

# VILLAGE OF GREEN ISLAND



## POLICE REFORM & REINVENTION COLLABORATIVE COMMITTEE



Village Board Approved- 03/15/2021

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## **Introduction**

Following nationwide protests, federal, state and local lawmakers across the country have considered adopting legislation aimed at addressing racial inequalities in policing and modernizing longstanding police strategies, policies and procedures. In June 2020, the Governor of New York signed Executive Order No. 203 (See Attachment A). Local government in the State of New York has been charged with performing a comprehensive review of current police force deployments, strategies, policies, procedures, and practices. The locality is to develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purpose of addressing the particular needs of the community served by its police agency. The purpose of the review is to promote community engagement while fostering trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.

Mayor Ellen McNulty-Ryan and Green Island Police Chief Christopher Parker convened stakeholders in the community to form the Green Island Police Reform and Reinvention Collaborative Committee. At a regular meeting of the Board of Trustees of the Village of Green Island, the Village Board adopted resolution #1-8-17-2020, naming the members of the committee (See Attachment B).

The committee set out to achieve the goals within Executive Order No. 203 and first met in October, 2020. The committee considered evidence based policing strategies, which included, but were not limited to, use of force policies, procedural justice, systemic racial bias, racial justice in policing, de-escalation training, conflict resolution, community based outreach, and crime and violence prevention. The committee also discussed, at length, mental health and policing.

## **Committee**

### **Chief Christopher Parker, Green Island Police Department, *Village of Green Island***

Chief Christopher Parker started his career in law enforcement eighteen years ago in the Village of Altamont and the Town of Coeymans. Chief Parker joined the Green Island Police Department as a patrolman in 2005. He served as an Evidence Technician and was later promoted to Sergeant before leaving to join the Albany County Sheriff's Department. Chief Parker stayed with the Green Island Police Department part-time and became Acting Chief. In 2012 he was appointed Chief of the Green Island Police Department. In January 2010 Chief Parker transferred from the Albany County Sheriff's Department to the Troy Police Department, where he served in the Street Crime Unit and currently serves as a patrol officer. Chief Parker is a General Topics Instructor and teaches numerous classes at the Zone Five Law Enforcement Academy; he is also a certified Fire Arms Instructor. Chief Parker has received many accolades during his tenure in law enforcement, including but not limited to, the NYS Life Saving Award (GIPD), the Guy J. Barringer DWI Award (GIPD), and the Silver Shield Award (TPD).

### **Sgt. Steven Barker, Green Island Police Department, *Village of Green Island***

Sergeant Steven Barker has been serving the Village of Green Island since May 2012. Sergeant Barker was originally hired as a dispatcher and soon thereafter became a Green Island Police Officer. He was promoted to Sergeant within Green Island PD in 2016. Sergeant Barker also serves as a Captain within the Troy Police Department. Sergeant Barker joined the Troy Police Department in July 2009. He served as a Patrolman from 2009 to 2012 and as Evidence Technician from 2012 to 2015. In March of 2015, he was promoted to Sergeant, serving as a Patrol Supervisor and later as a Detective Sergeant. In April of 2019 he was promoted to Captain where he currently serves as the Commanding Officer of their

Homeland Security efforts, Systems and Grant Administration. He is a Field Training Officer and serves as a member of the department's Homeland Security Team and Emotionally Disturbed Persons Response Team. Sergeant Barker is a graduate of Hudson Valley Community College and the University of New Hampshire. He was born and raised in the Capital Region where he now lives with his wife and daughter.

**Officer Carlos Nazario, Green Island Police Department, *Village of Green Island***

Officer Carlos Nazario has been serving the Village of Green Island since July 2017. Officer Nazario joined the Troy Police Department in July 2008. He served as a Patrolman from 2008 to 2016 and as Evidence Technician from 2017 to 2020. In September 2020, he was promoted to Sergeant and presently serves as a Patrol Supervisor. Officer Nazario is a Field Training Officer and serves as a member of the department's Crisis Negotiation Team, Emotionally Disturbed Persons Response Team, and Trauma Resources and Unified Management Assistance Team. Officer Nazario is a graduate of Siena College and the Sage Graduate School. He is a Major in the New York Army National Guard with over 20 years of military service.

**Maggie A. Alix, Executive Assistant to the Mayor, *Village of Green Island***

Maggie Alix started her career with the Village of Green Island as the Director of Parks & Recreation. She later took on the roles of Sole Appointed Assessor and Code Enforcement/Building Inspector. Maggie currently holds the position of Executive Assistant to the Mayor. She is the Treasurer of the Industrial Development Agency and oversees the operations of the Senior Center, the Green Island Food Pantry and Christmas Program. Maggie worked for Albany County as the Director of Real Property Tax Agency and as the Senior Policy Analyst for the Chairman of the Albany County Legislature. Maggie is a 1999 graduate of Heatly School, and a 2003 graduate of Siena College.

**Sgt. Anthony Bryant, *Blackhawk Crew Chief, US Army National Guard.***

Sgt. Anthony Bryant is a 2010 graduate of Heatly School. Shortly after graduating, Sgt. Bryant joined the United States Army National Guard. Sgt. Bryant currently serves as a Black Hawk Crew Chief and was a member of the Military Forces Honor Guard. Sgt. Bryant is pursuing a career as a Black Hawk pilot. He is preparing for warrant officer candidate school, with the hope of attending flight school thereafter. Sgt. Bryant is a Correction Officer at the Albany County Correctional Facility.

**Donald Cicchinelli, Firefighter/EMT, *Village of Green Island***

Don Cicchinelli is a member of the Green Island Fire Department. He became a certified firefighter and EMT in February 2008, and has been working with the department ever since. Don has an interest in personal training and in his spare time works as a general contractor. Don graduated from Heatly School in 2006. He and his wife currently reside, and are raising their family, in Green Island.

**Donna Lazzaro, Retired**

Donna Lazzaro is an active community member. She plays an integral role in serving veterans, service members, and the community, through the American Legion Legnard Curtin Post #927. Donna and her husband raised their family in Green Island. She has participated in, and led, many school activities and fundraisers for her children and grandchildren. Donna is an advocate for meaningful connections within the community.

