



# The Incorporated Village of Rockville Centre

## POLICE REFORM AND REINVENTION COLLABORATIVE PLAN

2021



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# Public Comment

The draft of the Incorporated Village of Rockville Centre's Police Reform and Reinvention Collaborative Plan was first publicly presented on January 28<sup>th</sup>, 2021, at the Village's public Briefing Session. It was also posted on the Police Department and Village websites and made available for public comment. It was discussed and open for comment at several subsequent public meetings. The plan was created following a period of collaboration with community stakeholders and representatives. It was imperative that the Village of Rockville Centre received input on our plan for police reform and reinvention from as many residents as possible. Feedback received since the plan draft was opened for public comment helped construct later amendments made to the draft. The final product was presented at a public hearing in March and then submitted to the Board of Trustees for certification.

The Village of Rockville Centre is aware that meaningful reform can only be accomplished if our citizens had an active role in the creation of the plan. The Village gave thoughtful attention to all feedback given and thanks all the participants involved for their earnest efforts in trying to make Rockville Centre a better place.

Comments and feedback can still be made and submitted via: email to [policereform@rvcny.us](mailto:policereform@rvcny.us) or [feedback@rvcny.us](mailto:feedback@rvcny.us); phone (516) 766-1500, and through the following links:

[www.rockvillecentrepolice.us](http://www.rockvillecentrepolice.us)

[www.rvcny.gov](http://www.rvcny.gov)

# Introduction

This plan is submitted by the Village of Rockville Centre pursuant to New York State Executive Order 203. It was developed after a comprehensive review of police force strategies, policies, procedures, and practices; and most importantly, consultation with community stakeholders. This plan will enable the Rockville Centre Police Department to continue its outstanding service to the community while working towards further reducing racial disparities in policing.

In accordance with the mandates of EO 203 and the guidance provided by New York State relating to the Executive Order, the Village of Rockville Centre engaged in a collaborative and inclusive effort with community stakeholders. Community members involved included elected officials, police department leadership, non-profit and faith-based group leaders, a member of the local district attorney's office, a local public defender, residents who have had interactions with police, residents who have been incarcerated, local housing advocates, and other community leaders. The goal of this process was to foster trust, fairness, and legitimacy between the police and the community they serve. A transparent exchange of ideas created the foundation for this plan.

In conjunction with this joint effort, the Rockville Centre Police Department conducted a full review of the Department's policies and procedures. As a result of the input from our community, the RCPD plans to create or modify thirty different areas of our Police Manual as outlined herein. This plan reflects the Police Department's commitment to serving all the people of our community both equally and fairly. In this plan, the Police Department addressed issues presented in the *New York State Police Reform and Reinvention Collaborative Guide* relating to transparency and racial disparity prior to the promulgation of EO 203. The Village of Rockville Centre has always held itself to high standards; the Police Department is held to higher standards than its neighboring police agencies since becoming a member of the New York State Accreditation system. Although Rockville Centre has been, in many ways, ahead of other jurisdictions regarding the relationship between the Police Department and our residents, we know we can do more. The Village is committed to making impactful changes while working towards reducing racial disparities.

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

This plan was founded on Evidenced-Based Policing, the Contemporary Policing Policies of the Rockville Centre Police Department, and the Rockville Centre Police Department's response to recommendations found in the *New York State Police Reform and Reinvention Collaborative Guide*. It includes a *Policy Review* of current RCPD policies, procedures and strategies related to each topic. Following the *Policy Review*, the plan will describe any *Modifications, Modernizations, and Innovations*, some of which were implemented prior to EO 203, and others as a result of collaboration with community stakeholders. The topics were reviewed by the Rockville Centre Police Department in an effort to strengthen its relationship with the community and reduce racial disparities. Each section incorporates key questions and insights for consideration provided in the guidance issued by the *New York State Police Reform and Reinvention Collaborative Guide* relating to EO 203.

# New York State Accreditation



The New York State Department of Criminal Justice Services Accreditation Program began in 1989. It is comprised of a set of one-hundred thirty-three standards developed to further enhance the capabilities of law enforcement agencies and certify those departments that meet or exceed best policing practices as defined by the State of New York. The standards are broken down into three categories: Administrative standards, which include provisions for agency organization, fiscal management, personnel practices, and records management; Training standards which encompass basic and in-service instruction, as well as training for supervisors and specialized or technical assignments; and Operations standards which address critical and litigious topics as high-speed pursuits, roadblocks, patrol, and unusual occurrences.

Accreditation is a progressive and contemporary way of helping police agencies evaluate and improve their overall performance. Once accredited, an agency must maintain standards and are re-certified every five years. The four principle goals of accreditation are:

- To increase the effectiveness and efficiency of law enforcement agencies utilizing existing personnel, equipment, and facilities to the extent possible.
- To promote increased cooperation and coordination among law enforcement agencies and other agencies of the criminal justice services.
- To ensure the appropriate training of law enforcement personnel.
- To promote public confidence in law enforcement agencies.

The purpose of Accreditation is to enhance the effectiveness, efficiency, and professionalism of an agency, while promoting training and public confidence in law enforcement. Accreditation demonstrates the agency performs in a consistently professional manner, that formalized policies are in place to govern its operational practices and procedures, and that all employees contribute to the agency's mission and know what is expected of them. Achieving accreditation and reaccreditation is evidence that a law enforcement agencies policies, procedures and operations meet the standards of current policing best practices, are an indication of professionalism, and are a source of pride for all Rockville Centre Police Department sworn members and non-sworn members.

The Rockville Centre Police Department received their accreditation status in 1993 following a rigorous review of all department policies, trainings, and records by certified New York State Accreditation assessors. The Department has passed all five reaccreditations since then. The RCPD is one of only three police departments in Nassau County to be accredited, and it is the largest of the three departments. Many of the reform recommendations mentioned in the *New York State Police Reform and Reinvention Collaborative Guide* have already been made policy by the Rockville Centre Police Department due to the high standards set by the New York State Department of Criminal Justice Services Accreditation Program.

# Community Oriented Policing and Public Trust

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

The Police Department demonstrates its presence in our neighborhood and the Department's commitment to our residents in many ways. Some examples include:

- Sector Member of RVC Coalition for Youth
- CADCA (Community Anti-Drug Coalitions of America) Training Conferences & Forums
- MLK Community Center Coalition visits
- Heroin Prevention Task Force
- Long Island Youth Safety Coalition
- Hispanic Brotherhood of RVC visits
- RVC Youth Council Drug Takeback Day
- Daily pharmaceuticals drop-off box
- Mercy Medical Center Opioid & Suicide Symposium members
- School programs (RVC youth council, open houses, daily walk-throughs, community readers day, AAA School's Open campaign)
- Active shooter training at schools and houses of worship
- RVC Lions Club member
- Bicycle safety demonstrations
- Annual RVC Schools Family Fun Fitness Fair
- Police headquarters tours for youth groups
- RVC Library Heroes Day
- Toys for Tots participant
- RVC Post #303 American Legion events
- Annual Trees for Troops contributor
- Parade and street fairs youth giveaways
- Informational resource table at community events
- Drug awareness and prevention programs
- Building security assessments
- Informational seminars (scams directed at senior citizens and holiday safety tips)
- Annual Earth-day clean-up with Mayor's Youth Task Force at Mill River Park

Through the years, the RCPD has continued to strengthen and expand its community partnerships. The Department is grateful for the assistance of our community partners in keeping our village safe and our residents protected. The brave men and women of the RCPD are committed to ensuring that the Village of Rockville Centre is a safe place to live, work, and play.

# Executive Order 203 Considerations

Executive Order 203 instructs that the Village of Rockville Centre consider several evidence-based policing reform strategies. In addition to these strategies, the Rockville Centre Police Department recognized the need to reevaluate additional policies and procedures as well as address further topics mentioned in the *New York State Police Reform and Reinvention Collaborative Guide*. As a result of the Department's reassessment, an additional seventeen topics were added to the *Guide's* thirteen evidence-based strategies for consideration. Each topic is listed below and discussed in subsequent sections.

1. Transparency
2. Use of Force
3. Procedural Justice
4. Systemic Racial Bias and Racial Justice in Policing
5. Implicit Bias Awareness
6. De-Escalation Training and Practices
7. Complaint Tracking
8. Reporting of Officer Misconduct by other Officers
9. Prohibition of Race-Based Service Calls
10. Restorative Justice Practices
11. Community-Based Outreach and Conflict Resolutions
12. Attention to Marginalized Communities
13. Law Enforcement Assisted Diversion Programs
14. Problem-Oriented Policing
15. Hot Spot Policing
16. Focused Deterrence
17. Crime Prevention Through Environmental Design
18. Violence Prevention and Reduction Interventions
19. Body Worn Cameras
20. Mental Health and Homelessness
21. Crowd Control
22. Supporting Officer Well-Being
23. Department Staffing and Recruitment
24. Broken Windows and Stop & Frisk
25. Pretextual Stops
26. Officer Evaluations
27. Summonses
28. Vehicle Pursuits
29. SWAT and No-Knock Warrants
30. Hate Crimes

# Transparency

## Policy Review

The community has expressed interest in various categories of police department reporting. Previously, all requests for statistics needed to be requested through a Freedom of Information Law (FOIL) request.

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

## Modifications, Modernizations, and Innovations

In recognition of fostering trust and fairness through police reform, the RCPD will be publicizing data and issuing reports to be posted on the Department's website:

- Use of Force – The RCPD will issue a bi-annual Use of Force Report and will include statistics on event circumstances, demographics, and type of force used.
- Civilian Complaints – Bi-annual report will include the percentage of civilian complaints for each of the following categories: excessive use of force, false arrest, improper tactics/procedures, neglect of duty, police impersonator, racial/ethnic bias, unlawful conduct, unprofessional conduct, violation of department rules and other. Statistical data for founded findings in the unlawful conduct category will be disclosed.
- Crime Statistics – Bi-annual major crime statistics are to be posted on the Department's website. Major crime categories are murder, rape, criminal sexual act, sexual abuse, robbery other, robbery commercial, assault felony, burglary residence, burglary other, stolen vehicle, grand larceny, and "all other" crime reports.
- Arrest Statistics – Arrest data is to be disclosed in a bi-annual report. The report will include arrest demographics and statistics.
- Summons and Field Stop Data – A report will be issued bi-annually detailing summonses issued by location, top summons categories, gender, and race.
- Bias Incidents/Hate Crimes – This bi-annual report will breakdown bias incidents and hate crimes reported to the RCPD categorized by bias.

# Use of Force

## Policy Review

The Rockville Centre Police Manual addresses the ethical conduct of department members regarding the use of force and less-than-lethal weaponry (see RCPD Manual sections 3.6100, 3.7050, and 3.7300).

The Rockville Centre Police Department's policy is summarized in the preceding pages and can be found in its entirety as an annex at the end of this report. Our Department Policy is founded in federal and state statutory standards and is in accordance with Executive Law 840(4)(d)(3). It recognizes the value of all human life and dignity without prejudice to anyone.

Members of the Rockville Centre Police Department are authorized to use only the minimum amount of force appropriate to a given situation. Force shall not be used aggressively but shall be used responsively. Force shall not be used, in any degree, without legal justification. Members of the Department will use only the **minimal** amount of force that is reasonably necessary to perform their lawful duties.

Current Policy outlines the use of firearms to include on and off duty carry, types of firearms and ammunition authorized, qualification requirements and safety guidelines, as well as a Continuum of Force table. Members involved in an incident in which their firearm is discharged are required to complete a "Firearms Incident Report".

Our current policy also addresses the use of non-deadly force. Separate policies are dedicated specifically to the use of O/C Pepper Spray and TASER-Specialized Restraining Devices.

## 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 Rockville Centre Police Department shall be those principles set forth, as well as the paramount objective of reverence for the sanctity of human life. In all cases, the primary duty of all members of the Department is to protect human life and provide for the safety of the community. Force is authorized when reasonably believed to be necessary:

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

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

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

- the severity of the crime or circumstances;
- the level and immediacy of the threat or resistance posed by the suspect;
- the potential for injury to citizens, officers, and suspects;

- the risk or attempt of the suspect to escape;
- the knowledge, training, and experience of the officer;
- officer/suspect considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers and subjects or;
- other environmental conditions or exigent circumstances.

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

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

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

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

## Use of Deadly Physical Force

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

- the member has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury,
- 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 RCPD generally prohibits the firing of rounds at or from moving vehicles unless the deadly force being used against the officer is other than the vehicle itself. Every incident where an officer fires their weapon at a moving vehicle is fully investigated pursuant to the Department's use of force policy.

## Reporting

Members of the Department shall notify their immediate supervisor as soon as possible of instances involving the use of force. Following involvement in any such incident, members are required to complete the Use of Force Report.

Where practicable, the on-duty supervisor should respond to the scene to begin the preliminary force investigation.

The Commanding Officer of Support will receive the supervisor's report and conduct an investigation. If the review deems the incident criminal, an external review is conducted by the District Attorney's Office. As of April 1, 2021, the Attorney General will have the right to review and investigate all matters of excessive force.

## Modifications, Modernizations, and Innovations

In June 2020, the RCPD reviewed and updated its policy to include use of force reporting requirements stipulated in Executive Law Sect 837-t.

Pursuant to EO 203, the RCPD has self-audited the Use of Force policy and made any necessary updates. This includes the prohibition of "chokeholds" or similar restraints. The policy will further be updated to specifically state that the use of force for punitive or retaliatory reasons is prohibited. The policy will also dictate that the use of force shall be used only as reasonably necessary and factors such as disabilities, age, etc., shall be considered.

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 RCPD Use of Force policy is posted on the Department's website, [RockvilleCentrePolice.us](http://RockvilleCentrePolice.us), and will be updated bi-annually. Use of Force statistics will also be posted on the Department's website bi-annually.

# Procedural Justice

## Policy Review

The RCPD does not currently have a specific policy on Procedural Justice, but the values and expectations embodied in current policy are reflective of the ideals enumerated in Procedural Justice. These can be found, as previously indicated, in the RCPD Mission Statement and Sect 4 of the RCPD Manual governing Rules and Regulations of the Department. Similar sentiments can be found in Sect 2.2000 titled Community Relations.

According to *The New York State Police Reform and Reinvention Collaborative Guide*, The Task Force on 21<sup>st</sup> Century Policing identifies the 4 pillars of procedural justice as:

- 1) Treating individuals with dignity and respect
- 2) Giving individuals a voice during law enforcement interactions
- 3) Being neutral and transparent in decision making
- 4) Conveying trustworthy motives

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

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

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

## Modifications, Modernizations, and Innovations

In a continued effort to enhance communication with our community, all RCPD patrol officers have access to the Language Line App for interpretation services. The Language Line Application gives the citizen an opportunity to video conference with an interpreter to ensure both parties can properly articulate themselves and understand each other. The Language Line provides a sign language option for residents who are hard of hearing. The RCPD will participate in sensitivity and anti-bias training offered by the NCPD, Department wide, on an ongoing basis.

The RCPD shall institute a specific Procedural Justice policy that incorporates the values detailed in this section.

# Systemic Racial Bias and Racial Justice in Policing

## Policy Review

RCPD Rules & Regulations address the ethical conduct of department members (see attached Standards of Conduct and Code of Ethics policies 4.7750 & 4.7950).

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.

- The RCPD does not condone racial profiling and Members of the Department will not engage in racial profiling.
- Racial profiling undermines the efforts of law enforcement by causing a loss of respect for the law and a loss of creditability for the Department.
- Individual dignity is highly valued in a free society and all persons have a right to dignified and respectful treatment under the law.
- Respect for individual dignity is an obligation that all Department Members must consider in their daily contacts with the community. Failure to treat any person civilly and respectfully violates our Rules and Regulations.
- The Police Department is committed to treat all persons with dignity and respect as individuals, and to exercise additional patience and understanding where language or cultural differences might be encountered.
- Members will give their name, rank, and shield number when requested.
- Members will give the rank, name, shield number, of another member of the Department to any person who appears personally and can demonstrate a legitimate interest in obtaining the same.

## Modifications, Modernizations, and Innovations

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

Community representatives have expressed concerns over members of minority communities being incarcerated for petty offenses simply because they do not have the ability to post bail while individuals arrested for the same crimes from non-minority communities post bail and do not spend any time incarcerated for the same offense. This issue has been addressed in large part by the recent bail reform legislation. However, the RCPD plans to create a policy that directs officers to issue an appearance ticket for a marijuana offense at the place of occurrence. Furthermore, the RCPD plans to expand upon this process to include Petit Larcenies.

## Summons and Field Stop Tracking

The RCPD is making improvements in our summons tracking policies to record demographics on the citizens stopped.

- Department General Order #21-002 was implemented and directs officers to collect demographic data during traffic and field stops. (see attached Field Stop Data Collection order).
- By tracking demographics in this capacity, the Department is taking steps to eliminate any biases and disparities in ticketing.

# Implicit Bias Awareness

## Policy Review

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

Training and exposing police officers to the existence of unconscious bias is believed to help reduce and manage implicit bias. Time is dedicated to appropriate training as per the curriculum of each academy. Rockville Centre Police Department recruits receive implicit bias training at one of the following police academies:

- 1- Nassau County Police Academy
- 2- NYPD Academy
- 3- Suffolk County Police Academy
- 4- Westchester County Police Academy

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.

As part of the initial recruit training at the Nassau County Police Department Academy, members of the community educate police recruits about their culture and address common misconceptions or prejudices they experience in their everyday lives. These speakers talk with new recruits about their community's experience with police officers and the role these officers will be undertaking as guardians of that community. These speakers include faith-based leaders and community activists. They emphasize to new officers the impact their actions have on those communities and ways to positively interact with residents. This insight helps RCPD members to understand cultural differences and how an officer's actions might be perceived by a particular community. This interaction and discourse are invaluable in the training of RCPD's new officers.

- Citizens from the following community groups have spoken to academy recruits:
  - African American
  - Korean American
  - Hispanic
  - Sikh

- Islamic/Hindu/Muslim
  - LGBTQ
  - Gender Equality
- Suggestions presented by the aforementioned speakers are incorporated into the academy curriculum by a NCPD training coordinator.

## Modifications, Modernizations, and Innovations

### New Annual In-Service Training

To ensure officers are aware of recent legislation and newly implemented department policies and procedures related to EO 203 mandates, Rockville Centre Police Department members will attend a new in-service training program delivered by the NCPD. The new ten (10) hour in-service core lessons are outlined below:

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

All sworn members of the RCPD will be required to participate in yearly online anti-bias instruction. Immediately following the training, members must pass an exam exhibiting their understanding.

- The RCPD will be expanding its community engagement programs. Participation in these programs not only strengthens the relationship between the police and community members but also serves as “hands-on” anti-bias training. The RCPD is also aware of the need to address police encounters with other community groups such as transgender residents. The Department is in the process of completing a policy addressing these interactions. The Police Department considers “outside the box” training a priority. The Department values looking at situations through a “different lens” and from a perspective other than their own. Training that identifies these principles will be explored.

# De-Escalation Training and Practices

## Policy Review

RCPD Training Policy, Section 2.31 of the Patrol Guide, addresses the training courses that de-escalation is currently being taught as a component. De-escalation training is currently being delivered to officers and supervisors in the following Command-Level training courses, as well as Turnout-Level training sessions: Use of Force, Firearms; Use of Less-than-lethal substances and devices (O/C Pepper Spray, Taser); Arrest Procedures, and Domestic Violence.

RCPD Use of Force Policy, Section 3.73 of the Patrol Guide, addresses de-escalation in a practical manner through guidance relating to the following topics: Continuum of Force, Objective Reasonableness of Force, Duty to Intervene, Training/Qualifications, and Use of non-deadly force.

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

The RCPD recognizes the importance of de-escalation in safeguarding citizens as well as officers. The NCPD Police Academy training includes an eight (8) hour course dedicated to de-escalation techniques. DCJS does not require the academy to have a specified de-escalation curriculum. In addition to the eight (8) hour course, de-escalation is interwoven into many topics covered throughout the NCPD Academy courses and RCPD Command-Level In-Service training courses that are delivered annually.

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

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

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

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

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

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

Engaging in a situation is the most critical part of conflict resolution. Officers must control themselves and free their minds of anger, fear, judgment, and ego so they can respond without outside influence.

- Resolution is where the encounter will end, whether good or bad. If the officer can maintain control of the situation and themselves, a successful conclusion is a near guarantee. In all situations, it is imperative officers respond and not react.

## Modifications, Modernization, and Innovations

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

# Complaint Tracking

## Policy Review

RCPD Citizen Complaints/Internal Affairs Function Policy, Section 1.0050, of the Patrol Guide, addresses the following topics: Definition of a complaint, procedures for documenting complaints, supervisory duties, supervisory responsibilities, complaint investigation, and complaint dispositions.

RCPD Rules and Regulations, Sections 4.7900 and 47950, address General Rules of Conduct and Specific Standards of Conduct & Behavior for all department members.

The Rockville Centre Police Department holds its members to a high standard of professionalism as reflected in Article 3 and Article 4 of the RCPD Department Rules and Regulations (annexed hereto in this document). In furtherance of its commitment to this mission, the Department has a dedicated Executive Staff supervisor managing the Internal Investigations process, which reports directly to the Commissioner of Police.

The Commanding Officer of Support, within the Department, is responsible for the complete investigation of civilian complaints, which is an essential function to ensure compliance with established rules, ethical standards, and Department policies and procedures.

- All allegations of misconduct are investigated pursuant to RCPD Department Policy Section 1.0050 Citizen Complaints/Internal Affairs Function (annexed hereto in this document). The complaint process is available on the RCPD Website and on printed materials available for distribution.
- Civilian complaints may be filed in several ways:

- o through the RCPD website
- o by phone by directly calling the Department at (516) 766-1500
- o in person at Rockville Centre Police headquarters, twenty-four (24) hours a day, seven (7) days a week

o Complaints may also be filed online by visiting: <http://rockvillecentrepolice.us>

- Anonymous complaints are accepted, and complaints will be taken from anyone, with or without a connection or direct relationship to the incident.
- Civilian complaints are documented using the following categories: excessive use of force, false arrest, improper tactics/procedures, neglect of duty, police impersonator, racial/ethnic bias, unlawful conduct, unprofessional conduct, violation of department rules, and other.
- Complaints are provided with a civilian complaint number for their records and tracking purposes. Investigative findings are provided to complainants who choose to provide their contact information.
- If the complaint involves alleged criminality, the matter is referred to the NYS Attorney General's Office for an investigation and possible criminal prosecution prior to any RCPD administrative proceeding.
- Investigative findings are categorized as follows:
  - o Substantiated- Substantial evidence exists to corroborate the allegations against an officer.
  - o Unfounded- Witnesses and evidence, clearly and unequivocally, establishes that the allegation by the complainant is untrue, fabricated, or a distortion of the facts.
  - o Unsubstantiated- Insufficient evidence is available to either prove or disprove the allegation.
  - o Exonerated- The incident did occur; however, the actions of the member were justified, lawful and proper.
  - o Misconduct Noted- Acts of misconduct that have been discovered during the investigation that were not alleged in the complaint.
- The Commissioner of Police, pursuant to section 45-6A(2) of the Rockville Centre Village Administrative Code, has the authority to discipline a member of the force by:
  1. Reprimand;
  2. Fine;
  3. Suspension, with or without pay;
  4. Dismissal or removal from the force;
  5. Reducing officer to a grade below that in which they were serving if they were above the rank of a police officer.

- The Commanding Officer of Support maintains the Department’s Early Intervention System (EIS). This proactive system provides supervisors with data-based analysis to identify members who may need additional monitoring, supervisory involvement, or employee assistance. Members with a designated number of complaints within a twelve-month period trigger an alert that requires mandatory follow-up by a supervisor within thirty (30) days.
- Rockville Centre Police Department Manual, Article 4, Standards of Conduct, Rule 1, (attached hereto in this document), addresses the reporting of officer misconduct by other officers.
  - Members of the Department will report, immediately, to a Superior Officer, any delinquency, dereliction of duty, violation of the Department Rules, conduct disorder, and neglect to the prejudice of good order, efficiency, and discipline, which they observe or of which they have knowledge; they will immediately bring to the attention of a Superior Officer a case in which a Member of the Department becomes unfit for duty on account of careless, improper, vicious, or immoral conduct.
- Additionally, Rule 1, Keeping Supervisors Informed (annexed hereto), from the same Article 4, articulates that Members of the Department will keep their Supervisors informed of every important matter and of any action taken pertaining to those matters. Important matters include the following:
  - a Member of the Department who appears unfit for duty
  - a serious complaint against a Member of the Department
  - important messages
  - and matters that require the attention of a Supervisor
- All recently promoted sergeants are required to attend a month-long training session at the academy. At this supervisor training, all new sergeants are informed of liability, which means that they will likely be held responsible for the actions of their subordinates. Accordingly, they are urged to respond to all calls where there is the potential for misconduct or risk personal liability and/or department discipline thereafter.
- All complaint investigations now have a thirty (30) day completion requirement unless a valid reason is given for an extension.

## Modifications, Modernizations, and Innovations

- The RCPD has updated its webpage to allow individuals to contact the Department for the submission of a complaint.
- The Department will be providing the complaint form in a variety of languages so that persons with limited English proficiency can more easily submit a civilian complaint.
- Within three (3) business days of filing a complaint, complainants are contacted by a supervisor to acknowledge receipt of the complaint and establish contact information.

In accordance with the repeal of section 50-a of the New York State Civil Rights Law and the amendments to Article 6 of the New York State Public Officers Law (Freedom of Information Law), founded complaints and dispositions thereof will be made available to the public as required by law. Nassau County Police Legal Bulletin 20-003 (attached hereto in this document), was issued notifying the members of the Department, the change to the law. The Village Attorney of the Village of Rockville Centre, as the Record Access Officer, has been tasked with providing the appropriate information to the public when requested.

- As a result of the repeal of Civil Rights Law 50-a and in the interest of transparency, the RCPD will issue a bi-annual report on civilian complaints. This report will include the number of complaints and allegations broken down by the nature of the complaint and the gender and race of the complainant, when provided. The details of founded findings will be included in the unlawful conduct category.
- As mentioned previously in the Use of Force section, 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.

## Reporting Officer Misconduct by Other Officers

### Policy Review

RCPD Rules and Regulations, Sections 4.7900 and 4.7950, address General Rules of Conduct and Specific Standards of Conduct & Behavior for all department members.

The Rockville Centre Police Department holds its members to a high standard of professionalism as reflected in Article 3 and Article 4 of the RCPD Department Rules and Regulations (annexed hereto). In furtherance of its commitment to this mission, the Department has a dedicated Executive Staff supervisor managing the Internal Investigations process, which reports directly to the Commissioner of Police.

The Commanding Officer of Support, within the Department, is responsible for the complete investigation of all allegations of misconduct, which is an essential function to ensure compliance with established rules, ethical standards, and Department policies and procedures.

- Rockville Centre Police Department Manual, Article 4, Standards of Conduct, Rule 1, (attached hereto), addresses the reporting of officer misconduct by other officers.
  - Members of the Department will report, immediately, to a Superior Officer, any delinquency, dereliction of duty, violation of the Department Rules, conduct disorder, and neglect to the prejudice of good order, efficiency, and discipline, which they observe or of which they have knowledge; they will immediately bring to the attention of a Superior Officer a case in which a Member of the Department becomes unfit for duty on account of careless, improper, vicious, or immoral conduct.

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  - a Member of the Department who appears unfit for duty,
  - a serious complaint against a Member of the Department,
  - important messages,
  - and matters that require the attention of a Supervisor.

## Modifications, Modernizations, and Innovations

In accordance with the repeal of section 50-a of the New York State Civil Rights Law and the amendments to Article 6 of the New York State Public Officers Law (Freedom of Information Law), founded complaints and dispositions thereof will be made available to the public as required by law. Nassau County Police Legal Bulletin 20-003 (annexed hereto), was issued notifying the Members of the Rockville Centre Police Department, the change to the law. The Village Attorney of the Village of Rockville Centre, as the Record Access Officer, has been tasked with providing the appropriate information to the public when requested.

- As mentioned previously in the Use of Force section, 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.

# Prohibition of Race-Based Calls for Service

## Policy Review

Section 79-n subdivision 2 of the New York State Civil Rights Law was amended to establish civil penalties for a person who intentionally summons a Police Officer or Peace Officer without reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property, in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person.

- A person in violation of this law is liable in a civil action for injunction relief, damage, or any other appropriate relieve in law or equity.
- NCPD Legal Bulletin 20-004 was issued notifying the Members of the Police Department of this new law.

## Modifications, Modernizations, and Innovations

- In an effort to eliminate race-based calls for service, the RCPD will add the modus operandi code of “Race Based False Calls”. By adding this MO code, it permits an officer who takes a report, or an officer or detective who makes an arrest, to add this MO code if it applies to the incident thereby enabling the Department to track these incidents and easily research incidents should they occur.
- The RCPD will not respond to calls made from persons 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.

# Community-Based Outreach and Conflict Resolution

## Policy Review

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

- The Rockville Centre Police Commissioner is the Community Relations Officer for the RCPD. Regular contact with the community is necessary in order to address local concerns and identify law enforcement needs. The RCPD maintains an active role in community affairs through frequent and regular contact between the Police Commissioner, Department Commanding Officers, the Youth Officer, and various civic organizations and community groups in the geographic area of Rockville Centre. The Rockville Centre Police Department’s policy on community relations can be found in Police Manual Section: 2.200.
- The Rockville Centre Police Department community relations objectives play a critical role in achieving the Department’s goals against crime by strengthening community relationships and trust.
  - The main community relations objective is to promote and enhance collaborative decision making between the Department and the communities we serve regarding policing strategies.
  - Each member of the RCPD is personally responsible to project a positive image and maintain an involvement in addressing the needs of the community.

- Community Relations topics include: Responsiveness to community needs, equality and dignity of enforcement and communication , courteous communication, assistance requests, citizen complaints, interpersonal communication, public meeting attendance, program establishment and enhancement as needed, and community access to police information.
- The RCPD uses crime data and information to guide their policing activities toward high-frequency offenders and locations.
  - The Police Commissioner, Youth Officer, Traffic Unit, and Detective Unit work closely with the community to enhance police-community relations, actively address problems in a community before a crime occurs, and improve the quality-of-life, and traffic safety in the communities we serve. These tasks are achieved through specialized patrols, activities, and initiatives all of which further the Department’s mission.
- The Rockville Centre Police Department agrees that increased interaction between the police and the community in positive situations is one of the strongest tools for building bridges and creating trust between officers and residents. Important aspects are:
  - recognizing the increasing societal challenges communities are facing throughout Rockville Centre.
  - reinforcing trust and appreciation for our diverse population.
  - and demonstrating police support of neighborhood needs and concerns.
- The Department further engages the community through active participation in community meetings, including but not limited to: public village board meetings, various school related meetings and presentations, girl and boy scouts, PTA meetings, Hispanic Brotherhood meetings, Senior Center meetings, Lion’s Club, Martin Luther King Head Start Program, SADD meetings, as well as the youth council and coalition meetings. The officers chosen to attend these events will then engage in a discussion with these individuals on the role the RCPD plays in their community and will relay any concerns they have on a particular topic to the unit responsible for handling that issue as well as to the Commissioner of Police.
- RCPD has several drug awareness and prevention programs mentioned in the *Plan* Topic of Law Enforcement Assisted Diversion Programs.
- The RCPD also oversees the Rockville Centre Auxiliary Police Department. This program consists of community volunteers that assist in police-related activities such as: traffic control, accident scene assistance as needed, parade and community event support, and they also provide an omnipresence in the village’s central business district and other areas where required. The Auxiliary PD often acts as the “eyes and ears” for the Police Department. They are trained and certified at the Nassau County Police Academy.

## Modifications, Modernizations, and Innovations

- Mentioned in the LEADS section, the Youth Police Initiative (YPI) if adopted, is a program designed to build trust between the RCPD and at-risk youth who may have a negative perception of police. The goal of this initiative is to engage in an open dialogue and to allow

the at-risk youth to express their concerns with policing in their community as well as exposing them to positive role models. The RCPD will review the merits and possibilities of partaking in this program.

- The RCPD will also introduce community feedback surveys and hand out personalized business cards to citizens that the police interact with.
- RCPD plans to adopt a community relations program encouraging police officers to engage with all members of the community through “Park, Walk and Talk.” As the name implies, a “Park, Walk, and Talk” is when an officer exits their post car and walks through the community they patrol to get to know the members of that community and their concerns. The main objective is to build trust and communication with members of the community an officer might not otherwise encounter.
  - During some of these interactions, officers may request businesses and places of worship, to complete Business Emergency Information forms . The information recorded on this form is entered into a database maintained by the RCPD Impact System. In the event of an emergency, or if the Department needs to contact business owners for any reason, the RCPD uses this database. By collecting and maintaining this database, the RCPD is able to demonstrate its commitment not only to the personal safety of our residents but also to their businesses and places of worship.

## Attention to Marginalized Communities

### Policy Review

It is imperative Rockville Centre Police Officers ensure a consistent high level of service to all community members, including those who are deaf, with limited hearing ability, or have limited English proficiency (LEP). In addition, the Department has specific legal obligations under the American Disabilities Act and the New York Human Rights Law to communicate effectively with people who are deaf or with limited hearing.

The Rockville Centre Police Department will make every effort to ensure that its officers and employees communicate effectively with people who are deaf, hard of hearing, or LEP. This community of people are entitled to a level of service equivalent to that provided to all other persons and must never be charged for services. Effective communication with a person who is deaf, hard of hearing, or LEP involved in an incident, whether as a victim, witness, suspect, or arrestee, is essential in ascertaining what occurred, the urgency of the matter, and type of situation. Officers must not draw conclusions about incidents unless they fully understand and are understood by all those involved including people that are deaf, hard of hearing or LEP. Rockville Centre Police Department general Order 19-009 (attached hereto).

- Various types of communication aids known as “auxiliary aids and services” are to be used by RCPD officers when communicating with persons that are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of an assistive listening system or device to amplify sound for persons who are hard of hearing; or use of a qualified oral or sign language interpreter. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be

required for effective communication. The RCPD provides officers with qualified sign language interpreting services through a video remote interpreting app. In the event that the person is unable to use the app, officers can obtain an in-person interpreter by contacting the Nassau County Police Department at (516)573-7000.

- For persons with limited English proficiency (LEP), the RCPD provides qualified foreign language interpreting services, available in multiple languages, through a video remote interpreting app. If a person who is LEP requests an in-person interpreter, or is unable to use the Department's app, officers can obtain an in-person interpreter by contacting the Nassau County Police Department at (516)573-7000.
- RCPD Police Officers have been provided with detailed instructions on the utilization of interpreter services both inside and outside of Department Headquarters as well as over the phone and in-person encounters. Officers are required to document incidents that require interpreters.

## Modifications, Modernizations, and Innovations

- A computer tablet has been designated for use as a department interpreting aid. The tablet's sole purpose is to be utilized for the LanguageLine InSight Video Interpreting Program. This will allow the Police Department to provide the best police services to all members of the community. The app is a useful interpreter for both hearing impaired and persons with limited English proficiency. The LanguageLine Service is also capable of use via telephone line in the event that the app is inoperable.
- An Official Investigative Interpreter shall be used when persons who are deaf, hard of hearing, or LEP are a subject of a criminal investigation and require advisement of their rights in regard to giving a statement and securing an attorney. When depositions require an Investigative Interpreter, RCPD Officers will contact NCPD Communications Bureau.
- The RCPD has provided its members with the U.S. Department of Justice Civil Rights Division publication "Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers" (attached hereto). This document reviews how officers should communicate effectively in the types of situations officers will encounter.

# Law Enforcement Assisted Diversion Programs (LEADS)

## Policy Review

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

The RCPD Juvenile Unit has many Law-Enforcement Assisted Diversion Programs which are listed in the RCPD Police Manual Section 1.0250 Duties and Responsibilities; Section 2.2150 Crime Prevention:

- **Bullying/Cyber Bullying Program:** The RCPD Youth Officer conducts trainings at schools and youth centers in regard to all forms of bullying.
- **Bias Crime/Hate Crime Training:** In Rockville Centre, even the lowest-level crime influenced by any type of bias or hate is recorded and investigated by the RCPD.

**Drug Awareness and Prevention Programs:**

- To address the crisis of alcohol and drug abuse in Rockville Centre, the RCPD Youth Officer is a member of the Heroin Prevention Task Force. The task force's mission is to form partnerships with community and government agencies dedicated to reducing the demand for illicit drugs in our communities.
- To further RCPD's drug awareness and prevention efforts, the Youth Officer presents thorough vaping and nicotine addiction presentations.
- Additional department drug awareness and prevention programs are the Pride Program, Schools Substance Abuse Task Force, and various presentations on request.
- The RCPD Youth Officer is involved and active in the following local prevention programs: Drug Drop Box program, Rockville Centre Coalition for Youth, Rockville Centre Youth Council, Drug, Alcohol, & Violence Prevention Task Force, The Long Island Youth Safety Coalition, SADD, and The State of New York Police Juvenile Officers Association.
- **Bicycle Safety Demonstrations:** The RCPD Youth Officer along with other RCPD Officers, hosts demonstrations for bicyclists to learn about the use of safety equipment when riding and the applicable laws.
- Other various crime prevention trainings include, but are not limited to, internet safety, identity theft, child safety, senior citizen safety, and scams targeting the elderly.

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

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

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

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

## Modifications, Modernizations, and Innovations

### Operation Natalie

The opioid epidemic reached its peak in Nassau County during 2016. The Rockville Centre Police Department works closely with the NCPD on the opioid epidemic issue and outreach plans. The NCPD identified the need for a strategy to combat the opioid epidemic and subsequently developed a multi-pronged approach, known as Operation Natalie:

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

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

### The Youth Police Initiative (YPI)

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

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

YPI will teach young adults the skills to constructively resolve conflicts with authority which require efforts from both youth and law enforcement. The YPI also teaches police officers to step out of their cars and have genuine conversations. By creating an open dialogue between the RCPD and the youth in our

communities, the YPI will ultimately breakdown existing barriers, stereotypes, and biases. Through honest communication and positive experiences fostered by the YPI, the RCPD strengthens police-youth relations in lasting ways.

# Restorative Justice Practices

## Policy Review

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

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. These programs are options for Rockville Centre residents and crime victims in Rockville Centre through our partnership with Nassau County Police.

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

In recognition of offender rights and avoiding the tendency towards incarceration-minded policing, the RCPD plans to institute a new Appearance Ticket Protocol. In lieu of jailing offenders for offenses involving Marijuana and larcenies, offenders are issued Appearance Tickets.

The RCPD has detectives assigned to joint task forces. These special units address gun violence and narcotics trafficking; two issues that are associated with most major crimes in the Long Island and New York City regions.

- The RCPD participates in the Mediation Alternative Program. For some time now, this Department has been a participant in the cost-free Mediation Alternative Project (MAP) Community Dispute Resolution Center, which serves families, schools, and the community at large to resolve a wide array of disputes. The program offers binding arbitration as an alternative to arrest in situations where officers respond to calls which involve circumstances where summary arrest seems inappropriate, but some type of formal resolution is needed. This mediation process is free of charge, informal, confidential, and gives all parties a full opportunity to explain everything they feel

is relevant. It involves assisting both parties to reach a mutual agreement as to how issues will be resolved (refer to RCPD manual section 3.5900).

Types of Disputes that can be brought to Mediation:

- 3Community related disputes (neighbor disputes, landlord/tenant disputes, youth involved vandalism, harassment, and so forth).
- Family conflicts.
- Parent / child conflicts (PINS).
- Minor criminal matters.
- Animal complaints.
- Consumer complaints.

## Modifications, Modernizations, and Innovations

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

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

# Problem-Oriented and Hot Spot Policing

## Policy Review

### Problem-Oriented 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.

The concept of Problem-Oriented Policing (POP) has been successfully integrated into RCPD policing strategies for decades. The Rockville Centre Police Department has several units to initially address this

concept: Detective, Juvenile, and Traffic Units. RCPD Police Manual Sections 3.6850, 2.2150, 1.0250, 3.7450 (attached hereto).

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

- Officers assigned to special units work with Department Commanding Officers and community meetings are attended. These meetings provide a forum for the community to address the Commissioner of Police, Special Units, and Commanding Officer of Patrol.
- Officers in these units are tasked with community outreach to civic groups, schools, community-based outreach associations and any other stakeholders within Rockville Centre. These officers are a resource and steady point of contact for the community to address their concerns.
- Officers look beyond traditional policing strategies and consider other possible approaches for addressing crime and community issues. The approaches Officers initiate can take on many different forms depending on community need and the crime being addressed.
- At this time, The Youth Officer does not have a permanent presence in schools, however, he is available to school districts and in frequent and constant contact. At the beginning of each school year, the Youth Officer meets with the principal of each school in Rockville Centre and introduces himself/herself and offers services with any criminal matter the school may experience. The Youth Officer generally wears a soft uniform when engaging in these interactions or assisting the school with a potential criminal matter.
  - o The Youth Officer works closely with all Rockville Centre schools, particularly involving matters of student discipline. This partnership builds police and school relationships while bringing any conflicts to successful resolutions, which may or may not end up resulting in arrest situations.

### Hot Spot Policing

The RCPD has utilized the concept of hot spot policing as a basis for its model of “Intelligence-Led Policing”, which model was studied and explained by Jerry H. Ratcliffe in his book *Intelligence-Led Policing*. In his book, Ratcliffe defines “Intelligence-Led Policing” as the effective and efficient use of resources driven by data. According to Ratcliffe, the premise of hot spot policing is a focus on “High Visibility Intermittent Random Policing” (HVIRP) of small geographical areas that are experiencing high volumes of crime. The Intelligence-Led Policing Model is at the core of the RCPD’s commitment to community-oriented policing. RCPD Police Manual Section 3.6850 (attached hereto).

- The identification of “hot spots” is done through intelligence gathering and crime analysis. One of the components of Intelligence-Led Policing includes obtaining information (intelligence) from the community. In doing so, the RCPD is able to engage the community in its efforts to reduce crime in a particular area or neighborhood. This approach is taken so that members of the community will support the police presence as there is a mutual goal of addressing and eliminating specific criminal activity. Examples of how information is gathered from the community include:
  - o Community meetings
  - o 911 Calls

- o Engaging the public on social media platforms
- o Confidential informants
- o Community complaints
- Once intelligence is procured and analyzed, the Commissioner of Police is made aware of these concerning hot spots. Once the geographical location and anticipated crime type is identified, the RCPD will plan and deploy the resources needed based on the type of anticipated activity. The objective of this policing model is to prevent crime activity. In the event a crime does occur, the resources which were deployed to the community will assist the RCPD in its investigation.
  - o The type of resources utilized may change depending on the type of crime. Some available resources are:
    - ✦ directed patrol assignments
    - ✦ the use of license plate readers
    - ✦ electronic signage
    - ✦ vehicle and traffic law enforcement
    - ✦ licensed premise checks
    - ✦ social media notifications
  - o Rockville Centre's steady reduction in violent crime trends and the low volume of community complaints is a direct result of its use of Intelligence-Led policing. Additionally, Intelligence and investigation assistance is occasionally provided by NCPD and Federal Law Enforcement Agencies.
- The *New York State Police Reform and Reinvention Collaborative Guide* brings to light the public's concern surrounding the use of technology and the maintenance of data it acquires.
  - o The integrity of intelligence is key and is held to a high standard.
  - o The RCPD is aware of risks in using novel technologies. This is why the Department does not have a facial recognition program.
  - o The effectiveness of each technology is studied by the Department and is analyzed for potential biases.
  - o Sensitive electronic data collected through the use of technology is protected by means congruent with industry standards by the Rockville Centre Information Technology Department.

## Modifications, Modernizations, and Innovations

Department General Order 21-002 - Field Stop Data Collection was issued on January 5, 2021 (attached hereto). This order commands officers to record the gender and race/ethnicity of the person(s) subject to field stops and traffic stops in order for the department to review and investigate any potential biases and disparities in stops by an officer and take corrective action.

- The RCPD analyzes crime data on a daily, weekly, and monthly basis for an evidence based approach to crime fighting and addressing community conditions and quality-of-

life concerns. This strategy incorporates many tenets of the Problem Oriented Policing evidence-based approach, as it looks at large scale problems rather than individual crimes.

- Analysis conducted on a daily, weekly, and monthly basis allows for focused strategic planning rather than general unfocused enforcement which is often intrusive to the involved communities.
- For example, analysis might reveal that commercial burglaries of cell phone stores are occurring throughout Rockville Centre at around midnight. Specialized units will then be tasked with devising a plan to address this crime condition. Those units have the benefit of knowing the type of store being targeted and the time when it generally occurs. As such, they can carefully target their efforts at apprehending the suspects without ensnaring large segments of the community who are unconnected to this crime pattern.
- The RCPD has been utilizing evidenced-based approaches through Intelligence-Led policing, problem-oriented policing, and hot spot policing models since 2010. The RCPD's success in safeguarding the residents of Rockville Centre through the implementation of these strategies is validated by data showing evidence of crime reduction and low volume of community complaints.
- The RCPD aims to adopt the "SARA" model (Scanning, Analysis, Response, and Assessment) to work with the community to develop a customized plan to address that community's problems. Using this model, Officers assigned will identify potential matters of concern for the community, analyze the issue using a variety of data sources, design and implement response strategies, and assess the success of those strategies. This model requires that officers work closely with citizens to address crime concerns and quality-of-life issues.

## Focused Deterrence

### Policy Review

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.

- The Rockville Centre Police Department initiates focused deterrence through several different approaches. Progress and success at focused deterrence is enabled by the involvement of each and every member of the department.
  - Officers maintain frequent communication with individuals in the community, community leaders, and business groups to stay up to date on new and ongoing crime problems or quality of life issues. Community members may arrange for officers to meet with a prior offender or offenders to discuss concerns or possible ideas for deterring further crime opportunities.

- The RCPD Crime Prevention Officer maintains crime prevention programs and presentations to educate the public on protecting property and businesses, substance abuse, crime prevention and senior citizens, domestic violence, and various programs for Rockville Centre's youth. RCPD Police Manual Section 2.2150 Crime Prevention (attached hereto).
- The RCPD's Youth Officer provides several different lectures at Rockville Centre Schools. These lessons focus on providing life skills to students to help them avoid resorting to delinquent behavior and violence to solve problems. RCPD Manual Section 1.0250 Duties and Responsibilities (attached hereto).
- Police Officers are assigned to special attention assignments as needed or provide additional uniform/marked patrol vehicle presence in areas determined to have a certain crime pattern or quality of life issue occurring that could be deterred by initiating more visible police presence. RCPD Manual Section 3.6850 Special Attention and Sensitive Locations (attached hereto).
- Gang Awareness Training and Information Collection and Sharing: Through training and Information sharing, Police Officers become aware of certain offenders or groups of offenders in their jurisdiction. RCPD Police Manual Sections: 3.5125 Gangs, and 3.7450 Vice/Organized Crime & Intelligence Collection (attached hereto).

## Modifications, Modernizations, and Innovations

The Rockville Centre Police Department, Nassau County Intelligence Unit, and the Long Island Gang Task Force began to identify known offenders for different areas of Nassau County including Rockville Centre. An analysis of persistent offenders in high crime areas are considered along with other factors. Individuals who meet the criteria are designated top offenders for each jurisdiction. Other factors include:

- numerous and/or recent felony arrests
  - major crime arrests
  - arrests for crimes including weapons and reckless endangerment
  - gang affiliations
- In order to ensure focused deterrence practices are enforced equally throughout the community, supervisory review of officer interactions will be conducted, followed by a review by the Commanding Officer. Also, civilian complaint tracking will determine if the officer engaged in the improper application of focused deterrence.
  - To involve the community in the RCPD's focused deterrence efforts, focused deterrence strategies will be added to the topics during community meetings. Any feedback from attendees will be incorporated into the focused deterrence segment of in-service training.
  - To affirm RCPD Officers exercise the best practices in implementing proper focused deterrence, this topic will be covered during their yearly Command level In-Service Training.

