



March 31, 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. Discussion and Vote: Resolution Regarding New York State Police Reform and Reinvention Collaborative Plan

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 31, 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 7:01 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 7:02 p.m.

Terry Diggory of Saratoga Springs and member of the Task Force stated the public understanding is the Council is to accept all 50 points. The wording of the resolution is ambiguous. There should be no obstacle of moving all 50 recommendations forward. If that is not the intent of the City Council, they should advise as such.

Molly Dunn of Saratoga Springs stated the people of Saratoga Springs deserve better than this. A mother deserves to know what happened to her son that was chased into an alley. The public demands a civilian review board. It is not true that the Charter needs to be changed to implement a civilian review board.

Elizabeth Zack of Saratoga Springs stated the City Council has not shown interest or been in tune with the Task Force. The civilian review board is an issue that has been brought up for months now. It appears it is a stall tactic on the Council's part to not implement this.

Michael McQueen, a Skidmore student, stated he is proud to see people are speaking up about the Darryl Mount case. The people deserve to know what happened.

Alice Smith of Saratoga Springs stated she commended the commissioner who spoke in favor of the Citizen Review Board. The civilian review board is not meant to be an anti-police agency. The review board has another function, which is to give the citizens a voice in government. She is sure the city attorney could come up with many good reasons to support the Citizen Review Board if the mayor requested him to do so.

Adam Tinkle of Greenfield stated adopting and implementing the recommendations is what is right. Given the minuscule and cosmetic changes to the resolution, you would think the last resolution draft was perfect. This new resolution represents a failure of accountability, a failure of transparency, and the failure of imagination. The Council's resolution shows they have no problem inviting a militarized vehicle to a peaceful protest.

Lisa Barbarino of Saratoga Springs stated as a teacher she relates to the police officers. She is disheartened that this Council doesn't recognize the need for the police force to have oversight from the community.

Claire Burnett of Saratoga Springs stated a civil review board should be implemented. Please put politics aside. We have a chance to make major changes.

John Schroeder of Saratoga Springs urged the City Council to adopt all 50 points of the Task Force's plan. The community has demanded a review board. He commended Commissioner Franck on his position on passing the entire 50 recommendations and hopes 2 other Council members show the same integrity.

Sarah Marlin of Saratoga Springs stated there was a call to action this weekend in Congress Park. The third draft resolution is not sufficient. What is sufficient is following the executive order and adopting all 50-point plan. This third resolution ignores the ban on military weapons and vehicles. She is demanding the City Council follow the executive order and adopt and implement all 50 points of this plan.

Samantha Engelmey of Saratoga Springs stated multiple commissioners share they have received hundreds of e-mails opposed to the Civilian Review Board and these e-mails would be admitted into public comment. She is concerned that the same or more weight is being given to those e-mails than the people who are showing up and giving comments for months.

Mel Boxer of Clifton Park stated it is imperative to adopt and implement all 50 points. She is personally passionate about the civilian review board as she served as a juror and saw a lot of body camera footage and there are people on our force that haven't handled cases correctly.

Ron Kim of Saratoga Springs thanked the City Council and the Task Force for their time. He asked the Council to pay attention to executive order 203. The order states the Council 'shall' ratify. If they don't, the City is going to be sued. We need to follow the law.

Suzanne Kwasniewski of Saratoga Springs stated it is fiscally irresponsible for this Council not to ratify this. To not have a civilian review board opens the City up to additional liability.

Hollyday Hammond of Saratoga Springs stated someone mentioned the e-mails opposing the recommendations. Over 220 e-mails were sent through the MLK website. There is a history that leaves people feeling distrustful.

Charlie Samuels of Saratoga Springs stated he covered the police covering the Black Lives Matters. He saw the police take a knee in solidarity.

Lale Davidson of Saratoga Springs thanked the Council for some of the changes to the resolution. An apology doesn't cost anything, get in the way of the law and will go a long way.

Ed Mitzen of Saratoga Springs stated Black Lives Matter and Blue Lives Matter is mutually exclusive. He recruits a lot a people of color to this area for business and these people have all said this area is a very inclusive community. We have good people that want to do the right thing. Anything we can do that provides full transparency will make it easier for him to recruit people here.

Rhianna Stallard stated she questions what the future brings and what the resistance is. Why isn't every commissioner excited about reform? She is saddened there is such pushback.

Andrew Beatty of Saratoga Springs asked where the City and the police produce the budget to file an 80-page document.

Eric Lawson of Saratoga Spring stated he was responsible for drafting the original review board document. He has reached out to Commissioner Dalton and the city attorney with no avail. He urged the civilian review board be adopted.

Lexis Figuereo of Saratoga Springs stated this whole thing is suppose to be about reimaging police. He has had many dealings with the police that were not good. Civilian review board would be a place for people to come and speak.

Pam Jacobs of the Bronx stated she is speaking on behalf of her friends that reside in Saratoga Springs. This is not the people vs. the police; it is the people vs. racism.

Martel Catalano of Saratoga Springs stated she echoes what everyone has been saying. She is disappointed in the City in the last year.

