

Summary of January 14th Meeting of the Saranac Lake Police Review Committee

The meeting was held via zoom from 3:30 pm to 4:30 pm. Present were: John Sweeney, Chief James Joyce, Melinda Little, Ernest Hough, Sarah Clarkin, Suzanne Lavigne. Absent: Angela Brice, Chris Morris, Betsy Fuller, DA David Hayes.

Melinda Little read note from Chris Morris note to committee, Attached

David Lynch request for public research document was discussed by committee – once compiled, these will be included in the Master Document

Erin Cass email to Melinda Little, which was shared with all committed members (attached). was also discussed by the committee. All members expressed that they feel they've had opportunity to state their positions throughout the process and that formal voting had not been needed. That said, the committee agreed to formally vote on the final document which will include the summary of the committee's work and findings and recommendations to the Village Board

John Sweeney discussed the formal changes that New York State has adopted as of April 2021 in reference to New York State Section 75 Law Enforcement misconduct investigation board. <https://www.nysenate.gov/legislation/laws/EXC/75>. Reversal of 50A protection.

James Joyce updated the committee on Policy changes via Lexipol
Including:

- Community Relations Advisory Board and interface with the Public
- Personnel Complaint Policy

As a group the committee supports Chris Morris identifying the wording as "Interface with the Public" for the Community Relations group. Committee members will review the Community Relations Advisory Board document, and the intention is to discuss this in more detail at next week's meeting.

All Members are in support of updating the current VSLPD website and to model it similar to the Lake Placid Website, Sarah Clarkin volunteered to assist with this review

Recommendations, but not limited to including:

- Local Law
- Police Force staffing and contact
- Office Location
- Parking information
- Animal Control
- Resource Directory

James Joyce to provide Personnel Complaint and Community Relation Policies to the committee

SWAT request Policy was reviewed

John Sweeney updated the committee on the status of providing space to the CALEP groups with potential at 3 Main St.

John Sweeney

From: James Joyce
Sent: Thursday, January 14, 2021 4:15 PM
To: John Sweeney
Subject: Fw: Public Comment re January 7th Meeting

James M. Joyce
Chief of Police
Village of Saranac Lake
1 Main Street
Saranac Lake, New York 12983
518-891-4422

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From: Melinda Little <mlittle231@aol.com>
Sent: Saturday, January 9, 2021 11:00 AM
To: abrace@nccc.edu <abrace@nccc.edu>; betzny@roadrunner.com <betzny@roadrunner.com>;
bfuller@adirondackhealth.org <bfuller@adirondackhealth.org>; chrjmorris@gmail.com <chrjmorris@gmail.com>;
dhayes@franklincony.org <dhayes@franklincony.org>; ernest_hough@hotmail.com <ernest_hough@hotmail.com>;
John Sweeney <manager@saranacklakeny.gov>; James Joyce <policechief@saranacklakeny.gov>;
sclarkin@harriestownha.org <sclarkin@harriestownha.org>; slavigne@franklincony.org <slavigne@franklincony.org>
Subject: Fwd: Public Comment re January 7th Meeting

Hi All:

Please see the email below from Erin Cass. Let's put it on the agenda for discussion next week.

Have a good weekend.

Thanks.

Melinda

Melinda Little
Coordinator, Point Positive, Inc.
518-354-0202
PointPositiveAdk.com

-----Original Message-----

From: Erin Cass <e.cass7@gmail.com>
To: Melinda Little <mlittle231@aol.com>
Sent: Fri, Jan 8, 2021 4:19 pm

Hi Melinda,

After watching the latest EO203 group meeting recording, I thought I would provide clarity on how CALEP and CHW are totally different and meet different needs as I think that is confusing to some on the committee. A CHW program is not something that provides law enforcement with help on mental health related calls, it's about connecting poor people to existing health services to improve public health outcomes. It should not be a recommendation of this committee, and has nothing to do with police reform. CHWs do not work with law enforcement at all in any of the models that we are looking at implementing in this area. Chris and myself are working within ADI in partnership with local health care organizations and the hospital to put together grant proposals for both government and private funding for this program.

