

**NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE  
PLAN CERTIFICATION FORM**

**Instructions: The Chief Executive of each local government must complete and submit this certification and a copy of their Plan to the Director of the New York State Division of the Budget on or before April 1, 2021 at [EO203Certification@budget.ny.gov](mailto:EO203Certification@budget.ny.gov).**

I, Jonathan Taylor, as the Chief Executive of Village of Newark  
(the "Local Government"), hereby certify the following pursuant to Executive  
Order No. 203 issued by Governor Andrew M. Cuomo on June 12, 2020:

- The Local Government has performed a comprehensive review of current police force deployments, strategies, policies, procedures, and practices;
- The Local Government has developed a plan, attached hereto, to improve such deployments, strategies, policies, procedures, and practices (the "Plan");
- The Local Government has consulted with stakeholders (including but not limited to: membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials) regarding the Plan;
- The Local Government has offered the Plan in draft form for public comment to all citizens in the locality and, prior to adoption of the Plan by the local legislative body, has considered the comments submitted; and
- The legislative body of the Local Government has ratified or adopted the Plan by local law or resolution.

Jonathan Taylor

Name

Jonathan Taylor

Signature

Mayor

Title

3/24/2021

Date



# Village of Newark

## Police Reform and Reinvention Plan

*One Community, One Voice*



## **To Our Village of Newark Community:**

On June 12, 2020, Governor Andrew Cuomo signed an Executive Order 203 entitled “New York State Police Reform and Reinvention Collaborative.” This executive order required that I, as the Chief Executive Officer of the Village, convene a stakeholder group tasked with the development of a plan, which shall consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias of racial justice in policing; implicit bias awareness training; de-escalation training and practices; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program. Said plan must be adopted by the Village Board and submitted to the Director of the New York State Division of the Budget no later than April 1, 2021.

The Executive Order outlined that the stakeholder group must include the Chief of Police, membership of the local police force; members of the community, with an emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials. This stakeholder group was charged with creating policies meant to rebuild the police-community relationship through a fact-based honest dialogue about public safety needs of our community.

The Village of Newark convened its first of two public hearings on October 1, 2020. These hearings allowed for both in person and virtual attendance. Following these public hearings, the stakeholders began meeting weekly, starting December 2, 2020. This committee recognized that we needed to have some uncomfortable, honest conversations, in the effort to move Newark forward as a community. We decided that we wanted to create policies that could be tracked and were measurable. In this process, we created a vision for our policing “All members of the

Newark Police Department are members of the Newark Community. We shall work to build trust, listen and strive to represent the community and honor and respect its most vulnerable citizens, making Newark a safe and healthy place to live.”

On behalf of the Village Board, I would like to thank our Police Reform and Reinvention Collaborative Committee for their steadfast approach and tireless work to present this plan to the community. The work of this group does not end with the successful submission of the plan. Our plan is expected to be a “living” document that can be reviewed and modified, to meet the needs of the community. The committee will meet quarterly to measure and review the results of our policies.

On behalf of the Village of Newark, I respectfully submit this plan to the Village of Newark Community.

Jonathan Taylor, Mayor

Village of Newark

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## Introduction

“The purpose of the New York State Police Reform and Reinvention Collaborative is ‘to foster trust, fairness and legitimacy’ within communities throughout our State and ‘to address any racial bias and disproportionate policing of communities of color.’ The United States Department of Justice has emphasized the need for ‘trust between citizens and their peace officers so that all components of a community are treating one another fairly and justly and are invested in maintaining public safety in an atmosphere of mutual respect.”<sup>1,2</sup>

The Village of Newark believes that maintaining public safety is imperative and the Newark Police Department has an essential role to achieve that success. Of great importance is the need for mutual trust and respect between the police and the community they serve. Our aim is to strengthen that trust by looking into every opportunity to improve our police practices and engagement with the community.

Executive Order 203 was enacted after many communities across the nation are dealing with issues concerning their police departments. **(Appendix A)**

The Village of Newark Police Reform and Reinvention Plan is a result of collaborative efforts. Our plan development allowed for a diverse set of stakeholder involvement and avoids a top-down approach to solutions. We have used this inclusive process to ensure we are reviewing our practices through multiple lenses for prevention of law enforcement issues surrounding race, religion, creed, sexual orientation, gender identification, color, ethnicity, or disability.

We have reviewed the needs of the community, how it is served by the Newark Police Department, and evaluated current policies and procedures. We gained recommendations that will help drive our plan to update existing policies and procedures.

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<sup>1</sup> U.S. Department of Justice, Office of Community Oriented Policing Services. *Final Report of the President’s Task Force on 21<sup>st</sup> Century Policing*. May 2015. [https://cops.usdoj.gov/pdf/taskforce/tasfoce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/tasfoce_finalreport.pdf).

<sup>2</sup> as cited in the New York State Police Reform and Reinvention Collaborative Guide, August, 2020, page 5.

The Village of Newark and the Newark Police Department are committed to collecting meaningful data to pair with our review process so that we can measure our efforts and their effectiveness in the short term and over time. That information will help drive future discussions and help us recognize any continued improvements needed for the department, its services provided, and practices used. We will continue to measure data where applicable and attainable.

Our plan will help drive the framework for our Newark Police Department. Once adopted, we will work to execute the plan set forth both internally and with regular intervals of community group meetings. Our plan, policies and procedures are subject to change as we continue to evolve and make decisions best suited for our community needs. The plan will be updated if barriers or needs that have not already been identified come up; desired changes to better serve the community; or regulatory changes require it.

## **Requirements of Executive Order 203**

### ***Stakeholder Input***

The Governor's Executive Order specifically requires an inclusive, open, and transparent process. The Executive Order identifies key stakeholders who must be involved:

- Membership and leadership of the local police force
- Members of the community, with emphasis on areas with high numbers of police and community interactions;
- Interested non-profit and faith-based community groups;
- The local office of the district attorney;
- The local public defender; and
- Local elected officials.

Our plan process began with convening these required stakeholders as well as being open to the public, encouraging public input using social media and posting publicly. We also hosted our initial meetings virtually as well as in person, to allow for more participation during the COVID-19 pandemic.



**Participating Stakeholders:**

Jonathan Taylor, Mayor – Village of Newark

Stuart Blodgett, Deputy Mayor – Village of Newark

Mark Thoms, Chief of Police – Newark Police Department

Barry Virts, Sheriff – Wayne County Office of Sheriff

Jeffrey A Fosdick, Undersheriff – Wayne County Office of Sheriff

Daniel Weegar, Police Officer – Newark Police Department

Thomas Robertson, Police Officer – Newark Police Department

Jacob Jackson, Police Officer – Newark Police Department

Adam Bullock – Community Member

Amy Pauley, Executive Director – Victim Resource Center, Newark

Andrew Correia, Public Defender - Wayne County

Casey Carpenter – Community Member

Chantel Bullock – Community Member

Charlene Gonzalez – Community Member

Chris Corey, Administrator – Newark Central School District

Earl Greene – Director of Racial and Social Justice, Family Engagement & Equity, Children’s  
Institute, Rochester; Minister of The Church of Christ, Newark

James Haitz, Director – Wayne Behavioral Health Network

James Schuler, Assistant Director – Youth Advocate Programs, Inc., Newark

Laurie Palmisano, Director of Community Schools – Newark Central School District

MaryAnne Nicosia-McCarthy – Community Member

Michael D. Calarco, District Attorney – Wayne County

Rebecca Vermeulen – Community Member

Scott Kadien, Attorney – Wayne County District Attorney’s Office

## **Requirements of Executive Order 203**

### ***What the Police Reform and Reinvention Plan Needs to Address***

The Village of Newark Police Reform and Reinvention Plan seeks to address the following requirements of Executive Order 203 (listed in no particular order):

- The use of force by police officers
- Crowd management
- Community Policing
- Implicit bias awareness training
- Procedural justice; any studies addressing systemic racial bias or racial justice in policing
- De-escalation training and practices
- Law enforcement assisted diversion programs
- Community-based outreach and conflict resolution
- A transparent citizen complaint procedure
- Hot Spot Policing
- Focused deterrence
- Crime prevention and reduction interventions
- Violence prevention and reduction interventions
- Model policies and guidelines promulgated by the NYS Municipal Police Training Council and the NYS Law Enforcement Accreditation Program

# The Use of Force by Police Officers

## *General Order 310*

Starting with public feedback, we gained insight into the community perspective surrounding the use of force by police officers. We recognize that the community perceptions are an important factor and garnering this feedback was valuable to our review process and purpose.

Questions were raised around how our department attempts to avoid the use of force and asked if that is included in our policies. General Order 310 – Use of Force, was reviewed and discussed with our stakeholder group. **(Appendix B)**

The Newark Police Department strives to keep all individuals safe, first and foremost, and as outlined in this plan, we emphasize de-escalation techniques and all personnel have completed implicit bias training. Those efforts will be described and explored throughout this plan as each section of this plan aims to cover *prevention* of the use of force.

Upon review, it was determined that General Order 310 could be improved upon.

The Order will be re-drafted, removing sections of the policy that do not have to do with the use of force itself. Expected actions leading up to the use of force are not intended to be included here, nor are required reporting and administrative actions or complaint procedures. The plan is to simplify the Order and to utilize more appropriate respective polices or create new policies. For example, to consider de-escalation in its own policy and reporting requirements in its own policy. It is imperative to understand that all of those pieces are important, and any parts removed from General Order 310 will and are being considered for separate General Orders that are still in process at this time.

In the Use of Force policy, we will add the Duty to Intervene section. Officers must intervene, even when working with another law enforcement agency, when an Officer is acting inappropriately; and then report it to their supervisor. The goal is to support an environment in which law enforcement personnel can and will actively intervene regardless of rank or participating law enforcement agency, when needed; without fear of retaliation.

Communication within the department helps drive positive responses; and it is our desire to foster a culture that ensures officers feel welcome to express that they may or may not be best suited for a call, before even responding. While that specific piece cannot be put in a policy in a meaningful way, it is worth mention as we strive to continue fostering that kind of work environment for our law enforcement personnel. That will ultimately support the best possible interactions with the community and the best possible responses from the law enforcement personnel they interact with.

Our Use of Force policy was compared to neighboring policies: the accredited Wayne County Office of Sheriff's Department policy, and the New York State Division of Criminal Justice Services (NYS DCJS) model policy. **(Appendix C)**

Each year, officers are required by policy to undergo a thorough review of Article 35. It is imperative that the policy be easily recollected by law enforcement personnel. We will be mindful of this as we re-draft this very important part of our policy book.

The goals of re-drafting this policy are to ensure:

1. The Village of Newark policy meets NYS DCJS model accreditation.
2. The policy represents best practice
  - a. Does the policy pair with neighboring policies for use in cases where mutual aid is used? Our goal is to ensure there are no policy points that do not go hand in hand with those law enforcement agencies. Should the use of force be needed in an instance where multiple agencies are responding, the actions need to be similar in nature and not varying by a degree that would cause certain officers to respond differently than others.
  - b. Ease of understanding and represents well what the goals of the policy are and, that it is measurable.
  - c. That where applicable, definitions are provided.
  - d. That use of force limitations and allowances are clearly stated.

We are actively continuing our review and re-drafting of multiple General Orders. We will re-work them to be more clear, concise, and measurable. We will review and implement an updated General Order 310 – Use of Force, when other related policies are finished. This determination will help prevent issues with implementation.

### ***Reporting, Data, and Transparency***

“At the forefront of the national discussion involving policing in America is law enforcement use of force, and the lack of statistical data to analyze use of force incidents. Pursuant to New York State Executive Law Section 837-t, the chief of every police department [is] required to report to DCJS any instance in which a police officer or peace officer, as defined in the criminal procedural law, uses force in any manner enumerated in the new legislation.”<sup>3</sup>

“State law requires every police department and county sheriff’s office to report any occurrence in which a police officer or peace officer employs the use of force under the following circumstances: When an officer engages in conduct which results in the death or serious bodily injury of another person.

Serious bodily injury is defined as bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

In the absence of either death or serious bodily injury, when one of the following is initiated by an officer:

- brandishes, uses or discharges a firearm at or in the direction of another person;
- uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air;
- displays, uses or deploys a chemical agent, including, but not limited to, oleoresin

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<sup>3</sup> Use of Force Regulations (originally effective July 11, 2019; as revised and effective November 1, 2020) <https://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/use-of-force-regulations.pdf>

capsicum, pepper spray or tear gas;

- brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy; or
- brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb, or long-range acoustic device.”<sup>4</sup>

Our stakeholder group discussions included questions around what oversight there is related to the use of force; how we can utilize that knowledge to better inform community members; how we can continue to build trust between law enforcement personnel and the public; and ensuring the proper accountability measures are in place. Reporting requirements and purpose were reviewed and discussed as a group.

Reporting requirements are currently included in General Order 310. As stated previously, we plan to move the administrative reporting process to its own, separate policy.

On December 1, 2020, the New York State Integrated Justice Portal (IJ Portal) opened for use. This reporting tool came with guidance and a live interface that is used to comply with use of force actions that must be reported. Newark Police Department has been following the use of force reporting requirements of Executive Law 837-t since July, 2019 through the NYS DCJS Survey Monkey and through the IJ Portal since December, 2020.

For easy reference, we will make available the link for NYS DCJS reporting requirements to our website.

*What transparency layer(s) can be added for the public that will help drive that trust and understanding?*

We believe that when the department is transparent, community members will not only have a better understanding, but transparency can also be used to build trust between the community and law enforcement.

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<sup>4</sup> <https://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/use-of-force.htm>

The Newark Police Department data for the use of force during 2020 was reviewed. **(Appendix D)** This data can be a meaningful component to ensure that disparities are not found related to race or other demographics. While this data is not intended to be the sole use of that determination, it can be helpful. Monthly activity reports are also collected and reviewed. **(Appendix E)** Though this data is accessible to the public under the Freedom of Information Law (FOIL) request, it would be beneficial to make this information available on our website, updated at regular intervals, for easy reference. Doing so would also minimize the impact to administrative duties surrounding FOIL requests.

Reviewing Use of Force with our stakeholder group and ensuring it aligns with our vision and goals resulted in:

1. A determination that General Order 310 – Use of Force Policy would be re-drafted. De-escalation, prohibited use of choke holds during apprehension and arrest or custody, and Duty to Intervene were all areas that were identified as needing modification in the policy, as well as removing administrative task portions of the policy that are better suited elsewhere—in another policy. It will be finalized once the pairing policy drafts are also completed, then sent for approval and implementation. It will be a part of the annual training required under Article 35. determination that the policy – General Order 310 – will undergo at least an annual review, more frequent if necessary.
2. It was determined that “No Knock” search warrants requests will go through the Chief of Police for approval. Order(s) being drafted will include this procedural piece. Note that “No Knock” requests are rarely used and there is no recent history of “No Knocks” being executed by the Newark Police Department. A review of both warrants will occur.
3. Consideration and further discussion on the possibility of implementing a matrix scoring tool that could be used by law enforcement officers. There are many considerations to be made and explored.
4. A new General Order will be created related to the administrative procedural aspects of the use of force.
5. A determination that an annual review of the Use of Force forms for policy compliance will be done; more frequent if necessary.

6. A determination that posting copies of our General Orders to our website, linking the DCJS Reporting Requirements to our website, and posting activity reports to our website would all be beneficial to the community, for added transparency. Additional transparency opportunities will be explored further to allow the community to be more informed about law enforcement in the Village of Newark.