# Crime Prevention Through Environmental Design (CPTED)

## Policy Review

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. RCPD Police Manual Section 2.2150 Crime Prevention (attached hereto). Crime prevention through environmental design considers the themes of:
  - visibility
  - territoriality
  - cohesion
  - accessibility
  - attractiveness
  - connectivity
  - community culture and their impact on crime
- CPTED prevents crime by designing a physical environment which deters offenders.
- The RCPD assesses and creates plans for various community locations to help reduce or prevent crimes from occurring. Included in these plans are environmental design considerations including but not limited to:
  - lighting
  - landscaping
  - signs
  - sidewalks
  - ordinances
  - community cleanups
  - pathways
- The Rockville Centre Police Department offers schools, businesses, and homeowners a physical security assessment providing them a summary of the building and grounds as well as recommendations. Among these recommendations are CPTED related upgrades. For example, recommendations may be fencing, additional lighting, removal of overgrown foliage, reduction of the number of entrance/exits, cameras, mirrors, or electronic access.

- The Rockville Centre Police Department assists in neighborhood clean-ups. Neighborhood clean-ups assist with crime prevention by community members connecting and working toward a common goal. A cleaner neighborhood atmosphere helps to foster a pride in community and a sense of accountability. The RCPD assists the residents yearly during the Reverend Morgan Days Park Clean-up.
- Youth Coalition meetings are attended regularly by the RCPD Youth Officer. The Coalition aims to address any and all concerns that can potentially have an influence on Rockville Centre's young population. During meetings, ideas and suggestions are brought to attention and CPTED is often among the subject matter. This provides an opportunity for the RCPD to recommend changes to the physical environment that may serve to prevent crime.

## Modifications, Modernizations, and Innovations

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

- The Rockville Centre Police Department will utilize patrol members and special unit members to routinely canvass crime-prone areas to observe any CPTED-related issues that may arise.

# Body Worn Cameras

## Policy Review

The Rockville Centre PD does not currently use body cameras.

- It is anticipated that the RCPD will explore implementing a body worn camera program in the future. We will use the Nassau County Police Department program as a resource once it is established.
- The Department will review all best practices provided by resources such as the International Association of Chiefs of Police and adapt those practices to implement a program that best serves the Police Department and the residents of Rockville Centre.

# Violence Prevention and Reduction Interventions

## Policy Review

RCPD Duties and Responsibilities Policy, Section 1.0250, of the Patrol Guide, addresses the duties and responsibilities of our Rockville Centre Police Department Youth Officer. The duties of this officer include interaction with youths in our schools to prevent and reduce violence in the Village of Rockville Centre.

RCPD Domestic Incident Policies, Sections 3.4700, 3.4725, and 3.4650 of the Patrol Guide, address the following topics: Domestic Incident Response and Investigation Procedures, Firearms Removal, and Domestic incidents Involving law Enforcement Members.

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.

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

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

## Modifications, Modernizations, and Innovations

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

- Although these workups have limited value for the purposes of arraignment, they still provide tremendous investigatory value.
  - Results of these investigations continue to offer solid evidence, which could be used to apply for search warrants, develop probable cause for arrests and support the prosecution of violent offenders.
  - The RCPD, NCPD and NCDA partnership uses statistical analysis, intelligence derived from precinct debriefings, confidential informants, field stops, and post-arraignment debriefings to determine the primary sources of the gun and gang violence.
- As mentioned in prior sections, the NCPD participates in the NYS DCJS Gun Involved Violence Elimination (GIVE) program and grant incentive. The GIVE initiative is integral in Nassau County's continued effort to prevent and reduce violent crime throughout Nassau County, including the Village of Rockville Centre. This initiative focuses on an appropriate balance of street level enforcement, community engagement, youth education and intelligence-based strategies. The RCPD and NCPD team takes a proactive approach by identifying and targeting the underlying issues associated with Nassau County's violent crime through strategies that include the four (4) core elements of GIVE: people, places, alignment, and engagement.

- The NCPD collects a great deal of information, such as the identification of individuals who possess, sell, or use illegal firearms, the location of gun stashes, the threat of gun violence by individuals or groups, and the proactive collection of ballistics and DNA for the purposes of pattern and/or offender identification. This information is available to the officers of the Rockville Centre Police Department through a partnership with the NCPD Intelligence Unit.
- The Nassau County Police Department instituted a firearm tracking initiative entitled Tracking All Guns (TAG). This allows the NCPD to track cases, arrests, serial numbers, gun types, makes and models, dates, locations, circumstances and times of recoveries, crime guns, and other gun related data.
- The GIVE Program and the NCPD violent crime strategy is reviewed regularly. This assessment is critical to ensure the RCPD and NCPD are focusing resources in the right locations in the most effective and efficient way possible.

# Crowd Control

## Policy Review

It is the policy of the Rockville Centre 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.

- In the summer of 2020, in the wake of George Floyd's death, Nassau County experienced unprecedented protests. There were close to 300 protests that took place, with several occurring in Rockville Centre. The RCPD was responsible for ensuring and respecting protesters' First Amendment rights while maintaining public safety. The leadership of the RCPD reached out to all protest organizers and informed them of the measures the RCPD would take to ensure their safety and expressed the RCPD's commitment to keeping an open line of communication should the organizers experience any issues. This cooperative environment allowed the RCPD to handle these protests involving tens of hundreds of protesters with no arrests or intentional property damage.
- The Rockville Centre Police Department members assigned to the protests exhibited professionalism and restraint due to their understanding and application of de-escalation techniques, utilizing verbal judo, active listening, and persuasive speaking to maintain control.
- The RCPD requested assistance from other agencies with overlapping jurisdictions, such as the MTAPD and the NCPD, and utilized their resources, such as Highway Patrol, where necessary or prudent, to provide further support and help keep protestors safe on public highways.
- The RCPD worked with NCPD intel to coordinate manpower and responses, as well as to estimate crowd sizes and protest routes. The ability to plan ahead greatly aided the effort to keep protestors safe and demonstrations orderly.
- The Rockville Centre Police Department does not utilize surplus military equipment for crowd control.

The RCPD does not have a specific policy for crowd control but does have Emergency Mobilization and Incident Response policies that offer guidance for large scale incidents. These can be found in Sections 3.4900 and 2.2600, respectively.

The RCPD Rules and Regulations in Sect. 4 of the Police Manual direct all members to treat others with civility and respect.

RCPD Sect 3.7300 authorizes members of the Department to use only the minimum amount of force necessary to perform their lawful duties.

## Modifications, Modernizations, and Innovations

Historically, crowd management techniques were based upon long standing tactical formations and riot control. While these methods are still legitimate when violence is occurring, today the RCPD prefers to rely upon pre-operational planning, communication, and collaboration, when possible, to achieve public safety and protect civil liberties.

- It is the vision for the future of the Department and the community:
  - to maintain and enhance the confidence and trust of the people we serve
  - continually strengthen and expand the partnerships between the police and the community
  - maximize community participation in identifying problems, developing solutions, and establishing relevant Department priorities and policies
  - strive to effectively resolve problems of the communities we serve while protecting life and property

# Mental Health and Homelessness

## Policy Review

Rockville Centre Police Manual Sect 3.3400, titled Aided Cases, states:

Members are reminded that the Mental Hygiene Law authorizes Mobile Crisis Outreach Teams to remove involuntarily, or to direct the involuntary removal, of certain mentally ill persons to hospitals or emergency programs.

A physician, or qualified health professional, who is a member of an approved Mobile Crisis Team, may direct police officers to take into custody, and transport, mentally ill persons for immediate medical observation. [Mental Hygiene Law Section 9.58 (a).]

Police Officers may take into custody any person who appears to be mentally ill and is conducting him/herself in a manner that is likely to result in serious harm to the person or others. [Mental Hygiene Law Section 9.41.]

**Note:** Mentally ill persons *shall not* be transported in patrol vehicles.

## Mental Health

The RCPD response to an emotionally disturbed person call includes the responding police officer, a patrol supervisor when necessary, and an ambulance at the scene. In situations where the emotionally disturbed person exhibits violent behavior and the situation is likely to result in serious harm, personnel from the NCPD Emergency Services Unit (ESU) may be requested as well.

- RCPD Officers are trained to assess situations involving individuals experiencing a mental health issue and obtain background information including:
  - o the individual's mental and medical history
  - o prescription or illegal drug use
  - o the circumstances which led to the call
  - o the individual's behavior prior to police arrival
  - o the individual's past violent behavior
- If the officers at the scene reach a determination that the individual is a threat to himself/herself or others, the officers will transport the person, by ambulance, to a hospital for a medical evaluation and treatment.

## Substance Abuse

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

## Hostage Negotiation Team

When an encounter with an emotionally disturbed person 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 is comprised of experienced, specially trained members of the NCPD. The HNT is composed of members of different ranks assigned to various units/bureaus within the NCPD. The average law enforcement experience of a crisis/ hostage negotiator is currently twenty (20) years. Members assigned to the HNT undergo initial training with the Federal Bureau of Investigation's Crisis Negotiation Team and participate in mandated annual in-service training.

## Homelessness

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

- During the winter months, all Department Members are reminded of the Nassau County Department of Health and Human Services' "Warm Bed" project, which is an outreach program offering anyone without shelter housing for a night without stipulation. Members are directed to

apprise all homeless individuals they encounter of such services and, where appropriate, transport the homeless person to a shelter.

Rockville Centre Police Manual Sect 3.5400, titled Homeless Persons, states:

- The Nassau County Department of Social Services, 110 County Seat Drive, Mineola, provides emergency assistance, and housing, for financially eligible individuals and families – contact at 24 hour hotline after normal business hours 572-3143. During normal business hours call 571-4817.

## Modifications, Modernizations, and Innovations

After a review of the RCPD Policy on emotionally disturbed persons, areas for improvement were identified. It has been suggested that police reform should include eliminating a police response to calls for individuals experiencing mental illness related distress. The RCPD appreciates the value of having mental health professionals involved in these situations and is planning on establishing a screening process upon the taking of the initial call, as well as a “dual response” model with the Mobile Crisis Unit in these cases.

When a 911 call is received regarding a person who acts in a manner consistent with an emotionally disturbed person, the call-taker shall ask specific questions of the caller to determine if the Mobile Crisis Outreach Team (MCOT) is better equipped to assist the caller WITHOUT a police response. If it is deemed that a police response is required, in addition to assigning two (2) police officers and an ambulance, a Patrol Supervisor will also be assigned and, if the person is reported as violent or is barricaded, the NCPD Emergency Services Unit will be notified. The supervisor on the scene will contact the MCOT and advise of present situation and in turn, will receive guidance. The RCPD will endeavor to share as much information as possible with the MCOT in an effort to better serve people in distress through communication and transparency.

Screening questions:

If another person is calling for the emotionally disturbed person:

- *What is happening right now?*
- *Is the person in danger of hurting themselves or others right now?*
- *Is the person depressed, violent, or aggressive right now?*
- *Does the person have access to or possession of a weapon right now? Or have they taken any substances or medication recently?*
- *Does the person have a prior related history or are they known to be combative?*

If the emotionally disturbed person is the caller:

- *What's going on today?*
- *Are you having thoughts of hurting yourself or someone else?*
- *Do you have access to any weapons? Or have you taken any substances or medications recently?*
- *Can you tell me what is going on right now?*

\* If the answers are “No”, the call taker will contact the MCOT and they will assume control of the situation from that point – with no further police involvement unless the MCOT is in need of assistance.

\* If the answers are “Yes”, the call taker will assign a “dual response” of police and the MCOT. The person in need shall not be transported from the scene without MCOT determination, unless medically necessary.

\* The MCOT will be staffed from 8:00 am to midnight, seven days a week.

# Department Staffing and Recruitment

## Policy Review

The RCPD consists of fifty-six (56) sworn members and thirty (30) civilians. Of those civilians, eighteen (18) are school crossing guards.

## Recruitment

- The RCPD uses the Nassau County Civil Service list to canvass candidates for the position of police officer. The Nassau County Police Department and the Civil Service Commission continuously work with the communities in Nassau County (as well as adjoining counties) to recruit a diverse group of candidates.
- In an effort to create a more diverse pool of candidates, the NCPD has been promoting the Police Officer Civil Service Exam through the Police Department's website, distributing pamphlets, utilizing social media platforms, and engaging the youth in the community.
- Individuals interested in becoming a police officer may sign up to take the next police officer exam by calling 1-800-RECRUIT. A recorded message provides prospective applicants with additional information on upcoming tests and instructions on how to apply to take the test.
- 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.
- NCPD Community Affairs 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. The recruitment effort has a specific focus on diversification.
- Community Affairs regularly hosts career day informational sessions. At these meetings, Community Affairs officers go into middle schools and high schools and talk about becoming a police officer. These career days allow the police to interact with young people and answer any questions they may have about a career in law enforcement.
- The RCPD conducts individual interviews with all perspective candidates. This differs from other agencies who may use only a preestablished civil service list. The interview process allows for the selection of the best qualified candidate.

## Promotions

- The qualifications for Office of Commissioner of Police are contained in Inc. Village of Rockville Centre. The Commissioner of Police is selected by the Mayor and confirmed by the Village Trustees.
- The ranks below the Commissioner of Police and the Inspector position are generally governed by Civil Service Lists. Nassau County Civil Service administers tests for

the titles of Police Officer, Sergeant, and Lieutenant. Following those exams, Civil Service establishes a list based upon the scores, ranking the highest scoring candidate first on the list for selection.

- Above the rank of Lieutenant, one individual is selected for the position of Inspector. Members holding the titles of Inspector and Lieutenant are considered the Commissioner's Executive Staff and are responsible for managing the Police Department.
- While productivity of a candidate is one factor considered for the promotion, there are no hard or fast numbers that are used for promotional purposes that would cause ticketing or arrests to be misused in the community in order to achieve promotion.

### Evaluations and Awards

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

### Modifications, Modernizations, and Innovations

The Rockville Centre Police Department will partner with the Nassau County Police Department to research the merits of changing entrance exams from a Nassau County-specific exam to a state-wide exam. This may help creating a more diverse pool of candidates near the top of the exam list.

The RCPD will also continue to use its community resources spearheaded by the Youth Officer to reach out to youths in minority communities to garner interest in becoming a Rockville Centre Police Officer.

# Evaluations

## Policy Review

As an accredited agency, the Rockville Centre Police Department rates all its sworn personnel below the rank of Lieutenant and regularly reviews evaluation standards.

Continuing education and participation in civic and volunteer organizations are strongly encouraged and considered during the evaluation process.

In 2020, the RCPD revised its Annual Performance Evaluations to be more modern and concise (General Order #20-033, revising Manual Sect 1.200 regarding Personnel Performance Evaluations).

- The current evaluation consists of a one page 'User Guide' and a 5 page evaluation, in which a Sergeant rates a Police Officer in 12 different areas.
- One rating category is 'Relations to Others', which judges how an Officer relates to Supervisors, peers, and members of the public.
- A separate evaluation form is prepared for the Sergeants by the Commanding Officer of Patrol and is more focused on supervisory attributes.
- Raters must meet personally with subordinates and discuss their evaluations and progress with them.

The Department also has a robust awards program, recognizing various types of commendable or meritorious conduct, more fully detailed in Dept Manual, Sect 4.8100.

An awards committee, made up of volunteers of all ranks of the Department and presided over by the Commanding Officer of Operations, meets annually to vote upon award recognition requests submitted by Supervisors on behalf of their subordinates. The members receiving awards, as well as the members of the committee, are posted conspicuously by the Operations desk. Out of those receiving awards, one Officer is chosen as 'Cop of the Year' and recognized at a county-wide ceremony.

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

## Modifications, Modernizations, and Innovations

As previously stated, the RCPD revised its Performance Evaluations in 2020. Several agencies, including the NYS Police, the NCPD, the SCPD, as well as other agencies were consulted in creating a modern standard of evaluation, reflective of the work done and standards set by the Department.

- The evaluation process provides officers with an opportunity to be commended for laudable actions and counseled in areas to improve upon.
- The ratee is afforded an opportunity to give feedback, write comments on his/her evaluation, and request an appeal to the Commanding Officer of Patrol in the case he/she is dissatisfied with their evaluation.

The Department will continue to review their evaluation standards and make changes, as necessary. The RCPD greatly values feedback from the community and participates in several civic award programs from organizations such as the American Legion and the Town of Hempstead.

## Summonses, Quotas, and Pretextual Stops

### Policy Review

The Village of Rockville Centre was Incorporated in 1893 and covers approximately 3.25 square miles of land. According to 2019 US Census Data, there are 24,550 people living in the Village, of which 79.4% are White, 6.1% are Black or African American, 10.9% are Hispanic or Latino, 2.6% are Asian, and 1% are classified as some other race.

The RCPD is responsible for enforcing laws within the Village, including various NYS Laws and the codes of the Village of Rockville Centre.

The Department currently has policies on :

- Parking Enforcement – Manual Sect 3.6200
- Uniform Traffic Tickets – Manual Sect 3.7250
- Appearance Tickets – Manual Sect 3.3550
- Other Offenses Prosecutable in Village Court – Manual Sect 3.7500

Members of the RCPD are guided by Police Manual Sect 3.7200 entitled Traffic Stops. Members of the force engaging in routine traffic stops are to conduct themselves in a courteous and professional manner.

- Traffic stops shall not be conducted arbitrarily, nor solely upon the basis of an ethnic or racial profile. All traffic stops should have a definitive purpose, such as Vehicle & Traffic Law enforcement, or the investigation of some unlawful activity, or to address some other recognized public safety concern.
- Current policy already allows Officers to issue Appearance tickets in lieu of arrest for certain designated Penal Law offenses, as well as for minor violations of other laws or ordinances.

The RCPD is dedicated to Equality of Enforcement, as directed in Sect 2.2000:

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

- 4. Employees shall use physical force only to the extent that is reasonable and necessary. Use of physical force shall be in accordance with the law and departmental procedures.

### Tracking and Reporting

The RCPD utilizes the NYS TraCS system when issuing traffic summonses. This application did not provide the necessary fields to record and collect demographic data but has been modified to do so.

RCPD Officers are required to make a separate incident “blotter” entry for every traffic stop and enter demographic data of the person and vehicle stopped, creating a permanent record.

### Pretextual Vehicle Stops

The NCPD Legal Bureau issued Legal Bulletin 09-006 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 Rockville Centre 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

### Modifications, Modernizations, and Innovations

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

- The NCPD Information Technology Unit in conjunction with New York State Police, implemented changes to the NYS TraCS system and race and ethnicity data will now be recorded.
- To demonstrate the Department’s commitment to fair and equitable policing and to provide unbiased and professional police service to every member of the community, RCPD Department General Order 21-002, Field Stop Data Collection was issued on January 5, 2021. This order commands officers to record the gender and race/ethnicity of the person(s) subject to field stops and traffic stops. Officers are also required to record a disposition code indicating if:
  - summons(es) issued
  - warning issued
  - no police action was taken

- interview conducted
- a case report was generated
- an arrest was made
- After collecting the data as described above, the RCPD will release a bi-annual statistical report on summonses. This report will include data on summonses issued by location, top summons categories, gender, and race/ethnicity. The Summons Report is posted on the Rockville Centre Police Department's webpage available for public review at: [www.rockvillecentrepolice.us](http://www.rockvillecentrepolice.us)

By recording demographic data for summonses, the RCPD will be able to track and review any apparent disparity and address the same through retraining on implicit bias specifically related to car stops and reestablishing the notion of respect for all.

In keeping with discouraging the appearance of formal or informal quotas, the Department has eliminated the requirement for Officers to submit monthly Ticket Inventory Reports.

# Broken Windows and Stop, Question & Possibly Frisk

## Policy Review

The RCPD has a long history of addressing issues that promote a high standard for quality of life. By fixing and correcting smaller crimes and infractions (i.e., criminal mischief such as broken windows), it may in turn decrease and deter larger crimes from being committed. Our members follow the rules in conducting an investigative stop in accordance with the provisions provided in the Criminal Procedure Law (CPL) 140.50 (see attachment re manual sections 3.5050 and 3.6900).

- The Rockville Centre Police Department instructs officers to conduct investigational field stops. We operate on the standard of proof of reasonable suspicion.
  - Reasonable suspicion is defined as a quantum of knowledge sufficient to induce an ordinary prudent and cautious man under the circumstances to believe criminal activity is at hand. This standard is reached through an officers training and experience and is based on a number of factors that are observed by the officer to get them 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 they are in danger of physical injury. Officers can frisk for weapons and only weapons during this encounter unless the subject gives consent to search for evidence. Frisk of an individual is never automatic and only undertaken to pat down for items that can harm officers.
- All demographic data recorded during field stops is incorporated into a Field Stop Data Report. This data will be reported bi-annually detailing field stops by location, top summons categories, gender, and race. This report will be available on the Rockville Centre Police Department website.

## Modifications, Modernizations, and Innovations

- As discussed in previous sections, Vehicle Stops and Systemic Racial Bias, Department Special Order 21-002 Field Stop Data Collection was issued on January 5, 2021 (attached hereto). This order instructs officers to record the gender and race/ethnicity of the person(s) subject to field stops and traffic stops in order for the department to review and investigate any potential biases and disparities in stops by an officer and take corrective action.
- In 2002, the NCPD initiated “Nass-Stat”, which is based on the “CompStat” model used and created by the New York City Police Department. In 2012, Nass-Stat became “Strat-Com” (Strategic Communication).
  - Strat-Com is an evidence-based approach to crime fighting and addressing community conditions and quality-of-life concerns. This model incorporates many tenets of the Problem Oriented Policing evidence-based approach, as it looks at large scale problems rather than individual crimes. It also directly correlates to the integration of other evidence-based approaches, which allows the Nassau County Police Department to utilize civilian Intelligence Analysts to complete comprehensive in-depth analysis of the underlying problems and people involved in criminal activity.
  - Analysis conducted on a daily, weekly, and monthly basis allows for focused strategic planning rather than general unfocused enforcement which is often intrusive to the involved communities.
  - For example, Strat-Com might reveal that commercial burglaries of cell phone stores are occurring throughout Nassau County at around midnight. Specialized units will then be tasked with devising a plan to address this crime condition. Those units have the benefit of knowing the type of store being targeted and the time when it generally occurs. As such, they can carefully target their efforts at apprehending the suspects without ensnaring large segments of the community who are unconnected to this crime pattern.

- The RCPD has been partnering with the NCPD and utilizing evidenced-based approaches through Intelligence-Led policing, problem-oriented policing and hot spot policing models since 2010. The RCPD's success in safeguarding the residents of Rockville Centre through the implementation of these strategies is validated in part by the "Safest County in America" designation.

# Vehicle Pursuits

## Policy Review

### High Speed Pursuits

As per the *New York State Police Reform and Reinvention Collaborative Guide*, the community is concerned of the risks involved with high speed pursuits.

The Rockville Centre Police Department has Department Policy Sect 3.7350 in regard to vehicle pursuits. The RCPD 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.

A pursuit occurs when:

A police vehicle is engaged in an attempt to stop a motorist with three conditions present:

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

The RCPD has a restrictive pursuit policy in place which defines and gives guidance in areas such as Pursuit Conditions, Pursuit Requirements, Pursuit Alternatives, Pursuit Vehicles, rules and procedures.

According to RCPD policy, a Police Officer must have one of the following requirements present to justify a pursuit:

1. reasonable suspicion that the subject has committed a serious crime, or
2. the subject's driving is reckless, and endangering human life, or
3. the subject's actions are endangering human life.

Additionally, a Supervisor is directed to assume coordination of the pursuit and responding units, and continually evaluate it. The Supervisor is directed to terminate the pursuit when there is an effective alternative, or the pursuit loses justification.

## Modifications, Modernizations, and Innovations

The RCPD continually evaluates its Pursuit policy and requires all sworn personnel to be retrained in the policy each year during semi-annual In-Service training.

Supervisors are directed to forward an in-depth report of the pursuit to the Police Commissioner anytime a pursuit occurs. These reports are reviewed by RCPD Administrative personnel to determine if Department procedures were followed, and if there are any training needs to be addressed.

# SWAT and No-Knock Warrants

## Policy Review

Law Enforcement Officers are sometimes challenged with an assignment that may require the response of specialized units within the Police Department. SWAT Teams are special units comprised of Police Officers that have been selected to undergo special tactical training. Deployment of these units occur during extremely dangerous situations that require the highly trained response of this unit. They utilize different types of weapons, protective body armor, and tactical vehicles.

- The Rockville Centre Police Department does not possess a Special Weapons and Tactics Unit. An established Headquarters Tax Service Agreement between Nassau County and the Village of Rockville Centre ensures that certain services and units be provided by the NCPD upon request. SWAT response is included in this tax agreement.
  - The Nassau County Police Department's Bureau of Special Operations (BSO) is the Department's highly trained tactical team. BSO is responsible for selective crime enforcement in high incidence areas as well as specialized patrol and prevention activities to meet particular crime patterns. BSO is also the County's primary tactical unit. Members chosen for assignment to the BSO have consistently demonstrated high levels of self-initiated activity, the ability to be a leader, and use good judgment while assigned to other commands. Officers are expected to possess and maintain excellent physical fitness as well excellent firearms proficiency. Following an eight (8) week tactical and plainclothes patrol training course, BSO personnel are assigned to two officer plainclothes patrol duties in unmarked, non-descript vehicles.
  - BSO is responsible for Special Weapons and Tactics assignments. These include the execution of high-risk search warrants, search and apprehension of violent and armed perpetrators, response to armed and barricaded subjects and some hostage situations. Other tactical assignments may include assignments to special events, crowd control situations, dignitary protection and escorts, and tactical vigilance patrols.

## Modifications, Modernizations, and Innovations

- The RCPD has a very conservative policy regarding the request of the BSO Tactical Team and search warrants. In the event the necessity of requesting SWAT services becomes apparent, an RCPD Supervisor will provide a final decision for a request of this nature. If assistance is requested, tour supervisors should be guided by the judgement of the "specialist" in managing and controlling the immediate circumstance. RCPD Police Manual Sections: 3.625, 2.2300
- No-Knock search warrants: This type of warrant is issued by the court for circumstances that may subject officers to a significant amount of danger if they were to enter a premise with warning. They are also utilized to preserve evidence in the event that a subject may attempt to destroy evidence if warning of entry was given. The RCPD will abide by NYS Laws regarding the use of No-Knock Warrants. See RCPD Police Manual Section 3.4500.

# Hate Crime Investigations

## Policy Review

RCPD Hate Crimes Policy, Section 3.5140, of the Patrol Guide, addresses the following topics: Definition of a hate crime; procedures for responding, investigating, and documenting hate crimes; supervisory duties; and arrest procedures.

The Rockville Centre Police Department is committed to identifying, investigating and prosecuting hate crimes.

- It is RCPD Policy that a supervisor and an NCPD Detective is dispatched to any call where a hate crime is alleged to have occurred (annexed hereto). In Rockville Centre, even the lowest level crime influenced by any type of bias or hate is recorded and investigated.
- The Nassau County Police, Office of Chief of Detectives, assigns a control number to all bias incidents/hate crimes and maintains daily, weekly, monthly and annual statistics. These incidents are categorized by the type of bias:
  - Race and ethnicity
  - National origin and ancestry
  - Gender
  - Religion and religious practice
  - Age
  - Sexual orientation
  - Disability
- The bias incident/hate crime data is reviewed and monitored by the Nassau County Police Department Bias Crime Coordinator within the Office of Chief of Detectives. This data is shared monthly with the Chief of Department, District Attorney's Office, New York State Division of Criminal Justice Services (DCJS) and Anti-Defamation League.
- Detectives investigating hate crimes will research prior bias incidents and hate crimes to determine if there is a discernable pattern or commonalities.
  - The Department emphasizes the importance of reporting crimes and acknowledges that discrepancies in hate crime data maintained by the Department compared to cases tracked by community stakeholders could occur due to the unwillingness of the victims to come forward. The RCPD will communicate with community representatives to address any instances in which victims may be afraid to report a crime.
  - By engaging the public through positive community interactions, the RCPD hopes to further gain the public's confidence and trust to alert the Department of potential hate crimes. With the help of the community, the RCPD can respond quickly to hate crimes and apprehend suspects.
- Through a partnership between the RCPD and the NCPD, the Nassau County Police Department Community Affairs Unit consistently educates the community on bias incidents and

hate crimes. Teenagers from throughout the County volunteer to participate in hate crime education and prevention activities under the guidance of the Community Affairs Unit.

## Modifications, Modernizations, and Innovations

- The Department has designated a Bias Crime Coordinator to share information with the NCPD Bias Crime Coordinator in every precinct. The RCPD coordinator will review all bias incidents and hate crimes to determine commonalities and trends specific to its jurisdiction. The coordinator will collaborate with the NCPD coordinator to determine any County-wide patterns.
- Reports containing hate crime data are released to DCJS on a monthly basis. The Department will be issuing a bi-annual Bias Incident and Hate Crime Report for public review. This report will breakdown bias incidents and hate crimes reported to the RCPD categorized by bias.

# Officer Wellness

## Policy Review

As stated in the NYS Guidance, law enforcement is inherently a physically and emotionally dangerous job. The Village of Rockville Centre is committed to supporting and promoting the physical, emotional, and mental wellness of the men and women of the RCPD.

- Law Enforcement leadership is made aware of current trends, both physically and emotionally, of the department's members.
- Confidential meetings and counseling with licensed social workers are available to members of the RCPD through the Employee Assistance Program. At times, officers can be mandated to Employee Assistance by supervisors.
- The Department utilizes an Employee Assistance Program (EAP) website accessible on all departmental computers and encourages officers to add the site to their personal phones to have instant access to references for help for a variety of concerns.
- During the course of a career in law enforcement, an officer will likely be exposed to a traumatic event (i.e., death of a child, mass casualty incident, etc.). Traumatic events are covered by the NCPD Peer Support Team who respond to scenes and/or hospitals and other locations as needed. In partnership with the NCPD, members of the RCPD are provided the services of this support team. This team is available twenty-four (24) hours a day, seven (7) days a week.
- The Department understands the stress level of an Officer could be correlated with the length of a shift. Rockville Centre Police Department's Officer Charts are negotiated by the unions and Village. RCPD observes a nine (9) hour rule which states, once a Member signs off-duty, they are not permitted to sign on-duty for a minimum of nine (9) hours. This rule promotes officer wellness by ensuring RCPD members have adequate time to rest and recharge between tours.

## Modifications, Modernizations, and Innovations

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

# School District Involvement

## Rockville Centre Schools

This plan would be incomplete if it did not mention the Police Department's active role in Rockville Centre's schools. As previously referred to in the Community Outreach and Community Policing & Public Trust sections of this plan, the Village of Rockville Centre enjoys a strong bond between its police department and its schools.

The relationship between the police and schools is built on trust. An open line of communication exists between the department, the school superintendent, school board, and school staff. The Police Department focuses on safety issues such as, traffic controls and providing school crossing guards, but several other items construct the foundation of this relationship. Recently, the Police Department and school district developed a Memorandum of Understanding that allows the RCPD to have access to the school district's security camera system in the event of a high-level security threat within the schools. In addition to the MOU, the police also have pass cards allowing access to school buildings and conduct daily walk-throughs through each school. These walk-throughs not only act as a security measure, but help further create a familiarization between the students, staff, and police.

# Executive Summary

Pursuant to the directives of EO 203 and following the subsequent guidance provided by the *New York State Police Reform and Reinvention Collaborative Guide*, the Rockville Centre Police Department has conducted a comprehensive review of its policies and procedures. After collaborating with community stakeholders, the RCPD has proposed numerous modifications to its Police Manual. Much of this reform relates to making the Police Department more transparent and better trained; and all in an attempt to better serve the community and in an effort to eliminate racial bias. Many of the topics emphasized in this *Plan* are summarized here:

## Transparency

A main idea of this *Plan* is to make the Rockville Centre Police Department more transparent to the community it serves. In response to community requests, and in the interest of fostering trust, the Police Department will publicize relevant data on a biannual basis. This information will be easily located on the Police Department website: [www.rockvillecentrepolice.us](http://www.rockvillecentrepolice.us). Data to be publicized includes: use of force, civilian complaints, crime statistics, arrest statistics, summons and field stop records, and bias and hate crime information. If relevant information develops in the future, the Department will endeavor to publicize that as well.

## Use of Force

The RCPD teaches the value of all human life and dignity to all persons without prejudice to anyone. Force shall not be used, in any degree, without legal justification. Members of the Department will use only the **minimal** amount of force that is reasonably necessary to perform their lawful duties. Force shall not be used in a punitive or retaliatory manner.

The de-escalation of incidents is a priority to all members of the RCPD. There are several factors to determine the level of necessary force; Police Department members shall attempt to use less-than-lethal force instead of deadly physical force at all times. Factors such as disabilities, age, etc., shall be considered when using reasonably necessary force.

RCPD prohibits the use of “chokeholds” or similar restraints.

Members of the Department shall intervene/report any use of force by another Department member who is using unreasonable force. Members of the Department shall notify their immediate supervisor as soon as possible of instances involving the use of force. Following involvement in any such incident, members are required to complete the Use of Force Report.

Use of force statistics and the RCPD Use of Force policy is posted on the Department’s website and will be updated bi-annually.

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

Procedural justice is the theory that citizens need to be involved in the transparent, decision-making process of the Police Department. The community stakeholder’s involvement in this *Plan*

exemplifies this notion. The RCPD recognizes that citizens want to be treated with dignity and respect. In a continued effort to enhance communication with our community, all RCPD patrol officers have access to the Language Line App for interpretation services. The Language Line Application gives citizens an opportunity to video conference with an interpreter to ensure both parties can properly articulate themselves and understand each other. The RCPD shall institute a specific Procedural Justice policy that incorporates the values detailed in this section.

Racial bias impairs the perception and judgement of police personnel and hinders the ability of police departments to protect and serve their community justly. RCPD will participate in sensitivity and anti-bias training offered by the NCPD, Department wide, on an ongoing basis. Discriminatory or bias-based stops, searches and arrests are strictly prohibited.

- The RCPD 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.
- Individual dignity is highly valued in a free society and all persons have a right to dignified and respectful treatment under the law.
- The Police Department is committed to treat all persons with dignity and respect as individuals, and to exercise additional patience and understanding where language or cultural differences might be encountered.

Community representatives have expressed concerns over members of minority communities being incarcerated for petty offenses simply because they do not have the ability to post bail while individuals arrested for the same crimes from non-minority communities post bail and do not spend any time incarcerated for the same offense. The RCPD plans to create a policy that directs officers to issue an appearance ticket for marijuana offenses and Petit Larcenies.

The RCPD is making improvements in our summons tracking policies to record demographics on the citizens stopped. By tracking demographics in this capacity, the Department is taking steps to eliminate any biases and disparities in ticketing.

To ensure officers are aware of recent legislation and newly implemented department policies and procedures, Rockville Centre Police Department members will attend a new in-service training program delivered by the NCPD. The new ten (10) hour in-service training includes legal updates, use of force review, de-escalation, procedural justice, fundamental crisis intervention, implicit bias, and leadership, amongst other topics. All sworn members of the RCPD will be required to participate in yearly online anti-bias instruction. The RCPD will be expanding its community engagement programs. Participation in these programs not only strengthens the relationship between the police and community members but also serves as “hands-on” anti-bias training.

### De-escalation Training and Practices

In an effort to reduce the likelihood of a situation escalating into a physical confrontation, the Rockville Centre Police Department endeavors to commit to practices that slow down the sequence of events of police interactions. This involves a range of skills, both verbal and non-verbal.

The success of de-escalation training and practices is measured through the review of use of force reports and heeding suggestions from the community. The RCPD will cross reference collaboration with community stakeholders to learn about cultural differences that may inadvertently lead to escalation. This input will be included in the de-escalation topic covered in the new in-service training curriculum.

## Complaint Tracking

In keeping with the plan of transparency, the Rockville Centre Police Department has updated its webpage to allow individuals to contact the Department for the submission of a complaint. The Department will also be providing the complaint form in a variety of languages so that persons with limited English proficiency can more easily submit a civilian complaint. Within three (3) business days of filing a complaint, complainants are contacted by a supervisor to acknowledge receipt of the complaint and establish contact information. The complaint data shall be displayed on the Police Department website and will be updated every six months. This report will include the number of complaints and allegations broken down by the nature of the complaint and the gender and race of the complainant, when provided.

## Prohibition of Race-Based Calls for Service

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

The RCPD will not respond to calls made from persons 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.

## Community-Based Outreach and Conflict Resolutions

Addressing particular needs of the community promotes community engagement to foster trust, fairness, and legitimacy. In addition to numerous other community activities and programs that the RCPD participates in, the Police Department also plans to adopt a community relations program encouraging police officers to engage with all members of the community through "Park, Walk and Talk." As the name implies, a "Park, Walk, and Talk" is when an officer exits their post car and walks through the community they patrol to get to know the members of that community and their concerns. The main objective is to build trust and communication with members of the community an officer might not otherwise encounter.

## Attention to Marginalized Communities

It interferes with the Police Department's ability to appropriately serve the community when communication with citizens is impeded. A computer tablet has been designated for use as a department interpreting aid. The tablet's sole purpose is to be utilized for the LanguageLine InSight Video Interpreting Program. The app is a useful interpreter for both hearing impaired and persons with limited English proficiency.

An Official Investigative Interpreter shall be used when persons who are deaf, hard of hearing, or LEP are a subject of a criminal investigation and require advisement of their rights in regard to

giving a statement and securing an attorney. When depositions require an Investigative Interpreter, RCPD Officers will contact NCPD Communications Bureau.

### **Problem-Oriented Policing, Hot Spot Policing, and Focused Deterrence**

Problem-oriented policing is the theory that replaces reactive, incident-driven policies with policies that identify the underlying problems that cause crime. In areas where high levels of crime exist, high visibility random policing is encouraged and is known as hot spot policing. Focused deterrence targets specific criminal behavior that is committed by a small number of chronic offenders and thusly, reduces crime.

The RCPD analyzes crime data on a daily, weekly, and monthly basis for an evidence-based approach to crime fighting and addressing community conditions and quality-of-life concerns. This strategy incorporates many tenets of the Problem Oriented Policing evidence-based approach, as it looks at large scale problems rather than individual crimes.

The RCPD plans to institute an order that commands officers to record the gender and race/ethnicity of the person(s) subject to field stops and traffic stops in order for the department to review and investigate any potential biases and disparities in stops by an officer and take corrective action.

In order to ensure focused deterrence practices are enforced equally throughout the community, supervisory review of officer interactions will be conducted, followed by a review by the Commanding Officer. Also, civilian complaint tracking will determine if the officer engaged in the improper application of focused deterrence.

### **Mental Health and Homelessness**

When reviewing the topic of mental health, other related subjects exhibited the need to be addressed. These other topics included substance abuse, hostage negotiations, and homelessness.

After review of the RCPD Policy on emotionally disturbed persons, areas for improvement were identified. When a 911 call is received regarding a person who acts in a manner consistent with an emotionally disturbed person, the call-taker shall ask specific questions of the caller to determine if the Mobile Crisis Outreach Team (MCOT) is better equipped to assist the caller WITHOUT a police response. If it is deemed that a police response is required, in addition to assigning two (2) police officers and an ambulance, a Patrol Supervisor will also be assigned and, if the person is reported as violent or is barricaded, the NCPD Emergency Services Unit will be notified. The supervisor on the scene will contact the MCOT and advise of present situation and in turn, will receive guidance. The RCPD will endeavor to share as much information as possible with the MCOT in an effort to better serve people in distress through communication and transparency.

Rockville Centre Police Officers are trained to respond to all opioid overdose requests for assistance. In most circumstances, our police officers are generally the first members to respond to the scene of an overdose. Police Officers, in accordance with their training, render first aid, including the administration of NARCAN, to the overdose victim until the Police Medic arrives to the scene and takes over for the patient's care.

RCPD Members are trained on interacting with homeless persons and identifying those who require additional necessary treatment. Any necessary outreach notifications will be made in the interest of rendering assistance to any homeless person in need.

## Department Staffing and Recruitment

The RCPD consists of fifty-six (56) sworn members and thirty (30) civilians. Of those civilians, seventeen (17) are school crossing guards. The RCPD uses the Nassau County Civil Service list to canvass candidates for the positions of police officer, sergeant, and lieutenant. The Nassau County Police Department and the Civil Service Commission continuously work with the communities in Nassau County to recruit a diverse group of candidates. Many efforts have been made to attempt to create a more diversified pool of candidates so the civil service list can resemble the community it represents.

In an effort to create a more diverse pool of candidates, the RCPD has been promoting the Police Officer Civil Service Exam through the Police Department's website, distributing pamphlets, utilizing social media platforms, and engaging the youth in the community.

The RCPD conducts individual interviews with all prospective candidates. This differs from other agencies who may use only a preestablished civil service list. The interview process allows for the selection of the best qualified candidate. The Rockville Centre Police Department will partner with the Nassau County Police Department to research the merits of changing entrance exams from a Nassau County-specific exam to a state-wide exam. This may help create a more diverse pool of candidates near the top of the exam list. The RCPD will also continue to use its community resources spearheaded by the Youth Officer to reach out to youths in minority communities to garner interest in becoming a Rockville Centre Police Officer.

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

The RCPD has a long history of addressing issues that promote a high standard for quality of life. By fixing and correcting smaller crimes and infractions, it may in turn decrease and deter larger crimes from being committed. Our members follow the rules in conducting an investigative stop in accordance with the provisions provided in the Criminal Procedure Law.

The Rockville Centre Police Department instructs officers to conduct investigational field stops. We operate on the standard of proof of reasonable suspicion. In order for an officer to frisk a field stop subject, the officer must reasonably suspect he is in danger of physical injury. Officers can frisk for weapons and only weapons during this encounter unless the subject gives consent to search for evidence.

- All demographic data recorded during field stops is incorporated into a Field Stop Data Report. This data will be reported bi-annually detailing field stops by location, top summons categories, gender, and race. This report will be available on the Rockville Centre Police Department website: [www.rockvillecentrepolice.us](http://www.rockvillecentrepolice.us).

## Summonses, Quotas, and Pretextual Stops

The RCPD is responsible for enforcing laws within the Village, including various New York State Laws and the codes of the Village of Rockville Centre. Members of the force engaging in routine traffic stops are to conduct themselves in a courteous and professional manner.

- Traffic stops shall not be conducted arbitrarily, nor solely upon the basis of an ethnic or racial profile. All traffic stops should have a definitive purpose, such as Vehicle & Traffic Law enforcement, or the investigation of some unlawful activity, or to address some other recognized public safety concern.

The RCPD is dedicated to Equality of Enforcement. Consistency in application is a primary, and fundamental, element of uniform enforcement of the law. The Department services a community comprised of individuals with varied ethnic and social composition, having unique lifestyles, or particular crime problems. All people have a right to the protection and security that is afforded by fair and impartial law enforcement.

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

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

To demonstrate the Department's commitment to fair and equitable policing and to provide unbiased and professional police service to every member of the community, RCPD Department General Order 21-002, Field Stop Data Collection, was issued on January 5, 2021. This order commands officers to record the gender and race/ethnicity of the person(s) subject to field stops and traffic stops.

After collecting the data as described above, the RCPD will release a bi-annual statistical report on summonses. This report will be located on the Department's website and include data on summonses issued by location, summons categories, gender, and race/ethnicity. By recording demographic data for summonses, the RCPD will be able to track and review any apparent disparity and address the same through retraining on implicit bias specifically related to car stops and reestablishing the notion of respect for all. In keeping with discouraging the appearance of formal or informal quotas, the Department has eliminated the requirement for officers to submit monthly Ticket Inventory Reports.

## Conclusion

The Village of Rockville Centre expects that these policy and procedural changes made by the Rockville Centre Police Department to go a long way in building bridges between the Police Department and the community. The collaborative exchange of ideas within the diverse reform committee truly made a difference and enlightened Police Department leadership as to the viewpoint of Rockville Centre's citizens. We are all confident that the modifications made to police policy will have a positive effect on the racial disparities and implied biases in policing.

This *Reform Plan* does not end on April 1<sup>st</sup>. This *Plan* is considered by police leadership to be the beginning of an ongoing, progressive process that continues to ensure that policing in Rockville Centre will be done in an equitable, fair, and unbiased manner. The Rockville Centre Police Department has always enjoyed a cooperative and supportive relationship with the community that it serves. The Department is looking forward to experiencing an even better relationship due to the reforms made in this *Plan*.

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**Sec: 3.3400**

**Title: Aided Cases**

**Standard: N/A**

**Authority: Police Manual**

**Memorandum 96 – 025 (Mental Aided)**

**Memorandum 89 - 006 (Aided Cases - Fatal)**

**Effective: 01/01/2006**

**Effective: 03/20/1996**

**Effective: 03/22/1989**

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**I. PURPOSE:**

The purpose of this directive is to establish procedures for the handling and documenting of Aided Cases.

**II. POLICY:**

The policy of the Police Department is to investigate and render medical aid, or to request ambulance service, or to provide other reasonable assistance, to all persons in need of such care or assistance. Members of the Department responding to calls for such assistance, or who come upon persons in need of such assistance, shall conduct a preliminary investigation into the circumstances giving rise to the need for assistance, and shall document the results of such investigation.

**III. DEFINITION:**

**A. An "Aided Person" is defined as:**

1. any sick or injured person coming to the attention of the police; even if medical assistance is refused, an aided report is required to indicate such refusal,
2. a dead human body,
3. a lost person,
4. a foundling (for purposes of aided report documentation, a foundling is a juvenile who is discovered or encountered by the police, when such juvenile is not presently subject to a parental custody relationship (i.e., a runaway, lost or abandoned child).

**IV. PROCEDURES:**

- A. In general, when responding to an aided case, the member shall render all reasonable assistance to the sick or injured person and, if necessary, shall

summon an ambulance. The responding member shall also ensure that an appropriate level of immediate care is provided, and shall maintain control of the aided, and his/her effects, until relieved by the proper medical or police personnel.

- A. Members taking a lost child into their care and control shall immediately notify Headquarters. The member shall then make a brief inquiry on his post and, if unable to locate parents, shall bring the child to Headquarters.
- B. Regarding the use of ambulances, the Rockville Centre Fire Department Rescue Unit shall be the primary response unit for medical aided cases, and shall be requested by contacting Nassau County Fire Communications (741-9339).

***Ambulance response policy is as follows:***

- 1. We (RCPD) contact FireCom, and after six (6) minutes, if there is not FD ambulance on the road, FireCom will sound a re-alert and the County will be notified to send an NCPD ambulance. If, after and additional five (5) minutes (eleven minutes total) there is still no ambulance enroute, FireCom will sound the call for a mutual aid response from the Fire Department of another community (Oceanside, S. Hempstead, Lynbrook, etc.).
  - 2. If after the County is notified for an ambulance, RCFD responds, FireCom will ask the Chief if the County response is still required. FireCom shall NOT be circumvented in these matters for potential liability reasons, should a response get cancelled in error. If there is an AMT at the scene without a radio, and he/she is requesting that a County ambulance be cancelled, the Police Officer at the scene should make such request through Police Headquarters, and have the Desk Officer contact FireCom. A police officer at the scene shall NOT cancel an automatic ambulance response by communicating such request via radio directly to the County. If a communication lag should result in a dual response, this is preferable to a mistaken cancellation.
- C. Ambulance service to the Nassau County Medical Center shall be provided by the Nassau County Police Department Emergency Ambulance Bureau.
    - 1. Requests for an NCPD ambulance shall be made through the 911 operator.
    - 2. Member(s) will assist ambulance operators in the transportation, if requested.

