



# POLICE REFORM

## Amityville Village Police Department

March 8, 2021

Dennis Siry  
Mayor

Bryan O. Burton, Jr.  
Chief of Police

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Using this publication, the Village of Amityville and the Amityville Police Department have formulated a plan.

## Amityville Village Police Department Advisory Committee Cover Letter

The draft being presented for public comment follows a period of collaboration with community stakeholders and representatives. However, it is imperative that the Village receive input on our plan for police reform and reinvention from as many Village of Amityville residents as we can reach.

Meaningful reform will only be accomplished if our citizens take the time to review this plan and submit any suggestions, comments or recommendations to the Village for consideration. Please help spread the word that our draft police reform plan is now available for public review and comment. Let your neighbors, friends, co-workers, and family members know that the Village of Amityville wants to hear from them on the important issue of police reform.

Comments and feedback can be submitted via email to [Mayor@amityville.com](mailto:Mayor@amityville.com) .

A link to this document and all reports generated by the Amityville Village Police Department in accordance with NYS Executive Order 203 is available on the Amityville Police Department page of the Village of Amityville website, attached in EXHIBIT B.

## ACKNOWLEDGEMENT

Amityville Village Mayor Dennis Siry and Chief of Police Bryan O. Burton, Jr. would like to acknowledge and thank the community stakeholders and representatives who participated in the collaboration with the APD that resulted in the formation of this plan.

An outline of the Executive Order 203 meetings is provided below.

Amityville Village Police Department Police Reform and Reinvention Collaborative

### Committee Meeting Members:

Dennis Siry, Mayor, [mayorsiry@amityville.com](mailto:mayorsiry@amityville.com)

Kevin Smith, Deputy Mayor, [trusteesmith@amityville.com](mailto:trusteesmith@amityville.com)

Bryan Burton, Chief APD, [bburton@amityvillepd.com](mailto:bburton@amityvillepd.com)

Frank Caramanica, Sergeant, [fcaramanica@amityvillepd.com](mailto:fcaramanica@amityvillepd.com)

Thomas Goddard, NAACP representative, [tagpix1@gmail.com](mailto:tagpix1@gmail.com)

Dr. Terry Fulton, President Amityville School Board, [drfulton71@gmail.com](mailto:drfulton71@gmail.com)

John DiLiberto, President Amityville Chamber of Commerce, [johng@idti.edu](mailto:johng@idti.edu)

Rev. Randolph Jon Geminder, Pastor St. Mary's Church, [padreone@optonline.net](mailto:padreone@optonline.net)

Sr. Marie Josee Seide, Saint Martin of Tours Outreach, [smtoutreach@optonline.net](mailto:smtoutreach@optonline.net)

Kelly Urena, Latina Moms Connect, [kellyurena@gmail.com](mailto:kellyurena@gmail.com)

Dorothy Santana, Latina Moms Connect, [Latinamomsconnect@gmail.com](mailto:Latinamomsconnect@gmail.com)

### APD Advisory Committee Meetings:

October 29, 2020

November 12, 2020

December 3, 2020

January 7, 2021

January 21, 2021

February 4, 2021

February 11, 2021

February 18, 2021

February 25, 2021

March 4, 2021

Open Public Meetings:

February 16, 2021    Review of 1<sup>st</sup> Draft.

February 23, 2021    Review of 2<sup>nd</sup> Draft

Board of Trustees Meeting March 8, 2021 public discussion, possible ratification of plan.

**Chief of Police Bryan O. Burton's Opening Comments.**

I would like to acknowledge and thank the community stakeholders and representatives who participated in the collaboration with the APD that resulted in the formation of this plan.

After a review of the Amityville Police Department's Procedures, we have made some modifications, modernizations and innovations. These changes are published on the Amityville Village website:

- Updated Use of Force Policy and the Duty to Intervene
- Updated Internal Affairs Policy and plan to restaff the Lieutenant position
- Updated Personnel Complaint Policy
- Updated Hate Crimes Policy
- Updated Use of Department Owned Cell Phones (Accessing Department Language Line)
- New Special Order Prohibiting Chokeholds
- New Special Order on Crowd Control
- Updated Vehicle Stop Policy with Provisions for Collecting and Posting Traffic Stop Data
- New Special Order on Law Updates Concerning:
  - Civil Rights Law: Bias-related violence or intimidation; civil remedy, Medical Attention for Persons Under Arrest, Right to Record Law Enforcement-Related Activities
  - Executive Law: Office of Special Investigation, Reporting Duties of Law Enforcement Departments with respect to Arrest-Related Deaths, Report of Discharge of Weapon
  - Penal Law: Aggravated Strangulation, Loitering
- New Department Goal Statement to Introduce the Use of Body-Worn Cameras
- New Department Goal Statement for Use of Force Posting
- New Training in areas of; Principled Policing-Procedural Justice, De-escalation Techniques, Tactical Policing with Impartial Perceptions
- New Training on Police Reform
- Expansion of the School Resource Officer Program into a Police Youth Mentorship Initiative
- Participation in the New York State Law Enforcement Accreditation Program
- Purchasing of LEXIPOL to Implement Training and Policy Updates

## Mission

For over 125 years the Amityville Police Department has been serving its residents with pride in a community-oriented approach. The mission of the Amityville Police Department is to enhance the quality of life in our Village by working in partnership with the community and in accordance with the constitutional rights to enforce laws, preserve the peace, reduce fear and provide a safe environment for the residents and persons passing through.

The Office of the Village of Amityville Mayor and the Amityville Village Police Department have developed this plan pursuant to NYS Executive Order 203 ("EO203"), after a comprehensive review of police force policies, procedures and practices through consultation with community stakeholders within the Amityville Village Police Department Advisory Committee (AVPDAC). The Village of Amityville has held its AVPDAC meetings in order to address issues related to police reform. Mayor Dennis Siry and Chief of Police Bryan O. Burton, Jr. are listening to concerns and have addressed them in this plan. The goal is to enable the Amityville Village Police Department to improve its community-oriented policing strategies while further reducing racial disparities in Village of Amityville policing to enhance engagement, community relations and promote a culture of inclusivity.

In accordance with EO203 and committee requests, updated Policy sections, documents and reports will be posted on the Department webpage. If you have any suggestions, concerns or ideas relating to Police Reform, please send them to [mayor@amityville.com](mailto:mayor@amityville.com). Please indicate "Police Reform" in the subject line. Open public meetings are being scheduled and are designed to provide a means by which the Village of Amityville is able to gather valuable input from our residents and neighbors. Additionally, a public survey has been created in an effort to gather the public's thoughts. The information collected has been considered when drafting this plan. Please use these links to take the Amityville Police Department Community Survey:

In English <https://www.surveymonkey.com/r/DYWNSBN>

En español <https://www.surveymonkey.com/r/SJBLZP2>

AVPD has also entered into the New York State Law Enforcement Accreditation Program. The AVPD has begun making modifications to its policies and procedures from the information it has gathered from the AVPDAC and the Accreditation Program. When fully drafted, the plan will reflect the Village of Amityville and the AVPD's commitment to serving all the people of our community both equally and fairly. The AVPD is attempting to address the issues presented in the NYS guidance relating to transparency and racial disparity outlined in EO203. The Village of Amityville understands the importance of creating relationships with our residents and neighbors. The Village is committed to fostering trust, through transparency, fairness, and legitimacy as we work to reduce racial disparities.

This past year, civil rights protests/demonstrations, peaceful and some not so peaceful, rocked the nation. In New York, these demonstrations shut down New York City. Hundreds of demonstrations were seen across Long Island. The Village of Amityville has also had its share. The Amityville Village Police Department was able to successfully supervise nine civil rights / Black Lives Matter demonstrations. These events have made it clear that law enforcement, community members, and elected officials must work together to build mutual trust and respect. The Village and the AVPD acknowledge that this important work does not end with the submission of this document, but rather must be an ongoing effort to continuously improve relations between the AVPD and the communities the Department serves.

## AMITYVILLE VILLAGE POLICE DEPARTMENT

The Village of Amityville predates the surrounding county police departments. Established in 1894, the Amityville Village Police Department began with a few officers. Servicing the citizens of Amityville Village for over 125 years, the Department has just under 25 sworn members and 14 civilian employees. The AVPD is a straight-line organization. Its sworn members include: one chief of police, one police lieutenant (position is currently vacant), one administrative sergeant, four patrol sergeants and 16 police officers. Its non-sworn members include: one Police Administrator, eight school crossing guards and five female detention attendants. The Village of Amityville covers approximately two and a half square miles, and the Amityville Village Police Department safeguards a population of nearly twelve thousand people. AVPD has always been a community-oriented police department.

