

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☐ Town ☒ Village
(Select one:)

of LYNDONVILLE

Local Law No. 1 of the year 2021

A local law LYNDONVILLE VILLAGE POLICE DEPARTMENT POLICE REFORM COLLABORATION
(Insert Title)

Be it enacted by the VILLAGE BOARD of the
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☒ Village
(Select one:)

of LYNDONVILLE as follows:

SEE ATTACHED FULL TEXT OF LOCAL LAW #1 OF 2021

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2021 of the (County)(City)(Town)(Village) of LYNDONVILLE was duly passed by the VILLAGE BOARD on MARCH 29 2021, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

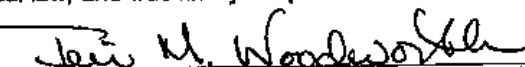
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: March 29, 2021

(Seal)

LYNDONVILLE VILLAGE POLICE DEPARTMENT
GENERAL ORDER

SUBJECT: COMMUNITY RELATIONS	GO# 120
STANDARD: 29.1	EFFECTIVE DATE: March 29, 2021
CHIEF OF POLICE: JOHN B. BELSON	AMENDED DATE: March 29, 2021

I. POLICY:

It is the policy of the Lyndonville Village Police Department that it is important to maintain an atmosphere of openness with the community and citizens we serve. All members of the Lyndonville Village Police Department should project a positive image and strive to be active in meeting the community's needs. The conduct of each member reflects upon the agency as a whole, and the burden of achieving the agency's community relations objective should be shared.

II. PURPOSE:

The purpose of this General Order is to define the community relations role of the Lyndonville Village Police Department, and to inform members of the department of their responsibilities in this role.

III. PROCEDURE:

- A. The community relations function is a responsibility of all members of the Lyndonville Village Police Department.
- B. The Chief of Police is the community relations officer for the Lyndonville Village Police Department.
- C. Relations with the Public
 - 1. Courtesy

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- a. Employee(s) shall be courteous to the public in person, or when on the telephone. Employee(s) shall be tactful in the performance of their duties, control their tempers, exercise the utmost patience and discretion, and shall not engage in argumentative discussion, even in the face of extreme provocation. In the performance of their duties, employees shall not use coarse, violent, profane or insolent language or gestures, and shall not express and prejudice concerning race, religion, politics, national origin, lifestyle, or similar circumstances.

2. Request for Assistance

- a. When any person requests assistance or advice, makes a complaint or report, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with establish agency procedures.

3. Citizen Complaints

- a. Employee(s) will handle all complaints against personnel in the manner prescribed in the agency General Orders. Employees may attempt to resolve a complaint, but shall never attempt to dissuade any citizen from lodging a complaint against any employee of the Lyndonville Village Police Department.

D. Interpersonal communications

1. To promote understanding and cooperation, there must be interpersonal communication between members of the community and the employees, at all levels of the Lyndonville Village Police Department's Office.
2. Each employee must be aware of the law enforcement needs of the community and their particular assigned area of responsibility.
3. Guided by policy, employees must tailor their performance to attain the objectives of the Lyndonville Village Police Department.

E. Identification

1. All employees shall furnish their name and badge number or exhibit their badge (if not in uniform), when they are on duty or holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties, officer safety or is authorized by proper authority.

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F. Request for Departmental Speakers

1. All requests for Lyndonville Village Police Department's Office personnel to speak at and/or attend, in a professional capacity, public gatherings, luncheons, service clubs, civil associations, etc. will be referred to the Chief of Police.
2. The Chief of Police will evaluate their request, and, if appropriate, identify the member best suited to respond to their request.
3. A member receiving a request to speak before any group on a specific topic or activity, must first obtain approval from the Chief of Police.

G. Meeting Attendance

1. Whenever any member is asked to attend any meeting, as a representative of the Lyndonville Village Police Department, or owing to their status as a member of this Agency, he/she must first obtain permission from the Chief of Police prior to attending such meeting.

H. Individual Dignity

1. All persons have the right to dignified treatment under the law; protection of this right is a duty which is binding upon all members.
2. Employees must treat persons with as much respect as that person will allow. They also must be mindful that the people with whom they are dealing are individuals, with human emotions and needs.

I. Equality of Enforcement

1. Consistency in application is a primary and fundamental element of uniform enforcement of the law.
2. The Lyndonville Village Police Department services a community comprised of individuals with varied ethnic and social composition, having unique life styles and/or particular crime problems. All people have a right to the protection and security that is afforded by fair and impartial law enforcement.
3. All persons must be able to maintain flexibility in their demeanor and enforcement methods. In order to properly respond to varying law enforcement problems, the Lyndonville Village

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Police Department must be able to maintain flexibility in deployment and enforcement methods.

4. Employee(s) shall use physical force only to the extent that is reasonable and necessary. Use of force shall be in accordance with the law and agency policies and procedures.

J. Responsiveness to the Community

1. The Lyndonville Village Police Department must be responsive to the needs and problems of the community. This regard for the community must be shown plainly, at all levels of the agency, by an obvious willingness to listen, as well as a genuine concern for the problems of individuals or groups.
2. The Lyndonville Village Police Department will disseminate accurate and factual accounts of public interest, consistent with: the safety and protection of victim and witnesses, the constitutional rights of the accused, and with consideration of the necessity for maintaining the confidentiality of department records.

ORDER BY THE CHIEF OF POLICE



John B. Nelson

REVIEW DATE:							
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Revised By							

LYNDONVILLE VILLAGE POLICE DEPARTMENT
GENERAL ORDER

SUBJECT: BIAS-BASED PROFILING	GO# 129
STANDARD: 14.1	EFFECTIVE DATE: March 29, 2021
CHIEF OF POLICE: JOHN B. BELSON	AMENDED DATE: March 29, 2021

I. POLICY:

It is the policy of the Lyndonville Village Police Department that all members will not affect a stop, detention, or search of any person which is motivated by race, color, ethnicity, age, gender or sexual orientation. Furthermore, any action(s) by a member of this office that would constitute a violation of anyone's Civil Rights is strictly prohibited.

II. PURPOSE:

The purpose of this General Order is to explicitly state that racial and ethnic profiling by members of the Lyndonville Village Police Department is strictly prohibited. In addition, it also seeks to establish policy regarding racial profiling.

III. PROCEDURE:

A. Definitions

1. **Racial Profiling-** This is the detention, interdiction, or other disparate treatment of an individual on the basis of the ethnic status of an individual or group.
2. **Stop-** This means the restraining of an individual's liberty by physical force or a show of authority.
3. **Detention-** This means an act of stopping, or restraining an individual's freedom to walk away.
4. **Search-** This means looking for or seeking out that which is otherwise concealed from view.

