

## Executive Order 203 Compliance Group October 27, 2020 Meeting Notes

Members Present: Malta Town Supervisor Darren O'Connor; City of Mechanicville Supervisor Tom Richardson; Undersheriff Rick Castle, Saratoga County Sheriff's Department; Dr. Michael Prezioso, Commissioner of Mental Health & Addiction Services; District Attorney Karen Heggen; Public Defender Andrew Blumenberg; Opal Hinds, Esq.; Assistant County Attorney Michael Hartnett – Advisor to the Group.

This being the organizational meeting of the Executive Order 203 Compliance Group ("Group"), Mr. Hartnett opened the meeting and welcomed those in attendance. He said he is the Assistant County Attorney who had been asked to advise the "Group" in convening and setting up a framework. He thanked everyone for coming. He asked the members to introduce themselves. He said he is not part of this "Group"; but he had been asked by County Attorney Steve Dorsey to attend the meetings and provide support.

Mr. Castle said he is the Undersheriff with Saratoga County. He has been with the County for 31 years. He said he has been involved with some research in this project previously. In 2016, he participated in President Obama's Task Force on reforming the police at that time of the White House. He holds a Master's in Public Administration with concentration in Ethical Leadership.

Dr. Prezioso said he is the Commissioner of the County's Mental Health & Addiction Services. He has been a licensed psychologist for 30 years. His clinical and administrative experience, he was the former Director of the Mental Health and Juvenile Justice Project for the Schenectady County Department of Probation. He was the Director of Inpatient Services at the State Operated Psychiatric Center in Albany for 17 year or 18 years before joining the County in 2014. He has done some consultation with law enforcement as well as provided services in the correctional setting. He is looking forward to working on what this Group is about to embark on.

Mr. Blumenberg said he is the Public Defender for Saratoga County. He was admitted in 1995 to practice law.

Mr. Hartnett said he is the Assistant County Attorney who through that office represents the Sheriff's Office as part of his duties. He also prosecutes juvenile delinquency proceedings in Family Court. He is involved in the juvenile criminal justice process.

Supervisor Ed Kinowski is not a member of this Group and was there as a participant.

Mr. Richardson said he is the Supervisor from the City of Mechanicville and has been for the last 15 years.

Ms. Opal Hinds, Esq. was born and raised in Jamaica and came to America in 1989. She went to school in Syracuse. After she moved to Greenfield and currently lives in Galway with her husband and five children. She has an office in Schenectady and does a lot of work in Family Court. She also does bankruptcy work. She finds the work that she does in the Family Court to be very meaningful.

Mr. O'Connor said he is the Supervisor from the Town of Malta.

Ms. Heggen said she is the Saratoga County District Attorney and has been with the office for 28 years in various capacities. The last six have been as District Attorney.

Mr. Hartnett said the first point of order would be the election of a Chairman. Mr. Richardson made a motion to appoint Darren O'Connor as Chairman. Mr. O'Connor thanked Mr. Richardson for that motion however; he said he hoped Dr. Michael Prezioso would take the role as Chairman. He thinks it would be better coming from angle. Mr. Richardson withdrew his motion. Mr. Richardson asked Dr. Prezioso if he would be willing to accept the Chair

of this Group. Dr. Prezioso said he was. Mr. Richardson made a motion that Dr. Prezioso be Chair of the Group. Mr. O'Connor seconded the motion. Mr. Hartnett asked for discussion. The motion was unanimously approved.

Dr. Prezioso said he would entertain suggestions for the Vice Chair. Mr. O'Connor suggested Mr. Castle be named Vice Chair as he has done so much preliminary work on this and along with his work on the Obama Task Force he thinks it would be helpful to reach the Group's final goal which is to get this product developed, if he could be named the Vice Chair. Mr. O'Connor thinks this will benefit the group. Mr. Richardson seconded that. Dr. Prezioso asked Mr. Castle if he would be willing to accept that. Mr. Castle said he would. The motion was unanimously approved.

