



March 23, 2021

CITY OF SARATOGA SPRINGS
City Council Meeting

7:00 PM

(via zoom)

7:00 PM

CALL TO ORDER

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT PERIOD / 15 MINUTES

CONSENT AGENDA

MAYOR'S DEPARTMENT

1. Police Reform Task Force Draft Resolution

ACCOUNTS DEPARTMENT

1. Nothing at this time.

FINANCE DEPARTMENT

1. Nothing at this time.

PUBLIC WORKS DEPARTMENT

1. Nothing at this time.

PUBLIC SAFETY DEPARTMENT

1. Nothing at this time.

SUPERVISORS

1. Nothing at this time.

ADJOURN



March 23, 2021

CITY OF SARATOGA SPRINGS
City Council Meeting

7:00 PM
(via Zoom)

PRESENT: Meg Kelly, Mayor
Michele Madigan, Commissioner of Finance
John Franck, Commissioner of Accounts
Anthony Scirocco, Commissioner of DPW
Robin Dalton, Commissioner of DPS

STAFF PRESENT: Lisa Shields, Deputy Mayor
Deirdre Ladd, Deputy Commissioner of Finance
Maire Masterson, Deputy Commissioner, Accounts
Joe O'Neill, Deputy Commissioner, DPW
Eileen Finneran, Deputy Commissioner, DPS

Vincent DeLeonardis

Matthew Veitch, Supervisor
Tara Gaston, Supervisor

RECORDING OF PROCEEDING

The proceedings of this meeting were taped for the benefit of the secretary. Because the minutes are not a verbatim record of the proceedings, the minutes are not a word-for-word transcript.

CALL TO ORDER

Mayor Kelly called the meeting to order at 7:00 p.m.

PUBLIC COMMENT

Mayor Kelly said the public comment period is limited to a total of 15 minutes and individuals are limited to two minutes.

Mayor Kelly opened the public comment period at 7:01 p.m.

Otis Maxwell of Saratoga Springs stated Saratoga Springs ends up on a lot of 'best' lists. We don't want to end up on the list of City's that lost their police funding for not following order 203.

Lezlie Dana of MLK Saratoga commended the Council on the task force selected to take on this issue. The reforms are coming. The Council has the opportunity to lead the way.

Lale Davidson thanked the Task Force for their months of work and the document they produced. While looking at the resolution, it parallels the recommendations. She suggested dates and times in the document.

Judy Harris of Saratoga Springs stated as a former accountant, she always had her work reviewed. It makes sense to have that done.

Maeve Wood Ashcroft of Stillwater stated she has been following the Task Force. It is important to her that the Council adopt and ratify the recommendations as intended.

Andrew Beatty of 21 Michael Drive stated he feels it is important for the Council to adopt and ratify the recommendations. The content of this is fitting and a good first step.

Molly Dunn of Saratoga Springs stated Darryl Mounts name has been mentioned in multiple newspapers and in the survey taken by the public. His name isn't mentioned in the Council's resolution. The Council, with the exception of Commissioner Franck should be ashamed of yourselves.

Claire Burnett of Saratoga Springs and student of UAlbany stated it is important to adopt this policy. There should be a civilian review board.

Norah Brennan of 20 Andrews Street stated the Task Force's recommendations should be adopted and ratified. It is more than just consideration.

Suzanne Kwasniewski of Saratoga Springs stated the group, primarily of color, labored for a considerable amount of time for free. As a taxpayer, she wants these things implemented.

Sergia Coffey of Milton stated she wants the Council to implement the recommendations and the civilian review board. Things have to change. Darryl Mounts death haunts us all and the police investigation was mishandled.

Kimberly Frederick of Saratoga Springs commended the Council on their selection of the Task Force. The report is readable and common sense. The Council can be bold leaders. Change your language to adopt and come up with clear timelines. Other municipalities have figured out how to make this work.

Marcella Hammer of Saratoga Springs asked the Council to continue the work that has begun. She asked for a civilian review board be implemented and change the language in the Council's resolution to adopt this.

Reverend Joe Cleveland of Saratoga Springs stated the City and the Police Department need to develop trust with the town. That trust has not been rebuilt or repaired. He urged the Council to commit to implementing a civilian review board. This needs to be done to build back the trust.

