



## **POLICE REFORM**

Laura Curran  
*County Executive*

Patrick J. Ryder  
*Police Commissioner*

# Table of Contents

Public Comment Cover Letter .....	1
Acknowledgment .....	2
<b>Introduction</b> .....	<b>3</b>
Nassau County Police Department .....	4
Community Oriented Policing and Public Trust .....	4
<b>EO203 Mandates</b> .....	<b>5</b>
<b>Topic 1: Department Staffing and Recruitment</b>	
Review .....	6
Promotions .....	6
Recruitment .....	7
Evaluations and Awards .....	8
Modifications, Modernizations and Innovations .....	8
<b>Topic 2: Training</b>	
Review .....	8
NCPD Academy – Recruit Training .....	8
Use of Force .....	9
Vehicle Stops .....	9
Procedural Justice .....	10
Implicit Bias Awareness Training .....	10
Hate Crimes .....	11
De-Escalation .....	11
Problem-Oriented and Hot Spot Policing .....	12
Mental Health .....	12
Modifications, Modernizations and Innovations .....	12
New Annual In-Service Training .....	12
Yearly Bias Training and Exam .....	13
<b>Topic 3: Use of Force</b>	
Review .....	13
Use of Physical Force .....	13
Reporting .....	16
Tracking .....	16
Modifications, Modernizations and Innovations .....	17
<b>Topic 4: Body Cameras</b>	
Review .....	18
<b>Topic 5: Vehicle Stops</b>	
Review .....	18
Tracking and Reporting .....	18
Pretextual Car Stops .....	18
Informal Quotas .....	18
Failure to Pay Fees and/or Fines .....	19
High Speed Pursuits .....	19
Modifications, Modernizations and Innovations .....	19
<b>Topic 6: Procedural Justice, Systemic Racial Bias and Racial Justice in Policing</b>	
Review .....	20
Procedural Justice .....	20

	Systemic Racial Bias and Racial Justice in Policing .....	21
	Modifications, Modernizations and Innovations .....	22
	Procedural Justice .....	22
	Young Adult Council (YAC) .....	22
	Language Access Plan .....	22
	Systemic Racial Bias and Racial Justice in Policing .....	23
	Appearance Tickets in Lieu of Arrest .....	23
<b>Topic 7:</b>	<b>Implicit Bias Awareness Training</b>	
	Review .....	23
	Modifications, Modernizations and Innovations .....	24
<b>Topic 8:</b>	<b>Hate Crimes</b>	
	Review .....	25
	Modifications, Modernizations and Innovations .....	26
	Prohibited Race-Based 911 Calls .....	26
<b>Topic 9:</b>	<b>De-Escalation Training and Practices</b>	
	Review .....	27
	Modifications, Modernizations and Innovations .....	28
<b>Topic 10:</b>	<b>Law Enforcement Assisted Diversion Programs (LEADS)</b>	
	Review .....	28
	Modifications, Modernizations and Innovations .....	29
	Operation Natalie .....	29
	Youth Police Initiative (YPI) .....	30
<b>Topic 11:</b>	<b>Restorative Justice</b>	
	Review .....	31
	Modifications, Modernizations and Innovations .....	31
<b>Topic 12:</b>	<b>Community-Based Outreach and Conflict Resolution</b>	
	Review .....	32
	Modifications, Modernizations and Innovations .....	35
<b>Topic 13:</b>	<b>Problem-Oriented and Hot Spot Policing</b>	
	Review .....	36
	Problem-Oriented Policing .....	36
	Hot Spot Policing .....	37
	Broken Windows and Stop, Question and Possibly Frisk .....	39
	Modifications, Modernizations and Innovations .....	41
<b>Topic 14:</b>	<b>Focused Deterrence</b>	
	Review .....	42
	Modifications, Modernizations and Innovations .....	42
<b>Topic 15:</b>	<b>Crime Prevention Through Environmental Design</b>	
	Review .....	43
	Modifications, Modernizations and Innovations .....	43
<b>Topic 16:</b>	<b>Violence Prevention and Reduction Interventions</b>	
	Review .....	44
	Modifications, Modernizations and Innovations .....	45
<b>Topic 17:</b>	<b>Model Policies and Standards</b>	
	Review .....	46
<b>Topic 18:</b>	<b>Complaint Tracking</b>	
	Review .....	46
	Modifications, Modernizations and Innovations .....	49

<b>Topic 19:</b>	<b>Communications Bureau and 911</b>	
	Review .....	49
	Modifications, Modernizations and Innovations .....	50
<b>Topic 20:</b>	<b>Mental Health and Homelessness</b>	
	Review .....	50
	Mental Health .....	50
	Substance Abuse .....	51
	Hostage Negotiation Team .....	51
	Homelessness .....	51
	Modifications, Modernizations and Innovations .....	52
<b>Topic 21:</b>	<b>Crowd Control</b>	
	Review .....	53
	Modifications, Modernizations and Innovations .....	54
<b>Topic 22:</b>	<b>Supporting Officer Well-Being</b>	
	Review .....	54
	Modifications, Modernizations and Innovations .....	55
<b>Topic 23:</b>	<b>Transparency</b>	
	Review .....	55
	Modifications, Modernizations and Innovations .....	55
<b>Conclusion</b>	.....	<b>57</b>
<b>Executive Summary</b>	.....	<b>58</b>

## PUBLIC COMMENT COVER LETTER

The draft being presented for public comment follows a period of collaboration with community stakeholders and representatives. However, it is imperative that the County receive input on our plan for police reform and reinvention from as many Nassau County residents as we can reach.

Meaningful reform will only be accomplished if our citizens take the time to review this plan and submit any suggestions, comments or recommendations to the County for consideration. Please help spread the word that our draft police reform plan is now available for public review and comment. Let your neighbors, friends, co-workers, and family members know that Nassau County wants to hear from them on the important issue of police reform.

Comments and feedback can be submitted via email to [EO203@NassauCountyNY.Gov](mailto:EO203@NassauCountyNY.Gov) and through the following link: <https://forms.nassaucountyny.gov/contact/agencies/ce/203comment.php>.

A link to this document and all reports generated by the Nassau County Police Department in accordance with NYS Executive Order 203 is available below:

<https://www.nassaucountyny.gov/EO203>

## ACKNOWLEDGMENT

Nassau County Executive Curran and Police Commissioner Ryder would like to acknowledge and thank the community stakeholders and representatives who participated in the collaboration with the NCPD that resulted in the formation of this plan.

An outline of the Executive Order 203 meetings is provided below. For further details on each meeting please refer to Exhibit A annexed hereto.

### County Executive / Police Commissioner Community Meetings

June 8, 11, 16, 18, 19, 22, 23  
July 1, 2, 7, 9, 16, 21, 22, 30  
August 5, 6, 10, 11, 12, 18, 19, 20, 25, 26, 27  
September 1, 2, 3, 8, 9, 10, 14, 15, 16, 22, 23, 24, 29  
October 5, 6, 7, 8, 10, 14, 20, 21, 22, 26, 27, 28, 29  
November 2, 3, 30  
December 8, 9, 16, 17

### Community Collaborative Task Force (CCT)

October 22, 29  
November 5, 12, 17  
December 1, 15, 22, 28

### Police and Community Trust Initiative (PACT)

June 24  
July 14  
August 6  
September 17  
October 8, 22  
November 12, 19  
December 2, 7, 17, 30  
January 14, 2021

### Commissioner Community Council (CCC)

August 12, 19, 20, 26  
September 24  
October 20  
December 8, 22

### Virtual Town Halls

October 14, 21, 28  
November 9, 18, 24  
December 3, 9, 15, 22

# Introduction

The Office of the Nassau County Executive and the Nassau County Police Department submits this plan pursuant to NYS Executive Order 203 (hereinafter “EO203”). This plan was developed after a comprehensive review of police force deployments, strategies, policies, procedures and practices through consultation with community stakeholders. This plan will enable the Nassau County Police Department to continue its robust community-oriented policing strategies while working towards further reducing racial disparities in policing.

In accordance with the mandates of EO203 and the guidance provided by NYS relating to the Executive Order, Nassau County engaged in a collaborative effort with community stakeholders through several different forums. First, Nassau County Executive Laura Curran established the Police and Community Trust initiative (PACT) and the Community Collaborative Task Force (CCT). Next, the County Executive hosted town halls to address issues related to police reform. Similarly, Nassau County Police Commissioner Patrick J. Ryder, through the Commissioner’s Community Council (CCC) also addressed issues raised by the community which are now included in this plan. Nassau County also established an EO203 webpage which contains pertinent information, data and statistics. In accordance with EO203 and in acknowledgment of community requests, these reports will be posted on the Department webpage bi-annually. Additionally, the webpage contains a link to an email address which can be utilized by county residents to send suggestions, concerns or ideas relating to police reform. Each of these forums provided a means by which the County was able to gather valuable input from our residents for consideration when drafting this plan.

The NCPD participated in this collaborative effort while conducting a full review of department policies and procedures. As a result of the input from our community, the NCPD has made modifications to its policies and procedures as outlined herein. This plan reflects Nassau County and the NCPD’s commitment to serving all the people of our community both equally and fairly. As reflected herein, the NCPD has, in many instances, addressed the issues presented in the NYS guidance relating to transparency and racial disparity prior to the promulgation of EO203. Nevertheless, although Nassau County has been in many ways ahead of other jurisdictions in regard to the relationships between the NCPD and our residents, we know we can do more. The County is committed to fostering trust, fairness, and legitimacy while working towards reducing racial disparities.

Recent events which have led to unrest in our country have made it clear that law enforcement, community members, and elected officials must work together to build mutual trust and respect. The County and the NCPD acknowledge that this important work does not end with the submission of this document but rather must be an ongoing effort to continuously improve relations between the NCPD and the communities the Department serves.

# NASSAU COUNTY POLICE DEPARTMENT

Established on April 16, 1925, the Nassau County Police Department began with fifty-five (55) Deputy Sheriffs and one (1) Fingerprint Expert. Servicing the citizens of Nassau County for nearly a century, the Department now has two-thousand five-hundred (2,500) sworn members and one-thousand two-hundred fifteen (1,215) civilian employees. The NCPD is comprised of three major divisions: Patrol Division, Support Division, and Detective Division.

It is important to note that within Nassau County there are two (2) cities and eighteen (18) villages which maintain their own police departments. Although the NCPD will assist those jurisdictions when needed (i.e. assistance is generally provided on most serious felonies), the day-to-day operations, which includes routine patrol and traffic enforcement, are the responsibility of those departments. Those departments are as follows:

Centre Island, Floral Park, Freeport, Garden City, Glen Cove, Great Neck Estates, Hempstead, Kensington, Kings Point, Lake Success, Long Beach, Lynbrook, Malverne, Muttontown, Old Brookville, Old Westbury, Oyster Bay Cove, Port Washington, Rockville Centre and Sands Point.

Considered one of the country's largest police agencies, with a territorial jurisdiction that covers approximately four-hundred fifty-six (456) square miles, the Nassau County Police Department safeguards a population of nearly one-million four-hundred thousand (1,400,000) people. Founded on the ideals of integrity, loyalty, fairness, and excellence, the NCPD is a service-oriented police department that places the concept of community at the heart of its philosophy.

## Community Oriented Policing and Public Trust

As a service-oriented department, the NCPD has a long history of strong relationships with the communities it serves. The NCPD is proud of the work it does to develop and maintain these relationships as they are key in keeping an open line of communication between the Department and the members of the community.

The NCPD demonstrates its presence in our neighborhoods and the Department's commitments to our residents in many ways. Some examples include:

- NCPD Open House
- Backpack give-a-way
- Bicycle safety demonstrations
- School programs (anti-bullying, anti-gang initiative, Police Youth Academy, and the Police Activity League)
- Youth Police Initiative – new 2020
- Informational seminars (scams directed at senior citizens, and holiday shopping)
- Young Adult Council (YAC) – new 2020
- The GREAT Program – reintroduced into CA educational course curriculum in 2019
- The Law Enforcement Explorer Program
- Drug awareness and prevention programs
- Citizens Police Academy (CPA)

By engaging in these programs and activities, the NCPD is provided with an opportunity for positive interactions with various members of our community.

In 1968, famed sociologist and Harvard professor James Q. Wilson in his renowned book, *Varieties of Police Behavior: The Management of Law and Order in Eight Communities*, deemed the NCPD an exemplary force. Through the years, the NCPD has continued to strengthen and expand its community partnerships. In September 2020, U.S. News and World Report named Nassau County as the safest community in the United States.<sup>1</sup> The NCPD's Community Oriented Policing model is a key component in our county being honored with this designation. The NCPD is grateful for the assistance of community partners in keeping our county safe and our residents protected. The brave men and women of the NCPD are committed to ensuring that every community in Nassau County is a safe place to live and work.

## EO203 Mandates

EO203 suggests the County considers several evidence-based policing reform strategies. In addition to these strategies, the NCPD recognized the need to reevaluate additional procedures as well as address additional topics mentioned in the NYS Reform and Reinvention Collaborative Guide. Each topic is listed below and discussed in subsequent sections.

1. Department Staffing and Recruitment
2. Officer Training
3. Use of Force Policies
4. Body Worn Cameras
5. Vehicle Stops
6. Procedural Justice, Systemic Racial Bias and Racial Justice in Policing
7. Implicit Bias Awareness
8. Hate Crimes
9. De-Escalation Training and Practices
10. Law Enforcement Assisted Diversion Programs
11. Restorative Justice Practices
12. Community-Based Outreach and Conflict Resolutions
13. Problem-Oriented and Hot Spot Policing
14. Focused Deterrence
15. Crime Prevention Through Environmental Design
16. Violence Prevention and Reduction Interventions
17. Model Policies and Standards
18. Complaint Tracking
19. Communications Bureau and 911
20. Mental Health and Homelessness
21. Crowd Control
22. Supporting Officer Well-Being
23. Transparency

---

<sup>1</sup> <https://www.usnews.com/news/healthiest-communities/slideshows/safest-counties-in-america?slide=21>

Pursuant to the directives of EO203 and following the subsequent guidance provided by New York State, the NCPD has conducted a comprehensive review of its policies and procedures. After collaborating with community stakeholders as described above, receiving input from members of our community, the NCPD has proposed several modifications to its policies and procedures. This plan contains a review of both the specific topics listed in EO203 as well as the additional topics suggested in the NYS guidance or identified by NCPD through self-evaluation and acknowledging the issues presented by community representatives at EO203 meetings.

The plan includes a “review” of current NCPD policies, procedures and strategies related to each topic. Following the “review”, the plan will describe any “modifications, modernizations, and innovations”, some of which were implemented prior to EO203, and others are a result of collaboration with community stakeholders. The topics were reviewed by the NCPD in an effort to strengthen its relationship with the communities and reduce racial disparities. Each section incorporates key questions and insights for consideration provided in the guidance issued by NYS relating to EO203. Many of the issues addressed in the NYS guidance are interwoven throughout different topics. Accordingly, where necessary, this plan will cross-reference information as needed.

## Department Staffing and Recruitment

### Review:

The NCPD consists of two-thousand five-hundred (2,500) sworn members and one-thousand two-hundred fifteen (1,215) civilians. Of those civilians, four-hundred thirty-four (434) are school crossing guards. The NCPD has systematically decreased the number of sworn members for several years by using civilian employees in all areas where sworn members are not needed. Among the NCPD units which have civilianized positions are the following: Intelligence Section, Communications Bureau, Ambulance Bureau, Personnel and Accounting Bureau, and across all Divisions where clerical staff is needed for administrative duties.

### Promotions:

- The qualifications for Office of Commissioner of Police are contained in section 8-2.0 of the Nassau County Administrative Code. The Commissioner of Police is selected by the County Executive and confirmed by the Nassau County Legislature.
- The ranks below the Commissioner of Police are generally governed by Civil Service Lists. Nassau County Civil Service administers tests for the titles of Police Officer, Sergeant, Lieutenant, and Captain. Following those exams, Civil Service establishes a list based upon the scores, ranking the highest scoring candidate first on the list for selection.
- Above the rank of Captain, individuals are selected for higher ranks by the Commissioner of Police. These higher ranks include: Deputy Inspector, Inspector, Deputy Chief, Assistant Chief, Division Chief, Chief of Department, and Deputy Commissioner. Members holding these titles are considered the Commissioner’s Executive Staff and are responsible for managing major commands, precincts and divisions within the Police Department. The Commissioner, in

accordance with section 8-4.0 of the Nassau County Administrative Code, has the ultimate authority in selecting his Executive Staff.

- The Commissioner bases his selection for these ranks upon the needs of the Department and the needs of the communities being served by the particular individual. The Commissioner consults with other members of his Executive Staff, community representatives and stakeholders depending on the particular position being filled.
- While productivity of a candidate is one factor considered for the promotion, there are no hard or fast numbers that are used for promotional purposes that would cause ticketing or arrests to be misused in the community in order to achieve promotion. The Commissioner endeavors to use community input especially when the promotion affects specific communities and their needs.

### Recruitment:

- The Police Department and the Civil Service Commission continuously works with the communities in Nassau County (as well as adjoining counties) to recruit a diverse group of candidates, which represent the diverse population of Nassau County (see Topic 12, Community-Based Outreach).
- In an effort to create a more diverse Department, the NCPD has been promoting the Police Officer Civil Service Exam through the Police Department's website, distributing pamphlets, utilizing social media platforms, and engaging the youth in the community.
- Individuals interested in becoming a police officer may sign up to take the next police officer exam by calling 1-800-RECRUIT. A recorded message provides prospective applicants with additional information on upcoming tests and instructions on how to apply to take the test. The message also provides applicants to another phone number should they wish to speak with an NCPD officer about joining the Department.
- Interested individuals can also obtain information about upcoming tests through the NCPD website or by scanning the QR code provided on informational pamphlets distributed in the community.
- Community Affairs also handles the ongoing recruitment efforts undertaken by the Department. Members of Community Affairs partner with local schools and universities as well as large shopping/meeting centers throughout Nassau County and the surrounding areas in order to recruit candidates for various positions in the NCPD (i.e. police officer, crossing guard, explorer). The recruitment effort has a specific focus on diversifying the Department to mirror the community it serves.
- Community Affairs regularly hosts career day informational sessions. At these meetings, Community Affairs officers go into middle schools and high schools and talk about job opportunities within the NCPD. These career days allow the NCPD to interact with young people and answer any questions they may have about a career in law enforcement.

- Even when there is no entrance exam scheduled, Community Affairs continues its recruitment efforts for interested candidates (pre-registration) and maintains a database of individuals to contact when a test date is announced. The Department also announces all entrance exams on its social media accounts.
- Individuals who would like to pre-register for the next exam can scan the QR code provided in the “Meet the NCPD” paper (annexed hereto as Exhibit B).

### Evaluations and Awards:

- Officers are informed of commendation letters they receive from members of the public who contact the NCPD to express their gratitude for some action that was taken. Those letters are also added to the member’s personnel file. This helps advance the NCPD’s goals of being a service-oriented department.
- Officers do receive awards from various civic organizations.
- It is also important to note that additional points are added to promotional exams for certain life-saving situations and meritorious actions. The NCPD Awards Committee convenes quarterly and reviews submissions of recommendations for these awards.
- Lesser awards, such as Command Recognition, which do not carry any additional promotional points, may also be awarded. Members are nominated for such awards by their supervisors.

### Modifications, Modernizations and Innovations:

- The NCPD has implemented a mentoring program which matches applicants with mentors at the NCPD. This initiative is facilitated by the fraternal organizations of the NCPD which include: Nassau County Guardians Association, Nassau County Police Hispanic Society, LGBTQ of Nassau County, Columbia Police Association of Nassau, Nassau County Association of Women Police, Police Emerald Society of Nassau County, and Shomrim Society of Nassau County. Applicants can contact the fraternal organization they feel will be best suited to provide guidance in their application process.

# Training

## Review

### NCPD Academy – Recruit Training

Specific areas of training will be addressed throughout this plan. This section will provide a general overview of the training provided to members of the NCPD and address training on topics specified in the NYS guidance:

- The Nassau County Police Department Academy is governed by the New York State Division of Criminal Justice Services Law Enforcement Agency Accreditation Program. The NCPD Academy staff utilizes NYS curriculum which requires six-hundred ninety-nine (699) hours in training, in

addition to the NCPD's four-hundred (400) hours of supplemental training. NYS provides evidence-based curriculum and scenario training.

- The quality and efficacy of the Department's training programs is assured by utilizing state certified curricula and conducting an annual review by academy staff.

### Use of Force

- New York State Department of Criminal Justice Services (DCJS) mandates that police academies provide eleven (11) hours of instruction on use of force. The NCPD exceeds that requirement by providing nineteen (19) hours of academy instruction, including eight (8) hours of reality-based training using "simunitions."
- "Simunitation" rounds, which are akin to paintballs, are fired from guns to mimic scenarios where an officer may be confronted with an individual armed with a gun.
- In the 8-hour reality-based training, academy staff devises various training scenarios where officers are confronted with situations that may or may not require force. These scenarios allow the academy staff to assess whether the appropriate amount of force is applied given the situation. The academy staff base their scenarios off scenes the new officers will confront on a daily basis (i.e. traffic stops, domestic violence calls, and disturbances).
- Observing new officers in this environment during these scenarios allows the academy staff to evaluate the new officers' ability to balance both their safety and the individual's safety without resorting to unnecessary force.
- After use of force training, recruits take a Use of Force Exam. All recruits must receive a perfect score. If a perfect score is not achieved after three (3) retries the recruit's employment is terminated.

### Vehicle Stops

- Police officers are trained to conduct vehicle stops for many reasons. Primary among those are to prevent traffic accidents, allow for an orderly and expeditious flow of traffic, and for regulatory/administrative purposes (i.e. violations of the NYS Vehicle and Traffic Law).
- Stops are used as a deterrent to prevent traffic violations from occurring which leads to a decrease in traffic incidents/accidents. Traffic enforcement increases the level of voluntary compliance with traffic regulations.
- Types of traffic stops are for traffic or criminal offenses, high risk situations, or potential investigative stops that are initiated when there is reasonable suspicion that a felony or penal misdemeanor is being committed, has been committed, or is about to be committed. None of these situations are ever initiated based on race, gender, ethnic origin, age, sexual orientation, religion, or financial status.

## Procedural Justice

- The police academy stresses the importance of enhancing trust in the community, the use of language skills, the study of police behavior and interaction with police and how mannerisms of interactions shape the public's view of police.
- The Nassau County Police Department's Procedural Justice Course is ten (10) hours long and exceeds the NYS DCJS' mandated two (2) hours. The Procedural Justice Course includes sections on de-escalation and professional communication.
- In order to make forward progress towards procedural justice and police legitimacy, the NCPD Academy instills the Four Pillars of Procedural Justice<sup>2</sup> in Officers. These four (4) principles are:
  - Fair in process
  - Transparent in actions
  - Providing opportunity for voice
  - Being impartial in decision making
- The opportunity for the citizen to make arguments and present evidence should occur before the officer decides how they are going to resolve the encounter.
- It is imperative to remain neutral in order to achieve impartial decision making. Officers are trained in consistency in decision making and that decisions need to be reasoned, objective and factually driven.
- Officers are trained regarding transparency and openness with rules and procedures. Members are instructed to secure the situation, then explain the reason for their presence.
- As reviewed in many topics at the police academy, the importance of being sensitive to cultural differences and being empathetic to a person's situation is continuously emphasized.

## Implicit Bias Awareness Training

- Training and exposing police officers to the existence of unconscious bias is believed to help reduce and manage implicit bias.
- The Nassau County Police Department educates our recruits about implicit bias for a total of sixteen (16) hours. NCPD exceeds the NYS DCJS mandate by three (3) hours.
  - Eight (8) hours are spent on decision making which incorporates concepts of implicit bias including how to reduce stereotypical ideology and subconscious biases.
  - Eight (8) hours of training is spent on cultural diversity.
- Members of the community educate recruits about their culture and address common misconceptions or prejudices they experience in their everyday lives. These speakers address new recruits about their community's experience with police officers and the role these officers will be undertaking as guardians of that community.

---

<sup>2</sup> <https://cops.usdoj.gov/proceduraljustice>

- Different scenarios are presented by means of roleplay to simulate potential community interactions.
- In response to the call for police reform, in June of 2020, the NCPD Police Academy added an additional eight (8) hours of newly expanded training addressing anti-bias, morality, ethical awareness and cultural diversity. This supplementary eight (8) hour training will occur just prior to recruit graduation. The academy staff stresses ethical and moral courage and the importance of holding each other accountable for their actions.

## Hate Crimes

- The NCPD Academy complies with the NYS Guidelines for hate crime training. Hate crime curriculum is incorporated into several lesson plans throughout the academy.
- The Police Academy teaches officers that the NCPD has a have a zero tolerance policy regarding hate crimes and bias incidents. Officers are instructed to identify these incidents, initiate proper reporting procedures, and make the necessary notifications to appropriate special units and, if necessary, members of the community that have a vested interest in these situations.
- All newly promoted supervisors are required to attend a refresher course on hate crimes.

## De-Escalation

- Although DCJS does not specifically require training in de-escalation techniques, the NCPD provides an eight (8) hour course dedicated to de-escalation training. De-escalation is incorporated into other areas of recruit training. Topics included in de-escalation training are:
  - active listening,
  - the principle of impartiality,
  - the concept of verbal judo for effective communication (as discussed in the book *Verbal Judo: The Gentle Art of Persuasion* by George J. Thompson),
  - speaking persuasively,
  - techniques on remaining calm and in control of situations.
- Although police recruits receive extensive de-escalation training in the academy, there is only so much that can be learned in a controlled environment. Accordingly, all new NCPD police officers are assigned to shadow an experienced officer. This experienced officer is carefully selected based on his/her length of service with the NCPD, past performance record, and the officer's ability to mentor and guide new officers. These Field Training Officers (FTO) take great pride in passing on their knowledge and experience to the next generation of officers. It is with these FTO where new police officers witness the real-world application of de-escalation techniques and the benefits it provides to both the officer and the individual. These new officers also get to see how experienced officers interact with individuals from diverse communities and gain their trust and respect. These FTO play a critical role in the shape and future of the NCPD.

## Problem-Oriented and Hot Spot Policing

- The Nassau County Police Academy instructs recruits on the methods of Problem-Oriented Policing in a two (2) hour course encompassing the value of community-oriented policing and problem solving.
- The NCPD incorporates the basic principles of hot spot policing into a three (3) hour course on intelligence-led policing.

## Mental Health

- Recruits of the Nassau County Police Academy undergo twenty (20) hours of NYS DCJS Mental Health curriculum. This course trains recruits in identifying behavioral signs of emotional distress, how to effectively communicate with an emotionally disturbed/mentally ill person, and to help people with mental illnesses connect to resources. This curriculum uses roleplay for reality-based training by simulating scenarios involving people in crisis.
- In addition to the DCJS Mental Health course, the NCPD academy addresses mental health training in other courses such as: crisis intervention, de-escalation, professional communication, hostage negotiation, autism awareness, and interview and verbal skills.
- Members of Nassau County Police Department's Emergency Services Unit (ESU) receive an extensive five (5) day mental aided training in addition to the training described above. ESU Members train to subdue a mental aided with the minimal use of force necessary. ESU works in collaboration with other members present at the scene, which includes officers, supervisors, police medics, the Bureau of Special Operations (if the aided is armed with a firearm), and, when necessary, the Hostage Negotiation Team.

## Modifications, Modernizations and Innovations:

### New Annual In-Service Training

To ensure officers are aware of recent legislation and newly implemented department policies and procedures related to EO203 mandates, the Nassau County Police Department formulated an innovative in-service training curriculum. The new ten (10) hour in-service lesson plan is attached as Exhibit C for the public's reference. The core lessons are outlined below:

- Legal updates to include EO203 mandates, NYS Penal Law Aggravated Strangulation, disciplinary records repeal (NYS Civil Rights Law §50-a), NYS Civil Rights Law §79-p Right to Monitor, Establishment of the Law Enforcement Misconduct Office, as well as any other legal revisions or updates which must be brought to the attention of the Members of the NCPD.
- Use of force review, reaffirming the definition of reasonableness and necessity, misuse of force, use of force reporting and priority of life discussion
- De-escalation, maintaining control over oneself, the five universal truths to human interaction, communication, active listening, and the principles of impartiality
- Procedural justice, police legitimacy and the benefits thereof

- Ethical and moral courage and the duty to intercede/intervene
- Fundamental crisis intervention, indicators of emotional stress, communication, and treatment, recovery and resources
- Implicit bias, implicit/preference, explicit/conscious preference and confirmation bias
- Leadership, changing ourselves and our organization internally to assist in reflecting positive change on the interactions of those we serve

### Yearly Bias Training and Exam

Similar to the sexual harassment and hazardous materials training, all sworn and civilian members of the NCPD are now required to participate in yearly online anti-bias instruction. Immediately following the training, members must pass an exam exhibiting their understanding.

## Use of Force

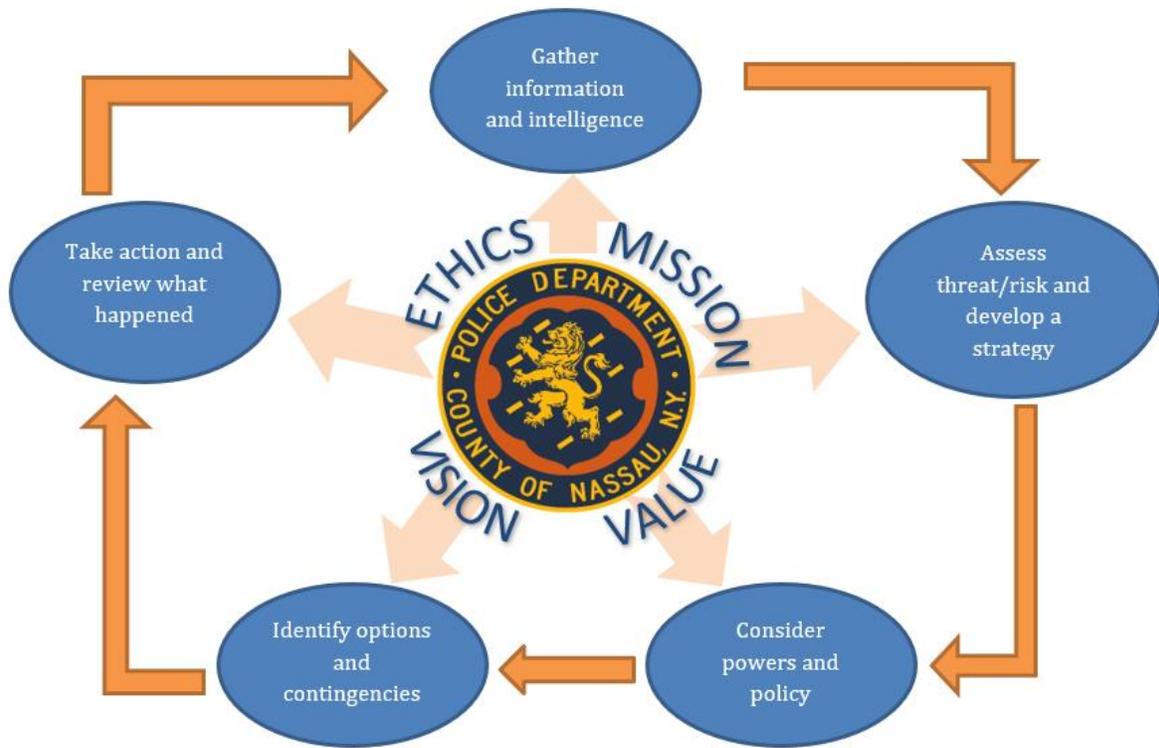
### Review:

#### Use of Physical Force:

The use of force by members of law enforcement is a matter of utmost concern both to the public and the law enforcement community itself. When faced with a situation where the use of force is objectively reasonable under the circumstances, the guiding values of the Nassau County Police Department shall be those principles set forth, as well as the paramount objective of reverence for the sanctity of human life. In all cases, the primary duty of all Members of the Department is to protect human life and provide for the safety of the community. Force is authorized when reasonably believed to be necessary:

- to effect a lawful arrest or detention;
- to prevent the escape of a person from custody;
- or in defense of one's self or another.

The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene. Whenever feasible and consistent with personal and public safety, members should de-escalate the use of force to dissipate a particular threat and/or resistance. Officers are trained to assess these fluid situations for totality of circumstances and determine the level of force necessary or appropriate for each instance and adjust the level of force accordingly.



To determine the objective reasonableness of force, members shall consider the following factors:

1. the severity of the crime or circumstances;
2. the level and immediacy of the 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/suspect considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers and subjects;
7. other environmental conditions or exigent circumstances.

The Department recognizes the vital need for its Members to logically analyze situations, oftentimes rapidly and under tense circumstances, and to respond appropriately to the wide range of emergent incidents, threats and risks they are faced with. A Member's decision to use force in a particular situation, including the type and degree of force, should exhibit a rational and constructive thought process. The decision-making framework utilized in circumstances involving the use of force should incorporate the following:

- gathering of information;
- assessment of the overall situation;
- consideration of police powers and department policy;
- identification of available option;
- determination of a suitable course of action;

- continuous reassessment.

Members of the Department who witness another Member of the Department using force that he/she believes to be clearly beyond what is objectively reasonable are duty bound to intervene to prevent the use of unreasonable force if and when he/she has a realistic opportunity to prevent harm. Members of the Department who observe another member using force that exceeds the use of what is objectively reasonable shall promptly report these observations to his/her supervisor. In every situation, Members of the Department are expected to act with intelligence and employ sound judgment in furtherance of the spirit of this policy.

- NCPD Policy 4000 states that members of law enforcement who use unreasonable force diminish the confidence of the community they serve, expose their department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used.

The NCPD prohibits the use of force except when legally authorized. Members of the Nassau County Police Department will only use force in accordance with existing law and Nassau County Police Department policy, rules and procedures. Therefore, the use of force for punitive or retaliatory reasons is strictly prohibited.

Force shall not be used by a Member of the Department against persons who are handcuffed or restrained unless used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

### Use of Deadly Physical Force:

A Member of the Department is only justified in using deadly force when it is to protect him/herself or another person from what the member reasonably believes is an imminent threat of serious physical injury or death, or to stop a fleeing suspect where:

1. the member has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury,
2. and the member reasonably believes that the suspect poses an imminent threat of serious physical injury to the Member or to others.

The basis for such a determination depends on the totality of circumstances. A Member of the Department must be able to clearly explain his or her reason(s) for the use of deadly force, the external circumstances that formulated his or her decision to utilize deadly force, as well as the factors that led to the conclusion that the Member's life, the life of another Member of the Department, or the lives of the public, were in imminent peril and the use of deadly force was reasonable and necessary. When feasible, Members of the Department shall provide a verbal warning prior to the use of deadly physical force.

The NCPD generally prohibits the firing of rounds at or from moving vehicles unless the deadly force being used against the officer is other than the vehicle itself. Every incident where an officer fires their weapon at a moving vehicle is fully investigated pursuant to the Department's use of force policy.

## Reporting:

- Members of the Department shall notify their immediate supervisor as soon as possible of instances involving the use of force. Following involvement in any such incident, members are required to complete PDCN Form 258, the Use of Force Report (annexed hereto as Exhibit D). Use of force incidents are reviewed by the Deadly Use of Force Review Board.
- The Deadly Use of Force Review Board was established to evaluate and report findings on incidents involving the use of deadly force. This five (5) person board is comprised of the Chief of Department (chairman), Chief of Detectives, Chief of Patrol, the Counsel to the Commissioner, and a fifth person to be chosen by the chairman. This board is responsible for reviewing, investigating, evaluating and making recommendations to the Commissioner of Police for all incidents involving the following use of deadly force by a Member of the Department:
  - An intentional firearm discharge at a human being, or
  - An unintentional firearm discharge causing injury to another, or
  - The use of force, intentional or otherwise, causing serious physical injury or death to another, or
  - Any other incident involving the use of force for which the Chief of Department directs a review.
- A Deadly Use of Force Team was created and responds to all use of force incidents that meet the aforementioned criterion. The Deadly Use of Force Team conducts a full investigation into the circumstances surrounding the shooting and generate a report submitted to the Commissioner of Police. Thereafter, if warranted, discipline and/or retraining occur.
- In addition to the Deadly Use of Force Review Board, deadly use of force incidents are also reviewed by Division Chiefs, Commanding Officers and Police Academy Staff.
- The NCPD is cognizant of the importance of collecting and maintaining data related to use of force incidents in order to identify possible trends, identify areas where training may need to be expanded or supplemented, and have the ability to provide this information to the community.

## Tracking:

- The use of force reports will be examined to determine trends in weapons used, outcomes, reasons for usage, and where and when force is being used.
- The NCPD requires the monitoring of any officer who has received three (3) or more civilian complaints within a one-year period.
- Nassau County Police Department's use of force reporting requirement is more rigorous than that required by New York State.
- Precinct Commanding Officers conduct a monthly review of use of force reports to determine if there appears to be any disparities.

- If an officer has a high number of use of force complaints, an internal review is conducted with possible disciplinary action. If the review deems the incident criminal, an external review is conducted by the District Attorney's Office. As of April 1, 2021, the Attorney General will have the right to review and investigate all matters of excessive force.

## Modifications, Modernizations and Innovations:

- In 2016, the NCPD conducted a comprehensive review of its use of force policies and procedures and created the NCPD Use of Force Reference Guide. This guide compiles use of force policies, rules, procedures and forms into one source. Pursuant to EO203, the NCPD has self-audited the Use of Force Guide and made any necessary updates. (Use of Force Reference Guide annexed hereto as Exhibit E)
- On June 16, 2020 the NCPD issued Legal Bureau Bulletin 20-004 notifying our members of the new law, Aggravated Strangulation New York State Penal Law § 121.13-a. Department Administrative Order 20-015 was issued on June 25, 2020 which serves to remind department members that the Carotid Restraint or "Chokehold" is not an authorized use of force technique except in situations where deadly physical force is being used against a Member of the Department or another. (The Legal Bureau Bulletin and Administrative Order is annexed hereto as Exhibits F and G)
- The Department will issue a bi-annual Use of Force Report and will include statistics on event circumstances, demographics, type of force used, and a breakdown by community. The Use of Force Report is posted on the Nassau County's webpage available for public review. (<https://www.nassaucountyny.gov/DocumentCenter/View/30664/Use-of-Force?bidId>)
- As detailed in the succeeding section, the NCPD will be implementing a body worn camera program next year. This will be an additional tool used to evaluate incidents involving use of force and will offer an additional layer of transparency relating to interactions between NCPD members and members of the community.
- Members of the Commissioner's Executive Staff will be holding quarterly meetings with the Office of the County Attorney to discuss pending litigation, settlements and verdicts. Cases involving allegations of Use of Force will be included in these meetings. This will allow the NCPD to monitor these cases for any trends within a particular unit or bureau or by a specific officer.
- The new police academy will help to improve use of force training as the facility will allow for more hands-on training and role playing. The new academy is located in the center of the County on the campus of the diverse Nassau County Community College. The NCPD and the NCCC will partner and implement cross training with students in regards to implicit bias awareness and community engagement.
- As of April 1, 2021, the Attorney General's Law Enforcement Misconduct Office has the authority to investigate police department complaints concerning matters such as corruption, fraud, excessive force, criminal activity, conflicts and abuse.

# Body Cameras

## Review:

Nassau County has retained the services of a consultant, RedLand Strategies, to serve as an advisor to the Police Body-Worn Camera Program. RedLand will coordinate the concerns of key stakeholders such as our community, county departments, and our police unions to ensure the successful development and implementation of the overall program. The Nassau County Police Department and the Shared Services Department will work with the consultant to identify best practices for body-worn camera features and functionality to produce specifications for the procurement of body-worn camera equipment. The County intends to proceed with a formal solicitation from vendors registered on New York State Office of General Services (OGS) contract that meet Nassau's criteria for a Police Body-Worn Camera Program. Officer training and implementation of the Program are scheduled to begin in late 2021.

# Vehicle Stops

The issue of traffic stops and associated data was the topic of much discussion during meetings with community stakeholders. A PACT member who attended CCT meetings expressed his concerns regarding vehicle stops by saying they are “not only...the single most frequent interaction that people on Long Island have with the police but it is vulnerable to discrimination both actual and implied”. It is evident from our collaboration with the community, that this topic is of utmost importance to our residents. Accordingly, this section is dedicated to the issue.

## Review:

### Tracking and Reporting

The NCPD utilizes the NYS TraCS system when issuing traffic summonses. This application does not provide the necessary fields to record and collect demographic data. As a result, when community representatives requested a statistical analysis on historical data, the report was inconclusive. (Our neighboring jurisdiction, Suffolk County, has been collecting traffic stop demographic data pursuant to a court-ordered consent decree.)

### Pretextual Car Stops

The Department's Legal Bureau issued Legal Bulletin 09-006 (attached hereto as Exhibit H) which provides an overview of car stops, including pretextual stops. This bulletin advises that pretextual car stops are held to be constitutional but officers must have probable cause of a Vehicle and Traffic Law (VTL) violation to do so.

### Informal Quotas

The Nassau County Police Department does not hold its members to any sort of quota, informal or otherwise. Quotas are illegal.

## Failure to Pay Fees and/or Fines

The guidance provided by New York State suggests some police departments create debtors' prison and prioritize revenue-generation at the expense of civil rights. The Police Department does not issue arrest warrants for failure to pay fees or fines. This is a function of the courts (criminal or traffic). Officers have discretion to issue a ticket or warning based on a number of factors to include:

- nature of the infraction,
- the rate of violations and accidents at high frequency accident locations,
- complaints from the public regarding persistent traffic violations,
- other variables including enforcement efforts directed as a result of traffic analysis.

## High Speed Pursuits

As per the NYS guidance, the community is concerned of the risks involved with high speed pursuits. The Nassau County Police Department has Department Policy OPS 6460 in regards to vehicle pursuits (annexed hereto as Exhibit I). NCPD recognizes that the vehicular pursuit of fleeing suspects poses a danger to the lives of the public, police officers, and the suspects involved in the pursuit. The Department also recognizes that in certain circumstances, the proper law enforcement response requires a pursuit. The policy of the Department is to minimize the risks of pursuit by limiting vehicle pursuits to only those situations where the escape of the suspect poses a greater risk of harm to the general public than does the pursuit itself.

## Modifications, Modernizations and Innovations:

- Recognizing the concern and aligning with the recommendations of our community stakeholders, the NCPD is making improvements to traffic summons recording and collection of demographics.
  - The NCPD Information Technology Unit in conjunction with New York State Police, implemented changes to the NYS TraCS system and race and ethnicity data will now be recorded to the NCPD Special Order discussed below.
- To demonstrate the Department's commitment to fair and equitable policing and to provide unbiased and professional police service to every member of the community, NCPD Department Special Order 20-047, Field Stop Data Collection was issued on September 25, 2020 (annexed herein as Exhibit J). This order commands officers to record the gender and race/ethnicity of the person(s) subject to field stops and traffic stops. Officers are also required to record a disposition code indicating if:
  - summons(es) issued,
  - warning issued,
  - no police action was taken,
  - interview conducted,
  - a case report was generated,
  - an arrest was made.

- During community meetings, stakeholders suggested Nassau County record traffic and field stops in ways similar to Suffolk County. As of January 2021, the NCPD implemented the necessary changes to the summons tracking program in order to record demographic data.
- After collecting the data as described above, the NCPD will release a bi-annual statistical report on summons. This report will include data on summonses issued by location, top summons categories, gender, and race/ethnicity. The Summons Report is posted on the Nassau County's webpage available for public review.  
(<https://www.nassaucountyny.gov/DocumentCenter/View/30670/Nassau-County-Police-Department-Summons-Reporting-and-Findings?bidId>)
- By recording demographic data for summonses, the NCPD will be able to track and review any apparent disparity and address the same through retraining on implicit bias specifically related to car stops and reestablishing the notion of respect for all. Training will be an expansion on the courses already provided as outlined in the Training section (Topic 2) of this document.

# Procedural Justice, Systemic Racial Bias and Racial Justice in Policing

## Review:

### Procedural Justice

The Nassau County Police Department understands procedural justice and police legitimacy play an essential role in establishing a positive relationship with the community. NCPD has established long-lasting community partnerships to foster public confidence in the police and in its ability to safeguard the communities it serves.

- Police legitimacy exists when the public views the police as authorized to exercise power to maintain social order, manage conflicts, and solve problems in the community.
- The ability to maintain procedural justice directly impacts the public's willingness to defer to the authority of law enforcement and reaffirms their belief that police actions are morally justified and appropriate.
- When officers are perceived as legitimate, there is less resistance to their actions and greater potential for cooperation making officers more effective at policing.
- Officers reduce racial disparities and build trust by promoting engagement over enforcement.

Respect is an active process of engaging people from all backgrounds in a non-judgmental manner. Respectful treatment is practiced to increase our awareness and effectiveness. Individuals are sensitive to whether they are treated with dignity and politeness and to whether their rights are being respected.

## Systemic Racial Bias and Racial Justice in Policing

NCPD Department Policy 4103 regarding racial profiling became a part of the Department's Police Operations Manual in 2002 (attached here to as Exhibit K).

- The NCPD does not condone racial profiling and Members of the Department will not engage in racial profiling.
- Racial profiling undermines the efforts of law enforcement by causing a loss of respect for the law and a loss of creditability for the Department.

Racial profiling occurs when a police officer relies on race or ethnicity as the primary basis for law enforcement action such as a traffic stop, pedestrian stop or request for a consent search. However, when an officer has information which links a specific criminal activity to an individual whose race, ethnicity or other identifying characteristic is known, that information may and should be appropriately used to identify and locate the individual.

Officers are trained in the inherent dangers of conscious and unconscious bias and prejudice that could affect decision-making. Discriminatory or bias-based stops, searches and arrests are strictly prohibited.

NCPD Policy 4403 was established to ensure respect for individual dignity (annexed hereto as Exhibit K).

- Individual dignity is highly valued in a free society and all persons have a right to dignified and respectful treatment under the law.
- Respect for individual dignity is an obligation that all Department Members must consider in their daily contacts with the community.
- The Police Department is committed to treat all persons with dignity and respect as individuals, and to exercise additional patience and understanding where language or cultural differences might be encountered.

Initial contact protocol is covered in the NCPD Article 5 (Standards of Conduct), Rule 6 (Respect) (attached here to as Exhibit L) which directs:

- Members of the Department to be respectful in their contact with Superior Officers and all other persons within and without the police department
- Members will give their rank, name, shield number, and command to any person who requests same
- Members will give the rank, name, shield number, and command of another Member of the Department to any person who appears personally and can demonstrate a legitimate interest in obtaining the same

# Modifications, Modernizations and Innovations

## Procedural Justice

### Young Adult Council (YAC)

The community suggested the Nassau County Police Department engage young adults in their communities to build stronger relationships between adolescents, their neighborhoods and officers. The Department concurred and initiated a Young Adult Council (YAC) in every precinct.

- Each council will contain a minimum of six (6) members between the ages of seventeen (17) and twenty-three (23) with different social views such as community leaders, law enforcement explorers and other influencers who impact other young adults in their communities.
- These YACs contain members from a cross section of each of the diverse communities that make up each of Nassau's eight (8) precincts.
- The selection of the YAC guest speakers is determined at the precinct level. Members of the community who are invited to speak adequately represents the demographics of those precincts' respective jurisdictions.
- The YAC has been meeting monthly since October. These meetings will continue to aid the NCPD in understanding the needs of these individuals and how the NCPD can meet those needs. The YAC members are the future of our County and our country and it is imperative their voice is heard.

### Language Access Plan

The NCPD ensures the members of our community with limited English proficiency have equal access to all services provided by the Department. In 2019, the Nassau County Police Department implemented the Language Access Plan. The Language Access Plan is annexed hereto as Exhibit M.

- In a continued effort to enhance communication with our community, all NCPD patrol cars were issued iPhones to create easy access to the Language Line.
- The Language Line Application gives the citizen an opportunity to video conference with an interpreter to ensure both parties can properly articulate themselves and understand each other.
- From January through October 2020, patrol made eight-hundred sixty-seven (867) calls to Language Line to assist with communication.
  - The top three languages utilized were Spanish, Mandarin and Creole.
- The Language Line provides a sign language option for residents who are hard of hearing.
- It is Nassau Police Department Policy not to inquire about the immigration status of crime victims, crime witnesses and anyone who calls or approaches officers to seek assistance.
- The NCPD is also in the process of introducing a text-to-911 program.

## Systemic Racial Bias and Racial Justice in Policing

### Appearance Tickets in Lieu of Arrest for Marijuana Offenses and Petit Larcenies

Community representatives have expressed concerns over members of minority communities being incarcerated for petty offenses simply because they do not have the ability to post bail while individuals arrested for the same crimes from non-minority communities post bail and do not spend any time incarcerated for the same offense. This issue has been addressed in large part by the recent bail reform legislation. However, the NCPD has codified this policy by way of Department Policy OPS 2133, Marijuana/THC Offenses Field Processing and Department Policy, OPS 2132 (attached hereto as Exhibit N). This policy directs officers to issue an appearance ticket for a marijuana offense at the place of occurrence.

- Legal Bureau Bulletin 19-004 informed our Members of the changes in NYS law regarding Unlawful Possession of Marijuana. This bulletin is annexed hereto as Exhibit O.
- The NCPD decided to expound upon this process to include Petit Larcenies by issuing Department Policy, OPS 2132, Petit Larceny Field Processing (attached hereto as Exhibit P)
- It is NCPD policy to ensure the proper processing of both offenses in a safe and efficient manner.

### Summons and Field Stop Tracking

As stated in the Vehicle Stop section (Topic 5), the NCPD is making improvements in our summons tracking policies to record demographics on the citizens stopped.

- Department Special Order was implemented and directs officers to collect demographic data during traffic and field stops. (Special Order 20-047, Field Stop Data Collection annexed hereto as Exhibit J).
- By tracking demographics in this capacity, the Department is taking steps to eliminate any biases and disparities in ticketing.

# Implicit Bias Awareness Training

It is imperative NCPD Officers are more accepting and respectful to everyone's principles and lifestyles. Respectful language, thoughtful and intentional dialogue, and consistent involvement, both formal and informal, during community engagements helps to ensure relationships of trust between police and the communities we serve.

## Review:

Diversity training that addresses implicit or unconscious bias can help individuals manage and minimize its effect by increasing awareness and ensuring respectful encounters both inside the organization and with communities.

- Members of the community educate recruits about their culture and address common misconceptions or prejudices they experience in their everyday lives. These speakers talk with new recruits about their community's experience with police officers and the role these officers

will be undertaking as guardians of that community. These speakers include faith-based leaders and community activists. They emphasize to new officers the impact their actions have on those communities and ways to positively interact with residents. This insight helps NCPD Members to understand cultural differences and how an officer's actions might be perceived by a particular community. This interaction and discourse are invaluable in the training of NCPD's new officers.

- Citizens from the following community groups have attended this portion of training:
  - African American
  - Korean American
  - Hispanic
  - Sikh
  - Islamic/Hindu/Muslim
  - LGBTQ
  - Gender Equality
  
- Suggestions presented by the aforementioned speakers are incorporated into the academy curriculum by a training coordinator.

The NCPD Community Affairs Unit assists in creating videos which are used for training NCPD Members in regards to implicit bias. These videos are also made available to the public.

- One video titled, "Every Contact Matters" is intended to guide police officers in their interactions with community members. The video also demonstrates how current interactions between officers and members of the community impact future police-community relations. This video is shown at the academy to the recruits and during in-service training. This video is accessible by utilizing this link: (<https://www.pdcn.org/>) and selecting "multimedia".
  
- Another video created by Community Affairs titled, "Hate-Crossing the Line" is an anti-hate educational program directed towards middle school age children. This was created with input from law enforcement, human rights experts, as well as educators in the area of civil rights and hate crimes. This video is accessible by utilizing this link: (<https://www.pdcn.org/>) and selecting "multimedia".

## Modifications, Modernizations and Innovations:

- As previously covered in the Training section of this document (Topic 2), all sworn and civilian members of the NCPD are now required to participate in yearly online anti-bias instruction. Immediately following the training, members must pass an exam exhibiting their understanding.
  
- In response to community concerns voiced during our EO203 engagements, Community Affairs is currently working on a new video titled, "Respect and Responsibility". This video is a community information project designed to demonstrate the effect of a perceived negative encounter with a police officer by a member of the community. The video also provides information on how the community can report these incidents. Once completed, this video will

be shown to NCPD members during in-service training and is expected to be widely publicized in schools and on the NCPD's social media platforms.

- Through discussions with community stakeholders, the NCPD was made aware of the need to address police encounters with transgender residents. The Department is in the process of completing a policy addressing these interactions.
- As outlined in many sections of this document, the NCPD will be expanding its community engagement programs. Participation in these programs not only strengthens the relationship between the police and community members but also serves as “hands-on” anti-bias training.

# Hate Crimes

## Review:

The Nassau County Police Department is committed to identifying, investigating and prosecuting hate crimes.

- It is NCPD Policy that a supervisor is dispatched to any call where a hate crime is alleged to have occurred (refer to OPS 8130 annexed hereto as Exhibit Q). In Nassau County, even the lowest-level crime influenced by any type of bias or hate is recorded and investigated.
- The Office of Chief of Detectives assigns a control number to all bias incidents/hate crimes and maintains daily, weekly, monthly and annual statistics. These incidents are categorized by the type of bias:
  - Race and ethnicity
  - National origin and ancestry
  - Gender
  - Religion and religious practice
  - Age
  - Disability
  - Sexual orientation
- The bias incident/hate crime data is reviewed and monitored by the Department Bias Crime Coordinator within the Office of Chief of Detectives. This data is shared monthly with the Chief of Department, District Attorney's Office, New York State Division of Criminal Justice Services (DCJS) and Anti-Defamation League.
- Detectives investigating hate crimes will research prior bias incidents and hate crimes to determine if there is a discernable pattern or commonalities.
  - The Department emphasizes the importance of reporting crimes and acknowledges that discrepancies in hate crime data maintained by the Department compared to cases tracked by community stakeholders could occur due to the unwillingness of the victims

to come forward. The NCPD will communicate with community representatives to address any instances in which victims may be afraid to report a crime.

- By engaging the public through positive community interactions, the NCPD hopes to further gain the public's confidence and trust to alert the Department of potential hate crimes. With the help of the community, the NCPD can respond quickly to hate crimes and apprehend suspects.
- Community Affairs consistently educates the community on bias incidents and hate crimes. Teenagers from throughout the County volunteer to participate in hate crime education and prevention activities under the guidance of the Community Affairs Unit.

## Modifications, Modernizations and Innovations:

- The NCPD has implemented a Precinct Bias Crime Coordinator in every precinct. Previously, the Department only had a Department Bias Crime Coordinator. The precinct-level coordinator will review all bias incidents and hate crimes to determine commonalities and trends specific to its jurisdiction. The precinct coordinator will report to and collaborate with the Department coordinator to determine any County-wide patterns.
- Reports containing hate crime data are released to DCJS on a monthly basis. The Department will be issuing a bi-annual Bias Incident and Hate Crime Report for public review. This report will breakdown bias incidents and hate crimes reported to the NCPD categorized by bias. A sample of this report is attached hereto as Exhibit R.

## Prohibited Race-Based 911 Calls

Section 79-n subdivision 2 of the New York State Civil Rights Law was amended to establish civil penalties for a person who intentionally summons a Police Officer or Peace Officer without reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property, 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.

A person in violation of this law is liable in a civil action for injunction relief, damage, or any other appropriate relief in law or equity.

- Legal Bulletin 20-004 (attached hereto as Exhibit S), was issued notifying the Members of the Police Department of this new law. This information will be included during in-service training to further educate the Department members who may in turn educate members of the public who could fall victim to such conduct.
- Race-based 911 calls may be part of a course of conduct that is considered a hate crime or at the least, falsely reporting an incident. While a 911 call taker would be unable to establish if the call is a falsely reported incident, the police officer or detective assigned to the call will conduct an investigation to determine whether a crime has been committed.

- In an effort to eliminate race-based 911 calls, the NCPD has added the modus operandi code of “Race Based False 911”. By adding this MO code, it permits an officer who takes a report, or an officer or detective who makes an arrest, to add this MO code if it applies to the incident thereby enabling the Department to track these incidents and easily research incidents should they occur.

## De-Escalation Training and Practices

De-escalation practices are integral in NCPD’s training and ideology. Through effective communication and techniques, officers are trained to resolve situations which might otherwise escalate towards violence, to a successful, non-violent conclusion. De-escalation enhances the safety of police officers and the public.

### Review:

As articulated previously in the Training section of this document (Topic 2), the NCPD recognizes the importance of de-escalation in safeguarding citizens as well as officers. The NCPD Police Academy training includes an eight (8) hour course dedicated to de-escalation techniques. DCJS does not require the academy to have a specified de-escalation curriculum. In addition to the eight (8) hour course, de-escalation is interwoven into many topics covered throughout the NCPD Academy courses.

During the de-escalation course, recruits are taught Dr. George Thompson’s Five Universal Truths of Human Interaction:

- People feel the need to be respected
- People would rather be asked than told
- People have a desire to know why
- People prefer to have options instead of threats
- People want to have a second chance

De-escalation requires the ability to be not only a persuasive speaker, but also an active and engaged listener. To be an active listener, an officer must:

- be open and unbiased,
- listen to all of what is conveyed (verbal and non-verbal),
- interpret the meaning,
- respond appropriately free of judgment

De-escalating situations into successful interactions requires officers to assess, engage, and resolve.

- Assessment of a situation is one of the most vital aspects of response to a situation. Officers are given very limited information prior to responding to a call and therefore, the initial assessment is extremely important.

- Engaging in a situation is the most critical part of conflict resolution. Officers must control themselves and free their minds of anger, fear, judgment and ego so they can respond without outside influence.
- Resolution is where the encounter will end, whether good or bad. If the officer can maintain control of the situation and themselves, a successful conclusion is a near guarantee. In all situations, it is imperative officers respond and not react.

## Modifications, Modernization and Innovations:

- The Nassau County Police Department is ahead of the curve when it comes to de-escalation training and practices. All use of force incidents are reviewed to ensure de-escalation techniques were utilized if possible. The success of de-escalation training and practices is gauged through the review of use of force reports and heeding suggestions from the community.
- The NCPD will cross reference collaboration with community stakeholders to learn about cultural differences that may inadvertently lead to escalation. This input will be incorporated into future de-escalation training.
- De-escalation is a topic covered in the new in-service training curriculum. By reviewing de-escalation annually, it ensures officers are trained in the most current and effective techniques.
- In situations where de-escalation was not successful and force is necessary, the data is collected and reported bi-annually, as discussed in the Use of Force section of this document (Topic 3).

# Law Enforcement Assisted Diversion Programs (LEADS)

As stated in the NYS Guidance, diversion programs recognize that incarceration or establishment of a criminal record may not be the most appropriate mechanism to address certain conduct. Indeed, education and/or drug or mental health treatment may provide a better alternative for both the individual and the community. LEADS assists in avoiding unnecessary justice system involvement of people who participate in these programs.

## Review:

The NCPD Community Affairs Unit has many Law-Enforcement Assisted Diversion Programs:

- **Bullying/Cyber Bullying Program:** Community Affairs conducts trainings at schools and youth centers in regards to all forms of bullying.
- **Bias Crime/Hate Crime Training:** In Nassau County, even the lowest-level crime influenced by any type of bias or hate is recorded and investigated. Community Affairs consistently trains members of the community on bias and hate crimes. Teenagers from throughout the County volunteer to participate in hate crime education and prevention activities under the guidance of the Community Affairs Unit.

- Drug Awareness and Prevention Programs:
  - To address the crisis of alcohol and drug abuse in Nassau County, Community Affairs is a member of the Heroin Prevention Task Force. The task force’s mission is to form partnerships with community and government agencies dedicated to reducing the demand for illicit drugs in our communities.
  - To further NCPD’s drug awareness and prevention efforts, Community Affairs presents thorough vaping and nicotine addiction presentations.
  - Additional drug awareness and prevention programs are mentioned in the Community-Based Outreach and Conflict Resolution section (Topic 12).
- Bicycle Safety Demonstrations: Community Affairs hosts demonstrations for bicyclists to learn about the use of safety equipment when riding and the applicable laws.
- Other various crime prevention trainings include, but are not limited to, internet safety, identity theft, child safety, senior citizen safety, and scams targeting the elderly.

The success of these trainings and programs has led to a significant increase of community requests for additional training sessions. Community Affairs is continuously creating and updating our training presentations and tools to reflect the present concerns of the public.

The NCPD coordinates with the Nassau County District Attorney’s Office with regard to alternative prosecutions and resources. The Nassau County District Attorney’s Office offers the following diversion programs:

- mental health court,
- misdemeanor drug treatment court,
- Treatment Alternative Plea Part (TAPP),
- Drug Treatment Alternative to Prison (DTAP),
- Veteran’s treatment court.

Diversion programs help the defendant rectify their behavior, which resulted in arrest, and provides the opportunity to avoid prosecution. To enhance diversion, the District Attorney’s Office and the NCPD meet and discuss suggestions in arrest processing. ECAB’s Early Case Assessment Bureau coordinates monthly and make recommendations based on their observations.

## Modifications, Modernizations and Innovations:

### Operation Natalie

The opioid epidemic reached its peak in Nassau County during 2016. The Nassau County Police Department identified the need for a strategy to combat the opioid epidemic and subsequently developed a multi-pronged approach, known as Operation Natalie:

- Awareness: identifying the communities most profoundly impacted by the opioid crisis and notifying residents about the Department’s efforts to combat drug addiction and crime

- Education: informing the public about the ways they can protect themselves, how to recognize the signs of drug abuse, and what treatment resources are available
- Enforcement: deploying resources to communities experiencing the effects of the opioid crisis and increased property crime
- Diversion: coordinating with the District Attorney's Office to find comprehensive alternative-prosecution options for individuals who are arrested and suffer from substance abuse
- Treatment: providing residents with a list of county resources as well as access to treatment and recovery specialists
- After Care Visits: following up with individuals who have suffered an overdose and providing them with the opportunity to directly connect with treatment services

Communities hit hardest by the opioid epidemic are identified and resources are deployed to those locations, focusing on enforcement, education, and awareness. The primary goals of the initiative are to create an open dialogue with residents, reduce crime, and address the impact the opioid crisis has on the community. An alternative prosecution option is provided to those who are arrested and suffer from substance abuse. Alternative prosecution, through the aforementioned diversion programs, is an integral part of the NCPD and the Nassau County District Attorney's Office strategy because it created the potential for a more positive outcome from these arrests.

### The Youth Police Initiative (YPI)

The Nassau County Police Department, in conjunction with community leaders, saw the opportunity for diversion by addressing the at-risk youth in the community. The Youth Police Initiative, (YPI) is focused on bringing together at-risk youth, who have a negative perception of police, with the local beat officers. The primary objectives of the program include:

- addressing misperceptions,
- repairing relationships,
- and reestablishing trust between youth and the police

YPI teach young adults the skills to constructively resolve conflicts with authority which require efforts from both youth and law enforcement. The YPI also teaches police officers to step out of their cars and have genuine conversations. By creating an open dialogue between the NCPD and the youth in our communities, the YPI will ultimately breakdown existing barriers, stereotypes, and biases. Through honest communication and positive experiences fostered by the YPI, the NCPD strengthens police-youth relations in lasting ways.

## Restorative Justice

Restorative justice seeks to change an offender's behavior by educating him/her on the deleterious consequences that his/her actions have on the community and the victim. The purpose of justice is to restore the victim, the community and the offender so that they all may be integrated back into, and enhance the community.

## Review:

Restorative justice can be achieved by utilizing diversion courts such as alcohol and drug diversion as well as after care visits and the SAFE program and center for victims of abuse.

- The Nassau County Special Victims Squad works in tandem with the Safe Center. The Safe Center is the Nassau County Advocacy Agency that serves children and adult victims of family violence and sexual abuse.
- Special Victim Detectives attend trauma-informed investigative training which teaches detectives how to not re-victimize survivors/victims of sexual assault during the course of their investigation.
- If feasible, when arresting perpetrators of domestic violence, victims are informed by officers of their ability to have the case seen concurrently in criminal and family court. Family court may allow mediation between the parties as part of a resolution to the case.
- All domestic case reports are reviewed. Cases that might require resources beyond law enforcement capabilities are referred to the Safe Center. A Safe Center Advocate may reach out to the victim and offer further assistance.

In recognition of offender rights and avoiding the tendency towards incarceration-minded policing, in 2016, the NCPD instituted a new Appearance Ticket Protocol as previously mentioned in the Procedural Justice, Systemic Racial Bias and Racial Justice in Policing section (Topic 6). In lieu of jailing offenders for offenses involving Marijuana and Larcenies, offenders are issued Appearance Tickets.

NCPD members have been extensively trained on alternative dispute resolutions. It is respectfully submitted that restorative justice is somewhat similar to arbitration; however, the focus in restorative justice is on the harm inflicted and holding the offender accountable for their actions.

- Although never formally labeled as restorative justice in training segments or discussed as such, the NCPD engages in restorative justice on a daily basis by acting as an arbitrator between parties.
- For example, the NCPD may receive a 911 call for a dispute involving neighbors. When arriving at the scene of the dispute, our officers are trained to defuse the situation and interview both neighbors separately to investigate what transpired and determine if any crime was committed. During the investigation, the NCPD makes sure to inform both parties of the allegations each have made against each other and the harm each of their corresponding actions are having on one another. A solution is then devised to avoid further disputes. Although not always successful, this type of mediation is generally beneficial in avoiding future conflict between the neighbors.

## Modifications, Modernizations and Innovations:

The Nassau County Police Department participates in the NYS DCJS Gun Violence Elimination (GIVE) Program and Grant Incentive. One of the many GIVE initiatives is to assist in reintegrating individuals into society.

- Reintegrating is achieved through collaboration with state agencies such as Probation and the Department of Corrections as well as supporting the work of the Community Partnership Program (CPP).
- The CPP employs former gang members as outreach workers to engage with groups and individuals involved in gang related activities. CPP workers assist people with efforts such as tattoo removal, job training and parenting workshops for individuals who leave gang life and want to become more involved in the lives of their children.
- As a GIVE partner, the Nassau County District Attorney's Office requested funding through the GIVE Initiative to hire a social worker to meet with at-risk youth and individuals who are integrating into society after involvement in gang and gun violence. With the assistance of a social worker, these individuals will be aware of the availability and accessibility of services (educational, vocational, social and mental health) as well as the support needed to navigate through these services. Social workers will advocate for these individuals, supporting, protecting and encouraging them through times when they may feel vulnerable and alone.

## Community-Based Outreach and Conflict Resolution

Addressing the particular needs of the communities through the police department promotes community engagement to foster trust, fairness and legitimacy. Increasing the availability of police officers in the community puts a focus on growing and strengthening community relationships to provide more comprehensive services and responds to citizens in a geographic area. Community-based outreach and conflict resolution allows police agencies to provide education to the communities to increase crime awareness, advise of services offered, and enhance collaboration and trust through proactive outreach.

### Review:

- Nassau County Police Department Policy 4410 (attached hereto as Exhibit K) was implemented in October 1998 and requires the Police Department to act as a liaison with community groups. Regular contact with the community is necessary in order to address local concerns and identify law enforcement needs. The NCPD maintains an active role in community affairs through frequent and regular contact between precinct commanding officers and various civic organizations, and community groups in the geographic area of the precinct.
- The Nassau County Police Department Community Affairs Unit plays a critical role in achieving the Department's goals against crime by strengthening community relationships and trust.
  - The NCPD Community Affairs unit is comprised of five (5) Supervisors, forty-five (45) Police Officers and four (4) Administrative Assistants.

- The main objective of the Community Affairs Unit is to promote and enhance collaborative decision making between the Department and the communities we serve regarding policing strategies.
  - This office is responsible for formulating projects to meet the special needs within each community and developing and maintaining programs specifically tailored to each community.
  - Community Affairs assists and collaborates with precinct commands with respect to matters of community concern.
- The Community Oriented Police Enforcement Unit (COPE) uses crime data and information to guide their policing activities toward high-frequency offenders and locations.
    - COPE is comprised of two (2) Supervisors and twenty (20) Police Officers.
    - These members work closely with the community to enhance police-community relations, actively address problems in a community before a crime occurs, and improve the quality-of-life, and traffic safety in the communities we serve. These tasks are achieved through specialized patrols, activities, and initiatives all of which further the Department's mission.
- In April 2018, the Commissioner's Community Council (CCC) was developed. This council represents the nineteen (19) Nassau legislative districts. Each district is equally represented on the CCC. The CCC was formed in an effort to enhance the way communities' needs and concerns are addressed by the Department. The CCC works in collaboration with all of the Department's community policing models and evidence-based policing strategies, including Community Affairs, Problem-Oriented Police Officers (POP) and the COPE Unit. The objectives of the Commissioner's Community Council include the following:
    - recognizing the increasing societal challenges communities are facing throughout Nassau County,
    - reinforcing trust and appreciation for our diverse population,
    - and demonstrating police support of neighborhood needs and concerns.
- The Department further engages the community through bike patrols while riding through parks and preserves and with all-terrain vehicles while patrolling Nassau's beaches. While engaged in these activities, the officers will either look for individuals to interact with or respond when flagged down by an individual. These officers will then engage in a discussion with these individuals on the role the NCPD plays in their communities and will relay any concerns they have on a particular topic to the unit responsible for handling that issue.
- The GREAT Program is an evidence-based program that has been around for over 30 years. The goal of the program is to provide life skills to students to help them avoid in engaging in destructive and violent behavior. This program is targeted towards middle and elementary school children. Further information on the GREAT Program can be found in the Focused Deterrence section (Topic 14).

- The Law Enforcement Explorers Program enables young people between the ages of 14 and 21 to become responsible individuals by teaching positive character traits, career development, leadership, and life skills so they can make ethical choices and achieve their full potential.
  - Participants in the Law Enforcement Explorers program reside within Nassau County and reflect Nassau County’s diverse community.
  - NCPD Explorers travel throughout the United States for competitions and events.
- The NCPD offers several drug awareness and prevention programs in addition to those discussed in the LEADS section of this document (Topic 10):
  - The Too Good for Drugs Program is a school-based prevention program developed for all grade levels, kindergarten through high school. The main focus of the program is drug prevention. Kindergarteners through 8<sup>th</sup> graders are taught the following skills: emotional competency, resistance to peer pressure, goal setting, and good decision-making. High school students are taught how to reduce risk factors and enhance protective measures concerning alcohol, tobacco, and other drug use.
  - The Community Affairs Unit helped to produce a substance abuse video titled “Impact” in collaboration with public and private agencies. This video has been distributed to all public, private and parochial schools throughout Nassau County to address alcohol and substance abuse by trying to reach young people before they make destructive decisions.
  - Community Affairs also hosts events such as “The NCPD Takes Down Drugs”. These events pair sports and athletics with drug awareness and prevention seminars. These events are always well attended and garner significant media coverage. To further NCPD’s drug awareness and prevention efforts, Community Affairs presents thorough vaping and nicotine addiction presentations.
- Also mentioned in the LEADS section (Topic 10), the Youth Police Initiative (YPI), is a program designed to build trust between the NCPD and at-risk youth who may have a negative perception of police. The goal of this initiative is to engage in an open dialogue and to allow the at-risk youth to express their concerns with policing in their community as well as exposing them to positive role models.
- Another form of community-based outreach is the Nassau County Police Activity League (PAL). PAL’s purpose is to operate youth clubs and provide team sports, crafts, educational and other programs for all boys and girls in Nassau County. The goal is to prevent juvenile delinquency and steer children clear from gang activity and aid in the positive interaction of police officers and youth. PAL seeks to create life-long friendships among the youth of Nassau’s diverse communities. PAL believes in its creed that “it’s better to build youth than mend adults”. Nassau County’s PAL is comprised of one (1) supervisor and twelve (12) police officers.
- Nassau County Police Department partners with our communities through the Citizens Police Academy (CPA). The goal of this program is to reduce crime through education and to educate

the public on the role police officers serve within our diverse communities. The Citizens Police Academy is a fifteen (15) week program; each week is three (3) hours of interactive training for a total of forty-five (45) hours of instruction. By providing attendees with insight into the police department's policies and tactics, the NCPD hopes that these individuals will understand the vital role the NCPD plays in our society and the challenges the NCPD faces. This understanding will hopefully lead to strengthening our partnership with the communities we serve. The Citizens Police Academy is organized and hosted by the police academy staff. Topics taught in the CPA are:

- deadly physical force,
  - decision-making,
  - professional communications,
  - Asset Forfeiture and Intelligence,
  - investigative techniques,
  - department structure,
  - defensive tactics,
  - Bureau of Special Operations,
  - and Mounted Unit.
- The Nassau County Police Academy hosts the Police Youth Academy (PYA). The PYA is an eight (8) hour course geared towards at-risk high school students. The PYA seeks to stop gang recruitment in high-risk communities through education. The course is designed to provide an in-depth look into the NCPD. The majority of the students who attend the PYA are from school districts in socioeconomically challenged neighborhoods. Over one-thousand eight-hundred (1,800) students have successfully completed the PYA. The PYA is a means to foster enhanced communication and relationships through training and education. This course is also used to assist the NCPD with diversity in its recruitment efforts, as students report more favorable impressions of police officers after completing the course, and having a better understanding of department policies and procedures.

## Modifications, Modernizations and Innovations:

- NCPD Patrol Division Administrative Order, PDAO 12-008, 002 (annexed hereto as Exhibit T) encourages police officers to engage with all members of the community through "Park, Walk and Talk." As the name implies, a "Park, Walk, and Talk" is when an officer exits their post car and walks through the community they patrol to get to know the members of that community and their concerns. The main objective is to build trust and communication with members of the community an officer might not otherwise encounter.
  - During some of these interactions, officers may request businesses and places of worship, to complete Infrastructure Forms (a sample form is attached hereto as Exhibit U). The information recorded on Infrastructure Forms is entered into a database maintained by the NCPD Intelligence Section. In the event of an emergency, or if the Department needs to contact business owners for any reason, the NCPD uses the Infrastructure Database. By collecting and maintaining this database, the NCPD is able

to demonstrate its commitment not only to the personal safety of our residents but also to their businesses and places of worship.

- As a result of a suggestion from a member of the CCC, the NCPD has realigned our Community Oriented Police Enforcement (COPE) Unit. Originally, COPE reported directly to the Office of the Commissioner of Police. As per Department Order 20-020 (annexed hereto as Exhibit V), effective on July 27, 2020, COPE is now a part of the Community Affairs Unit. This re-structuring reflects the NCPD's position that it is important to have COPE officers work alongside the members assigned to Community Affairs. These officers also work closely with precinct POP Officers.
- This year, as a result of input from the community, PAL programs were added to Lawrence, Elmont and Roosevelt.
- The members of PACT and CCT were given the opportunity to view a video created by the community group "Men of Elmont". In this video, young men provided insight on their interactions with the police. One young man pointed out that since he has never been in trouble or arrested, he has never had any interaction with the police. He stated that he should not have to break the law in order to get to know the officers who work in his community. A common suggestion at town hall meetings was for more positive interactions with the Department.
  - The NCPD agrees that increased interaction between the police and the community in positive situations is one of the strongest tools for building bridges and creating trust between officers and residents. Accordingly, subsequent to the opening of the new police academy this summer, the NCPD will host PAL sponsored community sporting events, barbeques, and additional education and awareness programs (provided COVID restrictions allow).
- As previously discussed in a town hall meeting, the NCPD will be implementing a new bike patrol program in Roosevelt referred to as "Cops on Bikes". Officers whose demographics parallel those in Roosevelt, have been selected and trained on patrolling while on bicycles. Increasing police presence in a non-enforcement capacity creates a more approachable environment to foster trust and build relationships.

## Problem-Oriented and Hot Spot Policing

Problem-oriented policing (POP) replaces primarily reactive, incident-driven policies with strategies that proactively identify underlying issues that can be targeted to alleviate crime at its roots.

### Review:

#### Problem-Oriented Policing

The concept of Problem-Oriented Policing (POP) has been successfully integrated into NCPD policing strategies for decades. Nassau County Police Department has twenty-four (24) designated POP Officers.

These officers work with the community to identify and coordinate a response to problems that range from minor public nuisances and quality of life issues to serious criminal actions.

- POP Officers work with precinct Commanding Officers and attend community meetings. These meetings provide a forum for the community to address the Commanding Officer, POP Officers and Patrol Division Executive Staff.
- POP Officers are tasked with community outreach to civic groups, schools, community-based outreach associations and any other stakeholders within each command. These officers are an additional resource and steady point of contact for the community to address their concerns.
- The NCPD utilizes the “SARA” model (Scanning, Analysis, Response, and Assessment) to work with the community to develop a customized plan to address that community’s problems. Using this model, POP officers will identify potential matters of concern for the community, analyze the issue using a variety of data sources, design and implement response strategies, and assess the success of those strategies. This model requires that officers work closely with citizens to address crime concerns and quality-of-life issues.<sup>3</sup>
- POP Officers look beyond traditional policing strategies and consider other possible approaches for addressing crime and community issues. The approaches POP Officers initiate can take on many different forms depending on community need and the crime being addressed.
- At this time, POP Officers do not have a permanent presence in schools, however, they are available to school districts and are in frequent and constant contact. At the beginning of each school year, POP officers meet with the principal of each school within their precinct and they introduce themselves and offer their services with any criminal matter the school may experience. POP officers generally wear soft uniforms when engaging in these interactions or assisting the school with a potentially criminal matter.
  - The NCPD Homeland Security Unit and POP Officers work closely with all fifty-six (56) school districts, particularly involving matters of student discipline. This partnership builds police and school relationships while bringing any conflicts to successful resolutions.

## Hot Spot Policing

The NCPD has utilized the concept of hot spot policing as a basis for its model of “Intelligence-Led Policing”, which model was studied and explained by Jerry H. Ratcliffe in his book *Intelligence-Led Policing*. In his book, Ratcliffe defines “Intelligence-Led Policing” as the effective and efficient use of resources driven by data. According to Ratcliffe, the premise of hot spot policing is a focus on “High Visibility Intermittent Random Policing” (HVIRP) of small geographical areas that are experiencing high volumes of crime. The Intelligence-Led Policing Model is at the core of the NCPD’s commitment to community-oriented policing.

---

<sup>3</sup> <https://cops.usdoj.gov/problemsolving>

- The identification of “hot spots” is done through intelligence gathering and crime analysis. One of the components of Intelligence-Led Policing includes obtaining information (intelligence) from the community. In doing so, the NCPD is able to engage the community in its efforts to reduce crime in a particular area or neighborhood. This approach is taken so that members of the community will support the police presence as there is a mutual goal of addressing and eliminating specific criminal activity. Examples of how information is gathered from the community include:
  - Community meetings
  - 911 Calls
  - Crime Stoppers
  - Engaging the public on social media platforms
  - Park, Walk, and Talk
  - Confidential informants
  - Community complaints
  
- Once intelligence is procured and analyzed, each precinct has a monthly meeting between the Commanding Officer and Intelligence Analyst to identify precinct hot spots. Once the geographical location and anticipated crime type is identified, the NCPD will deploy the resources needed based on the type of anticipated activity. The objective of this policing model is to prevent crime activity. In the event a crime does occur, the resources which were deployed to the community will assist the NCPD in its investigation.
  - The type of resources utilized may change depending on the type of crime. Some available resources are:
    - directed patrol assignments,
    - the use of license plate readers,
    - electronic signage,
    - vehicle and traffic law enforcement,
    - licensed premise checks,
    - social media notifications,
    - using Law Enforcement Explorers to distribute informative pamphlets to community members
  
  - For example, through analysis of firearm-related crime and the identification of a subset of underlying issues, the Intelligence Unit develops crime maps to include where violent crimes are committed and the residences of gang members. This information is then overlaid with other crime data such as the sale of narcotics (note: there has been an increased focus on the nexus between gun violence and narcotics sales). The key drivers of crime in these hot spot areas are gang-related violence, narco-trafficking, and the vicinity to the residence of impact players, which are individuals currently involved in gangs and gun crime that are directly involved in shootings and gang recruitment identified through intelligence analysis.