B. Racial Profiling/Discriminating Practices

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1. Racial profiling of any person(s) is strictly prohibited.

- a. In the absence of a specific report, the race or ethnicity of an individual will not be a factor in determining the existence of probable cause to place someone in custody, nor will it constitute reasonable/articulate suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.
- b. In response to a specific credible report of criminal activity, the race or ethnicity of an individual will not be the sole factor in determining the existence of probable cause to arrest an individual.
- c. No member shall stop, detain or search any person when such action is motivated by race, color, ethnicity, age, gender, sexual orientation, or other prejudicial bias.


C. Authority and Responsibility

1. The Chief of Police will be responsible for continually monitoring and examining areas of police actions and activities under his/her purview to ensure the regulations of this General Order are being followed and to discover, if any, indications of racial profiling or discriminatory practices.
2. Anyone that witnesses or is aware of a violation of this General Order, shall immediately notify the Chief of Police.
3. All reports or complaints of discriminatory practices or racial profiling will be documented and investigated in accordance with G.O #112, Allegations of Misconduct.

D. Training

1. Any new or available training on profiling/discrimination shall be reviewed for possible implementation by the Chief of Police.
2. Additional diversity and sensitivity training shall be designated for officers with sustained racial profiling or other sustained discrimination complaints that are filed against them.

BY ORDER OF THE CHIEF OF POLICE



John B. Belson

REVIEW DATE:							
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LYNDONVILLE VILLAGE POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: INVESTIGATION OF HATE CRIMES STANDARD: 44.2	GO# 205B
	EFFECTIVE DATE: March 29, 2021
CHIEF OF POLICE: JOHN B. BELSON	AMENDED DATE: March 29, 2021

I. POLICY:

It is the policy of the Lyndonville Village Police Department to identify and investigate hate crimes in accordance with the Hate Crimes Act of 2000. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by this agency and shall be given high priority. This agency shall employ necessary law enforcement resources to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences on the community.

II. PURPOSE:

The purpose of this General Order is to assist in identifying and investigating hate crimes.

III. PROCEDURE:

A. Definitions

1. New York State Penal Law section 485.05 defines Hate Crimes.
2. A person commits a hate crime when he or she commits a specific offense and either:
 - a. Intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
 - b. Intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.
3. Proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the

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victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph (a) or (b) above.

For purposes of this section:

- a. The term "age" means 60 years old or older;
 - b. The term "disability" means a physical or mental impairment that substantially limits a major life activity.
4. Specified offenses (crimes that can be charged under the Hate Crime statute) are listed in section 485.05, subdivision 3 of the New York State Penal Law.

B. Procedures

1. Initial responding officer(s) at the scene of a suspected hate crime shall take preliminary actions deemed necessary, including, but not limited to the following:
 - a. Secure the scene. Steps should be taken so that the initial situation does not escalate. Assistance shall be rendered to any victims, including medical aid, if necessary.
 - b. Request an investigator to the scene, when appropriate.
 - c. Photograph and collect all physical evidence such as hate literature, spray paint cans, and symbolic objects used by hate groups such as swastikas and crosses.
 - d. Identify criminal evidence on the victim, if applicable.
 - e. Conduct a thorough and complete investigation and look for signs that the incident is a hate crime, including but not limited to:
 - i. Motivation of the perpetrator(s).
 - ii. Statements made by the perpetrator(s).
 - iii. Display of offensive symbols, words or acts.
 - iv. Hate crime literature at scene.
 - v. Is the victim from a different racial, ethnic, religious group than the perpetrator(s)?
 - vi. The absence of any motive.
 - vii. the date, time or circumstances of the occurrence, such as on a religious holiday, or an event occurring at a gathering of a group of people affiliated by ethnicity, religion, sexual orientation, etc.
 - viii. The perpetrator's perception of the victim, whether accurate or not.
 - ix. Were the real intentions of the perpetrator(s) racial, color, religious or ethnic oriented?

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C. Police Officer, PT Responsibilities

1. The initial responding officer(s) shall confer with the Chief of Police and take measures to ensure that necessary preliminary actions have been taken.
2. Notify the Chain of Command.
3. Request any appropriate additional personnel necessary.
4. Make notification to the District Attorney.
** If at any time an officer suspects that a particular set of facts qualifies as a hate crime they will consult with the District Attorney's Office.

D. Incident Reports

1. Incident reports should clearly indicate the following information:
 - a. The offense is a Hate Crime.
 - b. The victim's age, gender, race and ethnicity.
 - c. The offender's age, gender, race and ethnicity (when available).
 - d. The narrative portion of the Incident Report should document that the victim(s) was intentionally selected or that the act was intentionally committed because of a belief or perception regarding such victim's race, color, natural origin, ancestry, gender religion, religious practice, age, disability, or sexual orientation. The specific bias motivation of the perpetrator(s) should be documented (ie: because selected victim was Hispanic, Jewish, Muslim, etc.).

E. Elevation of Charge

1. The Hate Crimes Law is a sentencing enhancement statute. Thus, when the specified crime is a misdemeanor or a class C, D, or E felony, the hate crime shall be deemed to be one category higher. For example, if a defendant is alleged to have committed an Assault in the Second Degree, which is a "D" felony and it is alleged that the assault was a hate crime, then upon a conviction, the assault is deemed to be a "C" felony. "A" and "B" felonies charged as hate crimes stay the same, but are subject to higher penalties.
2. It is important to realize that a class "A" misdemeanor charged as a hate crime is deemed a class "E" felony. This may affect the manner in which the case is handled (e.g. arraignment, bail, grand jury, etc.).

F. Arrest Processing

1. Reporting of hate crime arrests is statutorily required. It is important that if an individual is being charged with a hate crime, the arrest is properly coded.
2. When an arrest is being processed for a hate crime, you are required to use the penal law code with the letter "H" to highlight and make the distinction. The letter "H" is applied to the subdivision of the Penal Law section. In those cases where no subdivision exists, a

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double zero is used with the letter "H". Use caution when using an automated booking system to ensure that the correct offense is selected.