Adam Tinkle of Town of Greenfield stated he supports the plan the Task Force produced. This is a moderate plan. In certain cases, it is true Chief Crooks voted against all the other members of the Task Force.

Sarah Marlin of Saratoga Springs thanked the Task Force for all their time and energy over the past several months. The City Council also needs to follow through with what the order asks. It asks the Council to adopt or ratify. Turn your resolution into action.

Matt Kopans of Saratoga Springs stated it is critical that the Council change their language and implement the recommendations of the Task Force.

Elizabeth Zack of Saratoga Springs stated she has participated in a number of the Task Force meetings. They did a great job. The Council's resolution address the civilian review board in principal. She would like to see the civilian review board implemented.

Ed Lindner of Saratoga Springs stated he submitted written comments. He is concerned about the language of the new resolution. The Task Force needs the Council to consider and then accept the recommendations. He welcomes the civilian review board.

Hollyday Hammond of Saratoga Springs stated the Task Force heard and received many personal accounts through public forums and survey. All of these comments prove trust, fairness, and transparency are not consistent within the police force. She doesn't see police reform as anti-police. Dismantling racism is a willingness to share power and decision making.

Jacquelyn Pardon of Saratoga Springs stated she supports the Task Force's plan and sees a need for a community review board. She would like to see a checklist on the City's website. She suggested small groups sit with members of the police force.

Heather Williams of Saratoga Springs stated she affirms and supports the 50-point plan. She asked the Council to implement this plan. Transparency will build trust between the Police Department and the community.

Thomas Dragonette thanked the Task Force for their work. He quoted from the executive order what is supposed to take place.

Katherine Iglar of Saratoga Springs stated she wants the children to feel safe. The Task Force was well put together and this plan needs to be adopted by the Council.

Kristen Dart of Saratoga Springs stated it was her honor to serve on the Task Force. She hopes the City Council will work to command how officers spend their time and what vehicle they use. We were in control of the July 30th incident. It is insulting to see the City Council's response to the no-knock law.

Rabbi Rubenstein of Wilton thanked the Task Force for their work. They feel that adopting the recommendations will go a long way in bringing a level of trust to all.

John Kaufmann of Saratoga Springs stated the Task Force took on a challenging mission with limited resources and limited time. Chief Crooks has done an exceptional job in 2020 to protect both the protesters and the residents. He supports the latest resolution of the Council. He is all for reform but some of the statements are on the harsh side. We have some very dedicated people at the top of the Police Department.

Lexis Figuereo of Saratoga Springs stated he is happy the resolution was changed. We need a civil review board and the Council needs to ratify the plan. They are going to continue to fight for justice for Darryl Mount. If we want to have a good summer and a good track time, we have to come together and make changes. If we don't have any changes, then protests will continue.

John Schroeder of Saratoga Springs thanked the Task Force for their work. The language in the draft resolution is meaningless. Why not ask the Task Force members if they would be willing to continue on to implement? He urged the City Council to follow the order of 203.

Chandler Hickenbottom of Saratoga Springs stated she has been in the streets demanding change for the past 10 months. This Task Force put together a plan that has been watered down. Let's not drag our feet. We will not give up.

Samira Sangare of Clifton Park stated the Council needs to ratify and adopt the recommendations.

Beverly Lazar Davis of Saratoga Springs stated improving our listening and communication skills can only help a community. She supports the adoption of the recommendations.

Gabrielle Elliott of Ballston Spa stated the language needs to be changed to adopt and ratify the recommendations.

Rebecca Krefting of Saratoga Springs reinforced items previously mentioned. She would like to see the recommendations adopted to be in full compliance.

Winston Grady of Clifton Park and a Task Force member stated he respects Chief Crooks' take on the no-knock warrant but would like to see the Council reconsider. He thanked the community members and urged the Council to adopt the 50-point plan.

Daesha Harris of Saratoga Springs and Task Force member stated it is important for the Council and the community to know each point recommends a huge amount of research and reading. It is the bare minimum of what any agency should be doing. They want to see action words as stated in the executive order.

