

# **Reinvention Plan: Toward a Community Centered Justice Initiative**

**Saratoga Springs Police Reform Task Force  
February 26, 2021**

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*“Let me give you a word of the philosophy of reform. The whole history of the progress of human liberty shows that all concessions yet made to her august claims have been born of earnest struggle. The conflict has been exciting, agitating, all-absorbing, and for the time being, putting all other tumults to silence. It must do this or it does nothing. If there is no struggle there is no progress. Those who profess to favor freedom and yet **deprecate agitation** are men who want crops without plowing up the ground; they want rain without thunder and lightning. They want the ocean without the awful roar of its many waters.*

*This struggle may be a moral one, or it may be a physical one, and it may be both moral and physical, but it must be a struggle. **Power concedes nothing without a demand.** It never did and it never will. Find out just what any people will quietly submit to and you have found out the exact measure of injustice and wrong which will be imposed upon them, and these will continue till they are resisted with either words or blows, or with both.” — Frederick Douglass **“If There is No Struggle, There is No Progress” (August 3, 1857)** from **“West India Emancipation”** speech at Canandaigua, NY*

*“...we as a nation must undergo a radical revolution of values. We must rapidly begin the shift from a “thing-oriented” society to a “person-oriented” society. When machines and computers, profit motives and property rights are considered more important than people, the giant triplets of racism, materialism, and militarism are incapable of being conquered. A true revolution of values will soon cause us to question the fairness and justice of many of our past and present policies.... True compassion is more than flinging a coin to a beggar; it is not haphazard and superficial. It comes to see that an edifice, which produces beggars needs restructuring. A true revolution of values will soon look uneasily on the glaring contrast of poverty and wealth...A nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual death.” — Martin Luther King, Jr **“Beyond Vietnam” (April 4, 1967)** delivered at Riverside Church, New York, NY*

## INTRODUCTION

In the wake of an unprecedented groundswell of grassroots protests nationwide following the police-involved deaths of unarmed Black citizens Breonna Taylor (Louisville, Kentucky) and George Floyd (Minneapolis, Minnesota), and recognizing past police-involved deaths of unarmed Black and Brown New Yorkers including Anthony Baez, Amadou Diallo, and Eric Garner, Governor Andrew M. Cuomo signed Executive Order 203 on June 12, 2020, which established the New York State Police Reform and Reinvention Collaborative.

In keeping with the mandate of the executive order, Mayor Meg Kelly and the City Council nominated members of the community to sit on the newly created Saratoga Springs Police Reform Task Force (SSPRTF), which met for the first time on August 19, 2020. The goal of the civilian task force was to evaluate the Saratoga Springs Police Department and make recommendations for improvement, consistent with Executive Order 203. The recommendations of the task force would then be provided to both the community and the City Council for review, vote, and implementation. The following Reinvention Plan, “Toward a Community Centered Justice Initiative,” including 43 recommendations, has been drafted by the SSPRTF following a six-month community-based process outlined below. These recommendations are **not** in rank order. They are simply numbered for easier reference. Recommendation #1 is no more important than Recommendation #43. “Change is hard. But change is necessary if we are to grow. The tension must be resolved,” Governor Cuomo noted in the prefatory message of *New York State Police Reform and Reinvention Collaborative: Resources and Guide for Public Officials and Citizens*. “This is an opportunity to reinvent law enforcement for the 21st century.”

Members of the SSPRTF agree. The task Force has confronted this challenge of rethinking and reinventing public safety whenever possible by embracing a commitment to social justice, which foregrounds the pursuit of fundamental human rights, as well as racial, social and economic equity, transparency and accountability. Doing so means

prioritizing concern for every member of the Saratoga community, including individuals who are most vulnerable and often marginalized, such as immigrants, people of color, LGBTQ+ individuals, and young people. To be sure, Saratoga Springs is unique in some ways. With the haunting exception of unanswered questions that linger from the circumstances surrounding the 2014 death of Darryl Mount, the Saratoga Springs Police Department (SSPD) has not received the type of intense scrutiny and negative publicity that have dogged other law enforcement agencies in the state. Nevertheless, the response of city and county law enforcement agencies this past summer to *All of Us* activists during protests downtown has served as a reminder that there is still significant work to be done to repair fractured relationships between members of the larger Saratoga community and the SSPD. In that spirit, our Reinvention Plan seeks to not only cultivate a culture of transparency and accountability that disciplines officers who engage in misconduct, but also celebrates the officers who responsibly serve the community in the cause of justice and peace.

## **PROCESS**

The first few weeks of the SSPRTF were turbulent ones, no surprise given that they were held within the context of grassroots protests in the city organized by *All of Us* and on the Skidmore College campus by *Pass the Mic*. An adversarial atmosphere pervaded the first three socially-distanced public meetings, which were held in the Canfield Casino. However, at a key point in mid-September, City Attorney Vincent DeLeonardis stepped down as Chairperson, cognizant of the fact that some community members considered his leadership of the SSPRTF as a conflict of interest. A consensus quickly emerged within the group that the chair/vice chair model should be jettisoned in favor of a co-chairperson model. Jason Golub joined Camille Daniels, the existing Vice Chairperson, as a fellow Co-Chairperson moving forward. By the end of September much of the Task Force's research and analysis of existing and model policies, as well as outreach to stakeholders, was being conducted primarily through twelve subcommittees.

- Police Culture and Mission: Terry Diggory, Daesha Harris, Cecilia Hayes
- Use of Force Policy: Chuck Caputo, Winston Grady-Willis, Jason Golub
- Data Analytics and Transparency of Data: Chuck Caputo, Cecilia Hayes, Winston Grady-Willis
- Lexipol and Policy Management: Vince DeLeonardis, Cecilia Hayes, Steven Boxley
- Internal Affairs/Independent Review Board/Investigations: Kristen Dart, Terry Diggory, Camille Daniels
- Police Reinvention: Kristen Dart, Daesha Harris
- Taser/Control Devices: Kimberly Galvin, Steven Boxley, Jason Golub
- Deviations from Police Policies and Cooperation with Other Agencies: Terry Diggory, Andrew Sephas, Camille Daniels
- Training and Education: Kristen Dart, Shane Crooks, Kimberly Galvin
- Public Survey: Steven Boxley, Andrew Sephas, Jason Golub
- Complaint Form: Kimberly Galvin, Shane Crooks, Andrew Sephas
- Youth: Winston Grady-Willis, Chuck Caputo, Daesha Harris

The subcommittees met regularly, some weekly, while public meetings of the entire group began being held biweekly. In total, the SSPRTF has held thirteen public meetings, six in person and seven via Zoom due to Covid restrictions. The October 14, 2020 in-person meeting included community breakout groups with representatives of five of the subcommittees, in addition to the public comment period that has been a feature of every public meeting. Several of the subcommittees benefitted from the input of Chief of Police Shane Crooks and members of his team, either as a fellow member or as an interview subject or provider of updates and other information. The Youth Subcommittee conducted two listening forums, a socially-distanced in-person session with college-aged persons on November 4, 2020 and a virtual session with high school students on February 16, 2021 (see Appendix A for a summary of college-age and high school youth input). Some subcommittees, such as Data Analytics and Transparency of Data, Internal Affairs/Independent Review Board/Investigations, and Public Survey, benefitted from ongoing direct input from members of the larger community, including

assistance of faculty and students from Skidmore College's Department of World Languages and Literatures, who translated the updated public survey into Spanish. Members of the Task Force also provided updates and received feedback at virtual forums organized by MLK Saratoga (January 10) and Skidmore College (February 12). Each of the subcommittee recommendations were reviewed and discussed in the bi-weekly public meeting and input was provided by both the overall task force and the public. The task force voted in favor of each set of subcommittee recommendations on Feb. 23, 2021.

## **SECTION ONE: CULTURE AND TRAINING<sup>1</sup>**

### **A. Current Police Culture**

The SSPRTF has not undertaken a systematic study of the culture of the SSPD. The comments we have received from leaders in the department and from community members, as well as our own experiences in the community, provide a sufficient basis for making some recommendations at this time but also point to the need for further study and work.

Saratoga Springs police take pride in their work and are quick to point to ways in which they exceed the performance of other departments, for instance, in their standards for hiring and training and in their deployment of body-cameras. On the other hand, while they express openness to further improvement in terms of specific process and policy, they are reluctant to acknowledge the possibility of being in the wrong or that there may be individuals within the department who do not conform to the highest ethical standards. Instances of this reluctance include the department's continued silence with regard to the handling of the case of Darryl Mount and the failure to acknowledge problems with the conduct of law enforcement during the protests in Saratoga Springs on July 30, 2020. More generally, it is not apparent that the department acknowledges the level of distrust with which some members of the community regard the police, nor the extent to which that distrust may reflect possible racial or cultural bias.

As evidence of implicit bias in police conduct, community members cite:

- over policing of people of color, youth and low-income residents (statistical in-city data over multiple years supports this notion)

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<sup>1</sup> **The recommendations of the Culture and Training Subcommittee were adopted by a 10-2 vote of the Task Force. Chief Crooks voted no, citing concerns over the first recommendation (Acknowledge, Apologize, Reconcile, Review). Kim Galvin voted no but agreed that an independent third party consultant should be engaged to review police culture.**

- deference to wealthy residents
- over policing and militaristic stance at Black Lives Matter protests and the memorial gathering for Darryl Mount on August 31, 2020
- deference to Back the Blue demonstrators on July 30, 2020

Further improvement in the culture of the Saratoga Springs Police Department will require an acceptance by the police that there is a problem that needs to be addressed, starting with the recognition that all law enforcement agencies are implicated in a national culture that is historically racist. Understanding the place of Saratoga Springs within that broader culture and the history of policing both nationally and locally will require that police and community members engage in an ongoing and open dialogue with genuine humility in who we are, but pride in what we aspire to create together. Culture in any organization is not something that changes overnight, but evolves over time through a commitment to communicate and address shortcomings transparently, make changes that lead to accountability and community trust, and tactical/policy improvements that signal a desire to shift entrenched culture norms within the organization, in the interests of the community.

## **B. Vision for Change**

Why the term “community policing” is problematic:

- community policing has been used to bolster legitimacy of the police when they are undermined by protest and crisis
- community policing cannot solve the problems that cause crime, but can only displace them temporarily
- community policing has been used as an excuse to expand police funding and hiring
- community policing extends police presence and surveillance into everyday life, and turns social problems into police problems (Abolition Research Group, 2017)
- community policing has not decreased the rate of death due to lethal force by law enforcement nor has it changed racial injustices.



## A new vision: Community Centered Justice Initiative (CCJI)

- An understanding of public safety and well-being as the products of community-wide partnerships that stress: education (for community members and all institutions within the city); consistently consulting members of the larger community; specific partnerships with educated and informed social service groups and individuals who have completed appropriate training, share a code of ethics that includes cultural competence.
- Emphasis on understanding that each person has a different set of experiences in society based on their race, ethnicity, sexual orientation, gender identity, socioeconomic status, religious practices, and other variables.
- We do **not** mean “citizen policing”.
- The police are among several social service providers who may serve as first responders to some immediate problems. Some of these problems are recognized to be symptoms of underlying conditions of injustice, social disorder and ill health that it is the responsibility of the community as a whole to address, taking special care to engage community members who don’t have a strong voice or are disenfranchised due to race, poverty, or lack of opportunity. Community members as well as police need education in this philosophy and continual opportunity and encouragement to put it into practice.
- Funding can be diverted to Social Services Alternative Models that promote safety and wellness such as:
  - 24-hour Mental Health Crisis Teams
  - Community youth art & athletic programs
  - Community-led domestic violence support
  - Homeless Shelters

## C. Current Training

- Members of the SSPRTF were surprised to learn that once a police officer is out of the academy the law does not require any further training other than recertifications for weapons use, etc.