**Note:** As an alternate procedure for obtaining an NCPD bus, the member may contact Nassau Radio Communications directly to request such

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ambulance, only with the approval of a supervisor, and after informing Headquarters of the departure from standard operating procedure.

- A. **Mental Aided Cases:** shall be transported by Nassau County Police Ambulance.
1. Violent cases shall be transported to the Nassau County Medical Center.
  2. In non-violent and voluntary cases, Mercy Hospital may be utilized for observation and treatment of mentally aided persons.

**Memorandum 96 – 025**  
(Mental Aided)

3. Members are reminded that the Mental Hygiene Law authorizes Mobile Crisis Outreach Teams to remove involuntarily, or to direct the involuntary removal, of certain mentally ill persons to hospitals or emergency programs.
4. A physician, or qualified health professional, who is a member of an approved Mobile Crisis Team, may direct police officers to take into custody, and transport, mentally ill persons for immediate medical observation. [Mental Hygiene Law Section 9.58 (a).]
5. Police Officers may take into custody any person who appears to be mentally ill and is conducting him/herself in a manner that is likely to result in serious harm to the person or others. [Mental Hygiene Law Section 9.41.]

**Note:** Mentally ill persons ***shall not*** be transported in patrol vehicles.

----- (End Memorandum 96 – 025) -----

- B. Any request from a school nurse for ambulance service will require the immediate dispatching of the Fire Department ambulance to the school. A Police Officer will be dispatched to assist, and for report purposes.

C. **Medical Examiner (Fatal Aided) Cases:**

1. When a member is assigned to investigate a fatal aided case, and there is ***no*** apparent criminal act involved in the death, then the member will do the following:
  - a) arrange for pronouncement of the deceased (***see pronouncement procedure below***),

- a) obtain preliminary information for the preparation of a "Homicide Worksheet", Case, and Aided Report (see also *Manual index under "Detective Investigations"*),
- b) cause notification to be made to the First Squad Detectives,
- c) ensure that the medical examiner is notified,

**Note:** Medical Examiner notifications should be made by the investigating detective, either from the scene or after receiving preliminary case details from the officer(s) at the scene.

- d) standby to preserve the scene, and the remains, until the body is either released to the family by a determination from the Medical Examiner, or an ambulance responds to transport the body to NUMC for autopsy.

**Note:** All fatal aided cases require the initiation of a warrant check (for the purpose of purging the system of unnecessary active warrants), and the results of such warrant check shall be entered on the Case Report.

**Memorandum 89 – 006**  
(Aided Cases – Fatal)

**1. Hospitalized Fatal Aided Investigation:**

**Note:** The investigation of fatal aided cases in hospitals, that qualify as medical examiner cases, frequently generates jurisdictional controversy between commands. The following procedural agreement has been reached between the detective squads and this Department to minimize such situations:

- a) If a patient is admitted to a hospital from a Precinct other than that in which the hospital is located as a result of an Aided Case, the Detective Squad in which the aided incident occurred will assume the investigation of the death **regardless** of the means of transportation, or the medical reason, for the hospitalization, and **regardless** of the length of stay in the hospital.
- b) If an additional injury, or accident, occurred after admission to the hospital, the Precinct Squad in which the hospital is located will be responsible for the investigation.

**Note:** if no prior aided case report has been issued, but would have

been issued if the assistance of the police had been requested, the incident will be treated as a prior aided, and the investigation will revert to the Precinct Squad having jurisdiction in the area in which the initial injury occurred and from which the deceased was transported, if located within the County of Nassau.

- a) Exceptions to this guideline will be in the event that:
  - 1) The place of origin (the initial aided) is outside the County of Nassau.
  - 2) Extenuating circumstances exist which make application of the above procedure impractical. Note that if this is the case, the senior tour supervisor shall be apprised, and shall directly intervene to resolve the matter.
- b) In the event that a jurisdictional controversy occurs in regard to a fatal aided case, members are instructed to investigate such aided case, and to submit a report regarding such action to the Commissioner of Police.
- c) In situations where a physician is in attendance, or is contacted, in regard to a fatal aided case and indicates willingness to sign a death certificate, the Medical Examiner's Office shall be contacted through the First Squad. If the Deputy Medical Examiner states that it is not a M.E. Case, and that he authorizes a specific physician to sign the Death Certificate, the following procedures shall be followed:
- d) Members preparing Aided Case Reports (Form 33A) shall include:
  - 1) a notation the D.M.E. (name) states that it is not an M.E. case, and
  - 2) a notation that said D.M.E. specifically authorizes Dr. (name) to sign the death certificate.
- e) Finally, a Case Report shall be prepared by the officer of record anytime a fatal aided requires Detective Squad notification.

----- (End of Memorandum 89 – 006) -----

**A. Pronouncement Procedures:**

- 1. Only a Medical Doctor or a certified Ambulance Emergency Medical Technician (AEMT) may pronounce a death. However, as procedures have evolved to provide for the preparation of a Primary Care Report (PCR) for capturing information pertinent to a Medical Examiner's investigation, the

reliance on a pronouncement by a medical doctor (who does not have, nor prepares, PCR forms) may not suffice to conclude the investigation process. It is now standard operating procedure to have a Fire Department, or NCPD, AEMT make the pronouncement and prepare the PCR, and a doctor's response to the scene of a DOA, other than in a hospital environment, is now as a practical matter, a last resort. Though it is a relatively rare occurrence, members may have occasion to respond to a fatal aided outside of a hospital environment where an attending physician is present at the scene. In such instances, the attending physician may pronounce the death, but again, as a practical matter, being that only an AEMT or an investigating detective may contact the Medical Examiner's Office in furtherance of the DOA investigation, it is advised that members request an ambulance response to the scene. In any case, if an attending physician makes the pronouncement, the responding officer must cause a notification to be made to the First Squad, and the doctor must be informed that it will be necessary for him/her to address the circumstances of the death to the investigating Medical Examiner. (Preferably, before leaving the scene.)

1. On scene pronouncement by an AEMT is predicated upon the existence of the following conditions:
  - a) Cardiopulmonary Resuscitation (CPR) is contra-indicated, and therefore will not be performed as in cases of obvious death such as decapitation, or other similar obvious mortal injuries, or when rigor mortis, tissue decomposition, or extreme dependant lividity is present. Extreme dependant lividity is to be considered a contra-indication for CPR only when there are very extensive areas of reddish-purple discoloration of the skin which are present in dependant areas (those areas on which the body has been resting).

**A. Preparation of Form 33A – Aided Report:**

1. The officer of record responding to an aided case assignment is responsible for obtaining, and recording, the information necessary to complete Form 33A.
2. **Narrative section of Form 33A:** the officer of record, when completing (Form 33A), shall refer to the subject of the report as the "aided person". The facts detailed in the narrative in regard to the event must be completed only as the reporting member knows them to be. Do NOT include any explanation of an event that is not directly supported by the facts evident at the scene, or by eyewitnesses. If the actual mechanics of an injury sustained by the "aided person" are unknown, then the investigating officer must make no conclusive supposition in the narrative. For example, an aided person reporting that he

tripped and fell on a sidewalk and injured his ankle, without independent eyewitness statements, should read as follows: the aided person **alleges** that he tripped and fell on the sidewalk at the above location, causing an injury to his ankle. Basic detail of the injury, such as a complaint of only pain, or swelling, etc., should also be included in the narrative.

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**Sec: 4.8100**

**Title: Article 7 – (Awards)**

**Standard: (Supplement to 17.1)**

**Authority: Police Manual**

**Effective: 01/01/2006**

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**NOTE** – See Manual Index under “*Departmental Recognition*” regarding Awards Procedures, Police Officer Recognition Board, and the 911 Uniform Citation Bar.

**Rule 1. Departmental Recognition Awards**

**1. Medal of Honor:**

Awarded to a member who, in the line of police duty, gives his life, or otherwise distinguishes himself by the performance of an act of courage involving risk of imminent danger to his life, with knowledge of the risk, above and beyond the call of duty. Further, such act must have been performed for the purpose of saving or protecting a human life. There may be no margin of doubt or possibility of error, in awarding this honor. The member must render himself conspicuous by an act so outstanding that it clearly distinguishes his courage from lesser forms of recognizable bravery.

**2. Silver Star:**

Awarded to a member who intelligently, and in the line of police duty, distinguishes himself by the performance of an act of courage involving risk of imminent serious personal injury, with knowledge of the risk, for the purpose of saving or protecting human life.

**3. Bronze Star:**

Awarded to a member who, in the line of police duty, distinguishes himself by the performance of an act of courage involving personal hazard while protecting or saving human life, or does a similar act which is necessary to effect the arrest, or prevent the escape, of a person who has committed an act that seriously exposed any person to death or serious physical injury. Further, the Bronze Star may be awarded to a member for performing a highly creditable, and unusual, police related task.

**4. Plain Bar:**

Awarded for excellent police duty. May be awarded to a member who distinguishes himself by an act, or service to the Department, that is performed in a manner substantially beyond normal expectations, and which

results in the apprehension of a dangerous criminal, or in the saving of a human life.

**1. Commendation:**

Awarded to a member who, in the line of police duty, performs a task in an exemplary manner thereby displaying intelligence, alertness, efficiency, and dedication to duty.

**2. Command Recognition:**

Awarded for any act, or conduct, not amounting to the other five awards, but deserving recognition for intelligent performance of duty. No additional points will be added to promotional examination results.

**3. Life Saving Award:**

Awarded to a member, who in the line of duty, performs a lifesaving act in an exemplary manner, displaying intelligence, alertness, and a high degree of training; or he performs an act, or series of acts, that go substantially beyond the normal expectations of a police officer in the performance of first aid; or he engages in a life-saving act that does not involve hazard to his own personal safety. No additional points will be added to promotional examination results.

**4. Professional Police Award – DWI:**

Awarded to a member who affects eight or more self-initiated “Driving While Intoxicated” arrests during a twelve month period. These arrests cannot be coupled with accidents or assignments.

No additional points will be added to promotional examination results.

**Rule 2. Insignia for Departmental Recognition**

1. Members of the Department who have been awarded a Departmental recognition shall wear the prescribed insignia indicating the award, or awards, received at all times while in uniform, except when wearing topcoat or raincoat.
2. Departmental recognition bars shall be worn horizontally, one-half inch above the shield, and centered. Departmental recognition bar(s) may be worn in conjunction with the insignia for marksmanship. The Marksmanship Bar shall be centered one-half inch above the shield. With one-half inch separation being maintained, the departmental recognition bar shall be centered above

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the Marksmanship Bar.

1. Departmental recognition bars, a metal breast bar finished in equal portions of green, white, and blue enamel, said colors being recognized from left to right.

**Rule 3. Marksmanship Awards**

1. Members who qualify shall be awarded recognition as follows:
  - a) Distinguished Expert Gold Bar
  - b) Expert Gold Bar
  - c) Sharpshooter Silver Bar
  - d) Marksman Bronze Bar
  - e) Qualification Certification

Members awarded a bar for skill in the use of firearms shall be entitled to wear such award for a prescribed period of time, and at the termination of such period, shall be required to surrender such bar, unless otherwise directed by the Commissioner.

The Commissioner may designate one or more members of the Department as Range Officers.

All members may be required to report to the Range Officer for firearms practice, as directed by the Commissioner.

**Rule 4. Awards Committee**

An Awards Committee will be formed annually to evaluate and recommend, members deserving of Department recognition. The committee will consist of volunteers, and work under the guidelines established by the Commanding Officer of Field Services.

**Rule 5. Cop of the Year Award Bar**

Recipients of the "Cop of the Year" award shall be entitled to wear a blue and white pattern bar in the prescribed manner.

**Rule 6. Accreditation Bar**

In recognition of the Department achieving Accredited status with the State of New York, Department of Criminal Justices Service (DCJS), members are encouraged to wear the authorized ribbon (bar) in the prescribed manner.

**Sequence of Awards and Ribbons:**

American Flag pin (if worn)  
Departmental Ribbons  
Accreditation Ribbon  
Marksmanship Award  
Shield  
Name Plate

**Sec: 4.7750**

**Title: Preface / Code of Ethics / Code of Conduct**

**Standard: N/A**

**Authority: Police Manual**

**Effective: 01/01/2006**

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## **PREFACE**

Members of the Police Department of the Incorporated Village of Rockville Centre are charged with the duty to perform the following major functions:

1. The preservation of the peace.
2. The protection of life and property.
3. The arrest of violators of the law.
4. The prevention, and detection, of crime.
5. The enforcement of all laws and ordinances.

It is imperative that all of these duties are performed with precision, energy, and fidelity, and it is the fundamental purpose of the Police Manual to assist members of the Department in the accomplishment of these ends. It is not possible to construct a manual of rules that will cover every situation. Good judgement must be exercised, at all times, in the performance of duties. Certainly no single reference source can possibly provide all the necessary information required in such a diverse and demanding field as that of law enforcement. Accordingly, it is the responsibility of each member of the Department to continually monitor legislative enactments, court decisions, Department orders, and the Police Manual for changes that affect their duties and responsibilities.

### **Police Manual – Section 4**

# **RULES AND REGULATIONS OF THE POLICE DEPARTMENT OF THE INCORPORATED VILLAGE OF ROCKVILLE CENTRE**

All personnel are directed to familiarize themselves with the Rules and Regulations, and are further instructed to abide by the guidance contained therein.

## **Law Enforcement Code of Ethics**

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, and will behave in a manner that does not bring discredit to me, or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed, both in my personal and official life, I will be exemplary in obeying the law, and regulations of my Department. Whatever I see, or hear, of a confidential nature, or which is confided to me in my official capacity, will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. With no compromise for crime, and with relentless prosecution of criminals, I will enforce the law courteously, and appropriately, without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a "public trust" to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies, and their representatives, in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance, and improve, my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession... law enforcement.

## **Police Code of Conduct**

All law enforcement officers must be fully aware of the ethical responsibilities of their position, and must strive constantly to live up to the highest possible standards of professional policing.

**Primary Responsibilities of a Police Officer** - A police officer acts as an official representative of government who is required, and trusted, to work within the law. The officer's powers, and duties, are conferred by statute. The fundamental duties of a police officer include serving the community, safeguarding lives and property, protecting the

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innocent, keeping the peace, and ensuring the rights of all to liberty, equality, and justice.

**Performance of the Duties Police Officer** - A police officer shall perform all duties impartially, without favor or affection or ill will, and without regard to status, sex, race, religion, political belief, or aspiration. All citizens will be treated equally with courtesy, consideration, and dignity. Officers will never allow personal feelings, animosities, or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence, and respect, for the position of public trust they hold.

**Discretion** - A police officer will use responsibly the discretion vested in his position, and exercise it within the law. The principle of reasonableness will guide the officer's determinations, and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken. Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships, and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest, which may be correct in appropriate circumstances, can be a more effective means of achieving a desired end.

**Use of Force** - A police officer will never employ unnecessary force or violence, and will use only such force in the discharge of duty as is reasonable in all circumstances. The use of force should be used only with the greatest restraint and only after discussion, negotiation, and persuasion have been found to be inappropriate, or ineffective. While the use of force is occasionally unavoidable, every officer will refrain from unnecessary infliction of pain or suffering, and will never engage in cruel, degrading, or inhuman treatment of any person.

**Confidentiality** - Whatever a police officer sees, hears, or learns of that which is of a confidential nature will be kept secret unless the performance of duty, or legal provision, requires otherwise. Members of the public have the right to security and privacy, and information obtained about them must not be improperly divulged.

**Integrity** - A police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers. The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity, and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept any gifts, presents, subscriptions, favors, gratuities, or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly, and within the law. Police officers must not receive private, or special, advantage from their official status. Respect

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from the public cannot be bought; it can only be earned and cultivated.

**Cooperation with Other Police Officers and Agencies** - Police officers will cooperate with all legally authorized agencies, and their representatives, in the pursuit of justice. An officer or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a police officer assists colleagues fully and completely, and with respect and consideration at all times.

**Personal-Professional Capabilities** - Police officers will be responsible for their own standard of professional performance, and will take every reasonable opportunity to enhance, and improve, their level of knowledge and competence. Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for the efficient, and effective, performance of duty. The acquisition of knowledge is a never-ending process of personal, and professional, development that should be pursued constantly.

**Private Life** - Police officers will behave in a manner that does not bring discredit to their agencies, or themselves. A police officer's character, and conduct, while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives, and/or serves. The officer's personal behavior must be beyond reproach.

**Sec: 2.2000**

**Title: Community Relations**

**Standard: 29.1, 29.2**

**Authority: General Order 92 - 004**

**Effective: 05/20/1992**

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**I. PURPOSE:**

The purpose of this directive is to define the Department's policy and procedures for community relations and related activities.

**II. POLICY:**

The Rockville Centre Police Department recognizes the importance of maintaining an atmosphere of openness with the community we serve. We actively seek to establish a cooperative relationship and keep the community informed on matters of public interest.

- A. The Commissioner of Police is the Community Relations Officer for the Department.
- B. The community relations function is the responsibility of all Rockville Centre Police Department members.
- C. All personnel in the Department should project a positive image, and become involved in community needs. The conduct of each employee reflects on the agency as a whole, and the burden of achieving the agency's community relations objectives should be shared. Every employee must be aware of the different programs that the agency provides so they can inform the community.

**III. PROCEDURES:**

**A. Relations with the Public:**

- 1. **Courtesy:** Employees shall be courteous to the public in person, or when on the telephone. Employees shall be tactful in the performance of their duties, control their tempers, exercise the utmost patience and discretion, and shall not engage in argumentative discussions, even in the face of extreme provocation. In the performance of their duties, employees shall not use coarse, violent, profane, or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, life style, or similar circumstances.
- 2. **Request for Assistance:** When any person requests assistance or advice,

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makes a complaint or report, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner, and will be properly and judiciously acted upon consistent with established Department procedures.

3. **Citizen Complaint:** Employees shall refer all complaints made by a citizen, against any employee of the Department to the Commissioner of Police. Employees may attempt to resolve the complaint, but shall never dissuade any citizen from lodging a complaint against any employee of the Department. Employees shall follow established departmental procedures for processing complaints.

**B. Interpersonal Communications:**

1. To promote understanding and cooperation, there must be interpersonal communication between members of the community and employees at all levels of the Department.
2. Each employee must be aware of the law enforcement needs of the community, and their particular assigned area of responsibility.
3. Guided by policy, employees must tailor their performances to obtain the objectives of the Department.
4. The Department will establish programs that encourage productive dialogue with the public at all levels, and to ensure that the unity of the police and the people is preserved.

**C. Identification:**

All employees shall furnish their names, and exhibit their badge to any person requesting that information, when they are on duty or holding themselves out as having an official capacity, except when the withholding of such information is necessary, or authorized by proper authority.

**D. Request for Department Speakers:**

1. All requests for Department personnel to speak at public gatherings, luncheons, service clubs, civic associations, etc. will be referred to the Commissioner.
2. The Commissioner will evaluate their request and, if appropriate, identify the department member best suited to respond to the request.
3. If an employee receives a request for his/her personal appearance, the

employee will complete an inter-departmental memo in accordance with item III E-2 of these procedures.

**E. Meetings Attended:**

1. Whenever any member is asked to attend any meeting as a representative of the Police Department, or owing to their status as a member of this Department, they must first obtain permission from the Commissioner prior to attending such meeting. This is to include, but not be limited to, any meetings held with Federal, State, County, City, Town, Village Department or governmental representatives, whether appointed or elected, civic or social groups, or organizations.
2. Following any meeting relative to Police Department affairs, an intra-department memo must be submitted to the Commissioner, and include the following information:
  - a. Number of people in attendance
  - b. Purpose of meeting
  - c. Group leaders of the meeting
  - d. Press coverage, if any, and whom
  - e. Date, time, and location
  - f. Topic of discussion
  - g. Action proposed, or follow-up needed, by the Department
  - h. Names of police personnel attending
  - i. Statements by police personnel (if any needed)
  - j. Final Outcome of the meeting
  - k. Any other pertinent information

**F. Individual Dignity:**

1. All persons have a right to dignified treatment under the law, and the protection of this right is a duty that is binding on all members of the Department.

Employees must treat persons with as much respect as that person will allow, and be mindful that the people with whom they are dealing are individuals with human emotions and needs.

**G. Equality of Enforcement:**

1. Consistency in application is a primary, and fundamental, element of uniform enforcement of the law.
2. The Department services a community comprised of individuals with varied ethnic and social composition, having unique life-styles, or particular crime problems. All people have a right to the protection and security that is afforded by fair and impartial law enforcement.
3. All members must be able to maintain flexibility in their demeanor and enforcement methods. In order to properly respond to the varying law enforcement problems, the Department must be able to maintain flexibility in deployment and enforcement methods.
4. Employees shall use physical force only to the extent that is reasonable and necessary. Use of physical force shall be in accordance with the law and departmental procedures.

**H. Responsiveness to the Community:**

The Department must be responsive to the needs of the community. This regard for community must be shown plainly at all levels of the Department by an obvious willingness to listen, and a showing of genuine concern for the problems of individuals or groups.

**I. Community Access to Police Information:**

1. It is necessary that there be a full public disclosure of policies, and openness in matters of public interest.
2. The Department will disseminate accurate and factual accounts of occurrences of public interest, consistent with safety and protection of victims, witnesses, and the constitutional rights of the accused, and with consideration of the necessity for maintaining the confidentiality of Department records.
3. The Department will strive to make known, and accepted, its objectives and policies.

**Sec: 1.0050**

**Title: Citizen Complaints / Internal Affairs Function**

**Standards: 14.4, 25.1,  
25.2, 25.6, 25.8**

**Authority: General Order 96 - 001 (Citizen Complaints)**

**Effective: 01/01/1996**

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**PURPOSE:**

To establish procedures for receiving, documenting and investigating citizen complaints alleging misconduct or inadequate service by members of the Police Department.

**INTRODUCTION:**

It is essential that the community have confidence in the departmental administrative procedures designed to supervise the exercise of police power. If the integrity and efficiency of the Department is to be maintained, all complaints of misconduct and/or inadequate service must be thoroughly and expeditiously investigated.

The administration recognizes that members are often subjected to intense pressures and scrutiny in the performance of their duties. Personnel are frequently required to remain neutral under circumstances that are likely to generate considerable tension, excitement and emotion. In such situations, words, actions, and events occasionally result in misunderstandings and confusion. It is to the advantage of each member of the Department that the Department has sound internal procedures for the thorough and impartial investigation of allegations arising out of such circumstances. The expeditious resolution of complaints in a fair and impartial manner will ensure that the high level of integrity and efficiency enjoyed by the Department is maintained.

**POLICY:**

It is the policy of the Police Department to document all complaints, other than trivial issues that would not by themselves support disciplinary action, made by citizens against members of the Department, and to ensure that all such complaints are thoroughly investigated in accordance with the "Disciplinary Procedures" set forth in the Collective Bargaining Agreement.

- A. The Department encourages citizens to bring-forth legitimate complaints regarding misconduct and/or inadequate service. Members shall ensure that such complaints are received courteously and without delay.
- B. Members of the Department shall assist and cooperate in the impartial

processing of citizen complaints consistent with established procedures.

- A. Internal investigations will be confidential.

**DEFINITIONS:**

**A. Category (1) Complaints:**

All complaints or allegations lodged against members of the Department which involve:

1. Excessive or Unnecessary Use of Force.
2. False Arrest.
3. Discrimination.
4. Violation of a specific Criminal Statute.

**B. Category (2) Complaints:**

All complaints relating to inadequate police service and allegations lodged against members of the Department that are not included in Category 1.

**Note** - While it is generally obvious when a complaint alleges misconduct on the part of an employee, complaints concerning lack of service or improper procedures are sometimes more difficult to identify.

In many instances, someone may merely request information or clarification of a policy or procedure. In such cases, that person should be given a thorough explanation of the procedures or legal issues involved in the situation that initiated the inquiry. Because of the "fine line" that occasionally exists between complaints and inquiries, if there is any question, it should be considered a complaint and forwarded for further action.

**C. Central Complaint File:**

The Office of the Commissioner of Police shall be responsible for securing and maintaining a comprehensive central file of all complaints received by the Department.

**E. Duty Officer:**

Shall mean the superior officer designated by the Commissioner to provide administrative and operational assistance during non-business hours.

## **I. PROCEDURE:**

### **1. Receiving Complaints:**

- A. Any complaint, regardless of category, may be lodged at Police Headquarters with the ranking supervisory officer on duty. Complaints shall be accepted in person, in writing, or by telephone.
- B. Any member of the Department becoming aware of any violation of law, ordinance, rule, or order of the Department, by any member, shall immediately report such conduct to their immediate superior.
- C. Subordinates receiving complaints regarding personnel of the Department, whether in writing, in person, or by telephone, shall immediately notify their superior officer.
- D. Upon receipt of a complaint against an officer, the ranking supervisor on duty shall complete a "COMPLAINT TRACKING FORM" and forward it to the Commissioner of Police.

**Note:** If the ranking supervisory officer is not immediately available at the time the complaint is received, and no other supervisory personnel are available, the Desk Officer shall obtain the appropriate "call back" information and immediately apprise the ranking supervisory officer. In the event the ranking supervisor is the subject of the complaint, the Duty Officer shall be notified.

### **E. Contents:**

It is essential that complete and accurate information regarding the complaint and the allegations be obtained. This information should include:

- 1) The names, addresses, home and business telephone numbers of the complainant, and any additional information indicating where the complainant may be contacted.
- 2) The specifics of the allegations shall be obtained, to include the date, time and location.
- 3) The names, addresses, and telephone numbers of all witnesses shall be recorded.

- 1) Police personnel involved shall be identified, if possible.
- 2) Any supplemental documents shall be attached to the Complaint Tracking Form.
- 3) A control number shall be assigned to each "Complaint Tracking Form" by the Police Commissioner or his representative. These tracking numbers will be assigned chronologically.

**A. Anonymous Complaints:**

Although the Department recognizes its responsibility to protect all of its members from false and malicious complaints, it should not, as a matter of policy, arbitrarily dismiss anonymous complaints. The Department should attempt to discover the identity of the person giving the information, but common sense should prevail. The amount of time, manpower, and investigative response that is to be expended on such complaints shall be as follows:

**1) Reception of Telephone Complaints:**

- a) Members receiving complaints by telephone should immediately transfer the caller to the ranking supervisor on duty. The supervisor will advise the telephone caller of the departmental procedures for processing complaints. The supervisor shall further advise the caller that to add credibility to the substance of his/her complaint, it is preferable that he or she appears personally to complete a written report.
- b) Should the caller refuse to appear at Headquarters for the purpose of filing a formal complaint, and if in the supervisor's judgement the complaint is such that it should be processed, it shall be the responsibility of the supervisor to submit a "Complaint Tracking Form" containing all pertinent information and facts that are necessary to further investigate the allegation(s). The report shall indicate the reception by phone.

**2) Reception of Complaints by Mail:**

- a) Members receiving complaints through the mail shall immediately forward same to the attention of the Commissioner of Police.

**1. Supervisory Action and Responsibility:**

A. Depending on the severity of the allegation made, a supervisory officer shall select one of the following courses of action:

- 1) In the event there is only one supervisory officer working, and the allegation is of a serious nature, the supervisory officer shall notify the Duty Officer. If any doubt exists, the Duty Officer shall be notified.
  - a) In any situation or incident of a critical, emergency, sensitive or highly unusual nature, the supervisor shall notify the Duty Officer.
- 2) In the event that two supervisory officers are working, the senior ranking officer, if warranted by the nature of the allegation, shall reduce to writing in statement form, utilizing the reverse side of the Complaint Tracking Form, the allegations of the complainant.

**NOTE - Verification of Complaints and Allegations:** Statements and allegations by complainants need not be sworn to, or affirmed, unless such statements are needed for a criminal action or a disciplinary proceeding. If such sworn or affirmed statement is necessary, and the complainant refuses to affirm or swear to his/her statement, the information given will be accepted by the supervisor in charge, and other methods will be used in an attempt to verify the information supplied or allegations made.

- 3) In the event the allegation is of a relatively minor nature, and the Supervisory Officer can not resolve the situation, a Complaint Tracking Form must be completed and forwarded.
  - a) If the supervisor determines that no follow-up is necessary, the supervisor will indicate all facts and reasons on the Complaint Tracking Form. The completed Complaint Tracking Form will be forwarded to the Commissioner of Police.
  - b) The nature of Category II Complaints is generally not as immediate or urgent as Category I Complaints. Therefore, Category II Complaints will be handled routinely by the Commanding Officer of Patrol. He will interview (taking written statements as needed) all subjects and witnesses involved.

B. Supervisors shall not investigate complaints made against themselves, but shall refer such complaints to the next higher superior.

1. **Complaint Investigation:**

The Commissioner of Police shall have the primary responsibility for the internal investigation of complaints, both Category I and II, but may, at his discretion, assign a superior officer to investigate the complaint.

**A. Category I Complaints:**

The complainant will be supplied with a copy of the Complaint Tracking Form, acknowledging receipt of the complaint. The original copy of the Complaint Tracking Form shall be signed and dated by the complainant and remain in the original file.

**B. Category II Complaints:**

The same procedures as for Category I will be used in processing and investigating Category II Complaints. However, in some cases, if the complaint is of a minor nature, and depending on how the complaint was received, it may not always be assigned for further investigation.

**C. The Following Investigative Procedures Will Apply:**

- 1) **Time Limit** - All investigations will be conducted promptly. Whenever possible, the investigation will be completed within thirty (30) days of receipt of the complaint.
- 2) **Investigative Methods** - All recognized investigative methods for determining the facts surrounding a complaint shall be utilized. Interviews shall be conducted with the complainant and all witnesses. Department members shall be interviewed and written reports obtained as necessary.

3) **Results and Conclusions:**

The disposition of an investigation shall be noted on the Complaint Tracking Form as follows:

- **Substantiated** - The accused employee(s) committed all or part of the alleged acts of misconduct.
- **Unsubstantiated** - The investigation was insufficient to prove or to disprove the allegations.
- **Exonerated** - The alleged act(s) occurred, but were justified, legal and proper.
- **Unfounded** - The alleged act(s) did not occur.

- **Misconduct Noted** - Acts of misconduct that have been discovered during the investigation that were not alleged in the complaint.
- 1) **Recommendations** - All completed investigation reports shall be reviewed by the Commissioner of Police.
- 2) **Decision and Notification** - In all cases, the complainant shall be notified of the results of the investigation, and such notification shall be made by the Commissioner of Police or his designated representative. If the investigation resulted in disciplinary action against a Department member, the complainant shall be advised that “appropriate” disciplinary action has been taken - the specific discipline shall not be released.
- 3) **Disciplinary Action** - No member of the Police Department shall be removed, reduced in rank, suspended, fined, or otherwise punished or disciplined except upon charges and in accordance with the procedures prescribed in the collective bargaining agreement covering the negotiating unit of each member (except as listed below).

**Note – see also Rules & Regulations Article 5 (Discipline).**

- 4) **Emergency Suspension** - In the absence of a Superior Officer, the supervisor in charge of a shift may impose an emergency suspension from duty against a subordinate when it appears that such action is in the best interest of the Department. A subordinate receiving an emergency suspension, and the supervisor imposing the suspension, shall report to the Commissioner of Police at 1000 hours on the next business day, unless otherwise directed. The Duty Officer will be promptly notified in all cases of emergency suspensions.
  - a) Upon suspension, the member shall surrender any badges, handcuffs, batons, O/C pepper spray, and all handguns that are possessed. The supervisor shall give proper receipts for same. The supervisor shall see to the proper safeguarding of the property received, and return it to the member when the suspension is terminated.
  - b) Members under suspension shall not wear their uniform.

**1. Criminal Conduct:**

In the event the complaint against a member of the Department is criminal in nature, or the investigation into a complaint indicates criminal conduct exists, the investigating officer, prior to proceeding with the investigation, will contact the District Attorney’s Office to coordinate the investigation.

**Sec: 3.4500**

**Title: Detective Investigations**

**Standards: 50.1, 50.2, 50.3,**  
(Supplemented by – 39.1)  
(Supplement to - 51.6)

**Authority: Police Manual**  
**Memorandum 01 – 019 (First Squad Notifications)**

**Effective: 01/01/2006**  
**Effective: 03/06/2001**

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**I. PURPOSE:**

- A. It is the fundamental premise in law enforcement that the patrol force, in any police agency, is responsible for the initial response for all police functions. Specialized units are required to augment the patrol force, and the coordination of the work of these two units is critical to the mission of the Rockville Centre Police Department. The purpose of this policy is to establish guidelines that will facilitate that coordination of effort.

**II. POLICY:**

- A. It is the policy of this Department that every case which can be cleared by preliminary investigation conducted by patrol force personnel, should be resolved by such an investigation. Exceptions to this policy shall be limited to those cases where Departmental efficiency demands specialized assistance, or when an investigation requires an intensive commitment of manpower and time, or which is not practical by location, or which by its very nature, necessitates investigation by the Nassau County Police Detective Division.

**Note – Non-criminal Investigation:** Patrol Force members are also required to conduct many investigations of a non-criminal nature that will, in many instances, necessitate documentation (Case Report worksheet). In such instances, members should inform the complainant that there will be no follow-up investigation, and should note such in the brief narrative field of the (32) Case Report worksheet. See also Manual index under “**Case Report Procedures**”.

**Note – Local Detective Investigation:** The Department’s Detectives (Anti-Crime Unit) shall supplement Nassau County Police Detective services, and conduct criminal investigations in cooperation with, or after conferring with, the appropriate Nassau County Police Department Detective Unit responsible for the handling of the category of crime that is the subject of investigation. The primary mission of the Department’s Anti-Crime Unit shall be that of a

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plainclothes response to street crimes, however, as information is developed, or at the direction of the Commissioner of Police, Anti-Crime Unit personnel shall initiate proactive, or follow-up, investigations.

- A. All citizens enjoy constitutional guarantees that protect their rights when they are subject to criminal investigation. These guarantees include, but are not limited to, right to counsel and to have counsel present during custodial questioning (Miranda Warning), and freedom from unlawful search and seizure. All members of the Department shall ensure compliance with all such constitutional guarantees during criminal investigations.

## I. AUTHORITY:

- A. A Headquarters Service Agreement between the Village of Rockville Centre and the County of Nassau stipulates that the Nassau County Police Detective Division will provide for the special investigative needs of this Department.
- B. The Nassau County Police Department Detective Division will investigate, and coordinate with members of the Rockville Centre Police Department, in the following types of incidents:
  - 1. All felony cases.
  - 2. All criminal cases that have solvability factors.

**Note:** in regard to bicycle larcenies, procedures were changed as of August 2005. If there is no solvability beyond a serial number, then the case shall **not** be forwarded via swift justice Case Offense for further investigation. In such instances, a NYSPIN alarm entry only shall suffice.

- 3. All cases involving racial, and/or bias, incidents.
- 4. All missing persons.
- 5. All cases where a Nassau County Detective is already assigned.
- 6. All Medical Examiner Cases.

## II. PROCEDURES:

### 2. Detective Division Notification Procedures (First Squad Cases):

**Note:** See pages 7 & 8 for a comprehensive case / offense list that are subject to

a First Squad Notification.

1. A determination as to whether an immediate, or delayed, Nassau County Detective response is required shall be based on:
  - a) The type, and seriousness, of the offense.
  - b) The facts and circumstances, including the "totality" of the factors present at the scene.
  - c) The particular need for investigative follow-up and whether, in fact, that need is reasonably relieved to be immediate, or can be delayed until normal business hours.
2. **Immediate** Detective response will be requested in the following cases:
  - a) All homicides, including accidental, suspicious, and natural deaths. (Exceptions not requiring an immediate response are: deaths resulting from an extended, serious illness where there is a pronouncement and the attending physician (not a family member) signs the death certificate; and a natural death in a hospital. It should be noted, however, that a required notification to the Medical Examiner will continued to be made by the Nassau County Detectives after consultation with the police officer at the scene).
  - b) Any motor vehicle accident involving death, or life-threatening injury.
  - c) Any serious explosion, disaster, or railroad accident.
  - d) Any sexual offense which, after preliminary investigation, is determined to require either immediate, or more extensive, follow-up.
  - e) All kidnappings.
  - f) Any Criminal Mischief, or Aggravated Harassment, of a bias nature involving race, religion, cultural, or national origin.
  - g) Unusual or extensive property damage, or other incidents in which there are extenuating circumstances.
  - h) Those burglaries in which an aggravating factor is present. Aggravating factors include, but are not limited to:

- 1) Personally offensive acts, or threats, against the victim.
  - 2) Extensive damage.
  - 3) Racial, religious, or cultural slurs.
  - 4) Occupied dwellings.
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- a) Any Custodial Interference involving suspicious, and/or life threatening circumstances.
  - b) Those robberies in which aggravating factors, such as display of weapon, serious injury, or extensive loss, are present.
  - c) Felonious assaults, and misdemeanor assaults involving criminal negligence that result in physical injury to a person by means of a deadly weapon.
  - d) Any felony involving the visible display, or use, of a firearm or other weapon.
  - e) Any preliminary investigation into matters such as controlled substances, weapons, major criminal scheme or enterprise, etc., complex or extensive in nature.
  - f) Any particularly sensitive, or newsworthy, incident relating to person(s) or situations, regardless of the seriousness of the underlying offense involved.

**Note:** Any additional crime, or situation, which raises a question as to whether or not a Nassau County Detective will respond immediately should be resolved by the Tour Supervisor and the N.C.P.D. Detective Division Duty Officer. When the question cannot be resolved by mutual agreement, the tour Supervisor's decisions will be final.

**A. Detective Cases – Reporting:**

1. All Nassau County Police Department Detective Cases will be phoned directly into the N.C.P.D. Data Processing Bureau (D.P.B.) on all tours. This will eliminate the necessity of calling the First Squad, and/or Main Desk Detectives (12/8 tour), for "routine" Detective Investigations.
2. On **IMMEDIATE RESPONSE CALLS** necessitating an immediate Detective Investigation, the First Squad, and/or Main Desk, will be contacted for a detective to respond. Upon completion of those investigations, the D.P.B. will be contacted, and provided with complete details of the case.
  - a) Members shall be guided by the following procedures when reporting cases to the Data Processing Bureau.
  - b) It shall be the responsibility of the reporting officer to ensure the completeness, and accuracy, of their reports prior to contacting D.P.B. This is to include the narrative section with all pertinent details.
  - c) Members should be prepared to give physical descriptions of subjects involved when available.

- a) These reports should be classified prior to notifying D.P.B.
- b) A Nassau County Detective's Name/ID is not required at the time of reporting, unless the investigating detective is present with a Detective DD Number (DD#).
- c) On all cases, it will be necessary to provide the Desk Officer's name and the reporting officer's name, shield number, and serial number.
- d) When in doubt as to whether a case requires a N.C.P.D. Detective Complaint and/or investigation, contact the First Squad, or Main Office, for a determination prior to calling the case over to D.P.B.

**A. Case / Offense List Subject to Referral to NCPD 1<sup>st</sup> Squad:**

- Accidents with serious aided
- Aggravated harassment 1<sup>st</sup> and 2<sup>nd</sup> degree
- Aircraft accidents
- All investigations needing follow-up
- All larcenies involving guns or drugs
- Arrests and Investigations involving VIPs
- Child Abuse (JAB)
- Con games and Gypsy activity
- Consumer Fraud
- Crimes involving gang activity
- Crimes with any solvability factors
- Crimes with solvability developed at a later time
- Criminal mischief involving guns and explosives
- Criminal Possession Anti-Security Device (A Misd)
- Criminal Simulation (A Misd)
- DOAs
- Domestic Violence Cases (*when a follow-up to effect an arrest is necessary*)
- Fatal aided outside precinct when original injury suffered here
- Felonies - (all except felony criminal mischief less than \$1500)
- Forged Social Services checks
- Forgery
- Forgery 3<sup>rd</sup> and Crim Poss Forged Instrument (A Misd)
- Identity Theft
- Incidents involving hazardous/infectious materials

- Investigations, or arrests, involving UN diplomats or aides
- Larcenies over \$1500
- Leaving scene auto accidents (personal injury and property damage)
- Lost, found, or missing property over \$1500
- Misdemeanor Marijuana arrests
- Offenses with evidence
- Offenses with subjects
- Offenses with witnesses
- Pattern crimes
- Sex Crimes
- Stolen autos (including FOA)
- Surrendered firearms (*32b required*)
- Tampering with consumer product
- Train accidents
- Vehicles recovered with altered, or defaced, VINs
- Warrants – charging crimes, other than VTLs

**Note** - Referrals to the Squad will also be made in those instances when the ranking supervisor directs. If an officer is unsure whether a case should be filed with the Squad, he shall confer with a supervisor.

**Sec: 3.4650**

**Title: Domestic Incident –  
(Firearms Removal & Disposition)**

**Standard: (Supplement to – 44.1)**

**Authority: General Order 04 - 044**

**Effective: 12/01/2004**

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**I. PURPOSE:**

To establish procedures for the following:

1. removing firearms, rifles, and shotguns, when necessary, from the parties involved in a domestic incident,
2. returning, or destroying, the firearms, rifles, and shotgun after completion of an investigation.

**II. POLICY:**

The policy of the Police Department is to afford the victims of domestic violence the greatest protection available. In furtherance of this goal, firearms, rifles, and shotguns are removed, when warranted, from persons involved in domestic incidents.

**III. DEFINITIONS:**

**Firearm:**

1. any pistol or revolver; or
2. a shotgun having one or more barrels less than 18 inches in length; or
3. a rifle having one or more barrels less than 16 inches in length; or
4. any weapon made from a shotgun, or rifle, whether by alteration, modification, or otherwise if such weapon is altered, modified, or otherwise has an overall length of less than 26 inches.
5. The term ***firearm*** does not include an antique firearm.

**Note:** Penal Law definition further describes how to measure the length of a barrel, and overall length of a weapon made from a shotgun or rifle.

**IV. PROCEDURE:**

## Removal of Firearms, Rifles, and Shotguns

### Police personnel shall:

1. Confiscate **illegally** possessed firearms, rifles, and shotguns **and**, if present, arrest the offender.
2. Confiscate pistol licenses, and licensed firearms, when the licensee is
  - a) arrested,
  - b) the subject of an order of protection,
  - c) involved in physical violence, or the threat of violence.

**Note:** A pistol license is a privilege. Any licensed pistol holder who refuses to surrender his pistol license and/or firearms(s), upon lawful request, must be reported to the licensing agency. **For all occurrences as listed above involving the confiscation of a pistol license, the member shall complete, and forward through channels (via submission to the C.O. of Administration) to NCPD Pistol License Section, a form PDCN 162 – Pistol Licensee Incident Report.**

3. Confiscate legally possessed firearms, rifles, and shotguns when such firearms, rifles, and shotguns create an imminent risk of violence or serious physical injury.
4. Accept legally possessed firearms, rifles, and shotguns that are voluntarily surrendered by persons involved in domestic incidents.
5. Make weapons safe!
6. Invoice property as appropriate for the circumstance:

**Note -** In domestic violence situations, members may seize weapons when appropriate, with or without, an arrest being effected. When legally owned weapons are seized without an arrest, the owner of the weapon(s) shall be issued a receipt for the weapon(s), and the weapon(s) shall be appropriately invoiced. Invoicing shall include the completion of a case describing the circumstances under which the weapon was seized, property book entry, property tag being attached, and the weapon(s) being forward to the Commanding Officer of Administration. If a weapon(s) is seized in a domestic incident involving an arrest, and the weapon is **not** an instrument of the offense (**and is therefore not evidence**), the owner of the weapon shall be issued a receipt for the weapon(s), and the weapon(s) shall be appropriately invoiced and forwarded to the C.O. of Administration

for placement in the Department safe. ***See below for further information on the disposition of legally possessed weapons.***

**A. Disposition of Legally Possessed Firearms, Rifles, and Shotguns:**

**The Designated Administrative Staff Officer shall:**

1. Review all domestic incidents as soon as possible.
2. Determine if the confiscation of firearms, rifles, and shotguns was appropriate.
3. Ensure the immediate return of confiscated firearms, rifles, and shotguns in the following situations:
  - a) confiscation was inappropriate,
  - b) new information is learned which makes the confiscation inappropriate.
4. Upon receiving a request from an owner of firearms, rifles, and shotguns, that were confiscated, or voluntarily surrendered, to have the firearms, rifles, and shotguns returned, shall advise the requesting owner that the firearms, rifles, and shotguns ***can not*** be returned until after 6 months have passed since the time of the incident, and an investigation has been completed.
5. Conduct an investigation to determine if good cause exists not to return the firearms, rifles, and shotguns when both of the following have occurred:
  - a) the owner requested their return, and
  - b) 6 months have passed since the time of the incident.
6. Performs a National Instant Check System (**NICS**) inquiry using the below listed information to determine if there is any information that would prohibit a return of firearms, rifles, and shotguns under the Federal Gun Control Act:
  - a) name,
  - b) sex,
  - c) race,
  - d) date of birth,
  - e) state of residence.
7. Determines if any of the following conditions exist:
  - a) the owner
    - is the subject of an order of protection,

- has outstanding warrants,
  - has a relevant Nassau County arrest history,
  - has a relevant pending court disposition,
  - suffers from a mental disease or defect,
  - is a known unlawful drug user,
- a) additional domestic incidents have occurred since the time of the confiscation or voluntary surrender,
  - b) other extenuating circumstances which indicate that firearms, rifles, and shotguns should **not** be returned.
1. Interview the victim of the domestic incident, outside the presence of the offender, to determine the following:
    - a) current status of the relationship,
    - b) if there have been any threats since the initial incident,
    - c) whether the victim believes that the weapons can be safely returned,
    - d) any other circumstances relevant to the return of the weapons.
  2. Review the information gathered to determine if the firearms, rifles, and shotguns should continue to be held, or returned.
  3. If the weapons are to be returned, notify the owner and victim of such.
  4. If the owner of confiscated, or voluntarily surrendered, firearms, rifles, and shotguns **has not** requested their return within 2 years, attempt to contact the owner.
  5. If the owner is contacted, determine if he/she wants the firearms, rifles, and shotguns returned.
  6. Firearms, rifles, and shotguns held for more than 2 years shall be forwarded to the NCPD Property Bureau for destruction in the following situations:
    - a) the owner can not be located,
    - b) the owner does not want the weapons returned,
    - c) an investigation reveals that good cause still exists not to return the weapons.
1. Maintain a written record of all actions taken regarding confiscated, or voluntarily surrendered, firearms, rifles, and shotguns.

**Sec: 3.4725**

**Title: Domestic Incidents Involving Law Enforcement Members      Standard: N/A**

**Authority: General Order 12-057**

**Effective: 09/21/2012**

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**I. POLICY**

The policy of the Rockville Centre Police Department is to afford victims of domestic violence the greatest protection available. This policy is intended to protect victims, enforce laws, and prevent future occurrences. Arrests will be made when there is reasonable cause to believe that offenses have been committed or orders of protection have violated. Reasonable cause is determined the same way as it is for all other offenses. Police Officers will not be swayed from taking proper action when fellow law enforcement personnel are participants in domestic incidents. Members of the Department must remain impartial and fully comply with established laws, rules, and procedures, when members of our Department or any other law enforcement personnel are involved in domestic incidents, whether as the offenders or the victims.

