discharged from emergency rooms without timely access to appropriate care may suffer adverse consequences. An individual suffering from acute withdrawal, for example, is likely to use drugs again in the absence of rapid access to medication assisted treatment (MAT) and other care.

The New York Medication Assisted Treatment and Emergency Referrals (MATTERS) network offers a model for increasing rapid access to MAT and other appropriate care for opioid users who arrive at emergency departments. The program provides immediate MAT and then transitions opioid users to longer-term treatment through community clinics, generally within 1-3 days. The program was developed in Western New York, where emergency departments at more than a dozen hospitals and numerous MAT clinics have worked together to expedite treatment. This effort now is believed to be one factor that contributed to a decline in opioid-related deaths in Erie County. The program has received support from NYS DOH to expand statewide, but has not yet been fully implemented locally.<sup>179</sup>

A similar network could potentially be established for a broader set of mental health and addiction issues addressed in emergency departments.

- **Practices: Assure appropriate post-ER continuing of care (seamless, expedited dispositions) for persons arriving with acute addiction problems (e.g., MATTERS) and/or mental health transports.** This might include Monroe County and the City of Rochester serving in a leadership role to advocate for the rapid expansion of the MATTERS model to Rochester-area hospitals and clinics. It also should involve active oversight and review by the County OMH to monitor and report on the success of post-ER (e.g., Comprehensive Psychiatric Emergency Program, Rochester Regional Health) mental health dispositions.

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<sup>178</sup> Monroe County OMH. "Mobile Crisis Activity for 2019 Full Year and 2020 January to June."

<sup>179</sup> New York MATTERS. "Powerful opioid treatment program developed at UB goes statewide."  
<https://mattersnetwork.org/powerful-opioid-treatment-program-developed-at-ub-goes-statewide/>

## Key Issue #8

*Stigma in local communities prevents people with mental health and addiction issues from seeking or accessing needed care.*

Stigma regarding personal needs for seeking care for mental and addictive disorders remains high in the US and locally, and can serve as a barrier to seeking care among communities of color. One study found that older African American adults were more likely to internalize stigma and express less positive attitudes about mental health treatment than their white counterparts.<sup>180</sup>

Recommendation:

- **Systems: Develop a City-County anti-stigma initiative, in collaboration with local partners, for governmental agencies, health systems, employers, faith organizations, and community members with regard to seeking care for mental and substance use disorders, which adds to current and future anti-racism efforts.**

## Key Issue #9

EMS / first responders generally lack sufficient training in trauma-informed interventions to effectively engage and support mentally distressed persons and their families during emergency interventions.

New York State sets training requirements for emergency medical service (EMS) providers such as emergency medical technicians (EMTs) and paramedics. National standards drive many of the state requirements. The existing curriculum offers limited instruction for EMS providers on trauma-informed interventions with mentally distressed individuals. While changing national or state-level curricula is outside the County and City's scope of authority, local authorities should create an additional training module or credential on trauma-informed interventions for EMS providers through the Monroe County Public Safety Training Facility, which provides education for police, fire and emergency medical personnel. This should be offered to both new candidates and existing personnel seeking to maintain certification.

Recommendation:

- **Practices: Review, revise, and enhance curricula for Emergency Medical Service (EMS) providers and other first responders regarding trauma-informed interventions, and communicating and effectively engaging mentally distressed persons and their families. Enhance training of EMS candidates as well current first responders.**

## Cross-sector recommendation

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<sup>180</sup> Conner KO, Copeland VC, Grote NK, et al. "Mental health treatment seeking among older adults with depression: the impact of stigma and race." *Am J Geriatr Psychiatry*. 2010;18(6):531-543.  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2875324/>

- **Create a County-City Accountability Committee/Board composed of a diverse consumer, non-governmental organizations, and professional membership for monitoring system initiatives to overcome barriers to care based on structure, race, or ability to pay.** To ensure independence and accountability to the community, however, the committee should not be led by a professional.

## Parking Lot

The following recommendations deal with issues beyond the ability of the City or County to address alone in the near term, but requiring attention of government at the State and Federal levels.

- Development of a “single point of entry” program for substance use treatment programs (requires New York State funds).
- Expand community supported housing resources for individuals suffering mental health or substance use disorders.
- Advocate expansion of Good Samaritan state laws to include persons on parole and probation, or with outstanding warrants.
- Change from fee-for-service to population-focused universal payment systems for health services to support community focused mental health promotion and substance use prevention programming.

# Appendix: Mental Health Engagement Survey

## Survey Questions

1. In the last 12 months, did you or someone you support (a child, parent, sibling, etc.) seek care or receive “behavioral health” care? (We are using “behavioral health” broadly to include services, such as addiction/chemical dependency services, going to an outpatient counselor, utilizing mental health emergency services, psychiatric or addiction inpatient care or detox, engaging mobile crisis, etc.)

- a. Yes
- b.No

2. When you think back on that experience, how did you get connected to that service? (Choose all that apply)

- a. 911
- b. 211
- c. Emergency Room
- d. Medical Provider
- e. Pastor
- f. Faith Leader
- g. Family/Friends
- h. Self-referred
- i.Other

3. What was your experience like engaging with the behavioral health system?

- a. It was positive (The experience adequately met my needs. I went away feeling respected, I understood what was expected of me, and I had the resources to follow through on my care.)
- b. It was negative (The experience did not adequately meet my needs. I went away not feeling respected, uncertain about my care, and needing additional assistance.)
- c. A little bit of both

4. Please specify your experience engaging with the behavioral health system.

- a. Written response

5. What systems did you engage in (ex. 911, URM/Strong, RRH (RGH, Unity, Parkridge), Catholic Family Center, Depaul, Mental Health Association, private therapist, etc.)? Please list the organizations below.

- a. Written response

6. When seeking behavioral health services, are there certain things you need (or providers should be aware of) based on your language, race, religion, ethnic background or culture?

- a. Yes
- b. No

7. Please specify the things you need (or providers should be aware of) based on your language, race, religion, ethnic background or culture

- a. Written response

8. In the last 12 months, were the behavioral health services you received responsive to the needs listed above?

- a. Yes
- b. No

9. Please explain how the behavioral health services you received responsive to the needs:

- a. Written response

10. Using any number from 0 to 5, where 0 is the worst behavioral health services received and 5 is the best behavioral health services received possible, please rate all your counseling or treatment in the last 12 months.

- a. 0
- b. 1
- c. 2
- d. 3
- e. 4
- f. 5

11. Please explain your rating

- a. Written response

12. If you were to seek behavioral health services, who would you prefer to reach out to for assistance? (please check all that apply)

- a. 911
- b. 211
- c. Emergency Room
- d. Medical Provider
- e. Pastor
- f. Faith Leader
- g. Family/Friends
- h. Private therapist
- i. Hospital outpatient department



j.Other

13. If you decided not to engage the system, why not? (Choose all that apply)

- a. I feel I can handle the situation myself
- b. I don't trust the system to help me
- c. I am afraid of the stigma of needing mental health care
- d. I am afraid of being criminalized or injured by someone in the system
- e. I don't want to be a part of the system
- f. I can't afford to pay for services
- g. There are no services available in my community
- h. I don't know how to access the system
- i. I can't find a provider of my race/culture/religion/ethnicity,etc.
- j.Other

14. What do you think would improve the experience(s) of those seeking mental health services? (Select all that apply)

- a. Calling someone for help in a mental health crisis or substance use-related emergency without the chance of being arrested
- b. Getting help that will not lead to an expensive bill.
- c. Calling someone for help in a crisis or emergency without the chance of being hospitalized against my will.
- d. Getting help with stress or behavioral health problems without judgment from my family or friends.
- e. Getting help that is sensitive to the needs of people of my race, culture, ethnicity, or language.
- f. Getting help from someone who is of the same race, culture, or ethnicity as I am.
- g. Getting help with stress or behavioral health-related problems without being diagnosed with a mental disorder
- h. Having someone help me find a therapist, psychiatrist, substance use counselor, or other behavioral health professional.
- i. Getting mental health or substance use care at a location that is closer to where I live.
- j. Getting an appointment more quickly so I do not have to wait a long time to see a provider.
- k. Receiving mental health or addiction services inside my home.
- l.Other

15. In a perfect community, what would an ideal “Behavioral Health System” look like? We encourage you to think big with no limitations.

a. Written response

16. Please provide us with your race/ethnicity information (Check all that apply): a. White

b. Hispanic or Latino

c. Black or African American

d. Native American or American Indian

e. Asian/Pacific Islander

f. Other

17. What is your gender?

a. Male

b. Female

c. Prefer not to answer

d. Other

18. What is your age?

a. Under 18

b. 18-24

c. 25-34

d. 35-44

e. 45-54

f. 55-64

g. Over 65 years and older

19. Please enter your zip code.

a. Written response

## Quantitative Responses Analysis

1. In the last 12 months, did you or someone you support (a child, parent, sibling, etc.) seek care or receive “behavioral health” care? (We are using “behavioral health” broadly to include services, such as addiction/chemical dependency services, going to an outpatient counselor, utilizing mental health emergency services, psychiatric or addiction inpatient care or detox, engaging mobile crisis, etc.)

Yes	52
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No	50
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Count of In the last 12 months, did you or someone you support (a child, parent, sibling, etc.) seek care or receive “behavioral health”...



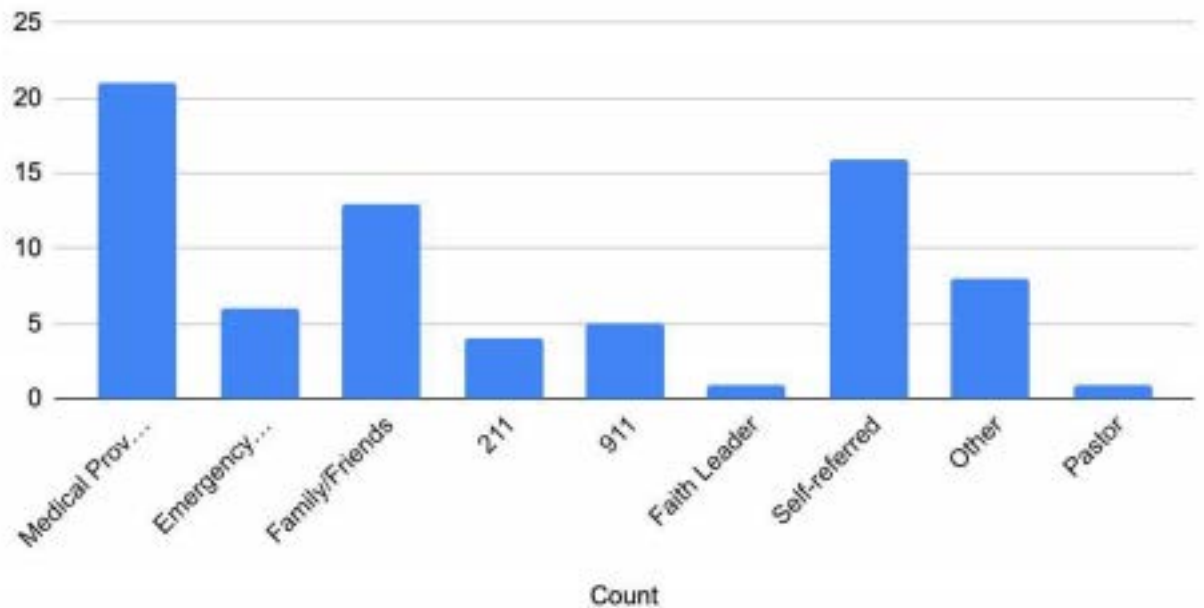
2. When you think back on that experience, how did you get connected to that service? (Choose all that apply):

911	5
211	4

Emergency Room	6
Medical Provider	21
Pastor	1
Faith Leader	1

Family/Friends	13
Self-referred	16
Other	7

When you think back on that experience, how did you get connected to that service?

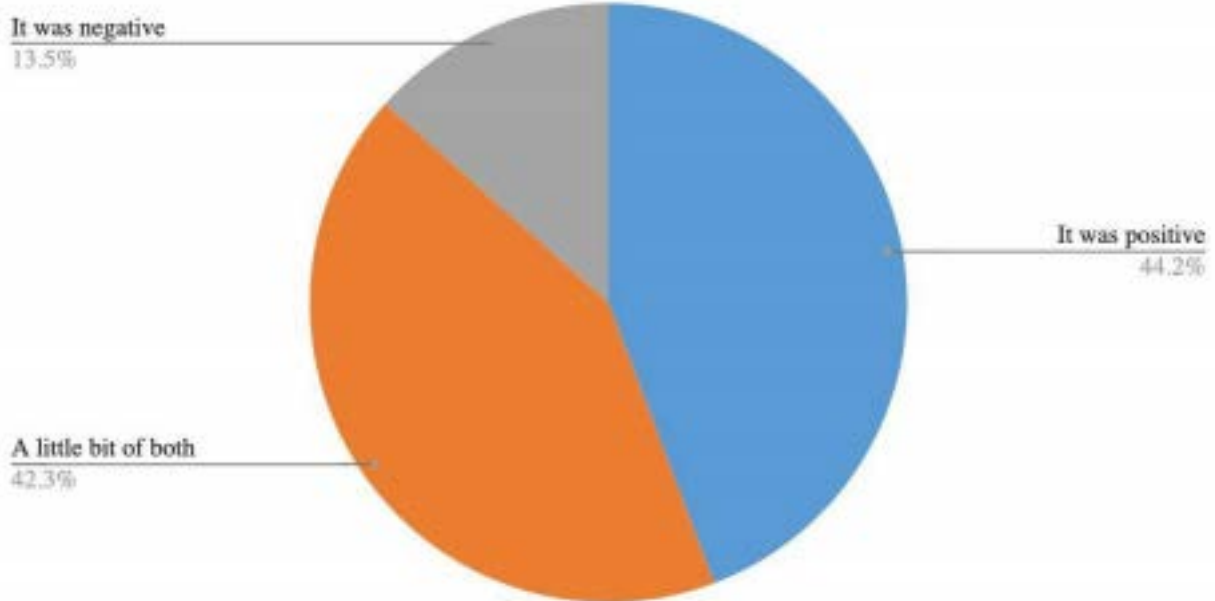


3. What was your experience like engaging with the behavioral health system?

It was positive (The experience adequately met my needs. I went away feeling respected, I understood what was expected of me, and I had the resources to follow through on my care.)	23
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It was negative (The experience did not adequately meet my needs. I went away not feeling respected, uncertain about my care, and needing additional assistance.)	7
A little bit of both	22

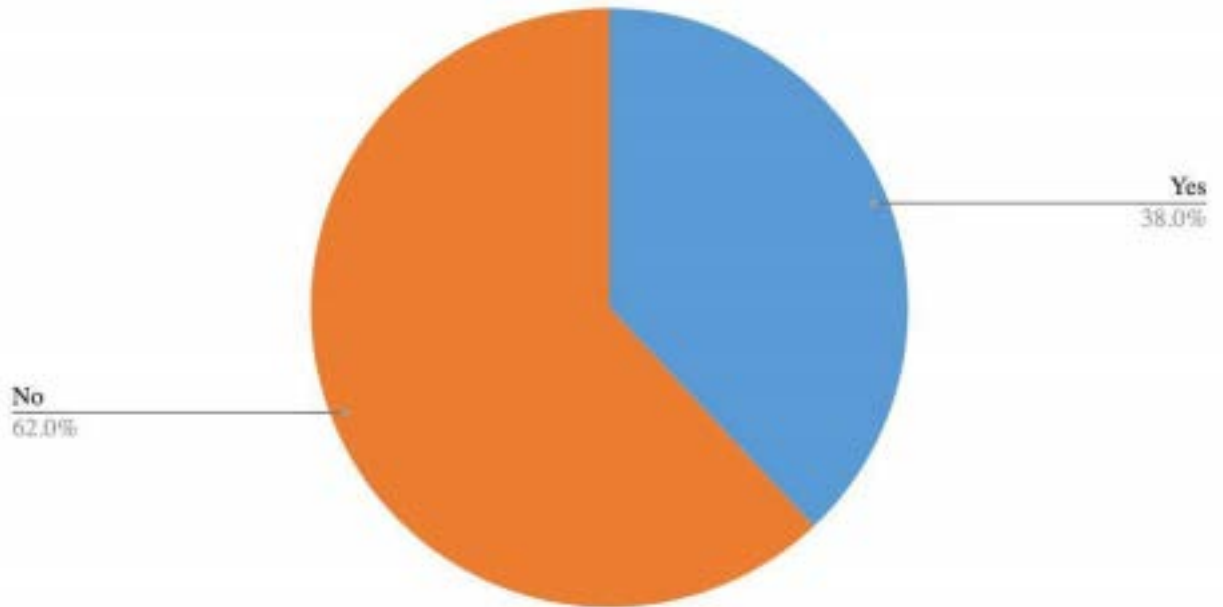
What was your experience like engaging with the behavioral health system?