- Nassau County's steady reduction in violent crime trends and the low volume of community complaints is a direct result of its use of Intelligence-Led policing.
- To augment investigations, the NCPD utilizes various forms of technology such as cameras, license plate readers, and ShotSpotter units.
  - License plate readers are deployed in areas with high firearm activity. Data collected by the license plate readers can be used to help identify individuals that were in the vicinity of a shooting.
  - ShotSpotter technology detects, locates and alerts the Department to instances of gunfire in less than 60 seconds of its occurrence. ShotSpotter triangulates the location of gunfire and then alerts Communications Bureau to dispatch units to that location. A notification is also made to the Intelligence Unit. A sound clip of the shooting is recorded and played to confirm the presence of gunfire and helps in determining if automatic weapons were used and the number of shooters involved. The Gang Unit and the NCPD Executive staff have the ShotSpotter Application on their cell phones to ensure a Gang Unit Member responds to a shooting in gang-prone communities. Patrol cars have become mobile precincts, equipped with computers to allow immediate access to ShotSpotter and briefings as well as input intelligence and key information directly from the field.
- The NYS guidance brings to light the public's concern surrounding the use of technology and the maintenance of data it acquires.
  - The procurement and adoption of new technology is centralized through the Intelligence Section. An official request for the utilization of technology must be submitted to the Intelligence Unit. Only members of this unit have access to such technology. A case report number and the requestor's name and rank are recorded for every inquiry. Any results produced are returned to the requestor. The integrity of intelligence is key and the Intelligence Unit is held to a high standard.
  - The NCPD is aware of risks in using novel technologies. This is why the Department does not have a facial recognition program.
  - The effectiveness of each technology is studied by the Department and is analyzed for potential biases.
  - Sensitive electronic data collected through the use of technology is protected by means congruent with industry standards by the Information Technology Unit.

### Broken Windows and Stop, Question and Possibly Frisk

The NCPD has a long history of community policing. One of the most important components of community policing is enforcing a high standard for quality of life. By fixing and correcting smaller crimes and infractions (i.e. criminal mischief such as broken windows), it will in turn decrease and deter larger crimes from being committed. We teach our members the rules in conducting an investigative

stop in accordance with the provisions provided in the Criminal Procedure Law (CPL) 140.50 (annexed hereto as Exhibit W).

- The Nassau County Police Department instructs officers to conduct investigational field stops. We operate on the standard of proof of reasonable suspicion.
  - Reasonable suspicion is defined as a quantum of knowledge sufficient to induce an ordinary prudent and cautious man under the circumstances to believe criminal activity is at hand. This standard is reached through an officers training and experience and is based on a number of factors that are observed by the officer to get him to conduct a field stop. Factors to establish suspicion for an evidence-based stop are:
    - high crime area,
    - time of day,
    - day of week,
    - season,
    - sights and sounds,
    - proximity to scene,
    - presence at scene,
    - carrying objects associated with criminal activity,
    - clothing or disguises,
    - description,
    - furtive gestures,
    - change of direction or flight,
    - unusual nervousness,
    - independent knowledge,
    - training and experience,
    - evasive, false and/or inconsistent statements
- In order for an officer to frisk a field stop subject, the officer must reasonably suspect he is in danger of physical injury. Officers can frisk for weapons and only weapons during this encounter unless the subject gives consent to search for evidence. Frisk of an individual is never automatic and only undertaken to pat down for items that can harm officers.
  - Any evidence that may be found at this stage, would be suppressed and not permitted into court and therefore not permitted to be used to arrest said individual.
- All demographic data recorded during field stops is incorporated into a Field Stop Data Report. This report will be issued bi-annually detailing field stops by location, top summons categories, gender, and race. This report is available on Nassau County's website:  
<https://www.nassaucountyny.gov/DocumentCenter/View/30670/Nassau-County-Police-Department-Summons-Reporting-and-Findings?bidId>

## Modifications, Modernizations and Innovations:

- As discussed in previous sections, Vehicle Stops and Systemic Racial Bias (Topics 5 and 6), Department Special Order 20-047 Field Stop Data Collection was issued on September 25, 2020 (attached hereto as Exhibit J). This order commands officers to record the gender and race/ethnicity of the person(s) subject to field stops and traffic stops in order for the department to review and investigate any potential biases and disparities in stops by an officer and take corrective action.
- In 2002, the NCPD initiated “Nass-Stat”, which is based on the “CompStat” model used and created by the New York City Police Department. In 2012, Nass-Stat became “Strat-Com” (Strategic Communication).
  - Strat-Com is an evidence-based approach to crime fighting and addressing community conditions and quality-of-life concerns. This model incorporates many tenets of the Problem Oriented Policing evidence-based approach, as it looks at large scale problems rather than individual crimes. It also directly correlates to the integration of other evidence-based approaches, which allows the Nassau County Police Department to utilize civilian Intelligence Analysts to complete comprehensive in-depth analysis of the underlying problems and people involved in criminal activity.
  - Analysis conducted on a daily, weekly and monthly basis allows for focused strategic planning rather than general unfocused enforcement which is often intrusive to the involved communities.
  - For example, Strat-Com might reveal that commercial burglaries of cell phone stores are occurring throughout Nassau County at around midnight. Specialized units will then be tasked with devising a plan to address this crime condition. Those units have the benefit of knowing the type of store being targeted and the time when it generally occurs. As such, they can carefully target their efforts at apprehending the suspects without ensnaring large segments of the community who are unconnected to this crime pattern.
- The NCPD has been utilizing evidenced-based approaches through Intelligence-Led policing, problem-oriented policing and hot spot policing models since 2010. The NCPD’s success in safeguarding the residents of Nassau County through the implementation of these strategies is validated by the “Safest County in America” designation.
- The opening of the new NCPD Police Academy will enable the Department to better utilize technology and more effectively engage the public through events listed in the Community-Outreach section of this document (Topic 12).

# Focused Deterrence

The state's guidance defines "focused deterrence" as a strategy whereby officers engage directly with offenders or groups of offenders based on their prior history, sometimes in partnership with community members. The purpose of focused deterrence is to alter the opportunities for crime in order to deter motivated offenders.

## Review:

- One of the ways the Nassau County Police Department participates in focused deterrence is through the Gang Resistance Education and Training Program (GREAT). This program, which is evidence-based and an effective gang and violence prevention tool, is built around the school system and is a law enforcement officer-instructed classroom curriculum.
  - GREAT is intended as an immunization against delinquency, youth violence, and gang membership for children in years immediately before the prime ages for gang inductions and aberrant behavior.
  - NCPD has thirty (30) officers trained to teach the GREAT Program syllabus. These lessons focus on providing life skills to students to help them avoid resorting to delinquent behavior and violence to solve problems.

## Modifications, Modernizations and Innovations:

- The Intelligence Unit began to identify known offenders for each precinct. An analysis of persistent offenders in high crime areas are considered along with other factors. Individuals who meet the criteria are designated top offenders for each jurisdiction. Other factors include:
  - numerous and/or recent felony arrests,
  - major crime arrests,
  - arrests for crimes including weapons and reckless endangerment,
  - and gang affiliations.
- In order to ensure focused deterrence practices are enforced equally in all communities, supervisory review of officer interactions will be conducted, followed by a review by the Commanding Officer of each precinct. Also, civilian complaint tracking will determine if the officer engaged in the improper application of focused deterrence.
- To involve the community in the NCPD's focused deterrence efforts, focused deterrence strategies will be added to the Civilian Police Academy and the Youth Police Academy. Any feedback from attendees will be incorporated into the focused deterrence segment of in-service training.
- To affirm NCPD Officers exercise the best practices in implementing proper focused deterrence, this topic will be covered during the newly expanded yearly in-service training outlined in the Training section (Topic 2).

# Crime Prevention Through Environmental Design (CPTED)

The concept of Crime Prevention Through Environmental Design (CPTED) is that crime is a man-made hazard which can be resisted through quality design.

## Review:

- This strategy addresses the relationship between the physical environment and the incidence of crime. Crime prevention through environmental design considers the themes of:
  - visibility,
  - territoriality,
  - cohesion,
  - accessibility,
  - attractiveness,
  - connectivity,
  - and community culture and their impact on crime.
- CPTED prevents crime by designing a physical environment which deters offenders.<sup>4</sup>
- The NCPD assesses and creates plans for various community locations to help reduce or prevent crimes from occurring. Included in these plans are environmental design considerations including but not limited to:
  - lighting,
  - landscaping,
  - signs,
  - sidewalks,
  - ordinances,
  - community cleanups,
  - and pathways.
- The Nassau County Police Department has strategically placed a total of sixty-two (62) police booths throughout Nassau County. The use of the booths assists in demonstrating a police presence within a community.

## Modifications, Modernizations and Innovations:

In furtherance of its efforts to foster trust, fairness and legitimacy, the NCPD will work with community stakeholders to map and photograph CPTED concerns and present their findings to community

---

<sup>4</sup><https://www.ncpc.org/resources/home-neighborhood-safety/crime-prevention-through-environmental-design-training-program/>

members and coalition groups. Once community buy-in has been achieved, the NCPD can work with the public to correct the CPTED concerns.

# Violence Prevention and Reduction Interventions

Violence prevention and reduction interventions is the theory that focusing on prevention, intervention, and suppression, reduces crime. This model calls for police departments to proactively address potential criminal activity by facilitating or participating in community programs and connecting high risk individuals with needed services and other forms of community engagement.<sup>5</sup>

## Review:

- The Nassau County Police Department believes one of the most effective ways to prevent violence is to address it with the youth in Nassau County communities. By guiding and mentoring young men and women, the NCPD hopes to help them become upstanding citizens who steer clear of criminal activity and violent behavior. Examples of these mentoring programs include: the GREAT Program, mentioned in the Focused Deterrence section (Topic 14), as well as the Community Affairs Anti-Bullying Program.
  - The NCPD Community Affairs Unit conducts presentations at local schools to discuss the different forms of bullying: name calling, physical harm, spreading bad rumors, ostracizing, teasing in a mean way, and ganging up on someone. These programs seek to increase awareness about bullying and decrease the number of bullying incidents through diversion and intervention.
- The Nassau County Police Department understands that victims of domestic violence are a vulnerable population who are susceptible to escalating levels of violence at the hands of their loved ones. As such, the NCPD has a zero-tolerance policy for any and all instances of domestic violence.
  - If it is determined that any misdemeanor crime has been committed in a domestic situation, an arrest must be made regardless of whether the victim requests such arrest. This policy is more restrictive than state law requires under Criminal Procedure Law § 140.10.
  - It is also worth noting that even in situations that do not arise to a level of arrest, any gun, including rifles and shotguns, that are found in the residence are temporarily removed by the NCPD until a full investigation can determine if it is safe to return them.
  - This proactive gun removal policy is also used in situations where a student makes a threat of violence in a school setting.

---

<sup>5</sup><https://everytownresearch.org/report/community-led-public-safety-strategies/>

- When a shooting incident occurs in Nassau County, the Investigating Detective reports details of the shooting location, person(s) involved, possible subject descriptions, vehicles involved, and a descriptive narrative of the event to the Commissioner of Police, Executive Staff, Intelligence Unit, Gang Unit and other key units.
  - The Intelligence Unit produces a comprehensive workup on the location of the shooting event and individuals involved in order to quickly identify whether the location or persons are part of a pattern or a larger underlying criminal enterprise.
  - It is also imperative to determine if the individuals involved have gang affiliations or if the shooting location is a known gang location.
  - Knowledge, understanding and analysis of the people involved, conditions present at the shooting location, and events associated with the shooting is critical in solving the crime but also in preventing possible retaliation.
  - The intelligence and evidence gathered during the course of the investigation aids in enhancing prosecution, therefore, holds individuals responsible for their violent crimes while also impeding their ability to commit additional crimes in the future.

## Modifications, Modernizations and Innovations:

- The Nassau County District Attorney's Office has implemented an Intelligence Based Prosecution Initiative. The NCPD Intelligence Unit provides the NCDA's office with intelligence workups which identifies violent crime top offenders. These workups identify past violent criminal activity, self-admitted criminal activity, gang affiliations, police contact and past drug use/sales.
  - Although these workups have limited value for the purposes of arraignment, they still provide tremendous investigatory value.
  - Results of these investigations continue to offer solid evidence, which could be used to apply for search warrants, develop probable cause for arrests and support the prosecution of violent offenders.
  - The NCPD and NCDA partnership uses statistical analysis, intelligence derived from precinct debriefings, confidential informants, field stops, and post-arraignment debriefings to determine the primary sources of the gun and gang violence.
- As mentioned in prior sections, the NCPD participates in the NYS DCJS Gun Involved Violence Elimination (GIVE) program and grant incentive. The GIVE initiative is integral in Nassau County's continued effort to prevent and reduce violent crime. This initiative focuses on an appropriate balance of street level enforcement, community engagement, youth education and intelligence-based strategies. The NCPD takes a proactive approach by identifying and targeting the underlying issues associated with Nassau County's violent crime through strategies that include the four (4) core elements of GIVE: people, places, alignment and engagement.

- The NCPD collects a great deal of information, such as the identification of individuals who possess, sell or use illegal firearms, the location of gun stashes, the threat of gun violence by individuals or groups, and the proactive collection of ballistics and DNA for the purposes of pattern and/or offender identification.
  - The Department instituted a firearm tracking initiative entitled Tracking All Guns (TAG). This allows the Department to track cases, arrests, serial numbers, gun types, makes and models, dates, locations, circumstances and times of recoveries, crime guns, and other gun related data.
- The GIVE Program and the NCPD violent crime strategy is reviewed regularly. This assessment is critical to ensure the Department is focusing resources in the right locations in the most effective and efficient way possible.
- In 2019, a physical altercation between minors gained national press coverage. This incident took place in Oceanside and two (2) participants were stabbed. In response, Community Affairs offers violence prevention and bystander responsibility trainings. There is empirical data that suggests bystander intervention campaigns are successful in increasing the notion that persons witnessing a crime or incident should get help from others and call 911.

## Model Policies and Standards

### Review

- In cases where policies or procedures are determined to be outdated or deficient, IAU recommends review by the Procedure Development Unit of the Professional Standards Bureau.
- The Nassau County Police Department has entered into a Participation Agreement with New York State Division of Criminal Justice Services for the New York State Law Enforcement Agency Accreditation Program. The Nassau County Police Department, as part of the accreditation process, will have their policies, procedures and standards reviewed by this independent agency to ensure their policies, procedures and standards are up to date with the latest policing models.

## Complaint Tracking

The Nassau County Police Department holds its members to a high standard of professionalism as reflected in Article 5 of the NCPD Department Rules, Standards of Conduct (annexed hereto as Exhibit L). In furtherance of its commitment to this mission, the Department established the Professional Standards Bureau, which reports directly to the Commissioner of Police.

### Review:

The Internal Affairs Unit (IAU), within the Professional Standards Bureau, is responsible for the complete investigation of civilian complaints, which is an essential function to ensure compliance with established rules, ethical standards, and Department policies and procedures.

- All allegations of misconduct are investigated pursuant to NCPD ADM 1211 Civilian Complaint investigations (annexed hereto as Exhibit X). The complaint process is available on the NCPD Website and on printed materials available for distribution.
- Civilian complaints may be filed in several ways:
  - through the NCPD website
  - through email
  - by phone by directly calling the Internal Affairs Unit at (516) 573-7120
  - in person at any police precinct, twenty-four (24) hours a day, seven (7) days a week
  - Complaints may also be filed online by visiting:  
<http://forms.nassaucountyny.gov/agencies/PD/compliment.php>
- Anonymous complaints are accepted and complaints will be taken from anyone, with or without a connection or direct relationship to the incident.
- Civilian complaints are documented using the following categories: excessive use of force, false arrest, improper tactics/procedures, neglect of duty, police impersonator, racial/ethnic bias, unlawful conduct, unprofessional conduct, violation of department rules, and other.
- Complaints are provided with a civilian complaint number for their records and tracking purposes. Investigative findings are provided to complainants who choose to provide their contact information.
- Within three (3) business days of filing a complaint, complainants are contacted by a supervisor to acknowledge receipt of the complaint and establish contact information.
- If the complaint involves alleged criminality, the matter is referred to the District Attorney's Office for an investigation and possible criminal prosecution prior to any NCPD administrative proceeding.
- Investigative findings are categorized as follows:
  - Founded- Substantial evidence exists to corroborate the allegations against an officer.
  - Unfounded- Witnesses and evidence, clearly and unequivocally, establishes that the allegation by the complainant is untrue, fabricated, or a distortion of the facts.
  - Undetermined- Insufficient evidence is available to either prove or disprove the allegation.
  - Exonerated- The incident did occur; however, the actions of the member were justified, lawful and proper.
- The Commissioner of Police, pursuant to section 8-13.0 of the Nassau County Administrative Code has the authority to discipline a member of the force by:
  1. Reprimand;

2. Fine;
  3. Suspension, with or without pay;
  4. Dismissal or removal from the force;
  5. Reducing him to a grade below that in which he was serving if he was above the rank of a police officer.
- IAU maintains the Department's Early Intervention System (EIS). This proactive system provides supervisors with data-based analysis to identify members who may need additional monitoring, supervisory involvement, or employee assistance. Members with a designated number of complaints within a twelve-month period trigger an automatic alert that requires mandatory follow-up by a supervisor within thirty (30) days.
  - Nassau County Police Department Manual, Article 5, Standards of Conduct, Rule 1, Dedication to Duty (attached hereto as Exhibit L), addresses the reporting of officer misconduct by other officers.
    - Members of the Department will report, immediately, to a Superior Officer in the Command having jurisdiction, any delinquency, dereliction of duty, violation of the Department Rules, conduct disorder, and neglect to the prejudice of good order, efficiency, and discipline, which they observe or of which they have knowledge; they will immediately bring to the attention of a Superior Officer a case in which a Member of the Department becomes unfit for duty on account of careless, improper, vicious, or immoral conduct.
  - Additionally, Rule 5, Keeping Supervisors Informed (annexed hereto as Exhibit L), from the same Article 5, articulates that Members of the Department will keep their Supervisors informed of every important matter and of any action taken pertaining to those matters. Important matters include the following:
    - a Member of the Department who appears unfit for duty,
    - a serious complaint against a Member of the Department,
    - important messages,
    - and matters that require the attention of a Supervisor.
  - All recently promoted sergeants are required to attend a month-long training session at the academy. At this supervisor training, all new sergeants are informed of "respondeat superior" liability, which simply means that they will likely be held responsible for the actions of their subordinates. Accordingly, they are urged to respond to all calls where there is the potential for misconduct or risk personal liability and/or department discipline thereafter.
  - All complaint investigations now have a thirty (30) day completion requirement unless a valid reason is given for an extension.

## Modifications, Modernizations and Innovations:

- The NCPD has updated its webpage to allow individuals to attach a video or other documentary evidence along with the submission of a complaint.
- The Department will be providing the complaint form in a variety of languages so that persons with limited English proficiency can more easily submit a civilian complaint.
- In accordance with the repeal of section 50-a of the New York State Civil Rights Law and the amendments to Article 6 of the New York State Public Officers Law (Freedom of Information Law), founded complaints and dispositions thereof will be made available to the public as required by law. Legal Bulletin 20-003 (attached hereto as Exhibit Y), was issued notifying the Members of the Department, the change to the law. The Police Department's Deputy Commanding Officer of Legal Bureau, as the Record Access Officer, has been tasked with providing the appropriate information to the public when requested.
- As a result of the repeal of Civil Rights Law 50-a and in the interest of transparency, the NCPD will issue a bi-annual report on civilian complaints. This report will include the number of complaints and allegations broken down by the nature of the complaint and the gender and race of the complainant, when provided. The details of founded findings will be included in the unlawful conduct category. Refer to the NCPD Complaint Reporting and Findings Report (annexed hereto as Exhibit Z).
- As mentioned previously in the Use of Force section (Topic 3), beginning April 1, 2021, the Attorney General's Law Enforcement Misconduct Office has the authority to investigate police department complaints concerning matters such as corruption, fraud, excessive force, criminal activity, conflicts and abuse.

## Communications Bureau and 911

### Review:

- In 2019, the Nassau County Police Department received over four-hundred five-thousand (405,000) calls for service. Over fifty-five percent (55%) of calls were classified into the following categories:
  - medical assistance (including request for ambulance, aided calls and well checks): over ninety-five thousand (95,000) calls;
  - auto accidents: over eighty-one thousand (81,000) calls;
  - disturbances: over thirty-thousand (30,000) calls; and
  - domestic incidents: over nineteen-thousand (19,000) calls.
- The NCPD Communications Bureau receives and dispatches calls for service relating to medical emergencies. Unlike most police departments, the NCPD employs one-hundred forty-one (141) full-time paramedics and has a fleet of ambulances ready to respond to all medical emergencies throughout Nassau County. An integral part of that response is the Nassau County Police

Officers who are certified first responders and who respond alongside the paramedics to all medical emergency calls. Oftentimes, our police officers are the first ones to arrive at the scene of a medical emergency and are tasked with providing life-saving measures until the paramedic can arrive and the patient can be safely transported to a hospital.

- As a service-oriented department, the NCPD responds to any and all requests for assistance. For example, a request by an elderly individual to be lifted from the floor to the bed will be handled by a member of the NCPD. A neighbor having an issue with another neighbor will also be handled by the NCPD. Indeed, there is no assignment that is too big or small for the NCPD.

## Modifications, Modernizations and Innovations:

- Communications Bureau will be attending additional training in regards to call intake and recognizing signs and symptoms of callers in crisis.

# Mental Health and Homelessness

## Review:

### Mental Health

- Nassau County Police Department Mental Aided Persons Department Policy OPS 1155 (attached hereto as Exhibit AA), state that the Nassau County Police Department is to assist mental aided persons who need assistance and to ensure officers render necessary aid in a humane and sensitive manner to persons who appear to be suffering from mental illness or disability.
- The “Mobile Crisis Outreach Team” (MCOT) is notified of all instances involving a situation where a person is experiencing a mental health crisis. MCOT is a unit composed of mental health professionals who provide on-site intervention and evaluation for community members and their families.
- The NCPD response to a mental aided call includes the responding police officer, a patrol supervisor, and a NCPD Ambulance at the scene. In situations where the mental aided exhibits violent behavior and the situation is likely to result in serious harm, personnel from the Emergency Services Unit (ESU) will respond as well.
- NCPD Officers are trained to assess situations involving individuals experiencing a mental health issue and obtain background information including:
  - the individual’s mental and medical history,
  - prescription or illegal drug use
  - The circumstances which led to the call to 911
  - The individual’s behavior prior to police arrival
  - The individual’s past violent behavior.

- If the officers at the scene reach a determination that the individual is a threat to himself/herself or others, the officers will transport the person, by ambulance, to a hospital for a medical evaluation and treatment.
- If it is determined that the individual is not a threat to himself/herself or others, and transport to a hospital is not necessary, the officers at the scene will reach out to or provide referrals to resources such as MCOT, the National Alliance on Mental Illness, 211, and the National Suicide Prevention Lifeline.

### Substance Abuse

- As certified first responders, Nassau County Police Officers are trained to respond to all opioid overdose requests for assistance. In most circumstances, our police officers are generally the first members to respond to the scene of an overdose. Police Officers, in accordance with their training, render first aid, including the administration of NARCAN, to the overdose victim until the Police Medic arrives to the scene and takes over for the patient's care. All overdose calls require a supervisor to respond and an investigation to be conducted by a detective. Nassau County Health and Human Services is also apprised of each and every overdose call. It is worth noting that pursuant to New York's Good Samaritan Law (Penal Law § 220.78) all individuals and witnesses who request emergency assistance will not be arrested for possessing small amounts of drugs or drug paraphernalia. The NCPD always takes great care to inform all witnesses and, if possible, the aided of this provision and the necessity of knowing what drugs the aided ingested so that proper care and treatment can be administered.

### Hostage Negotiation Team

- When an encounter with a mental aided involves a suicidal person, a barricaded individual, or persons held against their will, the Nassau County Police Department Hostage Negotiation Team (HNT) may be assigned. The role of the HNT is outlined in Hostage Incident/Barricaded Person Department Policy OPS 12600 (annexed hereto as Exhibit AB). The HNT will respond when a trained negotiator is needed at a scene.
- The HNT is comprised of experienced, specially trained members of the NCPD. The HNT is composed of members of different ranks assigned to various units/bureaus within the NCPD. The average law enforcement experience of a crisis/ hostage negotiator is currently twenty (20) years. Members assigned to the HNT undergo initial training with the Federal Bureau of Investigation's Crisis Negotiation Team and participate in mandated annual in-service training. Members of the HNT also attend training in other jurisdictions where they obtain up-to-date information, techniques, and strategies used to successfully diffuse and resolve crisis/hostage incidents. HNT Negotiators conduct department-wide in-service training with recruits, active force members, Communications Bureau Operators, and outside agencies on topics such as de-escalation, crisis communication, rapport building, and verbal threat assessment.

### Homelessness

- NCPD Members are trained on interacting with homeless persons and identifying those who require additional necessary treatment.

- During the winter months, all Department Members are reminded of the Nassau County Department of Health and Human Services' "Warm Bed" project, which is an outreach program offering anyone without shelter housing for a night without stipulation. Members are directed to apprise all homeless individuals they encounter of such services and, where appropriate, transport the homeless person to a shelter.

## Modifications, Modernizations and Innovations

- After review of the NCPD Policy on Mental Aideds (attached hereto as Exhibit AA), areas for improvement were identified and amendments were made. When a 911 call is received regarding a person who acts in a manner consistent with a mental aided person; in addition to assigning two (2) police officers and a department ambulance, the Police Communications Operator also assigns a Patrol Supervisor and, if the person is reported as violent or is barricaded, the NCPD Emergency Services Unit. The supervisor on the scene will contact MCOT and advise of present situation and in turn, will receive guidance.
- Communication Bureau Operators will receive additional training on fielding mental health calls for service. MCOT will be providing 911 Call Takers with a script to utilize when caller appears to be under mental distress.
- It has been suggested that police reform should include eliminating a police response to calls for individuals experiencing mental illness related distress. The NCPD has participated in these discussions and has heard the concerns of the stakeholders. The NCPD is aware of the value of having a mental health professional at these scenes and is working on establishing a "dual response" model with the Mobile Crisis Unit in these cases.
  - It is respectfully submitted that the extensive training that NCPD Officers receive best promotes public safety with regard to police response to mental health calls for service. NCPD Officers handle requests for services from the public as we operate twenty-four (24) hours a day, seven (7) days a week and members are trained that the NCPD is a service-oriented department. Members respond with care and compassion to every request for service. MCOT is notified of all instances involving a person suffering from a mental health crisis and works in conjunction with Department Members on all mental aided calls. MCOT can respond separately to offer their services to Aided people with significant health issues in order to address the mental health issues of the person and to reduce the request for police assistance in the future.
- Legislation was passed in June of 2020, to form a committee to review best practices in response to mental health in Nassau County. The committee will present their proposal to the Legislature as requested. The recommendations are as follows:
  - 911 Operators will inquire with the caller by asking a series of questions, provided by MCOT, to determine if the caller can be referred directly to MCOT diverting from police involvement.

- In situations where emergency response is warranted, a NCPD Supervisor will respond and notify MCOT from the scene.

# Crowd Control

It is the policy of the Nassau County Police Department to protect individual rights related to assembly and free speech, effectively manage crowds to prevent loss of life, injury, or property damage; and minimize disruption to persons who are not involved.

## Review:

- This summer, in the wake of George Floyd's death, Nassau County experienced unprecedented protests. There were close to 300 protests that took place this year and the NCPD was responsible for ensuring and respecting protesters' First Amendment rights while maintaining public safety. The leadership of the NCPD reached out to all protest organizers and informed them of the measures the NCPD would take to ensure their safety and expressed the NCPD's commitment to keeping an open line of communication should the organizers experience any issues. This cooperative environment allowed the NCPD to handle these protests involving tens of thousands of protesters with fewer than fifteen (15) arrests and no intentional property damage.
- The Nassau County Police Department Members assigned to the protests exhibited professionalism and restraint due to their understanding and application of de-escalation techniques, utilizing verbal judo, active listening and persuasive speaking to maintain control.
- Specialized units such as the Mounted Unit, Bureau of Special Operations and Bike Units train together to more effectively manage large scale events.
  - The Nassau County Police Department's Bureau of Special Operations (BSO) is the Department's highly trained tactical team. BSO is responsible for selective crime enforcement in high incidence areas as well as specialized patrol and prevention activities to meet particular crime patterns. BSO is also the County's primary tactical unit. Members chosen for assignment to the BSO have consistently demonstrated high levels of self-initiated activity, the ability to be a leader, and use good judgment while assigned to other commands. Officers are expected to possess and maintain excellent physical fitness as well excellent firearms proficiency. Following an eight (8) week tactical and plainclothes patrol training course, BSO personnel are assigned to two-officer plainclothes patrol duties in unmarked, non-descript vehicles.
  - BSO is responsible for Special Weapons and Tactics assignments. These include the execution of high-risk search warrants, search and apprehension of violent and armed perpetrators, response to armed and barricaded subjects and some hostage situations. Other tactical assignments may include assignments to special events, crowd control situations, dignitary protection and escorts, and tactical vigilance patrols.

- The NCPD has a very conservative policy regarding the deployment of the BSO Tactical Team and search warrants. The number of court approved search warrant executions by our tactical unit in the last three (3) years have been minimal.
- The Nassau County Police Department does not utilize surplus military equipment for crowd control. The only surplus military equipment obtained through the NYS Military Program 1033 are the high-water vehicles used during natural disasters.

## Modifications, Modernizations and Innovations:

- Historically, crowd management techniques were based upon long standing tactical formations and riot control. While these methods are still legitimate when violence is occurring; today the NCPD prefers to rely upon pre-operational planning, communication and collaboration, when possible, to achieve public safety and protect civil liberties.
- It is the vision for the future of the Department and the community:
  - to maintain and enhance the confidence and trust of the people we serve,
  - continually strengthen and expand the partnerships between the police and the community,
  - maximize community participation in identifying problems, developing solutions, and establishing relevant Department priorities and policies and,
  - strive to effectively resolve problems of the communities we serve while protecting life and property.

# Supporting Officer Well-Being

As stated in the NYS Guidance, law enforcement is inherently a physically and emotionally dangerous job. Nassau County is committed to supporting and promoting the physical, emotional, and mental wellness of the men and women of the NCPD.

## Review:

- The NCPD Office of Health and Welfare reports directly to the Commissioner of Police. Law Enforcement leadership is made aware of current trends, both physically and emotionally, of the department's members.
- Confidential meetings and counseling with licensed social workers are available to members of the NCPD through the Employee Assistance Office. At times, officers can be mandated to Employee Assistance by supervisors.
- The Department utilizes the Nassau Cares Application on all departmental phones and encourages officers to add the site to their personal phones to have instant access to references for help for a variety of concerns.

- During the course of a career in law enforcement, an officer will likely be exposed to a traumatic event (i.e. death of a child, mass casualty incident, etc.). Traumatic events are covered by the NCPD Peer Support Team who respond to scenes and/or hospitals and other locations as needed. This team is available twenty-four (24) hours a day, seven (7) days a week.
- The Department understands the stress level of an Officer could be correlated with the length of a shift. Nassau County Police Department's Officer Charts are negotiated by the unions and County. NCPD observes a nine (9) hour rule which states, once a Member signs off-duty, they are not permitted to sign on-duty for a minimum of nine (9) hours. This rule promotes officer wellness by ensuring NCPD members have adequate time to rest and recharge between tours.

## Modifications, Modernizations and Innovations:

- The Nassau County Police Department Wellness Committee was established in November of 2018 to coordinate the efforts of the Employee Assistance Office and Peer Support Group.
  - This committee consists of department representatives from Medical Administration Office, Legal Bureau, Employee Assistance Office, Police Benevolent Association, Superior Officers Association, Detectives Association, Police Academy and Pastor Derek Garcia. The Committee meets monthly to discuss and implement initiatives to support members' physical and mental wellbeing.
  - The Wellness committee hosts health-related voluntary seminars and training sessions. Additionally, they recommend current issues and topics to be covered during mandatory in-service training.

# Transparency

## Review:

The community has expressed interest in various categories of police department reporting. Previously, the NCPD reported crime statistics on the Department webpage, all other request for statistics needed to be requested through a Freedom of Information Law (FOIL) request.

Nassau County Police Department Policy 4401 (annexed hereto as Exhibit K), discusses "Openness in Operations". The Department views openness in matters of public interest an issue of importance. The Police Department strives to disseminate accurate and factual accounts of occurrences of public interest, consistent with the protection of legal rights, the safety of persons involved, and with consideration for maintaining the confidentiality of certain department records. In addition, the Department strives to make known its policies and objectives.

## Modifications, Modernizations and Innovations:

- In recognition of fostering trust and fairness through police reform, as mentioned in prior sections and summarized below, NCPD will be publicizing data and issuing reports to be posted on the Department's website:

- Use of Force- The NCPD will issue a bi-annual Use of Force Report and will include statistics on event circumstances, demographics, type of force used and a breakdown by community. The Use of Force Report is posted on the Nassau County's webpage available for public review:  
<https://www.nassaucountyny.gov/DocumentCenter/View/30664/Use-of-Force?bidId>
- Civilian Complaints- Bi-annual report will include the percentage of civilian complaints for each of the following categories: excessive use of force, false arrest, improper tactics/procedures, neglect of duty, police impersonator, racial/ethnic bias, unlawful conduct, unprofessional conduct, violation of department rules and other. Statistical data for founded findings in the unlawful conduct category will be disclosed. This report is posted on the Nassau County website:  
<https://www.nassaucountyny.gov/DocumentCenter/View/30496/IAU-Reporting-Data-?bidId>
- Crime Statistics- Monthly major crime statistics are posted on the Department's website. Data is available county-wide and broken down by precinct. Major crime categories are murder, rape, criminal sexual act, sexual abuse, robbery other, robbery commercial, assault felony, burglary residence, burglary other, stolen vehicle, grand larceny and all other crime reports. These statistics are available here:  
<https://www.pdcn.org/DocumentCenter/View/556>
- Arrest Statistics- Arrest data is disclosed in a bi-annual report on Nassau County's website. The report includes arrest demographics, top five crimes that result in arrest, and top arrest communities. This report is posted on the Nassau County website:  
<https://www.nassaucountyny.gov/DocumentCenter/View/30754/Arrest-Data?bidId>
- Summons and Field Stop Data- A report will be issued bi-annually detailing summonses issued by location, top summons categories, gender, and race. This report is available on Nassau County's website:  
<https://www.nassaucountyny.gov/DocumentCenter/View/30670/Nassau-County-Police-Department-Summons-Reporting-and-Findings?bidId>
- Bias Incidents/Hate Crimes- This bi-annual report will breakdown bias incidents and hate crimes reported to the NCPD categorized by bias. A sample of this report is attached hereto as Exhibit R.
- The NCPD has recently shared their in-service training curriculum with representatives from Nassau County Office of Minority Affairs and received positive feedback. The NCPD values community input and released the new in-service training lesson plan (attached hereto as Exhibit C).

# Conclusion

The NYS Guidance asked that the Department plan include how success is measured. In many ways, the NCPD has achieved success through the engagement with our community stakeholders. Nassau County and the NCPD will continue to monitor and measure the success of this plan by reviewing data, expanding and modifying our training and by listening to the community.

Following its comprehensive review of policies and procedures while engaging with members of the community on issues which relate to police reform and strengthening trust, the NCPD has re-defined its definition of duty to read as follow (*changes in bold print*):

**With equity before the law**, it is the Nassau County Police Department's duty, at all times of the day and night, **to uphold trust, fairness and sustained legitimacy**, protect life and property, prevent crime, detect and arrest offenders, preserve the public peace, and enforce all laws and ordinances over which the Police Department has jurisdiction.

# Executive Summary

Pursuant to the directives of EO203 and following the subsequent guidance provided by New York State, the NCPD has conducted a comprehensive review of its policies and procedures. After collaborating with community stakeholders as described above, receiving input from members of our community, the NCPD has proposed several modifications to its policies and procedures.

## Department Staffing:

- The NCPD has implemented a mentoring program which matches applicants with mentors at the NCPD. This initiative is facilitated by the fraternal organizations of the NCPD which include: Nassau County Guardians Association, Nassau County Police Hispanic Society, LGBTQ of Nassau County, Columbia Police Association of Nassau, Nassau County Association of Women Police, Police Emerald Society of Nassau County, and Shomrim Society of Nassau County. Applicants can contact the fraternal organization they feel will be best suited to provide guidance in their application process.

## Training:

### New Annual In-Service Training

To ensure officers are aware of recent legislation and newly implemented department policies and procedures related to EO203 mandates, the Nassau County Police Department formulated an innovative in-service training curriculum.

- Legal updates to include EO203 mandates, NYS Penal Law Aggravated Strangulation, disciplinary records repeal (NYS Civil Rights Law §50-a), NYS Civil Rights Law §79-p Right to Monitor, Establishment of the Law Enforcement Misconduct Office, as well as any other legal revisions or updates which must be brought to the attention of the Members of the NCPD.
- Use of force review, reaffirming the definition of reasonableness and necessity, misuse of force, use of force reporting and priority of life discussion
- De-escalation, maintaining control over oneself, the five universal truths to human interaction, communication, active listening, and the principles of impartiality
- Procedural justice, police legitimacy and the benefits thereof
- Ethical and moral courage and the duty to intercede/intervene
- Fundamental crisis intervention, indicators of emotional stress, communication, and treatment, recovery and resources
- Implicit bias, implicit/preference, explicit/conscious preference and confirmation bias
- Leadership, changing ourselves and our organization internally to assist in reflecting positive change on the interactions of those we serve

## Yearly Bias Training and Exam

Similar to the sexual harassment and hazardous materials training, all sworn and civilian members of the NCPD are now required to participate in yearly online anti-bias instruction. Immediately following the training, members must pass an exam exhibiting their understanding.

## Use of Force

- The NCPD has self-audited the Use of Force Reference Guide and made any necessary updates.
- Department Administrative Order 20-015 was issued on June 25, 2020 to remind department members that the Carotid Restraint or “Chokehold” is not an authorized use of force technique except in situations where deadly physical force is being asserted to a Member of the Department or another.
- The department will issue a bi-annual Use of Force Report and will include statistics on event circumstances, demographics, type of force used, and a breakdown by community. The Use of Force Report is posted on the Nassau County’s webpage available for public review.
- The NCPD will be implementing a body worn camera program next year. This will be an additional tool used to evaluate incidents involving use of force and will offer an additional layer of transparency relating to interactions between NCPD members and members of the community.
- Members of the Commissioner’s Executive Staff will be holding quarterly meetings with the Office of the County Attorney to discuss pending litigation, settlements and verdicts. Cases involving allegations of Use of Force will be included in these meetings. This will allow the NCPD to monitor these cases for any trends within a particular unit or bureau or by a specific officer.
- The new police academy will help to improve use of force training as the facility will allow for more hands-on training and role playing. The new academy is located in the center of the County on the campus of the diverse Nassau County Community College. The NCPD and the NCCC will partner and implement cross training with students in regards to implicit bias awareness and community engagement.
- As of April 1, 2021, the Attorney General’s Law Enforcement Misconduct Office has the authority to investigate police department complaints concerning matters such as corruption, fraud, excessive force, criminal activity, conflicts and abuse.

## Body Cameras

- It is anticipated that the NCPD will be implementing a body worn camera program this year. Nassau County and the NCPD has contracted with an advisor to assist with the implementation of this program. The County is still reviewing vendors and contacting other law enforcement agencies to obtain further insight on their experiences with their vendors.

- The Department, in conjunction with the advisor, will review all best practices provided by the Major Cities Chiefs Association and adapt those practices to implement a program that best serves the police department and the residents of Nassau County.

## Vehicle Stops

- The NCPD is making improvements to traffic summons recording and collection of demographics. The NCPD Information Technology Unit in conjunction with New York State Police, implemented changes to the NYS TraCS system and race and ethnicity data will now be recorded.
- NCPD Department Special Order 20-047, Field Stop Data Collection was issued on September 25, 2020 commanding officers to record the gender and race/ethnicity of the person(s) subject to field stops and traffic stops. Officers are also required to record a disposition code indicating if the person(s) stopped were:
  - summons(es) issued,
  - warning issued,
  - no police action was taken,
  - interview conducted,
  - a case report was generated,
  - an arrest was made.
- After collecting the data as described above, the NCPD will release a bi-annual statistical report on summons. This report will include data on summonses issued by location, top summons categories, gender, and race/ethnicity. The Summons Report is posted on the Nassau County's webpage available for public review.
- By recording demographic data for summonses, the NCPD will be able to track and review any apparent disparity and address the same through retraining on implicit bias specifically related to car stops and reestablishing the notion of respect for all.

## Procedural Justice, Systemic Racial Bias and Racial Justice in Policing

### Procedural Justice

#### Young Adult Council (YAC)

- The initiated a Young Adult Council (YAC) in every precinct.
  - Each council will contain a minimum of six (6) members between the ages of seventeen (17) and twenty-three (23) with different social views such as community leaders, law enforcement explorers and other influencers who impact other young adults in their communities.
  - These YACs contain members from a cross section of each of the diverse communities that make up each of Nassau's eight (8) precincts.

- The selection of the YAC guest speakers is determined at the precinct level. Members of the community who are invited to speak adequately represents the demographics of those precincts' respective jurisdictions.
- The YAC has been meeting monthly since October. These meetings will continue to aid the NCPD in understanding the needs of these individuals and how the NCPD can meet those needs. The YAC members are the future of our County and our country and it is imperative their voice is heard.

## Language Access Plan

In 2019, the Nassau County Police Department implemented the Language Access Plan.

- In a continued effort to enhance communication with our community, all NCPD patrol cars were issued iPhones to create easy access to the language line.
- The Language Line Application gives the citizen an opportunity to video conference with an interpreter to ensure both parties can properly articulate themselves and understand each other.
- The Language Line provides a sign language option for residents who are hard of hearing.
- The NCPD is also in the process of introducing a text-to-911 program.

## Systemic Racial Bias and Racial Justice in Policing

### Appearance Tickets in Lieu of Arrest for Marijuana Offenses and Petit Larcenies

- One of NCPD's law enforcement strategies is to reduce racial disparities is to issue appearance tickets in lieu of arrests for marijuana offenses. NCPD Department Policy OPS 2133 Marijuana/THC Offenses Field Processing and OPS 2132 Petit Larceny Field Processing, directs officers to issue an appearance ticket for a marijuana and petit larceny offenses at the place of occurrence.

### Summons and Field Stop Tracking

- The NCPD is making improvements in our summons tracking policies to record demographics on the citizens stopped.
  - Department Special Order 20-047, Field Stop Data Collection was implemented and directs officers to collect demographic data during traffic and field stops.
  - By tracking demographics in this capacity, the Department is taking steps to eliminate any biases and disparities in ticketing.

## Implicit Bias Awareness Training

- All sworn and civilian members of the NCPD are now required to participate in yearly online anti-bias instruction. Immediately following the training, members must pass an exam exhibiting their understanding.

- Community Affairs is currently working on a new video titled, “Respect and Responsibility”. This video is a community information project designed to demonstrate the effect of a perceived negative encounter with a police officer by a member of the community. The video also provides information on how the community can report these incidents. Once completed, this video will be shown to NCPD members during in-service training and is expected to be widely publicized in schools and on the NCPD’s social media platforms.
- The NCPD was made aware of the need to address police encounters with transgender residents. The Department is in the process of completing a policy addressing these interactions.
- The NCPD will be expanding its community engagement programs. Participation in these programs not only strengthens the relationship between the police and community members but also serves as “hands-on” anti-bias training.

## Hate Crimes

- The NCPD has implemented a Precinct Bias Crime Coordinator in every precinct. Previously, the Department only had a Department Bias Crime Coordinator. The precinct-level coordinator will review all bias incidents and hate crimes to determine commonalities and trends specific to its jurisdiction. The precinct coordinator will report to and collaborate with the Department coordinator to determine any County-wide patterns.

## Prohibited Race-Based 911 Calls

- Section 79-n subdivision 2 of the New York State Civil Rights Law was amended to establish civil penalties for a person who intentionally summons a Police Officer or Peace Officer without reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property, 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.
- A person in violation of this law is liable in a civil action for injunction relief, damage, or any other appropriate relieve in law or equity.
  - Legal Bulletin 20-004 was issued notifying the Members of the Police Department of this new law.
  - In an effort to eliminate race-based 911 calls, the NCPD has added the modus operandi code of “Race Based False 911”. By adding this MO code, it permits an officer who takes a report, or an officer or detective who makes an arrest, to add this MO code if it applies to the incident thereby enabling the Department to track these incidents and easily research incidents should they occur.

## De-Escalation Training and Practices

- All use of force incidents are reviewed to ensure de-escalation techniques were utilized if possible. The success of de-escalation training and practices is gauged though the review of use of force reports and heeding suggestions from the community.

- The NCPD will cross reference collaboration with community stakeholders to learn about cultural differences that may inadvertently lead to escalation. This input will be incorporated into future de-escalation training.
- De-escalation is a topic covered in the new in-service training curriculum. By reviewing de-escalation annually, it ensures officers are trained in the most current and effective techniques.
- In situations where de-escalation was not successful and force is necessary, the data is collected and reported bi-annually.

## Law-Enforcement Assisted Diversion Programs (LEADS)

- The Nassau County Police Department, in conjunction with community leaders, saw the opportunity for diversion by addressing the at-risk youth in the community. The Youth Police Initiative, (YPI) is focused on bringing together at-risk youth, who have a negative perception of police, with the local beat officers.
- The Nassau County Police Department recognized the need for a strategy to combat the opioid epidemic. The multi-faceted, five-prong approach known as Operation Natalie was created. Through awareness, education, enforcement, diversion, treatment and after care visits concentrated in the communities hardest hit by the opioid epidemic, the County began to see a decrease in fatal and non-fatal overdoses. The primary goals of this initiative is to create an open dialogue with residents, reduce crime, and address the impact the opioid crisis has on the community.

## Restorative Justice Practices

- The Nassau County Police Department participates in the NYS DCJS Gun Violence Elimination (GIVE) Program and Grant Incentive. One of the many GIVE initiatives is to assist in reintegrating individuals into society.
  - Reintegrating is achieved through collaboration with state agencies such as Probation and the Department of Corrections as well as supporting the work of the Community Partnership Program (CPP).
  - The CPP employs former gang members as outreach workers to engage with groups and individuals involved in gang related activities. CPP workers assist people with efforts such as tattoo removal, job training and parenting workshops for individuals who leave gang life and want become more involved in the lives of their children.
  - As a GIVE partner, the Nassau County District Attorney's Office requested funding through the GIVE Initiative to hire a social worker to meet with at-risk youth and individuals who are integrating into society after involvement in gang and gun violence. With the assistance of a social worker, these individuals will be aware of the availability and accessibility of services (educational, vocational, social and mental health) as well as the support needed to navigate through these services. Social workers will advocate for these individuals, supporting, protecting and encouraging them through times when they may feel vulnerable and alone.

## Community-Based Outreach and Conflict Resolution

- NCPD Patrol Division Administrative Order, PDAO 12-008, 002 encourages police officers to engage with all members of the community through “Park, Walk and Talk.” The main objective is to build trust and communication with members of the community an officer might not otherwise encounter.
  - During some of these interactions, officers may request businesses and places of worship, to complete Infrastructure Forms. The information recorded on Infrastructure Forms is entered into a database maintained by the NCPD Intelligence Section. In the event of an emergency, or if the Department needs to contact business owners for any reason, the NCPD uses the Infrastructure Database. By collecting and maintaining this database, the NCPD is able to demonstrate its commitment not only to the personal safety of our residents but also to their businesses and places of worship.
- The NCPD has realigned our Community Oriented Police Enforcement (COPE) Unit. Originally, COPE reported directly to the Office of the Commissioner of Police. As per Department Order 20-020, effective on July 27, 2020, COPE is now a part of the Community Affairs Unit. This restructuring reflects the NCPD’s position that it is important to have COPE officers work alongside the members assigned to Community Affairs. These officers also work closely with precinct POP Officers.
- This year, as a result of input from the community, PAL programs were added to Lawrence, Elmont and Roosevelt.
  - The NCPD agrees that increased interaction between the police and the community in positive situations is one of the strongest tools for building bridges and creating trust between officers and residents. Accordingly, subsequent to the opening of the new police academy this summer, the NCPD will host PAL sponsored community sporting events, barbeques, and additional education and awareness programs (provided COVID restrictions allow).
- The NCPD will be implementing a new bike patrol program in Roosevelt referred to as “Cops on Bikes”. Officers whose demographics parallel those in Roosevelt, have been selected and trained on patrolling while on bicycles.

## Problem-Oriented Policing and Hot Spot Policing

- Department Special Order 20-047, Field Stop Data Collection was issued on September 25, 2020. This order commands officers to record the gender and race/ethnicity of the person(s) subject to field stops and traffic stops in order for the Department to review and investigate any potential biases and disparities in stops by an officer and take corrective action.
- In 2002, the NCPD initiated “Nass-Stat”, which is based on the “CompStat” model used and created by the New York City Police Department. In 2012, Nass-Stat became “Strat-Com” (Strategic Communication).

- Strat-Com is an evidence-based approach to crime fighting and addressing community conditions and quality-of-life concerns. This model incorporates many tenets of the Problem Oriented Policing evidence-based approach, as it looks at large scale problems rather than individual crimes. It also directly correlates to the integration of other evidence-based approaches, which allows the Nassau County Police Department to utilize civilian intelligence analysts to complete comprehensive in-depth analysis of the underlying problems and people involved in criminal activity.
- Analysis conducted on a daily, weekly and monthly basis allows for focused strategic planning rather than general unfocused enforcement which is often intrusive to the involved communities.
- The opening of the new NCPD Police Academy will enable the Department to better utilize technology and more effectively engage the public by hosting various events and programs.

## Focused Deterrence

- The Intelligence Unit began to identify known offenders for each precinct. An analysis of persistent offenders in high crime areas are considered along with other factors. Individuals who meet the criteria are designated top offenders for each jurisdiction.
- In order to ensure focused deterrence practices are enforced equally in all communities, supervisory review of officer interactions will be conducted, followed by a review by the Commanding Officer of each precinct. Also, civilian complaint tracking will determine if the officer engaged in the improper application of focused deterrence.
- To involve the community in the NCPD's focused deterrence efforts, focused deterrence strategies will be added to the Civilian Police Academy and the Youth Police Academy. Any feedback from attendees will be incorporated into the focused deterrence segment of in-service training.

## Crime Prevention Through Environmental Design (CPTED)

- In furtherance of its efforts to foster trust, fairness and legitimacy, the NCPD will work with community stakeholders to map and photograph CPTED concerns and present their findings to community members and coalition groups. Once community buy-in has been achieved, the NCPD can work with the public to correct the CPTED concerns.

## Violence Prevention and Reduction Interventions

- The Nassau County District Attorney's Office has implemented an Intelligence Based Prosecution Initiative. The NCPD Intelligence Unit provides the NCDA's office with intelligence workups which identifies violent crime top offenders. These workups identify past violent criminal activity, self-admitted criminal activity, gang affiliations, police contact and past drug use/sales.

- Results of these investigations continue to offer solid evidence, which could be used to apply for search warrants, develop probable cause for arrests and support the prosecution of violent offenders.
- The NCPD and NCDA partnership uses statistical analysis, intelligence derived from precinct debriefings, confidential informants, field stops, and post-arraignment debriefings to determine the primary sources of the gun and gang violence.
- The NCPD participates in the NYS DCJS Gun Involved Violence Elimination (GIVE) program and grant incentive. The GIVE initiative is integral in Nassau County's continued effort to prevent and reduce violent crime. This initiative focuses on an appropriate balance of street level enforcement, community engagement, youth education and intelligence-based strategies. The NCPD takes a proactive approach by identifying and targeting the underlying issues associated with Nassau County's violent crime through strategies that include the four (4) core elements of GIVE: people, places, alignment and engagement.
  - The NCPD collects a great deal of information, such as the identification of individuals who possess, sell or use illegal firearms, the location of gun stashes, the threat of gun violence by individuals or groups, and the proactive collection of ballistics and DNA for the purposes of pattern and/or offender identification.
    - The Department instituted a firearm tracking initiative entitled Tracking All Guns (TAG). This allows the Department to track cases, arrests, serial numbers, types, makes and models of guns, dates, locations, circumstances and times of the recoveries, crime guns, and other gun related data.
  - The GIVE Program and the NCPD violent crime strategy is reviewed regularly. This assessment is critical to ensure the Department is focusing resources in the right locations in the most effective and efficient way possible.
- In 2019, a physical altercation between minors gained national press coverage. This incident took place in Oceanside and two (2) participants were stabbed. In response, Community Affairs offers violence prevention and bystander responsibility trainings. There is empirical data that suggests bystander intervention campaigns are successful in increasing the notion that persons witnessing a crime or incident should get help from others and call 911.

## Complaint Tracking

- The NCPD has updated its webpage to allow individuals to attach a video or other documentary evidence along with the submission of a complaint.
- The department will be providing the complaint form in a variety of languages so that persons with limited English proficiency can more easily submit a civilian complaint.
- In accordance with the repeal of section 50-a of the New York State Civil Rights Law and the amendments to Article 6 of the New York State Public Officers Law (Freedom of Information Law), founded complaints and dispositions thereof will be made available to the public as required by

law. Legal Bulletin 20-003, was issued notifying the Members of the Department, the change to the law. The Police Department's Deputy Commanding Officer of Legal Bureau, as the Record Access Officer, has been tasked with providing the appropriate information to the public when requested.

- As a result of the repeal of Civil Rights Law 50-a and in the interest of transparency, the NCPD will issue a bi-annual report on civilian complaints. This report will include the number of complaints and allegations broken down by the nature of the complaint and the gender and race of the complainant, when provided. The details of founded findings will be included in the unlawful conduct category.
- Beginning April 1, 2021, the Attorney General's Law Enforcement Misconduct Office has the authority to investigate police department complaints concerning matters such as corruption, fraud, excessive force, criminal activity, conflicts and abuse.

## Mental Health and Homelessness

- After review of the NCPD Policy on Mental Aideds, areas for improvement were identified and amendments were made. When a 911 call is received regarding a person who acts in a manner consistent with a mental aided person; in addition to assigning two (2) police officers and a department ambulance, the Police Communications Operator also assigns a Patrol Supervisor and, if the person is reported as violent or is barricaded, the NCPD Emergency Services Unit. The supervisor on the scene will contact MCOT and advise of present situation and in turn, will receive guidance.
- Communication Bureau Operators will receive additional training on fielding mental health calls for service. The Mobile Crisis Outreach Team will be providing 911 Call Takers with a script to utilize when caller appears to be under mental distress.
- It has been suggested that police reform should include eliminating a police response to calls for individuals experiencing mental illness related distress. The NCPD has participated in these discussions and has heard the concerns of the stakeholders. The NCPD is aware of the value of having a mental health professional at these scenes and is working on establishing a "dual response" model with the Mobile Crisis Unit in these cases.
- Legislation was passed in June of 2020, to form a committee to review best practices in response to mental health in Nassau County. The committee will present their proposal to the Legislature as requested, the recommendations are as follows:
  - 911 Operators will inquire with caller by asking a series of questions provided by MCOT to determine if the caller can be referred directly to MCOT diverting from police involvement.
  - In situations where emergency response is warranted, a supervisor will respond and notify MCOT from the scene.

## Crowd Control

- Historically, crowd management techniques were based upon long standing tactical formations and riot control. While these methods are still legitimate when violence is occurring; today we prefer to rely upon pre-operational planning, communication and collaboration, when possible, to achieve public safety and protect civil liberties.
- It is our vision for the future of the Department and the community, to maintain and enhance the confidence and trust of the people we serve. Continually strengthen and expand the partnerships between the police and the communities we serve. Maximize community participation in identifying problems, developing solutions, and establishing relevant Department priorities and policies. Strive to effectively resolve problems of the communities we serve while protecting life and property.

## Supporting Officer Well Being

- The Nassau County Police Department Wellness Committee was established in November of 2018 to coordinate the efforts of the Employee Assistance Office and Peer Support Group.
  - This Committee consists of department representatives from Medical Administration Office, Legal Bureau, Employee Assistance Office, Police Benevolent Association, Superior Officers Association, Detectives Association, Police Academy and Pastor Derek Garcia. The Committee meets monthly to discuss and implement initiatives to support members' physical and mental wellbeing.
  - The Wellness Committee hosts health-related voluntary seminars and training sessions. Additionally, they recommend current issues and topics to be covered during mandatory in-service training.

## Transparency

- In recognition of fostering trust and fairness through police reform, as mentioned in prior sections and summarized below, NCPD will be publicizing data and issuing reports to be posted on the Department's website:
  - Use of Force- The NCPD will issue a bi-annual Use of Force Report and will include statistics on event circumstances, demographics, type of force used and a breakdown by community. The Use of Force Report is posted on the Nassau County's webpage available for public review:  
<https://www.nassaucountyny.gov/DocumentCenter/View/30664/Use-of-Force?bidId>
  - Civilian Complaints- Bi-annual report will include the percentage of civilian complaints for each of the following categories: excessive use of force, false arrest, improper tactics/procedures, neglect of duty, police impersonator, racial/ethnic bias, unlawful conduct, unprofessional conduct, violation of department rules and other. Founded findings statistical data in the unlawful conduct category will be disclosed. This report is posted on the Nassau County website:

<https://www.nassaucountyny.gov/DocumentCenter/View/30496/IAU-Reporting-Data-?bidId>

- Crime Statistics- Monthly major crime statistics are posted on the Department's website. Data is available county-wide and broken down by precinct. Major crime categories are murder, rape, criminal sexual act, sexual abuse, robbery other, robbery commercial, assault felony, burglary residence, burglary other, stolen vehicle, grand larceny and all other crime reports. These statistics are available here:  
<https://www.pdcn.org/DocumentCenter/View/556>
- Arrest Statistics- Arrest data is disclosed in a bi-annual report on Nassau County's website. The report includes arrest demographics, top five crimes that result in arrest, and top arrest communities. This report is posted on the Nassau County website:  
<https://www.nassaucountyny.gov/DocumentCenter/View/30754/Arrest-Data?bidId>
- Summons and Field Stop Data- A report will be issued bi-annually detailing summonses issued by location, top summons categories, gender, and race. This report is available on Nassau County's website:  
<https://www.nassaucountyny.gov/DocumentCenter/View/30670/Nassau-County-Police-Department-Summons-Reporting-and-Findings?bidId>
- The NCPD has recently shared our in-service training curriculum with representatives from Nassau County Office of Minority Affairs and received positive feedback. The NCPD values community input and released the new in-service training lesson plan.

# Exhibits

- Exhibit A: NCPD Police Reforms Community Meetings ..... 71
- Exhibit B: Meet the NCPD ..... 75
- Exhibit C: 2020 In-Service Lesson Plan ..... 86
- Exhibit D: Form 258 Use of Force Report ..... 95
- Exhibit E: NCPD Use of Force Reference Guide ..... 98
- Exhibit F: Legal Bulletin 20-004 ..... 212
- Exhibit G: Admin. Order 20-015 Carotid Restraint ..... 218
- Exhibit H: Legal Bulletin 09-006 ..... 219
- Exhibit I: Department Procedure OPS 6460 Vehicle Pursuit ..... 225
- Exhibit J: Department Special Order 20-047 Field Stop Data Collection ..... 233
- Exhibit K: Department Policy Police Operations POL 4000
  - POL 4103 Racial Profiling .....236
  - POL 4401 Openness of Operations .....241
  - POL 4403 Respect for Individual Dignity ..... 241
  - POL 4410 Liaison with Community Groups ..... 241
- Exhibit L: Article 5 Standards of Conduct
  - Rule 1 Dedication to Duty ..... 243
  - Rule 5 Keeping Supervisors Informed ..... 244
  - Rule 6 Respect ..... 244
- Exhibit M: The Language Access Plan .....249
- Exhibit N: Marijuana/THC Offenses Processing Department Policy OPS 2133 .....256
- Exhibit O: Legal Bulletin 19-004 ..... 257
- Exhibit P: Petit Larceny Field Processing Department Policy OPS 2132 .....262
- Exhibit Q: Bias Incidents/Hate Crimes Department Procedure OPS 8130 .....263
- Exhibit R: Bias Incidents / Hate Crimes Report .....268
- Exhibit S: Legal Bulletin 20-004 .....269
- Exhibit T: Admin. Order 20-002 Park, Walk, and Talk .....275
- Exhibit U: Infrastructure Form .....276
- Exhibit V: Admin. Order 20-020 Realignment of COPE .....277
- Exhibit W: Criminal Procedure Law 140.50 .....278
- Exhibit X: Admin. Order 1211 Civilian Complaint Investigations .....279
- Exhibit Y: Legal Bulletin 20-003 .....288
- Exhibit Z: Complaint Reporting and Findings Report .....292
- Exhibit AA: Mental Aided Persons Department Policy OPS 1155 .....305
- Exhibit AB: Hostage Incident/Barricaded Person Department Policy OPS 12600 .....306

Exhibit A

NCPD 'POLICE REFORMS' RELATED MEETINGS				
Date	Time	Groups/ Associations	Notes	Source
6/8/2020	0900	One God - One New York	In Attendance: Honorable Attorney Letitia James, Pastor Archbold Sr., 1st Lady Archbold, Mr. Dowling, Dr. Nemrioff, Patrick Jenkins Congressman Gregory Meeks, Ms Linan - Representing Senator Kamisky, N.C Executive Laura Curran, Commissioner Ryder, Risco Mention-Lewis, SCPD Commissioner, Casas, Legislator Abrahams, Re. Calvin Butts III, Pastor Garcia, Ambassador Malik NadeemAbid, Mr Ralph McDaniels, Dr Harkins	Commissioner Ryder
6/11/2020	n/a	Meet with Taiwanese Ambassador (donation of masks to Headquarters)		Lt Holmes
6/16/2020	1030	Freeport Clergy		Commissioner Ryder
6/16/2020	n/a	Meet with Superintendent of Westbury Mr. Budhai		Lt Holmes
6/18/2020	n/a	Meet with Principal of Park Ave Elementary School Mr. Chambers and Superintendent of Westbury Mr. Budhai		Lt Holmes
6/19/2020	n/a	Meet with Principal of Drexel Ave Elementary School Dr. Toledo and Superintendent of Westbury Mr. Budhai		Lt Holmes
6/22/2020	0900	One God - One New York	In Attendance: Honorable Attorney Letitia James, Pastor Archbold Sr., 1st Lady Archbold, Mr. Dowling, Dr. Nemrioff, Patrick Jenkins Congressman Gregory Meeks, Ms Linan - Representing Senator Kamisky, N.C Executive Laura Curran, Commissioner Ryder, Risco Mention-Lewis, SCPD Commissioner, Casas, Legislator Abrahams, Re. Calvin Butts III, Pastor Garcia, Ambassador Malik NadeemAbid, Mr Ralph McDaniels, Dr Harkins	Commissioner Ryder
6/23/2020	n/a	Meet with Assistant Principal of Westbury Middle School Dr. Baralis and Superintendent of Westbury Mr. Budhai		Lt Holmes
6/24/2020	1730	Police and Community Trust (PACT)		Commissioner Ryder
6/24/2020	n/a	PACT 1st Meeting with South Floral Park Mayor and Defense Attorney Geoffrey Prime (Co-Chair), President of Municipal Police Chiefs Association and Garden City Police Commissioner Kenneth Jackson, Hofstra Law School Professor and former Prosecutor Fred Klein, Student and Community Activist from Freeport representing all communities, Blair Baker, Student and Community Activist from Baldwin, Alexis Holt, Student and Community Activist from Hempstead, Travis Nelson		Lt Holmes
7/1/2020	1530	Bishop Raymond Mackay Helping End Violence (H.E.V.N)		Commissioner Ryder
7/2/2020	1430	Zoom - with Kaplan and Elmont Residents		Commissioner Ryder
7/2/2020	1130	Guardians Meeting w/Smith, Palmer, Ieda McCullough		Commissioner Ryder
7/7/2020	n/a	Meet with Bishop Mackey (assist in delivery of computers to 100 Terrace Ave, Hempstead)		Lt Holmes
7/9/2020	n/a	Meet with Bishop Mackey (assist in delivery of computers to 100 Terrace Ave, Hempstead)		Lt Holmes
7/14/2020	1730	Police and Community Trust (PACT)		Commissioner Ryder
7/14/2020	n/a	PACT 2nd Meeting with South Floral Park Mayor and Defense Attorney Geoffrey Prime (Co-Chair), President of Municipal Police Chiefs Association and Garden City Police Commissioner Kenneth Jackson, Hofstra Law School Professor and former Prosecutor Fred Klein, Student and Community Activist from Freeport representing all communities, Blair Baker, Community Activist from Roosevelt, Tamica Cox, Student and Community Activist from Baldwin, Alexis Holt, Student and Community Activist from Hempstead, Travis Nelson, ADA Ali Ajamu		Lt Holmes
7/16/2020	1000	Zoom - with Elmont Community Jon Johnson		Commissioner Ryder
7/16/2020	1115	Guardians		Commissioner Ryder
7/16/2020	n/a	Heroin Task Force		Lt Holmes
7/21/2020	1100	Chaplains		Commissioner Ryder
7/22/2020	1000	Guardians, Shorim Society, LGBTQ, Womans Association		Commissioner Ryder
7/30/2020	1230	Guardians		Commissioner Ryder
7/30/2020	n/a	Heroin Task Force		Lt Holmes
8/5/2020	1300	Village and City Chiefs		Commissioner Ryder
8/5/2020	n/a	Meet with Lawrence Officials: Mayor of Lawrence Alex Edelman, Lawrence Village Administrator Ronald Goldman, President of Lawrence Civic Association Paris Popack, Met with HAFTR Executive Director Ari Solomon, Five Towns Community Center Executive Director: Met with Brent Hill, Executive Director of Inwood Community Center Meet with Cedarhurst Officials: HAFTR Principal Naomi Lippman, Met with Mayor of Cedarhurst Benjamin Weinstock, Met with JCC of the Great Five Towns Assistant Director: Stacey		Lt Holmes
8/6/2020	1730	Police and Community Trust (PACT)	Open Dialogue	Commissioner Ryder
8/6/2020	n/a	- Meet with Woodmere Officials: Rabbi Barry Dov Schwartz, Young Israel of Woodmere, Met with Congregation Sons of Israel, Rabbi Boruch Bender		Lt Holmes
8/10/2020	14700	Members of the Board 'Five Towns Community Center'	They are all members of the board for the center. In the meeting we discussed setting up PAL and how it would work in the neighborhood as well some other issues that the have a concerns with. One of the things that came out of it as well is that we will be setting up a "town hall" meeting with the community in the next week or two to gather more input from the community.	Lt Holmes
8/11/2020	1755	Zoom - Meeting on Policing, NYS AD18 with Assemblywoman Taylor Darling		Commissioner Ryder
8/12/2020	1800	CCC Meeting #1	LD8, LD9, LD12, LD14, LD17	Commissioner Ryder

Date	Time	Groups/ Associations	Notes	Source
8/12/2020	0900	Food Drive @ Elmont Public Library	Community Affairs was in Elmont at the Elmont Public Library 700 Hempstead Turnpike for a food drive and we met with the community and discussed police reforms	Lt Holmes
8/12/2020	1830	EO203 Remimagining Policing Overview and Q and A	COP and Commanding Officers	Assist Commissionr Casas
8/13/2020	0900	Zoom - Follow Up Discussion with Elmont Community Jon Johnson		Commissioner Ryder
8/18/2020	1530	Zoom - new LE-faith community project – National Faith & Blue Weekend w/USDOJ COPS/ with Commissioner Smith and C.A	Our nation's largest cities and counties need the leadership of the faith community to help find better ways for police and residents to relate to one another. Nearly every major national law enforcement professional and membership organization in the United States, the One Congregation One Precinct initiative (OneCOP), and the three entities in the federal government that deal most directly with local policing are jointly organizing a historic law enforcement-community outreach project. We need your involvement and we want to partner with the Nassau County Police Department in this endeavor.	1st Deputy Commissioner Smith
8/18/2020	1000	Island Harvest and Hicksville community members	CA worked at Food Drive and spoke to community members/food drive attendees about police reforms.	Sgt Pettenato
8/19/2020	1300	Meeting RE: Violence in Hempstead 2020	Attendance: Commissioner Ryder, 1st Deputy Comm Smith, Chief Palmer and Marcellus Morris	Commissioner Ryder
8/19/2020	1800	CCC Meeting #2	LD 10, 11, 13, 15, 19	Commissioner Ryder
8/19/2020	1800	EO203 Remimagining Policing	COP and Commanding Officers	Assist Commissionr Casas
8/20/2020	1800	CCC Meeting #3	LD1, 2, 4, 5	Commissioner Ryder
8/20/2020	0950	Bishop Mackey / Tabernacle of Joy	Bishop Mackey is out of town & he will contact us when he is back.	Sgt Pettenato
8/20/2020	1000	Douglas Mayers / NAACP of Roosevelt	CA sent an email to inform him that we would like to meet in the future to discuss police reform and recruiting for upcoming NCPD Exam	Sgt Pettenato
8/20/2020	1030	Chief Wint / Roosevelt Fire Dept.	Spoke about Recruiting Efforts Through The Fire Dept For NCPD Exam	Sgt Pettenato
8/20/2020	1120	John Williams / Roosevelt Chamber Of Commerce	Arranged to meet at 1500 and spoke about police reforms.	Sgt Pettenato
8/20/2020	1500	John Williams & Andreas Guilty / Roosevelt Chamber Of Commerce	CA spoke about issues concerning the Auxillary Booth in Roosevelt on Washington Ave & Harts Ave. CA also spoke about the legislation that came down from Albany concerning Police Reform. We gave John Williams brochures about upcoming NCPD Exams as well as information about the NCPD Explorer Program.	Sgt Pettenato
8/20/2020	1800	EO203 Remimagining Policing	COP and Commanding Officers	Assist Commissionr Casas
8/25/2020	1900	Zoom - Lakeville Estates w/County Executive	Talking points requested	
8/25/2020	1200	Sadraine Gordon /Wal-Mart Valley Stream	NCPD Community Affairs was invited and attended Wal-Mart in Valley Stream to interact and speak with Associates during their International Culture and Flag Day event about community development and police reform.	
8/25/2020	0900	Yanira Chacon / St. Brigids Church (Westbury)	Called and sent email to St. Brigids church (Westbury) representative to speak with community leaders to speak about police reform.	
8/25/2020	0900	Sergio Argueta/ S.T.R.O.NG	Sent an email to inform him that we would like to meet in the future to discuss police reform and collaboration options with NCPD.	
8/26/2020	1800	CCC Meeting #4	LD 3, 6, 7, 16, 18	Commissioner Ryder
8/26/2020	1200	The Sephardic Temple / Cedarhurst	Meet with religious leaders and spoke about police reform	
8/26/2020	1200	Hewlett Harbor Mayors Office	Meeting with representative of the village mayor's office and spoke about police reform.	
8/26/2020	1500	Online Youth Police Initiative	Zoom call to discuss YPI program going forward	
8/26/2020	1800	NCPD-Community Affairs / Police Headquarters	CCC meeting to discuss community concerns and possible solutions. As well as police reform.	
8/26/2020	1800	EO203 Remimagining Policing	COP and Commanding Officers	Assist Commissionr Casas
8/27/2020	1200	St. Barnabas Rectory / Bellmore	Meeting with Pastor Jeff Yildirmaz to discuss police reform.	
9/1/2020	1400	Massapequa Park Village Hall / Teresa Spinosa	Meeting with Village Mayor Teresa Spinosa and Village Administrator Linda Tuminello. Discussed Community Affairs programs and police reform.	
9/2/2020	1300	Police Reform Meeting w/County Executive		Commissioner Ryder
9/3/2020	1800	Town Hall Meeting, Five Towns Community Center	Community Affairs, P.A.L., Precinct C.O., P.O.P	
9/8/2020	1330	Bishop Rayomd Mackay Helping End Violence (H.E.V.N)	Meeting w/Chief Johnson and Bishop Mackey, Lt Holmes	
9/9/2020	1100	In-service presentation to Minority Affairs	Deputy Smith, Chief Palmer, Insp Kaufman, Boccio, D.C.E Fox, Amy Flores, L.Chitty, F.Mozawalla, ET Simis, Mike Santeramo	
9/9/2020	1430	Mental Health Committee discussions	Com Smith, Chief Sewell, McCummings, D.C.E Fox, Chief Lack, Rose-Lauder, Katie Horst	
9/9/2020	1900	Zoom - JCRC and AIC Leaders	Jewish Community, Adam Novak, Mindy Pearlman	Building Bridges
9/10/2020	1300	Meeting with Fraternal Organizations Re: Police Reform and Initial Mentoring Program		
9/10/2020	1000	Telephone conference on Police Reform - Intel	D/Sgt Croly abnd Intel Analyst	
9/10/2020	1900	Zoom - Interfaith Community leaders forum on Police Reform	Jay Rosenbaum, D.C.E Fox, C.E Curran, Karen Contino, Mindy Maiman	
9/14/2020	1100	Nostrand Gardens (Uniondale and Hempstead) Civic Association Community Zoom Meeting	Discussed Community issues, police reform and future endeavors.	
9/15/2020	1200	Hesham Khafaga, Community Leader / Franklin Square	Discussed Community issues and police reform, future endeavors and ways to better the relationship with the pop officers.	Sgt Pettenato
9/16/2020	1000	Rev. Mestizo, Religious leader / Roosevelt	Discuss relationship with PD and Hispanic Evangelicals, and police reform.	Sgt Pettenato
9/17/2020	1730	Police and Community Trust (PACT) 4th Meeting		
9/22/2020	1600	Zoom - Delta Sigma Theta Sorority	Kiera Bryant	
9/23/2020	1900	PO Johannessen / Westbury	Explorer Program and Police Reform discussed via zoom meeting.	Sgt Pettenato
9/23/2020	1400	East Meadow / Westbury	Meeting with local Christian and Hispanic leader, spoke on police reform.	Sgt Pettenato
9/23/2020	1900	Farmingdale HS	Explorer Program recruitment and Police Reform discussed.	Sgt Pettenato
9/24/2020	1800	Zoom - Hispanic Community Leaders	Community Leaders and the NCPD Executive Staff, C.O., D.C.O	
9/24/2020	1100	Westbury	Meeting with Local Islam leader Habeeb Ahmed.	Sgt Pettenato
9/24/2020	1800	EO203 with Latino Leader on Reimagining Policing	COP and Commanding Officers	Assist Commissionr Casas
9/29/2020	1300	Cedarhurst Village Hall	Meeting with Trustee Israel Wasser regarding police reform.	Sgt Pettenato
9/29/2020	1300	Zoom Meeting	Explorer zoom bi-weekly mtg (discussed police reform/scams).	Sgt Pettenato
10/5/2020	900	Westbury Our Lady of Hope School	Meeting with community leader regarding faith and blue event and police reform.	Sgt Pettenato
10/6/2020	1300	Police Commissioner Meeting with Clergy, Antioch Baptist Church, 94 James LL Burrell Ave., Hempstead	Attendees: Bishop Philip Elliott, Reverend Earl Thomas, Bishop Lionel Harvey, Bishop Ronald Carter, Reverend Dolores Miller, Commissioner Ryder	
10/6/2020	1430	East Rockaway/Hewlett Harbor	Discussed Community issues, police reform and future endeavors.	Sgt Pettenato

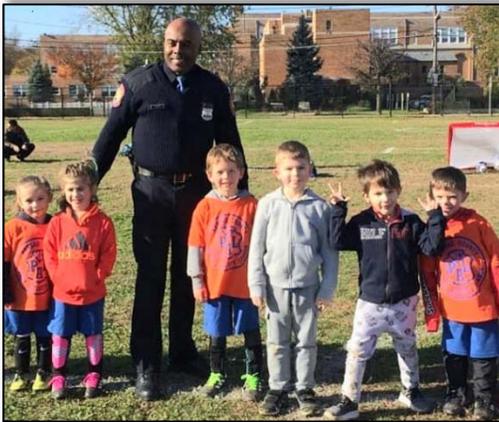




# NCPD CARES ABOUT OUR COMMUNITIES

## COMMUNITY AFFAIRS

Community Affairs plays a critical role in achieving the Department's goals against crime by strengthening community relationships and trust. Community Affairs is a unit that works in conjunction with all divisions of the Department to promote and enhance collaborative decision making between the Department and the communities we serve regarding policing services. With neighborhood-building as a focus, Community Affairs implements projects to meet special needs within each community and develops and maintains programs advantageous to those communities.



*Nassau County PAL soccer game*

Community Affairs offers numerous programs regarding crime prevention awareness, safety tips, bullying and quality of life issues. In addition to addressing matters of public safety, Community Affairs also provides young people with diversion and intervention



*Nassau County Guardians basketball game*

programs. These programs serve a dual purpose: they reduce youth-related crime and enrich the lives of participants. The NCPD provides all of these programs free of charge to the residents of Nassau County. Another important function of Community Affairs is overseeing recruitment for the Department and providing information to individuals interested in a career in law enforcement. In addition to community outreach and informational events, the creation of the mentorship program demonstrates the Department's commitment to inclusivity and diversity when it comes to recruitment.



## RECRUITMENT



Community Affairs handles the ongoing recruitment efforts undertaken by the Department. In an effort to create a more diverse Department, the NCPD has been promoting the Police Officer Civil Service Exam through the Police Department website, distributing pamphlets and utilizing social media platforms. Members of Community Affairs partner with schools, universities, and shopping centers throughout Nassau County and the surrounding areas in order to recruit candidates for various positions (e.g.,

Police Officer, crossing guard, Explorer) in the NCPD. The recruitment effort has a specific focus on diversifying the Department to reflect the communities it serves.

Community Affairs regularly hosts career day-style meetings. At these meetings, Community Affairs Officers go into middle school and high schools and talk about job opportunities available within the NCPD, both as a sworn officer and as a civilian. These career days allow the NCPD to interact with young people and answer any questions they may have about a career in law enforcement.

When there is no entrance exam scheduled, Community Affairs still conducts recruitment for interested candidates through pre-registration and maintains a database of individuals to contact when a test date is announced. The Department has recruitment information published on its main website, social media accounts as well as posters and brochures. Up-to-date recruitment information is available by calling 1-800-RECRUIT.



## **MENTORSHIP PROGRAM**

The NCPD started a mentorship program with its fraternal organizations to help police officer candidates succeed in the application and background investigation process. Candidates are offered the contact information of the fraternal organizations who will be providing information and assistance in navigating the challenges of the hiring process and police academy program. The Department Societies are: Columbia Police Association of Nassau, Nassau County Association of Women Police, Nassau County Guardians Association, Nassau County

Police Hispanic Society, LGBTQ of Nassau County, Police Emerald Society of Nassau County, and Shomrim Society of Nassau County. If a prospective candidate cannot afford the application fee, the Department waives that fee due to economic hardship reasons.

### **WHO ARE THE MENTORS?**

**Columbia Police Association of Nassau:** Fraternal organization comprised primarily of Department Members and other Nassau County law enforcement members of Italian heritage.

- Email: [columbiami@pdcn.org](mailto:columbiami@pdcn.org)

**Nassau County Association of Women Police:** Fraternal organization comprised primarily of female police officers within Nassau County.

- Email: [ncawpmi@pdcn.org](mailto:ncawpmi@pdcn.org)

**Nassau County Guardians Association:** The Guardian Association is comprised of African-American members, both sworn and civilian of the various law enforcement agencies within the County of Nassau.

- Email: [ncguardiansmi@pdcn.org](mailto:ncguardiansmi@pdcn.org)

**Nassau County Police Hispanic Society:** Fraternal organization comprised primarily of Department members and other Nassau County law enforcement members of Hispanic heritage.

- Email: [ncpdhispanicmi@pdcn.org](mailto:ncpdhispanicmi@pdcn.org)

**LGTBQ+ of Nassau County:** This society is not only for members who identify themselves as LGBTQ+, but also for members who support the community. With this society, we hope to support our LGTBQ members and our department's relationship with the Nassau County LGTBQ+ community.

- Email: [lgtbqmi@pdcn.org](mailto:lgtbqmi@pdcn.org)

**Police Emerald Society of Nassau County:** Fraternal organization comprised primarily of Nassau County law enforcement members of Irish heritage.