CALEP will specifically support law enforcement and the community by providing more appropriate response to mental health crises, which is not the role of a CHW.

Hope that helps!

I also think John Sweeney's reasoning that "the board and myself oversee the police" so we don't need a civilian review board is alarming and completely misses the point of why civilian review boards exist in the first place. I was disappointed Chris couldn't make that meeting, and I hope the committee pushes back on that.

One final question I have, which I have also raised with Chris, is has the committee decided on a voting procedure and quorum for how you all will decide on final recommendations? From the outside looking at these recordings it often seems like one person is able to push their own view forward even when the majority of the group feels differently because there are not meeting/governance rules.

Thanks for your work in the community, we're lucky to have you!

EC

Dear Members Of The Police Reform Committee,

In accordance with Page 111 of the [guidance from New York State](#), I am requesting that all research materials used by this committee be made publicly available prior to the committee's next public meeting.

Respectfully,
David Lynch

John Sweeney

From: Melinda Little <mlittle231@aol.com>
Sent: Thursday, January 14, 2021 6:26 PM
To: abrice@nccc.edu; betzny@roadrunner.com; bfuller@adirondackhealth.org; chrjmorris@gmail.com; couwenhovenr@gmail.com; dhayes@franklincony.org; ernest_hough@hotmail.com; John Sweeney; James Joyce; sclarkin@harriestownha.org; slavigne@franklincony.org
Subject: Chris Morris comments for today's meeting

Hi All:

Here's the message from Chris that I read earlier.

Have a good night and thanks to all of you for sticking with this process.

Melinda

Melinda Little
Coordinator, Point Positive, Inc.
518-354-0202
PointPositiveAdk.com

-----Original Message-----

From: Chris Morris <chrjmorris@gmail.com>
To: Melinda Little <mlittle231@aol.com>
Sent: Thu, Jan 14, 2021 1:36 pm
Subject: comments for today

Hi Melinda,

Tried to keep this short and managed to do it in less than a page. Hope this is OK. Thank you!

Chris M.

First, thank you to Melinda for reading this statement so it's on both the written and oral records. I apologize for my absence — I've been the head coach for youth ski league at Dewey mountain for over 10 years now and it's a commitment I've never wavered on. When we began meeting earlier this year I didn't take this conflict into consideration — I will however continue to stay engaged by email and through conversations with Melinda, John, James, and the rest of the committee.

As we get closer to drafting and finalizing our recommendations to the board — following public input — I want to make my personal appeal for a standing Civilian Review Panel for this village.

For starters, this is outlined as a recommended strategy in the Governor's guidance and can be found on pages 42-47. This guidance notes that such groups "can play a continuing and meaningful role in the decision-making process."

I've stated in the past that the work of the EO203 committee should not end on April 1 when the budget is enacted. We've learned a lot from both the community and the police chief on the challenges of policing and public safety in our community. From the police department's perspective, we've learned that limited resources and the constant need to keep up to date with new policies and practices strains many of the chief's other important roles, including liaising and communicating with citizens and stakeholders.

A standing panel could assist the department in reviewing policy changes, tracking updates to the Lexipol manual, and researching, identifying, and recommending new policies or ideas. The panel can also serve as

an interface between the police and the public, hosting listening sessions with students at NCCC and Paul Smith's, and with stakeholders in the mental health, public health, developmental disabilities, and substance abuse arenas.

I understand the legal and structural arguments against giving such a panel firing and hiring power — I'm not asking for that. My own friends and advisers might disagree with me on that and be disappointed that I'm not pushing for a structure with even stronger oversight, but my personal feeling is that I would rather create something than risk doing nothing.

