



# City of Saratoga Springs

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## SARATOGA SPRINGS POLICE REFORM TASK FORCE

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September 9, 2020

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

Camille Daniels – Vice Chair arrived at 7:32.

### CALL TO ORDER

Vince DeLeonardis called the meeting to order at 5:38 p.m. and thanked everyone for attending. Mr. DeLeonardis advised that as a request from the previous meeting, Commissioner Dalton was present for a 45 minute question and answer session. Mr. DeLeonardis advised that members of the public who signed up to ask Commissioner Dalton a question would be allowed to ask one question at a time in order to allow everyone an opportunity to ask a question that wishes to and asked Commissioner Dalton if she would like to say anything before the public comment period opened.

Commissioner Dalton thanked everyone for inviting her and stated that she appreciated the opportunity to be here. She stated that it was very difficult to watch the videos from the previous meetings and hear the questions that were being asked of the task force that they could not answer. Commissioner Dalton stated that her being here was very important to allow the task force to be able to

move forward.

Mr. DeLeonardis opened the public comment period

## **PUBLIC COMMENTS**

Jeff Halpern asked Commissioner Dalton how it happened that the teenagers that participated in the July 30<sup>th</sup> protest were pepper sprayed and how will it be insured that it will not happen again.

Commissioner Dalton replied that the most important goal was the safety and protection of the public. She stated that the different law enforcement agencies that they work with and that responded to assist on July 30<sup>th</sup> did not follow the same protocol as the Saratoga Springs Police Department. She said that she was saddened at what happened at the protest and stated that these events demonstrated that it would be necessary for training with other agencies to occur so this would not happen again in the future.

Owen commented that he only wanted to make a statement. He stated that young people were not looking to them for government leadership. He commented that police should not be using animals for control purposes and police should not be cruising around looking for trouble. People should be allowed to handle situations themselves and only contact the police if assistance is needed.

Joy King asked Commissioner Dalton if she planned on continuing with the Public Safety Citizens Advisory Board.

Commissioner Dalton replied that she was unaware of this group until just recently and was interested in continuing with this group.

Chandler Hickenbottom asked Commissioner Dalton who they were protecting at the July 30<sup>th</sup> protest when protesters were being shot at because there were young children at the protest. She also asked who requested the Saratoga County Sheriff's Department to be present at the protest.

Commissioner Dalton replied that the Saratoga Springs Police Department was not responsible for the use of pepper spray or tear gas and that she was not the person who requested their assistance. She advised Ms. Hickenbottom that she should direct her question to the Saratoga County Sheriff's Department as to who authorized the use of the pepper spray and pepper bullets.

Andrew asked Commissioner Dalton if any reports were made in connection with the use of force that took place at the July 30<sup>th</sup> protest by the Saratoga County Sheriff's Department, as required by the Saratoga Springs Police Department's Use of Force policy.

Commissioner Dalton replied that Chief Crooks could answer this question. Chief Crooks replied that reports of use of force would be the responsibility of the Saratoga County Sheriff's Department as no use of force was used by the Saratoga Springs Police Department.

Andrew asked Chief Crooks if it was his position that Saratoga Springs Police Department is not required to make any reports of use of force because it was not the Police Department who used the OCA weaponry.

Chief Crooks replied that they have been in contact with Saratoga County Sheriff's Department about this matter.

Matthew Marshall asked Commissioner Dalton if she was aware of what SSPD policy number 303.6 said concerning the use of Control Devices.

Commissioner Dalton replied that she was aware of the policy but had not read it.

Mr. Marshall read the policy and asked Commissioner Dalton who called the Sheriff's Department to assist or did they just show up. He commented that if the City called them to assist, the Sheriff's Department would have been required to act under the City's policies and that should have been communicated to them.

Commissioner Dalton replied that she felt strongly that the use of pepper balls should not have been used but she is not a law enforcement professional. She agreed that the Sheriff's Department should have been working under the City's policies and procedures. Commissioner Dalton stated that the Sheriff's Department is routinely called to assist the City's police department with backup, but the City is the Police Department's jurisdiction and the Police Department will take the responsibility for what happens here. Commissioner Dalton stated that July 30<sup>th</sup> was an unprecedented situation, and she never foresaw this happening.

Justin Farrington asked Commissioner Dalton if she intended to meet with the Citizen's Action Board, how often does she plan to meet with them and will they be given the power to investigate the events that happened on July 30<sup>th</sup>.

Commissioner Dalton replied that what currently exists is a committee of people who have no funding, no authority or the ability to take any action with regard to any type of discipline.