The Village of Rockville Centre strives to provide effective intervention and assistance to Members of the Department to resolve domestic situations before they interfere with the Member's official duties (Rockville Centre Employee Assistance Program).

**II. PURPOSE**

To establish procedures for:

1. Responding to and handling in-progress domestic incidents occurring within Rockville Centre that involve Department members or other law enforcement personnel.
2. Recording and reviewing the following domestic incidents involving Members of the Department:
  - a. in-progress domestic incidents occurring outside of Rockville Centre.
  - b. past occurrences of domestic incidents.
3. Identifying and addressing the early warning signs of problems affecting Members of the Department involved in domestic relationships before they interfere with the Member's official duties.

**III. DEFINITIONS**

1. Domestic Incident; an encounter between individuals within a domestic relationship that involves one or more of the following:
  - a. police response,
  - b. violence,
  - c. threat of violence,
  - d. report of an offense.

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

2. Member of the Department (any employee, full or part-time).
3. Other Law Enforcement Personnel; sworn police officers or peace officers of any local, state, or federal department or agency, including but not limited to:
  - a. police,
  - b. courts,
  - c. parole,
  - d. corrections,
  - e. probation,
  - f. sheriffs

#### **IV. RULE**

Members of the Department will immediately notify the ranking Department supervisor when they have a temporary or permanent order of protection issued against them.

Members will also notify the Department when they are the protected party of an order of protection so that the Department may take additional steps to ensure their safety in the workplace.

#### **V. PROCEDURE**

##### **A. In-progress Domestic Incidents**

1. The Desk Officer and/or Dispatcher receiving a call for an in-progress domestic incident occurring in Rockville Centre involving a Member of the Department or other law enforcement personnel will follow existing procedures for dispatching officers to the scene (see Police Manual section 3.4700). A supervisor will also be dispatched to respond.
2. A police officer arriving at the scene of a domestic incident involving a Member of the Department or other law enforcement personnel shall request a supervisor to respond if one has not already been dispatched by HQ via radio.
3. The patrol supervisor will respond and assess the situation and ensure that all existing policies related to domestic incidents are followed (see Police Manual section 3.4700).
4. The supervisor at the scene shall confer with the Duty Officer if the situation involves the arrest of a Member of the Department. Refer to General Order 12-025 for removal of Department Member's firearms.
5. If in an arrest situation the offender is a member of another law enforcement agency, the patrol supervisor will direct a summary arrest is made. The Defendant will be processed as per existing arrest processing procedures.
6. The patrol supervisor will ensure all weapons are removed as per Police Manual section 3.4650.

7. If a member of another law enforcement agency is arrested, the patrol supervisor shall notify the Duty Officer. The patrol supervisor shall also notify the ranking supervisor of the arrested law enforcement officer's agency.

8. The Desk Officer and/or Dispatcher receiving a call for an in-progress domestic incident outside of Rockville Centre involving a Member of the Department shall ensure the appropriate police jurisdiction has been notified of the incident and is responding. The Desk Officer shall then notify the ranking patrol supervisor who in turn will notify a superior officer (lieutenant or above) and be guided by his instructions.

#### B. Past Domestic Incidents

1. The Desk Officer and/or Dispatcher receiving a call for past occurrence of a domestic incident that took place in Rockville Centre involving a Member of the Department or other law enforcement personnel will follow existing procedures for dispatching officers.

2. As in the case of an in-progress domestic incident (above), a police officer arriving at the scene of a domestic incident involving a Member of the Department or other law enforcement personnel shall request a supervisor to respond if one has not already been dispatched by HQ via radio.

#### C. Domestic Incidents involving Department Members that occurred outside of Rockville Centre

1. The Desk Officer and/or Dispatcher receiving a call for past occurrence of a domestic incident that took place outside of Rockville Centre involving a Member of the Department shall treat the matter as a complaint against a Member and refer the matter to the ranking patrol supervisor. If the supervisor is not available (i.e., he is out on patrol), the Desk Officer and/or Dispatcher shall obtain the caller's contact information and immediately notify the supervisor.

2. After the supervisor obtains the information, he shall immediately notify a superior officer (lieutenant or above), and if none is available, he shall notify the Duty Officer.

3. Upon being notified of the occurrence of a past domestic incident involving a Department member, the Commissioner shall assign a supervisor to investigate the incident.

4. The Commissioner shall determine if it is necessary to remove the Member's firearm(s) as per Section 1.1425 (General Order 12-025) of this Manual.

5. The Commissioner shall consider referring the Member and/or his family to counseling via the Employee Assistance Program.

6. This Department will cooperate fully with the serving of and follow-up to any Orders of Protection issued against a Member of this Department. In addition, this Department will take all necessary steps to protect a Member who is a protected party in such an order.

7. The Commissioner shall direct the continued monitoring of situations in which Department Members have an ongoing domestic situation to ensure continued compliance with the directions of the court (i.e., limited use/possession of a firearm while a Member is on duty).

**Sec: 3.4700**

**Title: Domestic Incident - (Policies and Procedures)**

**Standard: 44.1**

**Authority: General Order 04 - 042**

**Effective: 12/01/2004**

**Memorandum 09 – 016 (Parole / Probation ntf)**

**Effective: 02/13/2009**

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**I. PURPOSE:**

To 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 violence and abuse,
3. responding to domestic incidents,
4. promoting officer safety and effectiveness, by ensuring that officers are properly prepared to deal with domestic incidents.

**II. POLICIES:**

A. The policy of the Police Department is 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.

B. General Policy:

1. The Rockville Centre Police Department recognizes that domestic violence is a complex social problem affecting families and households from all cultural and economic backgrounds. The scope of behavior may range from child neglect to elder abuse; it may involve spouses, other family members, or intimate partners. Domestic violence often results in profound physical, and emotional, damage to victims.
2. Offenses committed between family, or household, members are serious events. This is true regardless of the relationships, social status, or living arrangements of the persons involved. The Department's policy is intended to

direct the actions of Department members in responding to these domestic Incidents, and recognizing when offenses are committed. The goal of the Department, and its members, is to protect victims, enforce the law, and prevent future violence.

1. Experience, and research, indicate that lawful arrest is an intervention that is effective in preventing, or breaking, the cycle of violence in the domestic setting. Failure to arrest may increase physical, and emotional, risk to victims. Therefore, the Department's objective is to protect victims of domestic abuse by enforcing the law.

A. Police Arrest Policy:

1. In all domestic incidents in which the law is violated, the police objective is to protect the victims by making arrests. When police officers can make lawful arrests, offenders are arrested. Officers will provide victims with information, assistance, and encouragement to cause, and facilitate, lawful arrests. The victims should not be requested, or required, to make citizen arrests when police arrests can be made. An intent of this policy is to remove the burden of an arrest decision from victims, who are often unable, or unwilling, to make that decision due to social, psychological, economic, or other conditions. Therefore, members will make lawful arrests based on reasonable cause, in accordance with the guidelines set forth in this procedure. In this regard, the Arrest Processing includes provisions for those circumstances where victims are unwilling, or unable, to be the complainant.
2. Police **arrests** will be made for offenses committed in domestic incidents as follows:
  - a) ***felonies and misdemeanors*** – when there is reasonable cause to believe that a crime has been committed,
  - b) ***petty offenses*** – when there is reasonable cause to believe a petty offense has been committed in the presence of a police officer,
  - c) ***order of protection*** – when there is reasonable cause to believe that the terms of an order of protection have been violated.

**Note:**

Arrest for violations of orders of protection will be made even if the victims are unwilling to proceed further in court. Credible descriptions by victims, of the manner in which the order was violated, without facts to the contrary, are sufficient to establish reasonable cause to make arrests.

1. In domestic incidents involving misdemeanors constituting family offenses, victims will not be asked whether they seek arrest. Members should be aware of the wording in Criminal Procedure Law (CPL 140.10-4c) which prohibits inquiring:

“The officer shall neither inquire as to whether the victim seeks an arrest of such person, nor threaten the arrest of any person for the purpose of discouraging requests for police intervention.”

2. In evaluating reasonable cause to arrest, the following ***are not*** valid reasons for ***not*** arresting the offender:
  - a) the offender lives with the victim,
  - b) the participants have a certain marital status,
  - c) the participants have certain ownership or tenancy rights,
  - d) there are assurances by the offender, or the victim, that the violence will stop,
  - e) there is no order of protection in effect,
  - f) there may be financial consequences caused by an arrest,
  - g) the victim and offender are “family/household members,”
  - h) the victim has made prior calls, or is a “chronic complainer,”
  - i) the offender gives assurance not to harm the victim,
  - j) the alleged injury is minor, or not immediately visible,
  - k) the victim may not be a willing participant in subsequent proceedings,
  - l) prosecution and conviction may not occur, even though there exists reasonable cause to arrest,
  - m) the victim and offender are, or formerly were, involved in a same sex relationship,
  - n) the offender, or victim, is a prominent citizen, public official, or other public employee,
  - o) there is no longer any disturbance or violence at the scene, and the

immediate situation appears resolved,

- a) the victim requests no arrest be made,
- b) speculation that the victim will not follow through, or cooperate, with the criminal prosecution, whether based on prior incidents involving the victim, or the victim's hesitancy about pursuing prosecution.

A. Civilian Arrest Policy:

1. 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 officer's presence. The civilian arrest alternative will not be used as a substitute for police arrest, or to defeat the general purpose of the Department's pro-arrest policy. In cases of civilian arrests, victims should be informed of their rights, outside of the presence of the offender where feasible, and assisted by the officers in effecting the arrests.
2. When a police officer has reasonable cause to believe that a complainant's allegations are not true, the police officer will not assist with the civilian arrest and must terminate the arrest if the civilian has already effected it. Members should be aware of the wording in CPL 140.40-4 which refers to police duties in connection with civilian arrests:

"...a police officer is not required to take an arrested person into custody or to take any other action prescribed in this section on behalf of the arresting person, if he has reasonable cause to believe that the arrested person did not commit the alleged offense, or that the arrest was otherwise unauthorized."
3. Third party complaints will be referred to the District Attorney's Complaint Bureau.
4. If the arresting person/victim elects to proceed with the civilian arrest exclusively in either family court or criminal court, duplicate paperwork for a future proceeding in the other court is not necessary, and is not prepared.

I. DEFINITIONS:

**Child:** a person who has not attained the age of 18 years.

**Concurrent Jurisdiction:** the authority of Criminal Court and Family Court to exercise simultaneous control over certain offenses arising from the same incident. The offenses must be committed by a person at least 16 years old, and be against a

family/household member. The following offenses apply to concurrent jurisdiction:

1. family offenses, (refer to CPL 530.11)
2. violations of Family Court orders of protection containing either of the following:
  - a) stay away provision, or
  - b) underlying family offense.

**Notes:**

- 1) The victim has the right to proceed in either Family Court or Criminal Court, or both courts at the same time. The victim may exercise this right at the time of arrest, or at a later date subsequent to an initial proceeding in either court.
- 2) If the offense involves child abuse, there is no option for concurrent jurisdiction. The charges must be directed to criminal court.

**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 Incident:** an encounter between individuals within a domestic relationship that involves one or more of the following:

1. police response,
2. violence,
3. threat of violence,
4. report of an offense.

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

**Domestic Relationships:** persons who either have a certain family or social relationship as indicated below:

1. **Family/Household:**

These are domestic relationships specifically defined by the Family Court Act. Persons in such relationships have the option of having family offenses, and violations of Family Court Orders of Protection, handled by either the Family Court or Criminal Court, or both courts at the same time. Family/household relationships include persons who:

- a) are legally married to each other,
- b) were legally married to each other,
- c) are related by blood,
- d) are related by marriage,
- e) have a child in common. (Pregnancy with an unborn child **is not** considered to be a child in common.)

**Note** – If the offender is less than 16 years old, the Family Court has exclusive jurisdiction, and the victim does not have the right to proceed in Criminal court.

- f) (**New 2008**) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors the Court may consider in determining whether a relationship is an “intimate relationship” include but are not limited to: the nature or type of the relationship, regardless of whether the relationship is sexual in nature; the frequency of the interaction between the persons; and the duration of the relationship. 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:** ( FCA 812.1, CPL 530.11 ) consist of the following **nine** (9) offense categories which are committed between members of the same family/household:

1. Harassment 1<sup>st</sup> & 2<sup>nd</sup> degree,
2. Aggravated Harassment 2<sup>nd</sup> degree,
3. Assault 2<sup>nd</sup> & 3<sup>rd</sup> degree,
4. Attempted Assault (any degree),
5. Disorderly Conduct (including disorderly conduct that **does not** occur in a public place),
6. Reckless Endangerment 1<sup>st</sup> & 2<sup>nd</sup> degree,
7. Menacing 2<sup>nd</sup> & 3<sup>rd</sup> degree,
8. Stalking 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> & 4<sup>th</sup> degree.

1. Criminal Mischief (any degree - added in 2007)

**Note (re: Criminal Mischief):** in 2008, the Penal Law was amended adding a new section (145.13), which expands the definition of what constitutes the “property of another” for purposes of charging Criminal Mischief in any of the four degrees. The new section provides that “property of another” includes property jointly or co-owned by another person. It will no longer be a defense that the defendant believed he or she had the right to damage the co-owned property. The primary purpose of this amendment was to allow and husband and wife to be charged with Criminal Mischief when they damage “marital” property without their spouse’s consent.

**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. (Example: Assault First Degree, Rape, Kidnapping, Unlawful Imprisonment, Attempted Murder).

**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.

**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.

**Note –** Harassment 2<sup>nd</sup> 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 commit acts which alarm, or seriously annoy another person, and which serve no legitimate purpose. In addition, acts that instill fear of physical injury may constitute Harassment 1<sup>st</sup>, or Menacing 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> degree.

**I. PROCEDURES:**

**Receipt of Complaint:**

Member (Desk Officer/Dispatcher) receiving complaint:

1. Gathers all information to initiate police response.
2. Dispatches domestic incident calls with the same priority as all other

emergency calls.

1. Assigns two police officers to respond to domestic incident calls.
2. Refrains from canceling police response for any reason.

**Police Response:**

1. Assesses the situation.
2. Takes control of all weapons that were used, or threatened to be used, and all potential weapons that pose a threat.
3. Renders aid, if necessary.
4. Identifies, and controls, all victims, witnesses, and potential offenders.

**Note** – Special attention should be given to identify other victims of abuse, or neglect, such as children, senior citizens, or handicapped people.

5. Determines if any party is a licensed pistol holder.
6. Initiates the removal, and disposition, of weapons in the following situations:
  - a) there are firearms, rifles, or shotguns present, and such firearms, rifles and shotguns create an imminent risk of violence, or serious physical injury,
  - b) a licensed pistol holder is involved in the incident (***inquire or verify at NCPD Pistol License Unit 573-7559***).

**NOTE:** See Manual Index under “***Domestic Incident, Firearms***” for policy and procedures regarding “Removal and Disposition of Weapons in Domestic Incidents”.

7. Interview those involved, and any witnesses.

**Note:** Children are often good witnesses and the source of valuable information.

8. Determine if anyone called the police.
9. If applicable, initiate Child Abuse/Neglect & Emergency Removal Procedure.

**Note:** See Manual Index under “***Child Abuse/Neglect Emergency***”

**Removal** for policy and procedure. Crimes involving child abuse or neglect are to be investigated by the NCPD First Squad.

1. Confer with other officers at scene, and evaluate the available information to determine if a domestic incident occurred.
2. Determine if there is a violation of law involving a child visitation dispute.

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

3. If there is a violation of law involving a child visitation dispute, initiate the Arrest procedure (**see section “D” of these procedures – Page # 12**).
4. If there is **no** violation of law involving a child visitation dispute, refer the dispute back to the originating court.
5. If a domestic incident **did** occur, determine if an order of protection is involved.
6. If an order of protection is involved: (see Manual Index under **“Court Orders”** for policy and procedure).
7. If the domestic incident involves some other type of an arrest situation, **refer to section “D” of this document for Arrest Procedures – Page 12**.
8. If the arrest situation requires a crime scene investigation, notify headquarters for an NCPD detective response (the Crime Scene Search Unit will be notified by the detective handling the case).
9. If a child is present during a domestic incident, initiates procedure for **“Children at Scene” section “C” of this document – page 12**.

1. Prepare DCJS form 3221, New York State Domestic Incident Report, and
  - a) explain rights and, if applicable, the court options to the complainant/victim,
  - b) provide the complainant/victim with “Pink Pages” of DCJS form 3221,
  - c) read the “Notice of Victim’s Rights” to the complainant/victim, if necessary.
2. Prepare a case report, and note the following situations in the narrative section of the report:
  - a) a non-arrest, in an incident involving reasonable cause to make an arrest, with an explanation of the actions taken,

**Note:** If the offender has left the scene, conduct a preliminary investigation to locate and arrest the offender, i.e., interview victim and witnesses, search the immediate area, and respond to known location, if practical.
  - b) a child present during a domestic incident that includes any of the following:
    - 1) use, or threatened use, of unlawful physical force,
    - 2) an incident which is either:
      - (a) mentally, or emotionally, unsettling, or
      - (b) which interrupts normalcy.

**NOTES:**

- 1) PDCN FORM 99a, Domestic Incident MO Codes, should be utilized to ensure the inclusion of all applicable MO codes.
- 2) DCJS Form 3221, and a case report, will also be completed in the following situations:
  - (a) application for emergency family court arrest warrants,
  - (b) application for emergency temporary order of protection,
  - (c) enforcement of vacate premise orders of protection,
  - (d) enforcement of Supreme Court orders,
  - (e) child abuse cases involving household members,
  - (f) child visitation disputes.
1. Advise the victim of the availability of shelters, and other victim services, in the community.
2. Assist the victim in obtaining shelter, and/or transportation to a safe place, if necessary.
3. Call in the domestic incident information according to Case Report procedures.

**Note:** The Case Report should *not* be called in from the scene if doing so would be insensitive, offensive to those present at the scene, or counterproductive to the settlement of the incident.
4. To ensure timely investigation, refer the case to the First Squad NCPD in the following situations (and submit case, 3221, and 99A through normal channels),
  - a) an offender will be arrested, but can not be located,
  - b) an offender has been arrested, and the charge(s) require detective assistance.

**Note:** It may be necessary to apply for a warrant for an offender who committed a petty offense in an officer's presence, but has not been apprehended.

**1. Executive Officer:**

- a) Shall maintain a file of DCJS Form 3221 on domestic incidents occurring within the Command.
- b) Shall ensure that case reports are faxed daily to the Nassau County Coalition Against Domestic Violence on all domestic incidents involving the following:
  - 1) an arrest,
  - 2) special cases, not involving an arrest, if there is reason to believe that advocacy services might be particularly helpful.
- c) Shall ensure that the DCJS copy of all completed Domestic Incident Report forms (3221) are forwarded to:

NYS Division of Criminal Justice Services  
Bureau of Statistical Services  
4 Tower Place, Stuyvesant Plaza  
Albany, New York 12203-3764  
Phone: 1-800-342-9862

**Children at scene of domestic incidents:**

- 1. For the purpose of this section, a child will be defined as a person who has not yet reached his/ her eighteenth (18<sup>th</sup>) birthday.
  - a) The responding officers shall notify their supervisor if there are children present during a domestic incident that includes any of the following:
    - 1) Use, or threatened, use of unlawful physical force,
    - 2) an incident which is either:
      - (a) mentally, or emotionally, unsettling, or
      - (b) which interrupts normalcy.
  - b) The supervisor shall review the circumstances of the domestic incident, and assess the need for notifying the Juvenile Aide Bureau if the welfare, or safety of a child is at issue.
  - c) If JAB is to be notified, then advise the relevant parties that a Juvenile Aid Bureau detective will respond to assess the needs of the child.

- a) In all cases where a child is present, indicate such in the narrative section of the case report.

**Arrest Situations:**

1. Effect the summary arrest of any offender when there is reasonable cause to believe any of the following took place (**see also “Police Arrest Policy” at beginning of this document**):
  - a) a crime was committed,
  - b) a petty offense was committed in the Officer’s presence,
  - c) 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.

2. Prepare DCJS Form 3221 Supporting Deposition, when possible.

**Notes:**

- 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 the Supporting Deposition include a request for arrest.
  - The date of birth for all persons referred to in the Supporting Deposition will be recorded immediately after their name.
3. If a summary arrest **can not** be made, due to lack of reasonable cause, determine if the victim elects to make a civilian arrest, if applicable.

**Note:** This determination should be made out of the presence of the offender. The civilian arrest will only be utilized in those situations where Police Officers cannot effect a summary arrest.

4. Conduct a preliminary investigation aimed at locating and arresting offender, if not at scene. This investigation should include the following:
  - a) interviewing the victim and witnesses,
  - b) searching the immediate area,

- a) responding to a known location of the offender – if the suspect is believed to be within a reasonable proximity.
1. If offender is located, effect summary arrest.
  2. Inform the victim, and the offender, of the following (if summary arrest action is being initiated by the officer):
    - a) the criminal action is being initiated by the State, and not by the victim,
    - b) the victim will likely be contacted by a domestic violence agency related to the police intervention into the current situation.
  3. If the offender is not located, refer case to the First Squad NCPD.
  4. The victim may also elect to make a civilian arrest, when a summary arrest by police is not a viable action (**see also “Civilian Arrest Policy” page # 4 of this document**).
  5. **Arrest processing for charges to be brought in Criminal Court:**
    - a) Advise the victim that their attendance at arraignment is recommended, but not required.
    - b) Arrest Paperwork - Domestic Incidents (to be prepared, regardless of Court Jurisdiction):
      - New York State Domestic Incident Report (DCJS 3221) with completed Supporting Deposition portion.
      - Domestic Incident Worksheet (PDCN 99A).
      - Case Report Worksheet (PDCN 32)

#### **Notes**

- 1) The Supporting Deposition must contain a specific description of the behavior constituting the offense. Although recommended when possible, there is no requirement that the Supporting Deposition include a request for arrest. The deposition of the victim, and/or witnesses, need only include a description of the specific unlawful behavior.
- 2) In misdemeanor cases where a supporting deposition cannot be obtained, the arresting officer will file a Misdemeanor

Complaint (PDCN Form 85DV). The Misdemeanor Complaint must contain those facts constituting the offense charged, and specifically articulate the officer's reasonable cause to believe that the defendant committed it. In felony cases, the arresting officer will use PDCN Form 85 as a Felony Complaint.

- PDCN Form 79, Physical Condition of Defendant Questionnaire.
- PDCN Form 81, Arrest Record.
- PDCN Form 85, District Court Information or PDCN 85DV, Misdemeanor Complaint.
- PDCN 305, Physical Description Coding Form.
- PDCN Form 85A, DA's Crime Report.
- Indicate in Section N, "Remarks" of Form 85A, DA's Crime Report, if the victim has, or has not, applied for an Order of Protection. If the victim requests an Order of Protection, indicate reason why (i.e. "requests Order of Protection due to on-going problems"). This will assist the District Attorney at arraignment, and provide the victim with the quickest available protection.

a) Fingerprint/photograph, as required.

**1. Arrest processing when victim has elected to proceed in Family Court:**

- a) Advise the victim he/she **MUST** appear in Family Court to file a petition. This petition initiates formal action, and must be filed prior to the offender being brought before the Family Court. Family Court is located at 1200 Old Country Rd, Westbury, New York.

**Note:** When Family Court is not in session (such as Saturday, Sunday, or a holiday), defendants will be arraigned in District Court by a District Court Judge acting as a Family Court Judge. Complainant/Victim **MUST APPEAR** at the Court Liaison Office in District Court on the morning of arraignment. Court Liaison Office is located at 99 Main St., Hempstead, New York.

- b) Complete the necessary arrest forms (**see # 9 above**). In the completion of these forms, appropriate Penal Law sections shall be used to designate the specific offense. Place (F.C.A.) in parentheses to indicate that the victim has elected to proceed in Family Court. For instance, a charge of menacing would be indicated as follows: P. L. 120.15 (F.C.A.).

- a) Fingerprint/photograph defendant, as required.
- b) Lodge defendant held overnight for arraignment at Detention, except those defendants arrested on Family Court Orders of Protection or warrants, who will be held overnight in Nassau County Jail.

**Note:** An arrest for any “Family Offense” (*see definitions section of this document for a list of Family Offenses – page # 6*) may, in the interest of justice, be transferred from either court (Family or Criminal) to the other. Or the complainant/victim may decide, at some future time, to change from a Family Court proceeding to a Criminal Court proceeding. It is therefore necessary that adult arrests, effected pursuant to any of the enumerated Family Offenses, have paperwork prepared for both courts at the time of arrest. The supervisor need only forward the paperwork required for the court of initial action, while maintaining the second court package at Headquarters should a change in court venue occur.

**1. Arrest processing when complainant has elected to proceed in both courts:**

- a) The Criminal Procedure Law [CPL 530.11 (2)] permits victims of a family offense to proceed to either Criminal Court or Family Court, or concurrently in both Family and Criminal Courts. The victim may elect concurrent jurisdiction at the time of arrest, or at a later date subsequent to an initial proceeding in either Court.
- b) In order to accommodate concurrent jurisdiction, arrest forms for family offenses must be prepared for **both** Criminal and Family Courts (*see # 9 above re: arrest documents*). The Patrol Supervisor will ensure that arrest paperwork, and the offender, are directed as follows:
  - 1) When the victim elects Criminal Court or concurrent jurisdiction at the time of arrest:
    - (a) The offender will be brought to Criminal Court.
    - (b) Criminal Court arrest paperwork will be forwarded to Criminal Court for arraignment.
    - (c) In concurrent cases, Family Court arrest paperwork will be forwarded to the Family Court.
  - 2) When the victim elects Family Court at the time of arrest:

- (a) The offender will be brought, or ordered to, Family Court.
- (b) Family Court arrest paperwork will be forwarded to Family Court.
- (c) The following PDCN arrest forms will be prepared, and filed at Headquarters to accommodate a subsequent criminal prosecution:
  - Copy of Form 3221 Supporting Deposition (if obtained).
  - Copy of Form 85A
  - Original Form 85
- (d) **The C.O. of Administration** shall establish, and maintain, a file for the PDCN arrest forms listed above and shall ensure the availability of such forms for future use in a Criminal Court proceeding.

1. **Arrest processing when the victim declines to be the complainant:**

- a) Direct the arrest to Family Court when the arrested person is less than 16 years old.

**Note:** An exception to the above occurs in “Juvenile Offender” cases, in which the arrest will be processed by the Juvenile Aid Bureau and the First Squad according to established procedures.

- b) Direct arrest to District Court in all other cases:
  - 1) In felony cases, use PDCN Form 85 as Felony Complaint to support charges.
  - 2) In misdemeanor cases, use PDCN Form 85DV (Misdemeanor Complaint) to support charges.

**Notes:**

- (a) Misdemeanor Complaints may include relevant hearsay information.
- (b) If the arrest of a subject is warranted pursuant to the commission of a misdemeanor or felony, and the subject is NOT at the scene and the victim refuses to sign a DCJS Form 3221 Supporting Deposition, then the investigating officer shall complete the appropriate Misdemeanor Complaint (85DV) or Felony Complaint (85), and forward same with the domestic

incident package.

- 1) In cases involving a violation of an Order of Protection including an underlying offense, both Criminal Contempt (1<sup>st</sup> and 2<sup>nd</sup>) **and** the underlying offense will be charged. When there is no underlying offense, Criminal Contempt will be charged.
  - 2) Use standard court choice procedures if victim later states a desire to proceed in a particular court.
  - 3) Complete necessary arrest forms (**see # 9 above**).
  - 4) Fingerprint/photograph defendant, as required.
1. Enforcement/Arrest re **ORDERS of PROTECTION, VACATE PREMISES ORDERS of PROTECTION, SUPREME COURT ORDERS to REMOVE PROPERTY, and OBTAINING EMERGENCY FAMILY COURT ORDERS of PROTECTION** – see Manual Index under “**Court Orders**”.

**Cross Complaints:**

1. Conduct an investigation, and evaluate each complaint separately, to identify the offending party.
2. Evaluate the following to identify, and arrest, the primary physical aggressor, if mutual physical force was used:
  - a) comparative nature of the parties' injuries,
  - b) any serious threats creating a fear of physical injury,
  - c) knowledge of a prior history of violence between the involved parties,
  - d) whether any party acted defensively to protect himself from injury.

**NOTES:**

- 1) A decision to arrest the primary physical aggressor does not prohibit the arrest of the other party at a later time. It also does not prevent the arrest of both parties when there is reasonable cause to believe a crime was committed, or a petty offense was committed in the presence of the Police Officer.
- 2) An arrest **will not be** made for acts which Police Officers have reasonable cause to believe were committed in self-defense, as per

PL Article 35.00 (Justification of the Use of Force).

**A. Arrest Discretion:**

The policy of the Department is to arrest when the law is violated in a domestic incident. The Department's objective is to provide for the safety of victims through arrest intervention. In some rare and unusual cases, such a policy may create an unintended, and ineffective, application of law. In such rare and unusual cases, should a police officer or detective determine that an arrest, while legally justified, is not the appropriate action, the member can apply discretion in lieu of arrest, according to the following provisions:

1. The member shall confer with a Supervisory Officer, who will review and evaluate the incident.
2. The Supervisory Officer, based on a careful evaluation of the incident, will approve, or disapprove, of the departure from arrest policy.
3. In any case where such departure occurs, the supervisor approving such action shall ensure that the Domestic Incident Report narrative includes specific, and extensive, explanation of the actions taken.
4. In any case involving potential departure from arrest policy, the officer or detective shall confer with a supervisor prior to allowing the offender to leave the scene.
5. Discretion regarding arrests in a domestic incident does not extend to:
  - Felonies
  - Misdemeanors constituting family offenses
  - Violations of Orders of Protection
  - Misdemeanors Involving Unlawful Coercive or Controlling Behavior

**Note:** In cases involving an offender less than 16 years of age, members shall notify, and consult with, the Juvenile Aid Bureau, and be guided by Family Court Act, Article 3, Part 1.

**B. Appearance Tickets / Bail / Return Date:**

1. Appearance Tickets shall not be generally issued for arrests involving Domestic Incidents. However, in those rare cases with extenuating circumstances when the defendant **may** be released on an appearance ticket, they shall be returnable on the next day.
2. Appearance tickets will **not** be issued for Family Court appearances.

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1. Appearance Tickets will not be issued, and the defendant will not be released, when an arrest is for:

➤ Violation Order of Protection

or

➤ The defendant is intoxicated, or there is reasonable suspicion that the defendant will pose a danger to himself, a victim, or any other person if released on an Appearance Ticket.

#### H. Procedure for obtaining **EMERGENCY FAMILY COURT ARREST WARRANTS** when Family Court is not in Session:

##### Notes:

➤ A Family Court Arrest warrant enables police officers to enter private property, **without the owner's permission**, to arrest a subject.

➤ A third party premises may require a search warrant.

1. Procedure for obtaining an Emergency Family Court Arrest Warrant:

a) Determine reasonable cause to believe that a subject has committed a "Family Offense", or has violated a Family Court Order of Protection.

b) Determine that an arrest warrant is necessary to enter premises to arrest the subject.

c) Notify Patrol Supervisor.

d) Prepare PDCN 85A, 99A, and NYS Domestic Incident Report with completed Supporting Deposition portion, and present to Patrol Supervisor.

e) The Patrol Supervisor must then review/certify all forms.

f) Contact the Communications Bureau Supervisor, NCPD and request the telephone number of the Family Court judge who is on call.

g) Call the judge, and follow his/her instructions.

h) Direct appropriate police response to the subject's location to affect his, or her, arrest, in accordance with the warrant issued.

**Sec: 1.0250**

**Title: Duties and Responsibilities**                      **Standards: (Supplement to - 2.2, 2.7 & 2.9)**  
(Executive Officer / Lieutenants / Sergeants & Detectives Collateral / Youth Officer)

**Authority: General Order 10- 007** (Duties & Responsibilities of Supervisors),  
**Effective 02/01/2010**  
**General Order 06 – 052** (Duty Assignments – Managers / Collateral Duties  
Sergeants & Detectives)                      **Effective: 12/21/2006**  
**Memorandum 98 – 083** (Gangs Reference Book)                      **Effective: 09/24/1998**  
**Memorandum 91 – 007** (Duties & Responsibilities of Youth Officer)  
**Effective: 04/08/1991**  
**Memorandum 00 – 005** (Additional Youth Officer Duties)  
**Effective: 02/04/2000**

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**I. Duties and Responsibilities:**

**Note:** The primary list of duties and responsibilities for the Commissioner of Police, Shift Commander (Inspector and/or Lieutenants), Patrol Sergeants, Traffic Sergeant, Anti-Crime Sergeant, Police Officers, Neighborhood Aides, and School Crossing Guards, which is not subject to frequent change, is captured in the Manual document entitled “**Job Classifications**”. The duties and responsibilities for the senior staff managers (**Executive Officer and Lieutenants**), and the collateral duties assigned to **Sergeants** are subject to frequent change, as may be necessary in order accommodate the efficient use of personnel resources, and are therefore captured separately in this document. Also captured herein are the duties and responsibilities of the Department **Youth Officer**.

**Note:** see Manual index under “**Duties and Responsibilities**” for police titles not covered in this document, and all civilian personnel.

**General Order 10-007**  
(Duty Assignments)

This General Order replaces General Order 06-052 in its entirety.

**DUTY ASSIGNMENTS FOR MANAGERS AND COLLATERAL DUTIES FOR  
SERGEANTS**

Due to recent personnel changes, it has become necessary to realign the duties and responsibilities for all supervisors.

In order for personnel to function properly in their assigned duties, to properly refer complaints and inquiries to the properly designated member of the Department, these duties are indicated below.

NOTE, HOWEVER, THAT ALL SUPERVISORY PERSONNEL SHARE RESPONSIBILITIES IN THE AREAS OF DISCIPLINE, INSPECTIONS (personnel, facility, equipment & vehicles), ORDER AND TRAINING.

#### **EXECUTIVE OFFICER:**

Duties to include, but are not limited to:

- Deputy Commanding Officer;
- Daily Operational Oversight;
- Daily Administrative Functions;
- Media Liaison Officer;
- Personnel Administration;
- Records Management;
- Sexual Offender Registry/Inspections Program;
- Uniform Crime Report Oversight;
- Facility Maintenance;
- Court Liaison Officer - Village, County, State & Federal;
- Data Processing Coordinator, IMPACT Case Management System;
- Equipment/Vehicle & Supply Procurement / Maintenance;
- Bail Money Management;
- Personnel Uniform Management;
- Village Licenses / Permits;
- Alarm Violations Oversight;
- Annual Replacement of Brochures / Public Relations Materials;
- Impounds (administrative) & abandoned property;
- LIRR / Police Pass Control;
- Other Duties as Required.

Authority: Subject to direction from the Commissioner, the Executive Officer has direct control over all members and employees within his command.

#### **C.O. OF SUPPORT:**

Duties to include, but are not limited to:

- Departmental Training Coordinator;
- Internal Investigations;
- NYS Accreditation Program Manager;

Property / Evidence Control;

- NYSPIN Terminal Agency Coordinator;
- EJusticeNY Terminal Agency Coordinator;
- Department Weapons / Armorer Oversight;
- Employee Identifications (RCPD, RCFD & All Village Employees);
- Domestic Violence Liaison to Nassau County Agencies
- Facility Inspections;
- Grants Manager (subject to management responsibilities)
- Material Data Safety / OSHA / PESH Oversight;
- Police Manual / Rules & Regulations (Maintenance);
- College Intern Program;
- Other Duties as Required.

Authority: Subject to direction from the Police Commissioner, the Commanding Officer of Support has direct control of all members and employees subject to his management responsibilities.

**C.O. OF OPERATIONS:**

Duties to include, but are not limited to:

- Supervision of Patrol, Anti-Crime and Traffic Enforcement Units;
- Crime Analysis/Reporting;
- Daily Diary Entry Manager
- Employee Counseling/Mediation;
- Facility Inspections;
- Gang Oversight and Response;
- Grants Manager (subject to management responsibilities);
- Police Officer Productivity and Standards;
- Street Level Anti-Crime (Auto, Burglary, Robbery, Narcotics);
- Traffic Squad Oversight, and:
- Traffic Enforcement, Engineering, Inspections & Education,
- School Bus Safety/Inspection Program,
- Bicycle Safety Program,
- Taxi Safety/Inspection Program,
- Licensed Premises (alcohol) Inspection/Enforcement Program,
- DWI/Special Projects Management,
- AAA Pedestrian Safety Programs / Liaison,
- School Safety Programs,
- Personnel Evaluations;
- Personnel Inspections;
- Vehicle Inspections;
- Precinct Inspections;
- Sick/Injured Review;
- Community Affairs Liaison

West End/Housing Authority Liaison;

- . Juvenile Affairs;
- . Other Duties as Required.

Authority: Subject to direction from the Police Commissioner, the Commanding Officer of Operations has direct control of all members and employees subject to his management responsibilities.

### **C.O. OF FIELD SERVICES:**

Duties to include, but are not limited to:

- . Special Events Officer;
- . Emergency Management Coordinator;
- . Field Intelligence Officer/Intelligence Bulletins;
- . Communicable Disease Coordinator;
- . Laptop Computer System (RMP);
- . MIS Support/Liaison;
- . Grants Coordinator;
- . Departmental Radio Communication System Oversight;
- . Staff Responsibilities for Neighborhood Aides/Parking Oversight;
- . Staff Responsibilities for School Crossing Guards/School Safety;
- . Departmental Towing Program;
- . Auxiliary Police Liaison;
- . E-911 Oversight;
- . External Defibrillators;
- . Police Awards Program (Monthly, Yearly and Annual);
- . Facility Inspections;
- . Other Duties as Required.

Authority: Subject to direction from the Police Commissioner, the Commanding Officer of Field Services has direct control of all members and employees subject to his management responsibilities.

**Memorandum 98 – 083**  
**(Gangs Reference Book)**

This GANGS BOOK is to serve as an informational reference for police personnel, and may be used by Police Officers to remain totally fluent with the growing threats posed to law enforcement and the community by unlawful, anti-social, and often violent gangs.

The upkeep of this valuable document shall be at the direction of the OIC of Anti-Crime, who shall assign a member of the Anti-Crime Unit to prepare and manage updates to the Gangs Book. Note that the member so assigned shall maintain possession of the "original" Gangs Book for edit/update purposes.

A great deal of time has been invested in the creation of the Manual; refer to it, update it, and let's keep it a permanent part of our police inventory.

----- (End Memorandum 98 – 083) -----

**H. Youth Officer:**

**Memorandum 91 – 007**  
**(Duties and Responsibilities of Youth Officer)**

One of the never-ending problems faced by this and other Departments involves “youth” complaints, with the vast majority of these complaints managed by

members of the Patrol Force. Every effort must be made by officers assigned to Patrol to arrive at long term solutions for these problems, rather than just a short term solution. A line police officer assigned to "youths in the park" (or other similar complaint) should make every effort to completely resolve the complaint – taking the appropriate follow-up action intended to provide a long, rather than short term solutions. The "warn and chase" approach simply does not work; the youths return and so do the police – this revolving door approach helps no one and only serves to waste resources.

Embracing the realistic limitations of the Patrol Force, especially during busy weekend evenings, a long term solution can be provided by the YOUTH OFFICER during those instances where the uniformed (post) Patrol Officer is unable to devote the time necessary to contact the parents, take the youth home, and completely resolve the matter. If a line police officer is unable to completely

resolve the matter, he/she should at least make every effort to IDENTIFY the parties involved; these names should be forwarded to the Commanding Officer (through normal channels) for follow-up. This information will be forwarded by the Agency Commander to the Youth Officer.

**Note:** The families of all youths identified will be contacted by the Department's Youth Officer. In addition, areas identified as trouble spots will also be reviewed from a crime prevention perspective (for example, one high profile trouble spot has recently agreed to increase lighting and install fencing).

Note that this procedure is not intended to relieve line police officers of any duties or responsibilities, but rather, to create a level of police response not previously enjoyed by this Department. The Youth Officer can meet with families, follow-up on violations by issuing appearance tickets, suggest crime prevention tips designed to clear up the problems, along with other actions that will serve to ultimately reduce the frequency of these "Youths & Parks" complaints.

Members assigned to Patrol can initiate the actions that will ultimately clear up the problems that must be addressed by Patrol.

----- (End Memorandum 91 – 007) -----

**(Memorandum 00 – 005  
(Additional Youth Officer Duties)**

The purpose of this memo is to expand upon the "Follow Up For Patrol" (FOFOP) functions of the Youth Officer (in which follow-up notifications are made to families / youth at the request of Patrol personnel for those issues that cannot be quickly disposed of "on the street").

When citizens and/or community groups apprise either the Police Department, or Village Court, of low-grade criminal and/or anti-social acts by young people (usually alleged violations of Village Code), the Police Commissioner shall forward an educational letter to the parents if their identify is known, followed by a personal contact by the Youth Officer.

One such example concerns a complaint of garbage thrown on the lawn of a resident by a young person. Based upon the license plate of the vehicle used, a DMV ownership check is initiated, and the identity of the vehicle owner is secured. Although we are not able to issue a ticket or initiate a court action (being that this alleged violation was not observed by a police or code enforcement officer), we can still alert the family, and provide for an educational warning to the young person responsible - the letter by the Police Commissioner, which is then reinforced by a visit to the residence by the Youth Officer.

Hopefully, this follow-up will have an impact on the family, as well as the young person, which may impact on future behavior.

----- (End Memorandum 00 – 005) -----

#### Youth Officer Duties

The purpose of this section is to provide guidance and memorialize YOUTH PROGRAMS for the Department.

- **WEST END YOUTH CONCERNS** - viewed, and addressed as an integral part of our overall youth strategies.
- **RECREATION CENTER LIAISON PROGRAM** - to respond to the needs of our Recreation Department.
- **PRIDE PROGRAM** - educational program geared towards elementary school level. Also, a follow-up program geared for 7th graders, stressing gang, weapons, alcohol, and drug awareness.
- **IFF PROGRAM** (Identification for the Future) - via a digital camera that generates photo and fingerprints of children at request of parents.
- **TALKS / PRESENTATIONS ON REQUEST** - community groups, schools, residents, merchants, KIDSFEST and so forth.
- **GRAFFITI TASK FORCE** - working with other local departments and the District Attorney's Office, build a data base of known offenders and signatures.

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- **SCHOOLS / PTA LIAISON PROGRAM** - to meet the needs of Rockville Centre Schools and PTA Organizations.
  - **YOUTH RELATED ANTI-CRIME FUNCTIONS** - quarterly alcohol stings, cigarette stings, street level crime involving youths (burglary, robbery, drugs, alcohol, auto crime).
  - **LICENSED PREMISE EDUCATION PROGRAM** - meet with, and educate, owners of taverns, bodega's, delicatessens and so forth.
  - **AUXILIARY POLICE LIAISON IN TERMS OF YOUTH ISSUES** - using existing Auxiliary Police assets and inspections to additionally impact on youth issues.
  - **POLICE EXPLORER PROGRAM** – structured community-based program coordinated through the Boy Scouts of America, targeted towards older youth.
  - **YOUTH LIAISON TO VILLAGE COURT** - working closely with our Village Court to ensure the best interests of the Department are served re: youth cases before the Court.
  - **SCHOOLS SUBSTANCE ABUSE TASK FORCE / SCHOOLS SHARING COMMITTEES.**
  - **ANNUAL TOYS FOR TOTS / BICYCLE GIVEAWAY PROGRAMS.**
  - **ANNUAL SPORTS EVENT FOR UNDERPRIVILEGED CHILDREN.**

**Sec: 3.4900**

**Title: Emergency Mobilization**

**Standard: 58.4**  
(Supplement to - 58.1, 58.2)

**Authority: Police Manual**

**Effective: 01/01/2006**

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**I. PURPOSE:**

The purpose of this directive is to establish procedural guidelines in regard to the emergency mobilization of Departmental, and/or external manpower, equipment, and other resources.

**Note:** See also the Manual index under “**Critical Incident Response**” for a descriptive overview on managing a major incident or disaster scene - provides NCPD (SOP).

**NOTE:** Refer also to the “Village Emergency Disaster Plan Manual” (**red binder**) at the Service Desk for information in regard to local government plans for administration in times of emergency, service resources such as the Red Cross, etc., shelter and other municipal service needs.

**Note:** For incidents that are to be the subject of a criminal investigation, see also the Manual index under “**Crime Scene Duties**”.

**A. Emergency Mobilization Plan:**

1. Upon notification of a major police incident, the Shift Commander will dispatch a Supervisory Officer to the scene. If no other Superior Officer is on duty, the Shift Commander will respond.
2. The responding Superior Officer shall quickly observe the scene, and estimate the appropriate police response. He shall also select an assembly area that is near the incident, and appropriate for the purpose.
3. The Officer-in-Charge at Headquarters shall notify the Duty Officer, and alert the Communications Supervisor at the Communications Bureau of the Nassau County Police Department.
4. If the situation deteriorates, and assistance is needed from other police agencies, the Superior Officer at the Scene will make such request for

assistance directly over the proper radio frequency to the Communications Supervisor. He shall indicate the amount and kind of assistance needed, and the location of the assembly area.

5. The Supervisory Officer at the scene shall remain in command until relieved by a higher authority. He will be responsible for the following:
  - a) Assessing the actions of the initial incident commander (first officer on scene).
  - b) Requesting any additional assistance needed at scene.
  - c) The establishment and maintenance of an "Incident Time Log".
  - d) Identification of incident priorities, and the adjustment of resources (*manpower and equipment*) to respond to these priorities, as necessary.
    - 1) Coordination of the activities of police personnel, in cooperation with other emergency service personnel on scene.
  - e) Keeping Headquarters apprised of the situation.
  - f) The establishment of:
    - 1) Command Post
    - 2) Outer Perimeter
    - 3) Staging Area
6. If warranted, the Desk Officer will immediately commence calling off duty members to report to Police Headquarters. The members should be informed, as they are called, that it is an emergency mobilization so that they know to respond promptly. If only a limited number of members are needed, and the incident occurs during the later portion of a tour of duty, then it is suggested that the members of the next relieving tour be called in early.
7. The second arriving supervisor on scene shall respond to the designated assembly area, and upon ensuring that he has communication with the Command Post and Headquarters, he shall take command of the members assembled, and coordinate the assignment of personnel as directed by the "Incident Commander" from the Command Post.

**Note:** it *may* be necessary for this supervisor to respond to the incident site so that he can direct the activities of subordinates on the scene. He shall also ensure that the Command Post is kept abreast of any change in

the incident status, or any need for more resources and/or the re-deployment of resources, as the situation changes.

7. The Desk Officer shall make any necessary post changes (if applicable) by having members that are still on patrol double up post assignments, etc., pending arrival of off duty personnel.
8. Once the incident scene has sufficient supervisory staff on hand, the next arriving off duty Supervisor shall assume command of the members reporting for duty at Headquarters as they arrive. He shall be responsible to see that the members are equipped, properly dressed, etc., for immediate duty in the street, and await orders from the Officer-in-Charge.
9. If appropriate for the circumstance, the Supervisor at Headquarters shall instruct two members from his group to gather additional equipment (helmets, batons, etc.) in sufficient quantity, and have the equipment transported, as quickly as possible to the Supervisor at the designated assembly area for distribution to the officers on scene.
10. Depending upon the nature of the incident, it may become necessary for the Headquarters Supervisory Officer to assign members for internal security of Police Headquarters.