### Community-Oriented Policing and Public Trust

AVPD has a long history of strong relationships with the community it serves and is committed to keeping open lines of communication with the public. NYS resource guide speaks of departments developing Community-Based Outreach plans. The Department is currently reviewing its community relations activities and is re-writing its policy manual to articulate an organized approach in accomplishing this objective. It is the policy of the Amityville Village Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect, engaging them in public safety strategy and development and relationship-building activities, and making relevant policy and operations information to the community in a transparent manner.

The AVPD in conjunction with the Amityville Police Benevolent Association demonstrates its presence in our Village and the Department's commitments to our residents in many ways, such as:

- Listening to community concerns at Board of Trustees meetings two times a month
- The Annual Ragamuffin Parade
- School Resource Officer Program
- Child Seat Instruction and Giveaway Event
- Annual donation to school athletic programs
- Donations to the St. Martins Food Pantry
- Informational seminars (scams directed at senior citizens, and holiday shopping)
- Coffee with a Cop events
- Information table at the Amityville Historical Fair

- Information table at the Amityville Apple Festival
- Drug Awareness and Prevention Programs
- School tours of the Amityville Police Station
- Career Day at the Amityville School District
- Membership in local groups like the Amityville Chamber of Commerce.

By engaging in these programs and activities, the AVPD is provided with an opportunity for positive interactions with various members of our community. Taking the guidance of NYS and our advisory committee, we plan to expand on these activities and develop programs to further connect with the community.

The AVPD is grateful for the assistance of community partners in keeping our county safe and our residents protected. The brave men and women of the AVPD are committed to ensuring that the Village of Amityville is a safe place to live and work.

## Department Staffing and Recruitment

The AVPD has just under 25 sworn members and 14 civilians. Of those civilians, 8 are school crossing guards.

### The Amityville Village Police Department Demographics

Sworn Personnel as of January 2021

#### Rank

Chief of Police	1-white male
Lieutenant	0-position is vacant (Mayor Siry plans to fill this vacant position.)
Administrative Sergeant	1-white male
Sergeant	4-white male
Police Officer	16 14-white male, 1-white Hispanic male, 1-black Hispanic male
Detective	1-white male

#### Civilian Personnel

Police Administrator	1- Asian female
Detention Attendants	5 4-black female, 1-white female
School Crossing Guards	8 1-black female, 1-black male, 1-white Hispanic female, 4-white male, 1-white female

#### Sworn Personnel Percentages

White male-91.3%

Hispanic male 8.7%

Male 100%

Female 0%

#### Civilian Personnel Percentages

Asian female-6.25%

Black female-64.3%

Hispanic female-6.25%

White female-12.5%

White male-25%

Female-64.3%

Male-35.7%

### Supervision Staffing Levels

The Amityville Village Police Department will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Department. The needs of its members should be balanced with the needs of the Department for flexibility and discretion in assigning members to meet supervisory needs. While balance is desirable, the paramount concern is to meet the needs of the Department.

The Amityville Village Police Department implements and maintains an organizational structure that provides clear and identifiable roles for command, control and guidance of the Department. Each position and assignment have clearly identified responsibilities and a defined chain of command.

### Leadership

The Chief of Police is responsible for administering and managing the Amityville Village Police Department. The Chief of Police exercises command over all members of the Amityville Village Police Department. During planned absences, the Chief of Police will designate a Lieutenant to serve as the acting Chief of Police.

The Patrol Division is commanded by a Lieutenant, whose primary responsibility is to provide general management, direction and control for the Patrol Division. The Patrol Division consists of uniformed patrol and special operations, which includes the Patrol Division, Dispatch Desk and an Administrator.

The Detective Division is commanded by a Lieutenant, whose primary responsibility is to provide general management, direction and control for the Detective Division. The Detective Division consists of an Administrative Sergeant and the Detective, Property and Evidence Management System, crime analysis and forensic services.

The Mayor of the Village of Amityville and the Amityville Village Police Department Advisory Committee has conducted an exhaustive review of police procedures and staffing in its efforts to address Police Reform and improve the quality of police service. The risks associated with understaffing in general and not staffing the Lieutenant's leadership position are very clear. With this review done and these risks in mind, the Amityville Village Police Department will re-staff the vacant position of Lieutenant this spring 2021 and continue its efforts to backfill officers as they retire.

### Promotions

Police promotions are generally governed by Civil Service Lists. Suffolk County Civil Service administers tests for the titles of Police Officer, Sergeant, Lieutenant, and Chief. Following those exams, Civil Service establishes a list based upon the scores. The Mayor and the Board of Trustees select one of the top three candidates, as per Civil Service rules. The Mayor and the Board of Trustees base their selection for these ranks upon the needs of the Department and the needs of the community. They consult with the Chief of Police on the particular position being filled. Police Officers in the Village of Amityville are hired from an Amityville Village Residency candidate list, or the Suffolk County Spanish Speaking candidate list.

While productivity of a candidate is one factor considered for the promotion, there are no hard or fast numbers that are used for promotional purposes that would cause ticketing or arrests to be misused in the community in order to achieve promotion. The Mayor and the Board of Trustees endeavor to use community input especially when the promotion affects the community and its needs.

### Evaluations

The Amityville Police Department has a formal process of reviewing and evaluating performance of employees on a continuing and periodic basis to determine training needs, initiate improvement and recognize the achievements of members of the Department. This procedure promotes the common understanding of individual needs, work objectives and standards of acceptable performance, as well as provide employees with feedback as to what extent Supervisory personnel believe the member in question is meeting expectations. In addition, evaluations of this nature assist in suggesting specific courses of action the employee could take in order to meet or exceed those expectations as well as provide additional feedback to aid the rater in helping the member achieve the desired professional performance. Department Manual of the Amityville Police section 116-3 Performance Evaluations.

Exhibit-D1

### Awards

- Officers are informed of commendation letters they receive from members of the public who contact the AVPD to express their gratitude for some action that was taken. Those letters are also added to the member's personnel file. This helps advance the AVPD's goals of being a service-oriented department.
- Officers do receive awards from various civic organizations.

- Awards, such as Department Recognition, which do not carry any additional promotional points may also be awarded. Members are nominated for such awards by their supervisors.

### Recruitment

Historically, the Amityville Village Police Department has not engaged in active recruitment. It has relied on the civil service system and word of mouth. Committee members were educated on the civil service hiring process with all its nuances. Substantial time was spent discussing the demographics of the Village of Amityville, the surrounding area and the school district compared to the demographics of AVPD's sworn officers. There is a disparity. The Village plans to address this.

AVPD realizes the need for a diverse group of police officer candidates who represent the population of the Village of Amityville and the surrounding communities. The AVPD will implement a recruitment program to create a more diverse Department. It will promote the Police Officer Civil Service Exam through the Village of Amityville's website, the AVPD's Facebook page, distributing pamphlets, and engaging the youth in the community.

Department policy is being changed to memorialize our plan. The following paragraphs are taken from our new proposed policy.

In accordance with applicable federal, state, and local law, the Amityville Village Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

The Lieutenant will employ a comprehensive recruitment and selection strategy to recruit candidates who qualify for the Civil Service exam and select employees from a qualified and diverse pool of candidates.

The strategy should will include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.

- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.

#### Police Youth Mentorship Initiative Program

The Amityville Village Police Department is modifying its School Resource Officer Program into a Police Youth Mentorship Initiative Program. The program will consist of five to six officers who will be reassigned from patrol occasionally to scheduled mentoring events. The Police Mentoring Initiative Program will be a part-time duty assignment as part of a larger undertaking, designed for mentorship not discipline or security. One goal of the program is teaching a class on how to become a police officer.

## Amityville Village Police Department-911

The Amityville Village Police Department is one of about a dozen Public Service Answering Points in Suffolk County. As such, it answers all 911 calls generated from landline phones in the Village of Amityville. Our residents also use a dedicated 10-digit number for emergency calls to the department. After taking the calls for service, we also dispatch them. AVPD dispatches calls for both the AVPD and the Amityville Fire Department.

Our police officers work the police department desk position on a rotating basis. They are all fully trained as 911 operators and as police officers. When working the police "desk" at AVPD headquarters, they answer the 911 phone system and handle all the police business that comes in to the police station. We find that serving this dual role is an efficient and effective use of manpower.

