



**INCORPORATED VILLAGE OF
MUTTONTOWN
POLICE REFORM PLAN**

PUBLIC COMMENT REQUEST

Pursuant to New York State Executive Order 203, the Village of Muttontown 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: mpd@muttontownny.gov

USPS, addressed to: **Police Reform • 1 'Raz' Tafuro Way • Muttontown, NY 11791**

ACKNOWLEDGMENT

Muttontown Mayor James Liguori would like to acknowledge and thank the community stakeholders and representatives who participated in the collaboration with the Incorporated Village of Muttontown that resulted in the formation of the Muttontown Police Reform plan.

A Village of Muttontown Committee on NYS Police Reform Meeting was held on:

- February 10, 2021
- March 2, 2021
- March 10, 2021

In addition, Village of Garden City Police Commissioner Kenneth Jackson, acting in his capacity as Executive Director of the Nassau County Municipal Police Chiefs Association, and as a representative for Muttontown Police Chief Eric Irizarry, also participated in Nassau County's Police and Community Trust Initiative (PACT). PACT is comprised of community stakeholders and representatives from throughout Nassau County. 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

INTRODUCTION

The Mayor of the Village of Muttontown, 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 Muttontown Police Department (MPD) 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 Liguori established the Village of Muttontown Committee on New York State Police Reform. As listed earlier, GCPD 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 MPD participated in this collaborative effort while conducting a full review of MPD policies and procedures. As a result of changes in legislation and the input from community members, the MPD has made modifications to its policies and procedures as outlined herein. This plan reflects the Incorporated Village of Muttontown 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 important 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.

MPD'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. MPD 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 MPD 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 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.

MPD Staffing and Recruitment

Staffing

The Muttontown Police Department has been serving the Incorporated Village of Muttontown since 2011. Currently, the department consists of 14 sworn members. The department is comprised of 12 police officers, 1 police sergeant and a Chief of Police.

Community Oriented Policing and Public Trust

The Muttontown Police Department is the epitome of community policing. All officers on patrol are encouraged to regularly initiate positive interaction with community members. This practice fosters 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 by participating in community events, such as the Muttontown Family Block Party.

Recruitment

MPD 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 MPD.

- 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 Shomrin 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 MPD 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 MPD 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.

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 MPD police officers are assigned to shadow an experienced officer. This experienced officer is carefully selected based on his/her length of service with the MPD, 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 MPD 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 (MPD 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 MPD Training

- As a result of the Reform Collaborative, MPD will continue to explore and implement new training opportunities that are being offered in the fields related to police reform. The training provided will supplement that which is already provided by NCPD.
- All Village employees are required to complete annual Public Employee Safety and Health Bureau (PESH) training which includes Workplace Violence, Harassment, and Discrimination, among other subjects.

Resolution #21-22 March 10 2022

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 Muttontown 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 supervisors in order to identify possible trends and/or areas where training may need to be expanded or supplemented.
- MPD 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 MPD 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, MPD'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 website.

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 MPD 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

MPD 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 Muttontown 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 Muttontown Police Department has a Department Policy addressing vehicle pursuits (attached). MPD 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 MPD is making improvements to traffic summons recording and collection of demographics.

- The MPD, 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.

Resolution #21-22 March 10 2022

Procedural Justice

REVIEW:

Procedural Justice

The Muttontown Police Department understands procedural justice and police legitimacy play an essential role in establishing a positive relationship with the community. MPD is establishing 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 Muttontown. The MPD 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

- MPD policy addressing 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, with the assistance of the NCPD, has access to Language Line services and to the Language Line Phone App installed on NCPD cell phones. 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 Muttontown 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 MPD utilizes the County's dispatch system, it is anticipated this feature will be available for the Village as well.

Resolution #21-22 March 10 2022

Systemic Racial Bias and Racial Justice in Policing

REVIEW:

MPD Department Policy (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.

MPD Community Relations Policy states: "It is the policy of the Muttontown 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 MPD'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 a police facility 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 MPD 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 Muttontown 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 MPD members during in-service training and is expected to be widely publicized in schools and on social media platforms.

Resolution #21-22 March 10 2021

Hate Crimes

REVIEW:

- The MPD effectively identifies, investigates and prosecutes hate crimes.
- NCPD Basic Supervisor training provides a refresher course on hate crimes to all new supervisors.
- NCPD detectives investigating bias/hate crimes occurring in the Village will research prior bias/hate crime incidents to determine if there is a discernible pattern or commonalities.

Prohibited Race-Based 911 Calls

- MPD 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.
- 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 the community 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 MPD ideology and de-escalation is addressed throughout the Policy Manual. Through effective communication and techniques, MPD 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 MPD 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 MPD, 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 MPD 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.

Resolution #21-22 March 10 2021

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 MPD 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

PLANS, MODIFICATIONS, AND UPDATES:

MPD officers, assisted by NCPD, will 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. MPD 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, MPD 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. MPD endorses, and is open to participating in, restorative justice programs.
- Related to this concept, when appropriate, the MPD 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, MPD may, when appropriate and with the assistance of the NCPD, intervene and conduct youth conferences and mediate between parties in lieu of a Juvenile Custodial Arrest.
- MPD members are trained on alternative dispute resolutions. Although never formally labeled as restorative justice in training segments or discussed as such, the MPD engages in restorative justice on a daily basis by acting as an arbitrator between parties, particularly in dispute cases.
- For example, the MPD 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.

PLANS, MODIFICATIONS, AND UPDATES:

- The MPD 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.

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:

- MPD's main mission is Community Policing. Patrol officers are encouraged to initiate positive interactions with residents, whenever possible.
- Through our partnership with NCPD, MPD 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, we experienced unprecedented protests throughout the nation. While none of the numerous protests that took place this year occurred within the Village, the MPD recognized that had that been the case, it would be responsible for ensuring and respecting the protesters' First Amendment rights while maintaining public safety. The leadership of the MPD would reach out to protest organizers and informed them of the measures that would be taken to ensure their safety and express commitment to keeping an open line of communication should the organizers experience any issues. It is the MPD's hope that this cooperative environment would result in no arrests, injuries, or property damage within the Village.
- The Village intends to explore the formation of Community Councils. Community Councils, including representatives of MPD, the clergy, counselors, and

interested members of the community, would meet multiple times a year to address issues affecting the community.

- Community-based outreach and conflict resolution practices will be discussed during the new annual NCPD in-service training curriculum, which MPD officers will attend.

Resolution #21-22 March 10 2021

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 MPD policing strategies. MPD 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.
- 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. MPD supervisory officers attend Strat-Com meetings.

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 Muttontown 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. MPD 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
 - Monitoring social media platforms
 - 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,
 - social media notifications,
 - Closed-Circuit Camera Systems

Broken Windows and Stop, Question and Possibly Frisk

MPD has a history of community policing. One of the most important components of community policing is promoting a high standard for quality of life. MPD 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.

- Muttontown 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:

- MPD supervisory officers attend NCPD Strat-Com meetings, which were described in the Problem-Oriented Policing section.
- MPD participates in NCPD Intel briefings where information on crime trends and patterns are shared.
- MPD and NCPD share daily intelligence reports on incidents that may affect communities in each jurisdiction.
- MPD utilizes License Plate Reader technology to gather information in areas where criminal activity is occurring.
- 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:

- The NCPD Intelligence Unit works 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 MPD 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 Muttontown, through the Police and Public Works Departments, address the principles of CPTED: Natural Surveillance, Access Control, Territorial Reinforcement and Maintenance.

- 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 MPD will offer assistance and advice to 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:
 - 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 MPD 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.

- MPD will utilize NCPD youth-oriented initiatives in place which provide an avenue for mentor-ship 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 MPD 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 MPD 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.

PLANS, MODIFICATIONS, AND UPDATES:

- The Nassau County District Attorney's Office has implemented an Intelligence Based Prosecution Initiative. The NCPD Intelligence Unit provides the NCDA's office with intelligence workups which identifies violent crime top offenders. These workups identify past violent criminal activity, self-admitted criminal activity, gang affiliations, police contact and past drug use/sales. Although these workups have limited value for the purposes of arraignment, they still provide tremendous investigatory value. Results of these investigations continue to offer solid evidence,,which could be used to apply for search warrants, develop probable cause for arrests and support the prosecution of violent offenders. The NCPD and NCDA partnership uses statistical analysis, intelligence derived from precinct debriefings, confidential informants, field stops, and post-arraignment debriefings to determine the primary sources of gun and gang violence. MPD is part of the NCPD Intel Network which shares intelligence information daily.

Model Policies and Standards

REVIEW:

As stated at the beginning of this document, MPD 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.

Resolution #21-22 March 10 2021

Complaint Tracking

The Muttontown Police Department holds its members to a high standard of professionalism and conduct. The department believes active supervision ensures that its members maintain the standards the community expects and appreciates. The office of the Chief of Police is ultimately responsible for all Personnel Complaints.

