

Village of Pleasantville
Police Reform & Reinvention

Prep Materials for Public Forum

January 14, 2021

7:30pm

Police Training & Complaint Review Process



SPECIAL INVESTIGATIONS UNIT

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PURPOSE

To identify the members of the Department's Special Investigations Unit and to clearly delineate the Unit's duties and responsibilities.

BACKGROUND

Due to the size of this Department and the number of internal investigations conducted, the necessity of assigning full-time personnel to a Special Investigations Unit does not exist. Accordingly, the Special Investigations Unit shall be comprised of the Patrol Division Commander and the Commanding Officer of the Detective Division, who will be called upon to serve this function as necessity dictates.

POLICY

It is the policy of the Pleasantville Police Department to promptly and thoroughly investigate all allegations of serious misconduct made against members of the department by civilians, other law enforcement agencies or other members (or other employees) of the Pleasantville Police Department.

PROCEDURE

1. The Special Investigations Unit reports directly to the Chief of Police.
2. The Special Investigations Unit shall be responsible for investigating:
 - a. Civilian complaints;
 - b. Complaints from other law enforcement agencies;
 - c. Complaints from Supervisory personnel;
 - d. The discharge of firearms by members of service.
3. The members of the Special Investigations Unit shall be the liaison unit between the Chief of Police and the District Attorney's Office, or any other Department or agency requiring investigations of alleged criminal misconduct.

INTERROGATION OF MEMBERS

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PURPOSE

To protect the rights of members of service in an official Department Investigation.

POLICY

To ensure that interviews of members of the Pleasantville Police Department during internal investigations are conducted in a manner that promotes good order and discipline, consistent with the due process of the members involved.

PROCEDUREInterview for Administrative Purposes

1. If the investigating Supervisor wishes to compel a member to answer questions directly related to their official duties and the investigating Supervisor is willing to forego the use of such answers in a criminal prosecution, the investigating Supervisor shall advise the member of the following:
 - a. The purpose of the interview is to obtain information to determine whether disciplinary action is warranted;
 - b. Any questions specifically related to employment must be fully and truthfully answered in a candid and forthright manner;
 - c. No answers given nor any information obtained by reason of such statements may be admissible against the employee at any criminal proceeding;
 - d. Miranda Rights are not required to be given at disciplinary interviews;
 - e. During the course of a disciplinary interview, Department members are expected to give candid and forthright answers to questions directly related to their official duties;
 - f. Recalcitrant members may be given direct orders to answer such questions and they should be advised that their failure to answer may lead to the imposition of discipline, up to and including termination for insubordination;
 - g. Any such compelled statements made by the member may not be utilized in any subsequent criminal prosecution;
 - h. Any such written or tape recorded statements should be clearly marked "Administrative Use Only" with an indelible ink.

Interview for Criminal Investigative Purposes

2. If the investigating Supervisor believes criminal prosecution is a possibility and wishes to use statements against the member in a criminal proceeding, or at least wishes to maintain the option of their use, the investigating Supervisor shall:
 - a. Give the member Miranda Rights;
 - b. Advise the member that if he/she asserts his right not to answer questions, no adverse administrative action will be taken based upon the refusal;
 - c. If the member decides to answer questions at this point, the responses may be used in both criminal and disciplinary proceedings;
 - d. The investigating Supervisor shall maintain close liaison with the Westchester County District Attorney's Office.

MEMBERS EXPECTATION OF PRIVACY

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PURPOSE

To advise all members of the policy of this Department on the use of certain Village-owned property, such as: vehicles, telephones, radios, lockers, desks, cabinets, etc.

POLICY

All members of the Pleasantville Police Department are hereby advised that the uses of these items are for business purposes and the retention of any personal items in such equipment is at their own risk. Neither the Village of Pleasantville nor this Department or any of its Supervisors will be responsible for any losses. Moreover, any Pleasantville Police Department provided equipment is subject to entry, search and inspection by any Superior Officer without prior notice. Any privately owned property contained in such equipment, including contents of closed or sealed items/containers, may also be opened and examined without prior notice or member's permission.

This includes any Department-issued equipment that is protected by a personally owned lock. Therefore, members have NO EXPECTATION OF PRIVACY WHEN USING DEPARTMENT/VILLAGE OWNED PROPERTY OR ISSUED EQUIPMENT.

RELIEF FROM DUTY

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PURPOSE

To establish guidelines to relieve a member from full duty.