It is asked if social workers should replace police or 911 call takers. The People's Plan Reimagining Policing & Public safety on LI also covers this train of thought in a vastly deeper way. See Exhibit D2. Removing vast areas of service from police responsibility and creating new divisions of public employees is a novel concept. Social workers appear to be the preferred service model in their plan. After nearly 28 years of service to the community as a police officer it is my belief that a majority of what a patrol officer does falls into the realm of social work. Policing at its core is helping people. The good men and women who do police work every day know they are engaged in social work, even

though they don't go by the title of social worker. Instantly replacing officers with social workers is not practical, especially as a short cut. The issues facing policing are quite complex. Saying officers should only engage in law enforcement and not engage in the duties they do every day is an oversimplification. Saying that officers are not trained and not able to give competent service is also an oversimplification. Perhaps on occasion, an officer is tasked with a situation better suited to a trained social worker. In these instances, they are trained make referrals to qualified agencies. Expanding areas of police training to include aspects of social work is a realistic, immediate and achievable goal worth pursuing.

## Training

The AVPD is a small department and does not have a police academy. Roughly half of AVPD's police officer hires are candidates with prior law enforcement experience who are certified police officers meeting New York State Department of Criminal Justice Services standards. A candidate with prior police experience might be a police officer from NYPD, NYSP or the MTA. The other half comprise candidates with no police certifications. In those cases, the AVPD utilizes the services of the Suffolk County Police Department Academy or the Nassau County Police Department Academy. Both are NYS DCJS Accredited Agencies. The quality and efficacy of these Departments' training programs are assured by utilizing state- certified curricula.

It is the policy of the Amityville Village Police Department to ensure that each sworn member receives continuing in-service training necessary to provide the highest levels of officer safety and service to the public. All sworn members of AVPD are required to receive in-service training that is in compliance with the New York State Law Enforcement Accreditation annual training standard of 21 training hours. As a matter of efficiency towards ensuring this standard is met, AVPD has implemented the Suffolk County Police Department (SCPD) computer-based training program known as Decentralized Individualized In-service Training (DIIT). Not only will this program enhance meeting AVPD's annual training requirements for each year of accreditation, it will also help streamline these records on an annual basis. The following are DIIT Courses; Deadly Physical Force(DPF)/Physical force, Firearms Safety, Lead Exposure & Noise Exposure, Supervisor Training, Stop Stick, Autism Project Lifesaver, Standard Field Sobriety Testing (SFST), Blue on Blue, New York State Police Information Network (NYSPIN), DEA-Dangers of Fentanyl, Pursuits, Motorcycle VTL Enforcement, Interacting with Media/Public at Crime Scenes, Hate Crimes, Cyber Security, Narcan, Confined Space Rescues, Blood and Airborne Pathogens, High Efficiency Particulate Respirator, Hazardous Materials and First Responder, Hazard Communications Parts I, II, and III, Carbon Monoxide Awareness.

### Sexual Harassment and Discrimination- New York & Federal Laws

In the Village of Amityville, the Human Resource Officer also provides annual training, using the services of the online training company [www.gbriskcontrol.com](http://www.gbriskcontrol.com). All Village employees are required to receive the in-service training course Sexual Harassment and Discrimination- Employees (New York), supervisors also received the training course Sexual Harassment and Discrimination - Supervisors (New York).

### Use of Force Training

In accordance with New York State Law Enforcement Accreditation Program standard 33.1, members of the Department receive annual training regarding the use of force and the use of deadly physical force via a Department training video entitled "Deadly Physical Force/Physical Force-Less Lethal".

In accordance with New York State Executive Law Section 840 and New York State Law Enforcement Accreditation Program standard 20.1, the Department shall conspicuously post the Department's use of force directive(s) on the public website.

### TASER or CONDUCTED ENERGY DEVICE (CED)- In-Service Training

Officers who are certified in the use of the TASER will be given an in-service refresher yearly. This, along with the training bulletin, will keep the officers updated on any new changes or procedures. The training bulletins will be stored in a binder marked "TASER." It is the responsibility of each trained officer to make sure they read these updates. This year the In-service TASER refresher had an extensive block on de-escalation prior to using the device.

### Lexipol

The Amityville Village Police Department has also hired the services of Lexipol, a risk management service. This service develops comprehensive solutions and continuously updates policies for public safety agencies. They offer online training on the policies and an electronic policy management platform (officers can be assigned new policy on the web-based platform and acknowledge that they received policy and can also take training on this new policy).

### Procedural Justice, Systemic Racial Bias, Racial Justice in Policing, Implicit Bias Awareness, De-Escalation

AVPD has entered an AVPD Training Sergeant in a Principled Policing Train the Trainer Session hosted by the NYS Division of Criminal Justice Services, Gun Involved Violence Elimination (GIVE). Previously known as Procedural Justice I & II, this name change more accurately reflects the concept of procedural justice and how it strengthens the relationship and trust between police agencies and the communities they serve. AVPD plans to utilize the DCJC Municipal Police Training Council (MTPC) approved two new six-hour courses designed to train officers on the concept of procedural justice and how it strengthens the relationship and trust between police agencies and the communities they serve. The courses, Principled Policing-Procedural Justice I and Principled Policing-Procedural Justice II have been added to AVPD's 2021 Training Plan.

The Procedural Justice Course includes sections on de-escalation and professional communication, police legitimacy, and the Four Pillars of Procedural Justice.

As a matter of Village of Amityville policy, employees are reimbursed for the cost of tuition for all college level courses leading to a degree in Police Science/Criminal Justice-related programs, together with such other programs which, in the opinion of the Village, will contribute to the betterment of the Village and the delivery of Police Services. This year a Sergeant completed two master level classes at Long Island University in Criminal Justice.

### Training Plan

It is the responsibility of the Lieutenant to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and department-required training is completed by all members as needed or required.

## Model Policies and Standards

The New York State Police Reform and Reinvention Collaborative Resource & Guide for Public Officials and Citizens asks, "Is your police department accredited by any external entity?" It advocates for Accreditation.

The Division of Criminal Justice Services administers the New York State Law Enforcement Agency Accreditation Program, which provides structure and guidance for police agencies to evaluate

and improve overall performance in areas such as administration, training, and operational standards.

The program encompasses four principal goals:

1. To increase the effectiveness and efficiency of law enforcement agencies utilizing existing personnel, equipment and facilities to the extent possible;
2. To promote increased cooperation and coordination among law enforcement agencies and other agencies that provide criminal justice services;
3. To ensure the appropriate training of law enforcement personnel; and
4. To promote public confidence in law enforcement agencies.

The Amityville Village Police Department is committed to instituting the best practices in the field of criminal justice, promoting a high degree of professionalism and public confidence. As such, it has entered into a Participation Agreement with New York State Division of Criminal Justice Services for the New York State Law Enforcement Agency Accreditation Program. The Amityville Village Police Department, as part of the accreditation process, will have their policies, procedures and standards reviewed by this independent agency to ensure their policies, procedures and standards are up to date with the latest policing models.

## Supporting Officer Well-Being

As stated in the NYS Guidance, law enforcement is inherently a physically and emotionally dangerous job. Amityville Village is committed to supporting and promoting the physical, emotional, and mental wellness of its members of the AVPD.

Suffolk County provides a platform for all employees in the county, including Amityville police officers. The Suffolk County Police Department's Employee Assistance Section is where officers and their families can get free, confidential counseling with licensed mental health professionals who have many years of law enforcement experience.

Our Supervisors have a guide at their disposal to determine if an employee needs referral. At times, officers can be mandated to Employee Assistance by supervisors, as shown in EXHIBIT E.

# Fostering Community-Oriented Leadership, Culture and Accountability

## Complaint Tracking

The Amityville Village Police Department holds its members to a high standard of professionalism as reflected in Section 103-1C AVPD Department Manual, Required Conduct, attached in EXHIBIT F.

Complaints against officers are covered by Section 120 AVPD Department Manual, see EXHIBIT G.

Due to the size of this Department and the number of internal investigations conducted, the necessity for assigning full-time personnel to a Special Investigations Unit does not exist. Accordingly, the Special Investigations Unit shall be comprised of the Chief of Police and the Lieutenant, who will be called upon to serve this function as necessity dictates.

The unit shall be responsible for carrying out internal affairs functions and investigating personnel complaints and background investigations. When required, the members of the Special Investigations Unit shall be the liaison between the District Attorney's office, or any other department or agency requiring investigations of alleged criminal misconduct.

Complaints received by this Department that allege that a Department member has used inappropriate behavior, is accused of misconduct or has committed a violation of the law will be treated as a personnel complaint. The Chief of Police will direct the investigation of the allegations and assign the necessary qualified personnel to conduct the investigation. When an investigation has been initiated, the subject of the investigation shall be notified by the Chief or the investigating officers of the nature of the complaint. In cases where such notification would jeopardize the investigation, the notification may be given immediately prior to the interview of the subject. The member will be advised of the charges or allegations and of his/her rights and responsibilities relative to the investigation.