Samantha Engelmyer asked Commissioner Dalton if she thought July 30<sup>th</sup> was handled well and would she handle it the same way.

Commissioner Dalton replied that she would not be in favor of a pro-police rally happening if she knew it would prompt a counter protest which resulted in both groups being very angry with each other and ending badly.

Reese Fulmer asked Commissioner Dalton if she would commit to releasing data concerning police activities and where policing is taking place to be more transparent to the community and task force.

Commissioner Dalton replied that she would.

Mr. Fulmer asked Commissioner Dalton that if she is willing to release this data and the potential for the revision of current policies based on this data, would she commit to funds being redirected to social service organizations that would be assisting instead of the Police Department.

Commissioner Dalton replied that they are currently testing a program with 4 social service groups that are working with the Police Department to eventually take the Department out of situations that don't require police involvement. The test is going very well. She stated that these services are not something that the city is currently being charged for. Commissioner Dalton commented that the City does not provide any form of Social Service assistance. This assistance is all county based.

Nate Hallmark asked Commissioner Dalton if there was another organization that acted in a "rogue" manner in the future, will they be dealt with differently and if events appear to be escalating with outside agitators what policies are now in effect to de-escalate a situation.

Commissioner Dalton replied that in most cases she has no communications with anyone planning any protests but that it is critical to keep pro and con protestors apart. She stated that she was not aware if the Chief had already spoken with the Sheriff's Department about future responses and said that she would ask the Chief to do so if it had not been done.

Sarah Marlin asked if this question and answer session could continue as there were others who would like to ask Commissioner Dalton a question and did not yet have that opportunity. Commissioner Dalton replied that she would be happy to continue the session. Daesha Harris commented that the task force members would also like to ask Commissioner Dalton some questions after the public had finished.

Mr. DeLeonardis asked if the task force members were in agreement with continuing the question and answer period. The task force members all agreed that they would like to continue with the questions and answers session.

Ms. Marlin asked Commissioner Dalton what the Commissioner meant when she stated that the SSPD had been "holding restraint" and why was there was an armored vehicle present at the Darryl Mount Memorial.

Commissioner Dalton replied that her comments about "holding restraint" were

made prior to her knowledge of the use of pepper balls.

Lexis Figuereo asked Commissioner Dalton how the Sheriff's Department was being held accountable.

Commissioner Dalton replied that he would have to ask the Sheriff's Department.

Mr. Figuereo asked if the Sheriff Department's actions were condoned by the Police Department. He also asked by the City's attorney was running the task force meetings.

Commissioner Dalton replied that the Mayor and Council members appointed the task force members and the Mayor appointed the city attorney as a co-chairperson.

Mr. Figuereo stated that Commissioner Dalton commented at a City Council Meeting that no more protesting would be allowed in the streets unless a permit was purchased.

Commissioner Dalton replied that she never stated a permit would have to be purchased but asked that protestors communicate with the City so they are aware of a protest and would be able to block streets to keep everyone safe. The Public Safety Department fully respects the right to protest and free speech.

Mr. Figuereo asked Commissioner Dalton if she planned to arrest the protestors if they shut down the streets and stated that he would continue to protest and shut down the streets until there was justice for Darryl Mount.

Andrew asked Commissioner Dalton if it had been communicated that SSPD had a role in organizing the Back the Blue event.

Commissioner Dalton replied that it was not organized by the Police Department but by friends and relatives of the police officers who also have a right to freedom of speech.

Brian Straighter commented that rules needed to be set and followed in order for the task force to move forward.

Ms. Hickenbottom asked why a police officer who has been complained about numerous times was still on the force. Chief Crooks replied that he would be happy to look into this matter if she would like to come into the Police Department and discuss it. Commissioner Dalton extended the same offer to Ms. Hickenbottom.

Ms. Marlin commented that they would still like a meeting with Commissioner Dalton, Chief Crooks and Mayor Kelly as this 45 minute meeting was not what

had been requested at the previous meeting.

Commissioner Dalton agreed and replied that she did not want to unduly influence the recommendations and actions of the task force. She stated that she is trying to pursue as many avenues as possible to communicate with the public by holding a Community Outreach meeting and starting a Facebook group off her personal Facebook page.

Ms. King asked Commissioner Dalton when and where the Community Outreach meeting was taking place. Commissioner Dalton replied that it would be a Zoom meeting and advised where the meeting could be signed up for and read a mission statement for the outreach group.

Mr. DeLeonardis closed the public question and answer period and invited the task force members to ask Commissioner any questions.