## **Crowd Management**

The Newark Police Department is grateful to have a positive working relationship with the community, regularly assisting with crowd control and traffic flow as needed for village events. Being a smaller community, the department is generally able to manage need. On the occasions additional crowd management assistance is needed, the department is able to rely on mutual aid from the Wayne County Office of Sheriff's Department and/or the New York State Police Department.

Questions around crowd management that were discussed:

- *Are there any issues we need to address?*
- *Is there a policy in regard to Crowd Management that could be used as a model policy and do we need it?*
- *What aspects should be in a crowd management policy?*
- *When peaceful protest(s) get violent; what then? Most start peaceful. What's the appropriate response if it does get violent? And then, what is the appropriate response if it turns violent and then it is no longer violent?*

A local example reviewed was a recent rally event in our community. We discussed what was done for crowd management. There was interdepartmental involvement, cooperation between organizers, the Mayor, and plans for how to handle the event related to people that may attend from outside the community.

We may be a smaller community, but there are events that bring in larger crowds.



Streets were blocked off to keep people participating in the rally safe from traffic and to keep rally participants on course through the planned march route. Communications were in place in the event that additional support was needed.

We determined that it would be beneficial to have some resolutions and next steps mapped out.

A model policy (or policies) will be sought out and reviewed. We will work to address these questions and adopt a policy. We plan to continue addressing the progress of crowd management internally and at future stakeholder meetings. We will also consider including information on our website for community members that may be leading planned events in the community. Once we have something in place, we will revisit this component on at least an annual basis both internally and in future community group meetings.

## **Community Policing**

“Many people do not interact with the police outside of enforcement contexts. This can result in people developing negative associations with the police – for example, if the only contact they have ever had with police consisted of receiving a traffic citation or calling the police to report being the victim of a crime. Finding opportunities to interact with community members in a non-enforcement context helps to reduce bias on the part of community members and police officers. Getting to know community residents helps both groups to break down personal barriers and overcome stereotypes and allows officers to learn which residents of a neighborhood are law-abiding and which ones are not.”<sup>5</sup>

Essential to addressing neighborhood problems and reducing crime is to build mutual trust between police officers and community members. Visibility, collaboration, and getting to know community members will promote trust and understanding.

In stakeholder meetings, we determined that having a Community Policing Policy was important.

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<sup>5</sup> <https://www.justice.gov/crs/file/836486/download>

At this time, the order is in the early stages of drafting. It has not been approved. We will continue the process until a final Community Policing Policy is in place and implemented within the department.

We are still working through how the actions will be recorded, and desire minimal effort to do so, for data purposes; as well as ways that we will measure the impact of a Community Policing Policy.

Drafted language for consideration in a Community Policing Policy:

In response to a National Call for a more detailed and inclusive community policing policy and initiative, the Newark Police Department will adapt to an initiative that will allow fluidity and involvement.

The Police, Community, Schools, Businesses must work in synergy to create an inclusive and understanding Community Policing effort. This effort involves every member of The Newark community regardless of race, religion, National origin, gender, this includes personal gender identification and LGBTQIA. By the Police interacting and working to create and strengthen existing bonds of trust interactions can be instrumental in crime prevention, de-escalating political extremism and be used to collect information to solve and/or prevent crimes and criminal activity.

To move this forward, the Newark Police Department Officers and Leadership shall:

\* Each shift conduct at least two (2) foot patrols per Shift. This includes interaction with Newark youth who may be participating in a sporting event (on or off a sanctioned field), interaction with business personnel. The foot patrols shall encompass all of the various private and business areas of the village.

\* Each shift conduct at least one (1) Special Attention outreach. This includes but is not limited to areas of special need, areas that have community members who may require special or specialized attention.

\* Each shift conduct at least one (1) Traffic Attention patrol. There are traffic intersections that have inordinate accidents, problems that need addressing. Radar checks shall be conducted allowing time. Officers will make an effort to reach out to surrounding community members to discover traffic patterns that need to be addressed.

Community Policing will strive to create an additional sphere of trust between the Newark Police Department and all members of the community that it serves and will work on additional outreach to the sections of the community that feel disenfranchised due to social, economic, gender, racial demographics.

## **Implicit Bias Awareness Training**

Implicit bias refers to unconscious attitudes that may influence behavior. The goal of Implicit Bias Awareness training is to increase fairness in police officer decision-making and to support and enhance positive outcomes of police-community member interactions.

The Newark Police Department has completed Implicit Bias Awareness training and law enforcement personnel have opportunities for yearly refresher trainings to this end, including anti-racism training.

## **Procedural Justice**

Our Police Reform and Reinvention plan consists of components that will support:

- Protecting the constitutional rights of all with fair and impartial treatment

- Keeping the community safe
- protecting individuals rights and respecting them
- increasing trust between the Newark Police Department and the people it serves, decreasing crime

“Procedural Justice is a tactic that is structured around four central principles: *Voice, Neutrality, Respect, and Trustworthiness*. If employed properly this approach leads to achieving trust and legitimacy not only externally in the community, but internally among department members.”<sup>6</sup>

“Procedural Justice focuses on the manner in which law enforcement interacts with the public, and how these interactions shape the public’s trust of the police.”<sup>7</sup> Community members may judge the police “based on *how they are treated* rather than on the outcomes of interactions.”<sup>89</sup>

To this end, we started by creating a new policy related to the Newark Police Department role and mission and we will work to ensure that our final order reflects operational and procedural justice. **(Appendix F)**

In our discussions and throughout the process of creating our plan, every component involved Procedural Justice.

The Village of Newark is looking for ways to track, collect, and utilize meaningful data that will help us to measure and review the quality of our efforts to ensure the prevention of racial bias and racial justice in policing. Since beginning our review process for meeting the requirements of Executive Order 203, the department has completed Implicit Bias Awareness Training.

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<sup>6</sup> The Chief’s Chronicle. (September, 2020). *Procedural Justice: A Cultural Shift, More Than Just a Training* [https://www.nychiefs.org/assets/ChiefsChronicle/The\\_Chiefs\\_Chronicle\\_Sept2020.pdf](https://www.nychiefs.org/assets/ChiefsChronicle/The_Chiefs_Chronicle_Sept2020.pdf)

<sup>7</sup> New York State Police Reform and Reinvention Collaborative Guide (August, 2020). Page 10.

<sup>8</sup> Leadership Conference on Civil and Human Rights. (2019). *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*. Page 17. [https://civilrights.org/wp-content/uploads/Policing\\_Full\\_Report.pdf](https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf)

<sup>9</sup> As cited by New York State Police Reform and Reinvention Collaborative Guide (August, 2020). Page 10

Our policies are being reviewed and amended where needed to ensure that they are written in a procedurally just manner. Accountability measures are being reviewed as well. Once updated and adopted, we plan to add them to our website.

We will attempt to revise the community complaint policy and procedures to allow for anonymous complaints by working with the collective bargaining unit and ensuring that the complaint procedures and complaint form are updated and posted to our website for clarity and transparency.

Transparency improvements are also being developed to share data related to the use of force, traffic stops, and we are considering involving an academic person in a statistically reliable review of the data that we are able to gather.

Our Use of Force data is being monitored closely and we are actively looking at other ways to incorporate additional meaningful data for the purposes of driving future decision making, training, compliance, and transparency measures.

The Village of Newark is committed to securing body cameras for all officers and plans to refer to working policies of the Wayne County Office of Sheriff around the use of body cameras when creating and implementing our own policy. Once implemented we will evaluate and consider an auditing process to that encompasses Procedural Justice (for example: Is the officer respectful and was their decision making without bias and did they effectively convey their direction and trustworthy motive?)

Plan and implement strategies to draw minority candidates into entering the civil service process. Specifics were lacking about how to achieve it, but there was consensus in trying to achieve it. We will continue to discuss this piece internally and in future stakeholder meetings.

Performance evaluations that include criteria and language consistent with Procedural Justice will be a future agenda item internally and in our community group meetings as well.

## De-Escalation Training and Practices

Newark Police Department generally uses New York Municipal Insurance Reciprocal (NYMIR) training tools for our law enforcement personnel. These trainings align with procedural justice.

Annual De-escalation, Duty to Intervene, and Use of Force, will be included with Annual Firearms Use of Force Training. In terms of our policies, as covered in our component for Use of Force, they are being reviewed and updated. De-escalation is at the forefront.

There was much discussion with our stakeholder group around de-escalation practices. We had the opportunity to hear from Newark Police Officers about their view and perspectives. De-escalation training and best practices are woven into our annual mandatory trainings. It was determined that we should consider a specific de-escalation training regimen with a set, mandatory number of hours. A possible barrier to consider is that certain trainings are offered one year but, not the next. Therefore, moving to considering specified hours of mandatory training around de-escalation practices will be considered. When dealing with a complaint and/or auditing process, de-escalation training requirements will be considered as well, as needed. As a reference, we recognize that currently, the Wayne County Office of Sheriff requires a minimum of 21 hours per year for all trainings (not just de-escalation).

## Law Enforcement Assisted Diversion Programs

Police officers will make referrals to area programs that are best suited for each situation. Wayne Behavioral Health Network (WBHN), Youth Advocacy Program (YAP), and the Victim Resource Center (VRC) were all represented in our group of stakeholders. WBHN provided us with a pocket resource guide and expanded resource guide that law enforcement personnel can use to assist community members with referrals. **(Appendix G) Our** law enforcement personnel currently make referrals to community organizations that may be able to assist them. These guides will be an added layer of resource references for our officers.

In addition, the Newark Resilience Center is a new, grant funded program that is accepting referrals for youth ages 14-24. Law enforcement officers will be provided with their information as well. This new program has been working to assist our youth and young adults. They have a dedicated building space where recently, members of the program have been working on taking apart old wooden skids and repurposing them. They find gratification from their work and are able to make to some money for their efforts as well. The police department can utilize this additional resource and refer any member of the community in need, ages 14-24 there for support, structured and monitored activity. Youth get to collaborate with one another and gain meaningful experiences from the program.

These notations are not intended to be an all-inclusive list of diversion programs in use, and we will continue to seek out additional community resources that we may not yet be using.

It was determined that ideally, all of Wayne County could benefit from having an all-inclusive community resource guide made available on their website. Online searches determined community resource guide(s) in our area are either no longer available, out of date, or a limited list.

It seems most of the organizations conferred with have their own resource guide(s). If we could pool them together and have a unified guide made available that incorporates all of them in one place, it could be used by multiple departments, as well as the public.

## **Violence Prevention and Reduction Interventions**

In addition to utilizing resources in the area that support mental health by making referrals, we will continue to seek out a coordinated effort to support and assist law enforcement when responding to mental health calls with WBHN. WBHN was recently awarded a grant and we hope to benefit from some of their expanded programming. We will continue to look into training opportunities and resources we can provide officers to assist them when responding to mental health calls and to this end, seek to remove any barriers through increased partnerships and

advocacy efforts. Our plan is to increase the utilization of WBHN for citizens in need of support, including juveniles. This committee is going to encourage that the resources to help achieve these goals be driven by the county and better skilled and funded agencies with regard to mental health.

We discussed youth interventions and spoke about prevention methods. Newark Central School District (NCSD) has partnered with the Wayne County Office of Sheriff and has a School Resource Officer. It is our hope that youth will benefit from our community policing initiative as well. There is currently a Mobile Integration Team MIT team (out of Rochester Psychiatric Center) available as well as a WBHN Mobile Crisis Team who are working toward being able to operate 24/7.

WBHN is hoping to launch their Telehealth assessment services where officers would be able to get a mini assessment while in the field with a mental health professional who can provide feedback and recommendations. The pilot program was successful with the Wayne County Office of Sheriff and the program will be opening to all law enforcement agencies in the county soon. The program will be made available 24/7.

There are many resources available between the hours of 9am and 5pm, however, we did find gaps in services outside of those hours. For instance, a gap in services between what law enforcement can do and what community agencies can do, was found related to children in crisis. There are not services available to support children in crisis in ways needed, 24/7. We will continue to provide support in advocating for additional services for children in crisis. VRC is currently the overnight contact for youth runaways, yet they do not have the resources needed. They go to Rochester as there are no available overnight resources here in Wayne County.

Our law enforcement personnel will benefit from trainings about trauma informed practices. We plan to provide information about officer training opportunities as we learn about them and as they become available; we plan to expand on this conversation to determine if—and how—we could implement this training at regular intervals, and work through barriers to expand upon it.

Due to the recent focus on police interactions with citizens across news and social media networks, we recognize that may impact a person's perceptions about law enforcement making



them more nervous, scared, or concerned about interacting with our law enforcement personnel here in Newark. We recognize this and aim to help resolve and prevent those concerns through implementations derived from this Police Reform and Reinvention Plan.

## **Community Based Outreach and Conflict Resolution**

Due to the small size and population of the Village of Newark, the Police and Community Members are, for the most part familiar with each other often resulting in an ease of resolution and/or de-escalation of a situation.

Resolution of conflicts and de-escalation covers a broad range of situations. The most important decision of the Committee is that responding Officers will address the situation with respect, understanding and professionalism. The main objective will be to end the conflict while ensuring the safety of those directly involved, bystanders and the Officers involved.

Officers will be able to draw on available agencies such as Wayne County Behavioral Health Network, Victim Resource Center of the Finger Lakes, and Wayne County Sheriff's Office for assistance.

Newark Police Department Officers have completed Implicit Bias Training and will be receive anti-racism training which will be additional skills to address situations that have the potential to be dangerous or a source of conflict.

The Committee with the Police Department will continue to develop additional methods and policies of this article.

## Transparent Citizen Complaint Procedure

Currently, the Newark Police Department does not allow for anonymous complaints against our law enforcement personnel to be made, pursuant to General Order 605 Internal Affairs, issued December 17, 2018. **(Appendix H)** Anonymous complaints are currently prohibited under the existing collective bargaining agreement, however, we have heard the consensus of this committee and are addressing this in the next collective bargaining negotiations. Phone calls and third-party complaints are not vehicles by which complaints may be received, either. We will also make the complaint form available on our webpage.

The majority of complaints received have not been that people were treated violently or with malice, but center around how people felt—their perception of treatment. For complaints outside that scope, there are significant regulatory requirements in place that despite being publicly available, will be linked on our website for added transparency.

The use of Body Cameras will be a tool that the Village will work on obtaining for the Police Department. Further development of complaint forms on the Village and Police websites will be the priority. We are dedicated to pursuing the use of body cameras and plan to refer to the Wayne County Office of Sheriff when it's time to create and implement policy around the use of body cameras, as they currently have body cameras and pairing policies in place that are working well. To that end, we also plan to utilize our community group for feedback along the development stages, that includes law enforcement personnel. We anticipate working within the parameters of the existing collective bargaining agreement and attempt negotiations around the use of body cameras, as necessary.

Implicit Bias Training that has been completed, as well as anti-racism and other training opportunities, including de-escalation; updating existing policies and procedures; planned addition of body cameras; planned continued audits and accountability measures review and updates; and more, will all help minimize complaints and garner more trust between law enforcement personnel and the community they serve; with each component helping reduce and alleviate negative perceptions of interactions.

It was determined that efforts to educate the public through additional layers of transparency with the proper reporting methods are needed. We plan to update our citizen complaint procedure and forms, ensuring they are clear and concise, and make them readily available on our website for easy reference, once completed. Until this is available, the Village will use the electronic communication tools available to reach residents of the Police policy and how they can go about making a complaint.

