



**NYS POLICE REFORM AND  
REINVENTION CALLABORATIVE PLAN**

**CITY OF LACKAWANNA**

**The City of Lackawanna Police Reform and Reinvention Collaborative Plan was developed in response to the New York State Executive Order No.203. For reference, the entirety of Executive Order No. 203 is printed here and incorporated into this plan.**

## **Executive Order No. 203**

### **NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE**

**WHEREAS**, the Constitution of the State of New York obliges the Governor to take care that the laws of New York are faithfully executed; and

**WHEREAS**, I have solemnly sworn, pursuant to Article 13, Section 1 of the Constitution, to support the Constitution and faithfully discharge the duties of the Office of Governor; and

**WHEREAS**, beginning on May 25, 2020, following the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability; and

**WHEREAS**, there is a long and painful history in New York State of discrimination and mistreatment of black and African-American citizens dating back to the arrival of the first enslaved Africans in America; and

**WHEREAS**, this recent history includes a number of incidents involving the police that have resulted in the deaths of unarmed civilians, predominantly black and African-American men, that have undermined the public's confidence and trust in our system of law enforcement and criminal justice, and such condition is ongoing and urgently needs to be rectified; and

**WHEREAS**, these deaths in New York State include those of Anthony Baez, Amadou Diallo, Ousmane Zango, Sean Bell, Ramarley Graham, Patrick Dorismond, Akai Gurley, and Eric Garner, amongst others, and, in other states, include Oscar Grant, Trayvon Martin, Michael Brown, Tamir Rice, Laquan McDonald, Walter Scott, Freddie Gray, Philando Castile, Antwon Rose Jr., Ahmaud Arbery, Breonna Taylor, and George Floyd, amongst others,

**WHEREAS**, these needless deaths have led me to sign into law the Say Their Name Agenda which reforms aspects of policing in New York State; and

**WHEREAS**, government has a responsibility to ensure that all of its citizens are treated equally, fairly, and justly before the law; and

**WHEREAS**, recent outpouring of protests and demonstrations which have been manifested in every area of the state have illustrated the depth and breadth of the concern; and

**WHEREAS**, black lives matter; and

**WHEREAS**, the foregoing compels me to conclude that urgent and immediate action is needed to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust; and

**WHEREAS**, the Division of the Budget is empowered to determine the appropriate use of funds in furtherance of the state laws and New York State Constitution; and

**WHEREAS**, in coordination with the resources of the Division of Criminal Justice Services, the Division of the Budget can increase the effectiveness of the criminal justice system by ensuring that the local police agencies within the state have been actively engaged with stakeholders in the local community and have locally-approved plans for the strategies, policies and procedures of local police agencies; and

**NOW, THEREFORE**, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, in particular Article IV, section one, I do hereby order and direct as follows:

The director of the Division of the Budget, in consultation with the Division of Criminal Justice Services, shall promulgate guidance to be sent to all local governments directing that:

Each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.

Each chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program.

The political subdivision, in coordination with its police agency, must consult with stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials, and create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing.

Such plan shall be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative body in such political subdivision, which shall ratify or adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021; and

Such local government shall transmit a certification to the Director of the Division of the Budget to affirm that such process has been complied with and such local law or resolution has been adopted; and

The Director of the Division of the Budget shall be authorized to condition receipt of future appropriated state or federal funds upon filing of such certification for which such local government would otherwise be eligible; and

The Director is authorized to seek the support and assistance of any state agency in order to effectuate these purposes.

G I V E N under my hand and the Privy Seal of the State in the City of Albany this twelfth day of June in the year two thousand twenty.

BY THE GOVERNOR

### **INTRODUCTION**

Executive Order No. 203 was created in response to recent instances of improper use of force by law enforcement. While instances of improper use of force and racial injustice were not and are not present or tolerated in the City of Lackawanna, we understand the importance of community engagement around these topics.

Our efforts and this Plan were formed in recognition that while our community may not suffer the challenges that prompted the creation of Executive Order No. 203, we are always interested in improvement and regularly seek ways to better serve our community.

### **The Lackawanna Reform Committee**

The Lackawanna Police Reform Advisory Committee (LPRAC) is comprised of five (5) community leaders of the City of Lackawanna, with various roles in our city. Special thanks to the five (5) volunteers to this project, **Pastor Keith Mobley, Dawan Jones, Reem Breman, Anise Saif, Father Ernesto Alvarez and Asst. District Attorney Brian Langenfeld** for their sacrifice, hard work and dedication on this project. The members of LPRAC were not compensated for their time. Special thanks also go to Police Chief **Mark Packard** and the members of the Lackawanna Police Department, the Lackawanna Mayor, **Annette Iafallo**, the City Council President, **Frederic Marrano**, the City Council, **John Ingram, Dean**

**Moretti, Kevin Surdyke and Geoff Szymanski.** Finally, thank you to all the **members of the community** who participated in meetings and completed the city wide survey online.

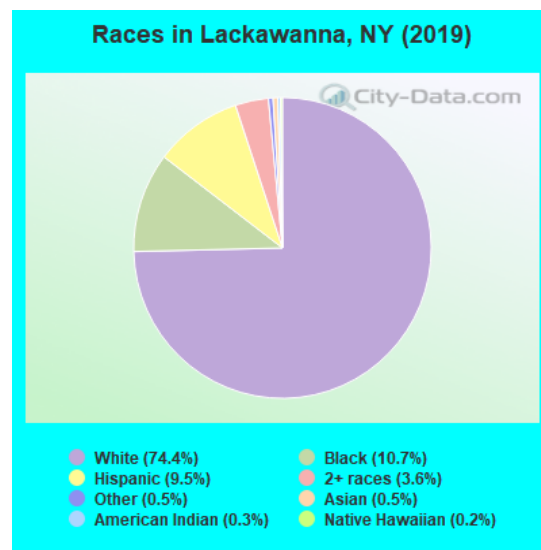
The recommendations of LPRAC will be notated later in this report, titled “Recommendations”.

### **City of Lackawanna Overview**

The City of Lackawanna is located in southern Erie County in Western New York. The City was established in 1909 and has a total area of 6.6 square miles.

The City government is led by the Mayor, the Council President and four Council members. The City Council is responsible for setting the policy and direction of the City government. The Mayor is the chief executive officer of the City. The City Departments are responsible for all day-to-day operations of the City. The Departments include: Police, Fire, Public Works, Clerk, Treasurer, Assessor, Recreation, Development, Comptroller and Law. Additionally, the City maintains several committees with various responsibilities within the local government.

According to the 2019 United States Census American Community Survey data, the City of Lackawanna has a population of approximately 18,000. The racial makeup of the population is shown below:



### **City of Lackawanna Police Department Overview**

The City Police Department consists of 42 sworn officers. The Chief of Police is the Department head and is responsible for the management and supervision of all Department operations. Serving under the Chief is three Captains, five Lieutenants, six Detectives and twenty-seven Police Officers. The Department also has six Dispatchers and one full-time Account Clerk Typist that assists the Department with administrative duties. The Department also includes several part-time school crossing guards and Matrons.

The primary responsibility of the Department is to provide 24/7 dedicated road patrol and police enforcement of the City. The Department enforces NYS Penal Law, Vehicle and Traffic Law as well as local ordinances of the City of Lackawanna. Officers are regularly engaged with accident and criminal investigations and provide first aid response when required. The Department provides the following

services to the community: fingerprinting, background checks for pistol permits, vehicle unlocks, welfare checks, home checks, and handicap parking permits, among others.

**The following is the mission statement of the City of Lackawanna Police Department.**

The principle mission of the City of Lackawanna Police Department is to preserve the rights of all citizens and reduce fear in the community through the prevention of crime, protection of persons, property and the maintenance of order in public places; and to anticipate and respond to events that threaten public order and the protection of life and property.

It is essential that ALL members of the City of Lackawanna Police Department remember that in the execution of their duties they act not for themselves but for the good of the Public. Police Officers shall respect and protect the rights of all individuals and perform their duties with honesty, zeal, courage, discretion, fidelity, in an un-biased manner, using sound judgment.

Police Officers MUST seek to preserve public confidence by demonstrating impartial, unbiased service to law, and by offering service and trust to all members of the public.

It is the expressed Policy of the City of Lackawanna Police Department that Officers will use force ONLY when the exercise of de-escalation, persuasion, advice and warning is found to be insufficient to obtain public cooperation and to the extent necessary to secure the observance of law, restore order, or to affect an arrest. Officers MAY only use the minimum degree of force which is reasonably necessary, upon a particular occasion, for achieving a Police objective.

**SUMMARY OF COMMUNITY OUTREACH**

One of the primary objectives of the New York State Police Reform and Reinvention Collaborative is community engagement and outreach. Despite challenges posed by the COVID-19 pandemic social gathering guidelines, the City wanted to make sure the community would have an opportunity to express their opinions on law enforcement. LPRAC was established and over the last several months has met with various groups throughout the city and compiled comments and ideas on how to bridge the gap between the Lackawanna Police Department and the citizens of our city.

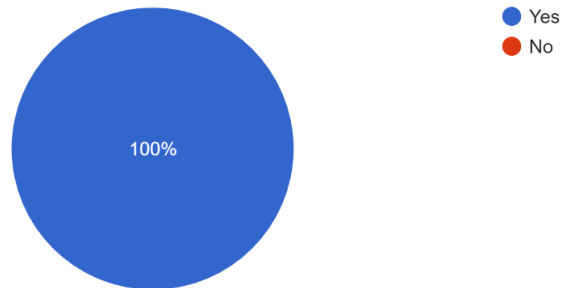
**Community-wide Survey**

A city wide survey was posted on the City Website/Facebook. Below are the results.