**Katherine Maloney, CASAC-2, LPN, Program Director of Outpatient Services, Addictions Care Center of Albany**

Kate Maloney is the Program Director of Outpatient Services at the Addictions Care Center of Albany. Kate is a certified Alcoholism and Substance Abuse Counselor, and has years of nursing experience. In addition to her full time role at the Addictions Care Center, Kate has worked with the Village of Green Island Recreation Department and has volunteered her time to coach CYO basketball. Kate is a graduate of Heatly School, Hudson Valley Community College, and Albany Career & Tech School. She is a lifelong resident and currently raises her three children here in Green Island.

**Kyra Oeffler, Student, Sage College of Albany, the Sage Colleges**

Kyra Oeffler is presently a junior at the Sage College of Albany. Kyra received a four year academic scholarship. She is in the 3+ 3 Accelerated Pathway Program into Doctorate in Physical Therapy. Kyra also has an interest in mental health. Kyra has worked for the Village of Green Island Recreation Department and the Lansingburgh Boys & Girls Club. Kyra is active in school and community events and organizations. She is a member of the Sage Women's Basketball Team.

**The Village of Green Island**

Green Island is a unique village rich in history and culture all packed into a square mile. With only about 2,620 residents, Green Island, has an immense impact on its citizens and neighboring communities. It was originally one of two communities in New York State where the incorporated village and town have the same boundaries. It is located just south of where the Mohawk River joins the Hudson River, and at one time a true island separated by water from Troy to the east, Watervliet to the south-west and Cohoes to the north.

Today, the boundaries of the Village of Green Island include the original island, plus two other islands. The original main island is mostly residential with pockets of mixed use commercial property. In addition to owner operated businesses within the village, Green Island's industry is diverse and eclectic. It continues to be a village of economic and cultural prosperity. The larger of the two other islands is Center Island, located to the east of Green Island, and surrounded on all sides by the Hudson River. Sometimes referred to as Starbuck Island, it is the home of the region's newest waterfront luxury living community. The other island, known as McGill Island, is a small unpopulated piece of land north of the Rivers Edge Apartment Complex on Center Island.

According to the Census's 2011-2015 American Community Survey, the Times Union reported that Green Island is the fourth youngest community, just behind the capital region cities; Troy, Albany and Schenectady. The Village has invested in families both young and old. The Mohawk Hudson Bike Trail and the Empire State Trail cross through the village and provide safe passageways for pedestrians and cyclists. The Paine Street Park has state of the art playground equipment, a sprinkler pad and basketball courts. The park is gated and staffed from spring until fall to increase the safety of all patrons. The summer concert series is hosted in the River Park. The Veterans Memorial Stadium and Green Island Little League have been an active hot spots since the early 1970s. The Green Island Community Center is home to the Green Island Senior Citizens. The Green Island Senior Citizens host recreational activities and have a congregate meal program that is modeled throughout the county.

The American Community Survey also indicated in 2019 that 90.3% of Green Island’s population has attained an education; a high school degree or higher. Education has always been a top priority to the citizens of Green Island. The Green Island Union Free School District is better known as Heatly School. The School is named after James Heatly, who was the Superintendent of School from 1880 to 1924. Heatly School is the only school in the Green Island School District. Heatly was renovated in the 1950s and an addition, including a new gymnasium, laboratories, additional classrooms and other renovations were built beginning in 2006. Heatly’s mission is, “every child will graduate prepared for college, career and citizenship.” Heatly School currently serves 261 students in grades K-12. The average class size is 18.57.

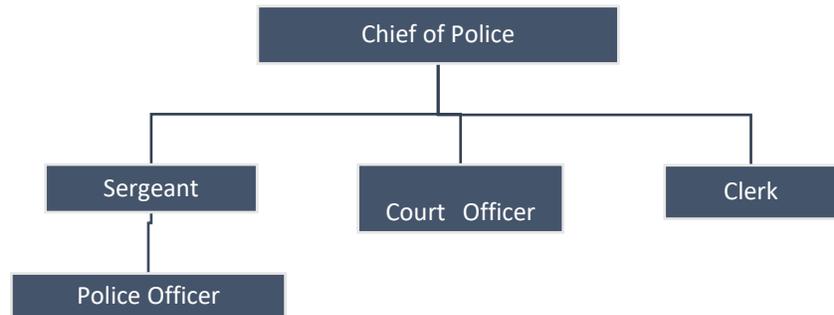
## Green Island Police Department

Before the members of the Village of Green Island Police Reform and Reinvention Collaborative Committee can undertake police reform and reinvention initiatives, there must be a fundamental understanding of how the Green Island Police Department (GIPD) is organized, trained, equipped, and funded.

The following information is presented in a manner to give the community a shared understanding of GIPD’s organization, functions, and capabilities within staffing and fiscal limitations to ultimately determine what police functions the GIPD should perform.

It is the mission of the Green Island Police Department to provide exceptional service to the community, while upholding the laws of the State of New York, as well as, the United States Constitution. This mission can only be accomplished through a partnership with our citizens based on transparency, integrity, respect and trust. By maintaining this positive relationship together we will reduce crime, cultivate preventative techniques and enhance the quality of life for all residents and visitors of the Village of Green Island.

The department is led by the Chief of Police. In addition to the Chief of Police, the department is comprised of four (4) Sergeants, nineteen (19) police officers, and a court officer. The department had a civilian clerk but the position was suspended in March, 2020,



due to the Covid-19 pandemic. The Albany County Sheriff’s Department hosts the centralized dispatching services.

The department runs three shifts over a 24hr period.

- A Line  
 2330 – 0730
- B Line  
 0730 – 1530
- C Line  
 1530 – 2330



### **Staffing - Schedule**

24 – Hours / 7 –days a week, including holidays

The base schedule does not include time allocated for in-service and external training events, investigations, traffic enforcement details, court appearances, court security, special events, and other details as ordered by the Chief of Police or his/her designee.

The part time staffing represents nine (9) law enforcement and state agencies from throughout the capital region. The men and women of the department have three hundred and twenty five (325) years of combined law enforcement experience, which is an average of thirteen (13) years per officer. Some members of the department serve in supervisory and leadership positions for another agency. These officers are highly experienced and trained; a benefit of having a part-time department. Currently serving within the department are two (2) Chiefs/Under Sheriff, two (2) Command Staff Officers, seven (7) Sergeants, seven (7) Evidence Technicians, two (2) Detectives/Investigators, two (2) K9 officers, and one (1) Accident Investigator.