**Note:** Special attention should be given to the security of the emergency generator unit.

11. Again, depending upon the nature of the incident, the Headquarters Supervisory Officer shall designate competent personnel to take possession of special equipment stored at Headquarters, e.g., tear gas grenades, special weapons, ammunition, flex cuffs, bull horn, supplies, etc. This equipment will be transported to the assembly area, where a member shall be assigned to standby with the equipment. Such equipment shall not be deployed, or used, without expressed authorization from the Commissioner, or the designated Commanding Officer.
12. The Headquarters Supervisor will notify the Desk Officer of all of the aforementioned assignments and details so that proper blotter entries can be made.
13. The Desk Officer shall arrange for the use of the Recreation Department's bus, or any other Village Department vehicles, in the event that such vehicles may be needed.
14. When sufficient manpower has assembled at Headquarters, the Supervisor in

charge shall assign members to fill vacant posts.

7. For incidents involving large scale crowd disturbances, it may be necessary for the Officer-in-Charge at the scene to request a prisoner van from the Nassau County Police Special Services Bureau. Should such request be made, the member making the notification to NCPD shall request that the vehicle respond to an area removed from the conflict, yet be suitably positioned to allow for easy access - such location should be identified and approved by the "Incident Commander".
8. A member will be designated to (whenever possible) photograph both prisoner and arresting officer together, before the prisoner is confined to a van or other area. The arresting officer will then be free to return to the area of disorder. This procedure will result in a minimum number of personnel to guard prisoners, and enable supervisors and arresting officers to identify the individual prisoners for purposes of arraignment.
9. In the event that a fire alarm should sound, and it is determined that the call is in the area of the disturbance or major incident, the Desk Officer shall immediately notify the Chief of the Fire Department. If he does not already know, the Fire Chief shall be informed about the nature of the trouble in the area, of the possibility that there may not be a fire, and that his members and equipment, may be in danger of injury and/or damage. The Fire Chief will then make a determination, and so inform Headquarters.

**Note:** It may be necessary to provide an escort of police vehicles for such a Fire Department response. In such case, the Fire Chief should be advised to have his personnel assemble at a designated fire-house, where police units can then provide escort to the scene. The "Incident Commander" is to be apprised of such escort of Fire apparatus to the scene.

10. In the event that the first provocation indicates that Police Headquarters will be the target of attack, the Shift Commander will immediately transmit such information to all radio units.
11. Upon receipt of such notification, the Shift Commander will designate an area near, or immediately adjacent to, Police Headquarters for the purpose of assembling those members on patrol into a group. The appropriate action will depend on conditions, size of group, how they may be armed, etc. The need to stay grouped cannot be overstressed.
12. At this point, the Desk Officer shall proceed with mobilization and Police Headquarters internal security as previously stated.

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7. Any off-duty members that are still to be called should be instructed to avoid the area of trouble and enter Police Headquarters through an entrance other than the front door, as they will not be in uniform, or properly equipped, upon arrival.

**Sec: 2.2300**

**Title: Emergency Services Bureau Capabilities**

**Standard: N/A**

**Authority: Memorandum 91 – 013**

**Effective: 04/02/1991**

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A great many bizarre and highly unusual incidents, which often require creative one-time police solutions, now come under the direct authority of the NCPD ESB. From a “nuts and bolts perspective”, should a highly unusual or dangerous condition present itself, assistance may be immediately available by a highly trained and properly equipped unit. By making the proper notification from our end, proper equipment and personnel (not present in our inventory) may be available – which may translate to reduced police injuries, reduced exposure to liability, and so forth.

**Emergency Services Bureau Functions and Capabilities**

**1. Rescue:**

- Persons trapped in vehicles, machinery, structures, elevators
- Building collapses and cave-ins
- Inland water rescue
- Train and aircraft accidents
- High rise rescue (buildings, water towers, etc.)

**2. HAZMAT:**

- Transportation related accidents (no clean-up)
- Medical waste (emergency removal and disposal)
- Environmental crimes investigation
- Notification to appropriate agencies (Health Dept., Coast Guard, etc.)

**3. EDP(s) (Violent Mental Aided):**

- Training and non-lethal weaponry, including TASER

**4. Animals:**

- Capture and/or tranquilize
1. **Suspect Searches:**
    - Shotguns, heavy body armor, ballistic shields
    - Ladders, lights, etc.
  2. **Evidence Searches and Recovery:**
    - Metal detectors, drain pumps, etc.
    - Utility vehicles for transport
  3. **Body Recovery**
  4. **Portable Generators and lighting**
  5. **Command Posts**
  6. **Small Boats**
  7. **Vehicle Recovery:**
    - Overturned and jack-knifed, from water, sumps, woods, etc.
    - Rescue or evidentiary recovery only
  8. **Board-ups:**
    - Generally commercial establishments if owner not available
  9. **Disable Premise Alarms**
  10. **Towing:**
    - Evidentiary (Headquarters Impounds)
    - Departmental vehicles after hours
    - Emergency removal of vehicles from roadway
  11. **Prisoner vans and Buses**

**Notes:**

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1. At least 1 rescue truck is on routine patrol for several hours during the day and evening between 0800 – 2400 hours.
  2. All services are available 24 hours, 7 days a week via channel 8, Communications Bureau, or HQ Ext. 3333.

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**Sec: 3.5050**

**Title: Field Interview Reports**

**Standard: N/A**

**Authority: Police Manual**

**Effective: 01/01/2006**

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**I. PURPOSE:**

The purpose of this directive is to establish guidelines and procedures for the completion of Field Interview Reports.

**II. POLICY:**

The policy of the Police Department is to investigate any suspicious activity, and to document such investigations, when appropriate, so that a record of the contact, and circumstances under which it took place, may be maintained as a reference of the activity and the persons involved.

**III. PROCEDURE:**

1. Field Interviews (PDCN Form 78) shall be completed on suspicious persons and/or vehicles that police officers come into contact with. Field Interviews should be completed when members interview subjects whose actions, or mere presence under suspicious circumstances, warrant police attention.

**Note:** Field Interview Reports result from a “stop” as defined in the Criminal Procedure Law, and are completed to provide a retrievable record that may have current, or future, usefulness in developing information in regard to criminal activity. See Manual index under “**Stop and Frisk**” for further on conducting a “**stop**”, and justification of a “**frisk**” for weapons.

2. Procedure after procurement of Field Interview report information:
  - a) Complete PDCN Form 78.
  - b) Call Field Interview into Case Offense.
  - c) Forward the completed PDCN 78 to RCPD Anti-Crime Unit for inclusion into the IMPACT database files.

**Sec: 3.5125**

**Title: Gangs**

**Standard: N/A**

**Authority: General Order 06 - 043**

**Effective: 07/10/2006**

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**I. PURPOSE:**

The purpose of this directive is to provide police personnel with relevant Gang information, and intelligence gathering procedures to be followed when members have occasion to come into contact with Gang members, or suspected Gang members.

**II. POLICY:**

Gang-involved activity information sharing is critical to effective law enforcement crime suppression planning, resource allocation, and officer safety. It is therefore the policy of the Rockville Centre Police Department to gather, and disseminate to police personnel, relevant intelligence information on suspected or known Gang members, and their activities, which may become known as the result of police contacts with such individuals.

**III. BACKGROUND:**

Though "Gang-involved" criminal activity is not some new phenomenon, there is a growing perception that such groups have become more pervasive and menacing than at any time in the past. It is now recognized that Gang organizations successfully recruit new members and associates from across all socioeconomic, ethnic and racial boundaries, and no longer confine their criminal conduct only to, or around, the urban areas of the nation. The rising suburban Gang membership observed by the law enforcement community over the past decade or more poses a real and growing problem in almost every Long Island community today. One need only to look at the news headlines of Gang related shootings and other street violence to understand that this threat to the community represents the gravest challenge to date for the police, other than perhaps extremist religious terrorism. A concerted multi-pronged effort by the entire law enforcement community aimed at intelligence gathering, suppression, investigation, and community relations, is now necessary to combat these gangs and the criminal activities associated with them.

**IV. DEFINITIONS:**

1. **Criminal Gang:** a group of people following a common code of conduct, having common beliefs and identifiers, existing in a semi-structured organization or hierarchy, and attempting to accomplish their goals through criminal activity.

1. **Criminal Gang Member / Associate:** a person involved with a criminal gang who either bears a tattoo that represents a specific gang or states his or her membership in a specific gang. In addition, a combination of two or more of the following items can establish criminal gang association in a specific criminal gang and two or more of these on three or more occasions can establish criminal gang membership in a specific criminal gang:
  - a. Subject wears clothing that contains the color or symbols of a specific criminal gang;
  - b. Exhibits jewelry that represents a specific criminal gang;
  - c. Displays hand signs or other gestures or speaks a slogan of a specific criminal gang;
  - d. Associates with known criminal gang members at established criminal gang locations or hangouts;
  - e. Is identified as a gang member by a reliable informant, a family member, or by another gang member or rival gang members.
  - f. Has information meeting any of these criteria verified by a law enforcement agency.
2. **Gang Involved Crime:** any criminal acts, including but not limited to those involving gang members or gang associates, committed for the benefit or furtherance of any criminal gang.

## V. INFORMATION RESOURCES:

- A. The department maintains three separate Gang Intelligence Information Reference Books at the Service Desk, as follows:
  1. **General Information “Gang Book”:** this looseleaf binder contains a list of police “Points of Contact” (POC) for Gang Unit personnel, general information on gang symbols and graffiti, and background information on the below listed Gangs:
    - 1) Bloods
    - 2) Crips
    - 3) Jamaican Posses
    - 4) Lafamilia
    - 5) Latin Kings
    - 6) Los Primos
    - 7) MS – 13
    - 8) Amongst others

2. **NCPD Gang Investigation Squad Intelligence Reports Book:** this looseleaf binder contains daily intelligence briefing reports on specific gang members received from the NCPD Gang Investigation Squad. At the rear of this binder is a separate section that contains information of gang members who are active, or reside, in Rockville Centre.
  3. **Gang Related Information Book:** this looseleaf binder contains information received from federal authorities identifying current gang crime trends and other information of interest to police personnel on gang activity, symbols, and signs.
- A. **IMPACT - MASTER NAME RECORD:** this computer record will display data entered as a result of a subject's prior contacts with the RVC Police Department.

## VI. PROCEDURE:

- A. **Street Encounters:** when an officer comes into contact with a known or suspected gang member(s) pursuant to a field investigation, the officer should question the subject to gather information that has intelligence value in regard to the subject's identity, his activity, and the gang that he is affiliated with. The subject's name, address, DoB, a description of any unique gang identifiers such as tattoos or graffiti, and the circumstances of the contact, shall be captured on a "Gang Contact Report" [see sample report last page] and submitted through channels along with any other reports taken, e.g., Field Interview, Case Report, etc.
1. **Gang Contact Reports:** shall be the subject of entry into the IMPACT Master Name Record with all pertinent information included. A copy of the report shall be faxed to the NCPD Gang Investigation Squad [fax 573-7991], and the original Gang Contact Report shall be forwarded to the Anti-Crime Unit. An A/C Unit member shall review these Contact Reports and determine if there is any relevant information which should be disseminated to patrol force personnel. Such information shall be made the subject of a notice (Form PD 72 or Memorandum) to be distributed and/or read at turnout. The original Contact Report shall then be filed in the Anti-Crime Unit office.

1. **Photographing Gang member(s) who are NOT under arrest:** known or suspected gang members may be lawfully photographed by police in the following circumstances:

- If the subject consents to being photographed. This may be done at the Stationhouse or “on the street”.
- A picture may be taken of a subject who is in a public area if the subject is not ***involuntarily*** posed for the picture. That is, a police officer who observes a gang member may freely take his photograph. The subject need not consent, or even know that his picture is being taken.
- A picture may be taken of a subject who has been lawfully stopped, pursuant to CPL Sec. 140.50 (*a Terry Stop*). The picture may be taken even if the subject does not consent.

**Note:** a police officer may not detain a gang member without (at least) “reasonable suspicion”.

**Note:** as photographing of suspect youths on the street may be perceived by the community at large as an abuse of police authority, or a form of harassment, members should exercise sound judgment when deciding that a subject photo is warranted for intelligence purposes.

A. **Arrest of Gang Members:** when an individual identified as a gang member is arrested, the officer of record shall contact the NCPD Gang Investigation Squad [573-7047] to obtain relevant information on the subject and/or to arrange for a member of the GIS to respond to conduct a debriefing of the gang member in custody. GIS personnel are available 7 days a week between 0800 – 0100 hours.



**Sec: 4.7900**

**Title: Article 3 – (General Rules)**

**Standard: N/A**

**Authority: Police Manual**

**Effective: 01/01/2006**

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**Rule 1.**

Every member of the Police Department is subject to the Rules and Regulations of the Department.

**Rule 2.**

- 1) A police officer regularly performing patrol duty, shall proceed to his designated post, or relieving point, without unnecessary delay, inspect his post immediately, remain constantly alert and observant, note any condition thereon requiring police attention, and take appropriate action.
- 2) A police officer is charged with the enforcement of all laws and ordinances, especially those relating to public morals, vice, gambling, intoxicating liquors, and other substances. He is also responsible for the proper maintenance of Departmental equipment, traffic control equipment of all types, street lights, public highway, curb and sidewalk conditions within the boundaries of the post to which he is assigned, and he shall report, through official channels, any condition requiring attention. He shall also provide safeguards, when necessary.

**Rule 3.**

A supervisory officer is charged with the enforcement of all laws and ordinances, and the enforcement of the Rules and Regulations. He is charged with the proper condition, and maintenance, of equipment assigned to himself or his command. He shall report promptly any condition, or incident, requiring the attention of superior officers.

**Rule 4.**

All members of the Department shall maintain themselves in good physical condition, so that they can handle the strenuous physical contacts often required of a law enforcement officer.

**Rule 5.**

A member of the Department shall treat as confidential the official business of the Police Department. He shall not talk for publication, nor be interviewed, nor

make public speeches, nor impart information relating to the official business of the Department to anyone, except under due process of law, and as directed, or with the expressed permission of the Commissioner.

**Rule 6.**

A member of the Department found guilty of violating the Rules and Regulations of the Department; or the provisions of any order or orders; or disobedience of orders; or of being intoxicated while on duty, or while in uniform; or of conduct unbecoming an officer; or who is convicted in a court having criminal jurisdiction, may be dismissed from the Department, or suffer such other punishment as the Police Commissioner may direct, in accordance with the disciplinary procedure enumerated in Article V of these Rules and Regulations.

**Rule 7.**

Disorder or neglect that is prejudicial to good order, efficiency, or discipline within the Department, though not specifically mentioned in the Rules and Regulations, shall subject members found guilty thereof, to punishment at the discretion of the Police Commissioner. Any such punishment directed by the Commissioner shall be in accordance with the disciplinary procedure enumerated in Article V of these Rules and Regulations.

**Rule 8.**

During the temporary absence, or disability, of the Commissioner, when there has been no special designation made by competent authority, command shall automatically devolve to the senior ranking executive officer of the Police Department.

**Rule 9.**

Members of the Department shall maintain in good order all required equipment, and shall have a clean and neat regulation uniform when required.

**Rule 10.**

Members shall perform their duties in an efficient and orderly manner using patience and discretion at all times.

**Rule 11.**

Members subpoenaed, or requested to testify on behalf of the defense in any criminal prosecution; or on behalf of the plaintiff or defendant in any civil matter in which the Village, Town, County, or State is a party thereto; or who receive a

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“Notice to Appear for Examination” to determine their qualifications for service as a juror, or to appear as a “Juror”, shall immediately report the receipt of such subpoena, request, or notice, to the Commissioner of Police, before entering into any discussion of the matter and/or appearing in regard thereto.

**Sec: 3.5140**

**Title: Hate Crimes**

**Standard: 44.2**

**Authority: General Order 11-039 (Hate Crimes)**

**Effective: 06/29/2011**

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**I. PURPOSE:**

This policy is designed to assist members in identifying and investigating hate crimes and assisting victims, residents and visitors to the Village. A swift and strong response by law enforcement can help stabilize and calm the community as well as aid in a victim's recovery.

**II. POLICY:**

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by this Department and will be given high priority. This Department shall employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this Department shall be mindful of and responsive to the security concerns of victims and their families.

**III. DEFINITIONS:**

A. New York State Penal Law §485.05 Hate crimes.

1. A person commits a hate crime when he or she commits a specified offense and either:

- a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

2. Proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph (a) or (b) of subdivision one of this section.

For purposes of this section:

- a) the term "age" means sixty years old or more;
- b) the term "disability" means a physical or mental impairment that substantially limits a major life activity.

The crimes that can be charged under the Hate Crime statute are listed at the rear of this policy.

. Penal Law § 240.31 Aggravated harassment in the first degree.

A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct, he or she:

1. Damages premises primarily used for religious purposes, or acquired pursuant to section six of the religious corporation law and maintained for purposes of religious instruction, and the damage to the premises exceeds fifty dollars; or
2. Commits the crime of aggravated harassment in the second degree in the manner proscribed by the provisions of subdivision three of section 240.30 of this article and has been previously convicted of the crime of aggravated harassment in the second degree for the commission of conduct proscribed by the provisions of subdivision three of section 240.30 or he or she has been previously convicted of the crime of aggravated harassment in the first degree within the preceding ten years; or
3. Etches, paints, draws upon or otherwise places a swastika, commonly exhibited as the emblem of Nazi Germany, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property; or
4. Sets on fire a cross in public view; or
5. Etches, paints, draws upon or otherwise places or displays a noose, commonly exhibited as a symbol of racism and intimidation, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property.

Aggravated harassment in the first degree is a class E felony.

C. Penal Law § 240.30(3) Aggravated harassment in the second degree.

A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, he or she:

- (3) Strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct.

Aggravated harassment in the second degree is a class A misdemeanor.

The additional crimes that can be charged under the Hate Crime statute are listed later in this policy.

#### **IV. PROCEDURES FOR RESPONDING TO HATE CRIMES/BIAS INCIDENTS:**

A. Goals:

1. Officers shall conduct a thorough and complete preliminary investigation in all suspected and confirmed hate crime incidents and assist the local prosecutor.
2. Officers should make every effort to become familiar with organized hate groups operating in the community and police contacts should be documented via appropriate report {i.e. Case Report, Field Interview, etc. (Refer to CASE REPORT PROCEDURES - section 3.4100 of the RCPD Police Manual)}.

B. Initial Response Procedures:

Initial responding officers at the scene of a suspected hate crime shall take preliminary actions deemed necessary, including, but not limited to, the following:

1. Secure the scene. Steps should be taken so that the initial situation does not escalate. This includes but is not limited to:
  - a. Stabilizing injured victims and requesting medical aid.
  - b. Providing protection to victims and witnesses by increased police presence.
  - c. Protect the crime scene for collection and photographing of physical evidence such as hate literature, spray paint cans, and symbolic objects used by hate groups, such as swastikas and crosses (Refer to CRIME SCENE DUTIES - section 3.4300 of the RCPD Police Manual).
2. Identify criminal evidence on the victim if applicable.
3. Request the assistance of a translator or counselor when necessary.
4. Request the assistance of a supervisor and NCPD Detective (Refer to DETECTIVE INVESTIGATIONS – section 3.4500 of RCPD Police Manual).
5. Conduct a preliminary investigation and record information on;
  - a. the identity of suspected perpetrators,
  - b. the identity of witnesses, including those no longer at the scene,
  - c. prior bias-motivated occurrences in the immediate area or against the same victim. Consult the Nassau County Bias Crimes Coordinator during business hours and via the Main Desk Detective Unit during non-business hours. If the Bias Crimes Coordinator is unavailable call the NCPD Asset Forfeiture/Intelligence Unit for further guidance.
  - d. statements made by suspects; exact language is critical.
6. Arrest suspected perpetrators if probable cause exists.
  - a. Conduct interview and attempt to establish motive.
  - b. Consult with prosecutor via the Nassau County District Attorney's EARLY CASE ASSESSMENT BUREAU - if there is a question as to proper criminal charges.
7. Take measures to ensure that necessary preliminary actions have been taken and brief the responding supervisor as to those actions.

During your investigation, look for possible signs that the incident may be a hate crime:

- a. The motivation of the perpetrator or lack of motive.
- b. Statements made by the perpetrator.

The presence of multiple perpetrators.

d. The display of offensive symbols, words or acts.

e. Was any hate literature found in the possession of the suspect?

f. Is the victim the only person of a particular group at a park or facility?

g. Is the victim from a different racial, ethnic, religious group than the perpetrator?

h. The absence of any motive. The brutal nature of a particular incident could denote a hate crime, particularly when the perpetrator and victim don't know each other.

i. The perpetrator's perception of the victim, whether accurate or not.

j. The date, time or circumstances of the occurrence, such as on a religious holiday, or an event occurring at a gathering of a group of people affiliated by ethnicity, religion, sexual orientation, etc.

k. Multiple incidents occurring in a short time period and all the victims were of the same identifiable group.

l. Were the real intentions of the perpetrator racial, color, religious or ethnic oriented, or were there other reasons such as pranks, unrelated vandalism, or a dispute arising out of a non-bias related disagreement?

m. Incident occurred in proximity to an establishment that could be associated with one of the protected classes.

n. The perpetrator targeted a particular portion of the victim's body; i.e. Sikh victims forcibly having his hair cut, or a victim targeted for his/her sexual orientation being attacked near or around his or her genitalia.

o. The victim's perception that he/she was selected because they are a member of an identifiable group.

8. 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. Even the mere perception that the incident may be motivated by bias shall necessitate a notification to a patrol supervisor.

9. Be cognizant of dual motivation by some suspects. Example: A suspect may be looking to commit robberies but specifically targets elderly victims.

10. Note that an attack against a transgender victim could be covered under sexual orientation or gender.

#### C. Supervisory Responsibilities:

The supervisor shall confer with the initial responding officer(s), take measures to ensure that necessary preliminary actions have been taken, and make appropriate departmental notifications as necessary. The supervisor shall request any appropriate additional personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim.

a. Express the Department's official position on the importance of these cases, and describe the measures that will be taken to apprehend the perpetrators.

b. Express the Department's interest in protecting victims' anonymity whenever possible.

c. Allow the victim a period in which to express his or her immediate concerns and express his or her feelings.

d. Communicate with concerned community-based organizations, civic groups, and religious institutions regarding the suspected or confirmed bias incident.

e. Identify individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, a family clergyman or Departmental chaplain, as well as community service agencies that provide victim assistance, shelter, food, clothing, child

care, or other related services. Provide information regarding New York State Crime Victims Board (Refer to CRIME VICTIMS - section 3.4350 of the RCPD Police Manual).

f. Tell the victim about the probable sequence of events in the investigation and prosecution.  
g. Explain security measures and precautions to the victim.

2. Ensure that officers conduct a thorough preliminary investigation.

3. Ensure that all relevant facts are documented on a case report (and arrest report if necessary) and make an initial determination as to whether the incident should be classified as a hate crime.

4. Notify the Duty Officer, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

5. Take preventive measures to ensure the safety of the victim.

#### D. Investigator's Responsibilities:

Members will work in conjunction with NCPD First Squad Detectives at the scene of an alleged hate crime (Refer to DETECTIVE INVESTIGATIONS – section 3.4500 of RCPD Police Manual).

#### E. Case Report Preparation:

Case reports should clearly indicate the following information:

- a. Offense – Hate Crime designated Penal Law
- b. Victim age, gender, race, and ethnicity (when victim(s) is an individual(s))
- c. Offender age, gender, race, and ethnicity (when available)

The narrative portion of the report should document that the victim(s) was intentionally selected or that the act was intentionally committed because of a belief or perception regarding such victim's race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation. The specific bias motivation of the perpetrator should be documented (Ex: selected victim because he was Hispanic, Jewish, Muslim, etc...)

#### F. Arrest Processing:

The Hate Crimes law is a sentencing enhancement statute. Thus, when the specified crime is a misdemeanor or a class C, D, or E, felony, the hate crime shall be deemed to be one category higher. For example, if a defendant is alleged to have committed an Assault in the second degree, which is a "D" felony and it is alleged that the assault was a hate crime, then upon a conviction the assault is deemed to be a "C" felony and the sentence imposed will be based upon the sentencing range for a "C" felony. "A" and "B" felonies charged as hate crimes stay the same but are subject to higher penalties.

It is important to realize that a class A misdemeanor charged as a hate crime is deemed a class E felony. This may affect the manner in which the case is handled (e.g., assistance from NCPD First Squad, consultation with ECAB {see page 4}, arraignment, bail, grand jury).

Reporting of hate crime arrests is statutorily required. It is essential that if an individual is being charged with a hate crime, the arrest is properly coded.

When an arrest is being processed for a hate crime, you are required to use the penal law code with the letter "H" to highlight and make the distinction. The letter "H" is applied to the subdivision of the PL section. In those cases where no subdivision exists, a double zero is used with the letter

“H”. Use caution when using automated booking system (Impact, Swift Justice, etc.) to ensure that the correct offense is selected.

Examples:

1. PL section 120.00, subdivision 1 – Assault 3rd = 120.00(01H), when it is a Hate Crime
2. PL Section 140.15 – Criminal Trespass 2nd = 140.15 (00H), when it is a Hate Crime

Note: Do not use the letter H when you are not charging a hate crime or the arrest will be reported as a hate crime arrest by DCJS.

Accusatory Instrument:

1. As the Legislature made clear in the language of Penal Law section 485.00, the victim of a hate crime is society as a whole. It is apparently for that reason that the hate crime statute does not require specification of any particular person, only “a person.” It is the attribute of the protected class (i.e., sex, race, sexual orientation, etc.), not the name of any particular individual member or members of that class which is of importance. Accordingly, the manner in which to allege a hate crime is to set forth the particular attribute of the protected class which is claimed to have motivated the defendant, and not name any particular person or persons. The indictment can simply allege that the defendant committed the underlying crime in whole or in substantial part because of a belief or perception of the race, or sex, or sexual orientation, etc, of “a person.” Likewise, when alleging aggravated harassment in the first degree, the accusatory instrument need only allege prohibited conduct directed toward a class of individuals.

2. The accusatory paperwork filed with the court should also list the “H” designator. The narrative portion of the accusatory incident must include the elements and facts of the crime that demonstrate that the victim was intentionally selected or the act was intentionally committed because of a belief or perception regarding such person’s race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation.

Records Room Personnel (under the direction of the Executive Officer or his designee): Assist department in complying with state hate crime reporting requirements and submit all incidents of reported hate crimes to DCJS each month using the State form 3294 (see Attachment A). Forms must be submitted each month. If no hate crimes were reported, departments must complete the form by checking the “Nothing to Report (NTR)” box.

G. Community Relations and Crime Prevention:

Hate crimes are viewed in the community not only as a crime against the targeted victim(s), but also as a crime against the victim’s identification group as a whole. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report those crimes. This is particularly important if an upward trend has been identified in these crimes. Towards this end, this Department’s community relations function, or members so assigned, shall perform the following:

1. Provide victim(s) with a point of contact to whom they can direct questions or concerns, and keep them informed of the case progress including the end result of the investigation or prosecution (i.e. RCPD member or NCPD Detective assigned).
2. Protect the privacy of the victim and their families as much as possible.

3. Provide any direct assistance reasonably possible and referral assistance to the victim and the family of the victim.
4. Meet with neighborhood groups, residents in target communities and other identified groups, to allay fears, emphasize the agency's concern over this and related incidents, reduce the potential for counter-violence and reprisals, and provide safety, security, and crime prevention information. (Youth Officer/Crime Prevention Officer).
5. Engage the media as partners in restoring victimized communities through sensitive and accurate reporting. Information regarding hate crimes should be prepared for the media in an accurate and timely manner. (Public Information Officer).
6. Conduct public meetings or forums designed to address the community-wide impact of hate crime and violence in general. (Youth Officer/Crime Prevention Officer).
7. Establish liaisons with formal community-based organizations and leaders to mobilize resources that can be used to assist victims and prevent future hate incidents and crimes. (Youth Officer/Crime Prevention Officer).
8. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children. (Youth Officer/Crime Prevention Officer)

Sources:

International Association of Chiefs of Police (IACP) Model Policy.  
 New York State Police Policy.  
 Clinton County Sheriff's Department General Order.  
 State of New York Attorney General's Hate Crime: Manual for Prosecutors.  
 Nassau County Police Department Procedure.  
 New York City Police Department Hate Crimes Task Force.  
 Westchester County Department of Public Safety Crime Analysis Unit Section 273.01 (3) of the Laws of Westchester County.  
 New York City Anti-Violence Project.  
 Westchester District Attorney's Office.

Hate Crime – Specified Offenses:

- 1- Article 120
  - a) Assault 1st, 2nd and 3rd
  - b) Aggravated Assault Upon a Person Less than Eleven Years Old
  - c) Menacing 1st, 2nd and 3rd
  - d) Reckless Endangerment 1st and 2nd
  - e) Stalking 1st, 2nd 3rd and 4th
- 2- Article 125
  - a) Manslaughter 2nd, P.L. 125.15, sub 1
  - b) Manslaughter 1st, P.L. 125.20, sub 1, 2 and 4
  - c) Murder 2nd
- 3- Article 130
  - a) Rape 1st, P.L. 130.35, sub 1
  - b) Criminal Sexual Act 1st, P.L. 130.50, sub 1

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Sexual Abuse 1st, P.L. 130.65, sub 1

- d) Aggravated Sexual Abuse 2nd, P.L. 130.67, sub 1a
- e) Aggravated Sexual Abuse 1st, P.L. 130.70, sub 1a

4- Article 135

- a) Unlawful Imprisonment 1st and 2nd
- b) Kidnapping 1st and 2nd
- c) Coercion 1st and 2nd

5- Article 140

- a) Criminal Trespass 1st, 2nd and 3rd
- b) Burglary 1st, 2nd and 3rd

6- Article 145

- a) Criminal Mischief 1st, 2nd, 3rd and 4th

7- Article 150

- a) Arson 1st, 2nd, 3rd and 4th

8 - Article 155

- a) Petit Larceny
- b) Grand Larceny 1st, 2nd, 3rd and 4th

9- Article 160

- a) Robbery 1st, 2nd and 3rd

10- Article 240

- a) Harassment 1st
- b) Aggravated Harassment 2nd, P.L. 240.30, sub 1, 2 and 4

And any attempt or conspiracy to commit the above listed offenses.

**Sec: 1.1150**

**Title: Personnel Hiring Procedure**

**Standards: 11.1,  
12.1, 12.5, 12.6, 12.7, 12.8, 12.9**

**Authority: Memorandum 17-034  
Police Manual**

**Effective: 04/10/2017  
Effective: 01/01/2006**

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**I. PURPOSE:**

The intent of this directive is to establish a formal policy and comprehensive guidelines to ensure equal employment opportunity for all applicants, members, and employees of the Department.

**II. POLICY:**

It is the policy of the Rockville Centre Police Department to recruit well-qualified people to perform the many necessary tasks that ensure superior law enforcement services are provided to the citizens of Rockville Centre. In so doing, all local state, and federal laws and regulations shall be complied with.

The Department requires that candidates accepted for law enforcement officer positions meet or exceed the following standards:

A. "Medical and Physical Fitness Standards and Procedures for Police Officer Candidates" established by the Municipal Police Training Council and/or current applicable law (9 NYCRR Part 6000).

A licensed physician or practitioner must use valid and non-discriminatory procedures to examine each candidate and determine if they meet this standard.

B. Age requirements as per Civil Service Law Section 58 and/or other applicable law.

C. An emotional stability and psychological fitness screening is conducted for all police officer candidates (new hires, rehires and lateral appointments; the Department does not employ part-time officers). The evaluation must be done by a qualified professional:

In cases of rehires and lateral appointments, psychological testing conducted by another law enforcement agency may be used provided the testing was done within a one year time period immediately preceding appointment.

**III. PROCEDURE:**

- A. The Village of Rockville Centre will ensure equal employment opportunity.
- B. This objective calls for the elimination of discrimination in employment because of sex, color, religion, national origin, age, and to have a work environment free of discrimination.
1. **Civil Service Test:** The Director of the Nassau County Civil Service Commission will advertise civil service tests to be given for Police Officer positions in accordance with Civil Service Law. Each applicant must pass a written Civil Service examination that is designed by the Civil Service Commission. Each applicant must allow the Civil Service Commission to take his/her thumbprint.
  2. The Director of the Nassau County Service Commission will provide the Police Commissioner with a list of fully qualified candidates to fill existing vacancies.
- C. **Background Investigation:** The Nassau County Police Department (through established Headquarters Tax agreement) will conduct a complete and thorough background investigation for each candidate for a sworn position (entry level and lateral appointments) or any civilian candidate with access to law enforcement sensitive information.
- A background investigation must include, but not be limited to:
1. Fingerprint-based Criminal History Record;
  2. Family;
  3. Education;
  4. Residences (past and present);
  5. Work Record;
  6. DMV Record;
  7. Military Record;
  8. County Records such as liens and judgements;
  9. Organizations and Affiliations;
  10. References and Social Contacts, and;
  11. Credit Record
- D. **Physical Fitness Screening Test:** Each applicant will be required to pass a physical fitness test which will be given by the Nassau County Civil Service Commission. In addition, an agility test will be required of all applicants, which also will be conducted by the Nassau County Civil Service Commission.
- E. **Psychological Testing:** Applicants will undergo psychological testing in accordance with Nassau County Civil Service Commission procedures.

- A. **Personal Interview:** Applicants will be interviewed by the Executive Officers of the Department as appointed by the Commissioner of Police. Upon completion of these interviews, recommendations will be made to the Commissioner who will make the final decision in accordance with Civil Service Law.
- B. The Police Commissioner will review all available information and then make a recommendation to the Mayor and Board of Trustees.
- C. **Oath of Office:** All candidates selected for appointment will take, and sign, an oath of office to enforce the law and uphold the Constitution of the United States and the Constitution of the State of New York.
- D. **Probationary Period:** Appointments shall be probationary for a period of time determined by Civil Service Law. All members on probation will be evaluated a minimum of three times by a supervisor before completing the probationary period.
  - 1. To obtain permanent status, all state required training must be successfully completed as prescribed by law. In addition, any other training the Commissioner of Police deems necessary shall be completed before appointment to permanent status.

If the conduct, services, performance of duty, physical condition, or health is, or becomes unsatisfactory, at any time during the probationary period, the Commissioner of Police may terminate the individual's employment without a hearing.

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**I. HOMELESS PERSONS:**

The Nassau County Department of Social Services, 110 County Seat Drive, Mineola, provides emergency assistance, and housing, for financially eligible individuals and families – contact at 24 hour hotline after normal business hours 572-3143. During normal business hours call 571-4817.

**Sec: 2.2600**

**Title: Incident Management-Continuity of Operations Plan Standards: 58.1, 58.2, 58.3**

**Authority: General Order 16-004  
Police Manual**

**Effective: 01/29/2016  
Effective: 01/01/2006**

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**I. PURPOSE:**

To establish general procedures for responding to incidents requiring immediate decision making to control the incident.

**II. POLICY:**

The policy of the Police Department is to protect human life, and provide for the safety of citizens. It is the goal of the Department to establish control of incidents by reacting quickly, and committing sufficient resources to accomplish the task. Successful control is accomplished through a coordination of effort initiated by the first officer, and continued by any member who assumes command.

**III. DEFINITIONS:**

1. An **Incident** is any situation which involves the response of Department personnel, and which requires a coordination of activities.
2. A **Critical Incident** is any incident of an unusual, or severe, nature that both:
  - a) causes the loss of human life, threatens the safety of citizens, or causes severe property damage, and
  - b) requires extensive, or extraordinary, measures to stabilize and/or control.

**Note** - A critical incident requires the response of a supervisor.

3. **Incident Command System (ICS)** – the manner in which activities are coordinated at an incident scene. See Manual index under “**Incident Command System**” for further details.

**Note** - Coordination is needed at an incident when the situation requires 3 or more police officers (or other agency members).

**Incident Commander** – the member of the Force charged with the coordination of an incident, and who is responsible for overall incident activities, including the

1. implementation of strategic decisions and approving the ordering, or releasing, of resources.

**Note:** The following two elements of responsibility are required of the Incident Commander because they are critical to the successful management of any incident:

- a) he must remain at the Command Post, making it the focal point of decision making, and
- b) he must delegate tasks to other personnel, which will enable him to concentrate on coordination of the incident.

## I. PROCEDURES:

A. **Initial response:** The first responding officer assesses the situation, and initiates the ICS if the incident requires the coordination of activities. The first responding officer, or post-man, assumes the role of Incident Commander until relieved by appropriate authority. The Initial IC will request the proper assistance, and the Patrol Supervisor, to respond to the incident. He will remain the Incident Commander until the Patrol Supervisor, or other competent authority from this agency, arrives and assumes command. The IC will initiate steps to mitigate the incident, and notify Headquarters of:

1. The nature of the incident.
2. The response needed for control of the incident.
  - a) The initial IC should coordinate the response of his assistance in order to facilitate immediate goals, including:
    - 1) Isolation of the scene.
    - 2) Isolation of the surrounding area.
    - 3) Containment of the incident.
    - 4) The initiation of other procedures as necessary, such as: Crime Scene Duties, Fire Department response, Detective response.
    - 5) Evaluation of the need for a supervisor.

**Note:** The initial IC should remain at the scene coordinating incident related activities until the incident has ended, or until relieved by a superior officer.

**Note:** See also Manual index under “*Emergency Mobilization*” for details on mobilization procedures, mutual aid, and Village disaster plans.

- A. **Supervisory response:** upon arrival the supervisor should debrief the initial IC, and assume command, and
1. Assess the actions of the initial IC.
  2. Request additional assets if necessary.
  3. Ensure that a Critical Incident Log has been established and maintained.
  4. Identify priorities in the incident, and make appropriate adjustments.
  5. Keep Headquarters informed about the situation.
  6. Establish the following:
    - (a) Command Post
    - (b) Outer perimeter
    - (c) Staging Area

**Note:** In a critical incident it may become necessary to obtain additional resources from NCPD. In such event, the fastest, and most efficient, manner for the accomplishment of this task is to contact the NCPD CB Supervisor. He can make the fastest notification to obtain such assets as ESU, HAZMAT, Fire Martial, BSO, Aviation, Highway, Mounted Unit, Hostage Negotiation Unit, etc. The Detective Division can make most other necessary notifications (CSSS, Special Squads, etc.).

**Note:** ALL Critical Incidents must be the subject of a Duty Officer notification.

**Note:** Incidents of such magnitude that they may require a drastic response from NCPD may also require the assumption of command by another IC, e.g., a train wreck, huge fire, or WMD Incident. Briefing the oncoming IC is of paramount importance. The supervisor must remain available as a liaison officer or subordinate commander to the IC. This may become a tricky endeavor in that there may be many individuals that want to issue orders and not assume command. **DO NOT** relinquish command as the IC, unless another IC of equal, or greater, rank definitively states that they assume the role of Incident Commander. The Rockville Centre Supervisor will ultimately be held responsible for completion of the assignment. In many instances, Critical Incidents will be handled by the Rockville Centre Fire Department, and the Fire Chief will ultimately become the Incident Commander. Integration of Fire and Police Units will become a challenge with the addition of NCPD units.

**Note:** The Incident Commander must continually evaluate the incident to

determine if it has escalated to a “limited area disaster”. (A “Limited Area Disaster” is an incident that cannot be controlled through the normal deployment of Rockville Centre Police and Fire personnel.) A Limited Area Disaster will require the assistance of Nassau County Police, and Fire, Personnel. See Manual index under “**Limited Area Disaster**” for copy of NCPD protocol.

A. **Demobilization** - depending on the size of the critical incident, it will eventually be demobilized (hours, days, or weeks). The Incident Commander will determine that the incident has been controlled, and begin demobilization in the following manner:

- 1) Directs the opening / reopening of areas that were closed, or evacuated, when safe to do so.
- 2) Assesses the need for personnel, equipment, and services.

**Note:** When incidents involve personnel from other agencies or organizations, consultation with the ranking members of those agencies and organizations should occur prior to demobilization.

- 3) Determines if a change of Incident Commander is appropriate for demobilization.
- 4) Releases equipment and services that are no longer necessary.
- 5) Ensures personnel are debriefed before they are released.
- 6) Releases personnel who are no longer needed, giving consideration to those that have been deployed for the longest period of time.
- 7) Critiques the handling of the incident.
- 8) Ensures the preparation of all required reports.

B. **Conclusion** - Critical incidents, and the Incident Command System, are an integral part of Police employment. It is incumbent on all police personnel to familiarize themselves with the Incident Command System, and to be able to act as an Incident Commander, even during routine incident occurrences. Police officers employ the ICS on almost a daily basis, from serious auto accidents to fire scenes. Those incidents that are critical in nature will require the response of personnel with more experience in Incident Management.

## **General Order 16-004 Continuity of Operations Plan**

The Rockville Centre Police Department has prepared a comprehensive and effective Continuity of Operations Plan to ensure that essential operations can be performed during an emergency situation that may disrupt normal operations. This plan was developed to establish policy and guidance to ensure the execution of mission-essential functions and to direct the relocation of personnel and resources to an alternate facility capable of supporting operations. The plan outlines procedures for the delegation of authority, alternate operations and communications locations, an alternate communications plan, management of vital records and a recovery to normal operations.

The purpose of this plan is to provide a framework for the Rockville Centre Police Department to respond to and recover from an internal or external emergency that may impact the ability of the department to conduct normal operations. This plan establishes a concept of operations, strategies and tactics to guide agency preparedness, response and recovery activities to ensure uninterrupted agency operations.

The Rockville Centre Police Department has essential operations and functions that must be performed, or rapidly and efficiently resumed, in a disaster or emergency. Emergency events can quickly interrupt, paralyze, and/or destroy the ability to perform these essential operations. While the impact of these emergencies cannot be predicted, planning for operations under such conditions can mitigate the impact of the emergency on our personnel, our facilities, our services, and our mission.

The policy of the Rockville Centre Police Department is to protect human life, and provide for the safety of the citizens of Rockville Centre. It is the goal of the Department to guide its members who respond to disasters, and ensure that their actions are coordinated with the actions of other responding agencies.

These essential functions include, but are not limited to:

1. Maintain telephone communication lines for the public to reach the department for emergency calls.
2. Continuation of emergency police services and law enforcement in an environment that is threatened, diminished or incapacitated.
3. Respond to the scene of any disaster or unusual occurrence pursuant to section 2.26 of the Rockville Centre Police Department Manual.
4. When necessary, initiate emergency personnel activation pursuant to section 3.49 of the Rockville Centre Police Department Manual.
5. Notify village officials, media and other service providers in the event that the Rockville Centre Police Department primary facility has been temporarily relocated.

### **ASSUMPTIONS**

- A major emergency or disaster could happen at any time.
- The Village maintains a comprehensive Village Emergency Action Plan that is activated during times of emergency and/or disaster.
- All members of the Rockville Centre Police Department have received Incident Command System training, as outlined by the U.S. Department of Homeland Security.

- The Rockville Centre Police Department, as well as the Village of Rockville Centre, has adopted the established practices of the National Incident Management System (NIMS), as outlined by the U.S. Department of Homeland Security.
- A major emergency or disaster could happen at any time.
- Adverse conditions could cause a much larger than expected demand for certain services, internal and external to the Department.
- The COOP plan may be activated at any time with little advance notice or warning.
- An emergency condition may require immediate activation of the COOP and the relocation of operations to a designated alternate location.
- Mobile communications capabilities may be used in the interim during relocation until interoperable communications can be re-established at an alternate location.
- The alternate location will be adequately staffed and operational within 12 hours.
- The alternate operations location may need to remain operational for an extended period of time.
- A majority of systems supporting daily Department functions may not be available.
- Emergency Management Assistance and state and federal resources may not be available within the first 72 hours of activation.
- In an emergency, outside assistance could be interrupted or unavailable.
- Following the declaration of an emergency or crisis requiring relocation, non- emergency Department activities may be discontinued.
- During an emergency or disaster, the Rockville Centre Police Department has access to all of the resources provided by the Nassau County Police Department and the Nassau County Office of Emergency Management.

#### AUTHORITY AND CHAIN OF COMMAND

The Police Commissioner or his designee has the authority to activate the COOP plan. In the event that normal chains of command are disrupted and there are no Executive Staff members present, the most senior Sergeant on duty will temporarily assume command until relieved in accordance with normal organizational structure (Inspector or Lieutenant in command) and a Duty Officer notification shall be made to the designated Executive Staff member.

In the event of a COOP plan activation, the Police Commissioner or his designee shall notify the Village Administrator of the Village of Rockville Centre of the activation and the nature of the emergency warranting the activation.

#### ALTERNATE OPERATIONS AND COMMUNICATIONS LOCATION

The alternate operations location shall be the Rockville Centre Village Hall located at 1 College Place, Rockville Centre, New York 11570. The primary landline at this location is (516) 678-9300. Computer and communications equipment that will be assembled at that facility will give the agency the ability to maintain communications and continue to provide emergency police services.

Equipment pre-positioned at the Rockville Centre Village Hall will include:

1. Computers
2. Cable TV access
3. Internet access
4. Landline telephones
5. Weather monitoring capability

## 6. Fax machine

Additional equipment to be transported will include:

1. Cellular telephones
2. Handheld portable radios
3. Laptop computers

## CONTINUITY OF COMMUNICATIONS

The policy of the Police Department is to maintain efficient and professional inter and intra-departmental communications, and to comply with all applicable procedures and guidelines as directed by the Commissioner of Police, the Federal Communications Commission (FCC), EJusticeNY computer system, and section 2.195 of the Rockville Centre Police Department Manual.

All police radio transmissions are conducted through a series of pre-positioned, 500 MHZ digital-trunked, encrypted, radio repeaters located throughout Nassau County. This radio system, owned and maintained by the Nassau County Police Department, provides the Rockville Centre Police Department access to two dedicated talk groups for use by the Rockville Centre Police Department, as well as access to many other talk groups that are used by the Nassau County Police Department and other Village/City law enforcement agencies, as well as the Nassau County Office of Emergency Management.

In the event that a single radio repeater stops functioning normally, the system is designed to provide backup coverage to maintain radio communications. As a further backup, in the event that the entire system of 500 MHZ radio repeaters stops functioning, Rockville Centre Police headquarters and every Rockville Centre Police vehicle is outfitted with a radio capable of conducting communications on a dedicated VHF radio frequency, connected through a radio repeater system with repeaters located at Rockville Centre Police headquarters and Molloy College (located within the Village boundaries).

## VITAL RECORDS AND DATABASES

Vital records and databases identified as critical to supporting mission essential functions, both paper and electronic, have been identified and will be maintained, updated and stored in secure offsite locations.

Personnel and financial records are regularly updated by the Village of Rockville Centre Human Resources and Comptroller's Offices and secured offsite and may be made available on request.

Emergency operating records and databases as well as the Rockville Centre Police Department's internal electronic records management system (RMS) are backed-up daily and maintained offsite and are accessible via computer network access.

## RECOVERY TO NORMAL OPERATIONS

As soon as possible (within 24 hours) following a COOP plan activation and/or relocation, the Police Commissioner will initiate operations to salvage, restore and recover the primary Rockville Centre Police Department headquarters. A return to normal agency operations will commence when the Police Commissioner determines that the emergency situation has ended and is

unlikely to reoccur. Once this determination has been made, one or a combination of the following options may be implemented, depending on the situation:

- Continue to perform mission essential functions at the alternate facility.
- Begin an orderly return to the primary Rockville Centre Police Department Headquarters
- Begin to establish plans for normal operations at a different primary facility.

