

Schoharie County Law Enforcement Review Committee (LERC)

February 16, 2021

Attendees: please see attached roster

Meeting called to order at 3:05 p.m.

Chairman Federice – Today we will recap five areas, which include 3 updated policies (attached). The updated policies were sent out via email to this group on 2/10/21.

1. Body Cameras
2. Citizen Review Board
3. Tracking Law Enforcement Engagements
4. De-escalation training
5. Use of Energy Conducted devices (Taser).

We will also finalize the 7 recommendations from the public, which are:

1. Access to high quality mental health services for officers with departmental normalization of such services.
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.
3. Clearer imperative that body cams be turned on and operating at all times when force of any kind may be used.
4. Banning of chokeholds.
5. Inclusion of the concept of the use of reasonable, proportional, and necessary force in Use of Force policies.
6. Adoption of higher standard than “objective reasonableness” in Use of Force policies.
7. Replacement of the concept of imminent danger with the use of immediate danger.

We will put a report together indicating that we have accepted the Sheriff's Department policies as presented to this committee and we will add all your concerns.

Sgt. Reinhart – We have been wearing body cameras now for about 18 months. The change was tough at first, but we quickly adapted. We were aware of the necessity and it has now become almost second nature. We have reached a policy that works best for our department. We look at these policies from a different perspective.

Ms. Paden – Why wouldn't you follow the new law/legislation for the NYS Police?

Sgt. Reinhart – Policies are by agency. What works for us may not work for others. It is easy for them to say anything, but they aren't the ones that have to wear them. This is a living document and will be continually changing as needs arise.

Chairman Federice – Regarding the Citizen's Review Board, I followed up with the County Attorney, Mike West. He advised that this will be strictly advisory, as all the decision-making lies with the legislative body. I will read Pat Hults email:

"Schoharie County Law Enforcement Citizen Review Board (or another name TBD) – The Schoharie County Board of Supervisors shall appoint an advisory board composed of (Number TBD) Schoharie County citizens, one member of the Board of Supervisors and a representative of the Sheriff's Department for a term of _____.

The mission of the Citizen Review Board will be to review the Schoharie County Sheriff's Departments' policies, practices, and procedures as appropriate and to offer recommendations regarding any changes to the Board of Supervisors.

The Citizen Review Board will also periodically review and measure compliance with the recommendations and plan passed by the Board of Supervisors as a result of EO203.

The Citizen Review Board should report to the Law Committee any citizen's complaint that they are aware of and develop a forum for feedback from the community.

The CRB should review the demographic data and the Sheriff's Department's analysis of the data as it becomes available from the Division of Criminal Justice Services and Office of Court Administration.

The Citizen Review Board shall meet quarterly and maintain minutes of the topics discussed with any recommendations for consideration by the Law Enforcement and Judicial Committee. Recommendations will be considered by the Law Enforcement and Judicial committee for further deliberation by the full Board of Supervisors."

Sgt. Reinhart – An important piece is the scope of the group and the membership. I believe the scope needs to be more narrowly defined.

Chairman Federice – I would suggest 5 community members, 1 member from the Board of Supervisors and 1 representative of the Sheriff's Department.

Sgt. Reinhart – I would like a different name. Maybe Community Engagement. Keep the community engaged.

D.A. Mallery – I have an issue with citizens on a review board that have no background in the subject matter. What authority would they have?

Chairman Federice – No authority at all! We are just keeping with the spirit of EO203.

Ms. Paden – I do agree that a different name is probably appropriate.

Sgt. Reinhart – A review board is appropriate in places where the Police Chief is appointed by the mayor. Because the Sheriff is elected by the people for the people, I think Community Engagement is more appropriate. I do, however, have an objection to citizens reviewing our department's policies, practices, and procedures. Having a complete review of our department is appropriate.

Sheriff Stevens – We are all being held accountable for the terrible things happening nationally. We are making provisions. We are a small community. None of these polices make it easier for law enforcement to do their job. That is why consistency in the Law Enforcement Committee is key because no on-going education is needed.

Ms. Hults – Last week everyone seemed to be receptive to having this group, but not this week. What changed?

Inv. Baker – The feeling is not different, just working out the specifics. We welcome the open communication but need to work out the best way to make it happen.

D.A. Mallery – I think this is more of a Community relations situation. We need to be realistic to the amount of resources this will take. We have all invested a lot of time in this already and has interrupted our professional work.

Ms. Graulich – I have a suggestion. I think the reason this has worked so well thus far is because it is the same people each week. Make the name of the group obvious to the scope. Maybe meet 3-4 times per year and have structured topics to discuss. Outline the topics ahead of time. I would like to see Indigent Defense included in this group also.

Sgt. Reinhart – I think it is worthwhile for you and for us if you were included in the group.

Chairman Federice – It would need a crisp mission statement.

Ms. Hults – It is important to give the citizens a voice. We are the ones affected by policing. We aren't educated but we are part of the community.

Pastor Ray – I agree that we need to keep the dialog moving. I have a deeper understanding and knowledge of your profession. We need to have an avenue to discuss new topics. There will certainly be things that come up in the future.

D.A. Mallery – We must look at the limitations. There is a value in giving the community a voice. Call it what it is – call it a Community Relations Board.

Mr. Lape – One of the reasons for EO203 is Community Relations.

Chairman Federice – Tracking of Law Enforcement Engagements. This needs more clarity and a mechanism developed or found.

Sgt. Reinhart – The word engagements is very broad. Engagements could include the gentleman in Stewarts that asks me a question or the car I pull over for a broken taillight. Any interaction with the public is considered engagement.

Ms. Graulich – Let's look at Senate Bill 1830-C and Assembly Bill A.10609 for the STAT Act (attached). It states that the requirement is on NYS to compile and analyze the data for trends.

Inv. Baker – De-escalation and Implicit Bias are annual trainings. We are just waiting on NYS to release the training. So, this recommendation is already being done. The Use of Energy Conducted Weapons policy was sent out to you all and 1 change was made from your recommendations. As far as access to high-quality mental health services, they are already available. We have an EAP program and developing a CIRT (Critical Incident Response Team). We look out for each other and take care of each other.

Topics 2-7 – D.A. Mallery stated that we cannot be more restrictive than NYS Law requires. We are setting Schoharie County up for lawsuits if we do. We have spent hours on these topics, and we are already following what the state recommends.

Sgt. Reinhart – Some of the recommendations would put the public more at risk. Law Enforcement needs to have some latitude to make moving decisions as they play out and cannot be completely restricted.

Meeting adjourned at 4:55 pm.