A majority of the officers are employed full time by another law enforcement agency. In most instances, the fulltime agency provides base training and continuous in-service training. The GIPD does provide annual in-service training, in addition to the Village of Green Island's required employee annual training; workplace violence, sexual harassment, and ethics. Officers partake in numerous annual trainings, included but not limited to the New York State Penal Law Article 35 review, and pistol, patrol rifle and TASER qualifications. Officers are also eligible and encouraged to take additional offerings sponsored by the New York State Division of Criminal Justice Services and other external law enforcement agencies.

Duties and responsibilities are shared amongst the Sergeants and officers. The Sergeants typically handle the administrative tasks; such as managing traffic safety grants and the law enforcement database, reviewing reports, the annual in-service training, and communications. The officers are charged with field training, patrol vehicle and station maintenance, and inventory.

The department is equipped with three (3) patrol SUVs. The department issues a uniform, vest and pistol to every officer; those certified also carry a TASER. The department also has crowd management equipment, which includes non-ballistic helmets with face shields, non-ballistic shields and wood batons.



The department has one police station, which is centrally located on the Village's main thoroughfare, George Street. The Village recently updated the building's exterior lighting. An emergency call box and video cameras have been installed both outside the building and in the lobby. The lobby, interview room and booking room are equipped with video cameras with audio. The evidence storage room is equipped with video cameras. The department also has a report writing room, dispatch/radio room, the Chief's office, two bathrooms and a male and female locker room. The department does employ three (3) female officers. Police records are kept in a designated records room.

The 2020-2021 fiscal budget is \$570,777, approximately 95% of that is spent on salaries and fringe. Contractual and miscellaneous expenses make up the remaining budget. There is minimal discretionary allowances outside the basic expenditures. The department relies on mutual aid and the support of the Albany County Sheriff's Department, as needed.

## Public Input

The committee held a public input session on Thursday, January 28, 2021. There were approximately thirty (30) participants. The public had ample opportunities to submit questions prior to the meeting, and could pre-register to share their thoughts during the meeting. Participants could also share input during the meeting's question and answer period. The committee received four (4) questions in advance of the meeting. No one pre-registered to speak during the meeting and one participant asked for clarification during the meeting.

The moderator started the meeting off by explaining the purpose of the meeting. The committee was introduced to the public and the police department gave a brief presentation to the public. The presentation provided the public with an understanding of the inner workings of the department. The committee then encouraged the public to provide input with regard to the department's policing procedures, policies and strategies.

The questions asked in advance of the meeting were not related to social injustice or police reform but the committee felt it was important to share the questions and provided answers. The questions received were:

1. Why is the park always locked?
2. Why can't a community garden be put in the park?
3. Why do the police not enforce the noise ordinance after 10:00pm?
4. What is being done about the children riding bikes in the middle of the road?

One participant asked the following question for clarification:

1. Are 19 officers working?

The Committee released the final report to the public for review on March 1, 2021. The report was made available on the Village website. Residents could also request a copy by calling the Village Office during regular business hours. The report was noticed on the Village website and through social media channels. The public had ample opportunities to submit questions prior to the noticed meeting, and could pre-register to share their thoughts during the meeting.

The second public input meeting was held on Thursday, March 11, 2021. The meeting was livestreamed to the Village's YouTube channel. The meeting will be archived and is available for viewing at any time. The committee received one question prior to the public input meeting:

1. Some of the officers are K9 officers. Should K9 force be added to the department's Use of Force policy?

The public meetings were noticed in the Village newsletter. The Village newsletter is received by all Green Island Power Authority customers. The meetings were also noticed using the Village alert system, on the Village website and through social media channels.

## **Committee Comments & Recommendations**

### **Recruitment**

Having a part-time department has its advantages, the Village can capitalize on highly trained and experienced officers; however, there are challenges related to recruitment. The department must seek sworn law enforcement officers to fill vacancies. The process for hiring is as follows: Those interested in a part-time position complete a civil service application. The applications are reviewed by the Chief of Police or his/her designee. The Chief of Police, or his/her designee, will assess the applicant's skills and experiences as they relate to the position. The Chief of Police, or his/her designee, conducts an initial interview. A second interview is held with the Chief of Police and the Mayor of Green Island. The Mayor of Green Island and the Chief of Police determine whether or not the candidate should be hired.

The Committee suggests the following:

- Post vacancies on the Village website, the Green Island Police Department's social media page, and in the Village newsletter. In an effort to expand the pool of candidates past neighboring agencies, consider using the Zone 5 Training Academy to disseminate the job opening through a list serve for trained officers.
- Create a creative equal employment opportunity statement that confirms the department's commitment to equal opportunity and diversity.
- Consider including an impartial person(s), in addition to, a member of the Public Safety committee in the interview process.

### **Use of Force/De-escalation**

The officers use de-escalation tactics and techniques when possible to avoid physical confrontations, minimizing the need to use force. The chokehold is not taught in Green Island. The use of a chokehold is limited and only used as authorized by New York State Standards. It could be prescribed only where instances of deadly physical force are authorized.

The committee recommends the following:

- Implement the use of body cameras as a tool to hold officers accountable and make the department more transparent. This act could build trust within the community, aid in collecting evidence and be used to help define the actions of a particular incident.
- Posting the use of force policy on the website (See Attachment C). Having the opportunity to review the policy, allows a person to understand the varying degrees of physical force.

### **Mental Health**

The police have become frontline professionals who manage persons with mental illness when they are in crisis. There is a need for police officers to have continuous training in recognizing mental illness and knowing how to access mental health resources. Collaboration between the law enforcement and mental health systems is crucial. The expectations for handling mental health and substance abuse crisis calls is constantly evolving; however the training does not correlate. If there is an instance involving a person(s) with mental health issues the officer can utilize the Albany County Mobile Crisis Team. The Albany County Mobile Crisis Team serves as a resource for officers on scene. The team of

specially trained social workers are on duty 24hrs/day, 7days/week; however, there is only one team on duty for the entire county at a time.

The committee recommends the following:

- Continue using the Albany County Mobile Crisis Team as needed.
- Reach out to the coordinator of the Albany County Mobile Crisis Team for training. The training could be provided to supervisory staff and disseminated within the department.
- Send officers to be trained by the Albany County Crisis Intervention Team. The Albany County Crisis Intervention program provides officers with 40 hours of specialized instruction on topics that relate to mental illness identification and the best practices when interacting with someone in crisis.
- Include a component of mental health and policing in the annual in-service training requirement.

## **Misconduct**

The officers in Green Island perform a difficult job with respect for the community and in compliance with the law. Even so, there is always a chance that an incident can occur that goes against respect and compliance with the law.