6. When seeking behavioral health services, are there certain things you need (or providers should be aware of) based on your language, race, religion, ethnic background, or culture?

Yes	19
No	31

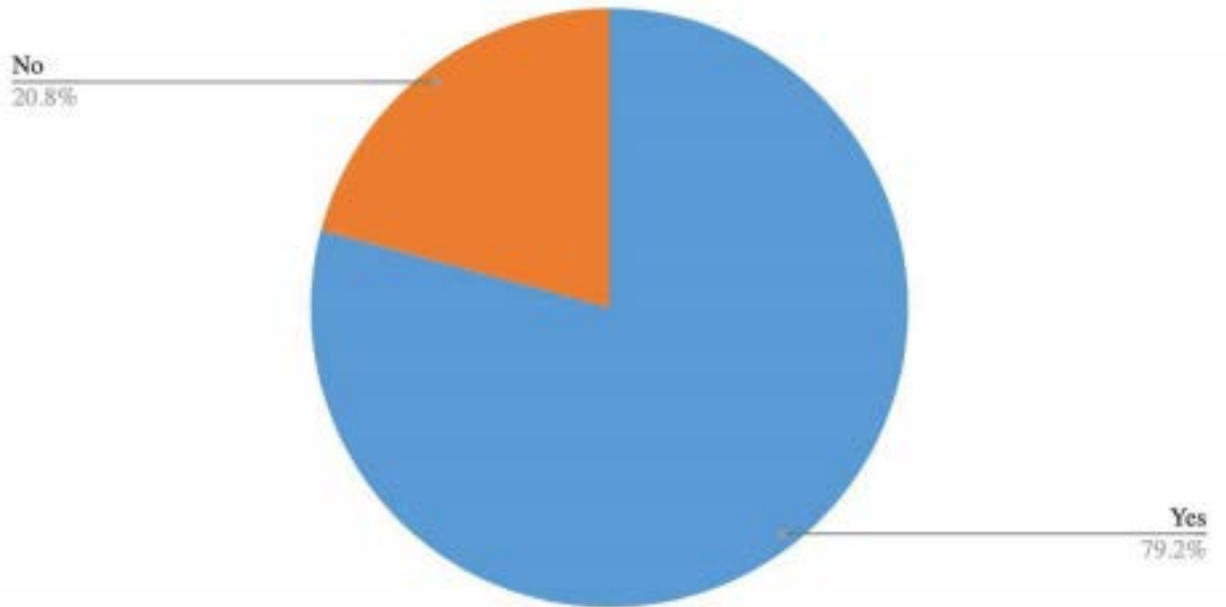
When seeking behavioral health services, are there certain things you need (or providers should be aware of) based on...



8. In the last 12 months, were the behavioral health services you received responsive to the needs listed above?

Yes	39
No	12

In the last 12 months, were the behavioral health services you received responsive to the needs listed above?

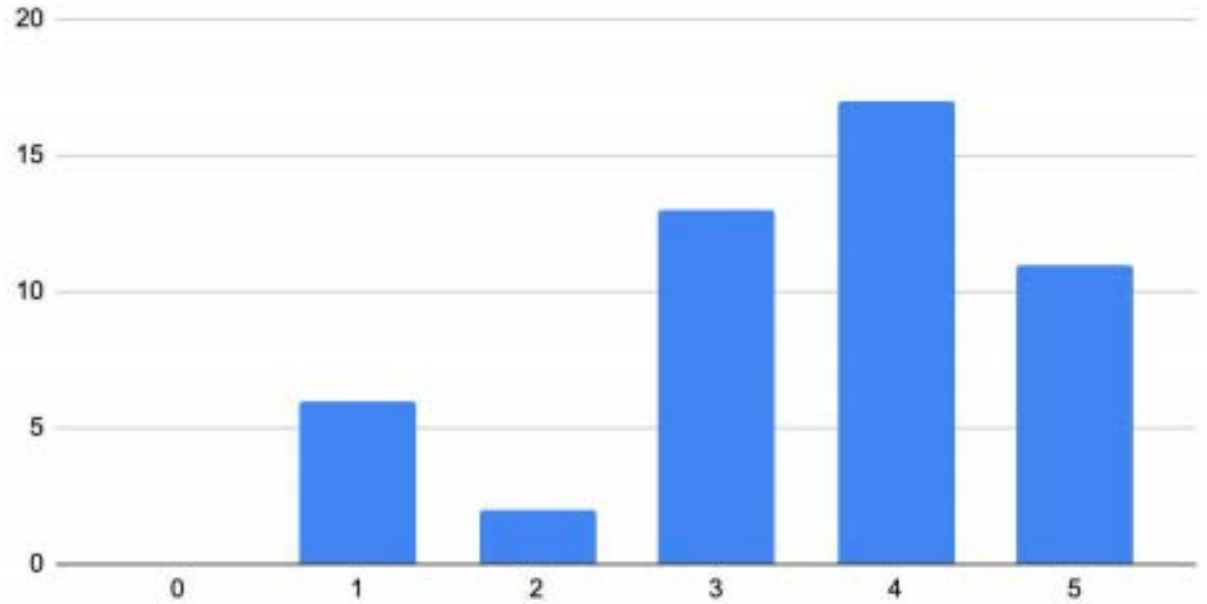


10. Using any number from 0 to 5, where 0 is the worst behavioral health services received and 5 is the best behavioral health services received possible, please rate all your counseling or treatment in the last 12 months.

0	0
1	6
2	2
3	13
4	17
5	11

Please rate your experience on a scale from 0 to 5.

0 being the worst experience and 5 being the best experience.



12. If you were to seek behavioral health services, who would you prefer to reach out to for assistance? (please check all that apply)

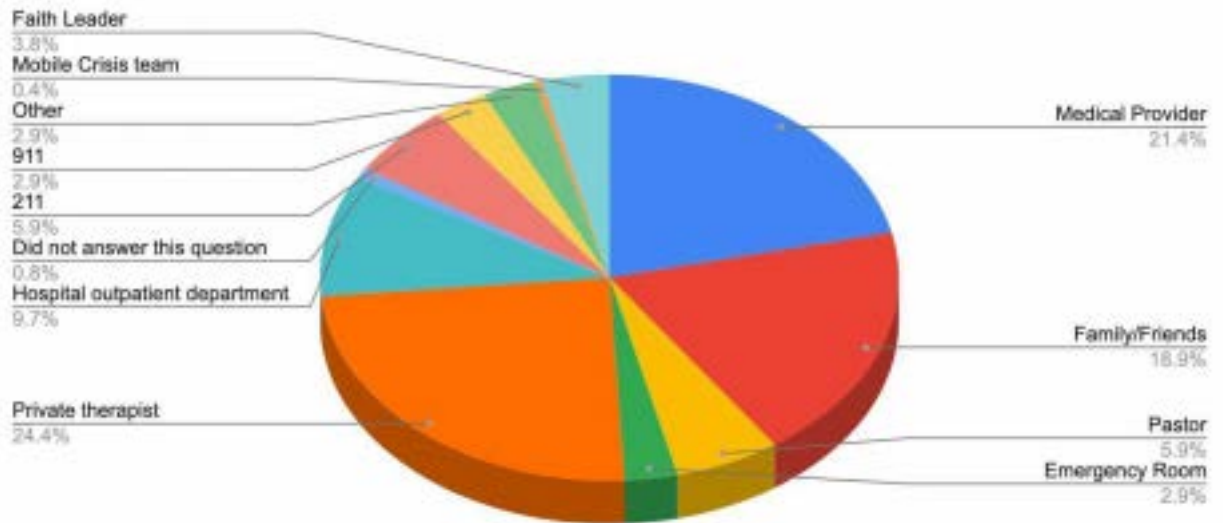
911	7
211	14
Emergency Room	7
Medical Provider	50
Pastor	14
Faith Leader	9
Family/Friends	45
Private therapist	58



Hospital outpatient department	23
Other	11

If you were to seek behavioral health services, who would you prefer to reach out to for assistance?

Please select all that apply.



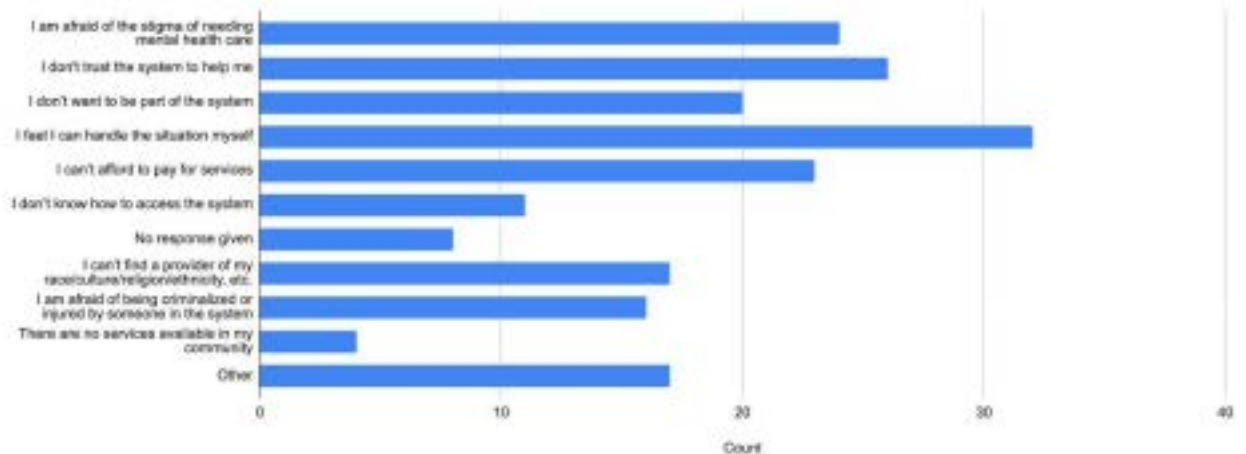
13. If you decided not to engage the system, why not? (Choose all that apply)

I feel I can handle the situation myself	32
I don't trust the system to help me.	26
I am afraid of the stigma of needing mental health care.	24
I am afraid of being criminalized or injured by someone in the system.	16

I don't want to be a part of the system	20
I can't afford to pay for services	23
There are no services available in my community	4
I don't know how to access the system	11
I can't find a provider of my race/culture/religion/ethnicity, etc.	17
Other	25

If you decided not to engage the system, why not?

Choose all that apply.



14. What do you think would improve the experience(s) of those seeking mental health services? (Select all that apply)

Calling someone for help in a mental health crisis or substance use-related emergency without the chance of being arrested	46
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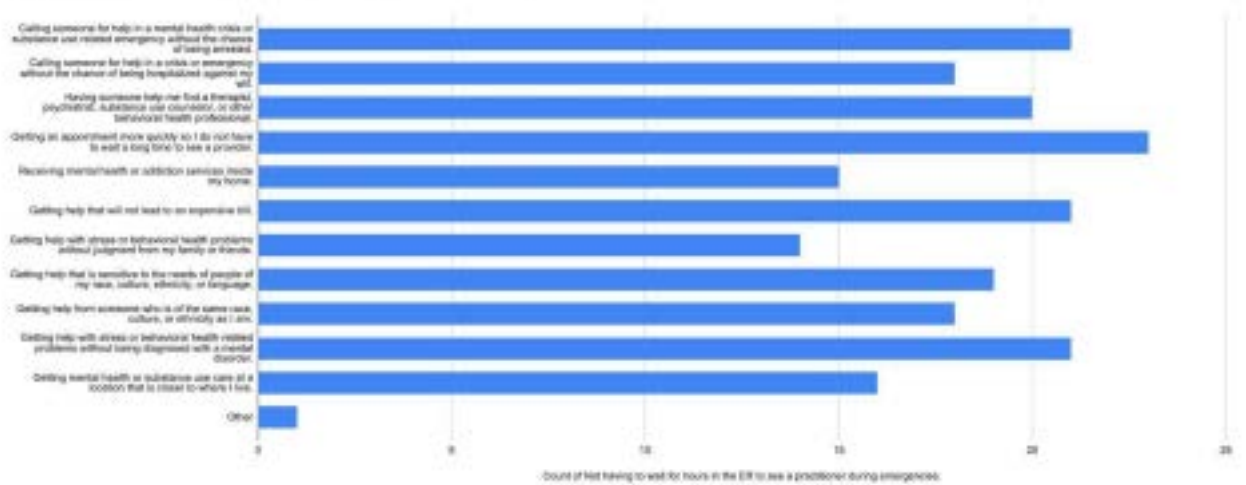
Getting help that will not lead to an expensive bill.	63
Calling someone for help in a crisis or emergency without the chance of being hospitalized against my will.	41
Getting help with stress or behavioral health problems without judgment from my family or friends.	40
Getting help that is sensitive to the needs of people of my race, culture, ethnicity or language.	48

Getting help from someone who is of the same race, culture, or ethnicity as I am.	44
Getting help with stress or behavioral health-related problems without being diagnosed with a mental disorder	52
Having someone help me find a therapist, psychiatrist, substance use counselor, or other behavioral health professionals.	57
Getting mental health or substance use care at a location that is closer to where I live.	38
Getting an appointment more quickly so I do not have to wait a long time to see a provider.	65
Receiving mental health or addiction services inside my home.	28

Other	7
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What do you think would improve the experience(s) of those seeking mental health services?