REVIEW:

- All allegations of misconduct are investigated.
- 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 MPD 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. Department policy 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.
- Investigative findings are provided to complainants who choose to provide their contact information.
- If the complaint is of such a nature that investigation by MPD 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 Muttontown Police Department will monitor and review all future Nassau County Police Department modifications of personnel complaint investigations and discipline procedures for possible future implementation.

Resolution #21-22 March 10 2021

Mental Health Crisis Intervention

REVIEW:

- MPD Policy related to Crisis Intervention Incidents and 410 Emergency Admissions delineates how our officers are expected to provide aid in a sensitive manner to persons who appear to be suffering from mental illness or disability. The Muttontown 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.
- MPD 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, when available, and an ambulance staffed by a Paramedic. 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.
- MPD 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.
- 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.

- MPD 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, MPD 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. 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 MPD 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.

Crowd Control

It is the policy of the Muttontown 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 areas surrounding 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 MPD when appropriate.
- The MPD 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.

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 Muttontown is committed to supporting and promoting the physical, emotional, and mental wellness of the men and women of the MPD.

REVIEW:

- Confidential meetings and counseling with licensed social workers are available to members of the MPD 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 MPD 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 MPD 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 MPD encourages officers to add the Nassau Cares application to their personal phones to have instant access to references for help with a variety of concerns.

Transparency

REVIEW:

- Each Year the Muttontown Police Department will publish its Annual Report, which will include:
 - Personnel Analysis
 - Activity Analysis
 - Crime-Arrest Analysis
 - Traffic Enforcement Analysis
 - Auto Accident Analysis
- MPD responds promptly to Freedom of Information Law requests.

PLANS, MODIFICATIONS, AND UPDATES:

- MPD will be posting key policies on its website including:
 - Use of Force
 - Personnel Complaints
 - Bias-Based Policing

Resolution #21-22 March 10 2021

Conclusion

The NYS Executive Order 203 provided the Village of Muttontown and the Muttontown 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.

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.

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

Resolution #21-22 March 10 2021

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 MPD:

- 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
- MPD Recruits will receive mandatory EO203 training as well as other Procedural Justice Courses as part of the curriculum at the Nassau County Police Academy.
- MPD Officers will attend new annual In-Service Training provided by NCPD covering topics listed in EO203.
- 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.
- MPD 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 MPD, 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 NCPD is in the process of introducing a text-to-911 program. As MPD utilizes the County's Dispatch system, 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.
- MPD will develop a program to issue more Appearance Tickets for minor offenses and release offenders from the scene rather than transport to NCPD facilities for processing.

- MPD will expand the use of the District Attorney's Diversion Programs.
- When feasible, the MPD will use youth and adult referral programs, as well as Community Outreach programs, to avoid unnecessary prosecution.
- MPD will use County programs such as P.A.L., Police Explorers, and Young Adult Councils to assist youth with societal and community issues.
- The County is working on establishing a "dual response" model with the Mobile Crisis Unit in mental health cases, which MPD will adopt when implemented.
- MPD 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.
- MPD will implement the practice of using non-aggressive crowd control tactics whenever feasible.
- MPD will support and utilize all available officer well-being initiatives.

Resolution #21-22 March 10 2021

Exhibits

- Exhibit 1: Use of Force Policy
- Exhibit 2: Taser Policy
- Exhibit 3: Vehicle Pursuit Policy
- Exhibit 4: Domestic Violence Policy
- Exhibit 5: Hate Crimes Policy
- Exhibit 6: Standards of Conduct Policy
- Exhibit 7: Patrol Policy
- Exhibit 8: Bias-Based Policing
- Exhibit 9: Crisis Intervention Policy
- Exhibit 10: Personnel Complaints
- Exhibit 11: Emergency Admissions Policy
- Exhibit 12: Recruitment Policy
- Exhibit 13: Crime Prevention Through Environmental
Design (CPTED) Survey
- Exhibit 14: Legal Bulletins

Resolution #21-22 March 10 2021



Muttontown Police Department

Department Procedure

PROCEDURE TITLE

Use of Force Policy

PROCEDURE NUMBER

Operational Procedure 4

REVISION

1 (Rev. 2/9/21)

POLICY

Law enforcement officers around the country, state and here in the Village of Muttontown are authorized to use reasonable and legitimate force in specific circumstances. Federal constitutional and state statutory standards dictate when and how much force can be used. This policy is founded in these standards but is not intended to be an exhaustive recitation of state and/or federal legal framework governing use of force. The policy is designed to provide guidance in accordance with Executive Law §840(4)(d)(3). This policy is not intended to endorse any particular tactic, technique, or method of employing force. Separate policy guidance and training will be provided for each of the available force instrumentalities made available to officers.

PURPOSE

The federal and state standards by which use of force is measured are both founded in the basic premise of objective reasonableness. [1] The amount of force that is used by the officers shall be the amount of force that is objectively reasonable under the circumstances for the officer involved to effect an arrest, prevent an escape, or in defense of themselves or others. The standard of objective reasonableness, established by the United States Supreme Court in *Graham v. Connor*, is used in this policy and is intended to provide officers with guidelines for the use of force, including deadly physical force.

As the Supreme Court has recognized, this reasonableness inquiry embodies “allowance for the fact that police officers are often forced to make split-second judgments — in circumstances that are tense, uncertain, and rapidly evolving — about the amount of force that is necessary in a particular situation.” [2]

This policy is written in recognition of the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires a careful balancing of all interests.

ISSUING AUTHORITY

Chief Eric Irizarry

SIGNATURE

EFFECTIVE DATE

9/1/2020

PAGE

Page 1 of 9

DEFINITIONS

A. Objectively Reasonable – An objective standard used to judge an officer's actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used. [3]

B. Deadly Physical Force - Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury. [4]

C. Physical Injury – Impairment of physical condition or substantial pain. [5]

D. Serious Physical Injury – Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ. [6]

E. Serious Bodily Injury – Bodily injury that causes: (1) a substantial risk of death; or (2) unconsciousness; or (3) serious protracted disfigurement; or (4) protracted loss or impairment of the functions of any bodily member organ, or mental faculty.

F. Chokehold – a restraint that applies pressure to the throat, windpipe in a manner that may hinder breathing or reduce intake of air (NY Executive Law § 837-t (1) (b)).

SCOPE

All Members of the Department

SOURCES

[1] Force which is objectively reasonable is insulated from criminal liability through Article 35 of the NYS Penal Law and civil liability by the 4th Amendment standard of objective reasonableness.

[2] *Graham v. Connor*, 490 U.S. 386 at 396 (1989).

[3] *Graham*, 490 U.S. 396 (1989)

[4] NY Penal Law § 10 (11) (McKinney 2013)

[5] NY Penal Law § 10 (9) (McKinney 2013)

[6] NY Penal Law § 10 (10) (McKinney 2013)

[7] NY Penal Law and § 35.30(1) (McKinney 2013)

[8] *Graham*, 490 U.S. at 396 (1989)

[9] *Ibid*.

[10] *Ibid*.

[11] *Scott v. Harris*, 550 U.S. 372 (2007)

[12] *Graham*, 490 U.S. at 396 (1989)

	<p>[13] Analysis of cases under the 4th Amendment require the focus to be on the perspective of a reasonable officer on the scene which includes the training and experience of the officer. <i>Graham v. Connor</i>, 490 U.S. 386 (1989), <i>Terry v. Ohio</i>, 392 U.S. 1 (1968)</p> <p>[14] <i>Sharrar v. Felsing</i>, 128 F. 3d 810 (3rd Cir. 1997) (numbers of officers or subjects)</p> <p>[15] Courts have repeatedly declined to provide an exhaustive listing of factors. <i>Chew v. Gates</i>, 27 F. 3d 1432, 1475 n.5 9th Cir. (1994)</p> <p>[16] NY Penal Law and § 35.30(1)(c)(McKinney 2013)</p> <p>[17] NY Penal Law and § 35.30(1), as restricted by <i>Tennessee v. Garner</i>, 471 U.S. 1 (1985) (restricting the use of deadly physical force as it relates to fleeing felons) In <i>Garner</i>, the Supreme Court uses “significant threat of serious physical harm, either to the officer or others” in describing the limited circumstances under which deadly force can be used to prevent the escape of a felon.</p> <p>[18] Chiefs of police departments, County Sheriffs, and the Superintendent of State NY Executive Law § 837-t (1) (b)</p> <p>Police should consider utilizing these forms to ensure compliance with the administrative reporting requirement of EXC §837-t.</p> <p>[19] EXC §840(4)(d)(2)(vi)</p> <p>[20] EXC §840(4)(d)(2)(vii)</p> <p>NY Penal Law §121.13-a</p> <p>NY Civil Rights Law§ 123-28</p> <p>NY Executive Law § 835-v</p> <p>NY Executive Law§ 837-v</p>
RULES	There are no rules associated with this procedure.
PROCEDURE MEMBERS OF DEPARTMENT	<p>I. USE OF FORCE</p> <p>A. In general terms, force is authorized to be used when reasonably believed to be necessary to affect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one’s self or another. [7]</p> <p>B. Under the 4th Amendment, a police officer may use only such force as is “objectively reasonable” under the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene. [8]</p> <p>II. DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE</p> <p>A. When used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at the time of the event.</p> <p>B. Factors that may be used in determining the reasonableness of force include,</p>

but are not limited to:

1. The severity of the crime or circumstance; [9]
2. The level and immediacy of threat or resistance posed by the suspect; [10]
3. The potential for injury to citizens, officers, and suspects; [11]
4. The risk or attempt of the suspect to escape; [12]
5. The knowledge, training, and experience of the officer; [13]
6. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects; [14]
7. Other environmental conditions or exigent circumstances. [15]

III. DUTY TO INTERVENE

- A. Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
- B. An officer who observes another officer use force that exceeds the degree of force as described in subdivision A of this section shall promptly report these observations to a supervisor.

