



**INC. VILLAGE OF GARDEN CITY  
POLICE REFORM PLAN**

## PUBLIC COMMENT REQUEST

Pursuant to New York State Executive Order 203, the Village of Garden City has formulated a draft Police Reform and Reinvention Collaborative Plan for public review and comment. Please take time to review the draft and provide us with any comments and/or suggestions you may have. We value your input. Please use the following methods to provide your input to the Village:

Email: [policereform@gardencityny.net](mailto:policereform@gardencityny.net)

USPS, addressed to: **Police Reform • 351 Stewart Ave • Garden City, NY 11530**

## ACKNOWLEDGMENT

Garden City Mayor Theresa Trouvé would like to acknowledge and thank the community stakeholders and representatives who participated in the collaboration with the Incorporated Village of Garden City that resulted in the formation of the Garden City Police Reform plan. The Committee was comprised of:

- |                                    |                                       |
|------------------------------------|---------------------------------------|
| • Deputy Bureau Chief Ali Adamu    | District Attorney's Office            |
| • Donald T. Brudie                 | Central Property Owners' Association  |
| • Trustee Mark A. Hyer             | Village of Garden City                |
| • Commissioner Kenneth O. Jackson  | Garden City Police Department         |
| • Nancy Minett                     | Estates Property Owners' Association  |
| • Lauren Scarantino                | Eastern Property Owners' Association  |
| • Alan J. Schwartz                 | Criminal Defense Attorney             |
| • Rev. Earl Y. Thorpe, Jr., Pastor | Church-in-the-Garden                  |
| • Honorable Theresa A. Trouvé      | Mayor, Village of Garden City         |
| • Nicholas Vernice                 | Western Property Owners Association   |
| • Inspector Steven Braun           | Garden City Police Department         |
| • Ralph V. Suozzi                  | Administrator, Village of Garden City |

Village of Garden City Committee on NYS Police Reform Meetings were held on:

- October 6, 2020
- October 21, 2020
- November 4, 2020
- November 18, 2020
- January 20, 2021

In addition, Police Commissioner Kenneth Jackson also participated in Nassau County's Police and Community Trust Initiative (PACT). PACT is comprised of the listed community stakeholders and representatives from throughout Nassau County.

- Honorable Laura Curran County Executive, Nassau County (Co-Chair)
- Honorable Geoffrey Prime Mayor, South Floral Park (Co-Chair)
- Deputy Bureau Chief Ali Ajamu District Attorney's Office
- Blair Baker Student/Community Representative
- N. Scott Banks Attorney in Chief, Legal Aid Society of NC
- Marianela Casas, MPA NCPD, Asst. Commissioner for Community Engagement
- Ms. Tamica Cox Community Representative
- Tatum Fox NC Deputy Executive for Public Safety
- Dorian Glover President, Nassau County Bar Association
- Commissioner Kenneth Jackson President-Nassau County Municipal Police Chiefs Assoc.
- Dennis Jones LIAFPA & Hempstead Chamber of Commerce
- Fred Klein Hofstra Law School Professor
- Travis Nelson Student/Community Representative
- Commissioner Patrick Ryder Nassau County Police Department
- Rev. Tristan J. Salley St. Paul AME Church
- Milagros Vicente Community Representative
- Rahsmia Zatar LIAFPA & STRONG

Meetings were held on:

- June 24, 2020
- July 14, 2020
- August 6, 2020
- September 17, 2020
- October 8, 2020
- October 22, 2020
- November 12, 2020
- November 19, 2020
- December 2, 2020
- December 7, 2020
- December 30, 2020
- January 14, 2021
- January 21, 2021
- February 11, 2021

## INTRODUCTION

The Mayor of the Village of Garden City, along with the Board of Trustees, submit this plan pursuant to NYS Executive Order 203 “(EO203)”. This plan was developed after a comprehensive review of police force deployments, strategies, policies, procedures and practices, and consultation with community stakeholders. This plan will enable the Garden City 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, the Village engaged in a collaborative effort with community stakeholders through several different forums. Mayor Trouvé established the Village of Garden City Committee on New York State Police Reform. As listed earlier, Police Commissioner Kenneth Jackson was also invited to join the Nassau County Police and Community Trust Initiative (PACT) and attended joint meetings with the Nassau County Collaborative Task Force and a Nassau County clergy group as well. The Nassau County Municipal Police Chiefs Association, of which Commissioner Jackson previously served as President and is currently Executive Director, met several times with Nassau County Police Commissioner Patrick Ryder to discuss issues raised by the various community council forums Commissioner Ryder attended.

The GCPD participated in this collaborative effort while conducting a full review of GCPD policies and procedures. As a result of changes in legislation and the input from various community groups, the GCPD has made modifications to its policies and procedures as outlined herein. This plan reflects the Incorporated Village of Garden City and the Police Department’s commitment to serving all the people of our community both equally and fairly. When applying the guidance presented by the state to the existing policies and procedures in effect, it was gratifying to realize that a great deal of the improvements in standards and practices this process was created to achieve, are already in place. The Village is committed to improving upon this strong foundation and will continue to promote fairness, transparency, trust and legitimacy while working towards reducing racial disparities.

GCPD’s, as well as the other Nassau County Village and City Police Departments’ reforms, will parallel many of the NCPD ‘s Reform Policies and Procedures. The Police Departments in Nassau County are integrated due to the fact that village officers are recruited and trained by NCPD and each agency utilizes NCPD’s special services, such as: The Police Academy (Recruit and In-Service Training), Firearms Training, Emergency Vehicle Operations Course Training, Crime Scene Section, Emergency Services, Specialized Detective Units, and more. In addition, similar policies may be required due to the fact that all Police Departments within the county utilize the same Criminal Court System and District Attorney’s Office.

# EO203 Mandates

EO203 suggests the Village considers several evidence-based policing reform strategies. Additional procedures and policies were evaluated along with other topics mentioned in the NYS Reform and Reinvention Collaborative Guide. Each topic is listed below and discussed in subsequent sections.

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

Pursuant to the directives of EO203 and following the subsequent guidance provided by New York State (NYS), the GCPD has conducted a comprehensive review of its policies and procedures. The Department, following guidelines established by the NYS Municipal Police Training Council, has created and maintains a Policy Manual, the platform of which is provided by LexiPol, a nationwide leader in police policy and best practices. The manual is constantly being reviewed and updated with changes in legislation, case law, federal and state guidelines and industry best practices. Many of the subjects at issue were already present in the policy manual or were promptly addressed in updates.

# GCPD Staffing and Recruitment

## Staffing

The Garden City Police Department has been serving the Incorporated Village of Garden City since 1919. Currently the Department consists of 52 sworn members and 14 full time civilian employees. The Department is comprised of the Patrol Division, Detective Division, Community Policing Unit, and Traffic Enforcement Unit. The Department also maintains part time parking enforcement personnel and school Crossing Guards and oversees (Volunteer) Special Police Officers.

The Village has contracted with NYU Langone to provide emergency medical services. Two ambulances, each staffed with a paramedic and an Emergency Medical Technician are on duty at all times, with a supervisor always on duty or on call.

NCPD ambulances are also still available when needed to augment NYU Langone services.

## Community Oriented Policing and Public Trust

The Garden City Police Department is the epitome of community policing. All officers on patrol perform “Park, Walk and Talks” on a daily basis, in addition to the Department’s Community Policing Program. These practices foster positive relationships with residents, businesses, and visitors to the Village. We believe there are open lines of communication between our police and the community. The Department has received and acted upon information garnered through these personal contacts, as well as through social media, email, and anonymous sources.

The Department also maintains a presence in the community through school safety programs such as PRIDE (Peer Resistance Instruction Drug Education) and by participating in the Garden City Interfaith Coalition. Officers are made available to the school district, with several officers being trained as School Resource Officers (SRO), while not having a permanent post in any school. The Garden City Reform Collaborative Committee has proposed the addition of Community Council Meetings throughout each year.

## Recruitment

GCPD may only hire recruits and promote supervisors pursuant to Nassau County Department of Civil Service policy. The NCPD Applicant Investigation Unit performs background investigations on potential recruits. The Village supports and endorses all of the following actions taken by NCPD and NC Civil Service in order to diversify the pool of candidates available to GCPD.

- 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 on test scores, commendation point additions, and disciplinary action reductions, ranking the highest scoring candidate first on the list for selection.
- Since at least 1982, the NCPD has been under a consent decree with the United States Department of Justice to allow oversight and review of all police officer entrance exams and, if a vendor other than New York State is used for a promotional exam, all promotional exams to ensure sufficient minority representation within the ranks of the NCPD. Unless and until the Department of Justice issues their approval, no such hiring or promotion will be approved.

- The NCPD and the Civil Service Commission continues to work with consultants and the communities in Nassau County (as well as adjoining counties) to recruit a diverse group of candidates to take the police entrance exam and that are representative of the diverse communities within Nassau County.
- 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 and utilizing social media platforms.
- 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 on that phone number provides prospective applicants with additional information on upcoming tests and instructions on how to apply to take the test. The message also directs applicants to another phone number should they wish to speak with an NCPD officer about the job.
- 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.
- The NCPD has implemented a mentoring program which matches applicants with mentors at the NCPD. This initiative is facilitated by fraternal organizations within the NCPD which include 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. Applicants can contact the fraternal organization they feel will best be suited to provide guidance in their application process.
- 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 (e.g., police officer, crossing guard, explorer) in the NCPD. 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 available 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.
- When there is no entrance exam scheduled, Community Affairs will continue to recruit 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.
- In April 2021, NCPD will introduce the Center for Police Training and Intelligence to enhance the training of police officers by working with the community to build trust and accountability. The NCPD will partner with the Nassau County Community College Campus to involve college students with crossover training. The Department will be on campus engaging students during classes throughout the Criminal Justice curriculum. NCCC Students will be invited to the NCPD Academy for specialty seminars and internship programs. The hope is to improve diversity in recruitment by engaging and educating students through various programs.

# Officer 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 GCPD 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 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."
- "Simunition" 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 on incidents the new officers may encounter on a daily basis (i.e., traffic stops, domestic incidents, crimes in progress, and disturbances).
- Observing new officers in this environment during these scenarios allows the academy staff to see if the new officers can 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 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., licenses, registration, etc.).
- Stops are thereby used as a deterrent, to prevent traffic violations from occurring and thereby increasing traffic incidents/accidents. By doing so, this increases the level of voluntary compliance with traffic regulations.



- Traffic stops are taught to be completed in a fair and unbiased manner affording all person's equal protection under the law. These ideals are administered from the beginning of the academy and reinforced throughout every aspect of the training.
- 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 law 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 in Officers. These four 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 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 are 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 discuss with new recruits their community's experience with police officers and the role these officers will be undertaking as guardians of that community.
- Different scenarios are presented by means of roleplay to simulate potential community interactions.
- In response to calls for police reform, in June of 2020, the 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 Academy teaches officers that both NCPD and GCPD have a zero-tolerance policy on hate crimes and incidents that are bias in nature. 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, in addition to incorporating de-escalation 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 GCPD police officers are assigned to shadow an experienced officer. This experienced officer is carefully selected based on his/her length of service with the GCPD, 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 benefit 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 recruit and of the Department as a whole.

## **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 Academy 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 how to help people with mental illnesses connect to useful resources. This curriculum uses role-play 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.
- Response by NCPD Emergency Services Unit may be requested by GCPD when necessary and appropriate. Members of Nassau County Police Department's Emergency Services Unit 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, medics, the Bureau of Special Operations (if the aided is armed with a firearm), and, when necessary, the Hostage Negotiation Team.

## **PLANS, MODIFICATIONS, AND UPDATES:**

### **New Annual In-Service Training (GCPD Officers Will Participate)**

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 core lessons are outlined below:

- Legal updates to include EO203 mandates, NYS Penal Law Aggravated Strangulation, disciplinary records repeal, Civil Rights Law 79-p, Right to Monitor, Law Enforcement Misconduct Office, as well as any other legal revision or update which each officer is required to know.
- 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 and recovery 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.

### **Additional GCPD Training**

- As a result of the Reform Collaborative, GCPD has contracted with PoliceOne, an additional police training resource whose training is utilized by numerous Departments throughout the country. The training provided will supplement that which is already provided by NCPD and by the GCPD's own Certified Training Officers.
- GCPD also utilizes Daily Training Bulletins which all members are required to perform monthly. These bulletins are based on scenarios and test the officers on their knowledge of the Policy Manual.
- All Village employees are required to attend annual Public Employee Safety and Health Bureau (PESH) training which includes Workplace Violence, Harassment, and Discrimination among other subjects.

# Use of Force Policies

## 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 members of the Garden City 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.

- Every use of force incident, as defined by the NYS Department of Criminal Justice Services, requires a written Use of Force Report and monthly reporting to DCJS.
- These reports are to be reviewed and analyzed by Command Staff in order to identify possible trends and/or areas where training may need to be expanded or supplemented.
- GCPD has prohibited the use of the Carotid Restraint as a compliance technique, and any application of pressure to the throat, windpipe, neck, or blocking the mouth or nose of a person in a manner that may hinder breathing or reduce intake of air is prohibited unless deadly physical force is authorized.
- The NCPD Police Academy strictly adheres to the NYS DCJS curriculum for defensive tactics.
- Members of the Department who observe another member using force that exceeds that which is objectively reasonable shall, when possible, intercede to prevent the use of unreasonable force and must promptly report these observations to his/her supervisor.
- Medical attention shall be promptly obtained for any person who exhibits signs of physical distress, has sustained a visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious.
- Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

### Use of Deadly Physical Force:

A member of the Department is only justified in using deadly force in order 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 GCPD generally prohibits the firing of rounds at or from moving vehicles unless the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

## **PLANS, MODIFICATIONS, AND UPDATES:**

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 regard 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.
- After the issuance of EO203, GCPD's Use of Force Policy was updated to comply with new legislation and best practices. The Use of Force Policy is attached for your review, and as required by law, is posted on the Village and Department websites.

# Body Cameras

## REVIEW

- It is anticipated that the Nassau County Police Department will be implementing a Body Worn Camera program in 2021. The County of Nassau and the Nassau County Police Department have retained the services of a consulting firm to assist with the development and implementation of this program.

## PLANS, MODIFICATIONS, AND UPDATES:

- The Village proposes the Nassau County Police Department Body Worn Camera program be monitored, reviewed and evaluated for possible future adoption.

