



City of Saratoga Springs

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SARATOGA SPRINGS POLICE REFORM TASK FORCE

September 2, 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

EXCUSED: Kristen Dart

CALL TO ORDER

Vince DeLeonardis called the meeting to order at 5:35 p.m.

Mr. DeLeonardis apologized for the bad audio from the last task force meeting and advised that DPW has been in to work on the audio capabilities. He advised that, if comfortable, it would be helpful if masks were removed when speaking and if everyone could speak as clearly and loudly as possible would also help as well. Mr. DeLeonardis stated that the task force meetings would be taking place at the Casino for at least another few weeks while City Hall is being completed. Once the meetings are moved to City Hall it will be better and improved and live streaming capabilities will be available. The City's website now has a direct link to the Police Reform Task Force page which contains the documents being discussed and there is a public comment section added. All public comments submitted in writing to date will be added to this section. As of this evening, all

but four of the SSPD are now also available online for review.

Mr. DeLeonardis then stated that public comment will take place in two 15 minute portions, one before task force member discussions and one following. He then invited anyone from the public to speak.

PUBLIC COMMENTS

Lexis Figuereo inquired as to what had been discussed and what progress the task force had made since last meeting.

Mr. DeLeonardis advised Mr. Figuereo that this was a time for the public to make comments to the task force.

Mr. Figuereo than asked again what progress had been done, what future plans are and how many times has the task force met. He asked why there were board members absent that were supposed to be dedicated to the task force and should be at all the meetings, no excuses, as this was very important. Mr. Figuereo stated that he felt he should be on the task force as he has a big part in a lot of these changes and would have demanded these changes whether Governor Cuomo required it or not. He wanted to know what was happening with Lexipol and with the protest. Mr. Figuereo stated that there was a protest held on Monday that was very peaceful except for the pro Trumpers and pro Black the Blue supporters that were antagonizing them. He asked what the feelings were towards the Blue Lives Matter and if this is something that Saratoga should be dealing with or just a slap in the face of Black Lives Matter. Mr. Figuereo inquired why there were military vehicles present for a peaceful protest, why is taxpayers' money being wasted for the presence of so many police officers and these vehicles and what the cost of having those vehicles present was.

Samantha inquired as to when the schedule for the policies being reviewed would be posted and available. She also wondered when and where the videos for the meeting would be available for viewing.

Samantha commented that on their way back from the protest on Monday a man was found to be in distress and two mounted police officers were approached about this. The police officers did not assist and the Lake Avenue Fire Department assisted before the officers that were present and stated that this was a very frustrating situation.

Andrew commented that he was an industrial process expert and thought it would be helpful to give his view on some of the policies being looked into. He noticed that the policy for control devices states that the use of pepper projectiles and spray were not to be used on people unless they were committing a violent act or attack on someone. Andrew said that these were used at the non-violent protest by the Saratoga County Sheriff's Department and asked if the policies they have

are even being followed. Under the use of force policy any member of the SSPD present was required to report this use to a supervisor. Andrew asked if there were any reports taken and why was the Sheriff's Department allowed to be present if they are not held to the same standards the police are being held to.

Nora Brennan commented that the use of force policy first published in July has been modified to the policy published in August and that the policies are already being modified. She stated that the current use of force policy has a late reference to de-escalation. Ms. Brennan inquired as to how long these policies have been in place and are they in place on the day they are published? She asked if that was the case, then what was the policy in May. Ms. Brennan stated that they were told the policies would be made available and that they are but that it is important to see the past policies as well. Ms. Brennan stated that if changes are being made to the policies, more transparency is needed for the public.

Chandler Hickenbottem commented that if the armored vehicles are present only for crowd control purposes, why are they never present for any SPAC concerts. Ms. Hickenbottem stated that if the vehicles are only being used for crowd control, why are they not present at any Dave Matthews concerts, which has the highest number of arrests for any weekend. She asked why the armored vehicles are being called out for peaceful protests but not for people drunk at concerts or Travers and does not understand what makes this determination.

Mr. Figueroa commented that the armored vehicle was present at the peaceful vigil held for Darryl Mount and stated that if the task force members were unaware, there has never been any investigation into the Darryl Mount murder and after the litigation is done, this needs to be looked into. Mr. Figueroa also stated that he was shot at with pepper bullets and that was illegal for Saratoga County to do and needs to be looked into as well.