## Hot Spot Policing and Focused Deterrence

“Hot spot and deterrence policing may have both public safety and community benefits; reducing crime and targeting crime drivers.”<sup>10, 11</sup>

“Some departments have used data analysis to identify ‘hot spots’ in specific neighborhoods or even particular street blocks and increased the visible police presence in these areas, with the purpose of deterring crime. Relatedly, some departments have implemented a strategy of ‘focused deterrence,’ in which officers engage directly with offenders or groups of offenders based on their prior history, sometimes in partnership with community members.”<sup>12,13</sup>

In Newark, we may be experiencing cars broken into, for example, and we may actively police an area around where that was occurring, adding additional monitoring of those areas. Related to focused deterrence, we may utilize social media and/or our Village of Newark NIXLE communications system to alert residents so they may be vigilant as well as for general reminders to lock vehicles in driveways and to remember to turn off vehicles and lock them when entering gas stations, convenience stores, etcetera.

Another opportunity that our Newark Police Department utilizes for focused deterrence is related to phone scams, which is particularly important to our elderly community; e-mail scams are also related, and technology can be used to deter victims by educating the community.

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<sup>10</sup> Campbell Collaboration. American Institutes for Research (2019).

[https://campbellcollaboration.org/media/k2/attachments/0110\\_Braga\\_Focused\\_deterrence\\_PLS\\_EN.pdf](https://campbellcollaboration.org/media/k2/attachments/0110_Braga_Focused_deterrence_PLS_EN.pdf).

<sup>11</sup> as cited in the New York State Police Reform and Reinvention Collaborative Guide, August, 2020, page 39.

<sup>12</sup> Center for Problem-Oriented Policing. <https://popcenter.asu.edu>; National Institute of Justice. Hot Spot Policing Can Reduce Crime. <https://nij.ojp.gov/topics/articles/hot-spot-policing-can-reduce-crime>; National Institute of Justice. Gun Violence Prevention Strategy: Focused Deterrence. <https://nij.ojp.gov/topics/articles/gun-violence-prevention-strategy-focused-deterrence>.

<sup>13</sup> as cited in the New York State Police Reform and Reinvention Collaborative Guide, August, 2020, page 38.

We will review meaningful collected data as a piece to ensure that racial bias is not connected. While data alone may not determine that, the data is important to review and consider.

Our plan is to increase our usage of notifications for the benefit of the community we serve, through posts on social media, our website, and utilization of our community alert system, NIXLE; as well as to review data collected, increase the transparency of data collected by sharing with the public on our website; and utilizing data to help discern if there exists a disproportionate demographic related to interactions with law enforcement.

Our plan for the development of a community policing initiative, once implemented, will provide additional data to determine our effectiveness, intended to be reviewed accordingly to drive future decision making.

Another consideration being made that ties into our community policing initiative is that officers could use door hangers to help inform residents, which would be especially beneficial to our older community members that may not utilize technology resources as much, or at all.

Overall, hot spot policing is used when warranted, based upon data demonstrating that need. When there is a need, increased communications will be utilized, and data is collected and will be made available to the public in an easily referenced manner, whenever possible, as well as be reviewed internally and with our community group as we continue our efforts to ensure a positive relationship between the public and law enforcement.

## **Crime Prevention Through Environmental Design**

The Village of Newark has been able to increase crime prevention through environmental design through their village-wide LED lighting project. All street lighting in the village now has LED lights. South Main Street has also seen complete reconstruction including new streetlights and a design that helps slow traffic and better protect pedestrian traffic. The village has portable cameras that can be utilized where any determined need for additional deterrence or monitoring is deemed necessary. We will continue to look for ways we can prevent crime through environmental design as we needed and as opportunities become available.

## **Crime Prevention and Reduction Interventions**

Crime prevention and reduction interventions have been thoroughly addressed throughout our stakeholder meetings and reviewing areas of need and have been addressed throughout this plan. The community policing initiative especially has the potential help increase opportunities as a department to prevent crime and reduce law enforcement interventions, as does our plan for increased utilization of partnering agencies and resources across the county.

## **Model policies and guidelines promulgated by the NYS Municipal Police Training Council and the NYS Law Enforcement Accreditation Program**

Our plan is to review all of our policies and ensure that they adhere to the standards set forth by the NYS DCJS Law Enforcement Accreditation Program and we are already in the process of re-drafting Use of Force, Internal Affairs, and Less than Lethal policies. We plan to review our policies annually to ensure they continue to be both relevant and necessary to our role and mission as well as to ensure they *continue* to meet the NYS DCJS Law Enforcement Accreditation Program standards.

## Conclusion

After months of working our stakeholder group, we have identified areas of need and in this plan, expressed in full the direction and consensus resulting from our Police Reform and Reinvention Plan meetings.

We will work to address the components cited in this plan, some simultaneously, some piece by piece, until we have met our plan goals.

It is our plan and goal to ensure the safety of our community and our law enforcement personnel serving them, regardless of race, religion, creed, sexual orientation, gender identification, color, ethnicity, or disability; to increase trust between our law enforcement personnel and the community it serves through increased transparency and our community policing initiative; to culture the kind of environment internally and externally desired; to provide our law enforcement personnel and community members with the resources needed that will promote the best possible outcomes for all; and to increase the strength of all of our partnerships—community and agency alike.

We will work internally and with a community group to implement a conscious plan of action to work through all of our improvements and adjustments cited in this plan.

As developments continue to be made, we will address any needs for changes to the plan, policies, and procedures, as determined or needed and approved by the Newark Village Board of Trustees.

We look forward to continuing our work to meet the goals of this plan. In addition, we will not only see our goals through to completion but utilize meaningful data to drive future decision making and measure our effectiveness both internally and by providing follow-up opportunities for community input.

## Appendix A

### **New York State Executive Order No. 203**

#### EXECUTIVE ORDER

#### NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE

WHEREAS, the Constitution of the State of New York obliges the Governor to take care that the laws of New York are faithfully executed; and

WHEREAS, I have solemnly sworn, pursuant to Article 13, Section 1 of the Constitution, to support the Constitution and faithfully discharge the duties of the Office of Governor; and

WHEREAS, beginning on May 25, 2020, following the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability; and

WHEREAS, there is a long and painful history in New York State of discrimination and mistreatment of black and African-American citizens dating back to the arrival of the first enslaved Africans in America; and

WHEREAS, this recent history includes a number of incidents involving the police that have resulted in the deaths of unarmed civilians, predominantly black and African American men, that have undermined the public's confidence and trust in our system of law enforcement and criminal justice, and such condition is ongoing and urgently needs to be rectified; and

WHEREAS, these deaths in New York State include those of Anthony Baez, Amadou Diallo, Ousmane Zango, Sean Bell, Ramarley Graham, Patrick Dorismond, Akai Gurley, and Eric Garner, amongst others, and, in other states, include Oscar Grant, Trayvon Martin, Michael Brown, Tamir Rice, Laquan McDonald, Walter Scott, Freddie Gray, Philando Castile, Antwon Rose Jr., Ahmaud Arbery, Breonna Taylor, and George Floyd, amongst others,

WHEREAS, these needless deaths have led me to sign into law the Say Their Name Agenda which reforms aspects of policing in New York State; and

WHEREAS, government has a responsibility to ensure that all of its citizens are treated equally, fairly, and justly before the law; and

WHEREAS, recent outpouring of protests and demonstrations which have been manifested in every area of the state have illustrated the depth and breadth of the concern; and WHEREAS, black lives matter; and

WHEREAS, the foregoing compels me to conclude that urgent and immediate action is needed to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures,

and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust; and

WHEREAS, the Division of the Budget is empowered to determine the appropriate use of funds in furtherance of the state laws and New York State Constitution; and

WHEREAS, in coordination with the resources of the Division of Criminal Justice Services, the Division of the Budget can increase the effectiveness of the criminal justice system by ensuring that the local police agencies within the state have been actively engaged with stakeholders in the local community and have locally-approved plans for the strategies, policies and procedures of local police agencies; and

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, in particular Article IV, section one, I do hereby order and direct as follows:

The director of the Division of the Budget, in consultation with the Division of Criminal Justice Services, shall promulgate guidance to be sent to all local governments directing that: Each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.

Each chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program.

The political subdivision, in coordination with its police agency, must consult with stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials, and create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing.

Such plan shall be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative body in such political subdivision, which shall ratify or adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021; and



Such local government shall transmit a certification to the Director of the Division of the Budget to affirm that such process has been complied with and such local law or resolution has been adopted; and The Director of the Division of the Budget shall be authorized to condition receipt of future appropriated state or federal funds upon filing of such certification for which such local government would otherwise be eligible; and The Director is authorized to seek the support and assistance of any state agency in order to effectuate these purposes.

G I V E N under my hand and the Privy Seal of the State in the City of Albany this twelfth day of June in the year two thousand twenty.

BY THE GOVERNOR

Secretary to the Governor

## APPENDIX B

### General Order No. 310 – Use of Force (Existing Policy)



<b>NEWARK POLICE DEPARTMENT</b>	
<b>General Orders</b>	
<b>G.O. 310 - Use of Force</b>	
<b>Issue Date: 12/17/2018</b>	<b>Accreditation Standard(s):</b>
<b>Effective Date: 12/31/2018</b>	
<input checked="" type="checkbox"/> New	<b>Cross-reference(s):</b>
<input checked="" type="checkbox"/> Rescinds: 7b-99	

I. **PURPOSE:** The purpose of this Order is to establish policies and procedures for the use of physical force and deadly physical force in general and firearms in particular.

#### II. **DEFINITIONS:**

- A. **Physical Injury:** means impairment of physical condition or substantial pain. New York Penal Law (NYPL) 10.00-9
- B. **Serious Physical Injury:** means physical injury which creates a substantial risk of death, or which causes death or serious or protracted disfigurement, protracted loss or impairment of the function of a bodily organ. NYPL, 10.00-10
- C. **Deadly Physical Force:** means physical force which, under the circumstances in which it is used is readily capable of causing death or serious physical injury.

**D. Physical Force:** means a level of force less than deadly physical force.

**E. Reasonable Belief:** The facts or circumstances the officer knows or should know, are such as to cause an ordinary and prudent person to act in a similar way.

### **III. POLICY:**

- A. The Newark Police Department recognizes and respects the value and integrity of each human life. The Department also recognizes and accepts the profound responsibility that our lawful authority to use physical force and deadly physical force carries with it.
- B. All use of physical force and deadly physical force will be consistent with applicable legal principles and this Order.
- C. All use of physical force or deadly physical force will be to protect the officer or another person or to effectuate a valid and lawful public safety or law enforcement purpose.
- D. This Order will govern the use of physical force and deadly physical force by whatever means including but not limited to firearms or other weapons. Any weaponless use of force that is readily capable of causing serious physical injury or death must meet the justification standards for deadly physical force. Neck restraints, chokeholds or similar weaponless control techniques are not authorized.
- E. This Order applies to all use of physical force and deadly physical force by all employees of the Newark Police Department while on duty. It also applies to all off-duty uses of physical force and deadly physical force in which the officer is acting pursuant to his or her authority as a Newark Police Officer or using any Department-issued/authorized weapon, ammunition, or other equipment.
- F. In using physical force or deadly physical force officers should avoid creating an unreasonable risk to bystanders or persons other than the intended subject of the force. However, nothing in this Order should be construed to restrict or limit an officer's legal right to self-defense or to defend another person.
- G. This Order is for Departmental use only and does not apply in any criminal or civil proceeding. It shall not create and it shall not be construed as creating or implying a higher legal standard of duty, care, or safety in an evidentiary sense with respect to any claims. Nothing in this order is intended to create nor does create an enforceable legal right or private cause of action.
- H. Personnel will use only the level of force necessary in the performance of their

duties within the limits established by Article 35 of the New York State Penal Law, applicable constitutional standards and consistent with the training and policies of the Newark Police Department. Officers shall employ only the degree of force that is necessary to accomplish their lawful objectives. All officers are responsible to be aware of the legal, policy, and training requirements to guide their actions in using force.

- I. For purposes of this Order, a “**Use of Force**” will be deemed to have occurred any time an officer uses physical force or deadly physical force against another person or otherwise subjects another person to any force or contact, including the use of Defensive Spray or an Electronic Control Device.

**NOTE: *This does not include routine contact such as merely handcuffing a subject or searching a subject pursuant to arrest.***

- J. The use of any active countermeasure, including but not limited to pressure point control, impact weapon Electronic Control Device or defensive spray is considered a use of force and in addition to other reports required by departmental procedures, the officer will complete a **Use of Force Report**.

1. Officers shall prepare and submit a **Use of Force Report** when:
  - a. A person is injured or complains of an injury or death results from a use of physical force.
  - b. The use of force involves acts such as striking, punching, kicking, or the use of pressure point controls.
  - c. The use of force involved the employment of an impact weapon, pepper spray or Electronic Control Device.
  - d. The use of force involves the discharge of a firearm, (for other than training, destroying injured or dangerous animal or recreational purposes) whether or not a person was struck.
  - e. An officer points a firearm in the direction of another person or

otherwise uses the firearm to control a person.

f. Any time an officer uses force as defined by § III (I) above.

g. The Officer is directed to complete a Use of Force Report by a supervisor.

2. If an Officer is unable to complete the Use of Force Report at the time of the incident, the responsible Supervisor will ensure that the Use of Force Report is completed as soon as feasible.
3. An officer who uses force will notify the on-duty Supervisor as soon as feasible. The Supervisor will respond and personally observe the subject upon whom force has been used to verify the existence and extent of injuries, or the absence of injury. In all cases in which force was used and the individual arrested, photographs of the subject will be taken as necessary to document injuries or the absence of injuries.
5. Upon completing a Use of Force Report, the reporting officer will submit it to an on-duty supervisor for review with the associated case reports.
6. The reviewing supervisor shall ensure that the Use of Force Report is fully and properly completed. If the Report is acceptable, the reviewing supervisor shall sign the report and forward it to the Chief of Police or his designee.
  - a. If the Use of Force Report needs correction or amendment, the reviewing supervisor will return it to the reporting officer, if available, with instructions for correction. If the reporting officer is no longer available, the reviewing supervisor will arrange for the report to be returned to the officer through his/her supervisor(s) with instructions for correction. The officer's supervisor(s) will ensure that the report is corrected and submitted when the reporting officer is next available.
7. Once the Use of Force Report has been approved by the supervisor, it will be forwarded to the Chief of Police.
8. The Chief of Police shall review the Use of Force Report and either:
  - a. Return it to the supervisor for correction or amendment, if necessary; or
  - b. initial and date the Report and file the Report following standard Department procedures.

#### **IV. USE OF PHYSICAL FORCE**

A. Personnel will use only the force necessary to achieve their lawful objectives as set forth below.

1. Self-Defense or Defense of Another Person

- a. An officer may use physical force when and to the extent he reasonably believes it to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force.

2. To Effect an Arrest or Prevent an Escape

- a. An officer, in the course of effecting an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he reasonably believes to have committed an offense, may use physical force when and to the extent he reasonably believes it to be necessary to effect the arrest, or to prevent the escape from custody.

3. Prevention of Suicide

- a. An officer acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical injury upon himself may use physical force upon such person only to the extent that he reasonably believes it necessary to prevent such result.

4. Protection of Property and Premises

- a. An officer may use physical force, other than deadly physical force, upon another person when and to the extent that he reasonably believes it to be necessary to prevent what he reasonably believes to be the commission or attempted commission of a larceny, criminal mischief, or a crime involving damage to premises, or criminal trespass.