# Vehicle Stops

Traffic enforcement and vehicle stops are an important part of public safety. The purpose of vehicle stops is to improve safety conditions for all motorists and pedestrians. Traffic Accident analysis as well as input received from the community are important tools used in assigning officers to traffic enforcement. The Department receives reports of traffic conditions and requests for enforcement from the community on a daily basis. It is the policy of this Department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group. Bias-based policing is prohibited.

## REVIEW:

### Tracking and Reporting

The GCPD recently transitioned to using the NYS TraCS system when issuing traffic tickets. This application originally did not provide the necessary fields to record and collect demographic data. The system has since been modified in order to record this data.

### Pretextual Car Stops

GCPD issued to its members NCPD Legal Bulletin 09-006 (attached) 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 Garden City 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 Garden City Police Department has Department Policy 307 in regard to vehicle pursuits (attached). GCPD 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.

### **PLANS, MODIFICATIONS, AND UPDATES:**

Recognizing the concern and aligning with the recommendations of our community stakeholders, the GCPD is making improvements to traffic summons recording and collection of demographics.

- The GCPD, in conjunction with New York State Police, was able to make the necessary changes to the NYS TraCS system to now capture race and ethnicity data.

# Procedural Justice

## REVIEW:

### Procedural Justice

The Garden City Police Department understands procedural justice and police legitimacy play an essential role in establishing a positive relationship with the community. GCPD has established long-lasting community partnerships to foster public confidence in the police and in its ability to safeguard the Village.

- 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. Individuals are sensitive to whether they are treated with dignity and politeness and to whether their rights are being respected. People may not remember the details of their encounter with law enforcement, but they will remember how they felt about the officer's demeanor and actions.

## PLANS, MODIFICATIONS, AND UPDATES:

### 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, which is also now available to the Village of Garden City. The GCPD has reviewed this program and will refer interested young adults to apply.

- 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

- GCPD Policy 332, Limited English Proficiency Services ensures the members of our community with limited English proficiency have equal access to all services provided by the Department. The Department has expanded its use of Language Line services by installing the Language Line Phone and InSight Video Interpreting applications on each patrol vehicle's cell phone. The Language Line Application allows any individual an opportunity to video conference with an interpreter to ensure both parties can properly articulate themselves and understand each other. Language Line also provides an option for those who are hard of hearing to use sign language.
- It is Garden City 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. As GCPD utilizes the County's e911 system and hardware, it is anticipated this feature will be available for the Village as well.

# Systemic Racial Bias and Racial Justice in Policing

## REVIEW:

GCPD Department Policy 401 (attached), prohibits Bias-Based Policing.

- The Police Department 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 credibility 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.

GCPD Policy 341 Community Relations (attached) states: “It is the policy of the Garden City Police Department to promote positive relationships between Department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.”

## PLANS, MODIFICATION, AND UPDATES:

### **Appearance Tickets in Lieu of Arrest for Some Minor Offenses**

One of GCPD’s law enforcement strategies to reduce racial disparities is to issue appearance tickets in lieu of arrests for various minor offenses where appropriate. Offenders are released from scene instead of being transported to police headquarters for processing. This minimizes the length of time in custody and, as per NYS Bail Reform, no bail is collected.

# Implicit Bias Awareness Training

It is imperative GCPD Officers are more accepting and respectful to everyone's principles, beliefs, 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 community.

## 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 them. This insight allows Garden City Police Officers to better understand cultural differences and how a particular community might perceive an officer's actions.
- Citizens from the following community groups have attended this portion of training:
  - African American
  - Korean American
  - Hispanic
  - Sikh
  - Islamic/Hindu/Muslim
  - LGBTQ
  - Gender Equality
- Any suggestions presented by the aforementioned speakers are incorporated into the Police Academy curriculum by a training coordinator.
- The NCPD Community Affairs Unit assists in creating videos which are used for training NCPD Members in regard 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.
- 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.

## PLANS, MODIFICATIONS, AND UPDATES:

- In response to community concerns during reform meetings, NCPD 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 and GCPD members during in-service training and is expected to be widely publicized in schools and on social media platforms.

# Hate Crimes

## REVIEW:

- The GCPD effectively identifies, investigates and prosecutes hate crimes. See Policy 319, Hate Crimes.
- NCPD Basic Supervisor training provides a refresher course on hate crimes to all new supervisors.
- Detectives investigating bias/hate crimes will research prior bias/hate crime incidents to determine if there is a discernable pattern or commonalities. NCPD detectives will be notified and information will be shared between the Departments, with NCPD detectives providing assistance as needed.

## Prohibited Race-Based 911 Calls

- GCPD issued NCPD Legal Bulletin 20-004, notifying the members of new legislation, New York State Civil Rights Law § 79-n (2) which prohibits race-based 911 calls. This topic will be included during NCPD provided in-service training. GCPD Dispatchers are trained to elicit information from callers and not assign officers if a caller requests a response based solely upon a person's race. This holds true whether the call is received via e911 or conventional landline.
- A person in violation of Section-79-n subdivision 2 of the New York State Civil Rights Law is liable in a civil action for injunction relief, damage, or any other appropriate relief in law or equity. In addition, 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.

## PLANS, MODIFICATIONS, AND UPDATES:

- The Department will make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and form networks that address prevention and response.
- The Department will educate community and civic groups about hate crime laws and provide victim assistance and community follow-up or identify available resources to victims and/or potential targets of hate crimes.

# De-Escalation Training and Practices

De-escalation practices are integral to the GCPD ideology and de-escalation is addressed throughout the Policy Manual (Use of Force, Conducted Energy Device [TASER], Crisis Intervention Incidents, Emergency Admissions, and Civil Disputes). Through effective communication and techniques, GCPD officers are expected 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, the NCPD and GCPD recognize the importance of de-escalation in safeguarding citizens as well as officers. The Department designates an eight (8) hour course on 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 curriculum.

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 not only be 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.



## **PLANS, MODIFICATIONS, AND UPDATES:**

- The GCPD, assisted by NCPD training, 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 which will also be provided to GCPD officers.
- 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.
- GCPD will supplement de-escalation training provided by NCPD with the newly acquired PoliceOne training resource, and Police Manual Daily Training Bulletins.

# 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.

## REVIEW:

The GCPD endorses and is open to participating with the Nassau County District Attorney's Office regarding alternative prosecutions and resources. The Nassau County District Attorney's Office offers the following diversion programs, which help the defendant rectify the behavior that resulted in their arrest, and provide the opportunity to avoid prosecution:

- Mental Health Court,
- Misdemeanor Drug Treatment Court,
- Treatment Alternative Plea Part (TAPP),
- Drug Treatment Alternative to Prison (DTAP),
- Veteran's Treatment Court.

GCPD Community Affairs Division and Youth Bureau provide programs to the community, such as:

- PRIDE Program (Peer Resistance Instruction Drug Education) in the schools,
- Bullying/Cyber Bullying presentations,
- Other various crime prevention presentations such as internet safety, identity theft, child safety, senior citizen safety, and scams targeting the elderly.

## PLANS, MODIFICATIONS, AND UPDATES:

GCPD has initiated a program where detectives follow up on all reported drug overdose incidents. The goal is to provide assistance to the victim and the affected family members, not prosecution. Referrals are made to available assistance programs and counselors. Should the victim wish to provide information, every effort is made to investigate and prosecute drug dealers preying on the community.

This program focuses on:

- 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 areas 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 the opportunity to directly connect with treatment services.

# Restorative Justice

Restorative justice seeks to change an offender's behavior by educating him/her on the serious consequences that his/her actions have on the community and the victim. In this model, a meeting is generally had between the offender and the victim with members of the community providing oversight of the meeting. The goal of this meeting is to allow the offender to both see and hear the harm his/her actions have had on the victim and community and to allow the offender to both apologize to the victim and make amends for his/her actions.

## 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. GCPD notifies and utilizes NCPD Special Victims Squad resources when appropriate.
  - 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.
- As previously mentioned, GCPD will, when appropriate, release defendants arrested for minor offenses on an appearance ticket at the scene of arrest, minimizing time in custody.
- Restorative justice largely appears to be a practice that would be utilized during the post-arrest, prosecution phase, which is in the realm of the District Attorney's Office. GCPD endorses, and is open to participating in, restorative justice programs.
- Related to this concept, when appropriate, the GCPD may use the Village Code to charge minor infractions, directing offenders to Village Court as opposed to criminal court, thereby avoiding a criminal record and potentially costly defenses.
- In juvenile situations, GCPD Youth Bureau may, when appropriate, intervene and conduct youth conferences and mediate between parties in lieu of a Juvenile Custodial Arrest.
- GCPD members are trained on alternative dispute resolutions. Although never formally labeled as restorative justice in training segments or discussed as such, the GCPD engages in restorative justice on a daily basis by acting as an arbitrator between parties, particularly in dispute cases.
- For example, the GCPD regularly receives calls for disputes 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, we make 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. Officers often recommend that neighbors participate in the Long Island Dispute Resolution Center Conflict Resolution Program. Although not always successful, this type of mediation is generally beneficial in avoiding future conflict between the neighbors.

- GCPD Community Affairs officers will follow up on such ongoing disputes in an effort to minimize or eliminate the need for continued police involvement.

### **PLANS, MODIFICATIONS, AND UPDATES:**

- The GCPD refers residents to 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.
- 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.
- GCPD participates in the Drug Enforcement Agency's "Drug Takeback Program". Drugs, including illegally possessed drugs, are accepted without question and anonymously. No charges will be brought against any person turning in illicit drugs. In addition, the Department provides a receptacle where drugs and unused/unwanted medications may be dropped off 24/7.

# Community-Based Outreach and Conflict Resolution

As defined by the NYS guidance, community-based outreach and violence interruption programs aim to curb violence by working with high-risk individuals and connecting them with services, programs and other community engagement initiatives, so as to interrupt the cycle of crime. When the Police Department proactively collaborates with the community to address its needs, it fosters a sense of trust, fairness, and legitimacy.

## REVIEW:

- GCPD's main mission is Community Policing. Patrol officers perform frequent Park, Walk and Talks, and the Community Policing Unit has fostered relationships with members of the community, including businesses, houses of worship and other civic organizations.
- GCPD provides the PRIDE program and other various safety lectures to all GC Schools.
- Through our partnership with NCPD, GCPD can make referrals to the following outreach programs:
  - Law Enforcement Explorers: This 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. Indeed, it is a mostly minority community-based program with a diverse ethnic participation, consisting of 36.59% Hispanic, 12.20% African American, 32.39% White, 6.91% Asian, 2.85% Indian, 8.52% Other/Unknown (ethnicity's proportional share of the overall program). NCPD Explorers travel throughout the United States for competitions and events.
  - Youth Police Initiative (YPI): This program is designed to build trust between the officers and at-risk youth who may have a negative perception of police. The goal of this program is to engage in an open dialogue and to allow the at-risk youth to express their concerns with policing in their community and to expose them to positive role models.
  - Drug Awareness and Prevention Programs:
    - 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.
    - The NCPD 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.

- 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 children 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 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. 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. 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 Police play in our society and the challenges the Police Departments face. 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.
- 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 students who attend the PYA are from school districts in minority 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 in diversity in 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.

## **PLANS, MODIFICATIONS, AND UPDATES:**

- This summer, in the wake of George Floyd's death, the Village experienced unprecedented protests. During the numerous protests that took place this year, the GCPD was responsible for ensuring and respecting the protesters' First Amendment rights while maintaining public safety. The leadership of the GCPD, NCPD, and other adjoining Departments (such as: State Police, MTA, and Hempstead PD) reached out to protest organizers and informed them of the measures that would be taken to ensure their safety and expressed commitment to keeping an open line of communication should the organizers experience any issues. This cooperative environment resulted in no arrests, injuries, or property damage within the Village.
- As a result of the Collaborative, the Village intends to expand Community Councils. Community Councils, including representatives of GCPD, the clergy, counselors, and

interested members of the community, would meet multiple times a year to address issues revolving around addictions and abuse.

- A member of GCPD's Detective Division will follow up on all reports of Domestic Incidents. Where an arrest is warranted, prompt action is taken. In other instances, the follow up serves several purposes. Domestic Incidents are highly emotionally charged, and the parties involved may not be able to describe coherently and accurately what has happened, or one party may be fearful of accurately reporting an incident. With the passage of time and reflection, a more clear and complete account of what is occurring in a household may be reported. The Department is prepared to assist persons with referrals, or with obtaining an Order of Protection when appropriate.
- Community-based outreach and conflict resolution practices will be discussed during the new annual NCPD in-service training curriculum, which GCPD officers will attend.
- GCPD will utilize PoliceOne resources and Daily Training Bulletins for supplemental related training.

# 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. In many cases, Problem Oriented Policing focuses on a wide range of community concerns (traffic issues, noise complaints, general ongoing mischief complaints), identifies solutions, and implements a response to address the issue, and in many cases without enforcement.

## REVIEW:

### Problem-Oriented 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 concept of Problem-Oriented Policing (POP) is naturally integrated into GCPD policing strategies. GCPD Community Policing Officers and Patrol 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.
- Even prior to Executive Order 203, every patrol officer was required to engage in “Park, Walk, and Talk” at least once throughout their tour of duty. As the name implies, a “Park, Walk, and Talk” is when an officer exits his/her car and walks through the community he/she patrols and tries to get to know the members of that community and their concerns. The main goal of a “Park, Walk, and Talk” is to build trust and communication with members of the community an officer might not otherwise encounter.
- 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 Detectives and 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. GCPD executive officers attend each Strat-Com meeting.
- At this time, GCPD officers do not have a permanent presence in schools, however, they are available to the district and are in frequent and constant contact. At the beginning of each school year, Youth Bureau Detectives and police officers, usually those who have been trained as Student Resource Officers (SRO), meet with administrators at each school and offer their services with any matter wherein the school may require assistance. These officers generally wear soft uniforms when engaging in these interactions or assisting the schools. Officers will frequently conduct “Park, Walk and Talks” on school grounds. GCPD Headquarters has access to the school district’s



camera system, for use in emergency situations only. GCPD has also partnered with the school district regarding implementation of security and safety measures.

## Hot Spot Policing

Hot Spot Policing is a process wherein police presence is intensified in small geographic areas that are experiencing high volumes of crime. The Village of Garden City is itself a small geographic area with a relatively low crime rate that has a higher police presence due to having its own Police Department. Hot Spot Policing practices can still be utilized to saturate an area that is experiencing an increase in criminal activity, or even quality of life issues.