- All the training that the Police Department does is because the leadership of the police department initiates it and pays for it, which we commend.
- The past nine years of training topics were provided to us by the Chief and are attached (see Appendix K).
- It was explained that the train-the-trainer strategy is used in some instances, as the cost to send the entire SSPD for most sessions would be cost prohibitive.
- Who gets to go to the training, who gets paid overtime to be trained, who travels to training, etc., all have union requirements that must be adhered to when deciding training protocols and personnel. As the major cost of training is the overtime that is paid, it necessarily follows that any decrease in overtime allotment in the budget will necessarily decrease the amount of training that the officers receive.
- On-line training, while less costly, is not ideal due to interruptions and simply not having a “hands-on” real life situational training situation.
- Experiential/hands-on training, is deemed to be most effective and is utilized whenever it can be by the Saratoga Springs Police Department.

#### **D. Specific Culture and Training Recommendations**

##### **1. Acknowledge, Apologize, Reconcile, Review.**

- Acknowledge and address past conflicts within Saratoga Springs to build trust and respect between the community and SSPD (Acknowledging harm is the first step in the reconciliation process.)
- Recognize and Apologize for the history of police abuse in US history
- Reconcile police and community members through a guided mediation process addressing current issues of contention with the SSPD
- Review SSPD culture by engaging an external consultant (An unbiased view would help the department recognize its shortcomings.)

##### **2. Create a comprehensive Community Centered Justice Initiative (CCJI) strategic plan that includes:**

- Reorientation of leadership and resources away from traditional paramilitary bureaucracy and toward community-based activities
- Engage department employees at all levels around the philosophy of a Community Centered Justice Initiative (CCJI)
- Describe department operations in language that encourages de-escalation and peace-keeping rather than military mindset (e.g., “assignment” rather than “deployment”).

### **3. Train and implement procedural and restorative justice principles.**

- Treat people respectfully, fairly, impartially
- Ensure decision-making transparency
- Train officers to address racial biases (Lopez, 2017) and to apply the concept of LEED (NASW, 2020):
  - Listening when involved in interaction with community members
  - Explaining your actions
  - Equality in your actions no matter whom you deal with
  - Dignity and respect for all whom you interact with
- Partner with local universities and/or scholars, social justice activist groups, anti-racist organizations to develop programs designed to push both recruits and more experienced officers to critically engage with the history and practices of their profession. (Brooks, 2020).
  - Allow community members to voice their concerns and opinions
- Build trust within community

### **4. Incorporate Community Centered Justice Initiative (CCJI) in department assessment and individual performance evaluation.**

### **5. Transparency and Accountability**

- Full and accessible transparency with the community in upholding departmental accountability and discipline of individual officers
- Officers must be held accountable in a very transparent way (Lopez, 2017)

6. **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 (see Appendix B).**
9. **The task force is recommending the City Council reallocate funds in future budgets for increased de-escalation training and ICAT training**
10. **Aside from required recertification training we are urging the police department to increase their training to focus on de-escalation in all areas of police/community interaction.**
11. **Along with this de-escalation focus integrate “ICAT” training—Integrating Communications, Assessment and Tactics. In almost every situation where a subject is behaving erratically (often because of mental illness or behavioral crisis), it is a patrol officer—a “beat cop”—who is the first to respond. ICAT provides these officers with the skills and options needed to safely and effectively manage these encounters, especially in the critical first few moments after officers arrive. In many instances, the goal is for the first responding officers to buy enough time so that additional, specialized resources can get to the scene to support a safe and peaceful resolution.**
12. **If there are trainings specifically oriented on protests and the most effective way to monitor those events with a continual aim of de-escalation, we would request that the police department focus on those types of trainings for the entire police department staff.**
13. **We recommend that 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. The mind set and overriding principles of finding common ground, repairing harm, accessibility, neutrality and respect will go a long way to fostering trust between the officers and the public.**

## **SECTION TWO: POLICY**

### **A. Lexipol Review and Recommendations**

Lexipol is a third-party content, policy and training platform utilized by law enforcement and governmental agencies throughout the country, including the SSPD. Lexipol does not make policy. Instead, they make policy recommendations based upon current legislative changes, federal and state laws, court rulings and best practices. The Chief of Police is ultimately charged with analyzing those policy recommendations and then customizing them to better suit and reflect the needs of the community. The Task Force does not endorse or recommend any particular platform, but does recommend continued utilization of a third-party provider to assist in cost-effective risk management and to ensure the safety of both the officers and the individuals they serve.

Specific Recommendations:

- 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 and need.**
- 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 an annual report to the public and the City Council summarizing all significant policy changes adopted by the department.**

## **B. Use of Force Policy and Recommendations<sup>2</sup>**

The basic philosophy underlying these recommendations is that the use of force should always be an SSPD officer's last resort (as per model use of force policies reviewed). Accordingly, we believe that any revisions to the use of force policy and the SSPD culture must emphasize de-escalation and the preservation of life as the bedrock principles of bringing any incident under control. We believe this approach is consistent with the SSPD's obligation to protect and serve our community.

### **Concerns with the Existing Policy**

- The existing policy does not adequately focus on de-escalation and the preservation of life, nor does it sufficiently outline alternatives to use of force. This undermines preservation of life and de-escalation as the mission.
- There is no language in the current policy that mandates that use of force should be a last resort.
- The language "if an officer deems it necessary," they may use deadly force, provides extraordinary discretion. This language should be revised with a focus on de-escalation and a more objective reasonableness standard for evaluating deadly force.
- The policy is insufficiently specific regarding the obligation to immediately discontinue "pain compliance techniques" once compliance has been achieved.
- The training requirement is not strong enough ("subject to available resource officers should receive periodic training"), nor is there sufficient focus on de-escalation and alternatives to use of force training.

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<sup>2</sup> The recommendations of the Use of Force subcommittee were approved by a 10-2 vote by the Task Force (Police Chief Crooks and Kim Galvin voted no). Chief Crooks stated that he agreed with the majority of the recommendations but was a no vote based on the provision calling for a "minimum force" standard. Kim Galvin agreed with all provisions except number two. Andrew Siphas raised a concern that there needed to be more cameras in holding cells where use of force was an issue without adequate supervision/monitoring.

- The policy does not appear to comply with the Eric Garner Anti-Chokehold Act of June 2020.
- The policy has one paragraph on de-escalation in an eight-page policy. That paragraph indicates officers “should” use non-violent strategies and techniques when circumstances reasonably permit. This is insufficient.
- The reporting and investigative requirements in cases of use of force, and particularly deadly force, are insufficiently independent on three fronts: review, investigation, and disciplinary actions.

### **Specific Recommendations**

#### **18. Use of Force policy be revised to prioritize de-escalation and protection of life.**

“It shall be the utmost priority and mission of the SSPD to protect and serve all individuals of Saratoga Springs and to respect the inherent life, liberty, dignity, and worth of all individuals by preserving human life, and minimizing physical harm and the reliance on use of force, and by conducting their duties without prejudice.” (Modified from Campaign Zero Model Use of Force Policy)

#### **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.**

- Use of Force policy should be revised to include a significantly expanded de-escalation section. The new section should highlight the requirement that all officers must use proper de-escalation techniques to decrease the likelihood that they will resort to force and increase the likelihood of cooperation between law enforcement and members of the public. This section, consistent with model Use of Force policies, should outline de-escalation techniques, communication techniques, and potential causes

for an individual's failure to comply with an order (e.g. medical conditions, mental impairment, language barrier...)

**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.**

- Ban chokeholds, strangleholds (i.e. carotid restraints), hog-tying and transporting people face down in a vehicle. SSPD officers shall not use any other tactics that restrict oxygen or blood flow to the head or neck.

**21. Use of Force policy be revised to restrict officers from using deadly force unless all reasonable alternatives have been exhausted.**

**22. Use of Force policy be revised to require police to use the minimum amount of force necessary to apprehend a subject, with specific guidelines for the types of force and tools authorized for a given level of resistance.**

- Ban using force on a person talking back or as a punishment for running away.
- Intervene to stop other officers who are using excessive force and report them to a supervisor.

**23. Use of Force policy be revised to establish strengthened use of force reporting and investigations policies and procedures.**

- Reportable uses of Force – to promote transparency and accountability of actions involving use of force, officers shall report to their supervisor any use of force incident when the subject is injured or complains of an injury;



officers shall report any use of force involving the use of weapons, chemical agents, tasers, etc.

- A supervisor outside the officer's direct chain of command shall conduct a use of force evaluation in all cases involving reportable use of force; the supervisor will document the findings and all data involving officer use of force will be tracked and reviewed by the Chief of Police using data analytics.
- Establish an independent investigation capability (i.e. internal affairs or civilian review board) for review of all excessive force and deadly force cases. This independent investigative entity will be responsible for investigating all cases involving allegations of excessive force and any matter where deadly force was used. The information on all use of force cases will be transparently shared with an internal affairs function.

**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 should be required to report all uses of force to a database with information on related injuries and demographics of the victims.**

**26. SSPD to establish an early intervention system to correct officers who use excessive force, including reporting officers who receive two or more 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.**

### **C. Conducted Energy Device and Control Device Policies<sup>3</sup>**

The SSPD's Conducted Energy Device and Control Devices Policies are largely consistent with the policies of similarly situated cities across the nation in terms of both the use of conducted energy and control devices and the general requirements around training, review, and actions post-deployment. There is also a lack of model policies specific to conducted energy and control devices. Taser use, pepper projectiles and OC spray are often referred to within the context of broader Use of Force model policies and the desire to build policies and procedures that focus on preservation of human life and de-escalation. There is research that suggests use of tasers may, in fact, reduce the use of deadly force. However, there is also research that highlights the number of deaths in the U.S. involving tasers as either the cause of, or a contributing factor, in death. For these reasons, our recommendations in this regard are relatively narrow in scope, but should be viewed through the lens of our recommendations focusing on an overall commitment by the SSPD to develop broader de-escalation language within the Use of Force policies and procedures.

#### **Specific Recommendations**

- 28. SSPD to 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.**
- 29. Expand the scope of data analytics collected, reviewed, and provided around conducted energy and control devices incidents.**
- 30. Expand the conducted energy and control devices policies to include a review process for all potential deviations from the policies.**
- 31. Future training on the conducted energy and control devices policies should place a heavy emphasis on preservation of life and**

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<sup>3</sup> The recommendations for Conducted Energy and Control Devices were unanimously approved by the Task Force.

**techniques/practices that minimize the potential deployment and injury associated with these practices.**

#### **D. Cooperation with Outside Agencies<sup>4</sup>**

A key question that arose out of the summer protests—particularly the militarized and aggressive response to All of Us counter-protesters by the Saratoga County Sheriff's Department during the July 30, 2020 Back the Blue rally—was which agency had jurisdiction that evening, the SSPD or the Saratoga County Sheriff? This issue of interagency cooperation is further complicated by the politics of the overall command and reporting structure: the SSPD Chief reports to the Public Safety Commissioner. Indeed, the SSPD Chief is appointed, whereas the Commissioner of Public Safety and County Sheriff are elected and essentially autonomous from one another. Ultimately, exploration of these jurisdictional questions also led to efforts to explore other such questions as they impact the lives of members of Saratoga's immigrant community, including individuals who are undocumented. The recommendations below speak to these issues.