Davia Malcolm of Albany stated she doesn't understand what is so hard in accepting the 50-point plan.

Chandler Hickenbottom of Saratoga Springs stated she has seen people of color have been silenced. You continuously silence black people. We are here to adopt and implement a 50-point plan. You have set yourselves up cause we will be in the streets, you will remember my name, you will say it correctly every single time. I will see you all summer – we are ****ing up your economy.

Samira Sangare of Clifton Park stated it is disappointing to be here today as a community trying to convince elected officials to listen to our voices. All points needs to be implemented and carried out.

Kevin Scott of NYC stated he had 4-6 years experience in Saratoga. We know for a fact the black and minority population is no more than 10-15%.

Bob Reed of Saratoga Springs stated keep one thing in mind. There are four on the City Council that are not going to run for re-election. This is going to be a landmark decision. You are going to leave a legacy to the one incumbent. He has seen what Saratoga is capable of.

Jane Weihe of Saratoga Springs thanked the Task Force and the City Council. She thanked the Council for taking the recommendations seriously.

Winston Grady of Clifton Park stated the community has spoken in respect to the 50 recommendations. Several former Task Force members signed a letter asking why the document was placed on the website and have the prominence it has. It could be looked at as an adversarial report.

Kevin Benckendorf of Saratoga Springs stated he prays for the Council every week. He is very appreciative police force; they are the kindest. Many are expecting the police to turn and ignore when they do something wrong. He asked the Council not to ratify this.

Angela McGovern of Saratoga Springs stated she is speaking on behalf of the Saratoga Springs PBA members. They understand the time and effort put into the document, but there was a serious lack of effort to obtain insight as to what our officers do on a daily basis or how they do their job. The Task Force was invited by department leadership to attend department trainings and drills – every member declined. The union invited them to do the same and again were met with no response. The lack of care to get a well-informed look into the roles and responsibilities of the Police Department doesn't reflect the desire to foster a community where everyone's voices are heard. They need the community's cooperation and support. They only care about protecting the people in the City of Saratoga Springs, not color. Their door is always open. Instead of hurling insults and racial slurs at their members in the middle of a city street, let's find a way to move forward where all parties are heard and understood.

Kristin Dart of Saratoga Springs and member of the Task Force stated the Police Chief sat on the Task Force. They were not made aware of the responses to the survey.

Daesha Harris of Saratoga Springs and member of the Task Force stated it doesn't cease to amaze her how white people continue to center themselves in a conversation that is not about them. The police are not the center of this, they are not alone in having to reform the institution they work for – the City Council has to do a reform. The difference is police have weapons that can hurt people.

Brielle Mastroianni of Albany stated she has a question.....

Mayor Kelly closed the public comment period at 8:04 p.m.

MAYOR'S DEPARTMENT

Discussion and Vote: Resolution Regarding New York State Police Reform and Reinvention Collaborative Plan (21-109)

Mayor Kelly moved and Commissioner Dalton seconded to approve the resolution regarding the New York State Police Reform and Reinvention Collaborative Plan.

Vince DeLeonardis, city attorney, advised this is the third and final resolution. This resolution is similar to the one discussed last week's City Council meeting with the following changes: 1. remove of the words "for consideration" in the second to last 'whereas' paragraph and the 'therefore' paragraph; 2. adding references to collective bargaining agreements and contractual obligations in section 5; 3. indicating the independent advisory committee will be appointed by the mayor to provide advice and input on the implementation of the accepted recommendations and also to review the issues identified for a civilian review board. The resolution is in conformance with the governor's executive order 203. The council is not under any type of directive or mandate to accept every single recommendation provided by the task force. Of the fifty recommendations, there are only two that have been identified as items that the City Council does not have the authority to implement. These are the recommendation to divert seized assets and the recommendation to ban county, state, and federal law enforcement from entering the city if they happen to participate in the DOD 1033 program. Two recommendations were identified as simply requiring further review; the recommendation to ban no-knock warrants and the recommendation to implement a civilian review board. These two require further review. The council has a responsibility to provide for such evaluation and to consider all appropriate alternatives prior to acting in a legislative manner. The resolution before you proposes the establishment of an independent advisory committee who will assist in conducting

this review and report back to the city council and the public. This committee will be established by the mayor on or before June 1st and will be provided with clear instructions and an appropriate time frame in which to perform their work.

Commissioner Madigan stated she feels the message has gotten away from us. She will be supporting the resolution. She can't understand the divisiveness and contrariness or why they are being so berated by the public commenters. The resolution does just what executive order 203 requires.

Ayes – 4

Nays – No (Commissioner Franck)

ADJOURNMENT

There being no further business, Mayor Kelly adjourned the meeting at 8:14 p.m.

Respectfully submitted,

Lisa Ribis
Clerk

Approved: 4/20/2021
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 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 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 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, budget appropriations, collective bargaining and contractual obligations.

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.

Such committee shall be established by the Mayor on or before June 1, 2021, to 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.

The independent advisory committee will further review the recommendation for a Civilian Review Board and such committee shall report to the City Council and the public on its review of the issues identified in this Resolution.