



City of Saratoga Springs

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SARATOGA SPRINGS POLICE REFORM TASK FORCE

August 19, 2020

PRESENT: Vince DeLeonardis, Chair
Camille Daniels – Vice Chair
Winston Grady-Willis
Terry Diggory
Daesha Devon Harris
Chuck Caputo
Shane Crooks
Jason Golub
Andrew Sephas
Cecilia Hayes
Steven Boxley
Kimberly A. Galvin
Kristen Dart

CALL TO ORDER

Vince DeLeonardis called the meeting to order at 5:39 p.m.

INTRODUCTION / OPENING REMARKS

Vince DeLeonardis welcomed everyone to the meeting and reviewed the procedures needed to be complied with concerning COVID-19. He advised that tonight's meeting would be mostly introductory and that all agendas and minutes would be available on the City's website. He also advised that all meetings would be open and available to the public in accordance with the Governor's executive order concerning attendance and, in that regard, meetings would be video recorded and posted on the City's website within 24 hours and minutes would be taken. Livestreaming capabilities at the Casino are not currently available but the ability to livestream is being further investigated. He stated that

any member of the public who wished to livestream to social media during the meeting would be welcome to do so.

Mr. DeLeonardis advised that public comment would be heard at every meeting and that anyone not able to attend the meeting can direct any public comments to him directly, either by mail or email, and they would be made available to the task force members and posted on the website.

Introductions and opening remarks were then made by Mr. DeLeonardis and each of the task force members.

REVIEW SCOPE OF WORK – NY EXECUTIVE ORDER 203

Mr. DeLeonardis reviewed NYS Executive Order 203 with the members of the task force and public and pointed out that the task force, in developing their plan, is required to consider numerous evidence-based policing strategies, including, but not limited to, use of force policies, studies addressing systemic racial bias or racial justice in policing and as well as others. The task force is required to consult with members of the community, including, but not limited to, faith-based community groups, the local offices of the district attorney and public defender to create a plan to adopt and implement the recommendations from its reviews. The plan must be offered to the public for comment and after consideration of the public's comments, presented to City Council for their action by April 1, 2021. That in order for this to be accomplished in the timeframe set by Executive Order 203, the task force should have their work effectively completed by the first part of February.

Mr. DeLeonardis stated that there is a tremendous amount of work ahead of them and it should be decided as to how the task force should proceed to accomplish this. There are approximately 140 policies, some of which are not relevant to the task before them, such as Dress Code. He stated that one thought is to begin with some of the more important policies, such as Use of Force, and advised that Chief Shane Crooks had brought some of those policies with him.

Chief Shane Crooks listed the policies he had brought (Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Devices and advised that these policies are available online.

Mr. DeLeonardis said that these policies could be reviewed with model policies and asked if anyone had any thoughts or opinions on proceeding in this way.

Jason Golub agreed that it would be beneficial to look over all of the policies and prioritize them, but at the same time, in his opinion, the task force cannot lose sight of the broader issues, such as accountability and transparency. The problem with focusing on a single policy is that it might look great on paper but in practice it's a different situation

Mr. DeLeonardis commented that it won't be just policies that are reviewed. It will be strategies, procedures, practices in the police department and utilizing these initial policies is a good starting point and asked what the other members thought about this.

Daesha Devon Harris asked what the timeframe is to review the policies.

Mr. DeLeonardis replied that they had a 6 months window to complete the entire task outlined a moment ago and the timeframe would have to be something that would have to be focused on by the group. In looking at the future meeting schedule how often should they meet?

Camille Daniels asked when the rest of the police policies will be available.

Chief Crooks advised that he anticipated all policies will be available online within the next two weeks. The policies are being reviewed for redaction to remove any information that should not be released to the public. As of now, the only information that has been redacted is a small section of the body camera policy that explains how to log into the system. Everything else is being released.

Winston Grady-Willis commented that communication between the chair and vice chair is important in order to keep the task force moving forward. It was suggested that at some point communications concerning the relationship between Saratoga County Sheriff's Department and the City should be addressed.

A member of the public asked for clarification as to what policies were going to be released and when those policies would be released.

Chief Crooks commented that all of their policies were going to be released but they needed to be reviewed and redacted first to make sure there is nothing contained in the policies, such as how to log into the body camera system is released to the public. There are currently 80 or 81 policies available as of now.

The member of the public questioned Chief Crooks about the release of Policy 692 concerning the selection of personnel for the police department and the posting of Civil Service Exams. Mr. DeLeonardis advised that there will be an opportunity for every member of the public to speak and asked that the public please wait until the time allotted for public comment so that they could approach the microphone and everyone can hear them. Another member of the public commented that they were not able to hear the comments being made. Ms. Daniels reiterated they are not hearing public comment now and that the public needs to wait until the public comment period and they would be free to ask their questions at that time.