# **City of Lackawanna Citizen Survey 2021**

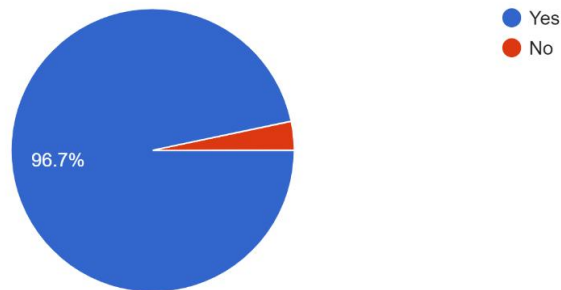
I have read the above information, and I have received a copy of this form. I am free to print a copy of this form for my records. I agree to participate in this study.

93 responses



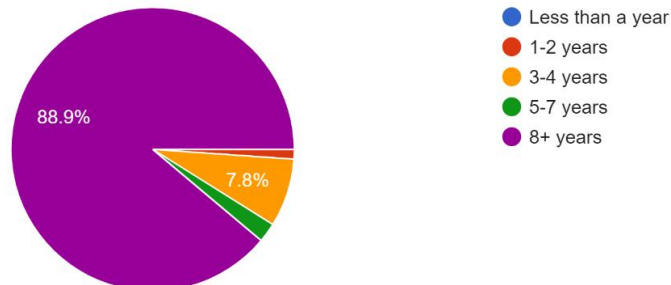
Q1: Are you a Resident of the City of Lackawanna?

91 responses



Q2: If yes to Q1, how long have you been a Lackawanna resident?

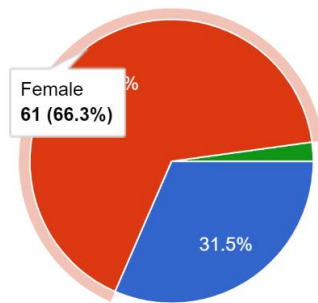
90 responses





Q3: What is your gender?

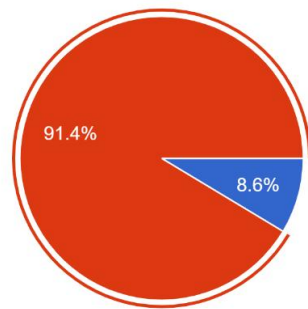
92 responses



- Male
- Female
- Other
- Prefer not to self-identify

Q4: Do you identify with the LGBTQ+ community?

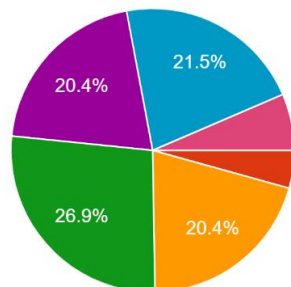
93 responses



- Yes
- No

Q5: What is your age group?

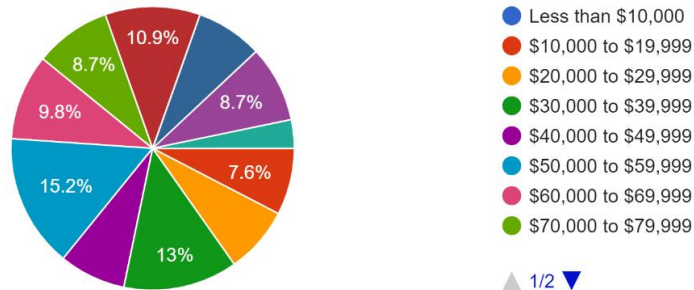
93 responses



- Under 18
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65+

Q6: What is your total household income?

92 responses



- Less than \$10,000
- \$10,000 to \$19,999
- \$20,000 to \$29,999
- \$30,000 to \$39,999
- \$40,000 to \$49,999
- \$50,000 to \$59,999
- \$60,000 to \$69,999
- \$70,000 to \$79,999

▲ 1/2 ▼

Q7: What is your race?

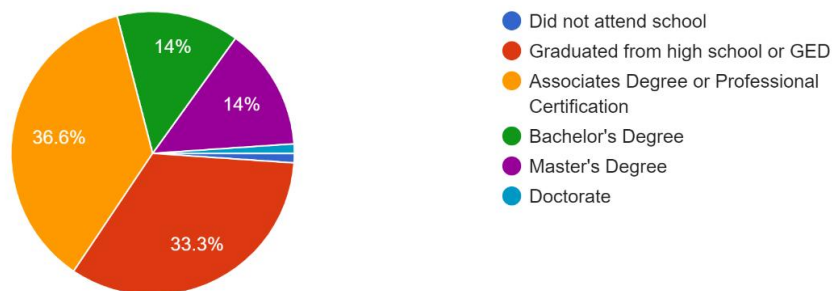
93 responses



- White or Caucasian
- Black or African American
- Hispanic or Latino
- Asian or Asian American
- American Indian or Alaska Native
- Native Hawaiian or other Pacific Islander
- Another race

Q8: Highest education level.

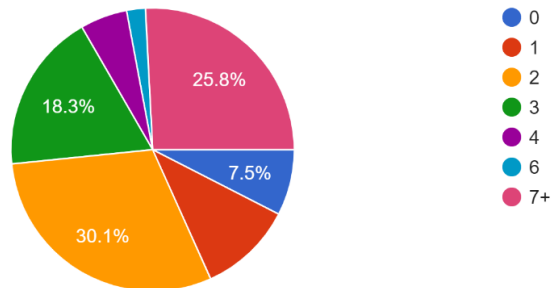
93 responses



- Did not attend school
- Graduated from high school or GED
- Associates Degree or Professional Certification
- Bachelor's Degree
- Master's Degree
- Doctorate

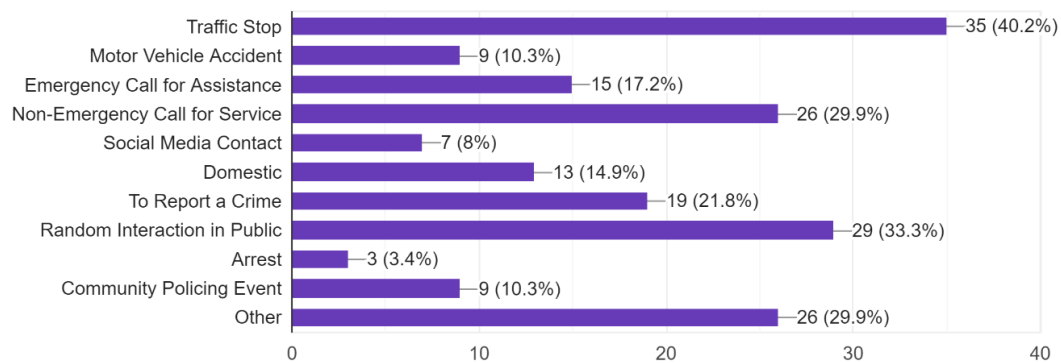
Q9: In the past five years, how many times have you had contact with a City of Lackawanna police officer?

93 responses



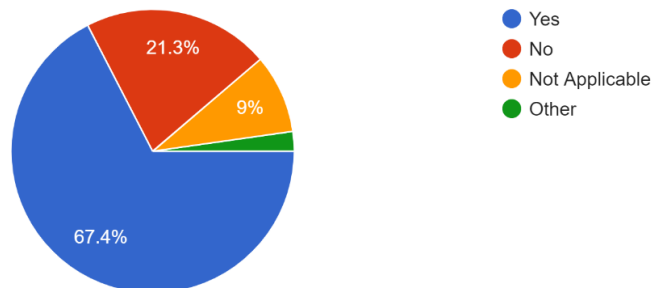
Q10: What type of police contact did you have? (Please select all that apply)

87 responses



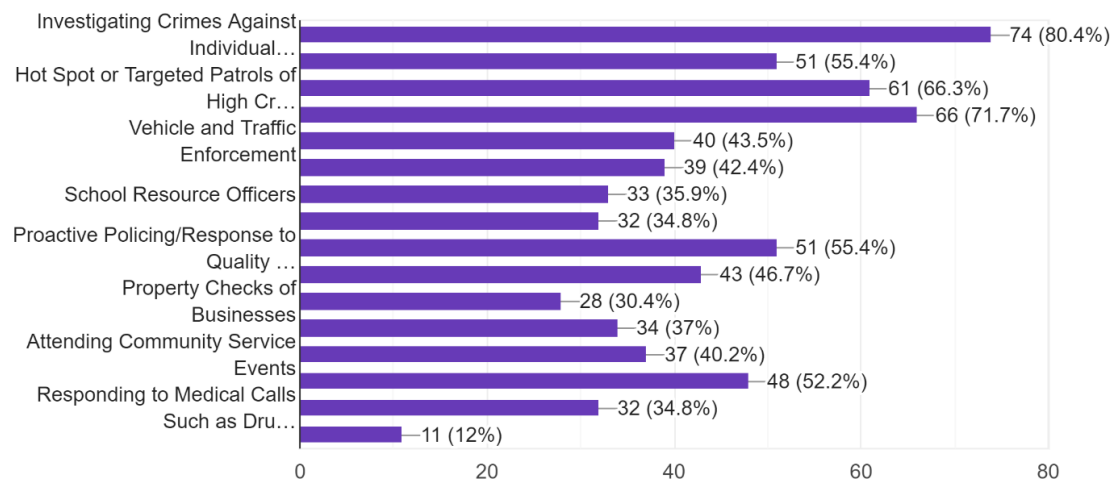
Q12: During each interaction with a City of Lackawanna police officer, were you treated with dignity and respect?