Dr. Prezioso said the next item on the agenda is goals and tasks. He said Mr. Castle has spent a lot of time working on this project and asked him to give an outline of things he had identified over time.

Mr. Castle said he has distributed to the Group, a working document more of a draft of the points that need to be addressed by this Group as identified by Executive Order 203. He has tried to give the Group an overview of how things currently function within the Sheriff's Office and this is specific to the Sheriff's Office. There are some items, as far alternatives to incarceration and other issues that we may have to bring in Probation or perhaps the Public Defender and the District Attorney to speak to. He is not intimately familiar with how those things take place so he could use some of that help. He has provided copies of draft policies from the Sheriff's Office. For the last almost four years now, by the direction of Sheriff Zurlo, we have undertaken a process to completely revamp the policies and procedures of the Sheriff's Office starting at page 1. What they have opted to do instead of modifying our existing policies was to start from scratch with model policies and best practices from around the Country and make modifications to those to fit Saratoga County. What they have produced is a draft policy and procedures manual that has been rolled out to their employees for comment. The employees have had the draft for almost a year now and they were ready to finalize them. They have decided to hold off now for this Group's comments as well and for the outcome of the final product from this. The end result, he feels that they are already in pretty good shape with what a lot of what was addressed in the Governor's Executive Order. They have addressed a lot of the policy concerns that were brought up there and they are ready to move forward with whatever suggestions come up. The Sheriff's Office is accredited by the New York State Law Enforcement Accreditation Council, which is a division of the Criminal Justice Services. They have been continuously accredited by them since 1992. Prior to that, they were accredited by the NYS Sheriff's Association since the early 80's. What that means is that the Sheriff's Office meets the standards that are established by them in every way. They are evaluated every five years. They have to keep records annually on their compliance and then every five years they have to demonstrate their compliance to the State. That is not something every police department in New York State has. In fact, the only three in Saratoga County are the Sheriff's Department, the State Police and the Waterford Police Department. It is a major undertaking. A lot of the topics that are discussed in the Executive Order are part of the accreditation process as well. Everyone has had a chance to see the guidance put out by the Governor's Office. The Governor's Office was very clear to point out the fact that some police agencies and municipalities will have a lot of work to do to comply and some won't have as much to do. He said he knows there are some areas in Saratoga County that need to be addressed; but he feels they are in good shape starting out.

Dr. Prezioso said he knows with some of the reading he's been doing that there are different approaches to solicit the input of members of the community that were identified in the Governor's Executive Order. He wanted to open up to discussion how fast to proceed getting that input from folks. That is one of the key features this Group is being asked to do.

Mr. O'Connor said just in reading the brochure that was put out by the Governor's Office they mention a lot of groups that we should be getting input from. Residents who have had interactions with police, residents who have been incarcerated, police unions, educators, housing advocates, LGBT groups, health care leaders, mental health, business leaders, transportation and then legal and academic experts, he thinks there are a lot of people on this Group that have connections to those groups. He said Mr. Blumenberg he might have insight on reaching out to

people who have been incarcerated or interacted with police. Police Unions obviously we will be talking with them. Mr. O'Connor suggested the school superintendents for school districts in the County should be asked for their input. Shelters of Saratoga as an example of housing advocates, we might solicit from. He had received an email a while ago from a health care PhD and she had offered to help this Group. He said about mental health Dr. Prezioso would know who to reach out to. Business leaders, the Chambers, SEDC, the Partnership, we should reach out to them. For legal and academic, there is Skidmore. He suggested a reaching out to all of these and asked about an outline as being used for that.

Mr. Castle said one of the recommendations from the NYS Sheriff's Association is to identify the stakeholders and provide them with that outline of questions to begin the conversations, to provide the topic, current policies and suggested questions. He thinks we will find there will be some groups that may want to submit a written response as opposed to actually coming to a meeting or making a public comment. His suggestion is that an outline that can be sent out either just for them to answer or prior to them coming in to speak. Mr. O'Connor referred to a page in the handout and asked if it could be the handout. Mr. Castle said it could. Mr. O'Connor said it should be as it was very well written.