Janette Kaddo Marino of Saratoga Springs thanked the Task Force for their hard work. The recommendations and implementation is long overdue. She asked the Council to stand with the will of the people.

Christian Mathiesen of Saratoga Springs complemented the Task Force for their hard work. Their ideas should be looked at carefully. A lot of the comments he has heard tonight are foreign to him. While he was commissioner he reached out frequently to hear issues about the police but he only received a few complaints. While campaigning, he received positive comments. Darryl Mount was not an incident of racism but an incident of domestic violence that took place in the presence of two police officers on Caroline Street.

Camille Daniels of Saratoga Springs read a quote from Martin Luther King, Jr.

Joan Sterling of Saratoga Springs stated if any of our elected officials are undecided, you have not been paying attention. The Council has a choice to adopt the recommendations or ignore your responsibilities. She urged the Council to do what the residents and voters of Saratoga are demanding.

Samantha Engelmey of Saratoga Springs stated the Council needs to seriously consider the recommendations of the Task Force. A lot of people her age are focused on police reform.

Mayor Kelly closed the public comment period at 8:17 p.m.

MAYOR'S DEPARTMENT

Police Reform Task Force Draft Resolution

Vince DeLeonardis, city attorney, advised a draft resolution was presented last week for public review and comment. It acknowledged the work of the Task Force and the recommendations submitted for the Council's consideration. Many of the recommendations have already been implemented are in the process of being implemented. The draft resolution in front of the Council tonight (attached) accepts for consideration all of the recommendations and lists them numerically. He understands the use of the words 'accept for consideration' was not intended to cause any dismay. He apologized for that. There are 2 recommendations the Council is unable to provide for: 1. DOD 1033 program and 2. the proposal to divert seized assets.

In regards to the civilian review board, it could be implemented right now by the Commissioner of Public Safety, but would have no teeth. If we want to have a civilian review board that has powers, we would have to amend our City Charter. It would be up to the voters to decide. We would have an obligation to clearly define the purpose, scope, and function in addition to all potential costs associated with this.

Commissioner Dalton stated she received over 100 e-mails in support of the Police Department and against the idea of a civilian review board. She hopes the e-mails are read by all.

Commissioner Franck stated he feels they should pass this as is and if there are legal ramifications, then they will figure that out. He doesn't believe this needs to be held up for referendum. It will cause more problems than it is worth. It's clear to him that people want this. This is a moderate proposal compared to others he has looked at.

Mayor Kelly stated she reached out to the chairs of the task force and only heard back from Jason Golub and she was told Camille Daniels didn't want to help out with questions on this call. The Task Force did a great job.

Commissioner Franck stated that Mayor Kelly made his argument for him to vote for the document as is.

Mayor Kelly stated she is not make the argument for him. He talks to the newspapers and doesn't talk to the Council. We have some big issues here.

Commissioner Dalton stated Commissioner Franck sat with the city attorney and the police chief and went through the first draft and agreed with everything in the first draft.

Commissioner Franck stated he did not.

Commissioner Dalton stated Commissioner Franck also had an opportunity to speak up through text messages and e-mails on draft two and didn't.

Commissioner Franck stated he received a call from Wendy Liberatore before he even had the second draft in his hand.

Vince DeLeonardis advised the Ethics Board does have power to issue subpoenas. This is different from what is being proposed here with a civilian review board.

Commissioner Franck stated it doesn't make sense to him that this would have to go to referendum. We should take this as it is and put in there subject to state or federal laws.....

Vince DeLeonardis stated different municipalities are going through referendums and charter changes.

Commissioner Dalton asked how many complaints were handled by our citizens' advisory board. She did a lot of research of the civilian review boards and found that throughout the state; most civilian boards have disbanded or considered failures.

Commissioner Madigan stated she is not sure what they are all disagreeing on. She thinks they are all saying they want to look over the recommendations. She likes both resolutions.

Vince DeLeonardis stated he will provide clarifying language in regarding to the 'accept for consideration'. The Council really is accepting all 50 subject to the limitations.

Commissioner Scirocco stated they received good comments from the public tonight. He is a firm believer in measure twice and cut once. No Council member should take any of this lightly. We have an exemplary police department. There is no place for systemic racism anywhere. He commended the Task Force on the job they did. We have to have a starting point and this is a good start.