89 responses



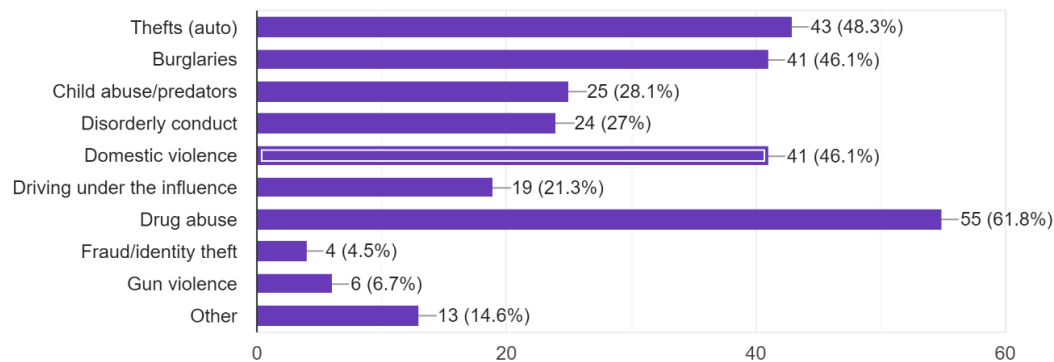
Q13: What police services are most important/beneficial to you? (Select all that apply)

92 responses



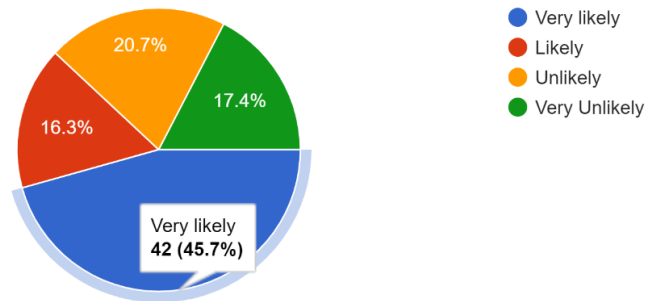
Q14: Please select the issues you think are the top three greatest public safety issues in the City of Lackawanna:

89 responses



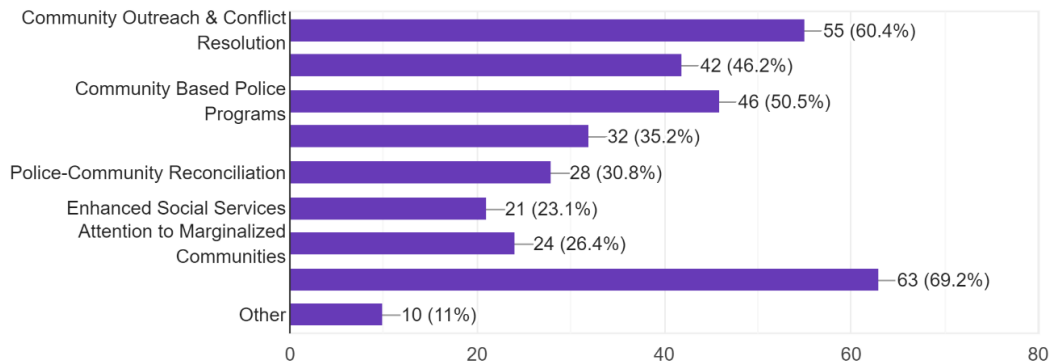
Q15: Please rate how likely you are to approach a Lackawanna police officer for advice or to discuss a community issue.

92 responses



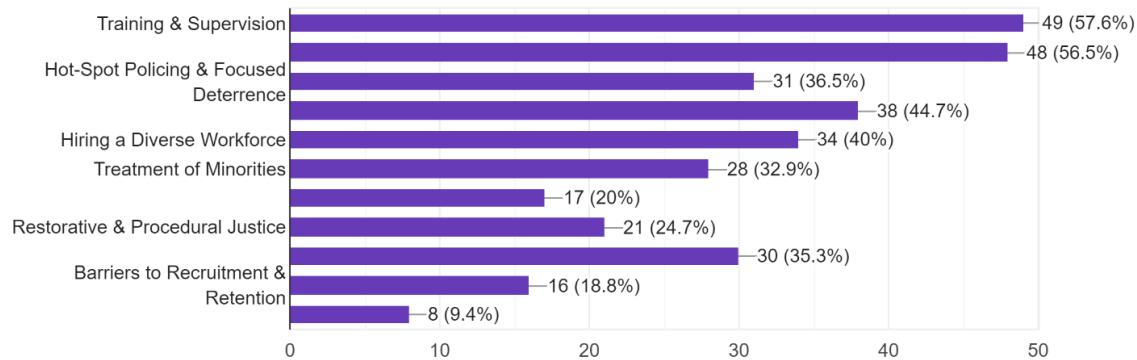
Q16: Which of the following ways can the Lackawanna Police Department improve policing and build better relationships? (You may choose up to three (3) responses)

91 responses



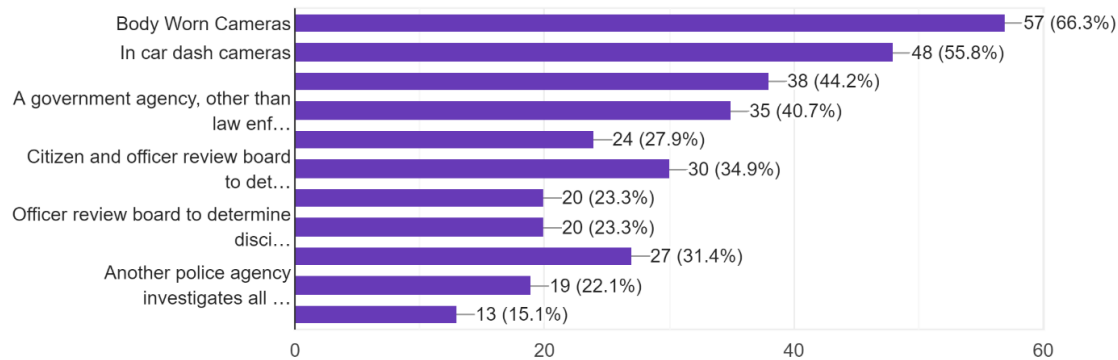
Q17: What does equality and social justice in regards to local law enforcement in our community mean to you? (You may choose up to five (5) responses)

85 responses



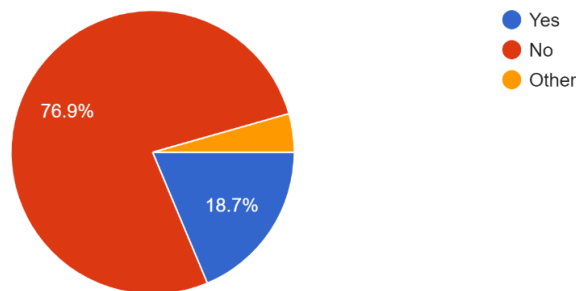
Q18: What are some ways to improve transparency & accountability? (You may choose up to five (5) responses)

86 responses



Q19: In the past five years, have you ever personally experienced or witnessed a Lackawanna police officer discriminating or profiling on the bas...nder identity, sexual orientation or national origin?

91 responses



Q20: If yes to Question #19, can you please describe the experience?

14 responses

My brother was harassed by an officer while walking from his car into his gf house. He pulled up and asked for ID—didn't tell why just said he needs to show it—what are you doing on this side of the bridge???

xxxxx did WELFARE check on me and xxxxx. I am xxxxx Mother in law He stormed in my home with I dont know how many people. 3 cop cars. One Police Officer was so horribly vicious to me. He was short dark hair last name started with P. He threatened me. I thought he was going to knock the shit out of me. I was traumatized By their actions. Then xxxxx decided to bring his siblings in MY HOME so they could ridicule me. I had to stand there and take that verbal beating. I always respected the Police. My Grandfather yrs ago was Lieutenant xxxxx. As I am trying this now I am crying. That fuckin no good rotten cop threatened me in my own home. I honest to god thought he was going to do me bodily harm. What xxxxx and his henchmen did to Me was unforgivable.

Awful

Hearing the office call kids playing in a park a bunch of loud sand n\*\*\*\*\*s

Based on Politics they don't respond to certain people.

Police officers came into a family's members without permission with no one HOME. Invasion of PRIVACY. No legally reasonable logical reason to enter the home. Again LEGAL REASON TO ENTER.

Officer pulled me over because it seemed like I was speeding. When I voice concern of the validity of that claim then I was told I didn't use a turn signal.

Too many to write on here.

while responding to a "issue apartment building" on my Street an officer was very rude to a resident who is a gay man when he was the one who called with a complaint

It was a nice Sunday at the gas station I will always remember officer **xxxxx** from high school when he broke up a disagreement with me alone with another peer years later after growing and moving on having normal respect for a law enforcement officer I came across **xxxxx** at the speedway on route 5 i held the door and said hello he rudely walked past me and began having a conversation outside with my boyfriend when I came back out went about his day I got in the car with my boyfriend just for him to tell me that **xxxxx** doesn't "like me" not that it mattered although he is suppose to be a protector for everyone in the community he makes ignorant remark and says he doesn't "like me" Very unprofessional and he is lucky I'm not the type to mess with peoples jobs because I take that as a sexual harassment statement why are you even looking at me like that to have a judgement on rather you "like me" or not

Another occasion in traffic a lady officer was targeting me because I'm gay, black, and new to the area she followed me across the bridge from 2nd ward to 1ward and then on my way back came down a side street and followed me back I was doing the speed limit and everything I then noticed lights behind me I knew I did nothing wrong but these are the normal things that happen to black men in the community the female officer then got out and asked for my license and registration I then gave her the paperwork I had being it was my dads truck the officer then asked me if I knew why I was getting pulled over I then responded no she then stated that she pulled me over to make sure I was over because I was "swerving" into the bike lane... I know for a fact I was not swerving first of all and if I was it was because of the ghetto road paint and the pot holes.... the officer then ran my license and information and dismissed me instead of handling real problems in the community she wanted to pull me over to make sure I'm "ok" unacceptable... sounds like y'all have too much staffing not enough work.