Mr. Richardson said another group that should be contacted are the smaller police forces such as Mechanicville, Saratoga Springs, and Stillwater. We should get comments from them. Mr. Castle said they are required to go through this process as well. Mr. Richardson said it might be helpful to hear from them and it might be helpful to them as well to gather information.

Mr. Castle said in conversations he has had with other people, these listening sessions as focused listening sessions and not just open free for all. As you mentioned we may have one with police unions where we can bring in those representatives and have discussions with them. We would have separate discussions with faith-based leaders, educators and so on. This would be to keep the conversations on track. There have been instances where the discussions have gone off track, go on for extensive periods and not much useful information comes out of them. His recommendation would be to handle it in separate meetings.

Dr. Prezioso said to summarize we would be talking about separate listening session by identified group and structured discussions at hand as well as opportunity to get feedback in a more structure setting. Mr. Castle added there would be representatives from multiple groups of that sector and not one on one with each group. The group agreed that the clustering of groups with similar interests to get some interplay and information flowing. Dr. Prezioso said when it comes to the collection of comments; a dedicated email could be created. A webpage could be created so members of the community could follow along as these meetings progress. Community members would be able to drop their comments via this email as well.

Mr. Castle said the process does have to be open for the public with a public comment period for the final product produced by this Group. A public hearing will have to be held prior to going to the Board. Mr. Castle asked Mr. Harnett to talk about the timeline.

Mr. Hartnett said the timeline that the Group is up against is somewhat stringent. Any report the Group comes up with has to be submitted to the Board of Supervisors to adopt after public comment. They can change it/modify it as they see fit. It has to be passed through the Board of Supervisors by April 1<sup>st</sup> of 2021. The Board traditionally meets on the third Tuesday of the month so the report will need to be adopted in March. The report will need to be brought through the Public Safety Committee in February. The Board will have a public comment period and hold a public hearing. Since we are almost into November, this is a short timetable to collect the input and go through this process.

Mr. Kinowski asked the Chairman if he could comment, as he is not a member of this Group. He said he thinks this has been done a number of times through engineering review and things of that nature, where an engineering firm goes out and does a questionnaire virtually through a website. We are being pushed in to computers no matter

where you go if you develop a website, develop those questions, have the meeting minutes/notes, so everything is captured it may become voluminous but at least you have captured it all. You attempt to respond to it all the best you can. Then it goes to public hearings all the data is in one area and that is key.

Mr. Castle said he and Dr. Prezioso have had a conversation with IT about that. Ms. Hinds said that is a good idea. Dr. Prezioso we will move toward a tech based survey, update, minutes. Mr. Castle said the outline that was produced will be very easy to turn into a google survey that can be pushed out. Mr. O'Conner said all the towns could post links on their websites. He asked what the timing on that would be. Mr. Castle said he would have an answer the next day. He was meeting with Ms. Bennett the IT Director. He will ask about the timing of the creation of a website.

Dr. Prezioso said we have an approach we want to adopt. We want to talk with IT, create a website to make this accessible for folks. The shared outline will be the basis of what we use to solicit input. We will keep the timeline in mind and do our due diligence to work towards those deadlines. He recognizes the stakeholder groups have been identified, how do we want to approach reaching out to those groups. Mr. Hartnett said the categories have been identified as well as what groups fall into those categories. Mr. Castle said there has been discussions on the categories but don't necessarily have the names of each group. He said he would send out to the Group the information he has and Group members can add to the lists. He thought personal contact would work best due to the time restrictions. He added most of the groups are relatively easy to get ahold of especially those who are anxious to participate. Mr. O'Connor asked if he should wait for the list before sharing the outline with people. Ms. Heggen said as Mr. Kinowski suggested having a central location for the information rather than going off in all directions would be important. Mr. Castle said if we are going electronic, the best way to handle this would be to point everyone to the electronic version of it. Dr. Prezioso said the towns could post a link on their websites pointing them to whatever it is we come up with for a site. Mr. Castle said it would be provided to anyone who would come and speak to the Group.