POLICY

It is the policy of the Pleasantville Police Department to temporarily remove a member from full duty when his/her continued performance would impair the good order or operating efficiency of the Department or discredit the Department.

PROCEDUREAuthority to suspend

1. Any Department Supervisor with rank of Lieutenant or above or any Supervisor or Acting Supervisor acting at the direction of a member with rank of Lieutenant or above is authorized to temporarily suspend or place a member of the Department on modified duty.

Note: *Modified duty is the assignment of a member of the Department to non enforcement duties pending the determination of his/her fitness to perform full police duties.*

Cause for Suspension

2. Such relief from duty is a temporary, administrative action and shall be limited to circumstances wherein a member is or appears to be physically or psychologically unfit for duty or is believed to have committed an act of misconduct that brings into question the member's fitness to continue in office.
3. The following are examples of causes for summary suspension:
 - a. The member is arrested and charged with a crime;
 - b. The member is indicted by a grand jury;
 - c. The member refuses to comply with a lawful order of a Superior Officer;
 - d. The member refuses to perform assigned duties at roll call or during tour of duty;
 - e. A member is served with charges and specifications alleging wrongful solicitation and/or receipt of monies or other gratuities;
 - f. A member is unfit for duty due to the effects of an intoxicant or a drug;

- g. A member is absent without leave for two consecutive tours;
 - h. The member refuses an order of a Superior Officer to answer questions in an administrative investigation specifically directed and narrowly related to the performance of his/her official duties.
4. When a member of service is suspended, the Ranking Supervisor in charge shall:
- a. Inform the member concerned that he/she is suspended from duty and give the reason for the suspension;
 - b. Direct member to surrender all Department property and all revolvers or pistols owned or possessed;
 - c. Cause all surrendered property to be properly received and vouchered in accordance with Section 115-1.

Notification

5. A Lieutenant suspending or authorizing the suspension of a member will immediately notify the chief of Police. The facts of the suspension will be transmitted verbally, followed by an Inter-Departmental memorandum to the Chief of Police as soon as practical thereafter.
6. A member of service upon suspension shall:
- a. Surrender, promptly, all Department property and all pistols or revolvers owned or possessed;
 - b. Not wear his/her uniform while suspended.

CIVILIAN COMPLAINTS

Date Issued 11/01/2018	Date Effective 11/01/2018	Revision No. R18-01	Page 1 of 6
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PURPOSE

To specify Departmental procedures for the reception, investigation and disposition of complaints against members of the Department by members of the community.

BACKGROUND

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 are to be maintained, 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 that the Department has sound internal procedures for the investigation of allegations arising out of such circumstances. The expeditious resolution of complaints fairly and impartially will insure that the high level of integrity and efficiency enjoyed by the Department is maintained.

POLICY

It is the policy of the Pleasantville Police Department to investigate all complaints of alleged officer misconduct, determine the validity of complaints promptly and impartially and to take appropriate action based on such a determination.

DEFINITION

1. Civilian Complaint: A civilian complaint is defined as an act of expressed dissatisfaction, which relates to Department expectations, personnel conduct or unlawful acts reported by a civilian.
2. Internal Complaint: An internal complaint is defined as the process by which a member of this Department reports the misconduct of another member for the purpose of proper adjudication.
3. Appropriate Division Commander: The Appropriate Division Commander is the commanding officer of the Division within which the accused officer is assigned.

4. Category One (1) Civilian Complaints include all allegations by civilians that a member of the Department has:
 - a. Used unnecessary force;
 - b. Violated a specific criminal statute;
 - c. Committed an act(s) that amounts to corruption, including but not limited to:
 - i. Bribery;
 - ii. Receiving unlawful gratuities.
 - d. Any other allegation, which in the opinion of the receiving Supervisor, amounts to serious misconduct.
5. Category Two (2) Civilian Complaints include all complaints by civilians relating to:
 - a. Inadequate service;
 - b. Discourtesy;
 - c. Improper procedure;
 - d. Any other allegations involving members of the Department that are not included in Category 1.

Note: *While it is generally obvious when a complainant alleges misconduct on the part of any employee, complaints concerning lack of service or improper procedures are sometimes more difficult to categorize. In many instances a citizen may be merely requesting information or clarification of a policy or procedure. In such cases, the citizen should be given a thorough explanation of the procedure of the legal issues involved in the situation that initiated the inquiry. Because of the fine line that occasionally exists between complaints and inquiries, if there is any question, it should be considered a complaint and forwarded for further action.*

PROCEDURE

6. Members of the Department shall encourage citizens to bring forward legitimate grievances regarding improper procedures, inadequate service or member misconduct.
7. Members of the Department shall assist in the expeditious and impartial processing of citizen complaints.
8. Complaints shall be received courteously and processed without delay.
9. Complaints, regardless of their nature, can be lodged in person, by mail or by telephone at any time.
10. Anonymous complaints shall be accepted.