#### TRAINING AND REVIEW

Copies of this plan will be made available to all personnel for review and training. A test of the COOP plan will be conducted every two years along with the Department emergency personnel activation plan.

**Sec: 1.0700**

**Title: Media Relations**

**Standards: 28.1, 28.2, 28.3**

**Authority: Police Manual**

**Effective: 01/01/2006**

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**I. PURPOSE:**

The purpose of this directive is to define the Department's policy and procedure for the distribution of public information.

**II. POLICY:**

The Department recognizes the importance of a free press and the public service provided by the news media. The Department actively seeks to establish a cooperative climate in which the news media may obtain information on matters of public interest. However, at times, certain information must be withheld from the news media in order to protect the constitutional rights of person(s) involved, to avoid interfering with a Departmental investigation, or because it is legally privileged information.

All Department personnel are to cooperate with members of the media regarding departmental operations and activities consistent with this order.

Any requests received from media personnel seeking statistical information shall be answered only by the Commissioner, or his designee.

The public information function is the responsibility of all Police Department members, however under certain circumstances that function will be exercised only by the Commissioner, or other members designated by the Commissioner.

**III. PROCEDURE:**

- A. In order to promote cooperation between the news media and the Department, the Commissioner of Police or his designee is the authorized "Public Information Officer" (PIO) and all media inquiries shall be directed to the Office of the Police Commissioner. When this can not be done, the inquiry shall be directed to the Duty Officer.

**Note:** Under no circumstances shall members provide information for a press release without authorization from the Police Commissioner or his designee.

**Note:** All media inquiries shall be handled politely. This Department, and the Village, have an established Public Information Program/Policy in place that is intended to provide accurate, consistent, and timely release of appropriate

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- information, and a polite, short explanation should suffice in re-directing media inquiries to the appropriate office.
- B. It is the function of the Public Information Officer to handle inquiries, either written or verbal, from the media regarding aspects of Department functions or duties.
  - C. It is the Public Information Officer's responsibility to prepare written news releases pertaining to departmental activities.
  - D. The Public Information Officer is responsible for the content of the news released during any interviews in which he participates.
  - E. The Public Information Officer will obtain information of major incidents investigated by the Department, and will make the information readily available to the news media.
  - F. **Release of Information:**
    - 1. Whenever the news media requires information on routine matters, they may receive the information by telephone.
    - 2. Department personnel may release information to news media personnel on the telephone after such media personnel have provided their name, name of their employer, and telephone call back number.
    - 3. In the event the member of the Department is uncertain as to the identity of the caller, he/she shall make a return call to the media agency by the telephone number listed in the telephone directory.
    - 4. The indiscriminate and uncoordinated release of information to the news media is prohibited, even if such information is not considered unusually sensitive.
  - G. **Non Criminal Incident:**
    - 1. A copy of each incident report will be made available to the media at Headquarters. In the event that no report has been taken, a member of the Department may release details of the incident. The individual releasing the information to the news media shall take the reasonable steps to ensure the accuracy of the information.
    - 2. In case of a death, victim identification shall be withheld pending notification of family. Inquiries may be referred to the Medical Examiner's Office.
  - H. **Criminal Incident:**

1. Prior to the arrest of a suspect, or before formal charges have been filed, only the following information may be disclosed:
  - a) That the Department believes that a crime has been committed and is presently investigating the circumstances.
    - 1) Only the Commissioner of Police, or his designee, may authorize the release of information that is necessary to alert the public in regard to measures that should be taken for their personal protection.
    - 2) Only the Commissioner, or his designee, may authorize the release of composites and/or suspect photographs to the media or to neighborhood groups, after first ensuring that no victim information, or past criminal history of the suspect, is contained therein.

**I. Warrant Issued/Arrest Executed:**

1. Once a warrant has been issued, or an arrest made, Department members shall not disclose the following:
  - a) Any prior criminal record of the accused, or the implication of a prior record.
  - b) If a prior conviction exists, only the Commissioner, or his designee, may release this information.
  - c) The existence of any comments, or lack of comments, by the accused (Commissioner or designee may release this in concurrence with the ADA).
  - d) The identity or address of any witness.
  - e) The possibility of the defendant pleading guilty to the offense charged, or to a lesser offense.
  - f) Any opinion, stated or implied, as to the guilt or innocence of the accused.
  - g) Statements as to the character or reputation of a suspect, witness, or victim.
  - h) Any possible connection with any uncharged crime or crime pattern.
  - i) The results of, or refusal, to take any test/examination, except in the case of DWI.

a) The identity of a victim of a sex crime.

**J. The highest ranking officer at a scene may release the following information:**

1. The facts and circumstances surrounding an arrest; the time and place of the arrest; whether the officers encountered any resistance; whether the defendant was armed.
2. The identity of the arresting or investigating officers and their assignment.
3. A brief description of seized evidence.
4. A brief description of the offense charged.
5. The scheduled time of appearance in court.
6. A request for assistance of the media in order to obtain additional information.
7. A short factual statement concerning an arrested suspect's name, age, residence, and occupation:
  - a. Discretion should be exercised in revealing names of a suspect's family, so as not to cause unnecessary suffering for persons not directly involved with the crime.
8. The amount of bail necessary to secure the defendant's release.

**K. Information, such as that listed below, should NOT be released regardless of the status of an incident being investigated by this Department:**

1. The prior criminal record, or references to the character or reputation of involved persons.
2. The existence of any confession, admission of guilt, or statement of the accused, or the failure or refusal by the accused to make a statement.
3. The results of any examination or tests conducted, or a refusal by involved persons to submit to any examinations or tests.
4. The identity, testimony, or credibility of any prospective witness.
5. Any opinion of agency personnel regarding the guilt or innocence of the accused.

1. Any opinion of agency personnel regarding the merits of the case or quality of evidence.
  2. Personal information concerning the victim, or any information concerning juveniles.
  3. Any inflammatory statement that might have a detrimental impact on the investigation, or prosecution, of the case – such inflammatory statements may include:
    - a) the mental state of the suspect,
    - b) explicit details of a particularly hideous crime,
    - c) generalizations in regard to race, sex, religion, or national origin.
- L. Once the prosecution of the defendant has commenced, all inquiries shall be referred to the District Attorney's Office.
- M. Coordination with other law enforcement agencies, when officers of this Department are working in conjunction with another agency, shall be the responsibility of the agency in control of the investigation for release of information to the news media, subject to prior agreement between agencies and authorization by the Commissioner.
- N. **Juvenile Offenders** - incidents or arrests involving juveniles shall be handled in the same manner as adults, except that suspect names, addresses, photographs and other identifying information shall not be released.
- O. **Youthful Offenders** – incidents, or arrests, involving persons who may be eligible for "youthful offender" status shall be handled in the same manner as adults. Youthful offender status is a judicial determination and cannot be made by members of the Department. Discretion relative to the publication of information identifying an individual who may potentially be a youthful offender is the responsibility of the news media.
- P. **Witnesses / Victim** - members may counsel both witnesses and victims of their right to refuse news media interviews, but shall not interfere with any news media representative's pursuits of information. However, such interviews may not interfere with the Department investigation.
- Q. **Access to Incident / Crime Scenes** - News media representatives may be granted access to the outer perimeter of a scene except as follows:
1. Where open access to the area will interfere with the investigation. In such

circumstances, the ranking officer (OIC) may establish police lines and restrict entry, should such restrictions become necessary. The circumstances requiring such a closure should be explained, and access should be granted to news media as soon as practical. The preservation of evidence and public safety shall be of paramount importance.

2. When the Department is in control of a private dwelling, private area, or other areas generally not open to the public, permission must be obtained, not only from the highest ranking officer in charge of the scene, but also from the person having authority or control over such premises.

**R. Photographs:**

1. Members of the news media and the public may take pictures of events that occur in public places. In any location other than a public place, photography shall be allowed at the discretion of the officer in charge, or person having control over the premises.
2. Suspect photographs will not be released without authorization of the Commissioner.
3. Members shall not pose any suspect/defendant or witness for photographing by the media.
4. Departmental photographs may be released to the news media only by the Commissioner of Police, or his designee.

- L. Department / Media Cooperation at Scenes** - When it is necessary to exclude any member of the news media from the scene of an incident, it shall be done with tact, in a professional manner, and when possible, an explanation for such action shall be provided.

**M. Fair Trial Free Press Guidelines:**

1. While remaining in compliance with the New York State Fair Trial Free Press Guidelines, access to police reports must be carefully scrutinized by Department members. The rules for access to police reports apply to anyone regardless of their status. We have an obligation to protect the integrity of a case, victims, witnesses, evidence, and defendants who potentially could be found not guilty.
2. Open cases under investigation are not subject to disclosure, for other than basic information.
3. Suspect information should not be made available to anyone other than

police personnel who aid in the investigation.

4. The law permits an agency to withhold records that are compiled for law enforcement purposes, and which, if disclosed would:
  - a. Interfere with law enforcement or judicial proceedings.
  - b. Deprive a person of a right to a fair trial or impartial adjudication.
  - c. Identify a confidential source, or information regarding a criminal investigation.
  - d. Reveal criminal investigative techniques or procedures, except those that are routine.
  - e. When disclosure would endanger the life or safety of others.
  - f. Records that are inter/intra agency communication except statistics.
  - g. Instructions to staff that affect the public.
  - h. Final policy determinations.
    1. Other specific types of restricted information include:
      - a) Coroner's Records
      - b) Autopsy Reports
      - c) Police Officer Personnel Records
      - d) Mental Health Records
      - e) Grand Jury Proceedings
      - f) Police Records Regarding Juveniles
      - g) Arrest Records of Persons
      - h) When charges are dismissed
      - i) Employment Records
      - j) Motor Vehicle Registrations

- a) Pre-sentence Reports
- b) Public Assistance Records
- c) Child Abuse
- d) Drug Abuse
- e) Victims of Sex Crimes under 18

1. The above list does not represent all protected documents. In some instances, a person has the right to access the records of an investigation in which he/she is the victim.
2. We have a moral and legal obligation to maintain and protect persons from unwarranted invasions of personal privacy. If you are not sure, then temporarily deny the request rather than risk unlawful disclosure.

**Note:** All requests made under the Freedom of Information Act shall be referred to the Village Administrator.

**Sec: 3.5900**

**Title: Mediation Alternative Program**

**Standard: N/A**

**Authority: Memorandum 02 – 104**

**Effective: 11/20/2002**

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**I. PURPOSE:**

The purpose of this directive is to provide guidance, and procedures, for members to follow in regard to making referrals of certain types of disputes to the “Mediation Alternative Project” sponsored by the Education and Assistance Corporation.

**II. BACKGROUND:**

For some time now, this Department has been a participant in the cost-free Mediation Alternative Project (MAP) Community Dispute Resolution Center, which serves families, schools, and the community at large to resolve a wide array of disputes. The program offers binding arbitration as an alternative to arrest in situations where officers respond to calls which involve circumstances where summary arrest seems inappropriate, but some type of formal resolution is needed. This mediation process is free of charge, informal, confidential, and gives all parties a full opportunity to explain everything they feel is relevant. It involves assisting both parties to reach a mutual agreement as to how issues will be resolved.

**III. PROGRAM:**

**A. Types of Disputes that can be brought to Mediation:**

1. Community related disputes (neighbor disputes, landlord/tenant disputes, youth involved vandalism, harassment, and so forth).
2. Family conflicts.
3. Parent / child conflicts (PINS).
4. Minor criminal matters.
5. Animal complaints.
6. Consumer complaints.

**Note:** This service represents another tool for police officers. The Mediation Alternative Project is located at 50 Clinton Street, Suite 102, Hempstead, New York (tel. 516-489-7733 / fax 489-7532).

**A. Prerequisites for Referral:**

1. The dispute must involve non-felony criminal, or minor civil, claims.
2. The parties must be 18 years of age or older, if not, they must be accompanied by an adult.
3. Both parties must be willing to voluntarily submit the dispute to a trained, neutral party.
4. In instances where only one party is present, you may still proceed to make a referral.

**Note:** There is no requirement for both parties to sign the referral form. As long as the names and addresses of both parties to the dispute are contained on the form, signed or not, the “Mediation Alternative Project” will contact the parties involved in the dispute, and offer them the alternative mediation.

**B. Referral Sources:**

1. District Attorney’s Criminal Complaint Unit
2. District Court
3. Family Court
4. Village Court
5. Police Departments
6. Social Services Agencies
7. Private Attorneys
8. Private and Public Schools
9. Walk-ins to the Project Headquarters

**C. Police Officer’s Actions:**

1. Document the incident via a Case Report, or Blotter entry (as appropriate).
2. Issue the multi-party referral form (similar to a UTT).

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1. Obtain signatures, if possible, on multi-party form.
  2. Provide the parties with copies of the completed referral form, and Mediation Alternative Project information brochures.

**Note:** Brochures and referral forms have been made available at the Service Desk, and members should carry several of each as a part of their personal inventory of forms.

3. The completed referral form, and any associated reports documenting the event, should be forwarded to the Records Unit.
4. The Records Unit shall forward the appropriate copy of the referral form (Indicated on Form) to the Mediation Alternative Project.

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**Sec: 1.0750**

**Title: Mission Statement**

**Standard: 1.1**

**Authority: Police Manual**

**Effective: 01/01/2006**

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

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

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

**Sec: 3.6100**

**Title: O/C Pepper Spray**

**Standard: (Supplement to - 20.6)**

**Authority: Memorandum 95 - 007**

**Effective: 07/24/1995**

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**I. PURPOSE:**

The purpose of this order is to establish guidelines for the use of Oleoresin Capsicum (OC) aerosol restraint spray.

**II. POLICY:**

The Department has authorized the use of O/C aerosol restraint spray to provide officers with additional use-of-force options for gaining compliance of resistant, or aggressive, individuals in arrest, and other law enforcement situations.

**III. PROCEDURES:**

**A. Authorization:**

1. Only officers who have completed the prescribed course of instruction on the use of O/C are authorized to carry the device.
2. Officers whose normal duties / assignments may require them to make arrests, or supervise arrested persons, shall be required to carry Department authorized O/C canisters while on duty.
3. Uniformed officers shall carry only Department authorized O/C canisters in the prescribed manner, on the duty belt. Non-uniformed officers may carry O/C in alternative devices, as authorized by the Commissioner.

**B. USAGE CRITERIA:**

1. O/C Spray is considered a use of force, and shall be employed in a manner consistent with the Department's Use-of-Force Policy. O/C is a force option following verbal compliance tactics on the use-of force continuum.
2. O/C may be used when:
  - a) Verbal dialogue has failed to bring about a subject's compliance, and
  - b) the subject has signaled his intention to actively resist the officer's efforts to make the arrest.

1. Whenever practical, and reasonable, officers should issue a verbal warning prior to using O/C Spray against a suspect.
2. An officer may use deadly force to protect himself/herself from the use, or threatened use, of O/C when the officer reasonably believes that DEADLY FORCE WILL BE USED AGAINST HIM/HER if he/she becomes incapacitated.
3. Once a suspect is incapacitated, or restrained, use of O/C is no longer justified.

A. USAGE PROCEDURES:

1. Whenever possible, officers should be upwind from the suspect before using O/C, and should avoid entering the spray area.
2. An officer should maintain a safe distance from the suspect, of between two (2) and ten (10) feet.
3. A single spray burst of between one and three seconds should be directed at the suspect's eyes, nose, and mouth. Additional burst(s) may be used if the initial, or subsequent, burst proves ineffective.
4. Use of O/C should be avoided, if possible, under conditions where it may affect innocent bystanders, and/or other law enforcement officers.

B. EFFECTS OF O/C AND OFFICER RESPONSE:

1. Within several seconds of being sprayed by O/C, a suspect will normally display symptoms of temporary blindness, have difficulty breathing, a burning sensation in the throat, nausea, lung pain, and/or impaired thought processes.
2. The effects of O/C spray vary among individuals. Therefore, all suspects shall be handcuffed as soon as possible after being sprayed. Officers should also be prepared to employ other means to control the suspect – to include, if necessary, other force options consistent with Department policy – if he/she does not respond sufficiently to the spray, and can not otherwise be subdued.
3. Immediately after spraying a suspect, officers shall be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to, breathing difficulties, gagging, profuse sweating, and loss of consciousness. Upon observing these, or other medical problems, or if the suspect requests medical assistance, the officer shall immediately summon emergency medical aid.

Suspects that have been sprayed shall be monitored continuously for indications of medical problems, and shall not be left alone while in police custody.

1. Officers should provide assurance to suspects who have been sprayed that the effects are temporary, and encourage them to relax.
2. Air will normally begin reducing the effects of O/C spray within 15 minutes of exposure. However, once the suspect has been restrained, officers shall assist him/her by rinsing, and drying, the exposed area.
3. Assistance shall be afforded to any individuals accidentally exposed to O/C spray who feel the effects of the agent. All such incidents shall be reported as soon as possible to the officer's immediate supervisor, and shall be detailed in the case report.

A. REPORTING PROCEDURES:

1. Accidental discharges, as well as intentional uses of O/C spray against an individual in an enforcement capacity, shall be reported to the officer's immediate supervisor as soon as possible.
2. The incident Case Report shall record all discharges of O/C spray, except during testing, training, malfunction, or accidental discharge (not affecting a person).

B. INITIAL O/C SPRAY DEVICES AND REPLACEMENTS:

1. Only authorized O/C spray devices can be carried by Department personnel while on duty.
2. Replacement of O/C spray canisters shall occur when the unit is less than half full, as determined by weighing the canister.
3. O/C canisters shall be inspected, and weighed, at the firing range during firearms qualification. A record of this fact shall be maintained by the Department's Training Officer.
4. Unexplained depletion of O/C canisters shall require an investigation, and written report, by the officer's supervisor to the Police Commissioner.
5. The initial canister, and holder, will be supplied by the Department. It will be each member's responsibility to replace expended canisters.

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**O/C Pepper Spray Administrative Warning**

**(To be given to any person exposed to O/C)**

1. You have been contaminated with Oleoresin Capsicum (O/C), a natural product derived from Cayenne Peppers. I am going to treat you to reduce the discomfort you are feeling, as long as you cooperate.
2. O/C is non-toxic, and the effects will dissipate in a short time. The effects of O/C may, however, mask, or cover, other medical conditions, including overdoses, or toxic levels, of drugs like cocaine, amphetamines, barbiturates , PCP, opiates, heroin, or alcohol.
3. I am going to ask you five questions for your own safety. Not answering my questions, withholding information, or giving false or misleading answers could delay medical treatment, and may seriously jeopardize your health and safety.

**Question 1** – Are you currently under the influence of cocaine, amphetamines, barbiturates, PCP, opiates, heroin or alcohol?

**Question 2** – Have you taken cocaine, amphetamines, barbiturates, PCP, opiates, heroin, or alcohol in the last 8 hours?

**Question 3** – Do you normally take any illegal drugs, or prescription drugs? If yes, which one(s)?

**Question 4** – Do you have heart problems, lung problems, diabetes, high blood pressure, or any other serious medical conditions? If so, which one(s)?

**Question 5** – Do you have any allergies? If so, to what?

Did you answer my questions truthfully?

**Sec: 3.6200**

**Title: Parking – Enforcement / Exemptions**

**Standard: N/A**

**Authority: Police Manual**

**Memorandum 77 – 013 (Attachment of Ticket)**

**Memorandum 84 – 003 (Disabled Vehicles)**

**Memorandum 92 – 004 (Prohibited Parking)**

**General Order 74 – 007 (Tractor/Trailer Parking Violations)**

**Memorandum 96 – 062 (Disposition of Parking Tickets)**

**General Order 05 – 018 (Overnight Parking – Municipal Fields)**

**Effective: 01/01/2006**

**Effective: 04/01/1977**

**Effective: 06/19/1984**

**Effective: 02/05/1992**

**Effective: 05/31/1974**

**Effective: 08/23/1996**

**Effective: 02/24/2005**

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**Memorandum 77 – 013**

(Attachment of Parking Summonses to Vehicles)

**I. Attachment of Parking Ticket to Vehicle:**

1. To prevent Parking Tickets from being blown away from the ticketed vehicle, members shall not affix such tickets under door handles or between door and fender seams. All Parking Tickets shall be placed under the windshield wiper blade of the ticketed vehicle.

----- (End Memorandum 77 – 013) -----

**General Order 74 – 007**

(Tractor/Trailer Parking Violations)

2. In the performance of parking violation enforcement throughout the Village, members are instructed to issue individual parking violation Appearance Tickets to both vehicles, when such vehicles are tractor/trailer combinations and observed as parking violations.

In the preparation of the parking ticket, the type of vehicle shall be described in the appropriate space on the face of the ticket, whether it is the tractor or trailer.

The parking tickets shall both be attached together to the tractor when the combination is physically attached together. When the vehicles are unattached, the ticket is to be attached to the appropriate vehicle in a visible place.

----- (End General Order 74 – 007) -----

I. **Overnight Parking – (Disabled Vehicles / Guest Passes / New Driveways):**

A. **Authorization for Overnight Parking:**

**Memorandum 84 – 003**  
(Overnight Parking of Disabled Vehicles)

1. **Disabled MV:** When receiving inquiries on parking disabled motor vehicles overnight, the Desk Officer will inform the person making the inquiry that they must respond to the Stationhouse and complete a “DISABLED VEHICLE CERTIFICATION” form. The Desk Officer shall then make an entry in the Daybook (red book) on the proper date, and forward the disabled vehicle certification form to the records room. Said disabled vehicle must be legally parked re: stopping zone, left side to curb, etc., and must be removed within twenty-four (24) hours.

----- (End Memorandum 84 –003) -----

2. **Guest Pass:** may be issued to out of town guests to authorize parking on the street **for a maximum of 3 consecutive nights**. The issuance of such pass will require the Desk Officer to note same in the Day Book (Red Book), recording the location where the vehicle is to be parked, the make of vehicle, and the plate number. The individual to whom the pass is issued is to be told to display such pass conspicuously in the windshield of the vehicle, with the date and plate number visible.

**Note:** To accommodate resident needs, the Desk Officer may issue such pass to a resident in advance of the arrival of the out of town guest. This is not to be encouraged as a regular practice; however, occasionally such action shall be authorized.

3. **New Driveways:** Authorization to park household vehicles in the street may be given to homeowners to accommodate the construction of a new driveway. Such authorization shall be **for no more than five (5) consecutive nights**, and shall require the Desk Officer to make entry in the Day Book (Red Book) listing the address, number of vehicles, makes, and plate numbers. Supervisors shall assign the post-man to check and verify the driveway construction, and the vehicles parked.

**Note:** Authorization to park in the street for longer than five (5) days, due to long term construction projects, may be authorized by the Commissioner of Police, or his designee. Whenever such authorization has been made, an entry shall be made in the Daily Dairy / Special Attention List for as long as the accommodation is deemed necessary, and shall be removed when the construction has been completed.

**I. Prohibited Parking of Commercial Vehicles:**

**A. Streets and Highways:**

**Memorandum 92 – 004**  
(Prohibited Parking – Commercial Vehicles)

**1. Residential Zones A & B:**

- a) Vehicles bearing “Commercial” Registration plates are prohibited from parking on the streets and highways in residential zones A & B within the Village. The Village Code Section 309-1 “**Delegation of Regulations to Police**” provides for the Police Commissioner to “prohibit, restrict, or limit stopping, standing or parking of vehicles”. This section of law is where the enforcement authority exists in regard to commercial vehicles being parked **on the streets and highways**. Due to the authority given to the

Police Commissioner under this section of law, it is not necessary that all specific parking regulations be covered individually in a local law. For enforcement of such violations, members are to complete a parking ticket using the “Other” or “Improperly Parked” designations on the ticket, listing the section of law as (**V.C. 309-1**), and noting on the face of the ticket, above the schedule of fines, “Commercial Vehicle Parked - Zone “A (or B)”.

----- (End Memorandum 92 – 004) -----

**Note:** this *is not* meant for commercial vehicles parked on streets and highways while actually engaged in doing business.

**B. Private Property:**

**1. Residential Zone “A”:**

- a) Commercial vehicles are strictly prohibited from parking on private property in any portion of residential Zone “A”. The authority for this is derived from the Village Code Section **340.45 (B)** (Parking on Private Property - Residential Zone “A”).
- b) **Enforcement - Commercial Vehicles Parked on Private Property in Residential Zone “A”:** A violation of this section of the “Land Use – Zoning Codes” is normally enforced by a police officer, or Building Department employee, issuing an Appearance Ticket for the violation. However, without the violator being present to receive such ticket, the offense cannot be enforced in this manner. Therefore, to expedite the enforcement process when the violator is not present, or to avoid

unnecessarily having to wake a household late at night, members shall enforce this Zoning Code violation by the issuance of a "Parking Ticket" placed on the commercial vehicle that is parked on private property. As with such violations on the streets and highway, the member shall indicate "**Other**" on the Ticket, listing the section of law as (**340.45 B**), and noting on the face of the ticket above the schedule of fines "Commercial Vehicle on Private Property - Zone A".

**Note:** this *is not* meant for commercial vehicles parked on private property while actually engaged in doing business.

**1. Residential Zone "B":**

- a) Most Commercial vehicles (*but not all*) are prohibited from parking on private property in residential Zone "B". The authority for this is derived from the Village Code Section **340.21 (B)** (Parking on Private Property - Residential Zone "B"). The exception to this parking prohibition in Zone

"B" is that *one or two family homes* may park *no more than one (1)* commercially registered vehicle (*of no more than ¾ ton capacity*) on their property.

**Note:** *multi-family homes* (more than two families) within Zone "B" are prohibited from parking any commercial vehicles on their private property.

- b) **Enforcement** – Commercial Vehicles Parked on Private Property in

Residential **Zone "B"**: shall be accomplished in the same manner as described above for residential Zone "A", except that the section of law to be cited on the face of the parking ticket shall be (**V.C. 340.21 B**).

**2. Other Residential Zones:**

- a) The Land Use Zoning for the Village encompasses five (5) additional zones other than the two listed above. Most all of these zoning codes refer to Urban Renewal Housing areas, and any parking enforcement in regard to commercial vehicles on private property should be referred to the Building Department for clarification as to zoning, and specific parking restrictions.

**I. Disposition of Parking Tickets:**

**Memorandum 96 – 062**  
(Disposition of Parking Tickets)

Members of the Department are reminded that only the Village Justice can void a parking ticket. Once a parking ticket is written (even if partially completed), it becomes the jurisdiction of the Village Court and Village Justice.

The Police Commissioner is the only Department member authorized to request that a parking ticket receive "special consideration" by the Village Justice. This request can only be made in appropriate circumstances, only when the police issued the ticket IN ERROR.

Effective immediately, all members will adhere to the following policy:

1. Members will complete a "Parking Ticket - Request for Special Consideration" form whenever a parking ticket has been issued inappropriately. Listed below are some examples:

- a) Vehicle was legally parked, and parking ticket was mistakenly issued.
- b) A broken, jammed, or defective parking meter is verified by the enforcement agent, or issuing officer.

**NOTE:** IN SUCH CASES THE MEMBER MUST ATTACH A COMPLETED "PARKING METER TROUBLE REPORT" (PD Form 62-2M-6/90) TO THE "PARKING TICKET - REQUEST FOR SPECIAL CONSIDERATION" FORM.

c) In those limited situations when, out of a sense of fairness, voiding a parking ticket is in the best interest of the Department, SUCH REQUEST MUST BE APPROVED BY A SUPERVISORY OFFICER.

**NOTE:** If a "Parking Ticket" is issued legally, we should NOT take it back. The only time we do take it back is if we made an error of some kind, or there are mitigating circumstances that we can explain. Basically, "WE" are not able to show "leniency or compassion" for a ticket PROPERLY written – that is the job of the courts.

2. SUPERVISORY OFFICERS will make sure all "Parking Tickets - Request for Special Consideration" forms are justified, and properly completed. Furthermore, Supervisory Officers must insure that requests made because of broken, or defective parking meters are accompanied by a "Parking Meter Trouble Report". (**Note** that these parking meter trouble reports insure meter repair.)

----- (End Memorandum 96 – 062) -----

## V. Overnight Parking – Municipal Parking Fields:

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**General Order 05 – 018**

**(Overnight Parking – Municipal Fields)**

The issuance of traffic tickets and parking tickets remain part-and-parcel of the "laws" we swore to enforce. It is all part of this job, and both are also directly linked to the quality-of-life that exists in any community.

With regard to the issuance of PARKING TICKETS in Village MUNICIPAL FIELDS for "OVERNIGHT" violations, remain mindful that when we issue tickets, it is usually based upon the authority of a SIGN (prominently posted) to that effect (Resident Fields, Shopper and Employee Fields all have signage to that effect, which enables this Department to issue parking tickets for violations).

IF a sign (usually located at the entrance to a municipal field) indicates that an

OVERNIGHT PERMIT is required, parking tickets should be issued by Officers assigned to the Night Shift. IF no such sign exists, the field is basically EXEMPT from overnight parking regulations.

**NO SIGNS = NO OVERNIGHT ENFORCEMENT.**

**SIGNS PRESENT = OVERNIGHT PARKING ENFORCEMENT AUTHORIZED.**

----- (End General Order 05 – 018) -----

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**Sec: 3.6250**

**Title: Patrol Function**

**Standards: 39.1, 40.1, 40.2, 40.3,**  
(Supplemented by – 51.1)  
(Supplement to – 50.1 & 51.2)

**Authority: Police Manual**

**Effective: 01/01/2006**

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**I. PURPOSE:**

- A. To set forth the policy of the Rockville Centre Police Department in regard to the duties, and procedures, for personnel assigned to patrol.

**II. POLICY:**

- A. It is the fundamental premise in law enforcement that the Patrol Force in any police agency is responsible for all police functions. The more effective the patrol force is, the less need there is for specialized units.
1. The Patrol Force is responsible for general police services throughout the Village of Rockville Centre. It is comprised of a Commanding Officer of Patrol, Shift Commanders, Tour Supervisors (Sergeants), and Patrol Officers.
  2. The Patrol Force shall provide first response to citizen requests for police services.
  3. There are six prescribed roles for patrol:
    - a. protection of life and property,
    - b. preservation of the public peace,
    - c. crime prevention,
    - d. enforcement of the laws,
    - e. arrest of offenders, and recovery of property,
    - f. service.
  4. General patrol duties include, but are not limited to:
    - a. preliminary criminal investigations,
    - b. accident investigations,
    - c. issuance of uniform traffic tickets,
    - d. enforcement of parking ordinances,
    - e. executing arrest warrants,
    - f. issuance of appearance tickets,

- f. traffic control,
- g. crowd control,
- h. crime prevention - proactive patrol,
- i. other duties as assigned by the Commissioner, or his designee(s).

### III. PROCEDURES:

#### A. Patrol Assignments – Police Officers:

1. Patrol officers are assigned to specific posts on a daily basis. It shall be the officer's responsibility to be knowledgeable of, and aware of, the boundaries of their assignment. (See index under "**Post Boundaries**")
2. Patrol officers shall familiarize themselves with the places of business, industries, or amusements within their assigned areas. They shall attempt to ascertain the hours of operation, as well as areas of congestion, hazards, dangerous conditions, as well as areas of frequent motor vehicle accidents.
3. Patrol methods should not become a matter of routine. Periodic changes in patrolling procedures, and the checking of businesses is encouraged, i.e.:
  - a) Varying the routes to, and from, assigned area.
  - b) Alternate times, and locations, for coffee and lunch periods, avoiding these during peak traffic periods.
  - c) Avoid setting habit-forming patterns.
4. With patrols operating around the clock, and often during times of adverse weather conditions, the operation of patrol vehicles shall be in accordance with prevailing conditions.
  - a) Operate at casual speeds, being observant and inquisitive.
  - b) Make periodic stops to observe conditions, and traffic flow.
  - c) Take nothing for granted. Do not hesitate to make inquiries. Always be alert for potential hazards, and/or dangers.
5. Patrols shall be observant for, and shall report, the following to the Desk:
  - a) Traffic control devices not functioning properly.
  - b) Traffic control signs down, missing, or damaged.

- a) Dangerous roadway conditions.
  - b) Electrical, or communication, wires down.
  - c) Any water leaks, or breaks, in mains.
  - d) Construction sites not properly barricaded, or lit.
  - e) Any other unforeseen dangerous, or hazardous, conditions.
6. **Security Checks of Premises** - of industrial, commercial, or residential properties is part of patrol duties. Efforts should be made to check all of these areas during the tours of duty (check defined: shall mean a physical check of doors, windows, etc, not just a visual, or drive-by, with a flashlight). Whenever property checks are done, and if the premise is found unsecured or open, the following will be done:
- a) Notify headquarters,
  - b) Request assistance,
  - c) Check building,
  - d) Secure same, or cause owner to be notified,
  - e) Complete a Case Report,
  - f) Leave written notice in a conspicuous location.
7. **Pro-Active Patrol** - whenever possible, patrol units shall cruise residential, and business areas, at a slow rate of speed. They shall acquaint themselves with local businesses and merchants. They shall also conduct street checks on any, and all, suspicious persons and/or vehicles observed. The presence of patrol unit officers in these areas may:
- a) Create good community relations,
  - b) Create a sense of security to residents,
  - c) Prevent crimes and acts of vandalism,
  - d) Develop sources of valuable information.

**Note:** See also Manual index under “**Duties and Responsibilities**”

**B. Preliminary Investigations - Patrol Officers:**

1. The preliminary investigation process is the aggregate of specific, and documented, activities performed by patrol officers immediately after a crime is brought to their attention. During this initial phase, the majority of case-solving information is developed and qualified, and the offense's solvability can be determined. The quality of the preliminary investigation effort, and the

accurate reporting of that effort directly affect the investigative outcome. Members of the Rockville Centre Police Department will conduct vigorous and thorough, investigations of all offenses observed, or brought to their attention. Patrol personnel will:

- a) Proceed to the incident scene immediately, but cautiously, being alert for possible suspect(s), or suspect vehicle(s).

**Note:** Members arriving on the scene of a crime should conduct an immediate analysis and assessment of the scene, making mental notes of what is observed.

**Note:** If an offender is at the scene, effect his/her arrest.

- b) Upon arrival, aid and comfort the victim, and secure the scene to protect physical evidence.

**Note:** Observation of the position of any aided person is important. If the aided person is obviously deceased, **do not** touch unless directed by the Medical Examiner.

**Note:** Any aided person who is the victim, or a witness, to a crime should be accompanied to the hospital by a police officer, and the following information should be noted:

- 1) condition of the aided person,
- 2) how they were transported,
- 3) what hospital they were transported to.

**Note:** Limit access to the crime scene, and establish a time-log, when a prolonged, or large personnel response is anticipated – use PDCN Form 40. (See Manual index under “**Crime Scene Duties**” for further)

**Note:** Avoid moving evidence, unless absolutely necessary to protect its value. If evidence is moved, the location where evidence is moved from must be marked. **Do not** move any weapons found at a crime scene, unless absolutely necessary. If a firearm must be moved, handle the weapon by the checkered grip, or by the sides of the finger guard. **Do not** attempt to unload a firearm, or scratch initials into a firearm. For criminal investigations involving NCPD detectives, crime scene processing shall be conducted by personnel from the NCPD Crime Scene Unit, who shall be requested to respond by the detective(s) assigned to investigate the occurrence.

- a) Locate, control, identify and separate all victims, witnesses and potential offenders. Note the following:

- 1) statements made by victims or witnesses,
- 2) Res Geste statements made by subjects.

**Note:** Determine the nature of the event being reported, such as a crime, or petty offense committed in officer's presence or not, and whether or not there is probable cause to believe that such an offense actually occurred. If there is no probable cause, consider transmitting a notification for "police information only" for any suspicious persons or vehicles that were observed leaving the location.

**Note:** If a Case Report is not needed to document a reported occurrence, the member shall record the incident information on his/her Form 70A.

**Note:** Obtain the following information on victims, witnesses, and potential offenders:

- name,
- date of birth,
- address,
- home, business, and wireless phone numbers.

**Note:** Form 32b, Supporting Deposition, should be taken as soon as practical from people with knowledge of the situation, however, not at the expense of other police functions such as securing the scene and apprehending offenders.

- b) Transmit to other police units, information of immediate relevance directed at intercepting a suspect, or suspect vehicle.

**Note:** Any initial information that is obtained from victims, or witnesses, which may assist other responding officers to intercept and apprehend a subject, or which may provide knowledge of the nature and status of the circumstances at the scene, should be the subject of a radio notification to Headquarters as soon as is practical and/or possible.

- c) Focus investigative efforts on the search for solvability factors, as outlined on the Case Report form.

**Note:** The information gathered during the preliminary investigation should be recorded on PDCN Form 32, Case Report Worksheet,

whenever possible. Use of the Worksheet ensures that all information is collected prior to calling in the case information.

**Note:** If the offender is not at the scene:

- 1) transmit an arrest notification,
- 2) search the immediate area,
- 3) respond to a known location of the offender, if feasible.
- 4) If the offender is located, effect a summary arrest.

**Note:** Referral to NCPD Detectives shall be made for:

- 1) any offender who wasn't located,
  - 2) any incident requiring detective response, including Crime Scene Search Section,
  - 3) any unusual or suspicious incidents.
- a) Obtain, and record, a complete description of any property (value, serial numbers, model, colors, etc.) that was lost, found, stolen, recovered, or damaged.

**Note:** Value is determined at the time of the incident and not the cost when purchased.

- b) Expend the amount of time necessary to conduct a thorough preliminary investigation bounded by the character of inquiry appropriate in each case, and supervisory approval.
- c) Continue the preliminary investigation until:
- 1) All useful information has been obtained from victim(s), neighbors, or other people present in the area (neighborhood canvass).

**Note:** It is important to the follow-up investigation to conduct a complete and thorough canvass. Any location that may contain persons with knowledge will be canvassed. The results of the canvass will be included in the case report, even if the results are "no one present at location" or "negative results". All persons and places canvassed shall be appropriately identified and recorded in the case report, and relevant information obtained shall be the subject of a case narrative entry. When "material information" is gathered, a 32b Supporting Deposition shall be obtained from the person with knowledge.

- 1) Advise the victim of current case status, explaining same, and how to provide additional information, if acquired.
  - 2) Offer appropriate assistance, e.g., crime prevention, victim assistance, etc.
  - 3) Where possible, the arrest of a perpetrator is effected.
- a) Conduct follow-up investigations as assigned.

**C. Supervisors - Patrol Assignments:**

1. Tour supervisors shall:

**Note:** See also Manual index under “*Duties and Responsibilities*” and “*Sergeant Desk Officer Duties*”.

- a) Conduct “**Turnout**” for the members coming on duty:

**Note:** “Turnout” shall be conducted in a manner that is consistent with military protocol, the members appearing in full uniform and standing at attention, until directed otherwise by the supervisor.

- 1) Make individual post assignments.
- 2) Assign meal periods – see Manual index under “**Meal Period**” for Department policy and procedures regarding meal period assignments.
- 3) Assign portable radios.
- 4) Brief members on all Daily Diary assignments, court, or other notifications intended for patrol force personnel.
- 5) Inspect members of the patrol force prior to deployment, for:
  - a. adherence to standards of personal hygiene, and hair neatly cut and trimmed (above the ears and collar, w/ sideburns not extending beyond the middle of the ear, mustache not extending over the upper lip, nor more than ½” beyond, or below, the corners of the mouth – see Manual Part 4, Rules & Regulations, Article 4, sub. 21),
  - b. clean neat uniform, including shined shoes (*black low quarter, or*

*other approved footwear [polished] w/ full black leather upper portion),*

- a. all standard police equipment, to include "Personal Protective Equipment" (PPE).
  - 1) Inspect patrol vehicles, and equipment, at regular intervals.
- a) Oversee all activities of patrol force personnel.
- b) Review all reports, and arrest paperwork:
  - 1) either approve, and sign-off on the submitted paperwork and forward through normal channels, or return for insufficiency to the officer of record for completion.
- c) Ensure the proper maintenance of departmental records with regard to content, accuracy, and sufficiency:
  - 1) The Patrol Supervisor, or in his absence, the Shift Commander, shall be responsible for the content of records entries made during their tour of duty. Such records shall include, but are not limited to, Blotter entries, Time Sheet entries, Bail Book entries, and any other such departmental records - see also Manual index under "**Record Logs**".

**Note:** Supervisory personnel shall evaluate the performance of individual officers with regard to their duties as Desk Officers, and shall provide any instruction necessary to maintain the records entry standards specified above.

**Note:** See also Manual index under "**Activity Report 70A & 70AS**".

- d) Ensure that all required Duty Officer notifications are performed, (See Manual index under "**Duty Officer Notifications**").
- e) Respond promptly to all requests for the presence of a supervisor.

**Note:** The following incidents require the presence of the Patrol Supervisor at the scene:

- 1) Fatal, or serious, motor vehicle accidents.

**Note:** On any fatal, or serious, accident, the First Squad and Crime Scene shall be called. In addition, a Duty Officer notification

will be made.

- 1) **Serious Crimes** - The following incidents will be an automatic response for Patrol Supervisors/Shift Commanders, and if confirmed, will be followed by the appropriate First Squad, and Duty Officer, notifications.
  - ◆ Accident involving police vehicle
  - ◆ Any Incident Where a Police Officer Requests a Supervisor
  - ◆ Armed Robbery
  - ◆ Attempted Homicide
  - ◆ Barricade/Hostage Situation
  - ◆ Catastrophe, Disaster
  - ◆ Critical Incidents
  - ◆ Homicide
  - ◆ Incidents involving Serious Injury, Death of Employee
  - ◆ Kidnapping
  - ◆ Rape, Sodomy, Assault (1<sup>st</sup> Degree Occurrences)
  - ◆ Serious Incident/Complaint involving Officer
  - ◆ Shooting Incidents
  - ◆ SLA Licensed Establishment Incidents
  - ◆ Violent Domestic Incidents w/ Parties at Scene
  
- 2) **Burglary Occurrences:** When available to respond, the Patrol Supervisor shall visit the scene of any burglary occurrence to ensure that a thorough, and complete, preliminary investigation is conducted by the officer(s) assigned. Specifically, that the scene is thoroughly searched for any signs of evidence, and/or discarded proceeds, secured and preserved, where appropriate, and that, when possible, a canvass of persons, residences, and/or business establishments in the immediate area is conducted.
  
- 3) **Unattended Deaths or Suicides** - The primary responsibility of the police is to protect the scene from being disturbed until the First Squad detectives arrive, or the Medical Examiner authorizes removal.
  - (a) The Shift Commander / Tour Supervisor shall respond to all unattended deaths.
  
  - (b) If there is any doubt as to whether a person is dead, medical aid should be summoned, and first aid administered.
  
  - (c) The officer responding will examine the scene without disturbing it,

and will note anything unusual.

(a) The area will be secured, so far as practical.

**D. Preliminary Investigations – Supervisors:**

1. Patrol Supervisors/Shift Commanders shall:
  - a) Ensure that officers conduct a thorough, and complete, “Preliminary Investigation” of assigned cases.
  - b) Ensure that officers devote a suitable amount of time to assure the quality of preliminary investigations consistent with the need to maintain other police services.
  - c) Review preliminary investigation reports as soon as possible to:
    - 1) Determine completeness in the search for solvability factors, and the justification of same (if incomplete, returned for completion).
    - 2) Assure correct crime classification, legibility, sufficiency of information, etc.
    - 3) Depending upon urgency, either immediately request a detective response, or forward to the appropriate investigative command.
  - d) Meet with the supervisor of the on-coming platoon to exchange information and if, for a valid reason, a preliminary investigation cannot be completed, pass it on for completion.

**E. Crime Scene Duties – Police Officers, Supervisors, and Detectives (See Manual index under “*Crime Scene Duties*”.)**

**F. Command Protocol – (Chain of Command):**

**Note:** see also Manual index under “*Communications Chain of Command – (Channels)*”.

1. The Commissioner of Police or, in his absence, his designee shall be in command of the Police Department.
2. The C.O. of Patrol or, in his absence, the Lieutenant on-duty shall be the designated Shift Commander, and shall be responsible for managing command issues as follows:

- a) acceptance of civilian complaints,
- b) any incident, or issue, that requires the involvement of Command level administrative personnel,
- c) approval of time-off requests,
- d) facility inspections,
- e) management of critical incidents,
- f) replacement of tour staffing re: sick / injured members,
- g) scheduling court assignments,
- h) tour overtime issues.

**Note:** Manpower issues that are routinely the responsibility of the C.O. of Administration shall be managed by the "Shift Commander", at those times when the C.O. of Administration is not scheduled for duty.

**Note:** The "Shift Commander" shall respond to any incident scene when requested by the "Tour Supervisor".

1. In the absence of a Lieutenant (Shift Commander) being on-duty, command issues shall be referred to the designated "Duty Officer", who shall be available at all times via phone, cell phone, pager, or radio.
2. Tour Supervisors (Sergeants) shall be responsible for the immediate supervision of all personnel of lesser rank comprising the staffing for a tour of duty.
3. The primary [recording] officer assigned shall be in command of an incident scene, until relieved by a superior officer.

**Note:** In most police operations, supervision is available and necessary to provide guidance and direction. Whenever a supervisor is not present, authority to coordinate the activities of police officers must be granted in order to accomplish the tasks necessary to bring the situation to a successful conclusion. Generally, authority to coordinate the activities of police officers at a police situation rests with the assigned officer. In situations where the first officer at the scene is not the assigned officer, the first officer has the authority to coordinate activities. In such cases, upon the arrival of the assigned officer, an early and effective transition of

authority to the assigned officer should be accomplished. In circumstances where an officer, not the assigned officer, clearly has greater knowledge or skill pertinent to some emergency circumstance at hand, this officer shall have the authority to coordinate the activities of police personnel, until relieved by a superior officer.

1. During incidents requiring the assistance of personnel from outside jurisdictions, the ranking on scene supervisor shall coordinate command responsibility with the senior member of the outside agency present to render assistance.

**Note:** In most instances this will involve members from specialized units of the Nassau County Police Department, and tour supervisors should be guided by the judgement of the “specialist” in managing, and controlling, the immediate circumstance.

**Note:** In routine matters involving outside jurisdiction personnel, the Tour Supervisor shall exercise command, and control, in cooperation with the ranking member of the outside jurisdiction. Unless directed to do otherwise by the Commissioner of Police, at no time will the senior ranking supervisor of this Department relinquish command responsibility to an outside jurisdiction, for other than the execution of an activity that outside agency “specialists” have been requested to perform, such as:

- a) major crime scene investigation,
- b) mass casualty incidents,
- c) specialist evidence collection,
- d) hostage negotiation,
- e) HAZMAT removal, etc.,

**Sec: 3.7350**

**Title: Vehicle Pursuits**

**Standards: 43.4, 43.5**  
(Supplement to 55.1)

**Authority: General Order 04 - 040 (Pursuit Policy)**

**Effective: 12/01/2004**

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**I. PURPOSE:**

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

**II. POLICY:**

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

**III. DEFINITIONS:**

**A. Pursuit:**

A police vehicle engaged in an attempt to stop a motorist with three conditions present:

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

**B. Pursuit Alternatives:**

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

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

likely the subject can be identified.

**A. Pursuit Conditions:**

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

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

**B. Pursuit Requirements:**

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

1. reasonable suspicion that the subject has committed a serious crime, or
2. the subject's driving is reckless, and endangering human life, or
3. the subject's actions are endangering human life.