Examples: PL section 120.00 subdivision 1 – Assault 3rd 120.00 (01H), when it is a Hate Crime. PL section 140.15 – Criminal Trespass 2nd 140.15 (00H), when it is a Hate Crime. **Note: Do not use the letter H when you are not charging a hate crime or the arrest will be reported as a hate crime arrest by DCJS.**

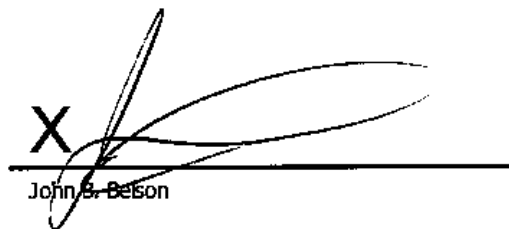
G. Accusatory Instrument

1. As the Legislature made it clear in the language of Penal Law section 485.00, the victim of a hate crime is society as a whole. It is apparently for that reason that the hate crime statute does not require specification of any particular person, only "a person". It is the attribute of the protected class (i.e.: sex, race, sexual orientation, etc.), not the name of any particular individual member or members of that class which is of importance. Accordingly, the manner in which to allege a hate crime is to set forth the particular attribute of the protected class which is claimed to have motivated the defendant, and not name any particular person or persons. The accusatory instrument can simply allege that the defendant committed the underlying crime in whole or in substantial part because of a belief or perception of the race, sex, or sexual orientation, etc., of "a person". Likewise, when alleging aggravated harassment in the first degree, the accusatory instrument need only allege prohibited conduct directed toward a class of individuals.
2. The accusatory instrument filed with a court should also list the "H" designator. The narrative portion of the accusatory instrument must include the elements and facts of the crime that demonstrate that the victim was intentionally selected, or the act was intentionally committed because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religious practice, age, disability or sexual orientation.

H. Records Management

1. It is the responsibility of Records to assist with complying state hate crime reporting requirements.
 - a. All incidents of reported hate crimes are to be submitted to DCJS each month using State form 3294.
 - b. If no hate crimes are reported for the month, the box marked "Nothing to Report" (NTR) is to be checked.

ORDER BY THE CHIEF OF POLICE


John B. Belson

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LYNDONVILLE VILLAGE POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: FIREARMS AND USE OF FORCE	GO# 208
STANDARD: 6.2, 20.1, 20.5, 21.1, 21.2	EFFECTIVE DATE: March 29, 2021
CHIEF OF POLICE: JOHN B. BELSON	AMENDED DATE: March 29, 2021

I. PURPOSE:

Police officers, in the performance of their duties, as authorized to use reasonable and legitimate force in specific cases. This policy, founded in the standards of federal constitutional requirements and state statutes, provides guidance regarding the use and justification for the use of force, including deadly physical force.

II. POLICY:

It is the policy of the Lyndonville Village Police Department that all sworn members, having completed a MPTC (Municipal Police Training Committee) training course, shall carry agency firearms in connection with their official duties. In addition, after required training, sworn officers will carry OC (oleoresin capicum) spray, a baton or ASP (Armament Systems and Procedures) and an EMD (Electro-Muscular Disruption) system, commonly referred to as an X-26 Taser. Officers shall only be authorized to carry and utilize departmentally issued weapons and utilize them in accordance with law and this department's policies and procedures.

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 the officer at the time that the force was used. (Graham v. Connor- 490 US 386 at 396).
- 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. Chokehold-** A chokehold shall include, but is not limited to, any pressure to the throat or windpipe which may prevent or hinder breathing to reduce intakes of air.

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- E. Low Level Force-** verbal persuasion/officer presence, verbal commands.
- F. Intermediate Level Force-** Empty Hand Tactics (including empty handed escort control, use of pressure points), physical restraint (joint locks, come-along holds, and control holds), OC Spray/Aerosol, Taser X26.
- G. High Level Force-** Physical Contact (i.e.-kicks, elbow strikes, palm or knee strikes and punches), impact/ASP/baton strikes (below clavicle), less lethal devices (i.e.-beanbag rounds), police K-9 utilization, stop sticks/controlled Deflation devices (Stinger spikes).
- H. Deadly Physical Force-** Firearms, Impact Devices above clavicle (i.e.-ASP strike to the head).

IV. DETAILS:

- A.** When force is used in making an arrest, unless such force is privileged and legal under the laws governing arrest, the police officer may be liable for civil prosecution and criminal charges. In addition, the force must be used not too severe, but must be in balance with the resistance offered by the violator. In keeping with the New York State Penal/Criminal Procedure Law and the United States Constitution, which are intended primarily to protect the rights of an individual, the laws of arrest and court decisions dealing with arrest strictly prohibit use of excessive or unreasonable force by an officer of the law. The use of force will be guided by the standard of "objective reasonableness".

The decision to employ deadly physical force is unquestionably the most difficult choice a police officer ever makes. The aftermath of that decision could include the taking of a life, diminished community support for police, a civil suit or criminal charges against the officer. An officer who used deadly physical force may experience profound depression or psychological deterioration that may adversely influence personality, performance, and, in extreme cases, inability to continue employment in the police field. When viewed in this light, it is obvious that deadly physical force is a significant issue to always be in the forefront of law enforcement thinking, and to occupy a primary place in police training, as well as demand explicitly defined and constantly reviewed policies and procedures.

In this complex society, officers are confronted daily with situations where control over others must be exercised to effect arrests and promote public safety. Control may be achieved through oral advice, warnings and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary to gain control, physical force may not be employed until all other reasonable alternatives have been exhausted or would be clearly ineffective under the circumstances. Deputies must be familiar with New York State Penal Law Article 35 (Section 35.30), which permits officers to use whatever force is reasonable and necessary to protect others and themselves from bodily harm. Officer should bear in mind that Article 35 only AUTHORIZES the use of physical/deadly physical force, it does not COMMAND its use.

No set of guidelines for the use of firearms can specifically cover every situation that might arise, yet every Police Officer, PT is expected to respond to all such emergencies decisively with the highest level of good judgment and professional competence.

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The United States Supreme Court, in *Tennessee vs. Garner* (1985) restricts an officer's use of deadly physical force to instances where the officer reasonably believes the action to be in defense of any person in immediate danger of serious physical injury.

V. PROCEDURE:

A. Use of Force Matrix

1. The Lyndonville Village Police Department has designed and implemented a Use of Force Matrix to explain and define levels of force. The matrix is located under General Order 208A.

B. Ban of the Use of Chokeholds

1. While the use of chokeholds has never been taught to any member of this office, in compliance with NYS Senate Bill S6670B and Assembly Bill A6144 signed by NYS Gov. Andrew Cuomo, it is the policy of the Lyndonville Village Police Department to ban the use of chokeholds as a method to gaining control.
2. New York State Senate Bill S6670B and Assembly Bill A6144 amended New York State Penal Law to state the following;
 - a. "121.13 (a): Aggravated Strangulation. A person is guilty of aggravated strangulation when, being a police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law or a peace officer as defined in section 2.10 of the criminal procedure law, he or she commits the crime of criminal obstruction of breathing or blood circulation, as defined in section 121.11 of this article, or uses a chokehold or similar restraint, as described in paragraph b of subdivision one of section eight hundred thirty-seven-t of the executive law, and thereby causes serious physical injury or death to another person."