Ms. Heggen asked if now would be a good time to discuss assigning areas for the Group members to contact so that it is not a heavy lift for one person. Dr. Prezioso said everyone's input and outreach will be helpful in this. He is wondering if Mr. Castle could send out the list. Then, Group members could speak up about which sub-set of the list you are most connected to. That will assist in identifying who will cover each area and then move ahead from there. Mr. Castle said there will be some additional information added to the outline that has been talked about. Mr. Castle said he has shared from a Sheriff's Department perspective what groups they deal with. He will be looking for input from a Public Defender, District Attorney and Mental Health about services provided by the County. This is to be an all-inclusive report not just how to change policy within the Sheriff's Office but within the services provided by the County of Saratoga as a whole. Dr. Prezioso said this is the time to look at how well integrated and coordinated our services are when it comes to providing services to the residents.

Mr. Kinowski asked the Chairman if he could provide another possible item. He said this might be directed to Supervisors Richardson, O'Connor, and perhaps himself. The scope of this seems to be very significant and the timeline very short. This group of people all have their jobs. He asked if a part time person could be identified to assist maybe in the BOS Office to filter information to and to send back out. He said it has been done before where the County has given additional assistance and this may be the time to do this again. Mr. Castle said within the Sheriff's office he has surveyed his staff and is putting together a group in his office to assist him. He has staff that is very anxious to participate in this process. Once this goes out electronically we may see a high volume of responses and will need to be looked at on a daily basis. The responses will need to be catalogued by specific groups and that information gets to the right person.

Dr. Prezioso summarized by saying they would check with IT and check with Group members to see what additional support we might be able to get. We need to compile a list of groups to divide to reach out to. The list will be added to as more work is done to prepare the list. He asked for other items that members would like to discuss before moving on.

Mr. O'Connor asked about public meetings. He said one of the guidelines is to hold public meetings. Is there an idea on where these meetings would occur and would it be the Board Rooms. He asked if there is another place, the members were thinking and how the Group will go about participation by electronic means and/or in person.

Mr. Castle said the recommendation would be to conduct these meetings the same way the Board meetings are conducted. Public comment period can be posted. The public hearing will need to be held prior to the adoption. He thinks this can be done electronically where people can sign up to speak. Participants will come to speak and that will fill the requirement for a public hearing.

Mr. Richardson said he thinks this should be handled the same way the Board handles their Board meetings. There should be call in information provided and added the public isn't allowed into the meetings at this time. Mrs. Wright said for public hearings there is an email set up that comments can be emailed to. When comments are emailed, Mrs. Wright shares them with the Board. She said if someone from the public wants to speak at a Board meeting under public input, she asked comments be emailed to her and she reads them at the Board meeting.

Mr. Castle said if the County Attorney's Office is comfortable with that procedure then comments could be handled the same way. Mr. Hartnett said he is comfortable with comments being submitted in writing versus oral. Mr. Hartnett said, because of COVID the procedures the Board is following is working for them. The public is not allowed into the actual Board Rooms due to restrictions on capacity. He said the same would be true for this Group. He said, for the first part of this process, collecting the comments, there is a question of the Open Meetings Law. He said this is an advisory group so this is not subject to the Open Meetings Law; however, the whole purpose of this is one of transparency and openness. There is a balance to be struck so the more open the Group makes it the better it will be. The public will have more confidence in the process if it remains open. Mr. Hartnett added with the COVID restrictions having the capability to receive emailed or written comments will check all the boxes.

Mr. Richardson said for example if this Group has a meeting with all Superintendents of schools, will they be on the phone. He asked if they would be able to come to the Board rooms. Mr. Castle clarified that this will be people this Group invites to come speak and not the general public. Mrs. Wright said invited speakers would be allowed into the Board rooms but reminded the Group only 50 people could be in person in attendance. Mr. Castle said a call in number would be provided for the public to listen and a separate number for speakers not able to attend in person.