A file will be made by the Lieutenant and it will be assigned an incident number. Upon completion of the investigation, the file will be turned over to the Chief, or in his absence the Lieutenant, who will review the file to determine whether the allegations are founded or unfounded. If the allegations are founded, the Chief will take the action he/she deems appropriate for the allegations.

All reprimands, Article #75 charges, or criminal charges will be made part of the file. Final disposition of any charges, if founded, will become part of the member's personnel file.

It is essential that the community have confidence in the administrative procedures of the Department designed to supervise the exercise of police power. If the integrity and efficiency of the Department is to be maintained, complaints of inadequate service and allegations of misconduct against members of the Department must be thoroughly and expeditiously investigated. At the same time, the Department recognizes that members are often subjected to intense pressures in the discharge of their duties. They are frequently required to remain neutral under circumstances that are likely to generate considerable tension, excitement and emotion. In such situations, words, actions, and events occasionally result in misunderstandings and confusion. It is to the advantage of each member of the Department that the Department have sound, internal procedures for the investigation of allegations arising out of such circumstances. The expeditious resolution of complaints in a fair and impartial manner will ensure that the high level of integrity and efficiency enjoyed by the Department is maintained.

The Amityville Police Department will accept and investigate all complaints of misconduct or wrongdoing from any citizen or Department members. Members of the Department shall encourage citizens to bring forward legitimate grievances regarding inadequate service or misconduct by members of the Department, and those complaints shall be received courteously and be processed without delay.

Members of the Department shall assist in the expeditious and impartial processing of citizen complaints in accordance with these procedures. Complaints received by this Department that allege that a Department member has used inappropriate behavior, is accused of misconduct or has committed a violation of law will be treated as a personnel complaint.

#### Categories of Investigations:

1. Category I: all complaints concerning members of this Department that allege:
  - Unnecessary or excessive use of force
  - False arrest
  - Violation of a specific criminal statute
  - Corruption
  - Gratuities
  - Serious misconduct

- Insubordination
- Other complaints or allegations as directed by the Chief of Police
- Bias crimes

2. Category II: all citizen complaints relating to inadequate service, courtesy, improper procedure, and any other allegations involving members of the Department that are not included in Category I.

Procedure for Accepting Citizen Complaints:

Any citizen's complaint, regardless of category, may be lodged at Headquarters or with any member of the Department. Complaints shall be registered in writing, using the Compliment/Complaint Information Report. The Compliment/Complaint Information Report should be completed by the citizen and then submitted in either of the following ways:

- Emailed to [APDComplaints@amityville.com](mailto:APDComplaints@amityville.com)
- Submitted directly to the Mayor's Office in Amityville Village Hall
- Mailed to Amityville Village Hall, Mayor, 21 Ireland Place, Amityville NY 11701
- Submitted directly to the Amityville Police Department Headquarters Front Desk
- Faxed to the Chief's office at (631)264-7643
- Mailed to the Amityville Police Department, Chief of Police, 21 Ireland Place, Amityville NY 11701

**Mayor's Note:**

- The Mayor and the Chief of Police will review and discuss all complaints.
- Complaints will be presented to the Board of Trustees, which acts as our Civilian Review. The Board of Trustees is the local elected governing body for the Village of Amityville.
- If deemed necessary, the AVPDAC may be consulted by the Board of Trustees.
- If consulted, the AVPDAC will be used in an advisory capacity and will have no authoritative or discipline powers.
- The Mayor and the Board of Trustees reserve the sole right to exercise disciplinary action granted them in section 8-804 of NYS Village Law.

Initiating Administrative Internal Complaints:

In all cases where a member or members of this Department have cause to file a complaint (other than a labor grievance) against another member of this Department, the member shall complete a written report in memorandum form and forward same to the Chief of Police. The Chief of Police will act as the assigned member and prepare the case if needed.

Civilian Complaint Review Board.

During meetings with the AVPDAC committee a few members expressed a desire for the Village of Amityville to institute a Civilian Complaint Review Board, citing mistrust of the police, in general. They expressed doubt that the administration would take complaints and investigate its officers. In their opinion, the Civilian Complaint Review Board would be the mechanism that would provide trust and transparency.

The Mayor and the Chief of Police discussed and investigated the use of a Civilian Review Board. New York State Village Law Article 8 provides legislation on villages and their police departments. See attached Exhibit G1. As per Section 8-800, a village may, by resolution, establish a police department. Section 8-802 grants police powers to execute laws. Section 8-804 gives the Board of Trustees power to adopt rules and regulations. It also gives them the power to discipline, suspend and dismiss officers from the department. This section of law is a powerful tool, greater than what the surrounding county police departments have over their sworn officers. Considering the lack of complaints from the public about the Amityville Village Police Department, the open system of government, bi-monthly open Board of Trustees Meetings, and a police department with a record of strong self-discipline, the creation of a Civilian Review Board will not be implemented at this time. Many self-initiated improvements and innovations are taking place in the Amityville Police Department to foster trust and transparency. Mayor Siry and the Board of Trustees are accessible to the public and are responsive to their complaints. The Board of Trustees considers itself a civilian board that reviews its police and their conduct.

The AVPDAC also discussed the formation of an Oversight Committee, consisting of members of the community who would be liaisons acting as in advisory capacity. Although the Oversight Committee is not going to be in the immediate plan, it will remain an option as the Village continues its periodic self-evaluations for improved service to the public. The AVPDAC will continue meetings on a quarterly schedule to discuss reform issues, received complaints and overall progress.

## Use of Force

The Amityville Village Police Department discussed Use of Force during its committee meetings. Some committee members thought that the use of force may not be applied equally to minorities in this country and in our community. Anecdotal evidence regarding the department's limited and proportionate use of force was provided. The committee expressed the need for transparency in the use

of force events. The Village of Amityville and the Amityville Police Department agree. The Department will issue a bi-annual Use of Force Report and will include statistics on event circumstances, demographics, and type of force used. The Use of Force Report is posted on the Amityville Village website, available for public review.

The Office of Special Investigation, Duty to Intervene and Choke Holds and Carotid Holds were discussed. Policy was updated to include these.

Below are some sections of Use of Force Policy. The Use of Force Report and complete Use of Force Policy is attached; highlighted portions reflect changes, refer to EXHIBITS H & I.

#### Office of Special Investigation

Section 70-B has been added to the New York State Executive Law to establish the Office of Special Investigation within the Office of the Attorney General to investigate and, if warranted, prosecute any alleged criminal offense or offenses committed by a person, whether or not formally on duty, who is a police officer concerning any incident in which the death of a person, whether in custody or not, is caused by an act or omission of such police officer or peace officer or in which the Attorney General determines there is a question as to whether the death was in fact, caused by an act or omission of such police officer or peace officer. See attached EXHIBIT J.

Note: This law goes into effect on April 1, 2021.

#### 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 described in subdivision (a) of this section should promptly report these observations to a supervisor.

#### Chokeholds and Carotid Holds:

Chokeholds, carotid holds, and similar compressions of the neck represent potential use of deadly force and shall never be used unless an officer or another person is in imminent danger of death or serious physical injury and all other measures to reasonably repel the attack have been exhausted.

### Use of Physical Force:

Members of law enforcement who use unreasonable force diminish the confidence of the community they serve, expose their department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used.

The AVPD prohibits the use of force except when legally authorized. Members of the Amityville Village Police Department will only use force in accordance with existing law and Amityville Village Police Department policy, rules and procedures. Therefore, the use of force for punitive or retaliatory reasons is strictly prohibited.

Force shall not be used by a Member of the Department against persons who are handcuffed or restrained unless used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

### Policy:

(1) Members of the Department may only use the level of physical force necessary to affect lawful objectives in the performance of their duties within the limits established in Article 35 of the New York State Penal Law and consistent with the training given by this Department. It is the responsibility of each member to be aware of the requirements of Article 35 and to guide his/her actions based upon the law. The use of indiscriminate force is prohibited.

(2) The federal and state standards by which use of force is measured are both founded in the basic premise of objective reasonableness. 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.”

### § 103-3G. Use of Force Training

- (1) In accordance with New York State Law Enforcement Accreditation Program standard 33.1, members of the Department receive annual training regarding the use of force and the use of deadly physical force via a Department training video entitled "Deadly Physical Force/Physical Force-Less Lethal".
- (2) In accordance with New York State Executive Law Section 840 and New York State Law Enforcement Accreditation Program standard 20.1, the Department shall conspicuously post the Department's use of force directive(s) on the public website.