#### **Specific Recommendations**

##### **32. Clarify what policy governs interagency cooperation.**

- Revise FIRST AMENDMENT ASSEMBLIES policy a) to discourage projecting military-type force in response to First Amendment Assemblies; b) to ensure consistent criteria for determining law enforcement response to such assemblies; c) to clarify responsibility of Incident Commander for

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<sup>4</sup> The recommendations on Interagency Cooperation were adopted by a 9-3 vote by the Task Force. Kim Galvin voted no because she did not believe there should be a strict prohibition on no-knock warrants. Chief Crooks also voted no because he does not support a complete ban on no knock warrants, but does support severely restricting them. Steve Boxley voted no on provision 2.

ensuring that the policies of his/her agency govern the conduct of the incident (see Appendix C).

- Revise OUTSIDE AGENCY ASSISTANCE policy to clarify criteria for determining need for requesting assistance from outside agencies (see Appx D).

**33. As policy, SSPD will not initiate no-knock warrants.**

- Revise WARRANT SERVICE policy to allow SSPD involvement in service of no-knock warrants only in cooperation with outside agencies (see Appx E).

**34. As policy, SSPD will not inquire about immigration status and will cooperate with federal immigration agents only under limited circumstances clearly defined in policy.**

- Revise IMMIGRATION VIOLATIONS policy to clarify limits to SSPD cooperation with federal immigration agents (see Appx F).

## **SECTION THREE: TRANSPARENCY AND ACCOUNTABILITY**

### **A. Data Analytics -- Specific Recommendations<sup>5</sup>**

#### **43. Prioritize the development and analysis of race related data and other demographic information.**

- A critical use of data analytics is to identify trends and patterns in police interaction with the community. The SSPD Chief has successfully negotiated to have a new field added to a database on race and has implemented new practices to collect data on race from traffic stops and calls for service. The sub-committee recommends continuing to explore and define key data elements, especially those focused on race and potential race inequalities, and add these data/reports to a key metrics dashboard.

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

- Adopt CQI (Continuous Quality Improvement) culture
- Provide training on CQI for leadership and the department
- Integrate CQI approach in reviewing data and monitoring achievement toward meeting department goals and objectives
- Use data to help create measurable work plans and analyze results

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

- Develop dashboard of key metrics/outcomes of significant importance to monitor progress toward meeting department goals and objectives (examples may include the following by race/demographics and other

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<sup>5</sup> The Data Analytics recommendations were unanimously adopted by the Task Force.

specifics like time of call, location, etc.): total arrests; total arrests by arrest type, total stops; total mental health calls; total substance use calls; total domestic violence calls).

- Establish ranges of desired or expected metrics, monitor for disparities and implement internal review when ranges exceed expectations or at the discretion of the Chief of Police
- Communicate metrics to the public (e.g., in SSPD Annual Report); review current data and make changes as prioritizing race and other metrics that may indicate racial inequalities in police practice.
- Modify practice/policy/training/supervision based on data review

**46. Transparency: Create a Forum for Public Collaboration that Includes Youth:**

- Create an Advisory Panel or other external body that must include high school and college-age young people to review the dashboard on a quarterly/bi-annual or more frequent basis. (See recommendation below for Civilian Review Board.)

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

**48. Accreditation—Establishing a method to systematize implementation and use of best and evidence-based practice--pursue accreditation when resources permit (see recommendation above under Culture).**

**49. Create a stand-alone “Data Analytics and Transparency” Policy. Reference this policy in other SSPD policies. Policy headings to include:**

- Data that is collected and how

- Methods for evaluating trends/patterns in police interaction with the community
- Parties responsible for monitoring, evaluating and assessing data
- Reports that are run and who receives the output. Expectations for review.
- Method for providing data transparency with an independent advisory group and public
- How the data is used to improve the department (e.g., establish department goals, inform training, modify policy and practice, etc.).

## **B. Complaint Form Process<sup>6</sup>**

At an early meeting of the Task Force, on September 2, 2020, the issue of the complaint form rose to the top of the discussions involving members of the community. Several individuals criticized the form itself, access to the form, and the ability to file a complaint with the SSPD. Those criticisms were as follows:

### **Current Complaint Form and filing process**

The current form requires specific information regarding the racial identity of the complainant, the employer of the complainant, and contact information for the employer. All these items were raised as problematic by the public. In addition, the current form contains a warning regarding the filing of a false complaint that is set out in large type face along the bottom and seems intimidating and intended to discourage the complainant from moving forward (see Appendix H).

### **Access/Ability to file the Complaint**

The objections to the current process of filing a complaint are that the form is not contained online, it is not in a fillable format, and it can only be filed at the SSPD itself, perceived by most as a very intimidating requirement.

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<sup>6</sup> The recommendations of the Complaint Form Subcommittee were unanimously adopted by the Task Force

### **Actions taken subsequent to the September 2 Meeting**

Upon conclusion of that meeting, members of the SSPRTF approached Chief Crooks about the issues raised specific to the complaint form and began a discussion about them. Chief Crooks was receptive to addressing the issues raised by the public and agreed that the form and filing process should be modified. The process of modifying the form and providing greater access to it then began in earnest.

#### **50. Establishment of Revised Complaint Form and Filing Process**

Several drafts were provided back and forth, and a revised Complaint form was presented to the task force (see Appendix I).

It is also believed that instructions will be helpful for the public to understand the form and so instructions have been developed and drafted (see Appx J).

The recommended complaint form has made several of the components that were objected to as required, now optional. While race is now an optional component, the failure to have that bit of data will necessarily skew any data review of the complaints filed but the public comment clearly indicated that this element was objectionable.

In addition, the warning regarding the legal ramifications of filing a false complaint, were significantly reduced in size to alleviate the perception that the warning was intended to be intimidating as opposed to informative. An identical warning is contained on many documents that are filed with various public agencies and are not limited to police departments.

### **Access/Ability to file the Complaint**

The complaint form will be posted online, in a fillable format. The SSPD will continue to look at a system where when completed it could be automatically



entered into a police folder that would not require any additional action by the complainant for it to be received by the police department itself.

The proposed complaint form will be accepted by the police department via email, in person or by postal mail and can be made anonymously. In addition, complaints will now be taken by phone.

The form and the instructions will be posted on the police department web site in both English and Spanish.

### **C. Civilian Review Board<sup>7</sup>**

**51. A Civilian Review Board shall be created whose purpose is to receive and process grievances regarding the conduct of employees of the Police Department and to be a vehicle for generating and expressing informed opinions regarding public policy as it relates to law enforcement in the City (see Appendix G).**

#### **Background and Rationale**

Civilian oversight is crucial for the proper functioning of all of the key recommendations in the present report. Lack of civilian oversight in current practice has contributed significantly to the level of distrust between the SSPD and members of the community. Of particular concern has been the admission by then Police Chief Veitch, in a deposition taken on May 2, 2017, that he deliberately misinformed a member of the press regarding the conduct by the SSPD of an internal investigation related to alleged police misconduct associated with the case of Darryl Mount. With proper civilian oversight, the existence or absence of an internal investigation in this case would have

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<sup>7</sup> **The recommendations of the Investigations/Review Board subcommittee were adopted by a 10-2 vote by the Task Force.** Chief Crooks voted no based on concerns that this needs to be negotiated through Taylor Law and concerns about minimum qualifications. He doesn't agree with this model but was not opposed to the concept of a civilian review board. Kim Galvin voted no citing a lack of proof that a review board was needed and concerns over qualifications and subpoena power.

been known, and any deficiency in the internal investigation could have been remedied by a CRB investigation. In sum, a CRB will provide an opportunity to repair relationships between community members and the SSPD while enhancing accountability and transparency in the SSPD.

*Civilian Oversight of Law Enforcement: Assessing the Evidence*, published in 2016 by NACOLE (National Association for Civilian Oversight of Law Enforcement), draws on a comprehensive review of the available research as well as organizational data collected from 97 police oversight executives. Significantly, the report highlights a “key lesson”: “there is not necessarily any ‘best practice’ in the creation of a civilian oversight of law enforcement programs. Local jurisdictions vary across a range of areas and it is unlikely that any single model will work well for all jurisdictions. Instead, jurisdictions should focus on specifying the key goals for their oversight program and then identify the ‘best fitting’ model of oversight.” The authors further elaborate: “Some agencies operate almost completely by a small number of community volunteers while others have a large number of paid professional staff. Some oversight agencies have no operating budget while other agencies have multimillion-dollar budgets.” Taking this lesson to heart, the Internal Affairs subcommittee has attempted to develop the “best fitting” model for a Civilian Review Board in Saratoga Springs, aimed at fulfilling the key goals of trust, accountability and transparency.

## **SECTION FOUR: MOVING FORWARD: NEXT STEPS**

### **◇ Transparency: Create a Forum for Public Collaboration:**

- **Create a Data Analytics Advisory Panel** or other external body that must include young people to review the data analytics dashboard on a quarterly/bi-annual or more frequent basis. (See recommendations above for Data Analytics and Civilian Review Board.)
- **Create a Police Reform Implementation Committee.** This committee would meet at least quarterly with SSPD leadership, monitor and assist with implementation of City Council adopted police reforms, and report back to the City Council regarding police department successes and challenges in implementing approved recommendations. Committee members would be appointed and approved by the mayor and council members.
- **Development of a “Community Involvement Plan.** A Community Involvement Plan would establish a written plan that expands on current SSPD efforts to connect with the community and would include collaboration with non-profits and faith based organizations. The plan would address issues such as providing more school outreach, police and community reconciliation opportunities, establishment of listening sessions, and increased social/recreational opportunities with the community, especially BIPOC communities in Saratoga.
- **Officer Wellness Program.** SSPD leadership would review current activities focused on officer health and wellness and propose additional services and offerings, if needed and possible. This review should include a survey for current police force members to be able to express their feelings about wellness topics.

## RECOMMENDATION QUICK GUIDE

### Culture and Training

1. **Acknowledge, Apologize, Reconcile, Review**
2. **Create a comprehensive Community Centered Justice Initiative (CCJI) strategic plan**
3. **Train and implement procedural and restorative justice principles**
4. **Incorporate Community Centered Justice Initiative (CCJI) in department assessment and individual performance evaluation**
5. **Transparency and Accountability**
6. **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 (see Appendix B)**
9. **The task force is recommending that the City Council reallocate funds within the existing budget so that the SSPD can continue and increase their training regimen—specifically in the areas set out below, specifically those training modalities set out in the following two bullets==for de-escalation and ICAT training**
10. **Aside from required recertification training we are urging the police department to increase their training to focus on de-escalation in all areas of police/community interaction.**
11. **Along with this de-escalation focus integrate “ICAT” training—integrating Communications, Assessment and Tactics. In almost every situation where a subject is behaving erratically (often because of mental illness or behavioral crisis), it is a patrol officer—a “beat cop”—who is the first to respond. ICAT provides these officers with the skills and options needed**

to safely and effectively manage these encounters, especially in the critical first few moments after officers arrive. In many instances, the goal is for the first responding officers to buy enough time so that additional, specialized resources can get to the scene to support a safe and peaceful resolution.