- Email: [emeraldami@pdcn.org](mailto:emeraldami@pdcn.org)

**Shomrim Society of Nassau County:** Religious organization comprised primarily of Nassau County law enforcement members of the Jewish faith.

Email: [nassaushomrim@gmail.com](mailto:nassaushomrim@gmail.com)

## INTERESTED IN BECOMING A POLICE OFFICER?

### NCPD TEST PRE-REGISTRATION

Questions?  
Call Community Affairs  
516-573-7360

Here are the ways you can find out more information:



- Call: 1-800-RECRUIT
- Click: [www.pdcn.org/test](http://www.pdcn.org/test)
- Scan the QR code

**HOW IT WORKS:** Fill out the Test Pre-Registration Application Form – which can be accessed electronically via the website or the QR code – and submit it. Once the test is announced, the Department will utilize the information provided on the pre-registration form to contact the applicant. After the form is submitted, all applicants will receive a letter listing the participating Police Department societies and associations involving in the mentorship program. Members of these organizations will be ready and able to guide the applicant through the testing and hiring process. Should the applicant decide to participate in the mentoring program, they can contact the society in which they choose to seek guidance from.

### COMMUNITY AFFAIRS - FAST FACTS

- Community Affairs is currently staffed by five (5) supervisors, three (3) lieutenants, two (2) sergeants, fifty (50) police officers, two (2) police service aides and two (2) clerks
- Community Affairs consists of a variety of units and programs that continually create positive and lasting impacts in Nassau County:
  - Community Oriented Police Enforcement (COPE)
  - Nassau County Police Athletic League (PAL)
  - Nassau County Law Enforcement Exploring Program
  - Gang Resistance Education and Training (GREAT) Program
  - Too Good For Drugs (TGFD)
  - Youth and Police Initiative (YPI)

Community Affairs consists of several units and programs, including but not limited to the following:

#### COMMUNITY ORIENTED POLICE ENFORCEMENT (COPE)

COPE is responsible for the initiation of specialized patrols, activities and initiatives to further the mission of the Department. In consultation with the Intelligence Unit, COPE uses crime data to guide their policing activities toward high-frequency offenders and locations. COPE collaborates with other Department units to address crime, including the Bureau of Special Operations (BSO), the Criminal Intelligence Rapid Response Team (CIRRT), and Homeland Security. As part of a comprehensive approach to solving community concerns, COPE also works with outside agencies such as probation and

students to help them avoid resorting to delinquent behavior and violence to solve problems. The program includes a thirteen-lesson middle school curriculum, a six-lesson elementary school curriculum and a summer component. In many instances, the GREAT Program is the first significant interaction the students have with the police and it encourages the belief that the police are a valuable resource. GREAT is a nationally recognized program.

### **TOO GOOD FOR DRUGS (TGFD)**

The Too Good for Drugs program is a school-based prevention program for kindergarten through 12<sup>th</sup> grade which builds on students' resiliency by teaching them how to be socially competent and independent problem solvers. Personnel are trained on how to implement the TGFD curriculum in their classrooms through a "train-the-trainer" program. Almost all school districts in Nassau County participate in the training program and were issued K-12 curriculum at no cost to the districts. The NCPD funds this program using asset forfeiture money.

### **YOUTH AND POLICE INITIATIVE (YPI)**

The Youth Police Initiative is a program with the goal of building trust between the NCPD and the youth of Nassau County. YPI is focused on bringing together at-risk youth who have a negative perception of police with the local beat officers. The primary objectives of the program include: addressing misperceptions, repairing relationships and reestablishing trust between youth and the police. Recognizing that teaching young adults the skills to constructively resolve conflicts with authority requires efforts from both youth and law enforcement, the YPI also teaches police officers to step out of their cars and have genuine conversations. By creating an open dialogue between the NCPD and youth, the goal of the YPI is to ultimately break down existing barriers, stereotypes, and biases. Through honest communication and positive experiences fostered by the YPI, the NCPD strengthens police-youth relations in lasting ways.

### **NASSAU COUNTY POLICE ACTIVITY LEAGUE (PAL)**

Created in 1940 by Nassau County's first Police Commissioner Abraham Skidmore in 1940, the Nassau County Police Boys Club served as the precursor to the Nassau County Police Activity

League (PAL) until 1987 when the organization was renamed. The mission statement of the Nassau County Police Activity League, which has remained unchanged since its inception, is to operate youth clubs and provide sports, crafts, educational and other programs of a

team and individual nature for all boys and girls in Nassau County, regardless of race, religion, income or disability. The primary objectives of PAL include: preventing juvenile delinquency, dissuading



*1973 Police Boys Club go-kart event*



*1971 Inwood Police Boys Club basketball team*

youth from engaging in gang activity, and creating a positive environment for police and community interaction.

PAL currently has 28 units, which span over 40 different communities in Nassau County and include more than 40,000 youth participants. PAL offers a variety of activities and programs which include, but are not limited to sports, crafts, and educational courses. The NCPD provides each PAL with Police Officers who assist with overseeing the unit and interact with the communities' youth. The Officers assigned to PAL not only foster positive public relations between the public and the police, but also serve as the conduit between members of the community. While the NCPD provides Officers to support the PAL units, it is more than 4,400 community volunteers who serve as coaches, staff, and administrators. Each volunteer is vetted and background checks are conducted to ensure safe and positive interactions within the community. Although created by the NCPD, the success of the PAL program is wholly dependent upon the dedication, enthusiasm, and efforts put forth by volunteers.



### ***PAL - FAST FACTS***

- PAL is a non-for-profit organization that is operated by an Executive Board, Board of Trustees and thousands of volunteers
- 31 PAL units currently represent over 40 different communities
- There are nearly 41,000 participants involved in Nassau County PAL
  - Any youth between the ages of 5 and 18 years of age (except for special needs exemptions) can register for any program with a unit in close proximity to their residence
- Each PAL unit is uniquely structured to suit the needs and goals of that particular community
- PAL has 11 Police Officers who serve as PAL directors and 1 Commanding Officer
- **NEW PAL PROGRAMS: INWOOD/5 TOWNS    ELMONT    ROOSEVELT**

### ***PAL PROGRAMS***

Archery	Computer Lessons	Ice Skating	Soccer	Wrestling
Arts & Crafts	Cricket	Jazz	Softball	Yoga
Badminton	Dance	Judo	Summer Camps	Zumba
Ballet	Deck Hockey	Karate	Special Needs	
Baseball	Drama	Kickline	Sports Clinics	
Basketball	Fencing	Kickball	Steam Stem	
Basketball Camp	Floor Hockey	Lacrosse	Tennis	
Bowling	Football	Painting	Tumbling	
Boxing	Flag Football	Riflery	Tutoring	
Cheerleading	Golf	Roller Hockey	Twirling	
Chess	Gymnastics	Sign Language	Volleyball	

# RECRUITMENT INFORMATION

## NCPD TEST PRE-REGISTRATION

Questions?  
Call Community Affairs  
516-573-7360

Here are the ways you can find out more information about becoming a member of the Nassau County Police Department:



- Call: 1-800-RECRUIT
- Click: [www.pdcn.org/test](http://www.pdcn.org/test)
- Scan the QR code

**HOW IT WORKS:** Fill out the Test Pre-Registration Application Form – which can be accessed electronically via the website or the QR code – and submit it. Once the test is announced, the Department will utilize the information provided on the pre-registration form to contact the applicant. After the form is submitted, all applicants will receive a letter listing the participating Police Department societies and associations involving in the mentorship program. Members of these organizations will be ready and able to guide the applicant through the testing and hiring process. Should the applicant decide to participate in the mentoring program, they can contact the society in which they choose to seek guidance from.

## NCPD MENTORSHIP PROGRAM – CONTACT INFORMATION

**Columbia Police Association of Nassau:** Fraternal organization comprised primarily of Department Members and other Nassau County law enforcement members of Italian heritage.

- Email: [columbiami@pdcn.org](mailto:columbiami@pdcn.org)

**Nassau County Association of Women Police:** Fraternal organization comprised primarily of female police officers within Nassau County.

- Email: [ncawpmi@pdcn.org](mailto:ncawpmi@pdcn.org)

**Nassau County Guardians Association:** The Guardian Association is comprised of African-American members, both sworn and civilian of the various law enforcement agencies within the County of Nassau.

- Email: [ncguardiansmi@pdcn.org](mailto:ncguardiansmi@pdcn.org)

**Nassau County Police Hispanic Society:** Fraternal organization comprised primarily of Department members and other Nassau County law enforcement members of Hispanic heritage.

- Email: [ncpdhispanicmi@pdcn.org](mailto:ncpdhispanicmi@pdcn.org)

**LGTBQ+ of Nassau County**: This society is not only for members who identify themselves as LGBTQ+, but also for members who support the community. With this society, we hope to support our LGBTQ members and our department's relationship with the Nassau County LGBTQ+ community.

- Email: [lgtbgmi@pdcn.org](mailto:lgtbgmi@pdcn.org)

**Police Emerald Society of Nassau County**: Fraternal organization comprised primarily of Nassau County law enforcement members of Irish heritage.

- Email: [emeraldami@pdcn.org](mailto:emeraldami@pdcn.org)

**Shomrim Society of Nassau County**: Religious organization comprised primarily of Nassau County law enforcement members of the Jewish faith.

Email: [nassaushomrim@gmail.com](mailto:nassaushomrim@gmail.com)

# ***PAL CONTACT INFORMATION***

## ***Baldwin PAL:***

Harbor Elementary School  
90 Hastings Street Baldwin, NY 11510  
Baldwinpal.org 516-623-3111  
P.O. Alvarado/Bob Cuccio

## ***Bellmore PAL:***

P.O. Box 363 Bellmore, NY 11710  
Bellmorepal.org 516-679-5990  
P.O. Kiser/Patty Caruso

## ***Bethpage PAL:***

428 Stewart Avenue Bethpage, NY 11714  
Bethpagepal.com 516-942-4788  
P.O. Bonagura/Gary Bretton

## ***County Baseball:***

2276 City Place Merrick, NY 11566  
merrickpal.org 516-867-6275  
P.O. Cardona, P.O. Innace/Margaret Reed

## ***County Lacrosse:***

167 Broadway Hicksville NY 11801  
ncpallacrosse.com 516-640-1312  
P.O. Alvarado/Perlungher/ Yvette Seeley

## ***County Track:***

167 Broadway Hicksville, NY 11801  
nassaucountypal.org 516-573-2250  
P.O. Kiser, P.O. Philip

## ***East Meadow PAL:***

Eisenhower Park Lannin Building Field 6  
East Meadow, NY 11554  
Eastmeadow.wordpress.com 516-865-2432  
P.O. Perlungher/John Spirou

## ***Elmont PAL: **NEW OFFICE*****

167 S. Broadway, Hicksville, NY 11801  
<http://elmontpal.website.sportssignup.com/>  
P.O. Brown 516-573-2250

## ***Farmingdale PAL:***

31 North Front Street Farmingdale, NY 11735  
Farmingdalepal.com 516-249-6825  
P.O. Bonagura/Russ Cantazaro

## ***Franklin Square/Elmont PAL:***

957 Hempstead Turnpike  
Franklin Square, NY 11010  
Franklinsquareelmontpal.com 516-573-2250  
P.O. Holquin/Richard McGrath

## ***Great Neck PAL:***

1 West Park Place Great Neck, NY 11023  
Greatneckpal.com 516-482-7257  
P.O. Volpe/Steve Kossover

## ***Headquarters Activities Unit:***

167 Broadway Hicksville, NY 11801  
nassaucountypal.org 516-573-2250  
P.O. Cardona/ Kim DiVittorio

## ***Hicksville PAL:***

167 Broadway Hicksville, NY 11801  
Hicksvillepal.siplay.com 516-342-6056  
P.O Alvarado/John Bentrewicz

## ***Inwood/5 Towns PAL: **NEW OFFICE*****

270 Lawrence Ave, Lawrence, NY 11559  
<https://inwoodlawrencepal.sportssignup.com/>  
P.O. Varela 516-573-2250

Island Park PAL:

P.O. Box 106 Inwood, NY 11096  
Nassaucountypal.org 516-965-3287  
P.O. Lajara/Kim Miller

Levittown PAL:

3000 Hempstead Turnpike Suite 403  
Levittown, NY 11756  
Levittownpal.org 516-579-7999  
P.O. Pescatore/Mike Nelson

Manhasset PAL:

P.O. Box 551 Manhasset, NY 11030  
Manhassetpal.com 516-573-2250  
P.O. Volpe  
Baseball/Brad Smith  
Lacrosse/Frank Coughlin

Massapequa PAL:

510 Parkside Blvd., Massapequa, NY 11758  
Massapequa.siplay.com 516-867-6279  
P.O. Pescatore/Linda Vericchio

Merrick PAL:

2276 City Place Merrick, NY 11566  
Merrickpal.org 516-867-6279  
P.O. Kiser/Margaret Reed

Mineola/Williston Park/Roslyn PAL:

P.O. Box 284 Mineola, NY 11501  
Mineolapal.org 516-655-8992  
P.O. Bonagura/Bobby Redmond

New Hyde Park PAL:

375 Denton Avenue New Hyde Park, NY 11040  
Newhydepark.siplay.com 516-248-2442  
P.O. Cardona/Nick Caras

North Shore PAL:

P.O. Box 810 Glenwood Landing, NY 11547  
P.O. Innace/Mike Levine

Oyster Bay/East Norwich PAL:

P.O. Box 396 Oyster Bay, NY 11771  
Obenpal.sportssignup.com  
P.O. Pescatore/Alex Ipiotis

Plainview/Syosset/Jericho/Old Bethpage PAL:

P.O. 203 Plainview, NY  
Plainviewpal.com  
P.O. Innace/Chris Kyriacou

**Roosevelt PAL: NEW OFFICE**

167 S. Broadway, Hicksville NY 11801  
sean.gaddy@nassaucountypal.org  
P.O. Gaddy 516-573-2250

South Hempstead PAL:

P.O. Box 1222 North Baldwin, NY 11510  
nassaucountypal.org  
P.O. Perlungher/George Kowalski

Special Needs PAL:

P.O. Box 158 Levittown, NY 11756  
Specialneedspal.sportssignup.com 516-573-2250  
P.O. Holguin/Frank Alfano, Tony Walker

Uniondale PAL:

P.O. Box 70 Uniondale, NY 11553  
Uniondalepal.sportssignup.com  
P.O. Philip/Michele Walker

Valley Stream/Five Towns/East Rockaway PAL:

P.O. Box 343 Valley Stream, NY 11580  
Vspal.net  
P.O. Lajara/Annette Gray

Wantagh/Seaford PAL:

P.O. Box 122 Wantagh, NY 1793  
Wantaghseafordpal.org 516-783-8464  
P.O. Philip/Bob Kennish

West Hempstead PAL:

817 Hempstead Turnpike, West Hempstead, NY  
11552  
westhempstead.org 516-458-5076  
P.O. Perlungher/Robert Moser

Westbury/Carle Place PAL:

357 Rockland Street Westbury, NY 11590  
westburycarleplacepal.siplay.com  
516-750-8019  
P.O. Lajara/Stephany Veli

**Nassau County Police Department**  
**Course Title: Re-Imagining Policing**

**Lesson Plan**

**Lesson Title:**

[Re-Imagining Policing – 2020]

**Section:**

[In-Service]

**Prepared by:**

[Police Officer Christopher Boccio]

**Approved by:**

[Inspector Robert Kaufmann]

**Instructor:**

[Police Officer Christopher Boccio]

**Method of presentation:**

[Computer]

**Date prepared:**

[07/30/2020]

**Duration:**

[10 hours]

**Instructional Objectives: This training module is integrated into various sections of the recruit training program. Upon completion each trainee, without reference to notes (from memory) unless stated otherwise with proficiency will be able to orally or in writing:**

1. Identify topics of concern from Executive order #203.
2. Identify the purpose of the Executive order.
3. Define Aggravated Strangulation.
4. List when a claim of unlawful interference with recording law enforcement activity is established.
5. Describe the balance between police authority and responsibility pertaining to the use of force.
6. Recognize the circumstances that justify the use of physical force and the use of deadly physical force by police.
7. Describe the application of current case law that must be considered when judging the reasonableness of force.
8. List the elements of active listening
9. Define Communication
10. Define inter-personal communication as it applies to verbal and non-verbal skills.
11. Explain inter-personal communication as it applies to dealing with a non-compliant individual.
12. Explain inter-personal communication as it applies to achieving voluntary compliance with a previously non-compliant individual.
13. Define Police Legitimacy.
14. Define Procedural Justice.
15. Explain the benefits of Procedural Justice.
16. Name the two foundations of Procedural Justice.
17. Define Ethical and Moral Courage
18. List inhibitors to Ethical and Moral Courage.
19. Explain how to shift the mindset.
20. Explain the Duty to Intercede/Intervene.
21. Define Active vs. Passive Bystandership.
22. List the indicators of Emotional Stress.
23. Define MHL 9.41.
24. Describe and list the five steps in the behavioral change staircase.
25. List options for recovery, treatment, and services.
26. Define the two types of Bias.
27. List factors that enhance reliance on implicit bias.

28. Practice methods of interruption and override for implicit bias.
29. Define Leadership
30. Explain the difference between the “Finite and Infinite game”.

**Instructor References:**

NYS Penal Law  
NYS CPL  
NYS Executive Order #203  
DCJS/NCPD Use of Force Manuals and Policy  
NCPD De-Escalation program  
DCJS Procedural Justice  
NCPD Introduction to Policing/Contemporary Police Issues  
DCJS Fundamental Crisis Intervention  
“Blink” by Malcom Gladwell  
“Beyond Bias: An Introduction to Implicit Bias” by Dushaw Hockett  
“Thinking Fast and Slow” by Daniel Kahneman  
“Verbal Judo – The Gentle Art of Persuasion” by Dr. George Thompson  
“The 7 Habits of Highly Effective People” by Stephen Covey

**Training Aid/Supplies/Equipment:**

Whiteboard  
PowerPoint  
Handouts  
Videos  
Exercises

**I. INTRODUCTION:**

A. Self, background:

**II. MOTIVATION:**

A. The Nassau County Police Department is defined by service-oriented policing. A philosophy which includes full-service policing where the same officer patrols and works in the same area from a decentralized location working in a proactive partnership with the community it serves. Officers are encouraged to interact with the communities that they serve and to assist residents with any issues they may raise. Building trust within the community is the foundation for every action taken by officers. In order to enhance this trust, an emphasis on the importance of human dignity, professionalism that comes with wearing a police uniform, and de-escalation, which are concepts of self control and persuading someone to avoid antagonistic, hostile behavior and instead reach an amicable result with in most encounters without the overt use of force, is paramount.

**III. INSTRUCTIONAL OBJECTIVES:**

A. See cover sheet

**IV. PRESENTATION:**

A. Legal Updates

1. NYS Executive Order #203
2. NYS Penal Law Aggravated Strangulation
3. Disciplinary records CRL § 50A Repeal
4. Medical Attention
5. CVR 79-p Right to Monitor
6. Law Enforcement Misconduct Office
7. Office of Special Investigation
8. Miscellaneous
  - a. Loitering – masked in public repeal
  - b. CVR 19-n sub.2 – Bias related violence or intimidation

B. Use of Force

1. Definition review
  - a. Defense of Justification – Article 35 NYS Penal law
  - b. Objectively Reasonable – reasonable and necessity “Graham v. Connor”
  - c. Criminal Proceeding – NYS Penal Law
  - d. Civil Proceeding – Qualified immunity
  - e. Administrative Proceeding – Department Manual
2. Defining Reasonableness and Necessity
  - a. Articulate facts
  - b. Graham v. Connor
  - c. Tennessee v. Garner
3. Misuse of Force
  - a. Excessive Force

Any other relevant or looming legal updates that could be potentially added to these topics.

- b. Utilizing too little force
- 4. Case Studies
  - a. Utilize the most recent/relevant Supreme Court, 2<sup>nd</sup> circuit court of appeals, and NY Court of Appeals cases
- 5. Use of Force reporting
  - a. Legal misconceptions
  - b. Case report considerations
  - c. Department Manual and PDCN 258 form review
- 6. Priority of life discussion
  - a. Concepts of proportionality
  - b. Concepts of risk
  - c. Officer created jeopardy vs subject
- C. De-Escalation
  - 1. What is De-Escalation?
    - a. The ability to reduce the intensity of a conflict or potentially violent situation
    - b. Enhance police and public safety
    - c. Achieve positive outcomes for most situations
    - d. Reduce liability and complaints
    - e. Treating people professionally. Officers must treat everyone professionally because they are professionals. To do otherwise compromises the job at hand and gives people a chance to discredit officers using their own actions
    - f. Empathy – The ability to understand (not always sympathize) another's perspective, feelings, emotions
  - 2. Maintaining control over ourselves
    - a. Being in charge does not necessarily mean you are in control
    - b. Change your own thoughts and behaviors to affect the outcome of any situation
    - c. Understanding our emotions and views can be the cause of escalation. Therefore officers must remove personal beliefs and ego from the equation
  - 3. Five universal truths to human interaction
    - a. People feel the need to be respected
    - b. People would rather be asked than told
    - c. People have a desire to know why
    - d. People prefer to have options instead of threats
    - e. People want to have a second chance
  - 4. Communication
    - a. Verbal – actual words, content, chosen language
    - b. Non – verbal – body language, kinesics
    - c. Rhetoric – the art of effective or persuasive speaking or writing
      - a. Perspective

PDCN 258

Priority of life should be a practical discussion and less of a lecture portion. There will be some aspects of introducing concepts, but there needs to be feedback. Utilize videos of “lawful but awful” situations, questionable officer tactics and judgment

Verbal Judo by Dr George Thompson

- b. Audience
  - c. Voice
  - d. Purpose
  - e. Organization
5. Active Listening
- a. Elements of active listening
    - a. Be open and unbiased
    - b. Listen to all of what is being said
    - c. Interpret the meaning
    - d. Respond appropriately and free of judgment
    - e. Techniques – minimal encouragers, open ended questions, reflection, etc.
6. Principles of Impartiality
- a. Control the encounter, control over yourself
  - b. Respond and not reacting
  - c. Abstract depersonalization – people are not objects, do not dehumanize them
  - d. Say what you want as long as you do what I say
  - e. The last word is not what matters
  - f. Remove all ego
- D. Procedural Justice
1. Police Legitimacy
- a. The public view police as entitled to exercise authority in order to maintain social order, manage conflicts, and solve problems in the community
  - b. Legitimacy are measurements of the extent to which members of the public trust and have confidence in police, believe they are honest and competent, think they treat people fairly and with respect, and are willing to defer to law and authority
  - c. Recognition and understanding community perceptions
    - a. Acknowledgment of this perspective opens the door to better understanding
    - b. Success will rely on the way the community views and reacts to police
  - d. When legitimacy exists, the public views police as authorized to exercise power to maintain social order, manage conflicts, and solve problems. They are more likely to become actively involved in police/community partnerships
2. Benefits of Legitimacy and procedural justice
- a. Compliance with laws even without police presence
  - b. Compliance with directives
    - a. Power of control v. power of influence
  - c. Assistance – people are more willing to report crime, act as witnesses

Concepts that should be applied to every encounter when possible. The first portion of the lecture introduces methods, this portion needs to be skillfully applied using real life experience.

This section builds upon de-escalation and should be compared to service oriented policing. Utilize the PERF report from 2014 and introduce some hard numbers from the citizens of Nassau County. Weave it all together and show them that legitimacy, through service, is the way.

- d. Satisfaction – people are more satisfied with the encounter and more accepting of our decisions, even when the encounter is negative. The process is more important than the outcome
  - e. Rapport building
  - f. Consistent use means the potential for less use of force encounters
- E. Ethical and Moral Courage
1. Morally courageous individuals act upon their ethical values to help others during difficult ethical dilemmas, despite the adversity they may face in doing so
  2. Commitment to standing up for and acting upon ones ethical beliefs
  3. Inhibitors
    - a. Pluralistic ignorance
    - b. Diffusion of responsibility
    - c. Hesitation to cross boundaries
    - d. Fear
    - e. Absence of empathy
    - f. Perceived cost of helping
    - g. Lack of knowledge
  4. Conformity to the group
    - a. Obedience to fear or dire punishment
    - b. Obedience to authority
    - c. Adopting perspectives
  5. Shifting the mindset
    - a. Having tough conversations with each other
    - b. Living up to standards, values, and ethics
    - c. Constant learning and self reflection
    - d. Empathy and respect
    - e. Innate cognizance and manual override – aware that this needs to be something that won't immediately be automatic
  6. Duty to intercede/intervene
    - a. Intervening in situations which any member is conducting any act that is unethical, or violates law or policy
    - b. Other officers on scene may be perceiving a situation that another officer isn't.
    - c. Recognizing that officers are human and cannot possibly be expected to master all that they are called to do at one time
    - d. Ending the “Shut up and Listen” mentality
      - a. While it has merits in some situations, continuing to close our minds to new ideas, tactics, respect is an archaic method of learning.
      - b. Diffusion of responsibility

This section is not from Executive Order. This is a practical explanation of why officers tend to fall into bad habits, how together they can be overcome. Needs to be stressed that this is not a discipline situation, this is holding each other accountable and ensuring everyone does the job safely and the same way.

Stanley Milgram experiment, “Ordinary Men” by Christopher Browning, “Crew Resource Management”

- e. Active vs. Passive bystandership
  - a. Assuming someone else will act
- 7. Risks of non intervention
  - a. Discipline
  - b. Stress or guilt
  - c. Systemic damage to policing
  - d. Criminal and civil liability
- F. Fundamental Crisis Intervention
  - 1. Indicators of emotional stress
    - a. Reading the scene – gather information and make an informed assessment
    - b. Environmental – look, listen, smell
    - c. Behavioral – physical appearance, body movements, reasons for behavior
    - d. Verbal – illogical thoughts, unusual speech, hostility, or excitement
  - 2. Communication
    - a. Identify emotionally distressed individuals
    - b. Slow down and gather information – sources, information to obtain,
    - c. Behavioral change staircase – The most important aspect of diffusing tense situations is trust. It is often overlooked, rapidly degraded, and situations will deteriorate without it. Creating a positive atmosphere is what will successfully conclude most encounters.
      - a. Active Listening – listening to understand
      - b. Empathy – communicating understanding
      - c. Rapport – establishing relationship
      - d. Influence – connect and direct through trust, empathy, and rapport.
      - e. Behavioral change
    - d. Obstacles to the staircase
      - a. Rapidly progressing
      - b. Omitting stages
      - c. Lack of skill/training
    - e. Keys to behavior change
      - a. Achieve positive relationship
      - b. Actively listening
      - c. Maintaining control over emotions
      - d. Be alert and dynamic
      - e. Practice
  - 3. Legal Issues
    - a. Voluntary transport with consent
      - a. Similar to medical transports
    - b. Involuntary admission – MHL 9.41
      - a. Appears to be mentally ill and is conducting themselves in a manner which is likely to

Legal issues – *Figueroa v. Mazza*, 825 F.3d 89, 106 (2<sup>nd</sup> cir. 2016)

Reference DCJS guide to fundamental crisis intervention

Mostly a review of De-escalation



- b. Changing ourselves and our organization internally to assist in reflecting positive change on the interactions of those we serve
- 2. Finite vs. Infinite Game
  - a. Finite players – why we lose when we play this way
  - b. Infinite Players – where we should fit in
  - c. How to assist in playing the infinite game
    - a. Just cause
    - b. Trust in each other
    - c. Worthy foil
    - d. Existential flex
    - e. Courage |

**V. SUMMARY/COMPREHENSION CHECK:** |

**A.** |

POLICE DEPARTMENT, COUNTY OF NASSAU, NEW YORK
USE OF FORCE REPORT

NOTE: IF AN INCIDENT INVOLVES THE USE OF A FIREARM, SUPERVISORS WILL COMPLETE PDCN FORM 470, DEADLY FORCE RESPONSE TEAM, FIREARM DISCHARGE INVESTIGATION REPORT

TYPE OF WEAPON/TECHNIQUE USED (Check all that apply): PHYSICAL FORCE TECHNIQUE OTHER
INTERMEDIATE WEAPON: BATON CANINE PROPELLED BEANBAG ROUND OC SPRAY ECD

DATE OF INCIDENT TIME OF INCIDENT ARREST NO. CASE REPORT NO. PRECINCT OF OCCURRENCE POST

WEATHER CONDITIONS SUN CLOUDS WIND FOG LIGHTING CONDITIONS INSIDE UNLIGHTED LIGHTING CONDITIONS OUTSIDE
RAIN SNOW OTHER(specify) GOOD POOR FLASHLIGHT USED DAYLIGHT DUSK/DAWN DARK

SUBJECT INFO. UNDER WHAT CIRCUMSTANCES WAS THE SUBJECT CONFRONTED? ADDRESS/PLACE OF OCCURRENCE LOCATION TYPE
LAST NAME FIRST M.I. DATE OF BIRTH SEX
HEIGHT WEIGHT ETHNICITY WHITE BLACK HISPANIC ASIAN OTHER(specify)

MEMBER USING FORCE RANK LAST NAME FIRST SERIAL NO. COMMAND ON DUTY YES NO

APPLICABLE CONDITIONS PRIOR TO USE OF FORCE (check all that apply):

Subject's Actions: Passively Resistant Actively Resistant / Self-Destructive Behavior Deadly Active Weapon Reported to be Involved
DID THE SUBJECT APPEAR TO BE UNDER THE INFLUENCE OF: Drugs Alcohol
DID THE SUBJECT APPEAR TO HAVE A MENTAL ILLNESS:
WAS THERE KNOWLEDGE OF: Prior Contact(s) Prior Criminal History History of Violence
WAS WARNING GIVEN BEFORE USE OF FORCE:
Use of Force Necessary to: Control Subject Defend Self Defend Another Make Arrest Prevent Escape Other
ADDITIONAL INFORMATION:

DID USE OF FORCE RESULT IN NO VISIBLE INJURY MINOR PHYSICAL INJURY SERIOUS PHYSICAL INJURY DEATH

SUBJECT ARRESTED ASSESSED BY AMT TAKEN TO HOSPITAL IF TRANSPORTED, TO WHERE
YES NO YES NO YES NO

AMBULANCE ASSIGNED AMB. NO. RANK LASTNAME FIRST SERIAL NO. COMMAND

INTERMEDIATE WEAPON(S) USED (See Page 2 if OC Spray or ECD was used.)

Baton \* Canine \*\* Propelled Beanbag Round Other
\* If baton used, indicate serial number:
\*\* If canine used, indicate dog's name and shield number:

Was the use of the intermediate weapon(s) effective? YES NO If not effective, explain:

**POLICE DEPARTMENT, COUNTY OF NASSAU, NEW YORK  
USE OF FORCE REPORT**

**CASE REPORT NO:** \_\_\_\_\_

**MEMBER USING FORCE:** \_\_\_\_\_

**OLEORESIN CAPSICUM (OC) USED**

OC SERIAL NO.	DISTANCE FROM SUBJECT WHEN SPRAYED (Feet) <input type="checkbox"/> 3-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-11 <input type="checkbox"/> 12-15	NUMBER OF HALF-SECOND BURSTS SPRAYED	DURATION OF SPRAY (Seconds)	HOW LONG DID THE OC TAKE TO BECOME EFFECTIVE (Seconds) <input type="checkbox"/> 1-2 <input type="checkbox"/> 3-4 <input type="checkbox"/> 5-6 <input type="checkbox"/> 7-10 <input type="checkbox"/> 11-15 <input type="checkbox"/> NOT EFFECTIVE
WHERE WAS SUBJECT SPRAYED <input type="checkbox"/> EYES <input type="checkbox"/> NOSE <input type="checkbox"/> MOUTH <input type="checkbox"/> FOREHEAD	WAS FURTHER USE OF FORCE NECESSARY AFTER SPRAYING <input type="checkbox"/> YES (Describe) _____ <input type="checkbox"/> NO		WAS OC EFFECTIVE <input type="checkbox"/> YES <input type="checkbox"/> NO (Explain) _____	
WHAT WAS SUBJECT'S REACTION TO BEING SPRAYED <input type="checkbox"/> RETREATED <input type="checkbox"/> ASSAULTED OFFICER <input type="checkbox"/> COVERED FACE <input type="checkbox"/> CLOSED EYES <input type="checkbox"/> CONTINUED ACTIVITY <input type="checkbox"/> FELL TO GROUND <input type="checkbox"/> ANXIETY REACTION <input type="checkbox"/> STOPPED ACTIVITY <input type="checkbox"/> DROPPED WEAPON <input type="checkbox"/> OTHER (Describe) _____				
STEPS TAKEN TO DECONTAMINATE SUBJECT <input type="checkbox"/> COLD WATER <input type="checkbox"/> DEPT. AMBULANCE <input type="checkbox"/> FRESH AIR <input type="checkbox"/> HOSPITAL	HOW LONG BEFORE EFFECT OF OC DISSIPATED (Approx. Minutes) <input type="checkbox"/> 10 <input type="checkbox"/> 20 <input type="checkbox"/> 30 <input type="checkbox"/> 45 <input type="checkbox"/> 60 <input type="checkbox"/> 90 <input type="checkbox"/> >90			

DESCRIPTION OF TREATMENT \_\_\_\_\_

**ELECTRONIC CONTROL DEVICE (ECD) USED**

ECD SERIAL NO.	NUMBER OF PROBES DISCHARGED	NUMBER OF HITS	DISTANCE FROM SUBJECT WHEN ECD WAS DEPLOYED (Feet)	DID OFFICER RELOAD AND DISCHARGE SECOND SET OF PROBES <input type="checkbox"/> YES <input type="checkbox"/> NO
APPLICATION <input type="checkbox"/> DISPLAY <input type="checkbox"/> LASER PAINTING <input type="checkbox"/> DRIVE STUN <input type="checkbox"/> PROBE DISCHARGE	LOCATION OF PROBES ON SUBJECT'S BODY		DID PROBES PENETRATE SKIN <input type="checkbox"/> YES <input type="checkbox"/> NO	
DESCRIBE SUBJECT'S CLOTHING	WAS THE ECD <input type="checkbox"/> VERY EFFECTIVE <input type="checkbox"/> EFFECTIVE <input type="checkbox"/> NOT EFFECTIVE <input type="checkbox"/> CONTACT NOT MADE			
IF NOT EFFECTIVE OR IF CONTACT NOT MADE, WHY <input type="checkbox"/> HEAVY CLOTHING <input type="checkbox"/> CLOSE PROBE STRIKES <input type="checkbox"/> SUBJECT MOVED <input type="checkbox"/> MISSED <input type="checkbox"/> MALFUNCTION <input type="checkbox"/> ONE PROBE <input type="checkbox"/> LOW MUSCLE MASS <input type="checkbox"/> OTHER _____				

SUBJECT'S REACTION TO THE ECD (Be Specific) \_\_\_\_\_

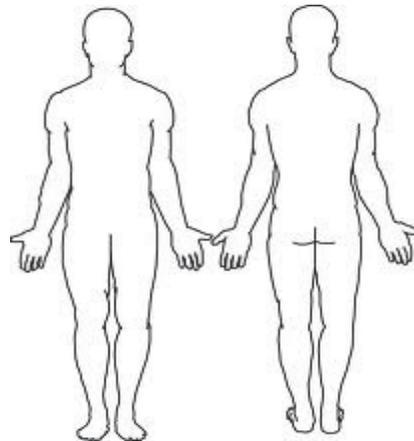
**PHYSICAL FORCE TECHNIQUE / OTHER WEAPON (check all that apply):**

PHYSICAL FORCE: <input type="checkbox"/> EMPTY HAND <input type="checkbox"/> KICK <input type="checkbox"/> PUNCH <input type="checkbox"/> MARTIAL ARTS TECHNIQUE <input type="checkbox"/> OTHER (specify) _____	COMPLIANCE / CONTROL HOLD: <input type="checkbox"/> TWIST LOCK <input type="checkbox"/> WRIST LOCK <input type="checkbox"/> PRESSURE POINT <input type="checkbox"/> TAKE DOWN <input type="checkbox"/> OTHER (specify) _____	<input type="checkbox"/> OTHER (specify and explain below) _____
---	--	--

Was this effective?  YES  NO Describe how the technique was used. If not effective, explain. \_\_\_\_\_

**SUBJECT'S INJURIES (indicate where on the body a given weapon/technique was applied)**

- A = Intermediate Weapons (specify)
- B = Oleoresin Capsicum
- C = ECD - Drive Stun Only
- D = ECD - Contact Point
- E = Other



- Check all that apply:**
- None Visible . . . . .
  - Bruises . . . . .
  - Abrasions . . . . .
  - Lacerations . . . . .
  - Broken Bones . . . . .
  - Other (specify) . . . . .

**POLICE DEPARTMENT, COUNTY OF NASSAU, NEW YORK  
USE OF FORCE REPORT**

**CASE REPORT NO:**

**MEMBER USING FORCE:**

**WERE ANY MEMBERS INJURED AT SCENE**     YES     NO    **(include members who were exposed to OC)**

RANK	LAST NAME	FIRST	SERIAL NO.	COMMAND	INJURY NO.	HOW INJURED
1.						
2.						
3.						
4.						

**ADDITIONAL MEMBERS AT SCENE**     YES     NO

RANK	LAST NAME	FIRST	SERIAL NO.	COMMAND
1.				
2.				
3.				
4.				

**ADDITIONAL COMMENTS / NARRATIVE**

PREPARED BY	RANK	LAST NAME	FIRST	SERIAL NO.	COMMAND	SQUAD	<input type="checkbox"/> UNIFORM <input type="checkbox"/> PLAINCLOTHES	<input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY
-------------	------	-----------	-------	------------	---------	-------	---	---

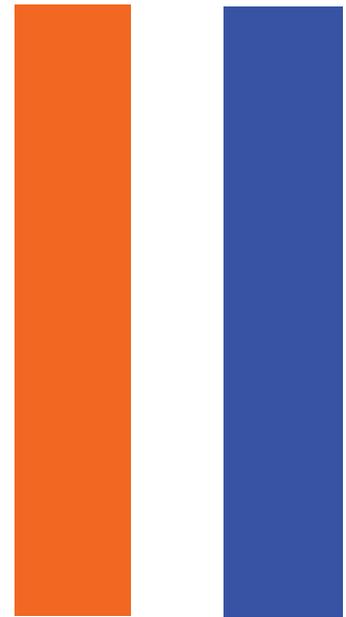
<b>SUPERVISOR REVIEW</b>	RANK / NAME	SIGNATURE	SERIAL NO.	DATE
	RECOMMENDATIONS / COMMENTS			

<b>CO REVIEW</b>	RANK / NAME	SIGNATURE	SERIAL NO.	DATE
	RECOMMENDATIONS / COMMENTS			

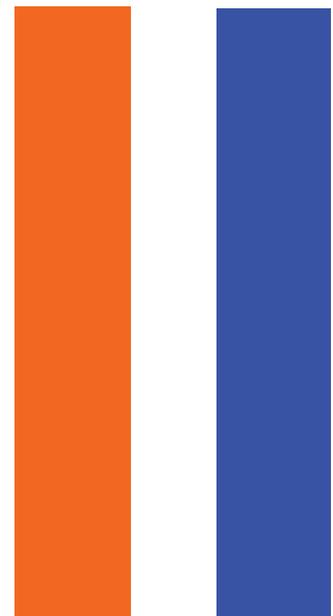
<b>DIVISION CHIEF REVIEW</b>	NAME	SIGNATURE	SERIAL NO.	DATE
	RECOMMENDATIONS / COMMENTS			

<b>COD REVIEW</b>	NAME	SIGNATURE	SERIAL NO.	DATE
	RECOMMENDATIONS / COMMENTS			

# NASSAU COUNTY POLICE DEPARTMENT



## Use of Force Reference Guide (Policies and Procedures)



**Patrick J. Ryder**  
Commissioner



## **NASSAU COUNTY POLICE DEPARTMENT**

### **USE OF FORCE**

#### **REFERENCE GUIDE**

#### **(Policies and Procedures)**

The predominant responsibility of every Police Department is to provide safety for the citizens it serves. Enforcing the law, preventing and terminating the commission of crimes, conducting investigations and arresting criminal offenders are implicit duties in furtherance of this public safety objective. The use of force by police officers is necessary in certain situations while carrying out these duties. Police officers are authorized to employ reasonable levels of force in situations where the totality of the circumstances warrants such.

Recently, there has been an increase in attention and research on the use of force by police officers. Police Departments are obligated to periodically review and revise their policies and procedures to keep current with ever-changing technology, legal standards and court rulings, social issues and public perception.

This Department recognizes that training programs, policies, tactics, and recommendations for equipment are subject to change or revision when necessary. However, what has not and will not change are our core principles, namely to hold to the highest priority the safety of our officers and the public we serve, to respect the sanctity of human life and human dignity, and to enforce the law impartially. It is with this understanding that the Nassau County Police Department is publishing this Use of Force Reference Guide.

This Reference Guide is a compendium of the Department's current Use of Force policies, rules, procedures and forms, compiled into one source for ease of use and reference. All members are required to know and understand the policies and procedures set forth in this Reference Guide.

As always, the individual policies and procedures contained herein are also part of the Department Manual, which can be accessed via the Department Intranet.

**The Use of Force Reference Guide is comprised of the following documents:**

**Department Policies:**

- Policy 4200 Use of Force

**Department Rules:**

- Article 5 Standards of Conduct
- Article 8 Uniforms and Equipment
- Article 23 Police Operations

**Department Procedures:**

- ADM 1220 Unintentional Firearm Discharge
- ADM 1222 Deadly Force Review Board
- OPS 6210 Handling Diseased or Dangerous Animals
- OPS 6220 Stray and Dangerous Dogs
- OPS 6460 Vehicle Pursuit
- OPS 12410 Use of Force
- OPS 12420 Use of Deadly Physical Force
- OPS 12430 Use of Electronic Control Device (ECD)/Taser
- OPS 12440 Use of Intermediate Weapons
- OPS 12450 Use of Oleoresin Capsicum
- OPS 12460 Deadly Force Response Team
- OPS 12470 Rifle Deployment

**Department Forms:**

- PDCN Form 161 Unintentional Firearm Discharge Report
- PDCN Form 258 Use of Force Report
- PDCN Form 469 Animal Destruction Form
- PDCN Form 470 DFRT Firearm Discharge Investigation Report

**Use of Force Glossary**

**The following section reviews and summarizes the significant changes to the Department's Use of Force policies and procedures.**

- 1) *Department policy further emphasizes that when feasible and consistent with personal and public safety, Members should de-escalate the use of force once a particular threat and/or resistance has dissipated.*
- 2) *Force Members are reminded of Penal Law Article 121, Strangulation and Related Offenses, and in particular recently enacted Penal Law Section 121.13-a, Aggravated Strangulation, and that the carotid restraint, or "chokehold" is not an authorized use of force technique.*
- 3) *The slapper has been removed from the list of department-authorized equipment.*  
[See Article 8, Uniforms and Equipment]
- 4) *The purpose and definition of the Deadly Force Review Board have been expanded to include any incident involving the use of force for which the Chief of Department directs a review.*  
[See ADM 1222, Deadly Force Review Board]
- 5) *The Nassau County Society for the Prevention of Cruelty to Animals (NCSPCA) has offered its services and is available to assist the Department in virtually all issues involving animals. When handling stray dogs, or any diseased or dangerous animal, members will contact the appropriate Town Animal Shelter and will also contact the NCSPCA, whenever possible.*  
[See OPS 6210, Handling Diseased or Dangerous Animals; and OPS 6220, Stray and Dangerous Dogs]
- 6) *OPS 12410, Use of Force, addresses use of force situations when physical force techniques are used (e.g., kicks, takedowns, compliance holds, etc.) rather than Department-issued equipment or weapons.*
- 7) *When deadly physical force is used, the Desk Officer or Tour Supervisor will notify the detective squad in the precinct of occurrence to respond and begin a preliminary investigation. The Precinct Squad Detective will confer with the Homicide Squad Detective Supervisor if the Homicide Squad has been assigned to investigate and is part of the Deadly Force Response Team.*  
[See OPS 12420, Use of Deadly Physical Force; OPS 12460, Deadly Force Response Team]
- 8) *The ECD spark test is now a five second, rather than a one second, test.* [See OPS 12430, Use of ECD/Taser]

9) *OPS 12440, Use of Intermediate Weapons, had previously been titled Use of Impact Weapons.*

The Use of Intermediate Weapons procedure, by definition, has been expanded to include not only traditional impact weapons (e.g., police baton), but also ECDs and OC spray, the latter two addressed in separate procedures.

Additionally, the use of the propelled beanbag round and the deployment of canines are considered to be intermediate weapons and have been added to this procedure.

10) *Initiating the Mental Aided Persons procedure, if necessary and if practical, will be considered early on, prior to employing use of force.*

[See OPS 12410, Use of Force; OPS 12430, Use of ECD; OPS 12440, Use of Intermediate Weapons; OPS 12450, Use of Oleoresin Capsicum]

11) *Members will check a subject's condition, render aid, and initiate the Aided Cases procedure, as dictated by the criteria specified in the respective procedure, after employing use of force.*

[See OPS 12410, Use of Force; OPS 12420, Use of Deadly Physical Force; OPS 12430, Use of ECD; OPS 12440, Use of Intermediate Weapons; OPS 12450, Use of Oleoresin Capsicum]

12) *The duties of IAU and MAO personnel, when acting as part of the Deadly Force Response Team, have been more clearly described. IAU personnel will respond in cases where there appears to be significant deviation from Departmental policies and procedures. MAO personnel will respond in cases where involved officers appear unfit for duty. [See OPS 12460, Deadly Force Response Team]*

13) *PDCN Form 258, Use of Force Report, has been revised to reflect changes made to the Department's Use of Force procedures.*

Most notably, a section has been added to cite those cases when a physical force technique was used.

In addition, PDCN Form 258 will be completed in all situations during which a propelled beanbag round or a canine was deployed. Reporting on PDCN Form 258 in such cases does **not** preclude the member from completing any current command or departmental forms that a respective command may require.

14) *The Use of Force Glossary contains definitions of terms specific to and used primarily in association with use of force procedures. This was created exclusively for the Use of Force Reference Guide.*

The terms defined in the Use of Force Glossary are also included in the Department Manual Glossary.



# Department Policies

SECTION TITLE	SECTION NUMBER	REVISION
<b>Police Operations</b>	<b>POL 4000</b>	<b>10</b>

## **POL 4000 Police Operations**

### **POL 4001 Duty**

In furtherance of the Department's Mission, it is the duty of the Police Department and the Members of the Force, at all times of the day and night, to protect life and property, prevent crime, detect and arrest offenders, preserve the public peace, and enforce all laws and ordinances over which the Police Department has jurisdiction.

### **POL 4005 Cooperation Between Members**

In order to fulfill our vision for the Department and its members, all Members of the Department need to cooperate with each other. When a Member obtains information which may be of value to a unit other than his own, he will report the facts to his Commanding Officer, who will transmit the information to the Command affected.

## **POL 4100 Enforcement**

### **POL 4101 Foreign Nationals [See Glossary] and Undocumented Persons**

Regardless of a person's legal status, all persons in Nassau County are required to abide by the local, state and federal laws currently in effect. The Nassau County Police Department will not inquire into any person's immigration status unless they are arrested for a crime. This includes the immigration status of crime victims, witnesses, and anyone who calls the police seeking assistance.

### **POL 4103 Racial Profiling**

The Police Department does not condone racial profiling and Members of the Department will not engage in racial profiling. It is inconsistent with effective policing and equal protection of the law for all persons. Racial profiling undermines the efforts of law enforcement by causing a loss of respect for the law and a loss of credibility for the Department. Even the perception of racial profiling creates a distrust that discourages participation in the criminal justice system.

Racial profiling occurs when a police officer relies on race or ethnicity as the primary basis for law enforcement action such as a traffic stop, pedestrian stop or request for a consent search. However, when an officer has information which links specific criminal activity to an individual whose race, ethnicity or other identifying characteristic is known, that information may and should be appropriately used to identify and locate the individual.

Discretion is at the core of a police officer's job and it permits innovative, flexible problem solving. However, it also provides opportunities for conscious and unconscious bias and prejudice that could affect decision-making. A Fourth Amendment basis to stop does not legitimize stops which are initiated essentially because of race or ethnicity. Such stops can cause deep cynicism about fairness and the legitimacy of law enforcement and the judicial system.

## **POL 4200 Use of Force**

### **Use of Force - Mission Statement**

It is the policy of the Nassau County Police Department to care for the people and communities we serve, to respect human dignity, to protect the rights of all people and to be committed to fairness and respect in our interaction with the people we serve.

The use of force by members of law enforcement is a matter of utmost concern both to the public and the law enforcement community. Therefore, when faced with a situation where the use of force is objectively reasonable under the circumstances, the guiding values of members of the Nassau County Police Department shall be those principles set forth above, as well as the paramount objective of reverence for the sanctity of human life.

**Use of Force - General**

Members of the Nassau County Police Department will only use force in accordance with existing law and Nassau County Police Department policy, rules and procedures.

In all cases, the primary duty of all Members of the Department is to protect human life and provide for the safety of the community. In some cases it may be necessary to use force to bring a particular incident or person under control. In those situations, force is authorized when reasonably believed to be necessary to effect a lawful arrest or detention, to prevent the escape of a person from custody, or in defense of one's self or another. A member 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. Whenever feasible and consistent with personal and public safety, members should de-escalate the use of force once a particular threat and/or resistance has dissipated. The selection of appropriate force by a Member of the Department shall be based upon the totality of circumstances [See Glossary] present at the time such force is employed, taking into account the situational use of force training and guidelines provided by the Nassau County Police Department. A Member of the Department must be able to clearly explain his or her reason(s) for the use of force and the external circumstances that formulated his or her decision to utilize force in a given situation. To determine the objective reasonableness of force, members shall consider the following factors:

1. the severity of the crime or circumstances;
2. the level and immediacy of the 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/suspect considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers and subjects;
7. other environmental conditions or exigent circumstances.

The Department recognizes the vital need for its Members to logically analyze situations, oftentimes rapidly and under tense circumstances, and to respond appropriately to the wide range of emergent incidents, threats and risks they are faced with. A Member of the Department's decision to use force in a particular situation, including the type and degree of force, should exhibit a rational, constructive thought process. The decision-making framework utilized in circumstances involving the use of force should incorporate the gathering of information, assessment of the overall situation, consideration of police powers and Department policy, identification of available options and the determination of a suitable course of action, as well as reviewing and re-assessing the situation.

It should be noted that members of law enforcement who use unreasonable force diminish the confidence of the community they serve, expose their department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Members of the Department who witness another Member of the Department using force that he/she believes to be clearly beyond what is objectively reasonable are obligated to intervene to prevent the use of unreasonable force if and when he/she has a realistic opportunity to prevent harm. Conversely, members of law enforcement who fail to use force when warranted may endanger themselves, the community and fellow officers. As such, in every situation, Members of the Department are expected to act with intelligence and employ sound judgment in furtherance of the spirit of this policy. Members of the Department who observe another member using force that exceeds the use of "objectively reasonable" shall promptly report these observations to his/her immediate supervisor.

Force shall not be used by a Member of the Department for the following reasons:

1. to extract an item from the anus or vagina 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 blood, saliva, urine, or other bodily fluid or cells, from an individual for the purpose of scientific tests in lieu of a court order where required;
4. against persons who are handcuffed or restrained unless used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

#### Use of Deadly Force

Deadly force [See Glossary] is only appropriate under circumstances where its use is justified and authorized by applicable federal and state law, and is in accordance with this policy and the rules and procedures set forth in the Operational Procedures Section of this Department Manual. Furthermore, a Member of the Department is only justified in using deadly force when it is to protect him/herself or another person from what the member reasonably believes is an imminent threat of serious physical injury or death, or to stop a fleeing suspect where:

1. the member has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury, and
2. the member reasonably believes that the suspect poses an imminent threat of serious physical injury to the member or to others.

The basis for such a determination depends on the totality of circumstances known or reasonably perceived by the Member of the Department at the time. A Member of the Department must be able to clearly explain his or her reason(s) for the use of deadly force, the external circumstances that formulated his or her decision to utilize deadly force, as well as the factors that led to the conclusion that the member's life, the life of another Member of the Department, or the lives of the public, were in imminent peril and the use of deadly force was reasonable and necessary. When feasible, Members of the Department shall provide a warning prior to the use of deadly physical force.

When faced with an individual who *only* poses a danger to himself or herself *and not* to other civilians or officers, Members of the Department are prohibited from using deadly force. In this case, Members of the Department should carefully consider the use of less-lethal options and exercise discretion to wait as long as necessary so the situation can be resolved peacefully.

Incidents involving the use of deadly force by Members of the Department are thoroughly reviewed by the Department on a case by case basis.

#### Use of Force – Reporting and Review

Members of the Department shall notify their immediate supervisor as soon as practicable of the involvement in the following use of force incidents:

1. incidents that result in physical injury;
2. incidents that a reasonable person would believe is likely to cause an injury;
3. incidents that result in a complaint of pain from the suspect other than complaints of minor discomfort from handcuffing;
4. incidents that result in the discharge of an Electronic Control Device (ECD) after being displayed; and
5. incidents that result in the discharge of a firearm at a subject.

Following involvement in any such incident, Members of the Department are required to complete PDCN Form 258, Use of Force Report, and submit it to their immediate supervisor.

A supervisor who is made aware of a use of force incident shall ensure the completion of PDCN Form 258 by all members engaging in reportable incidents. The completed form(s) will then be forwarded through the chain of command to the Chief of Department.

**All members are required to know and understand the applicable policy, rules and procedures as set forth in this Department Manual, including the below-listed procedures and rules, with regard to the use of force:**

1. **Use of Force – OPS 12410,**
2. **Use of Deadly Force – OPS 12420,**
3. **Use of Electronic Control Device (ECD)/Taser – OPS 12430,**
4. **Use of Oleoresin Capsicum (OC) – OPS 12450,**
5. **Use of Intermediate Weapons - OPS 12440,**
6. **Deadly Force Response Team (DFRT) – OPS 12460,**
7. **Handling Diseased or Dangerous Animals – OPS 6210,**
8. **Stray and Dangerous Dogs – OPS 6220,**
9. **Vehicle Pursuit – OPS 6460,**
10. **Unintentional Firearm Discharge – ADM 1220,**
11. **Deadly Force Review Board – ADM 1222,**
12. **Department Rules, Article 5 – Standards of Conduct,**
13. **Department Rules, Article 8 – Uniforms and Equipment,**
14. **Department Rules, Article 23 – Police Operations.**

**All Members of the Department shall receive training and demonstrate their understanding of the proper application of force.**

The Chief of Department, Chief of Detectives, Chief of Patrol and Commanding Officer of the Police Academy will review, on a quarterly basis, use of force incidents to examine trends in weapons used, outcomes, reasons for usage, and where and when force is being used.

#### **POL 4300 Investigations - Objectives**

##### **POL 4301 Domestic Incidents**

Domestic violence is a complex social problem affecting families and households from all cultural and economic backgrounds. Offenses committed between family or household members are serious events. This is true regardless of the relationships, social status, or living arrangements of the persons involved. The policies and procedures of the Department are intended to protect victims of domestic violence, enforce laws, and prevent future violence.

In all domestic incidents, the police objective is to protect victims of domestic abuse. Protection is accomplished by making arrests when laws are violated. Failure to make these arrests may increase physical and emotional risks to victims. Members of the Department do not attempt to mediate domestic violence cases in lieu of court proceedings. Our policy is to arrest when there is reasonable cause to believe that an offense has been committed or that an order of protection has been violated. The determination of reasonable cause is not to be influenced by the domestic relationships of the parties involved.

Victims are often unable or unwilling to make decisions to arrest offenders. Police arrests remove the burden of those decisions from victims. Therefore, when police arrests can be made, the victims will not be requested or required to make civilian arrests. If a civilian arrest is the only option available, the victim is provided with information, assistance, and encouragement to cause and facilitate the lawful arrest.

At times, in a domestic context, a subject knowingly acts in a manner likely to be injurious to the physical, mental or moral, welfare of a child less than seventeen years old. An act that is specifically directed at a child may be in the form of abuse or neglect. In some cases, a subject perpetrates a violent act against a family member and a child witnesses the act. Such circumstances where a child is exposed to violence may involve acts such as repeatedly punching a victim, dragging, strangling, throwing someone to the ground, assault or menacing with a weapon.

When responding to reports involving children, all members give careful consideration to the totality of circumstances, as they may affect children involved. The Police Department enforces applicable laws in these situations especially the charge of endangering the welfare of a child.

**POL 4315 Bias Incidents**

Bias incidents are defined as offenses against persons or property, which appear to be motivated, in whole or in part, by the race, religion, ethnic background, or sexual orientation of the victims. These offenses, whether violent or non-violent in nature, have a serious effect on victims and can destroy the quality of life in communities and, therefore, have no place in our society. The Police Department will use its resources to prevent these types of incidents and will take vigorous enforcement action against perpetrators of such acts.

The primary approach is prevention through education, by promoting instruction about the effects of bias acts on the victim, and the legal consequences for committing such acts. This instruction is conducted throughout the community we serve. Some programs, such as Students and Teachers Opposed to Prejudice (STOP) and Police Anti-Vandalism Education (PAVE) specifically target young people, in order to reduce the incidence of bias related crimes.

When preventive efforts fail, the Department will deal with violations by strictly enforcing applicable laws. The Detective Division is responsible for the investigation of bias crimes, and the Bias Crime Coordinator assists investigations, conducts analysis, develops intelligence, educates members of the Department, and acts as a liaison to the community and outside agencies on issues related to hate crimes.

**POL 4316 Limited English Proficiency Persons**

The Department recognizes the importance of maintaining a standard where effortless and accurate communication can be achieved between Members of the Department and Limited English Proficiency (LEP) persons. To aid in the process of police encounters with the LEP public, the department utilizes Department Interpreters who are proficient in secondary languages. This is accomplished through employee skills information furnished by Members of the Department representing their levels of proficiency, certification, accreditations, training, and pertinent experience.

Retaining the true message from the target audience's language is the aim of the interpreter. Conserving cultural terms and English words used by the LEP person is just one aspect in the process. Impartiality, confidentiality and professionalism in obtaining the facts are other elements of good interpretation. [\[See OPS 3132-A\]](#)

These objectives are further reached with in-service training provided to Members of the Department reinforcing the components of various encounters with LEP persons. In addition to in-service training, identification and recruiting of new hires for uniformed and civilian positions who are proficient and fluent in speaking and writing in secondary languages, is another method of enhancing the department's goal.

To further increase communications with LEP persons, public service announcements and alerts through the Nassau County Police Department's website are made available in Spanish in the same form as the English language equivalent in formats including print, website, text message, and pre-recorded cell phone messages.

**POL 4400 Community and External Relations - Objectives**

Favorable relations with the various communities in Nassau County are essential in order to effectively carry out the police mission. The preservation of good community relations is dependent upon positive interaction and communication between the people and their police. The Police Department continuously strives to maintain a climate in which police officers can perform their duties with the acceptance, understanding, and cooperation of the public they serve.

**POL 4401 Openness of Operations**

The Department views openness in matters of public interest as an issue of importance. The Police Department strives to disseminate accurate and factual accounts of occurrences of public interest, consistent with the protection of legal rights, the safety of persons involved, and with consideration for maintaining the confidentiality of certain Department records. In addition, the Department strives to make known its policies and objectives.

**POL 4402 Role of the Individual Officer**

Positive community relations are best manifested in the numerous daily encounters between individual officers and the public. These contacts present the greatest opportunity for establishing and strengthening attitudes that foster cooperation and support. The Police Department endeavors to have each officer inspire respect for police officers as professionals, and the Department as a partner in the community, through positive public contacts that encourage cooperation and approval.

**POL 4403 Respect For Individual Dignity**

Individual dignity is highly valued in a free society and all persons have a right to dignified and respectful treatment under the law. Respect for individual dignity is an obligation that all Department members must consider in their daily contacts with the public. The Police Department attempts to treat all persons with dignity and respect as individuals, and to exercise additional patience and understanding where language or cultural differences might be encountered.

**POL 4404 Responsiveness to the Community**

The Department acknowledges its obligation to be responsive to the needs and problems of the many communities within its jurisdiction. The Police Department seeks to be attentive to the concerns of the community at all levels of the organization and to demonstrate a genuine interest in problems brought to the Department's attention by concerned individuals and groups.

**POL 4410 Liaison With Community Groups**

Regular contact with the community is necessary in order to address local concerns and identify law enforcement needs. The Police Department maintains an active role in community affairs through frequent and regular contacts between commanding officers and the various civic organizations and community groups in the areas of their responsibility.

**POL 4500 Emergencies and Planned Events**

The primary function of the Police Department is to protect human life and provide for the safety of the Nassau County community. The Department also strives to prevent and manage its response to threats and breaches to homeland security. Our involvement in planned events and response to emergency incidents at local and national levels, often involves coordination with other agencies. To that end, it is necessary to effectively communicate and work with other agencies to accomplish those objectives.

The National Incident Management System (NIMS) and the Incident Command System are used by this department for incidents including limited area disasters, hazardous materials incidents and weapons of mass destruction incidents.

**POL 4501 National Incident Management System (NIMS)**

The National Incident Management System (NIMS) incorporates common terminology and organizational structures familiar to all agencies nationwide. Through a variety of systems, protocols and technologies the Department can work together with other agencies and organizations to effectively and efficiently manage emergencies and planned events.

**POL 4502 Incident Management**

Police work involves many functions performed at incidents of varying sizes, levels of complexity, and degrees of danger. By using the Incident Command System, a flexible management system used to coordinate operations at incident scenes, the Department strives to prepare its members to handle any incident, large or small, planned or emergency, in a manner that will lead to a successful conclusion.

**POL 4503 Limited Area Disasters**

Limited area disasters are defined as incidents which cannot be controlled through the ordinary deployment of personnel. Effective disaster control operations are dependent upon the coordination and cooperation of police, fire, and various other public and private agencies that may be called upon to perform duties in conjunction with the occurrence. Some limited area disasters may require extraordinary measures such as a declaration of a state of emergency, made by the County Executive, or the activation of the emergency broadcast system. These incidents usually require a unified command. In accordance with the disaster control plan and in furtherance of the Department's mission, the Department and its members are committed to coordinating and cooperating with other agencies in managing limited area disasters.

**POL 4504 Hazardous Material Incidents**

Hazardous material incidents potentially pose significant and serious threats to public safety. The Department's response to hazardous material incidents is designed to minimize those threats to public safety while attempting to control the incident. Early assessment of the actual and potential threats to life, health, and environment will determine the necessary response to the incident. Some hazardous material incidents, due to size and scope of the incident, may be limited area disasters.

**POL 4505 Weapons of Mass Destruction Incidents**

The Department's overall response to weapons of mass destruction incidents includes duties and responsibilities in each of the five phases of law enforcement's response. The five phases are prevention, notification, response, recovery, and restoration. The response of police personnel as the first responders to scenes involving weapons of mass destruction and the actions those first responders take will determine the effectiveness of an overall plan of action to limit or contain the damage these weapons are designed to inflict.

The destructive power of a weapon of mass destruction is determined by three factors, the product, the container holding the product, and the environment in which the product is used or released. Police response, in particular during the notification and response phases, is important to limiting the potential destruction.



ARTICLE TITLE	SECTION NUMBER	REVISION
<b>Standards of Conduct</b>	<b>ART 5</b>	<b>11</b>

### Rule 1. Dedication to Duty

1. Members of the Department will promptly and faithfully perform all of the duties of their positions and will not engage or agree to engage in any actions that may interfere with or impair the efficiency or operation of the Nassau County Police Department or any other governmental agency.
2. Members of the Department, whether on or off duty, will not engage in conduct unbecoming an officer or Member of the Department, or in any action which may be prejudicial to the good order and efficiency of the Police Department.
3. Members of the Department will first and foremost devote their time and attention to the service of the Department and will not engage in any other business, calling or conduct which is unlawful or may create a conflict of interest or an appearance of impropriety in connection with employment in the Nassau County Police Department.
4. Members of the Department will report, immediately, to a Superior Officer in the Command having jurisdiction, any delinquency, dereliction of duty, violation of the Department Rules, conduct, disorder, and neglect to the prejudice of good order, efficiency, and discipline, which they observe or of which they have knowledge; they will immediately bring to the attention of a superior officer a case in which a Member of the Department becomes unfit for duty on account of careless, improper, vicious, or immoral conduct.

### Rule 2. Misconduct

Members of the Department *will not*:

1. engage in unlawful conduct, whether on or off duty.
2. make or submit or cause to be submitted a false official communication, record, or statement.
3. unjustifiably interfere with nor attempt to influence the lawful business of any person.
4. indulge in games of cards or chance while on duty.
5. litter with refuse any departmental property.
6. smoke in public while in uniform.

### Rule 3. Fitness For Duty

1. Members of the Department will be fit for and subject to full duty at all times, except when on authorized leave or as otherwise directed by the Commissioner of Police.
  - a. Permanent physical or mental incapacity to perform police duties may be cause for separation from the Police Department.
2. Members of the Force must immediately notify the Department when they have a medical, psychological, or legal condition that may affect their right or ability to possess a firearm.

### Rule 4. Obeying Orders

1. Members of the Department will promptly obey all lawful orders, instructions, directions, and requests of Superior Officers.
  - a. Orders from members assigned to the Office of Commissioner of Police, or the Office of a Deputy Commissioner, Chief of Department, or Division Chief, when so directed, will be deemed to be the orders of such members' superior and will be promptly obeyed as such.
  - b. Members of the Force must promptly surrender all firearms and Department identification possessed by them when ordered by a Superior Officer.
  - c. Members of the Department will respond to the Employee Assistance Office (EAO) when directed to do so by a Superior Officer.

2. Members of the Department will promptly obey all lawful orders, instructions, and directions of Department Police Surgeons.

**Rule 5. Keeping Superiors Informed**

1. Members of the Department will keep their Superiors informed of all important matters and of any action taken pertaining to those matters.
  - a. Important matters include the following:
    - 1) a Member of the Department who appears unfit for duty,
    - 2) a serious complaint against a Member of the Department,
    - 3) important messages,
    - 4) matters that require the attention of the Superior.
  - b. Members of the Department will immediately notify a supervisor upon receipt of a civilian complaint.
2. Members of the Department will, when engaging in any official action while off duty, report such action to their Commanding Officer as soon as practical.
3. Members of the Department will immediately report to their Commanding Officer if:
  - a. they are arrested, *or*
  - b. they are a defendant, respondent or other subject of any action or proceeding commenced in any federal, state or local court, charging the commission of a felony or a misdemeanor defined under New York or federal law or the law of any other state or jurisdiction or any other offense defined in the Penal Law.

**Note:** Details to be reported will include court, charges, and the place, date and time of any arrest.

4. Members of the Department receiving a written communication from the public concerning Police Department activity will, without unnecessary delay, deliver same to their Commanding Officer.
  - a. The member's Commanding Officer will promptly cause receipt of such to be acknowledged and take whatever other action is appropriate.
5. Members of the Force on patrol will report, without unnecessary delay, to the Desk Officer any condition or occurrence requiring attention, such as serious crimes, casualties, or unsafe public conditions.

**Rule 6. Respect**

1. Members of the Department will be respectful in their contact with Superior Officers and all other persons within and without the Police Department.
2. Members will give their rank, name, shield number, and command to any person who requests same.
3. Members will give the rank, name, shield number, and command of another Member of the Department to any person who appears personally and can demonstrate a legitimate interest in obtaining same.

**Rule 7. Intoxicants**

1. No Member of the Department will indulge in intoxicants while in uniform. No Member of the Department will be unfit for duty by reason of intoxicants.
2. A Member of the Department will not bring or permit to be brought any intoxicant into a departmental building, booth, boat, vehicle, or aircraft, except in the performance of police duty, or when required for prompt administration under the personal direction of a physician.
3. Unless in the immediate performance of police duty or with the permission of the Commissioner of Police, a Member of the Department in uniform will not enter any premises used for the manufacture, storage, or shipping of intoxicants or any premises where an intoxicant is sold, except for the purpose of eating a meal in a duly licensed hotel or restaurant.
4. A Member of the Force is prohibited from being either directly or indirectly interested in the manufacture or sale of alcoholic beverages.

5. When a Member of the Department is authorized to consume alcohol during a special assignment, prior to resuming his normal duties, the member will notify a supervisor who will determine the member's fitness for duty and will direct the member accordingly.

**Rule 8. Reporting For Duty**

1. Members of the Department will report for duty as directed by competent authority.
2. Members will not report late for duty.
3. Members will not absent themselves without proper authorization.
4. Members will not exceed the meal period authorized by applicable labor agreement.
5. Members of the Department will sign on and off duty with their command.

**Rule 9. Post Duties**

1. Members of the Department who are performing patrol duty, assigned to a post [See **Glossary**], or are otherwise involved in the emergency operations of the Department will:
  - a. remain constantly alert and observant,
  - b. not hold unnecessary conversation while performing duties,
  - c. not enter vehicles, conveyances, or structures except in the performance of duties,
  - d. familiarize themselves with the post or duty to which assigned.
2. Members assigned to posts will proceed to the designated post or relieving point without unnecessary delay and:
  - a. inspect the post immediately,
  - b. note any condition requiring attention, and
  - c. take appropriate action.
3. Members assigned to a post with a police booth in his territory will ensure the following:
  - a. the booth is properly lighted during hours of darkness,
  - b. the national colors are properly displayed in accordance with Article 13, Rule 11.

**Rule 10. Quitting Post**

1. Members of the Department assigned to posts will not quit their posts except for official necessity, personal necessity, or meal period.
2. If required to quit his post for official necessity, a Member will:
  - a. enter in his memorandum book, as soon as circumstances permit,
    - 1) the time of leaving and reason,
    - 2) the time of returning to his post.
3. If required to quit his post for personal necessity, a Member will:
  - a. enter in his memorandum book, before quitting his post,
    - 1) the time of leaving and reason,
    - 2) the premises to be entered,
  - b. enter in his memorandum book the time of returning to his post.
4. Before quitting his post for meal period, a Member will request a meal period and await approval.
5. If assigned to a post required to be manned, a Member will:
  - a. request relief and await the relief before quitting his post,
  - b. at the end of his tour of duty, remain on duty until relieved.
    - 1) If no relief is present at the end of the tour, the Member will not quit his post and will communicate with his Desk Officer or Superior Officer and comply with the instructions received.
6. If assigned to a post with Departmental radio communications, a Member will communicate by radio the following:
  - a. his intention to quit his post, prior to leaving,
  - b. his return to post.

**Rule 11. Departmental Business**

A Member of the Department will treat as confidential the official business of the Police Department and information obtained by him by virtue of his official capacity. He will not talk for publication, be interviewed, make public speeches, or impart information relating to the official business of the Department to anyone, except:

1. Under the due process of law.
2. As directed, or with the permission of the Commissioner of Police.
3. As directed, by the Department Rules or Departmental Orders.
4. A representative of the Press, upon establishing his identity, may be advised of the current news, if the ends of justice are not thereby defeated or laws violated, and with permission of the Commissioner of Police or the Commanding Officer, Public Information Office.
5. A properly identified employee of the State of New York or the County of Nassau Civil Service Commissions or United States government may be furnished with information, in compliance with current law, which, in the opinion of the Commanding Officer, may be necessary to aid them in the investigation of applicants or as otherwise directed by the Chief of Department or Division Chief.
6. Information concerning persons arrested may be given by authorized members to properly identified representatives of organized law enforcement agencies, a Parole Commission, or Probation Department except that arrest information recorded in records and files which have been sealed in compliance with a Court Order may only be released by the Records Bureau and then only in accordance with the provisions of current law.
7. Members of the Force are prohibited from using any person as a confidential informant with whom they have had or currently have a familial, social or business relationship.
8. Members of the Force are prohibited from using contraband as a form of compensation to a confidential informant.

**Rule 12. Police Business Outside County**

1. Members of the Department will not leave the Counties of Nassau, Suffolk, or Westchester or the City of New York on police business except by authority of the Chief of Department or Division Chief. In the event of an emergency, when such authority cannot be obtained, Commanding Officers may grant permission to leave the County.
2. Members will not leave the County in uniform, in any event, except in close pursuit, extreme police emergency, or as otherwise directed by the Chief of Department or Division Chief. However, members residing in the City of New York, County of Westchester, or Suffolk County, may wear the uniform in traveling to and from authorized police duties and assignments.
3. Except in the case of urgent police necessity, Members will not cause any Departmental vehicles, vessels, aircraft, equipment, or Department owned animals to be removed from the County of Nassau without the express approval of his Commanding Officer.
4. Members of the Department will only use Non-Revenue E-Z Passes for official Police Department business.

**Rule 13. Gratuity**

Members of the Department will not ask for or receive or consent or agree to receive any emolument, gratuity, or reward or any promise of same, or any personal advantage; nor will they solicit, contribute, cause to be solicited, contributed, or paid, directly or indirectly, any money or valuable thing to be used in connection with a matter affecting the Department. The offering, selling, or giving of any tickets, objects, advertisements, or promises, directly or indirectly, personally or through any agent, by any Nassau County Police Department affiliated group or organization or individual member of this Department is prohibited, except if authorized, in writing, by the Commissioner of Police. This does not apply to membership, dues, assessments, etc., paid to authorized department organizations or other authorized purposes. Any checks, monies, awards,

gifts, etc., so received, will be immediately forwarded, through official channels, to the Office of Commissioner of Police with brief facts concerning same.

**Rule 14. Financial Responsibility**

1. Members of the Department will promptly pay just debts and will not incur liabilities which they are unable or unwilling to discharge.
2. Members of the Department will not incur a liability, chargeable against the County, without the approval of the Chief of Department or Division Chief.
3. No Member of the Department will sign any note or other instrument as co-maker, guarantor, or endorser, for any money borrowed by any other Member of the Department. This rule will not pertain to the member's immediate family.

**Rule 15. Personal Appearance**

Members of the Department will be neat and clean at all times while on duty. Personnel will comply with the following grooming standards. Commanding Officers may permit non-uniformed members to exceed these guidelines if the particular job assignment requires same for the duration thereof.

1. Uniformed Members - Male
  - a. Hair will be neatly cut and trimmed at all times while on duty. Hair styles will be conservative and not excessive in length. The maximum permissible bulk of hair will be one and one-half inches in thickness on top and one inch in thickness at the back and sides of the head, however, in no event will any hair style or thickness of hair interfere with the proper wearing of uniform headgear. The hair style may cover the top portion of the ear but not beyond the midpoint thereof. Length may not extend more than one-half inch below the top of the shirt collar. In no event will pony tails be permitted or other styles or lengths of hair which may be readily grabbed by a suspect or defendant.
  - b. Sideburns will be neatly trimmed, may extend to the bottom of the ear lobe, trimmed level therewith, and be not more than one and one-half inches wide at the base. In no event will such be so wide as to interfere with a proper seal when wearing a Scott Air Pac.
  - c. Neatly trimmed moustaches may be worn, which will not extend over the top of the upper lip, but which may extend outward or downward one-half inch beyond the corners of the mouth.
  - d. Beards and Goatees will not be permitted. A growth of whiskers will be permitted while on duty for medical reasons only when approved by the Chief Surgeon.
2. Uniformed Members - Female
  - a. Hair will be neatly cut and trimmed at all times while on duty. Hair styles will be conservative and not excessive in length. The maximum permissible bulk of hair will be one and one-half inches in thickness on top and one inch in thickness at the back and sides of the head, however, in no event will any hair style or thickness of hair interfere with the proper wearing of uniform headgear. The hair style may cover the top portion of the ear but not beyond the midpoint thereof. Length may not extend more than one-half inch below the top of the shirt collar. In no event will pony tails be permitted or other styles or length of hair which may be readily grabbed by a suspect or defendant.
    - 1) Hair longer than the above may be worn but must be pulled back away from the face and secured so that it does not touch the collar.
    - 2) Items used to hold hair up must blend with hair.
    - 3) Decorative articles may not be worn in hair.
  - b. Make Up, if worn, is to be worn in moderation while in uniform.
  - c. Black socks or black stockings are to be worn with the uniform.
  - d. Shoes to be worn, while in uniform, will:
    - 1) Be black, plain style, and low heel (not more than 2 inches).
    - 2) Not be platform type, open toe, or open heel.

3. Uniformed member may not wear any item of jewelry which constitutes a safety hazard.
  - a. Rings may be worn on only one finger of each hand while on duty.
  - b. The wearing of an earring or earrings will not be permitted.
4. Non-Uniformed Members
  - a. Will be neat and tidy at all times.
  - b. Extreme or exaggerated attire will not be permitted.
  - c. Hair will be neatly groomed.

**Rule 16. Use of Force**

1. Members of the Department will not use force except as provided by law.
2. Members of the Force will not use force except as provided by law.
3. A Member of the Department will notify a Supervisor, as soon as practical, whenever he uses deadly force.
4. Members of the Force will notify a Supervisor, as soon as practical, when they have discharged a firearm, except while lawfully hunting or target shooting.

**Rule 17. Discrimination in the Workplace**

1. Members of the Department will not discriminate against another member, or participate in, or encourage behavior that constitutes discrimination.
2. Members of the Department will promptly report acts of discrimination they observe, or become aware of, to a supervisor.
3. Members of the Department will not disseminate any photograph, literature or other material that may create a hostile work environment.
4. Members are required to familiarize themselves with the current Nassau County Equal Employment Opportunity Policy.

**Rule 18. Notification of Off-Duty Employment**

1. Members of the Department are permitted to engage in off-duty employment, but will notify their Commanding Officer within 5 working days upon beginning such employment.
2. Members of the Department will not engage in off-duty employment which is unlawful or may create a conflict of interest or an appearance of impropriety in connection with employment in the Nassau County Police Department.
3. Members of the Department, while engaging in off-duty employment and for the purposes of that employment, will not use any Police Department equipment or access any information retained by the Department.
4. Members of the Department, while performing activities related to off-duty employment, will not: conduct themselves in a manner that would give the appearance that they are acting within the scope of their Nassau County Police Department employment, wear all or part of the Nassau County Police Department uniform, identify themselves as Members of the Nassau County Police Department or as Police Officers.

**Rule 19. LIRR Police Ride Program**

1. Members of the Force utilizing the LIRR Police Pass will comply with all conditions of use listed on the pass.



## Uniforms and Equipment

ART 8

12

**Rule 1.** In an effort to provide uniform options for weather variances while still maintaining a uniform standard, Members of the Department will choose exclusively from the uniform options that are detailed below:

**1. Uniform of the Day (All Year)**

Police Officers and Sergeants:

- Long-sleeve blue shirt
- Mock-neck shirt or mock-neck dickey
- 6-pocket BDU pant

Lieutenants and above:

- Long-sleeve blue shirt
- 4-Pocket Pant (trousers)
- Blue tie, *or*
- Long-sleeve white shirt with black tie and Blouse

Captains and above:

May wear the Department sweater in conjunction with the shirt and tie, except at official ceremonies, parades, funerals, or when representing the Department at meetings or functions.

**a. Summer Option (All Members from April 1 to November 1)  
(Administrative Members All Year)**

- Short-sleeve blue shirt
- Black T-shirt

**Note:** Members *not* on Patrol may wear a white T-shirt.

**b. Winter Option (September 1 to June 1)**

Police Officers, Sergeants and Lieutenants:

May wear the waist-length duty jacket.

Sergeants and above:

May wear the regulation white shirt with black tie and the waist-length duty jacket.

Captains and above:

May wear the administrative officer's overcoat.

All members may wear black leather gloves with either the waist-length duty jacket or the administrative officer's overcoat.

**c. Indoor Option**

All Members:

May wear the short-sleeved summer shirt when assigned to and performing duty indoors,  
If a T-shirt is visible, it must be either black or white.

Lieutenants and Sergeants assigned as Desk Officers may wear the blouse with the white shirt and black tie while performing such duty.

**2. Uniform of Detail (for Ceremonies, Funerals, Parades, and Other Details)**

## Police Officers:

4-pocket pant  
Long-sleeve blue shirt  
Blue tie  
Dress Blouse  
Uniform Cap  
White gloves

## Rank Appropriate for Detectives, Sergeants and above:

4-pocket pant  
White shirt  
Black tie  
Dress Blouse  
Uniform Cap  
White gloves

**3. Special Duty Uniform**

A Special Duty Uniform will be worn by members of those units who the Commissioner of Police has determined perform duty assignments which make the wearing of the standard uniform impractical. Commanding Officers will request approval through the Office of Chief of Department (TOC) for articles of clothing that are deemed appropriate for their respective Commands.

