

Co -Facilitators – Elane Daly, Cayuga County Legislator
Debby McCormick, City of Auburn, Councilor

Committee Members:	Roger Anthony	Deputy Police Chief/City of Auburn
	Bill Berry	Community Member
	Brian Hartwell	District Superintendent Cay/Onondaga BOCES
	Brian Myers	Sergeant – Cayuga County Sheriff
	Steve Smith	Under Sheriff, Cayuga County
	Tim Spingler	Sgt. Auburn Police Dept/FLDTE Supervisor
	Brian Schenck	Cayuga County Sheriff
	Stacy Deforest	Corporation Counsel, City of Auburn

Today's discussion followed up on feedback that was given during and since our last meeting.

No Knock Warrants –

- Generally, these are executed by specialized units; Finger Lakes Drug Task Force and/or Emergency Response Team
- Sgt. Tim Spingler provided further information –
 - As FLDTE Supervisor he reviews all information prior to requesting a warrant.
 - Because a No-Knock warrant is requested does not guarantee a judge will approve it.
 - The team is composed of specially trained and experienced (3 years minimum on the job) officers. Typically, from Emergency Response Team.
 - A threat matrix is used to determine need.
 - APD tends to use a No-Knock warrant more frequently than the Sheriff's Dept. because there is a narcotics team.
 - While the Sheriff's department uses it less frequently, when a situation poses a threat of violence it could be used. Circumstances are evaluated case by case.

Handcuffing/Restraints used in juvenile arrests –

- Defined - Individuals under 16 are considered juveniles. Age 17-18 is youthful offender.
- The question of how the age of a child impacts how they are handled was discussed.
 - The law dictates how juvenile and youthful offenders are processed. Law Enforcement does not make that call.
 - Both law enforcement agencies have officers dedicated to juvenile cases with additional training in that area.
 - Brian Myers reiterated that each situation is different. Circumstances are always a factor in these cases.

Opportunities for Community Involvement in Policy Development, Training, Crisis Intervention Incidents, Review Boards.

- Bill Berry clarified that his concern relates more to a larger question rather than focusing on specific policies. The question being – how the community can be more engaged in the process, policies and protocols and how can this engagement be sustained. Something that is would be continued by the city/county and not at risk of ending or being forgotten when there is a change of leadership.
- A recent impromptu meeting with APD and community members was mention as good example of the benefits of a relationship with community.
- Sheriff Schenek added that recent community-based initiatives by law enforcement are building a foundation for community involvement.

Rapid Response Initiative: suggestion of a standing committee of law enforcement and community members to convene at the discretion of APD Chief and Sheriff.

- A group that would come together after an incident occurs to assist with de-escalation. (This is an idea to be considered in the bigger picture discussion).
- An example of this could be a recent situation when the Police Chief called a meeting of community members and city councilors together to address an incident.
- The benefit would be to get information out in cooperation with law enforcement. This will also potentially mitigate the fallout from wrong information getting out.
- A foundation of trust must be established which is what has been the goal currently.

Feedback on Officer Evaluations – related to Service Orientation and Community Policing.

- Discussed the use of officer evaluation scores.
- Each agency has a history of active community involvement. Some of the newest APD officers are very community focused.
- Consensus that community policing and service-oriented policing comes from the top.
- Sheriff Schenek said building skills in his officers is an area of focus that will continue to be improved on.

Ending Qualified Immunity* see addendum below

- Bill Berry noted this is a very difficult conversation area and asked what law enforcement thinking is on this issue.
- **Stacey De Forrest responded – Qualified immunity is a longstanding legal defense, which, gives law enforcement immunity from civil liability when acting in a responsible manner. The defense is meant to balance two important interests: the need to protect governmental officials from harassment and liability when they perform their duties in a reasonable manner, while, at the same time, also holding them accountable if they act in bad faith or exercise power irresponsibly. She explained that there is a bill pending in NY now to try to undo it from a state level, which specifically adds a new cause of action under the New York Civil Rights Law. There is no local discretion on this – it is a state and federal issue of law**

Meeting adjourned at approximately 4:30PM. The next scheduled meeting is the first community forum scheduled for 12/15/20 at 3:00PM moderated by Guy Cosentino. A zoom link will be sent.

*** Addendum**

An excerpt from a Cornell Law explaining Qualified Immunity:

Qualified immunity protects a government official from lawsuits alleging that the official violated a plaintiff's rights, only allowing suits where officials violated a “clearly established” statutory or constitutional right. Courts conducting this analysis apply the law that was in force at the time of the alleged violation, not the law in effect when the court considers the case. Qualified immunity only applies to suits against government officials as individuals, not suits against the government for damages caused by the officials’ actions. Although qualified immunity frequently appears in cases involving police officers, it also applies to most other executive branch officials. While judges, prosecutors, legislators, and some other government officials do not receive qualified immunity, most are protected by other immunity doctrines.

Qualified immunity does not immune officials from arrest for criminal conduct...only the above applications in civil suits.