APPENDIX B

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE PLAN CERTIFICATION FORM

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

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

☒ The Local Government has performed a comprehensive review of current police force deployments, strategies, policies, procedures, and practices;

☒ The Local Government has developed a plan, attached hereto, to improve such deployments, strategies, policies, procedures, and practices (the "Plan");

☒ The Local Government has consulted with stakeholders (including but not limited to: membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials) regarding the Plan;

☒ The Local Government has offered the Plan in draft form for public comment to all citizens in the locality and, prior to adoption of the Plan by the local legislative body, has considered the comments submitted; and

☒ The legislative body of the Local Government has ratified or adopted the Plan by local law or resolution.

Michael Cinquanti

Name

Signature

Mayor

Title

3/26/21

Date

COMMON COUNCIL MEETING
March 16, 2021
6:00pm

RESOLUTION #20/21-158

RESOLUTION ADOPTING AND IMPLEMENTING POLICE REFORM AND REINVENTION POLICIES PURSUANT TO EXECUTIVE ORDER 203

BY: FULL COUNCIL & MAYOR CINQUANTI

WHEREAS, Governor Cuomo issued **Executive Order 203** on June 12, 2020. Under the terms of the order, "Each local government entity which has a police agency must convene the head of the police department and stakeholders in the community to (1) perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and (2) develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate pol
icing of communities of color. Such plan must be adopted by the governing board by April 1, 2021; and

WHEREAS, a copy of the Reform and Reinvention Plan Report being attached hereto; and

WHEREAS, the attached report having previously been published on the City of Amsterdam website and also published on the Facebook pages for the City of Amsterdam and Amsterdam Police Department for public comment and feedback; and

WHEREAS, a public hearing having been held on March 16, 2021 for public comment and feedback;

COMMON COUNCIL MEETING
March 16, 2021
6:00pm

NOW THEREFORE, BE IT RESOLVED that the City of Amsterdam and Amsterdam Police Department hereby adopts the policies contained in the attached Reform and Reinvention Plan pursuant to Executive Order 203

RESOLUTION ADOPTED UNANIMOUSLY

Common Council
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman D. Gomula	√	
Alderwoman Collins	√	
Alderman S. Gomula	√	
Alderman Martuscello	√	

Michael Cinquanti
MICHAEL CINQUANTI, MAYOR

DATED: March 17, 2021

This is to certify that I, Stefanie Lenkowicz City Clerk of the City of Amsterdam, County of Montgomery, State of New York, that the above is the original Resolution, passed by the City of Amsterdam Common Council on March 16, 2021 a majority of all members elected to the Council voting in favor.

I have set my hand and the official seal of the City of Amsterdam this 17th day of March 2021

Stefanie Lenkowicz
CITY CLERK

CITY SEAL
Received & Filed in the Office of the City Clerk: 3-17-21

Received by: SL

REFORM & REINVENTION PLAN

City of Amsterdam, New York

February 8, 2021

TABLE OF CONTENTS

APD Mission Statement & Core Values	3
Acknowledgements	4
Geography	5
Staffing	6
Organizational Chart	7
Executive Order No. 203	8
Objectives	9
Community Involvement	10
Survey Results	11-19
Training	20
Use of Force	21
Compliment/Complaint Form	22
Crisis Intervention Team	23
Youth Engagement	24-25
Body-Worn Cameras	26
Appendix A - Use of Force Policy	27-35
Appendix B - Compliment/Complaint Brochure	36
Appendix C - Compliment/Complaint Form	37-40
Appendix D - Plan Certification Form	41

AMSTERDAM POLICE DEPARTMENT MISSION STATEMENT & CORE VALUES

- **The mission of the Amsterdam Police Department is to protect and serve the citizens of Amsterdam with dignity, honor and respect**
- **The Amsterdam Police Department will perform this mission in partnership with the community it serves**
- **The Police Department will foster and promote all aspects of public safety**
- **Maintain service as our primary goal, while vigorously pursing those who commit crime**
- **Ensure that community responsiveness and the prevention and deterrence of crime are always a priority of this agency**
- **Strive to maintain the highest levels of integrity and professionalism in all our members and activities**
- **Provide courteous police service with respect for the rights and dignity of the people we serve**
- **Encourage public input regarding the development of strategies that directly affect the quality of neighborhood life**
- **Manage our resources carefully and effectively**
- **Seek the input of employees into matters that affect job satisfaction and effectiveness**
- **Remain committed to a shared and open relationship of involvement with all segments of our community**
- **Encourage cooperative relationships with professionals from all facets of the law enforcement community**