C. Deadly Physical Force

1. Lyndonville Village Police Department personnel may use deadly physical force under the following circumstances, and then only when no other reasonable alternative is available:
 - a. To defend himself or another person when the officer has **reasonable cause to believe** there is **imminent danger of death or serious physical injury** to himself or another;
 - b. To apprehend a resisting person who is committing or has committed a crime in which **deadly physical force** is being used or threatened and the officer has **reasonable cause to believe** that such person will cause death or serious injury unless immediately apprehended;
 - c. To kill a dangerous animal or an animal so badly injured that humanity requires that it be removed from further suffering. In the case of an injured animal, **permission of the owner should be obtained**, whenever possible. Care should be taken to protect

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bystanders from a ricocheting bullet and, if possible, avoid killing of an animal in the presence of children.

- d. Members of the Lyndonville Village Police Department shall only fire their weapons at a person to stop and neutralize an assailant to prevent him/her from completing a potentially deadly aggressive act or in the instances as described in this section. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer should shoot at "available target center mass". The officer's intent and purpose is only to stop the deadly aggression or prevent the escape of the subject.
- e. No distinction shall be made relative to the age or gender of the intended target of deadly physical force.
- f. Self-defense and imminent threat of deadly physical force/serious physical injury shall be the guideline for employing deadly force.

***THE OFFICER MUST BE ABLE TO JUSTIFY SELF DEFENSE BY SHOWING THAT THE ASSAILANT HAD:**

1. The apparent **ABILITY** to cause serious physical harm or death to the officer or others (some type of weapon or means to cause death),
2. A reasonable **OPPORTUNITY** to affect such serious physical harm or death (a feasible delivery system, or in close enough proximity to cause serious physical harm or death with the weapons or means listed above), and
3. Placed the officer or others in actual physical imminent **JEOPARDY** (offender must have shown intent to cause serious physical harm or death. The officer must be in fear of his or her life or that of another person).

***AS IN ALL USE OF FORCE INSTANCES THE OFFICER MUST BE ABLE TO DEMONSTRATE THAT THE USE OF FORCE WAS:**

1. The **LOGICAL** amount of force used under these circumstances,
2. The **REASONABLE** type of force used under these circumstances, and
3. The force was a **NECESSARY** response to eliminate the threat or prevent the injury threatened (all other options were tried or not appropriate, and no other alternative was available to the officer).

D. Avoidance of Recklessness

1. An officer should never fire a weapon or otherwise employ deadly physical force in a manner that is likely to cause death or serious physical injury to an innocent third person. Officers are expected to avoid recklessness in all situations involving deadly physical force. Even a case where deadly physical force is both permitted and reasonable under the circumstances, the officer **must consider the safety of innocent bystanders** (e.g., firing in a crowded street, firing into the air in a residential or business area, etc.) The fact that an officer may be justified to use deadly physical force **does not** constitute a license for reckless conduct by the

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officer and such officer may be held criminally and/or civilly liable in the event of abuse (see Penal Law Section 35.30, subparagraph 2).

E. Prohibited Use of Firearms

1. An officer **shall not** use a firearm in any of the following circumstances:
 - a. Officers should refrain from discharging firearms unless a clear line of fire is available and there is a reduced chance of injury to innocent bystanders;
 - b. To fire warning shots in order to induce a fleeing subject to halt;
 - c. To fire a weapon to effect an arrest, except as provided in this General Order;
 - d. To fire at, or from a moving vehicle, unless the occupants of the vehicle are using deadly physical force against the officer or another;
 - e. To gain entrance into a building, vehicle or container, unless authorized to do so, and after proper training and qualification by a member of the SWAT team (i.e., shotgun breaching);
 - f. To fire a weapon into buildings or through doorways unless at an identifiable threat;
 - g. Solely to protect or preserve personal property; or
 - h. Except for general maintenance, storage, or authorized training, officers shall not draw or exhibit their firearm unless circumstances create strong reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with this policy.

F. Medical Care

1. An officer who injures any person through the discharge of his/her firearm will ensure, when possible, that steps are immediately taken to provide the injured person with necessary medical treatment.

G. Subject Management/Resistance Report

1. An officer who discharges his/her firearm for any reason except for annual qualifications, authorized target practice, or destruction of an injured animal, shall, as soon as possible, submit a report to the Chief of Police in accordance with *agency* procedures, and shall complete a *Subject Management/Resistance Report*, *Firearms Discharge Report* and a standard incident report if applicable or required by OCSO general orders and procedures.

H. Regulations for Carrying Firearms

1. All officers authorized to carry a firearm shall be armed with a Lyndonville Village Police Department approved firearm when **on-duty**, unless specifically exempt.
2. The approved handgun for the Lyndonville Village Police Department is the Glock Model 21, caliber .45 AUTO semi-automatic pistol or the Glock Model 30, caliber .45 AUTO semi-automatic pistol, for all road patrol. These handguns will undergo semiannual armorer's

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checks by a certified Glock armorer. The standard issued shotgun for the Lyndonville Village Police Department is the Remington 870 pump action 12-gauge shotgun. These shotguns will undergo annual armorer's checks by a certified Remington armorer. The standard issue patrol rifle for the Lyndonville Village Police Department is the AR-15/M4 or similar style patrol rifle in .223/5.56 caliber. The brand of AR-15/M4 rifle used may vary and is at the discretion of the Lyndonville Village Police Department administration and firearms staff. These rifles will undergo annual armorer's checks by a certified AR-15 armorer.

3. Officer(s) keeping *agency* issued firearms at their residence will store them in the safest manner possible. If the firearm will not be stored in a safe or similar secure device, the firearm is to be within the officer's area of control, so as not to make the firearm available to other persons.
 - a. Officer(s) loading and unloading firearms at their residences, or at any other location, will use safe and approved "administrative loading techniques" as taught by the Orleans County Sheriff's Office firearms instructors. (Tactical loading and emergency loading will be practiced during training, qualifications and practice sessions, as well as being used in emergency situations).
4. All officers shall be armed with a firearm when operating or riding in any Lyndonville Village Police Department official vehicle while on-duty, and at all times in a marked Lyndonville Village Police Department vehicle, whether on or off duty, unless specifically exempt.
5. Officer(s) may, but are not required, to carry their issued firearm when off-duty. Officer(s) may carry their issued firearm anywhere within New York State. The Chief of Police, or his/her designee may mandate firearms to be carried off-duty when the situation so requires. An off-duty firearm will be carried discretely so as not to alarm the general public. Whenever carrying an off-duty firearm, officers will also carry their badge and Lyndonville Village Police Department's Office identification. *Agency* firearms are not authorized for off-duty employment.
6. Officer(s) shall not surrender their firearm to an assailant, unless as a last resort.
7. If required by a detention or court facility, which has proper gun lockers for securing them, officers will allow their firearm to be locked while in that facility. If no lockers are available, the firearm may be locked in the trunk of the vehicle. In medical facilities which do not have gun lockers, officers will NOT surrender their firearms.
8. Officer(s) will not handle firearms while under the influence of alcohol, drugs of abuse, or any prescribed medication that may impair an officer's abilities to function normally.