12. If there are trainings specifically oriented on protests and the most effective way to monitor those events with a continual aim of de-escalation, we would request that the police department focus on those types of trainings for the entire police department staff.
13. In addition, we are recommending that certain officers be trained on restorative justice practices. Those officers can then impart the ideologies and mind-set needed for those types of programs to the rest of the department. While not necessarily useful in everyday interactions, the mind set and overriding principles of finding common ground, repairing harm, accessibility, neutrality and respect will go a long way to fostering trust between the officers and the public.

### 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 revised to restrict officers from using deadly force unless all reasonable alternatives have been exhausted**
22. **Use of Force policy be revised to require police to use the minimum amount of force necessary to apprehend a subject, with specific guidelines for the types of force and tools authorized for a 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 establish an early intervention system to correct officers who use excessive force, including reporting officers who receive two or more 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 what policy governs interagency cooperation (Appendix C and D)
32. As policy, SSPD will not initiate no-knock warrants (Appendix E)
33. As policy, SSPD will not inquire about immigration status and will cooperate with federal immigration agents only under limited circumstances clearly defined in policy (Appendix F)

#### Transparency and Accountability

34. Prioritize the development and analysis of race related data and other demographic information
35. Learning and adopting a culture regarding data and the use of data to prospectively inform police practice and operations
36. Creating an on-going method to review and use data: creation of key metrics dashboard
37. Transparency: Create a Forum for Public Collaboration that includes youth
38. Department Resources: Seek additional resources, when available, to staff a database manager within the Department
39. Accreditation—Establishing a method to systematize implementation and use of best and evidence-based practice--pursue accreditation when resources permit (see recommendation above under Culture).
40. Create a stand-alone “Data Analytics and Transparency” Policy. Reference this policy in other SSPD policies.

- 41. Establishment of Revised Complaint Form and Filing Process (Appendix I and J)**
- 42. A Civilian Review Board shall be created whose purpose is to receive and process grievances regarding the conduct of employees of the Police Department and to be a vehicle for generating and expressing informed opinions regarding public policy as it relates to law enforcement in the City (see Appendix G)**



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## **PENDING CONSIDERATION: COMMUNITY-CENTERED REINVENTION**

***Note: This section has not been discussed or voted on by the Task Force as of Feb. 26, 2021. A review and vote will take place shortly.***

In recent years successful national models of police reinvention and innovative ideas have consistently moved toward community-based programs that promote community safety by redirecting resources to engage social workers, support mental health, housing, and education initiatives and implement diversion and restorative justice strategies that actively address racial harms.

Across the country police spend the majority of their time on noncriminal matters, including patrol, paperwork, noise complaints, traffic infractions and people in distress.<sup>[1]</sup> In an August 2019 interview, the now Commissioner of Public Safety Robin Dalton stated that "70 percent of their (the SSPD's) time is spent managing calls to do with the homeless problem in the City."<sup>[2]</sup> Saratoga's statistics for violent crime and property crime are exceptionally low- both less than 1% of yearly calls for service.

2019- .003 of calls were for violent crimes (76 total > 24,814 calls for service)  
Property crime- .019 of calls (473 total > 24,814 calls for service)

2020- .002 of calls were for violent crimes (72 total > 30,880 calls for service)  
Property crime- .0079 of calls (244 total > 30,880 calls for service)

## Part 1 Crimes by Year - SSPD

Part 1 Offense	2012	2013	2014	2015	2016	2017	2018	2019	2020
Criminal Homicide	0	1	1	0	0	0	1	0	1
Rape (pre-2013)	7	2	6	4	5	2	4	8	2
Rape (expanded)	0	8	18	12	30	12	15	22	14
Robbery	5	8	16	9	9	10	9	6	2
Agg. Assault	17	26	41	38	46	36	46	40	53
<b>Violent Crime Total</b>	<b>29</b>	<b>45</b>	<b>82</b>	<b>63</b>	<b>70</b>	<b>60</b>	<b>75</b>	<b>76</b>	<b>72</b>
Burglary	102	94	101	67	58	52	47	50	17
Motor Veh. Theft	2	2	12	12	25	13	18	7	7
Arson	0	0	1	0	2	3	1	3	3
Larceny	533	475	482	469	441	395	397	413	217
<b>Property Crime Total</b>	<b>637</b>	<b>571</b>	<b>596</b>	<b>548</b>	<b>526</b>	<b>463</b>	<b>463</b>	<b>473</b>	<b>244</b>

In 2020 the National Association of Social Workers (NASW) which is the largest membership organization of professional social workers in the world published a social justice brief titled-

### Reimagining Policing: Strategies for Community Reinvestment

#### *Pre-Arrest Diversion; and Innovative Approaches to 911 Emergency Responses*

The brief begins by offering historical perspective and acknowledging that “This country’s law enforcement administrations were first used to hunt runaway slaves and prevent slave revolts to maintain so-called order and public safety. More recently, police departments’ policies and practices continue to reflect the same distorted sense of law and order. Many police departments have and continue to perpetuate racial profiling, racially biased policing, oversurveillance of communities of color, and criminalization of behaviors that pose no threat to public safety—to the detriment of Black, Brown, and immigrant communities in particular.” It continues by emphasizing “the fact that an indisputable culture of racism plagues law enforcement agencies throughout the country. This objective is strongly associated with the need to discuss, analyze, and make recommendations on police reform models that can have a mitigating impact on

reducing police encounters that are disproportionately injurious and lethal to communities of color.”

“In many jurisdictions, police are first responders to domestic disputes and interventions with the homeless, mentally ill, or those with substance use disorders. Yet, the police do not receive the training as social workers to respond to safety and health concerns of vulnerable individuals and families impacted by a range of life-threatening and life-altering issues that result in crisis situations. Police reform efforts could benefit from a collaborative relationship between law enforcement and social work that would lead to a greatly enhanced public safety and psychosocial safety net. Such a collaboration would most certainly reduce instances of inappropriate and insensitive interventions that widens the gulf between law enforcement and communities of color.”

“Police are not social workers. Yet they continue to be the de facto response to situations that call for social work intervention. Issues of drug use, homelessness, mental illness, and domestic violence disputes all too frequently lead to police responses...These calls should be redirected to an appropriately trained emergency crisis responder.” Social workers specialize in addressing the root of these problems. In fact, social workers are well-suited to de-escalate a situation and prevent our community members (and law enforcement) from getting harmed because of their training and social justice mindset, which understands that inadequate safety measures create consequences for individuals, families and communities.

The brief continues with important background information “As cities across the country allocated more of their scarce resources to local police, federal aid to cities for anti-poverty programs shrank and an unjust and inequitable system was created—producing a lack of funding for community support and social services. This lack of funding resulted in police having to respond to various social issues—such as substance misuse, housing crises, intimate partner violence, and much more. Creating safe communities with proper social supports is possible, but it requires a shift in funding and community input.” [3]

We raise this brief and the issues that follow because we are intentionally NOT advocating for “community policing.” Community Policing often pads police department budgets and employs practices that have been proven harmful (these issues are identified in greater detail in the Police Culture and Mission subsection). Instead we are suggesting that resources be allocated to address the root of the issue, address the harm and allow us to move forward as a community in ways that are equitable.

### **Most common areas of concern regarding shift to social service programs**

- **VIOLENT CRIME**

One common argument in opposition to shifting funding to social service programs assumes that our society will not be able to effectively respond to violent crime. But we have to remember that police do not prevent violence. In most incidents of violent crime, police are responding to a crime that has already taken place.<sup>[4]</sup> In the case of Saratoga Springs violent crimes amount to less than 1% of yearly calls for service.<sup>[5]</sup>

- **INVESTIGATION SERVICES**

Another common argument in opposition to reallocating funding to social service programs assumes a disruption or decline in quality of crime investigations but police inquiries are not typically very successful and the problem gets worse when the police are investigating victims that are undervalued in our society. In Saratoga Springs property crimes (which include burglary, vehicle theft, arson and larceny) amount to less than 1% of yearly calls for service.<sup>[6]</sup>

In the United States the clearance rates in 2018 for motor-vehicle theft and burglary were less than 15 percent. For theft and property crime, the clearance rates were less than 20 percent. For robbery, the clearance rate was just over 30 percent and for arson, the clearance rate was less than 25 percent. Importantly, clearance rate does not mean solved cases. Clearance refers to cases in which a charge has been laid—and police departments have been criticized for laying charges simply to get clearance rates up, even when an investigation does not lead to the charge that they ultimately lay.<sup>[7]</sup>

- **MENTAL HEALTH SERVICES**

Police are more likely to use lethal force when attending to an emergency call when a person is experiencing psychiatric distress. When an individual calls 911 when experiencing mental distress, what they need is expertise in de-escalation, social and health supports & services. Instead, they are met with multiple armed and uniformed police officers. The police have become the first point of access to mental health support for many under-funded communities.

**We have seen both in the United States & Canada, when police respond to or are dispatched to interact with Black people in distress, it's the latter whose lives are put at risk.**

See a small sample of recent examples:

- Osaze Osagie in Pennsylvania (2019)
- Marcus-David Peters in Richmond, VA (2018)
- Andrew Loku in Toronto (2015)
- Pamela Turner in Texas (2019)
- Pierre Coriolan in Montreal (2017)

- Isaiah Lewis in Oklahoma (2019)
- Daniel T. Prude in Rochester, NY (2020)
- Randy Evans in Tempe, AZ (2020)
- Howard Hyde in Halifax (2020)
- D’Andre Campbell in Brampton (2020)

Denise Herd, professor of community health sciences at UC Berkeley’s School of Public Health, states “The people who are most vulnerable to police violence are the people who are falling through the cracks in our public health system.”<sup>[8]</sup> The police service is a dangerous option for people experiencing a mental health crisis—but for many, it’s the only option.<sup>[9] [10] [11]</sup>

Systemic Change within department culture is necessary first to promote a service-oriented and community focused organization in which trust of and with the community was foundational.<sup>[12]</sup>

**Reference key points of Internal Change (as described in the NASW *Reimagining Policing: Strategies for Community Reinvestment* report) to begin to create a culture shift within the organization:**

- 1. Leadership**
- 2. Hiring Practices**
- 3. Five-Part Internal Office Training**

**Implementation of Community Reinvestment Models:**



- **SCRT (Street Crisis Response Team) San Francisco, CA**

Implemented on November 30, 2020, the program's first team began by responding to 911 calls regarding people experiencing behavioral health crises. The Street Crisis Response Team is part of San Francisco's efforts to develop alternatives to police responses to non-violent calls.