#### Use of Deadly Physical Force:

The AVPD has established clear guidelines for officers regarding the use of deadly physical force. Members of the Department have traditionally displayed commendable restraint in resorting to the use of deadly physical force. The irreversible consequences of such force place a responsibility on the Department to establish a policy that:

- (1) Clearly guides personnel in its application.
- (2) Maximizes officers' safety.
- (3) Minimizes the possibility of injury to innocent persons.
- (4) Reduces the unnecessary loss of human life to the lowest level consistent with the need for public safety.

The AVPD understands that there is probably no more serious act that a law enforcement officer can engage in than the use of a firearm. The occasions for such use are life and death situations, which are invariably confusing and complex, affording precious little time for meditation or reflection. It is imperative, then, that the officer, through training\* and the absorption of these guidelines, be able to respond quickly, confident that he/she is acting within the limits of Department Policy. This serves to protect the public from unlawful and unreasonable use of force; at the same time, it enables officers to act without hesitation, to protect themselves or another person. Perhaps equally important, it minimizes the second-guessing to which the officer is subjected when no such guidelines exist. (\*Note: All officers are required to take yearly in-service deadly physical force training and exam scoring no less than 100.)

AVPD understands that members should have a thorough knowledge of Article 35 of the New York State Penal Law and should periodically review this body of law. Members should bear in mind that

Article 35 of the Penal Law only authorizes use of physical force/deadly physical force; it does not command its use. Members should also be aware that DEPARTMENT POLICY IS MORE RESTRICTIVE THAN ARTICLE 35 IN THE USE OF PHYSICAL FORCE/DEADLY PHYSICAL FORCE.

- (1) In all cases, only the minimum amount of force necessary to effect lawful objectives, which is consistent with the accomplishment of a mission, will be used and is authorized. The firearm shall be viewed as a defensive weapon, NOT a tool of apprehension.
- (2) Guidelines for the use of firearms by members is clearly set forth in § 103-1H; however, the importance of these regulations is so critical that they merit being restated in the remaining subsections of this section. Members may discharge a firearm ONLY under the following situations:
  - (a) Every other reasonable alternative means will be utilized before a police officer resorts to the use of his/her firearm.
  - (b) Deadly physical force shall NOT be used to effect the arrest of a fleeing felon unless the officer has probable cause to believe that:
    - (1) Deadly physical force was used or threatened by the perpetrator; OR
    - (2) The perpetrator caused serious physical injury; OR
    - (3) The perpetrator is armed with a deadly weapon.
- (3) In addition, Department Policy prohibits the use of deadly physical force unless ALL of the following factors are present:
  - (a) The police officer must have probable cause based upon knowledge of the crime involved and the surrounding circumstances; AND
  - (b) The police officer has probable cause to believe that fleeing felon poses an immediate threat of serious physical injury to the officer, or has probable cause to believe that failure to apprehend the fleeing felon poses a threat of serious injury to others; AND
  - (c) Reasonable means to apprehend the perpetrator, other than use of a firearm, are NOT available.

#### § 103-4D. Restrictions and Prohibitions

- (1) Deadly physical force shall not be used to effect an arrest or prevent or terminate a felony unless the officer has probable cause to believe that the victim may be killed or seriously injured and there is no other reasonable means to effect the arrest or prevent or terminate the felony other than by deadly physical force.

(2) A police officer may use deadly physical force upon another person when he/she reasonably believes that such other person is using or about to use deadly physical force against the officer or a third person.

(3) Where feasible, and consistent with personal safety, some warning (other than a warning shot) MUST be given. Deadly physical force should only be used as a last resort.

(4) The firing of warning shots is prohibited.

(5) Discharging a firearm from or at a moving vehicle is prohibited, unless the occupants of the other vehicle are using deadly physical force against the officer or another.

(6) Discharging a firearm to summon assistance is prohibited, except where someone's safety is endangered.

(7) The discharge of a firearm at dogs or other animals should be an action employed ONLY when no other means to bring the animal under control exist.

#### § 103-4E. Chokeholds and Carotid Holds

Chokeholds, carotid holds, and similar compressions of the neck represent potential use of deadly force and shall never be used unless an officer or another person is in imminent danger of death or serious physical injury and all other measures to reasonably repel the attack have been exhausted.

## Vehicle Stops

The issue of traffic stops and associated data was the topic of much discussion during meetings with community stakeholders. Committee members explained perceptions held by black and brown citizens regarding the legitimacy of the vehicle stops and the use of discretion by an almost all white police department serving a racially diverse community with a predominantly black and Hispanic school district. Anecdotal evidence was provided to the committee, but ultimately the lack of statistical transparency of the department was acknowledged. Accordingly, the Vehicle Stop portion of the Department Manual of the Amityville Police Department has been updated to provide for collection of the needed data as shown in EXHIBIT K.

#### Tracking and Reporting

The AVPD utilizes the NYS TraCS system when issuing traffic summonses. This application does not provide the necessary fields to record and collect demographic data. As a result, when community representatives requested a statistical analysis on historical data, the report was inconclusive and

anecdotal. (Our neighboring jurisdiction, Suffolk County, has been collecting traffic stop demographic data pursuant to a court-ordered consent decree.)

#### Pretextual Car Stops

Pretextual car stops are held to be constitutional, but officers must have probable cause of a Vehicle and Traffic Law (VTL) violation to do so.

#### Informal Quotas

The Amityville Village Police Department does not hold its members to any sort of quota, informal or otherwise. Quotas are illegal.

The Village of Amityville and the Amityville Police Department are committed to collecting data on traffic and field interviews to assess police-public contacts.

The system the department currently uses to issue traffic tickets, TRACS, is being replaced later in the year by a new records management system, NICHE. NICHE will provide a platform where certain demographic data can be entered and searched. In the spirit of transparency and building public confidence, the data will be posted bi-annually on the Amityville Police website.

#### Failure to Pay Fees and/or Fines

The guidance provided by New York State suggests some police departments create debtors' prison and prioritize revenue-generation at the expense of civil rights. The Police Department does not issue arrest warrants for failure to pay fees or fines. This is a function of the courts (criminal or traffic). Officers have discretion to issue a ticket or warning based on a number of factors to include:

- nature of the infraction,
- the rate of violations and accidents at high frequency accident locations,
- complaints from the public regarding persistent traffic violations,
- other variables including enforcement efforts directed as a result of traffic analysis.

#### High-Speed Pursuits

The Amityville Police Department Manual section 113-5 regulates vehicle pursuits. The Department recognizes that the vehicular pursuit of fleeing suspects poses a danger to the lives of the

public, police officers and the suspects involved in the pursuit. The Department also recognizes that in certain circumstances, the proper law enforcement response requires a pursuit. The policy of the Police Department is to minimize the risks of pursuit by limiting vehicle pursuits to only those situations where the escape of the suspect poses a greater risk of harm to the general public than does the pursuit itself. There must be a justification for a pursuit. A pursuit may be initiated when the member has a reasonable suspicion that a violator has committed a serious crime or determines that the violator's driving has become reckless or is otherwise endangering human life. Mere suspicion is certainly not sufficient cause to risk human life. The officer's foremost thought must be justification based upon:

- (a) The potential threat to public and personal safety;
- (b) Possible alternative action. Alternatives to pursuit are many and varied and should be weighed by the pursuing officer and the tour supervisor. The primary criterion for any alternative is greater safety;
- (c) The seriousness of the criminal activity.

## Transparency

Transparency was a central theme of most meetings held by the Amityville Village Police Department Advisory Committee. Among the many topics falling under the heading of transparency were the use of body- worn cameras, policy and procedures, police department reporting on; use of force, traffic stop data, and civilian complaints. The Village of Amityville understands that transparency is one of the four pillars of procedural justice and is critical in ensuring accountability. Law enforcement agencies must provide a full picture of policies, procedures and activity to the public to maintain its trust.

The Village of Amityville and the Amityville Police Department are committed to maintaining public trust. Accordingly, the AVPD will modify the following areas to increase transparency.

In recognition of fostering trust and fairness through police reform, as mentioned in prior sections and summarized below, AVPD will be issuing reports and publicizing data on the Department's page of the Village of Amityville website:

- Use of Force- The AVPD will issue a bi-annual Use of Force Report and will include statistics on event circumstances, demographics, type of force used. The Use of Force Report will be posted on the Village of Amityville's website for public view.

- Civilian Complaints on Police Misconduct- The AVPD will issue a bi-annual Civilian Complaint Report that will be posted on the Village of Amityville's website for public view.
- Traffic Stop Data- The AVPD will issue a bi-annual Traffic Stop Data Report that will include data on summonses issued by location, top summons categories, gender, and race/ethnicity. This data collected will be analyzed to ensure that all traffic enforcement operations are conducted in an efficient and bias-free manner. The report will be posted on the Village of Amityville's website for public view.