Terry Diggory asked Commissioner Dalton about her findings concerning the City's affiliation with Lexipol.

Commissioner Dalton replied that she did some research and spoke with the former Chief of Police and was able to locate a subscription agreement entered into with Lexipol in 2015. The subscription agreement renewed annually and would be reviewed by City Council to determine if the City would continue to use this service or look into other options.

Mr. Diggory asked if electronic copies of the agreements could be shared and Commissioner Dalton replied that they could.

Kristen Dart asked how much was being paid for this service and how does the subscription agreement get renewed annually without budgetary approval from City Counsel. Mr. DeLeonardis stated that it was a contract that has budget appropriations for it; the contract can be cancelled upon 30 days written notice. Commissioner Dalton commented that through reviewing the budget lines was how they were able to track down the agreement and that the cost of the subscription service was approximately \$10,000 per year.

Jason Golub asked if the City was going to be looking into other options than Lexipol, who would be making the decision as to what service would be used, and suggested that perhaps this could be a subcommittee of the task force. Commissioner Dalton agreed and stated that she would be happy to work with the task force in this regard.

Ms. Harris asked Commissioner Dalton if she felt "restraint" was something used by the Police Department often because she referred to the word "restraint" often.

Commissioner Dalton replied that she was using the word "restraint" to

emphasize the fact that she had watched people taunt the police officers during the protests and as a human being it takes “restraint” not to react.

Ms. Harris asked Commissioner Dalton why the military vehicle keeps appearing at protests after the July 30<sup>th</sup> protest.

Commissioner Dalton replied that the military vehicle is always here and is located at the fire station. When it is needed and how it is being used has become very different from past years. Commissioner Dalton commented that this is something that would need to be discussed with Chief Crooks and the Sheriff’s Department and stated that she did not know what determines when the tank is brought out as far as crowd size was concerned and commented that she didn’t know if that figure was 200 people or 30,000 people. Because it has been seen recently, people are more aware of it, but it has always been present.

Mr. Golub commented that from a process perspective, the answer of should the tank be there for 200 people versus 30,000 is not an objective process. He commented that this is part of the problem and stated that it becomes subjective if someone else gets to decide what protests it is present for.

Commissioner Dalton replied that she did not know how the Sheriff’s Department determined when the tank would be called out.

Kimberly Galvin commented that the Sheriff’s Department should be told “don’t bring the tank”. She asked why it was needed at the Darryl Mount Memorial. Ms. Galvin commented that the Commissioner has not taken responsibility for anything and that it is okay to disagree with these people.

Commissioner Dalton replied that she was not trying to make herself look good. She was just replying to what she knew.

Steven Boxley asked Commissioner Dalton who has the authority to override her decisions and if her decisions are overridden, are there any consequences.

Commissioner Dalton replied that she did not know that answer.

Ms. Harris asked Commissioner Dalton if there would be any restrictions on the right to protest and that protestors would be safe in the future.

Commissioner Dalton replied that there are no restrictions of anyone’s right to protest. She commented that the best practice would be to give them a heads up as to where the protestors will be so they can re-route traffic and people to keep everyone safe.

Cecilia Hayes asked Commissioner Dalton who invited the Sheriff’s Department to be at the July 30<sup>th</sup> protest.

Commissioner Dalton replied that Chief Crooks asked the Sheriff's Department to be on standby.

Chuck Caputo commented that the issue of July 30<sup>th</sup> and the collaboration and coordination between the two organizations is absolutely critical. Having six weeks go by without this being discussed is unacceptable. He commented that how the two groups were going to work together should have been known before the Sheriff's Department was called to assist.

Commissioner Dalton agreed and replied that yes, she should have contacted the Sheriff's Department in advance.

Mr. DeLeonardis asked if there were any other questions from the task force for Commissioner Dalton. There were no further questions for Commissioner Dalton.

Mr. DeLeonardis advised that there had been several public comments received by the task force which are taken very seriously. He advised that some of these comments questioned a city representative on the committee as a chair. He commented that he has discussed this issue with the Mayor and will be stepping down as co-chair of the committee. He further advised the members of the task force have been made aware of this fact. Mr. DeLeonardis commented that he would remain on the task force and assist in any way needed. Mr. DeLeonardis advised that the chair should be chosen by the task force and asked if anyone would like to formally nominate anyone from the task force as chairman.

Kristen Dart moved to nominate Camille Daniels as a chairman. Winston Grady-Willis seconded the nomination.