The SCRT pilot program is a collaboration between the San Francisco Department of Public Health and the San Francisco Fire Department with significant support from the Department of Emergency Management. The San Francisco Police Department will also be a key partner in the transition of certain types of 911 calls to the new teams. Each team includes a community paramedic, a behavioral health clinician, and a behavioral health peer specialist. The goal of the new program is to provide an appropriate non-law enforcement response to behavioral health emergencies in San Francisco and divert individuals in crisis away from emergency rooms and criminal legal settings into behavioral health treatment. The SCRT aims to provide trauma-informed clinical interventions and care coordination for people who experience behavioral health crises on the streets of San Francisco.<sup>[13]</sup>

- **CAHOOTS (Crisis Assistance Helping Out On The Streets) Eugene, OR**

Established in 1989 The program mobilizes two-person teams of a health care professional and a crisis worker. The team has field experience in a wide range of mental health crises. They are not law enforcement and use non-violent conflict resolution. CAHOOTS responds mostly to drugs and mental health related calls and has become the frontline resource for the Eugene area's homeless population—about 60 percent of all the people CAHOOTS work with are homeless. In 2019 CAHOOTS responded to 24,000 calls and only requested police backup 150 times.<sup>[14]</sup>

- **EMCOT (Mobile Crisis Outreach Team) Austin, TX (Travis County)**

Since 2012, the Austin Police Department's Crisis Intervention Team (CIT) has partnered with local paramedics and mental health specialists to build a mental health crisis-response program. Due to Texas law a police officer must respond with the mental health provider as well. MCOT and Austin Travis County Integral Care, applied for federal funding that would allow them to expand the team and work more closely with first responders. That funding came through, and in 2012 MCOT hired more than 20 licensed counselors and psychiatric specialists to take referrals from area police and EMS. The idea is for the MCOT counselors to release first responders as quickly as possible when they aren't needed and provide the same crisis-intervention services that would be available in any clinic to clients wherever they are in the community. They have been able to divert nearly 9 out of every 10 people from being committed to a healthcare facility or arrested. Austin also has specific mental health police officers trained to respond to mental health cases. Additionally all APD cadets are required to take 40 hours of mental health training [15]

## **Diversion**

- **Diversion-** an array of informal and formal practices that effectively remove criminal cases from the justice system and may place selected defendants out of the reach of criminal sanctions.
- It is important to seek alternative programs and policies that lessen unnecessary encounters with police
- **Diversion could be used to identify and treat higher-risk defendants.** This model is currently being explored in Saratoga Springs through the

Homeless Court. It is important to note that “at their best these courts are intended to connect people with services rather than cycling them through criminal courts and jails. To the extent that they accomplish these goals, they have some value.” However, this program “raises an important concern: increasingly, the *only* way to access much-needed services is through the criminal justice system.”<sup>[16]</sup>

## Restorative Justice

- **Restorative Justice** sees crime as an act against the victim and shifts the focus to repairing the harm that has been committed against the victim and community. It believes that the offender also needs assistance and seeks to identify what needs to change to prevent future re-offending.<sup>[17]</sup> Restorative Justice is a theory of justice that emphasizes repairing the harm caused by criminal behavior.<sup>[18]</sup>
- “Consonant with African and other indigenous communitarian values, restorative justice is profoundly relational and emphasizes bringing together everyone affected by wrongdoing to address needs and responsibilities and to heal the harm to relationships and community, to the degree possible. While often mistakenly considered only a reactive response to harm, restorative justice is also a proactive relational strategy to create a culture of connectivity where all members of a community thrive and feel valued. Restorative justice views, a vengeful and punitive response to harm

unacceptable, because, on a social level, it sets into motion negative feedback loops of violence and counterviolence.”<sup>[19]</sup>

- Functional restorative justice acknowledges that racism in the United States is three dimensional: structural, institutional and individual and that these forces collude to create a system of unequal power and privilege. Restorative justice that does not work to identify, navigate and transform racial harm risks perpetuating the entrenched historical pattern of white supremacy.<sup>[20]</sup>
- **We all have ideas about race, even the most open minded among us.** Those ideas have the power to bias our perception, our attention, our memory, and our actions - despite our conscious awareness or deliberate intentions. Our ideas about race are shaped by the stereotypes to which we are exposed on a daily basis.<sup>[21]</sup> Even when implicit and explicit bias are targeted in training, they most often remain unchanged, this does not necessarily indicate lack of trying on the officers part, though this can be true, but rather because *institutional* pressures remain intact.<sup>[22]</sup>
- **Every encounter police officers and community members have with each other happens in a larger societal context that shapes how each responds.** Their behavior is influenced by the history of police relations in the local community and in the country more generally. Their behavior is affected by broader racial disparities in violent crime and in police treatment.<sup>[23]</sup>
- **Truth-telling is an integral part of restorative justice.** “Throughout history, police have served as highly visible enforcers of white supremacy

who brutally subjugate black communities. We see this in the paddyrollers' capture of escaped slaves, in convict leasing and debt-slavery-era arrests, in police-assisted lynchings during Reconstruction and the Jim Crow and civil rights period, and, finally, in today's criminalization of Blackness and countless killings of black people. Throughout this history, police have been active members of racial terror organizations, have delivered black victims to white mobs, and have failed to protect of people color from racial terror."<sup>[24]</sup> We must confront the violent and painful reality of our local and national history by educating both the police and the community about these histories.

- When we are afraid, unwilling, or ill-equipped to talk about race, we lead people to their own devices to make sense of the conflicts and disparities they see. In fact, the colorblind approach has consequences that can actually impede our move toward equality. When people focus on not seeing color, they may also fail to see discrimination.<sup>[25]</sup>

### **Developing National Initiatives**

- In 2020, Los Angeles (California) voters have approved Measure J, also known as "Reimagine LA County," which requires that 10 percent of the city's unrestricted general funds - estimated between \$360 million and \$900 million per year - be invested in social services and alternatives to incarceration, not prisons and policing.
- Measure J will amend LA county's charter, requiring the local Board of Supervisors to allocate a 10th of its roughly \$8.8 billion discretionary local budget to programs and services that fall within one of two categories: "direct community investment," which includes affordable housing, job

training, and investments in minority-owned businesses; and “alternatives to incarceration,” which includes restorative justice programs, mental health and substance abuse disorder treatment, and prison reentry initiatives.

- The measure prohibits the city from using any of those funds on law enforcement or incarceration. And it explicitly dictates that the new funds “cannot supplant” existing social service or alternatives to incarceration spending - they must be taken from elsewhere.<sup>[26]</sup>
- In 2019, the Durham City Council (North Carolina) adopted a \$477.8 million budget Monday night that raises city workers’ minimum pay but provides no money for more police officers. Officials denied the police department’s request for extra funding to hire new officers. Instead, that money went toward raising the minimum wage of part-time and seasonal city workers to \$15 an hour.<sup>[27]</sup>
- In 2020, the Baltimore City Council (Maryland) voted to eliminate roughly \$22 million in police spending. The Council intended for the cuts to boost spending elsewhere, including opening recreation centers on Sundays, increasing trauma services and offering black-owned businesses forgivable loans. The council also took steps to eliminate millions in “unallocated” funds, which give agencies flexibility in spending while they await expected grants to arrive. The action means the police department will have to come to the Council for approval to spend money when grants are received. City Council President Brandon Scott says “that will improve transparency and accountability.”<sup>[28]</sup>
- Political and civic leaders at the state, county, and city levels must embrace the idea of changing their approach to police department funding in a way

that reimagines public safety. The overwhelming majority of public safety issues and community conflicts in Saratoga Springs do not require the intervention of an armed officer

### **Specific Recommendations:**

**35. Develop a collaborative partnership 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. In such a collaborative arrangement, social workers can have a role in:**

- responding to calls for service with a focus on mental illness, substance abuse, and homelessness; they also refer individuals to treatment, housing, and other social services as appropriate through mobile crisis units
- counseling crime victims and referring to social services agencies as needed
- assisting with county-level reentry efforts
- addressing law enforcement officers' trauma and mental health needs, and making referrals as needed<sup>[1]</sup>

**36. Reinvest municipal funds from police budgets 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.**

**37. Implement a community- based pre-arrest diversion program— such as the CAHOOTS program—that reduces unnecessary and**

**potentially dangerous police encounters with homeless and seriously mentally ill individuals.**

**38. Rather than policing unhoused people and criminalizing them for their poverty, invest in local programs that address the food security and housing security needs of people living in precarity.** Despite having no other place to go, unhoused people are regularly subjected to harassment from police while living in public space. By increasing funding to the shelter system and public housing programs, we can move towards supporting everyone's ability to live in dignity

**39. Terminate paramilitary training and procedures which foster violent police overreach.** Adopt a transformative academy-training approach with emphasis on equity and dignity and that pays attention to recruits' individual differences in learning styles, personalities, and pre-existing interpersonal skills (see Georgetown University's Innovative Policing Program (IPP) and LEED method).<sup>[2]</sup> Less than 1% of Saratoga's yearly calls for service involve violent crime or property crime, but the SSPD increasingly employs militarization, which studies show neither reduces rates of violent crime nor changes the number of officers assaulted.<sup>[3]</sup>

**40. Pass legislation banning SSPD from receiving military weapons, publish a list of existing department property to identify military equipment, send back weapons already in possession and ban any outside department from entering the city with military equipment (without adherence to strict guidelines for special circumstances).** Militarized policing is also continuously used against Black, Indigenous, and other social justice and protest movements as documented in Saratoga Springs at multiple gatherings throughout the last year including (but not limited to) June 7, 2020, July 30, 2020 and August 31, 2020.



Mounted horse police units, K-9 police units and SWAT units have also been consistently utilized.

**41. Divert all seized proven drug profits from convicted drug charges to Community Based Restorative Groups for conflict resolution.**

**42. Implement a SSPD-specific education program that teaches the fraught history of policing in America as well as the history of police in Saratoga Springs.** This should include a description of their historic role and the services rendered to specific communities and individuals as well services withheld from certain communities and individuals. Consultation of BIPOC scholars, historians and civil rights activists is imperative to create informed content and curriculum. Police officers across America have adopted a set of problematic beliefs about their work and its role in our society. Officers are conditioned to see themselves as constantly in danger, and this belief, combined with widely held racial stereotypes and lack of knowledge of history and place, at best fortifies racist behavior and at worst gives rise to violence.<sup>[4]</sup> Learning this history is essential to understanding the complexity of our past and addressing the historically rooted causes of the problems we still face today.

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[1] National Association of Social Workers, *Reimagining Policing: Strategies for Community Reinvestment Pre-Arrest Diversion; and Innovative Approaches to 911 Emergency Responses*, NASW, 2020

[2] <https://www.theatlantic.com/ideas/archive/2020/06/police-academies-paramilitary/612859/>

[3] <https://www.pbs.org/newshour/science/police-militarization-fails-to-protect-officers-and-targets-black-communities-study-finds>

[4] <https://www.vox.com/policy-and-politics/2020/7/7/21293259/police-racism-violence-ideology-george-floyd>

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- [1] [https://www.washingtonpost.com/outlook/five-myths/five-myths-about-policing/2020/06/25/65a92bde-b004-11ea-8758-bfd1d045525a\\_story.html](https://www.washingtonpost.com/outlook/five-myths/five-myths-about-policing/2020/06/25/65a92bde-b004-11ea-8758-bfd1d045525a_story.html)
- [2] [https://www.saratogian.com/news/dalton-seeks-city-commissioner-of-public-safety-post/article\\_de0e2918-c350-11e9-b2fa-ef4a9c93f244.html](https://www.saratogian.com/news/dalton-seeks-city-commissioner-of-public-safety-post/article_de0e2918-c350-11e9-b2fa-ef4a9c93f244.html)
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- [4] <https://defundthepolice.org/alternatives-to-police-services/>
- [5] See included table - Part 1 Crimes by Year (SSPD)
- [6] See included table - Part 1 Crimes by Year (SSPD)
- [7] <https://defundthepolice.org/alternatives-to-police-services/>
- [8] <https://news.berkeley.edu/2020/10/05/stark-racial-bias-revealed-in-police-killings-of-older-mentally-ill-unarmed-black-men/>
- [9] <https://defundthepolice.org/alternatives-to-police-services/>
- [10] <https://time.com/5857438/police-violence-black-disabled/>
- [11] <https://www.democratandchronicle.com/story/news/2020/09/02/daniel-prude-rochester-ny-police-died-march-2020-after-officers-restrained-him/5682948002/>
- [12] National Association of Social Workers, *Reimagining Policing: Strategies for Community Reinvestment Pre-Arrest Diversion; and Innovative Approaches to 911 Emergency Responses*, NASW, 2020
- [13] <https://sfmayor.org/article/san-franciscos-new-street-crisis-response-team-launches-today>
- [14] <https://whitebirdclinic.org/what-is-cahoots/>
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- [17] <https://www.justice.gov.za/rj/rj.html>
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- [19] Davis, Fania. *The Little Book of Race and Restorative Justice: Black Lives, Healing, and US Social Transformation*. Good Books, 2019.