- The identification of “hot-spots” is done through intelligence gathering and crime analysis. GCPD engages with the community to obtain the information required to identify “hot-spots”. Examples of how information is gathered from the community include:
  - Community meetings
  - 911 and landline calls
  - Engaging the public on social media platforms
  - Park, Walk, and Talk
  - Confidential informants
  - Community complaints
- The type of resources utilized may change depending on the type of incidents. Some available resources are:
  - intensified patrol assignments,
  - the use of license plate readers,
  - electronic signage,
  - vehicle and traffic law enforcement,
  - licensed premise checks,
  - social media notifications,
  - Closed-Circuit Camera System

## Broken Windows and Stop, Question and Possibly Frisk

GCPD has a long history of community policing. One of the most important components of community policing is promoting a high standard for quality of life. GCPD utilizes the Village Code to maintain the standards the community expects. Officers are trained on the laws regarding conducting an investigative stop in accordance with the provisions provided in the Criminal Procedure Law (CPL) 140.50.

- Garden City Police Department officers conduct investigational field stops based the standard of proof of reasonable suspicion.
  - Reasonable suspicion is defined as a quantum of knowledge sufficient to induce an ordinary prudent and cautious person, under the circumstances, to believe criminal activity is at hand. This standard is reached through an officer’s training and experience and is based on a number of factors that are observed by the

officer to get him/her 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/she is in danger of physical injury. Officers can only frisk for weapons and or items which may be used to cause harm 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 other evidence that may be found at this stage, would likely be suppressed and not permitted into court, and therefore is not permitted to be used to create probable cause to arrest said individual.

## **PLANS, MODIFICATIONS, AND UPDATES:**

- GCPD executive officers attend NCPD Strat-Com meetings, which were described in the Problem-Oriented Policing section.
- GCPD participates in NCPD Intel briefings where information on crime trends and patterns are shared.
- GCPD and NCPD share daily intelligence reports on incidents that may affect communities in each jurisdiction.
- GCPD utilizes License Plate Reader technology to gather information in areas where criminal activity is occurring.
- GCPD Detective Division monitors and analyzes reports to identify trends and make notifications to patrol, assisting with planning and allocation of resources.
- NCPD resources are available should they be needed to address hot spots.
- 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.

# 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:

- GCPD Detectives along with the NCPD Intelligence Unit, work together to identify known offenders for each area. An analysis of persistent offenders in high crime areas is considered along with other factors such as numerous and/or recent felony arrests, major crime arrests, arrests for crimes including weapons and reckless endangerment, gang affiliations and drug offenders. Individuals who meet the criteria are designated top offenders for each jurisdiction. When appropriate, this information is shared with other members of the Nassau County Intel community.

## PLANS, MODIFICATIONS, AND UPDATES:

- In order to ensure focused deterrence practices are enforced equally and fairly, supervisors will regularly review each officer's interactions with the community.
- Civilian complaint tracking may be used to determine if an officer has engaged in the improper application of focused deterrence.
- To involve the community in the GCPD and NCPD's focused deterrence efforts, 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 that 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.

# 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. 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. This strategy prevents crime by designing a physical environment which deters offenders.

## REVIEW:

The Village of Garden City, through the Police, Public Works, Parks/Recreation and Building Department address the principals of CPTED: Natural Surveillance, Access Control, Territorial Reinforcement and Maintenance.

- The Village has wide streets and has transitioned to LED streetlights for good visibility and safe movement of vehicles and pedestrians.
- Parking fields are open and well-lit, minimizing opportunities for persons to hide near parked cars, or to approach a person without being seen.
- Village Ordinances regarding upkeep of property, both commercial and residential, ensure maintenance of sight lines at intersections and property lines. Keeping garbage pails behind the front line of the house minimizes the appearance of the home being unoccupied.
- Overnight parking restrictions and commercial vehicle parking restrictions help to make suspicious vehicles more obvious to residents and patrol officers.

## PLANS, MODIFICATIONS, AND UPDATES:

- The GCPD Community Policing Unit has developed a CPTED program to assist property owners, residential and commercial, in creating a physical environment designed to decrease a person's ability to commit crime and increase the likelihood that crime will be observed. To achieve this goal, a security handbook has been created for use by all property owners (attached). In addition, when requested, Community Policing Officers will conduct surveys to assist property owners in determining their property's ability to deter and reduce crime by reviewing the quality of the following property factors:
  - Natural Surveillance – Keep premise well-lit and windows clear from obstruction to increase visibility of outside property.
  - Territorial Reinforcement – The use of buildings, hedges and other items to clearly delineate the transition of public space to private space.
  - Access Control – Window and door locks, alarms, bollards.
  - Maintenance – Remove physical hazards. Trim bushes and grass. Limit storage of cars and other items from front of property to maximize visibility.
- The Department will continue to collaborate with the Village Board and the other village Departments to review Village Code and conditions within the village in order to enhance and maximize the safety of the Village's physical environment.

# 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.

## REVIEW:

The GCPD believes one of the most effective ways to prevent violence is to address it with the youth in our community. By guiding and mentoring the youth into becoming upstanding citizens who positively impact our society, we successfully avert them from the possibility of a delinquent future, hence preventing violence.

- GCPD Youth Bureau and Community Policing Unit perform youth and family conferences educating parties involved in incidents, some of which include criminal offenses, of the consequences of their actions.
- The PRIDE (Peer Resistance Instruction Drug Education) program is taught to both public and private school students.
- Anti-Bullying and Cyber-Bullying workshops are held for students and adults.
- GCPD also utilizes NCPD youth-oriented initiatives in place which provide an avenue for mentorship and guidance, which are available to the Village, many of which have been previously referenced in this plan:
  - Gang Resistance Education and Training Program (GREAT),
  - Law Enforcement Explorers
  - Police Athletic League
- The GCPD understands that victims of domestic violence are a vulnerable population who are susceptible to greater levels of violence in the future at the hands of their loved ones. As such, the GCPD has a zero-tolerance policy for any and all instances of domestic violence. Indeed, 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 guns, including rifles and shotguns, that are possessed in the residence are temporarily removed by the GCPD 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.

## PLANS, MODIFICATIONS, AND UPDATES:

- The Nassau County District Attorney's Office has implemented an Intelligence Based Prosecution Initiative. The NCPD Intelligence Unit provides the NCPD'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 gun and gang violence. GCPD is part of the NCPD Intel Network which shares intelligence information daily.

- As mentioned in prior sections, the GCPD, in cooperation with 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.

# Model Policies and Standards

## REVIEW:

As stated at the beginning of this document, GCPD contracts with LexiPol, a national leader in formulating police policy and procedure. All policies are created and maintained in accordance with Federal and State laws and regulations, New York State Law Enforcement Agency Accreditation Program standards, NYS Municipal Police Training Council standards, and industry best practices.

## PLANS, MODIFICATIONS, AND UPDATES:

The Department's policies are regularly reviewed and updated when new legislation is passed and best practice standards are modified.

# Complaint Tracking

The Garden City Police Department holds its members to a high standard of professionalism and conduct as reflected in Policy Section 320, Standards of Conduct. The Department believes that multiple levels of active supervision ensure that its members maintain the standards the community expects and appreciates. The office of the Deputy Commanding Officer is ultimately responsible for all Personnel Complaints.

## REVIEW:

- All allegations of misconduct are investigated pursuant to Policy Section 1010, Personnel Complaints.
- Civilian complaints may be filed in several ways:
  - through email to the Department or the Village;
  - by phone to the Police Desk or to Village Hall;
  - in person at GCPD HQ, twenty-four (24) hours a day, seven (7) days a week;
  - by mail.
- Anonymous complaints are accepted, and complaints will be taken from anyone, with or without a connection or direct relationship to the incident.
- Complaints may also be initiated internally, by a member of the Department. Policy Section 1004 Anti-Retaliation prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.
- Complainants are directed to, and interviewed by, a supervisor only. If the complainant cannot be interviewed at the time of complaint, they are to be contacted by a supervisor within 24 hours.
- Complaints are assigned a Personnel Complaint Number for tracking purposes.
- Investigative findings are provided to complainants who choose to provide their contact information.
- If the complaint is of such a nature that investigation by GCPD personnel may not be appropriate, it may be turned over to NCPD Internal Affairs or to the District Attorney's Investigation Bureau.
- If the complaint involves alleged criminality, the matter is referred to the District Attorney's Office for an investigation and possible criminal prosecution.
- Investigative findings are categorized as follows:
  - Sustained - 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.
  - Not Sustained - 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.
- All recently promoted sergeants are required to attend a month-long training session at the NCPD 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.

### **PLANS, MODIFICATIONS, AND UPDATES:**

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.

The Garden City Police Department will monitor and review all future Nassau County Police Department modifications of personnel complaint investigations and discipline procedures for possible future implementation.

# Communications Bureau and 911

## REVIEW:

As a service-oriented Department, the GCPD responds to any and all requests for assistance.

- In 2019, the Garden City Police Department received over 18,500 calls for service, including but not limited to, medical assistance (including request for ambulance, aided calls and well checks), auto accidents, crimes in progress, disturbances and mental health issues, domestic incidents, investigations, and weather events.
- The GCPD Communications Bureau receives and dispatches calls for service relating to medical emergencies. As noted previously, the Village of Garden City has contracted with NYU Langone to provide ambulance services. NYU Langone ambulances have direct radio contact with GCPD Communications, allowing for quick, efficient response. Garden City Police Officers are certified first responders and respond alongside the paramedics to all medical emergency calls. GCPD PCO (Police Communication Operators) receive three (3) months training when they are hired, including forty (40) hours classroom training. In addition, PCO's will receive additional training by way of Department instructions, PoliceOne training and daily training bulletins.
- 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.
- GCPD is staffed by 6 Police Communications Operators (Dispatchers) who receive a minimum of 40 hours classroom training and extensive on-the-job training. GCPD Dispatchers also receive calls to the Department's non-emergency telephone lines and are the first line of reception at Garden City Police Headquarters.

## PLANS, MODIFICATIONS, AND UPDATES:

- GCPD will be utilizing the PoliceOne training resource to provide additional training for our Communications Bureau personnel.

# Mental Health Crisis Intervention

## REVIEW:

- GCPD Policy Sections 409 Crisis Intervention Incidents and 410 Emergency Admissions delineate how our officers are expected to provide aid in a sensitive manner to persons who appear to be suffering from mental illness or disability. Section 409 states: “The Garden City Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members’ interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.”
- GCPD recruits at 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 role-play 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.
- The response to an emotionally disturbed person call includes two police officers, a patrol supervisor, and a NYU Langone Ambulance staffed by a Paramedic and an EMT. In situations where the aided person exhibits violent behavior and the situation is likely to result in serious harm, personnel from the NCPD Emergency Services Unit (ESU) may respond as well.
- GCPD 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.
- NYU Langone ambulance personnel receive extensive training regarding emotionally disturbed persons and will usually take a lead role, when practical, in such incidents.
- If the officers and medical personnel at the scene reach a determination that the individual is a threat to himself/herself or others, the person will be transported 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 may reach out to or provide referrals to resources such as Mobile Crisis Outreach Team (MCOT), the National Alliance on Mental Illness, 211, and the National Suicide Prevention Lifeline.
- 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 HNT will respond when a trained negotiator is needed at a scene.

- GCPD members are trained on interacting with homeless persons and identifying those who require additional necessary assistance or 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.
- As Certified First Responders, GCPD 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. Pursuant to their training, if necessary, they will administer NARCAN until the ambulance arrives to the scene. 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.

## **PLANS, MODIFICATIONS, AND UPDATES:**

- It has been suggested that police reform should include eliminating a police response to calls for individuals experiencing mental illness related distress. In actuality, many of these calls are not received as a request for assistance for a person in mental or emotional distress, rather as some other type of call such as a suspicious person or a domestic incident. Further, many calls to GCPD for assistance with an emotionally disturbed person are from a behavioral health services location, with the callers being mental health professionals.
- The "Mobile Crisis Outreach Team" (MCOT) will be 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.
- 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.
- The value of having a mental health professional at these scenes is recognized by all parties involved, and the County is working on establishing a "dual response" model with the Mobile Crisis Unit in these cases. NYU Langone personnel have received extensive training in handling mental health incidents and will, as stated earlier, take the lead in most instances upon their arrival.
- GCPD will apply this procedure, initiated by NCPD, for calls of a mental health crisis, unless a qualified professional is already on scene:
  - 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 NYU Langone ambulance, the Police Communications Operator also assigns a

Patrol Supervisor, if available 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.

# Crowd Control

It is the policy of the Garden City 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:

- Recently, there have been many protests with thousands of participants in the Village. The protests have remained extraordinarily peaceful without any arrests, or reports of injuries, or property damage.
- Specialized units such as the Mounted Unit, Bureau of Special Operations and Bike Units train together to more effectively manage large scale events and are available to GCPD when appropriate.
- The GCPD and the NCPD do not utilize surplus military equipment for crowd control, and Officers are usually not uniformed in traditional “riot gear” such as helmets, shields, and batons.
- Both GCPD and NCPD members exhibited professionalism and restraint during recent protests through their understanding and application of de-escalation techniques utilizing verbal judo, active listening, and persuasive speaking to maintain control.

## PLANS, MODIFICATIONS, AND UPDATES:

- 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 belief that by expanding the partnerships between the police and the community, we will maintain and enhance the confidence and trust of the people we serve. Communication and restraint have been effective in protecting the rights related to assembly and free speech 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. The Village of Garden City is committed to supporting and promoting the physical, emotional, and mental wellness of the men and women of the GCPD.

## REVIEW:

- Confidential meetings and counseling with licensed social workers are available to members of the GCPD through the NCPD Employee Assistance Office. At times, officers can be mandated to Employee Assistance by supervisors.
- The Department Chaplain is a trained counselor and is available to assist as necessary.
- 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 Nassau Police Conference, which represents all Nassau County Village and City Departments, also provide Peer Support programs which are available to GCPD officers.

## PLANS, MODIFICATIONS, AND UPDATES:

- 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. These resources are made available to GCPD Officers.
  - This Committee consists of Department representatives from the Medical Administration Office, Legal Bureau, Employee Assistance Office, Police Benevolent Association, Superior Officers Association, Detectives Association, Police Academy and a Chaplain. 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.
- The GCPD will begin utilizing the Nassau Cares Application on all Departmental phones and encourages officers to add the app to their personal phones to have instant access to references for help with a variety of concerns.

# Transparency

## REVIEW:

- Each Year the Garden City Police Department publishes its Annual Report, which includes:
  - Personnel Analysis
  - Activity Analysis
  - Crime-Arrest Analysis
  - Youth Bureau Activity
  - Traffic Enforcement Analysis
  - Auto Accident Analysis
- The Department provides weekly press releases to local news outlets.
- GCPD responds promptly to Freedom of Information Law requests.

