

Schoharie County Law Enforcement Review Committee (LERC)

February 9, 2021

Attendees: please see attached roster

Meeting called to order at 3:00 p.m.

The Sheriff's Department has made some recommended changes that have been discussed at prior meetings to the Use of Force, Conductive Energy Weapons and Portable Audio/Visual Recorders policies. It was decided that these updates will be highlighted and sent out to the group and we will discuss it more at next week's meeting.

Citizen Review Board discussion – What would the scope of this board be? Who should sit on it? How often to meet? Should this board be combined with the board established through the Village of Cobleskill Police Department (CPD)?

Chairman Federice – I would like to hear what everyone thinks about this. Personally, I am opposed to combining. The Schoharie County Sheriff's Department (SCSD) is a county department and must report to a county oversight committee monthly. Those meetings are normally open to the public, prior to the COVID restrictions.

Sgt. Reinhart – The Sheriff is elected by the people and serves the public on a 4-year referendum. The Sheriff must report monthly to the oversight committee made up of town supervisors that are also elected by the people. The input from this group has been great and has helped provide a better understanding from both sides.

Inv. Baker – I agree that we have gained a better understanding and the dialog should continue. Are there other groups or people interested?

Pastor Ray – I believe this has been an eye-opening and engaging experience for all. It is better to be proactive than re-active. A thermometer versus a thermostat.

Sheriff Stevens – The position of Sheriff is "The People's Voice" – the oldest form of policing. Its better to mediate a problem than to solve a problem. It is all about communication.

Ms. Cook – Thank you for the reception and consideration. I have learned a lot. I think we can find ways to talk. Maybe you can come to us? Our voice has no power. I wish there was a way to have a citizen in on the decision making. We aren't going to get all

that we want, and we knew that coming in. Some changes have been made. We all want what is best for the community. This is the best place to live.

Chairman Federice – Because of the make-up of our county, citizens do not have legal authority to make changes. There needs to be clear legal definition of what can and cannot be done.

D.A. Mallery – Authority cannot be delegated. If there is an issue that needs to be brought up, this oversight committee reports to and makes recommendations to the Board of Supervisors.

Ms. Hults – This is very valuable, but it seems unlikely to continue in a monthly format.

D.A. Mallery – I will speak for myself. It would be a good use of time if it is during an already scheduled meeting time. When I am here, I am not getting my work done. None of us are getting our work done right now. You can't expect more out of our professionals. We need to think about what is practical. It is more likely to get us to the table if we already must be here.

Inv. Baker – Part of 203 is transparency. We need to stay true to the Order of 203.

Mr. Lape – I think the idea of quarterly meetings is good. For public issues, maybe we can meet quarterly at 3:00 pm prior to the 5:00 pm oversight meeting.

Sheriff Stevens – I think this can continue to evolve after the April 1 due date. We can have a plan now and complete the details later.

Chairman Federice – I will write up a proposal with more specificity and get it out to everyone before next week's meeting. Lets now talk about Tracking Law Enforcement Engagements.

Ms. Graulich – I called the Cobleskill Judge, who is also the president of the Magistrate's Association. Susan and I can come to a meeting but wonder if the information needed may not be the information that is collected by them.

Pastor Ray – How is the village handling tracking?

Ms. Graulich – They are having the same issue we are having.

D.A. Mallery – I spoke with the judge about this also. They are not required to keep it.

Ms. Hults – We would like to make recommendations to try and solve the problem.

D.A. Mallery – We do not have the authority to make the judges do anything.

Chairman Federice – I will write up a proposal for discussion next week as well as come back to the 3 revised policies.

There are 7 items from Rural Awakenings to discuss.

1. Access to high quality mental health services for officers with departmental normalization of such service.

Inv. Baker – we do have access to mental health services and we also have EAP for mental health and other services. We are in the process of formulating a CIRT – Critical Incident Response Team – to offer peer support from a certified team trainer. They will come out and train us to be “train the trainers” also. The saying is “Bury the stigma, not each other”. We are all receptive to help; we are aware and cognizant of the issue.

Sgt. Reinhart – This is an area that administration takes very seriously.

Ms. Hults – We want to support your efforts.

Ms. Cook – Are there any situations or incidents that automatically require a referral for mental health evaluation?

Inv. Baker – There is no mandated time to get an evaluation. With CIRT, a team member will be assigned to an officer for the following 48 hours after an incident.

Sheriff Stevens – Because of our size, we know each other personally. Law Enforcement has changed a lot over the years. Years ago, they turned their back on their peers. We are no more than you are. We just chose this profession. We appreciate that you are concerned about us. We do continue to find the best ways to obtain services and training.

2. Clearer imperatives that require officers to both intervene when they see use of excessive force and the requirement to report use of excessive force.

We will hold this until next week after we see the changes to the policies.

3. Clearer imperative that body cams be turned on and operating at all times when force of any kind may be used.

We will hold this until next week after we see the changes to the policies.

4. Banning of chokeholds. Chokeholds are banned, but carotid holds are not.

Ms. Paden – We want a complete ban of chokeholds, including carotid.

Sgt. Reinhart – Carotid holds are the least lethal. There are specific guidelines of when or when not to use.

5. Inclusion of the concept of the use of reasonable, proportional, and necessary force in Use of Force Policies.

Chairman Federice – I think we have covered this. We cannot do more than NYS requires.

6. Adoption of a higher standard than “objective reasonableness” in Use of Force Policies and

7. Replacement of the concept of imminent danger with the use of immediate danger.

D.A. Mallery – We need to follow NYS law on these also or we are opening Schoharie County up for lawsuits.

Sgt. Reinhart – I see your philosophy, but it is not reality or practical. We cannot afford to take that risk.

Inv. Baker – Discretion still needs to be an option. It eliminates disparity.

Sgt. Reinhart – I think we can agree to disagree. Due to the changes in law, I think this is less of a concern than you think.

Chairman Federice – Next week we will go over the changes in the 3 policies as well as discuss the citizens group and data tracking.

Meeting adjourned 4:42 pm.