Justin Farrington thanked the task force for allowing them to speak but that these meetings were being conducted under the minimum requirements for NYS opening meeting laws. He commented that there are municipalities all over the country who allow back and forth during public comment but they are not allowed to here and asked the public to push for this. Mr. Farrington stated that it is his understanding that there is a similar committee within the City that hasn't met since the beginning of the year. He asked what good this committee was if there was already another committee that hasn't even met yet. Mr. Farrington stated that it is frustrating that they cannot get answers while at the meetings and again suggested the public should push towards allowing for questions and answers here, as well as at City Council meetings.

Shawn Wiggins commented that process is very important and also very important to work together. Mr. Wiggins stated that it would be helpful if the task force published what the requirements are for the committee. He also commented that time had to be limited as there was much that needed to be

accomplished.

Mr. DeLeonardis closed the public comment period and stated that the task force was working on a bullet outline setting out the task force requirements and also a future meeting schedule. He advised that the one task force member that was not present was due to being out of town. Mr. DeLeonardis commented that public comment was very important and that at some point there will be questions and answers but that the public needed to be mindful that they have agenda to get through. He assured everyone that all of the concerns raised this evening will be addressed at some point.

SSPD CALLS FOR SERVICE / ARREST DATA

Mr. DeLeonardis gave a background of the police department indicating that there are 75 full time officers employed by the City. He advised that the City has a population of approximately 28,000, which at certain times of the year doubles or even triples and to keep this in mind with the stats given. Mr. DeLeonardis then gave stats concerning total number of arrests starting in 2020 (see link below):

<http://saratoga-springs.org/DocumentCenter/View/11975/Arrest-Totals-by-Residence-Race-Genderpdf>

Mr. DeLeonardis advised that he would then give a breakdown of use of force incidents in connection with the arrest stats he just gave, starting with 2014. He asked Chief Crooks to explain what would constitute use of force by the police department.

Chief Crooks advised that the department considers a use of force incident as anything other than non-compliant handcuffing. He stated that if someone was taken to the ground because of non-compliance, a use of force report is given or if someone was injured or claims injury during an arrest, a use of force report is given.

Mr. DeLeonardis then gave the breakdown of use of force incidents.

2014 – 28 Incidents (3 Black; 25 White)
2015 – 26 Incidents (5 Black; 21 White)
2016 – 23 Incidents (6 Black; 2 Hispanic; 15 White)
2017 – 17 Incidents (17 White)
2018 – 40 Incidents (7 Black, 2 Indian; 1 Hispanic; 30 White)
2019 – 36 Incidents (9 Black, 1 Hispanic; 26 White)
2020 (through August) – 23 Incidents (4 Black; 19 White)

Mr. DeLeonardis stated that interesting to note is that of the 201,000 calls the police department has received since 2014, there were 8,532 arrests of which

there were 193 incidents of use of force. Out of the 193 use of force incidents, 16 occasions resulted in a fire arm being drawn, 22 occasions resulted in the use of a TASER and 7 occasions which resulted in the use of a K9. Mr. DeLeonardis also commented that one-third of the calls (63/193) were from Caroline Street and 88 of the calls were between midnight and 6 a.m.

Mr. DeLeonardis commented that he has some rough estimates for last year and advised that of the 621 arrests for Saratoga residents, 80% were white and 8.5% were Black. He said that according to the last census (2010), the estimated Black population of Saratoga was approximately 2.1% compared 92.1% white and the balance being Asian, Hispanic or other.

Andrew Sephas asked if the numbers from 2010 were available as to Blacks and Caucasians. Daesha Harris replied to Mr. Sephas by stating that in 2010, the census showed that the Black population was 1.7% and 92.5% white. Ms. Harris commented that even though the numbers are low, if the Black population was approximately 1.7%, the arrests of Blacks is approximately 20%, which seems quite high. Jason Golub asked how reliable this data was, as in terms of who is collecting it and how independent are they? He commented that having this data is great but that if you look at the use of force policy, there isn't an independent body that reviews the cases and it's kind of like the fox guarding the hen house as a policy. If the data is wrong, it won't do any good. Mr. DeLeonardis advised that the data is gathered and maintained by the police department.

Mr. Sephas stated he has done some math and is torn about being on the committee. It's not about the numbers it's about the realness of the facts. The people must come together and make these reforms.