**V. USE OF DEADLY PHYSICAL FORCE:**

A. Self Defense or Defense of Another Person

1. An officer may use deadly physical force only when the use of deadly physical force is necessary to prevent or terminate deadly physical force from being used against the officer or a third person, pursuant to § 35.15 (2)(a) of the New York State Penal Law;

***Note: Officers faced with an imminent threat of death or serious physical injury in the course of their police duties, are not required to retreat or withdraw to avoid the necessity of using deadly physical force. See NYPL §35.15(2) (a) (ii).***

B. To Effect an Arrest or Prevent Escape

1. This provision governs use of deadly physical force for the purpose of effecting or attempting to affect an arrest or of preventing or attempting to prevent an escape from custody. This provision is sometimes referred to as the “fleeing felons” provision.

2. An officer may use deadly physical force to affect the arrest or prevent the escape from custody only under the following circumstances:
  - a. the officer reasonably believes the subject has committed a felony or has attempted to commit a felony, involving the infliction or threatened infliction of death or serious physical injury;
  - b. the officer reasonably believes that deadly physical force is necessary to effect the arrest of the subject or to prevent his escape from custody;
  - c. the officer reasonably believes that deadly physical force is necessary to defend the officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force;
  - d. If feasible, the officer has issued a verbal warning.
3. Pursuant to NYS Penal Law, §35.30 (2): ***“The fact that a police officer or peace officer is justified in using deadly physical force for the purpose of effecting or attempting to effect an arrest of preventing or attempting to prevent an escape from custody does not constitute justification for reckless conduct by such police officer or peace officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain in custody.*”**

## VI. USE OF FIREARMS

### A. Warning Shots

1. Warning shots are strictly prohibited.

### B. Moving Vehicles

An officer **will not** discharge a firearm **at** a moving vehicle unless:

- a. the officer reasonably believes the moving vehicle is being used as an instrument of deadly physical force against the officer or another person (e.g., the operator of the vehicle is striking or attempting to strike the officer or another person with the vehicle);
- b. the officer reasonably believes that an occupant of the vehicle is using or threatening the imminent use of deadly physical force against the officer or another person (e.g., shooting from the vehicle).

An officer **will not** discharge a firearm **at a fleeing vehicle** that does not constitute an imminent danger of death or serious physical injury to the officer or another person, or at any occupant of such a vehicle. An officer will not discharge a firearm under the following circumstances:

1. At a vehicle solely to prevent the escape of the vehicle or any of its occupants.
2. From a moving vehicle **unless** the officer reasonably believes such action to be necessary to protect himself or another person from death or serious physical injury.
3. In deciding whether to discharge a firearm at or from a moving vehicle officers will take into consideration the risk of such action to other persons.

C. **Drawing and Displaying Firearms**

1. The drawing or display of an officer's firearm represents an escalation toward the use of deadly physical force, increasing the risk of accidental discharge or weapon loss, and may contribute to fear and panic. Officers are justified in removing firearms from holsters and/or gun mounts if:
  - a. an officer believes that circumstances exist which may justify the use of deadly physical force under this Order (e.g. building searches, no-knock search warrants, high-risk vehicle stops, confronting a person that the officer reasonably believes to be armed and dangerous, dealing with an injured or dangerous animal and/or
  - b. the officer reasonably believes that the situation poses or may pose an imminent threat of death or serious physical injury to the officer and another person.
  - c. When a firearm is drawn or displayed, a Use of Force form shall be completed and submitted to the on duty supervisor
  - d. The on duty supervisor shall review the Use of Force form for completeness, adherence to department policy and forward to the Chief of Police.

D. **Intentional Discharge of Firearm**

1. An officer will not intentionally discharge a firearm unless:



- a. the officer reasonably believes that circumstances exist which justify the use of deadly physical force under this Order;
  - b. the officer reasonably believes that circumstances exist justifying the use of a firearm against an injured or dangerous animal under this Order; or
  - c. the discharge is part of department authorized training.
2. All intentional discharges of a firearm will be reported on a Incident Report and investigated as a deadly physical force incident. This does not apply to training activities, legal hunting or target practice purposes or those occasions when the firearm discharge was for the purpose of destroying an injured or dangerous animal.

**E. Accidental Discharge of Firearm**

1. Officers will exercise due care to handle and store firearms properly and safely and to prevent an accidental discharge.
2. An accidental discharge of a firearm issued by the Department or possessed by an officer as an exempt person, (possessed under legal exemption from the licensing requirement, NY Penal Law § 265.20) whether on-duty or off-duty, will be reported immediately to the duty Supervisor, or in his absence, the Officer in Charge on duty, by the involved officer.

**Note:** *Officers will report off-duty accidental discharges of other firearms in accordance with applicable laws.*

3. If any person is injured as a result of the accidental discharge, the incident will be investigated as a deadly physical force incident.
4. If no one is injured as a result of the accidental discharge, the duty Supervisor will make proper notification to the Chief of Police. The Chief of Police will ensure that a full investigation is conducted including all appropriate reports and evidence work. The Supervisor will request whatever assistance may be required to accomplish this.
5. The case file, including all reports and documentation, will be forwarded to the Chief of Police.
6. In all cases of an accidental discharge of an issued firearm or firearm possessed as an exempt person, a Incident Report will be completed and the Chief of Police will also conduct an internal investigation.

**VII. GENERAL CONSIDERATIONS**

**A. Notification**

1. Any time physical force or deadly physical force is used the officer(s) involved will notify an

on-duty supervisor(s).

**B. Verbal Warnings**

1. If feasible, officers will identify themselves and issue a verbal warning before using physical force or deadly physical force.
2. Verbal warnings need not be issued when the officer reasonably believes that doing so would increase the danger to the officer or another person.

**C. Equipment and Techniques**

1. In using physical force or deadly physical force an officer will use Department-issued and/or approved equipment and Department-approved techniques. However, in cases in which the officer reasonably believes it is necessary to protect himself or another person, the officer may utilize any readily available weapon, instrument, or technique provided the level and nature of such force is legally justifiable.

**D. Medical Aid**

1. After force has been used, officers will immediately evaluate the need for medical attention or treatment for the subject and arrange for such treatment when:
  - a. the subject has a visible injury requiring medical attention;
  - b. the subject complains of injury or discomfort or requests medical attention;
  - c. Defensive Spray was used.
  - d. Electronic Control Device was used
2. Subjects who have been arrested and require medical attention shall be taken to the hospital for treatment **prior** to being taken to the Police Headquarters.
3. Subjects who have been injured and are not arrested shall be encouraged to seek treatment at a medical facility. The subject's acceptance or refusal of medical care will be documented and witnessed on the Use of Force report.
4. Subjects who are exposed to Defensive Spray and subsequently arrested will be taken to Newark PD and offered decontamination. If the subject is otherwise injured or requires medical treatment this may be done at the hospital. If the subject refuses medical treatment, the refusal shall be documented on the Use of Force Report.
5. Subjects who are exposed to Defensive Spray and not arrested shall be offered decontamination at the scene or at the hospital if necessary. If the subject refuses medical treatment the officer will contact a supervisor to witness said refusal. The refusal shall be

documented on the Use of Force Report.

6. If the subject who has been exposed to defensive spray continues to be combative or displays excessive hyperactive behavior or other signs of distress (e.g. difficulty breathing, chest pain, and/or other physical signs of a heart attack) after the exposure, officers will transport the subject, or arrange for transportation to Newark Wayne Hospital without delay.

#### **VIII. USE OF FIREARMS – ANIMALS:**

- A. An officer may use his firearm to destroy an animal under the following circumstances:
  1. the officer reasonably believes that the animal is so badly injured that it is appropriate to destroy the animal for humanitarian reasons; or
  2. the officer reasonably believes that the animal is presenting a danger or threat of injury to the officer or another person.
- B. In using firearms to destroy animal's officers will adhere to the following procedures:
  1. In the event an officer believes it is or may be appropriate to destroy an animal the officer will first contact an on-duty supervisor and notify him or her unless not feasible. If possible, the supervisor will respond and assume responsibility for the situation.
  2. Officers shall exercise due care to ensure that no person is endangered or injured by the discharge of the firearm.
  3. In the case of an injured animal, permission from the owner should be obtained if possible. If the owner is present and declines permission the officer will require the owner to remove the animal.
  4. Destroying an animal in the presence of children should be avoided.
  5. Officers will make arrangements to remove the remains as soon as possible.
  6. The officer destroying the animal will complete an Incident Report documenting the circumstances. The duty supervisor will review the report for completeness and see that the proper procedures as set forth above in this order was adhered to.

#### **IX. DEADLY PHYSICAL FORCE INCIDENTS:**

- A. The following procedures will be followed as applicable in all deadly physical force incidents as described below:

1. officer-involved shooting incidents regardless of whether any person is injured or killed, including every intentional discharge of a firearm except those done for the purpose of destroying an animal in accordance with this Order, or done for authorized Department training;
  2. any accidental discharge of a firearm that results in injury to any person or damage to any property or premises; or
  3. any police-involved death or serious physical injury, including cases in which a subject is killed or seriously injured by the police, dies or sustains serious physical injury in police custody, or dies or receives serious physical injury fleeing from the police.
- B. These procedures will commence as soon as feasible once the situation has been brought under sufficient control to ensure the safety of all persons involved.
- C. These procedures will be followed in all on-duty deadly physical force incidents and all off-duty deadly physical force incidents in which the officer was acting pursuant to his or her authority as a Newark Police Officer.
- D. In the event that a Newark Police Officer is involved in a shooting or other deadly physical force incident outside the Village of Newark, these procedures will be followed to the greatest extent feasible in coordination and cooperation with the responsible investigating jurisdiction.

#### **X. INITIAL RESPONSE PROCEDURES:**

##### **A. First Responder Procedures**

1. Officers will notify the Dispatcher of the situation and request any necessary emergency medical assistance.
2. Officers will obtain and broadcast the description of any suspect(s) who are not yet in custody.
3. Any uninjured suspect(s) will be taken into custody and removed to Police Headquarters as soon as possible. Injured suspect(s) will be transported to the hospital under the guard of an officer. The officer should be alert to secure any items of potential evidentiary value and to note any statements made by the suspect.

**Note:** *The officer(s) who have used deadly physical force should not be assigned to transport or guard the person(s) against whom such force has been used, unless no other officers are available. In such cases, the Supervisor should relieve the involved officer(s) from transport or guard duty as soon as other officers are available.*

4. The Chief of Police, if available, will respond to the scene as quickly as possible and personally assume command of the situation. If unavailable, the on duty Supervisor will assume

command, assess the situation and request such other assistance and personnel as are required under the particular circumstances. The Supervisor will ensure that all officers and other persons receive any needed medical assistance.

5. Officers will secure the scene as quickly and effectively as possible consistent with safety needs and the need for medical treatment of any victims.
6. If feasible, officers will photograph the scene before anything is moved.
7. Officers will attempt to identify and secure any witnesses to the incident. As soon as possible, the witnesses will be separated and not allowed to discuss the incident.
8. In the event any officer(s) or other person(s) are injured and are transported for medical treatment, officers will be assigned to accompany them to the hospital. If officers are not immediately available the Supervisor will make arrangements to secure additional officers for this duty as soon as possible.
  - a. In the event that officers are not immediately available to accompany injured persons to the hospital the Supervisor will ensure that ambulance personnel, EMTs, and other medical personnel are interviewed regarding any statements overheard or other observations of potential evidentiary value.
9. The Supervisor will initiate and coordinate a preliminary investigation of the incident.
10. The Supervisor will brief other Supervisory Officers of the situation.
11. The Supervisor will ensure that all officers with involvement or knowledge of the incident are identified and that the necessary reports are completed.
12. If appropriate under the circumstances the Supervisor will commence to establish a Command Post.

**B. Notification Procedures**

1. As soon as possible the following persons will be notified of a deadly physical force incident:
  - a. Chief of Police;
  - b. Newark Police Investigator
  - c. Newark Police Officer's Union President
2. Upon being advised of the circumstances, the supervisor will arrange for the call-in of such Investigative Division personnel as deemed necessary.
3. Depending upon the circumstances the Ranking Officer may also notify such other persons as

deemed appropriate. These may include:

- a. District Attorney
  - b. Coroner
4. Upon being notified of the circumstances of the incident, the Chief of Police or his designee, may also notify, or arrange for the notification of, other persons as appropriate, including:
- a. Mayor;
  - b. Village Attorney

C. **Evidence Procedure**

1. Responding Officers and supervisors will take necessary steps to secure and protect the scene of the incident and all potential items of evidence. The area should be sealed off and civilians and non-essential personnel removed. This should be done as soon as possible.
  - a. Officers should bear in mind that it might be necessary to secure areas beyond the immediate scene. For example, if the incident involved a moving exchange of gunfire, officers should attempt to secure the entire route of the incident.
2. Officers should not touch or move firearms or other weapons involved unless it is necessary to do so for safety reasons or to prevent their removal by unauthorized persons.
3. The Supervisor will ensure that the instrument of deadly physical force (e.g., officer's firearm), all ammunition, all related leather goods, and other uniform or equipment items that may constitute evidence, are secured by an Evidence Technician if available or by the supervisor who will turn the evidence over to a technician as soon as practicable.

**NOTE: *This should be done as soon as feasible at Police headquarters or the hospital if the officer has been taken for treatment. This will be done in a discreet manner out of public view.***

- a. Any weapon or other equipment taken from an officer as evidence will  
be replaced as soon as possible unless otherwise ordered by the Chief.
4. Upon arrival, Investigative Division personnel will assess the situation and assume responsibility for further processing of the scene.
5. All items of evidence associated with a deadly physical force incident must be held until all legal proceedings are complete, including any subsequent civil litigation.

D. **Procedures for Officers Involved in Deadly Physical Force Incidents**

1. Officer(s) involved in the use of deadly physical force will remain at or near the scene pending the arrival of a supervisor, unless injured, further pursuit of suspects is required, or removal from the scene is necessary for the officer(s)' safety.
2. Involved officer(s) will describe to a supervisor the basic facts and circumstances of the incident as soon as possible. Formal questioning and statements will be deferred until the officer has been given an opportunity to consult with legal counsel and/or Union representatives.
3. Another officer should be assigned to accompany the involved officer for support and to attend to his or her immediate needs.
4. While near the scene the officer should be afforded privacy to the greatest extent possible under the circumstances. The involved officer(s) shall remain near the scene so long as necessary to relate the basic facts and circumstances necessary to guide the preliminary stages of the investigation, the securing of the scene, and the location of witnesses and evidence.
5. The supervisor will ensure that involved officer(s) are provided appropriate assistance in contacting family members or other support persons.
6. When relieved by a supervisor, return to Police Headquarters and prepare a written report of the incident. The involved officer must be accompanied by a Supervisor or senior officer.
7. In the event the involved officer(s) are injured, the following procedures will be followed:
  - a. Injured officers will be transported to the hospital for treatment.

**Note: In the event both injured suspect(s) and injured officer(s) are taken to the same hospital, the Supervisor must be alert to the possibility that family members and friends of both parties may be in close proximity, leading to the possibility of a confrontation. The Supervisor will ensure that sufficient police personnel are present to maintain order and security of all persons.**

- b. The Supervisor will ensure that the injured officer(s) receives any necessary assistance in contacting family members or other support persons and in facilitating arrangements for them to come to the medical facility.
  - c. The Supervisor will ensure that the officer's firearm and any other equipment of possible evidentiary value are secured as soon as feasible.
8. In the event an injured officer in a deadly physical force incident is admitted to a hospital, at least one officer will be assigned guard detail during the officer's stay to ensure the safety and security of the injured officer. This guard detail will continue for the duration of the officer's stay in the hospital unless the Chief of Police or his designee authorizes its discontinuation.