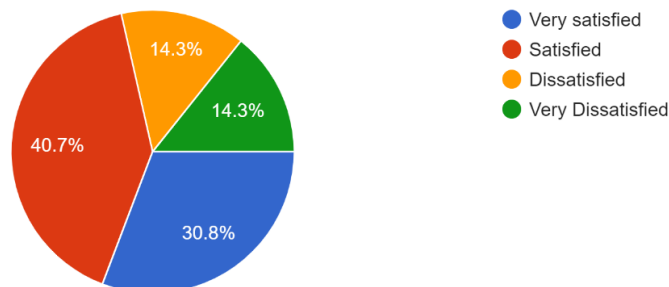
Another situation I had a domestic violence call multiple times for arguing with my boyfriend the officers are always rude as soon as I open the door they don't ask me if I'm ok how I'm doing they don't even say hello it's more like "what's the problem" keep in mind I have mental health issues and I'll never forget the 3rd time they came keep in mind each time was months apart. As soon as I opened the door the male officer is trying to be funny and says weren't we just here last week.. no like 3 months ago... I did not find that comment funny nor professional overall Lackawanna police need to work on professionalism

Ignoring response to complaint - brushed off.

Officer **xxxxx** has been fired and still has a job as he has been arrested for **xxxx** and is very racist to the community

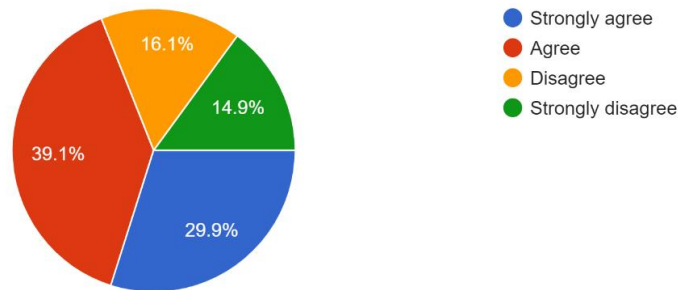
Q22: To what extent are you satisfied with the overall performance of the Lackawanna Police Department?

91 responses



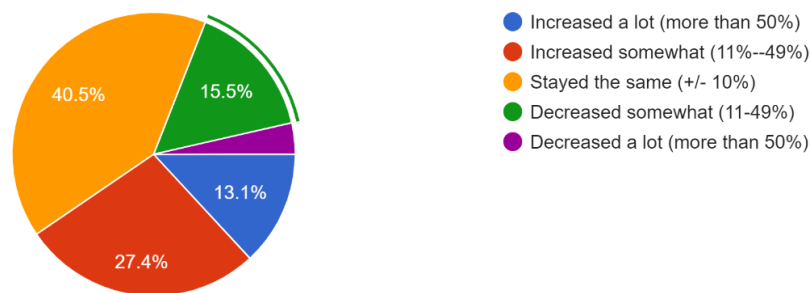
Q23: City of Lackawanna police officers treat people fairly.

87 responses



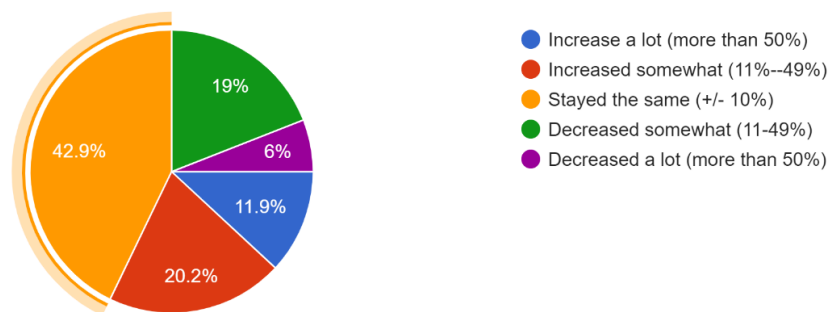
What do you believe has happened to the police use of force numbers over the last 10 years (2010--2019)

84 responses



What do you believe has happened to the police use of deadly force numbers over the last 10 years (2010--2019)? [Deadly physical force means f...g death or serious physical injury to the person.]

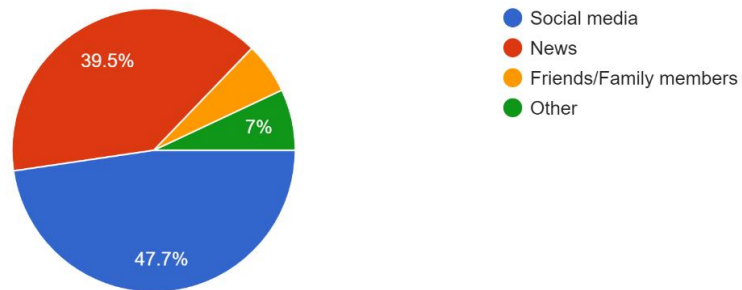
84 responses





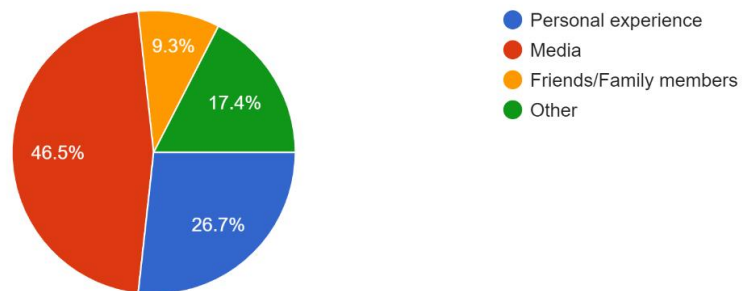
Where do you see videos or hear news about police officers using too much force?

86 responses



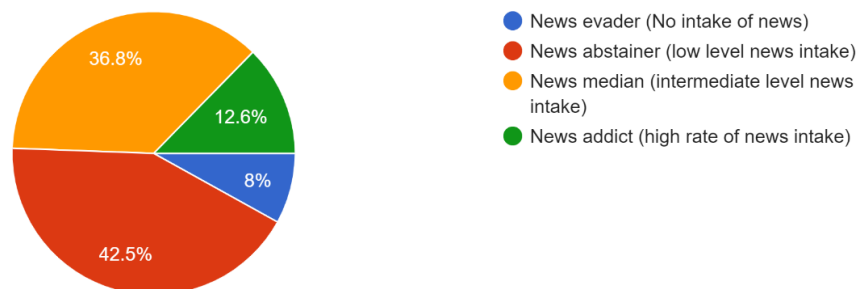
What is your opinion of the police and their use of force based upon?

86 responses



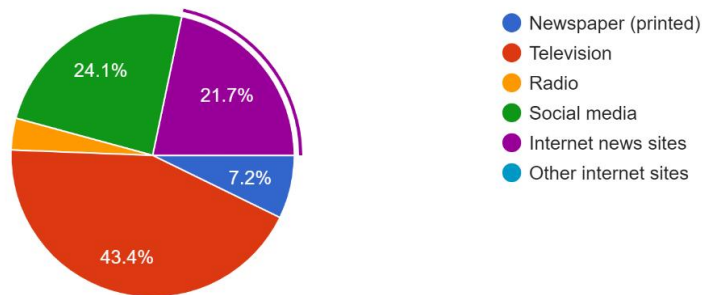
What would you consider yourself, based on your intake of news?

87 responses



What is your main source of news?

83 responses



The Reform Guidelines calls for a plan that focuses on “strong relationships and collaboration between police and the communities they serve” while also recognizing necessary cultural shifts require the support of the Mayor, City Council and Police Chief. Although a comprehensive plan which enhances opportunities for community feedback will take time beyond this initial reform plan, a preliminary community policing plan has been designed.

The police reform plan started within the police department and focused on the standards and rules and conduct of the members of the police department. Over the last nine months, the Chief of Police has taken the initiative and has begun to review and update the policies, procedures, rules and standards within the department. The following are the initial documents that have been updated and/or new policies for the Lackawanna Police Department:

## City of Lackawanna Police Department

General Order:  
#A-20.1

Effective Date:  
00/00/0000

Rescinds:  
#A-20.1  
02/24/1996

Subject:

**USE OF FORCE**

### I. PURPOSE

Police Officers of the City of Lackawanna New York Police Department are authorized to use reasonable and legitimate force in specific circumstances. Federal constitutional and state statutory standards dictate when and how much force can be used. This policy is founded in these standards, but is not intended to be an exhaustive recitation of state and/or federal legal framework governing use of force. The policy is designed to provide guidance to individual officers in selection of a justifiable level of force to control a subject. This policy is not intended to endorse any particular tactic, technique, or method of employing force.

## II. POLICY

The federal and state standards by which use of force is measured are both founded in the basic premise of objective reasonableness. The amount of force that is used by officers shall be the amount of force that is objectively reasonable and necessary under the circumstances for the officer involved to affect an arrest, prevent an escape, or in defense of themselves or others. The standard of objective reasonableness, established by the United States Supreme Court in *Graham v. Connor*, is used in this policy and is intended to provide officers with guidelines for the use of force, including deadly physical force.