I. Qualifications

1. Each officer must meet certification and training requirements with all approved duty weapons as set forth by the Orleans County Sheriff's Office firearms training course. Qualifications will be conducted wearing the attire required of the day as prescribed by the Chief of Police, or his/her designee, to include body armor, duty belt, and any other equipment normally worn on duty. Officers wearing plain clothes (non-uniform) will carry the firearm for qualifications in the same manner as they carry it on-duty. Each officer will

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qualify with a passing score determined by the Chief of Police at least *once* a year with any Agency-issued firearm which the member is authorized to use.

2. The Orleans County Sheriff's Office firearms training program will include instruction in the use of force policy, the legal requirements on the use of deadly physical force, firearms safety, and firearms shooting proficiency for all weapons the officer is authorized to use in the performance of his or her duties. The training program will meet or exceed the State mandated training requirements using a PASS/FAIL method of scoring the targets. There will be mandatory written testing of all the above topics covered during firearms training. The written test for that particular block of training will be kept on file, but the actual employee tests will be graded in a PASS/FAIL method of scoring.
3. Should any member fail to meet required qualification standards with their duty firearm, he or she may be subject to disciplinary action for incompetence. Since the New York State Department of Criminal Justice Services, Office of Public Safety requires all police officers to successfully complete an approved firearms requalification each year, officers failing to pass the qualification test after the second attempt on any individual test day will not be allowed to return to active full duty until they have successfully completed retraining and retesting by a range instructor. It will be the officer's responsibility to arrange with the appropriate Orleans County Sheriff's Office for retraining, retesting and recertification. Any disciplinary action will be determined by the Chief of Police in accordance with current contractual agreements.
 - a. Officers who fail to attend mandatory firearms certification testing due to illness, vacation, or other excused absence will be given the opportunity upon their return to duty to successfully qualify. It will be their responsibility to make arrangements through the appropriate Chief Deputy or Jail Superintendent for testing. Officer(s) who fail to complete qualifications in a timely manner (as determined by the Chief of Police) upon their return to work, may be subject to disciplinary action for failing to qualify.
 - b. During the annual mandatory firearms qualification sessions, *agency issued duty* ammunition will be fired for at least a portion of the course of fire. This will be conducted in conjunction with annual replacement of duty ammunition. All other testing will be conducted with the ballistic equivalent of the duty ammunition (i.e., same caliber, same bullet weight, same approximate velocity and power factor).
 - c. Effective March 29, 2021, the following level of scoring will be adopted by the Lyndonville Village Police Department.
 1. An approved course of fire will be used for all testing.
 - a. These courses of fire *may* be modified yearly and approved by the Chief of Police. The various courses of fire will be kept on file and maintained by the Range Staff.
 2. All targets used for training and testing will have prior approval of the Chief of Police.

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- a. Only hits that are inside of the "PREFERRED" area (inner hits) will be counted as hits. Any hits that break the preferred area's boundary line will also be counted as an acceptable hit.
 - b. Targets will be scored using a pass/fail system with 80% of the possible points being a passing score. Each officer will receive two attempts to pass on the test day. Retraining will occur before the officer is permitted a second attempt.
 - c. Aggregate scoring (all stages of fire combined) for the entire course of fire will be used.
4. The Orleans County Sheriff's Office Firearms Training Staff shall see that all newly appointed officers of the Lyndonville Village Police Department demonstrate proficiency in the use of firearms and shall have the newly appointed officers fire the required training course, with factory loaded, duty ammunition to the satisfaction of the training officer before the newly appointed officer is assigned to regular road patrol duty. A written report of satisfactory completion of this training shall be promptly filed in the officer's training file.
5. Firearms Certification Records
 - a. The Orleans County Sheriff's Office Firearms Staff and the Village of Lyndonville shall maintain a certification record file for every officer authorized to carry firearms. This file shall consist of the following information:
 1. Officer's name.
 2. Certified on-duty firearms including pistol, rifle, and shotgun.
 3. Results of shooting test to include date, ammunition, weapon fired, course of fire, and range officers present.
 4. Written exam and officers pass/fail results.
6. Ammunition
 - a. Only factory loaded ammunition approved by the Chief of Police will be carried in any duty weapon while on or off duty.
 - b. Formal training will be conducted with duty ammunition and ammunition that is at least the ballistic equivalent of the duty ammunition (same caliber, same bullet weight, and same approximate velocity).
 - c. A list of authorized ammunition will be maintained by the firearms staff.
7. Inspection of Weapons

Prior to being issued for duty use, each weapon, whether new or used, shall be inspected by a certified OCSO armorer:

 - a. When a firearm is received for inventory, its serial number will be recorded in an inventory log and on a maintenance log, both of which are kept in the armory.

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- b. The firearm will be completely disassembled, cleaned and inspected for function, wear and condition. It will then be lubricated, reassembled and tested with dummy ammunition.
- c. When issued to an officer, the officer and a range officer or armorer will go to the firing range for a qualification exercise for the purpose of familiarization and to ensure the firearm is properly sighted in.
- d. In compliance with the requirements of New York State Penal Law section 400.00, a letter showing the make, model and serial number of the weapon will be forwarded to the New York State Police in Albany New York.
- e. At least annually, and more often if there is a perceived deficiency, each weapon shall be re-inspected during a range firearms session. Any problems noted will be immediately repaired. If the armorer cannot make the needed repairs, the weapon will be returned to the factory.
- f. Any weapon found to be unsafe or unrepairable will be removed from service, and the pertinent records marked "unserviceable, do not issue." The weapon will be stripped of all useable parts and the frame and barrel will be scheduled for subsequent destruction. The New York State Police will be notified by letter that the weapon has been deleted from the Orleans County Sheriff's Office and the Village of Lyndonville inventory.

8. Firearms Registration

- a. Acquisition of personal firearms - Section 400.00 (12-c) of the New York State Penal Law imposes certain reporting responsibilities on employees of agencies who would otherwise be exempt from the licensing requirements for purchasing, possessing, carrying or disposing of a firearm. The employee "shall promptly report in writing to his employer, the make, model, caliber, and serial number of each such firearm within ten (10) days of acquisition or disposal including the name and address of the person from whom the weapon was acquired or to whom it was disposed." Thereafter, the employer must submit the information to the Superintendent of the New York State Police. Failure to comply with the provisions of this section is a misdemeanor.