I believe a standing panel builds trust in the community as a mechanism to field complaints, concerns, and even compliments and positive feedback. We've learned throughout this process that not everyone in our community feels empowered to share their concerns directly — the concerns and experiences raised by our queer community and students at NCCC, particularly students of color, on their own stand as perhaps the strongest argument for creating this ongoing panel to continue this critical dialogue.

The notion that just because we haven't experienced a major police/community incident is not a valid reason for not acting proactively to build trust. This community prides itself as being progressive and inclusive — creating this panel would enforce that belief.

I've shared draft bylaws, based on Brattleboro, Vermont's review board, on how this committee could be structured here as well as additional background research. I look forward to discussing this more in the coming weeks as we work to draft our recommendations. Thank you, as always, for listening.

Community Relations

343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Policy.
- Suspicious Activity Reporting Policy.

343.2 POLICY

It is the policy of the Saranac Lake Village Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

343.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol.

343.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or authorized designee and is responsible for:

- (a) Obtaining department-approved training related to his/her responsibilities.

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- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the department's relationship with the community.
- (d) Working with community groups, department members and other community resources to:
 - 1. Identify and solve public safety problems within the community.
 - 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (e) Working with Patrol Supervisors to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (f) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (g) Attending Village Board and other community meetings on an as needed basis to obtain information on community relations needs.
- (h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

343.5 SURVEYS

The community relations coordinator may arrange for a survey of community members and department members to be conducted on a basis as determined by the Administration to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Department
- (b) Overall competence of department members
- (c) Attitude and behavior of department members
- (d) Level of community trust in the Department
- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

343.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

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- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (e) Neighborhood Watch and crime prevention programs.

343.7 INFORMATION SHARING

The community relations coordinator should work with Supervisors to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

343.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Alongs Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Department.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

343.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, should not allow them to be present in any location or situation that would jeopardize their safety.

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Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

343.10 COMMUNITY ADVISORY COMMITTEE

The Chief of Police, in conjunction with the Village Board, should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the Department to develop strategies to solve public safety problems.
- (c) Generate plans for improving the relationship between the Department and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

The Community Relations Coordinator or other authorized designee should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities if applicable.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

343.10.1 LEGAL CONSIDERATIONS

The Chief of Police and the community relations coordinator should work with the Village Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

343.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officer, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

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343.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Saranac Lake Village Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The Saranac Lake Village Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law and municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Administration, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Administration, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other Village facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1010.4.3 NOTIFICATIONS

Upon receipt of a complaint, the supervisor shall notify the Chief of Police as soon as practicable. The Chief of Police shall notify the Village Manager as soon as practicable.

1010.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint.

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On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Supervisor or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Chief of Police.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Supervisor and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Village of Saranac Lake's Human Resources and the Chief of Police for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Chief of Police, who will determine whether to contact the complainant or assign the complaint for investigation.

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- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES UNDER CIVIL SERVICE LAW
Whether conducted by a supervisor or a member of the Administration, the following applies to employees covered by Civil Service Law (Civil Service Law § 75):

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Saranac Lake Village Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

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2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.
 - (i) All employees subjected to interviews that could result in discipline have the right to have a certified or recognized union representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
 1. The employee shall be informed in advance and in writing of the right to representation.
 2. If the employee is unable to find representation within a reasonable time, the interview will proceed.
 - (j) All employees shall provide complete and truthful responses to questions posed during interviews.
 - (k) No employee may be compelled to submit to a psychological stress evaluator examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Labor Law § 735).

1010.6.3 ADMINISTRATIVE INVESTIGATION PROCEDURES OTHER EMPLOYEES

Whether conducted by a supervisor or a member of the Administration, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Saranac Lake Village Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

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- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 - 2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.
- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee may be compelled to submit to a psychological stress evaluator examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Labor Law § 735).

1010.6.4 NOTICE OF CHARGES

Any charges brought against an employee shall be in writing and within the time frame prescribed by law (Civil Service Law § 75; Second Class Cities Law § 137; Town Law § 155; Village Law § 8-804).