## Winter Option (September 1 to June 1)

May wear the waist-length duty jacket.

4. Civilian members in uniform will be guided accordingly.
5. Police Medics will wear a black T-shirt when wearing an open-collared uniform shirt.

**Rule 2. Wearing the Uniform**

1. Members of the Department will wear, at all times while on duty, such articles of uniform and equipment as prescribed by the Commissioner of Police.
  - a. Such articles, issued by the Uniform Section for their rank or position, will be maintained in a neat, clean, and serviceable condition.
  - b. The prescribed uniform will be worn only when necessary.
2. The uniform will be securely fastened.
3. No part of the uniform will be worn in conjunction with civilian clothing or unauthorized articles of clothing or accessories, except when traveling to and from work in a private vehicle in an off-duty status.
4. If wearing the blouse, the waist-length duty jacket, or the administrative officer's overcoat over a uniform, a member while indoors may remove the outer garment and properly affix the shield to the outermost garment.
5. Black shoes, suitable for police duty, and black socks will be worn at all times with the uniform.
6. A visible T-shirt will be black; however, members who are assigned to and are, in fact, performing duty indoors may opt to wear either a white or black T-shirt.

7. The uniform cap will be worn straight on the head with the visor centered directly over the nose. The knit cap may be worn in conjunction with the waist-length duty jacket from November 1 to April 1 each year.
8. Prescribed raincoats and adequate black waterproof footwear will be worn during inclement weather.
9. Gloves:
  - a. White cotton or woolen gloves will be worn while performing traffic duty when a member is wearing the winter option uniform.
  - b. Members assigned to operate motorcycles may wear plain black leather gauntlets during the operation of same and either plain black leather or Department-issued gloves with the summer option uniform.
10. A prescribed American Flag Bar or Pin may be worn on the uniform and affixed to the left lapel of the overcoat or blouse or centered above the shield and award bars.
11. A Member of the Department, when in uniform, may only wear a tie clasp prescribed by the Commissioner of Police.

**Rule 3. Uniforms and Special Circumstances**

1. Members of the Department, directed to report to the Office of any Officer of this Department above the rank of Lieutenant, or at the Departmental Trial Room, or to any court or hearing within the County of Nassau, New York, with regard to any Departmental matter, will do so in uniform, except members permitted to wear civilian clothing, or as otherwise directed.
2. Members of the Force above the rank of Lieutenant may wear civilian clothing when conducting an investigation or when the wearing of a uniform would be impractical.
3. A Member of the Force designated as Aide to the Commissioner, while in uniform, will wear a prescribed gold aide cord on the left shoulder when so directed by the Commissioner of Police.
4. Members of the Force designated as Adjutants, while in uniform, will wear a prescribed blue aide cord on the left shoulder when acting as Adjutants or as otherwise directed by the Chief of Department.
5. Chaplains may, at their option, wear the prescribed uniform to include the insignia of Inspector at Departmental functions. They will be guided by a reasonable application of the provisions of Article 8 of the Department Rules.
6. Commanding Officers may direct Members of the Department to wear coveralls or other prescribed work attire while performing duties that would cause the uniform to be soiled.
7. Members of Fleet Service Bureau, to include Bureau Director, Deputy Bureau Director, Police Automotive Supervisors, Police Automotive Mechanics and Automotive Servicers, will have with them their Department issued soft body armor while working at the Fleet Service Bureau, Precinct Garage or any other Department vehicle repair facility. These members will wear such soft body armor while on duty and operating or riding as a passenger in any Department vehicle traveling a public roadway.

**Rule 4. Uniform Caps**

1. Uniformed Members of the Force, with the rank of Lieutenant or below, and uniformed civilian Members of the Department will not be required to wear the prescribed uniform cap while on duty, except under the following circumstances:
  - a. while directing traffic or on crossing,
  - b. at special details and events,
  - c. at Departmental ceremonies,
  - d. as otherwise directed by the Commissioner of Police.
2. The above-mentioned uniformed members will have the prescribed uniform cap available to them at all times while on duty.
3. Members of the rank of Deputy Chief and above, while in uniform, will wear the prescribed cap with visor adorned with embroidered, raised, gold-leaf clusters.
4. The knit cap will not be worn in place of the uniform cap.
5. The Mouton cap is no longer authorized headwear.

**Rule 5. Emblems of Rank**

Members of the Force in uniform will wear on the prescribed uniform shirt, blouse, waist-length duty jacket, sweater, raincoat or administrative officer's overcoat, the prescribed insignia designating their rank, which has been issued by the Uniform Section.

1. Chief of Department: Four (4) prescribed gold stars, evenly spaced on each shoulder, as directed.
2. Chief of Patrol and Chief of Detectives: Three (3) prescribed gold stars, evenly spaced on each shoulder, as directed.
3. Assistant Chief: Two (2) prescribed gold stars, one (1) inch wide between points, on each shoulder, as directed.
4. Deputy Chief: One (1) prescribed gold star, centered, one on each shoulder, as directed.
5. Inspector: One (1) raised prescribed gold spread eagle, to be displayed with eagle's head toward collar facing forward, on each shoulder, as directed.
6. Deputy Inspector: One (1) raised prescribed gold maple leaf, stem facing outward, on each shoulder, as directed.
7. Captain: Two (2) raised prescribed gold bars, to be displayed on each shoulder parallel to shoulder seams, as directed.
8. Lieutenant: One (1) raised prescribed gold bar, to be displayed on each shoulder parallel to shoulder seams, on any outer garments, as directed:
  - a. Lieutenants, when wearing authorized shirts with shoulder patches, and all ranks above Lieutenant, when wearing the authorized blue, short-sleeved shirt with shoulder patches, will wear the prescribed emblem of rank on the collars.

- b. All ranks above Sergeant will wear on the prescribed uniform blouse the prescribed black braid one and one-quarter inches (1 1/4") wide, placed with its lower edge three and one-half inches (3 1/2") above the bottom of sleeve, and a black braid one and one-quarter inches (1 1/4") wide covering the outside vertical seam of the trousers.
9. Sergeant: Will wear on each sleeve, six (6) inches below the shoulder seam, a three (3) stripe chevron in the center of each sleeve, the upper point of the chevron to be in line with the lower point of the Departmental insignia, and a black braiding covering the outside vertical seam of the trousers.
10. Police Officer: Will wear a black braiding covering the outside vertical seam of the trousers.
11. Gold stripes to be added to riding breeches three-eighths of an inch (3/8") wide for the Mounted Unit, and one and one-quarter inches (1 1/4") wide for the Highway Patrol Bureau.

**Rule 6. Uniform Patches**

1. Members of the Department in uniform will wear the prescribed Departmental shoulder patch, issued by the Uniform Section, on the right and left sleeve of prescribed uniform shirts, blouse, waist-length duty jacket, sweater, or administrative officer's overcoat; the top center of such patch to be worn 1/2 inch below the shoulder seam and the lower point to be in line with center of the sleeve. No other patch will be worn except as authorized.
2. The cloth command patches listed below are the only authorized command insignia to be worn by Members of the Department. Authorized patches for specified units will be worn on the right breast of the blouse or shirt and will be displayed centered approximately one-half (1/2) of an inch above name plate. A corresponding small patch may be worn on issued work caps.
3. The following breast patches depicting the County Seal are authorized:
  - a. Police Medic
  - b. E.V.O.C.
  - c. Marine Bureau
  - d. Mounted Unit
  - e. Arson Squad
  - f. Bomb Squad
  - g. Aviation Bureau
  - h. Emergency Services
  - i. Crime Scene
  - j. Firearms Training
  - k. Canine Section
  - l. Fleet Service
  - m. Police Academy
  - n. Police Activity League
  - o. any other patches issued or approved by the Commissioner of Police
4. The shoulder emblems, issued by Uniform Section, for the following personnel will be worn directly below the Departmental shoulder patch on each sleeve on prescribed uniform shirts, sweaters, and duty jackets:
  - a. Parking Enforcement Aide
  - b. Police Service Aide

**Rule 7. Shield**

1. Members of the Force and those Members of the Department issued a shield will at all times carry said shield, unless unreasonable or impractical, and will not give or entrust their shields to any person without first being directed to do so by a Superior Officer of this Department.
2. When in uniform, members will wear the shield on the outermost garment over the left breast in the place provided. Such shield may be worn with a prescribed black leather police shield and award bar holder.
3. When in civilian clothes, members will display the shield on the outermost garment over the left breast while at the scene of a police emergency, as a prosecution witness before a Grand Jury or in court, and at any other time it is necessary for him to establish his official identity.
4. A Member of the Department will neither wear, use, display, nor have in his possession a police shield or other similar object, except as authorized by the Commissioner of Police.

**Rule 8. Identification Card**

1. PDCN Form 214, Personal Identification Card, is hereby authorized. These cards are issued to Members of the Department by direction of the Commissioner of Police. It will contain the name of this Department and of the member, indicating rank, serial number and expiration date. The card information and picture of the member will be on a plastic card as determined by the Commissioner of Police.
2. Members of the Department will carry their identification cards at all times, unless unreasonable or impractical.
3. Members of the Department will not allow their identification cards to be used by another person for any purpose.

**Rule 9. Equipment**

1. Members of the Force, on duty, will be equipped with the following regulation equipment in serviceable condition, unless otherwise directed:
  - a. Uniformed Force:
    - 1) A fully-loaded firearm authorized in Rule 10.
      - (a) Two (2) Department-issued 9mm or, if trained .40-caliber, magazines fully loaded with Department-issued cartridges to be carried in a Department-issued, double magazine pouch.
      - (b) Twelve (12) extra .38 special caliber, Department-issued cartridges if carrying revolvers.
    - 2) Holster and belt as prescribed by the Commissioner of Police
    - 3) Memorandum Book
    - 4) Ballpoint pen with black ink
    - 5) Police baton
    - 6) Handcuffs
    - 7) Traffic whistle
    - 8) Traffic Ticket Book - of type required
    - 9) Flashlight during hours of darkness
    - 10) Traffic signal box key
    - 11) Oleoresin Capsicum (OC), as authorized
    - 12) Knife

- 13) Reflective Traffic Safety Vest
  - 14) Key FOB
- b. Civilian Clothes:
- 1) A fully-loaded firearm authorized in Rule 10.
    - (a) One (1) Department-issued 9mm or, if trained .40-caliber, magazine fully loaded with Department-issued cartridges, to be carried in a Department-issued, single magazine pouch.
    - (b) If carrying a Glock 26 or Sig Sauer P239, an appropriate magazine, fully loaded, with 9mm Department-issued cartridges, and carried in an appropriate single magazine pouch.
    - (c) Six (6) extra .38 special caliber, Department-issued cartridges if carrying a revolver.
  - 2) Holster
  - 3) Police baton
  - 4) Flashlight during hours of darkness
  - 5) Oleoresin Capsicum (OC), as authorized
  - 6) Knife
  - 7) Ballpoint pen with black ink and paper for notes
  - 8) Handcuffs
  - 9) Key FOB
- c. Emergency Equipment:
- 1) Riot Helmet: Members of the Force, while on duty, will have their Departmental riot helmets readily available for use and will wear same when directed by competent authority.
  - 2) Soft Body Armor: Members of the Force and Members of the Emergency Ambulance Bureau (EAB), including Police Medics, Police Medic Supervisors, and Police Medic Coordinators, while on duty and engaged in patrol or field operations, must wear their Department-issued soft body armor. These members may be exempt from wearing soft body armor by the member's respective Division Chief, Chief of Department or Deputy Commissioner, if in the opinion of the Chief or Deputy Commissioner, the wearing of the protective vest would interfere with or be inappropriate for the member's specific duty or assignment.

All Members will have with them their Department-issued soft body armor while attending firearms training, and all Members, including firearms instructors, will wear said body armor while conducting or engaging in firearms training exercises.
  - 3) WMD/Personal Protection Equipment: Members of the Force, Police Medics, Police Medic Supervisors, and Police Medic Coordinators, while on duty, will have their Departmental WMD/Personal Protection Equipment readily available for use.
2. Police batons will be carried by Members of the Force, in uniform, whenever directed by Commanding Officers. The police baton will conform to regulation sample and will be carried in a belt-ring holder or prescribed holster.
  3. Members of the Department, while in uniform, will not carry anything but designated equipment, except in an emergency, when in the performance of police duty.

**Rule 10. Authorized Firearms**

Members of the Force are authorized to carry firearms, as follows:

1. Uniformed Force, on duty:
  - a. for Members who *have been trained* by the Firearms Training Unit (FTU) with a Department-issued, .40-caliber semiautomatic pistol, any of the following pistols:
    - 1) Sig Sauer P226,
    - 2) Sig Sauer P229.
  - b. for Members who *have not been trained* by the FTU with a Department-issued, .40-caliber semiautomatic pistol, any of the following Department-issued, 9mm semiautomatic pistols:
    - 1) Sig Sauer P226,
    - 2) Sig Sauer P228.
  - c. for Members who *have not completed* transitional training, any of the following revolvers, with 4-inch barrel, and capable of firing .38-caliber cartridges:
    - 1) Smith and Wesson, with safety bar,
    - 2) Colt, with hammer block safety,
    - 3) Dan Wesson, with transfer bar,
    - 4) Ruger, with transfer bar.
  - d. for Officers above the rank of Lieutenant, any of the following revolvers, with not less than a 2-inch barrel, and capable of firing .38-caliber cartridges:
    - 1) Smith and Wesson, with safety bar,
    - 2) Colt, with hammer block safety,
    - 3) Dan Wesson, with transfer bar,
    - 4) Ruger, with transfer bar.
2. Civilian clothes, on duty:
  - a. for Members who *have been trained* by the FTU with a Department-issued, .40-caliber semiautomatic pistol, any of the following pistols:
    - 1) Sig Sauer P226,
    - 2) Sig Sauer P229.
  - b. for Members who *have not been trained* by the FTU with a Department-issued, .40-caliber semiautomatic pistol, any of the following Department-issued, 9mm semiautomatic pistols:
    - 1) Sig Sauer P226,
    - 2) Sig Sauer P228.
  - c. for members who *have not completed* transitional training, any of the following revolvers, with not less than a 2-inch barrel, and capable of firing .38-caliber cartridges:
    - 1) Smith and Wesson, with safety bar,
    - 2) Colt, with hammer block safety,
    - 3) Dan Wesson, with transfer bar,
    - 4) Ruger, with transfer bar.
  - d. for members who are authorized by the Commissioner of Police *and* who have been trained by the FTU, any of the following:
    - 1) 9mm semi-automatic pistols:
      - a) Sig Sauer P239,
      - b) Glock 26, fitted with the New York trigger.

- 2) .40-caliber pistols:
  - a) Sig Sauer P224
  - b) Sig Sauer P239
  - c) Glock 27
- e. Commanding Officers have the authority, when approved by their appropriate Division Chief, to direct the carrying of a firearm by members in civilian clothes, as follows:
  - 1) a pistol described in Rule 10.2.c above,
  - 2) for members appointed *prior* 10/01/90 who were trained with revolvers, a revolver described in Rule 10.2.b above,
  - 3) for members appointed *after* 10/01/90 who have attended a one-day familiarization and qualification course at the FTU, a revolver described in Rule 10.2.b above.
3. Off duty:
  - a. for members who *have been trained* by the FTU with a Department-issued semiautomatic pistol, the following:
    - 1) Sig Sauer P226, DAK or DAO trigger, chambered in 9mm or .40 S&W
    - 2) Sig Sauer P228, DAO trigger, chambered in 9mm
    - 3) Sig Sauer P229, DAK or DAO trigger, chambered in 9mm or .40 S&W
    - 4) Sig Sauer P-224, DAK trigger, chambered in 9mm or .40 S&W
    - 5) Sig Sauer P-239, DAK or DAO trigger, chambered in 9mm or .40 S&W
    - 6) Sig Sauer P-320, chambered in 9mm or .40 S&W
    - 7) Sig Sauer P-365, chambered in 9mm
    - 8) Glock, semi-auto, safe action pistols, chambered in .380 Auto, 9mm or .40 S&W upon completion of the Glock class at FTU, excluding models 34 and 35
    - 9) Ruger LCP, chambered in .380 Auto
    - 10) Smith and Wesson 3913DAO
    - 11) Smith and Wesson 3914DAO
    - 12) Smith and Wesson 3953
    - 13) Smith and Wesson 5943
    - 14) Smith and Wesson 5946
    - 15) Smith and Wesson 6946
    - 16) Smith and Wesson M&P Pistols, chambered in 9mm or .40 S&W without external safety or magazine disconnect.
  - b. for members appointed *prior* 10/01/90, who were trained with revolvers, and members appointed *after* 10/01/90, who have attended a one-day familiarization and qualification course at the FTU, any of the following revolvers, with not less than a 2-inch barrel, and capable of firing .38-caliber cartridges:
    - 1) Smith and Wesson, with safety bar,
    - 2) Colt, with hammer block safety,
    - 3) Dan Wesson, with transfer bar,
    - 4) Ruger, with transfer bar.
4. Members of the Force may carry the following weapons, while on duty, after having successfully completed the appropriate Department training course for their respective Commands *and* after receiving authorization to carry:
  - a. Rock River M-4 (R-4)
  - b. H&K UMP .40 (sub-machine gun)
  - c. Remington 870 shotgun
  - d. Benelli shotguns
  - e. Sig Sauer M400

5. Nonstandard firearms:
  - a. Members of the Force will only carry nonstandard firearms when authorized by the Chief of Department. [See ADM 6016]
  - b. Members of the Force approved to carry nonstandard firearms may carry such firearms on and off duty.
  
6. Carrying firearms:
  - a. Members of the Force will only carry firearms they are authorized to carry. [See Rule 10, subd. 1,2,3,4,5]
  - b. Members of the Force will carry a firearm while *on* duty.
  - c. Members of the Force may carry a backup firearm while on duty.
    - 1) A backup firearm is any firearm authorized for the member to carry as an off-duty or nonstandard firearm. [See Rule 10, subd. 3, 5]
  - d. Members of the Force may carry a firearm while *off* duty. When carrying a firearm off duty, Members of the Force will utilize a holster for their firearm unless exigent circumstances render that impractical.
  - e. Members of the Force will only carry ammunition that is issued by the Department.
  - f. Members of the Force, carrying any firearm, will fully load the firearm with the appropriate Department-issued ammunition.
  - g. Members of the Force will not make, or allow to be made, any modification to his on-duty or off-duty firearm, except modifications made by the FTU.
    - 1) Trigger shoes will not be permitted.
  
7. Rifles [See Glossary]
  - a. Rifle Trained Officers are authorized to carry or deploy only Department issued rifles and shotguns.
  - b. Rifle Trained Officers will deploy the rifle while wearing highly recognizable and visible police apparel, marked "POLICE".
  - c. Only authorized members of the Firearms Training Unit are authorized to modify and perform maintenance on rifles.
  - d. Rifles will only be used with ammunition and magazines approved and supplied by the Department and the rifle must be equipped with an identifying sleeve marked "POLICE".

**Rule 11. Use of Equipment**

1. Members of the Department will use Departmental vehicles, vessels, aircraft, equipment, and Department-owned animals only in the course of official business of the Police Department, County of Nassau, or when so authorized.
2. Members assigned to the Mounted Unit will not permit unauthorized persons to ride, handle, or otherwise have contact with a horse assigned to the Unit.
3. Members of the Department will use the Department-issued digital camera for Department business only.

**Rule 12. Maintaining Equipment and Safety Standards**

1. Members of the Department will exercise the utmost care in the handling of service weapons or in handling or guarding of any other firearm, explosive, or combustible.
2. Members are personally responsible for the proper and authorized use, cleanliness, serviceability, and proper safeguarding of their uniforms and equipment and any other Department property issued for or assigned to their use.

3. Members will immediately report to their Commanding Officers the loss of, damage to, or unserviceable condition of their uniforms and equipment or any other Departmental property issued for or assigned to their use.
4. Members will not alter police equipment by changing same, in any way, except in cases of emergency or as ordered by the Commissioner of Police.
5. A Member of the Department, while performing any task for which personal protective equipment has been issued in connection with the Right to Know/Hazard Communication Program, will wear or use such equipment.
6. Members of the Department will wear their prescribed uniform caps and reflective traffic safety vests in the following instances:
  - (a) when assigned to Radio Motor Patrol vehicles, marked and unmarked, while working on **limited or controlled access highways (Route 495, Route 135, all New York State Parkways)**,
  - (b) when conducting police activities at the scene of **motor vehicle crashes**,
  - (c) when **directing traffic, covering a pedestrian crossing, handling roadway lane closures, and/or removing debris from a roadway**.
  - (d) when in close proximity to moving traffic.
7. Members will keep their reflective traffic safety vests inside their vehicles to ensure easy access to the vest.
8. A Member of the Department will operate a Departmental vehicle in a careful and prudent manner and will be responsible for its proper care and condition.
9. A Member of the Department, when a passenger in or operator of a Departmental vehicle, vessel, aircraft, or equipment will comply with all existing vehicle safety standards and will use all installed vehicle safety devices and equipment in the vehicle.
10. Smoking or the use of E-cigarettes or vaporizer devices is prohibited while fueling vehicles.

**Rule 13. Insignia for Departmental Recognition**

1. Members of the Department who have been awarded a Departmental Recognition may wear the prescribed bar indicating the award received at all times while in uniform, except when wearing an overcoat or raincoat. More than one award in a single category will be shown by placing the appropriate numeral in the center portion of the bar.
2. Departmental Recognition bars will be worn horizontally, one-quarter inch above the shield, and centered. Departmental Recognition Bars may be worn in the following order of precedence, with the Marksmanship bar being centered one-quarter inch above the shield, and a one-quarter inch separation being maintained between each bar:
  - a. Approved American Flag Bars or Pins (top)
  - b. Medal of Valor
  - c. Medal of Distinguished Service
  - d. Medal of Commendation
  - e. Meritorious Police Service Award
  - f. Excellent Police Duty Award (blue field to wearer's left)
  - g. Lifesaving Award
  - h. Purple Heart

- i. Executive or Congressional Bar
- j. Military Service Bars
  - 1) United States Air Force
  - 2) United States Army
  - 3) United States Coast Guard
  - 4) United States Marine Corps
  - 5) United States Navy
- k. Award Bars issued prior to January 1, 1977
- l. Field Training Officer
- m. Physical Fitness Award Bar
- n. Super Storm Sandy Bar
- o. Presidential Debate Bar
- p. Non-Departmental Award Bars (as approved by Commissioner of Police)
  - 1) A Fraternal Organization Insignia Bar is considered to be a Non-Departmental Award Bar.
  - 2) Eligible members will wear only one (1) Fraternal Organization Insignia Bar at any given time.
- q. Marksmanship Bars
  - 1) Pistol Master
  - 2) Pistol Expert
  - 3) Pistol Sharpshooter
  - 4) Pistol Marksman

**Rule 14. Personal Identification Bar**

1. Members of the Department of the rank of Sergeant and above, Detectives, and civilian supervisors, when in uniform, will wear the Department-issued, gold-framed, black identification bar bearing their surname. All other Members of the Department, when in uniform, will wear the Department-issued, silver-framed, black identification bar bearing their surname.
2. The bar will be worn horizontally on the outermost garment, over the right breast, as follows:
  - a. When wearing a blouse, waist-length duty jacket, sweater or shirt, it will be placed at a position centered one-half inch above the right pocket flap.
  - b. The bar will not be worn on the uniform raincoat or overcoat.

**Rule 15. Services Stripes and Stars**

1. Sergeants and Police Officers who have served five (5) years in the Department will wear on the left sleeve only of the uniform duty jacket, blouse, and long-sleeved shirts a service stripe, which will consist of black felt with blue stripe outlined in white, 1 7/8 inch x 3/16 inch. Such service stripe will be centered on the left sleeve in line with the center of the County Patch, with the lower tip of the stripe four and one half (4 1/2) inches up from the cuff. A similar stripe will be added for each additional five (5) years of service and placed above the original stripe. Stripes will be 3/16 inch apart.
2. Police Medics, Police Medic Supervisors, Crossing Guards, and Parking Enforcement Aides who have served five (5) continuous years in the Department will wear a 3/4 inch gold embroidered star centered on the front of the left sleeve of all uniform coats, 1/2 inch above the cuff, sleeve tab, or button. A similar star will be added for each additional five (5) years of service.

**Rule 16. Firearms and Department Equipment**

1. Commanding Officers will obtain firearms and Department equipment from members of their Commands who resign, retire, have expired, have been suspended, have been dismissed, or as otherwise directed by the Chief of Department, in the following manner:
  - a. immediately obtain all concealable firearms in the member's possession and invoice them to Property Bureau,
  - b. at an appropriate time, obtain all Departmental property, *and*
    - 1) invoice firearms, shield, and cap device to Property Bureau,
    - 2) inventory all other Departmental property, including soft body armor and Department Manual, to the Uniform Section,
  - c. may release weapons owned by the member to the member who is retiring, providing the following:
    - 1) the member has obtained a valid pistol license, *and*
    - 2) a check with Records Bureau confirms that the weapons to be released are included on the member's pistol license.
2. A Member of the Department who is granted a leave of absence of less than thirty (30) days, may retain his shield, identification card, and firearms to the same extent as if said member remained on active duty. Commanding Officers will obtain these items and invoice them to Property Bureau if the member requests it.
3. A Member of the Force who is granted a military leave of absence of 30 or more days will invoice his shield and handguns to Property Bureau prior to the beginning of his leave.

**Rule 17. Concealable Firearms**

1. Members of the Department will promptly report all concealable firearms acquired, owned, possessed, or disposed of by them by completing the fillable electronic New York State Police Acquisition or Disposition of Firearms [Form C \(NYS PPB-1 – C-Form\)](#). Upon completion of the fillable electronic form, it will be printed, signed, scanned and then be sent electronically both to [PLSCForm@pcdn.org](mailto:PLSCForm@pcdn.org) and to member's Commanding Officer. Members should also retain a copy of said C-Form for their personal file. This must be completed within ten (10) days of such acquisition or disposition.
2. All acquisitions or dispositions of handguns have to go through a LICENSED GUN DEALER UNLESS they are from immediate family members as defined in the [NYS Safe Act](#) who either maintain an active pistol license or are active law enforcement. Verification will be conducted by Pistol License Section to ascertain if the firearm is registered. In the event the firearm is not registered, the Commanding Officer of the Pistol License Section will be responsible for advising the inquiring member of the proper procedure to be followed.
3. Members of the Force will apply for a Pistol License in New York State or the State of their residence prior to their termination of services and have all concealable firearms listed on the license. Retiring members of service may also produce their [Law Enforcement Officer Safety Act](#) (LEOSA) certification (HR-218) in place of a pistol license. If the retiring member of service is unable to apply and receive a Pistol License in New York or the State where they will reside and does not have their LEOSA certification prior to their retirement date, they must bring all of their concealable firearms to the Commanding Officer of Pistol License Section to be invoiced to Property Bureau.

4. Long guns are not registered with Pistol Licensing. However, ALL transfers of long guns must be conducted through a Federal Firearms License Dealer where a NICS check will be performed prior to any sale or transfer. The only exception to a sale or transfer not requiring a NICS check is if the sale or transfer is between 'family members' as defined by [NYS Safe Act](#).



ARTICLE TITLE	SECTION NUMBER	REVISION
<b>Police Operations</b>	<b>ART 23</b>	<b>4</b>

**Rule 1. Aided Cases**

1. Members of the Department, while on duty, will render aid to a sick or injured person in accordance with their level of training and summon an ambulance if necessary.
2. Intoxicated persons, who do not require the continued service of a Department Ambulance Medical Technician (AMT) and/or ambulance, will not be transported in Department Ambulances.
3. Members of the Department will not use any restraint technique during transport that dangerously inhibits a restrained person's breathing.
4. Only Members of the Department who are Trained Opioid Overdose Responders will administer an opioid antagonist.

**Rule 2. Accidents**

1. Members of the Force conducting an investigation at the scene of an auto accident will prepare MV-104A.
2. Members of the Force conducting an investigation at the scene of a boating accident will prepare NYS Form OPS-218 and the required supplemental report forms.

**Rule 3. Domestic Incidents**

1. Members of the Force will immediately notify their Commanding Officers when they have a temporary or permanent order of protection issued against them by any lawful authority.

**Rule 4. LoJack Vehicle Recovery System**

1. Only Members of the Force who have been formally trained on the LoJack System may use Department vehicles as tracking vehicles.
2. Members of the Force will not track a vehicle, using the LoJack System, outside of Nassau County without the approval of a Superior Officer.

**Rule 5. Vehicle Pursuit**

1. Only Members of the Force can initiate vehicle pursuits.
2. Members of the Force will not engage in a pursuit whenever non-force persons are in their vehicle.
3. Members of the Force will not engage in a pursuit while operating any of the following vehicles: an ambulance, a van, a utility or SUV-type vehicle that is *not* a pursuit vehicle. [\[See OPS 6460\]](#)
4. Members of the Force must use emergency lights and siren when engaged in a pursuit.
5. Only Members of the Force operating the Primary and Secondary Car will engage in actual pursuit.
6. Members of the Force must terminate a pursuit once the pursued vehicle drives *against* the flow of traffic on a controlled access highway.
7. Members of the Force will not use their vehicles to ram, make contact with, or otherwise force off the road, the vehicle being pursued.
8. Members of the Force will not utilize roadblocks during a pursuit.

**Rule 6. Occupational Injuries and Illnesses**

1. Members of the Department will not remove, alter, deface, or cover up chemical or hazard warning labels on any container.

**Rule 7. Investigations**

1. Members of the Department will not disturb or search the body of a fatal aided except by direction or authorization of the Medical Examiner.

**Rule 8. Property and Evidence**

1. Members of the Department who come into possession of illegal drugs are responsible for safeguarding them while in their possession.
2. Members of the Department will only possess illegal drugs in the lawful performance of their official duties in the following manner:
  - a. the routine Department handling, processing, or transporting of the drugs,
  - b. when given permission to do so by their Commanding Officer.
3. Members of the Department will use only the Department-issued digital camera when gathering digital image evidence or documenting a scene.

**Rule 9. Records and Reporting**

1. Members of the Department will not disclose information concerning criminal intelligence without a legitimate purpose.
2. Members of the Department will immediately report information concerning suspicious persons or places related to criminal enterprise, organized crime, vice, or drug activity.

**Rule 10. Tactical Methods and Special Events**

1. Members of the Department will not handle any bomb, suspected bomb, or suspicious package unless they are certified bomb technicians.
2. Members of the Department while off duty *will not carry* and *will secure* the Department-issued ECD except when traveling to and from work.
3. ECDs will only be used by Members of the Department who have completed training and have been authorized to use ECDs.
4. Personal Radiation Detectors will only be used by Members of the Department who have completed the Department of Homeland Security Personal Radiation Detector Course (PER 243).

**Rule 11. Inventory of Impounded Vehicles**

Vehicles will be impounded when provided by law or whenever impoundment is necessary to safeguard a vehicle or its contents. It will be the duty of every member who impounds a vehicle to safeguard valuable personal property that may be contained in such vehicle. The following procedure will be employed in all cases in which a vehicle is impounded:

1. At time of impound, the member impounding the vehicle will inventory the contents of the vehicle and prepare Auto Impound Invoice, PDCN Form 94A. Any visible damage will be noted under miscellaneous on PDCN Form 94A.
2. In all cases in which an inventory is conducted, the officer performing such examination will, without unnecessary delay, make appropriate entries in his memorandum book. Whenever possible, this process will be executed in the presence of another Member of the Force or other responsible witness.
3. The scope of the inventory will extend only to those areas wherein it may reasonably be assumed that the operator or owner has left valuable personal property.
4. If personal property is discovered during an inventory and the property is of little value or the property is affixed to the vehicle or impracticable to remove, such property, unless otherwise directed, will be left in the vehicle; however, the tow car operator or garage custodian, as the case may be, will acknowledge the presence of the property in the vehicle by signing the memorandum book of the officer delivering the vehicle to him.
5. If it is necessary to remove valuable personal property from an impounded vehicle (i.e. expensive cameras or jewelry, money, doctor's equipment, etc.), the Desk Officer of the command wherein such property was removed will make appropriate entries in the Impound Book, attach PDCN Form 94A to the appropriate page of PDCN Form 94, and secure such property for release; if such property cannot be returned to the owner within a reasonable period of time, the Desk Officer, when applicable, or investigating member will invoice such property to the Property Bureau.



PROCEDURE TITLE

PROCEDURE NUMBER

REVISION

## Unintentional Firearm Discharge

ADM 1220

1

### POLICY

The policy of the Police Department is to record and investigate incidents when a member has discharged a firearm.

### PURPOSE

To establish procedures for the reporting and investigating of an unintentional firearm discharge by a Member of the Force.

### DEFINITIONS

**Unintentional firearm discharge:** the discharge of a firearm by a Member of the Force, which was not deliberate.

### SCOPE

All Members of the Department.

### SOURCES

PL §265.00. (Firearm definition)

### RULES

1. Members of the Force will notify a Supervisor, as soon as practical, when they have discharged a firearm, except while lawfully hunting or target shooting.

### REPLACES

ADM 1220 Revision 0, dated 04/10/1998.

### PROCEDURE

#### Member of the Force

1. *Notifies* the Desk Officer of the precinct of occurrence [See **Glossary**], when he has an unintentional firearm discharge. [See **Definition**]

#### Desk Officer

2. *Determines* if an injury resulted from the unintentional firearm discharge.
3. If an injury resulted, *initiates* the Use of Deadly Force procedure. [See **OPS 12420**] [End of Procedure]
4. If *no* injury resulted, *assigns* a supervisor to investigate the firearm [See **Glossary**] discharge incident.
5. *Notifies* the Commanding Officer.
6. If the Commanding Officer is unavailable, *initiates* the Administrative Duty Coverage procedure. [See **ADM 2010**]

#### Patrol Supervisor

7. *Responds* as directed and *investigates* the incident.
8. *Notifies* the Desk Officer and *initiates* the Use of Deadly Force procedure [See **OPS 12420**] if it is determined the incident involved the following:
  - a. intentional firearm discharge, *or*
  - b. unintentional firearm discharge and an injury resulted. [End of Procedure]
9. If the incident is determined to be an unintentional firearm discharge and no injury resulted:
  - a. *prepares* PDCN Form 161, Unintentional Firearm Discharge Report, *and*
  - b. *contacts* a Police Communications Operator Supervisor and *requests* the next firearm discharge incident number.

ISSUING AUTHORITY

SIGNATURE

EFFECTIVE DATE

PAGE

Acting Commissioner

Thomas C. Krumpter

07/01/2014

1 of 2

**Police  
Communications  
Operator Supervisor**

10. *Records* the information in the Firearm Discharge Control Book [See **Glossary**] and *issues* the next firearm discharge incident number.

**Patrol Supervisor**

11. *Prepares* a narrative report detailing the complete investigation.

12. *Forwards* PDCN Form 161 and the narrative report to his Commanding Officer.

**Commanding Officer**

13. *Reviews* PDCN Form 161 and the narrative report.

14. *Determines* if there are any violations of Department Rules.

15. *Completes* PDCN Form 161, noting:

- a. any significant issues,
- b. training or disciplinary needs.

16. *Photocopies* PDCN Form 161 and the narrative report.

17. *Forwards* the original PDCN Form 161 and narrative report to the Chief of Department (TOC).

**Note:** These reports should be forwarded as soon as possible after the preliminary investigation is complete.

18. *Retains* copies of PDCN Form 161 and the narrative report in the command.

**Division Chief**

19. *Reviews* PDCN Form 161 and the narrative report.

20. *Completes* PDCN Form 161.

**Chief of Department**

21. *Reviews* the incident and *reports* any significant issues to the Commissioner of Police.

**Office of Chief of  
Department**

22. *Makes* data entries from information supplied on PDCN Form 161.

23. *Photocopies* PDCN Form 161, *and*

- a. *forwards* a copy to the Commanding Officer of Firearms Training Unit (FTU),
- b. *files* the original.

**FTU Commanding  
Officer**

24. *Evaluates* the incident and *determines* if further training is necessary.

25. If further training is necessary,

- a. *prepares* a narrative report,
- b. *forwards* the narrative report to the Chief of Department (TOC).



PROCEDURE TITLE

PROCEDURE NUMBER

REVISION

## Deadly Force Review Board

ADM 1222

1

### POLICY

The policy of the Police Department is to review all incidents involving the use of deadly force [See Glossary] by Members of the Department. The Deadly Force Review Board [See Definition] has been established to objectively evaluate and report findings on such incidents.

### PURPOSE

To establish procedures for the review by the Deadly Force Review Board when a Member of the Department uses deadly force as follows:

1. an intentional firearm discharge at a human being, *or*
2. an unintentional firearm discharge [See Glossary] causing an injury to another, *or*
3. the use of force [See Glossary], intentional or otherwise, causing serious physical injury [See Glossary] or death to another, *or*
4. any other incident involving the use of force for which the Chief of Department directs a review.

### DEFINITIONS

**Deadly Force Review Board (DFRB):** this board will be a five person board comprised of the Chief of Department (Chairman), Chief of Detectives, Chief of Patrol, the Counsel to the Commissioner, and a fifth person to be chosen by the chairman. This Board will be responsible for reviewing, investigating, evaluating and making recommendations to the Commissioner of Police for all incidents involving the following use of deadly force by a Member of the Department:

1. an intentional firearm discharge at a human being, *or*
2. an unintentional firearm discharge causing an injury to another, *or*
3. the use of force, intentional or otherwise, causing serious physical injury or death to another, *or*
4. any other incident involving the use of force for which the Chief of Department directs a review.

### SCOPE

All Members of the Department.

### SOURCES

Not applicable.

### RULES

No new rules within this procedure.

### REPLACES

ADM 1222, Revision 0, dated 7/1/2014.

### PROCEDURE

**Note:** Firearm discharges, determined to be a) unintentional and causing no injuries, or b) necessary to destroy a diseased, seriously injured or dangerous animal where there are no unusual circumstances, *are not* presented to the Deadly Force Review Board.

#### Deadly Force Review Board Chairman

1. *Convenes* a meeting of the Deadly Force Review Board when necessary to review incidents of deadly force by a Member of the Department.

**Note:** Other participants may be invited, on a case by case basis, to aid the Deadly Force Review Board during the review process.

#### Deadly Force Review Board Members

2. *Review* the following:
  - a. the criminal investigation report submitted by the Homicide Squad,
  - b. the administrative investigation report submitted by the Deadly Force Response Team,
  - c. District Attorney's review, *and*
  - d. any other pertinent informational source.

ISSUING AUTHORITY

SIGNATURE

EFFECTIVE DATE

PAGE

Acting Commissioner

Thomas C. Krumpert

07/08/2016

1 of 2

**Deadly Force Review  
Board Members**

3. *Evaluate* all information.
4. *Order* further investigation, as necessary, and *continue* evaluating information.
5. *Make recommendations* to the Commissioner of Police, regarding:
  - a. whether the use of deadly force complied with policies, rules, procedures and laws,
  - b. tactical considerations,
  - c. training considerations,
  - d. supervision,
  - e. post-incident investigation,
  - f. disciplinary considerations.



PROCEDURE TITLE

PROCEDURE NUMBER

REVISION

## Handling Diseased or Dangerous Animals

OPS 6210

2

### POLICY

The policy of the Police Department is to protect the public from the potential dangers posed by exposure to animals that are diseased or dangerous which create a serious health risk or a threat to public safety.

### PURPOSE

To establish procedures for the safe handling of animals that are suspected of being diseased or dangerous.

### DEFINITIONS

**Dangerous animal:** any vicious animal which poses a serious and imminent threat of harm to a person or other animal.

**Note:** If the dangerous animal is a dog, [See OPS 6220].

**Diseased animal:** any animal exhibiting abnormal behavior or other signs of disease. An example would be a potentially rabid nocturnal animal that is found to be active during the daytime or approaching people or pets.

**Domestic animal:** within this procedure includes only dogs and cats. Town animal shelters do not remove any other types of animals; some towns remove only dogs.

**Rabies virus:** a viral infection usually transmitted by the bite of an infected animal. The virus can be transmitted through a scratch or by direct contact between the animal's saliva and a victim's open wound. It can also become airborne from the infected animal's breath.

**Secured animal:** any animal that is contained in an area so that it can not escape.

**Note:** Wild animals that are found by responding officers to be secured and are not endangering someone are not the responsibility of the Police Department. Persons should be directed to contact the Nassau County Society for the Prevention of Cruelty to Animals (NCSPCA) or another private agency for removal of such animals.

### SCOPE

All Members of the Department.

### SOURCES

**Nassau County Department of Health Rabies Protocol.**  
Town Animal Shelter procedures.

### RULES

No new rules within this procedure.

### REPLACES

OPS 6210, Revision 1, dated 07/01/2014.

### PROCEDURE

#### A. Secured Animals

#### Police Officer

1. *Determines* that the animal is secure.
2. *Secures* the surrounding area, which includes removing persons and other animals, and *continues to observe* the animal.
3. If the animal is secured [See Definition], *requests* Desk Personnel to notify the appropriate agency to remove the animal.

ISSUING AUTHORITY

SIGNATURE

EFFECTIVE DATE

PAGE

Acting Commissioner

Thomas C. Krumpter

07/08/2016

1 of 6

**Desk Personnel**

4. *Notifies* the following to respond and remove the animal:
  - a. the appropriate Town Animal Shelter **[See Appendix J]**, **and**
  - b. the Nassau County Society for the Prevention of Cruelty to Animals (NCSPCA) at 516-THE-SPCA (516-843-7722) **[See Appendix N]** and *requests* a Peace Officer.

**Note:** The NCSPCA has members who are trained in the handling and placement of many types of animals, including large animals and exotic species.

**Note:** The three Town Animal Shelters have different criteria and procedures. All towns handle only domestic animals **[See Definition]**, while some towns handle only dogs.

**B. Unsecured Animals**

**Police Officer**

1. *Determines* that the animal is unsecured.
2. *Secures* the animal, if possible.
3. If the animal is unable to be secured and is a dangerous animal **[See Definition]**, *destroys* the animal when necessary to protect people and animals.

**Note:** If a firearm is used to destroy an animal, every reasonable effort must be made to ensure no bystanders will be endangered.

**Note:** If the animal appears to be a diseased animal **[See Definition]** and has had contact with someone, do not shoot the animal in the head. Intact brain tissue is necessary to determine the presence of the rabies virus **[See Definition]**. It is important to the future treatment of the exposed person to preserve the diseased animal's head.

**Note:** If the animal must be destroyed, use caution to avoid contact or contamination. It is important to remember that diseases such as the rabies virus can be transmitted through contact other than bites.

4. If the animal *is* destroyed, **[Go to Step B10]**.
5. *Requests* Highway Patrol Bureau Emergency Services Unit (ESU) personnel to respond with animal control equipment to secure the animal if it is:
  - a. diseased, **and/or**
  - b. does not pose an immediate threat to the health or safety of persons or animals.

**ESU Officer**

6. *Responds* and *uses* the equipment necessary to control and secure the animal.

**Note:** If responding to assist another agency or Department and after rendering assistance, ESU personnel will be guided by the requesting agency's protocols as they pertain to the disposition of the animal.

**ESU Officer**

**Note:** Many wild animals may carry viruses, bacteria, or parasites that may be harmful to humans if ingested or inhaled. Examples are marine wildlife such as stranded seals, turtles, or beached whales.

**Note:** ESU may request the assistance of NCSPCA personnel to control or secure an animal, if necessary.

**Desk Personnel**

7. *Notifies* Desk Personnel to contact the appropriate agency to remove the animal.

8. *Notifies* the following to remove the animal:

- a. the appropriate Town Animal Shelter, **and**
- b. the NCSPCA.

**ESU Officer**

9. If the animal is unable to be secured and is a dangerous animal, *destroys* the animal when necessary to protect people and animals.

**Note:** If a firearm is used to destroy an animal, every reasonable effort must be made to ensure no bystanders will be endangered.

**Note:** If the animal appears to be diseased and has had contact with someone, do not shoot the animal in the head. Intact brain tissue is necessary to determine the presence of the rabies virus. It is important to the future treatment of the exposed person to preserve the diseased animal's head.

**Note:** If the animal must be destroyed, use caution to avoid contact or contamination. It is important to remember that diseases such as rabies can be transmitted through contact other than bites.

**ESU/Police Officer**

10. *Determines* that immediate disposal of the animal is necessary to secure safety of others and *observes* the following precautions:

- a. *wears* disposable gloves when handling a diseased animal,
- b. *avoids* body contact with the animal. Equipment such as a shovel should be used to pick up the animal,
- c. *disposes* of animals by following Dept. of Health Guidelines:
  - 1) *immediately places* dead animal in a double, heavy duty plastic bag, **and**
  - 2) *places* bag in a covered garbage can,
- d. *cleans* all equipment used with a chlorine solution of 1 part bleach to 20 parts water,
- e. *launders* clothing that contacts the animal,
- f. *washes* thoroughly, immediately after disposal of the animal.

**C. Exposure to Diseased Animals**

**Police Officer**

1. *Determines* that someone has been exposed to a potentially diseased animal.

2. *Treats* an exposed person as an aided case. [See OPS 1110]

**Note:** Thoroughly cleanse the area of the body that contacted the diseased animal. This can greatly reduce the risk of rabies exposure even in cases of contact by bite.

**Police Officer**

3. *Notifies* Desk Personnel for immediate contact to the Dept. of Health if the animal is potentially rabid.

**Note:** If an ESU Officer responds to the scene, notification is made by him, through the Highway Desk.

**Desk Personnel**

4. *Notifies* the Dept. of Health [See Appendix I] immediately of the contact with a potentially rabid animal.

**Police Officer**

5. *Initiates* Animal Bites Procedure [See OPS 1135] if the exposed person was bitten by the animal.

6. *Recommends* that the exposed person seek immediate medical attention if he refuses medical aid.

7. *Notifies* the Dept. of Health to institute quarantine procedures if the animal is a household pet and the owner is present and requests no destruction.

**Police Officer**

8. *Requests* ESU to handle the animal if the animal is a stray or wild animal.

**ESU Officer**

9. If the diseased animal *is not* posing a serious or imminent threat of harm,

- a. *attempts* to secure the animal, and
- b. if secured, *notifies* Desk Personnel to contact the appropriate agency for removal of the diseased animal.

**Desk Personnel**

10. *Notifies* the following to remove the animal:

- a. the appropriate Town Animal Shelter, *and*
- b. the NCSPCA.

**ESU Officer**

11. If the diseased animal *does* pose a serious or imminent threat of harm to people and other animals, *destroys* the animal when necessary to protect people and animals.

**Note:** If a firearm is used to destroy an animal, every reasonable effort must be made to ensure no bystanders will be endangered.

**Note:** If the animal must be destroyed, use caution to avoid contact or contamination. It is important to remember that diseases such as rabies can be transmitted through contact other than bites.

**Note:** *Do not* shoot the animal in the head if the diseased animal has had contact with someone. Intact brain tissue is necessary to determine the presence of the rabies virus. It is important to the future treatment of the exposed person to preserve the diseased animal's head.

12. *Observes* the following precautions when handling diseased animals:

- a. *wears* disposable gloves when handling a diseased animal,
- b. *avoids* body contact with the animal. Equipment such as a shovel should be used to pick up the animal,
- c. immediately *places* dead animal in double, heavy duty plastic bag,
- d. *cleans* all equipment used with a chlorine solution of 1 part bleach to 20 parts water,
- e. *launders* clothing that contacts the animal,
- f. *washes* thoroughly, immediately after handling the animal.

**ESU Officer**

13. *Delivers* the destroyed animal for testing to the Dept. of Health designated testing facility.

**D. Reporting When Animal is Destroyed**

**Police Officer/  
ESU Officer**

1. *Prepares* PDCN Form 469, Animal Destruction Form, when an animal is destroyed.

**Supervisor**

2. *Forwards* PDCN Form 469 to a supervisor.

**Desk Officer**

3. *Notifies* the Desk Officer.

**Supervisor**

4. *Assigns* a supervisor to investigate the incident.

5. *Notifies* the Commanding Officer.

**Police  
Communications  
Operator Supervisor**

6. *Reviews* PDCN Form 469 and *investigates* the incident.

7. *Contacts* a Police Communications Operator Supervisor and *requests* the next firearm discharge incident number, if a firearm was used.

**Supervisor**

8. *Records* the information in the Firearm Discharge Control Book [See Glossary] and *issues* the next firearm discharge incident number.

9. *Completes* PDCN Form 469.

10. *Prepares* a narrative report detailing the complete investigation.

11. *Forwards* PDCN Form 469 and narrative report to the Commanding Officer.

**Commanding Officer**

12. *Reviews* PDCN Form 469 and narrative report.

13. *Completes* PDCN Form 469, noting:

- a. any significant issues,
- b. training or disciplinary needs.

14. *Photocopies* PDCN Form 469 and the narrative report.

15. *Forwards* the original PDCN Form 469 and the narrative report to the Chief of Department (TOC).

**Note:** This report should be forwarded as soon as possible after the preliminary investigation is complete.

16. *Retains* copy of PDCN Form 469 and the narrative report in the command.

**Division Chief**

17. *Reviews* PDCN Form 469 and the narrative report.

18. *Completes* PDCN Form 469.

**Chief of Department**

19. *Reviews* the incident and *reports* any significant issues to the Commissioner of Police.

20. *Makes* data entries from information supplied on PDCN Form 469, if a firearm was discharged.

21. *Photocopies* PDCN Form 469, **and**

- a. *forwards* a copy to the Commanding Officer of Firearms Training Unit (FTU),
- b. *files* the original.

**FTU Commanding Officer**

- 22. *Evaluates* the incident and *determines* if further training is necessary.
- 23. If further training is necessary,
  - a. *prepares* a narrative report,
  - b. *forwards* the narrative report to the Chief of Department (TOC).



PROCEDURE TITLE

PROCEDURE NUMBER

REVISION

## Stray and Dangerous Dogs

OPS 6220

2

### POLICY

The policy of the Police Department is to protect the public from the potential dangers posed by dogs that are stray or dangerous.

### PURPOSE

To establish procedures for the proper handling of stray dogs and for the reporting of dogs which are suspected of being dangerous.

### DEFINITIONS

**Dangerous dog:** any dog which,

1. without justification attacks a person and causes physical injury or death, *or*
2. poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons. (Agriculture and Markets Law)

**Municipal Court:** the appropriate Town or Village Court for the geographical location of the incident.

**Stray dog:** any unsecured dog, wandering in a public place, where there is no owner or keeper present.

### SCOPE

All Members of the Department.

### SOURCES

Agriculture and Markets Law, Article 7.

### RULES

No new rules within this procedure.

### REPLACES

OPS 6220, Revision 1, dated 07/01/2014.

### PROCEDURE

#### A. Stray Dogs

#### Police Officer

1. *Determines* a dog is a stray dog. [[See Definition](#)]
2. If the dog appears to be sick or diseased, *initiates* the Handling Diseased or Dangerous Animals Procedure. [[See OPS 6210](#)]
3. *Secures* the dog or *requests* Highway Patrol Bureau Emergency Services Unit (ESU) to respond and secure the dog.

#### ESU Officer

4. *Responds* and *secures* the dog when requested.

**Note:** If responding to assist another agency or Department and after rendering assistance, ESU personnel will be guided by the requesting agency's protocols as they pertain to the disposition of the dog.

#### Police Officer

5. *Determines* if the dog is licensed.
6. *Considers* enforcement of local laws concerning loose dogs if the dog's owner can be located.
7. *Returns* the dog to the owner if the dog is licensed and the owner is located.
8. *Notifies* the Desk Personnel to request assistance at scene to seize the dog if
  - a. the owner is not located, *or*
  - b. the dog is not licensed.

ISSUING AUTHORITY

SIGNATURE

EFFECTIVE DATE

PAGE

Acting Commissioner

Thomas C. Krumpter

07/08/2016

1 of 5

**Desk Personnel**

9. *Notifies* the following to respond:
  - a. the Town and *requests* a Dog Control Officer **[See Appendix J], and**
  - b. the Nassau County Society for the Prevention of Cruelty to Animals (NCSPCA) at 516-THE-SPCA (516-843-7722) **[See Appendix N]** and *requests* a Peace Officer.

**Police Officer**

10. *Reports* the disposition of the assignment.

**B. Dangerous Dogs**

**Police Officer**

1. *Observes* a dangerous dog **[See Definition]** attacking a person, **and**

- a. *destroys* the dog, if necessary to stop the attack,

**Note:** Agriculture and Markets Law authorizes the destruction of a dog, with no liability, **while** it is attacking a person who is peaceably conducting himself in a place where he is lawfully present or **while** pursuing the dog after the attack. The dog can be destroyed by the person being attacked or anyone witnessing the attack.

**Note:** If a firearm is used to destroy a dog, every reasonable effort must be made to ensure no bystanders will be endangered.

- b. *initiates* the Animal Bites Procedure **[See OPS 1135]**, if the person attacked was bitten by the dog,
  - c. *notifies* a supervisor as soon as practical,
  - d. *attempts* to identify and contact the owner of the dog,
  - e. *notifies* Desk Personnel to contact:
    - (1) the Town to:
      - (a) remove the dead dog, if unable to contact the owner,
      - (b) respond to the scene and take the complaint. **[Go to Step B.9], and**
    - (2) the NCSPCA.

2. *Determines* that a dog has previously attacked a person in a place where the person was lawfully present.
3. *Ensures* that the dog is secured.
4. *Initiates* the Animal Bites Procedure **[See OPS 1135]**, if the person attacked was bitten by the dog.
5. *Determines* if the dog should be immediately seized.

**Note:** Agriculture and Markets Law requires a Dog Control Officer and Peace Officer, acting pursuant to his special duties, or a Police Officer to seize a dog:

1. if there is probable cause to believe the dog is a dangerous dog, **and**
  - a. it is not in the control of its owner or custodian, **or**
  - b. it is not on the premises of the dog's owner or custodian.
2. which poses an immediate threat to the public safety.

**Police Officer**

6. If the dog should be immediately seized, notifies the Desk personnel to request that the following personnel respond to the scene and seize the dog:
  - a. a Town Dog Control Officer, *and*
  - b. an NCSPCA Peace Officer.
7. If the dog *should not* be immediately seized, *notifies* the Desk Personnel to request that the following personnel respond to the scene and take the complaint:
  - a. a Town Dog Control Officer, *and*
  - b. an NCSPCA Peace Officer.

**Desk Personnel**

8. *Notifies* the following to respond:
  - a. the Town and *requests* a Dog Control Officer to respond **[See Appendix J], and**
  - b. the NCSPCA at 516-THE-SPCA (516-843-7722) **[See Appendix N]** and *requests* a Peace Officer.

**Police Officer**

9. *Refers* the complainant to the Town Dog Control Officer and/or the NCSPCA Peace Officer.
- Note:** The Agriculture and Markets Law authorizes any person or any Dog Control Officer to make a complaint and commence a proceeding in Municipal Court **[See Definition] [See Appendix M]** to declare a dog as dangerous.
10. *Assists* the Town Dog Control Officer and the NCSPCA Peace Officer.
  11. *Reports* the disposition of the assignment.

**C. Municipal Court Orders**

**Police Officer**

1. *Receives* an assignment to assist a Town Dog Control Officer enforcing a Municipal Court Order.
2. *Directs* precinct personnel to notify the NCSPCA to respond to the scene where the court order is being enforced, if NCSPCA personnel are available.
3. *Responds* to the scene, *and*
  - a. *consults* with the Town Dog Control Officer,
  - b. *reads* the Municipal Court Order.

**Note:** When a Municipal Court determines probable cause to believe that a dog is dangerous, it can issue an order to seize the dog to any of the following persons:

1. Dog Control Officer,
2. Peace Officer acting pursuant to his special duties,
3. Police Officer.

**Note:** A Municipal Court, after a hearing determining a dog to be dangerous, can order any of the following:

1. owner to secure the dog permanently,
2. any of the following persons to cause the dog to be euthanized:
  - a. Dog Control Officer,
  - b. Peace Officer acting pursuant to his special duties,
  - c. Police Officer.

	<p><b>Note:</b> If the owner fails to secure the dog as required by the court order, any of the above officials are mandated by law to destroy the dog on or off the premises of the owner. (Agriculture and Markets Law)</p>
<b>Police Officer</b>	<p>4. <i>Assists</i> the Town Dog Control Officer in enforcing the Municipal Court Order.</p> <p>5. <i>Reports</i> the disposition of the assignment.</p>
<b>Police Officer/ ESU Officer</b>	<p><b>D. Reporting When a Dog is Destroyed</b></p> <p>1. <i>Prepares</i> PDCN Form 469, Animal Destruction Form when a dog is destroyed.</p>
<b>Supervisor</b>	<p>2. <i>Forwards</i> PDCN Form 469 to a supervisor.</p>
<b>Desk Officer</b>	<p>3. <i>Notifies</i> the Desk Officer.</p>
<b>Supervisor</b>	<p>4. <i>Assigns</i> a supervisor to investigate the incident.</p> <p>5. <i>Notifies</i> the Commanding Officer.</p>
<b>Police Communications Operator Supervisor</b>	<p>6. <i>Reviews</i> PDCN Form 469 and <i>investigates</i> the incident.</p> <p>7. <i>Contacts</i> a Police Communications Operator Supervisor and <i>requests</i> the next firearm discharge incident number, if a firearm was used.</p>
<b>Supervisor</b>	<p>8. <i>Records</i> the information in the Firearm Discharge Control Book [See Glossary] and <i>issues</i> the next firearm discharge incident number.</p> <p>9. <i>Completes</i> PDCN Form 469.</p>
<b>Commanding Officer</b>	<p>10. <i>Prepares</i> a narrative report detailing the complete investigation.</p> <p>11. <i>Forwards</i> PDCN Form 469 and the narrative report to the Commanding Officer.</p> <p>12. <i>Reviews</i> PDCN Form 469 and the narrative report.</p> <p>13. <i>Completes</i> PDCN Form 469, noting:</p> <ul style="list-style-type: none"> <li>a. any significant issues,</li> <li>b. training or disciplinary needs.</li> </ul> <p>14. <i>Photocopies</i> PDCN Form 469 and the narrative report.</p> <p>15. <i>Forwards</i> the original PDCN Form 469 and the narrative report to the Chief of Department (TOC).</p> <p><b>Note:</b> These reports should be forwarded as soon as possible after the preliminary investigation is complete.</p>
<b>Division Chief</b>	<p>16. <i>Retains</i> copies of PDCN Form 469 and the narrative report in the command.</p> <p>17. <i>Reviews</i> PDCN Form 469 and the narrative report.</p>
<b>Chief of Department</b>	<p>18. <i>Completes</i> PDCN Form 469.</p> <p>19. <i>Reviews</i> the incident and <i>reports</i> any significant issues to the Commissioner of Police.</p>

**Office of Chief of  
Department**

20. *Makes* data entries from information supplied on PDCN Form 469, if a firearm was discharged.

21. *Photocopies* PDCN Form 469, *and*

- a. *forwards* a copy to the Commanding Officer of Firearms Training Unit (FTU),
- b. *files* the original.

**FTU Commanding  
Officer**

22. *Evaluates* the incident and *determines* if further training is necessary.

23. If further training is necessary,

- a. *prepares* a narrative report,
- b. *forwards* the narrative report to the Chief of Department (TOC).



PROCEDURE TITLE

PROCEDURE NUMBER

REVISION

## Vehicle Pursuit

OPS 6460

3

### POLICY

The Department recognizes that the vehicular pursuit of fleeing suspects poses a danger to the lives of the public, police officers and the suspects involved in the pursuit. The Department also recognizes that in certain circumstances, the proper law enforcement response requires a pursuit. The policy of the Police Department is to minimize the risks of pursuit by limiting vehicle pursuits to only those situations where the escape of the suspect poses a greater risk of harm to the general public than does the pursuit itself.

### PURPOSE

To establish procedures for vehicle pursuit and follow up reporting and review.

### DEFINITIONS

**Auto Vehicle Locate (AVL):** a system which utilizes global positioning satellite technology to plot department members' vehicle location on a map.

**Pursuit:** a police vehicle engaged in an attempt to stop a motorist with 3 conditions present:

1. the motorist knows a Police Officer wants him to stop, *and*
2. the motorist takes deliberate action to evade the Police Officer, *and*
3. the Police Officer engages in an active attempt to overtake and stop the motorist.

**Pursuit alternatives:** any course of action which can be used to effectively stop a vehicle or apprehend a subject without engaging in a pursuit. Among these are:

1. notifying CB and other units while following at a safe speed and observing the subject's actions,
2. obtaining an arrest warrant if the subject is known to the Police Officer or it is likely the subject can be identified.

**Pursuit conditions:** conditions that a Police Officer must evaluate prior to and during a pursuit because they increase the risk to the public and the Police Officers involved. Among these are:

1. the pursued vehicle has too much lead time over the police vehicle,
2. the road conditions are poor,
3. excessive vehicular or pedestrian traffic,
4. the police vehicle is unmarked,
5. the pursued vehicle is two-wheeled.

**Pursuit requirements:** a Police Officer *must* have one of the following requirements present to justify a pursuit:

1. reasonable suspicion that the subject has committed a violent felony which caused or threatened death or serious bodily harm, *or*
2. the subject's driving is reckless and is an immediate danger to human life, *or*

ISSUING AUTHORITY

SIGNATURE

EFFECTIVE DATE

PAGE

Commissioner

Thomas V. Dale

08/01/2013

1 of 8



**RULES**

7. Members of the Force will not use their vehicles to ram, make contact with, or otherwise force off the road, the vehicle being pursued.

8. Members of the Force will not utilize roadblocks during a pursuit.

**REPLACES**

OPS 6460, Revision 2, dated 08/07/2009.

**PROCEDURE**

**A. Justification**

**Police Officer**

1. *Signals* the motorist to stop.
2. *Evaluates* the alternative to pursuit if the vehicle does not stop.
3. *Initiates* an alternative to pursuit whenever an alternative might be effective.
4. *Ensures* that at least one of the pursuit requirements has been met if there is no effective alternative to pursuit.
5. *Considers* the pursuit conditions.
6. *Determines* that the pursuit is justified and stopping the vehicle outweighs the risk to the safety of the public and the Police Officers involved.
7. *Discontinues* the attempt to stop the vehicle if the pursuit is *not* justified. **[End of Procedure]**

**B. Pursuit**

**Police Officer**

1. *Initiates* the pursuit, if justified, and *requests* a clear radio channel.
2. *Notifies* CB of the following:
  - a. the location and direction of travel,
  - b. a description of the vehicle,
  - c. number of occupants,
  - d. justification for pursuit,
  - e. if any of the following vehicles are involved:
    - (1) unmarked car,
    - (2) low profile vehicle,
    - (3) motorcycle,
  - f. speed of pursuit,

**Note:** If the pursuing vehicle is on a different channel than the precinct of occurrence, switch to the radio frequency of the precinct of occurrence, and repeat the location and description.

**Note:** Unmarked vehicles, low profile marked vehicles and motorcycles may initiate pursuits, but they must immediately request marked units to assist, and must discontinue their pursuit once the marked units are in position to assume the Primary or Secondary Car positions. These units will then proceed safely to the location where the pursuit ends and assist the marked units.

**Note:** Chevy Tahoes in the fleet prior to 2014 are *not* pursuit-rated and are prohibited from engaging in vehicle pursuits.

**Police  
Communications  
Operator**

3. *Assigns* assistance to respond.
4. *Notifies* the following:
  - a. Police Communications Operator Supervisor (PCOS),
  - b. Police Communications Shift Supervisor (PCSS),
  - c. Precinct Patrol Supervisor,
  - d. Aviation Unit for helicopter response.

**Police  
Communications  
Shift Supervisor**

5. *Notifies* the Desk Officer in the precinct of occurrence of the pursuit in progress.

**Patrol Supervisor**

6. *Acknowledges* the transmission and *assumes* coordination of the pursuit and responding units.

**Note:** A PCOS, in consultation with the Desk Officer in the command of occurrence, has the authority to terminate pursuits until a Patrol Supervisor has acknowledged the Police Communications Operator’s notification.

7. *Continually evaluates* the pursuit and *terminates* it when there is an effective alternative to pursuit or the pursuit loses justification.

**Police  
Communications  
Operator Supervisor**

8. *Notifies* the Desk Officer in the precinct of occurrence of the pursuit in progress, if not already notified.

**Desk Officer**

9. *Monitors* the development of the pursuit by radio and the AVL **[See Definition]** display screen to ensure that the pursuit is in accordance with these written procedures.

10. *Terminates* pursuit when there is an effective alternative to pursuit or the pursuit loses justification.

**Police Officer**

11. *Continually justifies* the need to continue the pursuit by evaluating any changing facts or circumstances.

**Note:** When in pursuit Police Officers should constantly evaluate pursuit alternatives, pursuit requirements and pursuit conditions. As these change, the Police Officer must justify continuing the pursuit or decide to terminate it.

**Note:** A Police Officer may decide to terminate a pursuit at any time with or without a Supervisor’s consent.

**Assisting Vehicle**

12. *Notifies* CB of response and location.
13. *Notifies* CB when visual contact with the pursuit is made.
14. *Identifies* the Secondary Car and *notifies* all units.

**Police  
Communications  
Operator**

**Secondary Car**

15. *Assumes* radio control when in position behind the Primary Car.

**Note:** This is unnecessary if the Primary Car is manned with two Police Officers.

**Primary Car**

16. *Stops* radio notifications after acknowledging the Secondary Car.
17. *Discontinues* pursuit when:
  - a. the subject is apprehended, *or*
  - b. justification for the pursuit is lost, *or*
  - c. an effective pursuit alternative is available, *or*
  - d. an order to terminate is received.

**Helicopter**

1. *Notifies* all vehicles when it has visual contact with the pursued vehicle and *assumes* radio control from the Primary/Secondary Car.

**Primary/Secondary Car**

2. *Acknowledges* the transfer of radio control to the helicopter and *discontinues* radio notification.

**Helicopter**

3. *Maintains* visual contact with the pursuit and *advises* the Primary/Secondary Cars of the location and direction of travel of the pursued vehicle.

**Primary/Secondary Car**

4. *Considers* discontinuing active pursuit and following the pursued vehicle at a safe speed.

**D. Crossing Jurisdictional Boundaries**

**Secondary Car**

1. *Notifies* CB when there is a change of jurisdiction.

**Police Communications Operator**

2. *Notifies* the PCOS.

**Police Communications Operator Supervisor**

3. *Notifies* the other jurisdiction of the pursuit.
4. *Initiates* a radio patch to an interoperability channel [See [Glossary](#)], if appropriate.

**Patrol Supervisor**

5. *Continues* coordination of the pursuit and *authorizes* the assisting vehicles to cross county lines as necessary.

**Assisting Vehicles**

6. *Respond* to assist when authorized by the Patrol Supervisor.

**E. Pursuits from Other Jurisdictions**

**Note:** In all vehicle pursuits, NCPD assistance or participation must be in accordance with these written procedures.

**Police Officer**

1. *Observes* an apparent pursuit involving vehicles from an outside agency.
2. *Notifies* CB of all pertinent information.
3. *Notifies* the PCOS and *broadcasts* all pertinent information.

**Police Communications Operator**

4. *Notifies* the Patrol Supervisor and the Desk Officer of the pursuit.

**Police Communications Operator Supervisor**

5. *Establishes* contact with (or has received notification from) the pursuing agency and *obtains*:
  - a. the reason for the pursuit, *and*
  - b. the pursuing agency's need for assistance.

Police  
Communications  
Operator Supervisor

Desk Officer

Patrol Supervisor

Assisting Vehicles

Police  
Communications  
Operator Supervisor

Apprehending  
Officer(s)

Primary/Secondary  
Car

Patrol Supervisor

Patrol Supervisor

6. *Notifies* the Patrol Supervisor and the Desk Officer of the reason for the pursuit and the need for assistance.
7. *Determines* if the pursuit is justified and in accordance with Department procedures.
8. If the pursuit *is not* justified, *directs* CB to:
  - a. *direct* vehicles **not** to join in or assist the pursuit,
  - b. *notify* the pursuing agency that the pursuit does not meet our pursuit requirements.
9. If the pursuit *is* justified, *directs* CB to direct vehicles to join in or assist the pursuit.
10. *Coordinates* the Department’s response.
11. *Respond* as directed by the Patrol Supervisor.
12. *Coordinates* communications between the Department and the outside agency and *initiates* an interoperability channel link, if appropriate.

**F. End of Pursuit**

1. *Stops* the vehicle, **and**
  - a. *notifies* CB of current location,
  - b. *apprehends* the occupant(s),
  - c. *initiates* Arrest Procedure [See OPS 2115] or other appropriate procedures.
2. *Notifies* CB, if the vehicle has eluded the pursuit, and *provides* details that will assist in future apprehension.
3. *Notifies* the Patrol Supervisor.
4. *Directs* the actions of all vehicles if the pursuit is terminated or the vehicle eludes the pursuit.
5. *Responds* to the location where the pursuit ended when:
  - a. Police Officers stop the vehicle and apprehend the subject, **or**
  - b. the subject abandons the vehicle.

**G. Review**

1. *Reviews* the pursuit and any relevant archived data and *prepares* the Vehicle Pursuit Summary in Blue Team.
 

**Note:** The Vehicle Pursuit Summary can be accessed through the Blue Team link on the intranet homepage. Choose “Add New Incident” and under Incident Type, choose “Vehicle Pursuit”.
2. *Transmits* electronically the Vehicle Pursuit Summary to the Desk Officer as follows:
  - a. *clicks* on “Add Recipient”,
  - b. *selects* “Last Name” under Search Type,
  - c. *enters* the precinct # in the Search box,
  - d. *selects* the appropriate precinct Desk Officer,
  - e. *clicks* on “Forward”.

**Patrol Supervisor**

3. *Notifies* the Desk Officer that the Vehicle Pursuit Summary has been sent via e-mail.
4. *Prepares* a separate narrative report when it is necessary to detail:
  - a. any exceptional police performance or improper response by Police Officers who participated in the pursuit,
  - b. exceptional or improper performance by CB or other involved command.
5. *Forwards* any narrative reports prepared to the Commanding Officer.

**Note:** When practical, narrative reports and relevant digital records should be attached electronically to the Pursuit Summary.

**Desk Officer**

6. *Reviews* the Vehicle Pursuit Summary, *and*
  - a. *records* comments,
  - b. *includes* the Desk Officer’s name and serial number in the comments box,
  - c. *transmits* electronically to the Commanding Officer as follows;
    - (1) *clicks* on “Forward Up Chain”,
    - (2) *clicks* on “Add Recipient”,
    - (3) *selects* “Last Name” under Search Type,
    - (4) *enters* the precinct # in the Search box,
    - (5) *selects* the appropriate precinct Commanding Officer,
    - (6) *clicks* on “Forward”.

**Commanding Officer**

7. *Reviews* the Vehicle Pursuit Summary and narrative reports if prepared, to determine if Department procedures were followed and if there are any training needs to be considered.
8. *Endorses* the Vehicle Pursuit Summary by indicating that either:
  - a. no further review is necessary, *or*
  - b. further review is pending.
9. *Includes* the Commanding Officer’s name and serial number in the comments box.
10. *Transmits* electronically the Vehicle Pursuit Summary to the Office of Chief of Patrol by the end of the first business day after the date of occurrence, as follows:
  - a. *clicks* on “Forward Up Chain”,
  - b. *clicks* on “Add Recipient”,
  - c. *selects* “Last Name” under Search Type,
  - d. *enters* “Chief” in the Search box,
  - e. *selects* “Chief of Patrol”,
  - f. *clicks* on “Forward”.
11. *Prints* a copy of the Vehicle Pursuit Summary.
12. *Forwards* the following to the EVOG Supervisor:
  - a. a hard copy of the Vehicle Pursuit Summary,
  - b. any narrative reports prepared by the Patrol Supervisor.

**Commanding Officer**

- 13. If further review is pending,
  - a. *reviews* the Patrol Supervisor’s narrative report,
  - b. *completes* the pending review,
  - c. *prepares* a report detailing his findings and all actions taken.
- 14. *Forwards* the following to the Chief of Patrol:
  - a. any narrative reports prepared by the Commanding Officer,.
  - b. any narrative reports prepared by the Patrol Supervisor.

**Chief of Patrol**

- 15. *Reviews* the Vehicle Pursuit Summary and any narrative reports prepared, **and:**
  - a. *records* comments,
  - b. *includes* the Chief of Patrol’s name and serial number in the comments box,
  - c. *transmits* electronically to the Chief of Department as follows;
    - (1) *clicks* on “Forward Up Chain”,
    - (2) *clicks* on “Add Recipient”,
    - (3) *selects* “Last Name” under Search Type,
    - (4) *enters* “Chief” in the Search box,
    - (5) *selects* “Chief of Department”,
    - (6) *clicks* on “Forward”.

**EVOC Supervisor**

- 16. *Reviews* all Vehicle Pursuit Summaries and narrative reports.
- 17. *Identifies* any improper or exceptional performance and *addresses* any training issues in EVOC training.
- 18. *Maintains* statistical data on vehicle pursuits.



PROCEDURE TITLE

PROCEDURE NUMBER

REVISION

## Use of Force

OPS 12410

1

### POLICY

The policy of the Police Department is to prevent crime and arrest offenders while protecting human life. In situations where it is necessary to engage in the lawful use of force [See Definition], Members of the Force will use force based upon the totality of circumstances [See Definition] using an objectively reasonable [See Definition], standard to effectively bring an incident or person under control. [See Policy 4200]

### PURPOSE

To establish procedures for the use of force in situations where it is objectively reasonable and the documentation of such force.

### DEFINITIONS

**Actively Resistant Person/Self-Destructive Behavior:** an actively resistant person is one who takes an offensive or a physically resistant action. These actions can take the form of the person standing at the ready and menacing with an object, device, or material capable of inflicting serious injury; the person using bodily force such as punching, striking, scratching, grabbing/holding; the person using active physical resistance to custody or presenting an imminent biohazard threat such as spitting or throwing a biohazard at the member or attempt of same. Also in this category: evading custody (escape), destroying evidence, or attempting to harm self (ingesting narcotics, suicide attempt), making explicit verbal threats to cause injury to the member or others present and which the member reasonably believes the person will carry out that threat. The member objectively and reasonably perceives an actual or imminent threat to self, others or evidence. In the interest of officer safety, members shall be particularly vigilant of persons presenting physical cues of an imminent attack (yawning with outstretched arms, glancing around assessing the environment, staring at the officer's duty belt, balling fists, shifting their body into a fighting stance, etc.).

**Deadly Active Person:** a deadly active person is one who is presenting a deadly threat with a firearm, edged weapon, deadly ordnance, electronic control device (ECD), motor vehicle, or any other instrument or substance capable of causing death or serious physical injury. Also included is an attempt to disarm the member, incapacitate the member or a life-threatening weaponless assault. The member objectively and reasonably perceives an imminent threat of death or serious physical injury to self or innocent others.

**Deadly Physical Force:** means physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury. (NYS Penal Law § 10.00(11)) It may involve firearms, but also includes any force or instrument of force (e.g., vehicle, edged weapon) capable of causing death or serious physical injury. Deadly physical force includes the firing at or in the direction of a person, and head strikes with a police baton or any hard object.

**Force:** means the following actions by a member: any physical strike or instrumental contact with a person, or any significant physical contact that restricts movement of a person. The term includes, but is not limited to, the brandishing, use or discharge of firearms; brandishing, use or deployment of electronic control devices (ECDs); display, use or deployment of chemical spray; empty hands; the taking of a person to the ground; physical force such as kicks, punches, or martial arts

ISSUING AUTHORITY

SIGNATURE

EFFECTIVE DATE

PAGE

Commissioner

Patrick J. Ryder

11/20/2020

1 of 6

## DEFINITIONS

techniques; compliance and control holds such as twist locks, wrist locks, pressure point; or the deployment of a canine. **The term does not include escorting or handcuffing a person, with no or minimal resistance.**

**Imminent:** *does not* mean immediate or instantaneous, but rather that an action is pending. Thus, a subject may pose an imminent danger even if he is not at that very moment pointing a weapon at a Police Officer. For example, imminent danger may exist if Police Officers have probable cause to believe any of the following:

1. a subject possesses a weapon or is attempting to gain access to a weapon under circumstances indicating an intention to use it against the police officer or others, *or*
2. a subject is armed and running to gain a tactical advantage of cover, *or*
3. a subject with the capability of inflicting death or serious physical injury or otherwise incapacitating a police officer and is demonstrating an intention to do so, *or*
4. a subject is attempting to escape from the vicinity of a violent confrontation where the subject inflicted or attempted to inflict death or serious physical injury.

**Intermediate Weapons:** compliance devices authorized, approved, and issued by the Department and used to stop and control individuals when the use of force is reasonable and necessary. These instruments or devices include, but are not limited to, the following: OC pepper-spray, the police baton, the electronic control device (ECD), a propelled beanbag round, and the deployment of a canine.

**Objectively Reasonable:** an objective standard used to judge a police officer's actions. Under an objectively reasonable standard, a particular application of force must be judged through the perspective of a reasonable police officer possessing the same information and faced with the same circumstances as the officer who actually used force. The use of objectively reasonable force is not analyzed with hindsight, but will consider, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations. (Graham, 490 U.S. 396)

**Passively Resistant Person:** a passively resistant person is one who fails to follow voice commands. A passively resistant person may be verbally abusive using non-threatening language. A passively resistant person is also any person who resists arrest simply by passively refusing to comply as directed (dead weight). The police member does not objectively and reasonably perceive an imminent physical threat.

**Physical Injury:** impairment of physical condition or substantial pain. (NYS Penal Law §10.00 (9))

**Serious Physical Injury:** means 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. (NYS Penal Law §10.00(10))

**Totality of circumstances:** the facts and circumstances of a particular case, including the severity of the crime, whether an individual poses an immediate threat to the safety of a police officer or others, and whether an individual is actively resisting arrest or attempting to evade flight, judged from the perspective of a reasonable police officer at the scene of an incident.