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- [24] Davis, Fania. *The Little Book of Race and Restorative Justice: Black Lives, Healing, and US Social Transformation*. Good Books, 2019.
- [25] Eberhardt, Jennifer L. *Biased: Uncovering the Hidden Prejudice That Shapes What We See, Think, and Do*. Penguin Books, 2020.
- [26] <https://www.vox.com/2020/11/4/21549019/measure-j-police-abolition-defund-reform-black-lives-matter-protest-2020-election-george-floyd>
- [27] <https://www.newsobserver.com/news/local/article231646403.html>
- [28] <https://www.baltimoresun.com/politics/bs-md-pol-police-budget-explainer-20200617-4yjweepbkreknjlef4f45jiblm-story.html>

**Appendix A**  
**Youth Forums (College-Age and High School Age) Summary**

**COLLEGE-AGE STUDENTS**

**Location: Saratoga City Music Hall**

**Date and Time November 4, 2020**

Welcome and opening comments from all three subcommittee members: information was provided about the task force; thank you extended for participating; assurance of confidentiality and anonymity; available to speak outside of this forum; we WANT your input and feedback; \*acknowledged some Skidmore students are not present due to feeling unsafe in city due to current political climate (around election day and heightened white supremacist activity).

**Observations of Youth Attendees**

**Absence of Respect**

- “Police always talk down to you. There is never the sense that they are dealing with us (BIPOC) as equals. This, for me, shows a clear lack of respect.”
- Several young people in attendance mentioned that the police are “not on the same page” with members of the community- emphasizing poor communication. Most do not live in the city, which does not help.
- There is a general lack of empathy toward community members. There seem to be assumptions about people of color “belonging” in some neighborhoods/areas, but not others. (PO expect BIPOC to be in particular areas and if you go elsewhere, you get questioned – followed.
- There also seems to be a preoccupation with protecting property and Saratoga Springs’ resort aesthetic, not human lives. The City Council even discussed the protests in terms of their supposed negative impact on tourism.
- The system in place caters towards wealthy residents and the SSPD over polices the economically challenged.

- It should be known and understood that national and global issues directly impact local issues and relationships.
- Police in town seem to think that “we’re just kids,’ that we are incapable of having informed opinions about things.” They don’t value the insight of young people who have tried to have conversations.
- There is a general lack of empathy regarding communities of color that seems to be grounded in stereotypes.
- The power dynamic of interactions/conversations with the police is very intimidating and control based.

### **July 30, 2020 and recent Protests**

- There was an absolute consensus that both the militarized presence and use of pepper spray from Saratoga County represented a double standard and an overreaction. Why was there no effort to respond to unruly Back the Blue protesters in the same way?
- Some elaborated that what happened that evening spoke to what amounted to provocation on the part of law enforcement, not an effort to protect and serve.
- The presence of officers on horseback has been problematic at each of the demonstrations. “It is intimidating to see several officers on horseback, each constantly patting their guns.”
- Noted that the motto is “protect and serve” but violence should be a last resort.

### **General Absence of Trust**

- “It seems to me that the effort to ‘befriend’ is more of a tactic. It’s as if they are trying to ‘be your friend’ not to be your friend, just to gather information.”
- Desires sincere interactions, not forced (or with ulterior motives) but thinks sincere interactions are impossible when the police’s training and procedures “tell them that we are the mark and not a person.”
- Very worried about over policing in certain (BIPOC and/or lower income) communities- esp. Geyser Crest.
- Level/intensity of response to gatherings is dependent on racial make-up
- Militarization of police- Very disturbed about sheer force and intimidation tactics.
- The double standard seen at the protests is part of a larger double standard that makes it very difficult for young people to feel comfortable.
- Skidmore students specifically note not feeling protected by SSPD.

### **Macro Level Recommendations for Moving Forward**

- One participant mentioned some of the positive developments in terms of police reform in Nigeria. Specifically, they referenced the effort to use outside groups to incentivize officers to embrace de-escalation strategies. A robust dialogue ensued regarding whether it was necessary to further incentivize individuals who are already paid. (“should not have to pay someone to be a decent human being”) A consensus appeared to emerge around looking at different ways to make this happen, including the establishment of a Diversity, Equity and Inclusion Certificate for those who do comprehensive training.
- Several in attendance stressed the importance of doing bias and trauma training that is substantive and *not* online! And then setting up quantifiable goals and specific policies to hold officers accountable to anti-bias training. After some discussion of the possible price tag for such training, a consensus seemed to emerge that the Commissioner of Public Safety should investigate less expensive (and more substantial) possibilities, suggestions included having the SSPD partner with Skidmore or Empire State College or other education institutions for bias/culture/IGR training rather than standard (Lexipol?) training. Several attendees also talked about the importance of moving from an emphasis on protecting property to embracing the importance of community care and service.
- More emphasis on (community solutions) mental health and social services and less emphasis on weapons and aggressive policing.
- “How will the police deal with the fact that so much of policing is about the culture of the individual officer when what is needed is a shift to the culture of the police as a collective body in relation to the larger community?” How do we eliminate individualism in police departments (ie. Individuals' interpretation of the laws, policies, procedures, etc..) A sense of collectivism seems to come into play only in defense.

### **Micro Level Recommendations for Moving Forward**

- Let individuals know when answering specific questions is legally necessary. “You don’t have to answer all of the questions the police ask you.” Police should lead any conversation/interrogation with (Let it be known that) “this conversation is NOT mandatory”
- Body cameras should be on all of the time! It is problematic that they can be disabled “at the discretion of the officer.”
- There needs to be specific language around what situation “justifies” the use of an armored personnel carrier by law enforcement. If the County Sheriff cannot provide it, the Saratoga Springs Police Department should overrule it.

- There should be full transparency with respect to disciplinary records, so that they are accessible to the members of the general public. This is absolutely necessary for trust with the community.
- Police officers who are assigned duty on the street as “beat cops” should not be armed.
- Eliminate the use of horses/mounted officers by the SSPD.
- Provide a residency requirement (at least within the county) for SSPD officers.
- Reallocate/ redistribute budget and responsibilities. Reduce the number of officers (by half) and invest money in community services, youth recreational opportunities, youth services, etc. Police should be a last resort after appropriate social service responders have been activated.
- Focus on de-escalation training—“I’ve never seen an officer try to deescalate a situation” as reported by one youth (Agreed upon by all participants - except for instances that involved white students/ people).

### **Any suggestions for how we tackle improving relationship – repair disconnect? :**

Comments: Both sides are hurt and guarded; outside mediation; community building workshops.

### **Any Personal experiences to share?**

Deep trauma for black and brown people – just watching the news every day.

Witness cops using de-escalation skills with White people only.

Family member who is a cop (NYC and Atlanta) – always felt isolated as a Black cop – was recently seriously injured at a protest (in Atlanta) and his injury was used to criticize protests which bothered him because he supported protests.

Recounted incident after Shine a Light memorial event – when the mounted police were asked by attendees for help for a man they found passed out (known only after further investigation) in the street and were ignored- a medic attending the event had to assist the man passed out.

## HIGH SCHOOL-AGE YOUTH

Location: Zoom Call

Date and Time: February 16, 2021; 6:00 pm to 7:00 pm

Those present: Winston Grady-Willis, Daesha Harris, Chuck Caputo, One student from Schuylerville High School, Two students from Saratoga Springs High School

### Culture

- All three participants admittedly did not have much experience with or knowledge about the police. They also did not have any close relatives who had experiences/interactions with police.
- “I don’t know much about the police culture and that in itself is a problem”
- “Not connected with police, so don’t know their culture”.
- One student expressed wanting “to feel closer” and to be more informed about the goings-on of police.
- Two of the three participants were involved in protests over the summer, they felt very surprised, disappointed and scared as they watched police presence/interaction escalate over the summer.
- One student reported that when she was younger and hadn’t yet had any interactions, she had a great impression of the police; now older, she attended a BLM event and saw what she described as excessive force and has changed her opinion She specifically witnessed a tank and weapon and a teenage girl get arrested at the protest for what seemed like no reason. She saw this as excessive especially given that this was not the treatment at the earlier Blue Lives Matter event. She witnessed pepper bullets and distinctly recalled how scared she and her two year older sister who accompanied were as they witnessed the chaos.
- The participants felt like the majority of their classmates don’t really know about or talk about the issue of policing, in the school setting particularly.
- The participants did cite having informal discussions with friends about policing (particularly police brutality and use of force) but explained that when it came to voicing those concerns publicly or participating in discussions outside of an intimate friend group, most of their friends did not feel comfortable sharing.
- In school specifically they felt that teachers are hesitant/unwilling to have these “political” conversations. It appears to them that the schools do not want students discussing such things. However, one participant feels “this is a moral issue not a political issue.”



## Engagement

- In Schuylerville High School, one police officer is stationed in the building. “He’s friendly, personable” and he engages with students. He is also a softball coach, a community member outside of his capacity as an officer. One participant pointed out familiarity as being an important factor in feeling comfortable. Students know him and he’s well regarded and therefore, the fact that he openly carries a gun is not too intimidating.
- The Saratoga High School students had opposite feelings about the police stationed in their school. They reported that there are several SSPD stationed inside and outside of the school. They also added that they don’t have a relationship with these officers or “know a single thing about any of them” and the officers do not attempt to engage with them, “they are not friendly”. They also shared that the guns carried by the officers make them actually feel less safe.
- Felt that if the police sat down with them it would be a good thing to help alleviate anxiety that the students might have.

## Training

- One student felt that police should have “specialized training” within the department. For example, a mental health unit and a separate criminal unit and that possibly on the “criminal law enforcement” unit would be the one authorized to carry weapons. The group agreed that guns were only appropriate for certain situations and suggested that regular patrol/beat cops not carry weapons. Overall the group felt that weapons tend to escalate instead of de-escalate a situation.
- Police perhaps should be trained in mental health/social work/psychology before hire.
- Expressed the importance of “personalizing the department”, the SSPD culture and operations should be specific to Saratoga, it should reflect the personal experience of our community.
- Questioned guns and use of force training—felt that officers need to be trained to not always go with their initial instinct, “first/quick decision” to take out a gun—de-escalation is key, need to focus training on de-escalation.
- Felt that racial bias training was very important.
- The department should have a “detailed step by step guide” to dictate specific steps to take before force is authorized. Use of force training must emphasize that use of force is the last resort.

### **Younger Generation Involvement**

- Expressed the importance of being included “We’re the future—we should be involved in the conversation.”
- “We need to be able to keep the communication going” (like this meeting).  
The police should have groups/listening sessions that include young people (at least once a month or so).
- Police could do zoom meetings to explain how law enforcement works so that young people would understand more about the inner workings of the police force.
- Communication needs to include education for the police AND the (predominantly white/privileged) community specifically around issues of racism, bias, income inequality and how specific community members are affected by policing etc..