As the Supreme Court has recognized, this reasonableness inquiry embodies "allowance for the fact that police officers are often forced to make split-second judgments — in circumstances that are tense, uncertain, and rapidly evolving — about the amount of force that is necessary in a particular situation."

This policy is written in recognition of 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 a careful balancing of all interests.

## III. DEFINITIONS

- A. **Objectively Reasonable** — An objective standard used to judge an officer's actions. Under this standard a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.
- B. **Deadly Physical Force** - Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.
- C. **Physical Injury** — Impairment of physical condition or substantial pain.
- D. **Serious Physical Injury** — Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.
- E. **Serious bodily injury** - is defined as bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

#### IV. USE OF FORCE

- A. In general terms, force is authorized to be used when necessary to affect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one's self or another.
- B. Under the 4th Amendment, a police officer may use only such force as is "**objectively reasonable**" under the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene.

#### V. DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE

- A. When used, force should be only that which is reasonable and necessary given the circumstances perceived by the officer at the time of the event.
- B. Factors that should be used in determining the reasonableness of force include, but are not limited to:
  - 1. The severity of the crime or circumstance;
  - 2. The level and immediacy of threat or resistance posed by the suspect;
  - 3. The potential for injury to citizens, officers, and suspects;
  - 4. The risk or attempt of the suspect to escape;
  - 5. The knowledge, training, and experience of the officer;
  - 6. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects.
  - 7. The proximity or access of weapons to the subject.

8. Other environmental conditions or exigent circumstances.

## VI. DUTY TO INTERVENE

- A. Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
- B. An officer who observes another employee use force that exceeds the degree of force permitted by law and/or policy should promptly report these observations to a supervisor.

## VII. USE OF DEADLY PHYSICAL FORCE

- A. Deadly physical force may be used by an officer to protect himself, herself, or another person from what the officer reasonably believes is an imminent threat of serious physical injury or death.
- B. Deadly physical force may be used to stop a fleeing suspect where:
  1. The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; and,
  2. The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or to others.
  3. Where feasible, some warning should be given prior to the use of deadly physical force. NOTE- WARNING SHOTS ARE PROHIBITED See General Order #A-20.4.

## VIII. PROHIBITED USES OF FORCE

- A. NECK RESTRAINT - PROHIBITED (Unless used as a LAST RESORT by an Officer to save himself, herself, or another person from serious physical injury or death)
  1. Any technique involving the use of an arm or other firm object to attempt to control or disable a subject by applying pressure against the windpipe, or frontal area of the neck with the purpose or intent or effect of controlling a subject's movement or rendering a subject unconscious by blocking the passage of air through the windpipe.
- B. CAROTID RESTRAINT - PROHIBITED (Unless used as a LAST RESORT by an Officer to save himself, herself, or a another person from serious physical injury or death)
  1. Any technique which is applied in an effort to control or disable a subject by applying pressure to the carotid artery, the jugular vein or the sides of the neck with the purpose or intent or effect of controlling a subject's movement or rendering a subject unconscious by constricting the flow of blood to and from the brain.

Force shall not be used by an officer for the following reasons:

1. To extract an item from the body or a cavity of a subject without a warrant, except where exigent circumstances are present;
2. To coerce a confession from a subject in custody;
3. To obtain physical evidence from an individual for the purposes of scientific testing in lieu of a court order where required;
4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

#### **IX. REPORTING & REVIEWING THE USE OF FORCE**

- A.** Any injuries resulting from a use of force incident shall result in the appropriate medical attention being provided to the injured party.
- B.** Members involved in use of force incidents as described below shall notify their supervisor as soon as practicable and shall complete a Lackawanna Police Use of Force report.
  1. Use of force that results in a physical injury.
  2. Use of force incidents that a reasonable person would believe is likely to cause an injury.
  3. Where force is used to overcome active resistance.
  4. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
  5. Incidents where a conducted energy device (TASER) was intentionally discharged or accidentally discharged after being displayed.
  6. Incidents where a firearm was discharged at a subject.
- C.** Where practicable, a supervisor should respond to the scene to begin the preliminary force investigation.
- D.** A supervisor that is made aware of a force incident shall make a thorough inquiry of all officers involved at the time the force or alleged force was used, and ensure the completion of a use of force report.
- E.** Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
- F.** The Chief of Police will receive all reports and designate personnel to conduct an investigation.

**G.** Failure to adhere to use of force guidelines are subject to discipline consistent with the City of Lackawanna Police General Orders and Procedures section A-14.4 and Section 15.09 of the current collective bargaining agreement.

**H.** DCJS Mandated Use of Force Data Collection - Executive Law 837-t

1. For reporting purposes, Executive Law 837-t requires each police department, county sheriff, and the state police to report any occurrence in which a police officer or peace officer employs use of force as listed below:
  - a. When an officer engages in conduct which results in the death or serious bodily injury of another person;

When one of the following is initiated by an officer:

- 1) Brandishes, uses or discharges a firearm at or in the direction of another person;
  - 2) Uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air;
  - 3) Displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum pepper spray or tear gas;
  - 4) Brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or Asp;
  - 5) Brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun (TASER), flash bomb, or long range acoustic device.
2. Beginning July 11, 2019, each law enforcement agency will be responsible for reporting information for their own officers who are involved in use-of-force incidents that meet the criteria of the data collection. Law enforcement agencies will be required to submit details of the incident to DCJS, including, but not limited to date of incident, agency involved, county, town/city, description of circumstances, and demographics of all persons engaging in the use of force or suffering such injury.
  3. The Chief of Police, or his designee, will be directly responsible to report such criteria as listed under Executive Law 837-t to the State of New York using the prescribed format established by NYSDCJS.

## X. TRAINING

- A. All officers shall receive training on the proper application of force.
- B. Training topics will include use of force, conflict prevention, conflict resolution and negotiation, and de-escalation techniques and strategies including, but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.
- C. This policy is not intended to be a substitute for proper training in the use of force. Comprehensive training is the key to the real world application of the concepts discussed within this policy.

## **City of Lackawanna Police Department**

### **General Order**

**#A-14.1**

### **Conduct**

### **Effective Date:**

**02/01/2021**

**01/24/1999**

### **Subject:**

**Standards and Rules of**

### **Rescinds:**

**#A-14.1 - #A-14.4**

### **Policy:**

The following Standards and Rules of conduct are adopted for the professional administration and operation of the Police Department of the City of Lackawanna, County of Erie, State of New York.

These Standards and Rules of conduct are designed to guide members of the City of Lackawanna Police Department in carrying out the duties imposed upon them by Law. ANY violation of these rules may be made the subject of disciplinary actions against those responsible for such violation(s).

The Rules and Standards of Conduct are designed to be exhaustive. Periodic orders, memorandums, and directives of the Chief of Police or Designee, will provide a constant supplementary guide to meet changing conditions. In this respect, suggestions from the members of the Lackawanna Police Department are welcome.

Members of the City of Lackawanna Police Department must regard themselves as a part of a team dedicated to the safety and protection of the community. These Standards and Rules of Conduct must be used to aid in accomplishing this important task. The success of the City of Lackawanna Police Department, in the performance of its duties is largely measured by the degree of support and cooperation it receives from the people of the City of Lackawanna, which this Department serves. Members of the City of Lackawanna Police Department are not merely employees, but are Officers of the State and City of Lackawanna, charged with specific duties in maintaining public order and



administering justice in a fair, unbiased manner. Therefore, Every member's sole responsibility MUST be to the City of Lackawanna Police Department, Chief of Police and through them, the people of the City of Lackawanna. It is of the utmost importance to secure for the City of Lackawanna Police Department, the confidence, trust, respect, and approbation of the public. The cultivation of such desirable attitudes is dependent upon proper performance of duty by ALL members of the City of Lackawanna Police Department.

The Chief of Police is subject to the Rules and Regulations prescribed in the City Of Lackawanna New York Charter. The government and control of the City of Lackawanna Police Department and its members is vested in the Chief of Police. **THE CHIEF OF POLICE SHALL BE DESIGNATED TO EXERCISE COMMAND OF THE CITY OF LACKAWANNA POLICE DEPARTMENT AND ITS MEMBERS.**

It is the policy of the City of Lackawanna Police Department that the following Standards and Rules of Conduct, in addition to those General orders stated in other sections of this manual, WILL APPLY TO ALL MEMBERS AND PERSONNEL of the Department.