ACKNOWLEDGEMENTS

The City of Amsterdam would like to thank the following members of the Police Reform and Reinvention Committee that have dedicated their time, talents, and knowledge to the process.

Michael Cinquanti – City of Amsterdam, Mayor
John Thomas – City of Amsterdam, Police Chief
Lorraine Diamond – Montgomery County District Attorney
Jeff Smith – Montgomery County Sheriff
Matt Ossenfort – Montgomery County Executive
St. Mary's Hospital – Medical/Mental Health
Public Health/Mental Health
Centro Civico – Community
Creative Connections Clubhouse- Community
Montgomery County OFA
Nydia Hill – Community
Lashawn Hawkins – Community
Victim Advocate Services
United Way
Fr. Neal Longe – Clergy/Chaplain
Rev. William Hodgetts – Clergy/Chaplain
Kent McHeard – Clergy
Nancy Ryan - Clergy
David Ziskin – HFM BOCES
Jay DeTraglia – HFM BOCES
Mike Dimezza – HFM BOCES
Lucille Sitterly – Probation Director
Donald Bowden - Community
Montgomery County Public Defender's Office
DSS Commissioner/Deputy & Caseworkers
Anthony Casale – City of Amsterdam, Attorney
Police Chiefs of Montgomery County (3)
FMCC Public Safety

GEOGRAPHY

The City of Amsterdam is 6.3 square miles and has a population of 18,000 people. The Amsterdam Police Department responds to calls for service in all five wards throughout the city 24 hours a day, 7 days a week.

STAFFING

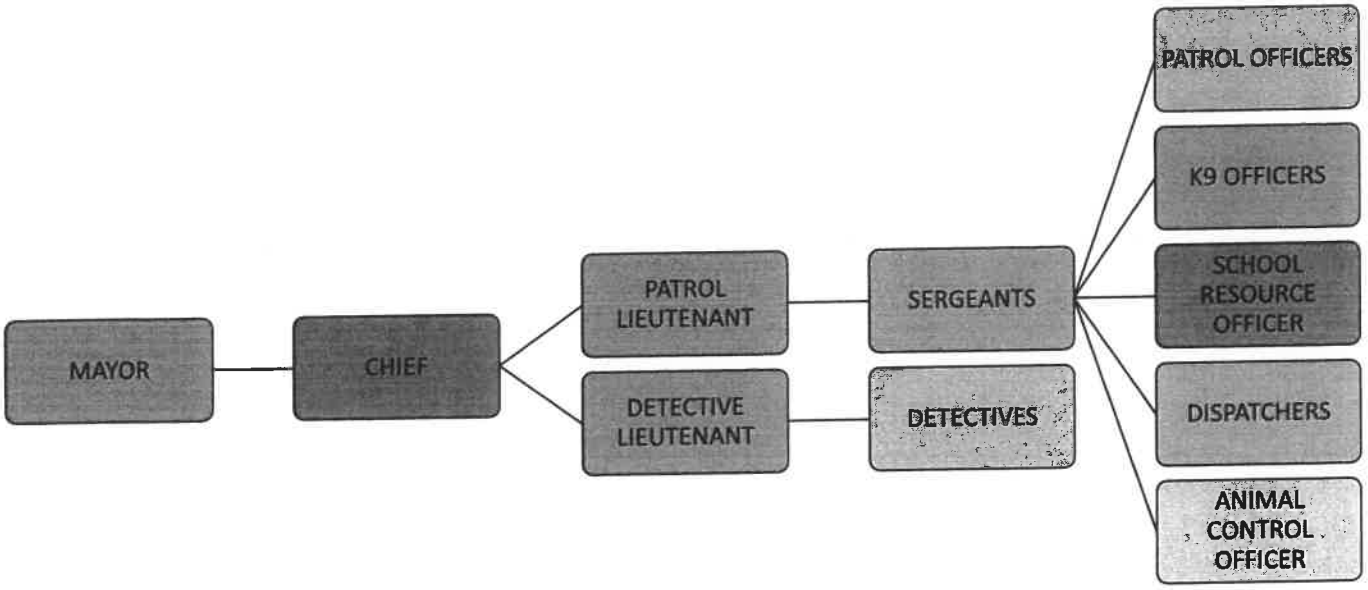
The Amsterdam Police Department is made up of thirty nine (39) full-time Police Officers, two (2) Dispatchers and one (1) Animal Control Officer.