IV. USE OF DEADLY PHYSICAL FORCE

- A. Deadly physical force may be used by an officer to protect themselves or another person from what the officer reasonably believes is an imminent threat of serious physical injury or death. [16]
- B. Deadly physical force may be used to stop a fleeing suspect where:
 1. The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; and,
 2. The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or to others.
 3. Where feasible, some warning should be given prior to the use of deadly physical force. [17]

V. PROHIBITED USES OF FORCE

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

1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
2. To coerce a confession from a subject in custody;
3. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required;
4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.
5. Officers shall not commit the crime of aggravated strangulation upon a subject.

NOTE: Aggravated Strangulation New York State Penal Law Section § 121.13-a

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 procedural law, he or she commits the crime of obstruction of breathing or blood circulation, as defined in section 121.11 of the New York State Penal Law, 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.

NOTE: Criminal obstruction of breathing or blood circulation New York State Penal Law § 121.11

A person is guilty of criminal obstruction of breathing or blood circulation when, with intent to impede the normal breathing or circulation of the blood of another person, he or she: (a) applies pressure on the throat or neck of such person; or (b) blocks the nose or mouth of such person.

Criminal Obstruction of breathing or blood circulation is a class A misdemeanor.

VI. REPORTING & REVIEWING THE USE OF FORCE

- A. Any injuries resulting from a use of force incident shall result in the appropriate and timely medical attention being provided to the injured party.
- B. Members involved in use of force incidents shall notify their supervisor as soon as practicable and shall complete a Police Department, Village of Muttontown New York Use of Force Report. The reporting member will complete a case report for all use of force incidents. The member will attach the Police Department, Village of Muttontown New York Use of Force Report to the case report and forward the original to the Office of the Police Chief. Members involved in use of force incidents as described below shall require the proper reporting of the incident.

1. Use of force that results in a physical injury.
2. Use of force incidents that a reasonable person would believe is likely to cause an injury.
3. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
4. Incidents where a conducted energy device (CED) was displayed or discharged intentionally or accidentally against a subject.
5. Incidents where a self-defense device was displayed or used such as oleoresin capicum spray, baton, etc.
6. Incidents where a firearm was displayed, discharged or used against a subject.
7. Use of a choke hold or similar restraint (Any application of sustained pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air).
8. Conduct that results in death, serious physical injury or serious bodily injury.

NOTE: A Police Department, Village of Muttontown New York Use of Force Report is **not** required for training situations.

- C. A Police Department, Village of Muttontown, New York Use of Force Report shall be used to document any reportable use of force incident. (18)

VII. PROCEDURES FOR INVESTIGATING USE OF FORCE INCIDENTS

- A. Where practicable, a supervisor should respond to the scene to begin the preliminary force investigation.
- B. A Supervisor that is made aware of a force incident shall ensure the completion of a Use of Force Report by officers engaging in reportable use of force and make a record of all officers present. Additionally, the supervisor will see to it that a case report is completed for the incident.
- C. Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects. Photographs will be attached to the case report.
- D. The appropriate Supervisor or designee will receive the Use of Force Report and conduct an investigation when warranted.
- E. The Supervisor will notify use of force incidents to New York State Division of Criminal Justice Services (NYS DCJS) via the IJ Portal website (eJustice). Questions regarding the IJ Portal use of force reporting process can be emailed to NYS DCJS at useofforce@dcjs.ny.gov.
- F. The failure to adhere to use of force guidelines will result in an investigation and possible filing of Department Charges. [19]

VIII. TRAINING

- A. All officers shall receive training and demonstrate their understanding on the proper application of force at their annual firearm training.
- B. Training topics will include use of force, conflict prevention, conflict resolution and negotiation, and de-escalation techniques and strategies, including, but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct. [20]

NOTE: A Police Department, Village of Muttontown New York Use of Force Report is not required for training situations.

IX. Medical Attention for Persons under Arrest

All officers shall request and see to it that medical attention is provided to any

person in police custody who, requests or is on visible need, of medical or mental health services. Officers will not allow a person in custody to refuse medical or mental health services where the person: is intoxicated; under eighteen years of age; a danger to themselves or others; or where it is apparent to officers or medical personnel that the person in custody is in need of medical or mental health services.

New York State Civil Rights Law § Section 28 (Chapter 103)

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 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.

X. 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 is struck by a bullet from a 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 rights.

XI. Reporting duties of Law Enforcement Departments with Respect to Arrest-Related Deaths

1. The Chief of the Muttontown Police Department shall promptly report to the New York State Division of Criminal Justice Services (NYS DCJS) 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 (December 12, 2020) and shall be reported on an annual basis thereafter. Each annual report shall be reported 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 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 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 location where the death occurred; and (d) a brief description of the circumstances surrounding the arrest-related death.



Muttontown Police Department

Department Procedure

PROCEDURE TITLE

Taser Use Policy

PROCEDURE NUMBER

Operational Procedure 2

REVISION

1 (Rev. 2/9/21)

POLICY

It is the mission of the Muttontown Police Department to protect the lives of the citizens we serve. To accomplish this mission, the Department is deploying the Taser, providing our officers with an additional option before selecting a different form of force.

PURPOSE

The purpose of this order is to ensure the safety of our officers, the subject and by-standers by resolving incidents with the lowest degree of force reasonably perceived as necessary.

DEFINITIONS

TASER – The taser is an electronic control device (ECD) that accomplishes its mission by physical contact or by firing two darts affixed to the device by wires into a person and subjecting that person to 50,000 volts of electricity at 26 watts of power. The darts and wires are fired from a cartridge that is inserted into the front of the device.

SCOPE

All members of the Department

SOURCES

Article 35 of the New York State Penal Law

PROCEDURE

MEMBERS OF DEPARTMENT

I. INTRODUCTION

- a. The Muttontown Police Department is deploying Tasers manufactured by Taser International.
- b. The use of the Taser is appropriate for subduing a violent or potentially violent person when lethal force does not appear to be justified or necessary and other tactics to subdue the person are likely to be ineffective and/or physical contact with the subject is inappropriate.

ISSUING AUTHORITY

Chief Eric Irizarry

SIGNATURE

Eric Irizarry

EFFECTIVE DATE

1/1/2021

PAGE

Page 1 of 3

c. The Taser is not a replacement for a firearm and should not be employed when the use of deadly force is necessary and justified.

II. PHILOSOPHY

a. It is the mission of the Muttontown Police Department to protect the lives of the citizens we serve. To accomplish this mission, the Department is deploying the Taser, providing our officers with an additional option before selecting a different form of force.

b. The intention of this Department is to ensure the safety of our officers, the subject and by-standers by resolving incidents with the lowest degree of force reasonably perceived as necessary.

III. LEVEL OF FORCE

a. The Taser, a control assistance device, is a conducted energy weapon. The Taser will only be used in cases where physical force is justified pursuant to applicable law.

IV. USE OF FORCE POLICY

a. The Taser may be used to control a resistive, aggressive or combative person when necessary, as determined by the totality of the circumstances at the time of the incident and attempts to subdue the person by other conventional tactics have been, or will likely be, ineffective in the situation at hand.

V. DEFINITION AND DESCRIPTION

a. The Taser is an electronic control device that accomplishes its mission by physical contact or by firing two darts affixed to the device by wires into a person and subjecting that person to 50,000 volts of electricity at 26 watts of power. The darts and wires are fired from a cartridge that is inserted into the front of the device.

VI. DEPLOYMENT PROCEDURES

a. Only personnel who have been trained by an approved defensive tactics instructor are permitted to use the Taser.

b. An officer certified to use the Taser may carry the device on patrol after verifying that the Taser is functional. The officer will verify the battery power of the Taser issued to them. The officer will record the serial number of an assigned Taser next to the officer's name in the daily blotter entry. Tasers will be returned to the Department safe at the end of tour.

- c. While on patrol, a battery will be kept in the Taser at all times. The Taser and batteries will be inspected after each use of the device and replaced, as necessary.
- d. The officer observing that a Taser appears to be in need of repair or requires a replacement battery, shall notify a supervisor promptly of the condition.
- e. The Taser shall be used at all times in accordance with proper procedures and protocols and in lawful compliance with the Federal, State and local laws and ordinances.