**XI. TRAUMA COUNSELING:**

- A. Confidential trauma counseling will be provided through the EAP Program, in all cases of use of deadly physical force as follows:
  - 1. On-scene, at Police Headquarters, and/or at the Medical facility as soon as possible;
  - 2. Immediate follow-up;
  - 3. Six-month follow-up;
  - 4. One-year follow-up;
- B. Other counseling will be provided as may be requested by the officer or directed by the Chief of Police.
- C. The Department will also make trauma debriefing available to the family members of involved officers.
- D. The Investigative Division will be responsible for follow-up investigation of deadly physical force incidents under the overall direction of the Chief of Police.  
  
This investigation will comply with Departmental policies and procedures.
- E. The assistance of other law enforcement agencies may be requested by the Chief of Police or his designee, in cases where such assistance is deemed necessary or appropriate.
- F. Involved officer(s) will be given an opportunity to consult with legal counsel and/or Union representatives prior to being subjected to formal interviews and statements.
- G. The involved officer(s) will be kept apprised of the status of the investigation to the extent that it does not compromise the investigation. In determining what information may be released to the involved officer(s) the District Attorney's Office will be consulted.
- H. All deadly physical force incidents will be referred to the District Attorney's Office for review and such further action as deemed appropriate by the District Attorney, (e.g., presentation to Grand Jury). This will be a standard procedure. Review by the District Attorney and any presentation to the Grand Jury will not imply misconduct by the involved officer(s).
- I. In the event another agency initiates an investigation of the incident, (e.g., the Federal Bureau of Investigation), commences a civil rights investigation, the following procedures will be followed:



1. The Chief of Police will determine what information will be made available to the other agency and set up a procedure to forward information to the other agency and to coordinate the investigations. No employee will share information with the other agency unless pursuant to such a procedure or otherwise authorized by the Chief of Police.
2. The Chief of Police will designate an officer to serve as a liaison to facilitate communication and coordination with the other agency.

**XII. Internal Investigation:**

- A. The Chief of Police will conduct an internal investigation of all deadly physical force incidents and accidental discharges of firearms. Receipt of this Order will constitute notice to officers that an internal investigation will be conducted in such circumstances.
- B. The Chief of Police will designate an outside law enforcement agency to conduct any criminal investigation into the incident.
- C. The Chief of Police shall review the incident to ensure that the Use of Force was necessary, reasonable and justified and shall determine whether the Use of Force was:
  1. Within department policy and applicable laws or
  2. Out of department policy and/or in violation of applicable laws.

**XIII. ADMINISTRATIVE DUTY:**

- A. When an officer is involved in a shooting, or other use of force incident that results in serious physical injury or death, the Chief of Police or his designee will assign that officer to temporary administrative leave/ duty. **The temporary assignment to administrative leave/ duties does not imply any misconduct on the part of the officer. Such assignment is standard procedure.**
- B. The administrative assignment will not place the Officer in a position where the potential for resistance incidents may occur due to the nature of the assignment.
- C. The work schedule of the administrative duty assignment will be set by the Chief consistent with the best interests of the Department and the officer.
- D. Officers assigned to administrative duty will:
  1. Refrain from routine exercise of police arrest and intervention duties except to the extent that such action is necessary to protect the officer or another person;
  2. Refrain from any public discussion of the administrative assignment or circumstances related to the incident.

3. Retain all rights, privileges, and employee benefits; and
  4. Retain responsibility for compliance with all laws, Department Rules and Regulations, General Orders, policies and procedures, and directives governing Department personnel that are not specifically exempted by this order.
- E. The administrative duty assignment will continue at least until the completion of the internal investigation and final Grand Jury action if any, unless the administrative assignment is terminated sooner by the Chief of Police. It may be continued longer on a case-by-case basis by the Chief of Police. Any such extension of the administrative duty assignment will not imply any misconduct on the part of the involved officer.
- F. Officers assigned to administrative leave shall remain available at all times for official department interviews and statements, and shall be recalled to duty at the discretion of the Chief of Police.

*Approved by,*

*Mark A. Thoms*

**Chief of Police**

# APPENDIX C

## DCJS Use of Force Model Policy

### Use of Force - Model Policy Municipal Police Training Council

#### I. PURPOSE

Law enforcement officers around the country and here in New York State are authorized to use reasonable and legitimate force in specific circumstances. Federal constitutional and state statutory standards dictate when and how much force can be used. This policy is founded in these standards but is not intended to be an exhaustive recitation of state and/or federal legal framework governing use of force. The policy is designed to provide guidance to individual agencies as they develop their own use of force policies in accordance with Executive Law §840(4)(d)(3).

This policy is not intended to endorse or prohibit any particular tactic, technique, or method of employing force. Separate policy guidance and training should be provided for each of the available force instrumentalities made available to officers.

#### II. POLICY

The federal and state standards by which use of force is measured are both founded in the basic premise of objective reasonableness.<sup>1</sup> The amount of force that is used by the officers shall be the amount of force that is objectively reasonable under the circumstances for the officer involved to effect an arrest, prevent an escape, or in defense of themselves or others. The standard of objective reasonableness, established by the United States Supreme Court in *Graham v. Connor*, is used in this policy and is intended to provide officers with guidelines for the use of force, including deadly physical force.

As the Supreme Court has recognized, this reasonableness inquiry embodies "allowance for the fact that police officers are often forced to make split-second judgments — in circumstances that are tense, uncertain, and rapidly evolving — about the amount of force that is necessary in a particular situation."<sup>2</sup>

This policy is written in recognition of 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 a careful balancing of all interests.

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<sup>1</sup> Force which is objectively reasonable is insulated from criminal liability through Article 35 of the NYS Penal Law and civil liability by the 4<sup>th</sup> Amendment standard of objective reasonableness.

<sup>2</sup> *Graham v. Connor*, 490 U.S. 386 at 396 (1989).

## Use of Force - Model Policy

Municipal Police Training Council

### III. DEFINITIONS

- A. **Objectively Reasonable** – An objective standard used to judge an officer's actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.<sup>3</sup>
- B. **Deadly Physical Force** - Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.<sup>4</sup>
- C. **Physical Injury** – Impairment of physical condition or substantial pain.<sup>5</sup>
- D. **Serious Physical Injury** – Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.<sup>6</sup>

### IV. USE OF FORCE

- A. In general terms, force is authorized to be used when reasonably believed to be necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one's self or another.<sup>7</sup>
- B. Under the 4<sup>th</sup> Amendment, a police officer may use only such force as is "objectively reasonable" under the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene.<sup>8</sup>

### V. DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE

- A. When used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at the time of the event.

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<sup>3</sup> Graham, 490 U.S. 396 (1989)  
<sup>4</sup> NY Penal Law § 10 (11) (McKinney 2013)  
<sup>5</sup> NY Penal Law § 10 (9) (McKinney 2013)  
<sup>6</sup> NY Penal Law § 10 (10) (McKinney 2013)  
<sup>7</sup> NY Penal Law and § 35.30(1) (McKinney 2013)  
<sup>8</sup> Graham, 490 U.S. at 396 (1989)

## Use of Force - Model Policy

Municipal Police Training Council

- B. Factors that may be used in determining the reasonableness of force include, but are not limited to:
1. The severity of the crime or circumstance;<sup>9</sup>
  2. The level and immediacy of threat or resistance posed by the suspect;<sup>10</sup>
  3. The potential for injury to citizens, officers, and suspects;<sup>11</sup>
  4. The risk or attempt of the suspect to escape;<sup>12</sup>
  5. The knowledge, training, and experience of the officer;<sup>13</sup>
  6. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects;<sup>14</sup>
  7. Other environmental conditions or exigent circumstances.<sup>15</sup>

### VI. DUTY TO INTERVENE

- A. Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
- B. An officer who observes another officer use force that exceeds the degree of force as described in subdivision A of this section should promptly report these observations to a supervisor.

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<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> *Scott v. Harris*, 550 U.S. 372 (2007)

<sup>12</sup> *Graham*, 490 U.S. at 396 (1989)

<sup>13</sup> Analysis of cases under the 4<sup>th</sup> Amendment require the focus to be on the perspective of a reasonable officer on the scene which includes the training and experience of the officer. *Graham v. Connor*, 490 U.S. 386 (1989), *Terry v. Ohio*, 392 U.S. 1 (1968)

<sup>14</sup> *Sharrar v. Felsing*, 128 F. 3d 810 (3<sup>rd</sup> Cir. 1997) (numbers of officers or subjects)

<sup>15</sup> Courts have repeatedly declined to provide an exhaustive listing of factors. *Chew v. Gates*, 27 F. 3d 1432, 1475 n.5 9<sup>th</sup> Cir. (1994)

## Use of Force - Model Policy

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### VII. USE OF DEADLY PHYSICAL FORCE

- A. Deadly physical force may be used by an officer to protect themselves or another person from what the officer reasonably believes is an imminent threat of serious physical injury or death.<sup>16</sup>
- B. Deadly physical force may be used to stop a fleeing suspect where:
  - 1. The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; and,
  - 2. The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or to others.
  - 3. Where feasible, some warning should be given prior to the use of deadly physical force.<sup>17</sup>
- C. Chokeholds and Obstruction of Breathing or Blood Circulation
  - 1. Any application of pressure to the throat, windpipe, neck, or blocking the mouth or nose of a person in a manner that may hinder breathing, reduce intake of air or obstruct blood circulation, is prohibited unless deadly physical force is authorized.<sup>18</sup>

### VIII. PROHIBITED USES OF FORCE

- A. Force shall not be used by an officer for the following reasons:
  - 1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
  - 2. To coerce a confession from a subject in custody;

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<sup>16</sup> NY Penal Law and § 35.30(1)(c)(McKinney 2013)

<sup>17</sup> NY Penal Law and § 35.30(1), as restricted by *Tennessee v. Garner*, 471 U.S. 1 (1985) (restricting the use of deadly physical force as it relates to fleeing felons) In *Garner*, the Supreme Court uses "significant threat of serious physical harm, either to the officer or others" in describing the limited circumstances under which deadly force can be used to prevent the escape of a felon.

<sup>18</sup> NY Penal Law § 121.13-a establishes the crime of Aggravated Strangulation.

## Use of Force - Model Policy

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3. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required;
4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

#### IX. REPORTING & REVIEWING THE USE OF FORCE

- A. A police or peace officer or other law enforcement entity who has custody of a person must provide attention to the medical and mental health needs of a person in their custody and obtain assistance and treatment of such needs, which are reasonable and provided in good faith.<sup>19</sup>
  1. This includes appropriate and timely medical attention being provided to a party injured as a result of a use of force incident.
  2. The immediate mental health needs of a person shall be based upon the reasonable cause to believe that a person, who appears to be mentally ill, is conducting themselves in a manner which is likely to result in a serious harm to themselves or others.<sup>20</sup>
- B. Members involved in use of force incidents as described below shall notify their supervisor as soon as practicable and shall complete a departmental use of force report.
  1. Use of force that results in a physical injury.
  2. Use of force incidents that a reasonable person would believe is likely to cause an injury.
  3. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
  4. Incidents where a conducted energy device (CED) was intentionally discharged or accidentally discharged after being displayed.

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\* NY Civil Rights Law § 28  
\* NY Mental Hygiene Law § 9.41

## Use of Force - Model Policy

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- 5. Incidents where a firearm was discharged at a subject.<sup>21</sup>
- C. A standardized use of force form should be used to document any reportable use of force incident.<sup>22</sup>
- D. Officers should document any requests for necessary medical or mental health treatment as well as efforts of police to arrange for such treatment.

### X. PROCEDURES FOR INVESTIGATING USE OF FORCE INCIDENTS

- A. Where practicable, a supervisor should respond to the scene to begin the preliminary force investigation.
- B. A supervisor that is made aware of a force incident shall ensure the completion of a use of force report by all officers engaging in reportable use of force and, to the extent practical, make a record of all officers present.
- C. Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
- D. The [applicable person, unit, or bureau] will receive the supervisor's report and conduct an investigation.
- E. Consistent with agency disciplinary protocols and any applicable collective bargaining agreements, agency policy should establish standards for addressing the failure to adhere to use of force guidelines.<sup>23</sup>

### XI. TRAINING

- A. All officers should receive training and demonstrate their understanding on the proper application of force.
- B. Training topics will include use of force, conflict prevention, conflict resolution and negotiation, and de-escalation techniques and strategies.

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<sup>21</sup> NY EXC § 837-v requires that any discharge of a weapon, while either on duty or off duty, in the direction of a person be verbally reported to the involved officer's supervisor within six hours and a written report prepared within forty-eight hours of occurrence.

<sup>22</sup> Chiefs of police departments, County Sheriffs, and the Superintendent of State Police should consider utilizing these forms to ensure compliance with the administrative reporting requirement of EXC §837-t.

<sup>23</sup> N Y E X C § 8 4 0 ( 4 ) ( d ) ( 2 ) ( v i )



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including, but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.<sup>24</sup>

- C. This policy is not intended to be a substitute for proper training in the use of force. Comprehensive training is the key to the real-world application of the concepts discussed within this policy.

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<sup>24</sup> EXC § 840(4)(d)(2)(vii)

**APPENDIX D**  
**Newark Police Department**  
**Annual Use of Force Report – Example**

Use of Force Report 2020

1. 3-12-20, White Male, 33 years old, Physical Knee strike, Taser used.
2. 3-25-20, Hispanic Female, 37 years old, Physical escort (joint locks).
3. 3-31-20, White Male, 30 years old, Firearm displayed, Shot gun displayed.
4. 4-2-20, White female, 23 years old, Pepper Spray threatened or displayed (not deployed).
5. 4-2-20, Black Male, 32 Years old, firearm displayed.
6. 4-9-20, White male, 25 years old, Taser displayed no deployment.
7. 5-5-20, White Male, 59 years old, Physical escort joint lock.
8. 5-22-20, Black Male, 38 years old, firearm displayed.
9. 10-14-20, Black Male, 37 years old, Physical joint locks, take down.
10. 10-24-20, White Male, 15 years old, Physical take down, hand strikes.
11. 10-24-20, White Male, 16 years old, Physical Joint locks.
12. 10-27-20, Hispanic Male, 24 years old, Taser Displayed (not deployed).
13. 10-24-20, White Male, 15 years old, Physical take down, Hand strikes.
14. 11-17-20, White Male, 19 years old, Joint locks, Taser deployment 2 times, Physical take down, Hand strikes.