## PLANS, MODIFICATIONS, AND UPDATES:

- The Department will continue to post Annual Reports on their website.
- GCPD will be posting key policies on its website including:
  - Use of Force
  - Personnel Complaints
  - Bias-Based Policing
  - Community Relations



# Conclusion

The NYS Executive Order 203 provided the Village of Garden City and the Garden City Police Department an opportunity to have meaningful internal reviews and conversations, along with collaboration with the community stakeholders and other interested parties. During this process, we learned things about ourselves and each other that we may not have discovered otherwise.

With some sense of pride, we have realized that much of what may have been termed “Reform” is already in practice, reaffirming the belief that policing has been progressing with the times and meeting and matching the community’s needs and expectations to a great degree.

As a result of the Collaborative, it was decided that the Department would create a new Mission statement to more accurately reflect its commitment to the principals of Procedural Justice, one of the foundations of the reform initiative.

## **Original Mission Statement:**

*Our mission is to serve the citizens of Garden City and to provide safety and an improved quality of life in our community through excellence in policing.*

*Members of the Department shall do their utmost to preserve the rights of citizens and to reduce fear in the community through the prevention of crime, protection of property, and the maintenance of order in public places.*

*It is essential for all members to understand that in the execution of their duties they act not for themselves, but for the public good, and that they do so with fairness, integrity, fidelity, zeal, and sound judgement. Members must also remain committed to excellence in service, personal performance, and professionalism, and should always treat each other with fairness, loyalty, and respect.*

## **New Mission Statement:**

**The Garden City Police Department’s mission is to serve the citizens, businesses, and visitors of Garden City, providing a safe community and an improved quality of life through excellence in policing and community partnership.**

**The Department will utilize evidence-based policing, striving for effectiveness with efficiency. We shall also adhere to the four pillars of Procedural Justice: Fairness, Voice, Transparency and Impartiality in our interactions with each other and with the public we serve.**

**Members of the Department shall always endeavor to preserve the rights of all people, without bias, reducing fear in the community through the prevention of crime, protection of persons and property, and the maintenance of order in public places.**

The Incorporated Village of Garden City and the Police Department are committed to continually evaluating and improving upon all aspects of policing and police-community relations.

# **EXECUTIVE SUMMARY:**

As a result of Executive Order 203, and related to the topics listed therein, the following is a summary of the actions that have been, or will be, taken by the GCPD:

- The following Policy Sections have been issued or updated to reflect changes in legislation, training or best practices:
  - Use of Force
  - Control Devices
  - Conducted Energy Device
  - Domestic Violence
  - Standards of Conduct
  - Limited English Proficiency Services
  - Crisis Intervention Incidents
  - Recruitment and Selection
- GCPD Recruits will receive mandatory EO203 training as well as other Procedural Justice Courses as part of the curriculum at the Nassau County Police Academy.
- GCPD Officers will attend new annual In-Service Training provided by NCPD covering topics listed in EO203.
- GCPD has contracted with PoliceOne to provide training that will supplement training already provided by NCPD and by the GCPD's own Certified Training Officers.
- Daily Training Bulletins have been expanded to include new Reform legislation.
- The new NCPD Police Academy will help to improve training, in particular use of force training, as the facility will allow for more hands-on training and role playing.
- GCPD is in favor of re-evaluating the Police Recruit Civil Service Test in order to attain a more diverse pool of candidates.
- 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.
- The Village proposes to monitor, review and evaluate the Nassau County Police Department Body Worn Camera program for possible future adoption.
- The GCPD, in conjunction with New York State Police, was able to make the necessary changes to the NYS TraCS system to now capture race and ethnicity data for traffic tickets.
- The Department has expanded its use of Language Line services by installing the Language Line Phone and InSight Video Interpreting application on each patrol vehicle's cell phone. The app will assist in communicating with persons who speak a foreign language, or who use sign language.
- The NCPD is in the process of introducing a text-to-911 program. As GCPD utilizes the County's e911 system and hardware, it is anticipated this feature will be available for the Village as well.
- The Department will make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and form networks that address prevention and response. Victim assistance will also be provided.
- GCPD will develop a program to issue more Appearance Tickets for minor offenses and release offenders from the scene rather than transport to GCPD Headquarters for processing.

- GCPD will expand the use of the District Attorney's Diversion Programs.
- GCPD has initiated a program where detectives follow up on all reported drug overdose incidents. The goal is to provide assistance to the victim and affected family members, not prosecution. Referrals are made to available assistance programs and counselors. Should the victim wish to provide information, every effort is made to investigate and prosecute drug dealers preying on the community.
- When feasible, the GCPD will use youth and adult referral programs, as well as Community Outreach programs, to avoid unnecessary prosecution.
- GCPD will use County programs such as P.A.L., Police Explorers, and Young Adult Councils to assist youth with societal and community issues.
- GCPD will continue the Drug Take-Back program policy of allowing persons to turn in illegal drugs without fear of arrest.
- The Village intends to expand Community Councils, including representatives of GCPD, the clergy, counselors, and interested members of the community.
- The GCPD Community Policing Unit has developed a CPTED program to assist property owners, residential and commercial, in creating a physical environment designed to decrease a person's ability to commit crime and increase the likelihood that crime will be observed.
- In Garden City, NYU Langone Ambulances respond to mental health crisis calls with a Paramedic and an EMT, both with extensive training in these situations. The NCPD advises that the "Mobile Crisis Outreach Team" (MCOT) will now be notified of all instances involving a situation where a person is experiencing a mental health crisis.
- 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 callers appear to be under mental distress.
- The County is working on establishing a "dual response" model with the Mobile Crisis Unit in mental health cases, which GCPD will adopt when implemented.
- GCPD will apply a new procedure, initiated by NCPD and previously described, for calls of a mental health crisis where a qualified professional is not already on scene.
- GCPD will continue the practice of using non-aggressive crowd control tactics whenever feasible.
- GCPD will support and utilize all available officer well-being initiatives.

# Exhibits

Exhibit	1	Use of Force Policy
Exhibit	2	Control Devices Policy
Exhibit	3	Conducted Energy Device Policy
Exhibit	4	Vehicle Pursuits Policy
Exhibit	5	Domestic Violence Policy
Exhibit	6	Hate Crimes Policy
Exhibit	7	Standards of Conduct Policy
Exhibit	8	Limited English Proficiency Services Policy
Exhibit	9	Community Relations Policy
Exhibit	10	Patrol Policy
Exhibit	11	Bias-Based Policing Policy
Exhibit	12	Crisis Intervention Incidents Policy
Exhibit	13	Emergency Admissions Policy
Exhibit	14	Medical Aid and Response Policy
Exhibit	15	Civil Disputes Policy
Exhibit	16	Recruitment and Selection Policy
Exhibit	17	Personnel Complaints Policy
Exhibit	18	Crime Prevention through Environmental Design (CPTED) Surveys
Exhibit	19	Legal Bulletins

## Use of Force

### 300.1 PURPOSE AND SCOPE

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

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

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Physical Injury** – Impairment of physical condition or substantial pain.

**Serious Physical Injury** – Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

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

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

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

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

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

### 300.2 POLICY

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

# Garden City Police Department

## Policy Manual

### *Use of Force*

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

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

#### **300.2.1 DUTY TO INTERCEDE AND REPORT**

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

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

#### **300.2.2 PERSPECTIVE**

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

#### **300.3 USE OF FORCE**

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

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

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

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

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## Policy Manual

### *Use of Force*

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

#### 300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

Force shall not be used by an officer for the following reasons(Executive Law § 840):

- (a) To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present.
- (b) To coerce a confession from a subject in custody.
- (c) To obtain blood, saliva, urine, or other bodily fluid or cells from an individual for 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.

#### 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit.

These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.

# Garden City Police Department

## Policy Manual

### *Use of Force*

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- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

#### 300.3.3 PAIN COMPLIANCE TECHNIQUES

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

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

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

#### 300.3.4 ALTERNATIVE TACTICS - DE-ESCALATION

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

#### 300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration, or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted.

#### 300.3.6 STATE RESTRICTIONS ON THE USE OF OTHER RESTRAINTS

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



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#### **300.4 DEADLY FORCE APPLICATIONS**

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

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

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

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

##### **300.4.1 MOVING VEHICLES**

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

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

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

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

#### **300.5 REPORTING THE USE OF FORCE**

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

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

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

##### **300.5.1 NOTIFICATIONS TO SUPERVISORS**

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

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- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER (TM) or control device.
- (f) Any application of a restraint device other than handcuffs, flexible restraints, leg irons, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

#### **300.6 MEDICAL CONSIDERATIONS**

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

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

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

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

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See the Medical Aid and Response Policy for additional guidelines.

#### 300.6.1 ADDITIONAL STATE REQUIREMENTS

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

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

#### 300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to an incident in which there has been a reported application of force. The supervisor is expected to (Executive Law § 840):

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately interview the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
  - 1. The content of the interview should not be summarized or included in any related criminal charges.
  - 2. The fact that an interview was conducted should be documented in the appropriate report.
  - 3. The notes and/or written statement from the interview should be retained until all potential civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
  - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports, including any officers present at the incident.
- (f) Review and approve all related reports.
  - 1. Supervisors should require that officers who engaged in the use of force submit the appropriate report.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
  - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

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- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.
  - 1. Disciplinary actions will be consistent with any applicable disciplinary guidelines and collective bargaining agreements.

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

#### **300.7.1 DESK OFFICER RESPONSIBILITIES**

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

#### **300.7.2 ADDITIONAL DESK OFFICER RESPONSIBILITIES**

The Desk Officer should ensure that the Deputy Commanding Officer is provided with enough information to meet the use of force reporting requirements for the DCJS (Executive Law § 837-t; 9 NYCRR 6058.3). See the Office of the Deputy Commanding Officer Policy for additional guidelines.

#### **300.8 TRAINING**

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

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

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.
- (c) Applications of use of force and conflict strategies as required by the state Use of Force Model Policy (Executive Law § 840).

#### **300.9 POLICY AVAILABILITY**

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

#### **300.10 USE OF FORCE ANALYSIS**

At least annually, the Deputy Commanding Officer should prepare an analysis report on use of force incidents. The report should be submitted to the Commissioner of Police. The report should not contain the names of officers, suspects, nor case numbers and should address:

- (a) The identification of any trends in the use of force by members.
- (b) Training, Equipment, and Policy Revision, as needed.

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## Use of Force Review Boards

### 301.1 PURPOSE AND SCOPE

This policy establishes a process for the Garden City Police Department to review the use of force by its members.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or the evaluation of the use of force.

### 301.2 POLICY

The Garden City Police Department will objectively evaluate the use of force by its members to ensure that their authority is used appropriately and consistent with training and policy.

### 301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever a member's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that member will be placed in a temporary administrative assignment pending an administrative review. The Commissioner of Police may exercise discretion and choose not to place a member in an administrative assignment.

### 301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another person.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the member was on- or off-duty, excluding training, termination of sick or injured wildlife, or recreational use.

The Commissioner of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Deputy Commanding Officer will convene the Use of Force Review Board as necessary. It will be the responsibility of the Desk Officer or supervisor of the involved member to notify the Deputy Commanding Officer of any incidents requiring board review. The involved member's Desk Officer or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

#### 301.4.1 COMPOSITION OF THE BOARD

The Deputy Commanding Officer should staff the Use of Force Review Board with five individuals from the following, as appropriate:

- Representatives of each division
- Command staff representative from the involved member's chain of command

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- Training Supervisor
- Nonadministrative supervisor
- A peer officer/department member
- A law enforcement officer from an outside law enforcement agency, as appropriate
- Department instructor for the type of weapon, device or technique used

The senior ranking command staff representative who is not in the same division as the involved member will serve as chairperson.

#### 301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved member to appear. The involved member will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Commissioner of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

Absent an express waiver from the involved member, no more than two designated board members may ask questions of the involved member. Other board members may provide questions to the designated board members.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the involved member at the time shall neither justify nor call into question a member's decision regarding the use of force.

Any questioning of the involved member conducted by the board will be in accordance with Garden City Police Department disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The member's actions were within department policy and procedure.
- (b) The member's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be

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appropriate. The board chairperson will submit the written recommendation to the Commissioner of Police.

The Commissioner of Police shall review the recommendation, make a final determination as to whether the member's actions were within policy and procedure, and determine whether any additional actions, investigations or reviews are appropriate. Those findings will be forwarded to the Deputy Commanding Officer for review and appropriate action. If the Commissioner of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Commissioner of Police.

## Control Devices

### 303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

### 303.2 POLICY

In order to control individuals who are violent or who demonstrate the intent to be violent, the Garden City Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Commissioner of Police may also authorize other positions or individual department members to use specific control devices.

### 303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Commissioner of Police or the authorized designee.

Only those members who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a person who is violent or who demonstrates the intent to be violent and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

### 303.4 RESPONSIBILITIES

#### 303.4.1 DESK OFFICER RESPONSIBILITIES

The Desk Officer may authorize the use of a control device by selected department members who may not currently be issued or carrying the control device or those in specialized assignments who have successfully completed the required training.

#### 303.4.2 FIREARMS UNIT SUPERVISOR RESPONSIBILITIES

The Firearms Unit Supervisor shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Firearms Unit Supervisor or the designated instructor for a particular control device. The inspection shall be documented.

#### 303.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.



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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Firearms Unit Supervisor for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

#### **303.5 BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to him/herself or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignments or at the direction of their supervisors.

#### **303.6 OLEORESIN CAPSICUM (OC) GUIDELINES**

As with other control devices, OC spray may be considered for use to bring under control an individual or group of individuals who are engaging in, or are about to engage in, violent behavior. OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of department members or the public.

##### **303.6.1 OC SPRAY**

Uniformed members carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field members may carry OC spray as authorized, in accordance with the needs of their assignments or at the direction of their supervisors.

##### **303.6.2 TREATMENT FOR OC EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas and shall be examined by appropriate medical personnel.

#### **303.7 POST-APPLICATION NOTICE**

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, the owners or available occupants should be provided with notice of the possible presence of residue which could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding how and when the notice was delivered and the individuals notified should be included in related reports.

#### **303.8 TRAINING FOR CONTROL DEVICES**

The Training Supervisor shall ensure that those members who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

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- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the member's training file.
- (c) Members who fail to demonstrate proficiency with the control device or knowledge of the Use of Force Policy will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.

