

MARCH 2021

THE SCHENECTADY POLICE DEPARTMENT'S RESPONSE TO "ALL OF US' 13 DEMANDS"

1. We demand prosecution of all law enforcement and corrections officers for all violations of the civil rights of all People of Color, marginalized individuals and all peoples for, but not limited to, killings, beating, false arrest, and harassment. The Police Department holds all its officers responsible for any and all actions, most importantly civil rights claims.
 - a. ***Schenectady Police Department Response: Any allegation of civil rights violations are thoroughly investigated by the Office of Professional Standards, the District Attorney's Office, the NYS Attorney General's office and the United States Attorney's Office as needed. The Police Department will continue to hold all officers accountable for all local, state and federal laws, which includes prosecution when justified. This includes all civil rights violations.***

2. Specific to the office of the DA, city and county. Diversion back to the community of all seized proven drug profits from convicted drug charges.
 - a. ***Schenectady Police Department Response: The US Department of Justice (DOJ) and the US Department of the Treasury (DOT) have oversight of all equitable sharing for state, local and tribal law enforcement agencies. Agencies that participant in the Program and directly participate in an investigation or prosecution resulting in a federal forfeiture may request an equitable share of the net proceeds of the forfeiture. Equitably shared funds must be used in accordance with the standards set forth within the DOJ and DOT "Guide to Equitable Sharing". Funds can only be used for law enforcement purposes that directly supplement the appropriated resources of the recipient law enforcement agency. The Police Department and District Attorney's office receive and are responsible for their own expenditures and reporting. The expenditure of funds are governed under federal law.***

3. Automatic firing for all racist text, emails, letters, social media posts, phone calls, and so-called private conversations by any law enforcement officers or corrections officers.
 - a. ***Schenectady Police Department Response: The Schenectady Police Department will not and does not tolerate racism and/or civil rights violations of any type. The Police Department has several policies that address standards of conduct for which officers are held accountable. Policy 320 Standards of Conduct; Policy 401 Bias-Based Policing; Policy 414 Immigration Violations; Policy 1029 Speech, Expression and Social Networking are examples of these policy's. Any***

complaint of racism and/or civil rights violations are thoroughly investigated and prosecuted, when justified, under the disciplinary proceedings of Article 9, Section 137 of the New York Second Class Cities Law. All Police Officers are subject to the process as outlined in Policy 1038 Disciplinary Proceedings. These hearings are open to the public.

4. Chargeable offense and process of Community Response Review with recommendation powers for all “living while Black hate crimes” for private citizens who commit these crimes and the police who attempt to enforce them.
 - a. ***Schenectady Police Department Response: A hate crime is a crime motivated by prejudice based on the actual or perceived race, color, religion, religious practice, age, national origin, gender, sexual orientation, gender identity or expression, ancestry, or disability of the victim. The Police Department has strong guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias. The Police Department places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law. Policy 319 Hate Crimes addresses the way in which officers respond to such an incident. As far as a “Community Response Review” that would fall under a legislative request for the City Council.***

5. Automatic firing for all disengaged or damaged body cams. The Police Department has a very extensive body-worn camera policy (see Policy 706 Body Cameras).
 - a. ***Schenectady Police Department Response: The policy addresses damaged or malfunctions of the cameras and the report thereof. If an officer is found to have purposely “disengaged” and/or damaged a body worn camera, that officer shall be held accountable pursuant to the department’s disciplinary policy (Policy 1038 Disciplinary Proceedings).***

6. Specific to the DA. Abolition of all no-knock warrants.
 - a. ***Both the Schenectady Police Department and the Schenectady County District Attorney’s office have the legal right to make an application for a search warrant as outlined in the NYS Criminal Procedure Law, section 690.35 (CPL § 690.35). The application MUST be made to a local court having preliminary jurisdiction over the underlying offense, or geographical jurisdiction over the location to be searched. The application is thoroughly reviewed by a magistrate before authority is given. Before such application is made, the investigating officer must first receive authorization from a supervisor before***

preparing a search warrant application. Once authorization is received, the investigating officer prepares an affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she also completes a risk assessment form and submits same, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see Policy 607 Warrant Service; and Policy 608 Operations Planning and Deconfliction).