In order to avoid inadvertent noncompliance, it is be the policy of the Orleans County Sheriff's Office and the Lyndonville Village Police Department that an employee is prohibited from using Orleans County Sheriff's Office and the Lyndonville Village Police Department identification to purchase a firearm for which there is a licensing requirement under Section 400.00. Instead, any such purchase must be made on the basis of a valid New York State Pistol License, in which case all the required information will be reported routinely.

- b. All members and employees are prohibited from carrying personally owned or other non-department owned weapons while on-duty, unless specifically authorized in writing by the Chief of Police. The member must qualify with the firearm with a department firearms instructor prior to carry on-duty, and shall use only departmentally approved ammunition and holster.

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J. Procedures for Firearms Discharge


1. Except for training, practice, qualifications or demonstrations, when an officer discharges an agency issued or authorized weapon, either unintentionally or intentionally, he or she shall immediately:
 - a. When appropriate, determine the physical condition of any injured person and render first aid, requesting any necessary additional emergency medical aid, if necessary.
 - b. Notify the dispatcher and the Chief of Police.
 - c. The officer will remain at the scene (unless injured) until the arrival of the appropriate command staff and give a preliminary statement as to what occurred. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (ex: violent crowd), the ranking commanding officer or assisting agency at the scene shall have the discretion to instruct the officer to respond to another, more appropriate location.
 - d. The officer will protect his/her weapon for forensic examination and upon the direction of a member of the command staff shall submit said weapon upon request. Under no circumstances will the officer's weapon be taken at the scene of the incident while in public view. The weapon will not be taken from the officer until it can be replaced with another weapon unless necessary for medical treatment reasons, or at the discretion of a Command Officer.
 - e. In cases of injury or death, the officer should not discuss the case with anyone except supervisory and internal investigatory personnel, the officer's privately retained attorney and/or union representative, his/her immediate family, and those individuals to whom the prosecutor or Chief of Police has granted such authority.
 - f. A complete detailed written report by the officer shall be prepared and forwarded to the Chief of Police within twenty (24) hours of the incident, unless the officer is physically unable to do so.
2. Review
 - a. Upon receipt of a subject resistance report with a firearm the Chief of Police, shall assign the necessary and appropriate personnel to review and investigate the incident, unless the incident is of such a nature that a detailed review and investigation is obviously unnecessary, e.g., the disposition of a deer after injury in a motor vehicle accident.
 - b. Upon review and investigation of a subject resistance report, which is not of an inconsequential nature, it is required that all intermediate reporting and reviewing personnel ensure that their actions will permit a report of the findings to be submitted to the Chief of Police within forty-eight (48) hours of the incident.
 - c. In an effort to protect the community's interest when a member may have exceeded the scope of authority in the use of deadly physical force, and, conversely to shield a member from possible confrontation with the community in the event that, acting within the scope of authority, a death or serious injury resulted, the member shall be removed from line-

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duty assignment pending an administrative review. Such review may include a Grand Jury investigation, or any other process needed to insure a full investigation of the facts and circumstances of the incident. If deemed necessary, other members who may have been involved, however indirectly, may also be removed. Following such removal under this provision, the return to line-duty assignment shall be only with the expressed authorization of the Chief of Police.

- d. In the event a member is removed from duty under any of the above provisions, consideration shall be given to providing stress counseling in order to assist the member in coping with the critical or traumatic incident. Access may be obtained through the Orleans County Fire Coordinator or the Orleans County Emergency Medical Services Coordinator by the member involved or by a supervisor acting on the member's behalf. Initial contact should be made within twenty-four (24) hours of the incident. Members may call the above offices during business hours or have the coordinator paged through the OCEDC. In addition, Orleans County and the New York State Police offer Employee Assistance Programs to which an officer may be referred: (Orleans County: 1-888-244-0680), State Police: 518 458-1822).
3. The outside agency will be responsible for the investigation of all officer involved shootings.
 4. In cases of an accidental or unintentional discharge of a Lyndonville Village Police Department's Office issued or authorized firearm where there were no injuries, the Chief of Police will request further investigatory assistance.
 - a. Reports as to the circumstances of and any damages done by the accidental discharge will be submitted by the involved officer to the Chief of Police.
 - b. Depending upon the circumstances, the involved officer may be required to undergo remedial training.
 - c. Disciplinary action may be initiated, depending upon the circumstances and severity of the incident.

ORDER BY THE CHIEF OF POLICE



 John B. Belson

REVIEW DATE:							
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LYNDONVILLE VILLAGE POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: USE OF FORCE MATRIX	GO# 208A
STANDARD: 6.2, 20.1, 20.5, 21.1, 21.2	EFFECTIVE DATE: March 29, 2021
CHIEF OF POLICE: JOHN B. BELSON	AMENDED DATE: March 29, 2021

I. PURPOSE:

The purpose of this policy is to establish a guideline for deputies to follow regarding the type and amount of force to use when effecting an arrest/taking an individual into custody.

II. DEFINITIONS:

Deputies must use reasoned discretion in determining the type and amount of force to be used in each individual situation.

Deputies, **AT ALL TIMES**, must be aware of the subject's actions, and **DE-ESCALATE** when the subject stops resisting.

A. **LOW LEVEL**- includes the following:

1. Verbal Persuasion/Presence
2. Verbal Commands

B. **INTERMEDIATE LEVEL**- includes the following:

1. Empty Hands (i.e.- empty handed escort control, use of pressure points)
2. Physical Restraint (i.e.- joint locks, come-along holds, control holds)
3. OC Aerosol (OC/pepper spray)
4. Taser X26/X26P