**C. Pursuit Vehicles:**

Police vehicles equipped with emergency warning devices. Flashing or rotating lights (either portable or fixed) and a siren are minimum requirements.

1. **Primary Car:** the first police vehicle immediately following the pursued vehicle.
2. **Second Car:** the police vehicle following the Primary Car, and generally responsible for radio control.

**D. Roadblock:**

The use of barriers, that may include vehicles, to slow, or to stop, the pursued vehicle.

## **I. RULES:**

1. Members of the Force will not engage in a pursuit whenever non-force persons are in their vehicle.
2. Members of the Force must use emergency lights and siren when engaged in a pursuit.
3. Only members of the Force operating the Primary and Second Car will engage in actual pursuit.

**NOTE:** The two vehicles actually engaged in the pursuit, and the Patrol Supervisor, should be the only police units to leave the Village during the pursuit, unless members are otherwise directed by the supervisor, or Headquarters.

4. Members of the Force **MUST** terminate a pursuit once the pursued vehicle drives against the flow of traffic on a "Controlled Access Highway".
5. Members of the Force will not use their vehicle to ram pursued vehicles while in pursuit.
6. Members of the Force will not utilize roadblocks during a pursuit.

## **II. PROCEDURE:**

### **A. Police Officer justification of pursuit:**

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

### **B. Pursuit:**

**1. Member:**

- a) Initiates the pursuit, if justified, and notifies Headquarters of the following:
- b) the location and direction of travel,
- c) a description of the vehicle, and number of occupants,
- d) reason for pursuit,
- e) continually justifies the need to continue pursuit by evaluating any changing facts or circumstances.

**Notes:**

- 1) Unmarked vehicles may initiate pursuits, but they must immediately request marked units to assist, and must discontinue their pursuit once the marked units are in position to assume the Primary or Second Car positions. Unmarked units will then proceed safely to the location where the pursuit ends, and assist the marked units.
- 2) When in pursuit Police Officers should constantly evaluate pursuit alternatives, pursuit requirements, and pursuit conditions. As these change, the Police Officer must justify continuing the pursuit.

**2. Headquarters Desk Personnel:**

- a) Assigns Unit(s) to assist in pursuit.
- b) Notifies supervisor.

**3. Assisting Unit(s):**

- a) Notify Headquarters of response, and from what location responding.
- b) Apprise Headquarters when visual contact with pursuit is made.
- c) Assumes primary communications control when in position behind Primary Car.

**4. Patrol Supervisor:**

- a) Assumes coordination of pursuit, and responding units.
- b) Continually evaluates the pursuit, and terminates it when there is an

effective alternative to pursuit, or the pursuit loses justification.

**1. Crossing Jurisdictional Boundaries:**

- a) Second Car, if in position, notifies Headquarters of changing jurisdiction.
- b) Headquarters Desk personnel shall, if possible under the circumstances, contact the Command, or County CB radio operator, for the jurisdiction that the pursuit is heading into.

**c) Radio Communications – Channel Switching Outside Village Boundary:**

- 1) Due to the limited range of Headquarters Radio communications on the main band of the Village radio outside of the Village, unit(s) in pursuit shall notify Headquarters when entering another Village jurisdiction, and shall switch their Village radio to the channel labeled on the display for that Command.

- (a) Headquarters Desk personnel shall then switch the Service Desk mobile Village radio unit to the channel of the Command that the pursuing unit(s) have identified, and shall monitor the progress of the pursuit, and maintain radio contact with the unit(s) involved.

- 2) If unit(s) are entering into Nassau County jurisdiction, all involved shall switch to using the County radio on the channel for the precinct being entered (*see channel list below*), and shall be guided by the Nassau County CB supervisor regarding any additional channel changes. Members actually in the pursuit shall also switch their Village radio to the RVC Direct channel.

- (a) Headquarters Desk personnel shall switch the Service Desk mobile Village radio unit to the RVC Direct channel, and the Service Desk County radio unit to the channel identified for the precinct pursuing units are entering. Headquarters shall continue to monitor the progress of the pursuit, changing channels on the County radio as pursuing units are directed by Nassau County CB, and shall maintain radio contact with the units involved.

**Note:** Village handset radios, just the same as the RMP radio, will not communicate with each other, or Headquarters, on main band once outside the range of the signal repeaters. It is advised that units switch their handsets to the RVC Direct channel, if during the pursuit they leave the RMP for any reason.

**1. Pursuits from other Jurisdictions:**

- a) Member observing, or monitoring on radio, shall notify Headquarters, providing all pertinent information.
- b) Headquarters notifies the Patrol Supervisor of the pursuit.
- c) Headquarters shall contact the agency, or Command, initiating pursuit, and obtain the reason for the pursuit, and pursuing agency's need for assistance, if not obtained from monitoring the initial pursuing agency's communications.
- d) Headquarters notifies the Patrol Supervisor of the reason for the pursuit, and of the need for assistance.
- e) Patrol Supervisor shall decide if Department vehicles should join, or assist, in the pursuit, and notifies Headquarters.

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

- f) Headquarters shall assign unit(s) in proximity with a reasonable chance of joining, or assisting, in the pursuit.
- g) Patrol Supervisor shall respond to coordinate the involvement of Department unit(s) in pursuit.

**2. End of Pursuit:**

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- a) Member(s) stop the vehicle and notifies Headquarters of the current location, apprehends occupant(s) and initiates arrest procedures.
  - b) Member(s) notifies Headquarters and the supervisor if the vehicle has eluded pursuit, and provides details that will assist in future apprehension.
  - c) Patrol Supervisor shall respond to the location where the pursuit has ended if the subject is apprehended, or if the subject abandons the vehicle.
  - d) Patrol Supervisor shall prepare, and forward through channels to the Commissioner of Police, a report for the pursuit that includes:
    - 1) Police Officers involved.
    - 2) Reason for the pursuit.
    - 3) Maximum speed attained during the pursuit.
    - 4) Damage, or injuries, resulting from the pursuit.
    - 5) The time and route of the pursuit.
    - 6) The outcome of the pursuit, including the reason and authority for discontinuing a pursuit.
    - 7) The Case Report number involved.
    - 8) Forward a copy of the report to the C.O. of Patrol.

**A. Review:**

The Commanding Officer of Patrol shall review the copy of the report to determine if Department Procedures were followed, and if there are any training needs to be addressed.

**Sec: 3.6850**

**Title: Special Attention and Sensitive Locations**

**Standard: N/A**

**Authority: Police Manual  
Memorandum 01- 075 (Sensitive Locations)  
“ “ “**

**Effective: 01/01/2006  
Effective: 10/17/2001  
Updated: 08/02/2004**

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**I. PURPOSE:**

The purpose of this directive is to ensure that all personnel are familiarized with infrastructure locations, and institutions, that may be at hazard due to acts of terrorism, or that pose particular problems that must be addressed by intensified patrol.

**II. POLICY:**

The policy of the Police Department is to ensure that personnel assigned to patrol duties frequently check the areas on their post that have been identified by a “**Daily Diary**” entry as a “Special Attention Location”. Members shall also be aware of, and regularly inspect, all “Sensitive Locations” on their post that have been identified as potential targets for possible acts of terrorism.

**A. Special Attention Locations:**

1. Locations, and/or premises, that have come to the attention of police management as being "trouble spots" will be entered in the Daily Diary format of the IMPACT computer system. New entries will be entered as the need arises.
2. Members assigned to the Patrol Force, and Traffic Division, will enter on the back of the Motor Vehicle and Activity Report (Form 70A) the locations needing special attention on their posts.
3. During the course of their tour of duty, each member will enter the times these special attention locations are checked on the back of the Motor Vehicle and Activity Report (Form 70A), when required.

**Memorandum 01 – 075  
(Sensitive Locations)**

**B. Sensitive Locations:**

All personnel are directed to familiarize themselves with sensitive buildings and

locations on their posts, to be inspected while on patrol, in response to domestic terrorism concerns:

**1. Village Facilities:**

- a) Village Hall, 1 College Place.
- b) Electric Department (Power House) - 110 Maple Avenue.
- c) Water Department, 142 Maple Avenue. Also:
  - 1) TANK #1 - Fireman's Field.
  - 2) TANK #2 - Maple Avenue at No. Forest Avenue.
  - 3) TANK #3 - 10 Sunrise Highway; DPW Complex.
  - 4) TANK #4 - Hempstead Avenue at Molloy College.
- d) Recreation Department, 111 Oceanside Road.
- e) Department of Public Works, 10 Sunrise Highway.
- f) Sanitary Facilities:
  - 1) Facility at Seaman Avenue & Knollwood Road.
  - 2) Facility at Marlborough & No. Long Beach Roads.
- g) Fire Headquarters, 58 North Centre Avenue & all RVC Fire Houses.

**2. Other Governmental:**

- a) Electric Substation and KEYSpan Gas, S/E Corner of Ocean Avenue & Merrick Road.

**3. Houses of Worship:**

- a) Saint Agnes Cathedral & Rectory, Quealy Place – to include the St. Agnes Elementary School, 70 Clinton Avenue.
- b) Diocese Administration Building, 50 North Park Avenue.
- c) Temple B'Nai Sholom, 100 Hempstead Avenue.

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- a) Central Synagogue, 430 Demott Avenue.
  - b) All other churches/houses of worship on respective post assignments.

1. **Other:**

- a) Mercy Hospital/Ryan Medical Complexes, 1000 / 2000 No. Village Avenue.
- b) Molloy College Complex, 1000 Hempstead Avenue.
- c) RKO Twin Theater Complex - 340 Sunrise Highway.
- d) Fantasy Theater Complex - 18 No. Park Avenue.
- e) RVC Public Schools, Administration Building at 140 Shepherd Street & all RVC schools.

2. **Transportation:**

- a) Long Island Railroad Facility (LIRR Platform and Rail).
- b) MSBA Bus Facility and Garage, 50 Banks Avenue.

**Note:** a designated member of the Anti-Crime Unit has been assigned to personally visit all of the non-governmental sites, explaining our response to domestic terrorism concerns, and offering our services as a proactive law enforcement agency.

**PATROL PERSONNEL** are directed to inspect ALL of these sensitive locations on their assigned posts.

SPECIAL EMPHASIS SHALL BE MADE TO PHYSICALLY (walk through) INSPECT ALL VILLAGE WATER SITES, ELECTRIC, AND GAS FACILITIES during each daily tour of duty. For these locations (Water, Electric, and Gas), all personnel are directed to record 70A entries documenting times of inspections and results. The purpose of these inspections is to safeguard water supplies from possible contamination, as well as to safeguard power and gas.

----- (End Memorandum 01 – 075) -----

**Sec: 4.7950**

**Title: Article 4 - (Standards of Conduct)**

**Standard: 14.1**

**Authority: Police Manual**

**Effective: 01/01/2006**

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**NOTE:** see **“Rules & Regulations Article 5”** (Disciplinary Procedures) for a description of the Police Commissioner’s authority in regard to disciplinary matters, personnel suspensions, or other disciplinary measures.

**Rule 1.**

A member of the Department found guilty of any of the following acts will be considered in violation of the Rules and Regulations which govern the Police Department of the Village of Rockville Centre, New York, and will be subject to disciplinary action, including dismissal.

1. Conduct unbecoming a Police Officer. Any action, inaction, or behavior, which reflects unfavorably, or brings discredit, upon government or duly appointed representatives of government, the Police Department, other members of the Police Department, or one’s self.
2. Failure to perform a duty or carry out a lawful order, or failure to adhere to any of the directives and/or procedures enumerated in the Police Manual, or in any General Order, Special Order, Training Order, Memorandum, or any such directives and procedures as may be communicated via relevant, and appropriately authorized, Daily Dairy entry, or Departmental e-mail.
3. Disobedience of an order.
4. Insubordination, or disrespect, toward a superior officer.
5. Inattention to duty.
6. Lounging, or sleeping, on duty.
7. Being absent from duty without proper authorization.
8. Leaving a duty assignment without being properly relieved, or without proper authorization.
9. Incompetency, or inefficiency, in the performance of duty.
10. Entering any tavern, liquor store, or bar in uniform, or any part thereof, except

when it is necessary for inspection, or the immediate performance of duty.

1. Consumption of alcoholic beverages while on duty. Members in plainclothes may drink alcoholic beverages while on duty only when necessary to accomplish a police purpose when acting under specific orders of a superior officer.
2. Consumption of alcoholic beverages while in uniform, or any part thereof, whether on or off duty.
3. Intoxication, and/or impairment by drugs, while on duty.
4. Violation of any constituted law.
5. Disorderly conduct.
6. Use of improper, disrespectful, coarse, profane, or insolent language to any person.
7. Failure to treat any person civilly and respectfully.
8. Willful maltreatment of any person.
9. Knowingly make a false report, written or oral.
10. Failure to wear the regulation uniform when on duty, or on official business.
11. Failure to maintain a neat and clean appearance of self, uniform, and equipment, including failure to keep hair and mustache neatly trimmed, and face clean shaven (as per General Order 09-028):
  - a. Effective May 26, 2009, members of the service shall not obtain any tattoo, branding, cutting or any other decorative marking to their skin that is visible while a member is dressed in any Departmental Uniform. Pre-existing visible tattoos shall not be offensive, obscene, or excessive (covering more than 30% of an exposed body part). The Police Commissioner shall be the arbiter as to the offensiveness and obscenity of any skin marking. Pre-existing excessive markings, or those determined to be offensive or obscene, shall be covered by uniform apparel that adequately conceals such markings while on duty. Established uniform of the day protocol is superseded by these regulations.
  - b. Hair shall be neatly cut and trimmed above the ears and collar, with

sideburns not extending beyond the middle of the ear. Male personnel's hair shall not exceed one inch in thickness as measured from the scalp, and shall be tapered. Hair shall not be dyed or cut / styled so as to appear outstanding from the general population or to present a non-professional image.

- 1) A mustache shall not extend beyond the upper lip, or more than ½" beyond, or below, the corners of the mouth.
  - 2) Beards, goatees and ponytails shall not be allowed – a waiver may be granted for medical reasons at the discretion of the Commissioner of Police.
  - 3) Wigs or hairpieces shall not be worn while on duty in uniform except for cosmetic reasons to cover natural baldness or physical disfigurement. If under these conditions a wig or hairpiece is worn, it will conform to Department standards.
- b. Fingernails shall not exceed ¼ inch, measured from the fingertip. Nail polish is prohibited.
  - c. While in uniform, male officers shall not wear any decorative metal on their teeth, or any items of jewelry which constitute a safety hazard. In addition, excessively ornate jewelry shall not be worn, e.g. large medallions, bracelets, etc... One ring may be worn per hand. Jewelry in the form of pins or rings worn as "piercings" on any area of exposed skin, is prohibited. Earrings are also prohibited.
  - d. The uniform shall include polished black low quarter shoes, or other approved footwear [polished] having a full black leather upper portion.
  - e. All uniform articles shall be clean. In addition, uniform pants, shirts, suit jackets (blouse), and ties, shall be neatly pressed.
  - f. Personnel shall have with them, at all times, all required equipment, and shall ensure that such equipment is properly maintained in serviceable condition.
1. The use of tobacco while in uniform and in public view.
  2. Standing or walking with hand, or hands, in pockets while in uniform.
  3. Failure to maintain a proper level of physical fitness.
  4. Receiving, or attempting to receive, a fee, gift, present, or anything of value

from a person under arrest, or from someone else in behalf of the arrested person.

1. Receiving, soliciting, or attempting to solicit, a bribe in any form.
2. Publicly criticizing the official actions of a Department member, or the action of any judge, justice, or other officer of the court.
3. Dissemination, or release, of any information contained in Department records, except in conformance with Departmental orders.
4. Failure to pay a just indebtedness within a reasonable amount of time.
5. Failure to identify self by name, rank, and shield number when requested;
6. Failure to seize, record, process, and dispose of recovered, or prisoner's, property in conformance with Departmental orders and directives.
7. Failure to report, immediately, to a Superior Officer, any delinquency, dereliction of duty, violation of the Department Rules, conduct disorder, and neglect to the prejudice of good order, efficiency, and discipline, which they observe or of which they have knowledge; they will immediately bring to the attention of a Superior Officer a case in which a Member of the Department becomes unfit for duty on account of careless, improper, vicious, or immoral conduct.
8. Failure to keep their Supervisors informed of every important matter and of any action taken pertaining to those matters. Important matters include the following: a Member of the Department who appears unfit for duty, a serious complaint against a Member of the Department, important messages, and matters that require the attention of a Supervisor.
9. Failure to maintain, or properly secure, Departmental equipment issued to him.
10. Possessing, or transporting, when on duty, or on Department property, any intoxicating liquor or beer, except in accordance with Departmental orders and directives.
11. Defacing, or neglecting to protect and preserve, Departmental property.
12. Failure to obey orders concerning other employment, occupation, or profession.

1. Allowing the publication of any photograph of oneself in regulation uniform which advertises any commodity, or commercial enterprise, without permission of the Commissioner.
2. Communication or correspondence with other police agencies, or individuals, concerning police matters, except as provided by Departmental procedures.
3. Engaging in any activity, conversation, deliberation, or discussion which is derogatory of Department policy, or individuals.
4. Failure to keep Departmental vehicle in public view when assigned to radio motor patrol duty, except when authorized by a supervisory officer.
5. Concealing Departmental vehicle for the sole purpose of apprehending traffic violators, except when authorized by a supervisory officer.
6. Permitting any person not on official business to ride in a Departmental vehicle, unless specifically authorized.
7. Riding in, or on, a non-Departmental vehicle during duty hours, except when authorized by a supervisory officer, or in the pursuit of official business.
8. Operating a Departmental vehicle without proper authorization, or on other than official business.
9. Pulling, pushing, or towing any vehicle with a Departmental vehicle, except as authorized.
10. Altering Departmental equipment in any way, except as authorized by the Commissioner.
11. Carrying any rifle, shotgun, machine gun, or gas gun, or substituting for the regulation service firearm, any weapon, or adding a concealed auxiliary hand gun not authorized by the Commissioner; carrying, or using, any cartridge or round not issued by the Department, or authorized by the Commissioner.
12. Unnecessary or unlawful use, or display, of weapon.
13. Failure to report the discharge of a weapon by the following means:
  - a) Orally, and immediately, to a supervisory officer;
  - b) in writing to the Commissioner without unnecessary delay.

1. Selling, giving, lending, or disposing of a dangerous weapon as outlined in the Penal Law of New York State contrary to the provisions and/or the Rules and Regulations of the Department.
2. Giving an opinion to a violator, or suspect, as to fine or penalty.
3. Giving an opinion regarding bail, except by those specifically authorized to give bail.
4. Failure to take, act, or record complaints, except as prescribed by Departmental orders or directives.
5. Removing, altering, or changing any official Departmental record, except as provided for in Departmental orders or directives.
6. Issuing any device which purports to grant special privilege to the holder.
7. Displaying in any manner non-Departmental or Departmental decals, posters or pictures in, or on, any Departmental property or equipment, except in conformance with Departmental orders or directives.
8. Obligating the Department financially in any manner, except as authorized by the Commissioner or Board of Trustees.
9. Recommending any bondsman, lawyer, undertaker, physician, hospital, towing service, auto repair, or commercial or professional service to any citizen.
10. Failure to obtain official permission to participate in public discussions of Police Department business, except as authorized by the Commissioner.
11. Failure to secure weapons, as prescribed during arrest processing at Police Headquarters.
12. Entering any police detention facility or room, except on official business.
13. Associating, or fraternizing, with known criminals or persons of ill repute, except in the immediate discharge of official duties, or with the authorization of the Commissioner.
14. Soliciting, or accepting, a gift, present, reward, gratuity, or anything of value for any service rendered as a Department member, excluding gifts received from relatives or close friends upon appropriate occasions.
15. Accepting any food or beverage, or other valuable consideration, without cost because of his official position as a member of the Department.

1. Giving a gift, present, or gratuity to a superior officer or member of his family, excluding gifts to relatives.
  2. Receiving any gift, present, or gratuity from any subordinate, excluding gifts from relatives.
  3. Failure to submit a written report, that he is under investigation by any other law enforcement agency, to the Commissioner within twenty-four hours of becoming aware of such investigation.
  4. Refusal to sign an immunity waiver when so ordered.
  5. Violation of any rule or lawful order by the Board of Trustees.
  6. Participation by Department members, or urging the participation of other persons, in any strike, slow-down, job action, or other concerted action which, in any degree, is adverse to the maintenance of public safety and welfare.
  7. Failure to follow established Departmental procedures, and notification requirements, regarding sick and injured time.
  8. Affiliation with any organization, or body, whose constitution or regulations would in any way exact prior consideration and prevent him from performing Departmental duties. However, membership in any union or other organization in connection with, and relating solely to, approved secondary employment of members of the Department, and required membership in military reserve units, are specifically excepted from this regulation.
  9. No member of the Department may seek the influence, or intervention, of any person outside the Department for the purposes of personal preferment, advantage, transfer, or advancement.
  10. No member shall contact the Mayor or Board of Trustees, regarding police problems, except through regular channels or by permission of the Commissioner.
  11. No member, or employee, shall possess keys to any premises, not his own, on or near his duty assignment.
  12. No member shall use habit-forming drugs or narcotics unless properly prescribed by a dentist or physician. The use of any mind altering habit forming drugs or narcotics shall be immediately reported to the Police Commissioner.
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1. No member of the Department shall play games of cards or chance in the Department building, or engage in illegal gambling anywhere.
  2. Failure to report to the Police Surgeon, when so ordered.

**Sec: 3.6900**

**Title: Stop & Frisk**

**Standard: N/A**

**Authority: Police Manual**

**Effective: 01/01/2006**

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**I. Stop / Frisk – (C.P.L. section 140.50)**

- A. Police officers frequently encounter street situations in which they must take action to protect themselves when conducting inquiries regarding the actions of persons who are the subjects of investigation, and who have been detained pursuant to a lawful stop. In such instances, an officer may conduct a frisk search when he reasonably suspects that his/her safety may be at risk from a concealed weapon on a suspect's person.

**II. Definitions:**

- A. **STOP:** the temporary detention of a subject in a public place, within a police officer's geographical area of employment, while an inquiry is made into the circumstances, when there is reasonable suspicion to believe the subject has committed, is committing, or is about to commit a Misdemeanor as defined in the Penal Law, or a Felony.
- B. **FRISK:** protection of the police officer where there is a reasonable suspicion that the subject poses a threat to the safety of the officer. The frisk is limited to a protective pat-down search for weapons. ***It is not an intrusive search for contraband!***

**III. Investigative Stop:**

1. A police officer may stop a person in a public place within his "Geographical Area of Employment" when he reasonably suspects (***does not require probable cause***) that the person is committing, has committed, or is about to commit a Misdemeanor defined in the Penal Law, or a Felony.
2. Upon stopping the person, the police officer may conduct a pat-down frisk ***if the police officer has reasonable suspicion to believe he is in danger of physical injury or harm.*** The pat down is to uncover weapons or dangerous instruments. It is not intended to be a search for contraband.

A frisk may extend to a subject's vehicle if the circumstances are such that the officer reasonably believes that his safety is threatened by the presence of weapons inside the vehicle. This is true even in instances where no occupant has been arrested, and there is no legal justification for a

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full-fledged search of the entire vehicle.

**Note:** The mere fact that a vehicle has been lawfully detained by an officer, such as a stop made pursuant to a traffic violation, does **not** automatically give the officer the authority to search the vehicle for weapons. Even though an officer may, during any lawful stop, order occupants out of the vehicle for the officer's own safety, there must be some specific basis for an actual frisk of such persons, or of such vehicle. To frisk the vehicle for weapons, there must be specific, articulable facts that justify the officer's conclusion that his safety is threatened. If the officer has an articulable, and objectively reasonable, belief that the suspect is potentially dangerous, the frisk may be conducted. And, even when a frisk is justified, it is limited to the passenger compartment of the vehicle, since this is the only area of the vehicle in which a weapon would be immediately accessible to the occupants. In addition, it is limited to those areas of the passenger compartment in which a weapon could be hidden. If, during the frisk, contraband, or other incriminating evidence, is discovered, this of course may be seized (***locked containers, or compartments, may not be searched pursuant to a frisk for weapons***).

1. Suspects detained pursuant to an investigative stop are not required to identify themselves, and refusal to answer questions does not, by itself, constitute probable cause to make an arrest.
2. An investigative stop is not invalidated, or converted into a full arrest, simply because the officers show their weapons as they make the stop, or because the suspect is ordered to lie on the ground.

#### **I. Show-up Identification:**

1. An individual reasonably suspected to have committed an offense may be forcibly detained for a reasonable period of time until the witness or victim can be brought to his location.

**Note:** Reasonable time period will depend on the circumstances encountered while conducting the investigation. This can range from a few minutes to a half-hour, or thereabout. The detention period will have to be justified by the officers conducting the investigation, and will require articulating the extenuating circumstances that cause such investigation to last longer than just a few minutes.

2. If the officer has **Probable Cause** to believe the suspect committed the offense, the suspect can be brought back to the scene for identification by a witness or victim.

**Sec: 3.7000**

**Title: Suspicious Persons / Vehicles**

**Standard: N/A**

**Authority: Memorandum 96 - 015**

**Effective: 02/23/1996**

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**I. PURPOSE:**

The purpose of this order is to guide, and assist, officers when assigned to calls involving suspicious persons and/or vehicles, in the vicinity of Rockville Centre Schools, or children and/or young adults.

**II. POLICY:**

All calls received reporting either a suspicious person, and/or vehicle, SHALL BE thoroughly investigated.

**III. PROCEDURES:**

- a. Whenever a call of a suspicious person, and/or vehicle, is received, a member WILL BE PROMPTLY assigned to investigate.
- b. The member assigned will conduct a complete search of the area in an attempt to locate the subject, and/or vehicle.
- c. If a subject and/or vehicle is located, the member assigned will conduct an investigation into the circumstances of the situation.
- d. Based upon the member's investigation, the appropriate Department report shall be completed, i.e. a CASE REPORT. In addition, a Field Interview Report, or arrest should a criminal suspect be identified, along with an Activity Report (70A) entry.
- e. In all cases with solvability factors (to include nothing more than a vehicle and/or operator description), a (Nassau) Detective referral shall be made.
- f. Whenever possible, the complainant SHALL BE visited, and informed of the results of the investigation. Even if the subject and/or vehicle is not located, the complainant shall be visited since:
  1. further information about the subject and/or vehicle may be obtained, and/or
  2. the complainant will recognize that his/her complaint is being properly investigated.

**IMPORTANT NOTE:** BECAUSE OF THEIR SENSITIVE NATURE, MEMBERS SHALL BE ESPECIALLY DILIGENT WHEN ASSIGNED TO CALLS INVOLVING YOUNG CHILDREN. MEMBERS SHALL THOROUGHLY INVESTIGATE, AND DOCUMENT, ALL SUCH CALLS.

**Order #: 21-005**

**GENERAL**

**Title: TASER SPECIALIZED RESTRAINING DEVICE**

**Date: 01/26/2021**

**Category:**

**DEPARTMENT ORDER Page #: 1**

7566:01/26/2021 16:50 - This General Order hereby replaces General Order 07-004.

**PURPOSE:**

The purpose of this directive is to establish procedures for the deployment of Departmental TASER devices to restrain violent persons, or persons who pose an imminent risk of violence, or who pose an imminent risk of causing physical injury to themselves or others.

**POLICY:**

The policy of the Police Department is to use specialized restraining equipment, when necessary, to prevent injury and maintain control of persons exhibiting violent and disruptive behavior. This behavior may result from drugs, intoxicants, or other conditions.

The Department maintains TASER devices for gaining control of persons and for reducing the risk of injury to them, and members of the Department. The TASER devices are deployed as follows:

1. Supervisor's RMP (180)
2. Anti-Crime Unit
3. Traffic Unit
4. Training Unit
5. The additional TASER units are secured in the Sergeant's Office and will be issued to members working who have been previously certified to carry the TASER, at the discretion of the Tour Supervisor. The Tour Supervisor will record the serial number of each TASER issued on the Daily Assignment and Activity Report. Members will record the serial number of the TASER in their Desk Log Blotter entry at the beginning of their tour and shall return the TASER to the Desk Officer upon completion of their tour.

Members are also reminded that when circumstances require other specialized skills and/or equipment, the Nassau County Police Department Emergency Services Unit (ESU) maintains a variety of restraining devices and has specially trained personnel to deploy them. The TASER is a conducted energy weapon that gives law enforcement personnel the tools and techniques they need to de-escalate most situations. The TASER deploys two probes that pass electric current into a person's body. Also, after the discharge of a cartridge; or with the live cartridge removed, the TASER may be used as a drive stun device, by placing the cartridge end of the TASER against the subject and activating a surface contact discharge of the weapon.

PROCEDURE:

1. The TASER shall be used by Police Officers as an alternate force, in situations where physical force is justified pursuant to Article 35 of the Penal Law, and where the potential for injury to an officer or the public exists, and the use of lethal force may be avoided.
2. A supervisory officer shall determine the need for employing the TASER device, and shall ensure that there is adequate assistance at the scene. Also, when practical, and adequate time exists for the response of an ambulance, without unnecessarily placing members of the force or others at risk of injury, the supervisory officer on scene shall request that an ambulance respond and stand by on scene prior to deploying the TASER device.

Order #: 21-005

GENERAL

Title: TASER SPECIALIZED RESTRAINING DEVICE

Date: 01/26/2021

Category:

DEPARTMENT ORDER Page #: 2

3. If an emergency requires the deployment of the TASER device before the arrival on scene of a supervisory officer, such use is authorized if judged necessary by the responding police personnel.
4. In extreme or unusual circumstances, to be determined by a supervisor, when ample time exists for the response of ESU personnel, without unnecessarily placing members of the force or others at risk of injury, the supervisory officer on scene shall request the response of the ESU. Upon the arrival of ESU personnel, the supervisor shall be guided by the recommendation of the ESU members in deciding what restraining device should be employed, under the circumstances, to gain control.
5. The supervisor, or a member of the force acting at the direction of a supervisor, shall deploy the TASER device to restrain the subject.
6. Department members should not remove the TASER probes from a person's body unless it is necessary. TASER probes should only be removed by medical personnel at a hospital. However, this does not preclude police, ambulance or medical personnel from removing the TASER probes, when necessary, to treat the person.
7. Police personnel on scene shall see to it that the subject on whom the TASER has been deployed is transported to a hospital and that a medical aided report is prepared. Members shall photograph the subject's body area that comes in contact with the probes and/or TASER device.
8. The supervisor shall ensure that the TASER cartridge that previously held the probes and wires is vouchered as evidence, along with the wires. The probes shall be considered a biohazard and disposed of accordingly if they made contact with the subject's skin.

9. The tour supervisor shall complete the Departmental Supervisory TASER Use Report and forward it to the Commissioner of Police whenever a TASER device has been deployed to restrain a person.

BY ORDER OF: \_\_\_\_\_

COMMANDING OFFICER

ROCKVILLE CENTRE POLICE DEPARTMENT

**Sec: 3.7200**

**Title: Traffic Stops**

**Standard: 47.2**

**Authority: Police Manual**

**Effective: 01/01/2006**

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**I. PURPOSE:**

To establish procedural guidelines for conducting "traffic stops".

**II. BACKGROUND:**

Due to the fact that this is one of the most frequent types of contact made between law enforcement officers and the public, there are two separate, but equally important, issues that members of the force must address when conducting traffic stops. First, this is a stressful time for citizens. The courtesy, and positive image, that is shown by the officer will not only make this contact less confrontational, but will also enhance the image of the officer and the agency. The second issue involves safety, the member's and that of the motoring public as well.

**III. POLICY:**

1. It is the policy of the Police Department that members of the force shall not engage in conducting "traffic stops" until they have received the appropriate Police Academy recruit training.
2. Members of the force engaging in routine traffic stops are to conduct themselves in a courteous and professional manner.
3. Traffic stops shall not be conducted arbitrarily, nor solely upon the basis of an ethnic or racial profile. All traffic stops should have a definitive purpose, such as V&TL enforcement, or the investigation of some unlawful activity, or to address some other recognized public safety concern.

**IV. PROCEDURE:**

**A. Routine Traffic Stops:**

1. Stops shall be made in as safe a location as possible.
2. Emergency lights, and where necessary, the vehicle siren, shall be used.
3. The member shall immediately notify Headquarters, via radio, of the following:

- a) location of the stop,
  - b) the subject vehicle's registration plate number and state,
  - c) the make, model, and color the vehicle being stopped.
1. The patrol vehicle shall be positioned with the left front fender closest to the traffic flow, to the rear and left of the subject vehicle, so as to allow for a safe exit from the patrol vehicle, and a safe lane of approach between both vehicles.
  2. The member should approach the subject vehicle with caution, being alert for any unusual activity, weapons, open containers, drugs or drug paraphernalia, and/or other contraband within view.

A. Traffic Stops for Criminal Investigation (Felony Traffic Stop):

1. The member shall notify Headquarters of his location, direction of travel, description of the suspect vehicle, and reason for the impending stop.
2. The member should plan the stop of the suspect vehicle in a location that presents minimal hazard to the public.
3. If circumstances allow, the stop should be delayed until an assisting unit(s) is in position behind the lead police vehicle.
4. The member shall signal the suspect vehicle operator to stop, using emergency lights and siren for this purpose, as well as to warn all other traffic.
5. Upon having the suspect vehicle pull over to a stop at the extreme right side of the roadway, the member shall tactically position his police vehicle at a safe distance to the rear of the suspect vehicle. This positioning of the police vehicle should be in a manner that will provide for a maximum of protection against the possibility of a sudden act by the occupant(s) in the suspect vehicle, and should provide for a safe lane of approach between both vehicles.
6. If the violator is suspected of being armed and dangerous, the member should have his service weapon at the ready for immediate use.
7. During hours of darkness, the member shall focus any accessory lights (moveable spot and takedown lights) on the police vehicle at the interior of the suspect vehicle.

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1. The member shall exit his patrol vehicle quickly, but remain behind the vehicle door, where he may access the public address system.
  2. The member conducting the stop should direct each occupant, by means of the public address system, as follows:
    - a) Order the operator to shut-off the vehicle, drop the vehicle keys on the ground outside his door, and keep his hands visible and extended outside the driver's door window.
    - b) Direct all other occupants, if any, to place their hands, palms up, on the ceiling of the vehicle.
    - c) Direct the driver, and each occupant, to exit the vehicle one at a time, and order each to the rear of the suspect vehicle, and have each assume a position that neutralizes the potential for any sudden aggressive acts. In the extreme, have each vehicle occupant assume a prone position on the ground, with hands clasped behind the head and legs crossed.
    - d) When all occupants have been removed from the suspect vehicle and placed in a neutralized position, assisting officers shall position themselves in a manner to provide protection and support for the arresting officer, while the suspects are searched and secured.

**Note – Members are cautioned:**

Though the vast majority of traffic stops conducted by police personnel present little, or no, potential hazard to the officer or the public, members must remain alert, and observant, so that they may detect any signs of a change in the circumstances of any traffic stop situation. At all times during a stop, members should be on their guard, and prepared to adapt tactically to any change in circumstance that may arise. Members are reminded that a courteous but commanding presence will act to minimize the potential for confrontation, and at the same time will serve to foster a perception of departmental professionalism with the general public.

**Sec: 2.3100**

**Title: Training**

**Standards: 32.1, 32.3, 32.4, 32.5, 33.1, 33.2,  
33.3, 34.1, 34.2, 35.1, 35.2, 35.3**

**Authority: Police Manual**

**General Order 91 - 003 (Training Function within the Department)**

**Effective: 01/01/2006**

**Effective: 01/17/1991**

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**I. PURPOSE:**

The purpose of this document is to outline Department training standards and requirements.

**II. POLICY:**

Providing a professional standard of service to the public mandates that Department personnel be adequately trained. This is true not only at the entry level, but throughout a member's career. The Police Department provides for a variety of training programs for Department members on a continuing basis, so that they may safely and effectively carry out their duties, and so that their talents and abilities may more fully be utilized.

It is the policy of the Department to provide members training that will develop competency in the required knowledge, skills, and abilities to ensure that professional standards of service are provided to the community.

The Department also recognizes that professional police services are enhanced when members continue to pursue their own higher educational opportunities, and does strongly encourage its members to do so.

**III. RECRUIT TRAINING:**

Recruit training that concentrates on the development of knowledge, skills, reasoning ability and judgment, is essential to adequately prepare new police officers for a career of service to the community. The Police Department provides recruit police officers with comprehensive training that includes rigorous testing and evaluation techniques designed to ensure competency in the required knowledge, skills, and abilities. Recruit training is conducted in accordance with the standards and requirements set forth by the Municipal Police Training Council, and shall be accessed, primarily, through the Nassau County Police Department, except as noted below:

1. Depending upon the availability of the Nassau County Police Academy Recruit Training Program, an alternate training center may be utilized, e.g., Suffolk County Police Department or the Westchester County Department of Public Safety.
2. When a member comes from another police agency and has met the requirements of the Municipal Police Training Council for police officer certification, he/she **may** not be required to complete the basic course for police officers.

**NOTE:** Recruit Officers shall not be assigned to perform regular law enforcement duties on their own until they have completed a basic course for police officers. However, such recruit officers **may** be assigned to perform regular police duties if they are accompanied by, and under the direct supervision of, an officer who has successfully completed the basic course.

#### **IV. FIREARMS TRAINING:**

Recruit officers will not be permitted to carry a firearm until they have received the required firearms training course as part of their basic training, and have achieved the appropriate qualification proficiency standard with such firearm.

**NOTE:** See Manual index under “**Use of Force**” for further on firearms training & qualification.

#### **V. USE OF LESS-THAN-LETHAL SUBSTANCES AND DEVICES:**

1. **O/C Pepper Spray** - Only officers who have completed the prescribed course of instruction on the use of O/C Pepper Spray are authorized to carry and employ same under circumstances as proscribed. See Manual index under “**O/C Pepper Spray**”.
2. **TASER** – electronic restraining device. Only officers who have completed the prescribed course of instruction on the use of the TASER are authorized to employ the device under circumstances as proscribed. See Manual index under “**TASER**”.

#### **VI. FIELD TRAINING:**

Recruit officers will undergo a period of supervised field training as administered by the Nassau County Police Department. Observation reports and evaluations will be completed by a BMP-MPTC certified Field Training Officer, and submitted for administrative review.

## IN-SERVICE TRAINING:

Continued training of experienced force members is necessary to ensure that they are able to maintain the knowledge and skills necessary to effectively perform their police duties. The Police Department provides periodic in-service training for force members that meets or exceeds the requirements prescribed by the Municipal Police Training Council. The Department Training Plan objectives include, but are not limited to, In-Service training as follows:

1. **Armorer School** – Member(s) assigned as Departmental Armorer must attend manufacturer's sponsored training programs to receive certification (*and re-certification as required*) on every weapon type in the Department's inventory.
2. **Command Level Training** – Members receive annual "in-house" training that includes, but is not limited to, the following: Employee Assistance, Employment Policy [Sexual Harassment], Legal Updates, OSHA mandates for HAZMAT, Bloodborne Pathogens, Confined Space, TB Awareness and use of face mask respirators, O/C Pepper Spray, Pursuit Guidelines, Use of Force / Deadly Force, and use of the TASER restraining device.
3. **DCJS Executive Development** – Attended by senior departmental managers annually.
4. **Emergency Vehicle Operations Course (EVOC)** – conducted by the Nassau County Police Department; each police officer and sergeant is to attend this eight (8) hour program at least once every five years.
5. **Firearms** – members are to qualify annually with their individual service (*Glock 19 9mm pistol*) and off-duty weapons, as well as with any special departmental weapons that they are authorized by rank, or special assignment, to employ. Special departmental weapons include a Remington 870 shotgun, Bushmaster XM15, 5.56mm Assault Rifle, and Ruger 9mm Carbine.
6. **Field Training Officer** – Members assigned to FTO duties attend a BMP-MPTC certified training program conducted by the Nassau County Police Department, and are re-certified as required.
7. **General In-Service Training** – an advanced 36 hour course for veteran police officers conducted by the Nassau County Police Department, to provide refresher training in such areas as Admissions and Confessions, Auto Crimes, Community Relations, Concepts of Arrest, Concepts of Custody, Crime Scenes, Critical Incident Management, Domestic Violence, DWI Enforcement, Emergency Medical Care, Ethics and Professional Conduct, Mechanics of Arrest,

Miscellaneous Subject Matter, Physical Fitness, Police Procedures, Search and Seizure, Stress Management, Use of Force and Victimology

Each police officer and sergeant is to attend this program at least once every five years.

1. **Instructor Development** – Member(s) assigned to conduct formal Command Level Training attend a BMP-MPTC certified General Topics Instructor certification course, and are re-certified as required. Departmental Training Officers attend specialized Instructor training for Firearms, TASER, O/C Pepper Spray, CPR and, when necessary, for any other training program that is to be conducted at the Command Level, and shall re-certify as required.
2. **Radar Certification** – Members assigned to Traffic Enforcement Unit attend a BMP-MPTC certified Radar Operator Certification training course.
3. **Specialized Training** – Members assigned to specialized duties such as Crime Prevention, Desk Officer, Detective Investigator, Youth Officer, and all other such specialized functions shall be required to receive approved/certified training that is specific to their special duties.

**NOTE:** Except for the Armorer and Command Level Training categories listed above, most all of the In-Service training for members of this Department is conducted by the Nassau County Police Academy Staff, and is presented by New York State Certified Police Instructors, or qualified experts, in a specific field. However, the Department does also facilitate the accomplishment of its specialized training needs by accessing approved/certified training from other Law Enforcement entities, product manufacturers, and other qualified public, or business, venues.

#### **VIII. SUPERVISOR as TRAINER:**

A primary responsibility of supervisors is the training of subordinates on a continuing basis. The Department expects supervisors to be familiar with the learning process, to recognize when subordinates are in need of training, and to provide appropriate instruction. See also Manual index under ***“Duties and Responsibilities – Supervisors”***, and ***“Desk Officer Evaluation / Training – (Supervisor’s Responsibility)”***

#### **IX. SUPERVISORY TRAINING:**

Members newly promoted to supervisory positions require training so that they may be adequately prepared to meet the added responsibilities of their new roles. Within one year of appointment, each newly promoted Sergeant must successfully complete a course in police supervision as prescribed by the Municipal Police Training Council

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and certified by the Bureau for Municipal Police. In addition, all first-line supervisors attend General In-Service Training for Supervisors, as described above.

**X. CIVILIAN PERSONNEL TRAINING:**

Newly hired civilian personnel receive training that defines their role in the Department, familiarizes them with their responsibilities, and informs them of the rules that affect their behavior. The Police Department provides newly hired civilian employees with training that adequately prepares them to fulfill their roles in the Department.

**XI. TRAINING RECORDS:**

The Department Training Coordinator (*senior Staff Manager, as designated by the Commissioner*) shall maintain a continuous record of all training completed by Department members. Whenever a member of the Department is assigned to attend any school, training, or seminar, it shall be the member's responsibility to furnish the Training Coordinator with a copy of any training certificate that may be issued by the entity conducting said training. Whenever the Department conducts a Command Level training program, it shall be the responsibility of the Department Training Officer to insure all lesson plan(s), and an official copy of the course curriculum, are kept on file and maintained indefinitely.

**General Order 91 - 003**  
(Training Function Within the Department)

Training must remain among the highest of priorities within this Police Department. Training is synonymous with professionalism, morale, esprit-de-corps, readiness, and discipline.

All requests for training should be forwarded via the Training Coordinator. Similarly, all training certificates and diplomas, and so forth, should also be submitted to the Training Coordinator. The Training Coordinator shall prepare the appropriate copies (for service jacket entries), and shall forward them to the Commanding Officer for filing purposes. (Note that the individual police officer need only prepare one request, forward one copy of the certificates, and so forth, to the Training Coordinator.) The Training Coordinator shall ensure that personnel file entries are able to be made, by forwarding the information directly to the Police Commissioner.

**ALL POLICE PERSONNEL ARE STRONGLY URGED TO COMMUNICATE ALL PRIVATELY OBTAINED TRAINING ACCOMPLISHMENTS TO THE TRAINING COORDINATOR.** Whether on duty or off, whether Department sponsored or privately obtained, whether college level courses or trade – all training

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accomplishments that relate to the police function will be entered into personnel files if known by police management. Levels of training will be among the items seriously considered during reviews for promotions, assignment to special details, and so forth.

----- (End General Order 91 – 003) -----

**i.Sec: 3.7300**

ii.

**Title: Use of Force - Necessary Force**

**Standards: 20.1, 20.4, 20.5,  
iv.20.7, 21.1, 21.2,**

**Authority:**

<b>General Order 91 - 008 (Use of Force Policy)</b>	<b>Effective: 04/19/1991</b>
<b>General Order 93 - 003 (Firearms Incident Report)</b>	<b>Effective: 02/08/1993</b>
<b>General Order 11-007 (New Weapons)</b>	<b>Effective: 02/03/2011</b>
<b>General Order 19-039 (Use of Force Reporting Requirement)</b>	<b>Effective: 07/10/2019</b>
<b>New York State DCJS (Use of Force Model Policy)</b>	<b>Effective: 06/01/2019</b>

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**II. PURPOSE:**

ii.Law enforcement officers around the country and here in New York State are  
iii.authorized to use reasonable and legitimate force in specific circumstances.  
iv.Federal constitutional and state statutory standards dictate when and how much  
v.force can be used. This policy is founded in these standards, but is not intended  
vi.to be an exhaustive recitation of state and/or federal legal framework governing  
vii.use of force. The policy is in accordance with Executive Law §840(4)(d)(3). The use  
of force, especially deadly force, by police officers is a serious matter which has far  
reaching consequences for both the officers involved, and the citizens who are the  
object of such force. It is, therefore, imperative that all members of the Department be  
guided by law, morality, good judgement, and accepted practice. The purpose of this  
policy statement, and directive, shall be to provide the officer with a basis for such  
guidance.

**Philosophy:**

1. The primary responsibility of the Department, and of each of its members, is to protect the lives of the citizens we serve. It is critical, therefore, that every action of this Department, and each of its members, be consistent with that responsibility. It is also the responsibility of each member of this Department to honor the established principles of democracy. These include a reverence for human life, the principle that the value of any human life exceeds that of any property, and the principle that it is the function of the Judiciary to punish wrongdoers.  
x.
2. This policy is not intended to create confusion in the mind of an officer at a critical moment. This policy is not intended to endorse or prohibit any particular tactic, technique, or method of employing force. It provides basic guidelines so that the officers may be confident in exercising judgement as to the use of force.

