

Saratoga Springs Police Reform Task Force Meeting Minutes 1.06.20  
1/06/21

“For there to be a breakthrough there must be a breakdown”

meeting start: 5:36pm

An acknowledging of what’s going on in the country with capital insurrection and Jason opens up platform to share

Approval of minutes for September 16 and December 8th

- Terry gave notes to Jason on both
- motion to approve? Motion made by Terry and second by Camille

Approving tonight’s agenda

- Chuck motions to approve and seconded by Vince

Subcommittee Preliminary Recommendations Presentations

### **1. Internal Affairs/Saratoga Springs Civilian Review Board (Terry, Camille, Kirsten)**

Civilian Review Board Goals

- build trust between community and police department
- brief history given on CRB’s (Camille)
  - o commissions largely failed due to deference to police
  - o in the 60s when there was tension and flare up around police action, activists led new call for CRB that had real investigative power
    - Jay Edgar Hoover not a fan of this board

Preparation Process:

- What kind of external controls could help to build trust between the community and police department
  - Independent oversight board
    - o Eric Lawson (community member)
      - Proposed model to city council that subcommittee used as basis
      - Draft of policy will be sent in chat
  - Reviewed models from Providence, Rhode Island and Ithaca, NY
  - Goals: neutrality and ability to be effective/to have subpoena power
    - o We considered how the CRB can provide recs
    - o Increased transparency
    - o Complaints can be handled outside of police department
    - o Ensure CRB has subpoena power
    - o community and police department building trust
      - Darryl Mount case and misleading about investigation caused significant problems of trust within the community
        - Having community review board could help alleviate the problems

## Make-up of the CRB

- Who and how membership should be determined
  - o No more than 5 members, appointed by the mayor with the approval of the council
    - Residency of 2 years in Saratoga
    - At least 18
    - One member between age 18-30
      - Important to think about how our youth and young people are engaged with the police department, it is unusual for city council to seek out young people to serve on any of the committees
      - Committees often have folks who are at least in middle professional years so we wanted to be sure some of the younger generation were engaged
    - one member has adjudicatory and mediation experience
  - o Set term limits
    - No member should serve more than 2 consecutive terms of 3 years each
    - Initial terms will be staggered, such that no more than 2 members are up for reappointment in any one year
- Age was a large conversation because of some material that may be discussed in complaints
- Membership should be inclusive of community
  - o Age, gender, sexual, ethnic, racial diversity is important

## CRB Process

(What we are proposing does not replace present processes but supplements present processes)

- Process:
  - Complaints can be filed with the PD or with the CRB
  - PD conducts initial investigation (3weeks, not strict)
    - o Time frame is important to structure to give assurance to complaint and be sure complaint is attended to; not being shelved indefinitely
  - CRB holds preliminary meeting, engaging in mediation
    - o This is unusual for CRB process
    - o Attempt to get both parties to come to an understanding
      - If mediation is not successful then a full hearing is scheduled
      - Would have all normal due process, some real power within CRB hearing
  - A majority vote determines findings and recommendations
    - o Reported to commissioner of public safety
    - o Findings are not enforceable but they are made publicly available
    - o Community would know what reccs are made
      - Would be related to specific case
      - As the CRB understands workings of the police department/patterns of complaint—they could eventually make reccs on policy in general of police department besides specific complaint reccs
  - Recommendations are submitted to the commissioner of public safety and made publicly available

## Taskforce Comments

Jason, other towns, states, have they successfully implemented CRB boards?

- Kristen, Ithaca has had since the 90s been continually operational
  - o Providence model is different and they have professional executive director in 2016
  - o There was significant resistance from police department
  - o Albany and Schenectady have them with mixed results
- Camille, by late 90s more than 80 cities across country had CRB boards
- Terry, concerns are limitation of power to boards in Albany and Schenectady, there is a hope to have more investigative powers

Ceci, are the members elected or assigned? could complaints be retroactive?

- Kristen, they are by mayoral appointment, consistent with how most review boards and commissions work within the city
  - o We didn't contemplate the last question
- Eric Lawson, there might need to be something with sufficient delay with something brought off from a while ago
  - o I thought the committee did marvelous job looking at the proposal
  - o The mediation skill is an unusual skill but an important part of it, it is a good opportunity to talk off the record and with each other because it facilitates communication

Jason, would there be a training for the CRB members?