AVPD is posting its entire updated Manual containing its policy and procedures on the Village of Amityville's website.

The Village of Amityville has also made a decision to begin a program in the use of body-worn cameras (BWC) for all uniformed police officers and sergeants. The use of BWC's will enhance transparency and allow for accurate documentation of police-public contacts.

Final note on transparency, the Village is small branch of government that is completely open to the public. The Village of Amityville holds open bi-monthly Board of Trustees Meetings for the public to attend. At these meetings, the entire Board of Trustees, the Mayor of Amityville, the Chief of Police and all department heads are in attendance and are available for questions from the general public.

## Body Cameras

In the past, the Amityville Police Department employed a patrol car with a dash cam in the late 1990's. The program was discontinued after a few years of use.

In 2014, the department purchased body-worn cameras from Taser Axon Systems, but did not put them into service for fiscal reasons.

The Village of Amityville Village and the Amityville Police Department are committed to begin a program in the use of body-worn cameras (BWC) for all uniformed police officers and sergeants. The primary objectives for the use of these cameras are outlined as follows:

Body-worn cameras allow for accurate documentation of police-public contacts, arrests and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.

Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.

The body-worn cameras may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

Procedures for use of BWC's will follow in General Order 104-10.

## Employing Smart and Effective Policing Standards and Strategies

### Procedural Justice, Systemic Racial Bias, Racial Justice in Policing, Implicit Bias Awareness, De-Escalation

#### Procedural Justice

The Amityville Village Police Department understands procedural justice and police legitimacy play an essential role in establishing a positive relationship with the community. AVPD has established long lasting community partnerships to foster public confidence in the police and in its ability to safeguard the communities it serves.

- Police legitimacy exists when the public views the police as authorized to exercise power to maintain social order, manage conflicts, and solve problems in the community.
- The ability to maintain procedural justice directly impacts the public's willingness to defer to the authority of law enforcement and reaffirms their belief that police actions are morally justified and appropriate.
- When officers are perceived as legitimate, there is less resistance to their actions and greater potential for cooperation making officers more effective at policing.
- Officers reduce racial disparities and build trust by promoting engagement over enforcement.

Respect is an active process of engaging people from all backgrounds in a non-judgmental manner. Respectful treatment is practiced to increase our awareness and effectiveness. Individuals are sensitive to whether they are treated with dignity and politeness and to whether their rights are being respected.

## Systemic Racial Bias and Racial Justice in Policing

Systemic Racial Bias is a topic covered by AVPD in-service training course Sexual Harassment and Discrimination- Employees (New York). Supervisors also received the training course Sexual Harassment and Discrimination - Supervisors (New York).

NYS has taken the lead on battling Systemic Racial Bias. Through reform legislation; Civil Rights Law Bias-related violence or intimidation; civil remedy, NYS Criminal Procedure Law section 160.50 sub. 3K (Sealing and Expungement of Certain Marihuana Violation Convictions), NYS Penal Law changes of marihuana laws; Unlawful possession of marihuana in the second degree Penal Law section 221.05 and Unlawful possession of marihuana in the first degree Penal Law section 221.10., bail reform and speedy trial reform.

Committee members of the AVPDAC have expressed concerns over members of minority communities being incarcerated for petty offenses simply because they do not have the financial ability to post bail while individuals arrested for the same crimes from non-minority communities post bail and do not spend any time incarcerated for the same offense. This issue has been addressed in large part by the recent bail reform legislation.

In NYS, marihuana possession laws have been changed, decriminalizing use in public and possession of less than two ounces, which is a non-criminal violation punishable only by a fine of not more than two hundred dollars. Sealing and expungements of marihuana convictions are the precursor of legalization of marihuana in the future. AVPD officers have been trained on the law changes and are instructed not to arrest a person solely for these unlawful possession of marihuana sections.

The Police Department does not condone racial profiling and Members of the Department will not engage in racial profiling. It is inconsistent with effective policing and equal protection of the law for all persons. Racial profiling undermines the efforts of law enforcement by causing a loss of respect for the law and a loss of credibility for the Department. Even the perception of racial profiling creates a distrust that discourages participation in the criminal justice system.

Racial profiling occurs when a police officer relies on race or ethnicity as the primary basis for law enforcement action such as a traffic stop, pedestrian stop or request for a consent search. However, when an officer has information which links specific criminal activity to an individual whose race, ethnicity or other identifying characteristic is known, that information may and should be appropriately used to identify and locate the individual.

Discretion is at the core of a police officer's job and it permits innovative, flexible problem solving. However, it also provides opportunities for conscious and unconscious bias and prejudice that

could affect decision-making. A Fourth Amendment basis to stop does not legitimize stops which are initiated essentially because of race or ethnicity. Such stops can cause deep cynicism about fairness and the legitimacy of law enforcement and the judicial system.

#### Implicit Bias Awareness

**Implicit Bias:** Bias that results from the tendency to process information based on unconscious associations and feelings, even when these are contrary to one's conscious or declared beliefs.

( <https://www.dictionary.com/> )

It is imperative AVPD Officers are more accepting and respectful to everyone's principles and lifestyles. Respectful language, thoughtful and intentional dialogue, and consistent involvement, both formal and informal, during community engagements help to ensure relationships of trust between police and the communities we serve. The Department will conduct Implicit Bias Awareness Training later in the year.

#### De-Escalation

De-escalation through verbal and non-verbal communications, verbal judo, are at the core of AVPD's practices and relationship it has with the public. Our patrol sergeants and field training officers instill the AVPD culture of de-escalation into our officers during field training as well as those officers under their command. AVPD strives to resolve situations which might otherwise escalate towards violence, to successful, non-violent conclusions. De-escalation enhances the safety of police officers and the public.

Our officers operate with empathy using Dr. George Thompson's Five Universal Truths of Human Interaction: people feel the need to be respected, people would rather be asked than told, people have a desire to know why, people prefer to have options instead of threats, people want to have a second chance. Dr. Thompson may have penned these points, but an experienced police officer practicing good communication techniques knows that treating people with dignity and respect has positive results.

AVPD understands the importance of enhancing trust in the community, the use of language skills, the study of police behavior and interaction with police and how mannerisms of interactions

shape the public's view of police. It is committed to training its members in Procedural Justice, Systemic Racial Bias, Racial Justice in Policing, Implicit Bias Awareness, De-Escalation.

AVPD has entered an AVPD Training Sergeant in a Principled Policing Train the Trainer Session hosted by the NYS Division of Criminal Justice Services, Gun Involved Violence Elimination (GIVE). Previously known as Procedural Justice I & II, this name change more accurately reflects the concept of procedural justice and how it strengthens the relationship and trust between police agencies and the communities they serve. AVPD plans to utilize the two, new DCJS approved Municipal Police Training Council (MTPC) courses designed to train officers on the concept of procedural justice and how it strengthens the relationship and trust between police agencies and the communities they serve. The courses, Principled Policing-Procedural Justice I and Principled Policing-procedural Justice II have been added to AVPD's 2021 Training Plan.

Procedural Justice Course includes sections on de-escalation and professional communication, police legitimacy, and the Four Pillars of Procedural Justice.

These four (4) principles are:

- Fair in process
- Transparent in actions
- Providing opportunity for voice
- Being impartial in decision making

In addition to the Procedural Justice course, AVPD has purchased a training platform from Lexipol to round out our training on Systemic Racial Bias, Racial Justice in Policing, and Implicit Bias Awareness.

#### Limited English Proficiency (LEP) Citizens

The Village of Amityville and the Amityville Police Department understand that sometimes for citizens who have limited English proficiency, communication with law enforcement is more difficult and could result in law enforcement perceiving these citizens as noncompliant. AVPD is committed to ensuring reasonable and equitable language access for all persons who have encounters with police. Statewide language access requirements in New York State Executive Order No. 26 (E.O. 26), require New York State executive agencies to provide interpretation services in any language and translation

services in the top six most commonly spoken non-English languages in the state. In consideration of this, the Village has attempted to provide appropriate resources to community members.

Amityville Police Department has two police officers who are proficient in Spanish and are certified as expert translators. They were hired off of the Spanish speaking candidate list in 2015 and 2017. They make up 10% of the department's patrol force.

Additionally, in an effort to ensure reasonable and equitable language access for all persons who have encounters with police, AVPD developed policy providing each patrol sector with a Department-issued cell phone, giving them the capability of accessing the department language Line, see EXHIBIT M.

## Restorative Justice

Restorative justice seeks to change an offender's behavior by educating him/her on the deleterious consequences that his/her actions have on the community and the victim. The purpose of justice is to restore the victim, the community and the offender so that they all may be integrated back into, and enhance the community.