The committee recommends the following:

- Adopt a policy to establish procedures for the proper receiving, reporting, and investigating of all complaints and allegations of misconduct by the department or its employees. (See Attachment D (in draft form)).
- Create a civilian complaint form. The civilian complaint should be made available on the webpage and at the Green Island Police Department. (See Attachment E (in draft form)).

## **Fostering Relationships**

Strong relationships of mutual trust between police agencies and the communities they serve are critical to maintaining public safety and effective policing. Community members' willingness to trust the police depends on whether they believe that police actions reflect community values and incorporate the principles of procedural justice and legitimacy.

The committee recommends the following:

- Reinststate/Rebrand the Police Activities League (PAL). PAL worked collectively with the Village of Green Island Recreation Department for several years but has since dissolved. Having a police presence at community and youth events will aid in fostering respect amongst the youth.
- Designate an officer to patrol the park during the spring/summer season. The Village designated an officer to the park (one year) during the evening hours and there was a significant decrease in complaints and incidents. The officer assigned to the park got to know Green Island's children and families and the children and families got to know the officer. These types of relationship foster trust.
- There is a perception that street patrols have decreased as senior members of the department have retired or moved on. Visible street patrols are important to the residents of Green Island. It provides a sense of security. The department must continue to encourage officers to patrol each street (when time allows) while on duty.
- Continue partnering with community organizations and the school district.

- Although it has been several years since the department collaborated with Albany County for dispatching services, residents are still hesitant to call 911 for emergencies and non-emergencies. Despite the department and the Village's best efforts residents still rely on Village employees and social media to share information. The department and the Village must continue to promote calling 911, See Something Say Something.

## **Communications**

Increasing openness, and public participation are important elements when addressing public issues. Understanding the department's policies may allow a person to have a better understanding of how and why things are done the way that they are.

The committee recommends the following:

- Create a webpage for the Police Reform and Reinvention Collaborative Committee.
- Include the department's standard operating procedures on the webpage.
- Provide an avenue for the public to offer input and ask questions after the report is finalized.
  - The public will have the ability to ask questions and offer input on an on-going basis. The communications will be reviewed on a regular basis. Anonymous input will be accepted, however, only those that identify themselves will receive a response.

## **Conclusion**

The Green Island Police Reform and Reinvention Committee has reviewed and evaluated the department's current policies and procedures. There is a mutual understanding that policing is a partnership with the community. It requires a foundation of positive, trust-based relationships with all segments of the population. Community participation is a critical part of maintaining public safety. Thankfully the Green Island Police Department does not face many of the challenges that other departments throughout New York State face. The Committee has recommended realistic and attainable policies and procedures that will allow the police to effectively and safely perform their duties while protecting the needs of the community. The Committee commends the department for taking a proactive role in community policing. The Committee will remain a resource to the department and the community. The committee will continue to foster a strong relationship between the police and the community and will assist in future collaborative efforts.



# State of New York

## Executive Chamber

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 Beez, 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 completed 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.



GIVEN 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

A handwritten signature in black ink, appearing to be "Ms. C.", written over a horizontal line.

Secretary to the Governor

A handwritten signature in black ink, appearing to be "Andrew M. Cuomo", written over a horizontal line.

#1-8-17-2020

At a regular meeting of the Board of Trustees of the Village of Green Island, Green Island, New York, held on Monday, August 17, 2020, the following resolution was offered by Trustee Files seconded by Trustee Jones and carried.

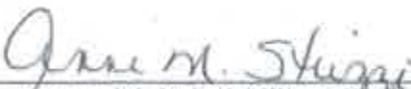
WHEREAS, in accordance with Governor Andrew Cuomo's Executive Order No. 203 issued on June 12, 2020 entitled the New York State Police Reform and Reinvention Collaborative, and

WHEREAS, the Executive Order requires every local government having a police department to conduct a comprehensive review of department force deployments, strategies, policies, procedures and practices and to develop a plan to improve and update policies, practices and procedures to address the particular needs of the community,

BE IT RESOLVED, that the Village Board of Trustees of the Village of Green Island hereby names the following members of the Police Reform and Reinvention Collaborative Committee:

Green Island Police Chief Christopher Parker  
Green Island Police Sgt. Steven Barker  
Green Island Police Officer Carlos Nazario  
Maggie Alix, 65 High Street, Green Island, NY  
Green Island Firefighter Don Cicchinelli, 40 Hudson Avenue, Green Island, NY  
Sgt. E-5 Anthony Bryant, 27 West Street, Green Island, NY  
Donna Lazzaro, 17 Hudson Avenue, Green Island, NY  
Katherine Maloney, 100 George Street, Green Island, NY  
Kyra Oeffler, 181 Paine Street, Green Island, NY

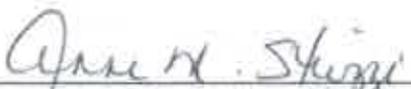
Dated: August 17, 2020

  
\_\_\_\_\_  
Anne M. Strizzi, Village Clerk

STATE OF NEW YORK                    )  
COUNTY OF ALBANY                ) SS.:  
VILLAGE OF GREEN ISLAND        )

I, Anne M. Strizzi, Village Clerk of the Village of Green Island do hereby certify that Resolution #1-8-17-20 – Resolution naming the Police Reform and Reinvention Collaborative is a true copy of the original Resolution on file in my office as Village Clerk.

DATED: August 21, 2020

  
\_\_\_\_\_  
Anne M. Strizzi, Village Clerk



Attachment C

	<b><u>Green Island Police Department</u></b>		
	<b><u>Order Number</u></b> <b>1-04</b>	<b><u>Title</u></b> <b><i>Use of Physical Force</i></b>	
	<b><u>Effective Date</u></b> 03/01/2020	<b><u>Last Revised</u></b> 03/01/2020	<b><u>Rescinds:</u></b> N/A
	<b><i>Issued by Chief Christopher Parker</i></b>		

**NYS ACCREDITATION STANDARD NUMBER & TITLE:**

**I. Purpose**

The Green Island Police Department is committed to the sanctity and preservation of life, human rights, and the dignity of all persons regardless of race, color, creed, or sexual orientation. As such, it is recognized that the application of varying degrees of physical force may at times be necessary to fulfill this mission. The purpose of this policy is to provide all sworn department employees with a clear and consistent policy on the use of physical force.