INTERNAL AFFAIRS

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11. The on-duty Tour Supervisor shall receive all Civilian Complaints, unless he/she is the subject of the complaint. In such instance, he/she will summon his/her Division Commanding Officer, or, if the Division Commander is not available, the senior member of the Tour not a subject of the complaint will receive the complaint and file it according to the provisions of this Section.
12. Non-Supervisory members receiving a Civilian Complaint shall immediately notify the on-duty Tour Supervisor.

Tour Supervisors

13. The Tour Supervisor receiving a Civilian Complaint shall be responsible for assisting the Complainant with the preparation of a Personnel Complaint Report and all attendant forms as listed below.

Receiving Civilian Complaints

14. If a Civilian Complaint is made in person, the Tour Supervisor shall:
 - a. Attempt to interview the complainant;
 - b. Provide the following forms to the complainant:
 - Personnel Complaint Report;
 - Personnel Complaint Report Receipt; and
 - Personnel Complaint Procedure;
 - as well as provide copies of the completed forms back to the complainant;
 - c. Furnish assistance or allow other person(s) to assist in preparing the form. Enter under "Details" reason assistance was given;
 - d. Have complainant sign form under appropriate caption and have representative or person assisting, if any, sign form under caption "Details";
 - e. Complete "Section 1: Tour Supervisor Intake" of the Complaint Routing Form
15. If the complainant is apparently under the influence of alcohol or drugs, suffering from a mental disorder or of questionable credibility, indicate same on the rear of the Personnel Complaint Report.

Received by Mail

16. If a Civilian Complaint is received by mail, the Tour Supervisor shall complete Section 1 of the Complaint Routing Form and attach it to the original letter of complaint.
17. Both documents will be forward to the Appropriate Division Commander, or make notifications as necessary.

18. If a Civilian Complaint is received by telephone, the officer receiving the phone call should encourage the caller to respond to Headquarters or retrieve the appropriate forms on line for in-person filing.
19. If the caller wishes only to make a complaint via telephone, the officer will contact the Tour Supervisor who will complete:
 - a) the Personnel Complaint Report,
 - b) Section 1 of the Complaint Routing Form;and forward both forms to the Appropriate Division Commander.
20. The officer completing the reports should make all entries on the form; or if requested information is not provided, indicate such in appropriate captions of the report.
21. Request the complainant to make themselves available to review and sign the report; if not possible, so indicate.

In Person (Does Not Want to Immediately Make Complaint)

22. When a complainant is present and does not want to immediately make a complaint or furnish the member of service receiving the complaint with details of the incident:
 - a. Provide the complainant with a copy of
 - Personnel Complaint Report;
 - Personnel Complaint Report Receipt; and
 - Personnel Complaint Procedure;
 - b. Advise complainant that the complaint may be delivered in person, via fax, email or sent by mail to the Department.

Category One (1) Civilian Complaints

23. Upon receipt of a Category One (1) Complaint, the following notifications will be made immediately and documented in the Tour Supervisor's memobook:
 - a. Chief of Police;
 - b. Patrol Division Commanding Officer;
 - c. Detective Division Commanding Officer.
24. The Tour Supervisor will complete "Section 1: Tour Supervisor Intake" of the Complaint Routing Form and forward all necessary paperwork to the Chief of Police.
25. The Chief of Police will complete "Section 5: Chief of Police Action" of the Complaint Routing Form and assign the investigation to the Special Investigation Unit.

Category Two (2) Civilian Complaints

26. Category Two (2) Civilian Complaints shall be forwarded to the appropriate Division Commander for investigative assignment.
27. The Division Commander will complete "Section 2: Division Commander Preliminary Findings", and forward the necessary forms to the assigned supervisor.
28. Category Two (2) Civilian Complaints will generally be assigned to one Department Supervisor for investigation; however, may be assigned to the Department's Special Investigations Unit for investigation.