#### **303.9 REPORTING USE OF CONTROL DEVICES**

Any application of a control device shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

## Conducted Energy Device

### 304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the TASER (TM).

### 304.2 POLICY

The TASER device is used to control a violent or potentially violent individual. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

### 304.3 ISSUANCE AND CARRYING TASER DEVICES

[GCPD Procedures, Forms and Training Records: 304.3 ISSUANCE AND CARRYING TASER DEVICES](#)

Only members who have successfully completed department-approved training may be issued and may carry the TASER device.

TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster. Non-uniformed officers may secure the TASER device in their vehicles.

Members carrying the TASER device should perform a spark test prior to every shift.

When carried while in uniform, officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Officers shall be responsible for ensuring that the issued TASER device is properly maintained and in good working order.
- (c) Officers should not hold a firearm and the TASER device at the same time.

### 304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the TASER device may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required, to display the electrical arc (provided that a cartridge has not been loaded into the device)

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or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the TASER device in the related report.

#### **304.5 USE OF THE TASER DEVICE**

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

##### **304.5.1 APPLICATION OF THE TASER DEVICE**

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual. The TASER device shall not be used to psychologically torment, to elicit statements or to punish any individual.

##### **304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the TASER device on certain individuals should be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

#### 304.5.3 TARGETING CONSIDERATIONS

The preferred targeting areas include the individual's back or front lower-center mass. The head, neck, chest and groin should be avoided when reasonably practicable. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

#### 304.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Officers should not intentionally apply more than one TASER device at a time against a single individual.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should evaluate the situation and consider certain factors before additional applications of the TASER device, including:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

If the situation calls for additional applications of the TASER, no more than three application cycles will be applied to any single individual. The officer should be prepared with other options.

#### 304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the TASER device. As soon as practicable, officers shall notify a supervisor any time the TASER device has been discharged. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

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### 304.5.6 DANGEROUS ANIMALS

The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

### 304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department TASER devices while off-duty.

Officers shall ensure that TASER devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

## 304.6 DOCUMENTATION

Officers shall document all TASER device discharges in the related arrest/crime reports and the TASER device report forms. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device, other than for testing purposes, will also be documented on the report form.

### 304.6.1 TASER DEVICE REPORT FORM

Items that shall be included in the TASER device report form are:

- (a) The type and brand of TASER device and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the TASER device was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Training Supervisor should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Supervisor should also conduct audits of data downloads and reconcile TASER device report forms with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

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### 304.6.2 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing TASER devices
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

### 304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER device probes from a person's body. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device (see the Medical Aid and Response Policy).

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### **304.8 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor should respond to all incidents where the TASER device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor or Firearms Unit Supervisor and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

### **304.9 TRAINING**

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training.

A reassessment of an officer's knowledge and/or practical skills may be required at any time if deemed appropriate by the Training Supervisor. All training and proficiency for TASER devices will be documented in the officer's training files.

Command staff, supervisors and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

Officers who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Supervisor is responsible for ensuring that all members who carry TASER devices have received initial training. Periodic audits should be used for verification.

Application of TASER devices during training could result in injuries and should not be mandatory for certification.

The Training Supervisor should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.



## Vehicle Pursuits

### 307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects.

#### 307.1.1 DEFINITIONS

Definitions related to this policy include:

**Blocking or vehicle intercept** - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

**Boxing-in** - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Pursuit Intervention Technique (PIT)** - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall and come to a stop.

**Ramming** - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

**Roadblocks** - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

**Terminate** - To discontinue a pursuit or stop chasing fleeing vehicles.

**Tire deflation device** - A device designed to puncture the tires of the pursued vehicle.

**Trail** - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

**Vehicle pursuit** - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

### 307.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

### 307.3 OFFICER RESPONSIBILITIES

Vehicle pursuits should only be conducted using authorized police department emergency vehicles that are equipped with emergency lighting and sirens.

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### *Vehicle Pursuits*

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Officers shall drive with reasonable care for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (Vehicle and Traffic Law § 1104):

- (a) Stop, stand or park in violation of the rules of the road.
- (b) Proceed past a steady red signal, a flashing red signal or a stop sign, but only after slowing down as may be necessary for safe operation.
- (c) Exceed the maximum speed limits so long as life and property are not endangered.
- (d) Disregard regulations governing direction of movement or turning in specified directions

#### 307.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and police communications operator/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.
- (i) Vehicle speeds.

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- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as air support assistance.
- (l) Whether the pursuing vehicle is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

#### 307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards posed to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

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### *Vehicle Pursuits*

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#### **307.4 PURSUIT VEHICLES**

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit vehicles and the supervisor vehicle). However, the number of vehicles involved will vary with the circumstances.

An officer or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

##### **307.4.1 MOTORCYCLES**

When involved in a pursuit, police department motorcycles should be replaced by marked emergency vehicles as soon as practicable.

##### **307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT**

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police department vehicles or any air support.

##### **307.4.3 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES**

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or others.

The primary pursuing officer should notify the police communications operator, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

- (a) The location, direction of travel and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including the license plate number, if known.
- (c) The reason for the pursuit.
- (d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.
- (e) The number of occupants and identity or description.
- (f) The weather, road and traffic conditions.
- (g) The need for any additional resources or equipment.

## Vehicle Pursuits

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- (h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

### 307.4.4 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

- (a) Immediately notifying the police communications operator of his/her entry into the pursuit.
- (b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting information that the primary pursuing officer is unable to provide.
- (d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.
- (e) Identifying the need for additional resources or equipment as appropriate.
- (f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

### 307.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
  1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

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1. Request assistance from available air support.
  2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
  3. Request other officers to observe exits available to the suspect.
- (d) Notify the New York State Police or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

#### 307.5.1 PURSUIT TRAILING

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

#### 307.5.2 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew should coordinate the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If officers on the ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

#### 307.5.3 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police department vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a non-emergency manner, observing the rules of the road.

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The primary pursuit vehicle, secondary pursuit vehicle and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

#### **307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES**

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for:

- (a) Immediately notifying involved officers and the police communications operator of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Desk Officer is notified of the pursuit, as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing Garden City Police Department officers when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.

##### **307.6.1 DESK OFFICER RESPONSIBILITIES**

Upon becoming aware that a pursuit has been initiated, the Desk Officer should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Desk Officer has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Desk Officer shall review all pertinent reports for content and forward them to the Deputy Commanding Officer.

#### **307.7 DISPATCH**

If the pursuit is confined within the Village limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or police communications operator.

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If the pursuit leaves the jurisdiction of this department or such is imminent, involved officers should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

#### **307.7.1 RESPONSIBILITIES**

Upon notification or becoming aware that a pursuit has been initiated, the police communications operator is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Desk Officer as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

#### **307.8 LOSS OF PURSUED VEHICLE**

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

#### **307.9 INTERJURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

##### **307.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Garden City Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of officers at the termination point of a pursuit initiated by this department shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.



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Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

#### **307.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Garden City Police Department, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as practicable, a supervisor or the Desk Officer should review a request for assistance from another agency. The Desk Officer or supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing agency by officers of this department will conclude at the Village limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that the termination point of a pursuit from another agency is within this jurisdiction, officers shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

#### **307.10 PURSUIT INTERVENTION**

.Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT, ramming or roadblock procedures.

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#### **307.10.1 WHEN USE IS NOT AUTHORIZED**

Members of the force will not use their vehicles to ram, block, box-in, make contact with or otherwise force off the road, the vehicle being pursued. This includes PIT. In addition, members of the force will not utilize roadblocks during a pursuit.

#### **307.10.2 USE OF FIREARMS**

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

#### **307.11 CAPTURE OF SUSPECTS**

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

#### **307.12 REPORTING REQUIREMENTS**

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

- (a) The primary pursuing officer shall complete appropriate crime/arrest reports.
- (b) The primary pursuing officer or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall promptly complete a supervisor's log or interoffice memorandum, briefly summarizing the pursuit to the Commissioner of Police or the authorized designee. This log or memorandum should include, at a minimum:
  1. Date and time of the pursuit.
  2. Initial reason and circumstances surrounding the pursuit.
  3. Length of pursuit in distance and time, including the starting and termination points.
  4. Involved vehicles and officers.
  5. Alleged offenses.

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6. Whether a suspect was apprehended, as well as the means and methods used.
    - (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
  7. Arrestee information, if applicable.
  8. Any injuries and/or medical treatment.
  9. Any property or equipment damage.
  10. Name of supervisor at the scene or who handled the incident.
  11. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
- (d) After receiving copies of reports, logs and other pertinent information, the Commissioner of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.
  - (e) Annually, the Commissioner of Police should direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

#### **307.13 REGULAR AND PERIODIC PURSUIT TRAINING**

In addition to initial and supplementary training on pursuits, all officers will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

## Domestic Violence

### 311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of the Garden City Police Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

When a domestic violence incident may also include an indication of child abuse, members should refer to the Child Abuse Policy.

#### 311.1.1 DEFINITIONS

Definitions related to this policy include:

**Court order** - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

**Domestic violence or domestic incident** - Includes, but is not limited to, physical, psychological, sexual or emotional abuse by one member of a family or household against another member of the family or household. The term includes criminal offenses and family offenses but it may also include a dispute or incident between family or household members that does not rise to the level of a criminal offense. For the purposes of this policy, domestic violence includes all designated family offenses identified in Family Court Act § 812 and CPL § 530.11(1).

**Family offense** - Those offenses specified in Family Court Act § 812 and CPL § 530.11 (see domestic violence definition).

**Member of the same family or household** - Includes (Family Court Act § 812; CPL § 530.11):

- (a) Persons related by blood or marriage.
- (b) Persons legally married to one another.
- (c) Persons formerly married to one another, regardless of whether they still reside in the same household.
- (d) Persons who have a child in common, regardless of whether such persons have been married or have lived together at any time.
- (e) Persons who are or who have been in an intimate relationship, regardless of whether they have lived together at any time. Factors to consider in determining whether a relationship is an "intimate" relationship include, but are not limited to:
  1. The nature or type of relationship, regardless of whether the relationship is sexual in nature.
  2. The frequency of interaction between the persons.
  3. The duration of the relationship.

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4. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an intimate relationship.

#### **311.2 POLICY**

The Garden City Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

#### **311.3 OFFICER SAFETY**

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

#### **311.4 INVESTIGATIONS**

The following guidelines should be followed by officers when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) Two officers should be dispatched to all domestic incidents. A Supervisor should also respond.
- (c) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (d) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Detective Division in the event that the injuries later become visible.
- (f) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

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- (g) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (h) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (i) Officers shall take appropriate enforcement action when there is probable cause to believe an offense has occurred (CPL § 140.10). Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Whether the suspect lives on the premises with the victim.
  - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 3. The potential financial or child custody consequences of arrest.
  - 4. The physical or emotional state of either party.
  - 5. Use of drugs or alcohol by either party.
  - 6. Denial that the violence occurred where evidence indicates otherwise.
  - 7. A request by the victim not to arrest the suspect.
  - 8. Location of the incident (public/private).
  - 9. Speculation that the complainant may not follow through with the prosecution.
  - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
  - 11. The social status, community status, or professional position of the victim or suspect.
- (j) Officers shall not ask the victim if he/she wants the suspect arrested and shall not threaten the arrest of any person for the purpose of discouraging requests for police intervention (CPL § 140.10).

#### 311.4.1 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
  - 1. Voluntary separation of the parties.
  - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim-witness assistance).
- (b) Document the resolution on the form provided by the New York State Division of Criminal Justice Services.

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#### **311.4.2 WEAPON SEIZURE OR SAFEKEEPING PROCEDURE**

Members seizing firearms or weapons at a domestic violence incident should:

- (a) Process any firearms and weapons collected as required by departmental procedures.
- (b) Confiscate pistol licenses and notify the issuing agency of the arrestee's name and firearms confiscated.
- (c) Ensure that the court is notified of any licensed firearm.
- (d) Ensure that the court is notified that the arrestee was licensed and whether an arrest was made for a willful failure to obey an order of protection involving any behavior constituting menacing, reckless endangerment, stalking or any other violent behavior, or threatened violent behavior, against a person (Family Court Act § 842-a; Family Court Act § 846-a; CPL § 530.14).

#### **311.5 VICTIM ASSISTANCE**

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected.

- (a) Victims shall be provided with the department domestic violence information handout, even if the incident may not rise to the level of a crime (Family Court Act § 812; CPL § 530.11).
- (b) Victims shall also be alerted to any available victim advocates, shelters and community resources (Family Court Act § 812; CPL § 530.11).
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.
- (d) If the victim has sustained injury or complains of pain, officers should seek medical assistance for the victim as soon as practicable.
- (e) Officers should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (f) Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, officers should seek or assist the victim in obtaining an emergency order.

#### **311.6 DISPATCH ASSISTANCE**

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

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Police Communications Operators are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that police communications operators check whether any of the involved persons are subject to the terms of a court order.

#### **311.6.1 RECLASSIFICATION OR CANCELLATION**

A domestic incident should not be reclassified or recoded without a supervisor's review. Responses to domestic incidents should not be cancelled regardless of whether such a request is made by someone at the scene during the initial call or a follow-up call. However, officers should be informed of any request to cancel a response.

#### **311.7 FOREIGN COURT ORDERS**

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

#### **311.8 VERIFICATION OF COURT ORDERS**

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
  1. This includes checking the statewide order of protection registry.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in the appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

#### **311.9 STANDARDS FOR ARRESTS**

Officers investigating a domestic violence report should consider the following (CPL § 140.10):

- (a) Officers who are police officers shall arrest a person when there is probable cause to believe that the person has committed one of the following against a family or household member:



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1. Any felony offense (other than certain grand larceny offenses).
  2. Any misdemeanor family offense.
- (b) Officers who are police officers shall make an arrest, unless a decision not to arrest has been made by a supervisor, when:
1. A misdemeanor domestic violence incident occurs where the victim has requested that no arrest be made.
  2. In all other domestic violence incidents for offenses as permitted by CPL § 140.10. A decision not to make an arrest in these circumstances shall be made by a supervisor but only when there is a clear and compelling reason not to make an arrest.
- (c) Officers who are police officers shall make an arrest for certain violations of a duly served order of protection, an order of protection which the defendant has actual knowledge of because he/she was present in court when such order was issued, or other court orders related to domestic violence found in the following provisions:
1. Domestic Relations Law § 240 (custody and child support)
  2. Domestic Relations Law § 252 (actions for divorce)
  3. Family Court Act Articles 4, 5, 6, or 8 (support, paternity, termination/adoption, or family offenses proceedings)
  4. CPL § 530.12 (protection for victims of family offenses)
  5. CPL § 330.20 (procedure following verdict or plea of not responsible by reason of mental disease or defect)
  6. These arrests require that:
    - The protected party in whose favor the order of protection or temporary order of protection is issued may not be held to violate an order issued in his/her favor nor may such protected party be arrested for violating such order.
    - The arrest shall be made if the person violates a stay-away provision included in one of the above orders or if the person commits a family offense in violation of the court order.
- (d) In cases involving a misdemeanor family offense, if there is probable cause to believe that more than one family or household member committed such offense, an officer is not required to arrest both parties. The officer shall attempt to identify and arrest the primary aggressor using factors including but not limited to (CPL §140.10):
1. The comparative extent of any injuries inflicted by and between the parties.
  2. Whether any party is threatening or has threatened future harm against another party or another family or household member.
  3. Whether any party has a prior history of domestic violence that the officer can reasonably ascertain.
  4. Whether any party acted defensively to protect him/herself from injury.