<b>SCOPE</b>	All Members of the Department
<b>SOURCES</b>	<p>DAO #20-015, Carotid Restraint  <a href="#">Graham v. Connor, 490 U.S. 386 (1989)</a>  NYS PL §10. (Definitions)  §35. (Defense of Justification)  §121.13-a (Aggravated Strangulation)  §205.30. (Resisting Arrest)  <a href="#">Tennessee v. Garner, 471 U.S. 1 (1985)</a>  Use of Force Model Policy, NYS DCJS Municipal Police Training Council, September 2020</p>
<b>RULES</b>	<ol style="list-style-type: none"> <li>1. Members of the Force will not use force except as provided by law.</li> <li>2. Members of the Department, while on duty, will render aid to a sick or injured person in accordance with their level of training and summon an ambulance if necessary.</li> </ol>
<b>REPLACES</b>	OPS 12410, Revision 0, dated 07/08/2016
<b>PROCEDURE</b>	<b>A. Use of Force</b>
<b>Police Officer</b>	<ol style="list-style-type: none"> <li>1. <i>Encounters</i> a situation where the totality of circumstances suggests the use of force may be necessary. <p><b>Note:</b> The totality of circumstances should be considered when deciding the force necessary to overcome resistance when trying to maintain control of a violent person or to effect an arrest.</p> <p><b>Note:</b> Force is authorized to be used when reasonably believed to be necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one's self or another.</p> <p><b>Note:</b> Under the 4<sup>th</sup> 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.</p> </li> <li>2. <i>Requests</i> assistance, as necessary.</li> <li>3. <i>Initiates</i> Mental Aided Persons procedure <a href="#">[See OPS 1155]</a> if the subject appears to be suffering from mental illness or experiencing emotional distress.</li> <li>4. <i>Considers</i> if the behavior displayed by the subject is viewed as: <ol style="list-style-type: none"> <li>a. a passively resistant person <a href="#">[See Definition]</a>,</li> <li>b. an actively resistant person/self-destructive behavior <a href="#">[See Definition]</a>,</li> <li>c. a deadly active person. <a href="#">[See Definition]</a></li> </ol> </li> <li>5. <i>Considers</i> additional factors that may be used in determining the reasonableness of force, including: <ol style="list-style-type: none"> <li>a. the severity of the crime or circumstance,</li> <li>b. whether the subject poses an immediate threat to the safety of the officers, himself, or others,</li> <li>c. whether the subject is attempting to evade arrest by flight,</li> <li>d. knowledge, training, and experience of the police officer,</li> <li>e. the subject's age, size and relative strength,</li> </ol> </li> </ol>

## Police Officer

- f. number of subjects at scene,
  - g. number of police officers at scene,
  - h. other environmental conditions or exigent circumstances.
6. If the use of force *is not objectively reasonable*, *continues* with the incident as appropriate.
- Note:** Force *shall not* be used by a Member for the following reasons:
- a. to coerce a confession from a subject in custody,
  - b. to extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present,
  - c. to obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required,
  - d. 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,
  - e. whenever use of force is not legally justified.
7. If the use of force *is* objectively reasonable [See Definition], *initiates* use of force techniques if appropriate, such as:
- a. empty hand,
  - b. take down,
  - c. kick,
  - d. punch,
  - e. Martial arts technique,
  - f. twist lock,
  - g. wrist lock,
  - h. pressure point.
8. *Intercedes to prevent* the use of unreasonable force by another officer.
- Note:** Any officer present and observing another officer using force that he/she reasonably believes to be 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 prevent harm.
9. *Promptly* reports incident to a supervisor, if an officer observes another officer use force that exceeds the degree of force as described in Step 8.
10. *Continually* assesses the circumstances and, as appropriate, *escalates* or *de-escalates* the use of force.
11. If an intermediate weapon [See Definition] is necessary, *initiates* procedures including:
- a. Use of Intermediate Weapons, [Go to OPS 12440],
  - b. Use of Oleoresin Capsicum (OC), [Go to OPS 12450], or
  - c. Use of Electronic Control Device (ECD)/Taser, [Go to OPS 12430]. [End of Procedure]

**Police Officer**

12. If the use of deadly physical force [\[See Definition\]](#) is necessary, [\[Go to OPS 12420\]](#). **[End of Procedure]**
13. *Restrains* the subject once compliance is met.
14. *Checks* subject's condition and *renders* aid, if necessary.
15. *Initiates* Aided Cases procedure [\[See OPS 1110\]](#), if any of the following conditions exist:
  - a. the suspect has visible injuries,
  - b. the suspect complains of injury,
  - c. the use of force is likely to result in an injury.
16. *Notifies* a supervisor if involved in a use of force incident that results in any of the following:
  - a. the suspect complains of pain, except complaints of minor discomfort from compliant handcuffing,
  - b. a reasonable person believes the use of force is likely to cause an injury,
  - c. physical injury,
  - d. serious physical injury [\[See Glossary\]](#),
  - e. death,
  - f. an ECD was intentionally or accidentally discharged after being displayed,
  - g. a firearm was discharged at a subject.
17. *Initiates* Arrest Processing procedure [\[See OPS 2115\]](#), if necessary.

**Supervisor**

18. If notified that a Member was involved in a use of force incident,
  - a. *notifies* the Desk Officer,
  - b. *responds to the scene*,
  - c. *maintains* the scene,
  - d. *conducts* an investigation,
  - e. *secures* the scene in its present state for evidentiary recording and collection, if detectives are responding,
  - f. *conducts* an investigation if detective are not responding,
  - g. *directs and ensures* any police officer(s) who used force prepare PDCN Form 258, Use of Force Report,
  - h. *takes* photos of injuries or lack thereof to officers or suspects.

**Desk Officer**

19. If serious physical injury or death resulted,
  - a. *notifies* the Police Communications Operator Supervisor (PCOS) to contact the Deadly Force Response Team (DFRT) Coordinator,
  - b. *notifies* the Commanding Officer (CO) or if the CO is unavailable, *initiates* the Administrative Duty Coverage procedure [\[See ADM 2010\]](#),
  - c. *directs* the supervisor to secure the scene and safeguard evidence for the responding detectives,
  - d. *notifies* the detective squad in the precinct of occurrence [\[See Glossary\]](#) for response.

**B. Documentation and Review of the Use of Force Report****Police Officer**

1. *Prepares* Case Report. [\[See OPS 8110\]](#)

**Police Officer**

- 2. *Prepares PDCN Form 258, Use of Force Report*, when force is used.
- 3. *Forwards* PDCN Form 258, before the end of his tour of duty, to his immediate supervisor.

**Supervisor**

- 4. *Reviews and completes* PDCN Form 258 *and prepares* a narrative report to his Commanding Officer when further investigation is necessary.
- 5. *Forwards* PDCN Form 258 and the narrative report, if required, before the end of his tour of duty to his Commanding Officer.

**Commanding Officer**

- 6. *Reviews* PDCN Form 258 and the narrative report, if prepared.
- 7. *Completes* PDCN Form 258.
- 8. *Directs* supervisor to further investigate, if necessary.
- 9. *Forwards* the original PDCN Form 258 and the narrative report to the Division Chief.
- 10. *Forwards* copies of PDCN Form 258 and the narrative report to the Commanding Officer of the Police Academy.
- 11. *Maintains* copies of PDCN Form 258 and the narrative report in command.

**PA Commanding Officer**

- 12. *Reviews* all use of force reports to determine the effectiveness of training.
- 13. *Determines* if further training is necessary.
- 14. If further training is necessary,
  - a. *prepares* a narrative report, *and*
  - b. *forwards* the narrative report to the Chief of Department (TOC).

**Division Chief**

- 15. *Reviews* PDCN Form 258 and narrative report(s).
- 16. *Completes* PDCN Form 258.
- 17. *Forwards* PDCN Form 258 and narrative report(s) to the Chief of Department.

**Chief of Department**

- 18. *Reviews* all use of force reports.



PROCEDURE TITLE

PROCEDURE NUMBER

REVISION

## Use of Deadly Physical Force

OPS 12420

5

### POLICY

The policy of the Police Department is to prevent crime and arrest offenders while protecting human life. In situations where it is necessary to engage in the lawful use of force [See Glossary], Members of the Force will use force based upon the totality of circumstances [See Definition] using an objectively reasonable [See Definition] standard to effectively bring an incident or person under control. [See Policy 4200]

### PURPOSE

To establish procedures for the use of deadly physical force [See Definition] by Members of the Force and the subsequent notifications for such incidents.

### DEFINITIONS

**Deadly Physical Force:** means physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury. (NYS Penal Law § 10 (11)). It may involve firearms, but also includes any force or instrument of force (e.g. vehicle, edged weapon) capable of causing death or serious physical injury. Deadly physical force includes the firing at or in the direction of a person and head strikes with a police baton or any hard object.

**Imminent:** *does not* mean immediate or instantaneous, but rather that an action is pending. Thus, a subject may pose an imminent danger even if he is not at that very moment pointing a weapon at a Police Officer. For example, imminent danger may exist if Police Officers have probable cause to believe any of the following:

1. a subject possesses a weapon or is attempting to gain access to a weapon under circumstances indicating an intention to use it against the police officer or others, *or*
2. a subject is armed and running to gain a tactical advantage of cover, *or*
3. a subject with the capability of inflicting death or serious physical injury or otherwise incapacitating a police officer and is demonstrating an intention to do so, *or*
4. a subject is attempting to escape from the vicinity of a violent confrontation where the subject inflicted or attempted to inflict death or serious physical injury.

**Objectively Reasonable:** an objective standard used to judge a police officer's actions. Under an objectively reasonable standard, a particular application of force must be judged through the perspective of a reasonable police officer possessing the same information and faced with the same circumstances as the officer who actually used force. The use of objectively reasonable force is not analyzed with hindsight, but will consider, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations. (Graham, 490 U.S. 396)

**Physical Injury:** impairment of physical condition or substantial pain. (NYS Penal Law §10(9))

**Serious Physical Injury:** means 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. (NYS Penal Law §10.00(10))

**Totality of Circumstances:** the facts and circumstances of a particular case, including the severity of the crime, whether an individual poses an immediate threat to the safety of a police officer or others, and whether an individual is actively resisting arrest or attempting to evade flight, judged from the perspective of a reasonable police officer at the scene of an incident.

ISSUING AUTHORITY

SIGNATURE

EFFECTIVE DATE

PAGE

Commissioner

Patrick J. Ryder

11/20/2020

1 of 4

<b>SCOPE</b>	All Members of the Department
<b>SOURCES</b>	<p>DAO #20-015, Carotid Restraint                  Graham v. Connor, 490 U.S. 386 (1989)                  NYS CPL § 690. (Search Warrants)                  NYS PL §10. (Definitions)                      §35. (Defense of Justification)                      §121.13-a (Aggravated Strangulation)                  Tennessee v. Garner, 471 U.S. 1 (1985)                  Use of Force Model Policy, NY DCJS Municipal Police Training Council, September 2020</p>
<b>RULES</b>	<ol style="list-style-type: none"> <li>1. <b>Members of the Force</b> will not use force except as provided by law.</li> <li>2. A Member of the Department will notify a supervisor, as soon as practicable, whenever he uses deadly physical force.</li> <li>3. Members of the Force will notify a supervisor, as soon as practicable, when they have discharged a firearm, except while lawfully hunting or target shooting.</li> <li>4. Members of the Department, while on duty, will render aid to a sick or injured person in accordance with their level of training and summon an ambulance if necessary.</li> </ol>
<b>REPLACES</b>	OPS 12420, Revision 4, dated 11/16/2020
<b>PROCEDURE</b>	
<b>Police Officer</b>	<ol style="list-style-type: none"> <li>1. <i>Encounters</i> a situation where the totality of circumstances suggests use of deadly physical force <b>[See Definition]</b> may be objectively reasonable.</li> <li>2. <i>Requests</i> assistance as necessary and if practical.</li> <li>3. <i>Continually</i> assesses the circumstances and, as appropriate, <i>escalates</i> or <i>de-escalates</i> the use of force.</li> <li>4. <i>Considers</i> factors such as the following, when determining the totality of circumstances:                         <ol style="list-style-type: none"> <li>a. cover,</li> <li>b. concealment,</li> <li>c. risk of crossfire,</li> <li>d. occupied buildings or dwellings nearby,</li> <li>e. highly populated area,</li> <li>f. possibility of ricochets,</li> <li>g. whether the officer reasonably believes that the suspect poses an imminent <b>[See Definition]</b> threat of serious physical injury or death to the officer or to others,</li> <li>h. other force methods available, if practical.</li> </ol> </li> <li>5. <i>Determines</i> the use of force is objectively reasonable, based on changing circumstances.</li> </ol> <p><b>Note:</b> The determination of what is or is not objectively reasonable force is based on each individual situation and is a judgment decision for the individual police officer to make based on the totality of circumstances.</p> <ol style="list-style-type: none"> <li>6. <i>Will not:</i> <ol style="list-style-type: none"> <li>a. use deadly force on the basis of mere suspicion,</li> <li>b. fire warning shots,</li> <li>c. fire <b>at</b> or <b>from</b> a moving vehicle unless deadly force is being used against the police officer or another by means</li> </ol> </li> </ol>

other than a moving vehicle,

**Note:** Members should be fully aware that shots fired at a moving vehicle may create a greater danger to the public, or other responding officers, than is posed by the moving vehicle itself.

- d. use deadly physical force in circumstances that present a grave risk of death or serious physical injury [See [Definition](#)] to innocent persons.

**Note:** In every situation Members of the Department are expected to act with intelligence and employ sound judgment, in compliance with department policy. Involved Members of the Force must be able to clearly explain their reasons for the use of deadly physical force. All cases will be thoroughly investigated.

**Note:** Force Members are reminded of Penal Law Article 121, Strangulation and Related Offenses, and in particular recently enacted Penal Law Section 121.13-a, Aggravated Strangulation, and that the carotid restraint, or “chokehold” is not an authorized use of force technique.

**Police Officer**

7. If use of deadly physical force *is not* authorized by law, *and/or is not* justified by the totality of circumstances, *considers* alternative use of force methods such as:
- Use of Electronic Control Devices (ECD)/Taser [See [OPS 12430](#)],
  - Use of Oleoresin Capsicum (OC) [See [OPS 12450](#)],
  - Use of Intermediate Weapons [See [OPS 12440](#)],
  - Use of Force [See [OPS 12410](#)] [End of Procedure].
8. *When practical*, prior to using deadly physical force, *identifies* himself as a Police Officer and *issues* a verbal warning “**POLICE DON’T MOVE**”.
9. *Uses* deadly physical force to:
- protect the Member or another person from what the Member reasonably believes is an imminent threat of serious physical injury or death,
  - to stop a fleeing suspect where:
    - the Member has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death, *and*
    - the member reasonably believes that the suspect poses an imminent threat of serious physical injury to the Member or to others.
10. *Apprehend* and *handcuff* the subject, if practical.
11. *Checks* subject’s condition and *renders* aid, if necessary.
12. *Initiates* the Aided Cases procedure [See [OPS 1110](#)] if any of the following conditions exist:
- the subject has visible injuries,
  - the subject complains of injury,
  - the use of force is likely to result in an injury.
13. If he is *on duty* in Nassau County or within New York City, Suffolk County or Westchester County, *requests* the following

**Police Officer/  
Assisting Officer**

**Police Officer**

**Police Officer**

**Police Communications Operator**

**Police Communications Operator Supervisor**

**Desk Officer/Tour Supervisor**

**Precinct Squad Detective**

from Communications Bureau:

- a. an ambulance,
- b. a supervisor,
- c. additional assistance, as needed.

14. If he is *off duty* in Nassau County, *notifies* Communications Bureau (CB).

15. If he is *off duty* and *outside* Nassau County, *notifies*:  
 a. regional 911 from his location, *and*  
 b. a Nassau County Police Communications Operator Supervisor (PCOS).

16. *Assigns* assistance as requested.

17. *Notifies* the involved officer’s Desk Officer or tour supervisor.

18. *Responds* to the scene, *and*  
 a. *assumes* command, if in Nassau County,  
 b. *acts as liaison* to local law enforcement, if outside Nassau county,  
 c. *secures* the scene, if in Nassau County,  
 d. *gathers* information necessary for the proper response to the incident,  
 e. *ensures* medical assistance is at scene,  
 f. *ensures* evidence is protected, if in Nassau County,  
 g. *ensures* any potential witnesses are identified and secured,  
 h. *notifies* the Desk Officer with available details.

19. If a firearm was *unintentionally* discharged and *no one* was injured, *initiates* Unintentional Firearm Discharge Report Procedure. **[See ADM 1220] [End of Procedure]**

20. *Initiates* the Crime Scene Duties procedure. **[See OPS 8115]**

21. *Notifies* a PCOS to contact the Deadly Force Response Team (DFRT) Coordinator for an incident involving the use of deadly force.

22. *Notifies* the Commanding Officer.

23. If the Commanding Officer is unavailable, *initiates* the Administrative Duty Coverage procedure. **[See ADM 2010]**

24. *Notifies* the detective squad in the precinct of occurrence **[See Glossary]** to respond and conduct a preliminary investigation.

25. *Responds* to scene and *conducts* a preliminary investigation.

26. *Confers* with the Homicide Squad Detective Supervisor, if at scene.

**Note:** If the Homicide Squad will be required, they will be assigned to the Deadly Force Response Team. **[See OPS 12460]**

27. *Assigns* a Care Taker supervisor to respond and assume responsibility of primary care for the member(s) involved.

**Note:** The Care Taker supervisor should be a supervisor from the member’s Command, if one is available.

**Care Taker  
Supervisor**

- 28. *Responds* to the scene and *assumes* the responsibility of primary care for the member(s) involved, including any of the following:
  - a. medical treatment
  - b. peer support,
  - c. critical incident stress management. [\[See ADM 2402\]](#)

29. *Stays* with the member(s) involved and *explains* the procedures to be conducted.

30. *Secures* all firearm(s) possessed by any Member of the Department who was in the immediate proximity at the time of the firearm discharge.

**Note:** It is important to safely secure the firearm in its present condition leaving rounds/magazine in the firearm for evidentiary recording and collection.

**Police  
Communications  
Operator Supervisor**

31. If notified to contact the DFRT Coordinator, *initiates* the Deadly Force Response Team procedure. [\[See OPS 12460\]](#)





PROCEDURE TITLE

PROCEDURE NUMBER

REVISION

## Use of Electronic Control Device (ECD)/Taser

OPS 12430

4

### POLICY

The policy of the Police Department is to prevent crime and arrest offenders while protecting human life. In situations where it is necessary to engage in the lawful use of force [See Glossary], Members of the Force will use force based upon the totality of circumstances [See Glossary] using a reasonable and necessary [See Glossary] standard to effectively bring an incident or person under control. [See Policy 4200] As per accepted national guidelines, a Department-issued electronic control device (ECD) [See Definition] may be an effective tool when the use of force is reasonable and necessary.

### PURPOSE

To establish procedures for the use of electronic control devices for situations where equipment is necessary to control persons involved.

### DEFINITIONS

**ECD Authorized Member:** a Member of the Force who has successfully completed the NCPD training course in the use of the NCPD Electronic Control Device.

**Automatic Performance Power Magazine (APPM):** a lithium energy cell power supply system with an onboard memory chip that maintains a record of vital operational status information, such as remaining power level, energy cell performance, and life expectancy for the energy cell pack under varying temperatures and loads, which is graphically displayed on the device. This APPM automatically shuts off 5 seconds after pulling the trigger.

**Cartridge:** a replaceable cartridge which discharges two probes on connecting wires sending a high voltage/low current signal into a subject.

**Discharge:** the actual use of the ECD with probe discharge or Drive Stun [See Definition] against a subject.

**Display:** drawing and exhibiting the ECD as part of a warning tactic, typically accompanied by appropriate verbalization.

**Drive Stun:** discharging the ECD whereby the device makes direct contact with the intended subject's body without a cartridge in place or after the cartridge has been discharged. This mode should not be the primary method of use due to the risk presented as a result of the close proximity to the subject.

**ECD Logbook:** a logbook for tracking the intake and distribution of ECD devices and cartridges. It will document the following:

1. issuing member, if applicable,
2. date and time ECD device and/or cartridge issued or received,
3. date and time ECD device returned, if applicable,
4. receiving/returning member's name and serial number,
5. ECD device serial number,
6. used cartridge serial number,
7. new cartridge serial number, *and*
8. whether the used cartridge will be destroyed or invoiced.

**Electronic Control Device (ECD):** an electro-muscular disruptor designed to disrupt a subject's motor and sensory functions of the nervous system by deploying battery-powered electrical energy sufficient to cause motor skill dysfunction and override voluntary motor responses. The ECD utilized by NCPD is the Taser International X26P

ISSUING AUTHORITY

SIGNATURE

EFFECTIVE DATE

PAGE

Deputy Commissioner

Patrick J. Ryder

6/12/2017

1 of 6

# Use of Electronic Control Device (ECD)/Taser

OPS 12430 4

	<p>yellow, model no. 11003 with an APPM battery pack auto shut off, model no. 22011.</p> <p><b>Laser Painting:</b> the act of removing the ECD from its holster and pointing the ECD at a subject and activating the ECD's laser dot to show that the device is aimed and targeted on the appropriate location on the subject.</p> <p><b>Successful Application:</b> the result of discharging an ECD where the probes make contact with the subject's body, or the unit itself makes direct contact with the subject's body, to conduct energy that affects both the sensory and motor functions of the nervous system.</p>
<b>SCOPE</b>	All Members of the Department.
<b>SOURCES</b>	<p><a href="#">Graham v. Connor, 490 U.S. 386 (1989)</a> IACP Model Policy, Electronic Control Weapons. August, 2009. <a href="#">PL Article 35.</a> (Defense of Justification) <a href="#">PL Article 205.30</a> (Resisting Arrest) Police Use of Force, Tasers, and Other Less-Lethal Weapons. U.S. Department of Justice/Office of Justice Programs/National Institute Justice. May 2011.</p>
<b>RULES</b>	<ol style="list-style-type: none"><li>1. Members of the Department will not use force except as provided by law.</li><li>2. Members of the Department while off duty <b>will not carry</b> and <b>will secure</b> the Department-issued ECD except when traveling to and from work.</li><li>3. ECDs will only be used by Members of the Department who have completed training and have been authorized to use ECDs.</li><li>4. Members of the Department, while on duty, will render aid to a sick or injured person in accordance with their level of training and summon an ambulance if necessary.</li></ol>
<b>REPLACES</b>	OPS 12430, Revision 3, dated 08/18/2016.
<b>PROCEDURE</b>	<b>A. Issuance and Maintenance</b>
ECD Authorized Member	<ol style="list-style-type: none"><li>1. If the ECD Authorized Member is a non-uniformed officer, <i>equips</i> himself/herself with an ECD when on duty,<ol style="list-style-type: none"><li>a. <b>except if</b> it is impractical because of the nature of the <b>current</b> assignment,</li><li>b. <b>except if</b> carrying an ECD discloses the member's identity as a Police Officer or otherwise compromises officer safety (i.e., BSO, Narcotics),<p><b>Note:</b> When part of a non-uniformed arrest team, at least one member of that team will be an ECD Authorized Member and will carry an ECD when possible.</p></li><li>c. <i>retrieves</i> an ECD from his/her command, <b>and</b></li><li>d. <i>makes</i> appropriate entries into the ECD Logbook. [See <b>Definition</b>]</li></ol></li><li>2. <i>Carries</i> the ECD in accordance with training.<p><b>Note:</b> Non-uniformed officers will be guided by training protocols specific to their assignment.</p></li></ol>

## Use of Electronic Control Device (ECD)/Taser

OPS 12430 4

ECD Authorized  
Member

3. *Inspects* the ECD at the beginning of his tour of duty to ensure operability by:
  - a. *removing* the cartridge [See Definition] and *pointing* the ECD in a safe direction,
  - b. *releasing* the safety and *ensuring* the laser is visible and the battery status light indicates the device is energized,
  - c. *conducting* a five second spark test by depressing the trigger to see an arc and hear a sound.

**Note:** The ECD cartridge must be removed prior to conducting the spark test.
4. *Replaces* the Automatic Performance Power Magazine (APPM) [See Definition] if:
  - a. the laser is not visible,

**Note:** The member should ensure that laser function is turned on.

  - d. the battery status light does not operate,
  - e. a weak battery is indicated.

**Note:** The APPM should read above 20 percent capacity. Environmental conditions, such as extreme heat or cold, can cause variations in battery life.
5. *Responds* to the Command for replacement when a spark test fails or an APPM is needed.
6. If the ECD Authorized Member is a non-uniformed officer,
  - a. *returns* the ECD at the end of his/her tour if the ECD was **not** deployed, **and**
  - b. *makes* appropriate entries into the ECD Logbook.

### B. Use of Electronic Control Device

ECD Authorized  
Member

1. *Determines* the use of force is reasonable and necessary to control a person and *evaluates* the use of an ECD.

**Note:** The totality of circumstances should be considered when deciding the force necessary to overcome resistance when trying to maintain control of a violent person or to effect an arrest.

**Note:** Factors to consider may include:

  1. whether the person poses an immediate threat to the safety of the officers, himself or others,
  2. whether the person is actively resisting arrest,
  3. if a crime was committed, the severity of the crime,
  4. whether the person is attempting to evade arrest by flight,
  5. surrounding hazards.
2. *Requests* assistance, as necessary.
3. *Initiates* Mentally Disabled Persons procedure [See OPS 1155] if necessary.
4. *Determines* the ECD will be utilized.

**Note:** Except in exigent circumstances, the ECD generally **should not** be used to control a person in situations such as:

# Use of Electronic Control Device (ECD)/Taser

OPS 12430 4

ECD Authorized  
Member

1. the person is at risk of falling from a dangerous height,
2. the person is handcuffed,
3. the person is exhibiting passive resistance,
4. the person has a known heart condition,
5. after an alcohol based chemical spray has been sprayed as the fumes could ignite,
6. when combustible or flammable liquids are present,
7. the person is known to be or apparently under the age of 16, or over the age of 65,
8. the person is known to be pregnant,
9. the person is operating or riding on any moving device or vehicle such as a motor vehicle, a bicycle or skateboard.

5. *Advises* the subject, when practical, that the ECD will be utilized if the subject resists arrest or fails to comply with a lawful command.

6. *Announces* aloud to assisting officers, when practical, that the ECD is being displayed. [See Definition]

**Note:** It is important to communicate the imminent use of the ECD to each other so that Members of the Force *will not* simultaneously discharge the ECD on a single subject.

7. *Uses* the ECD in accordance with training received as follows:

- a. when possible, display of the ECD accompanied by appropriate verbal commands,
- b. when possible, laser painting [See Definition],
- c. discharging of the ECD either by probe or drive stun. [See Definition]

**Note:** The ECD will automatically shut off after discharging electrical energy for 5 seconds. Members of the Force will discharge *no more than* 3 successful applications [See Definition] of the ECD on a single subject.

8. *Restrains* the subject once compliance is met.

9. *Requests* a Patrol Supervisor, if there is none at scene.

**Note:** If the authorized member [See Definition] is a supervisor, requests an additional supervisor for the investigation.

10. *Assigns* additional units to the scene as requested.

Police  
Communications  
Operator

Members at the  
Scene

11. *Refrain* from removing the ECD probes from the subject's body.

12. *Checks* the subject's condition and *renders* aid if necessary.

13. *Initiate* the Aided Cases procedure [See OPS 1110] if any of the following conditions exist:

- a. the subject has visible injuries,
- b. the subject complains of injury,
- c. the use of force is likely to result in an injury.

14. *Initiate* Arrest Processing procedure [See OPS 2115] if necessary.

Police Medic

15. *Treats* the restrained person. [See OPS 1110]

## Use of Electronic Control Device (ECD)/Taser

OPS 12430 4

	<p><b>Note:</b> The ECD probes should only be removed by medical personnel at the hospital. However, when necessary to treat a person, a Police Medic (PM) can remove the probes.</p>
PM/Police Officer Supervisor	<p>16. <i>Transports</i> the aided person to the hospital.</p> <p>17. <i>Retrieves</i> the ECD and discharged cartridge from the authorized member.</p> <p>18. <i>Retrieves and properly disposes</i> of any probes that did not make contact with the subject.</p> <p>19. <i>Conducts</i> an investigation of the incident.</p> <p>20. <i>Notifies</i> the Desk Officer.</p> <p>21. If serious physical injury [See Glossary] or death resulted,</p> <ol style="list-style-type: none"><li><i>maintains</i> the scene,</li><li><i>secures</i> the ECD in its present state for evidentiary recording and collection.</li></ol>
Desk Officer	<p>22. If serious physical injury or death resulted,</p> <ol style="list-style-type: none"><li><i>notifies</i> the Police Communications Operator Supervisor (PCOS) to contact the Deadly Force Response Team (DFRT) Coordinator,</li><li><i>notifies</i> the Commanding Officer (CO) or if the CO is unavailable, <i>initiates</i> the Administrative Duty Coverage procedure [See ADM 2010],</li><li><i>directs</i> the supervisor to secure the scene and safeguard the ECD for the responding detectives,</li><li><i>notifies</i> the detective squad in the precinct of occurrence [See Glossary] for response.</li></ol>
Detective Squad	<p>23. If serious physical injury or death resulted,</p> <ol style="list-style-type: none"><li><i>responds</i> to the scene,</li><li><i>investigates</i> the incident, <b>and</b></li><li><i>downloads</i> the ECD.</li></ol>
	<p><b>B. Reporting and Follow-up After Discharge</b></p>
Police Officer	<p>1. <i>Prepares</i> Case Report. [See OPS 8110]</p> <p>2. <i>Prepares</i> PDCN Form 258, Use of Force Report.</p> <p>3. <i>Forwards</i> PDCN Form 258, before the end of his tour of duty, to the investigating supervisor.</p>
Supervisor	<p>4. <i>Properly disposes</i> of the ECD cartridge, if further investigation <b>is not</b> needed.</p> <p>5. <i>Reviews and completes</i> PDCN Form 258.</p> <p>6. <i>Prepares</i> a narrative report to his CO.</p> <p>7. <i>Forwards</i> PDCN Form 258 and the narrative report, before the end of his tour of duty, to the Commanding Officer.</p>
Commanding Officer	<p>8. <i>Reviews</i> PDCN Form 258 and all reports.</p> <p>9. <i>Completes</i> PDCN Form 258.</p> <p>10. <i>Forwards</i> the original PDCN Form 258 and all reports to the Division Chief.</p>

## Use of Electronic Control Device (ECD)/Taser

OPS 12430 4

FTU Commanding Officer	<ol style="list-style-type: none"><li>11. <i>Forwards</i> a copy of PDCN Form 258 and all reports to the Commanding Officer, Firearms Training Unit.</li><li>12. <i>Maintains</i> a copy of PDCN Form 258 and all reports in command.</li><li>13. <i>Reviews</i> all use of force reports to determine the effectiveness of the ECD.</li><li>14. <i>Determines</i> if further training is necessary.</li><li>15. If further training is necessary,<ol style="list-style-type: none"><li>a. <i>prepares</i> a narrative report,</li><li>a. <i>forwards</i> the narrative report to the Chief of Department (TOC).</li></ol></li></ol>
Division Chief	<ol style="list-style-type: none"><li>16. <i>Reviews</i> PDCN Form 258 and all reports.</li><li>17. <i>Completes</i> PDCN Form 258.</li><li>18. <i>Forwards</i> PDCN Form 258 and all reports to the Chief of Department.</li></ol>
Chief of Department	<ol style="list-style-type: none"><li>19. <i>Reviews</i> all use of force reports.</li></ol>
ECD Authorized Member Desk Officer/ Supervisor	<p><b>D. Replacement of ECD</b></p> <ol style="list-style-type: none"><li>1. <i>Responds</i> to the Command as soon as practical to obtain a new ECD cartridge, when necessary.</li><li>2. <i>Issues</i> a cartridge to the authorized member.</li><li>3. <i>Enters</i> the information into the ECD logbook. <a href="#">[See Definition]</a></li></ol>



PROCEDURE TITLE

PROCEDURE NUMBER

REVISION

## Use of Intermediate Weapons

OPS 12440

2

### POLICY

The policy of the Police Department is to prevent crime and arrest offenders while protecting human life. In situations where it is necessary to engage in the lawful use of force [See Glossary], Members of the Force will use force based upon the totality of circumstances [See Glossary] using a reasonable and necessary [See Glossary] standard to effectively bring an incident or person under control. [See Policy 4200] The use of Department-authorized intermediate weapons [See Definition] may be effective tools when the use of force is reasonable and necessary.

### PURPOSE

To establish procedures for the use of intermediate weapons for situations where equipment is necessary to control persons involved.

### DEFINITIONS

**Intermediate weapons:** compliance devices authorized, approved, and issued by the Department and used to stop and control individuals when the use of force is reasonable and necessary. These instruments or devices include, but are not limited to, the following: OC pepper-spray [Go to OPS 12450], the police baton, the electronic control device (ECD) [Go to OPS 12430], a propelled beanbag round [Go to Emergency Services Unit (ESU) Command Procedure], and the deployment of a canine.

### SCOPE

All Members of the Force.

### SOURCES

Graham v. Connor, 490 U.S. 386 (1989)

### RULES

1. Members of the Department will not use force except as provided by law.
2. Members of the Department, while on duty, will render aid to a sick or injured person in accordance with their level of training and summon an ambulance if necessary.

### REPLACES

OPS 12440, Revision 1, dated 10/8/2014.

### PROCEDURE

#### A. Use of Intermediate Weapon

#### Police Officer

1. *Determines* the use of force is reasonable and necessary to control a person and *evaluates* the use of an intermediate weapon.

**Note:** The totality of circumstances should be considered when deciding the force necessary to overcome resistance when trying to maintain control of a person or to effect an arrest.

**Note:** While Oleoresin Capsicum (OC) spray, electronic control devices (ECDs), and propelled beanbag rounds are classified as intermediate weapons, use of these weapons is addressed in OPS 12450, Use of Oleoresin Capsicum (OC), OPS 12430, Use of Electronic Control Device (ECD)/Taser, and ESU Command Procedure, respectively.

2. *Requests* assistance, as necessary.

3. *Initiates* Mentally Disabled Persons procedure [See OPS 1155], if necessary.

ISSUING AUTHORITY

SIGNATURE

EFFECTIVE DATE

PAGE

Acting Commissioner

Thomas C. Krumpert

07/08/2016

1 of 3

**Police Officer**

4. *Uses* a Department-authorized intermediate weapon in accordance with training.
5. *Restrains* the subject once compliance is met.
6. *Checks* subject's condition and *renders* aid if necessary.
7. *Initiates* Aided Cases procedure [See OPS 1110] if any of the following conditions exist:
  - a. the subject has visible injuries,
  - b. the subject complains of injury,
  - c. the use of force is likely to result in an injury.
8. If serious physical injury [See Glossary] or death results, *notifies* a supervisor.
 

**Note:** If the injury is the result of a canine, a Highway Patrol Bureau Supervisor will be notified.
9. *Initiates* Arrest Processing procedure [See OPS 2115], if necessary.

**Supervisor**

10. If notified that serious physical injury or death resulted,
  - a. *notifies* the Desk Officer,
  - b. *maintains* the scene,
  - c. *secures* the intermediate weapon in its present state for evidentiary recording and collection.

**Desk Officer**

11. If serious physical injury or death resulted,
  - a. *notifies* the Police Communications Operator Supervisor (PCOS) to contact the Deadly Force Response Team (DFRT) Coordinator,
  - b. *notifies* the Commanding Officer (CO) or if the CO is unavailable, *initiates* the Administrative Duty Coverage procedure [See ADM 2010],
  - c. *directs* the supervisor to secure the scene and safeguard the intermediate weapon for the responding detectives,
  - d. *notifies* the detective squad in the precinct of occurrence [See Glossary] for response.

**Supervisor**

12. *Directs* the Police Officer to respond to the Police Academy as soon as practical to obtain a new police baton, if it was invoiced.

**B. Reporting Use of Intermediate Weapon****Police Officer**

1. *Prepares* Case Report. [See OPS 8110]
2. *Prepares* PDCN Form 258, Use of Force Report, when an intermediate weapon is used.
3. *Forwards* PDCN Form 258 before the end of his tour of duty, to his immediate supervisor.

**Supervisor**

4. *Inspects* the police baton and *directs* the Police Officer to respond to the Police Academy as soon as practical, if the baton appears to be damaged or malfunctioning.
5. *Reviews* and *completes* PDCN Form 258, *and*
  - a. *prepares* a narrative report to his Commanding Officer when:
    - (1) the intermediate weapon was not used properly, *or*
    - (2) further investigation is necessary,

**Commanding Officer**

- b. *forwards* PDCN Form 258 and the narrative report, if required, before the end of his tour of duty, to his Commanding Officer.
- 6. *Reviews* PDCN Form 258 and the narrative report, if prepared.
- 7. *Completes* PDCN Form 258.
- 8. *Forwards* the original PDCN Form 258 and the narrative report to the Division Chief.
- 9. *Forwards* copies of PDCN Form 258 and the narrative report to the Commanding Office of the Police Academy.

**Note:** A PDCN Form 258 and narrative report involving *only a canine will not* be forwarded to the Police Academy.

**PA  
Commanding Officer**

- 10. *Maintains* copies of PDCN Form 258 and the narrative report in command.
- 11. *Reviews* the use of force reports to determine the effectiveness of the intermediate weapon.
- 12. *Determines* if further training is necessary.
- 13. If further training is necessary,
  - a. *prepares* a narrative report, **and**
  - b. *forwards* the narrative report to the Chief of Department (TOC).

**Division Chief**

- 14. *Reviews* PDCN Form 258 and narrative report(s).
- 15. *Completes* PDCN Form 258.
- 16. *Forwards* PDCN Form 258 and narrative report(s) to the Chief of Department.

**Chief of Department**

- 17. *Reviews* all use of force reports.

**C. Replacement of Police Batons**

**Police Officer**

- 1. *Responds* to the Police Academy as soon as practical when a replacement or inspection of a police baton is necessary.

**PA Personnel**

- 2. *Inspects* the member's baton for damage, if it was used.
- 3. *Issues* a new baton to the member if the baton
  - a. is damaged or unserviceable, **or**
  - b. was invoiced.
- 4. *Maintains* records of issuance of police batons, including:
  - a. names of members issued police batons,
  - b. serial numbers of batons issued.



PROCEDURE TITLE

PROCEDURE NUMBER

REVISION

## Use of Oleoresin Capsicum (OC)

OPS 12450

3

### POLICY

The policy of the Police Department is to prevent crime and arrest offenders while protecting human life. In situations where it is necessary to engage in the lawful use of force [See Glossary], Members of the Force and Ambulance Medical Technicians (AMTs) will use force based upon the totality of circumstances [See Glossary] using a reasonable and necessary [See Glossary] standard to effectively bring an incident or person under control. [See Policy 4200] Department-issued Oleoresin Capsicum (OC) [See Definition] may be an effective tool when the use of force is reasonable and necessary.

### PURPOSE

To establish procedures for the use of OC for situations where equipment is necessary to control persons involved.

### DEFINITIONS

**Hydraulic needle effect:** at distances less than 3 feet, liquid leaving a canister under pressure can damage a person's eye.

**Oleoresin Capsicum (OC):** an inflammatory agent derived from the oils and waxes of crushed cayenne peppers. The physical effects on a person caused by OC will usually lessen his ability to resist or retaliate.

**Note:** OC has no vapor rate. Therefore, it will not evaporate.

**OC effects:** may include physiological and psychological effects, such as:

1. acute burning sensation and redness of exposed skin,
2. involuntary closing of eyes,
3. inflammation in the mucous membranes of the nose and throat, triggering a cough reflex,
4. temporary loss of muscle coordination,
5. extreme panic attack,
6. inability to respond to commands.

**Note:** OC may also be effective against animals.

### SCOPE

All Members of the Force and AMTs.

### SOURCES

[Graham v. Connor, 490 U.S. 386 \(1989\)](#)  
Training Bulletin 97-001 (Oleoresin Capsicum)

### RULES

1. Members of the Department will not use force except as provided by law.
2. Members of the Department, while on duty, will render aid to a sick or injured person in accordance with their level of training and summon an ambulance if necessary.

### REPLACES

OPS 12450, Revision 2, dated 10/8/2014.

### PROCEDURE

#### A. Use of OC

**Note:** This procedure addresses the use of OC on people only and *not* on animals.

### Police Officer/AMT

1. *Determines* the use of force is reasonable and necessary to control a person and *evaluates* the use of OC.

ISSUING AUTHORITY

SIGNATURE

EFFECTIVE DATE

PAGE

Acting Commissioner

Thomas C. Krumpert

07/08/2016

1 of 4

Police Officer/ AMT

**Note:** OC *should not* be used in the following situations:

1. after a person is under control,
2. a person is apparently under 12 years of age,
3. a person appears to be elderly and frail,
4. a person is known to have any of the following medical conditions:
  - a. chronic emphysema,
  - b. heart disease,
  - c. asthma.

**Note:** The intent to use OC should not be announced; doing so may defeat the effects of OC on a person.

2. *Requests* assistance, as necessary.
3. *Initiates* Mentally Disabled Persons procedure [See OPS 1155], if necessary.
4. *Uses* OC in accordance with training and *discharges* the OC into the person's face to produce the proper OC effects [See Definition].

**Note:** The effective range of discharge is 3-12 feet.

5. *Restrains* the subject, if possible, while he is still affected by the OC.
6. *Discontinues* use of OC if the subject shows no effects from OC effectively placed in the face area.
7. *Inquires* if the exposed subject is wearing contact lenses.
8. *Checks* subject's condition and *renders* aid, if necessary.
9. *Initiates* the Aided Cases procedure [See OPS 1110] if any of the following conditions are suspected:
  - a. the hydraulic needle effect [See Definition],
  - b. severe breathing difficulties,
  - c. contamination of contact lenses,
  - d. the subject has visible injuries,
  - e. the subject complains of injury,
  - f. the use of force is likely to result in an injury,
  - g. any other need for medical attention.
10. *De-contaminates* an exposed person, when possible to do so without risk to Members of the Department, by irrigating the exposed area with water.

**Note:** If a person must be transported for de-contamination, he should be placed in a vehicle in a position that would not contribute to difficulties in breathing.

11. *Initiates* the Aided Cases procedure [See OPS 1110] if, after de-contamination, a person experiences the following:
  - a. unusual discomfort,
  - b. his level of pain increases,
  - c. any other need for medical attention.

Police Officer

12. *Initiates* the Arrest Processing procedure [See OPS 2115] if an

**Police Officer/AMT**

arrest is warranted.

- 13. *Constantly observe*, for a minimum period of 30 minutes, any person who has been exposed to OC.
- 14. *Assesses* the need to decontaminate an area after the use of OC and either:
  - a. *decontaminates* Department property, **or**
  - b. *advises* owners of private property of appropriate decontamination steps.

**Note:** Decontamination can be accomplished by cleaning affected areas, as follows:

- 1. wiping down, with a cloth and water, items such as walls, chairs and car seats, and airing out the area for a minimum of 15 minutes,
- 2. washing all exposed clothing. Washing with soap and water is preferred; dry cleaning may not be effective.

15. If serious physical injury **[See Glossary]** or death results, *notifies* a supervisor.

**Supervisor**

16. If notified that serious physical injury or death resulted,

- a. *notifies* the Desk Officer,
- b. *maintains* the scene,
- c. *secures* the OC canister in its present state for evidentiary recording and collection.

**Desk Officer**

17. If serious physical injury or death resulted,

- a. *notifies* the Police Communications Operator Supervisor (PCOS) to contact the Deadly Force Response Team (DFRT) Coordinator,
- b. *notifies* the Commanding Officer (CO), or if the CO is unavailable, *initiates* the Administrative Duty Coverage procedure **[See ADM 2010]**,
- c. *directs* the supervisor to secure the scene and safeguard the OC canister for the responding detectives,
- d. *notifies* the detective squad in the precinct of occurrence **[See Glossary]** for response.

**Supervisor**

18. *Invoices* the member's OC canister, if serious physical injury or death resulted.

19. *Directs* the Police Officer or AMT to respond to the Firearms Training Unit (FTU) to obtain a new OC canister, if it was invoiced.

**B. Reporting Use of OC**

**Police Officer**

1. *Prepares* Case Report. **[See OPS 8110]**

**Police Officer/AMT**

2. *Prepares* PDCN Form 258, Use of Force Report, when OC is used.

3. *Forwards* PDCN Form 258, before the end of his tour of duty, to his immediate supervisor.

**Supervisor**

4. *Reviews and completes* PDCN Form 258, **and**
  - a. *prepares* a narrative report to his CO when:
    - (1) OC was not used properly, **or**
    - (2) further investigation is necessary,
  - b. *forwards* PDCN Form 258 and the narrative report, if required, before the end of his tour of duty, to his CO.

**Commanding Officer**

5. *Reviews* PDCN Form 258 and narrative report, if prepared.
6. *Completes* PDCN Form 258.
7. *Forwards* the original PDCN Form 258 and the narrative report to the Division Chief.
8. *Forwards* copies of PDCN Form 258 and the narrative report to the CO of FTU.
9. *Maintains* copies of PDCN Form 258 and the narrative report in command.

**FTU Commanding Officer**

10. *Reviews* all use of force reports to determine the effectiveness of the OC.
11. *Determines* if further training is necessary.
12. If further training is necessary,
  - a. *prepares* a narrative report, **and**
  - b. *forwards* the narrative report to the Chief of Department (TOC).

**Division Chief**

13. *Reviews* PDCN Form 258 and narrative report(s).
14. *Completes* PDCN Form 258.
15. *Forwards* PDCN Form 258 and narrative report(s) to the Chief of Department.

**Chief of Department**

16. *Reviews* all use of force reports.

**C. Replacement of OC**

**Police Officer/AMT**

1. *Responds* to FTU as soon as practical and *obtains* a new OC canister, if
  - a. returned to FTU due to a malfunction or leak,
  - b. his OC canister was invoiced.

**FTU Personnel**

2. *Issues* a new OC canister to the Police Officer or AMT.
3. *Maintains* records of issuance of OC canisters, including:
  - a. names of members issued OC canisters,
  - b. serial numbers of OC canisters issued.



# Department Procedure

PROCEDURE TITLE

PROCEDURE NUMBER

REVISION

## Deadly Force Response Team (DFRT)

OPS 12460

2

### POLICY

The policy of the Police Department is to conduct criminal and administrative investigations of incidents involving the use of force [See Glossary] by Members of the Department. The Deadly Force Response Team [See Definition] has been established as part of the investigative response.

### PURPOSE

To establish procedures for the administrative and criminal response to incidents in which a Member of the Department uses deadly force [See Glossary] as follows:

1. an intentional firearm discharge at a human being, *or*
2. an unintentional firearm discharge [See Glossary] causing an injury to another, *or*
3. the use of force, intentional or otherwise, causing serious physical injury [See Glossary] or death to another, *or*
4. any other incident involving the use of force for which the Chief of Department directs a review.

### DEFINITIONS

**Deadly Force Response Team (DFRT):** a team established to respond to incidents involving Members of the Department who have intentionally discharged a firearm at a human being, have unintentionally discharged a firearm causing an injury to another, or have used force, intentional or otherwise, causing serious physical injury or death to another, or any other incident involving the use of force for which the Chief of Department directs a review. The purpose of the DFRT is to investigate these incidents and prepare an administrative report for the Commissioner of Police and the Deadly Force Review Board. The Duty Chief [See Glossary] will be designated as the Team Coordinator and will coordinate the response and activities of the following members:

1. Duty Chief, [See Glossary],
2. Duty Inspector, [See Glossary],
3. Administrative Officer [See Glossary] of the member's command,
4. Commanding Officer, Police Academy, *or* his designee,
5. Supervisor, Homicide Squad, to conduct the criminal investigation,
6. Internal Affairs Unit (IAU), in cases where there appears to be significant deviation from Departmental policies and procedures,
7. Medical Administration Office (MAO), in cases where involved officers appear unfit for duty.

### SCOPE

All Members of the Department.

### SOURCES

Not applicable.

### RULES

No new rules within this procedure.

### REPLACES

OPS 12460, Revision 1, dated 10/8/2014.

### PROCEDURE

#### A. Incidents Occurring Within Nassau County, New York City, Suffolk County and Westchester County

#### Police Communications Operator Supervisor

1. *Receives* notification from a Desk Officer, a tour supervisor, or a Police Officer to notify the Deadly Force Response Team (DFRT) [See Definition] Coordinator.

ISSUING AUTHORITY

SIGNATURE

EFFECTIVE DATE

PAGE

Acting Commissioner

Thomas C. Krumpter

07/08/2016

1 of 3

**Police Communications Operator Supervisor**

- 2. *Notifies* the DFRT Coordinator of an incident involving deadly force.
- 3. *Initiates* the Administrative Duty Coverage procedure [See [ADM 2010](#)], if necessary.

**DFRT Coordinator**

- 4. *Evaluates* the situation and *confers* with the Chief of Department to determine which DFRT members will be utilized.
- 5. *Advises* a Police Communications Operator Supervisor of the DFRT members to be notified for response.

**Police Communications Operator Supervisor**

- 6. *Contacts* DFRT members as directed by the DFRT Coordinator.
- 7. *Makes entry* in the Firearm Discharge Control Book [See [Glossary](#)] whenever a firearm is discharged and *issues* a firearm discharge incident number to the DFRT Coordinator.

**DFRT Coordinator**

- 8. *Obtains* the firearm discharge incident number.
- 9. *Responds* to the scene.

**DFRT Members**

- 10. *Respond* to the scene and *report* to the DFRT Coordinator.

**DFRT Coordinator**

- 11. *Assigns* members of the DFRT to coordinate the administrative investigation and *assigns* a Homicide Squad Supervisor to coordinate the criminal investigation, if necessary.
- 12. *Directs* the Care Taker Supervisor in the proper disposition of the secured firearm(s).
- 13. *Directs* the Police Academy to provide for the replacement of a member's service firearm, if taken.
- 14. *Coordinates* an administrative investigation, **and**
  - a. *ensures* [PDCN Form 470](#), Deadly Force Response Team Firearm Discharge Investigation Report, is completed for incidents involving a firearm discharge,
  - b. *ensures* [PDCN Form 258](#), Use of Force Report, is completed for all other uses of force causing serious physical injury or death,
  - c. *reports* findings to the Chief of Department as soon as possible, **and**
  - d. *delivers* a written administrative investigation report to the Chief of Department within 72 hours, which will include [PDCN Form 470](#) or [PDCN Form 258](#).

**Homicide Squad Detective Supervisor**

- 15. *Conducts* a criminal investigation and *reports* findings to the Chief of Department as soon as possible.

**Chief of Department**

- 16. *Reviews* the administrative and criminal investigation findings, **and**
  - a. *advises* the Commissioner of Police of the findings as soon as possible, **and**
  - b. *reviews* the administrative investigation report when received and *submits* the report to the Commissioner of Police and the Deadly Force Review Board as soon as possible.

**Police Communications  
Operator Supervisor**

**Duty Inspector**

**Duty Chief**

**Chief of Department**

**B. Incidents Occurring Outside of Nassau County, New York City,  
Suffolk County and Westchester County**

1. *Makes* an immediate notification to the Duty Inspector when informed of a deadly force incident which occurred outside the resident counties.
2. *Makes* an immediate notification to the Duty Chief.
3. *Makes* an immediate notification to the Chief of Department.
4. *Directs* the appropriate response as necessary.
5. *Verbally reports* to the Commissioner as soon as practical.



# Department Procedure

PROCEDURE TITLE

PROCEDURE NUMBER

REVISION

## Rifle Deployment

OPS 12470

0

### POLICY

The policy of the Police Department is to respect and protect human life during violent critical incidents [See Definition] and provide for the safety of the community. Use of rifles [See Definition] enhances the Department's ability to protect lives during critical incidents. Rifle deployments are reserved for only the most violent critical incidents.

### PURPOSE

To establish procedures for the distribution, storage and deployment of rifles.

### DEFINITIONS

**Criteria for Rifle Deployment:** criteria necessary to warrant a rifle deployment by a Rifle Trained Officer, which includes the following:

1. BSO or ESU are *not* currently at scene, (unless deployment is directed by a Superior Officer designated as an Incident Commander) *and*
  - a. there is a credible report of an in-progress active shooter [See Glossary], *or*
  - b. an immediate, life threatening tactical situation involving suspect(s) armed with a rifle and/or deadly weapon exists, against which Department-authorized handguns would reasonably be considered ineffective, *or*
  - c. when facts and circumstances reasonably indicate that the suspect(s) is armed or concealed in a superior tactical position that offers protection from small arms firepower and officers or civilians are in imminent danger, *or*
  - d. when facts and circumstances reasonably indicate that the suspect(s) is utilizing body armor or other ballistic protection that would make small arms firepower ineffective and officers or civilians are in imminent danger, *or*
  - e. when facts and circumstances reasonably indicate that an armed suspect(s) is an imminent danger to officers or civilians and the suspect(s) is beyond the effective range of small arms firepower under conditions where closing the distance is impractical due to the threat posed by the suspect(s), *or*
  - f. when facts and circumstances reasonably indicate that in the officer's judgment the deployment of the rifle will provide a significant tactical advantage and officers or civilians are in imminent danger.

**Rifle:** a department issued long barreled rifle caliber weapon, authorized for use by Rifle Trained Officers only.

**Rifle Coordinator:** Assigned supervisor from each command responsible for distributing rifles, safekeeping of rifles stored in command, scheduling training for Rifle Trained Officers, performing a quarterly review of the status of trained personnel in the command, maintaining a master list of Rifle Trained Officers in the command and reviewing the rifle logbook to ensure compliance.

ISSUING AUTHORITY

SIGNATURE

EFFECTIVE DATE

PAGE

Acting Commissioner

Thomas C. Krumpter

08/18/2016

1 of 5

	<p><b>Rifle Logbook:</b> logbook maintained in each command, used to record the following information:</p> <ol style="list-style-type: none"> <li>1. Rifle serial number,</li> <li>2. Department vehicle assigned a rifle,</li> <li>3. Date and time of rifle removal and return,</li> <li>4. Rifle transfer to another department vehicle,</li> <li>5. Name of member transferring/receiving rifle,</li> <li>6. Transport of rifle to FTU,</li> <li>7. Inspection of rifle by a Rifle Coordinator when member is assigned a rifle on a daily basis, noting condition of rifle,</li> <li>8. Supervisor/Rifle Coordinator recording entry.</li> </ol> <p><b>Rifle Trained Officer (RTO):</b> a Member of the Force, <i>excluding</i> members of BSO and ESU, who has successfully completed training in the use and deployment of a rifle by the Firearms Training Unit (FTU).</p> <p><b>Violent Critical Incident:</b> incidents which include threats or acts of violence against civilian populations, mass demonstrations, active shooters, terrorist threats and/or actions, and coordinated terrorist attacks.</p>
SCOPE	All Members of the Department, <i>excluding BSO and ESU</i> . (Members of BSO and ESU are <b>Tactical Rifle Trained Officers</b> and will be guided by command procedures regarding rifle deployment.)
SOURCES	International Association of Chiefs of Police (IACP) Concepts and Issues Paper. (The Patrol Rifle: Considerations for Adoption and Use)
RULES	<ol style="list-style-type: none"> <li>1. Rifle Trained Officers are authorized to carry or deploy only Department issued rifles and shotguns.</li> <li>2. Rifle Trained Officers will deploy the rifle while wearing highly recognizable and visible police apparel, marked "POLICE".</li> <li>3. Only authorized members of the Firearms Training Unit are authorized to modify and perform maintenance on rifles.</li> <li>4. Rifles will only be used with ammunition and magazines approved and supplied by the Department and the rifle must be equipped with an identifying sleeve marked "POLICE".</li> </ol>
REPLACES	Not applicable.
PROCEDURE <b>Rifle Coordinator</b>	<p><b>A. Distribution of Rifles</b></p> <ol style="list-style-type: none"> <li>1. <i>Maintains</i> a list of rifles and Rifle Trained Officers (RTO) [<a href="#">See Definition</a>] currently assigned to the command and <i>distributes</i> this list to all supervisors in the command when the list is updated.</li> <li>2. <i>Ensures</i> all rifles stored at the command are kept secure in an authorized rifle site.</li> <li>3. <i>Assigns</i> rifles to marked RMPs equipped with a weapons drawer. (Patrol Division Only)</li> </ol> <p><b>Note:</b> Designated unmarked vehicles will be equipped with universal rifle mounts or weapons drawer.</p> <p><b>Note:</b> Non-uniformed Rifle Trained Officers may be permitted to secure rifles in the trunk of an approved Department vehicle.</p>

**Non-Uniformed Rifle Trained Officer**

4. In commands where individuals are *not* permanently issued a rifle, a member will *request* and *receive* permission on a *daily* basis from a Supervisor, prior to carrying a rifle.

**Non-Uniformed Rifle Trained Officer/ Patrol Supervisor**

5. *Makes* entry into Rifle Logbook [See Definition] whenever a rifle is:
  - a. assigned to a non-uniformed member and returned by a non-uniformed member,
  - b. inspected by a non-uniformed Supervisor,
  - c. assigned to a marked RMP,
  - d. transferred from one department vehicle to another department vehicle,
  - e. transported to command,
  - f. transported to/received from FTU.

**Non-Uniformed Rifle Trained Officer**

6. If a member who has been issued a rifle is transferred to a new command,
  - a. *returns* the rifle to FTU, *and*
  - b. *notifies* his/her new Commanding Officer.

**B. Routine Inspection**

**Rifle Trained Officer**

1. *Inspects* rifle and ammunition at the start and end of each shift to ensure it is operational and prepared for immediate deployment.
2. *Makes* entry in memo book, noting the condition of the rifle, if the member is required to maintain a memo book.
3. *Reports* any rifles that are damaged, non-functional, or in need of maintenance, to a Supervisor.
4. *Transports* the rifle to FTU for repair or maintenance as soon as practical.
5. *Notifies* a Supervisor for an entry into the Rifle Logbook if the rifle is transported to FTU.

**FTU Personnel**

6. *Issues* a replacement rifle to a RTO when a rifle is returned for maintenance or repair.
7. *Records* receipt of the rifle and issuance of a replacement rifle in the FTU Rifle Logbook.
8. *Notifies* a Supervisor from member's command of the serial number of the replacement rifle for entry into the Rifle Logbook.

**C. Deployment of Rifle**

**Rifle Trained Officer**

1. *Receives/hears* a call from CB or *becomes aware* of a situation involving:
  - a. a violent critical incident [See Definition], *or*
  - b. a situation which may likely evolve into a violent critical incident.
2. *Determines* if the threat meets the criteria for rifle deployment [See Definition].
3. If the situation *does not* meet the criteria, *continues* to monitor the radio for any updates that may change the status of response.

Rifle Trained Officer

4. If the situation *does* meet the criteria,
  - a. *notifies* CB that he is responding,
  - b. *identifies* unit utilizing the phrase “Rifle Trained Officer” along with car number so assisting units are aware a rifle is being deployed.

Police  
Communications  
Operator

5. *Notifies* responding units that a “Rifle Trained Officer” is responding to the scene.

Rifle Trained Officer

6. *Responds* to the scene and *assesses* the situation.
7. If BSO or ESU units are currently at scene, *refrains* from deploying the rifle, *unless otherwise directed* by a Superior Officer designated as an Incident Commander.
8. If the rifle deployment criteria is no longer met, *refrains* from deploying the rifle from the vehicle. **[End of Procedure]**
9. *Ensures* he is wearing highly recognizable and visible police apparel marked “POLICE”, which includes tactical helmet and heavy body armor, when available.
10. *Retrieves* the rifle from the vehicle.
11. If BSO or ESU arrive at scene, *confers* with Superior Officer designated as Incident Commander to determine if he should continue to carry the rifle, *and*
  - a. *continues* to carry the rifle if directed to do so, *or*
  - b. *returns* the rifle to department vehicle if directed *not* to carry the rifle. **[End of Procedure]**
12. *Initiates* emergency procedures, such as:
  - a. Use of Deadly Force, **[See OPS 12420]**
  - b. Rapid Deployment for Active Shooter. **[See OPS 12106]**
13. *Uses* the rifle, if reasonable and necessary **[See Glossary]**, in accordance with training received. **[See OPS 12420]**

**D. Storage of Rifle**

Rifle Trained Officer

1. If the Department vehicle *will not* be manned for the next tour *or* if a RTO is relieved by another officer who is *not* a RTO,
  - a. *unloads* the rifle, *and*
  - b. *secures* the rifle and ammunition into the weapons drawer/universal rifle mount *and*
  - c. *notifies* a Supervisor for entry into the Rifle Logbook.
2. If the Department vehicle becomes mechanically disabled,
  - a. *transfers* and *secures* the rifle and ammunition to another Department vehicle equipped with a weapons drawer or universal rifle mount, *or*
  - b. *transfers* and *secures* the rifle to an authorized rifle site within the command,
  - c. *notifies* a Supervisor for entry into the Rifle Logbook.

Rifle Trained Officer

3. If the RTO is a non-uniformed member and was assigned the rifle for just one tour,
  - a. *inspects* the rifle, *and*
  - b. *unloads* the rifle, *and*
  - c. *transports* the rifle to the command, *and*

**Rifle Coordinator**

- d. *secures* the rifle and ammunition in an authorized rifle site, **and**
- e. *makes* entry into the Rifle Logbook.

**E. Rifle Coordinator Review**

**Commanding Officer**

- 1. *Ensures* that RTOs:
  - a. are scheduled for quarterly rifle training sessions, **and**
  - b. successfully complete required training sessions.
- 2. If a RTO fails to successfully complete a required training session, *removes* the officer from the list of RTOs and *distributes* the list to Supervisors in the command.
- 3. *Maintains* contact with FTU to ensure the list of RTOs is accurate.
- 4. *Updates* the master list to reflect any changes in RTO personnel.
- 5. *Performs* quarterly reviews to ensure all RTOs assigned to the command are included on the master list of RTOs.
- 6. *Ensures* any and all Rifle Trained Officers under his/her command fully understand and comply with all guidelines in this procedure.

**POLICE DEPARTMENT, COUNTY OF NASSAU, NEW YORK  
UNINTENTIONAL FIREARM DISCHARGE REPORT**

PDCN Form 161 - 7/14

REFERENCE DOCUMENT: ADM 1220

DATE OF INCIDENT		TIME OF INCIDENT		FIREARM DISCHARGE INCIDENT NO.		FIREARM SERIAL NO.		TYPE OF WEAPON			
RANK	LAST NAME			FIRST		SERIAL NO.		COMMAND		SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	
NASSAU COUNTY PRECINCT OF OCCURRENCE	ADDRESS / PLACE OF OCCURRENCE (Include County and State if Outside Nassau)				LOCATION TYPE <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> OPEN LAND <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> OTHER _____				<input type="checkbox"/> INDOOR <input type="checkbox"/> IN VEHICLE <input type="checkbox"/> OUTDOOR		
WEATHER CONDITIONS <input type="checkbox"/> SUN <input type="checkbox"/> CLOUDS <input type="checkbox"/> WIND <input type="checkbox"/> FOG <input type="checkbox"/> RAIN <input type="checkbox"/> SNOW <input type="checkbox"/> OTHER (specify) _____					LIGHTING CONDITIONS INSIDE <input type="checkbox"/> UNLIGHTED <input type="checkbox"/> GOOD <input type="checkbox"/> POOR <input type="checkbox"/> FLASHLIGHT USED			LIGHTING CONDITIONS OUTSIDE <input type="checkbox"/> DAYLIGHT <input type="checkbox"/> DUSK/DAWN <input type="checkbox"/> DARK			
DUTY STATUS <input type="checkbox"/> ON <input type="checkbox"/> OFF		OFFICER'S ATTIRE <input type="checkbox"/> UNIFORM <input type="checkbox"/> UNDERCOVER <input type="checkbox"/> PLAINCLOTHES		WAS OFFICER WEARING BODY ARMOUR <input type="checkbox"/> YES <input type="checkbox"/> NO			ASSIGNMENT TYPE <input type="checkbox"/> FOOT <input type="checkbox"/> TRAFFIC <input type="checkbox"/> RMP <input type="checkbox"/> OTHER (Specify) _____				
POSITION OF OFFICER'S WEAPON ON BODY <input type="checkbox"/> HOLSTER <input type="checkbox"/> BELT <input type="checkbox"/> ANKLE <input type="checkbox"/> OTHER _____			IF CONCEALED, POSITION OF WEAPON ON BODY		AT THE TIME OF DISCHARGE, HAD WEAPON <input type="checkbox"/> FALLEN <input type="checkbox"/> BEEN DROPPED <input type="checkbox"/> N/A <input type="checkbox"/> OTHER (Specify) _____				DID OFFICER FIRE <input type="checkbox"/> RIGHT - HANDED <input type="checkbox"/> BOTH HANDS <input type="checkbox"/> LEFT - HANDED <input type="checkbox"/> N/A		
WEAPON DISCHARGED FROM WHAT POSITION <input type="checkbox"/> STANDING <input type="checkbox"/> KNEELING <input type="checkbox"/> CROUCH <input type="checkbox"/> PRONE <input type="checkbox"/> SITTING <input type="checkbox"/> OTHER (Specify) _____					WAS OFFICER RUNNING BEFORE WEAPON DISCHARGED <input type="checkbox"/> YES <input type="checkbox"/> NO			WAS FIREARM DRAWN BEFOREHAND <input type="checkbox"/> YES <input type="checkbox"/> NO			

**ADDITIONAL COMMENTS / NARRATIVE**

INVESTIGATING SUPERVISOR - NAME	SIGNATURE	SERIAL NO.	COMMAND	DATE
---------------------------------	-----------	------------	---------	------

COMMANDING OFFICER - NAME	SIGNATURE	SERIAL NO.	COMMAND	DATE
---------------------------	-----------	------------	---------	------

DIVISION CHIEF - NAME	SIGNATURE	SERIAL NO.	COMMAND	DATE
-----------------------	-----------	------------	---------	------

CHIEF OF DEPARTMENT - NAME	SIGNATURE	SERIAL NO.	COMMAND	DATE
----------------------------	-----------	------------	---------	------

**POLICE DEPARTMENT, COUNTY OF NASSAU, NEW YORK  
USE OF FORCE REPORT**

**NOTE: IF AN INCIDENT INVOLVES THE USE OF A FIREARM, SUPERVISORS WILL COMPLETE PDCN FORM 470, DEADLY FORCE RESPONSE TEAM, FIREARM DISCHARGE INVESTIGATION REPORT**

<b>TYPE OF WEAPON/TECHNIQUE USED (Check all that apply):</b>		<input type="checkbox"/> <b>PHYSICAL FORCE TECHNIQUE</b>	<input type="checkbox"/> <b>OTHER</b>
<b>INTERMEDIATE WEAPON:</b>		<input type="checkbox"/> <b>BATON</b>	<input type="checkbox"/> <b>CANINE</b>
		<input type="checkbox"/> <b>PROPELLED BEANBAG ROUND</b>	<input type="checkbox"/> <b>OC SPRAY</b>
		<input type="checkbox"/> <b>ECD</b>	

DATE OF INCIDENT	TIME OF INCIDENT	ARREST NO.	CASE REPORT NO.	PRECINCT OF OCCURRENCE	POST
------------------	------------------	------------	-----------------	------------------------	------

WEATHER CONDITIONS <input type="checkbox"/> SUN <input type="checkbox"/> CLOUDS <input type="checkbox"/> WIND <input type="checkbox"/> FOG <input type="checkbox"/> RAIN <input type="checkbox"/> SNOW <input type="checkbox"/> OTHER (specify) _____	LIGHTING CONDITIONS INSIDE <input type="checkbox"/> UNLIGHTED <input type="checkbox"/> GOOD <input type="checkbox"/> POOR <input type="checkbox"/> FLASHLIGHT USED	LIGHTING CONDITIONS OUTSIDE <input type="checkbox"/> DAYLIGHT <input type="checkbox"/> DUSK/DAWN <input type="checkbox"/> DARK
--	---	---

<b>SUBJECT INFO.</b>	UNDER WHAT CIRCUMSTANCES WAS THE SUBJECT CONFRONTED? <input type="checkbox"/> DWI <input type="checkbox"/> VTL STOP <input type="checkbox"/> FAMILY DISTURBANCE <input type="checkbox"/> NEIGHBOR DISPUTE <input type="checkbox"/> ARREST (describe) _____ <input type="checkbox"/> BUSINESS DISPUTE <input type="checkbox"/> ASSAULT ON OFFICER <input type="checkbox"/> ASSAULT ON CITIZEN <input type="checkbox"/> OTHER (explain) _____					
	ADDRESS/PLACE OF OCCURRENCE (Include exact location)			LOCATION TYPE		<input type="checkbox"/> INDOOR <input type="checkbox"/> IN VEHICLE <input type="checkbox"/> OUTDOOR
	LAST NAME		FIRST	M.I.	DATE OF BIRTH	SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE
	HEIGHT	WEIGHT	ETHNICITY <input type="checkbox"/> WHITE <input type="checkbox"/> BLACK <input type="checkbox"/> HISPANIC <input type="checkbox"/> ASIAN <input type="checkbox"/> OTHER (specify) _____			

MEMBER USING FORCE	RANK	LAST NAME	FIRST	SERIAL NO.	COMMAND	ON DUTY <input type="checkbox"/> YES <input type="checkbox"/> NO
--------------------	------	-----------	-------	------------	---------	--

**APPLICABLE CONDITIONS PRIOR TO USE OF FORCE (check all that apply):**

<p><b>Subject's Actions:</b></p> Passively Resistant ..... <input type="checkbox"/> Actively Resistant / Self-Destructive Behavior (includes imminent threats) ... <input type="checkbox"/> Deadly Active (includes imminent threats) ..... <input type="checkbox"/> Weapon Reported to be Involved ..... <input type="checkbox"/> Type of Weapon _____ Actual Weapon Involved ..... <input type="checkbox"/> (specify) _____ Used/Discharged Firearm ..... <input type="checkbox"/> Used Other Weapon ..... <input type="checkbox"/> Other ..... <input type="checkbox"/> (specify) _____	<p><b>DID THE SUBJECT APPEAR TO BE UNDER THE INFLUENCE OF:</b></p> Drugs ..... <input type="checkbox"/> YES <input type="checkbox"/> NO Alcohol ..... <input type="checkbox"/> YES <input type="checkbox"/> NO  <p><b>DID THE SUBJECT APPEAR TO HAVE A MENTAL ILLNESS:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><b>WAS THERE KNOWLEDGE OF:</b></p> Prior Contact(s) ..... <input type="checkbox"/> YES <input type="checkbox"/> NO Prior Criminal History ... <input type="checkbox"/> YES <input type="checkbox"/> NO History of Violence ..... <input type="checkbox"/> YES <input type="checkbox"/> NO  <p><b>WAS WARNING GIVEN BEFORE USE OF FORCE:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT FEASIBLE</p> <p><b>Use of Force Necessary to:</b></p> Control Subject ..... <input type="checkbox"/> Defend Self ..... <input type="checkbox"/> Defend Another ..... <input type="checkbox"/> Make Arrest ..... <input type="checkbox"/> Prevent Escape ..... <input type="checkbox"/> Other ..... <input type="checkbox"/> (specify) _____
--	---

**DID USE OF FORCE RESULT IN**  NO VISIBLE INJURY  MINOR PHYSICAL INJURY  SERIOUS PHYSICAL INJURY  DEATH

<b>SUBJECT ARRESTED</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	<b>ASSESSED BY AMT</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	<b>TAKEN TO HOSPITAL</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	<b>IF TRANSPORTED, TO WHERE</b>
---	--	--	---------------------------------

AMBULANCE ASSIGNED	AMB. NO.	RANK	LASTNAME	FIRST	SERIAL NO.	COMMAND
--------------------	----------	------	----------	-------	------------	---------

**INTERMEDIATE WEAPON(S) USED (See Page 2 if OC Spray or ECD was used.)**

Baton \*  Canine \*\*  Propelled Beanbag Round  Other \_\_\_\_\_

\* If baton used, indicate serial number: \_\_\_\_\_

\*\* If canine used, indicate dog's name and shield number: \_\_\_\_\_

Was the use of the intermediate weapon(s) effective?  YES  NO If not effective, explain:

**POLICE DEPARTMENT, COUNTY OF NASSAU, NEW YORK  
USE OF FORCE REPORT**

CASE REPORT NO:

MEMBER USING FORCE:

**OLEORESIN CAPSICUM (OC) USED**

OC SERIAL NO.	DISTANCE FROM SUBJECT WHEN SPRAYED (Feet) <input type="checkbox"/> 3-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-11 <input type="checkbox"/> 12-15	NUMBER OF HALF-SECOND BURSTS SPRAYED	DURATION OF SPRAY (Seconds)	HOW LONG DID THE OC TAKE TO BECOME EFFECTIVE (Seconds) <input type="checkbox"/> 1-2 <input type="checkbox"/> 3-4 <input type="checkbox"/> 5-6 <input type="checkbox"/> 7-10 <input type="checkbox"/> 11-15 <input type="checkbox"/> NOT EFFECTIVE
WHERE WAS SUBJECT SPRAYED <input type="checkbox"/> EYES <input type="checkbox"/> NOSE <input type="checkbox"/> MOUTH <input type="checkbox"/> FOREHEAD	WAS FURTHER USE OF FORCE NECESSARY AFTER SPRAYING <input type="checkbox"/> YES (Describe) _____ <input type="checkbox"/> NO		WAS OC EFFECTIVE <input type="checkbox"/> YES <input type="checkbox"/> NO (Explain) _____	
WHAT WAS SUBJECT'S REACTION TO BEING SPRAYED <input type="checkbox"/> RETREATED <input type="checkbox"/> ASSAULTED OFFICER <input type="checkbox"/> COVERED FACE <input type="checkbox"/> CLOSED EYES <input type="checkbox"/> CONTINUED ACTIVITY <input type="checkbox"/> FELL TO GROUND <input type="checkbox"/> ANXIETY REACTION <input type="checkbox"/> STOPPED ACTIVITY <input type="checkbox"/> DROPPED WEAPON <input type="checkbox"/> OTHER (Describe) _____				
STEPS TAKEN TO DECONTAMINATE SUBJECT <input type="checkbox"/> COLD WATER <input type="checkbox"/> DEPT. AMBULANCE <input type="checkbox"/> FRESH AIR <input type="checkbox"/> HOSPITAL	HOW LONG BEFORE EFFECT OF OC DISSIPATED (Approx. Minutes) <input type="checkbox"/> 10 <input type="checkbox"/> 20 <input type="checkbox"/> 30 <input type="checkbox"/> 45 <input type="checkbox"/> 60 <input type="checkbox"/> 90 <input type="checkbox"/> >90			

DESCRIPTION OF TREATMENT

**ELECTRONIC CONTROL DEVICE (ECD) USED**

ECD SERIAL NO.	NUMBER OF PROBES DISCHARGED	NUMBER OF HITS	DISTANCE FROM SUBJECT WHEN ECD WAS DEPLOYED (Feet)	DID OFFICER RELOAD AND DISCHARGE SECOND SET OF PROBES <input type="checkbox"/> YES <input type="checkbox"/> NO
APPLICATION <input type="checkbox"/> DISPLAY <input type="checkbox"/> LASER PAINTING <input type="checkbox"/> DRIVE STUN <input type="checkbox"/> PROBE DISCHARGE	LOCATION OF PROBES ON SUBJECT'S BODY		DID PROBES PENETRATE SKIN <input type="checkbox"/> YES <input type="checkbox"/> NO	
DESCRIBE SUBJECT'S CLOTHING	WAS THE ECD <input type="checkbox"/> VERY EFFECTIVE <input type="checkbox"/> EFFECTIVE <input type="checkbox"/> NOT EFFECTIVE <input type="checkbox"/> CONTACT NOT MADE			
IF NOT EFFECTIVE OR IF CONTACT NOT MADE, WHY <input type="checkbox"/> HEAVY CLOTHING <input type="checkbox"/> CLOSE PROBE STRIKES <input type="checkbox"/> SUBJECT MOVED <input type="checkbox"/> MISSED <input type="checkbox"/> MALFUNCTION <input type="checkbox"/> ONE PROBE <input type="checkbox"/> LOW MUSCLE MASS <input type="checkbox"/> OTHER _____				

SUBJECT'S REACTION TO THE ECD (Be Specific)

**PHYSICAL FORCE TECHNIQUE / OTHER WEAPON (check all that apply):**

PHYSICAL FORCE: <input type="checkbox"/> EMPTY HAND <input type="checkbox"/> KICK <input type="checkbox"/> PUNCH <input type="checkbox"/> MARTIAL ARTS TECHNIQUE <input type="checkbox"/> OTHER (specify) _____	COMPLIANCE / CONTROL HOLD: <input type="checkbox"/> TWIST LOCK <input type="checkbox"/> WRIST LOCK <input type="checkbox"/> PRESSURE POINT <input type="checkbox"/> TAKE DOWN <input type="checkbox"/> OTHER (specify) _____	<input type="checkbox"/> OTHER (specify and explain below)
---	--	--

Was this effective?  YES  NO Describe how the technique was used. If not effective, explain.

**SUBJECT'S INJURIES (indicate where on the body a given weapon/technique was applied)**

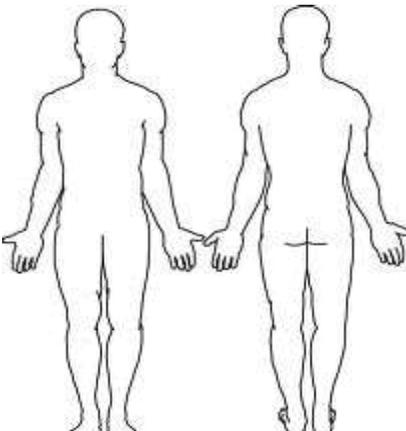
A = Intermediate Weapons (specify)

B = Oleoresin Capsicum

C = ECD - Drive Stun Only

D = ECD - Contact Point

E = Other



**Check all that apply:**

None Visible .....

Bruises .....

Abrasions .....

Lacerations .....

Broken Bones .....

Other (specify) .....

\_\_\_\_\_

**POLICE DEPARTMENT, COUNTY OF NASSAU, NEW YORK  
USE OF FORCE REPORT**

CASE REPORT NO:

MEMBER USING FORCE:

**WERE ANY MEMBERS INJURED AT SCENE**     YES     NO    (include members who were exposed to OC)

RANK	LASTNAME	FIRST	SERIAL NO.	COMMAND	INJURY NO.	HOW INJURED
1.						
2.						
3.						
4.						

**ADDITIONAL MEMBERS AT SCENE**     YES     NO

RANK	LASTNAME	FIRST	SERIAL NO.	COMMAND
1.				
2.				
3.				
4.				

**ADDITIONAL COMMENTS / NARRATIVE**

PREPARED BY	RANK	LAST NAME	FIRST	SERIAL NO.	COMMAND	SQUAD	<input type="checkbox"/> UNIFORM <input type="checkbox"/> PLAINCLOTHES	<input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY
-------------	------	-----------	-------	------------	---------	-------	---	---

<b>SUPERVISOR REVIEW</b>	RANK / NAME	SIGNATURE	SERIAL NO.	DATE
	RECOMMENDATIONS / COMMENTS			

<b>CO REVIEW</b>	RANK / NAME	SIGNATURE	SERIAL NO.	DATE
	RECOMMENDATIONS / COMMENTS			

<b>DIVISION CHIEF REVIEW</b>	NAME	SIGNATURE	SERIAL NO.	DATE
	RECOMMENDATIONS / COMMENTS			

<b>COD REVIEW</b>	NAME	SIGNATURE	SERIAL NO.	DATE
	RECOMMENDATIONS / COMMENTS			

**POLICE DEPARTMENT, COUNTY OF NASSAU, NEW YORK  
ANIMAL DESTRUCTION FORM**

PDCN Form 469 - 7/14

REFERENCE DOCUMENT: OPS 6210  
OPS 6220

DATE OF INCIDENT	TIME OF INCIDENT	PRECINCT OF OCCURRENCE	POST	FIREARM DISCHARGE INCIDENT NO:	
LOCATION OF OCCURRENCE			LOCATION TYPE		<input type="checkbox"/> INDOOR <input type="checkbox"/> OUTDOOR
<b>MEMBER INFORMATION</b>					
RANK	LAST NAME	FIRST	SERIAL NO.	COMMAND	ON DUTY <input type="checkbox"/> YES <input type="checkbox"/> NO
					SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE
<b>ANIMAL TYPE</b>					
<input type="checkbox"/> DOG <input type="checkbox"/> CAT <input type="checkbox"/> RACCOON <input type="checkbox"/> SQUIRREL <input type="checkbox"/> DEER <input type="checkbox"/> OTHER (Specify) _____					
<b>WAS ANIMAL SECURED</b>		<b>DID ANIMAL APPEAR DISEASED</b>		<b>WAS ANIMAL AGGRESSIVE</b>	
<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<b>WEAPON USED</b>				<b>WAS ANIMAL DESTROYED AT SCENE</b>	
<input type="checkbox"/> FIREARM (# OF ROUNDS USED: _____) <input type="checkbox"/> OTHER(specify) _____ <input type="checkbox"/> TRANQUILIZER GUN    (# OF HITS ON TARGET: _____) <input type="checkbox"/> N/A				<input type="checkbox"/> YES <input type="checkbox"/> NO	
<b>OWNER KNOWN</b>		<b>OWNER AT SCENE</b>		<b>ANIMAL DISPOSITION / DELIVERED TO</b>	
<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> TOWN FACILITY <input type="checkbox"/> DEPT. OF HEALTH <input type="checkbox"/> OWNER <input type="checkbox"/> OTHER _____	
<b>COMMENTS</b>					
<b>PREPARED BY</b>		<b>SIGNATURE</b>		<b>DATE</b>	
RANK	NAME			SERIAL NO.	COMMAND
<b>INVESTIGATING SUPERVISOR</b>		<b>SIGNATURE</b>		<b>DATE</b>	
RANK	NAME			SERIAL NO.	COMMAND
<b>RECOMMENDATIONS / COMMENTS</b>					
<b>COMMANDING OFFICER</b>		<b>SIGNATURE</b>		<b>DATE</b>	
RANK	NAME			SERIAL NO.	COMMAND
<b>RECOMMENDATIONS / COMMENTS</b>					
<b>DIVISION CHIEF</b>		<b>SIGNATURE</b>		<b>DATE</b>	
RANK	NAME			SERIAL NO.	COMMAND
<b>RECOMMENDATIONS / COMMENTS</b>					

# DEADLY FORCE RESPONSE TEAM FIREARM DISCHARGE INVESTIGATION REPORT

(This form in its entirety is to be used for NCPD administrative purposes only.)