ADMINISTRATION	
Chief	1
Patrol Lieutenant	1
Detective Lieutenant	1

PATROL	
Patrol Lieutenant	1
Sergeants	4
Patrol Officers	23
K9 Officers	2
School Resource Officer	1
Dispatchers	2
Animal Control Officer	1

DETECTIVE BUREAU	
Detective Lieutenant	1
Detectives	6

ORGANIZATIONAL CHART



EXECUTIVE ORDER NO. 203

On June 12, 2020 Governor Andrew Cuomo signed Executive Order no. 203 titled New York State Police Reform and Reinvention Collaborative. In this executive order, Governor Cuomo instructed all police agencies as defined by New York State law, to conduct reviews aimed at reform and reinvention. These reviews are to be in collaboration with stakeholders drawn from the community to which each agency provides primary police services. The aforementioned order also required each government in the state that has a local law enforcement agency to adapt a policing reform plan by April 1, 2021.

REFORM OBJECTIVES

- Discuss community concerns and evaluate departmental policies
- Train officers on correct Use of Force procedures to reflect policy
- Create compliment/complaint form to document police interaction
- Discuss mental health concerns and police response
- Encourage youth engagement with law enforcement
- Implement Body Worn Camera program
- Present a plan to the local legislative body to be ratified or adopted
- Certify the plan adoption and submit to the State Budget Director

COMMUNITY

Both Mayor Cinquanti and Chief Thomas attended two (2) in person meetings and because of COVID restrictions, several virtual meetings with stakeholders. These meetings included people and organizations listed in the acknowledgements section on page four (4) of this plan. Concerns from the community were discussed and the department's current practices and policies were evaluated. The Amsterdam Police Department also helped create the Montgomery County Law Enforcement Survey which was hosted by SurveyMonkey and shared on social media on 10/06/2020. The survey was also provided to probationers in hopes of getting input from people who had extensive involvement with law enforcement.

SURVEY RESULTS

Question 1:

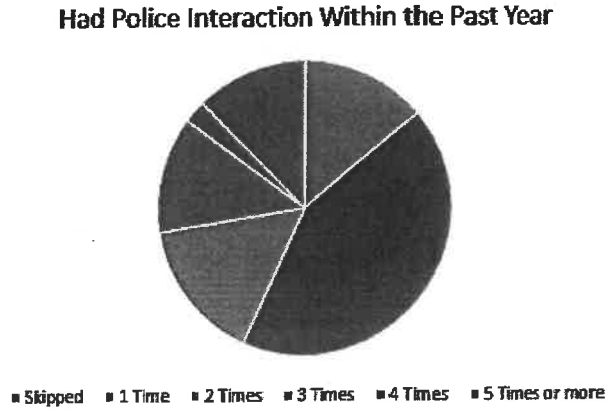
Who is your primary law enforcement agency?

243 participants responded "Amsterdam Police Department".

Question 2:

Have you ever been directly involved with or directly observed a police interaction with your local law enforcement agency within the past year? If so, how many times?