(Choose all that apply)

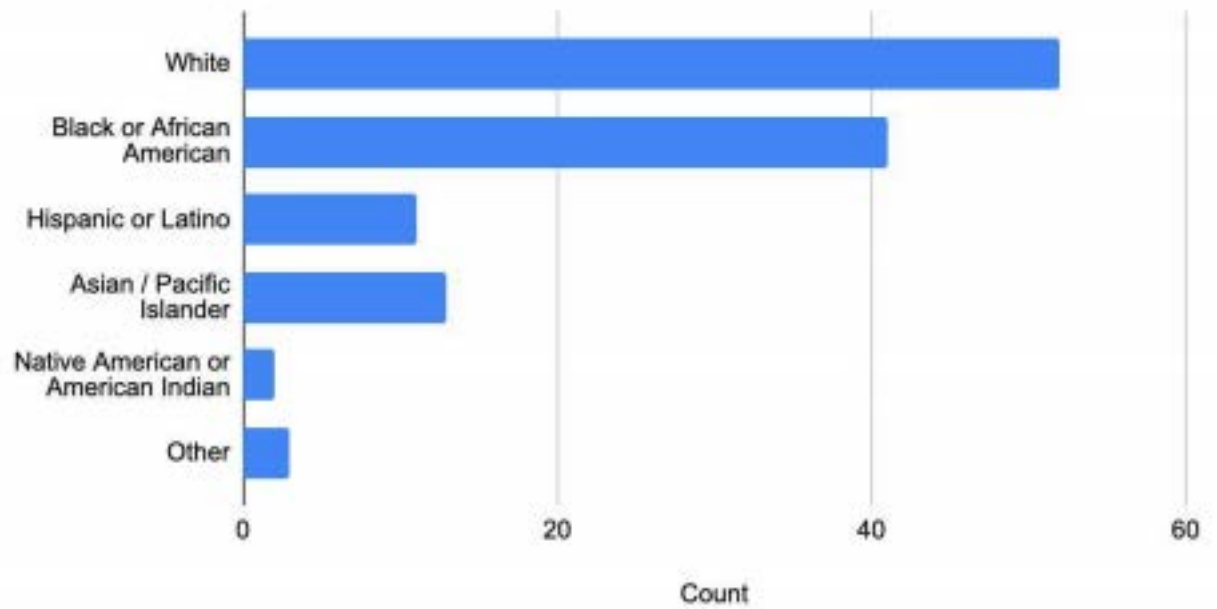


16. Please provide us with your race/ethnicity information (Check all that apply):

White	52
Hispanic or Latino	11
Black or African American	41
Native American or American Indian	2
Asian/Pacific Islander	13
Other	2

### Please provide us with your race/ethnicity information

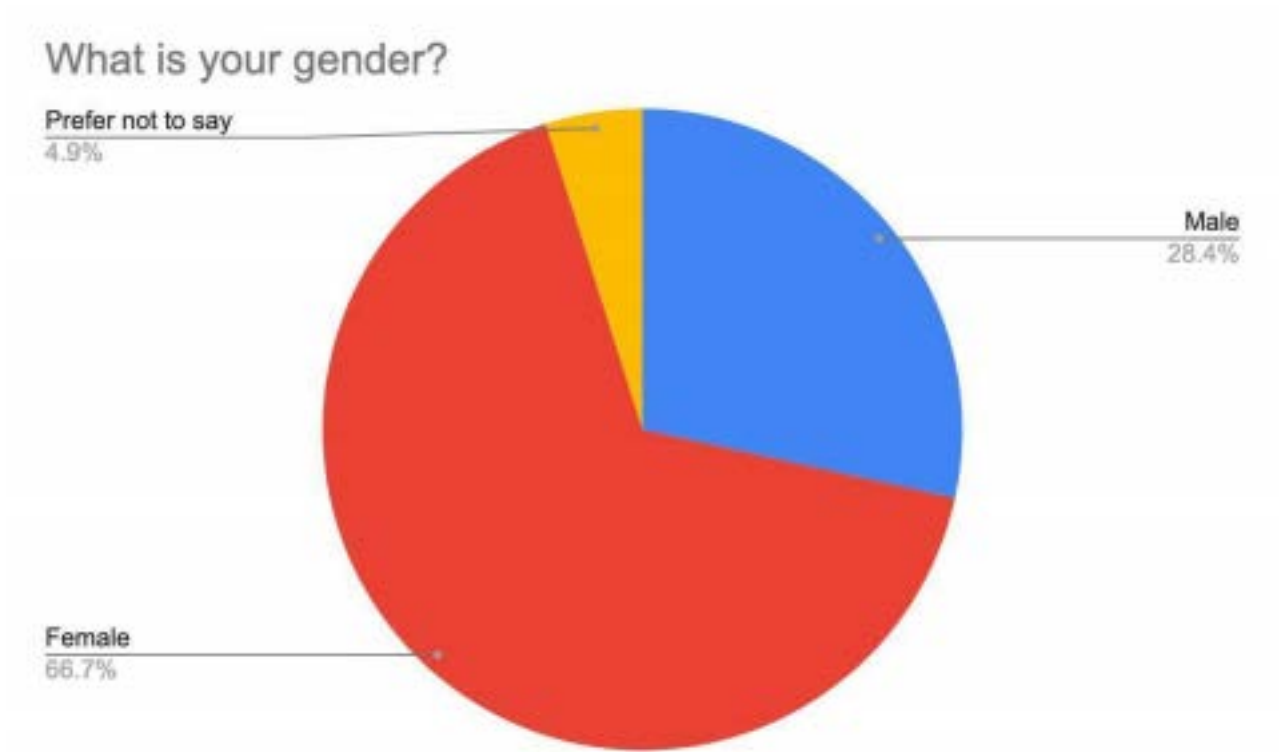
Choose all that apply.



17. What is your gender?

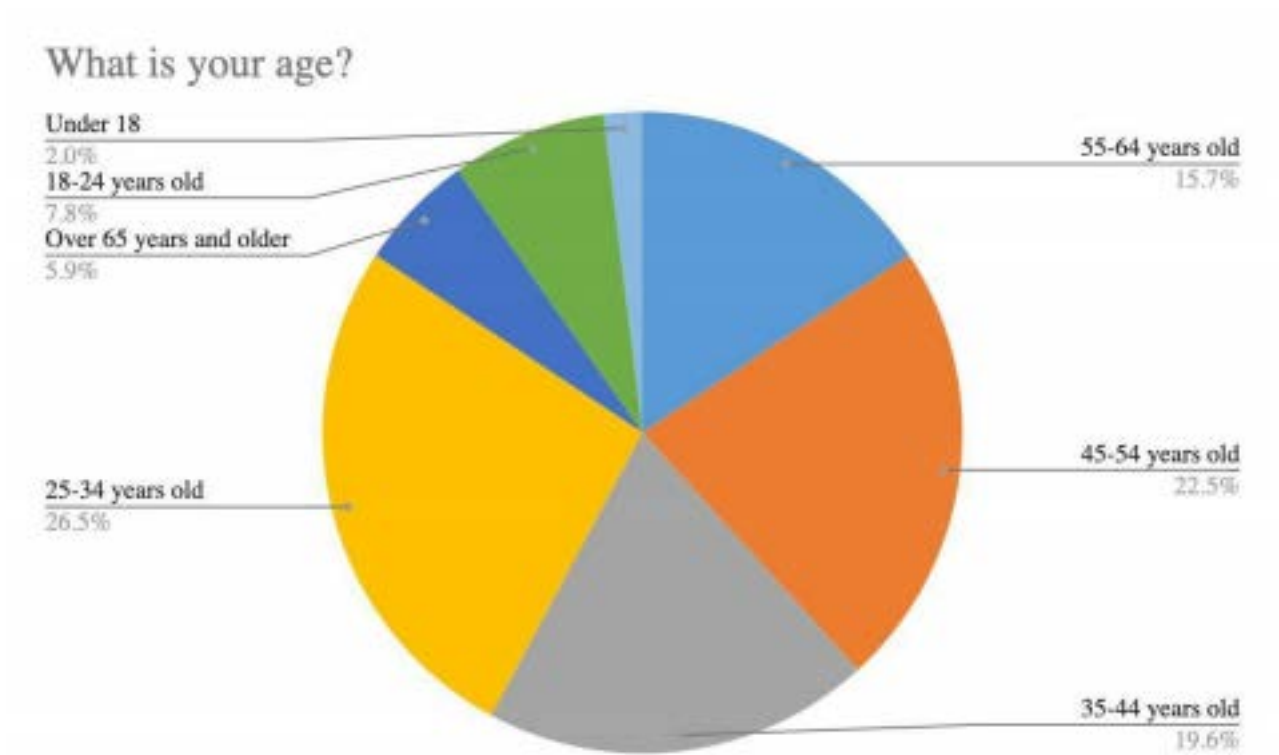
Male	29
Female	68

Prefer not to say	4
Other	1



18. What is your age?

Under 18	2
18-24	8
25-34	27
35-44	20
45-54	23
55-64	16
64 years old and older	6



19. Please enter your zip code

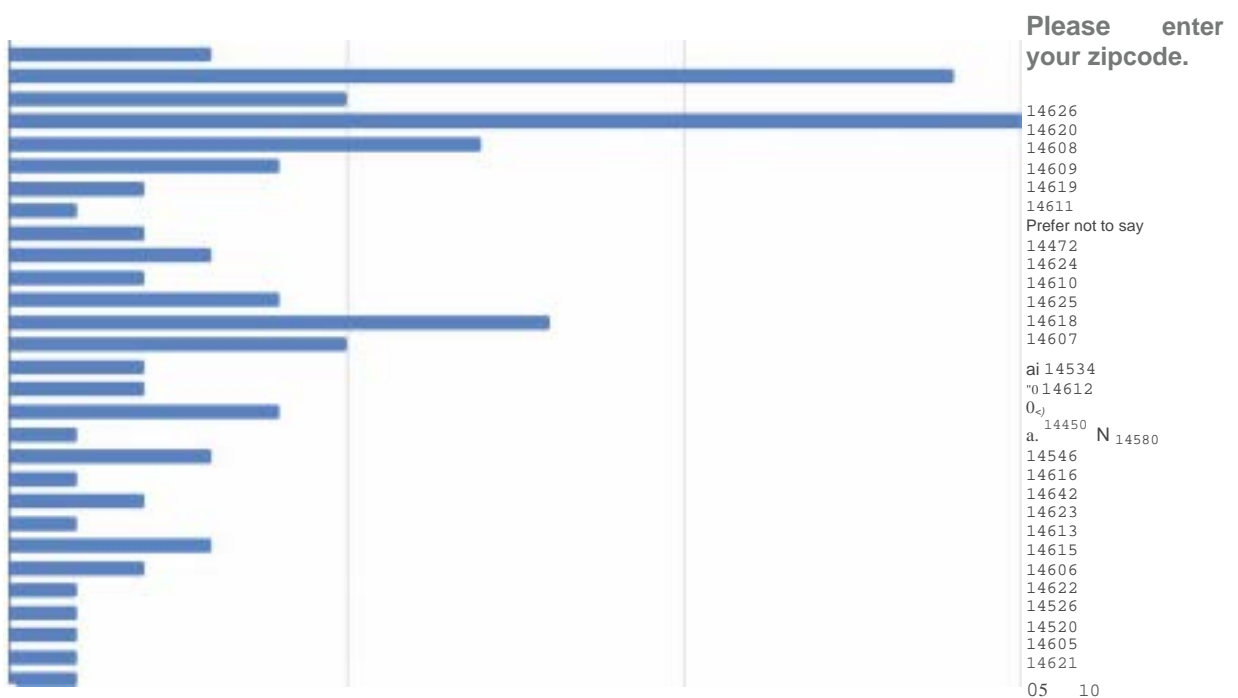
14450	2
14472	1
14520	1
14526	1
14534	5
14546	1
14580	4
14605	1
14606	2

14607	8
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14608	5
14609	15
14610	3
14611	4
14612	2
14615	3
14616	3
14617	1
14518	4
14619	7
14620	14
14621	1
14622	1
14623	2
14624	2



14625	2
14626	3
14642	1
No response	3



15

## Written Responses Analysis

Survey respondents were asked to share details of their experiences with the behavioral health system. Of those who felt comfortable disclosing, many felt discouraged by the wait time to receive services, especially after engaging in CPEP. Other participants felt that the services they were receiving were beneficial but could not continue to utilize the services due to the cost of lack of insurance available. When asked to describe how the patient got involved with the services, a medical provider or self-referral was the most popular response. The most popular service providers were private therapists/practices and URM/Strong, including University of Rochester University Health Services, BHP, and CPEP. Other agencies participants have utilized include South Ave, Villa of Hope, MHA, NAMI, and East House.

Respondents notated that they wished providers were aware of certain things regarding race, religion, ethnic background, or culture, etc. Communication, relatability, and cultural competency

are amongst the most crucial elements that respondents highlight that providers need to be aware of. Many wished that providers were mindful of their culture/religion, spoke the same language, had a trauma-centered approach, or were aware of LGBTQIA+ culture and experiences.

Survey participants were asked the question, "What do you think would improve the experience(s) of those seeking mental health services?" While participants' answers did vary, themes were apparent among responses. The central theme prevalent in response to this question was centered on the affordability and accessibility of behavioral health services, as depicted by the three most popular answers. About 63% of respondents felt that "getting an appointment more quickly so I do not have to wait a long time to see a provider" could improve the experience of those receiving behavioral health services. Additionally, "getting help that will not lead to an expensive bill" was a popular response, with around 62% of respondents indicating that this would improve experiences. The third most popular response echoes the ongoing concerns, with about 56% of respondents feeling that "Having someone help me find a therapist, psychiatrist, substance use counselor, or other behavioral health professionals" would improve experiences as well. Other recommendations were provided by survey respondents, with many indicating that either getting help from somebody who is of the same (or at the very least is sensitive of) race, ethnicity, culture, etc., would improve experiences.

Lastly, survey respondents were asked to picture an "ideal behavioral health system" and encouraged to think big with no limitations. The responses we received showed solutions that would remove the community's most common barriers: affordability, accessibility, and culturally responsive services. Multiple answers encouraged affordable services to allow more individuals to receive quality behavioral health care. Additional suggestions included community-based services/involvement, diversity of providers, shorter wait-times to receive services, and the minimization of police involvement within the behavioral health system.

# Policing

## Summary of Group's Process

### Resources Consulted

- The Police working group began by establishing subgroups with specific focus areas that we felt were critically important to understanding policing in the Monroe County / City of Rochester area. The established subgroups included Training and Education, Policy, Operational Practices, Hiring, The Final Report on the President's Task Force on 21<sup>st</sup> Century Policing (two subgroups were established for this category), Collective Bargaining, Community Engagement, and Legislative.
- Our research consisted of an examination of departmental and office policies of the Rochester Police Department and the Monroe County Sheriff's Office. These policies included General Orders, Training Bulletins, Rules and Regulations and operational policies and practices. Additionally, we examined the 21<sup>st</sup> Century Policing report for the action items and recommendations contained therein to determine their relevance for our community. We examined state (both New York and other state) and federal legislation for areas of intersection that contribute to racial inequity and deficiency in policing. We reviewed the collective bargaining agreements of the Rochester Police Department and Monroe County Sheriff's Office. We reviewed the hiring process of police candidates in this area, and we reviewed, as best as we could, the training curriculum for the Basic Police Officer course as sanctioned by the NYS Division of Criminal Justice Services (DCJS) and the training officers and deputies receive post academy.
- Our working group also reviewed publically available data related to calls for service, race and ethnicity of police officers, size of the local law enforcement agencies, crime rates, and trends related to criminal activity.