VII. MEDICAL TREATMENT

- a. In all cases, a local Fire Department, or other Emergency Medical Service (EMS) provider, shall be requested when the taser is used. Department members should refrain from removing Taser darts from a person's body. Taser darts should be removed by medical personnel and the probes treated as bio-hazard evidence (the same as a used syringe). The probes and spent Taser cartridge shall be forwarded to the Nassau County Police Department 2nd Precinct Detective Squad as evidence.
- b. Any subject upon whom a Taser is utilized shall be transported to a hospital for medical examination. Photographs of each injury will be taken, forwarded to the 2nd Precinct Detective Squad, and attached to the Case Report. Any such incident resulting in the subject's arrest will require a medical "Fit for Confinement" designation.

VIII. REPORTING

- a. The discharge of a Taser for any reason other than an approved training exercise shall be documented with a complete:
 - i. Case Report; and
 - ii. Police Department, Village of Muttontown, New York **Use of Force** and **Taser Use** Reports; and
 - iii. Aided Report
- b. All forms regarding use of a Taser will be attached to the Case Report, after proper approval of a supervisor.



Muttontown Police Department

Department Procedure

PROCEDURE TITLE

Vehicle Pursuit Policy

PROCEDURE NUMBER

Operations Order 5

REVISION

0

POLICY

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

PURPOSE

To protect the safety of involved officers, the public and fleeing suspects.

DEFINITIONS

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 roadblock.

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

ISSUING AUTHORITY

Chief Eric Irizarry

SIGNATURE

EFFECTIVE DATE

1/1/2021

PAGE

Page 1 of 14

Vehicle Pursuit Policy**Operations Order 5****0**

	suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.
SCOPE	All Members of the Department
RULES	Vehicle pursuits should only be conducted using authorized police department emergency vehicles that are equipped with emergency lighting and sirens.
REPLACES	This order replaces no prior orders.
PROCEDURE	
MEMBERS OF DEPARTMENT	<p>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):</p> <ul style="list-style-type: none"> (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 <p>WHEN TO INITIATE A PURSUIT:</p> <p>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.</p> <p>Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:</p> <ul style="list-style-type: none"> (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.
- (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.

*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.

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:

1. 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.
2. The pursued vehicle's location is no longer definitely known.
3. The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
4. The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
5. Hazards posed to uninvolved bystanders or motorists.
6. 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.
7. 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.
8. Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

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.

MOTORCYCLES

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

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.

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.
- (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.

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.

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:
 - 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.

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.

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.

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.

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.

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 Chief of Police 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 Muttontown Police Department officers when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.

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.

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.

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 Muttontown 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.

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.

PURSUIT 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 Muttontown 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 should review a request for assistance from another agency. The 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.

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.

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.

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.

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.

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 an interoffice memorandum, briefly summarizing the pursuit to the Chief 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.
 - 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 Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.

(e) Annually, the Chief 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 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.

**POLICY**

It is the policy of the Muttontown Police Department to afford the victims of domestic violence the greatest protection available. Our policy is intended to protect victims, enforce laws, and prevent future violence. Arrests are made when there is reasonable cause to believe that offenses have been committed or orders of protection have been violated. Reasonable cause is determined in the same way it is for all other offenses; the determination of reasonable cause is not influenced by the domestic relationships of the participants involved. Domestic incidents are not mediated in lieu of court proceedings.

PURPOSE

The purpose of this policy is to provide members and staff with guidance and establish procedures for the following:

- 1) Protecting victims of domestic violence and providing them with support through a combination of law enforcement and community services,
- 2) Preventing the cycle of domestic violence and abuse,
- 3) Responding to domestic incidents and exchanges,
- 4) Promoting officer safety and effectiveness by ensuring that officers are properly prepared to deal with domestic incidents.

BACKGROUND**Pertinent Laws**

CPL §140.10. (Arrest without a warrant; by a police officer; when and where authorized)

CPL §140.30. (Arrest without a warrant; by any person; when and where authorized)

CPL §140.35. (Arrest without a warrant; by person acting other than as a police officer or peace officer; when and how made)

CPL §140.40. (Arrest without a warrant; by person acting other than as a police officer or peace officer; procedure after arrest)

DEFINITIONS

CPL §530.11. (Procedures for family offense matters)

CPL §530.12. (Orders of Protection)

FCA §812. (Procedures for family offense proceedings)

PL §121.11 (Criminal obstruction of breathing or blood circulation)

PL §121.12 (Strangulation in the second degree)

PL §121.13 (Strangulation in the first degree)

PL §240.30 (Aggravated harassment in the second degree)

SSL §413 (Persons and officials required to report cases of suspected child abuse or maltreatment)

Choking and Strangulation Indicators: indicators that could result from obstruction of the airway or asphyxia from external pressure. Indicators which may or may not be present include:

- 1) voice change or loss,
- 2) difficult or painful swallowing,
- 3) difficulty breathing,
- 4) bruising,
- 5) changes in mental functioning,
- 6) involuntary defecation or urination,
- 7) capillary rupture in the eye area.

Concurrent Jurisdiction: [See NYS Penal Law & Family Court Law]

Cross Complaints: a situation in which each party involved in a domestic incident accuses the other party of causing the domestic incident and/or committing an offense.

Domestic Exchange: an exchange of property or a custodial exchange of a child in common between individuals within a family or household in the presence of a Police Officer.

Domestic Incident: any occurrence involving a dispute, violence, threat of violence, or a report of an offense between individuals within a family or household [See Definition] where police response occurs or where police intervention is requested.

Note: A domestic incident may or may not involve a violation of law. Domestic incidents include cases of child abuse or neglect involving household members.

Family or Household: Persons who are in relationships as defined by the FCA/CPL that include those who:

- 1) Are legally married to each other,
- 2) Were formerly legally married to each other regardless of whether they still reside in the same household,
- 3) Are related by blood,
- 4) Are related by marriage or adoption,
- 5) Have a child in common (pregnancy with an unborn child is not considered to be a child in common),
- 6) Persons who are not related by blood, marriage or adoption and who are or have been in an intimate relationship,
- 7) Same sex and opposite sex couples who live together in an intimate relationship and do not have a child in common,
- 8) Those who have a former or current dating relationship.

Note: In this context a dating relationship is characterized by an intimate or emotional bond even if the feelings of intimacy are only one sided.

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

Family Offenses: consist of the following offenses which are committed between members of the same family/household:

- 1) Criminal Mischief 1°, 2°, 3°, and 4°,
- 2) Harassment 1° and 2°,
- 3) Aggravated Harassment 2°,
- 4) Disorderly Conduct (including disorderly conduct that does not occur in a public place),
- 5) Assault 2° and 3°,
- 6) Attempted Assault 2° and 3°,
- 7) Reckless Endangerment 1° and 2°,
- 8) Menacing 2° and 3°,
- 9) Stalking 1°, 2°, 3°, and 4°,
- 10) Strangulation 1°, 2°, and Criminal obstruction of breathing or blood circulation,
- 11) Sexual Misconduct,
- 12) Forcible Touching,
- 13) Sexual Abuse 3°,
- 14) Sexual Abuse 2° sub 1.

Note: Even though there is concurrent jurisdiction with Family Court for Criminal Mischief, the alleged acts must meet the elements of the offense of Criminal Mischief as per the Penal Law.

Note: Domestic incidents may involve offenses other than those listed above. Such other offenses are not family offenses under the law and may not be prosecuted in the Family Court. The Criminal Court has exclusive jurisdiction over these types of offenses. (Examples: Assault 1°, Rape, Kidnapping, Unlawful Imprisonment, Attempted Murder).

	<p>Primary Physical Aggressor: the person who initiates or instigates a physical confrontation. This is not necessarily the first person to use physical force. The primary physical aggressor may initiate the physical confrontation by using unprovoked physical force or instigate it by threatening the other person and placing that person in fear of physical injury. In either case the other person's use of physical force is of a defensive nature.</p> <p>True Threat: occurs where the actor communicates a serious expression of intent to commit an unlawful act of violence toward a particular individual.</p> <p>Unlawful Coercive/Controlling Behavior: patterns of abuse used by the offender in a domestic incident against the victim that may involve berating behavior, physical/verbal threats, or damage to jointly held property. These patterns have as their purpose the abuse or coercive control of the victim.</p> <p>Note: Harassment 2° often includes conduct which constitutes coercive or controlling behavior which makes it illegal for a person to engage in a course of conduct or repeatedly commits acts which alarm or seriously annoy another person and which serve no legitimate purpose. In addition, acts which instill fear of physical injury may constitute Harassment 1° or Menacing 1°, 2°, or 3°.</p>
SCOPE	All Members of the Department
RULES	The provisions of the Muttontown Police Department's Rules and Regulations apply to all aspects of conduct contained in this policy.
PROCEDURE	Receipt of Complaint:
COMMANDING	
OFFICER UP	1) Upon receiving a complaint of domestic violence, officers will gather all information needed to assess the situation.
MEMBERS OF	2) All complaints of domestic violence will result in the dispatch of officers to investigate the facts and circumstances.
DEPARTMENT	
SIGNAL	

MONITOR

- 3) Complaints of domestic violence will be given the same priority as other emergency calls.
- 4) Two officers will be assigned to all complaints of domestic violence.
- 5) Two officers will be assigned to domestic exchanges occurring at or outside the confines of Village Hall.
- 6) Once a domestic violence call has been initiated, both officers will continue to the scene, regardless of if complainant calls to cancel the request for police assistance.