14% Skipped the question
43% had one encounter
16% had two encounters
13% had three encounters
6% had four encounters
12% had five or more encounters



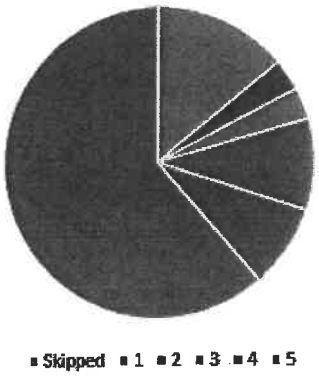
SURVEY RESULTS

Question 3:

How would you rate each interaction on a scale from 1-5? (1 being unfair and unprofessional and 5 being fair and professional)

14% Skipped the question
3% Gave the rating of 1
3% Gave the rating of 2
10% Gave the rating of 3
9% Gave the rating of 4
61% Gave the rating of 5

1 = Unfair/Unprofessional - 5 = Fair/Professional



SURVEY RESULTS

Question 4:

What change would you like to see from your local law enforcement?

Out of 243 participants, 54 people skipped this question. The remaining 189 participants answered as follows:

52 participants answered - "Nothing/doing a great job"
25 participants answered – "More police presence"
15 participants answered – "More police"
13 participants answered – "More/better communication"
10 participants answered – "Better attitude"
7 participants answered – "More responsive"
7 participants answered – "More traffic enforcement"
6 participants answered - Misc. Negative comments that were not constructive
6 participants answered – "More honesty/trust"
5 participants answered – "Quicker response"
5 participants answered – "More pay better resources"
4 participants answered – "More community involvement"
4 participants answered – "Stop profiling people"
4 participants answered – "Walking beat"
3 participants answered – "Merge with a bigger department/Sheriff"
3 participants answered – "More drug enforcement"
3 participants answered – "Repeal police reform"

SURVEY RESULTS

2 participants answered – "More training for dealing with the mentally ill"
2 participants answered – "More support/assistance for victims"
2 participants answered – "More training on de-escalating situations"
1 participant answered – "More police training"
1 participant answered – "More collaboration with other agencies"
1 participant answered – "More female officers"
1 participant answered – "More K9s"
1 participant answered – "More training in psychology"
1 participant answered – "More diversity within the department"
1 participant answered – "Better technology for police"
1 participant answered – "Do more to stop graffiti"
1 participant answered – "Have a bike or motorcycle patrol"
1 participant answered – "End no-knock warrants"
1 participant answered – "Continue with police reform"

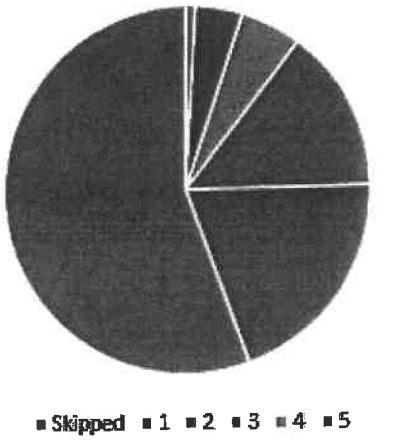
SURVEY RESULTS

Question 5:

What is your level of trust for local law enforcement officers? Rate on a scale from 1-5 (1 being dissatisfied and 5 being satisfied)

2% Skipped the question
4% Gave the rating of 1
5% Gave the rating of 2
14% Gave the rating of 3
20% Gave the rating of 4
56% Gave the rating of 5

1 = Dissatisfied - 5 = Satisfied

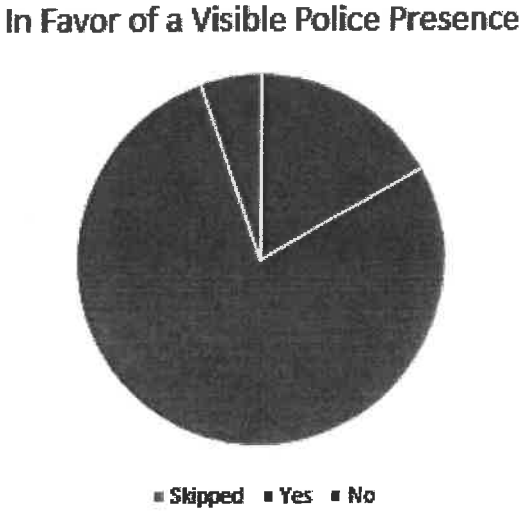


SURVEY RESULTS

Question 6 (and 6B):

Are you in favor of a visible police presence in your community to deter crime? (B) If so, do you feel that your local law enforcement agency currently provide that to you at a sufficient level?