Mayor Kelly stated Vince will re-work it again and circulate another draft. It will be sent to the Council for comment and posted for the public.

Commissioner Madigan stated we live in great safe city with good schools, hospital, and culture. She thanked the police and fire for keeping us safe.

Vince DeLeonardis stated he was proud to be a part of this Task Force.

Mayor Kelly stated we have a plan and will meet again on March 31, 2021 to take a vote.

ADJOURNMENT

There being no further business, Mayor Kelly adjourned the meeting at 8:53 p.m.

Respectfully submitted,

Lisa Ribis
Clerk

Approved: 4/6/2021
Vote: 5 - 0

A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF SARATOGA SPRINGS
NYS POLICE REFORM AND REINVENTION COLLABORATIVE PLAN

WHEREAS, on June 12, 2020, Governor Andrew M. Cuomo, issued Executive Order No. 203 requiring local governments, including the City of Saratoga Springs, to perform a comprehensive review of existing police force deployments, strategies, policies, procedures and practices and, with input from community members and stakeholders, to develop a plan to improve such deployments, strategies, policies, procedures and practices; and

WHEREAS, Executive Order No. 203 was issued by the Governor in response to an outpouring of protests and demonstrations occurring throughout the country following the police-involved deaths of unarmed black and African-American civilians and the ongoing demand for change, action and accountability for the mistreatment and discrimination of such civilians; and in an effort to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures and practices, to better address the particular needs of communities of color, to promote public safety, improve community engagement, and to foster trust; and

WHEREAS, on August 4, 2020, the Mayor, in consultation with the City Council, established the Saratoga Springs Police Reform Task Force and appointed eleven (11) members of the community, together with the Police Chief and the City Attorney, to serve on the Task Force and develop recommendations for the City Council to improve police force deployments, strategies, policies, procedures and practices in accordance with the Governor's Executive Order; and

WHEREAS, the Task Force held more than a dozen public meetings since its establishment, both in-person and virtually, conducted research, engaged community members and stakeholders through a public forum and a community survey, and encouraged public comment by providing opportunities at each and every meeting and on the City's website; and

WHEREAS, the Task Force established twelve (12) sub-committees in an effort to further enlarge community input and participation, through focused review of identified areas of concern including, among others, police culture, training and education, use of force and related policies, transparency and accountability; and

WHEREAS, following a thorough and extensive review, the Task Force, with involvement and input from community members, developed a "Reinvention Plan: Toward a Community Centered Justice Initiative", which contains a multitude of recommendations for the City Council to consider as part of the overall effort to improve police force deployments, strategies, policies, procedures and practices; and

WHEREAS, the Task Force recommendations have been made available for public review and comment, provided to community entities and stakeholders identified in the Executive Order and reviewed, discussed and deliberated by the City Council, with due consideration of comments from community members and stakeholders; and

WHEREAS, the City Council understands and takes seriously its obligation to approve for consideration the recommendations of the Task Force and to provide for the implementation of such recommendations in a manner that will allow policing in Saratoga Springs to continue to evolve, improve, and better serve all members of our community; and

WHEREAS, while many of the Task Force recommendations have already been, or are currently being, undertaken or implemented by the Police Department, the City Council finds that the inclusion and acceptance of those recommendations are nonetheless required in order to ensure accountability, progress and transparency.

NOW, THEREFORE, BE IT RESOLVED, that the City Council, in accordance with the Saratoga Springs City Charter and Governor Cuomo's Executive Order No. 203, accepts for consideration the identified Task Force recommendations as contained in the enumerated sections of the "Reinvention Plan: Toward a Community Centered Justice Initiative" (A true and complete copy of which is annexed hereto):