Response:

- 1) Officers should arrive in a timely and safe manner as with all emergency calls for service.
- 2) Officers should carefully assess the situation and take control of all weapons that were used or threatened to be used and all potential weapons that pose a threat.
- 3) Officers will render medical aid and request EMS if necessary.

Investigation:

- 1) Officers will identify, separate, and control all victims, witnesses, and potential offenders.

Note: Special attention should be given to identify those who may not be directly involved in the domestic incident but may be victims of abuse or neglect, such as abused or neglected children, senior citizens, or handicapped people.

- 2) Officers will interview those involved and any witnesses. Witness statements will be secured if it is ascertained that a violation of law has occurred.

Note: Children are often good witnesses and the source of valuable information. However, in high stress situations, minor children should not be asked or relied on to act as interpreters for Limited English Proficient (LEP) persons.

- 3) The initial investigation should focus on determining if the incident is domestic in nature.
- 4) Determine the nature of the relationship between the disputing parties.
- 5) Determine if there were any violations of the law.
- 6) Ascertain if there are any Orders of Protections and determine if any Orders were violated.
- 7) Officers should confer with the other officers at the scene, patrol supervisors, and/or detectives to evaluate the available information to determine if a domestic incident occurred.
- 8) If a domestic incident did not occur and an arrest was not made or a domestic incident case report was not taken, officers should notify the Desk Officers and the Patrol Supervisor as to the nature of the incident and take the appropriate police action.
- 9) If it is determined that a domestic incident did occur, officers will complete both pages of New York State Form DCJS 3221 (Domestic Incident Report).
- 10) A copy of both pages of the Domestic Incident Report shall be given to the victim/reporting person of a domestic incident.

Note: In the rare instance a Supporting Deposition PDCN Form 32B is used, a copy must be given to the victim.

- 11) A copy of the victim's rights notification will be given to the victim/reporting person of a domestic incident.

General Duties at Domestic Disputes:

- 1) Officers will check the eJustice (NYSPIN) Portal for any valid Order of Protections naming the involved parties.

- 2) Determines if any party is a licensed pistol holder or has any firearms in their possession.
- 3) Officers will remove any firearm and safeguard said firearm by vouchering it into Police custody in the following situations:
 - a. there are firearms, rifles, or shotguns present and create a threat of violence,
 - b. a licensed pistol holder is involved in the incident.
- 4) Determines from all the adult parties involved in the domestic incident age 17 years or older, if any are on probation or parole.
- 5) If informed by any of the adult parties involved in the domestic incident age 17 years or older they are on probation or parole:
 - a. ascertains the jurisdiction,
 - b. conducts a follow-up eJustice inquiry for confirmation,
 - c. Contacts the Case Intake Supervisor with probation/parole with information.

Note: NYS probation information may not be available in eJustice unless there is an associated warrant.

- 1) Advises the victim of the availability of shelters and other victim services in the community and assists the victim in obtaining shelter and/or transportation to a safe place, if necessary.
- 2) Children at the Scene of Domestic Incidents
- 3) Notifies CPS via telephone if a child is exposed to either of the following:
 - a. the use or threatened use of unlawful physical force
 - b. a situation that clearly endangers the physical, mental, or emotional well-being of the child, or
 - c. there is reasonable cause to believe either of the following has occurred:
 - i. a child has been abused or maltreated, or
 - ii. a child has been abused or maltreated where the parent or

guardian or other person legally responsible for such child states, from personal knowledge, facts, conditions, or circumstances which, if correct, would render the child an abused or maltreated child.

Note: New York State Social Services Law mandates referral in these situations by certain first responders. Department personnel who fall under this mandate include Police Officers and Ambulance Medical Technicians.

Domestic Disputes Involving No Law Violations:

- 1) Officers will complete a DCJS 3221 documenting the facts and circumstances surrounding the incident.
- 2) A copy of both pages of the Domestic Incident Report shall be given to the victim/reporting person of a domestic incident.

Note: In the rare instance a Supporting Deposition PDCN Form 32B is used, a copy must be given to the victim.

- 1) A copy of the victim's rights notification will be given to the victim/reporting person of a domestic incident.
- 2) Provide the victim/reporting person with contact information for the New York State Domestic and Sexual Violence Hotline: 1-800-942-6906.

Domestic Disputes Involving Violations of the Law (offender at scene):

- 1) Officers will affect a summary arrest of any offender, when there is reasonable cause to believe any of the following took place:
- 2) A crime was committed,
- 3) A petty offense was committed in the Police Officer's presence,
- 4) The terms of an Order of Protection have been violated.

Note: CPL §140.10(4) and Department policy prohibit members from inquiring as to whether the victim seeks an arrest of an offender who committed a misdemeanor family offense.

Note: Arrests should not be made for larceny of property if the alleged offenders have equitable interests in the property. Consider if other charges, such as harassment or menacing, are appropriate.

Note: Refers to the NCPD 2nd Precinct Detective Division, without arrest, cases that involve Aggravated Harassment 2° sub 1, where the subject intentionally harasses, annoys or alarms the victim. When a true threat [See Definition] is involved, an arrest will be made.

Note: In cases regarding Penal Law Article 121, Strangulation and Related Offenses, arrests the subject when there is probable cause to believe that:

- a. the subject applied or threatened to apply pressure, manually or by foreign object, to the victim's throat or neck, or
- b. the subject obstructed or threatened to obstruct a victim's airway.

Probable cause can be supported by the presence of choking and strangulation indicators. This does not preclude members from charging additional or more serious offenses, such as assault and aggravated criminal contempt, when appropriate.

- a. Once an arrest has been made, officers will complete both pages of New York State Form DCJS 3221 (Domestic Incident Report).
- b. A copy of both pages of the Domestic Incident Report shall be given to the victim/reporting person of a domestic incident excluding third party callers.

Note: In the rare instance a Supporting Deposition PDCN Form 32B is used, a copy must be given to the victim.

- c. A copy of the victim's rights notification will be given to the victim/reporting person of a domestic incident.

Note: The deposition of the victim and/or witnesses need only include a description of the specific unlawful behavior. Although recommended when possible, there is no requirement that PDCN Form 32B include a request for arrest.

Note: The date of birth for all persons referred to on PDCN Form 32B will be recorded immediately after their names.

- d. Officers will fully explain charging rights and, if applicable, the court options to the complainant.
- e. If a summary arrest cannot be made due to lack of reasonable cause, officers will determine if the victim elects to make a civilian arrest, if applicable.
- f. Victims are to be afforded the opportunity to make a civilian arrest pursuant to CPL § 140.30. This alternative is appropriate for situations where police officers cannot make summary arrests, such as petty offenses that were not committed in the officers' presence. The civilian arrest alternative will not be used as a substitute for police arrest.
- g. When a police officer has probable cause to believe that a complainant's allegations are not true, the police officer will not assist with a civilian arrest and will terminate any arrest already affected.
- h. If the victim elects to make a civilian arrest, officers will fully assist with affecting the arrest and preparing all court related paperwork. Civilian arrests are subject to concurrent jurisdiction. Victims will decide on the proper venue for adjudication.

Domestic Disputes Involving Violations of the Law (offender not at scene):

- 1) Conducts a preliminary investigation aimed at locating and arresting the offender, if not at the scene. This investigation should include the following:

- a. interviewing the victim and witnesses,
 - b. searching the immediate area,
 - c. responding to a known location of the offender.
 - d. completion of DCJS Form 3221
- 2) Every reasonable effort should be made to locate and arrest the offender immediately.
- 3) If the offender is located, affects a summary arrest.
- 4) If the offender is not located, the case should be forwarded to the Detective Division.

Domestic Exchanges:

- 1) If assigned to a domestic exchange without incident:
- 2) Ascertains parties' names and addresses,
- 3) Obtains Order of Protection information, if applicable, and ensures that neither party violates any aspect of the Order,
- 4) Assists in the exchange,
- 5) The preparation of a Domestic Incident Report is not necessary for routine exchanges that do not escalate into domestic incidents.
- 6) If assigned to a domestic exchange that escalates to the level of a domestic incident, proceeds with domestic incident response and the preparation of a Domestic Incident Report.
- 7) If the dispute is over a child visitation agreement, officers will determine if there is a violation of law involving a child visitation dispute.

Note: Child visitation disputes and custody orders should be carefully investigated. These situations may constitute Custodial Interference and will require further action.

- 8) If there is a violation of law involving a child visitation dispute, initiates the Arrest Situations Section.
- 9) If there is no violation of law involving a child visitation dispute, refers the dispute back to the originating court.