### Community Engagement

- Our community engagement consisted of numerous teleconferences with police officers of the Rochester Police Department, numerous teleconferences with the administration of the Public Safety Training Facility, teleconferences with United Christian Leadership Ministry(UCLM), teleconferences with youth from Mosaics Group-Odyssey Academy, Urban Suburban Program-Sutherland and Teen Empowerment, and a survey distributed to the Rochester Police Department's Police Citizen Interaction Committee (PCIC)<sup>181</sup>. It also included requests to meet with the

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<sup>181</sup> The PCIC consists of Community members from various neighborhood groups within the city

Rochester Police Locust Club and Free the People Roc which, to date, have not been accepted,

## Prioritization of Issues

- Our prioritization of issues was accomplished through dialogue within our working group, with our commission advisor Mayor William Johnson and CGR. As expected, we discovered some overlap in our subgroup focus areas, and our priorities evolved into four specific areas of interest. Those areas are Hiring, Training, Community Engagement, and Operational Practices. Our recommendations are contained within each of the four focuses. Working Group Leaders and CGR staff also communicated with the other working groups to identify potential overlaps

## Key Issues & Recommendations

### Key Issue #1 - Hiring

- As it relates to Hiring in the Rochester Police Department, **we are recommending the City of Rochester's Law Department petition Judge Geraci's court to alter the federal consent decree the city has been under since 1975.** The purpose of the decree, as written, is to increase the minority representation within the Rochester Police Department to 25%. This was reflective of the minority population of Rochester when it was written, however the minority population of Rochester currently stands at approximately 56%. Clearly, the current language of the decree will not result in a demographically reflective police department. **We recommend changing the language in the order so that it requires the police department to accurately reflect the various racial demographic populations of Rochester, and to maintain this status through aggressive hiring of minorities.**
- We are recommending the City of Rochester enhance the Career Pathways to Public Safety program offered by the Rochester City School District, and the PREP program offered by Monroe Community College to firmly establish a direct pipeline for the youth of Monroe County to enter the ranks of local law enforcement. As described on the Career Pathways to Public Safety website, "The program prepares youth with the knowledge, skills, and abilities needed to meet the high demand for diverse and local residency candidates in the Public Safety sector of Police, Security, and Corrections. This course will cover Criminal Justice topics that relate to the 21st Century approach to Multicultural Law Enforcement; Criminal Justice System, Problems and Solutions in Modern Policing, Criminal Court, and the quest for justice, Corrections- the levels of rehabilitation." The four-year results of this program do not reflect any individual entering policing. According to the City of Rochester website, "The mission of PREP is to prepare students for a successful law enforcement career with the RPD. PREP is a two-year program and is open to first-

year Criminal Justice students enrolled at Monroe Community College. PREP gives "Cadets" a first-hand practical training experience with the RPD, including participation in a mentorship program, part-time employment, and job shadowing. PREP participants are also exposed to a number of law enforcement activities, such as role-play training exercises, riding along with police officers, and engaging in community outreach events." Enhancing these programs would establish a "pipeline" into the ranks of the area police agencies and would significantly improve minority representation.

- We are recommending local law enforcement agencies work to remove the subjectivity present in the hiring process. Specifically, we recommend that the subjectivity present in the opinions rendered by the psychologists that administer the psychological test on police recruits be removed, and that the polygraph examinations be administered by an independent entity.
- Finally, as it relates to the hiring process, and as a direct recommendation from the United Christen Leadership Ministry, we recommend the final interview for police candidates include representatives from the community as interviewers, including interviewers from diverse racial and ethnic backgrounds for all local law enforcement officers.

## Key Issue #2 – Training

- The Police Working Group focused extensively on the training of individuals becoming police officers in this area. It should be noted that our research included direct conversations with the leadership and staff of the Public Safety Training Facility, direct conversations with the leadership of the Rochester Police Department and Monroe County Sheriff's Office, a review of their training policies and bulletins, as well as a request for the specific curriculum used in the NYS Basic Police Officer course that provides the certification to serve as a police officer. Regrettably, we were not able to acquire the specific curriculum due to the NYS Division of Criminal Justice Services requiring a FOIL request before it release. **The Police working group strongly recommends the Basic Police Officer course curriculum be designated public information.** For that which we have been able to access, the following recommendations have been developed.
- The NYS basic Course for Police Officer requires only 5 hours diversity for certification. **Our working group recommends significantly increasing this requirement to include cultural competency training, implicit and explicit bias training, Procedural Justice training and historical aspects of policing training.** A recent study entitled *Procedural Justice Training Reduces Police Use of Force and*

*Complaints against Officers*<sup>182</sup> shows that procedural justice training reduced police use of force and complaints against officers in the Chicago Police Department from this (8 hour) training. Recently, DCJS has developed a 32-hour program titled Principled Policing which focuses on Procedural Justice and Implicit Bias instruction, but the program is intended as an in-service training. It does not include the other focus areas previously mentioned.

- Although we were informed that De-escalation training is provided in numerous aspects of police recruit training, we were not able to examine what that entailed. As such, **we are recommending that de-escalation training be outlined and expanded for all uniformed police in this region with a focus on humanity and sanctity of life consideration.**
- Our working group recognizes how trauma impacts all in a community. **We are recommending that uniformed personnel be provided training on the consequences of trauma for themselves and the community and have more resources available for officer wellness.**
- Our research has shown that numerous states have explored a recertification process that requires a police officer to be recertified every two or three years to remain working. This process is similar to the board recertification that physicians are required to go through. A recertification process would ensure our uniformed police officers are adept in the skills necessary to serve our communities. It would also afford our community the opportunity to determine what skills are felt to be critically important for our officer to possess. **We recommend that local law enforcement require a regional certification for law enforcement officers and require periodic recertification until a state process is adopted.** Some of the states currently exploring recertification include California, Illinois, and Virginia. <https://www.ncsl.org/research/civil-and-criminal-justice/legislative-responses-for-policing.aspx>. Along with recertification, a process for decertification will be required. The specific recommendation for decertification will be discussed in the Operational Practices portion of this summary.

### Key Issue #3 – Operational Practices

- Our working group examined the operational practices of policing in this area. Our recommendations reflect areas we feel will significantly improve policing in this area and the relationship between our departments and community members.
- **We recommend local law enforcement agencies be mandated to collect and regularly report on a quarterly basis, demographic information of all individuals**

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<sup>182</sup> Wood, G., Tyler, T.R., & Papachristos, A.V.<sup>182</sup> (2020), Proceedings of the National Academy of Sciences, 117(18), pp. 9815-9821., <https://www.pnas.org/content/117/18/9815>.

they interact with in arrests, traffic investigations, street stops, and uses of force. Furthermore, we recommend the demographic information be collected and regularly reported for personnel complaints, also on a quarterly basis. We further recommend this data be included in their annual reports and, relative to the Rochester Police Department, be included on their Open Data Portal, entered into their TRACS system, and sent to the Rochester Police Accountability Board. If other local police agencies develop a similar civilian oversight process, we recommend this data be sent to their board for review.

- We recommend the Rochester Police Department begin to use their IAPRO early warning software to its fullest capacity to ensure any personnel concerns are identified as quickly as possible and addressed. The corrective measures should then be forwarded to the Deputy Mayor for consistency and shared with the Police Accountability Board for follow up. While we have not identified whether other local police agencies have early warning programs, this recommendation applies to them as well.
- As mentioned earlier, decertification of police personnel found to have engaged in certain forms of misconduct is a strategy being considered by some states.<sup>183</sup> **We recommend the City of Rochester and County of Monroe adopt a policy of decertification for police personnel that have been proven to not conform to established rules and regulations.**
- Qualified immunity is a legal concept that protects government officials, such as police officers from being held personally liable for constitutional violations like excessive force, for money damages under federal law so long as the individual did not violate “clearly established” law. Indemnification sections in contracts allocate risk and expense in the event of a breach, default, or misconduct by one of the parties in an executed contract/agreement. They are clauses used in contracts to shift potential costs from one party to another. **We are recommending changes to the indemnification/qualified immunity language in local law enforcement agency’s collective bargaining agreements so that police officers, not their employers, may be held responsible for the financial costs that result from criminal or civil proceedings that arise from a conviction based on misconduct that constitutes intentional/aggravated felony criminal behavior.** Moreover, we recommend rescinding indemnification be included in the disciplinary matrixes for all local police agencies as a consequence of termination.

## Key Issue #4 – Community Engagement

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<sup>183</sup> <https://www.ncsl.org/research/civil-and-criminal-justice/legislative-responses-for-policing.aspx>



- In 2015, President Barak Obama convened a commission of criminal justice professionals to examine policing in the 21st century. The commission identified six specific areas of focus, Building Trust and Legitimacy, Policy and Oversight, Technology and Social Media, Community Policing and Crime Reduction, Training and Education, and Officer Wellness. The final report of the commission contains over one hundred fifty action items and recommendations for governments, police agencies, and communities. The City of Rochester commissioned a similar report in 2016 following two incidents involving the Rochester Police Department that occurred here and negatively impacted the community. One event was an arrest that resulted from an open-air drug market investigation, while the other event involved the department's response to a Black Lives Matter demonstration. Our recommendations stem from specific areas and strategies contained within each report.
- We are recommending local police agencies adopt the recommendation and action items outlined in the Final Report of the President's Task Force on 21st Century Policing<sup>184</sup> as it pertains to community engagement, a guardian mindset, procedural justice, and officer wellness. Additionally, we recommend the Rochester Police Department review and adopt the community engagement strategies outlined in the City of Rochester's Blueprint for Engagement<sup>185</sup>.

## Parking Lot

The issues presented in the parking lot are potential recommendations that have not received adequate research or discussion as part of the RASE process, but are considered to be other opportunities to reduce structural racism in policing.

- As a Parking Lot item, we recommend a candidate's history not automatically disqualify them if they have shown improvement from youthful behavior such as marijuana use. This recommendation is consistent with the hiring practices of such notable law enforcement agencies as the Federal Bureau of Investigation (FBI).
- Add language to local law enforcement agency's collective bargaining agreements that obligates police officers to carry professional liability insurance. A bill in the New York State Senate (S8668B) proposed the requirement for police officers in the state to carry liability insurance. Colorado requires police officers to be personally liable

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<sup>184</sup> [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

• <sup>185</sup> <https://www.cityofrochester.gov/DeputyChiefCommunityAffairsBureau/>



for up to \$25,000 in damages associated with misconduct charges. The State of Connecticut is going to require police officers to carry liability insurance in the near future and is currently looking into details on how to make it happen.

- Recommendation requirements in becoming a Law Enforcement officer will change from a candidate having a HS diploma or GED to a minimum of a two-year degree in Criminal Justice or related field. The change in requirements will provide candidates a global knowledge within the field. The intent is to teach specific skills and knowledge that can be used in the workplace as well as to help students grow and develop personally and intellectually.
- A complementary policy would be raising the minimum age of appointment from 20 to 25. This suggestion is based on research that indicates that older officers are less likely to have problems with discipline.

## Part 4: Appendices

The section contains supplemental material that contributed to the Commission's work, including the local law scan and a report on communities with local MWBE certification processes prepared by CGR as well as the report of the Human Services Working Group's Older Adults Subcommittee.

# Local Law Scan

The City of Rochester and Monroe County Racial and Structural Equity Commission requested that CGR conduct a scan of local ordinances to identify those that may pose barriers to equity in our community. CGR viewed City and County ordinances online at:

City of Rochester: <https://ecode360.com/RO0104>

Monroe County: <https://www.ecode360.com/MO0860>

Below, we list laws that have relevance or connection to the Commission's goal of increasing equity or to any of the 9 Commission working groups:

- Education
- Health
- Housing
- Human Services
- Mental Health and Addiction Services
- Business Development and Job Creation
- Criminal Justice and Policing

Note that we grouped the last 4 groups into 2 buckets for the purposes of this summary.

We also identify connections to the RASE Commission's work in opening comments and questions at the start of each section.

Note that this overview does not include federal law, state law or federal, state or local regulations or policies. Also, though we make a few references to the City Charter, we did not review the entire Charter.

## Ordinances of General Interest

### **Connections to RASE Commission work:**

- The City has a human rights ordinance banning discrimination that includes a fair employment screening law prohibiting employers from asking job applicants about criminal convictions during the application process.
  - Could Monroe County adopt similar ordinances?
  - Could the City's fair employment screening law be strengthened?
- Both the County and City have comprehensive planning processes. The City has a plan in place, Rochester 2034, which is being incorporated into its zoning ordinance, and the

County intends to launch a planning process in 2021 that will produce the first County Comprehensive Plan in many years.

- What opportunities exist in these plans/planning processes to increase racial and structural equity, for example, through broadening the availability of affordable housing throughout the County?

## City of Rochester Ordinances

[Human Rights](#) - Chapter 63, Article I, prohibits discrimination in places of public accommodation, resort or amusement; employment; housing and commercial space; financing; and City services. This prohibition covers discrimination on the basis of real/perceived age, race, creed, color, national origin, gender, gender identity/expression, sexual orientation, disability, and marital status or source of income. The ordinance states that a person aggrieved by alleged discrimination shall have a cause of action in any appropriate court, and does not specify any other penalty.

Article II, Fair Employment Screening, prohibits the City, its vendors, and all employers located in City limits from asking about criminal convictions during the job application process. However, consideration of a prior conviction can take place after an application is submitted and an initial interview is conducted.

[Comprehensive Plan](#) – Chapter 130 – Establishes Rochester 2034 policy principles, healthy living, equity, resilience, prosperity and partnership; placemaking principles, including providing diverse housing outcomes; and goals in 20 areas, including public health and safety, schools and community centers, housing, economic growth, workforce development, transportation and climate change mitigation/adaptation. Note that goal statements are broad, such as in Education: “Improve conditions for students to ensure a healthy and nurturing environment for learning that is targeted at key success indicators.”

The Comprehensive Plan references the Housing Policy and Complete Streets Policy as implementing policies and a variety of documents as implementing documents, including the Local Waterfront Revitalization Program, the Transit Supportive Corridor Study, the Housing Market Study, the Brownfield Opportunity Area Plans, and many others.

[Civil Service](#) – Article XII of the City Charter establishes the Municipal Civil Service Commission, appointed by the Mayor, with confirmation from the City Council, which administers Civil Service Law, including establishing a merit system and holding competitive examinations, in the City.

## Monroe County Ordinances

[Planning](#) - Chapter A, Part 4 of the Administrative Code outlines qualifications and responsibilities of the Director of Planning and Development and a variety of procedures related to the County’s planning function, including the development of a [Comprehensive Plan](#) and the role of [studies](#) and [community participation](#). Note that one aim of the

Comprehensive Plan is to serve as a guide for major development proposals by local government and private interests.

[Environmental Quality Review](#) – Chapter 235 – lays out County policy for complying with New York State Environmental Conservation Law requiring preparation of environmental impact statements for any actions having a significant impact on the environment, such as proposed development.

[Person First Language](#) – Chapter 380 – requires that County laws, policies and regulations use respectful language in referring to people with disabilities as persons first.

[Senior Citizens Tax Exemption](#) – Article I of Chapter 357 allows property tax exemptions of up to 50% for households headed by people 65 and older.

[Parks](#) – Chapter 323 – governs the use and regulations related to Monroe County parks, including the Seneca Park Zoo.

[Sales Tax](#) – Chapter 565 – sets the level of sales tax that is administered by the County, currently.