Mr. Hartnett suggested a sign up tool be used. He said using the school superintendents as an example if the survey is sent to them and there is an overwhelming response; he suggested a sign up tool. If the number attending appears to exceed the threshold, a second meeting can be scheduled. An alternate solution would be to encourage written submissions or have participants call in. Mr. Castle said WebEx gives him the ability to select callers to unmute. This will allow the control of background noise.

Dr. Prezioso said there are multiple opportunities for people to participate. They will be invited to participate in person or on the phone. The general public will be on the phone only with the opportunity to submit their comments in writing.

Mr. Blumenberg asked if we were restricting comments to the outline. Mr. Castle said he didn't think the comments should be restricted to the outline. He added the outline are his visions. Someone may have more or different ideas. We should welcome all comments. Mr. Blumenberg said then it would be an open discussion. Mr. Castle said within the discipline. Dr. Prezioso said it is a semi-structured engagement where we are providing specific prompts for response but there are also triggers for things that may be off the topic. Mr. Richardson added who knows what the Group may add from other individuals.

Mr. Castle said we will have to crunch numbers with the Public Defender and the DA's offices. One of the questions was about discussing specifically with communities that have high incident of law enforcement engagement.

Saratoga County is a diverse county but not as diverse as the counties around us. More research and discussions will need to take place when it comes to diversification.

Ms. Heggen said the Group is at a great starting point. She appreciates the work that has gone into this. She finds it is easier to react to something in this setting rather than try to create it. She appreciates the openness and willingness to have other things added to it.

Mr. Castle said there have been discussions nationwide about law enforcement and its evolution over 30 years. The way things are handled are different now than then. Law enforcement's responsibilities in what they handle has grown expeditiously. There is one question about diversion programs and is that something that should be handled at the Sheriff's level or the District Attorney's level. The Sheriff's office through their School Resource Officers is familiar with the school to prison pipeline that are worried about in some communities. The Sheriff's office is working to avoid that through their SRO's and the SRO's working with the school on disciplinary issues.

Dr. Prezioso asked for input on the schedule of meetings. Mr. O'Connor said this Group to be aggressive on this. There isn't much time looking at the calendar to hold these meetings especially with the holidays coming. He thinks it's important to be aggressive and to realize that on some scheduled meeting days not all members of this Group will be able to attend. We need to go ahead with meetings or we will never be ready by February. Dr. Prezioso agreed. He asked when this Group should meet next and how long do we budget for time. Mr. Richardson said he did not know if this Group should meet once every other week or once every week. We are the count down. Mr. Castle said if we can work it in, this Group should meet weekly. There are already groups that have been identified that we have to meet with. He said the law enforcement group is a group that is very easy to get together. He suggested that could be a meeting for next week or the week after. The mental health, domestic violence and substance abuse groups should be easy to get to. If we deal with the readily available groups and fill up the next few weeks, it will get the process going and not put off meeting.

Dr. Prezioso suggested picking a set day and time for the meetings going forward. He said the group he would gather meets each month. He could use that meeting to distribute information. Mr. Castle asked if there were any issues with attending that meeting versus asking the participant to attend a Group meeting. Mr. Hartnett said how this Group solicits and gathers the public input is ambiguous and not identified in the Executive Order. It is up to the Group to come up with a process. If there is a stakeholders group that is identified and they are already meeting and want to discuss the questionnaire and get responses back to us he thinks that's perfectly fine. He said if this Group wanted to meet at that time and invite them all that would work too.

Ms. Heggen said she finds it easier to have a set time so she knows what she's working around. That doesn't preclude meeting other times. If she knows, what day of the week and at what time it will be easier to work with. Dr. Prezioso said it would be easier for his schedule to work that way as well. What Ms. Heggen suggested is very true. Mr. Hartnett said to follow up with regards to the Open Meetings Law, this Group is going above and beyond by making these meetings accessible to the public and will continue to do so. Mr. Castle asked Mrs. Wright if she could get back to Dr. Prezioso with a day of the week and time that works best for the Board room schedule. Mrs. Wright said mornings would work better. She said the County's committee meetings are held in the afternoons. Mr. Castle asked if Wednesday's at 10:00 a.m. would work for the Group. Mr. Richardson said first thing in the morning is best for him. Mr. O'Connor agreed. Dr. Prezioso suggested 9 a.m. or 10 a.m. Ms. Heggen said if there were an issue, she would rather deal with it and then attend a meeting. That would work better than being at a meeting and having to leave. Ms. Heggen said the suggestion of 10 am would be best. Mr. Castle agreed it would be a better time for him.