Muttontown Police Department

Department Procedure

PROCEDURE TITLE

Hate Crimes Policy

PROCEDURE NUMBER

Operational Procedure 6

REVISION

0

POLICY

The Muttontown 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.

PURPOSE

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.

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.

SCOPE

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.

PROCEDURE

MEMBERS OF DEPARTMENT

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

ISSUING AUTHORITY

Chief Eric Irizarry

SIGNATURE

EFFECTIVE DATE

2/1/2021

PAGE

Page 1 of 3

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.
- (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.

DETECTIVE DIVISION

The Nassau County Police Department Second Precinct Detective Division will be notified of all potential Hate Crimes.

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.
- (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.

Resolution #21-22 March 10 2021



Muttontown Police Department

Department Procedure

PROCEDURE TITLE

Standards of Conduct

PROCEDURE NUMBER

Operational Procedure 7

REVISION

0

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.

PURPOSE

This policy establishes standards of conduct that are consistent with the values and mission of the Muttontown 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.

RULES

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.

MEMBERS OF DEPARTMENT

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

ISSUING AUTHORITY

Chief Eric Irizarry

SIGNATURE

EFFECTIVE DATE

2/1/2021

PAGE

Page 1 of 10

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.

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

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.

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.

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.

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.

ETHICS

- (a) Using or disclosing one's status as a member of the Muttontown 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.

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.

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.

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.

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 Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Muttontown 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.

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 Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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.

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.
- (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 Chief 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.

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.

- (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.

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.

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)

Resolution #21-22 March 10 2021



Muttontown Police Department

Department Procedure

PROCEDURE TITLE

Patrol Policy

PROCEDURE NUMBER

Operational Procedure 8

REVISION

0

POLICY

The Muttontown 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.

PURPOSE

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

PROCEDURE

GENERAL:

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of the Village of Muttontown. 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 and business inspections.
- (i) Carrying out community-oriented policing and problem-solving activities, including the application of resources to improve or resolve specific

ISSUING AUTHORITY

Chief Eric Irizarry

SIGNATURE

EFFECTIVE DATE

2/1/2021

PAGE

Page 1 of 2

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.

INFORMATION SHARING:

To the extent feasible, all information relevant to the mission of the Department should be shared among all members on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily shift changes.

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.

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.



Muttontown Police Department

Department Procedure

PROCEDURE TITLE

Bias-Based Policing

PROCEDURE NUMBER

Operational Procedure 9

REVISION

0

POLICY

The Muttontown 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.

PURPOSE

This policy provides guidance to department members that affirms the Muttontown 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).

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.

RULES

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.

ISSUING AUTHORITY

Chief Eric Irizarry

SIGNATURE

EFFECTIVE DATE

2/3/2021

PAGE

Page 1 of 3

PROCEDURE**MEMBERS OF
DEPARTMENT**

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.

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.

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.

REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer shall report any information as required.

SUPERVISORS

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 in a timely manner.

1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review 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.

(b) 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.

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



Muttontown Police Department

Department Procedure

PROCEDURE TITLE

Crisis Intervention Incident Policy

PROCEDURE NUMBER

Operational Procedure 10

REVISION

0

POLICY

The Muttontown 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.

PURPOSE

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.

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.

ISSUING AUTHORITY

Chief Eric Irizarry

SIGNATURE

EFFECTIVE DATE

2/3/2021

PAGE

Page 1 of 5

PROCEDURE**MEMBERS OF
DEPARTMENT****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
- (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.

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.
- (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.

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:

- (a) Evaluate safety conditions.
- (b) Introduce themselves and attempt to obtain the person's name.
- (c) Be patient, polite, calm and courteous and avoid overreacting.
- (d) Speak and move slowly and in a non-threatening manner.
- (e) Moderate the level of direct eye contact.

- (f) Remove distractions or disruptive people from the area.
- (g) Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- (h) Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

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

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.
- (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.

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.
- (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) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

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.

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



Muttontown Police Department

Department Procedure

PROCEDURE TITLE

Personnel Complaints Policy

PROCEDURE NUMBER

Operational Procedure 11

REVISION

0

POLICY

The Muttontown 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.

PURPOSE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Muttontown 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.

DEFINITIONS

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.

ISSUING AUTHORITY

Chief Eric Irizarry

SIGNATURE

EFFECTIVE DATE

2/4/2021

PAGE

Page 1 of 10

RULES**COMPLAINT CLASSIFICATIONS:**

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

Informal - A matter in which a supervisor is satisfied that appropriate action has been taken to address the complaint.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints will be investigated by a supervisor of rank greater than the accused member.

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 investigating supervisor, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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.

AVAILABILITY AND ACCEPTANCE OF COMPLAINTS:**COMPLAINT FORMS**

Personnel complaint forms shall be maintained at headquarters and shall be available for use at any time.

ACCEPTANCE

All complaints will be courteously accepted by any department member and the

PROCEDURE

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.

SUPERVISORS**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.

All complaints shall be maintained by the Village, with copies placed in any appropriate personnel file. The Chief of Police shall be notified for each occurrence of a Personnel Complaint.

ADMINISTRATIVE INVESTIGATIONS:

Allegations of misconduct will be administratively investigated as follows.

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. In that case, the Chief of Police or an authorized designee may

investigate the 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.
 - The original complaint form will be directed to the Chief of Police, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 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 Chief of Police.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - 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 Chief of Police.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Chief of Police is notified as soon as practicable.
- (e) Promptly contacting the Chief of Police for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic or other forms of harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Chief of Police.
- (g) Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
- (h) Ensuring that the procedural rights of the accused member are followed.

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)

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.

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.

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.

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.

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.

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.

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 Chief 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).

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 Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency in such case. The Chief 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 Muttontown 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.

POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report shall be prepared and maintained by the Village. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

INVESTIGATING SUPERVISOR RESPONSIBILITIES

The investigating supervisor shall review the entire investigative file, the member's personnel file, and any other relevant materials.

The investigating supervisor 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 Chief of Police, the investigating supervisor may conduct further investigation or action.

When forwarding any written recommendation to the Chief of Police, the investigating supervisor 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 be maintained by the Village.

CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the investigating supervisor for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief 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 Chief of Police within eight days of receiving the notice. Upon a showing of good cause by the employee, the Chief 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 Chief of Police shall consider all information received in regard to the recommended discipline. The Chief 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 Chief 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 Chief of Police has issued

a written decision, the discipline shall become effective.

HEARING BY CHIEF

In a hearing conducted by the Chief 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.

NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief 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.

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 Chief 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 Chief of Police to consider.
- (d) In the event that the Chief 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 Chief of Police on the limited issues of information raised in any subsequent materials.

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.

POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, 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.

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 Chief of Police.

RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule.



Muttontown Police Department

Department Procedure

PROCEDURE TITLE

Emergency Admissions Policy

PROCEDURE NUMBER

Operational Procedure 12

REVISION

0

POLICY

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

PURPOSE

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

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.

AUTHORITY

Any officer:

MEMBERS OF DEPARTMENT

- (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

ISSUING AUTHORITY

Chief Eric Irizarry

SIGNATURE

EFFECTIVE DATE

2/9/2021

PAGE

Page 1 of 5

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).
- (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).

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).

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.

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, if available, is required before transport commences.

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.

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.

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.
- (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.

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.

TRAINING

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

**POLICY**

In accordance with applicable federal, state, and local law, the Muttontown Police Department (MPD) 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 MPD does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law. The MPD 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.

PURPOSE

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 the employment practices of the Village of Muttontown.

PROCEDURE**RECRUITMENT**

The Nassau County Police Department (NCPD) and the Nassau County Civil Service Commission should employ a comprehensive recruitment and selection strategy to recruit candidates who qualify for the Civil Service exam. Based on lists established by these exams, the MPD will 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 NCPD 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. The MPD 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.

SELECTION PROCESS

Upon the certification of a civil service list and following the laws and rules guiding selection from the list, the MPD, utilizing resources provided by the NCPD, shall actively strive to identify the candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the MPD and NCPD 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

VETERAN PREFERENCE

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

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 MPD.

NCPD and MPD background investigators will conduct 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.

NOTICES

NCPD Applicant Investigations Unit (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).

STATE NOTICES

Every applicant disqualified due to facts discovered during the background investigation by the NCPD and MPD 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 NCPD or MPD (CPLR § 6346).

REVIEW OF SOCIAL MEDIA SITES

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

The MPD 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 MPD and NCPD fully comply with applicable privacy protections and local, state and federal law.

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

RECORDS RETENTION

The background report and all supporting documentation shall be maintained by the NCPD.

DOCUMENTING AND REPORTING

The NCPD 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.

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:

- (a) Age at the time the behavior occurred
- (b) Passage of time
- (c) Patterns of past behavior
- (d) Severity of behavior
- (e) Probable consequences if past behavior is repeated or made public
- (f) Likelihood of recurrence
- (g) Relevance of past behavior to public safety employment
- (h) Aggravating and mitigating factors
- (i) 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.

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 MPD and the community.

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.

