



Schenectady Police Department

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March 30, 2021

Councilwoman Marion Porterfield
105 Jay Street- City Hall
Schenectady, New York 12305

Dear Councilwoman Porterfield,

I write to you today to clarify statements you made publicly regarding the Schenectady Police Department's Use of Force policy. Times Union reporters Paul Nelson and Pete DeMola are copied on this correspondence since your statements were reported as facts in the Times Union. It is unfortunate that these incorrect statements made on March 22nd were not verified at the time and have now caused alarm in certain parts of our community. Claims that we added knee-to-head holds back into the department's Use of Force policy are false and I urge you to understand how detrimental spreading misinformation is to our efforts to build trust within the community.

The Schenectady Police Department's Use of Force policy has always stated:

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

In a press release and internal departmental directive issued on July 9, 2020, the department prohibited (emphasis supplied) the use of knee to head or neck as a control hold. This was in response to the incident that occurred in July where an officer, acting alone at a time that his communications were lost during a foot pursuit, used his knee to hold down the head of an actively resisting subject. Subsequent to the directive the issue was discussed internally, researched, and consulted with experts in the field of policing and defensive tactics. It was decided that since state sanctioned departmental training included the use of the knee to head to hold/maintain a subject, adding "unless no other option is available" to the policy was necessary.

The policy update timeline was adversely affected when NYS DCJS released their model policy in September of 2020. At that time the department began an immediate review and comparison of its current policy, pending changes, and the new model policy. On December 18, 2020 the

Use of Force policy was updated with many changes, including the following addition added: ***“The placement of an officer’s knee and body weight on the head of an individual attempting to control the individual is prohibited unless deadly physical force is authorized. Nor shall an officer use a knee to the head to control that individual unless no other option is available.”***

The policy is clear that a knee and body weight upon a person’s head is prohibited and using the knee to control the head of an individual is not allowed, unless there is no other option available.

Since adding that section no further changes have been made to that section. During our reform and reinvention process, on January 13, 2021, all members of the Steering Committee (of which all members of the City Council were a part of) were asked to read our use of force policy. The committee then reviewed it, and none of these issues you now claim were brought up then. Over the next few weeks, we plan to discuss section 300.3 of our Use of Force policy and further assess the wording of the entire section, including the of addition of limitations on tactics used by officers. To be clear, you’re statements in the March 22nd Times Union article titled *“Schenectady Councilwoman: Other Members’ Bring Their Whiteness to the Table”*¹ are factually incorrect and the Department’s Use of Force Policy has always been consistent with State law.

I would be remiss if I did not point out that in the year 2020, nationwide 358 police officers lost their lives in the line of duty. In Schenectady, an officer nearly lost his life in 2015 when he was violently attacked and assaulted. In addition to the safety of the public, officer safety is always a consideration with every policy issued by this agency.

Furthermore, since the Council’s passage of the resolution adopting the Recommendation Plan, we are currently working to amend the policy to reflect the agreed upon change to Policy 302.6.1 C Handcuffing and Restraints: Guidelines for Use of Leg Restraints. The policy has always stated:

302.6.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person’s ability to breathe.

Language will now be added to reflect; “At no time shall any member secure handcuffs, flex cuffs, or any other restraint used to secure the hands to any restraint used to secure the legs (also known as “Hog-tie”) to restrain any individual”. While the existing policy on handcuffing and restraints covers guidelines that are to be followed for the use of leg restraints, that when followed, would make it impossible to “hog-tie” a person, the policy had failed to specifically address the securing of hand restraints to leg restraints, thereby “hog-tying” a person. Adding this specific language using the term “hog-tie” was a concern brought to us by the community to which we were able to accommodate.

¹ March 22, 2021 Nelson, Paul. “Schenectady Councilwoman: Other Members ‘Bring Their Whiteness to the Table”” Times Union March 30, 2021 <https://www.timesunion.com/home/article/Schenectady-councilwoman-other-members-bring-16045293.php>

Lastly, the change of the name “Use of Force” Form to “Response to Resistance” Form was done after carefully researching forms used by police agencies nationwide. It is important to understand that Officers are authorized under the New York State Criminal Procedure Law to use force, if necessary, to effect an arrest. Resistance by a subject is met with an equal response by the officer. This term better explains to the public that when officers use force, they are “Responding to Resistance”, not just “Using Force”. This terminology presents a better understanding of why we do what we do.

In hopes to better understand our policies and procedures, please do not hesitate to contact me with any questions. We all have worked hard to build trust, legitimacy and improve the relationship between the community and the Police Department and I look forward to continuing that work with you in the future.

Respectfully,

A handwritten signature in blue ink, appearing to read "Eric S. Clifford". The signature is fluid and cursive, with the first name "Eric" being the most prominent.

Eric S. Clifford
Chief of Police