## Ordinances by Working Group

### Education

#### Connections to RASE Working Group:

- The group is working to narrow its focus to 3-5 issues from a list of more than a dozen issues that pertain most directly to K-12 school districts and do not have a clear tie to the two local ordinances listed below. As CGR outlined in our Education Authority Overview presentation, City and County intersections with education include the City's mandated funding for the Rochester City School District, the County's Early Intervention program and the County's role with Monroe Community College.

### City of Rochester Ordinances

[Comprehensive Plan](#) – Chapter 130 – includes goals for schools and community centers, including improving conditions for students, nurturing a culture of positivity and providing educational facilities and programs of the highest quality (see Section 5).

### Monroe County Ordinances

[Monroe Community College](#) – Article 7 of the County Charter establishes the college and its board of trustees in accordance with Article 126 of the Education Law of the State of New York and grants the board the power to appoint the college President, subject to approval of the State University of New York trustees, to set curricula and to prepare a budget for the Monroe County Legislature.

## Health

### Connections to RASE Working Group:

- Rochester and Monroe County became national leaders in lead poisoning prevention through collaborative efforts including adoption of the City's inspection law. Are there other environmental health hazards that the two governments could work collaboratively to similarly address?
- Planning – do the City and County plans/planning process present opportunities for stronger policies and actions to promote health and address the social determinants of health (this is an interest area of the working group)? Examples: zoning/incentives related to grocery stores to increase access to affordable healthy foods, open space/parks.

### City of Rochester Ordinances

[Health and Sanitation](#) – Chapter 59 – States that the Monroe County Health Director is charged with enforcement of health laws since the City is part of the County health district.

[Comprehensive Plan](#) – Chapter 130 – Includes healthy living as a policy principle and goals for public health and safety related to improving understanding of community health conditions, needs, services and increasing access to healthy food (see Section 5).

[Property](#) – Chapter 90 – [Article III](#) establishes lead poisoning prevention requirements including visual inspections for lead hazards be conducted in order to receive certificates of occupancy and abatement of any lead violations detected on inspection.

[Parks](#) – Chapter 79 – Includes ordinances for park uses, fees, permits, and penalties for offenses

[Public Market](#) – Chapter 91 – Includes ordinances for the market's location and purpose, vendors, methods of selling, and what can be sold.

[Food Trucks and Vendor Trailers](#) – Chapter 60 – outlines all regulations including licensing, permitting, fees, and locations.

### Monroe County Ordinances

[Lead Poisoning Prevention](#) – Chapter 285 – allows the Department of Public Health to conduct an elevated blood lead level investigation for any dwelling inhabited by a child up to 3 years old whenever that child has two blood lead screenings with elevated levels in a one-year period.

[Parks](#) – Chapter 323 -Monroe County Parks Department stewards 12,000 acres of green and open space in Monroe County. Monroe County Parks located within the City of Rochester include Highland Park, Seneca Park, Genesee Valley Park East, and Durand

Eastman Park south of Lakeshore Blvd. Chapter 323 lists ordinances related to park uses, fees, permits and penalties for offenses.

[Monroe Community Hospital](#) - Article 6, section 17 of the County Charter establishes the Hospital and outlines its administrative structure and responsibilities and admission and maintenance of patients.

## Housing

### Connections to RASE Working Group:

- What opportunities exist in the City and County plans/planning processes to broaden the availability of affordable housing throughout the County and address the legacies of discriminatory policies such as redlining and steering?
- The City's Department of Neighborhood and Business Development has the authority to develop and implement affordable housing programs. Is there the potential for the County to play a similar role?
- Are there opportunities for the City to enforce codes more aggressively to improve the quality of housing stock?

## City of Rochester Ordinances

Affordable housing – [Article X](#) of the City Charter spells out the responsibilities and duties of the Department of Neighborhood and Business Development, including the authority to develop and implement affordable housing programs.

[Building Code](#) – Chapter 39 – Specifies when building permits are/are not needed and the process; requires certificate of occupancy for all structures needing a building permit.

[Care of Property](#) – Chapter 89 – Regulates cutting/planting of trees on public property; requires property owners to keep weeds out of vacant lots; prohibits fouling of rivers and sewers, and similar provisions.

[Comprehensive Plan](#) – Chapter 130 – Includes providing diverse housing outcomes as a placemaking principle and goals for housing including supporting innovative and equitable housing and community development (see Section 5). References the Housing Policy and Housing Market Study as implementing policies/documents.

[Property](#) – Chapter 90 – Includes safety requirements for buildings related to electrical, fire, heating, weatherization, etc.; also for abandoned vehicles and vacant properties/lots; prohibits graffiti and requires certificates of occupancy.

[Zoning](#) - Chapter 120 – Specifies the City's power to regulate land use, including density, intensity, setback lines, height of buildings, etc. through zoning districts dividing the City into different classes. [Article II](#) establishes the districts and [zoning map](#). Subsequent articles define and provide specific requirements for each type of district, including low,

medium and high density residential as well as types of commercial, industrial and special districts. [Article XXI](#) establishes the administrative process for zoning, including City Council's role and the Planning Commission, Preservation Board and Zoning Board of Appeals. [Article XXIV](#) addresses nonconforming uses, structures, lots and signs; one paragraph addresses nonconforming buildings allocated low-income housing tax credits, and specifies that they may be rebuilt if damaged or destroyed. Note that the City is in the process of revising this code to align with the Comprehensive Plan Rochester 2034.

[Municipal Code Violations Bureau](#) – Chapter 13A – specifies fines and process for a variety of violations, including of building code, noise ordinance, parks, secondhand dealers, shooting ranges, etc.

## Monroe County Ordinances

[Planning](#) - Chapter A, Part 4 of the Administrative Code outlines qualifications and responsibilities of the Director of Planning and Development and a variety of procedures related to the County's planning function, including the development of a [Comprehensive Plan](#) and the role of [studies](#) and [community participation](#). Note that one aim of the Comprehensive Plan is to serve as a guide for major development proposals by local government and private interests.

## Human Services

### Connections to RASE Working Group:

- We did not find local laws pertaining to Human Services in either the City or County codes. The provision of Human Services is largely governed by state and federal laws and regulations, though the County has discretion in how it implements programs. This working group has identified some initial areas of focus of disproportionality in the child welfare system, sanctions and culturally responsive caseworker services – all of which relate to implementation and practice.

## Mental Health & Addiction Services

### Connections to RASE Working Group:

- The group is working to understand the behavioral health system and how various pieces do or could fit together, as well as to play a productive role in the larger conversation about crisis response, in light of Daniel Prude's death. Existing local laws do not relate to this work.

## City of Rochester Ordinances

None found.

## Monroe County Ordinances



[Social Hosts](#) – Chapter 378 – prohibits adults from serving alcohol to minors in their homes, punishable by fines from \$250-\$1,000.

[Synthetic Drugs and Similar Compounds](#) – Chapter 383 – prohibits the sale, use and possession of a variety of listed synthetic drugs.

## Business Development/Job Creation

### Connections to RASE Working Groups:

- Both groups have identified Minority and Women-Owned Business Enterprise certification as a potential issue. While the ordinances below do not relate specifically to that, creating a local (City or County) certification process that is streamlined and business-friendly is a legislative/policy option to consider.
- The City's Nuisance Abatement Program, described below, has been both criticized and praised. In the groups' community engagement events, it would be worthwhile to explore whether stakeholders feel there are any inequities in this program or its enforcement. The groups could also request City data to illuminate this issue.
- What opportunities exist in the City and County plans/planning processes to encourage/incentivize more equitable economic development? Examples include development of businesses/job opportunities in historically disadvantaged neighborhoods or parts of the City and in places where more residents use public transportation.

## City of Rochester Ordinances

[Comprehensive Plan](#) – Chapter 130 – Includes prosperity as a policy principle and goals for the economic growth and workforce development including attracting businesses to downtown, supporting entrepreneurship, improving opportunities for historically disadvantaged businesses, focusing workforce development efforts on vulnerable populations and providing support for individuals starting their own businesses (see Section 5).

Nuisances – [Article X](#) of the City Charter spells out the responsibilities and duties of the Department of Neighborhood and Business Development, including the Nuisance Abatement Program allowing the City to assign nuisance points to businesses where violations such as firearm possession/discharge, gambling, prostitution, etc. occur.

[Property](#) – Chapter 90 – [Article II](#) requires business permits, establishes fees and requires businesses to maintain good order, including ensuring the premises do not become disorderly, permit gambling, prostitution, etc.

## Monroe County Ordinances

[Empire Zone](#) – Chapter 43 – outlines County’s ability to apply to the state to designate Empire Zones, a program for economic development and tax incentives that is no longer taking in new businesses.

[Urban Tax Exemption](#) – Article XXI of Chapter 357 on Taxation – allows exemption from property tax for properties in the Center City Zoning District of Rochester being converted at a cost of more than \$250,000 to mixed-use commercial-residential, with at least 25% of the floor space going to residential use.

## Criminal Justice/Policing

### Connections to RASE Working Group:

- The extent to which some of the local ordinances below might contribute to what is known as the “criminalization of poverty” could be explored, particularly by the Criminal Justice working group. The criminalization of poverty refers to low-income individuals suffering as fines, fees and various charges, especially for low-level offenses, pile up and compound. The charges listed below that the County levies for probation and electronic home confinement could be examples of these, though the ordinances allow fee waivers for inability to pay. In addition, some of the City ordinances regarding bicycles, noise and other issues could be enforced in inequitable ways.

## City of Rochester Ordinances

[Bicycles](#) – Chapter 34-6 – requires children 12 and under to ride on sidewalks, trails; adults to ride in bike lanes or near right hand curb or edge of roadway; cyclists to yield to pedestrians, etc., and violations are handled under Municipal Code Violations section. Note that the requirement that bikes have a bell is actually in state Vehicle and Traffic Law.

[Comprehensive Plan](#) – Chapter 130 – Includes goals for public health and safety including increasing the capabilities of RPD through collaboration, data analysis, technology, new/improved resources (see Section 5).

[Enforcement](#) – Chapter 52 – spells out enforcement procedures for violations of City code, including refuse and sanitation, streets, property conservation, building/plumbing/fire prevention, zoning codes, health ordinances and anti-litter codes.

[Municipal Code Violations Bureau](#) – Chapter 13A – specifies fines and process for a variety of violations, including of building code, noise ordinance, parks, secondhand dealers, shooting ranges, etc.

[Noise](#) – Chapter 75 – prohibits and defines excessive noise.

Police Accountability Board – [Article XVIII](#) of the City Charter establishes the PAB to conduct independent investigations of complaints of police misconduct.

[Public Safety](#) – Chapter 19 – spells out that police can enter into agreements for police alarm systems at banks and other locations in need of special protection, along with sections related to fire department aid outside the City, and other non-pertinent items.

[Public Emergencies](#) – Chapter 93 – Allows the Mayor to impose a curfew and designate restricted areas during a declared state of emergency.

[Dangerous Articles](#) – Chapter 47 – establishes items that people cannot possess in City public spaces, including firearms, knives, etc., and that firearms stored in City dwellings must be in locked containers, along with related provisions.

## Monroe County Ordinances

[Corrections](#) – Chapter 31 – specifies that the County obtain reimbursements from private insurers for health and dental services provided to inmates of the jail.

[Fees & Charges](#) – Chapter 34 – specifies fees the County can charge, including \$30 a month to people on Probation, \$50-500 for Probation investigations conducted regarding custody and visitation for Family Court, \$4.06 per day for people on electronic home confinement, \$20 for DWI victim impact panels and \$50-200 for sex offender polygraphs. The law allows waiver of fees where ability to pay in an issue.

[Cyberbullying](#) – Chapter 382 – prohibits cyberbullying of children under 18, punishable by fines up to \$1,000 and/or a year imprisonment.

# Local MWBE Certifications

One route for growing and developing the capacities of MWBE businesses is by including them in a mandated share of local government purchasing and contracting. While an increasing number of public and private contracts are specifying MWBE percentages, in the Rochester/Monroe County area these must typically be met through state-certified MWBE vendors. However, many community informants report the state certification program poses a barrier, especially for young businesses, as it is a complex and burdensome process requires a pre-existing and established financial history of several years simply to complete the application.<sup>186</sup>

As an alternative to the state certification, upstate governments such as the Cities of Syracuse and Albany and a joint City of Buffalo/Erie County program have developed their own local certification programs, which offer two principal benefits.

First, these create an easier and quicker route to securing local contracts and can also work as bridging certification, allowing businesses to win contracts and build their financial history as they move towards state certification.

Second, each municipality with local certification offers a directory of locally certified businesses. The City of Rochester has developed a list of state-certified MWBE businesses located in Monroe and surrounding counties that can be downloaded in spreadsheet format from its website, but the County does not appear to have a similar list available on its website.

## City of Syracuse

CGR spoke with the head of Syracuse's Department of Minority Affairs, Lamont Mitchell, who runs a one-person certification and compliance office for public construction projects. Local certifications are issues by the City of Syracuse. Onondaga County accepts Syracuse and NYS certifications and does not issue its own. Currently, around 260 business are certified and Mr. Mitchell estimates that he certified about 30 businesses in 2019.

## Percentage requirements in government contracting

City public construction projects require 20% MWBE participation, with goals of 12% minority-owned businesses and 8% women-owned businesses. Businesses owned by minority women may not be double-counted to fulfilling both requirements, but must be applied to only one of the two categories.

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<sup>186</sup> There are legitimate reasons for the intensity of this process, as some businesses have been accused of fraudulently representing their eligibility for MWBE work, including in the [Rochester area](#).

## Certification process

### Enactment

Syracuse's MWBE certification<sup>187</sup> was established in 1994 by city ordinance.<sup>188</sup>

### Location

MWBE business must be located in Onondaga County to be locally certified. Part of the rationale for this limitation is to ensure that the certification and compliance workload is manageable.

### Cost

There are no fees or processing costs associated with the application.

### Processing time

The certification process is targeted not to exceed 90 days. The head of the program states that applications can be certified within a week in some cases. There is a hearing process available for companies which are denied certification and wish to contest the decision, although Mr. Mitchell reports it has not been used during his tenure.

### Recertification

Businesses must be recertified by resubmitting the application every three years.

### Compliance checks

The office mostly performs its own compliance checks, but also hires independent contractors for large projects, like public schools projects. Compliance checks involve site visits to see who is actually performing the work and reviewing payroll information to verify that contractors are being paid as specified. There are also city residency requirements for some workers.

### Staffing

Syracuse has a one-person office with a budget of about \$80,000, covering the salary cost of the staff member, who is responsible for all compliance, certification and administrative work. He reports relying heavily on community partners to help support small business and estimates that a Rochester office, serving a proportionately larger population, would require two to three people.

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<sup>187</sup> [http://www.syracuse.ny.us/supplier\\_diversity\\_faq.aspx](http://www.syracuse.ny.us/supplier_diversity_faq.aspx)

<sup>188</sup> <http://www.syracuse.ny.us/pdfs/supplierDiversity/MWBEParticipationProgramOrdinance.pdf>

## General notes

Mr. Mitchell noted that certification does not, in itself, close the equity gap. More work and support has to be given to MWBE businesses to make them competitive – for instance, they must learn how to bid effectively for available jobs and build complete teams of workers who are ready to handle all required tasks.

## City of Albany

CGR spoke with Albany's Compliance Coordinator, Aindrea Richard, who handles MWBE certification matters for the city. Albany's certification program covers public construction projects. The list of locally certified MWBEs is a resource for prime contractors who are looking for MWBE firms to fulfill percentage requirements. There are currently 98 total Albany-certified MWBEs. The office certified 10 in 2019. Unlike Syracuse, Albany's program is not accepted by Albany County.