**II. Policy**

Police officers may use only a reasonable level of physical force that is necessary to perform their duties within the limits established by Article 35 of the New York State Penal Law and consistent with the training provided by the Green Island Police Department & State of New York. It is the responsibility of each officer to be aware of the provisions established under Article 35 of the New York State Penal Law, and utilize said provisions in that law in conjunction with department policy and training to guide their actions.

Furthermore, any use of force by law enforcement officers must be consistent with the standard established by the United States Supreme Court in *Graham v. Connor* 490 U.S. 386 (1989), which held that in order for an officers use of force to be deemed objectively reasonable, that officer must consider: the severity of the crime at issue; whether the suspect poses an immediate threat to the safety of the officer(s) or others; and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. Accordingly, Officers shall employ only that level of force that is objectively reasonable and necessary to achieve their lawful objectives.

Since no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer is entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this

policy requires an officer to actually sustain or unreasonably risk physical injury before applying reasonable force to accomplish a legitimate law enforcement objective, and/or prevent injury to a member of the public or officer.

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. Any Officer who observes another Officer use force that exceeds the degree of force as described herein should promptly report these observations to a supervisor.

Failure to adhere to the guidelines set forth herein, and consistent with agency disciplinary protocol and the applicable collective bargaining agreement, may result in disciplinary action.

### **III. Definitions**

- A. **Reasonable Cause to Believe that a person has committed an offense:** Reasonable cause to believe that a person has committed an offense exists when evidence or information which appears reliable discloses facts or circumstances which are collectively of such weight and persuasiveness as to convince a person of ordinary intelligence, judgment and experience that it is reasonably likely that such offense was committed and that such person committed it. Except as otherwise provided in this chapter, such apparently reliable evidence may include or consist of hearsay.<sup>1</sup>
- B. **Physical Injury:** Impairment of physical condition or substantial pain.<sup>2</sup>
- C. **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>3</sup>
- D. **Physical Force:** Physical presence, action, or exercise of strength to compel another to act or refrain from certain behavior; force which does not amount to deadly physical force.
- E. **Deadly Force:** Force which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.<sup>4</sup>
- F. **Less Lethal Weapons:** Weapons, devices, and munitions, that are explicitly designed and primarily employed to incapacitate targeted personnel or material immediately, while minimizing fatalities, permanent injury to personnel, and undesired damage to property in the target area or environment. Less lethal weapons are intended to have reversible effects on personnel or material.

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<sup>1</sup> NYS Criminal Procedure Law §70.10(2)

<sup>2</sup> NYS Penal Law §10 (9) (McKinney 2013)

<sup>3</sup> NYS Penal Law §10 (10) (McKinney 2013)

<sup>4</sup> NYS Penal Law §10 (11) (McKinney 2013)

- G. **Imminent:** The determination of whether a particular threat or danger in “imminent” is based on an assessment of all of the circumstances known to the Officer at the time. “Imminent” does not necessarily mean “Immediate” or “instantaneous”.
- H. **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 the force was used.<sup>5</sup>
- I. **Excessive Force:** A use of force greater than that which a reasonable officer would use under the circumstances. A type or degree of force that is neither reasonable nor necessary, or utilizing any degree of force as summary punishment or vengeance.

#### IV. Procedure

##### A. GENERAL GUIDELINES

1. Officers shall use only the force necessary to overcome resistance; force must be reasonable in intensity, duration, and magnitude.
2. Factors that may be used to determine the reasonableness of force include, but are not limited to:
  - a. The severity of the crime or circumstance;
  - b. The level and immediacy of threat or resistance posed by the suspect;
  - c. The potential for injury to citizens, Officers, and suspects;<sup>6</sup>
  - d. The risk or attempt of the suspect to escape;<sup>7</sup>
  - e. The knowledge, training, and experience of the Officer;<sup>8</sup>
  - f. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of Officers or subjects;<sup>9</sup>
  - g. Other environmental conditions or exigent circumstances.<sup>10</sup>

If possible, situations are best resolved by effective communication skills.

Officers should be aware of threat indicators given by the subject and take additional precautions when the subject expresses bellicose statements. Officers should also be aware of telegraphing threat indicators to the subject, examples of such are requesting additional Officers to the scene, or asking another officer to make ready a Taser.

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<sup>5</sup> Graham v Connor, 490 U.S. 396 (1989)

<sup>6</sup> Scott v. Harris, 550 U.S. 372 (2007)

<sup>7</sup> Graham, 490 U.S. at 396 (1989)

<sup>8</sup> Analyses of cases under the 4th 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>9</sup> Sharrar v. Felsing, 128 F. 3d 810 (3<sup>rd</sup> Cir. 1997)

<sup>10</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)

3. Generally, officers are authorized to use force in the following situations:
  1. To protect themselves or another person from physical harm
  2. To effect a lawful arrest or detention
  3. To restrain or subdue an uncooperative or resistant person
  4. To safely and effectively control an unlawful or hazardous situation
  5. To prevent the escape of a person in custody
  6. To effect other lawful objectives
  
4. *De-escalation*: Policing requires that at times an Officer must exercise control of a violent or resisting subject to effect an arrest, or to protect an Officer or others, from risk of imminent harm. Clearly, not every potential violent confrontation can be de-escalated, but Officers do have the ability to impact the direction and the outcome of many situations they handle based on their decision-making and the tactics they choose to employ.

When reasonable under the totality of the circumstances, Officers should gather information about the incident, assess the risks, assemble resources, attempt to slow momentum, and communicate and coordinate a response. In their interaction with the subjects, Officers should use advisements, warnings, verbal persuasion, and other tactics and alternatives to higher levels of force. Officers should recognize that they may withdraw to a position that is tactically more secure or allows them greater distance in order to consider or deploy a greater variety of force options<sup>11</sup> when withdrawal does not increase the risk of innocent persons or themselves.

5. *Safety Priorities*: Factors that influence the decision-making process in a critical incident where lives are in the balance, shall be based on the totality of the circumstances known to Law Enforcement at that time, and the safety priorities model:
  - 1) Hostage(s)
  - 2) Innocent civilians
  - 3) Police Officers
  - 4) Suspect

No person's life is intrinsically more valuable than another; the Green Island Police Department holds all life in the highest regard.