Dr. Prezioso suggested Wednesday's from 10am to 12pm. The members of this Group decided this time with the exception of November 11<sup>th</sup>. This is Veterans Day and the County offices are closed. Tuesday, November 10<sup>th</sup> will be the alternate date for that week.

Mr. Kinowski said there might be Supervisors that want to attend these meetings. He asked how much interaction or interruption for comments/questions would the Chair of this group allow. He said the Supervisors might have input they would like to give. How does the Chair see this happening? Mr. Richardson said written questions/comments would be his suggestion and then the Group could respond to them. Mr. O'Connor said he is comfortable either way. He added certainly if it gets difficult to get through business but it is good to have Supervisors look in. That is the group to that will ultimately have to adopt the report. It's not a bad idea to have that input on an ongoing basis; particularly the Public Safety Committee. He does see Mr. Richardson's point because we do have to finish what we are doing and not get distracted. We have to find some way to keep the Supervisors from taking up too much time. Dr. Prezioso asked for concrete guidance around that. He would like help balancing out feedback from the floor. Mr. Richardson was thinking if a Supervisor has an idea or a comment it should be submitted to this group in writing. If the whole Board/Committee were to show up at these meetings and offer comment/ask questions, we could be sitting in the meeting for 3 or 4 hours without limiting. If the comments were submitted in writing, then the Group could review them and respond. Mr. Richardson said we are on a short time frame and need to get this done.

Dr. Prezioso said we are looking for comments from the participants we invite, are we looking to cap the time speaking is allowed. Mr. Harnett said it was his understanding public comments would be in writing. Mr. Richardson said if we invite groups in to speak to/with us how much time would we give each person to speak to us. He thought five minutes is a long time. Mr. Castle said he would hope the groups would provide written responses and provide the speaking time to summarize their comments. Mr. O'Connor said it could be played by ear to a certain extent, and if there is time for additional comments, that can be granted. Dr. Prezioso thanked the group for this suggestions/guidance. Ms. Heggen said giving the speaker an expectation of time allow would be important. The time allowed should be consistent with each participant.

Dr. Prezioso summarized the meetings will be Wednesday's from 10 am to 12 pm. The exception will be Veteran's Day so for that week it will be Tuesday, 11/10 from 10 am to 12 pm. Mr. Castle said the law enforcement would be scheduled for 11/4. Mr. Richardson said he would reach out to school superintendents for meeting on 11/10. Dr. Prezioso said the meeting on 11/18 he would try to get the human services groups together. Mr. Castle said he would contact faith-based groups for them to be included on 11/18. Mr. Richardson suggested the Mechanicville Community Group for the 18<sup>th</sup> as well. For the meetings, participants will be encourage to submit comments in writing and speakers will be limited to three minutes. Dr. Prezioso said Supervisors will be asked to hold comments to the end and will be encouraged to submit comments/questions in writing.

Mr. Hartnett asked if there had been any consideration or discussion on having the Supervisors and elected officials as a stakeholders group. Mr. Castle said it was a requirement that elected officials be contacted and to include mayors of villages. He said that is something that can be sent out. Dr. Prezioso asked the Supervisors in attendance if there would be a benefit to having a separate group for elected officials/supervisors. Mr. Kinowski suggested waiting on that group to see how these meetings go. Mr. O'Connor said transportation/public transit was a group that was identified. Mr. Castle said Saratoga County isn't a big public transportation county. Mr. O'Connor suggested placing a call on an informal basis.

On a motion by Mr. Richardson, seconded by Mr. Castle, the Group unanimously adjourned.

Respectfully Submitted,

Pamela Wright  
Clerk of the Board