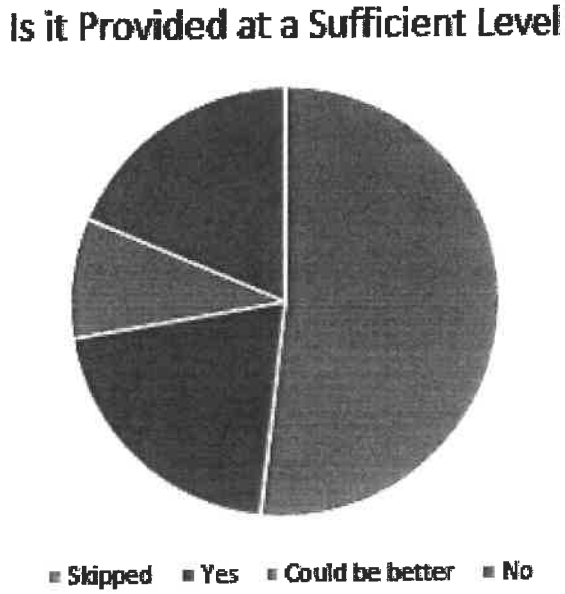
17% Skipped the question
78% Answered "Yes"
5% Answered "No"



SURVEY RESULTS

6(B) If so, do you feel that your local law enforcement agency currently provide that to you at a sufficient level?

52% Skipped the question
21% Answered "Yes"
9% Answered "It could be better"
18% Answered "No"



SURVEY RESULTS

Question 7:

Please provide any ideas you may have that would increase the trust and confidence of your local law enforcement agency.

Out of 243 participants, 90 people skipped this question. The remaining 153 participants answered as follows:

27 participants answered that they do not have any trust issues with this department
22 participants answered "More interaction with the public" (i.e. Neighborhood watch, focus on getting to know minorities, stop to talk to people and visit businesses)
14 participants answered "More police presence"
13 participants answered "Foot patrols/walking beats"
13 participants answered "More youth interaction" (i.e. go into schools more)
6 participants answered "More community functions" (i.e. HQ open house, Police BBQ)
6 participants answered "Hire more police Officers"
6 participants answered "Repeal Bail Reform/keep politics out of police work"
5 participants answered "Be more aggressive" (i.e. more traffic stops, more drug enforcement, city codes)
5 participants answered "More transparency" (i.e. ride alongs, monthly updates, review board)
5 participants answered "Have a better attitude"

SURVEY RESULTS

4 participants answered "Have better communication skills"
4 participants answered "Have more empathy"
4 participants answered "Work more with Social Workers, Domestic Violence and other agencies"
3 participants answered "Quality control" (i.e. monitor calls and social media better)
3 participants answered "More diversity in the department"
2 participants answered "I do not trust them" "Fire all of them"
2 participants answered "Be more respectful"
2 participants answered "Offer more training for sensitivity, and autism"
2 participants answered "Treat people equally"
2 participants answered "Amsterdam police officers should live in Amsterdam"
1 participant answered "They should be wearing body cameras"
1 participant answered "Do something about all the graffiti"
1 participant answered "Respond to calls quicker"

TRAINING

In June of 2020, the Amsterdam Police Department began using Lexipol for policy recommendations and distribution to officers. Officers are now required to review each department policy online and acknowledge that they understand such policy. Officers are also required to complete Daily Training Bulletins (DTBs) which are realistic, ongoing and verifiable training to help officers learn to apply policies and improve their ability to make well-reasoned decisions.

Also in June 2020, all officers at the Amsterdam Police Department completed four hours of mandatory defensive tactics training led by the Division of Criminal Justice System certified instructors. During this training, the new APD Use of Force policy was reviewed with each officer. Officers were advised that on June 8, 2020 the NYS Assembly passed the Eric Garner Anti-Chokehold Act, which would criminalize the harmful use of a chokehold by a police officer. De-escalation training was reviewed and proper restraint techniques were demonstrated by defensive tactic instructors. Officers then practiced proper hands-on techniques. Every year, officers will be required to attend this mandatory training to review the current APD use of force policy and practice proper restraint techniques.