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5. The decision to arrest or not to arrest shall not be based on the willingness of a person to testify or otherwise participate in a judicial proceeding.
- (e) Officers should take a report from a victim of a family offense even if the offense did not occur in the jurisdiction of the Garden City Police Department (Executive Law § 646).
- (f) Peace officers who respond to a domestic violence call, who do not have arrest authority for such calls as part of their assigned duties, shall summon a police officer who has arrest authority under such circumstances.

#### **311.10 REPORTS AND RECORDS**

Officers shall complete a written report, for all domestic incidents, on the form provided by the New York State Division of Criminal Justice Services, regardless of whether an arrest is made (CPL § 140.10).

- (a) If it is determined that the suspect or arrestee is on probation or parole, the Desk Officer shall ensure that a copy of the written report is sent to the supervising probation or parole officer.
- (b) If an offense is committed against a person who is 65 years of age or older, the Desk Officer shall ensure that a copy of the report is sent to the committee for the coordination of police services to elderly persons.
- (c) If the complaint stems from a victim of a family offense that occurred outside of the jurisdiction of the Garden City Police Department, the Desk Officer shall ensure that a copy of the written report is provided to the complainant and also promptly sent to the appropriate law enforcement agency (Executive Law § 646).

#### **311.11 SERVICE OF COURT ORDERS**

Officers who receive a copy of a temporary order of protection or an order of protection issued upon default shall make a reasonable effort to serve the named person with the order along with the summons, petition or any other associated papers (Domestic Relations Law § 240; Family Court Act § 153-b).

Upon service, the officer shall notify the issuing court that service was achieved and notify the statewide computer registry regarding the date and time of service (Domestic Relations Law § 240; Family Court Act § 153-b).

Officers may also assist in the service of a court order upon request of the protected person.

##### **311.11.1 ORDER OF PROTECTION REGISTRY**

When an officer receives a copy of an order of protection, special order of conditions, or warrant that pertains to an order of protection or special order of conditions, the required information shall be immediately entered into the order of protection registry (Executive Law § 221-a).

#### **311.12 DOMESTIC INCIDENT FOLLOW-UP**

A copy of all domestic incident reports shall be forwarded to the Detective Division for review and follow-up.

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## Hate Crimes

### 319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

#### 319.1.1 DEFINITIONS

Definitions related to this policy include (Penal Law § 485.05):

**Hate crime** - A crime motivated by prejudice based on actual or perceived race, color, religion, religious practice, age, national origin, ethnicity, gender, sexual orientation, gender identity or expression, ancestry, or disability of the victim.

### 319.2 POLICY

The Garden City Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

### 319.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes, and forming networks that address prevention and response.
- (b) Providing victim assistance and community follow-up or identifying available resources to do so.
- (c) Educating community and civic groups about hate crime laws.

### 319.4 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further, as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.
- (c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

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- (e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.
- (f) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (h) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked "Hate Crime."
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid.

#### **319.4.1 DETECTIVE DIVISION RESPONSIBILITIES**

If a hate crime case is assigned to the Detective Division, the assigned detective will be responsible for:

- (a) Coordinating further investigation with the Village Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking of suspected hate crimes, as indicated or required by state law (Executive Law § 837).

#### **319.4.2 SPECIFIC NOTATIONS**

When a person is convicted of a hate crime and the specified offense is a misdemeanor or class C, D or E felony, the hate crime will be deemed to be one category higher than the offense actually committed (Penal Law § 485.10). Notice that the crime charged is a hate crime must be indicated on the accusatory instrument. The factual part of the instrument should contain facts supporting the determination the crime is a hate crime. The accusatory part of the instrument should give notice to the court by using an "H" designation at the end of the statute citation. For example, an accusatory instrument for criminal mischief in the fourth degree determined to be a hate crime would appear as Penal Law § 145.00(1 H) and cited as "Criminal mischief in the fourth degree as a Hate Crime."

#### **319.5 TRAINING**

All members of this department should receive training on hate crime recognition and investigation. Training should include:

- (a) Guidance for the investigation of hate crimes available through the New York State Division of Criminal Justice Services.

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- (b) The components of Penal Law § 485.05 and Penal Law § 485.10 and related case law, including:
  - 1. Notice that the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability, or sexual orientation of the suspect, the victim, or both the suspect and the victim does not, by itself, constitute legally sufficient evidence of a hate crime.
  - 2. Notice that the mere mention of a bias remark does not make an incident bias-motivated, just as the absence of a remark does not make an incident without bias.
  - 3. An explanation of how enhanced sentences relate to the specified offenses on which they are based.
  - 4. Related definitions, including age, disability, and gender identity or expression.
- (c) Supervisor notification.
- (d) Processing an arrest for a hate crime.

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## Standards of Conduct

### 320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Garden City Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

### 320.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

### 320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

#### 320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

#### **320.3.2 SUPERVISOR RESPONSIBILITIES**

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

#### **320.4 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and New York constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

#### **320.5 CAUSES FOR DISCIPLINE**

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

##### **320.5.1 LAWS, RULES AND ORDERS**

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in department or Village manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.



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#### 320.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Garden City Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance or solicitation of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

#### 320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

#### 320.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

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#### 320.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

#### 320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Commissioner of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Garden City Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

#### 320.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Personnel Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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#### 320.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on department premises.
  - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
  - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
  - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
  - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property.
- (h) Engaging in political activities during assigned working hours.
- (i) Any act on- or off-duty that brings discredit to this department.

#### 320.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

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- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the Village.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract, including fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Commissioner of Police of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

#### 320.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.

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- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

#### 320.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

#### 320.5.12 LEGISLATIVE RESTRICTIONS

Officers are prohibited from the following activities by New York statute:

- (a) Having an interest in the manufacture or sale of alcoholic beverages (Alcoholic Beverage Control Law § 128).
- (b) Using one's position or authority to aid or oppose any political party (Election Law § 17-110).
- (c) Holding an office in, being employed by, owning or conducting business at a pari-mutuel race track (Racing, Pari-Mutuel Wagering and Breeding Law § 107).
- (d) Violating any applicable provisions of Article 4 of the Public Officers Law and Article 18 of the General Municipal Law including:
  - 1. Accepting gifts of \$75 or more in value (General Municipal Law § 805-A)
  - 2. Disclosing confidential information obtained in the course of official duties (Public Officers Law § 96)
  - 3. Receiving payment for official acts except as authorized by law (Public Officers Law § 67)
  - 4. Failing to disclose an interest in any contract or business with the employing governmental entity (General Municipal Law § 801)
  - 5. Failing to disclose an interest in property for which a variance is requested (General Municipal Law § 809)

## Limited English Proficiency Services

### 332.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 332.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Nassau County Police Department to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficiency (LEP) individual** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still exhibit LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Bilingual member** - A member of the Garden City Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 332.2 POLICY

It is the policy of the Garden City Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

The use of LEP services shall not be deemed by any GCPD member as a basis for inquiring into a person's confidential information relating to immigration status UNLESS that person is arrested for a crime.

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### *Limited English Proficiency Services*

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#### **332.3 LEP COORDINATOR**

The Commissioner of Police shall delegate certain responsibilities to a LEP coordinator. The coordinator shall be appointed by, and directly responsible to, the Deputy Commanding Officer or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

- (a) Coordinating and implementing all aspects of the Garden City Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Desk Officer. The list should include information regarding:
  1. Languages spoken.
  2. Contact information.
  3. Availability.
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Periodically assessing demographic data and other resources, including contracted language services utilization data and data from community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Periodically reviewing efforts of this department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing new procedures or recommending modifications to this policy.
- (h) Receiving and responding to complaints regarding department LEP services.
- (i) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

#### **332.4 FOUR-FACTOR ANALYSIS**

Because there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

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- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of this department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

#### **332.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Garden City Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

#### **332.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

[GCPD Procedures, Forms and Training Records: 332.6 WRITTEN FORMS AND GUIDELINES](#)

#### **332.7 AUDIO RECORDINGS**

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

#### **332.8 BILINGUAL MEMBERS**

Bilingual members may provide LEP services when they have a sufficient level of skill and competence to fluently communicate in both English and a non-English language.

When a bilingual member from this department is not available, personnel from other departments who have been identified by the Department as having the requisite skills and competence may be requested.



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#### **332.9 AUTHORIZED INTERPRETERS**

Any person designated by the Nassau County Police Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters shall have skills and abilities in the following areas:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

##### **332.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Bilingual members of this department or personnel from other departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

##### **332.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers or Village employees who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

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Where bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers or Village employees who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations. Family members should not be used in cases of a domestic incident.

#### **332.10 CONTACT AND REPORTING**

Although all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

#### **332.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Garden City Police Department will take reasonable steps to develop in-house language capacity by hiring or appointing members proficient in languages representative of the community being served.

##### **332.11.1 EMERGENCY CALLS TO 9-1-1**

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a bilingual member is available in Dispatch, the call shall immediately be handled by the bilingual member.

If a bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a bilingual member to the assignment, if available and appropriate.

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Although 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

#### **332.12 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a bilingual member or authorized interpreter before placing an LEP individual under arrest.

#### **332.13 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used, if available. This includes interviews conducted during an investigation with victims, witnesses and suspects. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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#### **332.14 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by a bilingual member or an authorized interpreter.

#### **332.15 BOOKINGS**

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, to protect the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

#### **332.16 COMPLAINTS**

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during a complaint investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

#### **332.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

#### **332.18 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Supervisor shall be responsible for ensuring new members receive LEP training. The Training Supervisor shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with the established records retention schedule.

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## Community Relations

### 341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Policy.
- Suspicious Activity Reporting Policy.

### 341.2 POLICY

It is the policy of the Garden City Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

### 341.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Dispatch of their location and status during the foot patrol.

### 341.4 COMMUNITY RELATIONS COORDINATOR

The Commissioner of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Commissioner of Police or authorized designee and is responsible for:

- (a) Obtaining department-approved training related to his/her responsibilities.

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- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the department's relationship with the community.
- (d) Working with community groups, department members and other community resources to:
  - 1. Identify and solve public safety problems within the community.
  - 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (e) Working with the Deputy Commanding Officer to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (f) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (g) Attending Village council and other community meetings to obtain information on community relations needs.
- (h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (i) Informing the Commissioner of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

#### **341.5 SURVEYS**

Per the direction of the Commissioner or Deputy Commanding Officer, the community relations coordinator may be designated to arrange for a survey of community members and department members to be conducted as necessary to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Department
- (b) Overall competence of department members
- (c) Attitude and behavior of department members
- (d) Level of community trust in the Department
- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Commissioner of Police.

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#### **341.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS**

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource officer/ PRIDE programs.
- (e) Neighborhood Watch and crime prevention programs.

#### **341.7 INFORMATION SHARING**

The community relations coordinator should work with the Deputy Commanding Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

#### **341.8 LAW ENFORCEMENT OPERATIONS EDUCATION**

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Alongs Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Department.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make

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a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

#### **341.9 SAFETY AND OTHER CONSIDERATIONS**

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, should not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

#### **341.10 COMMUNITY ADVISORY COMMITTEE**

The Commissioner of Police may establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the Department to develop strategies to solve public safety problems.
- (c) Generate plans for improving the relationship between the Department and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

When deemed necessary by the Commissioner or DCO, the Training Supervisor may be assigned to arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Commissioner of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

##### **341.10.1 LEGAL CONSIDERATIONS**

The Commissioner of Police and the community relations coordinator should work with the Village Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.



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#### **341.11 TRANSPARENCY**

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officer, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

#### **341.12 TRAINING**

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

## Patrol

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

### 400.2 POLICY

The Garden City Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

### 400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Village of Garden City. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of both criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Directing and controlling traffic.
- (h) Carrying out crime prevention activities, such as residential inspections, business inspections and community presentations.
- (i) Carrying out community-oriented policing and problem-solving activities, including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (j) Identifying and/or responding to calls for service regarding hazardous highway conditions, requesting notification to the appropriate municipal or private agency regarding the hazard, and, if necessary, mitigating the hazard through the use of traffic flares or cones.

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#### **400.4 INFORMATION SHARING**

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily line-up.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

#### **400.5 CROWDS, EVENTS AND GATHERINGS**

Officers may encounter gatherings of people, including, but not limited to, civil demonstrations, public displays, parades, sporting events and civic, social and business events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations, and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety concerns.

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## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Garden City Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

### 401.2 POLICY

The Garden City Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

### 401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

#### 401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

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To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI)), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### **401.4.2 REPORTING TRAFFIC STOPS**

Each time an officer makes a traffic stop, the officer shall report any information as required in the Traffic and Parking Tickets Policy.

#### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Unit (MDU) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

#### **401.6 ADMINISTRATION**

All Bias-Based Policing investigations regarding violations and/or complaints will be forwarded to the Office of the Commissioner of Police.

#### **401.7 TRAINING**

Training on fair as well as objective policing and review of this policy should be conducted as directed by the Training Supervisor.

## Crisis Intervention Incidents

### 409.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

#### 409.1.1 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; noncompliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

**Mobile Crisis Outreach Team (MCOT)**- A group consisting of physicians and/or qualified mental health professionals who will respond to any location within Nassau County to make assessments of individuals who appear to be having psychiatric problems. The MCOT operates out of Nassau University Medical Center (NUMC) and can be reached at (516) 572-6419.

Note: Police Officers should make referrals to the MCOT when they encounter a person who may need evaluation, but does not meet the MHL standards for an emergency admission.

### 409.2 POLICY

The Garden City Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

### 409.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

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### *Crisis Intervention Incidents*

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- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation or lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these signs should not be treated as proof of the presence or absence of a mental health issue or crisis.