## Percentage requirements in government contracting

By law, city-funded construction contracts in Albany are required to have 7.5% of the contract paid to MWBEs, and 17.8% of the labor be performed by minorities and/or women.<sup>189</sup> The government is currently considering increasing the contract percentage to 15%.

## Certification process

Albany requires two years of tax returns for certification, although in some cases it accepts personal tax returns from someone who is just starting their business. There is no limit on profitability for companies to secure certification.

Ms. Richards states that Albany's application process is less complex than the state's certification process, but is similar in scope of questions and documentation requests and still requires a fair amount of work to complete. Businesses that are struggling with the application are directed to Albany-area organizations that will assist them with completing it.

## Enactment

MWBE labor utilization was established by ordinance in 1984.<sup>190</sup> The current compliance office and certification effort has been operating since approximately 2006.

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<sup>189</sup>

<https://www.albanyny.gov/Government/Departments/HumanResources/MinorityWomenOwnedBusinessEnterprises.aspx>

<sup>190</sup> <https://ecode360.com/7680274>

## Location

There are no geographic restrictions on who may be certified, and likewise, no priority or exclusivity granted to local MWBEs in the bidding process.

Ms. Richard indicated that she will sometimes reach out to local businesses that are state-certified but not locally certified to get them to apply for local certification, so they may be added to the list of local vendor available to prime contractors looking to fulfill their percentage requirements.

## Cost

There is no cost for City of Albany MWBE certification.

## Processing time

Ms. Richards reports that certifications are generally processed within three weeks, if the documentation is in order. Unlike a larger certification organization with strict rules, she has flexibility to assess the documents in a manner befitting the business's circumstances, e.g., adjusting contracting experience requirements for new businesses that have not yet received a lot of work.

## Staffing

The Compliance Coordinator position is a one-person office, with a budget just above \$50,000 for the salary cost of the staff member, who covers all MWBE work and other types of contract monitoring, such as Albany's living wage ordinance and apprenticeship requirements. Ms. Richard tracks and enforces compliance, collects documentation from contractors proving wages and payments, and submits a quarterly report to common council.

Ms. Richards estimates that 80% of her job involves MWBE certification. She describes this as a full-time job that is doable with one person, but would ideally have two, which would enable things like outreach to business that may qualify for MWBE certification, something not currently possible due to limited staff time.

## General notes

Ms. Richards noted that non-construction projects in Albany do not have MWBE requirements, just generic language encouraging MWBEs to apply. She stated that if all services and purchasing had MWBE requirements and a local contractor list and certification option, it would entail more work than a single employee could manage.

## Erie County/Buffalo

CGR spoke with James Blackwell, Director of Equal Employment Opportunity for Erie County. Erie County administers the local certification program that is also recognized by the City of Buffalo.

Unlike Syracuse and Albany's programs, Erie County's certification is decided by a Joint Certification Committee composed of four committee members, respectively representing Buffalo's Board of Education, Municipal Housing Authority, Sewer Authority, and City Hall's Chief Diversity Officer.

Erie County certifies about 60 businesses per year, roughly 5 per month, and expects the number to increase as more outreach is being done to business eligible for professional services contracts.

## Percentage requirements in government contracting

Every county department and agency must annually prepare and implement a plan to award 15% of the value of all contracts to MBEs and 5% to WBEs.<sup>191</sup>

MWBE requirements apply to construction contracting, as well as supplies, material, equipment and insurance purchases over \$15,000. They also apply to professional, technical and consulting services related to law, finance, information technology, accounting, and engineering outside of construction.

## Certification process

Companies seeking certification must have been in business for at least a year and supply the past two years of tax returns. As the certification program is aimed at supporting small businesses, there is a cap of \$15 million in net worth for the owner(s).

As well, applicants must give evidence of having performed at least three relevant contracts or proof of work on three different projects to prove they can do the work they're certified for.

## Enactment

MWBE utilization was established by a series of local Erie County laws dating back to 1978, most recently updated in 2005.<sup>192</sup>

## Location

For County capital projects, vendors must come from the County-certified list of MWBEs. Businesses do not need to be in Erie County to be certified on the list. However, staff state they "encourage businesses to have a presence in some form in

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<sup>191</sup> [https://www2.erie.gov/eoo/sites/www2.erie.gov/eoo/files/uploads/pdfs/LocalLaw\\_09-2005.pdf](https://www2.erie.gov/eoo/sites/www2.erie.gov/eoo/files/uploads/pdfs/LocalLaw_09-2005.pdf)

<sup>192</sup> [https://www2.erie.gov/eoo/sites/www2.erie.gov/eoo/files/uploads/pdfs/LocalLaw\\_09-2005.pdf](https://www2.erie.gov/eoo/sites/www2.erie.gov/eoo/files/uploads/pdfs/LocalLaw_09-2005.pdf)



the county, like renting a warehouse, etc., to make sure that money doesn't just flow out of the county."

## Cost

There is no cost to apply for Erie County MWBE certification.

## Processing time

As certification is voted on by the committee, processing time depends on how each application falls with the committee's monthly meeting schedule. Typically, it takes about 30 days for a business to be certified.

Applicants must appear in person before the Joint Certification Committee to present their business and answer questions.

## State reciprocity agreement

Erie County has a fast-track agreement with New York State wherein vendors filing for state certification may simultaneously submit an addendum applying to be certified by Erie County/City of Buffalo. Likewise, for locally certified businesses seeking state certification, Erie County will submit a letter indicating their local certification that expedites state certification.

## Staffing

The EEO office employs three full-time staff members. They estimate that roughly 50% of their time is given to certification matters.

## Aid with state certification

Buffalo's Beverly Gray Business Exchange Center helps small business in Western New York, with an emphasis on MWBE and Service-Disabled Veteran-Owned Businesses (SDVOB). Among its assets is a clear MWBE certification training guide<sup>193</sup> and checklist<sup>194</sup> that can serve as models for Rochester-area MWBE certification support organizations to similarly post.

# Rochester/Monroe County

The City of Rochester and Monroe County rely on state certification to determine business eligibility for MWBE contracting requirements.

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<sup>193</sup> <https://beverlygraycenter.com/app/uploads/2019/04/MWBE-Training-Guide.pdf>

<sup>194</sup> [https://beverlygraycenter.com/app/uploads/2019/04/MWBE-Checklist\\_bevgray.pdf](https://beverlygraycenter.com/app/uploads/2019/04/MWBE-Checklist_bevgray.pdf)

While some municipalities may grant priority or exclusivity to locally certified MWBEs, there is no reason Rochester and Monroe County need do so. Instead, local certification can simply complement state certification, as a stop-gap procedure less burdensome for local businesses as they navigate through the longer and more complex state certification process.

## MWBE Certification Recommendations

### **Recommendation #1 (Endorsed by the Business Development and Job Creation working groups)**

- Offer a local city/county MWBE certification option that is quicker and less burdensome than the state certification.

A local MWBE certification program should be designed to complement, rather than replace, state MWBE certification, and focus on helping young businesses get certified. This can be done by requiring less intensive detail, such as just a year of business tax returns, rather than the three years of business tax returns that state certification requires.

### **Recommendation #2 (Suggested by CGR)**

- Make comprehensive MWBE certification information more accessible on City of Rochester and Monroe County websites.

Both the city and county have webpages with some helpful MWBE information and links. However, for both, this information is not as comprehensive or focused as should be. On both the city and county websites, a search for “MWBE” should take the searcher to a webpage that includes a section briefly explaining New York State MWBE certification, and including links to the appropriate state website and to local organizations that can assist with the application process.

Similarly, we recommend that the county’s business resources webpage include links to MWBE information and the county’s Purchasing page or subpages clearly list MWBE percentage requirements for county contracts.

As well, both city and county MWBE pages should include links and information to help with overall business development. For example, while both the county and the city link to some important resources for certification and support, neither include links to SUNY Brockport’s Small Business Development Center – a public, taxpayer-funded state resource that helps with all stages of business develop, including MWBE certification.

A comprehensive list of public and private support organizations that will help with business development and mentorship and MWBE certification should be developed and hosted on both city and county websites.

## Older Adults Subcommittee

**Commission on Race and Structural Equity (RASE)  
of Rochester and Monroe County, New York**

**Human and Social Services Working Group  
Older Adults Subcommittee**

**Report and Recommendations**

**Subcommittee Charge**

The subcommittee was charged with examining issues of racial equity among older adults in our community. Specifically:

- Increasing poverty among older adults of color.
- Livable Communities Initiative.
- Location and operation of senior centers.
- Budget and priorities of the Monroe County Office for the Aging (MCOFA).

**Summary of Findings<sup>1</sup>**

The older population of Rochester and Monroe County is increasing rapidly and the rate of elder poverty is exploding, particularly within the City of Rochester. There are significant racial disparities of income and wealth between older African Americans and other people of color, and whites.

The Livable Communities for Older Adults Initiative, recently awarded a planning grant from Monroe County, will address many of the service and systemic needs of the elderly with a particular focus on older adults in need, a disproportionate number of which are African Americans and other people of color.

There are vast disparities in resources, physical space, and programs between senior centers located in the City and those in the suburban towns.

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<sup>1</sup> This “Report and Recommendations” is designed to be read along with the Subcommittee’s document “Older Adults in Rochester and Monroe County, New York: Basic Facts on Demographics and Racial Disparities.”

There is a need to construct better spaces for urban centers, as well as “reinvent” the very role and function of the centers as inequities are corrected.

The primary purpose of the Monroe County Office on the Aging (MCOFA) is to fund and oversee services provided by private, non-profit agencies. 85% of the county’s expenditures and programs for older adults are subcontracted to these non-profit agencies. A large portion of MCOFA’s budget is received from federal and state sources for specific programs, especially those in furtherance of the federal Older Americans Act.

Several themes about the administration of these services arose from interviewing officials and front line workers. They include:

- The need for better communication and information on available benefits and programs for front line workers.
- Language barriers to accessing services.
- A lack of independent issue advocacy on behalf of older adults, particularly for African Americans and other people of color, outside of MCOFA and the service providers.

### **Specific Needs**

The subcommittee identified many areas of specific needs of older adults, most of which contained considerable racial and ethnic inequities in their impact. They include but are not limited to:

#### **Access to health care**

- Affordable prescription drugs.
- High out-of-pocket expenses.
- Health care worker shortages, especially in home care.
- Quality of long term care, especially in nursing homes.
- Lack of support for family caregivers.

#### **Food and nutrition**

- “Food deserts.”
- Appealing and culturally appropriate meals.

#### **Transportation**

- Expansion beyond medical transport and geographic limits.

- Support for mobility management services.
- Subsidies for ride hailing services.

#### Housing

- High cost of utilities.
- Participation in STAR tax relief program.
- Home repair needs.
- Unenforced code violations by landlords.

#### Legal Services

- Expansion of available assistance.

#### “Digital divide”

- Computer and internet access.
- Skills training and support.
- In-person assistance in the absence of digital access.

#### Language barriers

- Primarily Spanish, but also other languages.

Many of these issues are to be addressed by the Livable Communities for Older Adults Initiative planning grant awarded by the county to a group headed by the United Way of Greater Rochester. Health care issues stand out as needing a separate strategy.

### **Recommendation #1: Champion the Livable Communities for Older Adults Initiative.**

Monroe County should support and enhance the planning and implementation of this program with a particular focus on those most in need, a disproportionate number of whom are people of color. The Livable Communities for Older Adults is a set of criteria set forth by the United Nations World Health Organization (WHO) and endorsed by the American Association of Retired Persons (AARP) which specifies eight domains:

- Outdoor spaces and buildings.
- Transportation.
- Housing.
- Social participation.
- Respect and social inclusion.

- Civic participation.
- Communication and information.-
- Community support and health services.

Monroe County recently awarded a planning grant for Livable Communities to a group led by the United Way of Greater Rochester. The grant calls for drafting a comprehensive plan for implementing the Livable Community criteria in our community. The plan is expected to be completed by the end of 2021.

The plan will focus the needs of poor elders, persons of color, and those with disabilities; and address racial and economic disparities that exist in Rochester and Monroe County. It is hoped that the Livable Communities approach will provide a broad and coordinated platform for all those involved in services to older adults in which to participate. More importantly, it will propose systemic changes in many areas of life for the elderly.

Implementation of Livable Community proposals should include the establishment of representative and diverse advisory boards with significant oversight responsibilities.

**Recommendation #2: Establish a “Navigator” training program and broader communication to front line workers.**

The MCOFA should establish a “navigator” training program and create information materials about available services and benefits for older adults. The navigator program could be modeled on the Affordable Care Act navigator role where front line workers were trained to assist consumers in accessing and choosing the best medical insurance plan to meet their needs. It could also be modeled on the highly successful “one stop” Elder Source program run by Lifespan and Catholic Family Services. The navigator program would train and orient all front line county and non-profit staff who have direct contact with older adults in their jobs, and provide the necessary resources for them to direct seniors to appropriate assistance.

The MCOFA should also be funded to embark on a multi-media educational program on available services and benefits, with particular focus on older adults of color.



The objective is to create and enable a more holistic approach by front line workers serving older adults, backed up by an improved communication program.

**Recommendation #3: Establish a health care for older adults task force.**

County and City governments should form a joint task force to examine issues of health care affecting older adults. The task force should seek input from health providers and non-profit agencies but not include any person employed or formerly employed by those organizations because of clear conflict of interest in advancing any system changing recommendations.

The health care task force would examine issues such as:

- Increasing participation in the EPIC prescription program.
- Researching the feasibility of a county sponsored pharmacy management program.
- Increasing the number of seniors with primary care providers.
- Increasing affordable participation in Medicare Part B.
- Inadequate health insurance coverage, “surprise” medical bills, and the impact of hospital observation unit billing and access to post hospital rehabilitation services.
- Health care worker shortages.
- Quality of care in skilled nursing facilities with a particular focus on the disparate treatment of African Americans in local long term care facilities.

**Recommendation #4: Enact contracting requirements that enhance racial equity.**

With over 85% of Monroe County services to older adults subcontracted to community based agencies (CBO) and businesses, the MCOFA should advance racial equity through its contracting and procurement policies and procedures. CBOs and businesses providing older adult services form a significant employment base and community leadership base in the community.

National studies demonstrate that an overwhelming majority of non-profit CBO executive leadership and boards are not representative of the

people they serve. Few even have a board diversity recruitment policy in place. By observation, these factors apply to Rochester area CBOs as well.

The MCOFA should survey all CBOs and businesses with which it contracts for older adult programs to determine whether each has a diversity, equity, and inclusion policy in place for both staff, executive leadership, and its board, as well as whether they comply with the proposed new contract requirements listed below. The MCOFA should also require that all CBOs and businesses with which it contracts shall submit its statistics on diversity for its board, senior leadership, and staff; and require that this data be submitted annually as a condition of the contract.

Monroe County should add to its contracting requirements:

- A diversity, equity, and inclusion policy in place covering staff and executive leadership.
- A diversity, equity, and inclusion policy in place covering board composition and recruitment.
- A conflict of interest disclosure of board members and significant funders in at least two categories: business interests and oversight responsibilities.
- Signing of the Employer Pledge of the Rochester Monroe Anti-Poverty Initiative (RMAPI).
- Paying wages at a self-sufficient level, providing affordable health insurance coverage and an employer financed retirement plan.
- Absence of a union avoidance program and absence of union avoidance consultant.