## COVER PAGE AND INSTRUCTIONS

FIREARM DISCHARGE INCIDENT NO: \_\_\_\_\_

*THIS FORM WILL BE USED TO FACILITATE AN ADMINISTRATIVE INVESTIGATION WHEN MEMBERS OF THE FORCE ARE INVOLVED IN A FIREARM DISCHARGE INCIDENT. IT WILL BE THE RESPONSIBILITY OF THE DESIGNATED DEADLY FORCE RESPONSE TEAM COORDINATOR TO SEE THAT ALL PORTIONS OF THIS REPORT ARE COMPLETED.*

<b>SECTION A</b> (Page 2)	<b>INCIDENT INFORMATION: TO BE PREPARED BY THE DFRT COORDINATOR FOR EACH INCIDENT.</b>
<b>SECTION B</b> (Pages 3-6)	<b>MEMBER INFORMATION AND MEMBER INTERVIEW: TO BE PREPARED BY DFRT MEMBER FOR <u>EACH</u> MEMBER WHO DISCHARGED A FIREARM.</b>  PREPARED BY: _____
<b>SECTION C</b> (Pages 7-10)	<b>MEMBER INFORMATION AND MEMBER INTERVIEW: TO BE PREPARED BY DFRT MEMBER FOR <u>EACH</u> INVOLVED MEMBER WHO <u>DID NOT</u> DISCHARGE A FIREARM.</b>  PREPARED BY: _____
<b>SECTION D</b> (Page 11)	<b>MEMBER FIREARM: TO BE PREPARED BY CARETAKER SUPERVISOR FOR <u>EACH</u> MEMBER WHO DISCHARGED A FIREARM AND ANY MEMBER IN THE PROXIMITY.</b>  PREPARED BY: _____
<b>SECTION E</b> (Page 12)	<b>SUBJECT INFORMATION: TO BE PREPARED BY DFRT MEMBER OR DESIGNEE.</b>  PREPARED BY: _____
<b>SECTION F</b> (Pages 13-14)	<b>GENERAL SCENE INFORMATION: TO BE PREPARED BY DFRT MEMBER.</b>  PREPARED BY: _____
<b>SECTION G</b> (Page 15)	<b>FIREARM/FTU REVIEW: TO BE PREPARED BY POLICE ACADEMY COMMANDING OFFICER OR HIS DESIGNEE FOR <u>EACH</u> MEMBER WHO DISCHARGED A FIREARM.</b>  PREPARED BY: _____
<b>SECTION H</b> (Page 16)	<b>REVIEW: TO BE PREPARED BY THE DUTY INSPECTOR, THE DUTY CHIEF/DFRT COORDINATOR, AND THE CHIEF OF DEPARTMENT.</b>
<b>NOTE:</b>	<b>IF MULTIPLE MEMBERS DISCHARGED FIREARMS, SECTIONS E AND F WILL ONLY BE PREPARED ONCE.</b>

**POLICE DEPARTMENT, COUNTY OF NASSAU, NEW YORK  
DEADLY FORCE RESPONSE TEAM  
FIREARM DISCHARGE INVESTIGATION REPORT  
(This form in its entirety is to be used for NCPD administrative purposes only.)**

**A**

REFERENCE DOCUMENTS: OPS 12420  
OPS 12460

**FIREARM DISCHARGE INCIDENT NO:**

INCIDENT INFORMATION									
DATE OF INCIDENT	TIME OF INCIDENT	CASE REPORT NO.	ARREST NO.	SINGLE MEMBER INVOLVED <input type="checkbox"/>					
								MULTIPLE MEMBERS INVOLVED <input type="checkbox"/>	
EXACT ADDRESS / PLACE OF OCCURRENCE OF PRIMARY LOCATION								ZIP CODE	
LOCATION TYPE (PRIMARY LOCATION)		<input type="checkbox"/> COMMERCIAL <input type="checkbox"/> RESIDENTIAL		<input type="checkbox"/> INDOOR <input type="checkbox"/> IN VEHICLE		PCT OF OCCURRENCE		POST NO.	
<input type="checkbox"/> OPEN LAND <input type="checkbox"/> OTHER (Explain) _____				<input type="checkbox"/> OUTDOOR					
EXACT ADDRESS / PLACE OF OCCURRENCE OF SECONDARY LOCATION								ZIP CODE	
LOCATION TYPE (SECONDARY LOCATION)		<input type="checkbox"/> COMMERCIAL <input type="checkbox"/> RESIDENTIAL		<input type="checkbox"/> INDOOR <input type="checkbox"/> IN VEHICLE		PCT OF OCCURRENCE		POST NO.	
<input type="checkbox"/> OPEN LAND <input type="checkbox"/> OTHER (Explain) _____				<input type="checkbox"/> OUTDOOR					
MEMBER(S) INVOLVED									
NAME MEMBER 1		SHIELD NO.	SERIAL NO.	COMMAND	ASSIGNED POST	<input type="checkbox"/> DISCHARGED FIREARM	<input type="checkbox"/> WITNESSED DISCHARGE	<input type="checkbox"/> ARRIVED AT SCENE SHORTLY AFTER DISCHARGE	
INTERVIEWED BY ADMINISTRATIVE INVESTIGATOR <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, NAME OF INVESTIGATOR _____				INTERVIEWED BY CRIMINAL INVESTIGATOR <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, NAME OF INVESTIGATOR _____					
NAME MEMBER 2		SHIELD NO.	SERIAL NO.	COMMAND	ASSIGNED POST	<input type="checkbox"/> DISCHARGED FIREARM	<input type="checkbox"/> WITNESSED DISCHARGE	<input type="checkbox"/> ARRIVED AT SCENE SHORTLY AFTER DISCHARGE	
INTERVIEWED BY ADMINISTRATIVE INVESTIGATOR <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, NAME OF INVESTIGATOR _____				INTERVIEWED BY CRIMINAL INVESTIGATOR <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, NAME OF INVESTIGATOR _____					
NAME MEMBER 3		SHIELD NO.	SERIAL NO.	COMMAND	ASSIGNED POST	<input type="checkbox"/> DISCHARGED FIREARM	<input type="checkbox"/> WITNESSED DISCHARGE	<input type="checkbox"/> ARRIVED AT SCENE SHORTLY AFTER DISCHARGE	
INTERVIEWED BY ADMINISTRATIVE INVESTIGATOR <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, NAME OF INVESTIGATOR _____				INTERVIEWED BY CRIMINAL INVESTIGATOR <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, NAME OF INVESTIGATOR _____					
NAME MEMBER 4		SHIELD NO.	SERIAL NO.	COMMAND	ASSIGNED POST	<input type="checkbox"/> DISCHARGED FIREARM	<input type="checkbox"/> WITNESSED DISCHARGE	<input type="checkbox"/> ARRIVED AT SCENE SHORTLY AFTER DISCHARGE	
INTERVIEWED BY ADMINISTRATIVE INVESTIGATOR <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, NAME OF INVESTIGATOR _____				INTERVIEWED BY CRIMINAL INVESTIGATOR <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, NAME OF INVESTIGATOR _____					
NAME MEMBER 5		SHIELD NO.	SERIAL NO.	COMMAND	ASSIGNED POST	<input type="checkbox"/> DISCHARGED FIREARM	<input type="checkbox"/> WITNESSED DISCHARGE	<input type="checkbox"/> ARRIVED AT SCENE SHORTLY AFTER DISCHARGE	
INTERVIEWED BY ADMINISTRATIVE INVESTIGATOR <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, NAME OF INVESTIGATOR _____				INTERVIEWED BY CRIMINAL INVESTIGATOR <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, NAME OF INVESTIGATOR _____					
NAME MEMBER 6		SHIELD NO.	SERIAL NO.	COMMAND	ASSIGNED POST	<input type="checkbox"/> DISCHARGED FIREARM	<input type="checkbox"/> WITNESSED DISCHARGE	<input type="checkbox"/> ARRIVED AT SCENE SHORTLY AFTER DISCHARGE	
INTERVIEWED BY ADMINISTRATIVE INVESTIGATOR <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, NAME OF INVESTIGATOR _____				INTERVIEWED BY CRIMINAL INVESTIGATOR <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, NAME OF INVESTIGATOR _____					
NAME MEMBER 7		SHIELD NO.	SERIAL NO.	COMMAND	ASSIGNED POST	<input type="checkbox"/> DISCHARGED FIREARM	<input type="checkbox"/> WITNESSED DISCHARGE	<input type="checkbox"/> ARRIVED AT SCENE SHORTLY AFTER DISCHARGE	
INTERVIEWED BY ADMINISTRATIVE INVESTIGATOR <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, NAME OF INVESTIGATOR _____				INTERVIEWED BY CRIMINAL INVESTIGATOR <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, NAME OF INVESTIGATOR _____					
NAME MEMBER 8		SHIELD NO.	SERIAL NO.	COMMAND	ASSIGNED POST	<input type="checkbox"/> DISCHARGED FIREARM	<input type="checkbox"/> WITNESSED DISCHARGE	<input type="checkbox"/> ARRIVED AT SCENE SHORTLY AFTER DISCHARGE	
INTERVIEWED BY ADMINISTRATIVE INVESTIGATOR <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, NAME OF INVESTIGATOR _____				INTERVIEWED BY CRIMINAL INVESTIGATOR <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, NAME OF INVESTIGATOR _____					
ADDITIONAL COMMENTS									

THIS PAGE TO BE COMPLETED BY DFRT COORDINATOR

DEADLY FORCE RESPONSE TEAM

FIREARM DISCHARGE INVESTIGATION REPORT

(This form in its entirety is to be used for NCPD administrative purposes only.)

**B**

INCLUDES PAGES 3-6

Note: Check all that apply and provide details as needed. Attach additional pages if necessary, noting Case Report Number, Firearm Discharge Incident Number, and Member's name on each additional page.

CASE REPORT NO: \_\_\_\_\_ FIREARM DISCHARGE INCIDENT NO: \_\_\_\_\_ MEMBER INVOLVED: \_\_\_\_\_

MEMBER INFORMATION (MEMBER WHO DISCHARGED FIREARM)					
RANK	LAST NAME	FIRST	SERIAL NO.	COMMAND	SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE
ON DUTY <input type="checkbox"/> NO <input type="checkbox"/> YES (Tour) _____	TOTAL YEARS PD EXPERIENCE (Include ALL Law Enforcement Experience) _____	MEMBER'S ATTIRE <input type="checkbox"/> UNIFORM <input type="checkbox"/> PLAINCLOTHES <input type="checkbox"/> UNDERCOVER	DID MEMBER WEAR BODY ARMOR <input type="checkbox"/> YES <input type="checkbox"/> NO	IF MEMBER WORE BODY ARMOR, WAS THIS	<input type="checkbox"/> STANDARD ISSUE <input type="checkbox"/> SPECIAL ISSUE
ASSIGNMENT TYPE <input type="checkbox"/> FOOT <input type="checkbox"/> TRAFFIC <input type="checkbox"/> RMP <input type="checkbox"/> OTHER (Specify) _____	ASSIGNED VEHICLE # _____ <input type="checkbox"/> MARKED <input type="checkbox"/> UNMARKED	ASSIGNED VEHICLE <input type="checkbox"/> 1 - MAN <input type="checkbox"/> 2 - MAN NAME: _____	EMERGENCY LIGHTS USED <input type="checkbox"/> YES <input type="checkbox"/> NO		
MEMBER'S 10-80 TIME: <input type="checkbox"/> N/A	MEMBER'S 10-81 TIME:	DATE OF LAST TOUR WORKED	TIME OF LAST TOUR WORKED	PURSUIT <input type="checkbox"/> NO <input type="checkbox"/> YES (Provide Blue Team Report No.) _____	
WAS MEMBER TREATED MEDICALLY <input type="checkbox"/> YES <input type="checkbox"/> NO	IF MEDICALLY TREATED, WHERE _____				
WAS MEMBER INVOLVED IN PRIOR INCIDENTS OF USE OF DEADLY FORCE <input type="checkbox"/> NO <input type="checkbox"/> YES (Specify all prior dates and types of use) _____					
DISCIPLINE PENDING (Check with Member's Command and IAU - DO NOT ASK MEMBER) <input type="checkbox"/> NO <input type="checkbox"/> YES (Specify) _____				LITIGATION PENDING (Check with Legal Bureau) <input type="checkbox"/> YES <input type="checkbox"/> NO	
DID MEMBER APPEAR FIT FOR DUTY <input type="checkbox"/> YES <input type="checkbox"/> NO	IF NO, ACTION TAKEN: _____				
ADDITIONAL COMMENTS					

THIS PAGE TO BE COMPLETED BY DFRT MEMBER

MEMBER INTERVIEW (MEMBER WHO DISCHARGED FIREARM)	
1. How did you arrive at the scene?	<input type="checkbox"/> CB DISPATCHED <input type="checkbox"/> IF CB DISPATCHED, SPECIFY ASSIGNMENT TYPE OR CALL TYPE _____ <input type="checkbox"/> CAME UPON SCENE <input type="checkbox"/> DURING INVESTIGATION <input type="checkbox"/> RESPONDED TO REQUEST FOR ASSISTANCE <input type="checkbox"/> NOTIFIED BY OTHER (Explain) _____
2. Did you receive additional information (via radio) from	<input type="checkbox"/> CB DISPATCH <input type="checkbox"/> OTHER UNITS AT SCENE <input type="checkbox"/> OTHER RESPONDING UNITS
3. Under what circumstances was the subject confronted?	<input type="checkbox"/> ASSAULT ON CITIZEN <input type="checkbox"/> ASSAULT ON OFFICER <input type="checkbox"/> BUSINESS DISPUTE <input type="checkbox"/> BURGLARY <input type="checkbox"/> DRUG SALE <input type="checkbox"/> DWI <input type="checkbox"/> FAMILY DISTURBANCE <input type="checkbox"/> MENTAL AIDED <input type="checkbox"/> NEIGHBOR DISPUTE <input type="checkbox"/> PRISONER <input type="checkbox"/> PROWLER <input type="checkbox"/> ROBBERY <input type="checkbox"/> SUSPICIOUS PERSON <input type="checkbox"/> VTL STOP <input type="checkbox"/> ARREST (Describe) _____ <input type="checkbox"/> OTHER (Explain) _____
4. Describe the lighting conditions outside	<input type="checkbox"/> DAYLIGHT <input type="checkbox"/> DUSK/DAWN <input type="checkbox"/> DARK
5. If inside, describe lighting conditions	<input type="checkbox"/> GOOD <input type="checkbox"/> POOR <input type="checkbox"/> UNLIGHTED <input type="checkbox"/> FLASHLIGHT USED <input type="checkbox"/> N/A
6. Describe the weather conditions	<input type="checkbox"/> CLEAR <input type="checkbox"/> SUN <input type="checkbox"/> CLOUDS <input type="checkbox"/> WIND <input type="checkbox"/> FOG <input type="checkbox"/> RAIN <input type="checkbox"/> SNOW <input type="checkbox"/> OTHER (Specify) _____
7. How many subjects were involved?	
8. Did you have knowledge of the subject(s) prior to this incident?	<input type="checkbox"/> YES <input type="checkbox"/> NO

**DEADLY FORCE RESPONSE TEAM  
FIREARM DISCHARGE INVESTIGATION REPORT**  
(This form in its entirety is to be used for NCPD administrative purposes only.)

**B**  
INCLUDES  
PAGES 3-6

Note: Check all that apply and provide details as needed. Attach additional pages if necessary, noting Case Report Number, Firearm Discharge Incident Number, and Member's name on each additional page.

<b>CASE REPORT NO:</b>	<b>FIREARM DISCHARGE INCIDENT NO:</b>	<b>MEMBER INVOLVED:</b>	
<b>Subject 1 Name (Per Interviewer):</b> LAST NAME _____ FIRST NAME _____			
9. From where did you have knowledge of Subject 1? CB <input type="checkbox"/> YES <input type="checkbox"/> NO    WITNESS(ES) <input type="checkbox"/> YES <input type="checkbox"/> NO    PRIOR CONTACT <input type="checkbox"/> YES <input type="checkbox"/> NO    OTHER MEMBER(S) <input type="checkbox"/> YES <input type="checkbox"/> NO    OTHER <input type="checkbox"/> YES <input type="checkbox"/> NO			
Explain:			
10. What did you know about Subject 1? (Include nickname, street name, alias, etc.) FIRST NAME _____ MALE <input type="checkbox"/> HEIGHT _____ AGE _____ LAST NAME _____ FEMALE <input type="checkbox"/> WEIGHT _____ ETHNICITY _____			
Additional Info:			
<b>Subject 2 Name (Per Interviewer):</b> LAST NAME _____ FIRST NAME _____			
11. From where did you have knowledge of Subject 2? CB <input type="checkbox"/> YES <input type="checkbox"/> NO    WITNESS(ES) <input type="checkbox"/> YES <input type="checkbox"/> NO    PRIOR CONTACT <input type="checkbox"/> YES <input type="checkbox"/> NO    OTHER MEMBER(S) <input type="checkbox"/> YES <input type="checkbox"/> NO    OTHER <input type="checkbox"/> YES <input type="checkbox"/> NO			
Explain:			
12. What did you know about Subject 2? (Include nickname, street name, alias, etc.) FIRST NAME _____ MALE <input type="checkbox"/> HEIGHT _____ AGE _____ LAST NAME _____ FEMALE <input type="checkbox"/> WEIGHT _____ ETHNICITY _____			
Additional Info:			
<b>Subject 3 Name (Per Interviewer):</b> LAST NAME _____ FIRST NAME _____			
13. From where did you have knowledge of Subject 3? CB <input type="checkbox"/> YES <input type="checkbox"/> NO    WITNESS(ES) <input type="checkbox"/> YES <input type="checkbox"/> NO    PRIOR CONTACT <input type="checkbox"/> YES <input type="checkbox"/> NO    OTHER MEMBER(S) <input type="checkbox"/> YES <input type="checkbox"/> NO    OTHER <input type="checkbox"/> YES <input type="checkbox"/> NO			
Explain:			
14. What did you know about Subject 3? (Include nickname, street name, alias, etc.) FIRST NAME _____ MALE <input type="checkbox"/> HEIGHT _____ AGE _____ LAST NAME _____ FEMALE <input type="checkbox"/> WEIGHT _____ ETHNICITY _____			
Additional Info:			
	<b>SUBJECT 1</b>	<b>SUBJECT 2</b>	<b>SUBJECT 3</b>
15. Did you have knowledge of the subject having a prior criminal history?	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
Explain:			
16. Did you have knowledge of the subject having a history of violence?	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
Explain:			
17. Was a weapon reported to be involved? If yes, specify weapon type:	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
18. Did you observe the subject with a weapon?	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
19. Did the subject offer verbal resistance?	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
20. Did the subject offer passive resistance?	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
21. Did the subject physically resist?	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
22. Did the subject have a weapon? If yes, specify weapon type:	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
23. Did the subject use or discharge a firearm?	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
24. Did the subject appear to be under the influence of drugs? Explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
25. Did the subject appear to be under the influence of alcohol? Explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
26. Did the subject appear to have a mental illness? Explain:	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO

MEMBER INTERVIEW - THIS PAGE TO BE COMPLETED BY DFRT MEMBER

DEADLY FORCE RESPONSE TEAM

FIREARM DISCHARGE INVESTIGATION REPORT

(This form in its entirety is to be used for NCPD administrative purposes only.)

**B**

INCLUDES  
PAGES 3-6

Note: Check all that apply and provide details as needed. Attach additional pages if necessary, noting Case Report Number, Firearm Discharge Incident Number, and Member's name on each additional page.

CASE REPORT NO:	FIREARM DISCHARGE INCIDENT NO:	MEMBER INVOLVED:
27. Why was the use of force necessary? <input type="checkbox"/> TO CONTROL SUBJECT <input type="checkbox"/> TO DEFEND SELF <input type="checkbox"/> TO DEFEND ANOTHER <input type="checkbox"/> TO MAKE AN ARREST		
<input type="checkbox"/> TO PREVENT ESCAPE <input type="checkbox"/> OTHER (Specify)		
28. Was a warning given prior to use of force? <input type="checkbox"/> YES <input type="checkbox"/> NO		
If yes, was the warning <input type="checkbox"/> VERBAL <input type="checkbox"/> A WARNING SHOT		
Who issued the warning?		
29. Did you have a tactical plan beforehand? <input type="checkbox"/> YES <input type="checkbox"/> NO		
30. Did you communicate with another Department member immediately prior to discharge? <input type="checkbox"/> YES <input type="checkbox"/> NO		
Explain:		
31. Did you observe cover? <input type="checkbox"/> YES <input type="checkbox"/> NO		
32. Were you able to use cover? <input type="checkbox"/> YES <input type="checkbox"/> NO		
33. Did you observe concealment? <input type="checkbox"/> YES <input type="checkbox"/> NO		
34. Were you able to use concealment? <input type="checkbox"/> YES <input type="checkbox"/> NO		
35. Was the encounter confrontational? <input type="checkbox"/> YES <input type="checkbox"/> NO		
36. If confrontational, was there a physical struggle prior to discharge? <input type="checkbox"/> YES <input type="checkbox"/> NO		
Explain:		
37. If there was a struggle, did you maintain control of your firearm? <input type="checkbox"/> YES <input type="checkbox"/> NO		
38. Where was the firearm on your body prior to discharge? <input type="checkbox"/> IN HOLSTER <input type="checkbox"/> ON BELT <input type="checkbox"/> AT ANKLE <input type="checkbox"/> OTHER		
If other, explain:		
39. Was your firearm discharge intentional? <input type="checkbox"/> YES <input type="checkbox"/> NO		
40. At the time of discharge, where was your firearm? <input type="checkbox"/> IN HAND <input type="checkbox"/> KNOCKED FROM YOUR HAND <input type="checkbox"/> HAD FALLEN/ BEEN DROPPED <input type="checkbox"/> OTHER		
If other, explain:		
41. If in hand, when did you draw your firearm? <input type="checkbox"/> BEFORE ENCOUNTER <input type="checkbox"/> DURING ENCOUNTER <input type="checkbox"/> IMMEDIATELY BEFORE FIRING		
Explain:		
42. Was the firearm discharged at <input type="checkbox"/> A PERSON <input type="checkbox"/> AN ANIMAL <input type="checkbox"/> A VEHICLE <input type="checkbox"/> OTHER		
If other, explain:		
43. Were you running before your firearm discharged? <input type="checkbox"/> YES <input type="checkbox"/> NO		
44. What position were you in when your firearm discharged? <input type="checkbox"/> STANDING <input type="checkbox"/> KNEELING <input type="checkbox"/> SITTING <input type="checkbox"/> CROUCHING <input type="checkbox"/> MOVING / RUNNING <input type="checkbox"/> PRONE <input type="checkbox"/> OTHER		
If other, explain:		
45. Did you have time to aim? <input type="checkbox"/> YES <input type="checkbox"/> NO		
46. Did you use sights? <input type="checkbox"/> YES <input type="checkbox"/> NO		
47. Did you fire <input type="checkbox"/> RIGHT-HANDED <input type="checkbox"/> LEFT-HANDED <input type="checkbox"/> WITH BOTH HANDS <input type="checkbox"/> N/A		
48. Approximately how far were you (in feet) from the subject / target when the first shot was fired ?		

MEMBER INTERVIEW - THIS PAGE TO BE COMPLETED BY DFRT MEMBER



DEADLY FORCE RESPONSE TEAM

FIREARM DISCHARGE INVESTIGATION REPORT

(This form in its entirety is to be used for NCPD administrative purposes only.)



INCLUDES  
PAGES 7-10

Note: Check all that apply and provide details as needed. Attach additional pages if necessary, noting Case Report Number, Firearm Discharge Incident Number, and Member's name on each additional page.

CASE REPORT NO: \_\_\_\_\_ FIREARM DISCHARGE INCIDENT NO: \_\_\_\_\_ MEMBER INVOLVED: \_\_\_\_\_

**MEMBER INFORMATION (MEMBER WHO DID NOT DISCHARGE FIREARM)**

RANK	LAST NAME	FIRST	SERIAL NO.	COMMAND	SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	
ON DUTY <input type="checkbox"/> NO <input type="checkbox"/> YES (Tour) _____	TOTAL YEARS PD EXPERIENCE (Include ALL Law Enforcement Experience) _____	MEMBER'S ATTIRE <input type="checkbox"/> UNIFORM <input type="checkbox"/> PLAINCLOTHES <input type="checkbox"/> UNDERCOVER	DID MEMBER WEAR BODY ARMOR <input type="checkbox"/> YES <input type="checkbox"/> NO	IF MEMBER WORE BODY ARMOR, WAS THIS <input type="checkbox"/> STANDARD ISSUE <input type="checkbox"/> SPECIAL ISSUE		
ASSIGNMENT TYPE <input type="checkbox"/> FOOT <input type="checkbox"/> TRAFFIC <input type="checkbox"/> RMP <input type="checkbox"/> OTHER (Specify) _____	ASSIGNED VEHICLE # _____ <input type="checkbox"/> MARKED <input type="checkbox"/> UNMARKED	ASSIGNED VEHICLE <input type="checkbox"/> 1 - MAN <input type="checkbox"/> 2 - MAN NAME: _____	EMERGENCY LIGHTS USED <input type="checkbox"/> YES <input type="checkbox"/> NO			
MEMBER'S 10-80 TIME: <input type="checkbox"/> N/A	MEMBER'S 10-81 TIME:	DATE OF LAST TOUR WORKED	TIME OF LAST TOUR WORKED	PURSUIT <input type="checkbox"/> NO <input type="checkbox"/> YES (Provide Blue Team Report No.) _____		
WAS MEMBER TREATED MEDICALLY <input type="checkbox"/> YES <input type="checkbox"/> NO	IF MEDICALLY TREATED, WHERE _____					
WAS MEMBER INVOLVED IN PRIOR INCIDENTS OF USE OF DEADLY FORCE <input type="checkbox"/> NO <input type="checkbox"/> YES (Specify all prior dates and types of use) _____						
DISCIPLINE PENDING (Check with Member's Command and IAU - DO NOT ASK MEMBER) <input type="checkbox"/> NO <input type="checkbox"/> YES (Specify) _____				LITIGATION PENDING (Check with Legal Bureau) <input type="checkbox"/> YES <input type="checkbox"/> NO		
DID MEMBER APPEAR FIT FOR DUTY? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF NO, ACTION TAKEN: _____					
ADDITIONAL COMMENTS						

**MEMBER INTERVIEW (MEMBER WHO DID NOT DISCHARGE FIREARM)**

1. How did you arrive at the scene?  CB DISPATCHED  IF CB DISPATCHED, SPECIFY ASSIGNMENT TYPE OR CALL TYPE \_\_\_\_\_  
 CAME UPON SCENE  DURING INVESTIGATION  RESPONDED TO REQUEST FOR ASSISTANCE  
 NOTIFIED BY OTHER (Explain) \_\_\_\_\_
2. Did you receive additional information (via radio) from  CB DISPATCH  OTHER UNITS AT SCENE  OTHER RESPONDING UNITS
3. Under what circumstances was the subject confronted?  ASSAULT ON CITIZEN  ASSAULT ON OFFICER  BUSINESS DISPUTE  
 BURGLARY  DRUG SALE  DWI  FAMILY DISTURBANCE  MENTAL AIDED  
 NEIGHBOR DISPUTE  PRISONER  PROWLER  ROBBERY  SUSPICIOUS PERSON  VTL STOP  
 ARREST (Describe) \_\_\_\_\_  OTHER (Explain) \_\_\_\_\_
4. Describe the lighting conditions outside  DAYLIGHT  DUSK/DAWN  DARK
5. If inside, describe lighting conditions  GOOD  POOR  UNLIGHTED  FLASHLIGHT USED  N/A
6. Describe the weather conditions  CLEAR  SUN  CLOUDS  WIND  FOG  
 RAIN  SNOW  OTHER (Specify) \_\_\_\_\_
7. How many subjects were involved? \_\_\_\_\_
8. Did you have knowledge of the subject(s) prior to this incident?  YES  NO

THIS PAGE TO BE COMPLETED BY DFRT MEMBER







**POLICE DEPARTMENT, COUNTY OF NASSAU, NEW YORK  
DEADLY FORCE RESPONSE TEAM**

**FIREARM DISCHARGE INVESTIGATION REPORT**

**(This form in its entirety is to be used for NCPD administrative purposes only.)**

**D**

**CASE REPORT NO:** \_\_\_\_\_ **FIREARM DISCHARGE INCIDENT NO:** \_\_\_\_\_ **MEMBER INVOLVED:** \_\_\_\_\_

**THIS SECTION TO BE COMPLETED BY CARETAKER SUPERVISOR**

<b>TYPE OF FIREARM (MEMBER)</b>					
MEMBER'S NAME				SERIAL NO.	
FIREARM MAKE		MODEL	CALIBER	SERIAL NO.	MAGAZINE / FIREARM CAPACITY
DID MEMBER CARRY SECOND FIREARM <input type="checkbox"/> YES <input type="checkbox"/> NO		IF YES, MAKE: _____ CALIBER: _____ MAGAZINE/FA CAPACITY: _____		WAS SECOND FIREARM USED <input type="checkbox"/> YES <input type="checkbox"/> NO	
		MODEL: _____ SERIAL NO: _____			
HOW WAS FIREARM RETRIEVED					WAS FIREARM SECURED <input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> FROM MEMBER <input type="checkbox"/> FROM GROUND <input type="checkbox"/> OTHER (Explain) _____					
DISPOSITION OF FIREARM					
<input type="checkbox"/> INVOICED TO PROPERTY BUREAU		<input type="checkbox"/> RELEASED TO CRIMINAL INVESTIGATOR (Name of Investigator) _____			
<input type="checkbox"/> RELEASED TO POLICE ACADEMY (Name of PASupervisor) _____				<input type="checkbox"/> REMAINED WITH MEMBER	
DESCRIBE EMOTIONAL STATUS OF MEMBER, AS OBSERVED					
INCIDENTS INVOLVING THE USE OF DEADLY FORCE REQUIRE A MANDATORY RESPONSE TO EAO (Contact via CB)					
WAS EAO CONTACTED <input type="checkbox"/> YES <input type="checkbox"/> NO					
<b>PREPARED BY</b>					
RANK / NAME			SIGNATURE		SERIAL NO.
PREPARED AT / LOCATION				DATE	TIME
ADDITIONAL COMMENTS					

**POLICE DEPARTMENT, COUNTY OF NASSAU, NEW YORK  
DEADLY FORCE RESPONSE TEAM**

**FIREARM DISCHARGE INVESTIGATION REPORT  
(This form in its entirety is to be used for NCPD administrative purposes only.)**

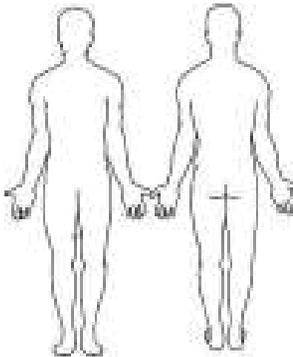
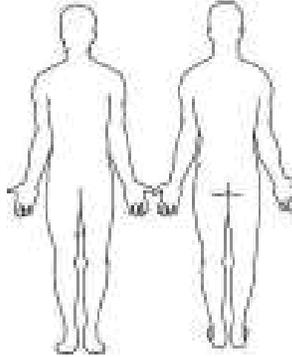
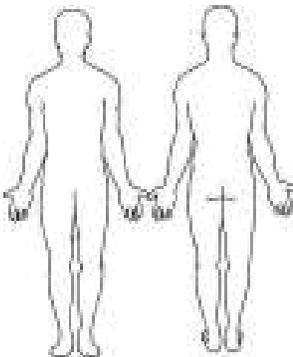
**E**

**CASE REPORT NO:** \_\_\_\_\_ **FIREARM DISCHARGE INCIDENT NO:** \_\_\_\_\_ **MEMBER INVOLVED:** \_\_\_\_\_

SUBJECT INFORMATION <input type="checkbox"/> SINGLE <input type="checkbox"/> MULTIPLE					
SUBJECT 1 LAST NAME	FIRST	ARRESTED <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, ARREST NO.	CHARGE	SUBJECT'S CONDITION <input type="checkbox"/> NO VISIBLE INJURY <input type="checkbox"/> WOUNDED <input type="checkbox"/> ESCAPED <input type="checkbox"/> DECEASED <input type="checkbox"/> UNKNOWN
IF WEAPON USED, TYPE OF WEAPON <input type="checkbox"/> NONE USED <input type="checkbox"/> HANDGUN <input type="checkbox"/> KNIFE <input type="checkbox"/> LONG GUN <input type="checkbox"/> EXPLOSIVE <input type="checkbox"/> OTHER _____			IF FIREARM, MAKE: _____ CALIBER: _____ MODEL: _____ SERIAL NO: _____		DID SUBJECT USE/ DISCHARGE HIS FIREARM <input type="checkbox"/> YES <input type="checkbox"/> NO
SUBJECT 2 LAST NAME	FIRST	ARRESTED <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, ARREST NO.	CHARGE	SUBJECT'S CONDITION <input type="checkbox"/> NO VISIBLE INJURY <input type="checkbox"/> WOUNDED <input type="checkbox"/> ESCAPED <input type="checkbox"/> DECEASED <input type="checkbox"/> UNKNOWN
IF WEAPON USED, TYPE OF WEAPON <input type="checkbox"/> NONE USED <input type="checkbox"/> HANDGUN <input type="checkbox"/> KNIFE <input type="checkbox"/> LONG GUN <input type="checkbox"/> EXPLOSIVE <input type="checkbox"/> OTHER _____			IF FIREARM, MAKE: _____ CALIBER: _____ MODEL: _____ SERIAL NO: _____		DID SUBJECT USE/ DISCHARGE HIS FIREARM <input type="checkbox"/> YES <input type="checkbox"/> NO
SUBJECT 3 LAST NAME	FIRST	ARRESTED <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, ARREST NO.	CHARGE	SUBJECT'S CONDITION <input type="checkbox"/> NO VISIBLE INJURY <input type="checkbox"/> WOUNDED <input type="checkbox"/> ESCAPED <input type="checkbox"/> DECEASED <input type="checkbox"/> UNKNOWN
IF WEAPON USED, TYPE OF WEAPON <input type="checkbox"/> NONE USED <input type="checkbox"/> HANDGUN <input type="checkbox"/> KNIFE <input type="checkbox"/> LONG GUN <input type="checkbox"/> EXPLOSIVE <input type="checkbox"/> OTHER _____			IF FIREARM, MAKE: _____ CALIBER: _____ MODEL: _____ SERIAL NO: _____		DID SUBJECT USE/ DISCHARGE HIS FIREARM <input type="checkbox"/> YES <input type="checkbox"/> NO

**SUBJECT'S CONDITION (indicate corresponding letter on schematic if applicable)**

**THIS PAGE TO BE COMPLETED BY DFRT MEMBER**

<p><b>Subject 1</b></p>  <p><b>Check All That Apply:</b></p> <p>A. NONE VISIBLE ..... <input type="checkbox"/></p> <p>B. BRUISES ..... <input type="checkbox"/></p> <p>C. ABRASIONS ..... <input type="checkbox"/></p> <p>D. LACERATIONS ..... <input type="checkbox"/></p> <p>E. BROKEN BONES ..... <input type="checkbox"/></p> <p>F. GUN SHOT ..... <input type="checkbox"/></p> <p>G. OTHER (Specify) ..... <input type="checkbox"/></p> <p>_____</p>	<p><b>Subject 2</b></p>  <p><b>Check All That Apply:</b></p> <p>A. NONE VISIBLE ..... <input type="checkbox"/></p> <p>B. BRUISES ..... <input type="checkbox"/></p> <p>C. ABRASIONS ..... <input type="checkbox"/></p> <p>D. LACERATIONS ..... <input type="checkbox"/></p> <p>E. BROKEN BONES ..... <input type="checkbox"/></p> <p>F. GUN SHOT ..... <input type="checkbox"/></p> <p>G. OTHER (Specify) ..... <input type="checkbox"/></p> <p>_____</p>
<p><b>Subject 3</b></p>  <p><b>Check All That Apply:</b></p> <p>A. NONE VISIBLE ..... <input type="checkbox"/></p> <p>B. BRUISES ..... <input type="checkbox"/></p> <p>C. ABRASIONS ..... <input type="checkbox"/></p> <p>D. LACERATIONS ..... <input type="checkbox"/></p> <p>E. BROKEN BONES ..... <input type="checkbox"/></p> <p>F. GUN SHOT ..... <input type="checkbox"/></p> <p>G. OTHER (Specify) ..... <input type="checkbox"/></p> <p>_____</p>	<p><b>Additional Details, If Necessary:</b> _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>

SUBJECT 1 ASSESSED BY AMT <input type="checkbox"/> YES <input type="checkbox"/> NO	SUBJECT 1 TAKEN TO HOSPITAL <input type="checkbox"/> YES <input type="checkbox"/> NO	IF TRANSPORTED, TO WHERE	AMB. NO.	RANK	LASTNAME	FIRST	SERIAL NO.	COMMAND
SUBJECT 2 ASSESSED BY AMT <input type="checkbox"/> YES <input type="checkbox"/> NO	SUBJECT 2 TAKEN TO HOSPITAL <input type="checkbox"/> YES <input type="checkbox"/> NO	IF TRANSPORTED, TO WHERE	AMB. NO.	RANK	LASTNAME	FIRST	SERIAL NO.	COMMAND
SUBJECT 3 ASSESSED BY AMT <input type="checkbox"/> YES <input type="checkbox"/> NO	SUBJECT 3 TAKEN TO HOSPITAL <input type="checkbox"/> YES <input type="checkbox"/> NO	IF TRANSPORTED, TO WHERE	AMB. NO.	RANK	LASTNAME	FIRST	SERIAL NO.	COMMAND

PREPARED BY		
RANK / NAME	SIGNATURE	SERIAL NO.
PREPARED AT / LOCATION		DATE
		TIME

ADDITIONAL COMMENTS

204

DEADLY FORCE RESPONSE TEAM

FIREARM DISCHARGE INVESTIGATION REPORT

(This form in its entirety is to be used for NCPD administrative purposes only.)

**F**  
INCLUDES  
PAGES 13-14

Note: Check all that apply and provide details as needed. Attach additional pages if necessary, noting Case Report Number, Firearm Discharge Incident Number, and Member's name on each additional page.

CASE REPORT NO: \_\_\_\_\_ FIREARM DISCHARGE INCIDENT NO: \_\_\_\_\_ MEMBER INVOLVED: \_\_\_\_\_

**GENERAL SCENE INFORMATION - WERE ANY MEMBERS INJURED AT SCENE**  YES  NO

RANK	LAST NAME	FIRST	SERIAL NO.	COMMAND	INJURY NO.	HOW / WHERE INJURED	MEDICATION ADMINISTERED/ TREATMENT RENDERED
1.							
2.							
3.							
4.							

**WERE THERE KNOWN WITNESSES AT SCENE**  YES  NO (Provide brief details)

	WITNESS NAME	ADDRESS	PHONE #	CELL #	EMAIL ADDRESS	STATEMENT TAKEN		STATEMENT TAKEN BY NAME
						YES	NO	
1.						<input type="checkbox"/>	<input type="checkbox"/>	
2.						<input type="checkbox"/>	<input type="checkbox"/>	
3.						<input type="checkbox"/>	<input type="checkbox"/>	
4.						<input type="checkbox"/>	<input type="checkbox"/>	
5.						<input type="checkbox"/>	<input type="checkbox"/>	

**WERE ANY BYSTANDERS / WITNESSES INJURED**  YES  NO (Provide brief details)

1.	
2.	
3.	
4.	
5.	

**WAS THERE ANY DAMAGE TO PROPERTY**  YES  NO (Describe below)

**OTHER FIRST RESPONDERS AT SCENE (Include outside law enforcement agencies, Fire Dept., EAB, etc.)**  YES  NO

RANK	LAST NAME	FIRST	SERIAL NO.	COMMAND/AGENCY	FIREARM DISCHARGED	
					YES	NO
1.					<input type="checkbox"/>	<input type="checkbox"/>
2.					<input type="checkbox"/>	<input type="checkbox"/>
3.					<input type="checkbox"/>	<input type="checkbox"/>
4.					<input type="checkbox"/>	<input type="checkbox"/>
5.					<input type="checkbox"/>	<input type="checkbox"/>
6.					<input type="checkbox"/>	<input type="checkbox"/>
7.					<input type="checkbox"/>	<input type="checkbox"/>
8.					<input type="checkbox"/>	<input type="checkbox"/>
9.					<input type="checkbox"/>	<input type="checkbox"/>
10.					<input type="checkbox"/>	<input type="checkbox"/>

THIS PAGE TO BE COMPLETED BY DFRT MEMBER



DEADLY FORCE RESPONSE TEAM

FIREARM DISCHARGE INVESTIGATION REPORT

(This form in its entirety is to be used for NCPD administrative purposes only.)



CASE REPORT NO:

FIREARM DISCHARGE INCIDENT NO:

MEMBER INVOLVED:

THIS SECTION TO BE COMPLETED BY POLICE ACADEMY CO OR HIS DESIGNEE

THIS SECTION TO BE COMPLETED BY FTU

THIS SECTION TO BE COMPLETED BY POLICE ACADEMY CO

<b>TYPE OF FIREARM (MEMBER)</b>					
MEMBER'S NAME				MEMBER'S SERIAL NO.	
FIREARM MAKE		MODEL	CALIBER	FIREARM SERIAL NO.	MAGAZINE / FIREARM CAPACITY
HOW MANY ROUNDS IN FIREARM _____	HAD FIREARM BEEN "TOPPED OFF" <input type="checkbox"/> YES <input type="checkbox"/> NO	WAS FIREARM SECURED <input type="checkbox"/> YES <input type="checkbox"/> NO	IF NOT SECURED, EXPLAIN:		
WAS A REPLACEMENT FIREARM ISSUED <input type="checkbox"/> YES <input type="checkbox"/> NO	IF A REPLACEMENT FIREARM WAS ISSUED, FIREARM TYPE: _____ SERIAL NO. _____ LOCATION ISSUED: _____				
DID MEMBER CARRY SECOND FIREARM <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, MAKE: _____ CALIBER: _____ MAGAZINE/FA CAPACITY: _____		WAS SECOND FIREARM USED <input type="checkbox"/> YES <input type="checkbox"/> NO		MODEL: _____ SERIAL NO: _____
MEMBER'S RANGE TRAINING RECORD _____ _____ _____					
POLICE ACADEMY SUPV. INSPECTING FIREARM	RANK	LAST NAME	FIRST	SERIAL NO.	
<b>PREPARED BY</b>					
RANK / NAME			SIGNATURE		SERIAL NO.
PREPARED AT / LOCATION				DATE	TIME
ADDITIONAL COMMENTS					
<b>FTU INCIDENT REVIEW (TO BE COMPLETED AFTER REVIEW OF INCIDENT)</b>					
DID FTU RESPOND TO SCENE <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, WHAT TIME DID FTU ARRIVE _____		RESPONDING FTU MEMBER RANK / NAME _____ SERIAL NO. _____		
WERE TACTICS USED CONSISTENT WITH TRAINING <input type="checkbox"/> YES <input type="checkbox"/> NO	IF NOT CONSISTENT WITH TRAINING, WERE TACTICS <input type="checkbox"/> APPROPRIATE FOR SITUATION <input type="checkbox"/> EFFECTIVE <input type="checkbox"/> IMPROPER		TRAINING RECOMMENDATIONS <input type="checkbox"/> RETRAIN MEMBER(S) INVOLVED <input type="checkbox"/> REVIEW / MODIFY CURRENT TRAINING AND / OR POLICY		
INCIDENT REVIEWED BY FTU: RANK / NAME			SIGNATURE		SERIAL NO.
PREPARED AT / LOCATION				DATE	TIME
<b>REVIEWED BY POLICE ACADEMY COMMANDING OFFICER</b>					
RANK / NAME			SIGNATURE		SERIAL NO.
PREPARED AT / LOCATION				DATE	TIME
ADDITIONAL COMMENTS					

DEADLY FORCE RESPONSE TEAM

FIREARM DISCHARGE INVESTIGATION REPORT

(This form in its entirety is to be used for NCPD administrative purposes only.)



CASE REPORT NO:

FIREARM DISCHARGE INCIDENT NO:

MEMBER INVOLVED:

REVIEW/SIGNATURES

<b>DUTY INSPECTOR</b>	RANK / NAME	SIGNATURE	SERIAL NO.	DATE
	COMMENTS			

<b>DUTY CHIEF / DFRT COORDINATOR</b>	NAME	SIGNATURE	SERIAL NO.	DATE
	COMMENTS			

<b>CHIEF OF DEPARTMENT</b>	NAME	SIGNATURE	SERIAL NO.	DATE
	COMMENTS			



## Use of Force Glossary

07/08/2016

0

**Actively Resistant Person/Self-Destructive Behavior:** an actively resistant person is one who takes an offensive or a physically resistant action. These actions can take the form of the person standing at the ready and menacing with an object, device, or material capable of inflicting serious injury; the person using bodily force such as punching, striking, scratching, grabbing/holding; the person using active physical resistance to custody or presenting an imminent biohazard threat such as spitting or throwing a biohazard at the member or attempt of same. Also in this category: evading custody (escape), destroying evidence, or attempting to harm self (ingesting narcotics, suicide attempt), making explicit verbal threats to cause injury to the member or others present and which the member reasonably believes the person will carry out that threat. The member objectively and reasonably perceives an actual or imminent threat to self, others or evidence. In the interest of officer safety, members shall be particularly vigilant of persons presenting physical cues of an imminent attack (yawning with outstretched arms, glancing around assessing the environment, staring at the officer's duty belt, balling fists, shifting their body into a fighting stance, etc.).

**Deadly Active Person:** a deadly active person is one who is presenting a deadly threat with a firearm, edged weapon, deadly ordnance, electronic control device (ECD), motor vehicle, or any other instrument or substance capable of causing death or serious physical injury. Also included is an attempt to disarm the member, incapacitate the member or a life-threatening weaponless assault. The member objectively and reasonably perceives an imminent threat of death or serious physical injury to self or innocent others.

**Deadly Force:** means force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury to another human being. It may involve firearms, but also includes any force or instrument of force (e.g., vehicle, edged weapon) capable of causing death or serious injury. Deadly force includes the firing at or in the direction of a person and head strikes with a police baton or any hard object.

**Deadly Force Response Team (DFRT):** a team established to respond to incidents involving Members of the Department who have intentionally discharged a firearm at a human being, have unintentionally discharged a firearm causing an injury to another, or have used force, intentional or otherwise, causing serious physical injury or death to another, or any other incident involving the use of force for which the Chief of Department directs a review. The purpose of the DFRT is to investigate these incidents and prepare an administrative report for the Commissioner of Police and the Deadly Force Review Board. The Duty Chief will be designated as the Team Coordinator and will coordinate the response and activities of the following members:

1. Duty Chief,
2. Duty Inspector,
3. Administrative Officer of the member's command,
4. Commanding Officer, Police Academy, *or* his designee,
5. Supervisor, Homicide Squad, to conduct the criminal investigation,
6. Internal Affairs Unit (IAU), in cases where there appears to be significant deviation from Departmental policies and procedures,
7. Medical Administration Office (MAO), in cases where involved officers appear unfit for duty.

**Deadly Force Review Board:** this board will be a five person board comprised of the Chief of Department (Chairman), Chief of Detectives, Chief of Patrol, the Counsel to the Commissioner and a fifth person to be chosen by the chairman. This Board will be responsible for reviewing, investigating, evaluating and making recommendations to the Commissioner of Police for all incidents involving the following use of deadly force by a Member of the Department:

1. an intentional firearm discharge at a human being, *or*
2. an unintentional firearm discharge causing an injury to another, *or*
3. the use of force, intentional or otherwise, causing serious physical injury or death to another, *or*
4. any other incident involving the use of force for which the Chief of Department directs a review.

**Electronic Control Device (ECD):** an electro-muscular disruptor designed to disrupt a subject's motor and sensory functions of the nervous system by deploying battery-powered electrical energy sufficient to cause motor skill dysfunction and override voluntary motor responses. The ECD utilized by NCPD is the Taser International X26P yellow, model no. 11003 with an APPM battery pack auto shut off, model no. 22011.

**Authorized Member:** a Member of the Force who has successfully completed the NCPD training course in the use of the NCPD Electronic Control Device.

**Automatic Performance Power Magazine (APPM):** a lithium energy cell power supply system with an onboard memory chip that maintains a record of vital operational status information, such as remaining power level, energy cell performance, and life expectancy for the energy cell pack under varying temperatures and loads, which is graphically displayed on the device. This APPM automatically shuts off 5 seconds after pulling the trigger.

**Cartridge:** a replaceable cartridge which discharges two probes on connecting wires sending a high voltage/low current signal into a subject.

**Discharge:** the actual use of the ECD with probe discharge or Drive Stun [See Definition] against a subject.

**Display:** drawing and exhibiting the ECD as part of a warning tactic, typically accompanied by appropriate verbalization.

**Drive Stun:** discharging the ECD whereby the device makes direct contact with the intended subject's body without a cartridge in place or after the cartridge has been discharged. This mode should not be the primary method of use due to the risk presented as a result of the close proximity to the subject.

**ECD Cartridge Logbook:** a logbook for tracking the intake and distribution of ECD cartridges. It will document the following:

1. issuing member,
2. date and time issued or received,
3. receiving member's name and serial number,
4. used cartridge serial number,
5. new cartridge serial number, and
6. whether the used cartridge will be destroyed or invoiced.

**Laser Painting:** the act of removing the ECD from its holster and pointing the ECD at a subject and activating the ECD's laser dot to show that the device is aimed and targeted on the appropriate location on the subject.

**Successful Application:** the result of discharging an ECD where the probes make contact with the subject's body, or the unit itself makes direct contact with the subject's body, to conduct energy that affects both the sensory and motor functions of the nervous system.

**Firearm:** (PL §265.00)

1. any pistol or revolver; or
2. a shotgun having one or more barrels less than 18 inches in length; or
3. a rifle having one or more barrels less than 16 inches in length; or
4. any weapon made from a shotgun or rifle whether by alteration, modification, or otherwise if such weapon as altered, modified, or otherwise has an overall length of less than 26 inches.
5. Firearm does not include an antique firearm.

**Note:** Penal Law definition further describes how to measure the length of a barrel and the overall length of a weapon made from a shotgun or a rifle.

**Firearm Discharge Control Book:** a numbered sequential listing of firearms discharges that are reported to the Communications Bureau (CB).

**Force:** means the following actions by a member: any physical strike or instrumental contact with a person, or any significant physical contact that restricts movement of a person. The term includes, but is not limited to, the use of firearms; electronic control devices (ECDs); chemical spray; empty hands; the taking of a person to the ground; physical force such as kicks, punches or martial arts techniques; compliance and control holds such as twist locks, wrist locks, pressure point; or the deployment of a canine. **The term does not include escorting or handcuffing a person, with no or minimal resistance.**

**Hydraulic Needle Effect:** at distances less than 3 feet, liquid leaving a canister under pressure can damage a person's eye.

**Imminent:** *does not* mean immediate or instantaneous, but rather that an action is pending. Thus, a subject may pose an imminent danger even if he is not at that very moment pointing a weapon at a Police Officer. For example, imminent danger may exist if Police Officers have probable cause to believe any of the following:

1. a subject possesses a weapon or is attempting to gain access to a weapon under circumstances indicating an intention to use it against the police officer or others, *or*
2. a subject is armed and running to gain a tactical advantage of cover, *or*
3. a subject with the capability of inflicting death or serious physical injury or otherwise incapacitating a police officer and is demonstrating an intention to do so, *or*
4. a subject is attempting to escape from the vicinity of a violent confrontation where the subject inflicted or attempted to inflict death or serious physical injury.

**Intermediate Weapons:** compliance devices authorized, approved, and issued by the Department and used to stop and control individuals when the use of force is reasonable and necessary. These instruments or devices include, but are not limited to, the following: OC pepper-spray, the police baton, the electronic control device (ECD), a propelled beanbag round, and the deployment of a canine.

**Oleoresin Capsicum (OC):** an inflammatory agent derived from the oils and waxes of crushed cayenne peppers. The physical effects on a person caused by OC will usually lessen his ability to resist or retaliate.

**Note:** OC has no vapor rate. Therefore, it will not evaporate.

**Oleoresin Capsicum (OC) effects:** may include physiological and psychological effects, such as:

1. acute burning sensation and redness of exposed skin,
2. involuntary closing of eyes,
3. inflammation in the mucous membranes of the nose and throat, triggering a cough reflex,
4. temporary loss of muscle coordination,
5. extreme panic attack,
6. inability to respond to commands.

**Note:** OC may also be effective against animals.

**Passively Resistant Person:** a passively resistant person is one who fails to follow voice commands. A passively resistant person may be verbally abusive using non-threatening language. A passively resistant person is also any person who resists arrest simply by passively refusing to comply as directed (dead weight). The police member does not objectively and reasonably perceive an imminent physical threat.

**Reasonable and Necessary:** is that level of force that is appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same circumstances as the officer who actually used force. The use of reasonable and necessary force is not analyzed with hindsight, but will take into account, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations. This policy guideline applies to all uses of force, not only the use of deadly force.

**Serious Physical Injury:** means 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. (PL §10.00)

**Totality of Circumstances:** all facts and circumstances known to the police officer at the time, reasonably perceived by the police officer, as the basis for the use of force decision.

**Unintentional Firearm Discharge:** the discharge of a firearm by a Member of the Force, which was not deliberate.



**Nassau County Police Department**  
 Our Mission is to serve the people of Nassau County  
 and to provide safety and an improved quality of life in  
 our communities through excellence in policing.

# Legal Bulletin

BULLETIN TOPIC

**Recent Legislation**

FILE

**3010**

NUMBER

**20-004**

## Table of Contents

<u>Subject</u>	<u>Page</u>
<b><u>Civil Rights Law</u></b>	
Bias-related violence or intimidation; civil remedy	2
Medical Attention for Persons Under Arrest	2
Right to Record Law Enforcement Related Activities	2
<b><u>Executive Law</u></b>	
Office of Special Investigation	4
Reporting Duties of Law Enforcement Departments with respect to Arrest-Related Deaths	5
Report of Discharge of Weapon	6
<b><u>Penal Law</u></b>	
Aggravated Strangulation	6
Loitering	6

ISSUING AUTHORITY

**Commissioner of Police**

SIGNATURE

**Patrick J. Ryder**

ISSUE DATE

**06/16/2020**

PAGE

**1 of 6**

The following is a summary of a partial summary of 2020 Legislative enactments that are of particular interest to law enforcement personnel and is set forth for the information and guidance of members of this Department.

### **Civil Rights Law**

#### **Bias-related violence or intimidation; civil remedy** (Chapter 93)

Section 79-n subdivision 2 of the Civil Rights Law has been amended to establish civil penalties for a person who intentionally summons a police officer or peace officer without reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property, 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. A person in violation of this law shall be liable in a civil action for injunctive relief, damages, or any other appropriate relief in law or equity.

Effective: June 12, 2020

#### **Medical Attention for Persons Under Arrest** (Chapter 103)

Section 28 has been added to the Civil Rights Law as follows:

##### **Section 28 – Medical attention for persons under arrest**

When a person is under arrest or otherwise in the custody of a police officer, peace officer or other law enforcement representative or entity, such officer, representative or entity shall have a duty to provide attention to the medical and mental health needs of such person, and obtain assistance and treatment of such needs for such person, which are reasonable and provided in good faith under the circumstances. Any person who has not received such reasonable and good faith attention, assistance or treatment and who, as a result, suffers serious physical injury or significant exacerbation of an injury or condition shall have a cause of action against such officer, representative, and/or entity. In any such civil action, the court, in addition to awarding actual damages and costs, may award reasonable attorneys' fees to a successful plaintiff. The provisions of this section are in addition to, but shall not supersede, any other rights or remedies available in law or equity.

Effective: June 15, 2020

#### **Right to Record Law Enforcement Related Activities** (Chapter 100)

Section 79-p has been added to the Civil Rights Law to create the New Yorker's Right to Monitor Act as follows:

**Section 79-p – Recording certain activities**

1. Definitions. For purposes of this section, the following terms shall have the following meanings:

- (a) “Officer” means any peace officer, police officer, security officer, security guard, or similar official who is engaged in a law enforcement activity;
- (b) “Law enforcement activity” means any activity by an officer acting under the color of law; and
- (c) “Record” means to capture or attempt to capture any moving or still image, sound, or impression through the use of any recording device, camera, or any other device capable of capturing audio, moving or still images, or by way of written notes or observations;

2. Right to record law enforcement related activities.

A person not under arrest or in the custody of a law enforcement official has the right to record law enforcement activity and to maintain custody and control of that recording and of any property or instruments used by that person to record law enforcement activities, provided, however, that a person in the custody or under arrest does not, by that status alone, forfeit the right to have any such recordings, property and equipment

3. Private right of actions.

- (a) A claim of unlawful interference with recording a law enforcement activity is established under this section when a person demonstrates that he or she exercised or attempted to exercise the right established in subdivision two of this section to record a law enforcement activity and an officer acted to interfere with that person’s recording of a law enforcement activity, including but not limited to, by:
  - (i) intentionally preventing or attempting to prevent that person from recording law enforcement activity;
  - (ii) threatening that person for recording a law enforcement activity;
  - (iii) commanding that the person cease recording law enforcement activity when the person was nevertheless authorized under law to record;
  - (iv) stopping, seizing, searching, ticketing or arresting that person because that person recorded a law enforcement activity; or
  - (v) unlawfully seizing property or instruments used by that person to record a law enforcement activity, unlawfully destroying, or seizing a recorded image or recorded images of a law enforcement activity, or copying such a recording of a law enforcement activity without consent of the person who recorded it or approval from an appropriate court.

- (b) It shall be an affirmative defense to a civil action under subparagraphs (i), (iii) and (iv) of paragraph (a) of this subdivision that at the time of such conduct by an officer, such officer had probable cause to arrest the person recording such a law enforcement activity for a crime defined in the penal law involving obstructing governmental administration.
  - (c) A person subject to unlawful interference with recording law enforcement activities as described in paragraph (a) of this subdivision may bring an action for any violation of this section in any court of competent jurisdiction for damages, including punitive damages, for declaratory and injunctive relief, and such other remedies as the court may deem appropriate.
  - (d) In any action or proceeding brought pursuant to this section, the court may also allow a prevailing plaintiff reasonable attorney's fees and expert fees as a party of the costs which may be recovered.
  - (e) Any action or proceeding brought pursuant to this section shall be commenced no later than three years after the date on which the violation of this section is committed.
4. Preservation of Rights. This section shall be in addition to all rights, procedures, and remedies available under the United States Constitution, 42 USC 1983, the constitution of the state of New York and all other federal law, state law, law of the city of New York or the administrative code of the city of New York, and all other civil remedies, including monetary damages, created by statute, ordinance, regulation or common law.

Effective: July 13, 2020

### Executive Law

#### Office of Special Investigation (Chapter 95)

Section 70-b has been added to the Executive Law to establish the Office of Special Investigation with in 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.

Effective: April 1, 2021

**Reporting Duties of Law Enforcement Departments with Respect to Arrest-Related Deaths**  
(Chapter 102)

Section 837-v has been added to the Executive Law as follows (there are 2 section 837-vs):

**Section 837-v. Reporting duties of law enforcement departments with respect to arrest-related deaths.**

1. The chief of every police department, each county sheriff, and the superintendent of state police shall promptly report to the division any arrest-related death, disaggregated by county. The data shall include all information the division shall report pursuant to the requirements of subdivision five of this section.
2. The initial report required by this subdivision shall be for the period beginning six months after the effective date of this section and shall be submitted on an annual basis thereafter. Each annual report shall be submitted no later than February first.
3. The division shall make the information required by subdivision one of this section available to the public by posting it on the website of the division. With respect to the information required by subdivision one of this section, the division shall update such information on a monthly basis and such information shall be posted in alphanumeric form that can be digitally transmitted or processed and not in portable document format or scanned copies of original documents.
4. The division shall promulgate regulations to effectuate the reporting of data from law enforcement departments sufficient to make the reports required by subdivision five of this section.
5. The division shall submit to the governor and the legislature an annual report of arrest-related deaths disaggregated by county. An arrest-related death is a death that occurs while an individual is in law enforcement custody or during an attempt to establish custody including, but not limited to, deaths caused by any use of force. Such report shall include the following information: (a) the number of arrest-related deaths; (b) the race, ethnicity, age, and sex of the individual; (c) the zip code or location where the death occurred; and (d) a brief description of the circumstances surrounding the arrest-related death.

Effective: December 12, 2020

**Report of Discharge of Weapon** (Chapter 101)

Section 837-v has been added to the Executive Law as follows (there are 2 section 837-vs):

**Section 835-v – Report of discharge of weapon**

1. Any law enforcement officer or peace officer who discharges his or her weapon while on duty or off duty under circumstances wherein a person could be struck

by a bullet from the weapon, including situations wherein such officer discharges his or her weapon in the direction of a person, shall verbally report the incident to his or her superiors within six hours of the occurrence of the incident and shall prepare and file a written report of the incident within forty-eight hours of the occurrence of the incident. Nothing contained in this section shall prevent any officer from invoking his or her constitutional right to avoid self-incrimination.

2. As used in this section "law enforcement officer" means a state or local police officer and "peace officer" means any person designated as a peace officer pursuant to section 2.10 of the criminal procedure law.

Effective: September 13, 2020

### Penal Law

#### Aggravated Strangulation (Chapter 94)

Section 70.02 subdivision 1 paragraph (b) has been amended and Section 121.13-a has been added to the Penal Law establishing the crime of Aggravated Strangulation as follows:

#### **Section 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, 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. Aggravated strangulation is a class C violent felony.

Effective: June 12, 2020

#### Loitering (Chapter 98)

Section 240.35 subdivision 4 of the Penal Law relating to being masked in public is repealed.

Effective: June 13, 2020

Prepared by:

Christopher V. Todd  
Deputy Bureau Chief  
Legal Bureau  
\*\*\*



**Nassau County Police Department**  
 Our Mission is to serve the people of Nassau County  
 and to provide safety and an improved quality of life in  
 our communities through excellence in policing.

# Department Administrative Order

ORDER TITLE	FILE	NUMBER
<b>Carotid Restraint</b>	<b>3212</b>	<b>20-015</b>
REFERENCE DOCUMENTS	EFFECTIVE DATE	TERMINATION DATE
<b>Use of Force, OPS 12410</b>	<b>06/25/2020</b>	
<b>Use of Deadly Force, OPS 12420</b>		
<b>Legal Bulletin 20-004</b>		

Force Members are reminded of Penal Law Article 121, Strangulation and Related Offenses, and in particular recently enacted Penal Law Section 121.13-a, Aggravated Strangulation, and that the Carotid Restraint or “Chokehold” is not an authorized use of force technique (see OPS 12410 at paragraph A7 for authorized techniques). Members are further reminded of the following rules with regard to use of force:

1. Members of the Force will not use force except as provided by law.
2. A Member of the Department will notify a supervisor, as soon as practical, whenever he uses deadly force.
3. Members of the Force will notify a supervisor, as soon as practical, when they have discharged a firearm, except while lawfully hunting or target shooting.
4. Members of the Department, while on duty, will render aid to a sick or injured person in accordance with their level of training and summon an ambulance if necessary.

Department Procedure, OPS 12420, Use of Deadly Force is hereby amended deleting paragraph 6b, with regard to the carotid restraint.

Commanding Officers shall bring this Department Administrative Order to the attention of all members of their command.

ISSUING AUTHORITY	SIGNATURE	ISSUE DATE	PAGE
<b>Commissioner</b>	<b>Patrick J. Ryder</b>	<b>06/25/2020</b>	<b>1 of 1</b>



**Nassau County Police Department**  
 Our Mission is to serve the people of Nassau County  
 and to provide safety and an improved quality of life in  
 our communities through excellence in policing.

# Legal Bulletin

BULLETIN TOPIC	FILE	NUMBER
<b>Car Stops: An Overview</b>	3010	09-006

## Car Stops Based on Reasonable Suspicion

### Table of Contents

<u>Subject</u>	<u>Page</u>
<u>Car Stops vs. Pedestrian Stops</u>	2
<u>Car Stops based on Reasonable Suspicion</u>	3
<i>People v Howell</i> , 111 A.D.2d 768 (2 <sup>nd</sup> Dept., 1985)	3
<i>People v. Ballard</i> , 16 A.D.3d 697 (2 <sup>nd</sup> Dept., 2005)	3
<i>People v. Corteux</i> , 801 N.Y.S.2d 239 (Cty Ct., St. Lawrence Cty, 2005)	4
<i>People v. Hardi</i> , 824, N.Y.S.2d 757, (Dist. Ct., Nass Cty, 2006)	5
<u>Summary</u>	6

ISSUING AUTHORITY

**First Deputy  
 Commissioner**

SIGNATURE

**Robert W. McGuigan**

ISSUE DATE

11/5/2009

1 of 6

### Car Stops vs. Pedestrian Stops

It is well settled that the stop of a motor vehicle is a limited seizure triggering constitutional protections, *People v. Spencer*, 84 N.Y.2d 749 (1995); *People v. Sobotker*, 43 N.Y.2d 559 (1978). The rationale behind the rulings of the courts in this area is the recognition that automobile stops are more intrusive than the minimal intrusion involved in stopping a pedestrian. Members should be aware that the stop of a motor vehicle has Fourth Amendment search and seizure implications and may not be permissible under certain circumstances.

The Courts have distinguished stops of a pedestrian from motor vehicle stops because "...the obvious impact of stopping the progress of an automobile is more intrusive than the minimal intrusion involved in stopping a pedestrian" *People v. John BB.*, 56 NY2d 482, 487 (1982). A police officer may request information from a pedestrian, but the request must be supported by an objective, credible reason, not necessarily indicative of criminality, i.e. inquiring about a missing child. At this level of intrusion the questioned person does not have to respond and the police officer may not detain the individual. Of course, during this brief encounter circumstances may evolve whereby the police officer has a founded suspicion that criminal activity is afoot. At this point the police officer may interfere with the individual to the extent necessary to gain explanatory information concerning the suspected illegal activity. This level of intrusion is known as the "common law right of inquiry." It is important to note that when a police officer has reasonable suspicion that a particular person "has committed, is committing or is about to commit a felony or misdemeanor", the Criminal Procedure Law authorizes a forcible stop and detention of that person. Finally, when the officer has probable cause an arrest may be made of the individual (*People v. DeBour*, 40 N.Y. 2d 210; *People v. Hollman and People v. Saunders*, 79 N.Y.2d 181 (1992)).

Stopping a moving vehicle in order to obtain information or based on a police officer's "common law right of inquiry" is not permissible. An automobile may be stopped "in accordance with nonarbitrary, nondiscriminatory, uniform procedures, such as at roadblocks, checkpoints and weighing stations," but stops that are "the product of mere whim, caprice or idle curiosity," are prohibited, *People v. Singleton*, 41 N.Y.2d 402 (1977). The Court of Appeals has held that a motor vehicle may be stopped for a "routine traffic check" when a police officer reasonably suspects a violation of the Vehicle and Traffic Law, *People v. Ingle*, 36 N.Y.2d 413 (1975).

Our courts have acknowledged that when a police officer has "reasonable suspicion" to believe that the driver or occupant of a moving vehicle has "committed, is committing, or is about to commit a crime", the officer may stop the car and conduct an investigation. It has also been held that if a police officer has probable cause to believe that a motorist has violated a traffic law he may stop the automobile even though the officer's underlying reason is to conduct another investigation. In *People v. Robinson*, 97 N.Y.2d 341 (2001), New York State's highest court found such **pretextual** car stops to be constitutional.

**Car Stops Based on Reasonable Suspicion**

Although probable cause of a VTL violation is required for a **pretextual** car stop, Courts before and after the *Robinson* decision have consistently held that investigative car stops, based on reasonable suspicion, are constitutional. The following is a sampling of such cases.

*People v Howell*, 111 A.D.2d 768 (2<sup>nd</sup> Dept., 1985)

**Facts:**

A police officer was on patrol near a gas station which had been the target of prior robberies. While on patrol he observed a vehicle which matched the description of a vehicle which had been used in recent robberies. The vehicle was parked with its lights off near the gas station which had previously been robbed, a home undergoing renovations and a closed store. The officer found it unusual that the vehicle would be parked at that location at that time of night. The officer activated his lights and drove towards the car. The suspect vehicle almost immediately drove away. The officer pursued and ultimately stopped the vehicle. The vehicle's owner consented to a search of the car where physical evidence was recovered. The defendants moved to suppress the physical evidence arguing that the stop of the car was not justified.

**Question:**

Was the officer's stop of the vehicle permissible?

**Answer:**

Yes. The Court found that the officer had a reasonable suspicion that the driver or occupants of the car had committed, were committing or were going to commit a crime.

**Discussion:**

The Court found that based on the fact that the officer knew the vehicle matched the description of a car which had been used in recent robberies, the location of where the car was parked late at night and the fact that the car drove away as soon as the officer activated his lights, the officer had reasonable suspicion to believe that the driver or occupants of the car were involved in criminal activity and the stop of the vehicle was justified.

*People v. Ballard*, 16 A.D.3d 697 (2<sup>nd</sup> Dept., 2005)

Facts: Police officers stopped a vehicle which matched a specific description of a vehicle that was involved in a shooting one to two weeks prior to the stop. The officers confirmed the description of the car prior to stopping the vehicle for investigation. After stopping the car, the driver consented to a search of the vehicle. The officers recovered a loaded pistol and charged the passenger of the car with possession of the weapon following a statement made by him to the officers. The defendant moved to suppress the evidence claiming the stop of the vehicle was unconstitutional.

Question: Were the officers justified in stopping the vehicle?

Answer: Yes. The officers had reasonable suspicion that the driver or occupant of the vehicle had committed a crime.

Discussion: The Court held that the stop of the vehicle was permissible because the officers had reasonable suspicion to believe that the driver or an occupant of the car had committed, was committing or was about to commit a crime. The officers had a description of the vehicle used in the commission of the shooting and confirmed that description prior to the stop. Therefore, the stop of the vehicle, based on reasonable suspicion of criminal activity, was justified.

*People v. Cortoux*, 801 N.Y.S.2d 239 (Cty Ct., St. Lawrence Cty, 2005)

Facts: A telephone repairman drove past a white Dodge Neon which was parked in an unusual manner. The repairman saw a male inside the Dodge on top of a woman. The man waived at the repairman as if telling the repairman to move along. A short time later, the repairman flagged down a state trooper and told him what he had observed. The repairman gave the trooper a description of the make and model of the car and told the trooper where he had seen the vehicle. The trooper then went to look for the Neon and observed a vehicle matching the description given by the repairman driving near the area the repairman had made his observations. The trooper observed a male driving the car and a female front seat passenger. The trooper stopped the vehicle. While asking the driver for identification and some pedigree questions, the trooper noticed indications that the driver had been drinking alcohol (i.e., odor of an alcoholic beverage, glassy eyes). The driver was arrested after performing field sobriety tests. The only charge was driving while ability impaired. At a hearing the Court focused on whether the trooper's stop of the vehicle was justified.

Question: Was the stop of the defendant's car permissible?

Answer: Yes. The trooper had reasonable suspicion to stop the vehicle.

Discussion: The trooper in this case had corroborated the information provided by the repairman and had made his own observations of the defendant's vehicle which were consistent with the information given by the repairman. The Court found that the trooper had reasonable suspicion to believe that the defendant was involved in criminal activity, possibly an assault on the female passenger and therefore the stop of the car for further investigation was permissible.

*People v. Hardi*, 824 N.Y.S.2d 757, (Dist. Ct., Nass Cty, 2006)

Facts: A state trooper received a radio transmission regarding a vehicle driving erratically on the Southern State Parkway. The suspect vehicle was being followed by another vehicle that was in contact with 911. Based on the information he received, the trooper believed the suspect vehicle had been involved in an accident involving personal injury or property damage and had fled the scene. The car following the suspect was also involved in the accident and was in fact the complainant in the leaving the scene case. The radio transmission gave a description of the suspect vehicle which included the license plate. The trooper observed the suspect vehicle, as well as the vehicle that was following it, driving in the area where the transmission indicated they would be, within minutes of receiving the information. The trooper stopped the vehicle to conduct an investigation.

Question: Was the stop of the vehicle by the trooper justified?

Answer: Yes, the trooper had reasonable suspicion of criminal activity and therefore the stop was justified.

Discussion: The Court found that the trooper had reasonable suspicion to stop the vehicle. The trooper received a radio transmission which indicated that the defendant had left the scene of an accident with personal injury or property damage. Although leaving the scene of an accident is a violation of the Vehicle and Traffic Law, it is punishable as a misdemeanor if the defendant leaves the scene when he knows or should have known that he caused personal injury to another person (VTL § 600 (2)). Consequently, the trooper had a reasonable suspicion that the defendant had committed a crime. The trooper had a detailed description of the car and the license plate. He was also told where the defendant was traveling. Additionally, the trooper observed the suspect car and the complaint's car within minutes of the dispatch and confirmed the descriptions given to him via the transmission. Based upon all of these facts the trooper had reasonable suspicion that the suspect vehicle had

left the scene of the accident and the stop was justified. The court therefore denied the defendant's motion to suppress any evidence obtained as a result of the car stop.

### Summary

Cars may be stopped at roadblocks, checkpoints and weighing stations as long as they are conducted in a uniform, nonarbitrary, nondiscriminatory fashion. Furthermore, a motor vehicle may be stopped when an officer has **reasonable suspicion** to believe that the driver has committed a violation of the Vehicle and Traffic Law. In fact, even when a police officer has another, underlying reason for stopping the vehicle, a **pretextual** car stop is permissible if the officer had **probable cause** to believe a VTL violation occurred. Additionally, where specific facts and circumstances give a police officer **reasonable suspicion** to believe that the driver or occupant of a motor vehicle has committed, is committing, or is about to commit a crime, the officer may stop the car and conduct an investigation.



**Vehicle Pursuit**

**OPS 6460**

**3**

**POLICY**

The Department recognizes that the vehicular pursuit of fleeing suspects poses a danger to the lives of the public, police officers and the suspects involved in the pursuit. The Department also recognizes that in certain circumstances, the proper law enforcement response requires a pursuit. The policy of the Police Department is to minimize the risks of pursuit by limiting vehicle pursuits to only those situations where the escape of the suspect poses a greater risk of harm to the general public than does the pursuit itself.

**PURPOSE**

To establish procedures for vehicle pursuit and follow up reporting and review.

**DEFINITIONS**

**Auto Vehicle Locate (AVL):** a system which utilizes global positioning satellite technology to plot department members' vehicle location on a map.

**Pursuit:** a police vehicle engaged in an attempt to stop a motorist with 3 conditions present:

1. the motorist knows a Police Officer wants him to stop, *and*
2. the motorist takes deliberate action to evade the Police Officer, *and*
3. the Police Officer engages in an active attempt to overtake and stop the motorist.

**Pursuit alternatives:** any course of action which can be used to effectively stop a vehicle or apprehend a subject without engaging in a pursuit. Among these are:

1. notifying CB and other units while following at a safe speed and observing the subject's actions,
2. obtaining an arrest warrant if the subject is known to the Police Officer or it is likely the subject can be identified.

**Pursuit conditions:** conditions that a Police Officer must evaluate prior to and during a pursuit because they increase the risk to the public and the Police Officers involved. Among these are:

1. the pursued vehicle has too much lead time over the police vehicle,
2. the road conditions are poor,
3. excessive vehicular or pedestrian traffic,
4. the police vehicle is unmarked,
5. the pursued vehicle is two-wheeled.

**Pursuit requirements:** a Police Officer *must* have one of the following requirements present to justify a pursuit:

1. reasonable suspicion that the subject has committed a violent felony which caused or threatened death or serious bodily harm, *or*
2. the subject's driving is reckless and is an immediate danger to human life, *or*

**DEFINITIONS**

3. the subject’s actions are endangering human life and are likely to continue whether or not a pursuit is initiated.

**Note:** Vehicle pursuits should be limited to only those situations where the escape of the suspect poses a greater risk of harm to the general public than does the pursuit itself.

**Pursuit vehicles:** Police vehicles equipped with emergency warning devices. Flashing or rotating lights (either portable or fixed) and an audible siren are minimum requirements.

1. **Primary Car:** the first police vehicle immediately following the pursued vehicle.
2. **Secondary Car:** the police vehicle following the Primary Car and generally responsible for radio control.

**Note:** The Ford Police Interceptor Utility *is* a designated pursuit vehicle.

**Note:** The following vehicles are *not* considered pursuit vehicles and are prohibited from engaging in vehicle pursuits:

- a. ambulances,
- b. vans,
- c. Chevy Tahoes in the fleet prior to 2014,
- d. other non-pursuit rated utility vehicles or SUVs.

**Roadblock:** the use of barriers including vehicles to slow or to stop the pursued vehicle.

**SCOPE**

All Members of the Department.

**SOURCES**

PL Article 35. (Defense of Justification)  
 Rules and Regulations, Article 5, Rule 16. (Use of Force)  
 Article 8, Rule 12, sub 6, 7.  
 (Safety Equipment and Safety Standards)  
 Teletype Order 245-87 (MRD Radio Channel Operation)  
 VTL §109. (Controlled access highway)  
 § 1104. (Authorized emergency vehicles)  
 § 1146. (Drivers to exercise due care)

**RULES**

1. Only Members of the Force can initiate vehicle pursuits.
2. Members of the Force will not engage in a pursuit whenever non-force persons are in their vehicle.
3. Members of the Force will not engage in a pursuit while operating any of the following vehicles: an ambulance, a van, a utility or SUV-type vehicle that is *not* a pursuit vehicle. [See Definition]
4. Members of the Force must use emergency lights and siren when engaged in a pursuit.
5. Only Members of the Force operating the Primary and Secondary Cars will engage in actual pursuit.
6. Members of the Force must terminate a pursuit once the pursued vehicle drives *against* the flow of traffic on a controlled access highway.

**RULES**

7. Members of the Force will not use their vehicles to ram, make contact with, or otherwise force off the road, the vehicle being pursued.

8. Members of the Force will not utilize roadblocks during a pursuit.

**REPLACES  
PROCEDURE  
Police Officer**

OPS 6460, Revision 2, dated 08/07/2009.

**A. Justification**

1. *Signals* the motorist to stop.
2. *Evaluates* the alternative to pursuit if the vehicle does not stop.
3. *Initiates* an alternative to pursuit whenever an alternative might be effective.
4. *Ensures* that at least one of the pursuit requirements has been met if there is no effective alternative to pursuit.
5. *Considers* the pursuit conditions.
6. *Determines* that the pursuit is justified and stopping the vehicle outweighs the risk to the safety of the public and the Police Officers involved.
7. *Discontinues* the attempt to stop the vehicle if the pursuit is *not* justified. **[End of Procedure]**

**Police Officer**

**B. Pursuit**

1. *Initiates* the pursuit, if justified, and *requests* a clear radio channel.
2. *Notifies* CB of the following:
  - a. the location and direction of travel,
  - b. a description of the vehicle,
  - c. number of occupants,
  - d. justification for pursuit,
  - e. if any of the following vehicles are involved:
    - (1) unmarked car,
    - (2) low profile vehicle,
    - (3) motorcycle,
  - f. speed of pursuit,

**Note:** If the pursuing vehicle is on a different channel than the precinct of occurrence, switch to the radio frequency of the precinct of occurrence, and repeat the location and description.

**Note:** Unmarked vehicles, low profile marked vehicles and motorcycles may initiate pursuits, but they must immediately request marked units to assist, and must discontinue their pursuit once the marked units are in position to assume the Primary or Secondary Car positions. These units will then proceed safely to the location where the pursuit ends and assist the marked units.

**Note:** Chevy Tahoes in the fleet prior to 2014 are *not* pursuit-rated and are prohibited from engaging in vehicle pursuits.

**Police**

3. *Assigns* assistance to respond.