**APPENDIX E**  
**Newark Police Department**  
**Monthly Activity Report – Example**

Wayne County 911



**Monthly Events for Newark PD - Total Counts**

Date Range:	7/1/2020 - 7/31/2020
Agency:	P-NEWARK
Unit ID:	200;201;202;203;204;205;206;207;208;209;210;211;212;213;214;215;216;217;218;219;220;221;222;223;224;225;226
Priority:	ALL
Event Types:	ALL

**Event Totals for the Agency**

Event Type	Event Count
911 CALL - LIMITED INFORMATION	22
ALARM ACTIVATION	18
ANIMAL COMPLAINT	16
ASSAULT	1
ASSIST	112
BEHAVIORAL DISORDER-PSYCH PROB	13
BOAT OR WATERCRAFT	1
BURGLARY	2
CARDIAC-RESPIRATORY ARREST-DEATH	2
CRIMINAL MISCHIEF	16
DETAIL	7
DISTURBANCE	88
DOMESTIC VIOLENCE (FAM TROUBLE)	26
FALLS	1
HARASSMENT	20
JUVENILE PROBLEM	7
LARCENY	36
MISSING PERSON	4
OTHER UNCLASSIFIED INCIDENT	19
OVERDOSE-POISONING (INGESTION)	4
PAPER SERVICE	17
PEDESTRIAN STRUCK	1
PERSONAL INJURY MVA	3
PROBATION ACTIVITY	1
PROPERTY CHECK	252
PROPERTY DAMAGE MVA	22
PSYC-ABN BEHAV-SUICIDE ATT	1
REPOSSESSION	2
SPECIAL INVESTIGATION	9
STRUCTURE FIRE	3
SUSPICIOUS CONDITION	52
TRAFFIC STOP	18
TRANSPORT	1
TRESPASS/PROWLER	13
VEHICLE FIRE	2
VEHICLE OR TRAFFIC COMPLAINT	29
WARRANT	8
WELFARE CHECK OF INDIVIDUAL	23
<b>Total Events:</b>	<b>888</b>

**Top 10 Event Totals for the Agency**

Event Type	Event Count
PROPERTY CHECK	252
DISTURBANCE	88
ASSIST	112
SUSPICIOUS CONDITION	52
LARCENY	36
DOMESTIC VIOLENCE (FAM TROUBLE)	26
WELFARE CHECK OF INDIVIDUAL	23
VEHICLE OR TRAFFIC COMPLAINT	29
911 CALL - LIMITED INFORMATION	22
BEHAVIORAL DISORDER-PSYCH PROB	13

## Wayne County 911



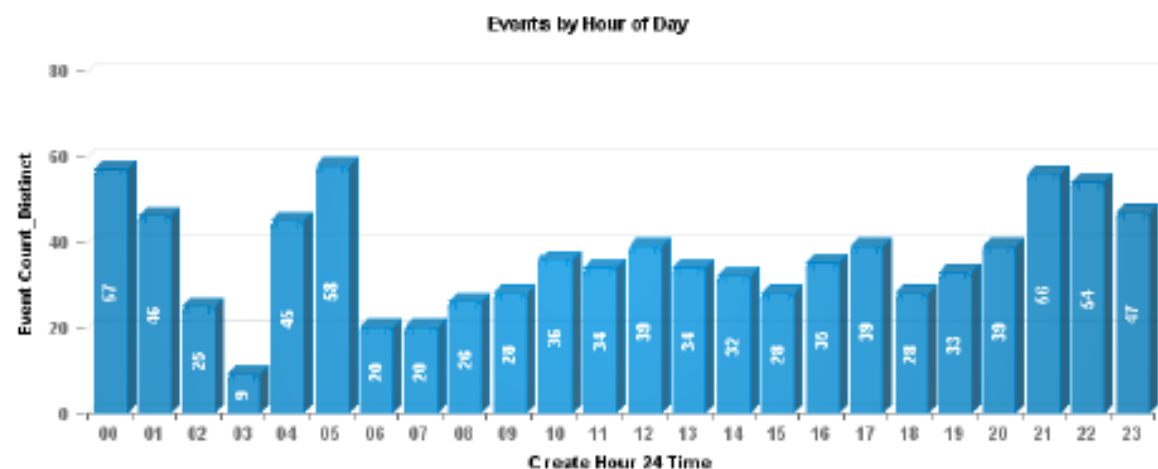
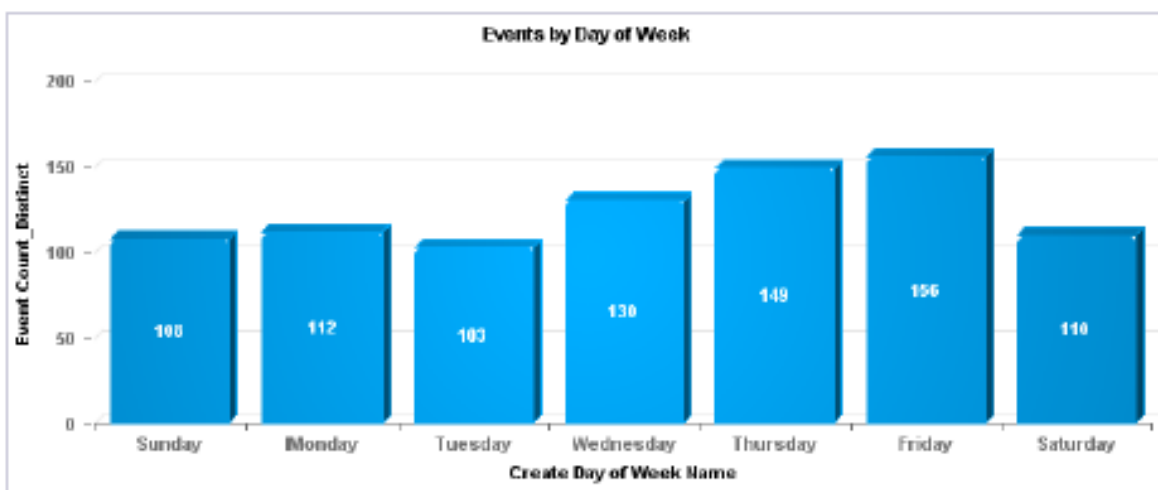
### Monthly Events for Newark PD - Busy Hour / Day Includes Dispatched & Officer-Initiated Activity

Date Range:	7/1/2020 - 7/31/2020
Agency:	P-NEWARK
Unit ID:	200;201;202;203;204;205;206;207;208;209;210;211;212;213;214;215;216;217;218;219;220;221;222;223;224;225;226
Priority:	ALL
Event Types:	ALL

Day/ Hour	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total:
00	6	9	6	8	10	10	8	57
01	10	5	4	6	6	11	4	46
02	6	1	1	6	7	3	1	25
03		1	1		1	3	3	9
04	3	10	10	10	5	7		45
05	9	10	9	9	6	9	6	58
06	1	2		1	5	6	5	20
07	2	1	1	3	4	4	5	20
08	3	3	3	4	5	5	3	26
09	5	5	4	4	6	2	2	28
10	2	1	6	7	10	6	4	36
11	5	4	3	9	6	2	5	34
12	7	2	4	3	4	13	6	39
13	4	7	1	6	4	6	6	34
14	3	5	8	2	6	7	1	32
15	3	5	2	7	4	5	2	28
16	2	5	7	5	5	5	6	35
17	4	7	6	5	8	5	4	39
18	6	1	2	5	4	5	5	28
19	7	5	4	6	6	3	2	33
20	2	6	4	3	12	5	7	39
21	11	5	5	10	6	9	10	56
22	5	4	9	5	6	14	11	54
23	2	8	3	6	13	11	4	47
<b>Total:</b>	<b>108</b>	<b>112</b>	<b>103</b>	<b>130</b>	<b>149</b>	<b>156</b>	<b>110</b>	<b>868</b>



**Monthly Events for Newark PD - Busy Hour / Day  
Includes Dispatched & Officer-Initiated Activity**



## APPENDIX F

### General Order 100 – Mission & Role – *DRAFT POLICY (NEW)*



<b>NEWARK POLICE DEPARTMENT</b> <b>General Orders</b>	
<b>G.O. 100 - Department Mission &amp; Role</b>	
<b>Issue Date:</b>	<b>Accreditation Standard(s):</b>
<b>Effective Date:</b>	
<input checked="" type="checkbox"/> New:	<b>Cross-reference(s):</b>
<input type="checkbox"/> Rescinds:	

- I. PURPOSE: The purpose of this order is to explain the role and authority of the Newark Police Department so officers can act without hesitation in conformance with department policy. Second, the public is provided with a general standard by which they can measure the performance of the department. Members are informed of the attitude and actions expected of them.
  
- II. POLICY: It is the policy of the Newark Police Department to protect life and safeguard property in order to improve the quality of life within the Village of Newark. The department's purpose, mission, goals and programs are so designed as to ensure that the department is responsible for the protection of the Constitutional rights of the community. To achieve this end, this policy establishes professional standards of conduct, limits of law enforcement authority, and the formulation, annual updating and distribution of the goals and objectives of the Newark Police Department.
  
- III. DEFINITIONS:
  - A. Mission - A sending out with authority to perform a special duty.

- B.** Goal - A broad statement of the end or result to be achieved. A goal usually requires a relatively long time span to achieve. Goals should be stated in a way that permits measurement of their achievement.
- C.** Objective - An objective is a sub-goal or an element of a goal and requires a shorter time to accomplish. Objectives should be quantifiable and include a timetable for completion.

**IV. MISSION STATEMENT:**

The mission of the Newark Police Department is to provide effective and responsive law enforcement services to all persons within the Village of Newark in a fair and equitable manner, respecting the rights of all regardless of race, creed, religion, sexual orientation, color or origin. The Department is committed to making sure that every citizen with whom we interact is treated with dignity, compassion, and professionalism. As an integral part of the Newark community, we are committed to fostering an environment of honesty, trust and mutual respect in which the Newark Police Department and community work together for the common goal of improving the quality of life for all people.

**V. GENERAL GOALS: The following are the general goals of the Newark**

Police Department:

**A.** Prevention of Crime - Crime is a problem that affects all segments of our society, and is of concern to all citizens. The department will endeavor to involve the community in generating mutual understanding regarding the nature and extent of the crime problem and to involve the community in crime prevention efforts necessary to reduce crime.

**B.** Deterrence of Crime - Although there are certain crimes that cannot be prevented, crimes committed against innocent victims in public places and crimes against property can be deterred by proactive police patrol and an involved citizenry. These types of crimes are deterred by the criminal's fear of immediate apprehension and by the increased likelihood of his detection. The deterrence of crime requires the investigation of behavior that appears to be criminally directed.

The department will strive to deploy its patrol forces so as to deter crime and inspire public confidence in its ability to ensure a peaceful environment.

C. Apprehension of Offenders - Once a crime has been committed; it is the duty of the department to initiate the criminal justice process by identifying and apprehending the offender, obtaining necessary evidence and by assisting in the prosecution of the case. The department must strive diligently to solve all crimes and to bring offenders to justice. The certainty of swift and sure punishment also serves as an effective deterrent of crime.

D. Recovery and Return of Property - While the actual cost of crime is difficult to measure, it is possible to observe the steadily mounting cost of lost and stolen property. This loss, as well as the other costs, must be borne ultimately by victims. In order to minimize the losses due to crime, the department will make every reasonable effort to recover lost or stolen property, to identify its owners, and to ensure its prompt return.

E. Public Service - Because other public or private agencies may be unavailable, the public relies upon the police for assistance and advice in both routine and emergency situations. Saving lives, aiding the injured, locating lost persons, keeping the peace and providing for many other miscellaneous needs are basic services provided by the department. It is the department's responsibility to respond to all calls for service and to render such aid or advice, as is necessitated or indicated by the situation.

F. Enhancement of the Quality of Life – In addition to dealing with the issue of crime, the department is in a position to recognize and address issues impacting the quality of life within the community. Therefore, the department will seek to proactively identify property locations within the community which are subject to chronic or persistence illegal activity, or which are the source of nuisance or unsafe conditions. The department will, through referrals to and cooperation with other public and private agencies utilize all available resources to improve such conditions.

G. Fair and Equitable Treatment of all Persons – The department recognizes its obligation to conduct its activities and to treat all persons in a lawful, fair, equitable, respectful and evenhanded manner without regard to race, color, national or ethnic origin, gender, sexual orientation, religion, disability, political affiliation, or personal interest.



H. Victim/Witness Assistance - It is essential to our law enforcement efforts that we protect the rights of victims and witnesses. Therefore, the department will strive to avoid the traumatization of victim/witnesses by assisting them through an awareness of the psychological trauma associated with their circumstances and providing them with the necessary information regarding resources that are available to them.

VI. PROFESSIONAL STANDARDS OF CONDUCT:

A. Members of the police department are among the most conspicuous representatives of local government. To the majority of the people they are symbols of stability and authority upon which the public relies. The conduct of law enforcement officers is closely scrutinized. When actions are found to be excessive, unwarranted, or unjustified, they are criticized far more severely than persons in other occupations are for comparable behavior. Since a member's conduct, both on and off-duty, may reflect directly upon the department, members are expected to conduct themselves in a manner which does not bring discredit upon themselves, the department or the Village of Newark. Their conduct will exhibit the highest degree of professionalism at all times.

B. Every person employed by the department as a police officer will, at the time of their appointment, be officially sworn in by the Village Clerk. The oath of office requires officers to abide by and enforce the law, and to uphold the Constitution of the United States and the State of New York. Both the officer and the Village Clerk will sign it. The original will be maintained by the Village Clerk.

VII. LIMITS OF AUTHORITY:

A. Village of Newark police officers have the authority to enforce village, county, state, and federal laws as mandated by law and custom. This department will within the limits of law, the Constitution and standards adopt the authority utilized by the officer. When exercising their authority officers will comply with all applicable legal and constitutional requirements, to include those that pertain to:

1. Use of Force
2. Interviews and Interrogations
3. Access to counsel.
4. Informing suspects of their rights.
5. Confessions and admissions.
6. Pre-trial publicity.
7. Juvenile procedures.

B. Discretion

1. One of the most critical aspects concerning the use of police authority is that of discretion. Discretion, if used properly, can be a highly successful tool to resolve problems and conflicts. Discretion is necessary for many reasons. Among the most predominant is the lack of resources to deal with violations of many laws. Police must differentiate between:
  - a. Ambiguous and obsolete laws.
  - b. The effects of enforcement and community relations.
  - c. The role of police in society.
  - d. The effectiveness and efficiency of the overall operation.
2. Unless otherwise directed, officers may use discretion in many areas, such as:

- a. The arrest or release for minor violations.
- b. Issuance of a summons or verbal warning.
- c. Settling minor disputes.
- d. When performing selective enforcement.
- e. When assigned to enforce a targeted (specific) violation.

3. The department recognizes limitations to this power. Therefore, officers must clear many decisions of an enforcement nature through a supervisor, such as:

- a. Potential arrests in misdemeanor or felony situations.
- b. Potential sensitive areas.
- c. Those areas defined by the department, the Village, and the Wayne County District Attorney's Office that limit police officers' discretion as a matter of policy.

4. Officers do not have any discretion when:

- a. Given a lawful order.
- b. Dealing with compliance of department rules and regulations.
- c. Dealing with specific laws mandating certain actions by the police.

This discretionary action may be restricted by a superior officer or by the department in those areas of directed patrol or selective enforcement requiring stricter attention to enforcement or where community needs warrant formal charges. Verbal warnings will not be used to evade resolving the situation properly.

### C. Alternatives to Arrest

1. Village of Newark police officers, when attempting to resolve the various types of problems that confront them are encouraged to seek alternatives to physical arrest (incarceration) when no hazard to the community, victim or suspect will result.
  
2. As outlined in this directive, officers are permitted the use of discretion within the guidelines of department standards, statutory or case law and to some extent prevailing community standards.
  
3. No Newark police officer will authorize any individual or agency to violate the law. However, when the safety of the community, a victim or a suspect can be maintained and no other exceptional circumstances exist, officers resolving misdemeanor and designated Class E felony situations necessitating formal action may do so:
  - a. With the use of an appearance ticket when it is likely the defendant will appear in court as scheduled.
  