The MCOFA may provide model policy language for subcontractors to comply with these new requirements.

**Recommendation #5: Upgrade senior centers in neighborhoods of most need.**

Huge disparities exist in funding, programs, and physical structures between senior centers in the City of Rochester and their counterparts in wealthier suburbs. One senior advocate likened the situation to the disparities in resources between school districts in Monroe County. The largest source of funding for senior centers comes from the volume of free meals served each year. The county subcontracts with towns (suburbs) and

non-profit organizations (city) to fund senior centers. Many of the towns supplement this funding with their own tax revenues, resulting in significant disparities in physical space, programs, and other key features of the centers. There needs to be a realignment of funding for senior centers in Monroe County.

There also should be a “reinventing” of these centers to be more relevant to the needs and views of the elder communities that they serve.

The county should embark on a strategy to rebuild the physical infrastructure of centers whose buildings are lacking. This project could be analogous to the ambitious program of the Rochester City School District in rebuilding its school buildings.

Transportation for older adults to and from senior centers should be a priority.

Senior center programs should be designed to be “in tune” with the cultures and values of the local people that they serve.

**Recommendation #6: “Match” funding.**

Many of Monroe County services for older adults that are subcontracted to CBOs require the agency to match up to 25% of the program’s cost. For many CBOs, this requirement is an unsustainable burden. It also places those organizations without access to significant supplemental funding at a severe disadvantage in competing for contracts to provide services. This requirement also poses the risk of not being able to draw down all Federal and state dollars that are available for older adult services.

The county should develop a funding strategy, either public or private or combined, to lift the match burden from its services for older adults subcontractors.

**Recommendation #7: Address the “digital divide” for older adults.**

Access to internet and computer services are a significant issue for older adults. So is a lack of basic skills and support for their use. Current local efforts have prioritized households with school age children. Programs

have begun in conjunction with Action for a Better Community (ABC) and the Rochester Public Library System, with support from the Rochester Monroe Anti-Poverty Initiative (RMAPI), The Children's Agenda, and the Rochester City School District (RCSD). The MCOFA should be an active participant in these and other community efforts to bridge the "digital divide." It should formulate strategies to supply computers and training. It may establish a volunteer or student program to aid in training.

#### **Recommendation #8: Specific procedures for MCOFA**

- Put all MCOFA functions under "one roof."
- Create and maintain a MCOFA Facebook page.
- Provide materials in multiple languages.
- Streamline paperwork application processes and provide more assistance in their completion.
- Regularly seek stakeholder input on policy and procedures.

In addition, the county and city should develop new and innovative funding sources such as the health systems, insurance companies, and foundations to shift priorities toward preventive programs that address the underlying issues of health status, and racial disparities.

#### **Recommendation #9: Address the long-term condition of elder poverty by joining community efforts to raise wages and address employment discrimination.**

The disproportionately high rates of poverty among older Black Americans and other adults of color, and their greater need for services, is primarily caused by a lifetime of higher rates of:

- Employment in lower wage jobs.
- Employment in jobs without retirement benefits.
- Periods of unemployment.
- Periods of employment interrupted due to incarceration.
- Disability and lower health status.
- And lower rates of intergenerational wealth, due in part by redlining and other issues of housing discrimination.

There are no quick fixes for the massive income and wealth disparities in our society that are engineered into the fabric of structural racism and the

exploitation of labor, and that result in the desperate circumstances of so many of our older adults. But the only way to reduce these inequities in the next generation is to correct the current compensation structure of the workforce, while noting that many older adults are currently working in low wage jobs at well beyond “normal” retirement age.

In a previous generation, many of the disparities that we face today were reduced by the influence of an active union movement, but that movement has largely been destroyed in the private sector, and has been unable to set adequate standards in the now dominant service sector, and for the newer generation of older adults. For example, defined benefit pension plans, once prevalent in industrial age America, are all but absent everywhere but the public sector. So are retiree health benefits. Unions also played a measurable role in reducing racial and gender disparities in the workplace.

Nothing short of “making work pay” will solve the moral injustice of increasing poverty and disparities in the older adult population of Monroe County, a condition largely attributable to declining wages and benefits.

Therefore, both county and city governments should join and lead in all efforts to bring every job in Monroe County to a level of self-sufficient wages, comprehensive medical benefits, and retirement savings paid by the employer. One such effort is RMAPI’s employer pledge. Others include the “Fight for \$15” and the drive for a voluntary living wage paid by all employers.

#### **Recommendation #10: Lobby on Federal and state legislation.**

The MCOFA, or another appropriate office, should draft a list of state and federal legislation of benefit to older adults in our community, particularly those in poverty, and submit this list to Monroe County and the City of Rochester for inclusion in their lobbying agendas. The subcommittee has heard these following concerns regarding state and federal issues impacting older adults:

- End delays, often of long duration, in New York State payments to service providers. Only service providers with substantial cash reserves or outside funding can survive in this environment.

- Join with community allies, like the RMAPI, in opposing cross the board cuts in New York State funding for services to older adults and others in need.

- Enact tax credits and other supports for family caregivers.

- Reverse harmful SSA regulations that increase the likelihood that people will lose, or be unable to obtain, Social Security Disability Insurance or Supplemental Security Income benefits for which they are eligible.

- Protect and expand Social Security – increase benefits, especially for low-income beneficiaries, and make the Social Security Trust Fund solvent.

- Modernize the Supplemental Security Income program, through the SSI Restoration Act or other proposals, so that it more effectively helps those who are unable to earn enough to meet their basic needs.

- Increase Supplemental Nutrition Assistance Program (SNAP) benefits to older adults.

(The subcommittee is awaiting a list of additional relevant state legislation from the chair of the New York State Assembly Committee on Aging's staff.)

**Recommendation #11: Address issues laid bare by the COVID-19 pandemic.**

African Americans and Latinx residents of Monroe County have died at over twice the rate of whites from COVID-19. Their rates of hospitalization have been even higher.

A huge portion of COVID-19 deaths has occurred among the elderly, especially those residing in local nursing homes. By some estimates, that number has reached 50%.

Although the issue of racial disparity in COVID-19 death rates includes many factors (poverty, underlying conditions, health status, housing, types of jobs), there also appears to be a higher proportion of

African Americans who reside in more poorly rated nursing homes than whites, a probable contributing factor to this inequity.

The correlation between high minority death rates and patterns of nursing home composition and admission, including possible discrimination against Medicaid recipients, deserves a closer look.

County and state oversight of long-term care facilities proved inadequate to prevent the large number of deaths.

Monroe County must launch a full and independent investigation into the response and preparedness of local nursing homes to the pandemic. Such an investigation must exclude industry representatives and non-profit service agencies from the body conducting the investigation. County COVID-19 oversight of long-term care facilities contained very significant conflicts of interest among those charged with those duties.

Monroe County should issue COVID-19 surveillance data (race, ethnicity, age, etc.) on a more regular basis.

Monroe County must also draft a comprehensive preparedness plan for the possibility of future pandemics, with a priority for those most at risk: older adults, people of color, and the poor.

## **Resources and people consulted by the subcommittee.**

In addition to the considerable knowledge and experience that the subcommittee volunteers brought to the table, these studies were consulted:

- “Monroe County Transition Report” (Bello Transition Team, 2020)
- “Disrupt Disparities 2.0 Solutions for New Yorkers Age 50+” (AARP, 2020)
- “Disrupt Disparities 3.0 COVID-19 Wreaking Havoc on Communities of Color” (AARP, 2020)
- “American Tragedy: COVID-19 and Nursing Homes” (AARP Bulletin, December, 2020)
- “Age Wave - The changing demographic landscape of America and Greater Rochester” (Lifespan, 2015)
- “ALICE in New York: A Financial Hardship Study” (United Way of New York, 2020)
- “America's Opportunity Gaps: By the Numbers, Systemic Barriers to Equality of Opportunity for Black Americans and People of Color” (U.S. Chamber of Commerce, 2020)
- “Hard Facts Update: Race and Ethnicity in the Nine-County Greater Rochester Area” (ACT Rochester, RACF, 2020)
- “Profile of the Hispanic/Latino Community in Monroe County: A Demographic and Socioeconomic Analysis of Trends (Ibero American Action League, and La Cumbre, 2018)
- “Overloaded: The Heavy Toll of Poverty on Our Region's Health (Common Ground Health, 2019)
- “Health Equity in the Finger Lakes Region: A Chartbook (Common Ground Health)
- “Digital Divide in Rochester & Monroe County (RMAPI, RACF, ROC The Future, 2020)
- “Connecting, Supporting, Transforming - Together! (Connected Communities)
- “What Older Adults Need from Congress” (Justice in Aging, 2020)
- “RFP: Age Friendly Livable Community Initiative for Older Adults” (Monroe County, 2020)
- “MCOFA 2020-024 Four Year Plan Abstract” (Monroe County Office for Aging, 2020)
- “Building Stronger Families: 2018 Annual Report (Monroe County Department of Human Services)



“Racial and Ethnic Disparities in COVID-19 Infections and Deaths Across U.S. Nursing Homes” (Journal of the American Geriatrics Society, 2020)

**Individual people interviewed were from:**

Rochester, Monroe Aging Alliance  
Lifespan  
Monroe County Office for the Aging  
Monroe County Federation of Social Workers  
Former Director of the MCOFA  
Catholic Family Services  
Jewish Family Services  
NYS Assembly Committee on Aging  
Legal Assistance of Western NY  
Woods, Oviatt law firm.  
Long Term Community Care Coalition

**Members of the RASE Older Adults \***

Bruce Popper, chair, Retired, 1199SEIU United Healthcare Workers East  
Tracy Collins, Monroe County Office for the Aging  
Bill McDonald, The Aging Alliance  
Diana Simpatico, LifeResults  
Raquel Serrano, Ibero American Action League  
Rodney Young, United Way of Greater Rochester

\* Organizations are named for identification purposes only. All members of the subcommittee acted as individuals. The views expressed herein do not necessarily reflect the views of their respective organizations.

The chair wishes to thank the subcommittee members for the many hours they spent and the important contributions they made to this work.

## **“Parking Lot”**

Issues that arose that the subcommittee did not have adequate time to review include or decided to set aside:

- Monroe County Adult Protective Services.
- Relation of the Governor’s “Health Across All Policies” executive order. Livable Communities is likely to integrate this directive into its plan.
- Statistics on the use of hospital observation units and their impact on access to rehabilitation services, and billing to seniors not covered by Medicare Part B or other insurance.
- Establishing grandparent and caregiver support groups.
- Establishing a volunteer “buddy” system to look in on seniors living alone without family support.
- The idea of establishing an office of Elder Advocate.

## **Older Adults in Rochester and Monroe County, New York Basic Facts on Demographics and Racial Disparities**

### Basic Facts about Older Adults in Our Community

The older population of Rochester and Monroe County is increasing rapidly and the rate of elder poverty is exploding, particularly within the City of Rochester.

The population over age 60 in Monroe County has nearly doubled in the past 50 years from 97,000 to 184,000. The population over age 65 in Monroe County is projected to reach 214,000 by 2030.

Older adults currently constitute over 24% of Monroe County's population. By 2035, it is projected to grow to 27%.

21% of older adults have at least one disability.

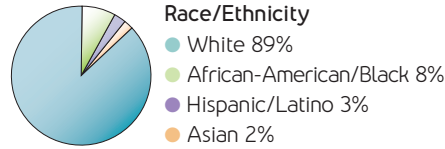
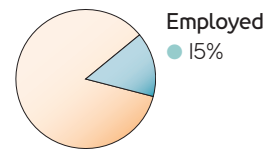
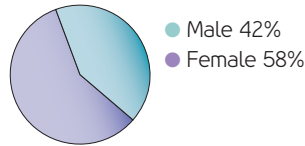
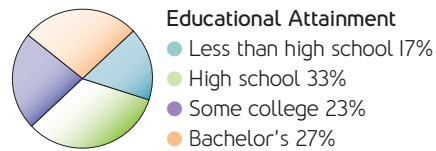
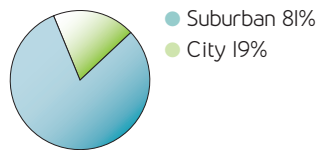
The older adult population within the City of Rochester increased 36% over the past decade, the highest rate of any major city in the state, despite a 2% decline in overall population. Older adults now account for 12% of the city's overall population, up from 9% a decade ago.

Rochester's older adults have the highest poverty rate of any city or county in the state at 31%, rising at an alarming 38% rate over the last ten years.

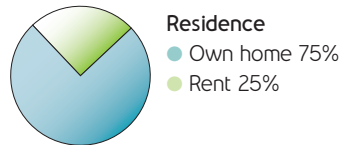
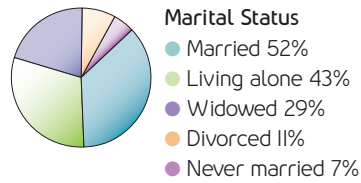
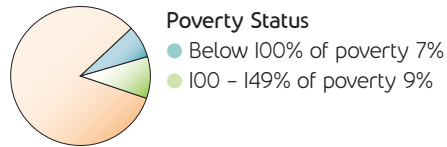
*(Thanks to Ann Marie Cook, Lifespan, for the above statistics).*

## Monroe County Quick Facts 65+

81% of people 65 or older live in suburban towns. 19% live within the city limits.

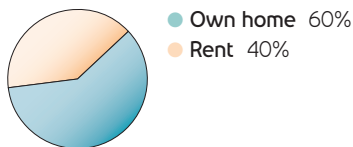
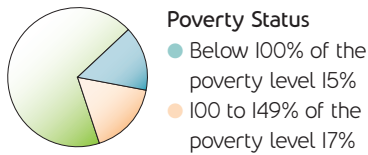
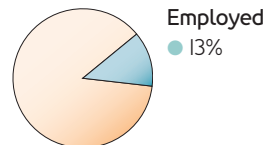
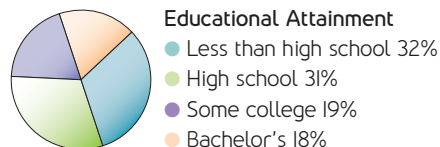
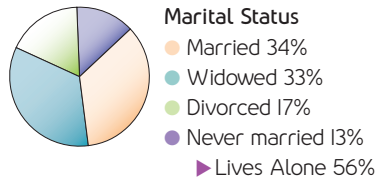
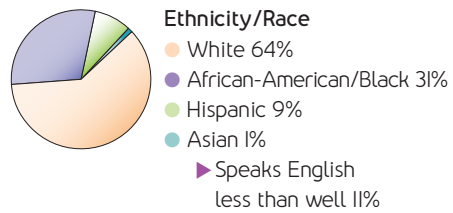
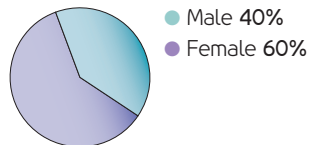


Speaks English less than well 6%



## City of Rochester Quick Facts 65+

65+ = 20,400 (10% of the total city population)



Statistical Sources:  
 A Profile of Older Americans, 2014.  
 U.S. Administration on Aging  
 U.S. Census 2010  
 American FactFinder, U.S. Census,  
 2009-2013 American Community  
 Survey 5-Year Estimates  
 New Realities of an Older America,  
 Stanford Center on Longevity, 2010.