Restorative justice can be achieved by utilizing diversion courts such as alcohol and drug diversion. The Village of Amityville has its own local court the Amityville Village Justice Court where our local Justice utilizes probation and adjournments in contemplation of dismissal in order to give offenders opportunities to correct their mistakes and show their good behavior.

The AVPD works in tandem with the Suffolk County Coalition Against Domestic Violence. Advocates provide crisis intervention, safety assessments and planning, information on options and follow up services. Advocates are available to meet with victims in hospitals, as well as provide help in court.

AVPD had its detective attend trauma-informed investigative training which teaches detectives how to not re-victimize survivors/victims of sexual assault during the course of their investigation. When practical, officers handling domestic incidents inform victims of their ability to have the case seen concurrently in criminal and family court. Family court may allow mediation between the parties as part of a resolution to the case. All domestic case reports are reviewed. It is standard practice for our detective staff to follow up with the victim and keep in contact throughout the case.

The Amityville Village Police Department participates in the NYS DCJS Gun Violence Elimination (GIVE) Program and Grant Incentive. One of the many GIVE initiatives is to assist in reintegrating individuals into society.

AVPD members have been extensively trained on conflict resolution. It seems that restorative justice is somewhat similar to an intervention or mediation. Restorative justice focuses on the harm inflicted and holding the offender accountable for their actions. If an officer successfully intervenes or mediates a condition or situation between two parties, does he not engage in restorative justice?

## Focused Deterrence, Problem-Oriented and Hot Spot Policing

These concepts, Focused Deterrence, Problem-Oriented and Hot Spot Policing are concepts brought up by NYS in its reference guide. They are all worthy of exploring. In large towns, cities, counties or even the state, they give the command structure of the police department the ability to focus resources on problems that may be in isolated areas or in certain neighborhoods of a particular geographical area of employment. These departments typically have much greater staffing than that of a small village police department. In the Village of Amityville, police staffing requirements are negotiated with the Amityville PBA. Our minimum manning clause of the collective bargaining agreement calls for a minimum of two officers on patrol and one in the Police Station. On full staffing days, we may have five officers on duty during a shift. These numbers do not leave much in the way of complicated deployment strategies called for in Focused Deterrence, Problem-Oriented and Hot Spot Policing plans. Fortunately, in a small village like the Village of Amityville, our Community- Oriented service model works very well. With a geographic area of employment of 2.5 square miles and a population under 12 thousand, not much of the village is ignored. Our residents keep us informed of their needs and our service is exceptional. Unlike many town, city, county departments or the state police, we have the ability to pay attention to the small details the community expects. We believe our crime rate is lower than that of the surrounding jurisdictions and our response time second to none.

### Focused Deterrence

The state's guidance defines "focused deterrence" as a strategy whereby officers engage directly with offenders or groups of offenders based on their prior history, sometimes in partnership with community members. The purpose of focused deterrence is to alter the opportunities for crime in order to deter motivated offenders.

Although we don't have an official program calling it such, our officers are in touch with the community and through our small-town connections, we make a difference on a one-to-one basis with offenders. Obviously not all offenders are local and as such we rely on the resources of the neighboring county police and probation departments in those cases.

### Problem-Oriented Policing

Problem-oriented policing (POP) replaces primarily reactive, incident-driven policies with strategies that proactively identify underlying issues that can be targeted to alleviate crime at its roots. Being from the community we serve, our officers are in touch with the community. These officers use their ties with the community to identify and coordinate a response to problems that range from minor public nuisances and quality of life issues to serious criminal actions. Our residency requirement is an asset when it comes to police service.

### Hot Spot Policing

The AVPD is aware of crime or conditions that occur in our village and in the surrounding neighborhoods. We have excellent communication with our bordering county police precincts. Unlike larger jurisdictions, our patrol force has the ability to give our small village the attention when and where it needs. Consequently, problems tend not to grow into “hot spots.”

## Crowd Control

Between 2020 and 2021 there were nine demonstrations that took place in the Village of Amityville. AVPD was responsible for ensuring the First Amendment rights of the demonstrators and maintaining public safety. The leadership of the AVPD reached out to all protest organizers and informed them of the measures the AVPD would take to ensure their safety and expressed the AVPD's commitment to keeping an open line of communication should the organizers experience any issues. This communication fostered protests with zero negative incidents and zero arrests.

The Amityville Village Police Department does not employ military equipment during its crowd control efforts. It does not have surplus military equipment from the federal government like military body armor, armored vehicles, grenade launchers or bayonets. Nor does it possess or use other tactics as water cannons, rubber pellets, acoustic weapons or tear gas to subdue or move a crowd.

It is the policy of the Amityville Village Police Department to protect individual rights related to assembly and free speech, effectively manage crowds to prevent loss of life, injury, or property damage, and minimize disruption to persons who are not involved.

Crowd management techniques such as pre-operational planning, communication and collaboration, when possible, shall be used to achieve public safety and protect civil liberties.

The Amityville Village Police Department Members assigned to protests shall exhibit professionalism and restraint while using de-escalation techniques, verbal judo, active listening and persuasive speaking to maintain control.

In instances where protesters disobey clearly expressed requests by officers to not block roadways and/or intersections during their protests, circumstances permitting, officers may in lieu of a physical arrest issue a Uniform Traffic Ticket for NYS VTL section 1156 Pedestrians on roadways.

### S 1156. Pedestrians on Roadways

(a) Where sidewalks are provided and they may be used with safety it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. (b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. Upon the

approach of any vehicle from the opposite direction, such pedestrian shall move as far to the left as is practicable. Exhibit N attached.

## Hate Crimes

Hate Crime- A person commits a hate crime when one commits a specified offense and either targets a victim or commits a specified offense because of a perception or belief about the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether or not the perception or belief is correct. Hate crimes can be perpetrated against an individual, a group, or against public or private property.

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by the Amityville Village Police Department and will be given the highest priority. The Department shall employ necessary resources and vigorous law enforcement action to identify and arrest hate crime suspects. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, members of the Department shall be mindful of and responsive to the security concerns of victims and their families.

The Amityville Village Police Department is committed to identifying, investigating and prosecuting hate crimes. It is AVPD Policy that a supervisor is immediately notified of any call where a hate crime is alleged to have occurred. Even the lowest level crime influenced by any type of bias or hate is recorded and investigated.

The Suffolk County Police Department Hate Crimes Unit will have primary investigative responsibility for hate crimes and hate incidents, except for incidents involving death or other violent felony incidents resulting in serious physical injury. In such cases, the Suffolk County Police Department Homicide Section or the appropriate Suffolk County Police Department Precinct Detective Squad shall have primary investigative responsibility. The Hate Crimes Unit shall nevertheless investigate the hate related nature of the incident, and assist the primary investigator(s) as required. The Hate Crimes Unit is charged with and will be responsible for determining at any stage of an investigation if the offense is a hate crime or hate incident.

### Victim Assistance

Provide immediate assistance to the crime victim utilizing a victim centered approach:

1. Express the law enforcement agency's official position on the importance of hate crime cases and describe the measures that will be taken to apprehend the perpetrators.
2. Take preventive measures to ensure the safety of the victim.
  - Express the department's interest in protecting victim's anonymity whenever possible.
  - Explain any security measures and precautions to the victim.
  - Protect the privacy of the victim and their families as much as possible.
  - Provide the victim with community resources that may provide support and assistance such as advocacy, healthcare, civil legal services, and counseling services. Some resources are: Suffolk County Crime Victims Center's Hate Crime Advocacy and Outreach Program - Victims of Hate Crimes can experience mental, physical and/or emotional trauma that can have a lifelong devastating impact. Early intervention and the provision of crime victim services can greatly reduce the negative impact crime has on victims, their family and the community. The Suffolk County Crime Victim Center's Hate Crime Advocacy and Outreach Program may assist with the provision of crime victim services to Hate Crime Victims, and is available twenty-four hours a day at 631-626-3156. New York State Office of Victim Services (OVS)- the OVS helps crime victims and can be reached by telephone (1-800-247-8035), by email ([ovsinfo@ovs.ny.gov](mailto:ovsinfo@ovs.ny.gov)) or online ([www.ovs.ny.gov](http://www.ovs.ny.gov)).

### Reporting and Training

1. Reporting Procedures- All incidents of reported hate crimes are to be submitted to DCJS each month using the NY DCJS form 3294. This form must be submitted even if no hate crimes were reported by checking the Nothing to Report (NTR) box.
2. Training- Officers will be periodically trained on:
  - a. Annual Decentralized Individualized In-Service Training (DIIT) on Hate Crimes;
  - b. The components of Penal Law § 485.05 and related case law;
  - c. Familiarity with organized hate groups operating in the community.