C. **HIGH LEVEL**- includes the following:

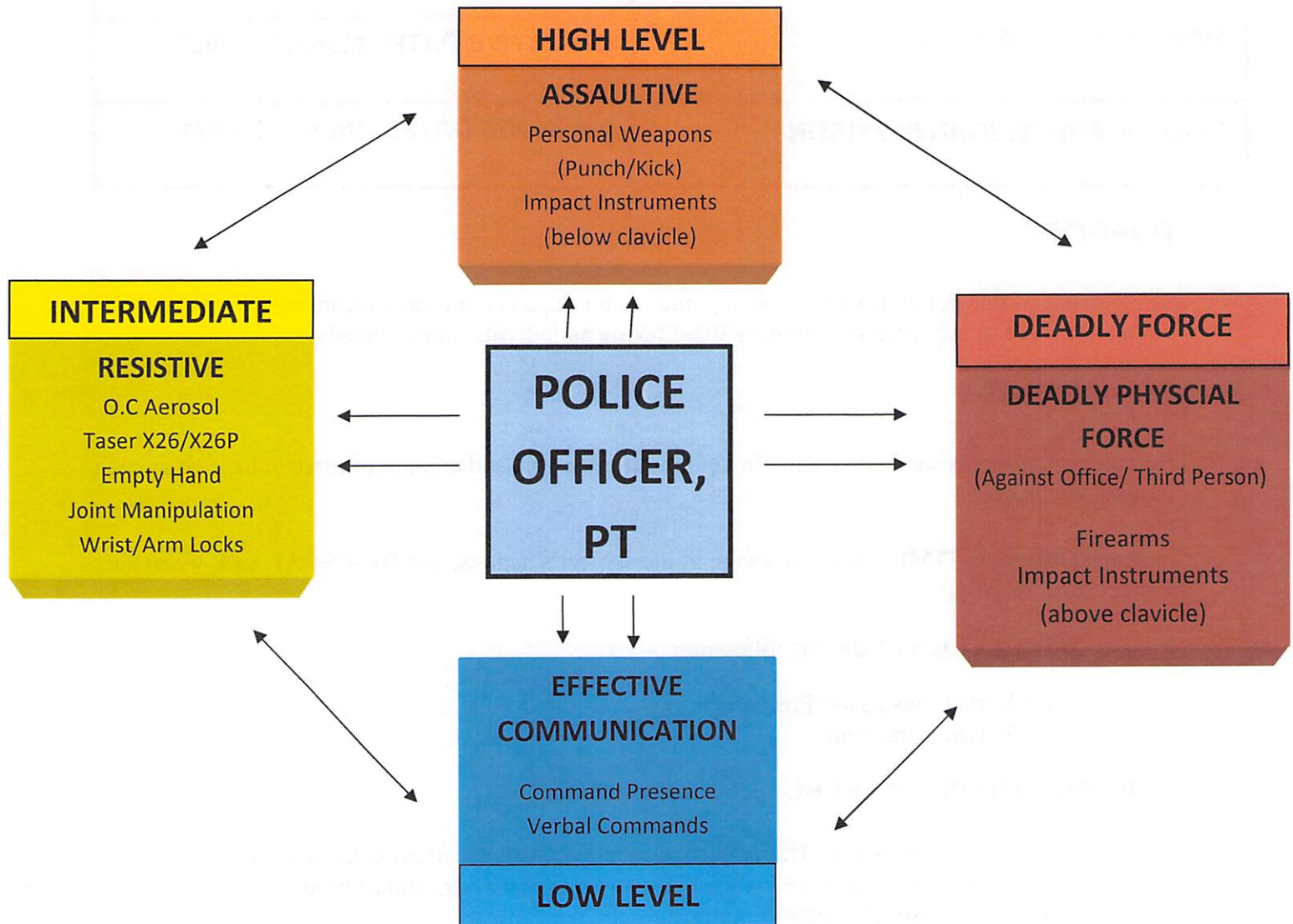
1. Physical Contact (i.e.- kicks, elbow strikes, palm strikes, knee strikes, punches)
2. Impact Device Below Clavicle (Baton/ASP/other)
3. Less Lethal Devices (i.e.- baton rounds, beanbag rounds, inclusive of those fired from firearms)
4. Police K-9 Utilization
5. Stop Sticks/Stinger Spikes/any other controlled deflation device, used against occupied vehicle

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D. **DEADLY FORCE**- includes the following:

- i. Use of Firearm
- ii. Impact Devices (above clavicle)

USE OF FORCE MATRIX



ORDER BY THE CHIEF OF POLICE

X

 John B. Belson

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**LYNDONVILLE VILLAGE POLICE
DEPARTMENT
POLICE REFORM COLLABORATION**



**CHIEF OF POLICE JOHN B. BELSON
March 29, 2021**

INTRODUCTION

Due to events leading to civil unrest within communities throughout our country, New York State Governor Andrew Cuomo issued Executive Order 203 on June 12, 2020.

Executive Order 203 requires law enforcement agencies to comprehensively review all police force deployments, strategies, policies, procedures and practices.

Additionally, a review must be conducted by community stakeholders. Stakeholders will provide input in areas of evidence based policing strategies. Input will include, but is not limited to: policies, procedural justice, implicit bias awareness training, de-escalation training, law enforcement assisted diversion programs, community-based outreach, and problem-oriented policing.

Upon completion of this plan, it must be offered for public comment to all citizens within the local community. Upon completion of the review and public comment, the plan must be presented to the local legislature to be adopted by resolution.

ABOUT THE LYNDONVILLE VILLAGE POLICE DEPARTMENT

The Lyndonville Village Police Department serves a population of 838 (2010 Census) and covers an area of 1 square miles on the southern shore of Lake Ontario in Upstate Western New York. The Lyndonville Village Police Department's Office provides part time law enforcement to the Village of Lyndonville. The Mayor is the Chief Law Enforcement Officer of the Lyndonville Police Department. There is currently 1 employee of the Lyndonville Village Police Department. (1 part-time). The Lyndonville Village Police Department is located at 2 South Main Street, in the Village of Lyndonville.

MISSION STATEMENT

The Mission of the Lyndonville Village Police Department is to be a Police Department for the people. The Lyndonville Village Police Department strives to serve and protect the citizens of the Village of Lyndonville; to be visible and accessible; to maintain peace and order in the Village of Lyndonville; and to support and defend the Constitution of the United States of America.

ROAD PATROL DIVISION DEPLOYMENT AND SERVICES

The most visible division of the Lyndonville Village Police Department is the Road Patrol. This division is under the direct supervision of the Chief of Police. Currently there is a staff of one part time Police Officer. Road Patrol has the task of enforcing state, and local laws. They investigate both criminal and civil complaints, as well as domestic disputes and family matters. They respond to intrusion alarms and investigate motor vehicle accidents. Road Patrol Officer is tasked with patrolling 1 square mile of village roadways in the Village of Lyndonville. The Lyndonville Village Police Department operates on a flexible shift.

STRATEGIES

The Lyndonville Village Police Department deploys several strategies to provide effective and efficient law enforcement services to our community. These strategies involve not only responding to calls for service and targeting crime, but also ensuring the community has necessary resources offered by the Lyndonville Village Police Department. The Lyndonville

Village Police Department strives to be transparent, sharing as much information with the public as possible. The Lyndonville Village Police Department believes in working with the community to provide professional service, promoting the ultimate goal of public safety.