#### **409.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Deputy Commanding Officer or designee will collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

#### **409.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.

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- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

#### **409.6 DE-ESCALATION**

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm and courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

#### **409.7 INCIDENT ORIENTATION**

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the police communications operator provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.



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- (b) Whether there have been prior incidents or suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

#### **409.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Deputy Commanding Officer.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

#### **409.9 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

##### **409.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Emergency Admissions Policy.

#### **409.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS**

Civilian or clerical members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.

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- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

#### **409.11 EVALUATION**

The Deputy Commanding Officer or designee assigned to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Commissioner of Police through the chain of command.

#### **409.12 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

## Emergency Admissions

### 410.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person under an Emergency Admission (Mental Hygiene Law § 9.41).

#### 410.1.1 DEFINITIONS

Definitions related to this policy include (Mental Hygiene Law § 9.39):

**Likely to result in serious harm** - Includes a substantial risk of physical harm to:

- (a) One's self as manifested by threats of or attempts at suicide, or serious bodily harm or other conduct demonstrating that the person is dangerous to him/herself.
- (b) Others as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm.

### 410.2 POLICY

It is the policy of the Garden City Police Department to protect the public and individuals through legal and appropriate use of emergency admission process.

### 410.3 AUTHORITY

Any officer:

- (a) May take any person into custody for an emergency admission when the person appears to be mentally ill and is conducting him/herself in a manner which is likely to result in serious harm. The person shall be transported to a hospital or comprehensive psychiatric emergency program (CPEP) as specified in Mental Hygiene Law § 9.41.
  - 1. The officer may also temporarily detain such person in a safe and comfortable place pending an examination or admission to a hospital or CPEP. However, notification shall be made to the Director of Community Services (DCS), the director's designee or, if not available, to the city or county health officer, as applicable (Mental Hygiene Law § 9.41).
- (b) Shall, upon written direction from the DCS, take a person into custody for an emergency admission or assist in the transporting of the person for an emergency admission. The person shall be transported to a designated hospital or CPEP (Mental Hygiene Law § 9.45).
- (c) Shall, upon written direction of a qualified supervising or treating psychiatrist, take into custody a person for an emergency admission or assist in the transportation of the person to a hospital or CPEP designated by the qualified psychiatrist (Mental Hygiene Law § 9.55).
- (d) Shall, upon written request of the director or director's designee of a hospital that does not have appropriate inpatient psychiatric services, take into custody a person for an emergency admission or assist in transporting the person. The person shall be transported to the hospital or CPEP designated by the director or director's designee of the hospital (Mental Hygiene Law § 9.57).

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- (e) May, upon the request of an authorized physician who has certified that the person is mentally ill and in need of involuntary care and treatment in a hospital, take a person into custody and transport or assist in the transportation of that person to a hospital as directed. For purposes of this section, an authorized physician is one of the two physicians who are required to examine the person and who authorized the involuntary admission (Mental Hygiene Law § 9.27).
- (f) Shall, upon written request of the DCS, take a person who has been certified by the DCS as having a mental illness which is likely to result in serious harm into custody and transport or assist in the transportation of the person to a hospital for an involuntary admission (Mental Hygiene Law § 9.37).

#### 410.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for emergency admission, they may inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility. If the person so desires, the officer should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, the officers should proceed with the emergency admission, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.
- (d) Contact the parent or appropriate guardian if the person is under 16 years of age prior to proceeding with a voluntary evaluation and/or admission (Mental Hygiene Law § 9.13).

#### 410.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving a person who may qualify for detention for the purpose of emergency admission should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the possible cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques
- (d) Community or other resources that may be readily available to assist with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

An emergency admission should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

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#### **410.5 TRANSPORTATION**

When transporting any individual for an emergency admission or involuntary admission, the transporting officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in the patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Patrol Supervisor approval is required before transport commences.

#### **410.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for an emergency admission and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

#### **410.7 DOCUMENTATION**

The officer should complete the New York State Office of Mental Health (OMH) Emergency or CPEP Emergency Admission Form, or other form approved by the Department, whenever a person is taken into custody pursuant to Mental Hygiene Law § 9.41. A copy of the form will be left with the treating mental health staff. The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

The officer will document his/her actions in an aided report.

#### **410.8 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody through an emergency admission should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for an emergency admission has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the detention.
- (c) Facilitate the individual's transfer to jail.

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- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergency admission.

In the supervisor's judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

#### **410.9 FIREARMS AND OTHER WEAPONS**

Whenever a person is taken into custody for an emergency admission, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

#### **410.10 TRAINING**

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, an emergency admission and crisis intervention.

## Medical Aid and Response

### 430.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

### 430.2 POLICY

It is the policy of the Garden City Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

### 430.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  1. Signs and symptoms as observed by the member.
  2. Changes in apparent condition.
  3. Number of patients, sex and age, if known.
  4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
  5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Member should not direct EMS personnel whether to transport the person for treatment.

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#### **430.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance.

Absent exigent circumstances members should not provide emergency escort for medical transport.

#### **430.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with emergency admission in accordance with the Emergency Admission Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign forms accepting financial responsibility for treatment.

##### **430.5.1 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.



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#### **430.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies.

#### **430.7 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Deputy Commanding Officer should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members shall follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during the landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

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#### **430.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

##### **430.8.1 AED USER RESPONSIBILITY**

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Medical Supervisor who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS.

##### **430.8.2 AED REPORTING**

The local emergency medical system will be notified immediately upon the use of an AED (Public Health Law § 3000-b).

Any member using an AED will complete an aided report detailing its use.

##### **430.8.3 AED TRAINING AND MAINTENANCE**

The members shall be trained by a nationally recognized organization or the state emergency medical services council in the use of the AED (Public Health Law § 3000-b).

The Medical Supervisor is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

#### **430.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Only members who maintain current training as established by the opioid overdose program director may administer opioid overdose medication (10 NYCRR § 80.138).

##### **430.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES**

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Medical Supervisor .

##### **430.9.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use in an aided report and a case report. A copy of said report(s) will be forwarded to the Medical Supervisor.

The member shall report all responses to victims of suspected drug overdose on the current state-specified form and to the opioid overdose program director or his/her designee (10 NYCRR § 80.138(c)(3)).

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The Office of the Deputy Commanding Officer shall ensure that all administrations of an opioid antagonist and the number of trained overdose responders are reported to the MPTC quarterly (10 NYCRR § 80.138). The Medical Supervisor shall ensure the Deputy Commanding Officer has a current list of officers trained as overdose responders.

#### 430.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Medical Supervisor should ensure initial training is provided and refresher training or competency verification occurs every two years for members authorized to administer opioid overdose medication as specified by the MPTC (10 NYCRR § 80.138).

#### **430.10 ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS**

The Commissioner of Police or designee may authorize the acquisition and storage of epinephrine auto-injectors for use by officers as provided by Public Health Law § 3000-c. The Deputy Commanding Officer shall ensure that a trained officer is assigned to be responsible for the storage, maintenance, control and general oversight of the epinephrine auto-injectors acquired by the Department (Public Health Law § 3000-c).

##### 430.10.1 EPINEPHRINE USER RESPONSIBILITIES

Officers who are qualified to administer an epinephrine auto-injector should handle, store and administer the medication consistent with their training. Officers should check the auto-injectors at the beginning of their shift to ensure they are not expired. Any expired medication should be removed from service and given to the Medical Supervisor.

An officer who administers an epinephrine auto-injector should contact Dispatch as soon as possible and request response by emergency medical services personnel.

##### 430.10.2 EPINEPHRINE AUTO-INJECTOR USE REPORTING

Any member who administers an epinephrine auto-injector should detail its use in an aided report.

##### 430.10.3 EPINEPHRINE AUTO-INJECTOR TRAINING

The Medical Supervisor should ensure that members authorized to administer epinephrine auto-injectors are provided with initial and refresher training that meets the requirements of Public Health Law § 3000-c.

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## Civil Disputes

### 432.1 PURPOSE AND SCOPE

This policy provides members of the Garden City Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by New York law.

### 432.2 POLICY

The Garden City Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 432.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While the following is not intended to be an exhaustive list, members should give consideration to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice; however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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#### **432.4 COURT ORDERS**

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

##### **432.4.1 STANDBY REQUESTS**

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is an order of protection, restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order. In the event the issuing court authorizes a law enforcement escort for a party in retrieving property, such authorization should be clearly documented and subject to review by a supervisor before law enforcement assistance is rendered.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

All activity relating to property retrievals and requests for same shall be documented in an appropriate report.

#### **432.5 VEHICLES AND PERSONAL PROPERTY**

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a

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crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

#### **432.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

For matters concerning rent administration, housing operations, rent overcharges and security deposits, the member can refer the complainant to the New York State Attorney General's Office.

#### **432.7 TRAINING**

Landlord tenant issues are complex and the Department should develop and implement basic and ongoing training for officers on landlord and tenant rights with a focus on hotel/motel disputes.

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## Recruitment and Selection

### 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Garden City Police Department and that are promulgated and maintained by the Personnel Department.

### 1000.2 POLICY

In accordance with applicable federal, state, and local law, the Garden City Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

### 1000.3 RECRUITMENT

The Nassau County Civil Service Commission should employ a comprehensive recruitment and selection strategy for the Garden City Police Department to recruit candidates who qualify for the Civil Service exam and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Nassau County Civil Service Commission shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

All job announcements must include a description of the duties of the position.

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The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

#### **1000.4 SELECTION PROCESS**

Upon the certification of a civil service list and following the laws and rules guiding selection from the list, the Department and the Nassau County Civil Service Commission shall actively strive to identify the candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state and federal criminal history record checks
- (h) Polygraph examination (when legally permissible)
- (i) An impartial medical exam by a licensed physician or practitioner that meets the Municipal Police Training Council standards (may only be given after a conditional offer of employment)
- (j) A psychological examination administered by qualified professionals to ensure psychological fitness (may only be given after a conditional offer of employment)
- (k) Oral Review board or selection committee assessment based upon standardized questions with candidate's responses recorded on uniform reports

#### **1000.4.1 VETERAN PREFERENCE**

The Department will provide veteran preference credits as required (Civil Service Law § 85).

#### **1000.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Garden City Police Department.



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Background investigators will be provided with instructions and checklists to ensure thorough, comprehensive and objective investigations of candidates. Elements of the background investigation will include verification of employment, education and residences; interviews with previous and current employers, family members, neighbors, social contacts, provided references, developed references and organizations; and review of credit history, military records, and other public records searches.

#### 1000.5.1 NOTICES

NCPD AIU background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the New York Fair Credit Reporting Act (15 USC § 1681d; General Business Law § 380-c).

#### 1000.5.2 STATE NOTICES

Every applicant disqualified due to facts discovered during the background investigation by the Garden City Police Department will be provided a written statement specifying the reasons for the disqualification and allowed an opportunity for rebuttal (Civil Service Law § 50).

Applicants who are or were subject to an extreme risk protection order (temporary or final) should be afforded an opportunity to explain the circumstances and provided with copies of records related to the order that are obtained by the Department (CPLR § 6346).

#### 1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Deputy Commanding Officer and the NCPD AIU should not require candidates to provide passwords, account information or access to password-protected social media accounts.

The Deputy Commanding Officer and/or the NCPD AIU should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Deputy Commanding Officer should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

#### 1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

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#### **1000.5.5 DOCUMENTING AND REPORTING**

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

#### **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework. State law provides for statutory minimal standards for disqualification as prescribed by Civil Service Law § 50.

#### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel Department should maintain validated standards for all positions.

##### **1000.7.1 STANDARDS FOR OFFICERS**

Candidates shall meet the following minimum standards:

- (a) Free of any felony convictions

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- (b) Citizen of the United States or permanent resident alien eligible for and has applied for citizenship
- (c) At least 20 years of age and no more than 35 years of age with certain exceptions (Civil Service Law § 58)
- (d) Fingerprinted for local, state and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation
- (f) High School graduate, passed the GED or obtained a two year, four year or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional or mental condition which might adversely affect the exercise of police powers
- (h) Candidates must also satisfy the Municipal Police Training Council (MPTC) selection requirements

In addition to the above minimum MPTC required standards, candidates should be subjected to additional evaluations including physical ability testing, drug screening, polygraph and/or pre-offer personality test.

#### **1000.8 PROBATIONARY PERIODS**

The Deputy Commanding Officer should coordinate with the Village of Garden City Personnel Department to identify positions subject to probationary periods and procedures for:

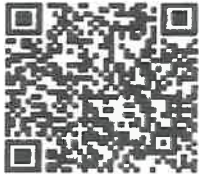
- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

# 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 LGTBQ members and our department's relationship with the Nassau County LGBTQ+ 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:** [emeraldmi@pdcn.org](mailto:emeraldmi@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  
Hickvillepal.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 11793  
Wantaghseafordpal.org 516-783-8464  
P.O. Philip/Bob Kennish

West Hempstead PAL:

817 Hempstead Turnpike, West Hempstead, NY  
11552

[westhempstead.org](http://westhempstead.org) 516-458-5076

P.O. Perlungher/Robert Moser

Westbury/Carle Place PAL:

357 Rockland Street Westbury, NY 11590

[westburycarleplacepal.siplay.com](http://westburycarleplacepal.siplay.com)

516-750-8019

P.O. Lajara/Stephany Veli



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## Personnel Complaints

### 1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Garden City Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

### 1010.2 POLICY

The Garden City Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local laws and municipal and county rules as well as the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

### 1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

#### 1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the Desk Officer is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Deputy Commanding Officer, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Deputy Commanding Officer, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

# Garden City Police Department

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### *Personnel Complaints*

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#### 1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

#### 1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

##### 1010.4.1 COMPLAINT FORMS

Personnel complaint forms shall be maintained at headquarters and shall be available for use at any time.

Guidelines and examples of the forms are located in the Procedures Manual:

[GCPD Procedures, Forms and Training Records: 1010.4.1 Complaint Forms](#)

##### 1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and the complainant immediately directed to a supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone.

All complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

Complainants shall be given the opportunity to complete a deposition. Refusal to complete a deposition shall be noted on the Personnel Complaint form, but shall not influence the acceptance or the investigation of the complaint

#### 1010.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

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All complaints shall be logged into the department's record management system and assigned an incident number. The complainant's pedigree information shall be entered, no further information regarding the complaint shall be entered. All further documentation will remain on the Personnel Complaint forms. The DCO shall be notified for each occurrence of a Personnel Complaint. The DCO shall assign a complaint number, which will also be recorded on the incident report, and file and maintain all records solely in the office of the DCO. Finalized reports shall likewise be maintained only in the office of the DCO, with copies placed in any appropriate personnel file.