Kimberly Galvin suggested that some individuals may have a particular interest or background to lend themselves more appropriate to be a “point person” in some instances. She doesn’t feel that there is anything wrong with breaking into groups on some issues and then presenting back to the whole panel and getting feedback that way. If everyone takes a lead it might lessen the load on the totality of the people and may be something that should be considered in order to move some of the mundane things along. Mr. DeLeonardis stated that was fair and they should look into breaking into groups and subgroups concerning different aspects.

He stated that when they got to the part of interviewing and consulting with community members, a discussion is needed as to who and what groups and community members are appropriate. He asked for everyone’s opinion concerning community interaction at full meetings versus sub-committee meetings as community interaction is beneficial. Ms. Galvin agreed and suggested that perhaps certain meetings could be set aside to just listen and then take it back and discuss it amongst themselves and come up with ideas as opposed to trying to answer questions “ad hoc”. This may be a way to maximize the time they have.

Terry Diggory suggested that instead of coming up with all of the possible questions they may want to address now, that perhaps between now and the next meeting they invite email input among the members of the task force that they could contribute what they are concerned about in terms of questions. Some of the questions may bear to policy issues that are not covered in the current policies. He commented that data is also needed. What is happening in the city concerning law enforcement? What data is available concerning incidents of interaction between the community and police? This is a whole area of questions that could possibly be addressed. He reiterated Kristen Dart’s comments that the document issued by the Governor’s office to complement the Executive Order would be valuable as a “tool kit”. It has a structure to it and questions that could be moved through in an orderly way to possibly help in setting up future agendas.

Mr. DeLeonardis advised that this resource guide was just released by the Governor’s Office on August 18th and thanked Kristen Dart for bringing that to the task force’s attention.

FUTURE MEETINGS SCHEDULE / FORMAT

Mr. DeLeonardis questioned the task force about a weekly schedule and asked if that worked for everyone. Would they be willing to commit to a weekly schedule or should they start with biweekly meetings?

Andrew Sephas asked if the policies that were to be discussed weekly were to be discussed with the community. Mr. DeLeonardis advised that they were. Mr. Sephas indicated that the policies to be reviewed should be provided to the task

force first for review and discussion and then they would be in a better position to address the public. He commented that to be fully involved he needs to be fully aware of what needs to be changed.

Mr. Golub commented that choosing three to five policies that are critical policies and focus on them and bring the changes that they feel will improve the policy to the group and then the public can react to that. If the body camera policy is reviewed he would feel more comfortable having the public react to how they propose to make it better than react to how it is today. If three of the task force take that policy and focus on what is the best practice for this policy and then bring it back to the group, bring it back to the group and then public comment, more progress would be made.

Chuck Caputo commented that he liked that approach very much. His concern is how to maximize the input from the community in a structured way that allows everyone to give their creative ideas. He doesn't want to lose the opportunity to hear what the pieces are that really matter most and it might be more beneficial to meet more frequently in the beginning.

A member of the public commented on community input is needed to be beneficial to the Task Force.

Mr. DeLeonardis suggested that perhaps the next meeting should be just public forum. Mr. Caputo suggested that perhaps the two hour meetings could be one-half task force review of policy and procedure pursuant to the Executive Order and the other one-half public comment.

Mr. Sephas wanted to clarify his opinion that policies should be available ahead of time to allow for adequate review by both the Task Force and the public.

Ms. Daniels requested that they return to the agenda items and reminded everyone that this initial meeting was primarily an administrative meeting and asked the public to bear with them during this meeting. She suggested that in order to be effective they needed to understand what their scope of work is.

Ms. Dart stated that in order to do what the Executive Order has asked them to do that the next meeting be used to discuss policy overview and the order of policy review. It would be beneficial for the public to know the topic that would be discussed during these meetings so they would be informed and able to comment on the topic being reviewed.

Mr. DeLeonardis agreed and stated that he would ask Chief Crooks to gather the documents for the next meeting. He stated that their scope of work is laid out in the Executive Order. He suggested that the table of contents from the Police Policies be emailed to each member for review for use in formulating future agendas.

Ms. Daniels advised she liked that idea. An agenda which details exactly what they are reviewing would be beneficial.

Kimberly A. Galvin advised that she would be happy to go through the Executive Order and list its requirements.

Mr. Caputo stated that it would be beneficial for them to be familiar with the Resource Guide and to try and determine how to incorporate the suggestions for their benefit.