  - b. With an appearance ticket and bail when the officer believes such to be necessary to secure the defendant's appearance in court.

4. Officers may exercise the option of a verbal warning for those traffic infractions where the facts indicate proper resolution of the event can be achieved without formal charge.
  
5. Officers may, when appropriate, employ referrals to other agencies and programs as alternatives to arrest. Such programs include, but are not limited to:
  - a. Juvenile referrals to the Youth Officer.
  - b. Center for Dispute Settlement
  - c. Other appropriate public and private agencies

~~Approved by,~~


~~(Draft Order)~~

~~Mark A. Thoms~~

~~Chief of Police~~

## APPENDIX G

### **Pocket Guide: Resources for Law Enforcement Officers**

<p><b>Local Hospitals</b></p> <p><b><u>Newark-Wayne Community Hospital</u></b> Adult Inpatient Psychiatry &amp; Emergency 1200 Driving Park Ave, Newark, NY 14513 315-332-2022 or 315-332-2311</p> <p><b><u>Clifton Springs Hospital</u></b> Adult Inpatient Psychiatry &amp; Substance Abuse, and CPEP 2 Coulter Road Clifton Springs, NY 14432 315-462-9561</p> <p style="text-align: center;"><b>Housing</b></p> <p><b><u>Wayne CAP Transitional Housing</u></b> Success Center 315-665-0131</p> <p><b><u>Lakeview Health</u></b> Supported/Supportive Apartments 315-789-5501</p> <p><b><u>Wayne County SPOA</u></b> 315-946-5722</p>	<p style="text-align: center;"><b>Other Support Services</b></p> <p><b><u>Wayne County Action Program</u></b> After School Programs, Healthy Families, Head Start, Respite &amp; Crisis Respite for Children, Parenting Education Classes, Youth &amp; Family Healthy Recovery, Transitional Community Housing Services at the Success Center – Sodus, WCAP Works Job Training, Weatherization Program 315-665-0131</p> <p><b><u>Finger Lakes Parent Network</u></b> Supports for parents of a child with mental health challenges 1-800-934-4244</p> <p><b><u>Arc of Wayne</u></b> Office for People With Developmental Disabilities (OPWDD) – Oversight agency 315-331-7741</p> <p><b><u>Catholic Charities</u></b> Family and Children Supports 315-331-4867</p> <p><b><u>Care Management</u></b> 315-946-5722 or 585-613-7670</p> <p><b><u>Wayne County Sudden Loss Resource Network</u></b> 315-946-5754</p>	<p><b>MENTAL HEALTH SUBSTANCE ABUSE AND OTHER BEHAVIORAL HEALTH SERVICES</b></p>  <p><b>RESOURCE GUIDE FOR LAW ENFORCEMENT</b></p>
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<p><b>Substance Abuse Clinic Treatment</b></p> <p><b><u>Open Access Center – Immediate Care</u></b> – Lyons 315-946-5750</p> <p><b><u>Wayne Behavioral Health Network</u></b> - Lyons Adolescent/Adult Outpatient 315-946-5722</p> <p><b><u>Finger Lakes Area Counseling and Recovery (FLACRA)</u></b> - Newark Adult Inpatient 315-462-7070 Adult Outpatient 315-462-9161</p> <p><b><u>Clifton Springs Hospital</u></b> Adult Inpatient 315-462-9561 Adult Outpatient 315-462-9561</p> <p><b>Substance Abuse Info &amp; Prevention</b></p> <p><b><u>Finger Lakes Council on Alcohol &amp; Addiction</u></b> Geneva 315-789-0310</p> <p><b><u>Delphi Rise</u></b> – Rochester 585-467-2230</p> <p><b>Substance Abuse Residential Treatment</b></p> <p><b><u>Catholic Family Center-</u></b> Hannick Hall- Newark 315-331-2300</p> <p><b><u>FLACRA-</u></b> Otte Hall – Newark 315-331-7400 Maxwell Hall- Clifton Springs 315-462-9436 Addiction Crisis Center- Clifton Springs 315-462-7070</p>	<p><b>Mental Health Clinic Treatment</b></p> <p><b><u>Open Access Center- Immediate Care-</u></b> Lyons 315-946-5750</p> <p><b><u>Wayne Behavioral Health Network</u></b> - Lyons Children/Adolescents/Adults Outpatient 315-946-5722</p> <p><b><u>Clifton Springs Hospital!</u></b> Adult Outpatient and Inpatient 315-462-9561</p> <p><b><u>Crisis Psych Emergency Program (CPEP)</u></b> Dial 211 or 315-462-1080</p> <p><b><u>Newark-Wayne Community Hospital</u></b> Emergency and Inpatient Psych 315-332-2311</p> <p style="text-align: center;"><b>EMERGENCY 24 HOUR HOTLINES</b></p> <p>Life Line..... 211 or 1-800-310-1160 Poison Control .....1-800-222-1222 National Suicide Prevention .....1-800-273-8255 Spanish Speaking Suicide Hotline .....1-800-784-2432 Veterans Peer Support Line .....1-877-838-2838</p>	<p><b>Mobile Services in Wayne County</b></p> <p><b><u>Wayne Behavioral Health Network COTI-STR:</u></b> Mental Health and Substance Abuse Assessment Services 315-946-5750</p> <p><b><u>Clifton Springs Hospital CPEP:</u></b> 24/7/365 – Psychiatric Assessment Services Dial 211 or 315-462-1080</p> <p><b><u>Rochester Psychiatric Center – Mobile Integration Team (MIT Team) – Adults</u></b> Psychiatric Assessment Services Mon-Fri 8am-4pm Dial 211 or 585-241-1276</p> <p><b><u>Elmira Psych Center (MIT Team) -Children</u></b> Mon-Fri 8am-4pm (315) 568-9412 ext. 255</p> <p style="text-align: center;"><b>Crisis Respite Services</b></p> <p><b><u>Elmira Psych Center-</u></b> Adults: Seneca-Ontario Community Residence 315-789-8670 or 315-568-0053; Children: 607-737-4990</p> <p><b><u>Lakeview Health-</u></b> Adults: Prospect House 585-919-2561</p> <p><b><u>Wayne CAP-</u></b> Children: 315-665-0131</p> <p><b><u>Wayne Behavioral Health Crisis Apartments</u></b> 315-946-5722</p>
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## Wayne County Behavioral Health Related Programs & Resources

### Care Management

- Wayne Behavioral Health Network (WBHN)  
315-946-5722
- Health Homes of Upstate NY (HHUNY)  
585-613-7670
- FLACRA  
315-719-7538

### Crisis Respite Services

- Wayne County Action Program - Children  
159 Montezuma St.  
Lyons, NY  
315-665-0131
- Elmira Psychiatric Center - Children/Adolescents  
607-737-4990

### Crisis Housing

- Wayne Behavioral Health Network (WBHN)  
1519 Nye Road  
Lyons, NY  
315-946-5722 (Ask for Ed Hunt)

### Housing

- Lakoview Health Services
  - 611 W. Washington Street  
Geneva, NY  
315-789-5501
  - Community Apartment Residence  
Macedon, NY  
315-787-0420
- Elmira Psychiatric Center  
Seneca-Ontario Community Residence (SOCR)  
315-789-8670 or 315-568-0033

### Housing for Veterans

- FLACRA
  - Safe Haven Community Residence  
Canandaigua, NY  
585-919-2440
  - Supportive Living  
Canandaigua, NY  
315-462-9466
  - Cadence Square Apartments  
Canandaigua, NY  
585-919-2445

### Inpatient Psychiatric

- Clifton Springs Hospital – Adult  
2 Coulter Road  
Clifton Springs, NY  
315-462-9561
- Newark Wayne Community Hospital – Adult (Children can be seen for emergency, but if they need hospital admission they will be transferred)  
1200 Driving Park Ave  
Newark, NY  
315-332-2311

### Inpatient Substance Abuse Treatment

- Clifton Springs Hospital  
2 Coulter Road  
Clifton Springs, NY  
315-462-9561
- FLACRA  
Addictions Crisis Center  
28 E. Main Street  
Clifton Springs, NY  
315-462-7070

### Mobile Services

- Wayne Behavioral Health Network – COTI  
1519 Nye Road  
Lyons, NY  
315-946-5750
- Rochester Psychiatric Center – MIT Team  
Adult, Mon-Fri 8am-4pm  
Call 211 or 585-241-1276
- Elmira Psychiatric Center  
Children  
24 Tillman Street  
Geneva, NY  
315-568-9412 ext. 255
- Clifton Springs Hospital CPEP  
Child/Adolescent/Adult  
2 Coulter Road  
Clifton Springs, NY  
315-462-1080

### Outpatient Behavioral Health

- Wayne Behavioral Health Network (WBHN)  
1519 Nye Road  
Lyons  
315-946-5722

## Wayne County Behavioral Health Related Programs & Resources

### Outpatient Behavioral Health Continued

- Open Access Center & Center of Treatment Innovation (COTT)  
1519 Nye Road  
Lyons, NY  
315-946-5750
- Clifton Springs Hospital & Clinic Rochester Regional Health System
  - 35 North Street  
Canandaigua, NY  
315-462-1060
  - 2 Coulter Road  
Clifton Springs, NY  
315-462-9561
- Elmira Psychiatric Center  
24 Tillman Street  
Geneva, NY  
315-789-2496

### Other Support Services

- Elmira Psychiatric Center
  - Children/Adolescents Day Treatment  
Rushville and Shortsville  
607-795-2244
  - Assertive Community Treatment (ACT)  
24 Tillman Street  
Geneva, NY  
315-789-2496
- The Arc Wayne  
130 Van Buren St.  
Newark, NY  
315-331-7741
- Wayne County Action Program  
139 Montezuma St.  
Lyons, NY  
315-665-0131
- Finger Lakes Parent Network  
25 W. Steuben Street  
Bath, NY  
800-934-4244

### Substance Abuse Clinic Treatment

- Wayne Behavioral Health Network (WBHN)  
1519 Nye Road  
Lyons, NY  
315-946-5722

### Substance Abuse Clinic Treatment Continued

- Open Access Center & Center of Treatment Innovation (COTT)  
1519 Nye Road  
Lyons, NY  
315-946-5750
- FLACRA
  - 310 W. Union Street  
Newark, NY  
315-331-3862
  - 28 E. Main Street  
Clifton Springs, NY  
315-462-9466
  - 1386 Hathaway Drive  
Farmington, NY  
385-396-4190
  - 246 Castle Street  
Geneva, NY  
315-781-0771
- Clifton Springs Hospital & Clinic Rochester Regional Health System  
2 Coulter Road  
Clifton Springs, NY  
315-462-9561

### Substance Abuse Information and Prevention

- Finger Lakes Council on Alcohol & Addiction  
620 W. Washington St  
Geneva, NY  
315-789-0310
- Delphi Rise  
835 W. Main Street  
Rochester, NY  
585-467-2230

### Substance Abuse Residential Treatment

- Catholic Family Center  
407 E. Union Street  
Newark, NY  
315-331-2300
- FLACRA
  - Maxwell Hall  
28 E. Main Street  
Clifton Springs, NY  
315-462-9466
  - Otto Hall  
620 Church Street  
Newark, NY  
315-331-7400



## Appendix H

### General Order 605 – Internal Affairs (Existing Policy)



<b>NEWARK POLICE DEPARTMENT</b>	
<b>General Orders</b>	
<b>G.O. 605 - Internal Affairs</b>	
<b>Issue Date: 12/17/2018</b> <b>Effective Date: 12/31/2018</b>	<b>Accreditation Standard(s):</b>
<input type="checkbox"/> New <input checked="" type="checkbox"/> Rescinds: 21-94	<b>Cross-reference(s):</b>

- I. **PURPOSE:** The purpose of this order is to provide guidelines and procedures for the intake, investigation and disposition of complaints made against police department policies, procedures, rules, or personnel.
- II. **POLICY:** Community support for the police department and its mission is contingent upon citizen confidence in the integrity of the department and its policies, procedures, rules, and personnel. It is the policy of the Village of Newark Police Department to courteously receive and fairly investigate all complaints made against the department and its activities, practices, and personnel. The goal of this policy will be to correct deficiencies in policies and procedures, detect and deter misconduct, instill confidence in citizens regarding the integrity of the department and its personnel, and seek redress for false accusations made against the agency and its members.
- III. **DEFINITIONS:**
- A. **COMPLAINT** - For the purposes of this order, a complaint will be defined as
1. Any allegation of an alleged act or omission which, if substantiated, is contrary to the rules, policies and procedures of the department;
  2. Any alleged act or omission which, if substantiated, would constitute a violation of law; or
  3. Any allegation that tends to indicate an actual or potential defect in department policies, procedures, and rules or in the delivery of police services.
- B. **SUBJECT MEMBER** - A member of the department who is the subject of a complaint.

#### **IV. PROCEDURE:**

##### **A. ADMINISTRATION:**

1. The Chief of Police will be responsible for the internal affairs function
2. Source types of internal affairs complaints will include, but are not limited to:
  - a. Internal - Those generated by members of the department (e.g. supervisors, officers, civilian employees, etc.).
  - b. External - Complaints made by known persons from outside the department (e.g. civilians) including third-party complainants (e.g. parents, attorneys).
  - c. Precautionary - Complaints emanating from anonymous sources, civil claims with no formal complaint, and media reports.

All members of the department will be provided with a copy of this order.

##### **B. DUTIES AND RESPONSIBILITIES OF MEMBERS OF THE DEPARTMENT:**

1. It will be the duty and responsibility of all members of the department to:
  - a. Report violations of laws, ordinances, rules, regulations, policies, procedures or orders by any other department member to their immediate supervisor or in his absence, a higher-ranking officer.
  - b. Assist citizens who wish to make complaints by directing them to the appropriate supervisor or investigator. The member will also inform the complainant that internal investigations are conducted for each and every complaint received.
  - c. Cooperate fully and completely with all internal affairs investigations.
  - d. Refrain from communicating with anyone regarding an internal affairs investigation unless specifically authorized.
  - e. File a memorandum report through the chain of command to the Chief of Police when involved in a situation likely to generate a complaint.

##### **C. DUTIES AND RESPONSIBILITIES OF SUPERVISORY/COMMAND OFFICERS:**

1. It will be the duty and responsibility of all supervisory officers and investigators to:
  - a. Receive, record and investigate complaints regardless of their source (e.g. internal, external or precautionary). Supervisory and investigators will also inform the complainant that internal investigations are conducted for each and every complaint received and that their complaint will be handled the same manner.
  - b. Conduct a thorough preliminary investigation at the time of intake.

- c. Conduct follow-up investigations and make findings and recommendations involving members of their command when the alleged offense is:
  - i. Non-criminal in nature; and
  - ii. Alleges a non-serious violation of department rules, regulations or procedures.
- d. The Chief of Police will be responsible for conducting follow-up investigations and findings and recommendations involving supervisory members and investigators when the alleged offense meets the criteria specified in IV.C.1(c) of this order.
- e. Complete investigations within the directed time frames or receive approval for an extension based on guidelines established by the Chief of Police.