***Note:** Category Two (2) Civilian Complaints may be assigned to Special Investigations Unit when personnel of more than one Division are involved or the investigation would be too time-consuming or complex for line Supervisors to become involved.*

Investigating Civilian Complaints

29. All investigative steps including but not limited to the following shall be fully documented on an Inter-Departmental memorandum:
 - a. Re-interview of the complainant;
 - b. Interview of witnesses;
 - c. Interview of the involved member;
 - d. Searches;
 - e. Chemical testing;
 - f. Lab analysis;
 - g. Photography;
 - h. Identifications.

Disposition of Category 2 Complaints:

30. Upon completion of his/her investigation, the assigned Supervisor will forward all reports and forms, including notes regarding his / her investigation and its results, to the appropriate Division Commander.
31. The assigned supervisor will complete "Section 3: Category 2 Complaint – Department Supervisor Investigation" of the Complaint Routing Form.
32. Upon receipt of the Complaint, the appropriate Division Commander will review the investigation and recommend a disposition on the Complaint Routing Form under "Section 4: Category 2 Complaint – Division Commander Recommendation".

33. Disposition will be classified as follows:

- a. Substantiated – the accused member committed all or part of the alleged acts of misconduct;
- b. Misconduct Noted – acts of misconduct were discovered during the investigation that were not alleged in the original complaint;
- c. Unsubstantiated – the investigation produced insufficient information to clearly prove or disprove the allegations;
- d. Exonerated – the alleged act occurred, but was justified, legal and proper;
- e. Unfounded – the alleged act did not occur.

Internal Complaints

34. An Internal Complaint is filed via internal report or e-mail to the immediate supervisor of the highest ranking member of the Department involved in the Complaint (reporting member or subject member).

35. The supervisor receiving the complaint will coordinate with the Appropriate Division Commander, or if required, the Chief of Police, to investigate the allegations contained in the Internal Complaint.

Chief of Police

36. Upon receipt of the Complaint Routing Form and the totality of the investigation, the Chief of Police will determine if the recommendation of the Division Commander will be approved or rejected. If rejected, the complaint will be returned to the appropriate Division Commander for review.

37. The Chief of Police will complete “Section 5: Chief of Police Action” on the Complaint Routing Form

38. If disciplinary action is deemed appropriate, it will be administered in accordance with related procedures.

Record Storage

39. Records of Civilian Complaints and related investigative reports will be stored in the Civilian Complaint File located in the office of the Chief of Police.



Police Department Village of Pleasantville

80 Wheeler Avenue - Pleasantville, New York 10570
(914) 769-1500 Fax: (914) 769-7049



PERSONNEL COMPLAINT PROCEDURE

It is the policy of the Pleasantville Police Department to investigate all complaints made against the department or its personnel thoroughly, completely and impartially. A proper relationship between the department and the citizens we serve, fostered by trust and confidence, is essential to effective law enforcement efforts.

The Pleasantville Police Department complaint process has been developed to ensure this proper relationship provides people with a fair and effective method to address legitimate complaints against Department personnel and to protect officers and employees from false charges of misconduct or wrongdoing.

The department would prefer you speak with a supervisor when you file a complaint. We do this to ensure we obtain all the necessary information, as well as expedite the resolution of complaints. If you do not want to speak with a supervisor, you are still able to file a complaint against an employee or officer by fully and accurately completing the attached complaint form. We ask that you print neatly or type the form if possible. An electronic version of this form is available online at www.pleasantville-ny.gov if you prefer to utilize that format.

If you need help with the attached Complaint Report, you can contact a Lieutenant by calling the Police Desk at (914)769-1500. The Lieutenant will assist you with any questions you may have. When you have completed the Complaint Report, you can return it to the Police Department in any of the following ways:

- Drop it off at the Pleasantville Police Department front desk, sealed in an envelope;
- Give it to a Pleasantville Police Department officer or employee, sealed in an envelope;
- Fax: our fax number is (914)769-7049;
- Email: Lieutenant@pleasantville-ny.gov;
- USPS to the address above.

The Pleasantville Police Department will assign your complaint to a supervisor to investigate. The supervisor will contact you and if you did not receive one already, will send you a receipt for your complaint. You can contact that supervisor at any time to follow the progress of your complaint. At the conclusion of the investigation, the Chief of Police will send you a letter notifying you and informing you of any action taken.

It certainly is unfortunate that you had the occasion to be less than satisfied with a member of our department, and we certainly hope that all future contacts with members of our department are positive ones.



Police Department Village of Pleasantville

80 Wheeler Avenue - Pleasantville, New York 10570
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On _____, (Name) _____ filed a complaint with the Pleasantville Police Department concerning the conduct of an employee, _____. This was in reference to an incident which occurred on _____ and was documented in the Desk Officer Log (DO Log PV-_____.)

