

City of Geneva Body Camera Task Force

Monday, September 20th, 2021

5:30 PM

City Hall, 2nd floor conference room

*Notes added by Steph Annear in blue. Items requiring attention/action are **bold**.*

Members Present:

Ben Vasquez, Chair

Ahmad Whitfield

Steph Annear

James Norwalk, Alternate

Members Not Present:

Christina DeJesus

Kelly Smolinski

Staff/Council Liaisons Present:

Councilor Bill Pealer

Councilor Jan Regan

Chief Passalacqua

City Manager Sage Gerling

Agenda Items:

- Secretary Sign-Up for Taking Meeting Minutes
 - We need a new volunteer each week to take minutes.
- 8/24/21 Minutes Review and Approval
 - Steph motioned to pass the August 24th meeting minutes. Jim seconded the motion. All 4 members voted in favor.
- Task Force sharing:
Discussion on next steps and process for accomplishing task force responsibilities

Steph shared what she emailed the task force:

"Other than very small policy updates, I heard Chief Passalacqua say that he was happy with BWC use and thought that this policy served the department well. I also think the policy goals are reasonably stated and met. One concern I had going into the meeting was that under Supervisory Responsibilities there didn't seem to be a plan for what would happen if an officer consistently failed to follow the policy. I was pleased to hear Chief Passalacqua say that he believed BWCs were supported by his entire staff and that he did not have any problems with anyone consistently violating the policy and that misuse was infrequent, accidental, and never consistently tied to a single employee. Still, should the policy consider this in the future? I wonder if policy/practice could consider how officer's individual recordings inform and improve their own feedback in private evaluations. Are there policies/practices that exist that show how BWCs can give strong individual

feedback on recent performance, both laudatory and constructive? Similarly, could BWCs better collect impartial data to drive training, deployment of resources, and supportive services (i.e. mental health) strategies? Could an addition to the policy better support this practice moving forward? Would this BWC data be significantly different from other data collected?"

Chief Passalacqua was able to respond:

- Non-compliance with the policy is addressed after the incident and also caught in random audits. Sometimes BWC footage is used to point out success in the field and what could have been done better. Chief Passalacqua acknowledged that was his practice and perhaps a future police chief might not use BWC footage the same way. **Chief Passalacqua, Lieutenant Valenti, and Sergeant Keyser will look into ways to incorporate evaluation and training language into the policy.** Chief Passalacqua also said that all use of force incidents are already always reviewed with a supervisor. Steph recommended by task force member to consider stating this in policy.
- It would be useful to know where resources are needed - especially mental health resources that are always in need. Currently police are able to "bring" mental health professionals to the scene as needed using iPads (Ontario County's Comprehensive Psychiatric Emergency Program - CPEP). Unfortunately, BWC footage is not yet being used this way. Many specific searches can be done with the program, but there is no way to group by streets or zones, so this would require pulling the information manually, which would be too time-consuming to be beneficial.

Jim asked for clarification about an officer's discretion to take statements without using their BWC. Jim worried about contradictions between cooperation and surveillance in the policy language. Chief Passalacqua explained that this was to make the witness feel safer and was based on their wishes, not the officer's interest.

Jim asked if the BWC policy should give the Police Review Board (PRB) standing to view BWC footage that relates to their investigations or their job to give proactive policy and training feedback. How do they gain access? Chief Passalacqua said he was not sure of the language of the local law, but said that **if the PRB has access to BWC footage in the local law then it should go in the policy. It is best to look closely at the local law and/or clarify with legal.**

Jim also asked for clarity of the non-evidentiary videos that are manually deleted or purged from the system on a regular schedule. Chief Passalacqua said that these videos are usually people asking for directions or when BWCs were accidentally activated. Usually these videos are very short.

Steph asked if task force members could sign a nondisclosure and review some BWC footage with Chief Passalacqua from a variety of categories (traffic stop, called to scene, entering home, etc.). This would help us understand what BWC footage looks like, how it is being used, and how the database works. Chief Passalacqua and Ben both thought this was a good idea. **Ben will reach out to Chief Passalacqua about times for task force members to visit the police station and view data captured by BWCs, so that we better understand the capabilities and limitations of BWC footage. Chief Passalacqua will also review the search and storage system with us. Ben will email task force members about times to visit in small groups.**

Steph asked if our policy should expand on who can see BWC footage. For example, if I was in a traffic stop, can I access footage of my own incident? How would I do that? Chief Passalacqua said members of the public can request videos under the Freedom of Information Law (FOIL). He has had

no requests, but he would tell people where to go. Steph agreed it would not make sense to include the path to FOIL-ing BWC footage in the policy. However **the policy might state, “Members of the public can request videos under the Freedom of Information Law (FOIL).”** She also wondered if it might demonstrate transparency to explain how people can request a FOIL on the city website.

Ben said that he thinks this is a very well written policy. Once this policy is completed we should post it publicly in a few places (website, Facebook) for easy access and transparency.

We asked Sage and Chief Passalacqua to attend our next meeting on Monday, 10/18 at 5:30 PM. **For homework, Ben asked us to highlight any policy areas where we need more detail so we can ask Chief Passalacqua at our next meeting.**

The meeting adjourned at 6:33 PM.