USE OF FORCE

Appendix A is the current Amsterdam Police Department Use of Force policy. Included in section 300.2.1 is the requirement for an Officer to intercede and report excessive force incidents. This policy states that any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible. Officers who report such incidents are also protected by the Amsterdam Police Department's retaliation policy which prohibits treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice.

COMPLIMENT/COMPLAINT FORM

The Amsterdam Police Department recognizes it's responsibility to maintain the public confidence and trust, and the need to guarantee integrity and accountability of both the agency and of each employee. We recognize the rights of all citizens and want the public to recognize that APD employees must be able to exercise their best judgment in taking necessary and reasonable action in the performance of their duties without fear of retaliation. A new public compliment/complaint form was created and is available at police headquarters or on the City of Amsterdam website. Also available is a brochure explaining the public compliment and complaint process. The APD compliment/ complaint form and brochure are attached, appendices B & C.

CRISIS INTERVENTION TEAM

The Amsterdam Police Department has several Crisis Intervention Team (CIT) Officers who are specially trained to deal with emotionally distressed individuals in a variety of situations in the community. These situations may include suicidal persons, persons exhibiting irrational behavior, handling psychiatric patients, the homeless, various mental health concerns and/or referrals, and other situations that deal specifically with the needs of the mental health community and emotionally disturbed persons. All Officers are trained that mental health issues, mental health crises and unusual behavior are not criminal offenses.

YOUTH ENGAGEMENT

A full time School Resource Officer from the Amsterdam Police Department is assigned to the Wilbur H. Lynch Literacy Academy and the four elementary schools in Amsterdam. The SRO supports safety and is not used for disciplinary matters that are better handled through engagement with parents, conflict resolution strategies or other disciplinary measures. The SRO also participates in the *Choices* program which is a partnership with the HFM Prevention Council, the Creative Connections Clubhouse, and the Greater Amsterdam School District. The *Choices* program is intended to reach at risk students with diverse backgrounds by providing them with communication, leadership and teamwork stills.

POLICE EXPLORER PROGRAM

The purpose of the Police Explorer program is to bring together male and female members of the City aged 14-20 in an effort to further their knowledge and understanding of law enforcement, as well as to improve relations between the youth of the community and the Amsterdam Police Department. Explorers attend classroom instruction, participate in physical exercise, and assist the Amsterdam Police Department in carrying out special assigned duties, community events, and parades. Potential candidates are required to complete applications and attend scheduled meetings. Meetings take place on a bi-weekly schedule.

BODY-WORN CAMERA PROGRAM

By spring of 2021, the Amsterdam Police Department will implement a body-worn camera program. The purpose of body-worn cameras is to record enforcement, investigative and other encounters between the police and the public. They provide a contemporaneous, objective record of these encounters, facilitate review of events by supervisors, foster accountability, and encourage lawful and respectful interactions between the public and the police. The use of body-worn cameras has shown that cameras may help de-escalate potentially volatile encounters. The cameras may also provide important evidence in criminal and civil proceedings as well as resolving civilian complaints.

APPENDIX A

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Executive Law § 840).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury. This includes force that, under the circumstances, is readily capable of causing death or serious physical injury (Executive Law § 840).

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Amsterdam Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

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300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

A police officer or a peace officer may use reasonable physical force to effect an arrest, prevent escape of a person from custody, or in defense of self or others from imminent physical force (Penal Law § 35.30).

Force shall not be used by an officer to (Executive Law § 840):

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(a) Extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present.

(b) Coerce a confession from a subject in custody.

(c) Obtain blood, saliva, urine, or other bodily fluid or cells from an individual for scientific testing in lieu of a court order where required.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

(a) Immediacy and severity of the threat to officers or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

(c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of suspected drug or alcohol use.

(e) The individual's mental state or capacity.

(f) The individual's ability to understand and comply with officer commands.