7. End of all ticket writing incentive programs, speed trap schemes, parking violations and traffic stops for petty violations.
 - a. ***Schenectady Police Department Response: It is the policy of the Schenectady Police Department to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Department are driven by such factors as the location and/or number of traffic accidents, citizen complaints, traffic volume, traffic conditions and other traffic-related needs. Traffic enforcement is consistent with applicable laws and takes into account the degree and severity of the violation committed. The Police Department does not establish ticket quotas. The number of arrests or tickets issued by any member of the Department are not used as the sole criterion for evaluating member overall performance. The Police Department has a number of policies related to the enforcement of traffic and parking tickets (see Policy 500 Traffic; Policy 504 Traffic and Parking Tickets).***

8. End to all non-recorded sobriety test.
 - a. ***Schenectady Police Department Response: All calls for service whether initiated by dispatch or by the Officer, which include traffic stops (sobriety test), field interviews, mental hygiene arrest, prisoner transports and official police interactions are mandated by the Police Department to be recorded using the officers body-worn camera. Additionally, it is the policy of the Schenectady Police Department that all personnel participating in a sobriety checkpoint detail follow all state and federal laws governing said checkpoint. Policy 706 Body Cameras; Policy 503 Impaired Drivers; and Policy 506 Sobriety Checkpoints govern the use of the body cameras, the handling of an impaired driver and sobriety field testing.***

9. Abolition of chokeholds, strangle holds and hog ties for all law enforcement and correction officers inside jails and prisons.
 - a. ***Schenectady Police Department Response: The Schenectady Police Department complies with all federal, state and local laws governing the use of force. This includes recent NYS Governors Executive Orders and Mayor McCarthy's Executive Orders restricting "chokeholds". The Police Department has in place***

strict guidelines regarding all uses of force officers are authorized to use. Policy 300 Use of Force; Policy 302 Handcuffing and Restraints; Policy 303 Control Devices; Policy 304 Conducted Energy Device; and Policy 306 Firearms are all examples of the restrictions that are in place. The Police Department's use of force policy is as follows: the use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties. Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties. The Schenectady Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

10. Ban shooting at moving vehicles.

- a. ***Schenectady Police Department Response: Policy 300 Use of Force of the Schenectady Police Department restricts the discharge of a firearm at or from a moving vehicle. The discharge of a firearm can only occur when no other reasonable means are available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Officers are not to shoot at any part of a vehicle in an attempt to disable the vehicle.***

11. Require all force be reported with racial data captured for both the law enforcement officer or correction officer and the injured party and review by a Civilian Review Board with full access to unredacted files and evidence and the power to submit to the Attorney General for further review, investigation, and potential charges.

- a. ***Schenectady Police Department Response: Any use of force by a member of the Police Department is required to be reported promptly, completely and accurately within the Department's use of force packet. The Officer is required to articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law (Executive Law § 840). The Records Supervisor shall ensure that reports are submitted to the Division of Criminal Justice services (DCJS) when an officer (Executive Law § 837-t): brandishes, uses, or discharges a firearm at or in the direction of another person; uses a***

carotid control hold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that is reasonably likely to hinder breathing or reduce intake of air; displays, uses, or deploys a chemical agent or control device, including but not limited to oleoresin capsicum (OC), pepper projectiles, tear gas, batons, or kinetic energy projectiles ; brandishes, uses, or deploys an impact weapon; brandishes, uses, or deploys an electronic control weapon, including an electronic stun gun, flash bomb, or long-range acoustic device; engages in conduct which results in the death or serious bodily injury of another person. The Schenectady Civilian Police Review Board is governed under the City Charter (Chapter 93) therefore all changes sought must be formally adopted by the City Council.

12. Anti-Racism training for all persons working for law enforcement and detention facilities (including but not limited to jails, prisons, and juvenile detentions).

- a. ***Schenectady Police Department Response: Police Department Policy 203 Training outlines mandatory training and other Department specific training. In addition to the mandatory training requirements the Department conducts yearly training to all officers regarding Procedural Justice and Implicit Bias. The training is provided by two command level officers who are certified by the Division of Criminal Justice Services (DCJS). These officers also contract with DCJS to provide Procedural Justice and Implicit Bias training throughout the state.***

13. Demilitarize law enforcement and defunding of law enforcement agencies with the funds reallocated to Community Based Restorative Groups for conflict resolution and restorative practices and other community based services and solutions.

- a. ***Schenectady Police Department Response: The Schenectady Police Department has been a leading advocate for community based organizations to assist with homelessness, drug abuse, mental health counseling, neighbor trouble mediation, landlord/tenant mediation, etc. Under strict guidance the Schenectady Police Department deploys military grade equipment only when needed to combat like equipment in the community. Policy 404 Special Operations and Tactics provides the structure for which the tactical team is deployed. These officers are highlight trained thereby reduce the risk of injury to uninvolved individuals, suspects and officers.***