### **Data and Resources**

- Some statistics regarding violent crime, types of police calls, etc. were shared with the youth.
- Response was that perhaps the force could be downsized with monies saved reallocated to other community needs given the small numbers of serious crime.
- Feeling that funds could be diverted to other needs and not toward guns and military equipment

### **Closing**

- Youth were given the survey website information and invited to complete the survey and distribute it to others.
- Youth unanimously volunteered to be involved if a Youth Advisory Committee or other similar group is put together

## **APPENDIX B**

### **Proposed Revision of SSPD Mission Statement**

In partnership with the community, the duty of the Saratoga Springs Police Department is to ensure the safety and well-being of all residents and visitors and to protect their lives and constitutional rights. In upholding this mission, department members are constantly guided by the core values of honesty, integrity and respect for the sanctity of human life. As professional officers and community members, they hold each other accountable and stand accountable to the community they are dedicated to serve in the cause of justice and peace.

This Statement would replace CURRENT TEXTS at the following locations: a. Website: <http://www.saratoga-springs.org/215/About-the-Department>

The Saratoga Springs Police Department's mission is to provide a professional, effective, and timely response to crime and disorder, and to enhance traffic safety in our community. In accomplishing our mission, members will serve the citizens of Saratoga Springs with:

- Professionalism
- Respect
- Integrity
- Duty
- Excellence being our mandate.

b. "Mission Statement" in online Policy documents

The mission of the Saratoga Springs Police Department is to serve and protect the lives and property of the people of the City of Saratoga Springs. The members of the Saratoga Springs Police Department will carry out our duties to the best of our ability in accordance with our core values of Honesty, Integrity and Respect.

c. "Preface" in online Policy documents

Members of the Saratoga Springs Police Department have a duty to protect and serve the residents and visitors of the City of Saratoga Springs. Our core values are Honor, Integrity and Respect. Our actions must be guided by these principles in all interactions with citizens. Our profession is a noble and just cause that requires our dedication to the highest professional standards. All officers must hold themselves and each other accountable for the actions they take as professional law enforcement officers. The rules and regulations contained in this policy manual will serve as a guide to assist officers in performing their duties according to our core values as we protect and serve the city of Saratoga Springs.

# APPENDIX C

## Saratoga Springs Police Department

Policy Manual– DRAFT REVISION 1/20/21—see highlighted text below

### First Amendment Assemblies

#### 431.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

#### 431.2 POLICY

The Saratoga Springs Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

#### 431.3 GENERAL CONSIDERATIONS [insertion highlighted]

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting, disorderly conduct, unlawful assembly, inciting to riot, criminal interference with health care services or religious worship and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed. Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and to prevent the destruction of property. Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

To the fullest extent possible, the department shall avoid projecting military-type force (e.g., armored vehicles, riot gear, military armament, mass deployment) in response to First Amendment Assemblies. The department shall also discourage such projection of force by other law enforcement agencies engaged in joint operations with Saratoga Springs police. Projecting military-type force intensifies a climate of violence that is detrimental to public safety.

431.3.1 PHOTOGRAPHS, VIDEO RECORDINGS AND OTHER INFORMATION Photographs, video recordings and other information may be collected at assemblies and demonstrations as they can serve a number of purposes, such as support of criminal prosecutions, assistance in evaluating department performance, serving as training material, recording the use of dispersal orders and facilitating a response to allegations of improper law enforcement conduct.

Photographs, video recordings and other information shall not be maintained on the political, religious or social activities, views or associations of any individual, group or organization unless those activities, views or associations directly relate to an investigation of criminal activity and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

#### **431.4 UNPLANNED EVENTS**

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to:

- Location.
- Number of participants.

- Apparent purpose of the event.
- Leadership (whether it is apparent and/or whether it is effective).
- Any initial indicators of unlawful or disruptive activity.
- Indicators that lawful use of public facilities, streets or walkways will be impacted.
- Ability and/or need to continue monitoring the incident.

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

#### **431.5 PLANNED EVENT PREPARATION [insertion highlighted]**

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

##### **431.5.1 INFORMATION GATHERING AND ASSESSMENT**

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events
- The time potential, duration, scope, and type of planned activities, and other conditions such as those assessed for unplanned activities (431.4 above).
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation,

gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

#### 431.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (helmets, shields, etc.).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) An established liaison with demonstration leaders and external agencies.
- (h) An established liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
  - (p) Arrest protocol, including management of mass arrests, to be coordinated with the District Attorney's Office.
- (q) Protocol for recording information flow and decisions



(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

(t) Parameters for the use of body-worn cameras and other portable recording devices.

#### 431.5.3 MUTUAL AID AND EXTERNAL RESOURCES [insertion highlighted]

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy). **The Incident Commander shall be responsible for ensuring that the policies of his/her agency govern the conduct of the incident.**

#### **431.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS**

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear, standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

#### **431.7 USE OF FORCE**

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER (TM)s should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

#### **431.8 ARRESTS**

The Saratoga Springs Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking, and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail, and courts (see the Appearance Tickets Policy).

#### **431.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media, to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

#### **431.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should

promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

#### **431.11 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include:

- (a) Operational plan.
- (b) Any incident logs.
- (c) Any assignment logs.
- (d) Vehicle, fuel, equipment and supply records.
- (e) Incident, arrest, use of force, injury and property damage reports.
- (f) Photographs, audio/video recordings, Dispatch records/tapes.
- (g) Media accounts (print and broadcast media).

##### **431.11.1 AFTER-ACTION REPORTING**

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used, to include:

- (a) Date, time and description of the event.
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests, costs).
- (c) Problems identified.
- (d) Significant events.

- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

#### **431.12 TRAINING**

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

# APPENDIX D

## Saratoga Springs Police Department

Policy Manual– **DRAFT REVISION 1/20/21—see highlighted text below**

### Outside Agency Assistance

#### 326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

#### 326.2 POLICY

It is the policy of the Saratoga Springs Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

#### 326.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Supervisor's office for approval. In some instances, a collective bargaining agreement or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance; however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

#### **326.3.1 INITIATED ACTIVITY**

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Saratoga Springs Police Department shall be aware of the statutory limitations of his/her authority and shall notify his/her supervisor or the Shift Supervisor and Dispatch as soon as practicable (CPL § 140.10; CPL § 140.25). This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

#### **326.4 REQUESTING OUTSIDE ASSISTANCE [insertion highlighted]**

The chief executive officer of a local government may request the assistance of another local government chief executive officer when needed. The ability to request or grant such assistance may be delegated to the Chief of Police by local law (General Municipal Law § 209-m).

**The need for assistance at public events shall be determined by assessment of the potential time, duration, scope, and type of event, and other conditions such as those specified for First Amendment Assemblies (431.4).**

**The need for assistance with criminal incidents or investigations shall be determined by assessment of factors including, but not limited to:**

**(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.**

**(b) The resources available to the Saratoga Springs Police Department at the time of the incident or investigation.**

**(c) The likelihood that suspect(s) may operate in or travel through areas of jurisdiction beyond that of the Saratoga Springs Police Department.**

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The supervisor should then notify the appropriate official to request assistance from another agency. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

### **326.5 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Supervisor.

### **326.6 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative Services Division Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.**
- (b) The training requirements for:**
  - 1. The use of the equipment and supplies.**
  - 2. The members trained in the use of the equipment and supplies.**
- (c) Any other requirements for use of the equipment and supplies.**

**Copies of the documentation should be provided to Dispatch and the Shift Supervisor to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.**

**The Administrative Service Unit should maintain documentation that the appropriate members have received the required training.**



# APPENDIX E

## Saratoga Springs Police Department

Policy Manual– **DRAFT REVISION 1/20/21—see highlighted text below**

### Warrant Service

#### 607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

#### 607.2 POLICY

It is the policy of the Saratoga Springs Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

#### 607.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment,

operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

#### **607.4 SEARCH WARRANTS**

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

#### **607.5 ARREST WARRANTS**

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

#### **607.6 WARRANT PREPARATION [Deletion in red. Insertion highlighted.]**

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime ~~[DELETE: or no-knock]~~ warrant execution (CPL § 690.35).
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular

person is currently residing at a particular location or that the items sought are present at a particular location.

- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Information Policy).
- (i) If an “all persons present” endorsement is requested, the affidavit shall describe the type of premises (e.g., private or public access), the anticipated number and behavior of the persons expected at the time of warrant execution and whether persons with no connection to the suspected activity may be present (CPL § 690.15).

#### **607.6.1 NO-KNOCK WARRANTS**

**Members of the Saratoga Springs Police Department shall not request no-knock warrants. Requests from other agencies for assistance in executing no-knock warrants should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.**

#### **607.7 HIGH-RISK WARRANT SERVICE**

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

#### **607.8 DETENTIONS DURING WARRANT SERVICE**

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

#### **607.9 ACTIONS AFTER WARRANT SERVICE**

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

**607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS** The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Saratoga Springs Police Department are utilized appropriately. Any concerns regarding the requested use of Saratoga Springs Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Shift Supervisor should assume this role.

If officers intend to serve a warrant outside Saratoga Springs Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Saratoga Springs Police Department when assisting outside agencies or serving a warrant outside Saratoga Springs Police Department jurisdiction.

#### **607.11 MEDIA ACCESS**

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **607.12 TRAINING**

**The Administrative Service Unit should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.**

# APPENDIX F

## Saratoga Springs Police Department

Policy Manual – **DRAFT REVISION 1/20/21—new text noted in RED**

### Immigration Violations

#### 414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Saratoga Springs Police Department relating to immigration and interacting with federal immigration officials.

#### 414.2 POLICY

It is the policy of the Saratoga Springs Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

#### 414.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/ or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or New York State constitutions.

**[new paragraph]** An officer shall not inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police seeking assistance, unless necessary to investigate criminal activity by that individual. If an individual appears to require assistance entailing disclosure of immigration status, the department may call in or refer to a

qualified community service provider for confidential consultation with the individual.

#### **414.4 DETENTIONS [all new]**

An officer shall not perform the functions of a federal immigration officer or otherwise engage in the enforcement of federal immigration law--whether pursuant to Section 1357(g) of Title 8 of the United States Code or under any other law, regulation, or policy. An officer shall not stop, question, interrogate, investigate, or arrest an individual based solely on any of the following:

- (i) Actual or suspected immigration or citizenship status; or
- (ii) A “civil immigration warrant,” administrative warrant, or an immigration detainer in the individual’s name, including those identified in the National Crime Information Center (NCIC) database.

#### **414.5 FEDERAL REQUESTS FOR ASSISTANCE**

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

#### **414.6 INFORMATION SHARING [all new]**

Saratoga Springs Police Department personnel may respond affirmatively to an ICE or CBP request for non-public information about an individual—including but not limited to non-public information about an individual’s release, home address, or work address—**ONLY IF** the request is accompanied by a judicial warrant,

**EXCEPT THAT** nothing in this law prohibits any local agency from:

- sending to or receiving from any local, state, or federal agency— as per 8 U.S.C. § 1373—(i) information regarding an individual’s country of citizenship or (ii) a statement of the individual’s immigration status; or
- disclosing information about an individual’s criminal arrests or convictions, where disclosure of such information about the individual is otherwise permitted by state law or required pursuant to subpoena or court order; or
- disclosing information about an individual’s juvenile arrests or delinquency or youthful offender adjudications, where disclosure of



such information about the individual is otherwise permitted by state law or required pursuant to subpoena or court order.

Saratoga Springs Police Department personnel shall limit the information collected from individuals concerning immigration or citizenship status to that necessary to perform agency duties and shall prohibit the use or disclosure of such information in any manner that violates federal, state, or local law.