**A. Standards and Rules of Conduct:**

General conduct includes the following:

1. Officers shall follow the City of Lackawanna Police Department's Mission Statement, Oath of Honor, and Code of Ethics. If an Officer experiences an ethical conflict with these items, they should consult a supervisor for further clarification.
2. Officers SHALL be truthful in ALL matters and SHALL NOT lie, falsify, conceal, purposely distort, diminish, embellish, or fail to fully disclose facts associated with any law enforcement business.
3. Adherence to laws, regulations and orders:
  - a. Officers shall abide by All laws, regulations, Departmental policies, rules and procedures
  - b. Officers shall obey ALL LAWFUL orders
  - c. Officers who are arrested or come under investigation for ANY offense in ANY jurisdiction shall immediately report this fact to the Chief of Police or designee.
  - d. A court conviction for a crime that carries a possible sentence of incarceration shall be prima facie evidence of a violation of this policy.
4. Unbecoming conduct – Officers shall NOT conduct themselves in a manner, whether on or off duty, that:
  - a. Casts doubt on their integrity, honesty, moral judgment, character; or
  - b. Brings discredit to the City of Lackawanna Police Department; or
  - c. Impairs the efficient and effective operations of the City of Lackawanna Police Department

5. Neglect of Duty:

- a. All Officers shall perform their duties faithfully and diligently and shall take responsibility for and exhibit attentiveness, care and thoroughness in the conduct of assignments and responsibilities.
- b. Officers shall not show a lazy disposition, lounge or sleep on duty.
- c. Officers shall not leave any duty assignment unless they have been properly relieved and/or authorized.
- d. Officers shall not be incompetent or inefficient in the performance of their assigned duties.
- e. Officers must conduct themselves in an expeditious manner to avoid any unreasonable delays to the public in the performance of law enforcement duties and activities.
- f. Officers MUST report "fit for duty". Fitness for duty shall include the following;
  - 1) Officers shall report for duty in a personally neat and clean manner.
  - 2) Officers shall report for duty with a neat, clean, regulation uniform.
  - 3) Officers SHALL NOT report for duty under the influence of Alcohol, Narcotic Drugs or any substance that impairs the ability or motor coordination of said Officer.
  - 4) Officers shall report for duty with all issued Departmental equipment necessary to complete their assigned duties.
  - 5) Any questions regarding fitness for duty of an Officer shall be determined by the Supervisor on duty at the time.

6. Accountability and responsibility:

- a. Subordinates shall extend the proper respect to superiors on all occasions. Undue familiarity between superiors and subordinates while ON DUTY, is an impertinence and is prohibited.
- b. Officers are directly accountable for their actions, through the chain of command, to the Chief of Police
- c. Officers shall report for duty, including court and off duty assignments, at the time and place required.
- d. Officers have a duty to intervene to prevent or stop wrongdoing by another Officer when it is safe and reasonable to do so.
- e. Officers have a duty to report misconduct of which they become aware of, and shall notify a supervisor as soon as possible when another member is violating a law or policy.
- f. Officers shall cooperate fully in any internal administrative investigation conducted by the City of Lackawanna Police Department, or other authorized agency and shall NOT attempt to conceal, divert, or mitigate any culpability of theirs or others by falsehoods or omissions.
- g. Officers shall utilize City of Lackawanna Police Department supplies, property, and equipment for their Official purposes and with established rules, policies, and procedures. Officers shall not intentionally abuse, destroy, dispose of, or otherwise damage these items.
- h. Officers shall not engage in any activity, conversation, deliberation or discussion which is derogatory of Departmental policies or individuals.

- i. Officers SHALL obtain permission from the Chief of Police or designee to participate in public discussions of Police or City of Lackawanna Police Department business.
7. Conduct toward fellow Officers:
- a. Officers SHALL conduct themselves in a manner that fosters cooperation among the Members of the City of Lackawanna Police Department.
  - b. Officers SHALL show respect, courtesy and professionalism in their dealings with one another
  - c. Officers SHALL NOT use language or engage in acts that demean, harass or intimidate other Officers or Members of the City of Lackawanna Police Department.
8. Conduct Toward the Public:
- a. Officers SHALL interact with the Public in a civil and professional manner that conveys a service orientation to foster public trust and cooperation.
  - b. Officers SHALL treat individuals with courtesy, respect and dignity. **Willful maltreatment of any individual is expressly prohibited.**
  - c. Officers SHALL NOT employ an officious or overbearing attitude or use language that might belittle, ridicule or intimidate individuals.
  - d. Officers SHALL perform their duties equitably in both the enforcement of law, and the delivery of law enforcement services within the Community.
  - e. Officers SHALL strive to maintain public trust by conducting all law enforcement business in an unbiased, fair, and impartial manner.
9. Abuse of law enforcement authority or position:
- a. Officers may not accept goods, services, or discounts of value not available to the general public and shall report any unsolicited goods or services they receive and the circumstances of the receipt to their supervisor.
  - b. Officers Shall Not use their authority or position:
    - 1) For financial gain;
    - 2) To obtain or grant privileges or favors;
    - 3) To avoid the consequences of illegal acts for themselves or others; or
    - 4) To barter, solicit, or accept any goods or services, such as gratuities, gifts, discounts, rewards, loans, or fees, whether for themselves or others.
  - c. Officers shall not purchase, convert to their own use, or have any claim to found, impounded, abandoned, or recovered property or any property held or released as evidence.
  - d. Officers shall not permit the use of any City of Lackawanna Police Department issued identification card, badge, or official documents by any unauthorized person(s).
  - e. Officers are prohibited from using law enforcement sensitive information gained through their position to advance financial or other private interest of theirs or others.
  - f. Officers shall not steal, forge, or tamper with any official law enforcement document. Documents shall not be altered or duplicated unless such actions are approved by a Supervisor.

- g. Officers shall not take or release photographs capturing sensitive information or images unless authorized to do so.
- h. Officers shall not undertake any investigation or other official action that is not part of their regular duties without first obtaining permission from their supervisor, UNLESS the exigency of the situation requires immediate law enforcement action.
- i. Officers involved with any civil action that arises from acts performed under color of authority shall inform the Chief of Police.

10. Prohibited associations and establishments:

- a. Officers shall not knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment, arrest, or incarceration by the City of Lackawanna Police Department, or another law enforcement or criminal justice agency or who has an open and notorious criminal reputation in the community(i.e. persons whom they know, should know, or have reason to believe are involved in criminal activity), except as necessary to the performance of official duties or where unavoidable or impractical because of pre-existing familial or marital relationships. In such cases where regular household, physical, or telephone contact is unavoidable, the Officer shall inform the Chief of Police.
- b. Officers shall not knowingly engage in social or romantic relationships with confidential informants, victims, or witnesses involved with active investigations
- c. Officers shall not participate in or interfere in investigations involving family members or persons with whom they have a close personal or business relationship.
- d. Except in the performance of official duties, Officers shall not enter any establishment in which the law is knowingly violated.
- e. Officers shall not enter any establishment, while on duty or in uniform where the purchase and consumption of alcohol is permitted, except in the performance of their duties or permission is granted by the Supervisor
- f. Officers shall not purchase alcohol while on duty or in uniform.
- g. Officers shall not knowingly join or participate in any organization that advocates, incites , or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial religious, ethnic or other groups or classes of individuals protected by law.

**B. Public Statements, Appearances and Endorsements**

- 1. Officers Shall follow the City of Lackawanna Police Department's policy on Social Media
- 2. Officers shall not, when officially acting as a representative of the City of Lackawanna Police Department:
  - a. Make any public statement that could be reasonably interpreted as having an adverse effect upon agency morale, discipline, operations, or public perception;
  - b. Divulge or willfully permit to have divulged any information gained by reason of their position, for anything other than its official, authorized purpose; or

- c. Unless expressly authorized by the Chief of Police or designee, make any statements, speeches, or public appearances that could reasonably be considered to represent the views of the City of Lackawanna Police Department.
- 3. Officers shall not solicit or accept contributions for the City of Lackawanna Police Department or, as a law enforcement officer of this department, for any other department organization, event, or cause without the express consent of the Chief of Police or designee.
- 4. Officers of the City of Lackawanna Police Department may not endorse, recommend, or facilitate the sale of commercial products or services without the approval of the Chief of Police or designee. This includes but is not limited to the use of tow services, vehicle repair shops, attorneys, bail bondsmen, or other technical or professional services. This DOES NOT pertain to referrals to appropriate governmental, community or social services.

**C. Political Activity:**

- 1. Officers shall follow ALL applicable laws regarding their participation and involvement in political activities, Where the legal mandates are silent or guidelines are not clear on this issue, Officers shall be guided by the following examples of prohibited political activities while ON DUTY, IN UNIFORM or otherwise serving as a REPRESENTATIVE of the Lackawanna Police Department.  
OFFICERS SHALL NOT:
  - a. Place, affix, or display any campaign literature or other paraphernalia in or on government- owned or controlled property. This includes vehicles and offices.
  - b. Solicit political funds from any member of the Lackawanna Police Department or any other Governmental agency of this jurisdiction.
  - c. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures.
  - d. Use their official authority to interfere with any election or with the political actions of other officers or the general public; or
  - e. Favor or discriminate against any person seeking employment because of political opinions or affiliations.

**D. Miscellaneous Standards of Rules and Conduct:**

- 1. Issuance of orders – Orders written or verbally issued by any Supervisor to any subordinate in the City of Lackawanna shall be in clear, understandable language, civil in tongue, and issued in pursuit of Departmental business in accordance with all legal requirements.
- 2. No Supervisor shall knowingly issue any order which is in violation of any Federal, State, Local law or ordinance.
- 3. ALL messages transmitted over the City of Lackawanna Police Department Radio System shall be DIRECT, CONCISE, and shall conform to all Departmental radio procedures and the Rules and Regulations of the F.C.C. No Officer shall fail to obey or refuse to take a complaint communication transmitted by the radio dispatcher unless directed to do so by a Supervisor. Supervisors shall be held strictly accountable for any communication/order countermanded by them.

