

## SECTION 120-1. Internal Affairs; Special Investigations Unit



<b>Date Issued</b>	<b>Date Effective</b>	<b>Revision No.</b>	<b>General Order</b>
01-19-2021	Immediate	1	21-09
<b>Accreditation Standards 25.1, 25.2, 25.6 and 25.8</b>			

### § 120-1A. Purpose.

The purpose of this section is to establish a Special Investigations Unit for the Amityville Police Department and to clearly delineate its duties and responsibilities.

### § 120-1B. Composition.

Due to the size of this Department and the number of internal investigations conducted, the necessity for assigning full-time personnel to a Special Investigations Unit does not exist. Accordingly, the Special Investigations Unit shall be comprised of the Chief of Police and the Lieutenant, who will be called upon to serve this function as necessity dictates.

### § 120-1C. Policy.

The unit shall be responsible for carrying out internal affairs functions and investigating personnel complaints and background investigations. When required, the members of the Special Investigations Unit shall be the liaison between the District Attorney's office, or any other department or agency requiring investigations of alleged criminal misconduct.

### § 120-1D. Procedure.

1. Complaints received by this Department that allege that a Department member has used inappropriate behavior, is accused of misconduct or has committed a violation of the law will be treated as a personnel complaint. The Chief of Police will direct the investigation of the allegations and assign the necessary qualified personnel to conduct the investigation. When an investigation has been initiated, the subject of the investigation shall be notified by the Chief or the investigating officers of the nature of the complaint. In cases where such notification would jeopardize the investigation, the notification may be given immediately prior to the interview of the subject. The member will be advised of the charges or allegations and of his/her rights and responsibilities relative to the investigation.
2. A file will be made by the Lieutenant and it will be assigned an incident number. Upon completion of the investigation, the file will be turned over to the Chief, or in his absence the Lieutenant, who will review the file to determine whether the allegations are founded or unfounded. If the allegations are founded, the Chief will take the action he/she deems

appropriate for the allegations. All reprimands, Article #75 charges, or criminal charges will be made part of the file. Final disposition of any charges, if founded, will become part of the member's personnel file.

## § 120-1E. Office of Special Investigation.

Section 70-B has been added to the New York State Executive Law to establish the Office of Special Investigation within the Office of the Attorney General to investigate and, if warranted, prosecute any alleged criminal offense or offenses committed by a person, whether or not formally on duty, who is a police officer concerning any incident in which the death of a person, whether in custody or not, is caused by an act or omission of such police officer or peace officer or in which the attorney general determines there is a question as to whether the death was in fact caused by an act or omission of such police officer or peace officer.

Note: This law goes into effect on April 1, 2021.

## SECTION 120-4. Use of Force or Injury Investigations



<b>Date Issued</b>	<b>Date Effective</b>	<b>Revision No.</b>	<b>General Order</b>
10-1-2002	Immediate	A-1	02-22
<b>Accreditation Standard(s) N/A</b>		<b>NYS Civil Service Law §§ 75 and 76</b>	

### § 120-4A. Purpose.

The purpose of this section is to establish the framework for the proper investigation of firearms discharges by members of the Department or in other instances where actions by members have caused injuries or death.

### § 120-4B. Background.

The police are uniquely vested with the lawful use of force, a necessary but awesome responsibility in our democratic society. Departmental policy narrows the parameters of such authorized force, allowing full protection to the officers or others in their presence, but restricting otherwise lawful use of force and firearms in apprehension situations. (See Manual Sections 103-3, 103-4, and 103-5.) A mechanism must be established to ensure compliance with that policy, and this section creates the process and structure for the investigation of injuries caused by the use of force and the discharge of firearms.

### § 120-4C. Policy.

Whenever a member discharges a firearm, other than during legitimate competition, practice, or ballistic testing, at approved sites, or the actions of members cause injuries and/or death, the following procedures will be carried out immediately. It is important that a complete and thorough investigation be conducted and that it is properly documented.

### § 120-4D. Use of force reporting requirements.

A Defensive Action Report or Use of Force Report shall be completed whenever force above soft hands is utilized.

### § 120-4E. Injurious (visible or nonvisible) use of nondeadly force.

#### 1. Patrol officer responsibilities.

- a. The member using force will notify the tour supervisor of such force as soon as practical after the occurrence.
- b. The member using force will describe the circumstances of the use of force **in the APD Use of Force Report.**

#### 2. Supervisory responsibilities.

- a. The tour supervisor shall respond to the scene and determine which support services, if any, would be beneficial to the report and evaluation of the occurrence. During the initial response to the scene, the supervisor shall:

- i. Look for evidence.
- ii. Interview any witnesses; document witnesses.
- iii. Interview on-scene officers.
- iv. Interview the officer who used force if still on scene.
- v. Interview the subject upon whom the force was used.

- b. **Review the APD Use of Force Report and if additional information is necessary, write a supplemental report on the use of force.**

- c. **If written, the narrative of the supplemental report may include:**

- i. **Additional officers involved.**

- ii. Notifications made.
- iii. Description of the incident scene.
- iv. Summary of the incident.
- v. Investigation conducted.
- vi. Witness statements/canvass.
- vii. Summary of evidence.
- viii. Injuries (offender, officer, witness, medical attention required).
- ix. Discrepancies.
- x. Analysis of forced use.
- xi. Training points.
- xii. Attachments.

d. Copies of all reports shall be forwarded to the Lieutenant (or Chief) for review.

### § 120-4F. Accidental or intentional firearms discharges.

In cases involving the intentional or accidental discharge of a firearm, other than exceptions cited under § **120-4C**, Policy, of this section or Section 107-4, the animal complaint section of this Manual, where no person has been injured, the desk officer will dispatch the tour supervisor to the scene to conduct an investigation. Both he/she and the officer involved will forward the aforementioned reports under this case to the Chief of Police:

1. In all incidents involving the discharge of a firearm at a person but where no injury is sustained; and
2. In all cases involving the shooting of a person (including a self-inflicted wound by accidental/intentional discharge); and
3. In every case where any use of force by members of this Department has or is likely to result in death or serious physical injury.

## § 120-4G. Desk officer responsibilities.

The desk officer shall take the following actions:

1. Dispatch a supervisor to the scene to take command of the scene.
2. Make all necessary notifications.
3. Dispatch Suffolk County investigative personnel to take investigative responsibility for the incident.
4. Notify the Chief of Police, or the Lieutenant in his absence.
5. Dispatch the necessary technical personnel.

## § 120-4H. Responding supervisor responsibilities.

The responding supervisor shall:

1. Take command of the scene, protect evidence and detain all witnesses, if any.
2. Ensure that investigative personnel are dispatched, if warranted.
3. Note general conditions in the area, such as lighting, pedestrian and vehicular traffic, etc.
4. If a firearm was used, note the points of discharge and impact for the round(s) fired.
5. Assign an officer to complete and submit a Crime Scene Log, Incident/Complaint Report and related supplementary reports, e.g., Arrest Report, Case Narrative, etc.

**NOTE:** The scene is to be treated as any crime scene. All unauthorized personnel are to be removed and unneeded police personnel relieved to resume their regular duties.

***By Order Of:***

***Chief Bryan O. Burton, Jr.***