Mr. DeLeonardis asked if there was any other comments concerning this data. Terry Diggory stated that he hoped that the data that was just given was not going to be considered the closure of this topic. Mr. DeLeonardis stated that it was not but that it was just a basepoint to begin the topic. Mr. Golub commented that the police are not analytics experts and more than numbers needs to be looked at with this data. Chuck Caputo agreed and stated that the nature of the calls would be helpful as well. Mr. Golub suggested that a subcommittee be created for the purpose of focusing on data. Camille Daniels asked if the creation of this subcommittee should be seconded. Mr. Diggory seconded the creation of the committee.

Cecelia Hayes stated to Mr. Golub that she thought this was a great idea and asked if the statistics would be on the website. Mr. DeLeonardis advised her that they would be. Mr. DeLeonardis also stated that as the task force progresses with the review of the policies, additional subcommittees would be created to focus on those policies as well.

Steven Boxley asked if it would be possible for him to chair a subcommittee that

represents the youth in the community. He stated that he feels there is too much tension and the youth need to be heard. Mr. DeLeonardis advised Mr. Boxley that he could and stated that any member of the task force was free to meet with any member or group of the public informally. He also advised that the task force is required to reach out to various groups and stakeholders pursuant to the Executive Order.

REVIEW CURRENT POLICE POLICIES

Mr. DeLeonardis stated that the first policy to be reviewed would be the use of force policy and stated that Sergeant Timothy Sicko was present to provide an overview and answer any questions that may be asked.

Sergeant Timothy Sicko introduced himself and gave a brief history of his law enforcement career. Sergeant Sicko stated that he has had the opportunity to train hundreds of officers, but is not an expert in the use of force. Sergeant Sicko spoke several minutes on the training of officers in the SSPD. He said that what he teaches and preaches to be the best tool available, is the ability to communicate. Use of force should be common sense approach. The policies and procedures the SSPD uses are designed to guide the officers and are continually updated and reviewed.

Mr. Golub asked Sergeant Sicko that if he was a Black officer or a black citizen with black children, what part of the use of force policy bothered him the most. Sergeant Sicko replied that use of deadly physical force would be the worst part of the policy. Mr. Golub asked Sergeant Sicko what gaps concerned him about the policy as de-escalation was not mentioned in the policy until recently and that concerns him as a black citizen. Sergeant Sicko replied that dialog was very important but there are times when officers do not have time to de-escalate. He stated that each officer is judged based upon the extent of use of force used in an incident. Sergeant Sicko commented that policies and procedures are being re-evaluated and changed to incorporate better practices and procedures by the officers. Mr. Golub stated that from an accountable perspective, it's hard to hold someone accountable for something that is not even in the policy.

Mr. Boxley stated that the public needs to know, yes there's training, but with any performance appraisal, what is the police force doing. He commented that there are some "bad apples" in every police department and we have gotten to this point all over the country because there is a need by police officers to cover up for the bad officers. Mr. Boxley asked what the penalties are when a bad decision is made.

Chief Crooks stated that Sergeant Sicko does not write the policies and that Lexipol updated the use of force policy by including de-escalation in the policy. Chief Crooks said that he has been reviewing some of the other use of force policies. He advised de-escalation is something that the police department has

always trained with and has incorporated it. Kimberly Galvin commented that when the policies are reviewed quickly, things are missed. She stated that not everything is spelled out and it might be helpful for the task force to suggest upgrades or improvements to spell out more clearly, such as how to communicate, how to mediate or how to take the emotion away from someone who has been stopped or talked to. Ms. Galvin commented that some of these things do not come naturally and training is needed.

Mr. Diggory asked Ms. Galvin to read aloud the paragraph in the use of force policy concerning de-escalation. Ms. Galvin read the paragraph. She stated again that a number of the suggestions for de-escalation in the policy do not come to her intuitively that if they were spelled out in more detail and training provided would be beneficial.

Daesha Harris inquired if Sergeant Sicko was aware that Lexipol crafted the policies and procedures for the safety of the officers and city and not the community members. Sergeant Sicko advised that he was not aware of this and stated that the polices are used as a guide for the officers to do their jobs the best they can. He commented that the police department take allegations of misconduct very seriously and officers have lost their jobs due to misconduct. Sergeant Sicko said that he hoped that this was why everyone was here to work as a team to put together best practices and work with each other.

Mr. DeLeonardis asked Sergeant Sicko when use of force is used, who reviews those instances. Sergeant Sicko stated that there are multiple levels of review which range from a sergeant up through the chain of command. If there are injuries sustained, there are additional reports and photographs taken, medical attention is given, body camera footage and surveillance videos are reviewed. He also stated that if a TASER is used there are additional reports prepared. Sergeant Sicko stated that use of force incidents are treated as an investigation.