STANDARDS FOR OFFICERS

Candidates shall meet the following minimum standards:

- (a) Free of any felony convictions
- (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.

PROBATIONARY PERIODS

The Chief of Police should coordinate with the Village administrators 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.

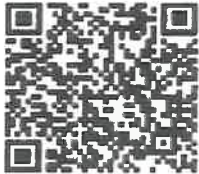
Resolution #21-22 March 10 2021

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
- 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

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

- Email: 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

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

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

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

- **Email:** emeraldami@pdcn.org

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

Email: nassaushomrim@gmail.com

Resolution #21-22 March 10 2021

PAL CONTACT INFORMATION

Baldwin PAL:

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

Bellmore PAL:

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

Bethpage PAL:

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

County Baseball:

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

County Lacrosse:

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

County Track:

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

East Meadow PAL:

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

Elmont PAL: NEW OFFICE

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

Farmingdale PAL:

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

Franklin Square/Elmont PAL:

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

Great Neck PAL:

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

Headquarters Activities Unit:

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

Hicksville PAL:

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

Inwood/5 Towns PAL: NEW OFFICE

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

Island Park PAL:

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

Levittown PAL:

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

Manhasset PAL:

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

Massapequa PAL:

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

Merrick PAL:

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

Mineola/Williston Park/Roslyn PAL:

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

New Hyde Park PAL:

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

North Shore PAL:

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

Oyster Bay/East Norwich PAL:

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

Plainview/Syosset/Jericho/Old Bethpage PAL:

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

Roosevelt PAL: **NEW OFFICE**

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

South Hempstead PAL:

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

Special Needs PAL:

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

Uniondale PAL:

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

Valley Stream/Five Towns/East Rockaway PAL:

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

Wantagh/Seaford PAL:

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

West Hempstead PAL:

817 Hempstead Turnpike, West Hempstead, NY
11552

westhempstead.org 516-458-5076

P.O. Perlungher/Robert Moser

Westbury/Carle Place PAL:

357 Rockland Street Westbury, NY 11590

westburycarleplacepal.siplay.com

516-750-8019

P.O. Lajara/Stephany Veli

Resolution #21-22 March 10 2021

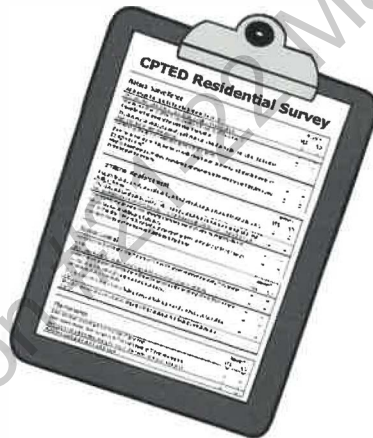
Residential Survey

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 Muttontown 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 Muttontown.

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:



CPTED RESIDENTIAL SURVEY

Every "NO" checked is an indication of improvement needed



Lighting, line of sight, and other visibility issues:	YES	NO	N/A
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.			
Clearly defined spaces:			
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.			

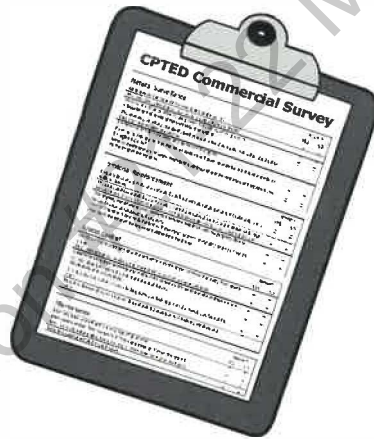
Commercial Survey

For a neighborhood to remain healthy, its local businesses must flourish; and for businesses to do well, they must be safe places to frequent. Perceptions about the safety of business areas directly impacts the health of the community and its ability to prosper. Patrons who feel safe from crime in business areas will be more willing to return.

Business owners are urged to spend approximately an hour of their time to complete this business CPTED survey. The survey will allow owners to locate problems on their property, identify possible strategies for fixing the problem, and ultimately effect crime and quality of life in Muttontown.

Using the Commercial 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. Survey your property and compare it to each of these design elements, then rate the results in the space provided. 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:



CPTED COMMERCIAL SURVEY

Every "NO" checked is an indication of improvement needed



Lighting, line of sight, and other visibility issues:	YES	NO	N/A
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.			
Clearly defined spaces:	YES	NO	N/A
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.			
Access:	YES	NO	N/A
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.			
Other Concerns/Conditions:	YES	NO	N/A
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

Table of Contents

Subject

Page

Civil Rights Law

Personnel Records of Police Officers, Firefighters
and Correction Officers

2

Public Officers Law

Article 6- Freedom of Information Law

Definitions

2

Access to agency records

3

General provisions relating to access to records; certain cases

3

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 or 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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our communities through excellence in policing.

Legal Bulletin

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Recent Legislation

FILE

3010

NUMBER

20-004

Table of Contents

<u>Subject</u>	<u>Page</u>
<u>Civil Rights Law</u>	
Bias-related violence or intimidation; civil remedy	2
Medical Attention for Persons Under Arrest	2
Right to Record Law Enforcement Related Activities	2
<u>Executive Law</u>	
Office of Special Investigation	4
Reporting Duties of Law Enforcement Departments with respect to Arrest-Related Deaths	5
Report of Discharge of Weapon	6
<u>Penal Law</u>	
Aggravated Strangulation	6
Loitering	6

ISSUING AUTHORITY

Commissioner of Police Patrick J. Ryder

SIGNATURE

ISSUE DATE

06/16/2020

PAGE

1 of 6

The following is a summary of a partial summary of 2020 Legislative enactments that are of particular interest to law enforcement personnel and is set forth for the information and guidance of members of this Department.

Civil Rights Law

Bias-related violence or intimidation; civil remedy (Chapter 93)

Section 79-n subdivision 2 of the Civil Rights Law has been amended to establish civil penalties for a person who intentionally summons a police officer or peace officer without reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property, in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person. A person in violation of this law shall be liable in a civil action for injunctive relief, damages, or any other appropriate relief in law or equity.

Effective: June 12, 2020

Medical Attention for Persons Under Arrest (Chapter 103)

Section 28 has been added to the Civil Rights Law as follows:

Section 28 – Medical attention for persons under arrest

When a person is under arrest or otherwise in the custody of a police officer, peace officer or other law enforcement representative or entity, such officer, representative or entity shall have a duty to provide attention to the medical and mental health needs of such person, and obtain assistance and treatment of such needs for such person, which are reasonable and provided in good faith under the circumstances. Any person who has not received such reasonable and good faith attention, assistance or treatment and who, as a result, suffers serious physical injury or significant exacerbation of an injury or condition shall have a cause of action against such officer, representative, and/or entity. In any such civil action, the court, in addition to awarding actual damages and costs, may award reasonable attorneys' fees to a successful plaintiff. The provisions of this section are in addition to, but shall not supersede, any other rights or remedies available in law or equity.

Effective: June 15, 2020

Right to Record Law Enforcement Related Activities (Chapter 100)

Section 79-p has been added to the Civil Rights Law to create the New Yorker's Right to Monitor Act as follows:

Section 79-p – Recording certain activities

1. **Definitions.** For purposes of this section, the following terms shall have the following meanings:

- (a) “Officer” means any peace officer, police officer, security officer, security guard, or similar official who is engaged in a law enforcement activity;
- (b) “Law enforcement activity” means any activity by an officer acting under the color of law; and
- (c) “Record” means to capture or attempt to capture any moving or still image, sound, or impression through the use of any recording device, camera, or any other device capable of capturing audio, moving or still images, or by way of written notes or observations;

2. **Right to record law enforcement related activities.**

A person not under arrest or in the custody of a law enforcement official has the right to record law enforcement activity and to maintain custody and control of that recording and of any property or instruments used by that person to record law enforcement activities, provided, however, that a person in the custody or under arrest does not, by that status alone, forfeit the right to have any such recordings, property and equipment

3. **Private right of actions.**

(a) A claim of unlawful interference with recording a law enforcement activity is established under this section when a person demonstrates that he or she exercised or attempted to exercise the right established in subdivision two of this section to record a law enforcement activity and an officer acted to interfere with that person’s recording of a law enforcement activity, including but not limited to, by:

- (i) intentionally preventing or attempting to prevent that person from recording law enforcement activity;
- (ii) threatening that person for recording a law enforcement activity;
- (iii) commanding that the person cease recording law enforcement activity when the person was nevertheless authorized under law to record;
- (iv) stopping, seizing, searching, ticketing or arresting that person because that person recorded a law enforcement activity; or
- (v) unlawfully seizing property or instruments used by that person to record a law enforcement activity, unlawfully destroying, or seizing a recorded image or recorded images of a law enforcement activity, or copying such a recording of a law enforcement activity without consent of the person who recorded it or approval from an appropriate court.

