

**A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF SARATOGA SPRINGS**

NYS POLICE REFORM AND REINVENTION COLLABORATIVE PLAN

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

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

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

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

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

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

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

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

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

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

SECTION ONE: Culture and Training

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

12. Increased focus on trainings specifically oriented on protests and the most effective way to monitor those events with a continual aim of de-escalation

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

SECTION TWO: Policy

14. Continue utilization of a third-party policy platform to ensure compliance with Federal and New York State standards, enacted laws and judicial rulings

15. Provide for selection of third-party policy platform through Request for Proposals (RFP) to ensure open and competitive process and selection based on objective analysis of product

16. Maintain transparency and public access to adopted SSPD policies by posting all such policies on the City website, to the extent permitted by law

17. Provide annual report to the public and the City Council summarizing all significant policy changes adopted by the department

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

19. Use of Force policy be revised to include a significantly expanded section on alternatives to use of force, including options that may be used by police instead of physical non-deadly force

20. Use of Force policy be amended to comply with the Eric Garner Anti-Chokehold Act of June 2020. "The Eric Garner Anti-Chokehold Act" would create a new crime of aggravated strangulation

21. Use of Force policy be reviewed and revised regarding use of deadly force

22. Use of Force policy be reviewed and revised regarding types of force and tools authorized for given level of resistance

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

24. Use of Force policy be revised to establish a process to monitor how police use force and proactively hold officers accountable for excessive force

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

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

reporting officers who have two or more use of force incidents in the past three months, and requiring officers to attend re-training and be monitored by an immediate supervisor

27. SSPD implement a more stringent and independent investigative review process for all incidents where either conducted energy devices or control devices are used by its members

28. Expand the scope of data analytics collected, reviewed, and provided around conducted energy and control devices incidents

29. Expand the conducted energy and control devices policies to include a review process for all potential deviations from the policies

30. Future training on the conducted energy and control devices policies should place a heavy emphasis on preservation of life and techniques/practices that minimize the potential deployment and injury associated with these practices

31. Clarify policy governing interagency cooperation

32. No-Knock Warrants

With regard to the Task Force recommendation that the Police Department be precluded from initiating no-knock warrants under any circumstance, the City Council recognizes the debate existing on this issue. No-knock warrants are and should be rarely, if ever, utilized. A no-knock warrant requires an application and review by a presiding member of the judiciary who must be satisfied that either evidence will be destroyed or disposed of or that the officer's life would be endangered through the issuance of an announced warrant. However, the Council is also aware that on March 3, 2021 the U.S. House of Representatives passed a bill, entitled the "George Floyd Justice in Policing Act" which if subsequently signed into law would, among other things, ban no-knock warrants in drug cases.

33. Revise policy restricting inquiries on immigration status and limitations on cooperation with federal immigration agents

SECTION THREE: Community-Centered Reinvention

34. Evaluate and develop a collaborative pilot program—where social workers work with, not for law enforcement agencies—in crisis response systems, social workers can share in coordinating deflection and diversion programs

35. Invest municipal funds to cover the costs of innovative biopsychosocial services that mitigate police involvement and encounters and allow for greater involvement of behavioral health and crisis intervention professionals as first responders

36. Evaluate and develop a community- based pre-arrest diversion pilot program— such as the CAHOOTS program—that reduces unnecessary and potentially dangerous police encounters with unhoused and seriously mentally ill individuals

37. Invest in local programs that address the food security and housing security needs of people living in precarity

38. Terminate paramilitary training and procedures which foster violent police overreach.

39. Department of Defense 1033 Program

With regard to the Task Force recommendation that the Police Department terminate certain training; prohibit the receipt or use of certain retired military weapons or vehicles; and ban any outside department from entering the City with such military equipment, the Council finds that current Police Department training is consistent with state and federal training guidelines and the Department does not participate in the DOD 1033 Program referenced by the Task Force. The Council further notes that it does not have authority to control the type of equipment or weapons purchased or utilized by county, state or federal law enforcement, nor the authority to ban such entities from entering the municipal boundaries of the City.

40. Diversion of Seized Assets

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

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

SECTION FOUR: Transparency and Accountability

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

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

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

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

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

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

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

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

50. Civilian Review Board

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

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

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

SECTION FIVE: Next Steps

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

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

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

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

Ayes _____ Nays _____

As Approved by City Council: _____

City Council of the City of
Saratoga Springs, NY

By: John P. Franck
City Clerk