Mr. Caputo asked Sergeant Sicko if there were any instances of use of force that would be investigated outside of the police department and if so are there any instances where findings are presented to external bodies other than the police department. Chief Crooks replied that a minor use of force incident is only investigated within the police department. If there is a more serious use of force incident that is usually turned over to the Attorney General's office and sometimes the Department of Corrections, depending upon the incident. Mr. Caputo stated that more transparency concerning training, investigation and data is needed.

Mr. Diggory asked what the status of Lexipol was and asked Chief Crooks to clarify whether the policies that are posted on behalf of the police department are currently active policies or are they under review. Chief Crooks replied that they were active policies. Mr. Diggory asked if they could be modified and Chief Crooks advised that they can. He stated that Lexipol provides them with best

practice policies but they can be modified to fit the department's needs. Mr. Diggory asked Chief Crooks to verify that the policies could be modified and Chief Crooks confirmed that they could. Mr. Diggory commented that he noticed chokeholds was missing from the use of force policy and Chief Crooks advised that chokeholds were removed from the policy and no longer used by the department. Mr. Diggory suggested that chokeholds should be addressed in the policy due to the recent incidents resulting in deaths caused by chokeholds.

Winston Grady-Willis stated that there should be an entire policy concerning de-escalation. Ms. Hayes agreed and stated that she feels a lot has to do with their culture and change must come within the organization. She read the definitions of structural racism and institutional racism and commented that these needed to be looked at as well. Sergeant Sicko stated that having an open dialog is very important in order to come together and discuss these issues.

Mr. DeLeonardis commented that the use of force policy was a very large and important policy that needs to be reviewed and suggested that a sub-committee be formed to lead the next meeting. He asked for three volunteers for the use of force sub-committee. Jason Golub, Terry Diggory and Andrew Sephas volunteered for the sub-committee.

Mr. Diggory commented that he was nervous about the concept of covering the policies. He commented that they need to get an idea of where the policies flow from and think about the policies in that respect. Mr. DeLeonardis stated that not all of the policies will need to be reviewed and some of the more important polices can be grouped together, but the task force needs to get through them. Mr. Diggory objected and stated that he did not feel they needed to get through the policies. Mr. DeLeonardis stated the Executive Order directed a comprehensive review of the current policies. Mr. Diggory commented that a comprehensive review could mean a global review of the policies and the policies do not have to be reviewed line by line and needed more input from the task force. Mr. Grady-Harris commented that it was also his understanding that the policies could be reviewed globally and if they were to review the policies line by line the task would not be completed. Mr. DeLeonardis stated that he did not totally disagree with this and that the task force was not going to review every policy line by line. He commented that a more holistic review of some of the more important policies is necessary. Ms. Daniels commented that the needs of Saratoga should be considered, such as what type of police department do we want, and that would determine a holistic approach for the review.

Ms. Harris proposed that a community meeting be held before the next meeting which included the police department and public safety. She commented that the lack of communication is a frustration with the community members and will continue to be a frustration with the task force at every meeting until addressed. Mr. DeLeonardis asked if she was referring to a community forum and Ms. Harris stated that a sincere conversation between the community, Robin Dalton

and the Chief was necessary or the task force was not going to be able to move forward.

Mr. DeLeonardis commented that the next meeting they will move forward with the use of force policy and asked if the sub-committee members were comfortable with that. Mr. Golub asked if the community meeting would not be taking place at the next meeting and Mr. DeLeonardis stated that September 23rd had been discussed previously as the date for the community forum and they could use the next meetings to move forward on the path they are on. Mr. Golub commented that use of force was a very important policy and he would like a couple of weeks to review and talk to the community before that policy is reviewed. Mr. DeLeonardis agreed and said that was fine and proposed some of the other policies could be reviewed.

Mr. Diggory asked if at the next meeting the model policies could be addressed and would like to address the policy he provided from the civil rights and human rights commission because they take a prospective from the community. He commented that focusing on the model policies may help them achieve some of the holistic or globe perspective they have been speaking about. Mr. DeLeonardis agreed and asked if they were keeping the model policies on the subject of use of force. Mr. Diggory stated that they could use the use of force policy as key issue to move forward with the refinement of the present policy.