4. Correspondence/Letterhead – ALL CORRESPONDENCE LEAVING THE Department shall be issued only with the Signature of the Chief of Police or designee. The Official letterhead of the Department shall not be used for UNOFFICIAL correspondence.
5. Employees shall not communicate any information which may enable any person(s) to evade arrest and/or punishment or enable said person(s) to dispose of or secrete any evidence or contraband.
6. Employees shall not participate directly or indirectly in any unlawful compromise between complainants and offenders
7. Supervisors shall not injure or abuse subordinates by tyrannical, arbitrary or capricious conduct or by abusive language and shall avoid censuring subordinates in the presence of others.]In furtherance of their obligation to lead by example of conduct, decorum and attention to duty that is expected of all employees in the Department.
8. Duty to discover – It is not enough for a Supervisor to only investigate reports of misconduct or transgressions which are brought to their attention. It is also their responsibility to discover these acts, especially where a pattern or trend has developed and a reasonable person should have been expected to discover such acts.
9. Contents of criminal history or arrest record, police report, complaint memos, radio logs, worksheet, or any other Official Departmental documents shall only be divulged to authorized individuals as provided by Departmental Policy and/or State and Local Law on authority of the Chief of Police or designee.
10. Information from the Department of Motor Vehicles in regards to Registration Records, Driver License record etc, will be obtained and utilized for official Department business ONLY.
11. All police vehicles will be turned off and secured at all times when Officers are away from the vehicle and the vehicle is out of their close immediate control and/or eyesight.
12. All authorized sworn Officers, may carry on duty, ONLY the equipment which has been approved by the Lackawanna Police Department and for which they have been trained to use. This list includes; Departmental issued Weapon and Magazines, Taser, O.C. Spray, Asp, Handcuffs, and Ammunition.
13. All employees must maintain a personal and working telephone number that they can be reached at by the City of Lackawanna Police Department and report said number to the Chief of Police. Any change in phone number will be reported to the Chief of Police within 24 Hours.
14. Members of the Department shall report any change in marital status to the Chief of Police Immediately
15. Each employee shall furnish their residential address to the Chief of Police and/or their immediate Supervisor. A mailing address, if different, will be reported separately. Any address changes shall be reported within 48 hours of said address change.
16. If an employee will be out of town at a Seasonal address for an extended period of time, said employee will notify the Chief of Police and /or their immediate Supervisor of the address, duration of time there and an emergency number that said employee may be reached.

#### **E. Discipline and Penalties**

1. Discipline in any Police Department is indispensable to the achievement of Departmental Objectives. Discipline does not mean punishment alone. Discipline also encompasses the entire field of training, teaching, directing, correcting, and perfecting the techniques and performance of the Police Department and its personnel.
2. Discipline **MUST** be impartial, **MUST** be Prompt, **MUST** be certain and it **MUST BE FAIR.**
3. Consistency in discipline, when considering the gravity of the dereliction may be satisfactory but Fairness in discipline rules the day.
4. The Government and discipline of the City of Lackawanna Police Department shall be as the Chief of Police shall prescribe
5. Violations of Police Department Standards and Rules and Conduct by an Officer or member of the Department, May constitute grounds for removal, reduction in rank, suspension, fine or other discipline.
6. In cases of Flagrant violations, The Officer or member may be suspended from duty by the Chief of Police. Suspension by the Chief of Police shall not exceed ten (10) days.
7. The Chief of Police shall dispose of minor dereliction's of duty, a repetition of which in his personal judgment, can be prevented by admonition or warning.
8. Line Officers Shall Rank as follows:
  - a. Chief of Police or Designee
  - b. Captain of Patrol
  - c. Chief of Detectives
  - d. Lieutenants
  - e. Detectives
  - f. Patrolman
  - g. Police Matron
  - h. School Crossing Guards
9. Any member of the Lackawanna Police department deeming himself aggrieved, has the right of redress to the Chief of Police.
10. Disciplinary Action is also governed by the Collective Bargaining Agreement between the City of Lackawanna and The Lackawanna Police Benevolent Association. See Sections 15.09 Disciplinary Action, 15.10 Notice of Discipline, 15.11 Appeal of Discipline, and 15.12 Authority of Arbitrator.

# City of Lackawanna Police Department

**General Order**

**Subject:**

**#A-14.1a**

**Code of Ethics**

**Effective Date:**

**00/00/0000**

## **Law Enforcement Code of Ethics**

*As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.*

*I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.*

*I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.*

*I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.*

*I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.*

*I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement.*



# City of Lackawanna Police Department

**General Order**

**#A14.1b**

**Effective Date:**

**00/00/0000**

**Subject:**

**Oath of Honor**

a.

## **Law Enforcement Oath of Honor**

On my honor, I will never betray my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always maintain the highest ethical standards and uphold the values of my community, and the agency I serve.

# City of Lackawanna Police Department

**General Order**

**Effective Date:**

**#A-1.2**

**00/00/0000**

**Subject:**

**Rescinds:**

**Departmental Goals and Objectives:**

**#A-1.2 01/24/1999**

**Departmental Wide Community Policing Policy and Actions**

## **Policy:**

All organizations must have defined goals and objectives. The City of Lackawanna Police Department goal is to attain a Departmental wide philosophy and Policy of Community Policing. To attain this goal, all members of the Lackawanna Police Department will be asked to submit ideas through the chain of command as to how to attain and better Community Policing policies, ideas, community relationships etc. To help facilitate this, please see the following Definitions. These definitions may help Personnel understand the goal of the Departmental wide Community Policing Policy that we are trying to achieve.

## **Definitions:**

1. Community —The people living and/or working in a particular area, as well as people who share formal or informal interests and characteristics that bring them together. This includes but is not limited to people's shared geographies, activities, ideals, languages, and norms.
2. Community Policing — A philosophy emphasizing community involvement in crime prevention efforts through three core components: Community Partnerships, Organizational Transformation, and Problem Solving (Gill et al 2014; Office of Community Oriented Policing Services).
  - a. Community Partnerships—Are involved in defining, prioritizing and addressing crime problems. The Police Department forges relationships with the people who live and work in the Community. These partnerships may help develop trust and transparency, leading to more

efficient and effective policing and better community-police relationships.

- b. Organizational Transformation — Flattens the department by decentralizing units. This provides decision making authority and accountability to line-level-officers working with Community Partners to solve problems. Provides executive support for community partnerships and collaborative problem solving.
- c. Problem Solving —A process that uses police AND community members' expertise to identify and understand the underlying issues that create crime, disorder, fear of victimization.(Gill et al 2014).

SARA Problem Solving Model -

S =Scanning - identify and prioritize problems. Determine nature and scope of the problem.

A= Analyze - analysis problem to gain a thorough understanding of all possible contributing factors.

R = Response - develop solutions to bring about lasting reductions in the number and extent of problems.

A =Assessment —evaluate the response and adjust if necessary.

- 3. Community Engagement — Community engagement is key to the implementation of Community Policing. Community Engagement refers to activities that foster positive interactions between community members and members of the Lackawanna Police Department, employ Community Policing ideals, create opportunities for constructive exchanges, and foster collaboration between the Community and Lackawanna Police Department, while enhancing trust and legitimacy. Officers across the Lackawanna Police Department will be expected to positively engage with the community through formal community engagement, informal community engagement and daily problem solving. Patrol Officers play the most critical role in Community Engagement. We expect our Patrol Officers to maximize positive interactions with the public throughout the shift, build relationships with residents, community groups, and businesses (Formal and informal).

Just by conducting foot patrols (weather and call volume permitting),  
Officers can create these relationships with the community.

### **Procedural Justice:**

For Community Policing to work, the Police must be perceived as legitimate and worthy of community collaboration. According to research, "citizens are more likely to cooperate with the Police and obey laws when they view the Police's authority as legitimate." Research finds that practicing procedural justice is "the most important pathway to Police legitimacy". Further, procedural justice not only can "enhance legitimacy" but also may "reduce reoffending, and promote citizen satisfaction, confidence, compliance and cooperation with the Police."(Lorraine Mazerolle et al., "Legitimacy in Policing: A Systematic Review," Campbell Systematic Reviews, 9, no.1 (January 2013).

### **Principles of Procedural Justice:**

1. **FAIRNESS** in the process;
  - a. Treat everyone with respect and dignity
  - b. Ask for Compliance (if and when possible)
  - c. Explain why you are doing what you are doing. (if and when possible)
  - d. Give options over threats.
  - e. Answer their questions (as needed)
2. **TRANSPARENCY** in actions;
  - a. Share as much information as possible
  - b. Give a reason if you are unable to share any information.
3. **OPPORTUNITIES** for voice;
  - a. Include public voices in discussions
  - b. Utilize Town Hall meetings, Polls and surveys, and open forums so community can be heard.
  - c. Embrace the voices of your Community.
4. **IMPARTIALITY** in decision making;

- a. Officers must consider all sides of a situation.
- b. Ensure each side is given consideration.
- c. LAW ENFORCEMENT OFFICERS MUST BE UNBIASED. Officers cannot allow their personal feelings, beliefs or opinions to unfairly influence their actions.

The Chief of Police, along with members of his command staff, are initiating several community policing techniques that will begin this summer, which include bringing back the bike patrol unit and also having the patrols spend time on each street of our city, “walking the beat”. Several other community policing initiatives will be put in place as our community policing initiative expands over time.

### **CITIZENS INVOLVEMENT AND TRANSPARENCY**

One of the major changes involving police reform, besides community policing, is the willingness for the police department to listen to the citizens of their community and to be transparent when it becomes to their police force. As part of being more transparent, the Lackawanna Police will now invite all citizens to fill out a Comment/Compliment/Complaint Form for any contact with a member of the Lackawanna Police Department. The form will be added to the city’s website and all forms will be reviewed by the Chief of Police and/or other designated individuals and will be investigated when appropriate. Below is a copy of the form.