SECTION ONE: Culture and Training

1. Review SSPD culture and consider engaging an external consultant and/or guided mediation to address current issues of contention between the community and the department
2. Create a comprehensive Community Centered Justice Initiative (CCJI) strategic plan
3. Develop a plan to train and implement procedural and restorative justice principles
4. Incorporate Community Centered Justice Initiative (CCJI) in department assessment and individual performance evaluation
5. Increase transparency and accountability
6. Develop a plan to try and diversify department personnel through targeted recruitment, including African American and Latinx officers with native multilingual proficiency
7. Seek accreditation through New York State Law Enforcement Accreditation Program
8. Adopt and publish revised mission statement
9. Evaluate reallocating funds within the existing budget so that the SSPD can continue and increase their training regimen—specifically for de-escalation and ICAT training
10. Increase training with focus on de-escalation in all areas of police/community interaction
11. Integrate ICAT training (Integrating Communications, Assessments and Tactics)
12. Increased focus on trainings specifically oriented on protests and the most effective way to monitor those events with a continual aim of de-escalation

13. Implement process for officers in leadership roles be trained on restorative justice practices. Those officers can then impart the ideologies and mind-set needed to the rest of the department.

SECTION TWO: Policy

14. Continue utilization of a third-party policy platform to ensure compliance with Federal and New York State standards, enacted laws and judicial rulings
15. Provide for selection of third-party policy platform through Request for Proposals (RFP) to ensure open and competitive process and selection based on objective analysis of product
16. Maintain transparency and public access to adopted SSPD policies by posting all such policies on the City website, to the extent permitted by law
17. Provide annual report to the public and the City Council summarizing all significant policy changes adopted by the department
18. Use of Force policy be revised to prioritize de-escalation and protection of life
19. Use of Force policy be revised to include a significantly expanded section on alternatives to use of force, including a list of options that may be used by police instead of physical non-deadly force
20. Use of Force policy be amended to comply with the Eric Garner Anti-Chokehold Act of June 2020. "The Eric Garner Anti-Chokehold Act" would create a new crime of aggravated strangulation
21. Use of Force policy be reviewed and revised regarding use of deadly force
22. Use of Force policy be reviewed and revised regarding types of force and tools authorized for given level of resistance
23. Use of Force policy be revised to establish strengthened use of force reporting and investigations policies and procedures
24. Use of Force policy be revised to establish a process to monitor how police use force and proactively hold officers accountable for excessive force
25. SSPD officers be required to report all uses of force to a database with information on related injuries and demographics of the victims
26. SSPD develop an early intervention system to correct officers who use excessive force, including reporting officers who receive two or more confirmed complaints, reporting officers who have two or more use of force incidents in the past three months, and requiring officers to attend re-training and be monitored by an immediate supervisor
27. SSPD implement a more stringent and independent investigative review process for all incidents where either conducted energy devices or control devices are used by its members
28. Expand the scope of data analytics collected, reviewed, and provided around conducted energy and control devices incidents
29. Expand the conducted energy and control devices policies to include a review process for all potential deviations from the policies
30. Future training on the conducted energy and control devices policies should place a heavy emphasis on preservation of life and techniques/practices that minimize the potential deployment and injury associated with these practices
31. Clarify policy governing interagency cooperation
32. No-Knock Warrants With regard to the Task Force recommendation that the Police Department be precluded from initiating no-knock warrants under any circumstance, the City Council recognizes the debate existing on this issue. No-knock warrants are and should be rarely, if ever, utilized. A no-knock warrant requires an application and review by a presiding member of the judiciary who must be satisfied that either evidence will be destroyed or disposed of or that the officer's life would be endangered through the issuance of an announced warrant. However, the Council is also aware that on March 3, 2021 the U.S. House of Representatives passed a bill, entitled the "George Floyd Justice in Policing Act" which if subsequently signed into law would, among other things, ban no-knock warrants in drug cases.
33. Revise policy restricting inquiries on immigration status and limitations on cooperation with federal immigration agents

SECTION THREE: Community-Centered Reinvention

34. Evaluate and develop a collaborative pilot program—where social workers work with, not for law enforcement agencies—in crisis response systems, social workers can share in coordinating deflection and diversion programs
35. Invest municipal funds to cover the costs of innovative biopsychosocial services that mitigate police involvement and encounters and allow for greater involvement of behavioral health and crisis intervention professionals as first responders
36. Evaluate and develop a community- based pre-arrest diversion pilot program— such as the CAHOOTS program—that reduces unnecessary and potentially dangerous police encounters with unhoused and seriously mentally ill individuals
37. Invest in local programs that address the food security and housing security needs of people living in precarity
38. Terminate paramilitary training and procedures which foster violent police overreach.
39. Department of Defense 1033 Program With regard to the Task Force recommendation that the Police Department terminate certain training; prohibit the receipt or use of certain retired military weapons or vehicles; and ban any outside department from entering the City with such military equipment, the Council finds that current Police Department training is consistent with state and federal training guidelines and the Department does not participate in the DOD

1033 Program referenced by the Task Force. The Council further notes that it does not have authority to control the type of equipment or weapons purchased or utilized by county, state or federal law enforcement, nor the authority to ban such entities from entering the municipal boundaries of the City.