**D. DUTIES AND RESPONSIBILITIES OF THE CHIEF OF POLICE:**

1. It will be the duty and responsibility of the Chief of Police to:

- a. Record, register and provide staff control for investigations delegated to supervisory staff within the department.
- b. The Chief of Police will assign Internal Affairs Control numbers (IAC#) to all complaints received by this department.
- c. Conduct the following specific types of serious complaint investigations:
  - i. Complaints alleging criminal conduct by department personnel.
  - ii. Complaints alleging violations of a person's civil rights.
  - iii. Complaints alleging excessive use of force.
  - iv. Complaints of sexual harassment.
  - v. Complaints involving multiple officers of various commands.
  - vi. Allegations of a serious violation of department policy, procedure or rules.
  - vii. Incidents in which a Use of Force Report is submitted, to determine if the use of force was justified.
  - viii. Actions by members that result in physical injury or death to another person.
  - ix. Situations involving the use of deadly force by department personnel, to include the discharge of firearms in other than lawful sport activity, the destruction of dangerous or injured animals or at an approved firing range.
  - x. Investigations so complex that it would be impractical for supervisory personnel to undertake the task.
  - xi. Any complaint when specifically directed by the Chief of Police.

- d. Maintain a liaison with the Village Attorney and/or District Attorney to assure that the results of internal affairs investigations are adjudicated fairly, impartially and thoroughly.
  - i. All internal investigations that involve allegations of police brutality, corruption, death or serious physical injury, misconduct and civil rights violations must be reviewed by the Wayne County District Attorney's Office.
  - ii. Records will be maintained of all investigations reviewed by the District Attorney.
- e. Maintain internal affairs records and prepare associated reports.
- f. Report on all matters pertaining to internal affairs directly to the Village of Newark Board Police Commissioner

**E. COMPLAINT PROCEDURE:**

1. Any member below the rank of police sergeant who is made aware of any complaint alleging member misconduct will immediately notify his immediate supervisor or in his absence, a higher ranking officer.
2. Supervisors and Investigators are authorized to receive complaints from citizens or members of the department. Complaints about a police sergeant will be received by the Chief of Police.
  - a. Upon receiving a complaint from any member of the Newark Police Department regarding the actions of another member, supervisors or investigators will initiate a report detailing the nature of the complaint and the written directive(s) violated as a result of the other member's action(s).
  - b. Complaints initiated by a person who is not a member of the Newark Police Department will be documented on a "Civilian Complaint Form".
    - i. Every civilian complaint against any member of this department must be recorded on a "Civilian Complaint Form". Even if the nature of the complaint is trivial or is completely unfounded, the complaint must be documented.
3. Any supervisory or investigator who receives a complaint directly or has been summoned to receive a complaint will:
  - a. Receive the complaint courteously without attempt to dissuade any person from lodging their complaint. Complaints will be received regardless of their source (in-person, telephone, letter, anonymous, third-party, etc.).
  - b. If the complaint relates to a policy or a procedural issue, the supervisor or investigator will explain the policy/procedure to the complainant. If, after the explanation is completed, the complainant is satisfied and the matter resolved, the supervisory or investigator will close the complaint. The civilian complainant can fill out the form or request assistance from the officer. Even if the complaint is unfounded, the supervisory or investigator should still have the complainant sign the form.

- c. If the matter is not resolved, or if the complaint relates to other than a policy or procedural issue, the supervisor or investigator will request that the complainant sign the Civilian Complaint Form. He will then immediately initiate, conduct, and document a preliminary internal affairs investigation to include:
    - i. Interviewing the complainant.
    - ii. When appropriate, obtaining as soon as practical an affidavit (preferably in the complainant's own handwriting) containing details of his complaint.
    - iii. Locating available witnesses.
    - iv. Identification of all department members involved.
    - v. Collection of any evidence pertinent to the complaint.
    - vi. Photographs of the scene and the complainant, as appropriate.
    - vii. Securing appropriate medical examination or treatment and obtaining an authorization for release of medical records, when appropriate.
    - viii. Neighborhood canvas.
    - ix. Collection of relevant information such as all reports relating to the incident, officer's log sheets, prior history of the complainant, etc.
  - d. If the complainant will not cooperate with the preliminary investigation, the supervisor or investigator will fully document his attempt to complete the investigation. The supervisor will complete the Civilian Complaint Form if the complainant refuses or is otherwise unavailable.
  - e. Complaints made by intoxicated complainants should be received at the time they are made to the supervisor or investigator. The complainant should be re-interviewed at a later time (e.g. when he/she is sober) and any discrepancies should be noted in the investigation report.
  - f. Arrangements will be made to provide the complainant who signs a Civilian Complaint Form with a copy of the form and his affidavit, upon request.
4. The Chief of Police, will be notified immediately if a member of the department is:
- a. Arrested or charged with a criminal offense.
  - b. Accused or questioned regarding conduct that would constitute a crime.
  - c. Temporarily relieved of duty.
  - d. Involved in an action resulting in physical injury or death to another person.
  - e. Accused of serious misconduct.
  - f. Accused of using excessive force or violating a person's civil rights.

- g. Accused of sexual harassment.
- 5. The supervisor or investigator will notify the Chief of Police immediately if the complaint is of the type specified in IV.D.1(c) of this order.
- 6. Upon completion of the preliminary investigation, the supervisor or investigator will forward the Civilian Complaint Form and any completed documentation through the chain of command to the Chief of Police for recording and processing. If the preliminary investigation is not completed by the end of the tour, a copy of the Civilian Complaint Form and any completed documentation must be forwarded with an indication that further documentation is to follow. The supervisor will retain a copy of the preliminary investigation for follow-up investigation, if appropriate. The original Civilian Complaint Form will be forwarded to the Chief of Police.

**F. INVESTIGATIVE PROCESS:**

- 1. Upon receipt of the Civilian Complaint Form and any other documentation, the Chief of Police will:
  - a. Review the preliminary investigation for completeness.
  - b. Assign a unique internal affairs case number to the investigation and log the information in the internal affairs case files.
  - c. Conduct any of those types of internal affairs investigations specified in IV.D.1(c) of this order.
  - d. If it is determined that responsibility for the complaint rests with the subject member's immediate supervisor, return the complaint to the appropriate supervisory officer for follow-up investigation
  - f. Provide staff control over internal affairs investigations conducted by a subject member's immediate supervisor and monitor their progress to ensure fairness, accuracy and timely completion.
- 2. A supervisor or investigator assigned to conduct an internal affairs follow-up investigation will:
  - a. Conduct the investigation in a fair, accurate and timely manner.
  - b. File investigative status reports to the Chief of Police every seven (7) days until the investigation is concluded.
  - d. Forward the completed follow-up investigation and his findings and recommendations to the Chief of Police for review and recording.
- 3. Internal affairs investigations are sensitive and confidential in nature. No member will discuss or divulge any information concerning an internal affairs investigation to any unauthorized person. Authorized persons are as follows:
  - a. Chief of Police.

- b. Supervisor of the involved officer.
  - c. Assigned investigative personnel.
  - e. Department/Union attorney.
  - f. Privately retained attorney.
  - g. Department/private psychologist.
  - h. Chaplain.
  - i. Subject member's Union representative.
  - j. Physician.
4. Persons conducting internal affairs investigations should interview and depose, when applicable, the subject member. Generally, all facts and evidence will be gathered before the subject member is interviewed and a preliminary decision as to the type of interview/investigation (administrative v. criminal) is made. Prior to being questioned, the subject member will be:
- a. Provided with a written statement of allegations with sufficient information to reasonably apprise him of the misconduct alleged, except when such notification would hinder or compromise the investigation.
  - b. Provided with a copy of his administrative rights if the allegations against the member constitute administrative non-criminal violations of rules, regulations, policies or procedures. During administrative internal investigations, all members must cooperate to the fullest. All members are required to answer truthfully and completely. Failure to cooperate fully or deception or hindering the investigation may result in disciplinary action including dismissal. Compelled statements or the fruits thereof cannot be used against a member in any subsequent criminal action. The admissions obtained from compelled statements can be used to form the basis of administrative disciplinary action.
  - c. Advised of his constitutional rights via the standard "Miranda Warning" utilized by this department when the investigation pertains to alleged criminal activity on the part of the subject member. When the option to remain silent is exercised, the investigator must cease questioning regarding the criminal investigation until the subject member has had opportunity to obtain counsel.
  - d. Entitled to exercise his rights pursuant to the terms of the collective bargaining agreement, if applicable, and §75.2 of the Civil Service Law.
5. Internal affairs investigations may require that a member submit to certain specific examinations. Examples include, but are not limited to, medical, psychological and laboratory examinations, in person line-up with the member participating, photographs of the member, and the disclosure of financial or personal records. The scope of the demand for information, or for submission of person for testing or examination must be directly and

narrowly related to the particular investigation. If the internal affairs investigation pertains to alleged criminal conduct, search warrants or court orders may be necessary before examinations are conducted.

- a. The expressed authorization of the Chief of Police will be obtained prior to requiring a member to submit records, photographs or his person for testing or examinations.
  - i. Examinations ordered by the Chief of Police will be conducted at department expense.
  - ii. A member under investigation may request that examinations be conducted when the member believes such actions would be beneficial to his defense. Such requests will be submitted in writing to the Chief of Police. Authorization for such examinations will be at the discretion of the Chief of Police.
  - iii. Members will be provided with copies of the results of all examinations in which the member participates.
- b. Medical examinations must be performed under the supervision of a licensed physician. These tests may involve the taking of blood, body fluids, removal of body hairs or fingernail clippings and scraping in a manner consistent with the collective bargaining agreement and applicable statutory law.
- c. If necessary, a licensed PH.D psychologist selected by the department will conduct psychological examinations. The Chief of Police may order a psychological examination to be initiated when a member:
  - i. Exhibits behavior that may be indicative of severe emotional disturbance.
  - ii. Receives repeated complaints of a similar nature.
  - iii. Receives complaints that are sustained.
- d. A member may be required to submit to participation in an in-person identification line-up conducted in accordance with the rules of evidence.
- e. Photographs may be taken of the member to show to complainants or witnesses. If photographs are used for identification purposes, they should be shown in accordance with the rules of evidence.
- f. Members may be required to submit financial statements or other personal papers that are specifically and narrowly related to active internal affairs investigations.
- g. Lockers, desks, computers, vehicles, equipment and facilities assigned to department members remain the property of the department. As such, no grant of property right or privacy right is made or implied. Whenever practical, searches of departmentally owned lockers, desks or vehicles will be conducted by a supervisor in the presence of the member, or in the member's absence, a representative of the bargaining unit, if applicable. Members should be notified in writing that such searches have been conducted and provided with an inventory of any items collected.



6. Internal affairs investigations will be completed within thirty (30) days of receipt of the complaint. Any extension beyond the limit must be requested in writing and approved by the Chief of Police. If after thirty days from the time the case was initiated the matter is still pending, the investigating officer will advise the complainant of the case status.

**G. CONCLUSION OF INTERNAL AFFAIRS INVESTIGATIONS:**

1. Upon completion of an internal affairs investigation, the supervisory officer or Chief of Police will prepare a written summary containing:
  - a. An outline of the alleged conduct.
  - b. The findings relative to the alleged actions.
  - c. Specific violations, if any are shown by the evidence.
  - d. Ancillary issues developed during the investigation.
  - e. A conclusion with a recommended finding for each allegation as follows:
    - i. SUSTAINED - Allegation(s) are substantiated.
    - ii. UNFOUNDED - Allegation(s) are false or not factual.
    - iii. EXONERATED - Incident occurred but the member acted lawfully and within department policy.
    - iv. NOT SUSTAINED - Allegation(s) are not substantiated. No sufficient evidence was revealed to substantiate or disprove the allegation.
    - v. MISCONDUCT NOT BASED ON COMPLAINT - Substantiated misconduct that was other than the allegation(s) identified in the original complaint.
    - vi. INCOMPLETE INVESTIGATION - Complainant failed to cooperate with the investigation and there is not enough evidence available to draw a fair conclusion and apply a finding.
  - f. Recommended actions may include, but are not limited to:
    - i. Changes in policy or procedure.
    - ii. Remedial training.
    - iii. Disciplinary action.
2. The supervisor or investigator will forward the investigation, to include documentation, written summary together with the statement of findings and recommendations for action, to the Chief of Police.
3. The Chief of Police will review the investigation and statement of findings and recommendations, and make a final determination for each allegation in the case. The Chief will then serve, or cause to be served, notice of his determination upon the following parties:

- a. Complainant. The degree of specificity of the complainant's notice will be left to the discretion of the Chief of Police. Notification to the complainant need not be in writing.
  - b. Subject member, in writing.
  - c. Subject member's immediate supervisor, in writing.
5. When a complaint is sustained, or a determination of misconduct not based upon complaint is made, the Chief of Police will cause a copy of the determination to be made and placed in the subject member's internal affairs file which details:
- a. Date of incident/report, member's name, case number.
  - b. Nature of complaint.
  - c. Adjudication.
  - d. Disposition.
  - e. Name of investigating officer.

When disciplinary action against a subject member is the result of a sustained finding, a copy of the disciplinary action will be for inclusion in the internal affairs case file.

#### **H. TEMPORARILY REMOVING/SUSPENDING OFFICERS FROM DUTY:**

##### **1. Temporary Relief from Duty**

- a. The Chief of Police has empowered supervisory and command personnel to temporarily relieve a member from duty, with pay, under the following circumstances:
  - i. Intoxication on duty.
  - ii. Being under the influence of controlled drug or narcotic.
  - iii. Apparent mental instability.
  - iv. Illness.
  - v. If the member is deemed a threat to the community, other department members or employees, or to himself.
  - vi. Any situation for which temporary relief from duty would best serve the needs of the community, the department, or the individual.
- b. If a member is temporarily relieved of duty, the On Duty Supervisor will immediately notify the Chief of Police and instruct the relieved member when and where to report to the Chief of Police.

##### **2. Suspension from Duty**

- a. The Chief of Police has the power to suspend a member from duty, with or without pay, in accordance with applicable laws.
- b. The suspension may be executed by a supervisor at the direction of the Chief of Police.
- c. The suspending officer will ensure that the following articles are obtained from the suspended member and placed in an evidence locker with a property receipt forwarded to the Chief of Police:
  - i. Breast badge.
  - ii. Investigator's badge, if possessed.
  - iii. Wallet badge(s), if any.
  - iv. Identification card.
  - v. Chemical weapon(s).
  - vi. Duty weapon.
  - vii. Off duty weapons, if not licensed to carry.
  - viii. All keys to department facilities and vehicles.
  - ix. Other necessary department owned equipment (e.g. vehicle, portable radio, etc.).
- d. The suspending officer will advise the suspended member that for the duration of the suspension he may only enter those areas of the headquarters building that are open to members of the general public.

**I. INTERNAL AFFAIRS RECORDS:**

1. The Internal Affairs Officer will maintain a record of all complaints received and investigated by the police department and will be responsible for maintaining the confidentiality and integrity of case files.
2. Internal affairs records will be maintained in a secure location, independent of personnel files.
3. Access to internal affairs files will be limited to:
  - a. Chief of Police.
  - b. Affected member (closed files, with need to know and permission of the Chief of Police).
4. Internal affairs records will be maintained in accordance with the records retention and disposition schedule established by the New York State Education Department.
5. The Chief of Police will conduct an annual analysis of Use of Force Reports in order to identify patterns or trends that could indicate training needs or policy modifications.

6. Where allegations contained in the complaint are determined to be false and evidence exists of intentional misrepresentation or filing of false statements, the supervisor or investigator may make a recommendation to the Chief of Police to pursue criminal action against the complainant.

*Approved by,*

*Mark A. Thoms*

**Chief of Police**