**Communications Operator**

**Police Communications Shift Supervisor**

**Patrol Supervisor**

**Police Communications Operator Supervisor**

**Desk Officer**

**Police Officer**

**Assisting Vehicle**

**Police Communications Operator**

**Secondary Car**

**Primary Car**

4. *Notifies* the following:
  - a. Police Communications Operator Supervisor (PCOS),
  - b. Police Communications Shift Supervisor (PCSS),
  - c. Precinct Patrol Supervisor,
  - d. Aviation Unit for helicopter response.
5. *Notifies* the Desk Officer in the precinct of occurrence of the pursuit in progress.
6. *Acknowledges* the transmission and *assumes* coordination of the pursuit and responding units.
 

**Note:** A PCOS, in consultation with the Desk Officer in the command of occurrence, has the authority to terminate pursuits until a Patrol Supervisor has acknowledged the Police Communications Operator’s notification.
7. *Continually evaluates* the pursuit and *terminates* it when there is an effective alternative to pursuit or the pursuit loses justification.
8. *Notifies* the Desk Officer in the precinct of occurrence of the pursuit in progress, if not already notified.
9. *Monitors* the development of the pursuit by radio and the AVL [\[See Definition\]](#) display screen to ensure that the pursuit is in accordance with these written procedures.
10. *Terminates* pursuit when there is an effective alternative to pursuit or the pursuit loses justification.
11. *Continually justifies* the need to continue the pursuit by evaluating any changing facts or circumstances.
 

**Note:** When in pursuit Police Officers should constantly evaluate pursuit alternatives, pursuit requirements and pursuit conditions. As these change, the Police Officer must justify continuing the pursuit or decide to terminate it.

**Note:** A Police Officer may decide to terminate a pursuit at any time with or without a Supervisor’s consent.
12. *Notifies* CB of response and location.
13. *Notifies* CB when visual contact with the pursuit is made.
14. *Identifies* the Secondary Car and *notifies* all units.
15. *Assumes* radio control when in position behind the Primary Car.
 

**Note:** This is unnecessary if the Primary Car is manned with two Police Officers.
16. *Stops* radio notifications after acknowledging the Secondary Car.

	<p>17. <i>Discontinues</i> pursuit when:</p> <ol style="list-style-type: none"> <li>the subject is apprehended, <i>or</i></li> <li>justification for the pursuit is lost, <i>or</i></li> <li>an effective pursuit alternative is available, <i>or</i></li> <li>an order to terminate is received.</li> </ol>
Helicopter	<p><b>C. Helicopter</b></p> <ol style="list-style-type: none"> <li><i>Notifies</i> all vehicles when it has visual contact with the pursued vehicle and <i>assumes</i> radio control from the Primary/Secondary Car.</li> </ol>
Primary/Secondary Car	<ol style="list-style-type: none"> <li><i>Acknowledges</i> the transfer of radio control to the helicopter and <i>discontinues</i> radio notification.</li> </ol>
Helicopter	<ol style="list-style-type: none"> <li><i>Maintains</i> visual contact with the pursuit and <i>advises</i> the Primary/Secondary Cars of the location and direction of travel of the pursued vehicle.</li> </ol>
Primary/Secondary Car	<ol style="list-style-type: none"> <li><i>Considers</i> discontinuing active pursuit and following the pursued vehicle at a safe speed.</li> </ol>
Secondary Car	<p><b>D. Crossing Jurisdictional Boundaries</b></p> <ol style="list-style-type: none"> <li><i>Notifies</i> CB when there is a change of jurisdiction.</li> </ol>
Police Communications Operator	<ol style="list-style-type: none"> <li><i>Notifies</i> the PCOS.</li> </ol>
Police Communications Operator Supervisor	<ol style="list-style-type: none"> <li><i>Notifies</i> the other jurisdiction of the pursuit.</li> </ol>
Patrol Supervisor	<ol style="list-style-type: none"> <li><i>Initiates</i> a radio patch to an interoperability channel [<a href="#">See Glossary</a>], if appropriate.</li> </ol>
Assisting Vehicles	<ol style="list-style-type: none"> <li><i>Continues</i> coordination of the pursuit and <i>authorizes</i> the assisting vehicles to cross county lines as necessary.</li> <li><i>Respond</i> to assist when authorized by the Patrol Supervisor.</li> </ol>
	<p><b>E. Pursuits from Other Jurisdictions</b></p> <p><b>Note:</b> In all vehicle pursuits, NCPD assistance or participation must be in accordance with these written procedures.</p>
Police Officer	<ol style="list-style-type: none"> <li><i>Observes</i> an apparent pursuit involving vehicles from an outside agency.</li> </ol>
Police Communications Operator	<ol style="list-style-type: none"> <li><i>Notifies</i> CB of all pertinent information.</li> </ol>
Police Communications Operator Supervisor	<ol style="list-style-type: none"> <li><i>Notifies</i> the PCOS and <i>broadcasts</i> all pertinent information.</li> </ol>
Police Communications Operator Supervisor	<ol style="list-style-type: none"> <li><i>Notifies</i> the Patrol Supervisor and the Desk Officer of the pursuit.</li> </ol>
	<ol style="list-style-type: none"> <li><i>Establishes</i> contact with (or has received notification from) the pursuing agency and <i>obtains</i>:             <ol style="list-style-type: none"> <li>the reason for the pursuit, <i>and</i></li> <li>the pursuing agency's need for assistance.</li> </ol> </li> </ol>
Police Communications	<ol style="list-style-type: none"> <li><i>Notifies</i> the Patrol Supervisor and the Desk Officer of the reason for the pursuit and the need for assistance.</li> </ol>

**Operator Supervisor**

**Desk Officer**

7. *Determines* if the pursuit is justified and in accordance with Department procedures.
8. If the pursuit *is not* justified, *directs* CB to:
  - a. *direct* vehicles *not* to join in or assist the pursuit,
  - b. *notify* the pursuing agency that the pursuit does not meet our pursuit requirements.
9. If the pursuit *is* justified, *directs* CB to direct vehicles to join in or assist the pursuit.

**Patrol Supervisor**

10. *Coordinates* the Department’s response.

**Assisting Vehicles**

11. *Respond* as directed by the Patrol Supervisor.

**Police Communications Operator Supervisor**

12. *Coordinates* communications between the Department and the outside agency and *initiates* an interoperability channel link, if appropriate.

**F. End of Pursuit**

**Apprehending Officer[s]**

1. *Stops* the vehicle, *and*
  - a. *notifies* CB of current location,
  - b. *apprehends* the occupant(s),
  - c. *initiates* Arrest Procedure [See OPS 2115] or other appropriate procedures.

**Primary/Secondary Car**

2. *Notifies* CB, if the vehicle has eluded the pursuit, and *provides* details that will assist in future apprehension.

3. *Notifies* the Patrol Supervisor.

**Patrol Supervisor**

4. *Directs* the actions of all vehicles if the pursuit is terminated or the vehicle eludes the pursuit.
5. *Responds* to the location where the pursuit ended when:
  - a. Police Officers stop the vehicle and apprehend the subject, *or*
  - b. the subject abandons the vehicle.

**G. Review**

**Patrol Supervisor**

1. *Reviews* the pursuit and any relevant archived data and *prepares* the Vehicle Pursuit Summary in Blue Team.

**Note:** The Vehicle Pursuit Summary can be accessed through the Blue Team link on the intranet homepage. Choose “Add New Incident” and under Incident Type, choose “Vehicle Pursuit”.

2. *Transmits* electronically the Vehicle Pursuit Summary to the Desk Officer as follows:
  - a. *clicks* on “Add Recipient”,
  - b. *selects* “Last Name” under Search Type,
  - c. *enters* the precinct # in the Search box,
  - d. *selects* the appropriate precinct Desk Officer,
  - e. *clicks* on “Forward”.

**Patrol Supervisor**

3. *Notifies* the Desk Officer that the Vehicle Pursuit Summary has been sent via e-mail.

**Desk Officer**

4. *Prepares* a separate narrative report when it is necessary to detail:
  - a. any exceptional police performance or improper response by Police Officers who participated in the pursuit,
  - b. exceptional or improper performance by CB or other involved command.
5. *Forwards* any narrative reports prepared to the Commanding Officer.

**Note:** When practical, narrative reports and relevant digital records should be attached electronically to the Pursuit Summary.

**Commanding Officer**

6. *Reviews* the Vehicle Pursuit Summary, *and*
  - a. *records* comments,
  - b. *includes* the Desk Officer’s name and serial number in the comments box,
  - c. *transmits* electronically to the Commanding Officer as follows;
    - (1) *clicks* on “Forward Up Chain”,
    - (2) *clicks* on “Add Recipient”,
    - (3) *selects* “Last Name” under Search Type,
    - (4) *enters* the precinct # in the Search box,
    - (5) *selects* the appropriate precinct Commanding Officer,
    - (6) *clicks* on “Forward”.
7. *Reviews* the Vehicle Pursuit Summary and narrative reports if prepared, to determine if Department procedures were followed and if there are any training needs to be considered.
8. *Endorses* the Vehicle Pursuit Summary by indicating that either:
  - a. no further review is necessary, *or*
  - b. further review is pending.
9. *Includes* the Commanding Officer’s name and serial number in the comments box.
10. *Transmits* electronically the Vehicle Pursuit Summary to the Office of Chief of Patrol by the end of the first business day after the date of occurrence, as follows:
  - a. *clicks* on “Forward Up Chain”,
  - b. *clicks* on “Add Recipient”,
  - c. *selects* “Last Name” under Search Type,
  - d. *enters* “Chief” in the Search box,
  - e. *selects* “Chief of Patrol”,
  - f. *clicks* on “Forward”.
11. *Prints* a copy of the Vehicle Pursuit Summary.
12. *Forwards* the following to the EVOC Supervisor:
  - a. a hard copy of the Vehicle Pursuit Summary,
  - b. any narrative reports prepared by the Patrol Supervisor.
13. If further review is pending,
  - a. *reviews* the Patrol Supervisor’s narrative report,
  - b. *completes* the pending review,

**Commanding Officer**

**Chief of Patrol**

- c. *prepares* a report detailing his findings and all actions taken.
- 14. *Forwards* the following to the Chief of Patrol:
  - a. any narrative reports prepared by the Commanding Officer,.
  - b. any narrative reports prepared by the Patrol Supervisor.
- 15. *Reviews* the Vehicle Pursuit Summary and any narrative reports prepared, **and:**
  - a. *records* comments,
  - b. *includes* the Chief of Patrol’s name and serial number in the comments box,
  - c. *transmits* electronically to the Chief of Department as follows;
    - (1) *clicks* on “Forward Up Chain”,
    - (2) *clicks* on “Add Recipient”,
    - (3) *selects* “Last Name” under Search Type,
    - (4) *enters* “Chief” in the Search box,
    - (5) *selects* “Chief of Department”,
    - (6) *clicks* on “Forward”.

**EVOC Supervisor**

- 16. *Reviews* all Vehicle Pursuit Summaries and narrative reports.
- 17. *Identifies* any improper or exceptional performance and *addresses* any training issues in EVOC training.
- 18. *Maintains* statistical data on vehicle pursuits.



**Nassau County Police Department**  
 Our Mission is to serve the people of Nassau County and to provide safety and an improved quality of life in our communities through excellence in policing.

# Department Special Order

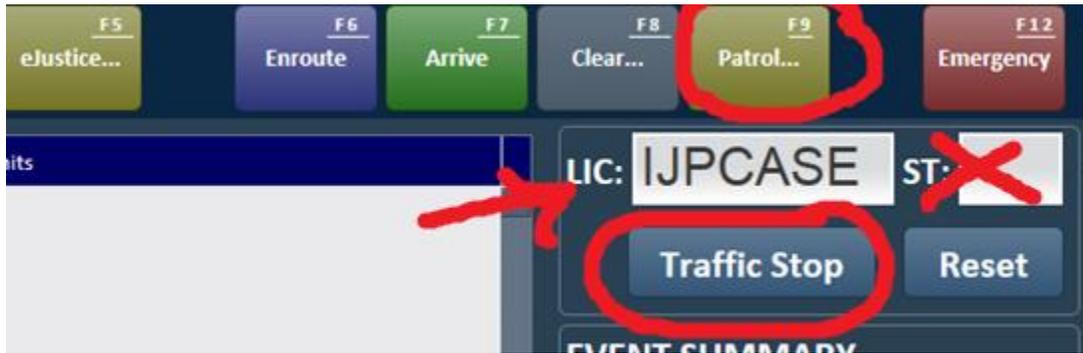
ORDER TITLE	FILE	NUMBER
<b>Field Stop Data Collection</b>	<b>2192</b>	<b>20-047</b>
REFERENCE DOCUMENTS	EFFECTIVE DATE	TERMINATION DATE
<b>DSO 04-045</b>	<b>09/25/2020</b>	

This Department Special Order shall replace Department Special Order 04-045 to update the Department’s procedure on the same subject matter. The Field Stop Data Collection is utilized to demonstrate this Department’s commitment to fair and equitable policing and to provide unbiased and professional police service to every member of the community.

Data is to be collected on all field stops, including traffic stops, that rise to the level of “founded suspicion” and above. The required information shall be entered into Mobile for Public Safety (MPS) on In-Vehicle Computer, which is installed on most Department vehicles. Whenever a Department member without an MPS makes a stop, the information shall be transmitted by voice to the Communications Bureau for input into the system.

Field Stop data shall be collected via either a. or b. below in the following manner:

- a. While logged on to MPS and conducting a Traffic Stop, press **Patrol Dashboard (F9)** button, enter NYS registration in LIC field, press **Traffic Stop** button; or



- b. While logged onto MPS and conducting a Pedestrian Stop, press Patrol Dashboard (F9), press **Self Initiate** button:

Enter Event Type / Sub Type as:

- SUSP/PER for Suspicious Person (pedestrian) stops
- SUSP/PERWP for Suspicious Person w/weapon (pedestrian) stops
- SUSP/PERMV for Suspicious Vehicle stops (person in vehicle)
- SUSP/CAR for Suspicious Vehicle stops
- VTL for VTL stops (method a. above is preferred method for traffic stops)

For both a. and b. above:

Enter any pertinent remarks in Comments Field.

ISSUING AUTHORITY	SIGNATURE	ISSUE DATE	PAGE
<b>Commissioner</b>	<b>Patrick J. Ryder</b>	<b>09/25/2020</b>	<b>1 of 1</b>

Press **Submit Form** button on MPS to put unit in dispatched status.

At the conclusion of the field stop, press the **Clear** (F8) button.

Enter any pertinent remarks in the Comments Field.

Choose the appropriate disposition code from the pick list in the dropdown menu:

**\*\*See attached disposition code list\*\***

The first letter of the disposition code applies to sex of person stopped:

M        for Male  
F        for Female

If the stop is a group of pedestrians, enter the sex of the majority of persons or the sex of the perceived leader of the group.

The second letter of the disposition code applies to race or ethnicity of person stopped:

A        for a person perceived to be Asian  
B        for a person perceived to be Black  
H        for a person perceived to be Hispanic  
M        for a person perceived to be Middle Eastern  
U        If the race/ethnicity of the person is Unknown  
W        for a person perceived to White  
X        for a person perceived to be Other than the above, or of possibly mixed heritage

If the stop is a group of pedestrians, enter the race or ethnicity of the majority of persons or the race or ethnicity of the perceived leader of the group.

The third letter of the disposition code applies to the most appropriate or significant result of the stop as follows:

A        if an Arrest is made  
C        if a Case Report is prepared  
F        if a Field Interview is prepared  
I        if the person is Identified  
N        if No police action is taken  
T        if a Ticket is issued  
W        if a Warning is issued

(Example: If a female/white is ticketed, choose disposition code **FWT** from dropdown list. If a female/white is arrested, but also receives some tickets, choose disposition code **FWA** from the dropdown list since the arrest is more significant than the tickets.)

If a ticket is issued, the member shall include the CAD incident number in the “notes” section in TRACS.

Please note that race by itself does not generate reasonable suspicion for an investigative stop. Reasonable suspicion demands specific and articulable facts which, taken together with rational inferences from those facts, provide law enforcement officers with a particularized and objective basis for suspecting legal wrongdoing. *United States v. Walker*, 965 F.3d 180 (2d Cir. 2020). In assessing reasonable suspicion, courts look at the totality of the circumstances through the eyes of a reasonable and cautious police officer on the scene, whose insights are necessarily guided by his experience and training. *United States v. Wallace*, 937 F.3d 130, 138 (2d Cir. 2019). Race assumes importance in determining the existence of reasonable suspicion only when it is considered in conjunction with other facts which provide an articulable basis for suspicion. *Patrolmen's Benev. Ass'n of City of New York, Inc. v. City of New York*, 142 A.D.3d 53 (2016). However, racial profiling is prohibited and will not be tolerated as every stop, whether for traffic enforcement or suspicious activity, must be initiated on its own merits supported by legal justification [NYS CPL 140.50; *Terry v. Ohio*, 392 U.S. 1 (1968); *People v. DeBour*, 40 N.Y.2d 210 (1976) (four tiers of police encounters); *People v. Ingle*, 36 N.Y.2d 413 (1975) (reasonable suspicion of a violation of VTL for vehicle stop)].



# Department Policies

SECTION TITLE

SECTION NUMBER

REVISION

## Police Operations

POL 4000

10

### POL 4000 Police Operations

#### POL 4001 Duty

In furtherance of the Department's Mission, it is the duty of the Police Department and the Members of the Force, at all times of the day and night, to protect life and property, prevent crime, detect and arrest offenders, preserve the public peace, and enforce all laws and ordinances over which the Police Department has jurisdiction.

#### POL 4005 Cooperation Between Members

In order to fulfill our vision for the Department and its members, all Members of the Department need to cooperate with each other. When a Member obtains information which may be of value to a unit other than his own, he will report the facts to his Commanding Officer, who will transmit the information to the Command affected.

### POL 4100 Enforcement

#### POL 4101 Foreign Nationals [\[See Glossary\]](#) and Undocumented Persons

Regardless of a person's legal status, all persons in Nassau County are required to abide by the local, state and federal laws currently in effect. The Nassau County Police Department will not inquire into any person's immigration status unless they are arrested for a crime. This includes the immigration status of crime victims, witnesses, and anyone who calls the police seeking assistance.

#### POL 4103 Racial Profiling

The Police Department does not condone racial profiling and Members of the Department will not engage in racial profiling. It is inconsistent with effective policing and equal protection of the law for all persons. Racial profiling undermines the efforts of law enforcement by causing a loss of respect for the law and a loss of credibility for the Department. Even the perception of racial profiling creates a distrust that discourages participation in the criminal justice system.

Racial profiling occurs when a police officer relies on race or ethnicity as the primary basis for law enforcement action such as a traffic stop, pedestrian stop or request for a consent search. However, when an officer has information which links specific criminal activity to an individual whose race, ethnicity or other identifying characteristic is known, that information may and should be appropriately used to identify and locate the individual.

Discretion is at the core of a police officer's job and it permits innovative, flexible problem solving. However, it also provides opportunities for conscious and unconscious bias and prejudice that could affect decision-making. A Fourth Amendment basis to stop does not legitimize stops which are initiated essentially because of race or ethnicity. Such stops can cause deep cynicism about fairness and the legitimacy of law enforcement and the judicial system.

### POL 4200 Use of Force

#### Use of Force - Mission Statement

It is the policy of the Nassau County Police Department to care for the people and communities we serve, to respect human dignity, to protect the rights of all people and to be committed to fairness and respect in our interaction with the people we serve.

The use of force by members of law enforcement is a matter of utmost concern both to the public and the law enforcement community. Therefore, when faced with a situation where the use of force is objectively reasonable under the circumstances, the guiding values of members of the Nassau County Police Department shall be those principles set forth above, as well as the paramount objective of reverence for the sanctity of human life.

EFFECTIVE DATE

PAGE

06/12/2019

1 of 7

**Use of Force - General**

Members of the Nassau County Police Department will only use force in accordance with existing law and Nassau County Police Department policy, rules and procedures.

In all cases, the primary duty of all Members of the Department is to protect human life and provide for the safety of the community. In some cases it may be necessary to use force to bring a particular incident or person under control. In those situations, force is authorized when reasonably believed to be necessary to effect a lawful arrest or detention, to prevent the escape of a person from custody, or in defense of one's self or another. A member 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. Whenever feasible and consistent with personal and public safety, members should de-escalate the use of force once a particular threat and/or resistance has dissipated. The selection of appropriate force by a Member of the Department shall be based upon the totality of circumstances [See Glossary] present at the time such force is employed, taking into account the situational use of force training and guidelines provided by the Nassau County Police Department. A Member of the Department must be able to clearly explain his or her reason(s) for the use of force and the external circumstances that formulated his or her decision to utilize force in a given situation. To determine the objective reasonableness of force, members shall consider the following factors:

1. the severity of the crime or circumstances;
2. the level and immediacy of the 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/suspect considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers and subjects;
7. other environmental conditions or exigent circumstances.

The Department recognizes the vital need for its Members to logically analyze situations, oftentimes rapidly and under tense circumstances, and to respond appropriately to the wide range of emergent incidents, threats and risks they are faced with. A Member of the Department's decision to use force in a particular situation, including the type and degree of force, should exhibit a rational, constructive thought process. The decision-making framework utilized in circumstances involving the use of force should incorporate the gathering of information, assessment of the overall situation, consideration of police powers and Department policy, identification of available options and the determination of a suitable course of action, as well as reviewing and re-assessing the situation.

It should be noted that members of law enforcement who use unreasonable force diminish the confidence of the community they serve, expose their department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Members of the Department who witness another Member of the Department using force that he/she believes to be clearly beyond what is objectively reasonable are obligated to intervene to prevent the use of unreasonable force if and when he/she has a realistic opportunity to prevent harm. Conversely, members of law enforcement who fail to use force when warranted may endanger themselves, the community and fellow officers. As such, in every situation, Members of the Department are expected to act with intelligence and employ sound judgment in furtherance of the spirit of this policy. Members of the Department who observe another member using force that exceeds the use of "objectively reasonable" shall promptly report these observations to his/her immediate supervisor.

Force shall not be used by a Member of the Department for the following reasons:

1. to extract an item from the anus or vagina 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 blood, saliva, urine, or other bodily fluid or cells, from an individual for the purpose of scientific tests in lieu of a court order where required;
4. against persons who are handcuffed or restrained unless used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

### Use of Deadly Force

Deadly force [\[See Glossary\]](#) is only appropriate under circumstances where its use is justified and authorized by applicable federal and state law, and is in accordance with this policy and the rules and procedures set forth in the Operational Procedures Section of this Department Manual. Furthermore, a Member of the Department is only justified in using deadly force when it is to protect him/herself or another person from what the member reasonably believes is an imminent threat of serious physical injury or death, or to stop a fleeing suspect where:

1. the member has probably cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury, and
2. the member reasonably believes that the suspect poses an imminent threat of serious physical injury to the member or to others.

The basis for such a determination depends on the totality of circumstances known or reasonably perceived by the Member of the Department at the time. A Member of the Department must be able to clearly explain his or her reason(s) for the use of deadly force, the external circumstances that formulated his or her decision to utilize deadly force, as well as the factors that led to the conclusion that the member's life, the life of another Member of the Department, or the lives of the public, were in imminent peril and the use of deadly force was reasonable and necessary. When feasible, Members of the Department shall provide a warning prior to the use of deadly physical force.

When faced with an individual who *only* poses a danger to himself or herself *and not* to other civilians or officers, Members of the Department are prohibited from using deadly force. In this case, Members of the Department should carefully consider the use of less-lethal options and exercise discretion to wait as long as necessary so the situation can be resolved peacefully.

Incidents involving the use of deadly force by Members of the Department are thoroughly reviewed by the Department on a case by case basis.

### Use of Force – Reporting and Review

Members of the Department shall notify their immediate supervisor as soon as practicable of the involvement in the following use of force incidents:

1. incidents that result in physical injury;
2. incidents that a reasonable person would believe is likely to cause an injury;
3. incidents that result in a complaint of pain from the suspect other than complaints of minor discomfort from handcuffing;
4. incidents that result in the discharge of an Electronic Control Device (ECD) after being displayed; and
5. incidents that result in the discharge of a firearm at a subject.

Following involvement in any such incident, Members of the Department are required to complete PDCN Form 258, Use of Force Report, and submit it to their immediate supervisor.

A supervisor who is made aware of a use of force incident shall ensure the completion of PDCN Form 258 by all members engaging in reportable incidents. The completed form(s) will then be forwarded through the chain of command to the Chief of Department.

**All members are required to know and understand the applicable policy, rules and procedures as set forth in this Department Manual, including the below-listed procedures and rules, with regard to the use of force:**

- 1. Use of Force – OPS 12410,**
- 2. Use of Deadly Force – OPS 12420,**
- 3. Use of Electronic Control Device (ECD)/Taser – OPS 12430,**
- 4. Use of Oleoresin Capsicum (OC) – OPS 12450,**
- 5. Use of Intermediate Weapons - OPS 12440,**
- 6. Deadly Force Response Team (DFRT) – OPS 12460,**
- 7. Handling Diseased or Dangerous Animals – OPS 6210,**
- 8. Stray and Dangerous Dogs – OPS 6220,**
- 9. Vehicle Pursuit – OPS 6460,**
- 10. Unintentional Firearm Discharge – ADM 1220,**
- 11. Deadly Force Review Board – ADM 1222,**
- 12. Department Rules, Article 5 – Standards of Conduct,**
- 13. Department Rules, Article 8 – Uniforms and Equipment,**
- 14. Department Rules, Article 23 – Police Operations.**

**All Members of the Department shall receive training and demonstrate their understanding of the proper application of force.**

The Chief of Department, Chief of Detectives, Chief of Patrol and Commanding Officer of the Police Academy will review, on a quarterly basis, use of force incidents to examine trends in weapons used, outcomes, reasons for usage, and where and when force is being used.

#### **POL 4300 Investigations - Objectives**

##### **POL 4301 Domestic Incidents**

Domestic violence is a complex social problem affecting families and households from all cultural and economic backgrounds. Offenses committed between family or household members are serious events. This is true regardless of the relationships, social status, or living arrangements of the persons involved. The policies and procedures of the Department are intended to protect victims of domestic violence, enforce laws, and prevent future violence.

In all domestic incidents, the police objective is to protect victims of domestic abuse. Protection is accomplished by making arrests when laws are violated. Failure to make these arrests may increase physical and emotional risks to victims. Members of the Department do not attempt to mediate domestic violence cases in lieu of court proceedings. Our policy is to arrest when there is reasonable cause to believe that an offense has been committed or that an order of protection has been violated. The determination of reasonable cause is not to be influenced by the domestic relationships of the parties involved.

Victims are often unable or unwilling to make decisions to arrest offenders. Police arrests remove the burden of those decisions from victims. Therefore, when police arrests can be made, the victims will not be requested or required to make civilian arrests. If a civilian arrest is the only option available, the victim is provided with information, assistance, and encouragement to cause and facilitate the lawful arrest.

At times, in a domestic context, a subject knowingly acts in a manner likely to be injurious to the physical, mental or moral, welfare of a child less than seventeen years old. An act that is specifically directed at a child may be in the form of abuse or neglect. In some cases, a subject perpetrates a violent act against a family member and a child witnesses the act. Such circumstances where a child is exposed to violence may involve acts such as repeatedly punching a victim, dragging, strangling, throwing someone to the ground, assault or menacing with a weapon.

When responding to reports involving children, all members give careful consideration to the totality of circumstances, as they may affect children involved. The Police Department enforces applicable laws in these situations especially the charge of endangering the welfare of a child.

**POL 4315 Bias Incidents**

Bias incidents are defined as offenses against persons or property, which appear to be motivated, in whole or in part, by the race, religion, ethnic background, or sexual orientation of the victims. These offenses, whether violent or non-violent in nature, have a serious effect on victims and can destroy the quality of life in communities and, therefore, have no place in our society. The Police Department will use its resources to prevent these types of incidents and will take vigorous enforcement action against perpetrators of such acts.

The primary approach is prevention through education, by promoting instruction about the effects of bias acts on the victim, and the legal consequences for committing such acts. This instruction is conducted throughout the community we serve. Some programs, such as Students and Teachers Opposed to Prejudice (STOP) and Police Anti-Vandalism Education (PAVE) specifically target young people, in order to reduce the incidence of bias related crimes.

When preventive efforts fail, the Department will deal with violations by strictly enforcing applicable laws. The Detective Division is responsible for the investigation of bias crimes, and the Bias Crime Coordinator assists investigations, conducts analysis, develops intelligence, educates members of the Department, and acts as a liaison to the community and outside agencies on issues related to hate crimes.

**POL 4316 Limited English Proficiency Persons**

The Department recognizes the importance of maintaining a standard where effortless and accurate communication can be achieved between Members of the Department and Limited English Proficiency (LEP) persons. To aid in the process of police encounters with the LEP public, the department utilizes Department Interpreters who are proficient in secondary languages. This is accomplished through employee skills information furnished by Members of the Department representing their levels of proficiency, certification, accreditations, training, and pertinent experience.

Retaining the true message from the target audience's language is the aim of the interpreter. Conserving cultural terms and English words used by the LEP person is just one aspect in the process. Impartiality, confidentiality and professionalism in obtaining the facts are other elements of good interpretation. [\[See OPS 3132-A\]](#)

These objectives are further reached with in-service training provided to Members of the Department reinforcing the components of various encounters with LEP persons. In addition to in-service training, identification and recruiting of new hires for uniformed and civilian positions who are proficient and fluent in speaking and writing in secondary languages, is another method of enhancing the department's goal.

To further increase communications with LEP persons, public service announcements and alerts through the Nassau County Police Department's website are made available in Spanish in the same form as the English language equivalent in formats including print, website, text message, and pre-recorded cell phone messages.

**POL 4400 Community and External Relations - Objectives**

Favorable relations with the various communities in Nassau County are essential in order to effectively carry out the police mission. The preservation of good community relations is dependent upon positive interaction and communication between the people and their police. The Police Department continuously strives to maintain a climate in which police officers can perform their duties with the acceptance, understanding, and cooperation of the public they serve.

**POL 4401 Openness of Operations**

The Department views openness in matters of public interest as an issue of importance. The Police Department strives to disseminate accurate and factual accounts of occurrences of public interest, consistent with the protection of legal rights, the safety of persons involved, and with consideration for maintaining the confidentiality of certain Department records. In addition, the Department strives to make known its policies and objectives.

**POL 4402 Role of the Individual Officer**

Positive community relations are best manifested in the numerous daily encounters between individual officers and the public. These contacts present the greatest opportunity for establishing and strengthening attitudes that foster cooperation and support. The Police Department endeavors to have each officer inspire respect for police officers as professionals, and the Department as a partner in the community, through positive public contacts that encourage cooperation and approval.

**POL 4403 Respect For Individual Dignity**

Individual dignity is highly valued in a free society and all persons have a right to dignified and respectful treatment under the law. Respect for individual dignity is an obligation that all Department members must consider in their daily contacts with the public. The Police Department attempts to treat all persons with dignity and respect as individuals, and to exercise additional patience and understanding where language or cultural differences might be encountered.

**POL 4404 Responsiveness to the Community**

The Department acknowledges its obligation to be responsive to the needs and problems of the many communities within its jurisdiction. The Police Department seeks to be attentive to the concerns of the community at all levels of the organization and to demonstrate a genuine interest in problems brought to the Department's attention by concerned individuals and groups.

**POL 4410 Liaison With Community Groups**

Regular contact with the community is necessary in order to address local concerns and identify law enforcement needs. The Police Department maintains an active role in community affairs through frequent and regular contacts between commanding officers and the various civic organizations and community groups in the areas of their responsibility.

**POL 4500 Emergencies and Planned Events**

The primary function of the Police Department is to protect human life and provide for the safety of the Nassau County community. The Department also strives to prevent and manage its response to threats and breaches to homeland security. Our involvement in planned events and response to emergency incidents at local and national levels, often involves coordination with other agencies. To that end, it is necessary to effectively communicate and work with other agencies to accomplish those objectives.

The National Incident Management System (NIMS) and the Incident Command System are used by this department for incidents including limited area disasters, hazardous materials incidents and weapons of mass destruction incidents.

**POL 4501 National Incident Management System (NIMS)**

The National Incident Management System (NIMS) incorporates common terminology and organizational structures familiar to all agencies nationwide. Through a variety of systems, protocols and technologies the Department can work together with other agencies and organizations to effectively and efficiently manage emergencies and planned events.

**POL 4502 Incident Management**

Police work involves many functions performed at incidents of varying sizes, levels of complexity, and degrees of danger. By using the Incident Command System, a flexible management system used to coordinate operations at incident scenes, the Department strives to prepare its members to handle any incident, large or small, planned or emergency, in a manner that will lead to a successful conclusion.

**POL 4503 Limited Area Disasters**

Limited area disasters are defined as incidents which cannot be controlled through the ordinary deployment of personnel. Effective disaster control operations are dependent upon the coordination and cooperation of police, fire, and various other public and private agencies that may be called upon to perform duties in conjunction with the occurrence. Some limited area disasters may require extraordinary measures such as a declaration of a state of emergency, made by the County Executive, or the activation of the emergency broadcast system. These incidents usually require a unified command. In accordance with the disaster control plan and in furtherance of the Department's mission, the Department and its members are committed to coordinating and cooperating with other agencies in managing limited area disasters.

**POL 4504 Hazardous Material Incidents**

Hazardous material incidents potentially pose significant and serious threats to public safety. The Department's response to hazardous material incidents is designed to minimize those threats to public safety while attempting to control the incident. Early assessment of the actual and potential threats to life, health, and environment will determine the necessary response to the incident. Some hazardous material incidents, due to size and scope of the incident, may be limited area disasters.

**POL 4505 Weapons of Mass Destruction Incidents**

The Department's overall response to weapons of mass destruction incidents includes duties and responsibilities in each of the five phases of law enforcement's response. The five phases are prevention, notification, response, recovery, and restoration. The response of police personnel as the first responders to scenes involving weapons of mass destruction and the actions those first responders take will determine the effectiveness of an overall plan of action to limit or contain the damage these weapons are designed to inflict.

The destructive power of a weapon of mass destruction is determined by three factors, the product, the container holding the product, and the environment in which the product is used or released. Police response, in particular during the notification and response phases, is important to limiting the potential destruction.

**Standards of Conduct****ART 5****11****Rule 1. Dedication to Duty**

1. Members of the Department will promptly and faithfully perform all of the duties of their positions and will not engage or agree to engage in any actions that may interfere with or impair the efficiency or operation of the Nassau County Police Department or any other governmental agency.
2. Members of the Department, whether on or off duty, will not engage in conduct unbecoming an officer or Member of the Department, or in any action which may be prejudicial to the good order and efficiency of the Police Department.
3. Members of the Department will first and foremost devote their time and attention to the service of the Department and will not engage in any other business, calling or conduct which is unlawful or may create a conflict of interest or an appearance of impropriety in connection with employment in the Nassau County Police Department.
4. Members of the Department will report, immediately, to a Superior Officer in the Command having jurisdiction, any delinquency, dereliction of duty, violation of the Department Rules, conduct, disorder, and neglect to the prejudice of good order, efficiency, and discipline, which they observe or of which they have knowledge; they will immediately bring to the attention of a superior officer a case in which a Member of the Department becomes unfit for duty on account of careless, improper, vicious, or immoral conduct.

**Rule 2. Misconduct**

Members of the Department *will not*:

1. engage in unlawful conduct, whether on or off duty.
2. make or submit or cause to be submitted a false official communication, record, or statement.
3. unjustifiably interfere with nor attempt to influence the lawful business of any person.
4. indulge in games of cards or chance while on duty.
5. litter with refuse any departmental property.
6. smoke in public while in uniform.

**Rule 3. Fitness For Duty**

1. Members of the Department will be fit for and subject to full duty at all times, except when on authorized leave or as otherwise directed by the Commissioner of Police.
  - a. Permanent physical or mental incapacity to perform police duties may be cause for separation from the Police Department.
2. Members of the Force must immediately notify the Department when they have a medical, psychological, or legal condition that may affect their right or ability to possess a firearm.

**Rule 4. Obeying Orders**

1. Members of the Department will promptly obey all lawful orders, instructions, directions, and requests of Superior Officers.
  - a. Orders from members assigned to the Office of Commissioner of Police, or the Office of a Deputy Commissioner, Chief of Department, or Division Chief, when so directed, will be deemed to be the orders of such members' superior and will be promptly obeyed as such.
  - b. Members of the Force must promptly surrender all firearms and Department identification possessed by them when ordered by a Superior Officer.
  - c. Members of the Department will respond to the Employee Assistance Office (EAO) when directed to do so by a Superior Officer.

2. Members of the Department will promptly obey all lawful orders, instructions, and directions of Department Police Surgeons.

**Rule 5. Keeping Superiors Informed**

1. Members of the Department will keep their Superiors informed of all important matters and of any action taken pertaining to those matters.
  - a. Important matters include the following:
    - 1) a Member of the Department who appears unfit for duty,
    - 2) a serious complaint against a Member of the Department,
    - 3) important messages,
    - 4) matters that require the attention of the Superior.
  - b. Members of the Department will immediately notify a supervisor upon receipt of a civilian complaint.
2. Members of the Department will, when engaging in any official action while off duty, report such action to their Commanding Officer as soon as practical.
3. Members of the Department will immediately report to their Commanding Officer if:
  - a. they are arrested, *or*
  - b. they are a defendant, respondent or other subject of any action or proceeding commenced in any federal, state or local court, charging the commission of a felony or a misdemeanor defined under New York or federal law or the law of any other state or jurisdiction or any other offense defined in the Penal Law.

**Note:** Details to be reported will include court, charges, and the place, date and time of any arrest.

4. Members of the Department receiving a written communication from the public concerning Police Department activity will, without unnecessary delay, deliver same to their Commanding Officer.
  - a. The member's Commanding Officer will promptly cause receipt of such to be acknowledged and take whatever other action is appropriate.
5. Members of the Force on patrol will report, without unnecessary delay, to the Desk Officer any condition or occurrence requiring attention, such as serious crimes, casualties, or unsafe public conditions.

**Rule 6. Respect**

1. Members of the Department will be respectful in their contact with Superior Officers and all other persons within and without the Police Department.
2. Members will give their rank, name, shield number, and command to any person who requests same.
3. Members will give the rank, name, shield number, and command of another Member of the Department to any person who appears personally and can demonstrate a legitimate interest in obtaining same.

**Rule 7. Intoxicants**

1. No Member of the Department will indulge in intoxicants while in uniform. No Member of the Department will be unfit for duty by reason of intoxicants.
2. A Member of the Department will not bring or permit to be brought any intoxicant into a departmental building, booth, boat, vehicle, or aircraft, except in the performance of police duty, or when required for prompt administration under the personal direction of a physician.
3. Unless in the immediate performance of police duty or with the permission of the Commissioner of Police, a Member of the Department in uniform will not enter any premises used for the manufacture, storage, or shipping of intoxicants or any premises where an intoxicant is sold, except for the purpose of eating a meal in a duly licensed hotel or restaurant.
4. A Member of the Force is prohibited from being either directly or indirectly interested in the manufacture or sale of alcoholic beverages.

5. When a Member of the Department is authorized to consume alcohol during a special assignment, prior to resuming his normal duties, the member will notify a supervisor who will determine the member's fitness for duty and will direct the member accordingly.

**Rule 8. Reporting For Duty**

1. Members of the Department will report for duty as directed by competent authority.
2. Members will not report late for duty.
3. Members will not absent themselves without proper authorization.
4. Members will not exceed the meal period authorized by applicable labor agreement.
5. Members of the Department will sign on and off duty with their command.

**Rule 9. Post Duties**

1. Members of the Department who are performing patrol duty, assigned to a post [See [Glossary](#)], or are otherwise involved in the emergency operations of the Department will:
  - a. remain constantly alert and observant,
  - b. not hold unnecessary conversation while performing duties,
  - c. not enter vehicles, conveyances, or structures except in the performance of duties,
  - d. familiarize themselves with the post or duty to which assigned.
2. Members assigned to posts will proceed to the designated post or relieving point without unnecessary delay and:
  - a. inspect the post immediately,
  - b. note any condition requiring attention, and
  - c. take appropriate action.
3. Members assigned to a post with a police booth in his territory will ensure the following:
  - a. the booth is properly lighted during hours of darkness,
  - b. the national colors are properly displayed in accordance with Article 13, Rule 11.

**Rule 10. Quitting Post**

1. Members of the Department assigned to posts will not quit their posts except for official necessity, personal necessity, or meal period.
2. If required to quit his post for official necessity, a Member will:
  - a. enter in his memorandum book, as soon as circumstances permit,
    - 1) the time of leaving and reason,
    - 2) the time of returning to his post.
3. If required to quit his post for personal necessity, a Member will:
  - a. enter in his memorandum book, before quitting his post,
    - 1) the time of leaving and reason,
    - 2) the premises to be entered,
  - b. enter in his memorandum book the time of returning to his post.
4. Before quitting his post for meal period, a Member will request a meal period and await approval.
5. If assigned to a post required to be manned, a Member will:
  - a. request relief and await the relief before quitting his post,
  - b. at the end of his tour of duty, remain on duty until relieved.
    - 1) If no relief is present at the end of the tour, the Member will not quit his post and will communicate with his Desk Officer or Superior Officer and comply with the instructions received.
6. If assigned to a post with Departmental radio communications, a Member will communicate by radio the following:
  - a. his intention to quit his post, prior to leaving,
  - b. his return to post.

**Rule 11. Departmental Business**

A Member of the Department will treat as confidential the official business of the Police Department and information obtained by him by virtue of his official capacity. He will not talk for publication, be interviewed, make public speeches, or impart information relating to the official business of the Department to anyone, except:

1. Under the due process of law.
2. As directed, or with the permission of the Commissioner of Police.
3. As directed, by the Department Rules or Departmental Orders.
4. A representative of the Press, upon establishing his identity, may be advised of the current news, if the ends of justice are not thereby defeated or laws violated, and with permission of the Commissioner of Police or the Commanding Officer, Public Information Office.
5. A properly identified employee of the State of New York or the County of Nassau Civil Service Commissions or United States government may be furnished with information, in compliance with current law, which, in the opinion of the Commanding Officer, may be necessary to aid them in the investigation of applicants or as otherwise directed by the Chief of Department or Division Chief.
6. Information concerning persons arrested may be given by authorized members to properly identified representatives of organized law enforcement agencies, a Parole Commission, or Probation Department except that arrest information recorded in records and files which have been sealed in compliance with a Court Order may only be released by the Records Bureau and then only in accordance with the provisions of current law.
7. Members of the Force are prohibited from using any person as a confidential informant with whom they have had or currently have a familial, social or business relationship.
8. Members of the Force are prohibited from using contraband as a form of compensation to a confidential informant.

**Rule 12. Police Business Outside County**

1. Members of the Department will not leave the Counties of Nassau, Suffolk, or Westchester or the City of New York on police business except by authority of the Chief of Department or Division Chief. In the event of an emergency, when such authority cannot be obtained, Commanding Officers may grant permission to leave the County.
2. Members will not leave the County in uniform, in any event, except in close pursuit, extreme police emergency, or as otherwise directed by the Chief of Department or Division Chief. However, members residing in the City of New York, County of Westchester, or Suffolk County, may wear the uniform in traveling to and from authorized police duties and assignments.
3. Except in the case of urgent police necessity, Members will not cause any Departmental vehicles, vessels, aircraft, equipment, or Department owned animals to be removed from the County of Nassau without the express approval of his Commanding Officer.
4. Members of the Department will only use Non-Revenue E-Z Passes for official Police Department business.

**Rule 13. Gratuity**

Members of the Department will not ask for or receive or consent or agree to receive any emolument, gratuity, or reward or any promise of same, or any personal advantage; nor will they solicit, contribute, cause to be solicited, contributed, or paid, directly or indirectly, any money or valuable thing to be used in connection with a matter affecting the Department. The offering, selling, or giving of any tickets, objects, advertisements, or promises, directly or indirectly, personally or through any agent, by any Nassau County Police Department affiliated group or organization or individual member of this Department is prohibited, except if authorized, in writing, by the Commissioner of Police. This does not apply to membership, dues, assessments, etc., paid to authorized department organizations or other authorized purposes. Any checks, monies, awards,

gifts, etc., so received, will be immediately forwarded, through official channels, to the Office of Commissioner of Police with brief facts concerning same.

**Rule 14. Financial Responsibility**

1. Members of the Department will promptly pay just debts and will not incur liabilities which they are unable or unwilling to discharge.
2. Members of the Department will not incur a liability, chargeable against the County, without the approval of the Chief of Department or Division Chief.
3. No Member of the Department will sign any note or other instrument as co-maker, guarantor, or endorser, for any money borrowed by any other Member of the Department. This rule will not pertain to the member's immediate family.

**Rule 15. Personal Appearance**

Members of the Department will be neat and clean at all times while on duty. Personnel will comply with the following grooming standards. Commanding Officers may permit non-uniformed members to exceed these guidelines if the particular job assignment requires same for the duration thereof.

1. Uniformed Members - Male
  - a. Hair will be neatly cut and trimmed at all times while on duty. Hair styles will be conservative and not excessive in length. The maximum permissible bulk of hair will be one and one-half inches in thickness on top and one inch in thickness at the back and sides of the head, however, in no event will any hair style or thickness of hair interfere with the proper wearing of uniform headgear. The hair style may cover the top portion of the ear but not beyond the midpoint thereof. Length may not extend more than one-half inch below the top of the shirt collar. In no event will pony tails be permitted or other styles or lengths of hair which may be readily grabbed by a suspect or defendant.
  - b. Sideburns will be neatly trimmed, may extend to the bottom of the ear lobe, trimmed level therewith, and be not more than one and one-half inches wide at the base. In no event will such be so wide as to interfere with a proper seal when wearing a Scott Air Pac.
  - c. Neatly trimmed moustaches may be worn, which will not extend over the top of the upper lip, but which may extend outward or downward one-half inch beyond the corners of the mouth.
  - d. Beards and Goatees will not be permitted. A growth of whiskers will be permitted while on duty for medical reasons only when approved by the Chief Surgeon.
2. Uniformed Members - Female
  - a. Hair will be neatly cut and trimmed at all times while on duty. Hair styles will be conservative and not excessive in length. The maximum permissible bulk of hair will be one and one-half inches in thickness on top and one inch in thickness at the back and sides of the head, however, in no event will any hair style or thickness of hair interfere with the proper wearing of uniform headgear. The hair style may cover the top portion of the ear but not beyond the midpoint thereof. Length may not extend more than one-half inch below the top of the shirt collar. In no event will pony tails be permitted or other styles or length of hair which may be readily grabbed by a suspect or defendant.
    - 1) Hair longer than the above may be worn but must be pulled back away from the face and secured so that it does not touch the collar.
    - 2) Items used to hold hair up must blend with hair.
    - 3) Decorative articles may not be worn in hair.
  - b. Make Up, if worn, is to be worn in moderation while in uniform.
  - c. Black socks or black stockings are to be worn with the uniform.
  - d. Shoes to be worn, while in uniform, will:
    - 1) Be black, plain style, and low heel (not more than 2 inches).
    - 2) Not be platform type, open toe, or open heel.

3. Uniformed member may not wear any item of jewelry which constitutes a safety hazard.
  - a. Rings may be worn on only one finger of each hand while on duty.
  - b. The wearing of an earring or earrings will not be permitted.
4. Non-Uniformed Members
  - a. Will be neat and tidy at all times.
  - b. Extreme or exaggerated attire will not be permitted.
  - c. Hair will be neatly groomed.

**Rule 16. Use of Force**

1. Members of the Department will not use force except as provided by law.
2. Members of the Force will not use force except as provided by law.
3. A Member of the Department will notify a Supervisor, as soon as practical, whenever he uses deadly force.
4. Members of the Force will notify a Supervisor, as soon as practical, when they have discharged a firearm, except while lawfully hunting or target shooting.

**Rule 17. Discrimination in the Workplace**

1. Members of the Department will not discriminate against another member, or participate in, or encourage behavior that constitutes discrimination.
2. Members of the Department will promptly report acts of discrimination they observe, or become aware of, to a supervisor.
3. Members of the Department will not disseminate any photograph, literature or other material that may create a hostile work environment.
4. Members are required to familiarize themselves with the current Nassau County Equal Employment Opportunity Policy.

**Rule 18. Notification of Off-Duty Employment**

1. Members of the Department are permitted to engage in off-duty employment, but will notify their Commanding Officer within 5 working days upon beginning such employment.
2. Members of the Department will not engage in off-duty employment which is unlawful or may create a conflict of interest or an appearance of impropriety in connection with employment in the Nassau County Police Department.
3. Members of the Department, while engaging in off-duty employment and for the purposes of that employment, will not use any Police Department equipment or access any information retained by the Department.
4. Members of the Department, while performing activities related to off-duty employment, will not: conduct themselves in a manner that would give the appearance that they are acting within the scope of their Nassau County Police Department employment, wear all or part of the Nassau County Police Department uniform, identify themselves as Members of the Nassau County Police Department or as Police Officers.

**Rule 19. LIRR Police Ride Program**

1. Members of the Force utilizing the LIRR Police Pass will comply with all conditions of use listed on the pass.



**NASSAU COUNTY POLICE DEPARTMENT  
LANGUAGE ACCESS PLAN  
2019**

**PATRICK RYDER**  
Police Commissioner

**STEPHEN PALMER**  
Chief of Department

**LAURA CURRAN**  
NASSAU COUNTY EXECUTIVE

**MISSION:** To serve the people of Nassau County and to provide safety and an improved quality of life in our communities through excellence in policing.

## **I. Purpose**

This policy has been developed to implement the requirements of Nassau County Executive Order numbers 67-2013 and 72-2013 which seek to ensure that the public we serve and protect with Limited English Proficiency (LEP) have equal access to all services provided by The Nassau County Police Department (NCPD) and to foster optimal Police-Community relations.

## **II. Definition of Limited English Proficiency (LEP) and Top Six (6) Languages spoken in Nassau County other than English**

Persons with limited English proficiency are defined as individuals who do not speak English as their primary language and possess a limited ability to read, write, speak or understand English. Based on data from the US Census the top six most common languages other than English spoken in Nassau County are **Spanish, Chinese, Italian, Persian, Korean, and French Creole.**

Languages will be added or removed as deemed necessary through reviews conducted in conjunction with the Deputy County Executive of the office of Minority Affairs.

## **III. NCPD Language Access Plan (LAP)**

The Nassau County Police Department recognizes the importance of maintaining a standard where effortless and accurate communication can be achieved between members of the Department and Limited English Proficiency (LEP)

persons. The policy of the NCPD is to provide the best possible service to all members of the community, including those who are LEP persons, by providing interpretation and translation services as necessary. When performing law enforcement functions members provide InSight Video assistance for Sign Language and free language assistance to LEP individuals for whom they encounter when necessary or whenever a LEP or hearing impaired person requests language assistance services. The Department provides these services as part of our community policing and enforcement efforts.

Domestic Liaison officer Sergeant Sabrina Gregg is designated the NCPD Language Access Coordinator (LAC) by the Chief of Department. As the LAC she will supervise NCPD's language access plan and institute measures to monitor the success of the plan. The Language Access Plan will be reviewed and updated as necessary on a semi-annual basis. Any suggestions or concerns should be directed to: [languageaccess@pdcn.org](mailto:languageaccess@pdcn.org) or 516-573-7360

#### **IV. Language Access Resources available at NCPD**

- **Police Department Interpreters:**

The Department utilizes Department Interpreters who are proficient in secondary languages and capable of providing interpretation and translation services to an LEP person. Members indicate their proficiency in an Employee Skills Inventory Sheet and this information is available to all supervisors through a computer network database. Retaining the true message from the target audience's language is the aim of the interpreter. Conserving cultural terms and English words used by the LEP person is just one aspect in the process. Impartiality,

confidentiality and professionalism in obtaining the facts are other elements of good interpretation. A Department interpreter who has received formalized instruction in interviewing and statement taking techniques will be used as an Investigative Interpreter. The department is currently in the process of updating the data base to accurately reflect the amount of NCPD members who are fluent in languages other than English.

- **Insight Video App:** The department currently uses Language Line Solutions Insight video interpretation services which gives the Department access to trained video interpreters.
- **Language Identification Card:**  
The Department has updated the language cards and will be redistributing laminated cards to all the patrol vehicles and precincts. These cards have the sentence “Point to Your Language” in different languages which enable LEP individuals to identify their primary language by pointing at a language printed on the card. These cards assist the patrol officer in identifying the language spoken by the LEP person. The reverse side of the card has instructions on how to access the Language Line from the scene or at a command.
- **Language Signage:**  
“Point to Your Language”; NCPD Language Access Policy and the Language Access Recommendation Form posters are to be placed in all Police facilities with public access.
- **Telephonic Interpreter Service:**

The department currently uses the phone-based services of the Language Line, a telephonic service that gives the Department access to an interpreter for over 150 languages, 24 hours a day, 7 days a week. This service *is not used* to interview or interrogate subjects of a criminal investigation or take sworn depositions from victims or complainants for serious complaints that will require further investigations.

- **Website:**

The Nassau County Police website [www.pdcn.org](http://www.pdcn.org) can be translated into 81 languages via a Google language toolbar locator at the bottom of the website. This includes the top six most common foreign languages spoken in Nassau County

- **Recruitment:**

The active recruitment of new hires for uniformed and civilian positions that are proficient and fluent in speaking and writing in secondary languages is another method of enhancing the department's commitment to better communication with LEP persons.

## **V. Translation of Written Material**

The NCPD will translate, as practicable, essential forms and crime prevention literature into the top six most common languages other than English spoken in Nassau County.

## **VI. Training**

The NCPD shall ensure that all current NCPD members receive a copy of the Language Access Plan. All new NCPD members shall receive a copy of the Language Access Plan during their academy training. NCPD Force Members will review the NCPD Language Access Power Point.

## **VII. Record Keeping and Evaluation**

Communications Bureau will keep a log of all instances when the interpreter services is used through 9-1-1. The LAC will keep a log of all instances when the interpreter service is utilized by the Patrol division and specialized commands.

## **VIII. Confidentiality of Immigration Status**

The use of LEP services shall not be deemed by any NCPD member as a basis for inquiring into a person's confidential information relating to immigration status UNLESS that person is arrested for a crime.

It is the policy of the NCPD not to inquire about the immigrant status of

1. Crime Victims
2. Witnesses to Crimes
3. Anyone who calls or approaches the police seeking assistance.

## **IX. Complaint Procedure**

Complaints of violations of the LAP by members of the NCPD must be referred to the Internal Affairs Office, 1490 Franklin Avenue, Mineola, NY 11501,(516) 573-7120. Anyone has a right to file a complaint with the NCPD if the person believes he/she was denied language access services. A complaint can be submitted through the "Compliment or Complaint" tab on our home page at <http://www.pdcn.org>. A public advisory pamphlet on how to file a compliment or complaint is available at any Police Precinct or Community Policing Center. All complaints are processed through our Internal Affairs Unit and if any complaint related to Language Access Services arises, the Departments LAP Coordinator will be notified. The LAP Coordinator must review the complaint and then recommend, to the

Department Administration, any corrective action, if needed, within 14 business days. The LAP Coordinator will consider whether receipt of one or more complaints on a specific issue indicates the need for changes in policies or practices, and if so, take the necessary administrative steps to obtain these changes.

## **X. Using Family and Friends as Interpreters**

In order to ensure confidentiality of LEP person discretion **MUST** be used in selecting a person at the location. A person who has a personal interest in the situation is **NOT** to be used as an interpreter. A person at the location *should not* be used to interpret in the following situations:

- 1) for potential admissions, confessions, or sworn statements,
- 2) when the person is the alleged perpetrator in a domestic incident and would be translating for an alleged victim or complainant of that domestic incident,
- 3) the person is a minor child in a high stress situation.

However, upon request of the LEP person a family member or friend may be used for routine matters such as pedigree and location information, business hours and rescheduling an appointment.

**POLICY**

The policy of the Police Department is to ensure the proper processing of certain marihuana offenses. The Department strives to process such offenses in a safe and efficient manner.

**PURPOSE**

To establish procedures for the field processing of marihuana offenses.

**DEFINITIONS**

**Field Processing of Marihuana Offenses:** the issuance of an appearance ticket for a marihuana offense, at the place of occurrence, if the following criteria exist:

1. the marihuana offense(s) being charged is one of the following:
  - a. PL 221.05, Unlawful Possession of Marihuana (Violation),
  - b. PL 221.10, Criminal Possession of Marihuana in the Fifth Degree (Violation),

**Note:** Both PL 221.05 and 221.10 are non-printable offenses and do *not* require that the subject be brought to a location for fingerprinting.

  - c. PL 221.15, Criminal Possession of Marihuana in the Fourth Degree (Class A Misdemeanor),
  - d. PL 221.35, Criminal Sale of Marihuana in the Fifth Degree (Class B Misdemeanor),
  - e. PL 221.40, Criminal Sale of Marihuana in the Fourth Degree (Class A Misdemeanor),
  - f. PL 220.03, Criminal Possession of a Controlled Substance in the Seventh Degree (THC) (Class A Misdemeanor)
2. the subject can be properly identified,
3. the subject is a resident of Nassau County, Suffolk County, Westchester County, or any of the five boroughs of New York City,
4. the subject has no active warrants,
5. I-Card and Nassau Investigative I-Card System (NICS) inquiries yield negative results,
6. there are no additional charges that require processing at a police facility,
7. the subject is not on the Nassau County Top Offender List,
8. the subject is not injured and does not complain of injury,
9. the subject is cooperative,
10. the subject does not appear to be impaired to the degree that he presents a danger to himself or others,
11. there is no juvenile involved in the incident.

**SCOPE**

All Members of the Department.



**Nassau County Police Department**  
 Our Mission is to serve the people of Nassau County  
 and to provide safety and an improved quality of life in  
 our communities through excellence in policing.

# Legal Bulletin

BULLETIN TOPIC	FILE	NUMBER
<b>Recent Legislation</b>	<b>3010</b>	<b>19-004</b>

## Table of Contents

<u>Subject</u>	<u>Page</u>
<b><u>Criminal Procedure Law</u></b>	
Definitions of terms of general use in this chapter (Expunge)	2
Order upon termination of criminal action in favor of the accused (Sealing and Expungement of Certain Marijuana Violation Convictions)	2, 3
<b><u>Penal Law</u></b>	
Unlawful possession of marihuana in the second degree	4
Unlawful possession of marihuana in the first degree (formerly criminal possession of marihuana in the fifth degree)	4
<b><u>Public Health Law</u></b>	
Regulation of Smoking and Vaping in Certain Public Areas	5

The following is a partial summary of 2019 Legislative enactments that are of particular interest to law enforcement personnel and is set forth for the information and guidance of members of this Department.

### **Criminal Procedure Law**

#### **Definitions of terms of general use in this chapter** (Chapter 131)

(Expunge)

A new subdivision 45 was added to Criminal Procedure Law section 1.20 as follows:

“Expunge” means, where an arrest and any enforcement activity connected with that arrest, including prosecution and any disposition in any New York State court, is deemed a nullity and the accused is restored, in contemplation of the law, to the status such individual occupied before the arrest, prosecution and/or disposition; that records of such arrest, prosecution and/or disposition shall be marked as expunged or shall be destroyed as set forth in section 160.50 of this chapter. Neither the arrest nor prosecution and/or disposition, if any, of a matter deemed a nullity shall operate as a disqualification of any person so accused to pursue or engage in any lawful activity, occupation, profession or calling. Except where specifically required or permitted by statute or upon specific authorization of a superior court, no such person shall be required to divulge information pertaining to the arrest, prosecution and/or disposition of such a matter.

Effective: August 28, 2019

#### **Order upon termination of criminal action in favor of the accused** (Chapter 131)

(Sealing and Expungement of Certain Marijuana Violation Convictions)

Criminal Procedure Law section 160.50, subdivision 3, paragraph k was amended as follows:

3. For the purpose of subdivision one of this section, a criminal action or proceeding against a person shall be considered terminated in favor of such person where:

(k) The accusatory instrument alleged a violation of:

- (i) article two hundred twenty or section 240.36 of the penal law prior to the effective date of article two hundred twenty-one of the penal law, and the sole controlled substance involved was marihuana and the conviction was only for a violation or violations; or
- (ii) section 221.05 or 221.10 of the penal law prior to the effective date of the chapter of laws of two thousand nineteen that amended this section; or
- (iii) section 221.05 or 221.10 of the penal law.

No defendant shall be required or permitted to waive eligibility for sealing pursuant to this paragraph as part of a plea of guilty, sentence or any agreement related to a conviction for a violation of section 221.05 or section 221.10 of the penal law and any such waiver shall be deemed void and wholly unenforceable.

Note: The amendment to clause (i) above no longer requires that three years have elapsed since the offense was committed.

Effective: August 28, 2019

A new subdivision 5 was added to Criminal Procedure Law section 160.50 and it reads as follows [paragraphs 5 (b)(ii), (c) & (d) are not included]:

5. (a) Expungement of certain marijuana-related records. Where an accusatory instrument alleged an offense described in paragraph (k) of subdivision three of this section, such count or counts of the accusatory instrument in such criminal action or proceeding shall, on the effective date of this paragraph, in accordance with the provisions of this paragraph, be vacated and dismissed, and all records of such count or counts and, in the absence of any other valid count or counts, all records of such action or proceeding shall be expunged, as described in subdivision forty-five of section 1.20 of this chapter, and the matter shall be considered terminated in favor of the accused and deemed a nullity, having been rendered by this paragraph legally invalid.

(b) Duties of certain state officials and law enforcement agencies. Commencing upon the effective date of this paragraph:

- (i) The chief administrator of the courts shall promptly notify the commissioner of the division of criminal justice services and the heads of all appropriate police departments and other law enforcement agencies of all counts that have been vacated and dismissed pursuant to paragraph (a) of this subdivision and that, in the absence of any other valid count or counts, all records of such action or proceeding shall be expunged and the matter shall be considered terminated in favor of the accused and deemed a nullity, having been rendered legally invalid. Upon receipt of notification of such vacatur, dismissal and expungement, all records relating to such count or counts, or the criminal action or proceeding, as the case may be, shall be marked as expunged by conspicuously indicating on the face of the record and on each page or at the beginning of the digitized file of the record that the record has been designated as expunged. Upon the written request of the individual whose case has been expunged or their designated agent, such records shall be destroyed. Such records and papers shall not be made available to any person, except the individual whose case has been expunged or such person's designated agent;

Effective: August 28, 2019

**Penal Law****Unlawful possession of marihuana in the second degree** (Chapter 131)

Penal Law section 221.05 was amended as follows:

A person is guilty of unlawful possession of marihuana in the second degree when he knowingly and unlawfully possesses marihuana.

Unlawful possession of marihuana in the second degree is a violation punishable only by a fine of not more than ~~one hundred~~ fifty dollars.

Note: the remainder of this section concerning increased fines and potential imprisonment for prior convictions was removed.

Effective: August 28, 2019

**Unlawful possession of marihuana in the first degree** (Chapter 131)  
(formerly criminal possession of marihuana in the fifth degree)

Penal Law section 221.10 was amended as follows:

A person is guilty of ~~criminal~~ unlawful possession of marihuana in the ~~fifth~~ first degree when he knowingly and unlawfully possesses:

- ~~1. marihuana in a public place, as defined in section 240.00 of this chapter, and such marihuana, and such marihuana is burning or open to public view; or~~
- ~~2. One or more preparations, compounds, mixtures, or substances containing marihuana and the preparations, compounds, mixtures or substances are of an aggregate weight of more than ~~twenty-five grams~~ one ounce.~~

~~Criminal~~ Unlawful possession of marihuana in the ~~fifth~~ first degree is a ~~class B misdemeanor~~ violation punishable only by a fine of not more than two hundred dollars.

Effective: August 28, 2019

**Public Health Law**

**Regulation of Smoking and Vaping in Certain Public Areas** (Chapter 131)

Article 13-E section 1399-N subdivision 8 of the Public Health Law has been amended to include marihuana within the definition of “Smoking”.

Note: the Department of Health is tasked with enforcement of Article 13-E of the Public Health Law.

Effective: August 28, 2019

Prepared by:

Daniel K. Valentino, Esq.  
Police Officer  
Legal Bureau



<b>POLICY</b>	The policy of the Police Department is to ensure the proper processing of petit larceny offenses. The Department strives to process such offenses in a safe and efficient manner.
<b>PURPOSE</b>	To establish procedures for the field processing of petit larceny offenses.
<b>DEFINITIONS</b>	<p><b>Field Processing of Petit Larceny Offenses:</b> the processing of a petit larceny offense, at the place of occurrence, if the following criteria exist:</p> <ol style="list-style-type: none"><li>1. the subject can be properly identified,</li><li>2. the subject is a resident of Nassau County, Suffolk County, Westchester County, or any of the five boroughs of New York City,</li><li>3. the subject has no active warrants,</li><li>4. I-Card and Nassau Investigative I-Card System (NICS) inquiries yield negative results,</li><li>5. there are no additional charges that require processing at a police facility,</li><li>6. the subject is not injured and does not complain of injury,</li><li>7. the subject is cooperative and does not appear to be impaired,</li><li>8. the subject does not pose a threat to himself or others if released,</li><li>9. there is no juvenile involved in the incident,</li><li>10. the subject is not on the Nassau County Top Offender List.</li></ol>
<b>SCOPE</b>	All Members of the Department.



# Department Procedure

PROCEDURE TITLE

PROCEDURE NUMBER

REVISION

## Bias Incidents/Hate Crimes

OPS 8130

3

**POLICY**

The policy of the Police Department is to safeguard the rights of all individuals irrespective of their race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes which appear to be bias incidents are viewed very seriously by the Nassau County Police Department and will be given high priority. This Department will use every necessary resource rapidly and decisively to identify the perpetrators and take vigorous enforcement action.

**PURPOSE**

To establish procedures for identifying and investigating bias incidents and hate crimes.

**DEFINITIONS**

**Age:** 60 years old or more. (NYS PL §485.05)

**Bias incident:** an offense or offenses against a person or property, which appear to be motivated, in whole or in part, by the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of the victim.

**Department Bias Crime Coordinator:** a Special Investigations Squad (SIS) Supervisor responsible for coordinating investigations, compiling and reporting statistics, and educating the Department in relation to bias crimes. He will also act as the liaison between the Police Department and local communities.

**Disability:** a physical or mental impairment that substantially limits a major life activity. (NYS PL §485.05)

**Hate crime:** a person commits a hate crime when he or she commits a specified offense [See Attachment A] and either,

1. 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*
2. 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. (PL §485.05 Hate Crimes)

**Precinct Bias Incident Coordinator:** a command level administrator from each of the 8 precincts within the Patrol Division.

**SCOPE**

All Members of the Force.

**SOURCES**

International Association of Chiefs of Police (IACP) Model Policy. (Hate Crimes)  
 NYS Civil Rights Law §40-c. (Discrimination)  
 NYS PL Article 240. (Offenses Against Public Order)  
 Article 485. (Hate Crimes)

**RULES**

No applicable rules within this procedure.

ISSUING AUTHORITY

SIGNATURE

EFFECTIVE DATE

PAGE

Commissioner

James H. Lawrence

10/18/2004

1 of 5

**REPLACES  
PROCEDURE  
Police Officer**

OPS 8130 Revision 2, dated 08/31/01.

**A. Response to Bias Incidents/Hate Crimes**

1. *Conducts* a complete and thorough preliminary investigation. [\[See OPS 8105\]](#)
2. *Determines* that a bias incident [\[See Definition\]](#) and/or a hate crime [\[See Definition\]](#) has occurred. *Considers* the following:
  - a. is the motivation of the alleged offender known?
  - b. was the incident known to have been motivated by bias?
  - c. does the victim perceive the action of the offender to have been motivated by bias?
  - d. is there no other clear motivation for the incident?
  - e. were any bias remarks made by the offender?
  - f. were there any offensive symbols, words, or acts that are known to represent a hate group or other evidence of bias against the victim's group?
  - g. did the incident occur on a holiday or other day of significance to the victim or the offender?
  - h. what do the demographics of the area tell you about the incident?
3. *Establishes* a crime scene [\[See OPS 8115\]](#) if necessary.
4. *Requests* a Patrol Supervisor if the incident is serious, sensitive, or it is unclear as to whether or not a bias incident has, in fact, occurred.

**Note:** In responding to bias incidents, Police Officers may confront some unusual problems. Victims, as well as their friends, neighbors, and sympathizers may be quite emotional. In all cases, Police Officers should be particularly sensitive to the feelings and emotions of bias crime victims. Under such emotionally laden circumstances, the initial responses of the Police Officer may have lasting impact on the victim and have far-reaching implications for the relationship of the Nassau County Police Department with the victim's group.

5. *Notifies* the Desk Officer.
6. *Notifies* the Precinct Squad Detectives. [\[See OPS 8330\]](#)
7. *Responds* to the incident.

**Note:** The investigating Detective should immediately respond to a bias incident if it is determined that an expeditious follow-up investigation would lead to the identification and apprehension of those responsible.

8. *Notifies* SIS as follows:
  - a. immediately, if bias crime investigator response is necessary for:
    - (1) bias cases serious or sensitive in nature,
    - (2) bias related community disorders,
    - (3) bias related homicide,
  - b. no later than the next business day following the incident for other cases.

**Desk Officer  
Pct Squad Detective**

	<p><b>Note:</b> A detective should request assistance from a bias crime investigator for any incident, regardless of severity, if he determines that the bias crime investigator’s specialized knowledge will benefit the investigation.</p>
<p><b>Pct Squad Detective</b></p>	<p>9. If SIS is not available for immediate response, <i>notifies</i> the Main Office (MO) Detective to contact the DD Duty Supervisor. <a href="#">[See Glossary]</a></p>
<p><b>MO Detective</b></p>	<p>10. <i>Notifies</i> the DD Duty Supervisor.</p>
<p><b>DD Duty Supervisor</b></p>	<p>11. <i>Evaluates</i> the situation and <i>directs</i> the MO Detective to notify a SIS Detective to respond if immediate bias crime investigator response is necessary.</p>
<p><b>Bias Crime Investigator</b></p>	<p>12. <i>Assists</i> with a bias incident investigation when requested,</p> <ul style="list-style-type: none"> <li>a. immediately: <ul style="list-style-type: none"> <li>(1) if directed by the DD Duty Supervisor, <i>or</i></li> <li>(2) if available, regardless of the severity of the incident,</li> </ul> </li> <li>b. as soon as practical for all other situations.</li> </ul>
<p><b>Patrol Supervisor</b></p>	<p>13. <i>Ensures</i> proper preliminary investigation and task completion.</p> <p>14. <i>Briefs</i> the Desk Officer of the incident.</p> <p>15. <i>Determines</i> the need for immediate security measures such as intensive patrol, foot post, etc.</p>
<p><b>Police Officer</b></p>	<p>16. <i>Prepares</i> a case report. <a href="#">[See OPS 8110]</a></p> <p>17. <i>Ensures</i> the MO code of “BI” is noted.</p>
<p><b>Desk Officer</b></p>	<p>18. <i>Notifies</i> the Public Information Office of the incident.</p> <p>19. <i>Reviews</i> the case report and <i>assigns</i> the case to the Detective Division, Precinct Squad, for investigation.</p> <p>20. <i>Transmits</i> (FYI) the case report to SIS.</p>
<p><b>B. Investigation</b></p>	
<p><b>Pct Squad Detective</b></p>	<p>1. <i>Conducts</i> a complete and thorough investigation. The following should be included in all bias incident investigations:</p> <ul style="list-style-type: none"> <li>a. details describing the events that occurred and the reasons which led the detective to believe it was a bias incident,</li> <li>b. the investigative steps taken,</li> <li>c. the disposition of all physical evidence or debris removed from scene,</li> <li>d. full data on the materials used, including size, construction, wrappings, messages, plus the method of removal,</li> <li>e. the apparent reasons the offense constitutes a bias incident or hate crime based upon the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of the victim,</li> </ul>

- f. victim information, including:
  - (1) is a follow-up contact requested?
  - (2) is he a minority in the neighborhood?
  - (3) has he recently moved into the neighborhood?
  - (4) his perception as to why this incident occurred,
  - (5) his desire that the media *not* have access to information revealing the possible motivation for the incident,
  - (6) past or recent associations with a targeted group,
  - (7) past or repeated attacks of a similar nature, and whether those attacks were documented,
- g. whether similar incidents occurred to other victims,
- h. the involvement of an organized hate group,
- i. the names of any community leaders that were contacted or at the scene.

**Pct Squad Detective**

- 2. *Requests* the Crime Scene Search Section (CSSS) to preserve evidence or photograph the scene.
- Note:** CSSS may not be needed at the scene if the investigating Detective determines that he is capable of photographing and preserving the scene with the equipment available at the squad.

**CSSS Personnel**

- 3. *Gathers* and *processes* all evidence at scene.
  - 4. *Forwards* evidence to the appropriate unit for processing.
- Note:** A copy of all bias graffiti photographs should be forwarded to SIS.

**Pct Squad Detective**

- 5. *Ensures* that any case report involving a bias incident or a hate crime includes the MO code of "BI".
- 6. *Telephones* SIS and *obtains* a Bias Crimes Number (BC#) for any report or incident containing any possible bias motivations.

**SIS Detective**

- 7. *Reviews* the case report and *assigns* a BC# to the case report.

**C. Arrest Processing**

**Police Officer/Detective**

- 1. *Effects* a summary arrest [See OPS 2115] of any offender, when there is reasonable cause to believe [See Glossary] any of the following took place:
  - a. a crime was committed,
  - b. a petty offense was committed in the Police Officer's presence.
- 2. *Prepares* PDCN Form 32B, Supporting Deposition. [See OPS 8105A]

**Note:** When preparing PDCN Form 32B, in reference to a bias incident or hate crime, it is vital that the elements and facts of the crime are included and it is demonstrated 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, religion, religious practice, age, disability or sexual orientation.

**Police  
Officer/Detective**

3. *Raises* the hate crime specified offense charged, by one classification of offense, for the following categories:
  - a. any misdemeanor,
  - b. an E, D, or C felony,
  - c. an attempt or conspiracy to commit such offenses.

**Note:** The classification of a B or A felony will not be raised, but there are further sanctions related to sentencing.

4. *Enters* the information for a court information for a hate crime into Swift Justice as follows:
  - a. *enters* the initial Penal Law section of the crime that has been committed,
  - b. *tabs* to the modifier statute and *enters* 485.05(1) either (a) or (b),
  - c. *tabs* to degree and *modifies* by entering one classification higher,
  - d. *includes* in the "To Wit" section, the elements of the crime.

**Note:** The court information must contain certain language to make it sufficient to charge the hate crime. The "To Wit" 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, religion, religious practice, age, disability, or sexual orientation.

**D. Coordination of Department Response**

**Pct Squad Detective  
Department Bias  
Crime Coordinator**

1. *Provides* victims with appropriate referrals and assistance.
2. *Provides* services to the community, including:
  - a. addressing community groups,
  - b. maintaining contact with community and civic groups.
3. *Reviews* all bias related incidents.
4. *Prepares* a monthly report summarizing bias incidents.
5. *Forwards* the monthly report to the Precinct Bias Incident Coordinators. [\[See Definition\]](#)
6. *Monitors* bias incidents occurring within the precinct.
7. *Reviews* bias related case reports.
8. *Evaluates* the need to establish intensive patrols or other security measures.
9. *Reviews* monthly reports from SIS.
10. *Responds* to requests for speaking engagements from local community organizations and *articulates* Department policy and the proactive and preventive measures taken by the Department.

**Precinct Bias  
Incident Coordinator**

**Statistical Data Generated By Community Affairs (CA) for 2019 - NCPD**

<u>Measures</u>	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>August</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>	<u>2019 YTD</u>
													<u>Bias Crime</u>
<b>Bias Crimes Reported to CA,</b>													
<i>Related To:</i>													
1) Race/Color				1		1	4		1				7
2) Religion/Religious Practice	1	0	3	4	1	2		1	2	2		3	19
3) Ethnicity/NationalOrigin/Ancestry					1								1
4) Sexual Orientation					1								1
5) Disability													0
6) Other													0
a) Gender													
b) Age													
c) Disability													
<b>Total Bias Crimes Reported</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>28</b>



**Nassau County Police Department**  
 Our Mission is to serve the people of Nassau County  
 and to provide safety and an improved quality of life in  
 our communities through excellence in policing.

# Legal Bulletin

BULLETIN TOPIC

**Recent Legislation**

FILE

**3010**

NUMBER

**20-004**

## Table of Contents

<u>Subject</u>	<u>Page</u>
<b><u>Civil Rights Law</u></b>	
Bias-related violence or intimidation; civil remedy	2
Medical Attention for Persons Under Arrest	2
Right to Record Law Enforcement Related Activities	2
<b><u>Executive Law</u></b>	
Office of Special Investigation	4
Reporting Duties of Law Enforcement Departments with respect to Arrest-Related Deaths	5
Report of Discharge of Weapon	6
<b><u>Penal Law</u></b>	
Aggravated Strangulation	6
Loitering	6

ISSUING AUTHORITY

**Commissioner of Police**

SIGNATURE

**Patrick J. Ryder**

ISSUE DATE

**06/16/2020**

PAGE

**1 of 6**

The following is a summary of a partial summary of 2020 Legislative enactments that are of particular interest to law enforcement personnel and is set forth for the information and guidance of members of this Department.

### **Civil Rights Law**

#### **Bias-related violence or intimidation; civil remedy** (Chapter 93)

Section 79-n subdivision 2 of the Civil Rights Law has been amended to establish civil penalties for a person who intentionally summons a police officer or peace officer without reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property, 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. A person in violation of this law shall be liable in a civil action for injunctive relief, damages, or any other appropriate relief in law or equity.

Effective: June 12, 2020

#### **Medical Attention for Persons Under Arrest** (Chapter 103)

Section 28 has been added to the Civil Rights Law as follows:

##### **Section 28 – Medical attention for persons under arrest**

When a person is under arrest or otherwise in the custody of a police officer, peace officer or other law enforcement representative or entity, such officer, representative or entity shall have a duty to provide attention to the medical and mental health needs of such person, and obtain assistance and treatment of such needs for such person, which are reasonable and provided in good faith under the circumstances. Any person who has not received such reasonable and good faith attention, assistance or treatment and who, as a result, suffers serious physical injury or significant exacerbation of an injury or condition shall have a cause of action against such officer, representative, and/or entity. In any such civil action, the court, in addition to awarding actual damages and costs, may award reasonable attorneys' fees to a successful plaintiff. The provisions of this section are in addition to, but shall not supersede, any other rights or remedies available in law or equity.

Effective: June 15, 2020

#### **Right to Record Law Enforcement Related Activities** (Chapter 100)

Section 79-p has been added to the Civil Rights Law to create the New Yorker's Right to Monitor Act as follows:

**Section 79-p – Recording certain activities**

1. Definitions. For purposes of this section, the following terms shall have the following meanings:

- (a) “Officer” means any peace officer, police officer, security officer, security guard, or similar official who is engaged in a law enforcement activity;
- (b) “Law enforcement activity” means any activity by an officer acting under the color of law; and
- (c) “Record” means to capture or attempt to capture any moving or still image, sound, or impression through the use of any recording device, camera, or any other device capable of capturing audio, moving or still images, or by way of written notes or observations;

2. Right to record law enforcement related activities.

A person not under arrest or in the custody of a law enforcement official has the right to record law enforcement activity and to maintain custody and control of that recording and of any property or instruments used by that person to record law enforcement activities, provided, however, that a person in the custody or under arrest does not, by that status alone, forfeit the right to have any such recordings, property and equipment

3. Private right of actions.

- (a) A claim of unlawful interference with recording a law enforcement activity is established under this section when a person demonstrates that he or she exercised or attempted to exercise the right established in subdivision two of this section to record a law enforcement activity and an officer acted to interfere with that person’s recording of a law enforcement activity, including but not limited to, by:
  - (i) intentionally preventing or attempting to prevent that person from recording law enforcement activity;
  - (ii) threatening that person for recording a law enforcement activity;
  - (iii) commanding that the person cease recording law enforcement activity when the person was nevertheless authorized under law to record;
  - (iv) stopping, seizing, searching, ticketing or arresting that person because that person recorded a law enforcement activity; or
  - (v) unlawfully seizing property or instruments used by that person to record a law enforcement activity, unlawfully destroying, or seizing a recorded image or recorded images of a law enforcement activity, or copying such a recording of a law enforcement activity without consent of the person who recorded it or approval from an appropriate court.