Ms. Galvin commented that waiting 3 weeks is too long to wait for the public forum. The frustration is being seen on both sides. When the questions can be asked and then answered by the people who know the answers they will then be able to get through the policies. Ms. Harris commented that she wanted to be clear that she was not proposing that the next meeting be a community forum but rather have a special meeting for this purpose. She commented that the task force should be there to listen, but the questions from the community are not something that the task force can answer. Mr. DeLeonardis agreed and stated that he would ask Commissioner Dalton if she would attend such a meeting.

Mr. Caputo asked for clarification as to how they should prepare for the meeting to review the policies. Mr. DeLeonardis asked Mr. Diggory if he would submit a proposal in this regard. Mr. Caputo asked that the community have access to this proposal in advance so they can be prepared as well. Mr. Golub stated that perhaps some of the concerns with Lexipol could also be addressed at the next meeting as well.

Mr. DeLeonardis then stated that the next session of public comment would begin.

PUBLIC COMMENTS

Andrew thanked the Chief for inviting Sergeant Sicko to speak on the use of force policy. He asked if either the Chief or someone else could speak on the content of the policies he mentioned earlier, specifically regarding the use of OC weaponry against people despite the fact that they did not meet the criteria for that use. He also asked if the duty to intercede or report unreasonable uses of force were followed by the police department. He would like assurances that the current policies are being followed and it appears that they are not.

Shawn Wiggins thanked the Sergeant for coming and addressing the use of force policy. He asked if there was a psychological battery done for the recruits. If there is, it is something that should be looked at. If there is not, then one is needed because not everyone is fit to be a police officer.

Samantha commented that she wanted to caution the use of the phrase “common sense” as it is a very subjective phrase. Her definition of common sense and someone else’s could be very different. She asked if the data provided earlier could include injuries that resulted from the arrests and any mental health statistics with the arrests.

Nate Hallmark thanked Sergeant Sicko for coming. He commented that there does not seem to be any policy or procedure in effect with regard to psychological evaluations after a use of force incident. He asked if the Saratoga County Sheriff’s Department receives the same amount of training that the City police officers receive. He also asked if there were any policies or procedures in effect that addressed a use of force incident not being properly reported.

Brian Straughter commented that he does not understand why a proper mike has not been set up so the people can hear. Rules for holding the meeting need to be set and the public and the committee need to be held accountable. He is frustrated by hearing that both sides are frustrated. The community has the right to be frustrated, and if you are on the committee and feeling frustrated or feel that there is not a problem that needs to be addressed, then maybe you shouldn’t be on the committee.

Justin asked what was being done after any physical confrontation and what the reliability of the data that was given is. He stated that he would not like Robin Dalton to be involved in any committee that took away of the responsibilities that this committee had.

John Schroeder commented that as the city goes through the process of approving how we are policing ourselves for the benefit of the community, including the police officers, it needs to start with communication, and that communication needs to be routed through accountability and transparency. He stated that there

is a trust gap in the community and the policies need to stop being updated until after they have been reviewed.

Sarah asked if there were any backups for the committee when someone isn't available, doesn't show up or leaves early. She asked if there was any dates set for when livestreaming would become available. She commented that the data given should have been made available previously so as to not take up so much time and did not appear to include the recent protest where pepper spray was used.

Matthew Marshall commented that police department training is irrelevant if the 2.1% or 1.7% of the community is terrified of the police department. The amount of police presence that was present at the Darryl Mount memorial terrified him. He commented that if the Chief and Sergeant Sicko feel that there is not "one bad apple" on the police force then there is a significant problem and the task force is irrelevant.

Jacob asked what the grounds were for the use of militarized force on protestors at the July 30th protest.

James Van Dyk commented on an interaction he had with the police department. He asked why there was no police department complaint form available on line. He commented about several concerns he had concerning the incident and how it was handled. Mr. Van Dyk commented that complete transparency is needed.

Mr. Figueroa asked when chokeholds stopped. He commented that if the police department wants to keep people safe why are they attempting to run people down with the horses. He commented that the police department is not geared to protect citizens and are not good officers.

Ms. Hickenbottom asked who was going to be invited to the community forum and until they have answers to their questions the protests and demonstrations will continue.

Mr. Figueroa reiterated Ms. Hickenbottom's comments.

ADJOURNMENT

Mr. DeLeonardis stated that he would have Chief Crooks speak with Robin Dalton about scheduling a meeting and request her participation. He stated that it would be a request and not a demand. Mr. DeLeonardis stated that the next meeting was scheduled for Wednesday, September 9th at the Casino. The meeting was adjourned at 8:27.