40. Diversion of Seized Assets Regarding the recommendation to divert seized assets from criminal charges to Community Based Restorative Groups or, alternatively, community service organizations, the City Council notes that expenditures from funds realized through asset forfeiture are strictly governed and, while the City has historically received only minimal funds through asset forfeiture, any and all expenditures must comply with applicable requirements and be used for law enforcement purposes.

41. Evaluate and Implement an education pilot program that teaches SSPD officer's the fraught history of policing in America and in Saratoga Springs, with an emphasis on the impact policing has had on diverse communities
SECTION FOUR: Transparency and Accountability

42. Prioritize the development and analysis of race related data and other demographic information

43. Learning and adopting a culture regarding data and the use of data to prospectively inform police practice and operations

44. Creating an on-going method to review and use data: creation of key metrics dashboard

45. Transparency: Create a Forum for Public Collaboration that includes youth

46. Department Resources: Seek additional resources, when available, to staff a database manager within the Department

47. Accreditation—establishing a method to systematize implementation and use of best and evidence-based practice--pursue accreditation when resources permit

48. Create a stand-alone "Data Analytics and Transparency" Policy. Reference this policy in other SSPD policies.

49. Establishment of Revised Complaint Form and Filing Process (Appendix I and J of police reform task force plan document)

50. Civilian Review Board

With regard to the Task Force's recommendation to implement a Civilian Review Board, the City Council recognizes that there has been history and debate surrounding this issue. The City Council further recognizes that many cities in New York State have implemented some version of a Civilian Review Board, some with great success and others with limited success. Additionally, the City Council recognizes that there may be legal, union, City Charter, and implementation concerns that limit the Council's ability to implement a Civilian Review Board.

Accordingly, the City Council approves the Task Force recommendation to develop a Civilian Review Board in principle while calling for an evaluation period of the potential legal, union, Charter and community elements that could impact the ability to adequately develop a Civilian Review Board. The review period shall be outlined in the implementation plan and may include, but is not limited to, legal review of NY Civil Service Law and due process rights by the City Attorney and external legal counsel, negotiations with the police union, evaluation of collective bargaining concerns, benchmarking against other cities successes and failures relating to implementation, and finally, the specific process, scope and limitations of the Civilian Review Board. The review will also assess the funding requirements.

The review will be conducted by an independently appointed panel with monthly updates to both the City Council and the public. At the end of the review period, and based on the totality of findings, the City Council, with input from the community, will make a final determination concerning the implementation of a Civilian Review Board.

SECTION FIVE: Next Steps

The Chief of Police is hereby directed to review and consider the recommendations accepted by the City Council and to provide for implementation in a manner consistent with such recommendations, subject to applicable law, rules, regulations and budget appropriations.

The Council agrees with the Task Force recommendation that an independent advisory committee be created in order to ensure accountability, transparency and ownership of the plan implementation process. In accordance with the City Charter, such committee shall be established by the Commissioner of Public Safety on or before June 1, 2021, and shall assist in the implementation of the directives contained in this Resolution, with periodic progress reporting to both the community and the City Council.

With regard to the implementation of the accepted recommendations, the City Council requests that the Commissioner of Public Safety, Chief of Police and the independent advisory committee collectively develop an implementation timeline and report on progress on a quarterly basis. The report should also include a determination of any approved recommendation which will be subject to budget appropriations, including an estimation of associated costs, and a determination of any legal or contractual impediments which may delay or preclude implementation.

A separate independent committee will be developed to review the recommendation for a Civilian Review Board and such committee shall be established by the Mayor on or before June 1, 2021.