- Camille, an addendum of what does this look like, who is paying for that?
  - o Jason, budget sense? Can we find out?
    - Eric, the budget for Albany is 250000, the CRB is overseen by the law school and is run by them
      - None of that is provided for in the proposal in Saratoga
      - All members would be volunteers
      - Might be clerical costs and costs for preparation of subpoenas
        - o A relatively minor expense
- Kristen, might want to consider the amount of volunteer labor we ask for in citizens
  - o We are asking for free labor from the most impacted communities
- Terry, in addition from wanting to do training, one of the stipulations is that one of the members has had adjudatory experience—a certain dimension of training would already exist
  - o Kimberly, what's adjudicatory experience?
    - Eric, someone who's run a due process hearing, it would not be a lay person who had never had such experience
      - Mediation would require some training
      - All CRB members would benefit from some training
      - Mediation is not unfamiliar topic; small claim courts have mediation training component—it's not entirely novel

Jason, I like having young people involved, it is good thing, nervous on 19-year-old who would have to handle dispute

- Camille, I know people of all ages who can handle and can't handle certain things
- Kristen, spent a lot of time on this as a subcommittee

- Ithaca which is where this idea if from
  - They have member who can't participate in investigation part but can in other facets
  - That member could be 16 or 17 on that committee
- Agree with what Camille said about age and exposure
- they do need to have a voice on real policy, they are leading movements
  - Camille, a request for youth involvement which we talked about a bunch

Kimberly, concerned about the 2-year residency requirement?

- 2 years feels very short to me and there aren't limits on residency in charter
  - we want someone who has been connected, need to understand full flavor of environment

Jason, is there an escalation process if your findings are significant enough and would want independent prosecutor looking at them?

- Might want to build mechanism that would allow to go right to them rather than public safety commissioner; that could be a roadblock
  - Terry, we can take this into consideration
    - Jason, it circles back to city council the way it is set up right now
- Kristen, for public accountability the public doesn't have control of who is in the police department and making direct recs to police would need to be renegotiated in contract
- Vince, do these areas conflict with practices already in place?
  - ex. Union contract—employee discipline
  - Need to make sure anything that gets proposed or implemented doesn't run afoul of state law
  - For how old a complaint could be in regard to employee conduct—18 months is limit in state law unless with criminal conduct
- Eric, I'm around decisions made that could conflict with statutes, this is why we think the adjudicatory experience could be important
  - Never intent that it ends up making recs that are contrary to civil law or statute
  - Could write something about recs not to conflict with existing law, considered this would be prescriptive
  - I'm extremely sensitive to the PBA contract,
    - This is a document that sets up procedure that is completely fair to the police and public police administrators
      - Intended to function as a neutral option
      - So much emphasis made on quality of board members themselves to be NEUTRAL

Shane Crooks, was any background needed for people on the board?

- If there are criminal things be discussed, should this set criteria for who can be on the committee
  - Terry, are there qualifications you would want?
  - Crooks, criminal history--to have someone that may have something in the background that may conflate with lying etc. might not be helpful to have them on neutral background. A basic check might be helpful
  - Kristen, we should think about what arrests may be

- Crooks: if arrested for giving false statement I don't know if you should be on the board

Andrew Beatty, how do we make impartial board?

- Terry, this taskforce is a group of people chosen from the community
  - Mayor and city council were aware that success of the process relied on membership of the Taskforce
    - Andrew, this board doesn't come with financial consequences to the city
- Kristen, looking at what do we do as a city now which is why terms have limits and are rotating, hopefully get a diverse membership to hold elected officials accountable
  - Kimberly, have you thought about break up with wards?
    - Kristen, there aren't wards
  - Andrew, residency of 2 years is fine— I think you don't need geographical content of where people live, just genuine people.
    - We need to go back to a more humanitarian issue
    - What are we doing this for/Losing focus?
      - Kimberly, geographic breakout is so how whole city would be represented
      - Andrew, the days of Saratoga east side and west side are over, we are just once city living in conglomerate called Saratoga

END OF THIS PRESENTATION

## 2. Lexipol and policy management (Steve and Vince)

City has been using a third party since 2015

- Inability for city to keep up with changes of law and policies
- By using third party the department was able to be current with federal/state law, court rulings, and best practices

Issue with the role Lexipol plays with city policy

- Ultimately up to chief of police to analyze and review all the recs and to take the recs and revise and customize them to make them better fit to reflect the department the chief leads
- Cost is about \$10,000 a year
  - a tool to allow the department to stay current that is done in a cost-effective manner

These recs aren't an endorsement that we should say with Lexipol but we do find it to be beneficial to use a third-party provider for both the officers and the individuals they serve

Recs

- Continue utilization of third party policy platform
- Provide for choice of a third-party policy platform through request for proposal to ensure open and competitive process and selection based on objective analysis of product
- Maintain transparency and public access to adopted SSPD policies by posting all policies on city website to extent permitted by law
- Provide annual report to the public and the city council summarizing significant changes adopted by the department

- As years progress and there is an update of those policies, there could be a summary provided only for significant policies compared to smaller policies not available to real public concern

## Comments

Jason: I understand Lexipol is cost effective but there is more concern about whether the policies are protecting cities or the police of those cities? Do we really expect chief to edit each mediocre policy? are there other providers or is RFP a fictional thing?

- Steven: what might have been good policy in 1980 might not be in 2020
- Kimberly: what's the alternative?