#### **414.7 IMMIGRATION DETAINERS [all new]**

Saratoga Springs Police Department personnel shall not honor detainer requests from federal agents in compliance with *People v. DeMarco*.

Absent a lawfully issued judicial warrant, Saratoga Springs Police Department personnel shall not provide ICE or CBP with access to an individual in their custody or the use of agency facilities to question or interview such individual if ICE or CBP's sole purpose is enforcement of federal immigration law.

Saratoga Springs Police Department personnel shall not delay bail and/or release from custody upon posting of bail solely because of (i) an individual's immigration or citizenship status, (ii) a civil immigration warrant, or (iii) an ICE or CBP request—for the purposes of immigration enforcement—for notification about, transfer of, detention of, or interview or interrogation of that individual.

Individuals in the custody of the Saratoga Springs Police Department shall be subject to the same booking, processing, release, and transfer procedures, policies, and practices of that agency, regardless of actual or suspected citizenship or immigration status.

#### **414.8 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15))

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Division supervisor assigned to oversee the handling of any related case. The Investigation Division supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

#### **414.9 RECORDKEEPING [all new]**

(a) The Saratoga Springs Police Department shall record, solely to create the reports described in subsection (b) below, the following for each immigration detainer, notification, transfer, interview, or interrogation request received from ICE or CBP:

- The subject individual's race, gender, and place of birth;
- Date and time that the subject individual was taken into department custody, the location where the individual was held, and the arrest charges;
- Date and time of the department's receipt of the request;
- The requesting agency;
- Immigration or criminal history indicated on the request form, if any;
  - Whether the request was accompanied by any documentation regarding immigration status or proceedings, e.g., a judicial warrant;
  - Whether a copy of the request was provided to the individual and, if yes, the date and time of notification;
  - Whether the individual consented to the request;
  - Whether the individual requested to confer with counsel regarding the request;
  - The department's response to the request, including a decision not to fulfill the request;

- If applicable, the date and time that ICE or CBP took custody of, or was otherwise given access to, the individual; and
- The date and time of the individual's release from the department's custody.

(b) The department shall provide annual reports to the Commissioner of Public Safety regarding the information specified above in an aggregated form that is stripped of all personal identifiers in order that department and the community may monitor the department's compliance with all applicable law.

**414.10 TRAINING [cuts: "Training should include . . ."]**

The Administrative Service Unit should ensure officers receive training on this policy.

## **APPENDIX G**

### **Saratoga Springs, NY Civilian Review Board**

The Saratoga Springs NY Police Department is a component of creating a safe environment for the citizens of the community and its visitors. In order for the Department to fulfill this role they must have the trust of the community.

Essential to the smooth operation of the Department is the trust and confidence with which it is held by the public it serves. Where that trust is fulfilled, the residents of the community are able to pursue their lives with confidence. However, where that trust is drawn into question or broken, appropriate, immediate and effective procedures must be available to redress issues giving rise to that loss of faith.

Society has entrusted police departments with extraordinary authority. Its employees, including police officers and civilian employees, are empowered to engage with persons in the community in ways which may profoundly affect their lives. The Department must take this authority as a privilege and therefore should promote openness and transparency in decision making and willingness to foster a relationship grounded in trust and respect.

A procedure that facilitates communication between the Saratoga Springs Police Department and the citizens of the community, especially where citizen grievances arise, is essential to maintaining the trust and confidence of the citizens in their police department. With that concern in mind, the following procedure shall be established and implemented.

**A Civilian Review Board** shall be created whose purpose is to receive and process grievances regarding the conduct of employees of the Police Department and to be a vehicle for generating and expressing informed opinions regarding public policy as it relates to law enforcement in the City.

The characteristics of the members of the CRB must reflect the Saratoga Springs community. The membership must be inclusive and represent the community in terms of age; sex; sexual orientation; ethnic, cultural and socio-economic background. The members of the Board shall be of good character and must at all times maintain strict neutrality regarding matters of law enforcement in our community to an extent that the work of the Board will be viewed as fair, just and proper by all stakeholders including the police.

The CRB shall consist of no more than five persons none of whom shall be an employee of the Police Department and none shall be serving in any elected position. At least one member of the Board shall have adjudicatory experience and be knowledgeable and capable of conducting due process hearings. Board members shall be no less than 18 years old, have resided in Saratoga Springs for at least three years. At least one member must be between the ages of 18 and 30.

Members of the CRB shall be appointed by the Mayor with the approval of the Council and shall normally serve staggered three-year terms. Initial appointments to the CRB shall be of different durations so that in any given year no more than two members shall be subject to reappointment or replacement. No member may serve for more than six consecutive years. The CRB shall adopt those administrative procedures required for it to accomplish its mission and shall designate its chair who shall serve a term of two years. The CRB may identify community members to serve as liaisons for complainants who are unable to represent themselves in the CRB process.

The Office of the Mayor shall be responsible for providing adequate budget and training to ensure proper functioning of the CRB.

Grievance Procedure:

1. **In order for the CRB to properly investigate a complaint**, the complaint should be made as soon as possible, but no more than 90 days after the incident in question. That time period may be extended for good cause shown.

2. **Upon receiving a complaint from a resident of the City**, the Department shall make a good faith effort to resolve the issue but shall immediately upon receiving the complaint, advise the complainant that he/she may, at any time, have the complaint, which shall be reduced to writing, filed with the CRB. All complaints shall be recorded in the police log and flagged there in a way to distinguish them from other entries.

Complainants shall be given a form upon which to record their complaint. The form shall have a check box and shall state that when checked, the complaint shall be registered with the CRB. Two weeks from the date of the filing of complaints which have been registered with the CRB, a letter shall be sent to the Complainant asking if the complaint has been resolved. The letter shall contain a form which if checked by the Complainant shall indicate their desire to actively engage the CRB's grievance procedure, copy of which shall be attached to the form.

3. **Once the Board has been advised of the desire of the Complainant to actively engage the Board**, the Department shall conduct an investigation of the complaint and shall create a thorough and complete file of said investigation including all records, statements, evidence and other documents relied upon by the Department in reaching its conclusion regarding the disposition of the complaint. The Department shall identify all records in the file which it will rely upon if the matter is to proceed to an administrative hearing and shall provide copies of those records to the Complainant. The Department shall complete its investigation and compilation of records within three weeks of the date when the Complainant requested the CRB's active involvement.

4. **Thereafter one of the members of the Board shall conduct a preliminary meeting** between the Complainant, who may obtain representation, and a Department representative. At that time an attempt shall be made to secure a voluntary resolution of the grievance by the Board member's mediation of the dispute. The members of the CRB shall rotate mediation assignments. Where the CRB member serving in a mediation role concludes that they have been given information during mediation which may influence their capacity to serve in a neutral capacity, they shall recuse themselves from future deliberations of the CRB regarding the disposition of the grievance giving rise to the mediation.

Where the parties cannot reach a voluntary settlement of the complaint, the neutral Board member may, at the conclusion of the mediation, decide that the grievance is so lacking in merit as to be ineligible for appeal to the next step in which case he/she shall so advise the Board which shall vote on whether or not the grievance should be dismissed.

5. **Where no resolution of the grievance has been obtained and the matter not declared ineligible for appeal, the Board shall schedule an administrative due process hearing** at which time the parties shall present evidence in support of their respective positions. The Department shall be restricted in its presentation at the hearing to only that evidence which it has previously identified and shared with the Complainant at the preliminary meeting.

The administrative hearing shall be conducted in a manner which will satisfy the due process requirements of a civil proceeding, including the swearing of witnesses, the issuance of subpoenas, and the observance of the standard rules of evidence. The hearing shall normally be a private proceeding. The parties shall cooperate in the hearing process; and where cooperation has been withheld without good cause, an adverse inference may be made against the uncooperative party.

**6. Thereafter the Board, by majority vote, shall set forth its Conclusions with regard to the factual record and shall make an advisory recommendation to the Commissioner of Public Safety with regard to the disposition of the complaint. The Conclusions and Recommendations shall be made available to the public.**

Should the Board member who has performed mediation at Step Three recuse themselves from further deliberations by the Board regarding a pending grievance, the Chair of the Board shall refrain from voting on the Board's conclusions regarding that grievance so as to maintain an uneven number of voting Board members. The Chair shall, however, continue to perform all other duties of the position.

In making their recommendations and releasing them publicly, the Board shall be cognizant of parallel legal proceedings, shall adjust the timing of CRB process as appropriate, and shall strive to protect information that should remain confidential.

The CRB shall operate in an expeditious manner so as to reduce interference in the Department's business. While the CRB operates at arm's length from the Department, its overall purpose is to enhance the efficiency of the Department's operation by providing assurance to the public, through its oversight of the Department, that it operates in a fair and just manner. Internal Affairs subcommittee (2/14/2021)



**APPENDIX H Placeholder**  
**Current SSPD Complaint Form**

**APPENDIX I Placeholder  
Revised SSPD Complaint Form**

## **APPENDIX J**

### **Revised SSPD Complaint Form Instructions**

The Saratoga Springs Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members. Although not required, complainants are encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. When possible oral complaints should be made directly to a supervisor.

#### **Complaint Instructions**

**Box 1.** Will be filled out entirely by the SSPD

**Box 2.** While all requested information is optional, it is recommended that you fill out any of the information that is necessary for a member of the police department to contact you regarding the complaint. A working phone number, full name, address and Date of Birth will assist us in processing your complaint. Anonymous and third-party complaints will be accepted and investigated to the extent that sufficient information is provided. Failing to provide proper information may result in limiting the department's ability to investigate the complaint.

- Race will only be used for statistical purposes. It will have no effect on how the complaint is processed.

**Box 3.** For each witness (if any) you should provide their name and phone number. The SSPD must have a way to contact them. Please know that your complaint will be referenced when they are contacted.

**Box 4.** For the incident summary please provide any details that you believe to be relevant. If you know the name and/or rank of the officer that you are making the complaint against, please provide it. If you know the name and rank of other officers that may have been on the scene at the time, please provide that information as well. If you do not know the specific name and/or rank of the officers, please provide any identifying information that can be used to specifically identify him/her. If required, there is additional space on page 2 of the form to continue your summary of the incident and the details of the complaint itself.

- If known the actual date and location of the incident in question must be provided. The exact time is not needed but a general time frame (i.e. between 6 and 7 pm) should be provided.
- The signature of the person making the complaint should be provided. In addition, a witness to that signature should also be provided on the form. This confirms that the complainant is the actual person making the complaint and not someone else using their name and information.
- The warning across the bottom of the page is added to many forms being filed with an office of the government. This is not unique to this form. This warning is to alert the person making the complaint to ensure that all of the information being provided is being provided to the best of their knowledge and that they are not intentionally filing something that they actually know is not true.

**Box 5.** The complainant summary should be completed by the complainant and contain a detailed description of the incident. Failing to provide a detailed summary may hinder the ability to conduct a proper internal investigation.

Your complaint can be filed in any of the following ways:

- In person at the police station.
- By email at: [SaratogaPoliceContact@saratogapolice.org](mailto:SaratogaPoliceContact@saratogapolice.org)
- Or by mail. Saratoga Springs Police Department 5 Lake Ave Saratoga Springs NY 12866 att: Chief of Police
- By telephone, 518-584-1800 ext 2 and ask to speak with the desk supervisor.

**APPENDIX K**  
**Training Topics Placeholder**