1010.6.5 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

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Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1010.6.6 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1010.6.7 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

1010.6.8 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1010.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

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1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.
- (d) May be on leave without pay for no more than 30 days (Civil Service Law § 75; Village Law § 8-804).

1010.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Saranac Lake Village Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1010.10.1 SUPERVISOR RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Supervisor of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

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The Supervisor may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Supervisor may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Supervisor shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1010.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Supervisor for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the employee with a written notice that includes the reasons for the proposed disciplinary action and a copy of the charges (Civil Service Law § 75).

The employee shall be given an opportunity to respond in writing to the Chief of Police within eight days of receiving the notice. Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.

Once the employee has completed his/her response, or if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall designate a hearing officer, in writing, when there is a recommendation for disciplinary action or termination of an employee. Upon completion of the hearing, the Chief of Police shall review the record of the hearing and recommendations of the hearing officer and shall render a timely written decision to the employee and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1010.10.3 HEARING BY HEARING OFFICER

The hearing shall be conducted by the designated hearing officer as provided in Civil Service Law § 75 or as otherwise provided in the applicable collective bargaining agreement or personnel rules. The hearing officer shall make a record of the proceedings.

The employee, upon request, may be represented by counsel, or by a representative of a recognized or certified employee organization. The employee shall be allowed to summon witnesses on his/her behalf. Judicial rules of evidence do not apply.

The hearing officer shall consider all information received in regard to the recommended discipline and shall forward his/her recommendations to the Chief of Police.

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If the employee is found guilty, a copy of the charges, the employee's written response to the charges, a transcript of the hearing and the determination shall be retained by the Department. A copy shall be filed with the civil service commission having jurisdiction over the employee. A copy shall also be provided to the employee upon request without charge.

1010.10.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1010.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by Civil Service Law § 76, any collective bargaining agreement and/or personnel rules.

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1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

In cases where an individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate, the probationary period may be extended at the discretion of the Chief of Police.

1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.



Saranac Lake Police Department

General Order

Subject: Internal Affairs	Order Number: 134
Effective Date:	Revised Date:
Rescinds:	Reference Standards:

Approved By Acting Chief Charles A. Potthast Jr.

I. PURPOSE

To establish procedures that ensures the integrity of the Saranac Lake Police Department and its employees. This shall be accomplished by the proper documentation, investigation, and adjudication of alleged or suspected misconduct by employees of the Saranac Lake Police Department.

II. DEFINITIONS:

A. Misconduct--any violation of department administrative procedure, rule, order, etc. It also includes any violation of the law.

B. Complaint--an allegation of improper or unlawful conduct (includes an act or omission), which relates to the business of the department or to the behavior of any department employee.

C. Improper Act or Omission--includes but is not limited to the following:

1. Abuse of authority.
2. Discourteous or abusive behavior.
3. Conduct, although not criminal, which is a deviation from acceptable behavior.

D. Unlawful Act or Omission--includes but is not limited to the following:

1. Conduct that would be criminal on its face.
2. Unnecessary or excessive use of force.

III. POLICY

A. The Chief of Police has overall responsibility for the internal affairs function. The investigation of such matters may be delegated as necessary.

B. The person conducting an internal investigation has the authority to report directly to the Chief of Police.

IV. PROCEDURES

A. Any person wishing to make a complaint against a member of the department, a department policy or procedure, or any aspect of the department's operation, will be allowed to make such complaint to an on duty supervisor.

B. The supervisor taking the complaint will obtain a case number for a confidential investigation and document the complaint regardless of how such complaint is received.

1. If the complaint is received "in person," the complainant will be encouraged to complete any necessary forms and sign same. A signature is not required in order to make a complaint. If the complainant is reluctant or refuses to do so, the supervisor will complete the necessary forms.

2. If a complaint is received by telephone, the complainant will be encouraged to respond to the police department to complete the appropriate forms. If the complainant is reluctant or refuses to do so, the supervisor will complete the forms.