See also 1010.4.1 Complaint Forms

#### **1010.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

##### **1010.6.1 SUPERVISOR RESPONSIBILITIES**

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Commissioner of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
  - 1. The original complaint form will be directed to the Desk Officer of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Deputy Commanding Officer or, in his absence, to the Commissioner of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
  - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
  - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Desk Officer.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Desk Officer and Deputy Commanding Officer are notified via the chain of command as soon as practicable.

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- (e) Promptly contacting the Desk Officer for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Desk Officer, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Investigating a complaint as follows:
  - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
  - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (h) Ensuring that the procedural rights of the accused member are followed.
- (i) Ensuring interviews of the complainant are generally conducted during reasonable hours.

#### 1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES UNDER NYS CIVIL SERVICE LAW AND COLLECTIVE BARGAINING AGREEMENT

All employees shall be entitled to the protection of what shall be hereafter termed as the "Bill of Rights for Issues of Police Officers in said classifications of the Garden City Police Department" and which provides as follows:

The Police Department has established the following procedures to govern the conduct and control of investigations.

The wide-ranging powers and duties given to the Department and its members involve them in all manner of contacts and relationships with the public. Out of these contacts come many questions concerning the actions of Employees. These questions often require immediate investigation by superior officers designated by the Police Commissioner of the Garden City Police Department. In an effort to ensure that these investigations are conducted in a manner that is conducive to good order and discipline, the following guidelines are promulgated.

A) When a Police Officer is ordered to attend an interview regarding a Departmental investigation, the interview will take place between 9:00 a.m. and 6:00 p.m. unless the exigencies of the investigation dictate otherwise. Should the Village desire to interview an employee who is working a 7:00 p.m. to 7:00 a.m. tour of duty the interview will be postponed until 9:00 a.m. following the tour and no overtime or recall shall be paid. If at the PBA's request, the parties agree to reschedule the interview to another time when the employee is not working, no overtime or recall shall be paid. If interviews are scheduled by the Village at other times when the employee is not working, overtime and recall shall be paid.

B) The interrogations shall take place at a location designated by the investigating officer. Usually, the interrogation will be at police headquarters.

C) The employee shall be informed of the nature of the investigation before any interrogation commences, including sufficient information to reasonably apprise the Employee of the

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allegations. If it is known that an Employee being interrogated is the target of a criminal investigation or a witness only, he/she shall be so informed at the initial contact.

D) The questioning shall not be overly long. Reasonable respites shall be allowed. Time shall also be provided for personal necessities, meals, telephone calls and rest periods as are reasonably necessary.

E) The Employee shall not be subjected to any abusive language, nor shall he/she be threatened with transfer, dismissal or other disciplinary inducement to answering questions.

F) The complete interrogation of the Employee may be recorded mechanically by the Village and/or the Employee. All recesses called during the questioning shall be recorded. The Employee or his/her counsel shall be entitled to a copy of the Village's recording, if any, within a reasonable time after such interrogation. Likewise, the Village shall be entitled to a copy of the employee's recording.

G) The Employee shall be informed of the name and rank of the officer in charge of the investigation, of all persons present during the interrogation, and shall be advised of his/her right to an adjournment in order to have his/her counsel and/or Association representative present. The law imposes no obligation, legal or otherwise, on the Department to provide an opportunity for an Employee to consult with counsel when questioned by a superior officer about his/her employment or matters relevant to his/her continuing fitness for police service. Nevertheless, in the interest of maintaining the unusually high morale of the force, the Department shall afford an opportunity for an Employee, if he/she requests, to consult with counsel and/or with a representative of the Association before being questioned concerning a serious violation of the Rules and Procedures, provided the interrogation is not unduly delayed. However, in such cases, interrogation may not be postponed for the purposes of consultation past 10:00 a.m. of the day following the notification of interrogation. The Employee shall have the right to have his/her counsel and/or Association representative present to assist during the interrogation.

H) Notwithstanding any rights members may have pursuant to §209-a of the NYS Civil Service Law, a violation of this Bill of Rights shall not preclude the Village from assessing appropriate discipline.

#### 1010.6.3 NOTICE OF CHARGES

Any charges brought against an employee shall be in writing and within the time frame prescribed by law (Civil Service Law § 75)

#### 1010.6.4 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

**Introduction** - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

**Synopsis** - Provide a brief summary of the facts giving rise to the investigation.

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**Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

#### 1010.6.5 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

#### 1010.6.6 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation as soon as is practicable.

#### 1010.6.7 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

### **1010.7 ADMINISTRATIVE SEARCHES**

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

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#### **1010.8 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Commissioner of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.
- (d) May be on leave without pay for no more than 30 days (Civil Service Law § 75; Village Law § 8-804).

#### **1010.9 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Commissioner of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Commissioner of Police may request a criminal investigation by an outside law enforcement agency in such case. The Commissioner of Police may also request an investigation by an outside agency into any other serious allegation as is deemed necessary.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Garden City Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

#### **1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, an investigation report shall be forwarded to the Deputy Commanding Officer. The DCO shall review the report and include comments in writing before forwarding the report to the Commissioner of Police. The Commissioner of Police may accept or modify any classification or recommendation for disciplinary action.

##### **1010.10.1 DEPUTY COMMANDING OFFICER RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Deputy Commanding Officer shall review the entire investigative file, the member's personnel file, and any other relevant materials.

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The Deputy Commanding Officer may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Commissioner of Police, the Deputy Commanding Officer may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Commissioner of Police, the Deputy Commanding Officer shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

All Personnel Complaint records shall exclusively be maintained in the office of the Deputy Commanding Officer.

#### 1010.10.2 COMMISSIONER OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Commissioner of Police shall review the recommendation and all accompanying materials. The Commissioner of Police may modify any recommendation and/or may return the file to the Deputy Commanding Officer for further investigation or action.

Once the Commissioner of Police is satisfied that no further investigation or action is required by staff, the Commissioner of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Commissioner of Police shall provide the employee with a written notice that includes the reasons for the proposed disciplinary action and a copy of the charges (Civil Service Law § 75).

The employee shall be given an opportunity to respond in writing to the Commissioner of Police within eight days of receiving the notice. Upon a showing of good cause by the employee, the Commissioner of Police may grant a reasonable extension of time for the employee to respond.

Once the employee has completed his/her response, or if the employee has elected to waive any such response, the Commissioner of Police shall consider all information received in regard to the recommended discipline. The Commissioner of Police shall conduct a hearing when there is a recommendation for disciplinary action or termination of an employee. Upon completion of the hearing, the Commissioner of Police shall render a timely written decision to the employee and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Commissioner of Police has issued a written decision, the discipline shall become effective.

#### 1010.10.3 HEARING BY COMMISSIONER

In a hearing conducted by the Commissioner of Police the employee has the right to be present and to be represented by counsel. The employee shall be allowed to furnish evidence in his/her defense.



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### *Personnel Complaints*

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#### **1010.10.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT**

The Commissioner of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

#### **1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Commissioner of Police after having had an opportunity to review the supporting materials and prior to the imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an Association representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Commissioner of Police to consider.
- (d) In the event that the Commissioner of Police elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Commissioner of Police on the limited issues of information raised in any subsequent materials.

#### **1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

#### **1010.13 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by Civil Service Law § 76, any collective bargaining agreement and/or personnel rules.

#### **1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy.

In cases where an individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate, the probationary period may be extended at the discretion of the Commissioner of Police.

# Garden City Police Department

## Policy Manual

### *Personnel Complaints*

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#### **1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

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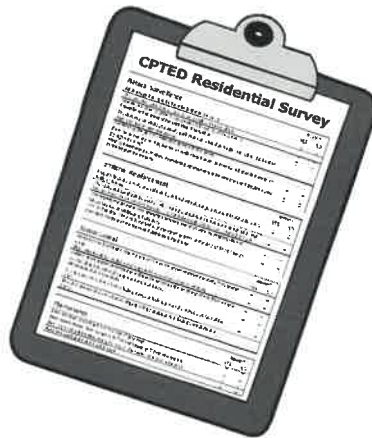
## Residential Survey

Residents are the core of any community. Their well-being directly impacts the health of the community and its ability to prosper. Residents who feel safe from crime in their homes and neighborhoods will be more willing to get involved in activities that strengthen and protect the community. Alternately, residents who don't feel safe often turn their homes into fortresses to protect themselves and they avoid contact with the community. This can contribute to the decline of the neighborhood and create a rise in crime!

All Garden City residents are urged to spend approximately an hour of their time to complete this residential CPTED survey. The survey will allow residents to locate problems on their property, identify possible strategies for fixing the problem, and ultimately affect crime and quality of life in Garden City.

### Using the Residential Survey

Using the survey on the next page, examine your property and compare it to each of these design elements, then rate the results in the space provided below. A "NO" answer suggests that your property may not be "CPTED-safe". In this case, consider modifying your property to satisfy the design element, or seek more direction from the CPTED Strategy Reference portion of this handbook.



### Notes:

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# CPTED RESIDENTIAL SURVEY

*Every "NO" checked is an indication of improvement needed*



<b>Lighting, line of sight, and other visibility issues:</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
1. All doorways (front, side, rear, garage, basement) that open to the outside are well lit.			
2. The main entrance is at least partially visible from the street.			
3. There is a peephole in the front door of individual apartment/condo units.			
4. Windows on all sides of the building have full visibility of the property.			
5. Ground floor windows are clearly visible and not covered by vegetation.			
6. All windows (ground and upper floor, basement, garage) have adequate locks.			
7. The driveway and/or parking spaces are visible from either the front or back door and at least one window.			
8. Front facing balcony railings, fences, or walls are constructed of transparent material and not higher than 36 inches. Recommended material is strong, high quality, wrought-iron picket-type fencing with pointed tips or low fencing around the perimeter or adequate landscaping to perform the same function.			
9. Exterior stairs are designed so that persons going up and down the stairs can see through the stairs and railing.			
10. Sidewalks, all areas of the yard, and walkways are well lit to distinguish form and movement. Lights are kept clear of trees and landscaping. If on poles, poles are preferably low to ground.			
11. Landscaping is kept trimmed up to 2 feet off the ground and trees with 6 feet clearance below canopy.			
12. Parking garage is well lit and walls and ceilings are painted white or other light color to maximize lighting.			
13. Entries from garage to building interior have key or electronic access.			
14. Parking garage has vehicle sensors and automatic closing gates to prevent people from following vehicles inside.			
15. Garage signage is provided stating: Please make sure garage door is closed before proceeding.			
16. Building numbers, accesses, recesses, corners, walls are illuminated.			
17. Porch lights are under control of building manager/owner, not apartment user.			
18. Motion sensor lights are visible around the property.			
19. Landscaping, including berms, does not create blind spots or hiding spots.			
<b>Clearly defined spaces:</b>			
20. Property lines and private areas are well-defined with plantings, pavement treatments, short walls, or fences.			
21. The property encourages interaction between neighbors with low property-division fences, bushes, or landscaping transitions.			
22. Walkways, landscaping directs visitors to the proper entrance and away from private areas.			
23. The street address is clearly visible from the street with numbers 5 inches high made of reflective material so they are clearly visible at night.			





# CPTED COMMERCIAL SURVEY

Every "NO" checked is an indication of improvement needed



<b>Lighting, line of sight, and other visibility issues:</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
1. Windows face rear parking lots for increased visibility.			
2. Window signs cover no more than 10% of window space.			
3. Interior shelving and displays are no higher than five feet for increased visibility.			
4. Shelves are turned so that cashier can see down aisles.			
5. Building exterior is well lit (photometric may be needed).			
6. Parking lots are well lit (photometric may be needed).			
7. Parking garage is well lit and walls and ceilings are painted white or other light color to maximize lighting.			
8. Convex mirrors help motorists and pedestrians with visibility issues.			
9. Loading and other outdoor areas are free of hiding places.			
10. Windows provide clear visibility from inside the business to the street, sidewalk and parking areas.			
11. All entrances are designed to be under visual surveillance by employees.			
12. Exterior stairs are designed so that persons going up and down the stairs can see through the stairs and railings.			
13. Front facing balcony railings, fences, or walls are constructed of an open material and no higher than 36 inches. Recommended material is strong, high quality, wrought-iron picket-type fencing with pointed tips or provide low fencing around the perimeter or adequate landscaping to perform the same function.			
14. The front door and windows maintain a view of the parking area.			
15. Sidewalks, all areas of the yard, and walkways are well lit to distinguish form and movement. Lights are kept clear of trees and landscaping. If on poles, poles are preferably low to ground.			
16. Landscaping, including berms, do not create blind spots or hiding spots			
17. Trees are of a type that retain a thin trunk as they grow and mature.			
18. Trees are of a type that retain an open canopy to allow light in from above.			
19. ATM are placed within easy view and not in blind or hiding spots, and the area is well lit.			
<b>Clearly defined spaces:</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
20. Property lines and private areas are defined with plantings, pavement treatments, short walls, or fences.			
21. Businesses are identified by wall signs for those parking in the rear.			
22. Reception and cash register area are positioned to see all people entering.			
23. Parking areas are clearly marked and separated from pedestrian walkways.			
24. Benches have separators/armrests, so they are used for sitting only.			
<b>Access:</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
25. Walkways and landscaping direct visitors to the proper entrance and away from private areas.			
26. Cash register is located in front of store and if not, faces entrance.			
27. No easy access to the roof.			
28. Planter boxes have grooves or spikes to deter skateboarders from causing damage to the building.			
29. Hostile vegetation is planted to deter sitting or access to windows.			
<b>Other Concerns/Conditions:</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
30. Bollard, sanction, or security planter boxes are used.			
31. Fences are designed to resist tampering.			



**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**

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ISSUING AUTHORITY

**Commissioner of Police**

SIGNATURE

**Patrick J. Ryder**

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 eighty-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 officer, 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  
\*\*\*



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# Legal Bulletin

BULLETIN TOPIC

**Recent Legislation**

FILE

**3010**

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**20-004**

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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  
\*\*\*





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# Legal Bulletin

BULLETIN TOPIC

FILE

NUMBER

## Car Stops: An Overview

3010

09-006

## Car Stops Based on Reasonable Suspicion

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ISSUING AUTHORITY

SIGNATURE

ISSUE DATE

**First Deputy**

**Commissioner**

**Robert W. McGuigan**

**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. Cortaux*, 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. Ilardi*, 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.