



Bill Federice <federicebill@gmail.com>

Rural Awakening Comments on Schoharie County Draft Bias Based Policing (#401) and Portable Audio/Video Recorder Policy (#424)

2 messages

Pat Hults <hultsp@outlook.com>

Mon, Jan 18, 2021 at 7:25 PM

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Below is our response to the new drafts of policy #401 and #424. Thank you for providing an opportunity for input.

Patricia Hults

1. Bias Based Policing Policy;

Our only comment on this policy is that it is not enough that the policy provides that race based policing bias is not allowed, whether or not it is occurring has to be evaluated. In order to monitor if there are trends within the Sheriff's Office indicating bias, we recommend that the Sheriff annually review and analyze data collected by the New York State Unified Court System as part of the Police Statistics and Transparency Act (The Laws of New York Article 7-A: Judicial Administration, Section 212) which requires NYS courts to compile and publish racial and other demographic data for low-level offenses. This recommendation is part of the Village of Cobleskill draft plan.

2. Portable Audio/Video Policy

We were provided with a copy of the current County Policy BC120 "Provisions BODYCAM 'Body -worn Cameras' Recording System." This policy provided: " All Deputies and Investigators that have been issued a ...[body cam] shall wear it on their uniform at all times.....If assigned a [body camera] it shall stay in normal buffering mode during your shift. Whenever it is possible to do so, it shall be the policy of the SCSO to activate the [body camera] recording system in the scope of his/her duties. ...It will be the responsibility of each Deputy or Investigator that once the [body cam] has been activated, it shall not be deactivated until the law enforcement activity is completed, the deputy has left the scene or the citizen contact is complete." The policy also provides: "The system will be used to document various events and at the end of the Deputies and Investigators tour of duty, the captured data will be preserved, downloaded and stored on Sheriff's Office terra bit hard drives. Once captured, these recording cannot be altered in any way." Our only comment on that version of the policy was that body cam recordings should be made available to the public on a timely basis.

In June of 2020, New York enacted a new law that relates to body cameras that are to be worn by State Police (S8493/A8674). That new law, provides in part:

2. THE DIVISION OF STATE POLICE SHALL PROVIDE BODY-WORN CAMERAS, TO BE WORN BY OFFICERS AT ALL TIMES, WHILE ON PATROL. SUCH CAMERAS SHALL

RECORD:

- (A) IMMEDIATELY BEFORE AN OFFICER EXITS A PATROL VEHICLE TO INTERACT WITH A PERSON OR SITUATION, EVEN IF THERE IS A DASH CAMERA INSIDE SUCH VEHICLE WHICH MIGHT ALSO BE RECORDING THE INTERACTION;
- (B) ALL USES OF FORCE, INCLUDING ANY PHYSICAL AGGRESSION AND USE OF A NON-LETHAL OR LETHAL WEAPON;
- (C) ALL ARRESTS AND SUMMONSES;
- (D) ALL INTERACTIONS WITH PEOPLE SUSPECTED OF CRIMINAL ACTIVITY;
- (E) ALL SEARCHES OF PERSONS AND PROPERTY;
- (F) ANY CALL TO A CRIME IN PROGRESS;
- (G) INVESTIGATIVE ACTIONS WHERE THERE ARE INTERACTIONS WITH MEMBERS OF THE PUBLIC;
- (H) ANY INTERACTION WITH AN EMOTIONALLY DISTURBED PERSON; AND
- (I) ANY INSTANCES WHERE OFFICERS FEEL ANY IMMINENT DANGER OR THE NEED TO DOCUMENT THEIR TIME ON DUTY.

The draft policy recently provided to us, Policy 424 "Portable Audio Video Recorders" falls far short of requiring that officers use and actually turn on their body cams, it is far too subjective, leaving it up to an individual officer to decide when it may be "valuable" or "appropriate" to turn it on. It states in part:

"This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview situations.
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.
- (c) Self-initiated activity in which a deputy would normally notify Dispatch.
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

....At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.”

This draft policy is replete with the use of the term “should” in places where the words “shall” “will” or “must” are more appropriate. Our recommendation is to hold members of the Sheriff’s Office to the standard now required of the State Police and follow no less than the straight forward, unequivocal approach taken by the State Legislature in this new law requiring that State Troopers record specific interactions with the public.

The other issue we have identified in the new draft policy is that it does not provide transparency and contain the clear direction that recordings must be preserved, shall be provided to the public on timely basis and that the recordings cannot be altered. However, it is possible that these provisions are contained in other policies. If so, we would appreciate receiving copies.

Thank you very much for the opportunity to comment.

3 attachments

 **424.pdf**
19K

 **County Current Bodycam Policy.pdf**
1645K

 **401.pdf**
10K

Bill Federice <federicebill@gmail.com>

Mon, Jan 18, 2021 at 7:31 PM

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Check out the official Town of Conesville Website at:

<http://www4.schohariecounty-ny.gov/government/town-of-conesville/>

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