Any prioritization of the efforts of Law Enforcement to effectively resolve a critical incident should be based primarily on the person's ability to remove themselves from the dire situation they may be in. Suspects have the most ability to remove themselves or affect the outcome of the situation through surrender. Conversely, a hostage will have the highest priority, based not on any valuation of their life, but rather based on the fact that they are in the most peril with the least amount of control. When

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<sup>11</sup> Cops.usdoj.gov "Use of Force" PDF, §VIII (retrieved 2019-07-10)

contemplating an action, Officers must evaluate who would benefit or suffer the most.<sup>12</sup>

6. Use of restraining devices is mandatory on all prisoners unless in the officer's judgment unusual circumstances exist that make the use of restraining devices impossible or unnecessary (elderly, handicapped, etc.). The mere placing of handcuffs on a prisoner will not be construed to be a use of physical force. However, when the handcuffs become an appliance to exert force necessary to further subdue a prisoner or where the suspect physically resists the application of handcuffs, a use of physical force has occurred and the necessary reports must be completed.

## **B. LEVELS OF RESISTANCE**

It is important for Officers to bear in mind that there are many reasons a suspect may be resisting arrest or may be unresponsive. The person in question may not be capable of understanding the gravity of the situation. Officers must consider several factors when dealing with a non-compliant subject. A subject may be non-compliant due to a medical condition, mental, physical, or hearing impairment, language barrier, drug interaction or emotional crisis, and have no criminal intent. This may not make the subject any less dangerous, but it may require a change in tactics that will be more effective while maintaining Officer Safety.<sup>13</sup>

1. *Compliant*- A person contacted by an Officer who acknowledges direction or lawful orders given and offers no passive/active, aggressive, aggravated aggressive resistance.
2. *Passive Resistance*- The subject is not complying with Officers commands, and is uncooperative, but is taking only minimal physical action to prevent an Officer from placing the subject in custody and taking control. Examples include: standing stationary and not moving upon lawful direction, falling limply and refusing to use their own power to move (becoming "dead weight"), holding onto a fixed object, or locking arms with another during a protest or demonstration.
3. *Active Resistance*- The subjects' verbal or physical actions are intended to prevent an Officer from placing the subject into custody and taking control, but are not directed at harming the officer. Examples include: walking or running away, breaking the Officers grip.
4. *Aggressive Resistance*- The subject displays intent to harm the Officer, themselves or another person and prevent an Officer from placing the subject into custody and taking control. The aggression may manifest itself through a subject taking a fighting stance, punching, kicking, striking, attacks with weapons or other actions which present an imminent threat of physical harm to the Officer or another.
5. *Aggravated Aggressive Resistance*- The subjects actions are likely to result in serious bodily harm to the Officer, themselves, or another. These actions may include a firearm, use of blunt or bladed weapon, and extreme physical force.

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<sup>12</sup> National Tactical Officers Association Tactical Response and Operations Standard for Law Enforcement Agencies §2.3.3 (published April, 2018)

<sup>13</sup> Cops.usdoj.gov "Use of Force" PDF, §V (retrieved 2019-07-10)

## **C. LEVELS OF FORCE**

The subject(s) actions will dictate the Officers use of force. Force transition is the shift, escalation/de-escalation from the application from one force type to another in conjunction with the ‘objective reasonableness’ standard described in section 3, H herein.

In use of force incidents, the Officer will transition to differing degrees or types of force, including attempts to de-escalate. Force situations are dynamic and require an Officer to continually assess the subjects’ actions to ensure a proportionate response. Officers shall modify their level of control in relation to the amount of resistance offered by a subject.<sup>14</sup> The Officer need not progress through each level of force before reaching the final level of force.

### **1. PRESENCE**

- a. The mere presence of an Officer, whether uniformed or not, is considered the best method for deterring a crime or diffusing a situation. Presence may be accomplished by, but is not limited to: Professional and non-threatening disposition of Officer(s), marked patrol vehicle(s), etc.

### **2. VERBAL PERSUASION**

- a. The practice of courtesy in all public contacts encourages understanding and cooperation. Lack of courtesy arouses resentment and often physical resistance.
- b. Simple directions that are complied with while you accompany the subject are by far the most desirable method of dealing with an arrest situation. Control may be obtained through advice, persuasion, and warnings before resorting to physical force.
- c. The above should not be construed to suggest that officers relax and lose control of a situation, thus endangering their personal safety or the safety of others. Officers may increase their volume and shorten commands in an attempt to gain compliance. Short commands may include “Stop” or “Don’t Move”.

### **3. EMPTY-HAND CONTROL**

- a. Frequently, subjects are reluctant to be taken into custody and offer some degree of physical resistance. Under circumstances when the subject offers passive or active resistance, an Officer may overcome this resistance through physical strength and skill in defensive tactics.
  - i. *Soft Technique*- Officers use grabs, holds, and joint locks to restrain an individual.
  - ii. *Hard Technique*- Officers use punches and kicks to restrain an individual

### **4. LESS-LETHAL WEAPONS**

- a. *Impact Weapons*: Officers who encounter a subject(s) who is displaying active resistance and/or aggressive resistance, less-lethal weapons may be utilized.
  - i. The expandable baton and wooden baton are authorized for use by members of the department.
    1. Officers will make every effort to use their primary department issued or approved impact weapon. In the event that the officer’s primary impact weapon has been lost as a result of that

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<sup>14</sup> Cops.usdoj.gov “Use of Force” PDF, §VII (retrieved 2019-07-10)

confrontation, broken or taken away, the officer may be justified in using an alternative impact weapon (flashlight, radio or any other impact weapon not issued or approved specifically as a defensive weapon as a means of force). An alternative impact weapon should only be used when no other reasonable alternative is present.

2. If an alternative impact weapon is used, it will be used in a manner consistent with the training given for department issued or approved impact weapons.

- b. *Chemical Agents*: The department issued chemical agents and pepper spray (OC) may be used in accordance with general orders.
- c. *Conducted Energy Devices (CEDs)*: The department issued Taser may be used in accordance with General Orders.