## City of Lackawanna Police Department Comment/Compliment/Complaint Form

This form is to be completed by any citizen who wishes to make a Comment, Compliment an Officer for outstanding performance or to make a Complaint against a Lackawanna Police Officer. The completed form should be dropped off at the police station or mailed to the Lackawanna Police Dept. Attn: Chief of Police, 714 Ridge Rd. Lackawanna N.Y. 14218 or e-mailed to Chief of Police ([policechief@lackny.com](mailto:policechief@lackny.com)). The Complainant will be contacted within three (3) days of receipt of the completed form. NOTE: Complaints may be made by phone to any Supervisor. Anonymous complaints will be investigated but may not be able to be completed due to lack of information.

### **Person making the Comment/Compliment/Complaint (Please Circle One)**

NAME: \_\_\_\_\_ DOB: \_\_\_\_\_ SEX: \_\_\_\_\_ RACE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 PH#: \_\_\_\_\_ WORK#: \_\_\_\_\_ CELL# \_\_\_\_\_ E-Mail: \_\_\_\_\_  
 Case#(IF KNOWN) \_\_\_\_\_ Incident Date/Time: \_\_\_\_\_  
 Incident Location: \_\_\_\_\_

Name: \_\_\_\_\_ Badge# \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_  
 Name: \_\_\_\_\_ Badge# \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_  
 Name: \_\_\_\_\_ Badge# \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

**Comment/Compliment/Complaint Details (Please circle one)**This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

AFFIRMED UNDER PENALTY OF PERJURY PURSUANT  
PUNISHABLE AS A  
TO NYS PENAL LAW SECT. 210.45  
PENAL LAW

CLASS 'A' MISDEMEANOR UNDER SECT. 210.45 OF NYS

## **RECOMMENDATIONS**

The following are the recommendations of the **LACKAWANNA POLICE REFORM ADVISORY COMMITTEE**. The Mayor, City Council, Director of Public Safety and Police Chief will continue to meet with LPRAC to finalize the below recommendations.

# **Lackawanna Police Reform Advisory Committee [2021]**

## **INTRODUCTION**

We would like to thank John Wolf, the Director of Public Safety, and Mark Packard, Police Chief for their cooperation and transparency in sharing information with the committee during this process. The Lackawanna Police Reform Advisory Committee (LPRAC) was created to strengthen community policing and trust among the Lackawanna Police Department (LPD) and the Community they serve —especially in light of recent events around the country that have underscored the need for and importance of lasting collaborative relationships between the police and the public.

The purpose of The New York State Police Reform and Reinvention Collaborative is to foster trust, fairness, legitimacy within communities throughout our state to address racial bias and disproportionate policing of communities of color.

## **MISSION**

The mission of the Lackawanna Police Reform Advisory Committee (LPRAC) is to determine if any modifications, modernizations, and innovations to Lackawanna's policing deployment, strategies, policies, procedures, and practices tailored to the specific needs of the community are required. The committee shall include ideas to improve The Lackawanna Police Department and community relationships based on trust, fairness, accountability, and transparency to seek to reduce racial disparities in policing.

## **RECOMMENDATIONS:**

### **I. ESTABLISHMENT OF A CIVILIAN OVERSIGHT PANEL FOR CIVILIAN MISCONDUCT COMPLAINTS AND USE OF FORCE MONITORING**

Civilian oversight bodies play a critical role in promoting transparency and accountability within law enforcement. While these bodies do very important work, their responsibilities must be balanced with those of the police department's leadership.

While it may not be appropriate for the civilian oversight body to conduct investigations. The Lackawanna Police Reform Advisory Committee (LPRAC) strongly supports incorporating a level of civilian review, based on the needs of the community into the process. In order to ensure the review is as thorough and effective as possible. LPRAC also supports requiring those who serve on the panel to undergo specialized training on law enforcement policies and procedures.

The ability to file complaints of misconduct through the civilian oversight panel will ensure transparency and confidentiality.

The committee strongly believes that nothing should infringe on the police chief's ability to manage his own department or impose discipline when misconduct occurs. The authority of the civilian oversight body will include recommending discipline.

### **II. DIVERSITY IN HIRING AND PROMOTIONS AND ESTABLISHMENT OF A CITIZENS REVIEW BOARD TO ADVISE AND APPROVE ALL LPD HIRING AND PROMOTIONS.**

The committee is asking for immediate implementation of The Citizens Review Board prior to the forthcoming police hiring.

The Lackawanna Police Department should strive to create and maintain a workforce that contains a broad range of diversity including race, gender,



language, life experience, and cultural background to improve understanding and effectiveness in dealing with all communities.

The committee reviewed the past 32 years of hiring and promotion practices and found that since 1989 there have been 45 retirees including Officers, Lieutenants, Captains, and Chief of Police; 40 were white, 4 African American, and 1 Hispanic.

From 1989 to the present-day the city has hired 46 officers; 43 white, 2 African American, and 1 Hispanic. Within the 32 years, there have been at least 30 promotions to the ranks of Detective, Lieutenant, Captain, Chief of Police: 29 white and 1 African- American.

The current police force (2021) has approximately 46 police personnel; 45 white and 1 African-American.

### **III. EQUIPMENT RECOMMENDATIONS**

1. Body-worn cameras help promote transparency and accountability during police officers' interaction with the community. The LPRAC strongly encourages the Lackawanna Police Department to utilize body-worn cameras and implement policies related to their use that meet the needs of both the department and the community.

The LPRAC is well aware that robust body-worn camera programs are extremely expensive. In fact, the costliest part of a program of this nature is typically storing and processing of recorded data. In the current fiscal environment where most budgets are strained, creative planning will need to occur involving all stakeholders to accomplish the implementation of a department-wide Body-Worn Camera Program.

2. Updated Department Wide Computers and Softwares
3. New Patrol Car Purchases - Leasing Opportunities
4. BOLA Wrap (pilot)
5. New Car Radios

#### **IV. COMMUNITY POLICING AND ENGAGEMENT**

Strong community partnerships and frequent positive interactions between police and members of the public make policing more effective, increase public confidence in Law enforcement, and can reduce bias. To promote and strengthen community partnerships and positive interactions between officers and Lackawanna residents, the city and LPD will increase opportunities for community engagement and will continue to adopt a policing approach that is community-oriented and based on problem-solving principles.

#### **V. SUPPLEMENTAL TRAINING**

To ensure that officers have the knowledge and skills to police constitutionally and carry out their duties, the city should agree to provide and require the training set out below for each officer of the LPD.

- A. Cultural Competency Training
- B. Community Policing, Critical Thinking, and Problem Solving Training
- C. De-Escalation Training
- D. Implicit Bias Training ( Interactive Training)
- E. Crisis Intervention Training
- F. Officer Wellness Training
- G. Annual Active Shooter Training
- H. School Partnership to Teach Courses : Utilizing DARE Program as an example

#### **VI. ACCOUNTABILITY THROUGH DATA**

Technology must play a key role in helping law enforcement protect our communities effectively and allow for transparency to the communities they serve. It is critical that the police department have a database in the same source that logs instances of police misconduct, use of force, disciplinary

records, complaints, dismissals, and stores videos from body and dash cameras. This would allow data querying and reporting capabilities that can be used by the police department, administration, advisory boards, and more that will allow the city to be more efficient, accountable, and transparent.

Our committee in its finding found the data to be scattered across multiple sources. The lack of reporting capabilities and ability to query the data was very concerning. The City's current technology infrastructure requires hours if not days to try and analyze data and requires manual intervention. It's not sustainable to review data this way and the city lacks the ability to have true oversight, transparency for the department to make efficient decisions based on that data.

Therefore, the police reform committee recommends that the LPD invest in a records management system that provides the framework for entering, storing, reviewing, and analyzing all records including incident reports, calls for service data, personnel data, criminal investigations, and related information. These tools offer robust analytical tools ( custom reporting based on attributes on - demand or automated), seamless sharing of information, and are a key component of effective decision making. It will provide a single source for the integration of all key law enforcement data in order to improve efficiency and effective operations.

Below is a list of a few names of software other police departments are using.

- A. ARMS
- B. Tyler Technologies (Incode RMS)
- C. PolisyS
- D. CrimeStar RMS

## **VII. SUMMONS AND PARKING VIOLATIONS**

The committee was able to review Summons and Parking Violation data over three years. As a committee, we took the extra steps of generating

reports to break down the Parking Violations and Summons by street/ward and by issuing officers which allowed us to further break down and analyze the data.

As a committee analyzing the data, we did find a significant disparity of Parking Violations and Summons issued in areas with a high concentration of people of color versus other parts of the city. We found excluding main roads 65-70% of Summons and Parking Violations were issued in the 1st and 2nd wards which tend to have a large population of people of color. We can not rule out racial bias as a factor in these discrepancies. . Some officers have an equal distribution of Parking Violations and Summons issued throughout the wards that would counter-argue the defense that the first and second ward has more opportunity for ticketing. While other officers had a disproportionate amount of their summons in the first and second ward; with one officer having a case as high as 90% of Parking Violations and Summons in the first ward.

The committee recommends that the police department review quarterly reports of Parking Violations and Summons broken down by officers to monitor any behaviors that show patterns like stated above. These reports should be readily available to The Citizen Advisory Oversight Board for review.

Currently, alternate-parking is enforced all year and the committee recommends that it ends every year in April, as in previous years. Parking Violations and Traffic Summons by nature should not be viewed as revenue generators for the city by officers, in doing so, communities of color are disproportionately affected by the issuance of these revenue-generating tickets.

*Respectfully Submitted By:*

The Lackawanna Police Reform Advisory Committee (LPRAC)

Reem Berman

Pastor Ernesto Alvarez

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