Terry: you said policies to be presented "permitted by law"; what is restricted?

- Vince: when policies were put online there were a couple withheld (how to download certain software)
- Chief Crooks: we don't release policies on informants out to the public
  - We will redact certain things about tactics
  - Terry: in terms of trust building with public there could be some note on the policy explaining the reasons for the redactions
    - If purpose is transparency we could explain the exceptions
    - Crooks, we released a lot of information, we release some of what we normally would do

Kristen: what policies right now are what SSPD designed or from Lexipol? Which are altered?

- Crooks: I don't have this off hand, could look up
- Kristen: compliance with new state laws is helpful but as a policy risk mitigation standpoint we want a department that is protective of both the police and of the citizens

Camill:, I'm concerned about positionality of Lexipol which is very much about protect your agency, not about the citizens of your community

- Acknowledging the positioning as leaning in a direction
- Comments in the chat about the audit trail?
  - Change management of the document
  - Why not public audit trail of every change made
    - Chuck: would be helpful to have chronological way to see what changes have been made

Molly Dunn: for policy and procedure do we look at other policies for best proactive like NYPD etc.?

- Terry: a rec for CRB, that body would be able to recommend policy changes

Ceci: are we able to see online when there was the last update for a policy? Make this information readily available?

- Difficult to find out what needs to be reviewed based on when something was updated
  - Chuck, standard that policies are reviewed annually (had this at a nonprofit for best practices)
    - Vince, there could be red line change and an annual report

- Shane: when policies are changed and updated all officers have to review it and sign that they understand it
  - o Ceci: are there annual mandates or biannual mandates to be reviewed by officers?
    - Crooks: we don't review every policy per officer that I'm aware of but we do always include use of force review
      - The daily training bulletins, they have to review a portion of the policy and take a quiz on it

### 3. Complaint Form Presentation (Kimberly and Chief Crooks)

- The form was not accessible and it had to be filled out at police department and had too many mandatory things
  - o Worked on this with the chief
- Now its fillable and can be filled out online, doesn't have to be in person at the department (email, mail, or in person)
  - o They will accept anonymous complaints
    - If made in person, more likely to be asked to follow up questions
- People didn't like that people asked that race was asked so Race is optional//witness info is applicable

Kimberly ran through the complaint form

#### Comments

Chuck: wondering about the section about not having to identify yourself?

- If you are going to lodge a complaint do you need to identify yourself?
  - o Kimberly: it is harder to make official action regarding what has happened if unwilling to identify yourself
    - ex. Officer X being ass on this day, may be seen as an informal complaint
- Crooks: we will take any edits
  - o Right now, we take personal complaint whether you acknowledge yourself or not
  - o Saying who you are does allow for us to complete investigation
    - Chuck: maybe you place on the form somewhere that if you don't identify yourself you won't be able to fully have investigation

Ceci: can you complete document online?

- Kimber!:, yes, it is fillable
  - o Ceci: could there be email address on top or bottom so folks can see where to send/Or maybe as a live doc where it automatically goes to the chief
    - If it's a live doc there is a way to already have the data collected for complaints to be automatically teased out and aggregated
      - Crooks, this is something we could definitely explore with IT

Jason, the document is intimidating

Terry: you could they have form linked from department home page

- A number of departments have a complaint form and a commendation form
  - o County sheriff has this platform

Daesha: I want to echo the visibility of those personal info lines being optional

- It should be really clear that personal information is optional
  - o Crooks: we can put optional on complaint information

Public Comment

Liz Zack

- A member of the task force had stated that they had spoken to you Chief Crooks about what changes you wanted to actually make and you said that you didn't feel that any of those changes were necessary
  - o What do you feel about task force and their efforts?

Terry

- I can clarify, when I asked Chief Crooks about his impression of the police department on its culture, on a whole it seemed members of the police department didn't think culture needed change. I cited conversations with Chief Crooks and conversation with Sergeant Sicco, and a conversation Daesha and Ceci had with PBA head.
  - o That there was a sense that significant changes weren't necessary

Liz. can you address that regarding police culture?

- Crooks: Do I think we have a great department? absolutely—yes. Do I think we have amazing officers?—Yes.
  - o Is there a specific thing you think we can improve on? I'm happy to listen to those. If we can improve and do our job better then why not

Andrew Sephas

- In regard to the complaint form I think people who fill out the complaint form are worried about what happens to them after the complaint
  - o I think they are worried about police catching them after complaint
  - o I think real problem is the people don't want to fill out complaint form

Reese

- Saratoga Springs has a large number of undocumented community members and having a CRB that is able to file and forward complaints while representing the community members without disclosing identity to the police, that would significantly empower that group of community members specifically as well as other members of the community that may not want to be exposed in that kind of way
- Terry: I think there is a difference between identifying an individual and identifying their immigration status
  - o That issue will be addressed in some recommended policy changes in some policies on immigration enforcement

Meeting done 7:37