Ms. Daniels stated that a shared document space would be beneficial to the task force, something that would be available to everyone, and asked what resources the City had available. She suggested that Google Docs is an option as it has the ability for transparency and ease of use for the task members. Documents such as the table of contents for the policies could be linked to the documents that are online, shared electronic workspace and would allow availability to the public to see what is being worked on.

Mr. DeLeonardis advised that he would check with the City's IT department to see what resources are available.

Ms. Daniels asked how future meetings should proceed. What options are available if in person attendance is not an option? Zoom capabilities should be looked into for the meetings. How frequently should meetings be held? Should meetings be held weekly and then taper off? Future meeting schedule needs to be posted.

Ms. Harris asked if meetings were to be bi-weekly would they start September 16th and stated that would be her preference.

Mr. Sephas advised that initially the meeting were to start September 16th.

Mr. DeLeonardis asked what the preference was.

Mr. Grady-Willis suggested that the next public meeting should be September 16th but in the interim the task force should meet at least once before the next meeting, even if just by way of Zoom, to review and do some necessary work.

Ms. Galvin disagreed stating that they should take the policies that were provided by Chief Crooks today and the Governor's suggested format and meet on Zoom to set a schedule and go over and finalize a schedule. Then the schedule should be posted to allow for the public to have an understanding of what the topics are and be informed. She also stated that Zoom meetings could be more accommodating for members who have to travel to get to the meetings by 5:30 or have other scheduled activities that wouldn't permit them to attend a meeting.

Mr. DeLeonardis stated that there was a lot to review before September 16th and asked if everyone was in agreement for the next public meeting to be on the 16th.

Ms. Dart suggested that they not wait until September 16th for the next public meeting and stated that they should have a least one more meeting before the next public meeting as there is a tremendous amount of work to be done and doesn't feel that waiting a month before the next meeting would be beneficial.

Mr. DeLeonardis suggested that perhaps the next public meeting should be just a public forum and asked for opinions in that regard.

Ms. Daniels stated that she wanted to be clearer about the task they have been charged with and feels that the public comment would be well served and useful if they stayed on task with the agenda.

Ms. Galvin stated that by listening to the public comments prior to reviewing the policies, for her, it is more beneficial as she recalls the comments made while reviewing the policies.

Mr. Sephas again stated that he would like what is to be reviewed beforehand and can meet whenever the schedule is set for.

Mr. Caputo stated that hearing from the public concerning a particular incident while reviewing a policy would be very helpful in their review. Not only are policies to be reviewed but practices need to be reviewed as well.

Mr. DeLeonardis suggested that the policies that the Chief brought be their starting point for review so that the public is aware of what is to be reviewed at the next meeting. He stated that he would work with the Chief in getting a data overview to the members and the public which would be beneficial. It could then be conveyed into discussion with the public and the task force. He suggested the next meeting be scheduled for August 26th and advised that these polices would be posted online and available if acceptable.

Mr. Grady-Willis requested that the meeting be scheduled for two weeks out to allow enough time for them to review those polices and do some due diligence. If the consensus is to meet next week he is agreeable, but feels that two weeks would be more beneficial.

Mr. DeLeonardis stated that the next meeting would be Wednesday, September 2nd and asked if everyone was agreeable with that.

Mr. Golub advised he was agreeable with September 2nd as long as there was a well-defined agenda for the meeting.

Mr. DeLeonardis reiterated that he would have Chief Crooks provide the policies he brought and that those policies and data would be reviewed at the next meeting.

Ms. Harris asked if the City would be able to provide the Resource Guide to the task members.

Mr. DeLeonardis stated that it would be as well as being available on the City Task Force page and available for the public as well.

Mr. Grady-Willis asked for clarification as to what the format of the meetings will be going forward.

Mr. DeLeonardis stated that the meeting would be held in person at the Casino.

PUBLIC COMMENTS

Mr. DeLeonardis thanked everyone for their patience and opened public comment. He asked for a show of hands as to approximately how many wished to make public comment and asked that they proceed.

Shawn Wiggins commented that a clearer agenda was needed and that it needed to be stuck to. They were coming together to offer solutions and not attack, but they needed to be more informed prior to the meetings.

Lexis Figuereo commented that the public should have more input. Younger people should be a part of the task force.

Mr. Golub stated that it would be beneficial to have subcommittees work with members of the public to come back to the committee.

Christina commented that the committee should have been chosen by the people.

Mr. Sephas commented that because he is 55 years old does this make him unsuitable to be on the committee?

Lexis Figuereo commented that more diversity was needed on the committee. He also commented that Commissioner Dalton should be present. Use of force at future protests needed to be addressed and asked what policies were going to be reviewed.