- (b) It shall be an affirmative defense to a civil action under subparagraphs (i), (iii) and (iv) of paragraph (a) of this subdivision that at the time of such conduct by an officer, such officer had probable cause to arrest the person recording such a law enforcement activity for a crime defined in the penal law involving obstructing governmental administration.
 - (c) A person subject to unlawful interference with recording law enforcement activities as described in paragraph (a) of this subdivision may bring an action for any violation of this section in any court of competent jurisdiction for damages, including punitive damages, for declaratory and injunctive relief, and such other remedies as the court may deem appropriate.
 - (d) In any action or proceeding brought pursuant to this section, the court may also allow a prevailing plaintiff reasonable attorney's fees and expert fees as a party of the costs which may be recovered.
 - (e) Any action or proceeding brought pursuant to this section shall be commenced no later than three years after the date on which the violation of this section is committed.
4. Preservation of Rights. This section shall be in addition to all rights, procedures, and remedies available under the United States Constitution, 42 USC 1983, the constitution of the state of New York and all other federal law, state law, law of the city of New York or the administrative code of the city of New York, and all other civil remedies, including monetary damages, created by statute, ordinance, regulation or common law.

Effective: July 13, 2020

Executive Law

Office of Special Investigation (Chapter 95)

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

Effective: April 1, 2021

Reporting Duties of Law Enforcement Departments with Respect to Arrest-Related Deaths
(Chapter 102)

Section 837-v has been added to the Executive Law as follows (there are 2 section 837-vs):

Section 837-v. Reporting duties of law enforcement departments with respect to arrest-related deaths.

1. The chief of every police department, each county sheriff, and the superintendent of state police shall promptly report to the division any arrest-related death, disaggregated by county. The data shall include all information the division shall report pursuant to the requirements of subdivision five of this section.
2. The initial report required by this subdivision shall be for the period beginning six months after the effective date of this section and shall be submitted on an annual basis thereafter. Each annual report shall be submitted no later than February first.
3. The division shall make the information required by subdivision one of this section available to the public by posting it on the website of the division. With respect to the information required by subdivision one of this section, the division shall update such information on a monthly basis and such information shall be posted in alphanumeric form that can be digitally transmitted or processed and not in portable document format or scanned copies of original documents.
4. The division shall promulgate regulations to effectuate the reporting of data from law enforcement departments sufficient to make the reports required by subdivision five of this section.
5. The division shall submit to the governor and the legislature an annual report of arrest-related deaths disaggregated by county. An arrest-related death is a death that occurs while an individual is in law enforcement custody or during an attempt to establish custody including, but not limited to, deaths caused by any use of force. Such report shall include the following information: (a) the number of arrest-related deaths; (b) the race, ethnicity, age, and sex of the individual; (c) the zip code or location where the death occurred; and (d) a brief description of the circumstances surrounding the arrest-related death.

Effective: December 12, 2020

Report of Discharge of Weapon (Chapter 101)

Section 837-v has been added to the Executive Law as follows (there are 2 section 837-vs):

Section 835-v – Report of discharge of weapon

1. Any law enforcement officer or peace officer who discharges his or her weapon while on duty or off duty under circumstances wherein a person could be struck

by a bullet from the weapon, including situations wherein such officer discharges his or her weapon in the direction of a person, shall verbally report the incident to his or her superiors within six hours of the occurrence of the incident and shall prepare and file a written report of the incident within forty-eight hours of the occurrence of the incident. Nothing contained in this section shall prevent any officer from invoking his or her constitutional right to avoid self-incrimination.

2. As used in this section "law enforcement officer" means a state or local police officer and "peace officer" means any person designated as a peace officer pursuant to section 2.10 of the criminal procedure law.

Effective: September 13, 2020

Penal Law

Aggravated Strangulation (Chapter 94)

Section 70.02 subdivision 1 paragraph (b) has been amended and Section 121.13-a has been added to the Penal Law establishing the crime of Aggravated Strangulation as follows:

Section 121.13-a – Aggravated strangulation

A person is guilty of aggravated strangulation when, being a police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law, he or she commits the crime of criminal obstruction of breathing or blood circulation, as defined in section 121.11 of this article, or uses a chokehold or similar restraint, as described in paragraph b of subdivision one of section eight hundred thirty-seven-t of the executive law, and thereby causes serious physical injury or death to another person. Aggravated strangulation is a class C violent felony.

Effective: June 12, 2020

Loitering (Chapter 98)

Section 240.35 subdivision 4 of the Penal Law relating to being masked in public is repealed.

Effective: June 13, 2020

Prepared by:

Christopher V. Todd
Deputy Bureau Chief
Legal Bureau



Nassau County Police Department
Our Mission is to serve the people of Nassau County
and to provide safety and an improved quality of life in
our communities through excellence in policing.

Legal Bulletin

BULLETIN TOPIC

FILE

NUMBER

Car Stops: An Overview

3010

09-006

Car Stops Based on Reasonable Suspicion

Table of Contents

<u>Subject</u>	<u>Page</u>
<u>Car Stops vs. Pedestrian Stops</u>	2
<u>Car Stops based on Reasonable Suspicion</u>	3
<i>People v Howell</i> , 111 A.D.2d 768 (2 nd Dept., 1985)	3
<i>People v. Ballard</i> , 16 A.D.3d 697 (2 nd Dept., 2005)	3
<i>People v. Corteux</i> , 801 N.Y.S.2d 239 (Cty Ct., St. Lawrence Cty, 2005)	4
<i>People v. Ilardi</i> , 824, N.Y.S.2d 757, (Dist. Ct., Nass Cty, 2006)	5
<u>Summary</u>	6

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 (2nd 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 (2nd Dept., 2005)

Facts: Police officers stopped a vehicle which matched a specific description of a vehicle that was involved in a shooting one to two weeks prior to the stop. The officers confirmed the description of the car prior to stopping the vehicle for investigation. After stopping the car, the driver consented to a search of the vehicle. The officers recovered a loaded pistol and charged the passenger of the car with possession of the weapon following a statement made by him to the officers. The defendant moved to suppress the evidence claiming the stop of the vehicle was unconstitutional.

Question: Were the officers justified in stopping the vehicle?

Answer: Yes. The officers had reasonable suspicion that the driver or occupant of the vehicle had committed a crime.

Discussion: The Court held that the stop of the vehicle was permissible because the officers had reasonable suspicion to believe that the driver or an occupant of the car had committed, was committing or was about to commit a crime. The officers had a description of the vehicle used in the commission of the shooting and confirmed that description prior to the stop. Therefore, the stop of the vehicle, based on reasonable suspicion of criminal activity, was justified.

People v. Cortoux, 801 N.Y.S.2d 239 (Cty Ct., St. Lawrence Cty, 2005)

Facts: A telephone repairman drove past a white Dodge Neon which was parked in an unusual manner. The repairman saw a male inside the Dodge on top of a woman. The man waived at the repairman as if telling the repairman to move along. A short time later, the repairman flagged down a state trooper and told him what he had observed. The repairman gave the trooper a description of the make and model of the car and told the trooper where he had seen the vehicle. The trooper then went to look for the Neon and observed a vehicle matching the description given by the repairman driving near the area the repairman had made his observations. The trooper observed a male driving the car and a female front seat passenger. The trooper stopped the vehicle. While asking the driver for identification and some pedigree questions, the trooper noticed indications that the driver had been drinking alcohol (i.e., odor of an alcoholic beverage, glassy eyes). The driver was arrested after performing field sobriety tests. The only charge was driving while

ability impaired. At a hearing the Court focused on whether the trooper's stop of the vehicle was justified.

Question: Was the stop of the defendant's car permissible?

Answer: Yes. The trooper had reasonable suspicion to stop the vehicle.

Discussion: The trooper in this case had corroborated the information provided by the repairman and had made his own observations of the defendant's vehicle which were consistent with the information given by the repairman. The Court found that the trooper had reasonable suspicion to believe that the defendant was involved in criminal activity, possibly an assault on the female passenger and therefore the stop of the car for further investigation was permissible.

People v. 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.

APPENDIX B

NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE PLAN CERTIFICATION FORM

Instructions: The Chief Executive of each local government must complete and submit this certification and a copy of their Plan to the Director of the New York State Division of the Budget on or before April 1, 2021 at E0203Certification@budget.ny.gov.

I, James M. Liguori, as the Chief Executive of the Village of Muttontown (the "Local Government"), hereby certify the following pursuant to Executive Order No. 203 issued by Governor Andrew M. Cuomo on June 12, 2020:

- ☒ The Local Government has performed a comprehensive review of current police force deployments, strategies, policies, procedures, and practices;
- ☒ The Local Government has developed a plan, attached hereto, to improve such deployments, strategies, policies, procedures, and practices (the "Plan");
- ☒ The Local Government has consulted with stakeholders (including but not limited to: membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials) regarding the Plan;
- ☒ The Local Government has offered the Plan in draft form for public comment to all citizens in the locality and, prior to adoption of the Plan by the local legislative body, has considered the comments submitted; and
- ☒ The legislative body of the Local Government has ratified or adopted the Plan by local law or resolution.

James M. Liguori

Name



Signature

Mayor

Title

3/10/21

Date

Resolution #21-22 March 10 2021