Mr. Grady-Willis suggested that perhaps they should proceed with a co-chair model for the group. Ms. Dart withdrew her motion to nominate Camille Daniels as chairman and moved that they proceed with the co-chair model for the task force. The motion was seconded by Ms. Daniels. The motion passed 12-0.

Ms. Galvin commented that with co-chairs there was no direct leader and will take a consensus of two to get anything done.

Mr. DeLeonardis then asked for nominations for co-chairs.

Ms. Harris moved to nominate Jason Golub as a co-chair. Ms. Dart moved to nominate Camille Daniels. Mr. DeLeonardis asked if there were any other nominations. There were no further nominations and Mr. DeLeonardis asked Ms. Golub and Ms. Daniels if they accepted their nominations. Mr. Golub and Ms. Daniels advised that they did.

The motion was moved by Mr. Diggory and seconded by Ms. Galvin. The

motion passed 12-0.

Mr. Diggory commented that pursuant to the Mayor's direction, a secretary for the task force was needed to take the minutes for the meeting. Ms. Galvin asked why minutes were needed if the meeting was videoed and available online. Mr. DeLeonardis stated that minutes were needed as an additional resource for the public. Mr. Caputo commented that it would be difficult for anyone to take minutes and pay attention as to what was happening at the meeting and perhaps they could rotate between them as to who would take the minutes. Ms. Galvin commented that minutes should be taken off the video.

Ms. Harris commented that this would be a great opportunity for community involvement if someone from the public would like to take the minutes and Ms. Daniels commented that this was a good idea. Ms. Daniels asked if anyone had any other ideas in this regard. Mr. Caputo stated that this should be something decided by next meeting. Ms. Hayes asked if there was anyone present at the meeting now that would be interested in taking the minutes. There were several volunteers who were asked to speak with a task force member at the end of the meeting to given their names and contact numbers.

Mr. Diggory commented that the task force needed to determine what their next steps should be and how is that going to be communicated between now and the next meeting. Mr. Golub commented that he was sure they were all in agreement that they needed more of a process going forward than what they currently have now. He stated that he felt the policies should be divided between the group and subcommittees formed and then set a timeline for when the groups would come together with their recommendations. He stated that he and Ms. Daniels should discuss this proposal before the next meeting and present it to the rest of the committee and public.

Mr. Caputo asked for clarification as to whether or not the work needed to be done by the task force could be done outside of the meetings or did it all need to be done before the public. Mr. Golub replied that he felt that work needed to be done outside of the meetings.

Ms. Dart asked how the public comments would be handled now that Mr. DeLeonardis has stepped down as chair. Mr. DeLeonardis advised that there is a public comment link on the City's website and when a public comment is submitted it is received by himself and his assistant, who then posts it to the task force page. Ms. Daniels stated that there are public comments visible on the task force page but perhaps an email address should be shared that would reach all task force members. Ms. Dart commented that some people may be uncomfortable about submitting a comment if they feel they are communicating with a member of city council directly as she has not received any emails herself.

Mr. Diggory commented that the use of the tool kit that accompanies the

Governor's Executive Order could be used. He commented that the first topic in the tool kit is entitled "What is Policing For" and stated that a global topic like that should be considered as a general framework for everything else moving forward. He also commented that some of the topics contained in the tool kit could be used as an outline in setting a timeline. Andrew Sephas commented that we needed to get together and get the subcommittees formed so they can get to work. He stated that there have been three meetings already and no work has been done.

Mr. Golub stated that the goal for next few days was to meet with Ms. Daniels to work on subcommittees and timelines. Mr. Caputo commented that something that should be considered is the use of time during the meetings versus what can be accomplished by email. Ms. Galvin commented that she still was not clear as to what the task force's responsibilities were exactly. Mr. Caputo and Ms. Galvin each commented on what they thought was required of the task force under the Executive Order. Mr. Caputo asked Mr. DeLeonardis what he thought was required of the task force under the Order. Mr. DeLeonardis commented that the ultimate charge of the task force was to provide recommendations to City Council for policy change which will presented to the public and then either by resolution or local law adopted. He reiterated that the task force was only required to provide recommendations for change to City Council. Mr. Caputo and Ms. Dart commented on their views of that the task force has been charged with.

## **ADJOURNMENT**

Mr. Diggory stated that the minutes from the August 19<sup>th</sup> meeting needed to be adopted and moved for their adoption. Ms. Daniels seconded the motion. The minutes were approved 12-0. Ms. Daniels adjourned the meeting at 8:00.

Prepared by: Robin McFee, Executive Assistant, Saratoga Springs City Attorney's Office  
Approved 10/14/2020  
12-0