- (b) It shall be an affirmative defense to a civil action under subparagraphs (i), (iii) and (iv) of paragraph (a) of this subdivision that at the time of such conduct by an officer, such officer had probable cause to arrest the person recording such a law enforcement activity for a crime defined in the penal law involving obstructing governmental administration.
  - (c) A person subject to unlawful interference with recording law enforcement activities as described in paragraph (a) of this subdivision may bring an action for any violation of this section in any court of competent jurisdiction for damages, including punitive damages, for declaratory and injunctive relief, and such other remedies as the court may deem appropriate.
  - (d) In any action or proceeding brought pursuant to this section, the court may also allow a prevailing plaintiff reasonable attorney's fees and expert fees as a party of the costs which may be recovered.
  - (e) Any action or proceeding brought pursuant to this section shall be commenced no later than three years after the date on which the violation of this section is committed.
4. Preservation of Rights. This section shall be in addition to all rights, procedures, and remedies available under the United States Constitution, 42 USC 1983, the constitution of the state of New York and all other federal law, state law, law of the city of New York or the administrative code of the city of New York, and all other civil remedies, including monetary damages, created by statute, ordinance, regulation or common law.

Effective: July 13, 2020

### Executive Law

#### Office of Special Investigation (Chapter 95)

Section 70-b has been added to the Executive Law to establish the Office of Special Investigation with in 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.

Effective: April 1, 2021

**Reporting Duties of Law Enforcement Departments with Respect to Arrest-Related Deaths**  
(Chapter 102)

Section 837-v has been added to the Executive Law as follows (there are 2 section 837-vs):

**Section 837-v. Reporting duties of law enforcement departments with respect to arrest-related deaths.**

1. The chief of every police department, each county sheriff, and the superintendent of state police shall promptly report to the division any arrest-related death, disaggregated by county. The data shall include all information the division shall report pursuant to the requirements of subdivision five of this section.
2. The initial report required by this subdivision shall be for the period beginning six months after the effective date of this section and shall be submitted on an annual basis thereafter. Each annual report shall be submitted no later than February first.
3. The division shall make the information required by subdivision one of this section available to the public by posting it on the website of the division. With respect to the information required by subdivision one of this section, the division shall update such information on a monthly basis and such information shall be posted in alphanumeric form that can be digitally transmitted or processed and not in portable document format or scanned copies of original documents.
4. The division shall promulgate regulations to effectuate the reporting of data from law enforcement departments sufficient to make the reports required by subdivision five of this section.
5. The division shall submit to the governor and the legislature an annual report of arrest-related deaths disaggregated by county. An arrest-related death is a death that occurs while an individual is in law enforcement custody or during an attempt to establish custody including, but not limited to, deaths caused by any use of force. Such report shall include the following information: (a) the number of arrest-related deaths; (b) the race, ethnicity, age, and sex of the individual; (c) the zip code or location where the death occurred; and (d) a brief description of the circumstances surrounding the arrest-related death.

Effective: December 12, 2020

**Report of Discharge of Weapon** (Chapter 101)

Section 837-v has been added to the Executive Law as follows (there are 2 section 837-vs):

**Section 835-v – Report of discharge of weapon**

1. Any law enforcement officer or peace officer who discharges his or her weapon while on duty or off duty under circumstances wherein a person could be struck

by a bullet from the weapon, including situations wherein such officer discharges his or her weapon in the direction of a person, shall verbally report the incident to his or her superiors within six hours of the occurrence of the incident and shall prepare and file a written report of the incident within forty-eight hours of the occurrence of the incident. Nothing contained in this section shall prevent any officer from invoking his or her constitutional right to avoid self-incrimination.

2. As used in this section "law enforcement officer" means a state or local police officer and "peace officer" means any person designated as a peace officer pursuant to section 2.10 of the criminal procedure law.

Effective: September 13, 2020

### Penal Law

#### Aggravated Strangulation (Chapter 94)

Section 70.02 subdivision 1 paragraph (b) has been amended and Section 121.13-a has been added to the Penal Law establishing the crime of Aggravated Strangulation as follows:

#### **Section 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, 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. Aggravated strangulation is a class C violent felony.

Effective: June 12, 2020

#### Loitering (Chapter 98)

Section 240.35 subdivision 4 of the Penal Law relating to being masked in public is repealed.

Effective: June 13, 2020

Prepared by:

Christopher V. Todd  
Deputy Bureau Chief  
Legal Bureau  
\*\*\*



**Nassau County Police Department**  
 Our Mission is to serve the people of Nassau County  
 and to provide safety and an improved quality of life in  
 our communities through excellence in policing.

# Patrol Division Administrative Order

SUBJECT	FILE	NUMBER
<b>PARK, WALK, and TALK PATROL</b>	<b>2030</b>	<b>20-002</b>

REFERENCE DOCUMENTS

**PDAO 12-008, PDAO 18-002**

The objective of Park, Walk and Talk (PWT) as a routine patrol function is to enable members assigned to radio motor patrol cars to expand their authorized patrol related duties into foot patrol mode in an effort to reinforce contacts with the public. In the event of a critical incident, PWT will also be used to familiarize members with important strategic infrastructure locations, such as schools, places of worship, and shopping malls.

As part of our community engagement efforts, members shall exit their vehicles and communicate with people in public places, with students and staff at educational facilities, with congregants and religious leaders at places of worship, and other locations as appropriate.

Members should conduct PWT on their post at least once every tour. Members will utilize the **PWT Assignment type in the CAD system.**

ISSUING AUTHORITY	SIGNATURE	ISSUE DATE	PAGE
<b>Acting Chief of Patrol</b>	<b>Kenneth W. Lack</b>	<b>11/12/2020</b>	<b>1 of 3</b>



# ORGANIZATION/BUSINESS REPORT

## GENERAL INFO

**ADDRESS**  **TOWN**  **STATE**  **ZIP CODE**   
**PCT**  **Post**   
**General Phone #**  **General Email**   
**Website**

### \*Religious Organizations Only:

**Does Location Host Religious Services**   
**NCPD Alert?**  **NCPD Alert Phone #**  **NCPD Alert Email**

## CONTACT INFO

### PRIMARY:

**Title/Prefix**  **LAST NAME**  **FIRST NAME**   
**PHONE**  **EMAIL**  **FAX**

### SECONDARY

**Title/Prefix**  **LAST NAME**  **FIRST NAME**   
**PHONE**  **EMAIL**

## PD INFO

**Date of Last Contact**  **# of Times Contacted**

## SECURITY

**Cameras On Premises**  **Interior**  **Exterior**   
**Security Guard**  **Alarm on Premises**

**Would like to Receive Intel Bulletins from the Department (Yes/No)**   
**Do you store Hazardous Materials (Yes/No)**  **Put Details in Notes (Type/Quantity)**

### NOTES

**[Forward Completed Form to AFILDC@pdcn.org](mailto:AFILDC@pdcn.org)**

**Printed** Wednesday, June 12, 2019



**Nassau County Police Department**  
 Our Mission is to serve the people of Nassau County  
 and to provide safety and an improved quality of life in  
 our communities through excellence in policing.

**Department  
 Administrative Order**

ORDER TITLE	FILE	NUMBER
<b>Realignment of Community Oriented                  Police Enforcement Unit (COPE)</b>		<b>20-020</b>
REFERENCE DOCUMENTS	EFFECTIVE DATE	TERMINATION DATE
	<b>07/27/2020</b>	

**COMMUNITY ORIENTED POLICE ENFORCEMENT UNIT (COPE)**

Commencing on the effective date of this Order, all Department members, sworn and civilian, previously assigned either temporarily or permanently to Office of the Commissioner of Police, Community Oriented Police Enforcement Unit, are hereby assigned to the Office of Commissioner of Police, Community Affairs, Community Oriented Police Enforcement Unit.

Previously issued Departmental Orders and Notifications which pertain to Office of the Commissioner of Police, Community Oriented Police Enforcement Unit shall now apply to the Office of Commissioner of Police, Community Affairs, Community Oriented Police Enforcement Unit.

**Pol 3101, Table of Organization, shall be revised in the near future to reflect these changes.**

ISSUING AUTHORITY	SIGNATURE	ISSUE DATE	PAGE
Commissioner	Patrick J. Ryder	07/24/2020	1 of 1

As of 10/15/2020 11:26AM, the Laws database is current through 2020

Chapters 1-249

## Criminal Procedure

§ 140.50 Temporary questioning of persons in public places; search for weapons.

1. In addition to the authority provided by this article for making an arrest without a warrant, a police officer may stop a person in a public place located within the geographical area of such officer's employment when he reasonably suspects that such person is committing, has committed or is about to commit either (a) a felony or (b) a misdemeanor defined in the penal law, and may demand of him his name, address and an explanation of his conduct.

2. Any person who is a peace officer and who provides security services for any court of the unified court system may stop a person in or about the courthouse to which he is assigned when he reasonably suspects that such person is committing, has committed or is about to commit either (a) a felony or (b) a misdemeanor defined in the penal law, and may demand of him his name, address and an explanation of his conduct.

3. When upon stopping a person under circumstances prescribed in subdivisions one and two a police officer or court officer, as the case may be, reasonably suspects that he is in danger of physical injury, he may search such person for a deadly weapon or any instrument, article or substance readily capable of causing serious physical injury and of a sort not ordinarily carried in public places by law-abiding persons. If he finds such a weapon or instrument, or any other property possession of which he reasonably believes may constitute the commission of a crime, he may take it and keep it until the completion of the questioning, at which time he shall either return it, if lawfully possessed, or arrest such person.

4. In cities with a population of one million or more, information that establishes the personal identity of an individual who has been stopped, questioned and/or frisked by a police officer or peace officer, such as the name, address or social security number of such person, shall not be recorded in a computerized or electronic database if that individual is released without further legal action; provided, however, that this subdivision shall not prohibit police officers or peace officers from including in a computerized or electronic database generic characteristics of an individual, such as race and gender, who has been stopped, questioned and/or frisked by a police officer or peace officer.



# Department Procedure

PROCEDURE TITLE

PROCEDURE NUMBER

REVISION

## Civilian Complaint Investigations

ADM 1211

2

**POLICY**

The policy of the Police Department is to promptly and thoroughly investigate complaints and allegations of misconduct made against Members of the Department. The Department will accept all complaints of misconduct, investigate them to determine their validity, and take necessary steps to correct deficiencies in the member's behavior or Department procedures and practices.

**PURPOSE**

To establish procedures for accepting, documenting, and investigating civilian complaints made against Members of the Department.

**DEFINITIONS**

**Civilian complaint:** a complaint alleging that a Member of the Department has committed an act or omission, in violation of Department Rules, including, but not limited to:

1. **excessive use of force:** the complaint alleges that force used by the member was in excess of what would be reasonable, justifiable and proper in accordance with department training, procedures and established laws,
2. **false arrest:** the complaint alleges that the custody or restraint of a person's liberty was improper or violated a person's civil rights,
3. **improper tactics/procedures:** the complaint alleges that the member's conduct was unjust, improper or violated established agency directives or training,
4. **neglect of duty:** the complaint alleges a failure to take required, dutiful or expected action,
5. **police impersonation:** the complaint alleges that a civilian, including an unsworn member of the Department, pretends to be a police officer or other law enforcement officer and expresses, in words or deed, that he or she is acting with the authority or the approval of the police department,
6. **racial/ethnic bias:** the complaint alleges that the actions taken by the member were precipitated or based solely on the race or ethnicity (perceived or actual) of the person(s) involved,
7. **unlawful conduct:** the complaint alleges that the member engaged in conduct that constitutes an illegal act outlined in statutes, criminal or civil codes,
8. **unprofessional conduct or attitude:** the complaint alleges that the member's conduct, bearing, language or attitude were inappropriate, unprofessional and not in keeping with the standards of the department,
9. **violation of Department Rules:** the conduct alleged violates current Department Rules as outlined in the Department Manual, Notifications and Orders,
10. other conduct which reflects negatively upon the member or the Department.

**Note:** Unless it is determined **immediately** that an actual law enforcement officer is the subject of the allegation, a civilian complaint of police impersonator will be prepared in addition to a case report.

**Complaint finding:** the determination reached at the conclusion of a civilian complaint investigation:

1. **Founded:** sufficient evidence exists to prove the allegation.
2. **Unfounded:** the allegation is false or not factual.

ISSUING AUTHORITY

SIGNATURE

EFFECTIVE DATE

PAGE

Commissioner

Patrick J. Ryder

11/18/2020

1 of 9

3. **Undetermined:** insufficient evidence to either prove or disprove the allegation.
4. **Exonerated:** the incident did occur, but the actions of the accused were justified, lawful, and proper.

**Command Internal Affairs Liaison:** The supervisor in the investigating command designated by the Commissioner of Police or Division Chief as the primary contact and coordinator for the Internal Affairs Unit (IAU).

**Investigating command:** the command responsible for investigating civilian complaints, determined as follows:

1. Internal Affairs Unit will be the investigating command when directed by the Commissioner of Police, or as otherwise determined by the Commanding Officer (CO) of IAU or Professional Standards Bureau.
2. the member’s assigned command will be the investigating command when one member, or multiple members from the same command, are the subject of the complaint.
3. the command in charge of an incident or detail will be the investigating command when multiple members from different commands are the subjects of the complaint.

**SCOPE**

All Members of the Department.

**SOURCES**

International Association of Chiefs of Police (IACP) Model Policy (Investigation of Allegations of Employee Misconduct)

**RULES**

1. Members of the Department will immediately notify a supervisor upon receiving a request to file a civilian complaint.

**REPLACES**

ADM 1211, Revision 1, dated 08/07/2009

**PROCEDURE**

**A. Receiving the Complaint**

**Member of the Department**

1. *Receives* a complaint, including an anonymous or third party complaint, in any of the following ways:
  - a. in person,
  - b. by telephone,
  - c. by mail,
  - d. via e-mail,
  - e. via department website complaint submission.

**Supervisor**

2. *Immediately notifies* a Supervisor of the complaint.
3. *Explains* the procedure for filing a complaint and *provides* the complainant, if present, with the Public Advisory “Compliment or Complaint” pamphlet.
4. *Interviews* the complainant or *reviews* the details of a written complaint to determine the following:
  - a. the nature and details of the conduct alleged, **and**
  - b. the identity of:
    - (1) the complainant, unless anonymity is requested,
    - (2) the subject of the complaint,
    - (3) the witnesses.
5. If the conduct alleged does not constitute a civilian complaint **[See Definition]**, *resolves* the complaint. **[End of Procedure]**

Supervisor

**Note:** An example of a complaint that can be resolved immediately is a complaint about the receipt of a traffic ticket. If the person is complaining about the officer's conduct, a civilian complaint investigation will be commenced. If the person is present to argue his innocence, no civilian complaint investigation will be commenced, and the person should be directed to traffic court by the supervisor.

6. If the complaint **does** constitute a civilian complaint, *enters* the complaint information in the Blue Team Complaint Tracking Program.

**Note:** The Citizen Complaint Report can be accessed through the Blue Team Link on the intranet homepage. Choose "add new incidents" and then choose "Citizen Complaint" as the incident type.

CB Supervisor

7. If there is an allegation of a possible police impersonation complaint received at Communications Bureau and the Supervisor is a civilian:

- a. *takes* the following information from the complainant:
  - (1) location of incident,
  - (2) name of complainant,
  - (3) call back number
- b. *advises* the complainant they are being transferred to the Desk Officer of the precinct of occurrence,
- c. *gives* the phone number of the precinct of occurrence in case they are disconnected,
- d. *transfers* the call to the Desk Officer of the precinct of occurrence and *remains* on the line to ensure the transfer was successful. **[End of Procedure]**

Supervisor

8. If there is an allegation of a possible police impersonator and it is determined that:

- a. the subject **is not a Force** member of the Nassau County Police Department:
  - (1) *prepares* a Blue Team Police Impersonation Complaint,
  - (2) *prepares* a case report for further investigation by the Detective Division,
- b. the subject **is a Force** member of the Nassau County Police Department:
  - (1) *investigates* the incident,
  - (2) *documents* a civilian complaint if there is an allegation of misconduct. **[Go to step A.11]**
- c. the subject is identified as a member of another law enforcement agency:
  - (1) *investigates* the incident,
  - (2) *documents* a For Other Authority (FOA) complaint via Blue Team if there is an allegation of misconduct, **[go to step A.10]**
  - (3) *directs* further investigation if there is an allegation of unlawful conduct.
- d. the person remains unidentified, or is identified and **is not** a police officer with any agency:
  - (1) *directs* an appropriate investigation,
  - (2) *prepares* a Police Impersonator Case Report,

Desk Officer

Supervisor

(3) *enters* a complaint into Blue Team **whether or not** a civilian requests a complaint be documented.

**Note:** When entering a police impersonation incident into Blue Team, choose *Police Impersonator* instead of *Citizen Complaint* in the Complaint Type drop-down menu. Use complainant’s name and enter any other witnesses to the event. For Subject Officer, search by NAME, enter IMPERSONATOR, and SELECT the Impersonator from the search list. ADD allegation OTHER-POLICE IMPERSONATOR from the drop-down menu.

9. *Forwards* all case reports for police impersonator to the appropriate precinct squad for follow-up investigation, **whether or not** a civilian request an arrest.

10. If the complainant or the subject of the complaint, including arrests, is a member of another law enforcement agency,

a. *records* any available information on PDCN Form 360, Civilian Complaint Report Worksheet, if necessary, indicating For Other Authority (FOA) but **without** obtaining a civilian complaint number,

b. *chooses* For Other Authority (FOA) instead of Citizen Complaint, and *enters* complaint into Blue Team,

c. *enters* the member of another law enforcement agency as appropriate as either:

- (1) Reporting Person/Citizen (**do not** select officer) **or**,
- (2) Citizen Witness, if the subject.

d. *selects* “Role” on the Incident Links screen under outside agency member’s name and *selects* Outside Agency Member, from the drop-down menu,

e. *notifies* the outside agency member’s department immediately if the member is arrested and/or firearms need to be secured,

f. *refers* the complainant to the outside agency, in addition to completing an FOA Blue Team complaint,

g. *emails* the following to the IAU Complaint Mailbox:

- (1) **signed** copy of the Blue Team FOA,
- (2) case and/or arrest report, as well as all related documentation, if applicable,
- (3) DCJS 3221, NYS Domestic Incident Report, if applicable. **[End of Procedure]**

11. *Determines* if the conduct alleged in the civilian complaint involving a Department member constitutes any of the following:

- a. criminal conduct,
- b. excessive use of force with a complaint of physical injury,
- c. conduct, that by its nature or in context, is likely to stimulate intense community concern or reaction.

12. If the conduct alleged **does not** constitute any of the items listed in step A11, **[Go to Section B]**.

13. If the conduct alleged **does** constitute any of the items listed in step A11, *notifies* the Commanding Officer.

Supervisor	<p>14. <i>Initiates</i> the Administrative Duty Coverage Procedure, if after hours. [See ADM 2010]</p> <p>15. <i>Notifies</i> IAU,</p> <ul style="list-style-type: none"> <li>a. at the direction of the Commanding Officer or Duty Inspector, <i>or</i></li> <li>b. if the circumstances are such that a delay might compromise the investigation.</li> </ul> <p>16. <i>Documents</i> the notifications in command electronic blotter.</p>
Duty Inspector	<p>17. <i>Notifies</i> the Commanding Officer, if not already notified.</p>
Commanding Officer/ Duty Inspector	<p>18. <i>Notifies</i> the Division Chief or Duty Chief.</p>
Division Chief/Duty Chief	<p>19. <i>Notifies</i> the Chief of Department, or if unavailable, the Commissioner of Police.</p>
Chief of Department	<p>20. <i>Reviews</i> the complaint with the Division Chief and <i>notifies</i> the Commissioner of Police.</p>
Commissioner of Police	<p>21. <i>Evaluates</i> the complaint and <i>directs</i> IAU to conduct the investigation.</p>
	<p><b>B. Documenting the Complaint</b></p>
Supervisor	<ul style="list-style-type: none"> <li>1. <i>Obtains</i> all the pertinent information utilizing, if necessary, a PDCN Form 360, Civilian Complaint Report Worksheet to record information.</li> <li>2. <i>Makes every attempt</i> to identify any involved, unidentified member(s) including, but not limited to, the review of: <ul style="list-style-type: none"> <li>a. roll calls,</li> <li>b. CAD/GPS systems,</li> <li>c. any other department databases.</li> </ul> </li> <li>3. <i>Collects</i> and <i>preserves</i> any physical evidence.</li> </ul> <p><b>Note:</b> Preservation of physical evidence would include photographs of any alleged injuries.</p>
CB Operations Desk Supervisor	<ul style="list-style-type: none"> <li>4. <i>Takes</i> a written statement from the complainant utilizing PDCN Form 32B, Supporting Deposition.</li> <li>5. <i>Calls</i> the CB Operations Desk Supervisor for the next civilian complaint number.</li> <li>6. <i>Records</i> the Supervisor’s name, serial number and command in the complaint tracking logbook.</li> <li>7. <i>Issues</i> a civilian complaint number to the Supervisor.</li> </ul>
Supervisor	<ul style="list-style-type: none"> <li>8. <i>Advise</i>s the complainant he/she will be contacted within three (3) business days by a supervisor, and <i>gives</i> them the civilian complaint number.</li> <li>9. If the complainant is present, <i>prepares</i> PDCN Form 362, Civilian Complaint Information Card, and <i>gives</i> it to the complainant.</li> </ul>
Supervisor	<ul style="list-style-type: none"> <li>10. <i>Enters</i> the complaint information in Blue Team.</li> </ul> <p><b>Note:</b> The Citizen Complaint Report can be accessed through the Blue Team Link on the intranet homepage. Choose “add</p>

**Supervisor**

new incidents” and then choose “Citizen Complaint” as the incident type.

11. *Records* pertinent information in Blue Team.

**Note:** Such information should include the Supervisor’s observations of the complainant or any other information which would be useful to the Investigating Supervisor. (e.g. the complainant’s apparent intoxication, the presence or absence of injuries and the reported level of pain and the emotional state of complainant.)

12. *Prints and signs* the Citizen Complaint Summary.

13. *Emails* a signed copy of the Citizen Complaint Summary and any other relevant paperwork to:

- a. IAU Complaint Mailbox,
- b. the Division Chief, TOC, of the subject’s command.

**Division Chief**

14. *Reviews* the Citizen Complaint Summary and related paperwork.

15. *Forwards* the originals to the Chief of Department.

**Chief of Department**

16. *Reviews* the Citizen Complaint Summary and related paperwork.

**IAU Personnel**

17. *Records* the details of the complaint in the IAU complaint log for review by the Commanding Officer.

**IAU Commanding Officer**

18. *Ensures* entry of the complaint information into the complaint tracking database.

19. *Reviews* the Citizen Complaint Summary and *confers* with the Commanding Officer, Professional Standards Bureau, on any complaint he/she believes IAU should investigate.

20. For all police impersonator complaints, *directs* an IAU Supervisor to monitor and coordinate with the assigned DD command.

21. *Reviews* the Citizen Complaint Summary, **and:**

- a. *sets* a 30-day due date for completion,
- b. *forwards* a copy to the investigating command, TOC, **and**
- c. *files* the original.

22. *Assigns* case for investigation.

**C. Investigating the Complaint**

**Commanding Officer Investigating Command**

1. *Reviews* the Citizen Complaint Summary and related paperwork.

**Commanding Officer Investigating Command**

2. *Reviews* relevant personnel records of the member who is the subject of the complaint to determine, among other things, if a pattern of similar complaints exists

3. *Assigns* the Command Internal Affairs Liaison [**See Definition**] to contact the complainant and *assigns* a supervisor who will conduct the investigation.

**Note:** Complainant will be contacted within 3 business days.

**Investigating Supervisor**

4. *Initiates* the investigation.
5. *Reviews* the Citizen Complaint Summary and other related paperwork.
6. *Contacts* the complainant as soon as practical after receipt of the complaint and *re-interviews*, if necessary.
7. *Conducts* a canvass, if necessary.
8. *Interviews* the following:
  - a. civilian witnesses,
  - b. police witnesses.
9. *Obtains* statements from civilian witnesses when appropriate.
10. *Collects* and *preserves* evidence not previously collected, such as:
  - a. photographs of the complainant,
  - b. photographs of location, if appropriate,
  - c. audio recordings of radio transmissions relating to the incident,
  - d. any related video footage.
11. *Interviews* the member who is the subject of the complaint.
12. *Notifies* the Commanding Officer when it is determined that members from other commands are involved.

**Commanding Officer Investigating Command**

13. *Notifies* the Commanding Officer(s) of those secondary commands.

**Commanding Officer Secondary Command**

14. *Assigns* the Command Internal Affairs Liaison to assist in the investigation.

**Command Internal Affairs Liaison/  
Commanding Officer Secondary Command**

15. *Assists* in the investigation and *forwards* any relevant paperwork to the investigating supervisor of the investigating command.

**Investigating Supervisor**

16. *Evaluates* all the information collected during the investigation.
17. *Notifies* the Command Internal Affairs Liaison if:
  - a. the investigation is complex or of a serious nature, *or*
  - b. the investigation will take more than 30 days to complete.

**Command Internal Affairs Liaison**

18. *Monitors* the status of civilian complaint investigations to ensure timely completion.
19. *Notifies* the Commanding Officer and IAU if the investigation will go beyond the assigned due date.

**Commanding Officer**

20. *Monitors* the status of civilian complaint investigations to ensure a thorough investigation and timely completion.

Investigating Supervisor

Command Internal Affairs Liaison

Commanding Officer Investigating Command

Command Internal Affairs Liaison

Investigating Supervisor

Commanding Officer Investigating Command

Division Chief

Chief of Department

**D. Complaint Findings**

1. *Concludes* the follow-up investigation with a complaint finding. [\[See Definition\]](#)

2. *Prepares* PDCN Form 361, Civilian Complaint Disposition.

**Note:** The Investigating Supervisor must address the original allegation and not change the allegation when preparing PDCN Form 361. The narrative can be used to explain any pertinent details.

3. *Forwards* PDCN Form 361 to the Command Internal Affairs Liaison.

4. *Reviews* PDCN Form 361 and *confers* with Commanding Officer for disposition approval.

5. *Reviews* the complaint findings and *confers* with the Investigating Supervisor if any discrepancies exist.

6. *Approves* the complaint findings and *signs* PDCN Form 361.

7. *Contacts* the complainant with the results of the investigation, **and:**

- a. *asks* the complainant if they are satisfied with the investigation and the complaint finding, **and**
- b. *records* results of complainant contact on PDCN Form 361.

8. *Forwards* PDCN Form 361 and related paperwork to the Commanding Officer.

9. *Forwards* a copy of PDCN Form 361 to the member's Immediate Supervisor.

10. *Notifies* the member of the results of the investigation.

11. *Forwards* the following:

- a. the original PDCN Form 361 to the Chief of Department, TOC, with a copy of the citizen complaint summary.
- b. a copy of PDCN Form 361 to any other subject member's Commanding Officer,

12. *Maintains* a file in the investigating command, containing the following:

- a. a copy of the Citizen Complaint Summary,
- b. a copy of PDCN Form 361,
- c. all related documents and evidence.

13. If retraining or disciplinary action is required, *initiates* appropriate procedures.

14. *Reviews* any relevant policies, procedures and training practices to determine if revisions are warranted.

15. *Reviews* and *signs* PDCN Form 361.

16. *Forwards* PDCN Form 361 to the Chief of Department.

17. *Reviews* and *signs* PDCN Form 361.

**Chief of Department**

18. *Forwards* PDCN Form 361 to Commanding Officer Professional Standards Bureau (PSB).

**Commanding Officer  
PSB**

19. *Reviews and signs* PDCN Form 361.

20. *Forwards* PDCN Form 361 to IAU.

**Commanding Officer  
IAU**

21. *Reviews and signs* PDCN Form 361.

22. *Ensures that:*

- a. the complaint findings are entered into the complaint tracking database, ***and***
- b. the original PDCN Form 361 is filed.



**Nassau County Police Department**  
 Our Mission is to serve the people of Nassau County  
 and to provide safety and an improved quality of life in  
 our communities through excellence in policing.

# Legal Bulletin

BULLETIN TOPIC

**Recent Legislation**

FILE

**3010**

NUMBER

**20-003**

## Table of Contents

<u>Subject</u>	<u>Page</u>
<b><u>Civil Rights Law</u></b>	
Personnel Records of Police Officers, Firefighters and Correction Officers	2
<b><u>Public Officers Law</u></b>	
<b>Article 6- Freedom of Information Law</b>	
Definitions	2
Access to agency records	3
General provisions relating to access to records; certain cases	3

ISSUING AUTHORITY

**Commissioner of Police Patrick J. Ryder**

SIGNATURE

ISSUE DATE

**06/16/2020**

PAGE

**1 of 4**

The following is a summary of a partial summary of 2020 Legislative enactments that are of particular interest to law enforcement personnel and is set forth for the information and guidance of members of this Department.

### **Civil Rights Law**

#### **Personnel Records of Police Officers, Firefighters and Correction Officers** (Chapter 96)

Section 50-a of the Civil Rights Law relating to the confidentiality of personnel records of police officers, firefighters and correction officer is repealed.

Effective: June 12, 2020

### **Public Officers Law**

**Article 6 – Freedom of Information** - Article 6 of the Public Officers Law has been amended with regard to the disclosure of law enforcement disciplinary records. The amendments are as follows:

#### **Definitions** (Chapter 96)

Section 86 subdivisions 6, 7, 8, and 9 have been added to the Public Officers Law as follows:

6. “Law enforcement disciplinary records” means any record created in furtherance of a law enforcement disciplinary proceeding, including, but not limited to:
  - (a) the complaints, allegations, and charges against an employee;
  - (b) the name of the employee complained of or charged;
  - (c) the transcript of any disciplinary trial or hearing, including any exhibits introduced at such trial or hearing;
  - (d) the disposition of any disciplinary proceeding; and
  - (e) the final written opinion or memorandum supporting the disposition and discipline imposed including the agency’s complete factual findings and its analysis of the conduct and appropriate discipline of the covered employee.
  
7. “Law enforcement disciplinary proceeding” means the commencement of any investigation and any subsequent hearing or disciplinary action conducted by a law enforcement agency.
  
8. “Law enforcement agency” means police agency or department of the state of any political subdivision thereof, including authorities or agencies maintaining police forces of individual’s defined as police officers in section 1.20 of the criminal procedure law, a sheriff’s department, the department of corrections and community supervision, a local department of correction, a local probation department, a fire department, or force of individuals employed as firefighters or firefighter/paramedics.

9. “Technical infraction” means a minor rule violation by a person employed by a law enforcement agency as defined in this section as a police officer, peace officer, or firefighter or firefighter/paramedic, solely related to the enforcement of administrative departmental rules that

- (a) do not involve interactions with members of the public,
- (b) are not of public concern, and
- (c) are not otherwise connected to such person’s investigative, enforcement, training, supervision, or reporting responsibilities.

**Access to agency records** (Chapter 96)

Section 87 subdivisions 4-a and 4-b have been added to the Public Officers Law as follows:

4-a. A law enforcement agency responding to a request for law enforcement disciplinary records as defined in section eighty-six of this article shall redact any portion of such record containing the information specified in subdivision two-b of section eighty-nine of this article prior to disclosing such record under this article.

4-b. A law enforcement agency responding to a request for law enforcement disciplinary records, as defined in section eighty-six of this article, may redact any portion of such record containing the information specified in subdivision two-c of section eight-nine of this article prior to disclosing such record under this article.

**General provisions relating to access to records; certain cases** (Chapter 96)

Section 89 subdivisions 2-b and 2-c have been added to the Public Officers Law as follows:

2-b. For records that constitute law enforcement disciplinary records as defined in subdivision six of section eighty-six of this article, a law enforcement agency shall redact the following information from such records prior to disclosing such records under this article:

- (a) items involving the medical history of a person employed by a law enforcement agency as defined in section eighty-six of this article as a police officer, peace officer, or firefighter or firefighter/paramedic, not including records obtained during the course of an agency’s investigation of such person’s misconduct that are relevant to the disposition of such investigation;
- (b) the home address, personal telephone numbers, personal cell phone numbers, personal e-mail addresses of a person employed by a law enforcement agency as defined in section eighty-six of this article as a police officer, peace office, or firefighter or firefighter/paramedic, or a family member of such a person,

a complainant or any other person named in a law enforcement disciplinary record, except where required pursuant to article fourteen of the civil service law, or in accordance with subdivision four section two hundred eight of the civil service law, or as otherwise required by law. This paragraph shall not prohibit other provisions of law regarding work-related, publicly available information such as title, salary, and dates of employment;

- (c) any social security numbers; or
- (d) disclosure of the use of an employee assistance program, mental health service, or substance abuse assistance service by a person employed by a law enforcement agency as defined in section eighty-six of this article as a police officer, peace officer, or firefighter or firefighter/paramedic, unless such use is mandated by a law enforcement disciplinary proceeding that may otherwise be disclosed pursuant to this article

2-c. For records that constitute law enforcement disciplinary records as defined in subdivision six of section eight-six of this article, a law enforcement agency may redact records pertaining to technical infractions as defined in subdivision nine of section eighty-six of this article prior to disclosing such records under this article.

Effective: June 12, 2020

Prepared by:

Christopher V. Todd  
Deputy Bureau Chief  
Legal Bureau  
\*\*\*



## Nassau County Police Department Complaint Reporting and Findings



NCPD estimates having at least 1 million public interactions each year. When comparing the total number of complaints each year to the number of public interactions, complaints are made in less than .05% of all interactions.

Year	Total Complaints	Excessive Force	Improper Tactics	Unlawful Conduct	Unprofessional Conduct	False Arrest	Neglect of Duty	Racial / Ethnic Bias	Other	Early Intervention Warnings
2016	507	24	186	11	203	2	14	15	52	48
2017	434	19	145	14	183	2	11	6	54	36
2018	438	18	145	24	206	6	23	8	8	41
2019	456	11	172	26	175	4	10	24	34	37
2020*	291	16	101	11	109	5	7	7	35	23

\* 2020 - YTD through 10/05/2020

	2016	2017	2018	2019	2020*
Excessive Force	0	0	0	0	0
Improper Tactics	30	16	26	21	3
Unlawful Conduct	2	4	13	10	0
Unprofessional Conduct	17	25	21	16	5
False Arrest	0	0	0	0	0
Neglect of Duty	0	1	2	2	1
Racial/Ethnic Bias	1	0	0	0	0
Other	12	29	26	46	3
<b>Total Founded Allegations</b>	<b>62</b>	<b>75</b>	<b>88</b>	<b>95</b>	<b>12</b>
<b>Total Allegations</b>	<b>699</b>	<b>621</b>	<b>687</b>	<b>684</b>	<b>372</b>
<b>Percent Founded</b>	<b>8.87%</b>	<b>12.08%</b>	<b>12.81%</b>	<b>13.89%</b>	<b>3.23%</b>



# Nassau County Police Department Complaint Reporting and Findings



Year	# Complaints	Race	Male	Female	Total
2016	507	Asian	1	4	5
		Black	35	26	61
		Hispanic	9	9	18
		White	50	56	106

Undisclosed/other Gender or Race: 317

Year	# Complaints	Race	Male	Female	Total
2017	434	Asian	2	1	3
		Black	25	24	49
		Hispanic	8	5	13
		White	57	50	107

Undisclosed/other Gender or Race: 262

Year	# Complaints	Race	Male	Female	Total
2018	438	Asian	3	2	5
		Black	26	24	50
		Hispanic	8	6	14
		White	58	56	114

Undisclosed/other Gender or Race: 245

Year	# Complaints	Race	Male	Female	Total
2019	456	Asian	8	2	10
		Black	41	22	63
		Hispanic	7	8	15
		White	50	35	85

Undisclosed/other Gender or Race: 283

Year	# Complaints	Race	Male	Female	Total
2020*	291	Asian	2	1	3
		Black	13	11	24
		Hispanic	3	6	9
		White	21	17	38

Undisclosed/other Gender or Race: 217



# Nassau County Police Department Complaint Reporting and Findings



## **2016 "Founded" findings for Unlawful Conduct allegations:**

Criminal Possession of a Firearm: 1 case (1 civilian)

Assault: 1 case, domestic (1 sworn)

## **2017 "Founded" findings for Unlawful Conduct allegations:**

Criminal Mischief: 1 case (1 civilian)

Assault: 1 case, domestic (1 sworn)

Petit Larceny: 1 case (1 sworn)

DWI: 1 case (1 civilian)

## **2018 "Founded" findings for Unlawful Conduct allegations:**

DWI: 2 cases (1 sworn, 1 civilian)

Sexual Abuse: 1 case (1 sworn)

Endangering the Welfare of a Child: 1 case, related to above sexual abuse (1 sworn)

Disorderly Conduct: 1 case (1 sworn)

Narcotics Offenses: 2 cases (3 sworn)

Public Lewdness: 1 case (1 sworn)

Obstruction of Breathing: 1 case, domestic (1 sworn)

Criminal Contempt: 1 case, domestic (1 sworn)

Offering False Instrument: 1 case (1 sworn)

Petit Larceny: 1 case (1 civilian)

## **2019 "Founded" findings for Unlawful Conduct allegations:**

Leaving the Scene of an Auto Accident: 2 cases (1 sworn, 1 civilian)

Petit Larceny: 1 case (1 civilian)

DWI: 1 case (1 civilian)

Off-Duty Employment at Licensed Premise: 1 case (2 sworn)

Submitted Forged Medical Notes/Document: 2 cases (1 sworn)

Patronizing Prostitute: 1 case (1 sworn)

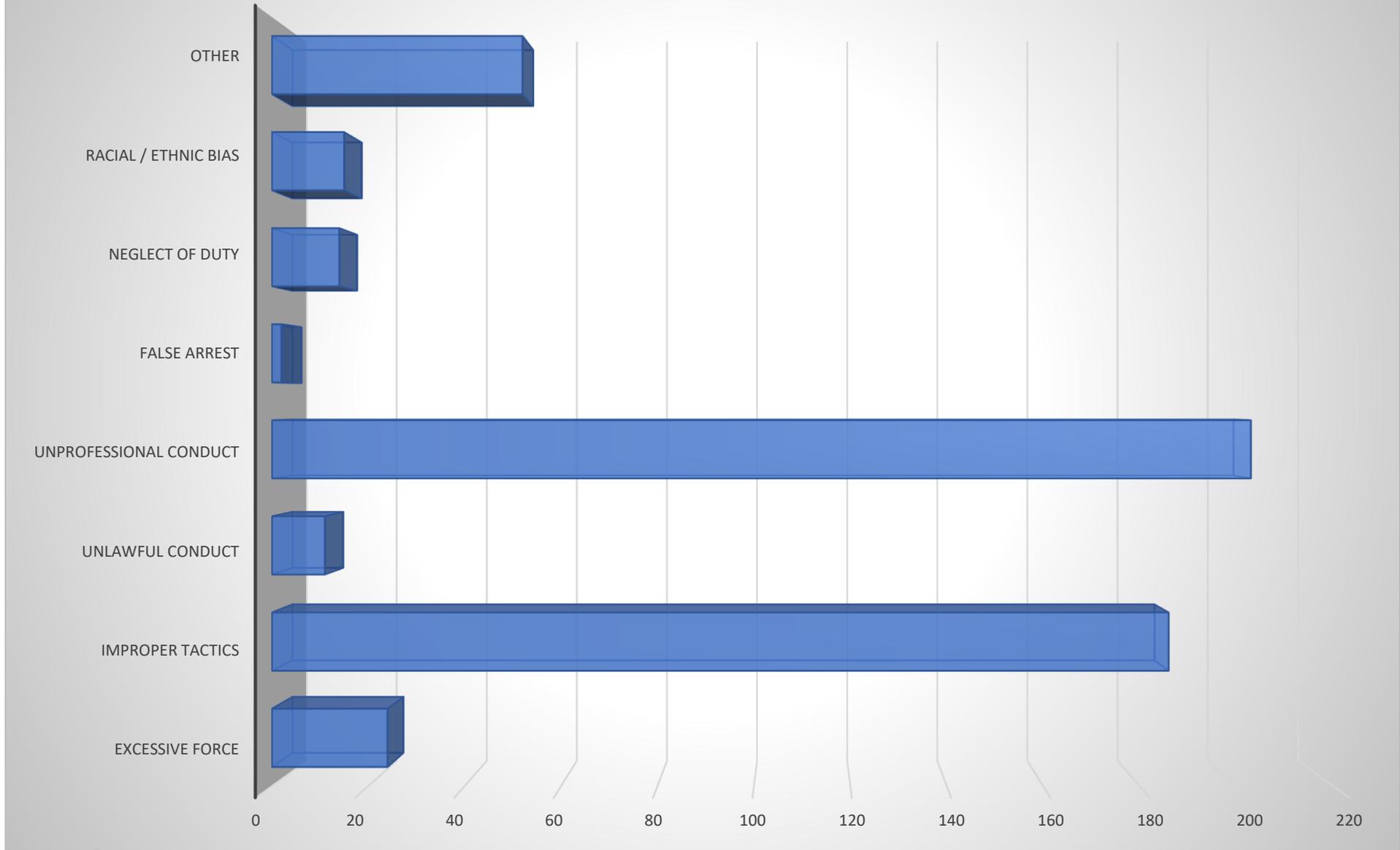
Using Department Computer Systems to Improperly Run License Plate: 1 case (1 sworn)



# Nassau County Police Department Complaint Reporting and Findings



## 2016 Total Allegations

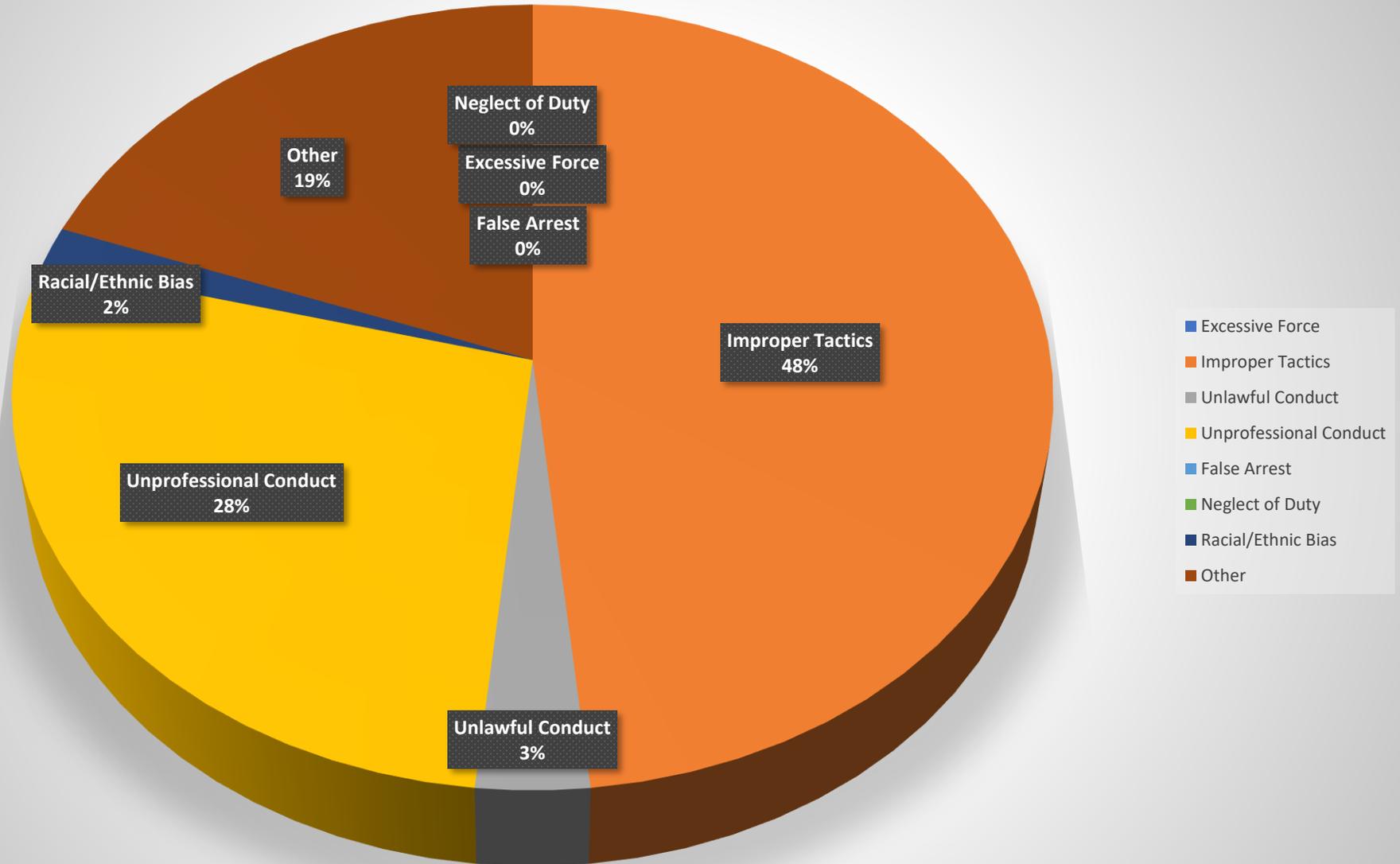




# Nassau County Police Department Complaint Reporting and Findings



## 2016 Founded Allegations

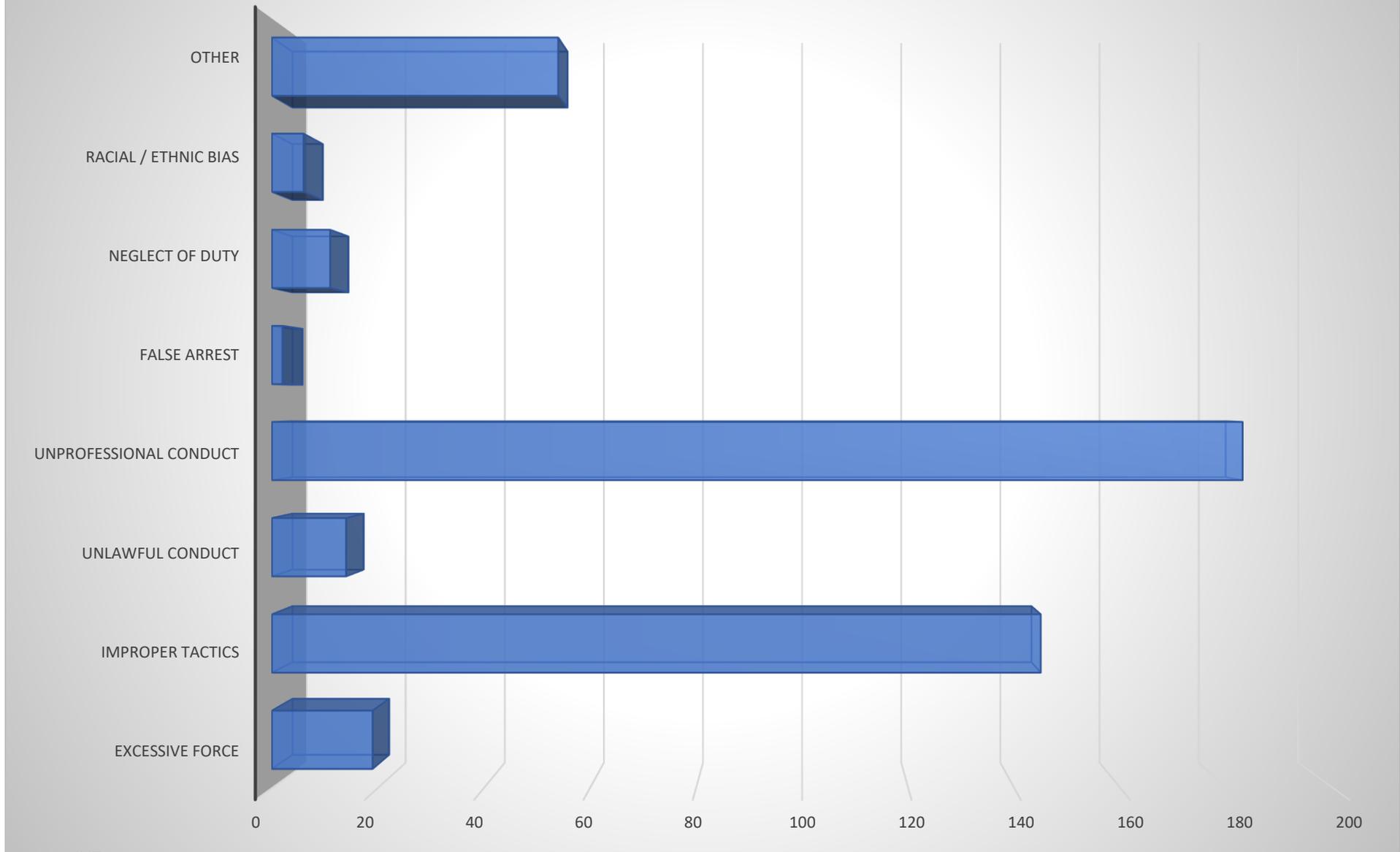




# Nassau County Police Department Complaint Reporting and Findings



## 2017 Total Allegations

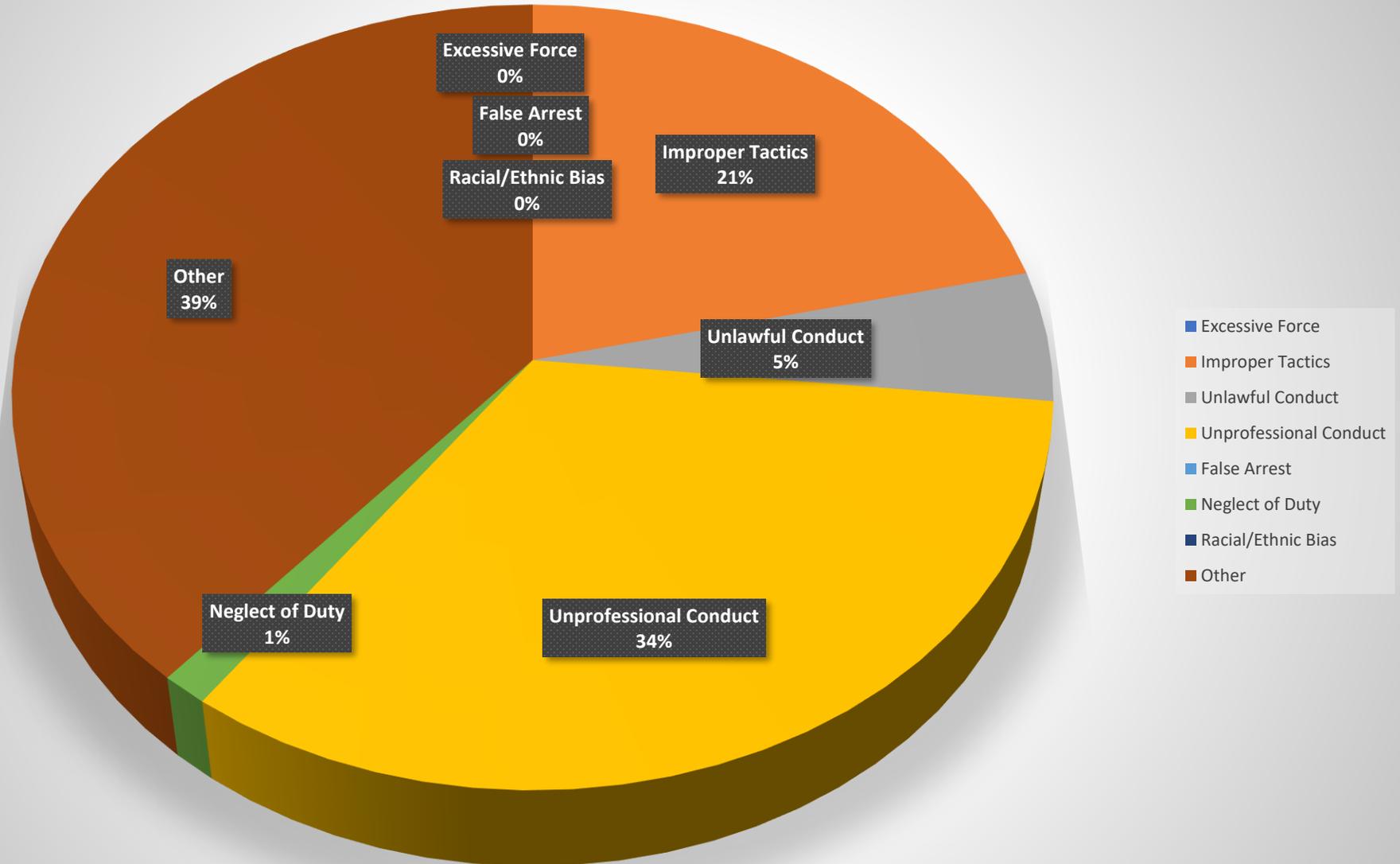




# Nassau County Police Department Complaint Reporting and Findings



## 2017 Founded Allegations

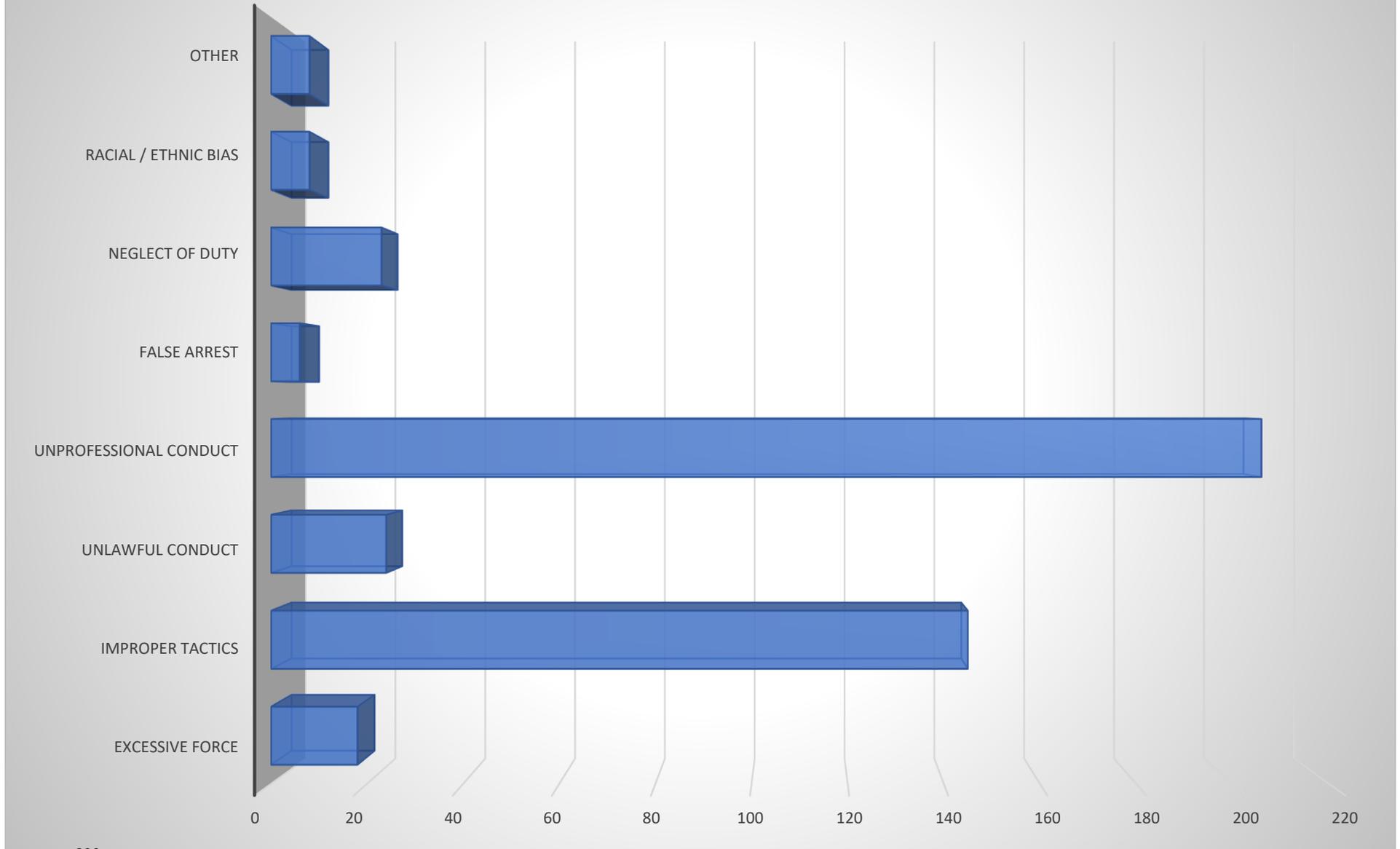




# Nassau County Police Department Complaint Reporting and Findings



## 2018 Total Allegations

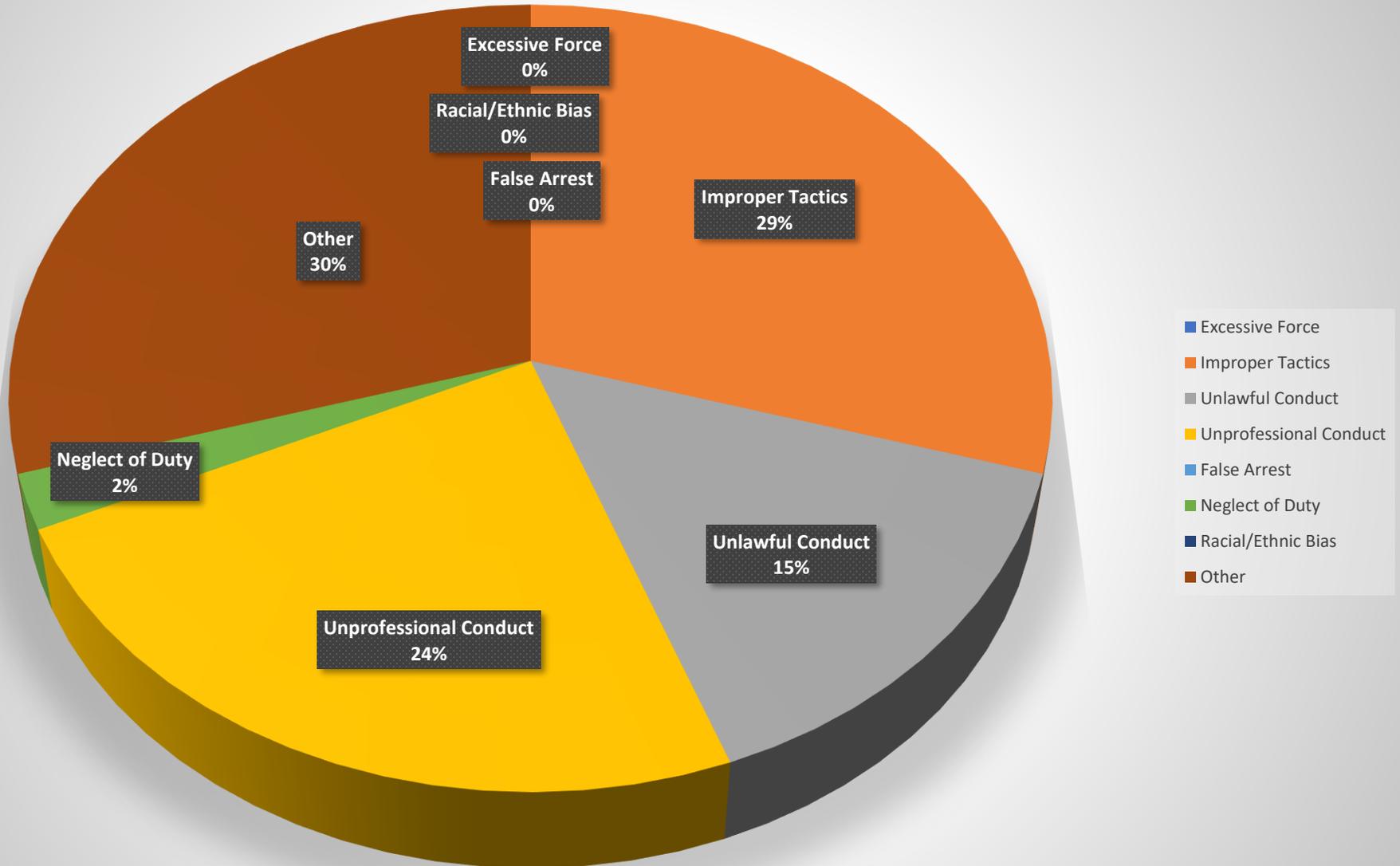




# Nassau County Police Department Complaint Reporting and Findings



## 2018 Founded Allegations

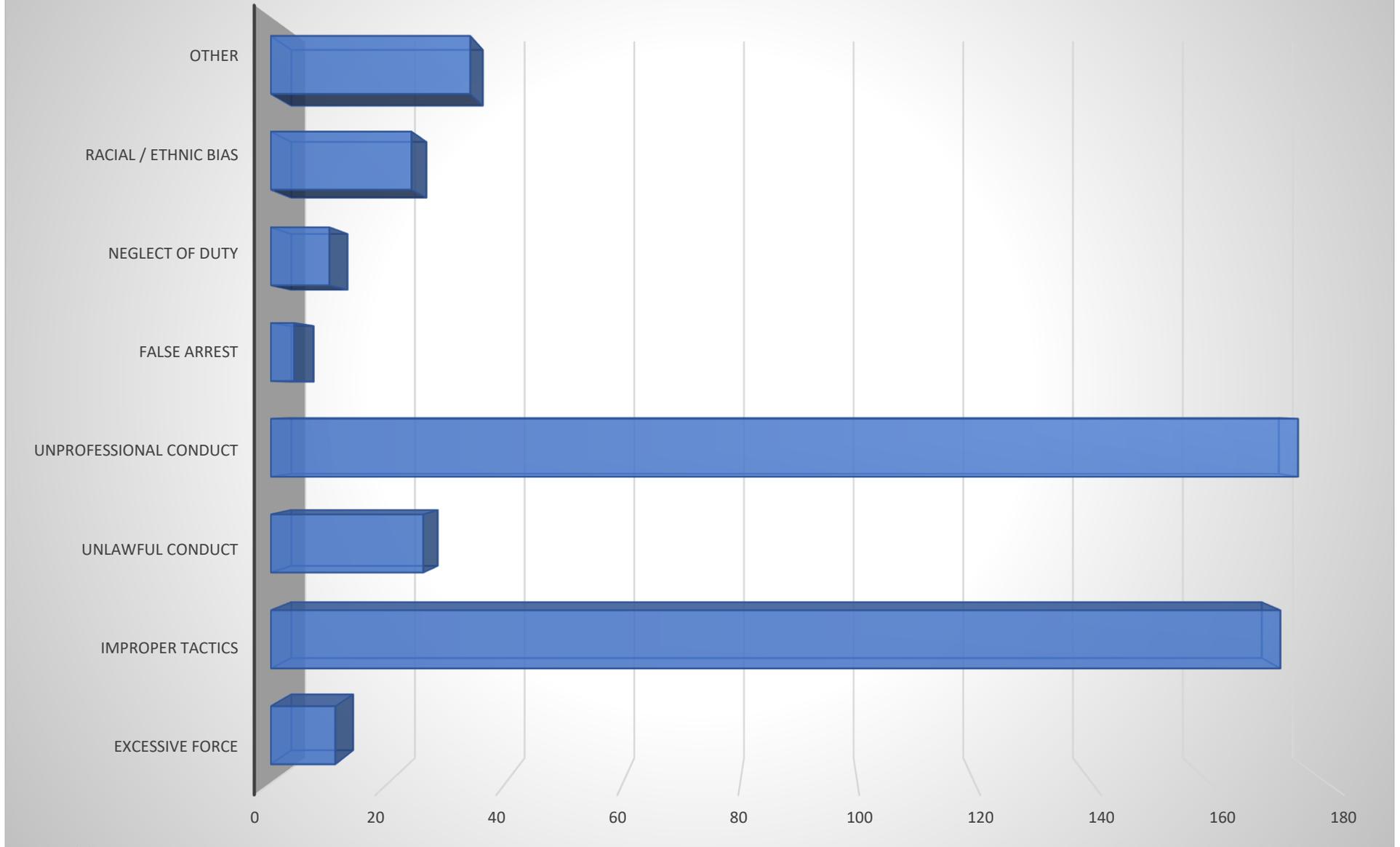




# Nassau County Police Department Complaint Reporting and Findings



## 2019 Total Allegations

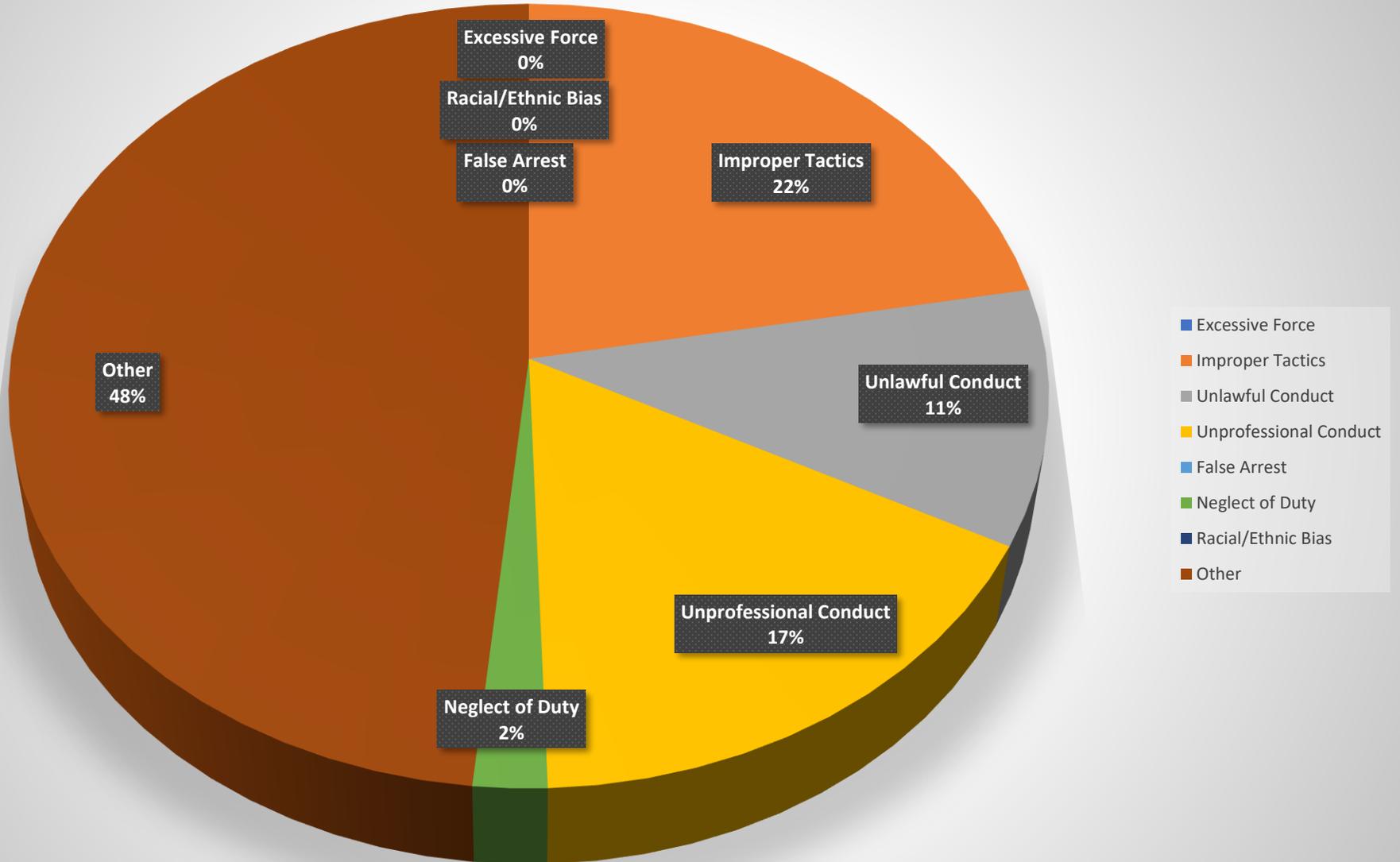




# Nassau County Police Department Complaint Reporting and Findings



## 2019 Founded Allegations



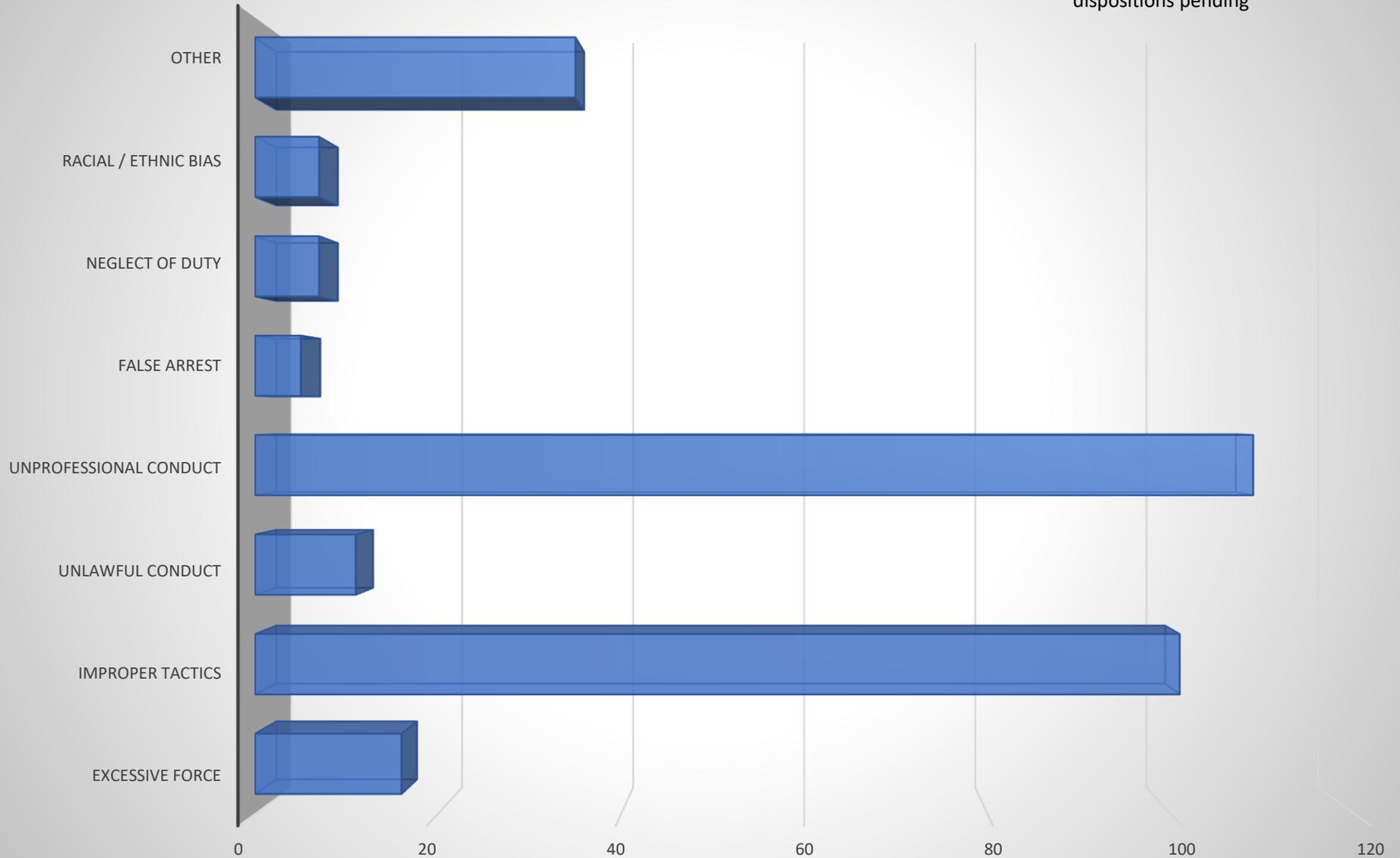


# Nassau County Police Department Complaint Reporting and Findings



## 2020 Total Allegations YTD

\*Year not complete,  
dispositions pending

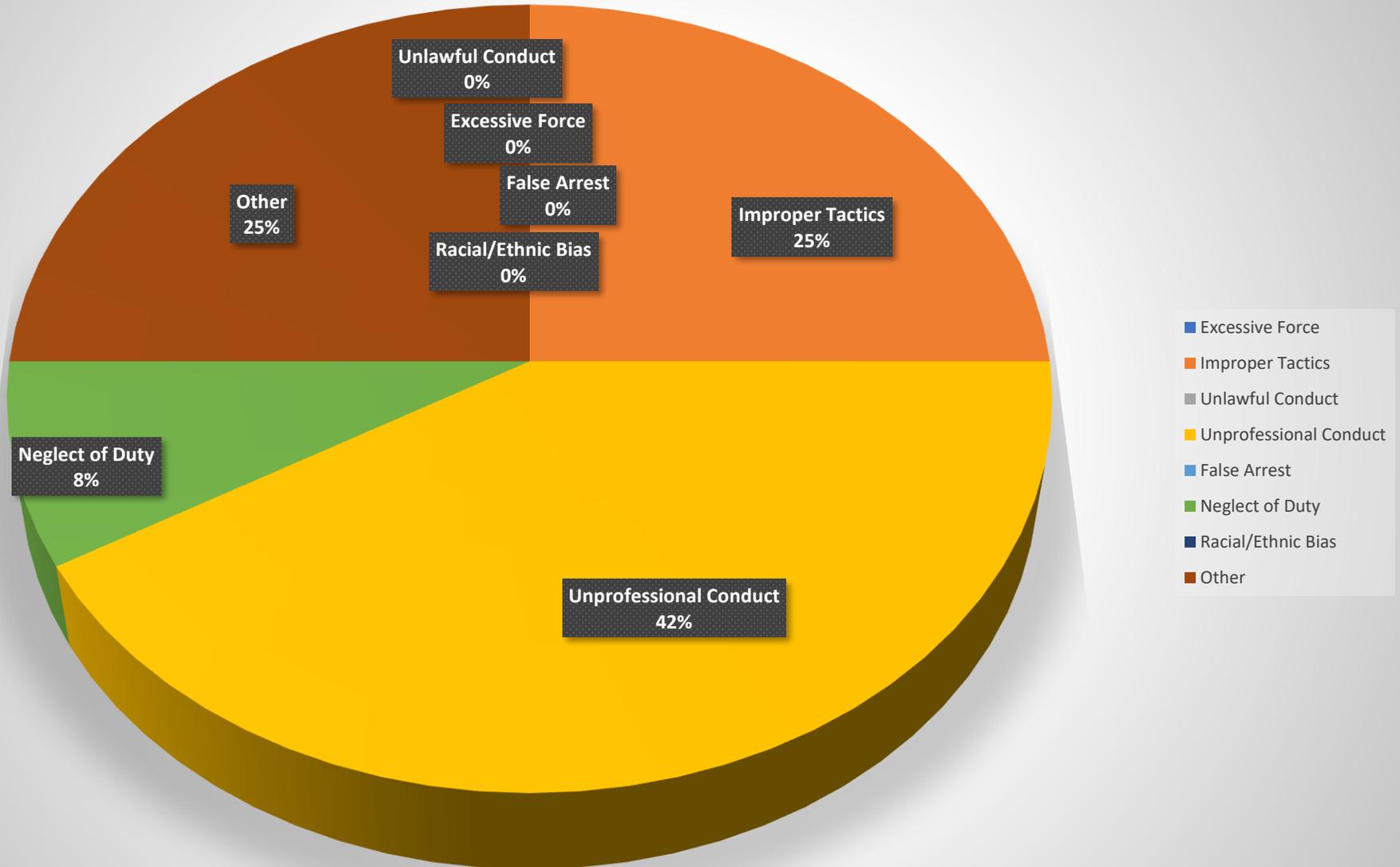




# Nassau County Police Department Complaint Reporting and Findings



## 2020 Founded Allegations YTD



\*Year not complete, dispositions pending



# Department Policy

PROCEDURE TITLE

PROCEDURE NUMBER

REVISION

## Mental Aided Persons

OPS 1155

3

**POLICY**

The policy of the Police Department is to assist persons who are in need. This includes rendering necessary aid in a humane and sensitive manner to persons who appear to be suffering from mental illness or experiencing emotional distress.

**PURPOSE**

To establish procedures for assisting persons suffering from a mental illness or experiencing emotional distress.

**DEFINITIONS**

**Barricaded Person:** a person(s) who may or may not be armed and has taken a position in a physical location, most often a structure or vehicle, that may not allow immediate police access, and who is refusing police orders to exit. Barricaded persons often include those who are suicidal or otherwise experiencing a mental crisis.

**Hostage Incident:** a situation in which a person(s) holds another person(s) against their will by force, threat, or violence.

**Likely To Result In Serious Harm To Themselves Or Others:**

1. a substantial risk of physical harm to themselves as manifested by either of the following:
  - a. threats of, or attempts at, suicide or serious bodily harm, *or*
  - b. other conduct demonstrating that they are dangerous to themselves, which may include the person's refusal or inability to meet their essential need for food, shelter, clothing, or health care, *or*
2. a substantial risk of physical harm to other persons as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm.

**Mental Aided Person:** a person who appears to be suffering from mental illness or experiencing emotional distress.

**Mobile Crisis Outreach Team (MCOT):** a group consisting of Qualified Mental Health Professionals who may respond to locations in Nassau County to make assessments of individuals who appear to be having psychiatric problems. The MCOT operates out of the Nassau County Department of Human Services, Office of Mental Health, Chemical Dependency and Developmental Disabilities Services.

**Qualified Mental Health Professional (QMHP):** a licensed psychologist, certified social worker, or registered professional nurse approved by the Commissioner of the Department of Mental Health to serve on an MCOT.

**SCOPE**

All Members of the Department.

ISSUING AUTHORITY

SIGNATURE

EFFECTIVE DATE

PAGE

Commissioner

Patrick J. Ryder

11/18/2020

1 of 1

<b>POLICY</b>	The primary goal in hostage incidents and/or situations involving a barricaded person is to protect human life while providing for the safe release of hostages and the surrender of the hostage taker/barricaded person. Constructive negotiation with emphasis on the use of time and communication to defuse a situation, will decrease the potential for violence and increase the probability of a safe resolution.
<b>PURPOSE</b>	To establish procedures for handling hostage incidents [See Definition] <i>and/or</i> situations involving barricaded persons. [See Definition]
<b>DEFINITIONS</b>	<p><b>Barricaded Person:</b> a person(s) who may or may not be armed and has taken a position in a physical location, most often a structure or vehicle, that may not allow immediate police access and who is refusing police orders to exit. Barricaded persons often include suicidal and mentally unstable persons.</p> <p><b>Debriefing Area:</b> the area designated for the interviewing of initial responders to an incident for the purpose of developing intelligence information. It should be located in an area with immediate access or communication to the Command Post.</p> <p><b>Flexible Response Situation:</b> an incident involving a barricaded person in which responding officers determine that negotiation may assist in a resolution and the subject <i>does not</i> possess any weapon or explosive that may cause imminent risk to persons <i>beyond the immediate scene</i>. Such incidents may involve the following:</p> <ol style="list-style-type: none"> <li>1. an unarmed barricaded person, <i>or</i></li> <li>2. a barricaded person armed with a knife, or other dangerous instrument, <i>or</i></li> <li>3. a person threatening suicide.</li> </ol> <p><b>Full Response Situation:</b> includes the following incidents:</p> <ol style="list-style-type: none"> <li>1. hostage incident, <i>and/or</i></li> <li>2. a barricaded person armed with a weapon capable of causing imminent risk to persons <i>beyond the immediate scene</i>.</li> </ol> <p><b>Hostage Incident:</b> a situation in which a person(s) holds another person(s) against their will, by force, threat or violence.</p> <p><b>Staging Area:</b> the area selected to receive responding personnel and equipment for use at an incident. It is usually located inside the Outer Perimeter. Primary considerations for location selection are accessibility and security.</p>
<b>SCOPE</b>	All Members of the Department.