*From Lifespan, "Age Wave: The changing demographic landscape of America and Greater Rochester," (2015).*

## National Facts on Racial Disparities Among Older Adults

There are significant racial disparities of wealth in America:

- At \$171,000, the net worth of a typical white family is nearly ten times greater than that of the average Black American family (\$17,150).

- In addition, Black Americans are much more likely to experience poverty: 21% of Black Americans and 8% of whites live below the poverty level.

- Wealth disparities are reflected in everything from retirement planning to homeownership to net worth. While 60% of white families contribute to retirement accounts, only about 33% of Black American families hold assets there. A recent report showed that Black Americans had balances of \$30,000 in their retirement accounts, while white women and men had balances of \$60,000 and \$101,000, respectively. As a result, Black Americans are at substantially greater risk of being poor in retirement.

*From U.S. Chamber of Commerce, “America’s Opportunity Gaps: By the Numbers; Systemic Barriers to Equality of Opportunity for Black Americans and People of Color,” (2020).*

Factors contributing to lower wealth and less retirement income for older Black Americans and other people of color include lower lifetime earnings due to higher rates of:

- Employment in lower wage jobs.
- Employment in jobs without retirement benefits.
- Periods of unemployment.
- Periods of employment interrupted due to incarceration.
- Disability and lower health status.
- And lower rates of intergenerational wealth.

The Social Security Administration estimates that 21% of married couples and 44% of single seniors rely on Social Security for 90% or more of their income.

# Racial Disparities in Our Nine County Region

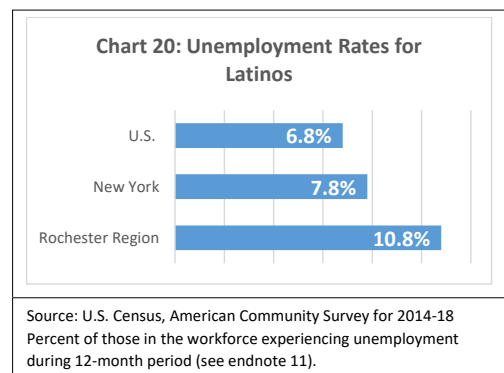
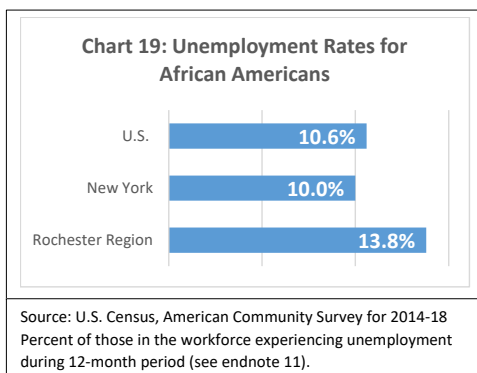
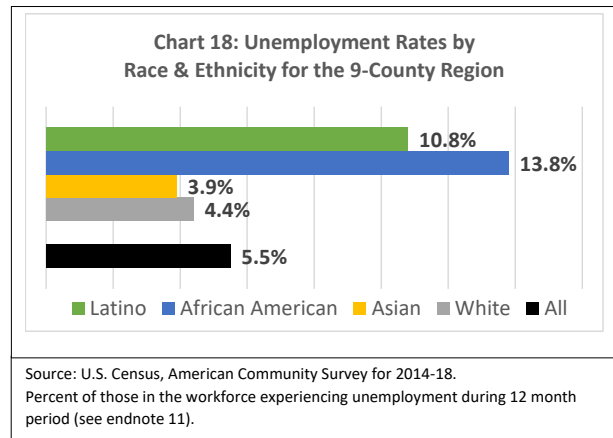
## Section 4: ECONOMIC WELL-BEING

### A. Unemployment<sup>13</sup>

Disparate economic outcomes in our region parallel the gaps seen in earlier life.

African Americans are about 3 times more likely to be unemployed compared with Whites in our region, while the gap for Latinos is about 2 ½ times (Chart 18).

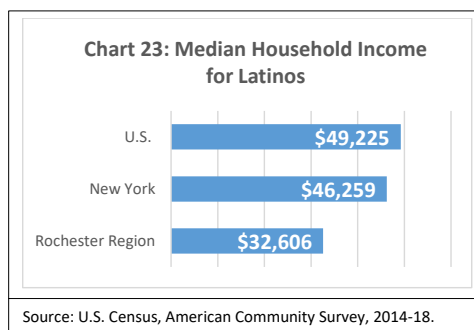
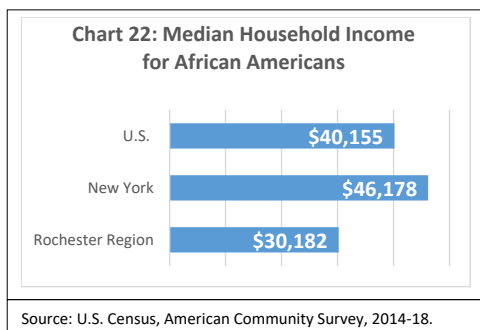
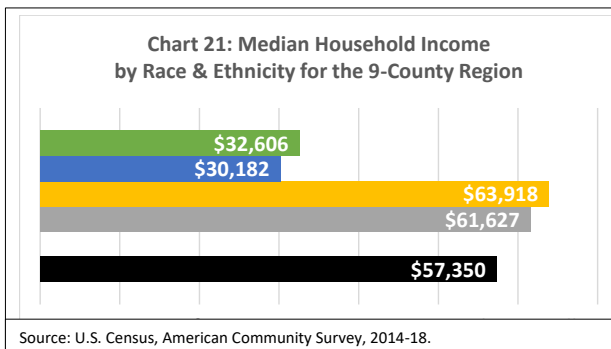
As shown in Charts 19 and 20, unemployment experiences for African Americans and Latinos in our region significantly exceed those of African Americans and Latinos in both the U.S. and NY State.



## B. Income

The median income for local African Americans amounts to less than 50% that of Whites. For Latinos, the median income is slightly higher than 50% that of Whites (Chart 21).

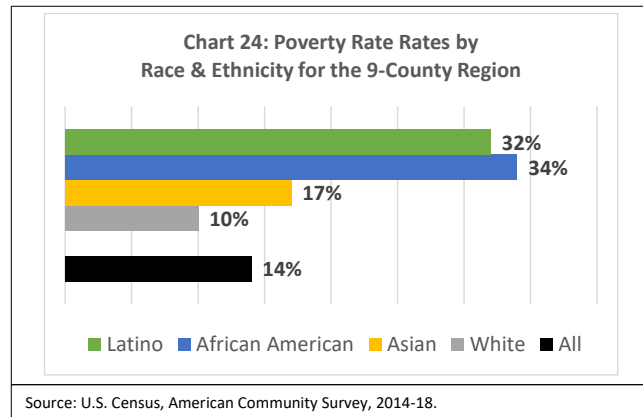
Incomes of local African Americans are equal to only 75% of Blacks nationwide. For Latinos incomes are even lower (66%) when compared with their counterparts nationwide (Charts 22 and 23).





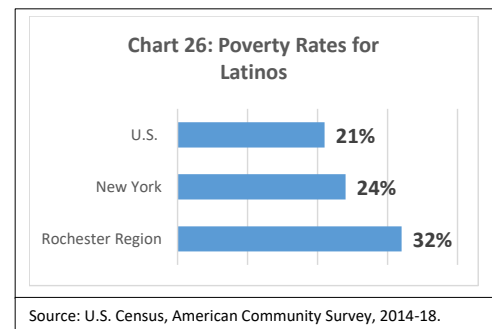
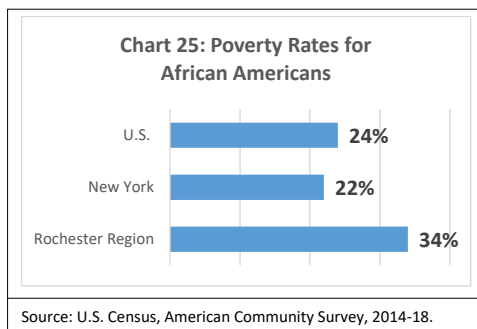
### C. Poverty

Chart 24 shows the dramatic – it would be fair to say extreme – disparity in poverty rates within the nine-county region. Both African Americans and Latinos experience poverty at a rate that is more than 3 times that of Whites. The data here is the percentage of all people in each racial and ethnic group with incomes below the federal poverty line -- well below what is required to meet basic needs<sup>5</sup>.



The poverty rate of African Americans in our region is 42% higher (10 percentage points) than experienced by African Americans in the U.S. It is 55% higher than the NY State mark (Chart 25).

The poverty rate for Latinos in our region is 52% higher than for Latinos in the U.S. and 33% higher than NY State (Chart 26).



#### D. Observations and Analysis

Economic disparities within our region and in comparison to the nation and state are extraordinary. These disparities – way out-of-line with the national and statewide experience – reflect a type of racism that must be stopped if our region is to prosper.

Consider a recent Brookings Institution finding regarding income disparity within Monroe County, our region's core county<sup>14</sup>. Of more than 3,100 counties in the nation, Monroe recorded the fifth highest income disparity between Whites and African Americans and Latinos.

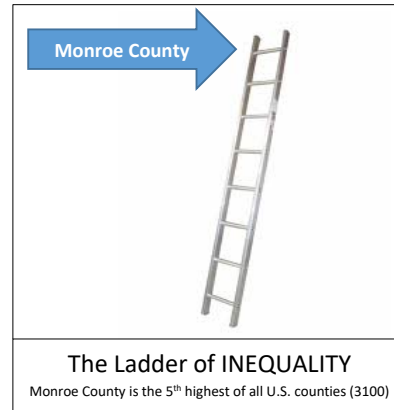
This places Monroe near the pinnacle of inequality. Statistically, this means that 99.840815% of all American counties have a more equitable income distribution when it comes to race.

Compared with the 2017 *Hard Facts* report, this data reflects very minor improvements in economic disparity. This is especially the case in the unemployment rate gap, which shrunk by 2.6 percentage points for African Americans and less than 1 percentage point for Latinos. African American incomes rose very slightly compared with Whites, but Latino incomes declined very slightly compared with Whites. The poverty rate gap between Whites and both African Americans and Latinos declined by 1 percentage point.

Unfortunately, gains by African Americans and Latinos nationwide and statewide outpaced those in our region. While the changes are too small to be considered statistically significant, trends should be watched to see if they continue.

None of the economic indicators above reflect the impact of the COVID-19 virus. It has been widely reported that these impacts have disproportionately hit African Americans and Latinos. Data from the Monroe County Public Health Department shows that through mid-July of 2020, compared with Whites, African Americans experienced 4 times as many COVID-19 cases, nearly 5 times the COVID-19 hospitalization rate, and 2.3 times the COVID-19 death rate. For Latinos, the case rate compared to Whites was 2 ½ times higher, and the hospitalization rate was 3.3 times higher. The Latino COVID-19 death rate was not reported as the data was not considered to be stable given the small number of deaths<sup>15</sup>.

The economic impacts of the COVID-19 pandemic will almost certainly be felt more dramatically by People of Color. Current reports already indicate a disproportionate impact on unemployment<sup>16</sup>. The long-term impact of the virus and the recovery should be monitored closely.



*From ACT Rochester/The Community Foundation, “Hard Facts Update: Race and Ethnicity in the Nine-County Greater Rochester Area,” (August, 2020).*

42% of households in Monroe County do not have income sufficient to meet basic needs (housing, child care, food, transportation, health care, technology, taxes, and other).

*From United Way, “ALICE in New York: A Financial Hardship Study,” (2020).*

Poverty rates in Monroe County:

Black 35%, Latinx 33%, Asian 16%, White 10%

Median household income in Monroe County:

Black \$30k, Latinx \$31k, Asian \$62k, White \$65k

Participation in Supplemental Nutritional Assistance Program (SNAP)

Black 43%, Latinx 41%, Asian 12%, White 10%

*From Center for Governmental Research, “Key Statistics on Disparities – Human Services,” prepared for RASE Commission (2020).*

### Specific impacts of racial disparities and poverty on older adults in NYS

#### Prescription drug costs

Elderly who went without medication over a recent 12 month period:

Black 41%, Latinx 32%, Overall 23%

Elderly who did not fill an insulin prescription due to price increase:

Black 20%, Latinx 24%, White 14%

#### Caregiving

Percent of income spent by family caregivers:

Black 34%, Latinx 44%, White 14%

## Utilities

Elderly difficulty paying utility bills:

Black 47%, Latinx 40%, Elderly Overall 34%, Overall 24%

*From AARP New York, "Disrupt Disparities 2.0: Solutions for New Yorkers Age 50+."*

## The "Digital Divide"

Income - 38% of Roc and MC households with <\$20 k income have no internet subscription.

Age - 34% of Roc people >65 years of age have no internet access of any type. 24% of Roc people >65 years of age have no computer nor smart phone.

Race – No internet of any type Roc: Black 20%, Latinx 18%, white 10%. No computer nor smartphone Roc: Black 11%, Latinx 8%, white 6%.

## Impact of COVID-19 on Older Adults and People of Color = Disparities on Steroids

### **Racial Disparities Related to COVID-19 in Monroe County, New York**

African Americans have died from COVID-19 at 2.6 times the rate of whites in Monroe County. African Americans have been hospitalized from COVID-19 at 4.75 times the rate of whites in Monroe County.

- See latest "Monroe County COVID-19 Surveillance," UPMC Center for Community Health (October 7, 2020) page 5.

The COVID-19 pandemic has shown a light on the many problems of nursing homes in New York State including infection control, staffing levels, and accountability. Over 6600 nursing home residents have died from COVID-19 in New York State. Over 40% of COVID-19 deaths in Monroe County have occurred among nursing home residents. The number of COVID-19 fatalities of nursing home residents is considered to be lower

than the actual number as many residents were transferred to hospitals where they died of COVID; these deaths are not counted as nursing home deaths.

- See "Nursing Home and ACF COVID Related Deaths Statewide," NYSDOH (October 18, 2020).

The quality of nursing homes in Monroe County vary from “much below average” (1 star) to “much above average” (5 star) based on Centers for Medicare and Medicaid Services (CMS) quality star ratings. SFF stands for "special focus facility," a status reserved for the worst conditions and requiring extra scrutiny by the NYSDOH.

- Elder Justice Committee has developed a list of Monroe County nursing homes with their star ratings.

African Americans are more likely to reside in nursing homes with poorer quality ratings which are primarily located in the city.

- See Elder Justice's analysis of racial data of nursing home residents in the city and suburbs of Rochester and their respective quality ratings.

Conclusion: This data would lead one to conclude that there is a very substantial racial inequity in nursing home care for African Americans in our community. Coupled with the COVID-19 pandemic, this inequity has resulted in a huge disparity in the death rates of African Americans compared to whites in Monroe County. The relationship of nursing home quality of care and the deaths of African American needs the attention of county health authorities, including intervention, and correction. It also suggests a need to investigate discrimination in nursing home admissions based on payer status between Medicaid recipients and private pay/insured applicants.

*From the Elder Justice Committee of Metro Justice, submitted to the RASE Commission (October 27, 2020).*

*Add information from “Disrupt Disparities 3.0: COVID-19 Wreaking Havoc on Communities of Color.*