This form can be found under EXHIBIT O.

### Prohibited Race-Based 911 Calls

Section 79-n subdivision 2 of the New York State Civil Rights Law was amended to establish civil penalties for a person who intentionally summons a Police Officer or Peace Officer without reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property, in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person.

A person in violation of this law is liable in a civil action for injunction relief, damage, or any other appropriate relief in law or equity.

Special Order 21-06, was issued notifying the members of the Police Department of this new law. This information will be included during in-service training to further educate the Department members who may in turn educate members of the public who could fall victim to such conduct. See EXHIBIT P.

## Mental Health

The NYS Resources Guide asks, "How can your training program help officers effectively and safely respond to individuals experiencing mental health crises or struggling with substance abuse?" AVPD understands that responding to circumstances involving people who are under the influence of a substance and/or are experiencing a mental health crisis can be extremely difficult. Unfortunately, this is one of the most common calls received by our agency. This department handles dozens of mental aided calls each year. Substance abuse calls are also handled with frequency. Our officers receive training on both mental aideds and dealing with substance abuse. Each year we save numerous lives with the overdose-reversal drug Naloxone.

### Our department policy states:

Members will encounter situations involving apparently mentally or emotionally disturbed individuals who may pose a danger to themselves or others, and who have committed no offense other than disruptive or peculiar conduct. Section 9.41 of the New York State Mental Hygiene Law empowers members to take into custody any person who appears to be mentally ill and is conducting

himself/herself in a manner that is likely to result in serious harm to himself/herself or others. This section of state law has been interpreted by the New York State Attorney General to embrace conduct which, if committed by a stable person, would constitute disorderly conduct. Section 9.39 of the Mental Hygiene Law provides emergency admissions for immediate observation, care and treatment at such institutions that meet the requirements and have been approved by the Commissioner to receive and retain patients. Stony Brook Medical Center qualifies and will be utilized when other extenuating circumstances do not exist. Any available hospital will be utilized when the aided needs immediate medical care for injuries.

The safety of all persons is paramount in a situation involving an emotionally disturbed person. If such person is dangerous to himself/herself or others, necessary force may be used to prevent serious physical injury or death. Physical force will be used in accordance with Section 105-3 of this Manual and only to the extent necessary to restrain the subject until delivered to a hospital or detention facility. Deadly physical force will be used only as a last resort to protect the life of a member of the Department or any other person present. If an emotionally disturbed person is not dangerous, the person should be contained until assistance arrives. In any case, when there is time to negotiate, all the time necessary to ensure the safety of all individuals concerned will be used.

The tour supervisor will: Respond to the scene as soon as possible. Evaluate the situation, including: The mental or emotional condition of the person. Whether or not the mentally ill or emotionally disturbed person has used or threatened the use of any weapon or dangerous instrument. Whether or not the mentally ill or emotionally disturbed person is conducting himself/herself in a manner that is likely to result in physical harm to himself/herself or others in the area. Determine if an ambulance or other medical assistance is required. Ensure the safety of others in the area. Ensure the security of any firearm or dangerous instruments in the area. Attempt to isolate and contain the mentally ill or emotionally disturbed person. Attempt to obtain the identity of the mentally ill or emotionally disturbed person in order to determine if the individual is listed as missing (File 6) or wanted (File 5).

If necessary, arrange for the assistance of Crisis Intervention, 631-277-4700. Ensure that an adequate number of personnel remain available to respond to other calls for service. Formulate a plan of action to handle the situation.) Arrange for the Suffolk County Police Department hostage negotiator to respond if the circumstances require. Refer to Section 114-1 of this Manual for available resources.

Full policy: Amityville Police Department Manual sec. 105-3 Mentally Ill or Emotionally Disturbed Persons can be viewed in EXHIBIT Q.

#### Training

Officers of the Amityville Village Police Department are trained in the care of persons with mental illness and substance abuse.

Supervising officers were trained by The Suffolk County Police Department during a 2-day Crisis Intervention Training (In-Service) program. This program was for experienced police officers and supervisors. The program provided information and techniques that enhance the effective and safe management and resolution of situations involving emotionally disturbed people. The program provided officers with the knowledge and skills to recognize the warning signs of mental illness in others and to understand that mental illness is treatable. Use of alternatives to incarceration by utilization of psychiatric hospitalization and use of community-based programs were discussed.

#### Homelessness

AVPD Members are trained on interacting with homeless persons and identifying those who require additional necessary treatment. Members are directed to apprise all homeless individuals they encounter of emergency housing services provided by the Suffolk County Department of Social Services and, where appropriate, transport the homeless person to a shelter.

## Crime Prevention Through Environmental Design (CPTED)

The concept of Crime Prevention Through Environmental Design (CPTED) is that crime is a man-made hazard which can be resisted through quality design. This strategy addresses the relationship between the physical environment and the incidence of crime. Crime prevention through environmental design considers the themes of: visibility, territoriality, cohesion, accessibility, attractiveness, connectivity, and community culture and their impact on crime. CPTED prevents crime by designing a physical environment which deters offenders.

As part of AVPD's community-oriented policing model, the CPTED helps residents and business owners with security surveys and creates plans for various community locations to help reduce or prevent crimes from occurring. Included in these crime prevention plans are environmental design

considerations including, but not limited to: lighting, landscaping, signs, sidewalks, ordinances, community cleanups, and pathways.

The Village of Amityville has great control over local zoning and quality of life issues. The Village of Amityville through, the Board of Trustees, the Planning Board and the Zoning Board of Appeals is able to consider the relationship between the physical environment and the incidence of crime. It often makes recommendations and/or restrictions on residents and business owner permit applications with Crime Prevention Through Environmental Design in mind. It also listens to residents' concerns over these issues and acts swiftly to correct them. One example is its maintenance of street lighting.

## Conclusion

Pursuant to the directives of EO203 and following the subsequent guidance provided by New York State, the AVPD has conducted a comprehensive review of its policies and procedures. Additionally, the AVPD is participating in the New York State Law Enforcement Agency Accreditation Program to improve its policies and procedures and is committed to earning accreditation in accordance with the requirements set forth by the New York State Law Enforcement Agency Accreditation Council. In accordance with the mandates of EO203 and the guidance provided by NYS relating to the Executive Order, the Village of Amityville is and has engaged in a collaborative effort with community stakeholders. Mayor Dennis Siry established the Amityville Village Police Advisory Committee (AVPDAC) in order to address issues related to police reform. After collaborating with these community stakeholders and receiving input from members of our community, the AVPD has proposed several modifications to its policies and procedures. Many topics were reviewed by the AVPD in an effort to strengthen its relationship with the communities and reduce racial disparities. The plan formulated by the Village addresses the specific topics listed in EO203, additional topics suggested in the NYS guidance, issues presented by community representatives and self-evaluations of the Village of Amityville and the Amityville Village Police Department. Each section incorporates key questions and insights for consideration. Many of the issues addressed in the NYS guidance are interwoven throughout different topics of this plan.

Mayor Dennis Siry and Chief of Police Bryan O. Burton, Jr. put forth our plan, hoping to address issues raised by the community. We hope the community views this plan and shares its input.

## Exhibits

- A. New York State Police Reform and Reinvention Collaborative – Resources & Guide for Public Officials and Citizens
- B. Executive Order No. 203
- C. Photo array of Amityville Police interacting with the community
- D. Department Manual of the Amityville Police section 102-1. Department Organization
- D 1. The Peoples Plan Reimagining Policing & Public Safety on Long Island: One-Pager Overviews
- E. Employee Assistance Section (EAS) Brief Referral Guide for Supervisors
- F. Department Manual of the Amityville Police section 103-1 General Regulations
- G. Department Manual of the Amityville Police section 120-2 Personnel Complaints
- G 1. New York State Village Law Article 8 Police Department
- H. Department Manual of the Amityville Police section 120-1 Internal Affairs; Special Investigation Unit
- I. Department Manual of the Amityville Police section 103-3 Use of Force, 103-4 Use of Firearms and Deadly Physical Force. Use of force form
- J. Office of Special Investigation within the Office of the Attorney General
- K. Department Manual of the Amityville Police section 106-5 Vehicle and Traffic Stops
- L. Department Manual of the Amityville Police section 104-10 Body-Worn Cameras
- M. Department Manual of the Amityville Police section 104-11. Use of Department Owned Cell Phones
- N. Amityville Village Police Department Special Order 21-08 Crowd Control-Civil Protests
- O. Department Manual of the Amityville Police section107-3. Hate Crimes
- P. Amityville Village Police Department Special Order 21-06 2020 Law Changes
- Q. Department Manual of the Amityville Police section105-3 Mentally Ill or Emotionally Disturbed Persons