COMMUNITY POLICING

The Lyndonville Village Police Department believes in serving our community with integrity, honor and respect. The Lyndonville Village Police Department is committed to engaging with the community, and building a stronger connection with the residents we serve. The Lyndonville Village Police Officer frequently attend community events, interacting with the public, providing activities and resources for children, adults and families. The Lyndonville Village Police Officer is encouraged to get out of their patrol vehicle and interact with the community beyond responding to calls for service.

POLICIES AND PROCEDURES

To ensure compliance with Executive Order 203 and the Police Reform Collaborative, the Lyndonville Village Police Department reviewed policies and procedures to determine if any changes were necessary and then made the needed changes to ensure the most up-to-date policies are in place and compliant with the expectations laid out by New York State Government. In particular, the following policies were reviewed, as they relate to the police reform initiative.

USE OF FORCE

Use of force by any member of the Lyndonville Village Police Department is governed by New York State Penal Law Article 35, which provides for the justification of such force.

One particular change made to the Lyndonville Village Police Department use of force policy is to ban chokeholds as a method of gaining control. Although, it is important to note that the use of chokeholds has never been taught to any member of this office, Chokeholds have long been removed from training curriculums and are not a matter of practice for today's law enforcement officers.

The Lyndonville Village Police Department is required to report specific use of force incidents to the Department of Criminal Justice Services repository. The criteria for reportable use of force includes: the use of chemical agents, the use of a firearm, the use of an electronic control weapon, the use of a chokehold, or any force which resulted in death or serious bodily injury as defined by NYS Penal Law.

Any use of force incident by a Lyndonville Village Police Officer is thoroughly reviewed to determine if the force was appropriate, justified and authorized by law.

COMMUNITY RELATIONS

The Lyndonville Village Police Department is committed to maintaining an atmosphere of openness with the community and citizens we serve. It is expected all members of the Lyndonville Village Police Department project a positive image and strive to be active in meeting the community's needs. Members of the Lyndonville Village Police Department are expected to be courteous to the public at all times, controlling their tempers and exercising the utmost patience and discretion, even in the midst of provocation. All members shall furnish their name and badge number, OR exhibit their badge when in performance of their official duties.

The Lyndonville Village Police Department will be responsive to the needs and problems of the community.

DISCRIMINATION

It is the policy of the Lyndonville Village Police Department that no member shall use race, ethnicity, color, national origin, ancestry, religion, disability, gender, gender identity, sexual orientation, marital status, parental status, military discharge status, financial status, or lawful source of income in the course of their duties. Each year, members of the Lyndonville Village Police Department undergo annual discrimination, harassment and workplace violence training offered by Orleans County.

INVESTIGATION OF HATE CRIMES

The Lyndonville Village Police Department identifies and investigates hate crimes in accordance with the Hate Crimes Act of 200. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by the Lyndonville Village Police Department and will be given high priority. The Lyndonville Village Police Department will employ necessary law enforcement resources to identify and arrest hate crime perpetrators. There will be a zero tolerance for hate crimes within our community.

PROHIBITION REGARDING RACIAL PROFILING AND OTHER BIAS POLICING

The Lyndonville Village Police Department prohibits racial profiling or other bias based policing. The Lyndonville Village Police Department is committed to observing, upholding and enforcing all laws related to the individual rights of all persons. Members will protect and respect each person's human rights and all laws relating to human rights. The Lyndonville Village Police Department members will treat all individuals with the respect, courtesy and dignity that all individuals should be treated with and are entitled to. The Lyndonville Village Police Department members will not stop, detain or search any person for any reason which is motivated by race, color, ethnicity, age, gender, or sexual orientation. In the absence of a specific report, race or ethnicity of an individual will not be a factor in determining the existence of probable cause, nor will it constitute reasonable suspicion.

PROFESSIONAL CONDUCT

It is the policy of the Lyndonville Village Police Department to thoroughly investigate complaints against the office and its members. It shall also be the policy of the Office of the Lyndonville Village Police Department to reach a prompt resolution of such complaints or allegations, after an objective and impartial investigation. While maintaining the credibility and integrity of the Office of the Lyndonville Village Police Department, the public will be assured that police misconduct will not be tolerated.

TRAINING

All members of the Lyndonville Village Police Department must have the required training for a New York State certified Police Officer.

LYNDONVILLE VILLAGE POLICE DEPARTMENT COMMUNITY SERVICES PROVIDED BY ALL DIVISIONS

The Lyndonville Village Police Department is committed to building a stronger community by building trust and relationships through community policing. The Road Patrol Division will provide varying levels of community services and outreach. The following are some of the many programs and services we provide.

- Lyndonville's 4th of July celebration
- Halloween,
- Christmas in Lyndonville
- Memorial Day Parade
- Homecoming
- Interacting with the Lyndonville Central School Resource Officer (from Orleans County)

CONCLUSION

The Lyndonville Village Police Department is an agency comprised of a highly trained individual who is service oriented and reflect the ideals consistent with our mission. The Lyndonville Village Police Department believes in providing professional public safety services at the highest level of professionalism, showing respect, integrity and honor at all times.

COMMITTEE RECOMMENDATIONS

The Committee comprised of the Chief of Police John B. Belson, Village of Lyndonville Trustee Darren Wilson, Village of Lyndonville Trustee Kimberly Kenyon, Lyndonville Village Police Officer William Larkin, Village of Lyndonville Clerk-Treasurer Teri M. Woodworth, community member Carla Woodworth and community member Anne Marie Holland made the following recommendations.

- 1. The Lyndonville Village Police develop policies and procedures for the department.**
Chief of Police John B. Belson is working with the Orleans County Sheriff Christopher Bourke for guidance on developing standard operating procedures.
- 2. The Lyndonville Village Police Department Police Reform and Collaboration Committee recommends the Lyndonville Village Police Department better communicates all of the community policing and community services it provides and participates in.**
At the direction of the Chief of Police, the Lyndonville Village Police Department will explore different modes of increased communication with the community.

COMMAND STAFF

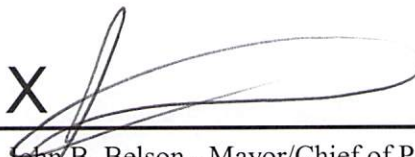


Chief of Police John B. Belson



Police Officer, PT - William Larkin

Respectfully Submitted,

X 

**John B. Belson - Mayor/Chief of Police
Lyndonville Village Police Department**

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE PLAN CERTIFICATION FORM

I, John B. Belson, as the Chief Executive of the Village of Lyndonville (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 the 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.

John B. Belson

Name

[Signature]
Signature

Mayor / Chief of Police
Title

March 29, 2021
Date