This form acknowledges receipt of the complaint.

As the Complainant, you should be aware of the following:

1. The Pleasantville Police Department investigates all complaints in an impartial manner.
2. The Department will investigate this allegation as an administrative matter (a violation of Department policy) unless there is evidence that a Department member:
 - a. Used unnecessary force;
 - b. Committed a crime or committed an act(s) that amounts to corruption, including but not limited to bribery or receiving unlawful gratuities;
 - c. Any other allegation, which in the opinion of the receiving Supervisor, amounts to serious misconduct.
3. In administrative investigations, the burden of proof is "preponderance of the evidence."
4. Sworn statements may have to be taken from you or other persons who might be witnesses.
5. You will be notified of the status of the complaint during the course of the investigation and at the conclusion.
6. The accused officer or employee has rights that the Department cannot violate during the investigation.
7. By signing below, you acknowledge that you have received a copy of the completed initial Personnel Complaint Report.
8. If you have any further questions, you can call and speak with a Lieutenant to assist you.

Signature of person filing complaint

Date

Supervisor receiving complaint:

Print Name: _____

Signature: _____

We will provide you a copy of both this form and your complaint.



Police Department Village of Pleasantville

80 Wheeler Avenue - Pleasantville, New York 10570
(914) 769-1500 Fax: (914) 769-7049



PERSONNEL COMPLAINT REPORT

PAGE _____ of _____

Complainant: _____ D.O.B: _____

Home Address: _____

Work name and address: _____

Home Phone: _____ Work Phone: _____ Cell Phone: _____

What is the best time to contact you? _____

Person you are making the complaint against: _____

IF YOU DO NOT KNOW THE PERSON'S NAME, THEN DESCRIBE HIM / HER BELOW.

Date of incident: _____ Time occurred: _____ Case #: _____

Where did the incident take place?: _____

Describe what happened, be specific as to what was said. Include information on any witnesses:



80 Wheeler Avenue - Pleasantville, New York 10570
(914) 769-1500 Fax: (914) 769-7049

PERSONNEL COMPLAINT REPORT – Cont.

PAGE _____ OF _____

(COPY IF ADDITIONAL PAGES ARE NEEDED)

Officer/employee's name: _____

COMPLAINT ROUTING FORM

PREPARE A SEPARATE FORM FOR EACH OFFICER INVOLVED

Section 1: Tour Supervisor Intake

Date / Time of Report: _____ Complainant: _____

Date / Time of Incident: _____ Location: _____

DO Log #: _____ Officer Involved: _____

Complaint Received: (circle one) In Person By Mail Telephone

Apparent Complaint Category: (see R&R Section 125-5) Category 1 Category 2

Notifications:

Category 1: (Immediate Notification)

Category 2: (Standard Notification)

____ Police Chief

____ Appropriate Division Commander

____ Patrol Division Commander

____ Detective Division Commander

____ *A copy of the "Personnel Complaint Report" was provided to the Complainant*

____ *A copy of the "Personnel Complaint Report Receipt" was provided to the Complainant*

____ *A copy of the "Personnel Complaint Procedure" was provided to the Complainant*

____ *All forms necessary for the processing of the complaint have been forwarded to the Appropriate Division Commander.*

Tour Supervisor

Date

(for internal use only - do not give a copy to complainant)

Section 2: Division Commander Preliminary Findings

Date Received: _____

Category of Complaint:

_____ Category 1:
Forwarded to Chief for Assignment to
Special Investigation Unit
skip to Section 5: "Chief of Police Action"

_____ Category 2:
Forwarded to Department
Supervisor for investigation

Assigned Supervisor: _____

Division Commander

Date

Section 3: Category 2 Complaint - Department Supervisor Investigation

Date received and investigation commenced: _____

Date investigation completed and final report, with all notes, statements and findings
forwarded to Division Commander

Department Supervisor

Date

Section 4: Category 2 Complaint: Division Commander Recommendation

_____ Substantiated	Notes: _____
_____ Unsubstantiated	_____
_____ Exonerated	_____
_____ Unfounded	_____
_____ Misconduct Noted	_____

Division Commander

Date

Section 5: Chief of Police Action

_____ Approved _____ Rejected _____ Forwarded to S.I.U.

Chief of Police

Date

Policy:

All tour supervisors receiving a complaint will disseminate to the complainant as follows:

- PC Procedure

- PC Report - copy

- PC Comp Report Receipt - copy

- Complete complaint routing form