Mr. DeLeonardis advised that all policies would be available online and provided for review but these were just the first policies that were going to be reviewed. The committee was appointed due to the value they have to offer and that community involvement was critical. This was an organizational meeting and the public needs to bear with them.

Lexis Figuereo commented that there needed to be better transparency as to where the meetings would be held and the times for the meetings.

Mr. DeLeonardis stated that all of the meetings will be public, all of the agendas will be posted for review and documents will be made available.

Ms. Dart commented that the committee was holding themselves accountable and the task force were committed.

John Schroeder thanked the committee and asked that Commissioner Dalton release 3 documents to increase transparency:

- 1) Post all 146 Policies
- 2) Release the policies as they were; and
- 3) Post the Lexipol contract.

Mr. Schroeder commented on an article concerning Lexipol. He asked that the task force explore alternative police policies available.

Ms. Daniels asked Mr. Schroeder to email a link to the article he referenced.

Mr. DeLeonardis asked that the article be emailed to him to share with the task force.

Nate thanked the committee and committed on race biases in the City and commented on the county's presence at the protests.

Hollyday Hammond commented that the public cannot hear and asked what is being talked about in regard to data and will the data be accurate. People do not feel they can come to the police department with concerns.

Joy King commented that Saratoga was losing its identity. Her father was a police officer and that's different than a cop. Was glad to see fresh faces on the committee and that the committee should meet as much as possible to complete this task. The public needs to be heard but must respect the task force and the task force must get the agendas fine-tuned. Younger kids need to be heard by way of a subcommittee of younger kids.

Ms. Galvin commented that initially the first meeting was to take place on a future date and then moved to this evening without notice which is why there didn't appear to have any organization.

A member of the public commented that a community forum was needed first before the task force could move forward.

ADJOURNMENT

Mr. DeLeonardis confirmed the next meeting was scheduled for Wednesday, September 2nd and adjourned the meeting at 7:47.

Prepared by: Robin McFee, Executive Assistant, Saratoga Springs City Attorney's Office
Approved 09/09/2020
13-0

Zimbra**robin.mcfee@saratoga-springs.org**

Fwd: Public Statement

From : Vincent DeLeonardis <vincent.deleonardis@saratoga-springs.org>

Fri, Aug 28, 2020 11:25 AM

Subject : Fwd: Public Statement**To :** Robin McFee <robin.mcfee@saratoga-springs.org>

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From: "John Schroeder" <john.a.schroeder@gmail.com>
To: "vince deleonardis" <vince.deleonardis@saratoga-springs.org>
Sent: Thursday, August 20, 2020 5:52:51 PM
Subject: Public Statement

CAUTION: This email originated outside of the City network. Please contact IT Support if you need assistance determining if it's a threat before opening attachments or clicking any links.

Mr. DeLeonardis,
Please find below my public statement from yesterday's police task force reform meeting for inclusion in the minutes.

Sincerely,

John Schroeder

Public Statement - August 19, 2020

First I'd like to thank all the members of the task force for their service to help improve how our city is policed. We have a unique opportunity in front of us to effect positive change and build trust in our police force.

I'm asking Public Safety Commissioner Dalton and the City of Saratoga Springs to release three documents that will increase the level of transparency and integrity surrounding this process:

1. Post all 146 police policies. I understand you have committed this afternoon to posting them all within the next two weeks.
2. Release the entire set of police policies in effect on the day before Commissioner Dalton took office so the community can see exactly what, if anything, has been changed.
3. Post the contract with Lexipol, the private company that the city has contracted with to manage our police policies.

Lexipol, for those not familiar with it, is a company at the center of the policing debate and one that has generated controversy across the country. In one high profile example, Mayor Pete Buttigieg's campaign was suspended after a white police officer shot and killed a 54-year-old Black man. The officer's body camera was off, which can be traced directly back to South Bend's Lexipol-based police policies. The Texas Law Review published Lexipol: The Privatization of Police Policymaking, which analyzes the growing practice of privatizing police policymaking. I would encourage you all to read it.

The goal of Lexipol's procedures is protecting municipalities from lawsuits. Unfortunately that's often at the expense of protecting residents from unnecessary force.

Lexipol's preferred method to avoid lawsuits is to use non-binding language. In a 2017 blog post, Lexipol's CEO warned cities against using words like "shall" and "necessary", which make provisions mandatory rather than optional. The Lexipol blog post was in response to the recommendations of the National Consensus Policy on Use of Force, a model policy published by 11 law enforcement organizations, including the Fraternal Order of Police and the International Association of Chiefs of Police.

I encourage this task force to explore alternative model police policies instead of moving forward with lexipol's templates.

Thank you. I look forward to following your progress and good work.

John Schroeder
Mobile: +1-410-585-4848

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