## 5. DEADLY FORCE

a. An Officer may use deadly force upon another person when it is objectively reasonable to:

- i. Protect him/her self or others from what is reasonably believed to be imminent threat of death or serious physical injury;
- ii. Prevent the escape of a fleeing felon who the Officer has probable cause to believe has committed a violent felony crime and is an imminent threat to human life should escape occur. Officers shall give verbal warning, if feasible, prior to the use of deadly force.
- iii. When feasible, some warning should be given prior to the use of deadly physical force unless that warning increases the jeopardy of the Officer or another.

b. Elements of Deadly Force:

- i. *Capability*- When a person has the means or capability to cause serious physical injury or death to an Officer or another.
- ii. *Opportunity*- When a person is in a position to effectively resist an Officer's control, or to use force or violence upon the Officer or another. Examples which affect opportunity include, but are not limited to: relative distance to the Officer or others, and physical barriers between the subject and the Officers.
- iii. *Intent*- Based on all of the facts and circumstances confronting the Officer, the Officer reasonably believes that the subject poses imminent threat of serious physical injury to the Officer or another

c. Deadly Force can also result from a force option being improperly applied.<sup>15</sup>

d. Deadly Force is not limited to the use of firearms. When reasonable and necessary, examples of alternative methods are, but are not limited to: Baton (strikes to the head, neck, sternum, spine, groin, or kidneys), vehicle ramming, less-lethal munitions when the stand-off distance from Officer to subject is closer than recommended and/or impact is directed toward the vital areas of the subject's body.<sup>16</sup>

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<sup>15</sup> Cops.usdoj.gov "Use of Force" PDF, §VI(C) (retrieved 2019-07-10)

<sup>16</sup> Cops.usdoj.gov "Use of Force" PDF, §VI(C) (retrieved 2019-07-10)

- e. Deadly force should be used as a last resort option when all other lesser alternatives have been considered and/or exhausted (when feasible) prior to the use of deadly force- to include disengagement.
- f. Officers are justified in using firearms to destroy an animal for self-defense, to prevent substantial harm to the officer or another, or when the animal is so badly injured it must be humanely euthanized. Any discharge of a firearm to destroy an animal required completion of an incident report.

## **6. PROHIBITED USES OF FORCE**

- a. Warning shots are prohibited under any circumstances.
- b. Discharging a firearm at a moving vehicle is prohibited unless the officer reasonably believes the occupants of the vehicle are using, or are about to use deadly physical force against the Officer or another person, and other options are not immediately available.

Officers should avoid positioning themselves in a tactically inferior location when working near a motor vehicle and the potential for harm exists, and should note that a motor vehicle presents a formidable shield against most firearms, and if the officer disables the operator the vehicle can be expected to continue uncontrolled thereby creating a hazard to officers and the public.

- c. Officers are prohibited from discharging firearms when it appears likely that an innocent person may be injured.
- d. Force shall not be used by an Officer for the following reasons:
  - i. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;<sup>17</sup>
  - ii. To coerce a confession from a subject in custody<sup>18</sup>
  - iii. 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;<sup>19</sup>
  - iv. 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.<sup>20</sup>
- e. Only issued or approved equipment will be carried on duty and used when applying physical force, except in emergencies when an officer may use any resource at their disposal. The carrying or use of any instrument as a weapon not specifically authorized or issued by the Green Island Police Department is prohibited. Examples of unauthorized weapons include, but are not limited to, the following:

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<sup>17</sup> Municipal Police Training Council “Use of Force Model Policy”, §VIII, A(1), June 2019

<sup>18</sup> Municipal Police Training Council “Use of Force Model Policy”, §VIII, A(2), June 2019

<sup>19</sup> Municipal Police Training Council “Use of Force Model Policy”, §VIII, A(3), June 2019

<sup>20</sup> Municipal Police Training Council “Use of Force Model Policy”, §VIII, A(4), June 2019

- a. Blackjack
- b. Weighted Gloves
- c. Stun guns
- d. Brass Knuckles
- e. Steel toe shoes or boots

## **7. AFTER CARE**

- a. When physical force is used, and when it is safe to do so, the officer shall evaluate the need for medical attention/treatment for that person upon whom the physical force was used as soon as is feasible and without unnecessary delay.

Depending on the seriousness of the resulting injuries to either the Officer or subject, Emergency Medical Services shall be summoned to the scene, or may be summoned to the police station once the Officer and/or subject are in the secured confines of the station. Officers shall exercise prudent discretion regarding the need for medical services.

- b. When an Officer has used force, Emergency Medical Services shall be requested when:
  - i. There is visible injury
  - ii. The person complains of injury or discomfort
  - iii. The person is in custody, and the Officer reasonably believes that medical attention is needed, even if the subject refuses medical attention
- c. In the case of a person in custody refuses medical attention from Green Island Fire Department medical personnel, Officers shall note such refusal and the Green Island Fire Department's Master Incident Number on the subject's arrest report.
- d. Injuries sustained to a person in custody prior to police contact, or sustained as the result of some reason other than the use of force, shall be documented on the subject's arrest sheet. Medical attention shall be provided to said subject when a reasonable and prudent Officer would believe such injuries require it.
- e. In all cases wherein any person sustains an injury during an arrest, a supervisor shall immediately be notified.
- f. In most cases, injuries should be photographed, whether visible or not.

## **8. REPORTING**

- a. Any officer using physical force in the performance of duty shall report, or cause to be reported, all facts about the incident on a report. In the event of injury to the officer that prevents his or her completion of this report, a supervisor shall be responsible for preparing this report.
- b. The display or use of the expandable baton, wooden baton, Taser, chemical agent, pepper ball, pepper spray (OC) or department authorized firearm is considered a use of force and all necessary reports must be completed.
- c. The arresting officer shall attempt to locate and identify any witnesses and document their statements.

- d. The arresting officer shall prepare and submit reports required by current directives.

## **V. Supervision**

### **A. RESPONSIBILITIES**

1. Records Supervisor
  - a. The records supervisor will review all reports for approval.
  - b. Once approved, the information will be inputted into the DCJS data collection mechanism.
2. Chief of Police
  - a. The Chief of Police will review all uses of force by department members to verify alignment with this policy.

## **VI. Training**

1. All sworn members of the Green Island Police Department shall receive the training and demonstrate their understanding on the proper application of force.
2. Training topics will include use of force, conflict prevention, conflict resolution and negotiation, and de-escalation techniques and strategies including, but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.<sup>21</sup>
3. 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>21</sup> EXC §840(4)(d)(2)(vii)

Attachment D

	<b>Green Island Police Department</b>		
	<u>Order Number</u> <i>TBD</i>	<b>Civilian Complaint Procedure</b> <b>DRAFT</b>	
	<u>Effective Date</u> <i>TBD</i>	<u>Last Revised</u> <i>Draft 2/26/2021</i>	<u>Rescinds:</u> <i>TBD</i>
	<i>Issued by TBD</i>		

**I. Purpose**

To establish procedures for reporting, receiving, and investigating complaints of misconduct by members and/or employees of Green Island Police Department.

**II. Policy**

It is the policy of the Green Island Police Department to promptly, competently, professionally, and impartially investigate any allegation or complaint of misconduct by members or employees of Green Island Police Department.