(g) Proximity of weapons or dangerous improvised devices.

(h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.

(i) The availability of other reasonable and feasible options and their possible effectiveness.

(j) Seriousness of the suspected offense or reason for contact with the individual.

(k) Training and experience of the officer.

(l) Potential for injury to officers, suspects, and others.

(m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

(n) The risk and reasonably foreseeable consequences of escape.

(o) The apparent need for immediate control of the individual or a prompt resolution of the situation.

(p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(q) Prior contacts with the individual or awareness of any propensity for violence.

(r) Any other exigent circumstances.

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300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the individual can comply with the direction or orders of the officer.

(c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.4 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration, or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Amsterdam Police Department for this specific purpose.

300.3.6 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

(a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.

(b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.

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(c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.

(d) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

(e) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.3.7 STATE RESTRICTIONS ON THE USE OF OTHER RESTRAINTS

Any application of pressure to the throat, windpipe, neck, or blocking the mouth or nose of a person in a manner that may hinder breathing or reduce intake of air is prohibited unless deadly physical force is authorized (Exec. Law § 840).

This application is subject to the same guidelines and requirements as a carotid control hold.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

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An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law (Executive Law § 840).

See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of the TASER (TM) or control device.

(f) Any application of a restraint device other than handcuffs, shackles, or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or

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medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.6.1 ADDITIONAL STATE REQUIREMENTS

An officer should take steps to obtain medical attention for a person who reasonably appears to be mentally ill and is behaving in a manner that is likely to result in serious harm to the person or to others.

Officers should document requests for medical or mental health treatment as well as efforts to arrange for such treatment.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to (Executive Law § 840):

(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.

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2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.

1. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports, including any officers present at the incident.

(f) Review and approve all related reports.

1. Supervisors should require that officers who engaged in the use of force submit the appropriate report.

(g) Determine if there is any indication that the individual may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

1. Disciplinary actions will be consistent with any applicable disciplinary guidelines and collective bargaining agreements.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 SHIFT SERGEANT RESPONSIBILITIES

The Shift Sergeant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

(a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

(b) De-escalation tactics, including alternatives to force.

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(c) Applications of use of force and conflict strategies as required by the state Use of Force Model Policy (Executive Law § 840).

300.9 POLICY AVAILABILITY

This policy shall be readily available to the public upon request and shall be posted on the department website (Executive Law § 840).

300.10 USE OF FORCE ANALYSIS

At least annually, the Uniform Patrol Lieutenant should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects, or case numbers, and should include:

(a) The identification of any trends in the use of force by members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

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APPENDIX B

Things to Keep in Mind

The subject of the complaint should involve alleged misconduct by an employee

The focus of the APD complaint procedure is on alleged misconduct by an APD employee that encompasses a violation of laws or APD Policy and Procedures. Dissatisfaction with an arrest or ticket is not considered a "complaint" and you will be referred to the court with the appropriate jurisdiction.

Anonymous complaints are investigated but not recommended

Although anonymous complaints are investigated, the investigations are less likely to reveal all the facts surrounding an incident when the investigator is unable to contact the complainant. APD encourages individuals with allegations of misconduct by our employees to identify themselves and submit to an interview.

Making a complaint will not affect actions or charges against the complainant

Employees are prohibited from retaliating against you for reporting truthful information in lodging a complaint against them.

Any charges or legal issues (present or future) must be decided by the appropriate court. The investigation of your complaint will focus on the conduct of the employee, not charges against you. Any charges against you are a separate issue that you will have to resolve at court. Therefore, if you were arrested or issued a ticket or summons during the incident that led to your complaint, you must still follow the direction of the appropriate court in resolving the case.

Values of the Amsterdam Police Department

- Maintain service as our primary goal, while vigorously pursuing those who commit crimes
- Strive to maintain the highest levels of integrity and professionalism in all our members and activities
- Provide courteous police service with respect for the rights and dignity of the people we serve
- Encourage public input regarding the development of strategies that directly affect the quality of neighborhood life
- Remain committed to a shared and open relationship of involvement with all segments of our community
- Encourage cooperative relationships with professionals from all facets of the law enforcement community.