3. If the complainant remains anonymous the supervisor will take the complaint and complete the required forms.

4. The supervisor will assist the complainant in filling out this form if needed.

5. If the complainant refuses to give the complaint to the on duty supervisor, said person will be referred to the Chief of Police.

C. If the complaint or situation calls for immediate evidence gathering, the supervisor receiving the complaint will gather such evidence as deemed necessary. This process will include but is not limited to the following kinds of information:

1. The officer(s) or procedure complained about.
2. Observation of the complainant (physical, emotional, etc.).
3. Photographs of alleged injuries, damage, etc.
4. Circumstances (arrest, ticket issued, third party).

D. The complainant will be advised that the matter will be investigated and handled administratively.

E. Complaints received will be kept in strict confidence. Only departmental personnel with a "need to know" will be made aware of such complaint and/or investigation.

F. Immediately upon completion, the original complaint forms will be forwarded to the Chief of Police in a sealed envelope. He will determine the severity of the complaint and assign any follow-up investigation to the appropriate supervisor.

G. If the supervisor receiving the complaint has direct supervisory authority over the officer or situation, that supervisor may conduct the preliminary investigation before forwarding it to the Chief of Police. If this occurs, the supervisor will verbally advise the Chief on the nature of the complaint.

H. The supervisor conducting the preliminary investigation will do so as soon as possible but no later than fifteen (15) days after receipt of the complaint.

I. Approved inter-departmental correspondence, directed to the Chief of Police, will be used to document all investigative efforts.

V. COMPLAINTS REFERRED FOR FOLLOW-UP INVESTIGATION

A. Complaints against personnel of a lesser degree (i.e. officer rudeness, insubordination, violation of policy, etc.) can be handled by first-line supervisors and will be referred to them for follow-up and resolution. Once resolved, these reports will be forwarded to the Chief of Police for final review and file maintenance.

B. More serious complaints (i.e. corruption, brutality, death or serious injury, criminal misconduct, and breach of civil rights) would require a more extensive and detailed follow-up investigation. These matters will be referred to the Chief of Police for investigation.

C. The Chief of Police will:

1. Assign personnel to assist with the investigation as needed.
2. Maintain a close liaison with the Franklin/Essex County District Attorney's office in investigations alleging criminal conduct.
3. Maintain a close liaison with any attorney representing the department where liability is an issue.

D. No information concerning the progress, guilt or innocence of department personnel will be communicated to the complainant during the investigation.

E. During any investigation, all provisions of the collective bargaining agreement between the Village of Saranac Lake and the P.B.A. will be complied with.

F. If circumstances warrant, due to the severity of the allegation, the Chief of Police may suspend a member pending the outcome of the investigation.

VII. DISPOSITION

A. Upon completion of an investigation, the Chief of Police shall recommend one of the following four acceptable dispositions:

1. UNFOUNDED - The act complained about apparently did not occur or the officer's conduct was justified, lawful and proper.
2. UNSUBSTANTIATED - There is insufficient evidence to clearly prove or disprove the allegation.

3. FOUNDED - The act complained of did occur and amounts to misconduct or misjudgment.

B. At the completion of the investigation, the Chief or his designee will notify the following people regarding the results of the investigation.

1. The supervisor(s) involved.
2. The officer(s) involved.

C. At the conclusion of an investigation, the Chief will determine if a need for reinforced or further training is warranted. If so, he will advise the department training officer to coordinate appropriate training as needed.

VIII. INTERNAL AFFAIRS FILES

A. All open and closed cases will be maintained by the Chief of Police.

B. No member of the department, regardless of rank or assignment, is permitted to review these files without approval of the Chief.

C. Internal affairs records will be kept in accordance with legal requirements (NYS Education Guidelines).

VIII FOUNDED COMPLAINTS

The Chief of Police will have sole discretion regarding any disciplinary action to be taken regarding founded complaints up to and including dismissal. Complaints that result in a violation of law will be referred to the appropriate District Attorney's Office for further action.

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