**III. Definitions**

- a. Complaint: A statement that a situation is unsatisfactory or unacceptable.
- b. Complainant: A person that files a complaint.
- c. Corroborate: To confirm or support a statement, theory, or finding.
- d. Finding: The result of the investigation of a complaint.
- e. Member: A sworn police officer employed by the Green Island Police Department as defined under Article 1 of the New York State Criminal Procedure Law.
- f. Employee: A civilian employed by the Green Island Police Department performing administrative support duties.

**IV. Procedure**

**Complaint Procedure:**

- 1. The department recognizes that its Police Officers are often subject to intense pressures in the discharge of their duties. Police Officers must remain neutral under circumstances that are likely to generate tension, excitement, and emotion. In such situations, words, actions, or events frequently result in misunderstandings or confusion.

2. To a degree, the public image of the department is determined by the professional response to allegations of misconduct by members or employees of the department. Therefore, the department shall be responsible for the following:
  - a. Promptly, competently, professionally, and impartially investigating all complaints of misconduct by members or employees of the department.
  - b. Take appropriate disciplinary action in cases where an investigation substantiates a violation of law, orders, regulations, policies, or procedures.
  - c. Seek appropriate remedy for false allegations.
  - d. Establish regulations, policies, or procedures in order to direct and control the means by which law enforcement services are delivered in the most efficient and effective manner.
  - e. All complaints against members or employees of the department shall be directed to the Chief of Police or his/her designee.
  - f. No members or employees of the department, except the Chief of Police or his/her designee, shall accept or receive a complaint.
  - g. Complaints may be received in person, in writing, verbally, by mail, telephone, or electronically.

\*\*\* Procedures for filing online complaints are in progress \*\*\*
  - h. Members or employees of the department shall explain the complaint process, filing options, and how to complete a Civilian Complaint Report to citizens in a professional manner.
  - i. Civilian Complaint Reports will be available in the lobby of the Green Island Police Department. Civilians will have the option to deposit the Civilian Complaint Report in a locked drop box located in the department lobby. Only the Chief of Police or his/her designee shall have access to retrieve deposited reports.
  - j. When the Chief of Police or his/her designee is not available to receive an unsealed written complaint in person at the department, the on-duty officer shall provide the civilian an envelope. The on-duty officer shall instruct the civilian to deposit the sealed envelope containing the written complaint in the locked drop box located in the department lobby.
  - k. When the Chief of Police or his/her designee is not available to receive a sealed written complaint in person at the department, the on-duty officer shall instruct the civilian to deposit the sealed written complaint in the locked drop box located in the department lobby.
  - l. Third party or anonymous complaints will be investigated to the extent possible based upon the information in the complaint provided that the information can be corroborated.

- m. Complaints of any nature shall be brought to the attention of the Chief of Police or his/her designee through the chain of command. When two or more on-duty officers are of the same rank, the on-duty officer taking the complaint will bring the complaint to the attention of the Chief of Police or his/her designee.
- n. The Chief of Police or his/her designee shall review all complaints. Investigations of complaints shall be completed within 60 days from the date of receipt by Chief of Police or his/her designee.
- o. The complainant will be notified by the Chief of Police or his/her designee if an investigation will exceed 60 days.
- p. The Chief of Police or his/her designee may include members of the department, the Mayor or his/her designee, and the Village attorney in the complaint review process.
- q. Members of the department shall not retaliate against complainants in any manner.

## **V. Findings**

1. The Chief of Police or his/her designee will decide the finding of a complaint and will inform the complainant of the result in a written letter. A copy of the finding will be shared with the member(s) or employee(s) identified in the complaint.
2. There are four levels of findings:
  - a. **Exonerated**: The member(s) or employees involved acted properly and will not be disciplined.
  - b. **Sustained**: The complaint has been supported and the member(s) or employees involved acted improperly and may face disciplinary action.
  - c. **Unfounded**: The investigation found no basis to the complaint.
  - d. **Unprovable**: There was not enough evidence to support the complaint as true or false and no further action will be taken.
3. The department shall maintain a record of all complaints against members or employees of the department.
  - a. All sustained complaints shall be maintained in the member's or employee's personnel file.
  - b. The department shall protect the confidentiality of the records and maintain them in a secure area in accordance with legal requirements.

Attachment E

**DRAFT**



# Green Island Police Department

73 George Street, Green Island, New York 12183



The Green Island Police Department encourages citizens to report legitimate complaints against members or employees of the department. A thorough and impartial investigation will be conducted. The information provided by you **MUST** be truthful as this information may serve as the basis for disciplinary action against a member or employee of the department. **Any intentional false or incorrect statement attributed to you may serve as the basis for criminal action against you.**

Date of this Report: \_\_\_\_/\_\_\_\_/\_\_\_\_ Time of this Report: \_\_\_\_\_  
Complainant's Full Name: \_\_\_\_\_ DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_  
Age: \_\_\_\_\_  
Telephone Number: (Home) \_\_\_\_\_ (Cell) \_\_\_\_\_  
E-mail: \_\_\_\_\_

Date of Incident: \_\_\_\_/\_\_\_\_/\_\_\_\_ Approximate Time: \_\_\_\_\_ Incident Number (if known): \_\_\_\_\_  
Complaint Type (circle): USE OF FORCE / PROPERTY / PROCEDURAL / OTHER  
How Received (circle): IN PERSON / LETTER / TELEPHONE / OTHER

Details of Complaint: *(Person reporting the incident is required to provide details sufficient to investigate the incident)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Use reverse side if additional space is required)*

Personnel Involved: *(Member/Employee name, badge number, vehicle number, and/or physical description)*

\_\_\_\_\_  
\_\_\_\_\_

Witness Information: *(Name, address, telephone number, and/or e-mail)*

\_\_\_\_\_

**\*\*Anonymous complaints will be treated with the same importance as any other complaint; however, anonymous complaints cannot be sustained without supporting evidence\*\***

**\*\*\* PURSUANT TO SECTION 210.15 OF THE PENAL LAW OF THE STATE OF NEW YORK, ANY INCORRECT OR FALSE STATEMENT ATTRIBUTED TO YOU AND CONTAINED HERIN IS PUNISHABLE AS A CLASS A MISDEMEANOR \*\*\***

COMPLAINANT'S SIGNATURE

DATE AND TIME

COMPLAINANT RECEIVED OR WITNESSED BY

LOCATION COMPLAINANT RECEIVED