Amsterdam Police Department
1 Guy Park Avenue Ext.
Amsterdam, NY 12010
(518)842-1100
infopd@amsterdampd.com

Amsterdam Police Department

Public Compliment and Complaint Process

APPENDIX C

Amsterdam Police Department
1 City Park Ave. Ext.
Amsterdam, NY 12010
(518)842-1100
Info@amsterdampd.com

Instructions: If you would like to praise an Amsterdam Police Department employee, or file a complaint against a police employee, please write legibly and fill out this form. Personal information will not be disclosed to the public, unless required by law. You can submit this form by mailing it to the address given at the top of this page or by returning it to the Amsterdam Police Department.

If you are filing a Complaint, please indicate the type of complaint you wish to file.

Formal Complaint: Involves a serious allegation of misconduct, to be officially investigated, for which discipline may be imposed, if the allegation(s) are sustained.

Informal Complaint: Involves a minor complaint or concern, for informational purposes only and will not be formally investigated. However, the matter will be discussed with the employee(s) involved.

I wish to file a (select one)

☐ Compliment

☑ Formal Complaint

☐ Informal Complaint

Information about you
PLEASE PRINT LEGIBLY

First Name, Last Name

Sex

☐ Male

☐ Female

Age_____ **Date of Birth**_____

Address

Street Address

Street Address Line 2

City

State/Province Postal Zip Code

Phone Number

( ) - ( ) - ( ) -

Home Work Mobile

Are you filling this on behalf of someone other than yourself?

☐ Yes (Please complete this section)

☐ No (Skip to the next section

Information about them
PLEASE PRINT LEGIBLY

First Name, Last Name

Sex

☐ Male

☐ Female

Their Age _____ Their Date of Birth _____

Their Address

Street Address

Street Address Line 2

City

State/Province Postal Zip Code

Their Phone Number

( ) - ( ) - ( ) -

Home Work Mobile

Information about the Incident

Location or Address of Incident:

Street Address

Street Address Line 2

City

State/Province Postal Zip Code

Date of Incident_____ Time of Incident_____am/pm

Witness Name

First Name, Last Name

Witness Address

Street Address

Street Address Line 2

City

State/Province Postal Zip Code

Witness Sex

☐ Male

☐ Female

Witness Age_____ Witness Date of Birth_____

Name or Badge Number of Officer or Employee

Name or Badge Number of Second Officer or Employee (if known)

Nature of Action: Check all that apply	Yes	No
Extremely Helpful	☐	☐
Very Caring/empathetic	☐	☐
Did a great job	☐	☐
Made an extra effort	☐	☐
Excessive and improper use of force	☐	☐
False Arrest	☐	☐
Unlawful search and/or seizure	☐	☐
Dishonesty and untruthfulness	☐	☐
Corruption	☐	☐
Rudeness, discourtesy or offensive language	☐	☐
Violation of civil rights	☐	☐
Bias-based procedures and tactics	☐	☐
Other	☐	☐

Statement of Facts:
Describe in detail the action(s) of the officer(s) that led you to file this compliment/complaint.

Signature Date

APPENDIX D

APPENDIX D

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE

PLAN CERTIFICATION FORM

I, Michael Cinquanti, as the Chief Executive of the City of Amsterdam, hereby certify the following pursuant to the Executive order No. 203, issued by Governor Andrew M. Cuomo on June 12, 2020:

- ☐ The Local Government has performed a comprehensive review of current police force deployments, strategies, policies, procedures, and practices;
- ☐ The Local Government has developed a plan, attached hereto, to improve such deployments, strategies, policies, procedures, and practices (the "Plan");
- ☐ The Local Government has consulted with stakeholders (including by not limited to: membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials) regarding the Plan;
- ☐ The Local Government has offered the Plan in draft form for public comment to all citizens in the locality and, prior to adoption of the Plan by the local legislative body, has considered the comments submitted; and
- ☐ The legislative body of the Local Government has ratified or adopted the Plan by Resolution No._____ of 2021.

_____ _____

Michael Cinquanti, Mayor City of Amsterdam, New York Date