## I. POLICY and PROCEDURES:

### Use of Force General:

- ii. The federal and state standards by which use of force is measured are both
- iii. founded in the basic premise of objective reasonableness. The amount of force
- iv. that is used by the officers shall be the amount of force that is objectively
- v. reasonable under the circumstances for the officer involved to effect an arrest,
- vi. prevent an escape, or in defense of themselves or others. The standard of
- vii. objective reasonableness, established by the United States Supreme Court in
- viii. *Graham v. Connor*, is used in this policy and is intended to provide officers with
- ix. guidelines for the use of force, including deadly physical force. As the Supreme
- Court has recognized, this reasonableness inquiry embodies
- x. "allowance for the fact that police officers are often forced to make split-second
- xi. judgments — in circumstances that are tense, uncertain, and rapidly evolving —
- xii. about the amount of force that is necessary in a particular situation.
- xiii.
- xiv. This policy is written in recognition of the value of all human life and dignity
- xv. without prejudice to anyone. Vesting officers with the authority to use reasonable
- xvi. force and to protect the public welfare requires a careful balancing of all interests.
- xvii.
- xviii. Members of the Rockville Centre Police Department are authorized to use only the
- minimum amount of force appropriate to a given situation. Force shall not be used
- aggressively, but shall be used responsively. This means that a member of this
- Department will not create a need for the force, but will only react to a need created
- by a citizen. Force shall not be used, in any degree, without legal justification.
- Members of the Department will use only the **minimal** amount of force that is
- reasonably necessary to perform their lawful duties.
- xix.
- xx. The use of force usually progresses through several stages or degrees: Verbal
- Direction; Physical Direction; Chemical Weapon; Taser; Impact Weapons; and
- Firearm. When following this natural progression of force, it is understood that, due
- to circumstances, it may be necessary to skip steps. If this is done, one must
- xxi. be able to explain why. As a situation changes, the needed level of force may also
- change, therefore, you must expect to move up and down the scale. Whenever
- possible, the opportunity for the subject to comply should be given before
- escalating to the next level in the progression. Once compliance is achieved,
- escalation should cease. By consciously following the progression of force, officers
- minimize liability, maintain better control over a situation, and enhance the image
- of the individual officer, as well as the Department, when called upon to explain
- actions taken.

**Note: see *Continuum of Force / Progression of Force chart on page # 21.***

## I. DEFINITIONS

i.

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.

ii.

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.

iii.

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

iv.

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.

v.

## II. USE OF FORCE

i.

a) In general terms, force is authorized to be used when reasonably believed to be necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one's self or another.

ii.

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.

iii.

c) All personnel are reminded that the police baton, depending on how it is used, may constitute deadly physical force. Careful judgment, and discretion, must be exercised by an officer to avoid the use of these weapons in situations where such use may not be justified by the circumstances.

iv.

d) The Department acknowledges that extraordinary circumstances may compel deviation from the letter of this policy. Such situations will be judged on the reasonableness of an officer's actions based on that specific set of circumstances.

v.

## **I. DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE**

- 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.
  - ii.
- b) Factors that may be used in determining the reasonableness of force include, but are not limited to:
  - 1. The severity of the crime or circumstance;
    - iii.
  - 2. The level and immediacy of threat or resistance posed by the suspect;
    - iv.
  - 3. The potential for injury to citizens, officers, and suspects;
    - v.
  - 4. The risk or attempt of the suspect to escape;
  - 5. The knowledge, training, and experience of the officer;
- vii.
- 6. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects;
- 7. Other environmental conditions or exigent circumstances.

## **II. 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.
  - ii.
- b) An officer who observes another officer use force that exceeds the degree of force as described in subdivision a of this section should promptly report these observations to a supervisor.

## **III. 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.
  - ii.
- 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,
  - iii.

1. The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or to others.
  - i.
2. Where feasible, some warning should be given prior to the use of deadly physical force.

## II. 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;
    - ii.
  2. To coerce a confession from a subject in custody;
    - iii.
  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;
- iv.
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.
- v.
- b) The use of a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air is prohibited.

## III. 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.
  - ii.
- b) Members involved in use of force incidents as described below shall notify their supervisor as soon as practicable and shall complete a departmental use of force report.
  1. Use of force that results in a physical injury.
    - iii.
  2. Use of force incidents that a reasonable person would believe is likely to cause an injury.
- iv.
3. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
- v.
4. Incidents where a conducted energy device (CED) was intentionally discharged or accidentally discharged after being displayed.
  - vi.

1. Incidents where a firearm was discharged at a subject.
  - i.
    - a) A standardized use of force form should be used to document any reportable use of force incident.

## **II. PROCEDURES FOR INVESTIGATING USE OF FORCE INCIDENTS**

- a) Where practicable, a supervisor should respond to the scene to begin the preliminary force investigation.
  - ii.
    - b) A supervisor that is made aware of a force incident shall ensure the completion of a use of force report by all officers engaging in reportable use of force and, to the extent practical, make a record of all officers present.
- c) Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
- d) The Commanding Officer of Support will receive the supervisor's report and conduct an investigation.
- e) Consistent with agency disciplinary protocols and any applicable collective bargaining agreements, agency policy should establish standards for addressing the failure to adhere to use of force guidelines.

## **III. TRAINING AND QUALIFICATIONS**

- a) All officers shall receive training and demonstrate their understanding on the proper application of force.
  - ii.
    - 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.
- iii.
  - c) This policy is not intended to be a substitute for proper training in the use of force. Comprehensive training is the key to the real-world application of the concepts discussed within this policy.

### **v. Use of Firearms:**

- a) Deadly Weapons
  1. While on and off-duty, police officers shall carry only firearms and ammunition authorized by, and registered with, the Department.
    - viii.

1. Authorized weapons are those with which the police officer has qualified and received Department training on proper and safe usage, and that comply with departmental specifications. At no time will any member of this Department carry, while on or off-duty, any firearm unless he/she has been qualified to use same by a certified firearms instructor approved by this Department.
2. A .45 caliber ACP semiautomatic, model 21SF, RTF2, manufactured by Glock, fully loaded with Department approved ammunition, is the authorized on-duty weapon for this Police Department.
3. A .45 caliber ACP semiautomatic, model 30SF or 9mm semiautomatic, model 43 manufactured by Glock, and fully loaded with Department ammunition, may be carried while off duty. Such a firearm may also be carried by personnel of the rank of Lieutenant and above, Detectives, Plainclothes personnel, or those members assigned to Headquarters while on duty.
4. Ammunition: The authorized .45 caliber ammunition for the above two .45 caliber weapons is Winchester Ranger "T" series .45 ACP + P, 230 grain (part # RA45TP). Members will carry 39 rounds of ammunition while assigned to patrol (thirteen in weapon and two magazines of 13). The authorized 9mm ammunition is Winchester Ranger "T" series 9mm Luger + P, 125 grain. Members will not "top off" the magazine inserted into any weapon.
5. The Commissioner of Police may authorize other firearms to be carried by special unit personnel, provided the member(s) has been qualified to use such weapon(s) by a certified firearms instructor approved by this Department, and documentation of such qualification is on file in the Office of the Police Commissioner.
6. The Department shall schedule regular training and qualification sessions for duty, off-duty, and specialized weapons, and shall participate in the firearms training programs authorized by the Commissioner. All members of the Department must achieve a minimum qualifying score for the handgun segment, as well as (*for appropriate personnel*) special weapons (*patrol rifle*) segments.
7. Police Officers who fail to receive a passing score with their duty weapon(s), in accordance with Department testing procedures, shall be immediately relieved of their law enforcement duties.

1. A police officer shall not be permitted to carry any weapon(s) with which he has not been able to qualify with during the most recent qualification period.
2. A police officer who has taken extended leave, or suffered an illness or injury that could affect his ability to use a firearm, will be required to re-qualify before returning to law enforcement duty.
3. The use of the patrol rifle constitutes deadly physical force and is therefore subject to the laws and guidelines governing the use of deadly physical force.
4. Members are not permitted to use the patrol rifle unless they have been properly qualified by a certified firearms instructor approved by the Department.
5. The patrol rifle may be taken from a police vehicle, in most cases, where a violent felony is in progress or when it has already been determined that firearms are involved.
6. The patrol rifle shall not be taken on calls of family disturbances, fights, or incidents of less than a violent felony in progress, where there is no prior, or current, indication of firearms being involved, or situations involving concentrated groups of people, i.e., a report of armed robbery in a bank, or other similar situations which would make the use of the weapon inappropriate.

**Note:** See also Manual index under “*Patrol Rifles*”.

**Safety:**

- a) Warning shots are prohibited; they shall not be fired at any time.
- b) Police Officers shall not fire their weapons at a moving vehicle, or from a moving vehicle, unless such action is the only possible way to prevent serious injury, or death, to the officer himself or another person.
- c) Except for maintenance, or during training, police officers shall not draw, or exhibit, their firearms unless circumstances create a reasonable belief that it may be necessary to use the weapon in conformance with this policy. If the officer’s weapon is a revolver, then at no time shall the firearm be cocked unless the intent is to fire for effect. At all times that a firearm is drawn, it shall be handled in a safe manner. A firearm shall not be used as a bludgeon, unless the circumstances warrant such.

- a) Members shall not fire upon a suspect holding an innocent person hostage. The appropriate special unit (Hostage Negotiations, Emergency Services, BSO) should be requested from the Nassau County Police Department.
- b) Members shall not surrender their firearms, unless as a last resort, and only after using every tactical tool at their disposal. Surrender of a firearm rarely de-escalates a situation and can, in fact, place an officer, or other innocent persons, in severe jeopardy.
- c) Whenever a member discharges a firearm, whether on or off duty, except for Department approved training or competition, he shall prepare a report of the incident, indicating the necessity for the discharge of the weapon, and will submit same to his immediate supervisor, who will review the report, indicate on same (or by separate attachment) his concurrence, or non-concurrence, with the decision to discharge the firearm, and forward the report, through normal channels, to the Commissioner of Police.

**General Order 93 – 003**  
**(Firearms Incident Report)**

Whenever a member of the Department becomes involved in an incident which involves the “DISCHARGE OF A FIREARM”, the member will cause to be completed a “FIREARMS INCIDENT REPORT”. The report is to be completed as soon as possible after the incident, and forwarded through official channels to the Commissioner of Police.

The Executive Officer of the Police Department will retain the original form on file, and will copy the Nassau Police Department Firearms Unit. **(Firearms Incident Report forms are maintained at the Service Desk)**

----- (End General Order 93 – 003) -----

**Note:** See also page (15) of this document regarding procedures for the handling of an “**Officer Involved Shooting**”.

**Off-duty firearms:**

- a) The Department provides for the off-duty carrying of firearms by Police Officers. Police Officers may carry an approved, properly registered firearm while off-duty, however, officers shall not carry a firearm while off duty when their ability to use same wisely, safely, and efficiently:
  - 1. is, or may become, impaired by alcohol consumption and/or ingestion of other substances, or

1. is, or may become, impaired by ingestion of lawfully prescribed medication, or
    - i.
  2. is impaired due to illness, injury, stress, fatigue, mental or physical disability, or
    - ii.
  3. is impaired for any other reason.
- a) Off-duty firearms shall not be carried if they cannot be properly secured.
- iv.
- b) Nothing in this section should be construed as diminishing an officer's responsibility to act when observing a crime in progress, however, when off-duty and unarmed, an officer's actions should consist of calling "911", obtaining descriptions of subjects, or other activities which do not involve the direct confrontation of potentially dangerous persons.

### **Animals:**

vi.**Note:** See also Manual index under "**Animals**" for further information in regard to handling animal situations.

- a) Before euthanizing an animal, every effort should be made to have the appropriate agency retrieve it.
- viii.
- b) Police Officers may euthanize an animal that represents an **imminent threat** to public safety. Also, if no agency is available or willing to respond, and the owner of the animal cannot be located, police officers may also euthanize an animal as a humanitarian measure when the animal is seriously injured, unless the animal belongs to a class of endangered species, or is of great monetary value. Regardless of the circumstances, euthanizing animals shall only take place with the approval of a supervisory officer. Appropriate blotter entries shall also be made. The general intent of this section is to provide for the humane euthanizing of animals, such as dogs and cats, when circumstances are proper, however, for high value animals (to include, but not limited to, horses), humane euthanizing is not authorized without the approval of the animal owner, veterinarian, or other competent authority.

ix.

Should it become necessary to euthanize an animal by gunshot, a single shot, angled downward on a soft surface, through the head toward the body, should be sufficient. If rabies is suspected, the head should be preserved, and a shot to the body utilized. In these instances, precautions must be taken to ensure the safety of the public. The animal should be placed on soft ground, rather than the pavement, to minimize the possibility of ricochet. If possible, euthanizing the animal should also take place out of public view,

- a) particularly out of view of the owner(s). Proper notification should be made for the removal of all animal remains.

**Use of Non-Deadly Force:**

- a) DEFINITION – “Non-deadly Physical Force” – is any use of force other than that which is considered deadly force.
- b) The following guideline will be observed by members of this Department:
- c) NON-DEADLY FORCE SHALL ONLY BE USED IN DEFENDING ONE’S SELF, OR ANOTHER, FROM PHYSICAL HARM; OR TO RESTRAIN OR SUBDUE A RESISTENT INDIVIDUAL; OR TO BRING AN UNLAWFUL SITUATION SAFELY, AND EFFECTIVELY, UNDER CONTROL.
- d) The use of the chemical weapon Oleoresin Capsicum (OC Pepper Spray)
- e) The situation frequently arises in which the use of extreme force is not justifiable, yet something more than manual restraint is required to subdue a subject. The non-lethal chemical weapon OC Pepper Spray has proven effective in these situations.

**Note:** See also Manual index under “**OC PEPPER SPRAY**”.

**Use of OC Pepper spray:**

- a) OC Pepper Spray takes effect in one or two seconds.
- b) It has an effective range of about fifteen feet.
- c) It may render subjects less harmful.
- d) Careless use of OC Pepper spray will cause it to affect uninvolved persons, to include police officers.
- e) Effects of the spray may be experienced by persons in close proximity to the sprayed person.
- f) Avoid spraying OC Pepper spray into the wind.
- g) Chemical weapons shall not be carried, or used, while off-duty.
- h) Every instance of the use of a chemical weapon must be reported, in writing, to the Commissioner of Police, and included in the report will be the name of the person sprayed, along with his/her reaction to the chemical.

i. **Use of the Taser Conducted Energy Weapon (CEW)**

ii.

iii. **Note:** See also Manual index under “*TASER*”

**Training and Qualifications:**

a) Police officers are not permitted to use a non-deadly weapon unless qualified in its proficient use as determined by training procedures.

vii.

b) Officers shall carry only the non-deadly weapons authorized by the Department.

**Summary of Use of Force and Firearms:**

a) **Force used must:**

xi.

1. Not be excessive.  
xii.
2. Be reasonably necessary.  
xiii.
3. Be legally justified.  
xiv.
4. Be responsive, not aggressive.

xv.

xvi.

b) **Deadly force must:**

xvii.

1. Be used as a last resort in self-defense, or defense of another person.  
xviii.
2. Be legally justified.  
xix.
3. Not be used recklessly or negligently.

xx.

c) **Firearms:**

xxi.

1. Must be authorized and loaded with authorized ammunition.  
xxii.
2. Must be handled with extreme caution at all times.  
xxiii.
3. Shall not be carried unless the user is properly qualified with said firearm.

xxiv.

**II. Investigation of Incidents Procedure:**

Whenever force is used that results in a physical injury to any person, the incident will be investigated as outlined herein. Whenever force of a lesser degree is used members will thoroughly document their actions in their reports (case report, blotter, use of force reporting form, etc.).

Whenever an incident occurs involving the use of force by a member of this Department which requires investigation pursuant to this policy, the Duty Officer will be notified immediately.

Command at Scene - the officer assigned to the original call is in command until properly relieved by a supervisory officer.

The Duty Officer will assign a supervisor to take charge of the scene and investigate the incident. Depending on the severity of the incident, the Duty Officer may conduct the investigation of the incident.

a) Initial Action:

1. The investigating officer will be responsible for control of the scene.
2. The investigating officer will identify all personnel involved in the incident.
3. The investigating officer will make recommendations to the Duty Officer concerning the status of any arrests, and the need for further investigation.

b) Information and Evidence Required:

1. Personnel involved.
2. Witnesses, if any.
3. Color photos of injuries to any persons, including officers, taken prior to treatment, if possible.
4. Any other information, or evidence, available and required for proper investigation.

c) The investigating officer will promptly prepare a written report to the Commissioner of Police that will fully document the incident, and will maintain personal notes of the incident, as required. The following guidelines will apply:

Summary of the nature of

1. Summary of the nature of the incident where force was used, including date and time, location, and case number.
2. Name, rank, and squad of all members at the scene.
3. Name, addresses, telephone numbers, and statements of any, and all, witnesses.
4. The circumstances that led to the use of force.
5. The exact nature of the force used by each officer involved.
6. Describe the injuries to all persons involved, including officers. Include photos and description of medical treatment received, including the name of the treating facility, doctor's name, and a copy of all medical lines.
7. Include copies of all reports pertaining to the incident.
8. Description of any direct action taken by the investigator of the incident.
9. Include independent conclusions and recommendations, along with any information, and/or evidence, not specifically mentioned above, which is deemed pertinent to the investigation.

#### **Special Procedures for Serious Incidents:**

The very nature of police work periodically exposes police personnel to extremely stressful, or trauma-inducing, events. Research has shown that fatal, or near-fatal, confrontations, cases involving the abuse or death of a child, multi-casualty accidents, etc., are particularly stressful for the involved member. In recognition of the detrimental impact on the personal lives, and job performance, of our members, this Department is taking steps to provide help, understanding, and support for those who have been placed in these situations. Accordingly, this policy is formulated to aid those members who find themselves in such circumstances as a result of performing their duties as members of this Department.

1. The senior ranking officer working will immediately notify the Commissioner of Police, or his designee (Duty Officer).
2. The officers directly involved in such incidents will be relieved by the patrol supervisor, and transported to Headquarters as soon as practical.

1. The senior ranking officer in command should notify the Department designated counselor.
2. The senior ranking officer in command will notify the PBA President, or his designee.
3. Following a shooting incident, the officer(s) weapon(s) will be taken by the patrol supervisor, or senior ranking supervisor in command, and the officer(s) will be provided with a replacement weapon if practical.
4. The officer(s) will be afforded a period of privacy and the companionship of a supportive peer, and the Department designated counselor, in order to stabilize his/her emotional state.
5. The officer(s) involved will, unless extraordinary circumstances exist, submit a written report of the incident to the Commissioner of Police prior to completion of their tour of duty.
6. The officer(s) involved will be afforded the opportunity to speak with a PBA representative before submitting any written reports of the incident.
7. The officer(s) involved may be administratively excused from duty following such incident. The duration of such leave is at the discretion of the Commissioner of Police based on the circumstances of the incident.
8. The officer(s) involved may be directed, at the discretion of the Commissioner of Police, to receive post-traumatic stress counseling before returning to duty.
9. Any other officer(s) directly involved in such incident who either voluntarily, or on the recommendation of a supervisor or the PBA President, or his designee, wish to avail themselves of the above services, may do so.

THIS DIRECTIVE IS FOR DEPARTMENTAL USE ONLY AND DOES NOT APPLY TO ANY CRIMINAL OR CIVIL PROCEEDING. THE DEPARTMENT POLICY SHOULD NOT BE CONSTRUED AS A CREATION OF HIGHER LEGAL STANDARD OF SAFETY, OR CARE, IN AN EVIDENTARY SENSE WITH RESPECT TO THIRD PARTY CLAIMS. VIOLATIONS OF THIS DIRECTIVE WILL ONLY FORM THE BASIS FOR DEPARTMENTAL ADMINISTRATIVE SANCTIONS.

----- (End General Order 91 – 008) -----

### **Officer Involved Shooting Procedures:**

The ranking tour supervisor shall respond and assume command of the scene, and if there is more than one supervisor available to respond, one shall assume the responsibility of "Primary Care" for the member(s) involved.

- a) Primary Care shall involve ensuring that the member(s) receives medical treatment, peer support, explanations of the procedures to be conducted, and securing of the weapon(s) of the member(s) involved. If the incident occurs outside the Department's jurisdiction, the Tour Supervisor, or Shift Commander, shall respond to initiate Firearms Incident Reporting, and shall assume the responsibility for "Primary Care" of the member(s) involved, until relieved of primary care duties by another supervisor at the scene.
- b) An occurrence within the Command will require one supervisor, or the "Shift Commander", to oversee the crime scene investigation, prepare the Firearms Incident Report, and complete an after-action report. A second supervisor shall be assigned to "Primary Care" for the member(s) involved. A third supervisor shall be assigned to assume command of the tour.
  1. The responding supervisor shall ensure that a crime scene is established and that crime scene procedures are initiated. See Manual index under "**Crime Scene Duties**".
  2. The supervisor commanding the scene shall ensure that a notification is made to the Duty Officer, and that a concise report of the preliminary event details are provided to the Duty Officer at the time the notification is made. The "Duty Officer", or the "Shift Commander" if available, shall authorize calling a second supervisor to either take over the regular tour responsibilities, or to assume "Primary Care" responsibilities, as the situation dictates.
  3. Until the arrival on scene of a supervisor to assume full responsibility for the "Primary Care" of the member(s) involved, a police officer shall be assigned, manpower permitting, as a "peer-support officer" to assist the member(s) involved. This officer is to be relieved of other duties, or responsibilities so that he may devote himself to the task of providing for peer assistance to the involved member(s).
  4. The supervisor commanding the scene shall ensure that a notification is made to the NCPD First Squad detectives.
  5. A supervisor shall ensure that notification is made to the PBA President, or his Vice President.

1. The officer involved in the shooting will be relieved of any additional duties for the remainder of the tour and will consult with the Duty Officer, Executive Officer, or Commanding Officer prior to his return to full duty. If it the incident occurs on a weekend, the ranking supervisor will make the necessary notifications as to the officer's return to duty to the Duty Officer.

**Note:** See also "*Special Procedures for Serious Incidents*", of this document.

**General Order 19 – 039**  
(Use of Force Reporting Requirement)

In April 2019, Governor Andrew M. Cuomo signed into law a new section 837-t to the Executive Law pertaining to law enforcement agencies within New York State reporting use of force incidents to the Division of Criminal Justice Services (DCJS). For reporting purposes, Executive Law 837-t requires each police department, county sheriff, and the state police to report any occurrence in which a police officer or peace officer employs use of force as listed below:

- a) When an officer engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury is defined as bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- b) When one of the following is initiated by an officer:
  1. Brandishes, uses or discharges a firearm at or in the direction of another person;
  2. Uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air;
  3. Displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas;
  4. Brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy;
  5. Brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb, or long-range acoustic device.

Beginning July 11, 2019, the Rockville Centre Police Department will be responsible for reporting information for officers who are involved in use-of-force incidents that meet the criteria of the data collection. The Department will be required to submit details of the incident to DCJS, including, but not limited to date of incident, agency involved, county, town/city, description of circumstances,

and demographics of all persons engaging in the use of force or suffering such injury.

All law enforcement agencies in New York State are required to report each incident of use of force as defined by the legislation. For each incident of use of force, the Patrol Supervisor shall complete the attached reporting form and provide the details as to the circumstances requiring the use of force to the Commissioner of Police, Executive Officer and Commanding Officer of Support. A copy of the report shall then be transmitted to DCJS as required by law by the Commissioner of Police or his designee.

***FORM – “NEW YORK STATE USE OF FORCE REPORTING FORM”  
follows on next page.***

**\*\*Note – Kneeling or sitting on a subject in a way that could obstruct breathing is strictly prohibited.**

**ROCKVILLE CENTRE POLICE DEPARTMENT - NEW YORK STATE USE OF FORCE REPORTING FORM**

**Incident Number:** \_\_\_\_\_ **Incident Date:** \_\_\_\_\_

**Incident Time:** \_\_\_\_\_ **Case Report Number:** \_\_\_\_\_

**City/Town/Village:** \_\_\_\_\_ **County:** \_\_\_\_\_

- Circumstance:**
- Response to suspicious activity
  - Executing arrest
  - Routine patrol other than traffic stop
  - Traffic stop
  - Transporting/Holding arrestees
  - Service of a warrant
  - Service of a court order
  - Follow-up investigation
  - Demonstration
  - Medical, mental health or welfare assistance
  - Other \_\_\_\_\_

**Subject Details**

1. Subject's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_
2. Subject's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_
3. Subject's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_
4. Subject's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_
5. Subject's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_

**Officer Details**

1. Officer's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_
2. Officer's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_

1. Officer's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_
2. Officer's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_
3. Officer's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_

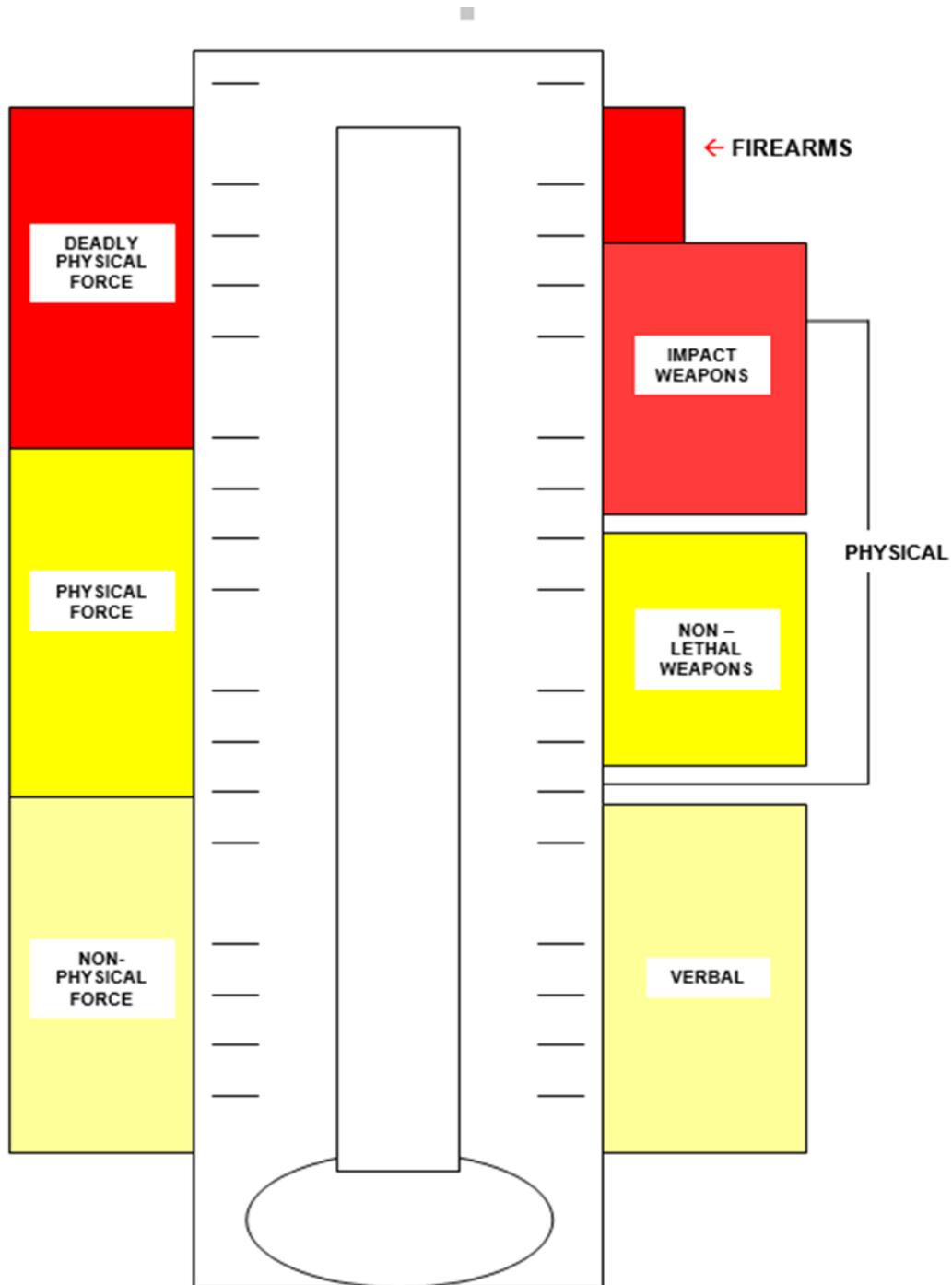
**Type of Force Use (check all that apply)**

- |  |                          |
|--|--------------------------|
| <input type="radio"/> Brandished Firearm                             | Officer Number(s): _____ |
| <input type="radio"/> Discharged Firearm                             | Officer Number(s): _____ |
| <input type="radio"/> Used Firearm                                   | Officer Number(s): _____ |
| <input type="radio"/> Displayed Chemical Agent                       | Officer Number(s): _____ |
| <input type="radio"/> Deployed Chemical Agent                        | Officer Number(s): _____ |
| <input type="radio"/> Used Chemical Agent                            | Officer Number(s): _____ |
| <input type="radio"/> Brandished an Impact Weapon                    | Officer Number(s): _____ |
| <input type="radio"/> Deployed an Impact Weapon                      | Officer Number(s): _____ |
| <input type="radio"/> Used an Impact Weapon                          | Officer Number(s): _____ |
| <input type="radio"/> Brandished an Electronic Control Weapon        | Officer Number(s): _____ |
| <input type="radio"/> Deployed an Electronic Control Weapon          | Officer Number(s): _____ |
| <input type="radio"/> Used an Electronic Control Weapon              | Officer Number(s): _____ |
| <input type="radio"/> Used a Choke Hold or Similar Restraint         | Officer Number(s): _____ |
| <input type="radio"/> Conduct that Resulted in Serious Bodily Injury | Officer Number(s): _____ |
| <input type="radio"/> Conduct that Resulted in Death                 | Officer Number(s): _____ |

**Supervisor Completing Form:** \_\_\_\_\_  
Rank
Name Printed
Signature

**THIS FORM SHALL BE COMPLETED BY THE PATROL SUPERVISOR OF RECORD AND SUBMITTED TO THE COMMISSIONER OF POLICE, EXECUTIVE OFFICER AND COMMANDING OFFICER OF SUPPORT**

# CONTINUUM of FORCE / PROGRESSION of FORCE



**Sec: 3.7250**

**Title: Uniform Traffic Tickets**

**Standard: 47.1**

**Authority: Police Manual**

**Memorandum 91 – 017 (Ticket Inventory Reports)**

**General Order 77 – 017 (Voiding of Traffic Tickets)**

**Effective: 01/01/2006**

**Effective: 06/03/1991**

**Effective: 06/29/1977**

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**PURPOSE:**

To establish procedures for enforcing traffic law violations committed by residents, nonresidents, juveniles, foreign diplomats and consular officials, and accountability for all Uniform Traffic Tickets.

**PROCEDURE:**

**1. Types of Violators not Subject to Routine Ticketing Procedures:**

**A. Out of State Operators:**

1. Department of Motor Vehicles advises that out-of-state operators cannot be handled under the scofflaw provisions for any vehicle and traffic offense that prescribes a mandatory revocation of the operator's license.

This means that for such offenses as DWI, leaving the scene of an accident, bail must be taken, or a commitment made. You may use discretion in this matter in any case where it appears in the best interests of the Department to release without bail.

2. The current list of compact states will be maintained at the Service Desk. In most cases involving a moving violation, an out-of-state motorist may be issued a traffic summons and be released on recognizance.

**B. Juvenile Traffic Violators:**

1. In most cases of juveniles driving vehicles on public roads, the youth will be taken home, and their parents advised of the conduct.
2. As a rule, violations of the Traffic Law are not sufficient to petition a youth to Family Court. Repeated conduct, however, may be grounds for a PINS action.
3. Traffic offenses that are classified as misdemeanors or felonies may be sent to Family Court.

- 
1. Officers are reminded that parents or guardians are chargeable under the Traffic Laws if they knowingly permit unlicensed youngsters to drive on the public roadways.
  2. If an officer cannot contact a parent, guardian, or responsible adult, he should have the Service Desk contact a JAB officer for assistance.
- A. For offenses involving Foreign Diplomats and Consular Officials, see index under "***Diplomatic Immunity***" re G/O 04-047.

**General Order 77 – 017**  
(Voiding of Traffic Tickets)

**1. Voiding of Traffic Tickets:**

- A. No Traffic Ticket will be voided, except by the Commanding Officer of the Department.
- B. A request to void a Traffic Ticket will be made in writing, by the personnel involved stating the reason for the request. The request will be directed to the Commanding Officer of the Police Department.
- C. The Commanding Officer of the Police Department will communicate with the Judge of the Court requesting that the ticket be voided, and setting forth in writing the reasons for the request.
- D. All personnel will be held accountable for all blank tickets issued to them. If tickets are lost or stolen, a written report setting forth the details, and serial numbers of the tickets involved, will be submitted without delay to the Commanding Officer.

----- (End General Order 77 – 017) -----

**2. Ticket Inventory:**

- A. The C.O. of Administration shall ensure that all newly received Uniform Traffic Tickets are checked, prior to being distributed to members of the force, for a total count and verification of the sequential numbering in each book.
- B. Dispatchers shall ensure that an appropriate "ready" stock of UTT books are available at the Service Desk for requisitioning by members of the force.
- C. Members of the force requisitioning books of UTTs shall verify the count on all books received from the Desk Officer at the time of issuance, and shall ensure that entries are completed on the "UTT Ticket Inventory Sheet"

maintained at the Service Desk. The appropriate line of the inventory, corresponding to the ticket numbers received, shall contain the member's shield number, initials, and date received.

**Memorandum 91 – 017**  
(Ticket Inventory Reports)

**1. Ticket Inventory Reports:**

- A. All members are required to submit a monthly Ticket Inventory Report (PD Form 58-2M-81). The following procedures for the processing and recording of these Department records shall be adhered to.
  - 1. Each member will submit the completed monthly Ticket Inventory Report to his/her designated supervisor no later than the 15<sup>th</sup> of the next month. In the event that a member is unable to complete his report on time, because of extended illness or vacation, for example, he will submit it upon return to duty.
  - 2. The supervisor, after reviewing and signing the member's report, shall forward same to the OIC of Patrol.
  - 3. The OIC of Patrol shall review the content and accuracy of all reports, and ensure that they are appropriately filed.
- B. The purpose of these reports is twofold. First, it gives the Patrol Sergeant an easily understood assessment of the member's activity, and secondly, it provides administrative oversight in this enforcement area.

**5. Ticket Serial Numbers:**

After issuance, all UTTs shall be forwarded to the Records Room staff for entry into the Ticket Serial Number log and the Department database computer program.

----- (End Memorandum 91 – 017) -----

**Sec: 3.7450**

**Title: Vice/Organized Crime & Intelligence Collection**

**Standard: 50.7**

**Authority: Memorandum 17-031  
Police Manual**

**Effective: 04/04/2017  
Effective: 01/01/2006**

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**I. PURPOSE:**

The purpose of this policy is to provide Rockville Centre Police Department Personnel with guidelines for the collection, analysis, and distribution of intelligence information.

Information gathering is a fundamental and essential element in the duties of any law enforcement agency. When acquired, information is used to prevent crime, pursue and apprehend offenders, and obtain evidence necessary for conviction. It is the policy of this agency to gather information directed toward specific individuals or organizations where there is reasonable suspicion that said individuals or organizations may be planning or engaging in criminal activity, to gather it with due respect for the rights of those involved, and to disseminate it only to authorized individuals. While criminal intelligence may be assigned to specific personnel within the agency, all members of this agency are responsible for reporting information that may help identify criminal conspirators and perpetrators.

**II. POLICY:**

It is the policy of this Department to investigate all known criminal activity. All such investigations will be coordinated through the investigating Officer's supervisor as well as the Commissioner of Police. The Commissioner of Police will carefully monitor the progress of the investigation with a view toward insuring the safety of anyone involved in the investigation, as well as protecting the integrity of the investigation.

**III. DEFINITIONS:**

**Criminal Intelligence;** Information compiled, analyzed and/or disseminated in an effort to anticipate, prevent, or monitor criminal activity.

**Strategic Intelligence;** Information concerning existing patterns or emerging trends of criminal activity designed to assist in criminal apprehension and crime prevention strategies, for both short- and long-term investigations.

**Tactical Intelligence;** Information regarding a specific criminal event that can be used immediately by Department members to further a criminal investigation, plan tactical operations and provide for officer safety.

**IV. PROCEDURE:**

1. Although specific assignments may be made as deemed necessary by supervisors and/or the Commissioner of Police, intelligence gathering is the responsibility of each member of this agency.

Confidential and restricted intelligence information shall be documented and forwarded to the Commissioner of Police. These files shall be secured by the Commissioner of Police. Access to all intelligence information shall be controlled by the Commissioner of Police.

- a. Intelligence files shall be maintained separately from Informant files.
- b. Intelligence files shall be maintained in accordance with state and federal law.
- c. All files released under freedom of information provisions or through disclosure shall be carefully reviewed as to protect the privacy and civil rights of individuals.

3. The Commissioner of Police shall review all follow-up reports, evaluate the progress of the investigation, and direct the activities of the investigation in order to insure:

- a. A thorough and appropriate investigation.
- b. The confidentiality of the investigation and criminal intelligence.
- c. The safety of those involved in the investigation and;
- d. The reputation of the Department or any of its members is not damaged as a result of the investigation.

4. Information that implicates, suggests implication or complicity of any public official in criminal activity or corruption shall be immediately reported to the Commissioner of Police.

5. The Commissioner of Police is responsible for ensuring that files are maintained in accordance with the goals and objectives of the department and include information that is both timely and relevant. To that end, all intelligence files shall be reviewed and purged on an annual basis.

6. Criminal intelligence files shall be maintained indefinitely, however when a file is found to contain no further informational value and/or meets the criteria of any applicable law, it may be destroyed. A record of purged files shall be maintained by the Commissioner of Police.

7. Any Department member who receives information pertaining to Organized Crime, or Vice, will forward that information to the Commissioner of Police, as soon as possible, in the form of a confidential memorandum. The Commissioner shall forward information received on Organized Crime, or Vice, to the appropriate County, State, or Federal agency. The Commissioner of Police shall treat as confidential, any "Organized Crime" and "Vice" information received.

#### INTERAGENCY INVESTIGATIONS:

Interagency cooperation is often necessary regarding criminal intelligence, and while the exchange of information or records between agencies should be encouraged, same should always be on a "need to know" basis. The release of intelligence information to any outside law enforcement agency shall be made only with the approval of the

Commissioner of Police and with the stipulation that such intelligence not be duplicated or otherwise disseminated without prior approval.

Release of intelligence information in general and electronic surveillance information and photographic intelligence shall be made only by or with the approval of the Commissioner of Police.

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**Sec: 3.7500**

**Title: Village Court – Other Offenses Prosecutable in**

**Standard: N/A**

**Authority: Memorandum 95 – 010 (Cases Returnable in Village Court)**

**Effective: 09/27/1995**

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The Rockville Centre Village Court Justice has agreed to hear cases involving:

1. **“LIRR (MTA) Local Law”** – note that the Long Island Railroad is empowered by the New York State Public Authorities Law to make Rules and Regulations governing the conduct and safety of the public in the use, and operations, of its Terminals, Stations, and Trains (Public Authorities Law Section 1226 (4); 1265 (5); 1265 (14); 1266 (8). These rules are very specific, and embrace “Undesirable Conduct” normally not embraced by state and local law.
  - a) Our Village Police Department can now enforce these rules through the Village Court, which therefore provides us with significantly more latitude than we now enjoy re: ongoing troublesome matters. Put simply, we may issue an Appearance Ticket, returnable in Village Court, for a host of offenses that would, like in the past, have required a summary arrest for a New York State Penal Law offense returnable in First District Court. Depending upon all the unique facts and circumstances surrounding each specific case, it shall remain a supervisory prerogative whether these matters are enforced via local Village Court, or State (penal) Law in District Court. These decisions will remain with the first line supervisor; what we have here is another “tool” which can assist in carrying out our objectives.
  - b) The Commanding Officer of Patrol shall be responsible for contacting the LIRR (MTA), from time to time (as appropriate), to insure that all the updates and revisions to the LIRR (MTA) Local Law are received, retained, and distributed throughout the Command.
2. **“Public Health Law” – Chapter 799 (Article 13-f) “Sale of Tobacco Products to Minors”**, can be used when citing store owners for selling tobacco to children under the age of 18 – returnable in Village Court. This section provides for a civil penalty (only), rather than a misdemeanor (criminal) charge (returnable in First District Court) for merchants who sell tobacco to children.
3. **“Alcohol Beverage Control Law”** – Members can now issue Appearance Tickets, returnable in Village Court, for unclassified misdemeanors dealing with the sale or consumption of alcohol beverages. A Case Report, and supporting documents, will still be submitted, as well as the ABC Referral Form.

- 
- a) The first line supervisor will decide what venue will be utilized after considering all the circumstances surrounding each specific case.

All of the above shall greatly reduce the time and paperwork required to process these matters, while at the same time, providing more positive final results.

**Title: Crime Prevention**

**Standard: 29.3**

**Authority: Police Manual**

**Effective: 01/01/2006**

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**I. PURPOSE:**

The purpose of this policy is to define the procedures and responsibility for crime prevention.

**II. POLICY:**

Crime prevention is the duty of all members of the Rockville Centre Police Department, working in cooperation with the citizens of the community.

The Department seeks to prevent crime through traditional patrol, observation, and investigation techniques designed to protect life and property, detect and apprehend offenders, preserve the public peace, and the enforcement of laws over which we have jurisdiction.

Citizens of the community are encouraged to participate in crime prevention through cooperative citizen and police oriented programs.

Cooperative citizen and police crime prevention programs shall be coordinated by the Commissioner of Police, or his designee.

All members of the Department share the crime prevention function while performing their duties, while assisting our community, or investigating crimes.

**III. PROCEDURES:**

A. Department personnel, assigned to specific crime prevention presentations, shall wear the Department prescribed uniform. The commissioner may determine that a specific assignment would benefit by non-uniform attire in place of the Department uniform.

B. All Department personnel will be responsible for, but are not limited to:

1. Identifying community needs for selected crime prevention programs, crime problems, and possible crime prevention solutions, and the taking of appropriate action to implement such, upon approval of the Commissioner.
2. Assisting the Community Relations Officer in the development, and implementation, of crime prevention programs as directed by the

Commissioner of Police.

3. Participation in crime prevention activities as assigned:
  - a. Lecturing on various crime prevention topics.
  - b. Maintain liaison with individuals, and community and business groups.
  - c. Participating in crime prevention training.
  - d. Following up on referrals regarding crime prevention.
  - e. Evaluating programs initiated, and the exchange of ideas, with other members and other departments.

C. Crime Prevention Programs:

It shall be the responsibility of the designated Crime Prevention Officer to establish, and maintain, crime prevention programs in accordance with the following prevention categories:

1. Crime Prevention and Property:
  - a. Security Lighting
  - b. Alarm Systems
  - c. Security Hardware
  - d. Operation Identification
2. Crime Prevention and Business:
  - a. Robbery prevention
  - b. Shoplifting prevention
  - c. Internal theft prevention
3. Crime Prevention and the Person:
  - a. Rape Prevention
  - b. Crime Prevention and Senior Citizens
  - Crime Prevention and Children
  - d. Domestic Violence
  - e. Substance Abuse

**ROCKVILLE CENTRE POLICE DEPARTMENT PERFORMANCE EVALUATION**

Name and Rank of Employee:

Current Assignment:

Rating Period:

Sick Days:

Arrests:

Summonses: Parkers:      UTT's      App.

**Section 1: Job Skills**

A) Knowledge/Application of laws and procedures

- Member shows awareness of current laws, court rulings, Village Code, and Department procedures, and applies them appropriately.

- Outstanding**
- Above Average**
- Satisfactory**
- Needs Improvement**
- Unacceptable**

**Comments:**

B) Post Integrity

- Member demonstrates knowledge of post conditions and boundaries, maintains post discipline, works to address post conditions, actively patrols post during tour of duty.

- Outstanding**
- Above Average**
- Satisfactory**
- Needs Improvement**
- Unacceptable**

**Comments:**

C) Quality of Work

- Member demonstrates thoroughness and accuracy in written reports, including the ability to organize thoughts in a manner that is easily understood using proper grammar and spelling.

- Outstanding**
- Above Average**
- Satisfactory**
- Needs Improvement**

- Unacceptable**

**Comments:**

D) Enforcement

- Enforces laws appropriately and in a manner consistent with Member's current assignment and Department expectations.

- Outstanding**
- Above Average**
- Satisfactory**
- Needs Improvement**
- Unacceptable**

**Comments:**

E) Communication

- Member can clearly explain procedures to members of the public, accurately conveys circumstances to other agencies (Swift, Detectives, Firecom, etc.), makes clear and understandable radio transmissions, keeping the Desk and Supervisor aware of pertinent information.

- Outstanding**
- Above Average**
- Satisfactory**
- Needs Improvement**
- Unacceptable**

**Comments:**

**Section 2: Attitude, Demeanor, Personal Responsibility**

A) Personal Appearance

- Exercises proper care and attention to personal appearance, clothing, and equipment.

- Outstanding**
- Above Average**
- Satisfactory**
- Needs Improvement**
- Unacceptable**

**Comments:**

B) Department Equipment

- Gives appropriate attention to all Department equipment under their care to include RMP's, radar/laser units, tablets, PBT's etc. Member is thorough in checking and maintaining their RMP and its equipment to the best of their ability and is not involved in avoidable RMP accidents.

- Outstanding**
- Above Average**
- Satisfactory**
- Needs Improvement**
- Unacceptable**

**Comments:**

C) Relations with Others

- Relates well with peers, is respectful to Supervisors, and interacts positively with the public.

- Outstanding**
- Above Average**
- Satisfactory**
- Needs Improvement**
- Unacceptable**

**Comments:**

**Section 3: Work Conduct**

A) Observance of Rules and Regs

- Conforms to Department standards of conduct as outlined in Department Manual and Village Handbook, carries out orders and assignments promptly and efficiently.

- Outstanding**
- Above Average**
- Satisfactory**
- Needs Improvement**
- Unacceptable**

**Comments:**

B) Initiative

- Displays energy and aptitude to be a self-starter, takes steps to self-improve, self-educate, and exceed expectations.

- Outstanding**
- Above Average**
- Satisfactory**

- Needs Improvement
- Unacceptable

**Comments:**

C) Attendance

- Member is present for duty and punctual when scheduled.

- Outstanding
- Above Average
- Satisfactory
- Needs Improvement
- Unacceptable

**Comments:**

D) Judgement

- Accurately assesses and takes appropriate actions in any given situation.

- Outstanding
- Above Average
- Satisfactory
- Needs Improvement
- Unacceptable

**Comments:**

**Final Comments** (the rater must complete this area):

**Member's Comments:**

**Member Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Supervisor Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**ROCKVILLE CENTRE POLICE DEPARTMENT SUPERVISORY PERFORMANCE EVALUATION**

Name and Rank of Employee:

Current Assignment:

Rating Period:

Sick Days:

**Section 1: Job Skills**

A) Knowledge/Application of laws and procedures

- Member shows awareness of current laws, court rulings, Village Code, and Department procedures, and applies them appropriately.

**Outstanding**

**Above Average**

**Satisfactory**

**Needs Improvement**

**Unacceptable**

**Comments:**

B) Supervision of Subordinates

- Member adequately supervises subordinates' activities and monitors their performance, including the manner in which assignments are handled, appropriate levels of enforcement by squad members, and ensuring daily directives are properly carried out. Member provides training and counseling to subordinates when appropriate.

**Outstanding**

**Above Average**

**Satisfactory**

**Needs Improvement**

**Unacceptable**

**Comments:**

C) Administrative Ability

- Member demonstrates thoroughness and accuracy in written reports, including the ability to organize thoughts in a manner that is easily understood using proper grammar and spelling. Member carefully reviews all reports, ensuring reports are thorough and correct before forwarding for administrative review. Member shows strong knowledge of desk operations.

**Outstanding**

**Above Average**

**Satisfactory**  
**Needs Improvement**  
**Unacceptable**  
**Comments:**

D) Task Accomplishment

- Member ensures all supervisory tasks, as well as that of subordinates, are done in a timely fashion and to completeness.

**Outstanding**  
**Above Average**  
**Satisfactory**  
**Needs Improvement**  
**Unacceptable**  
**Comments:**

E) Communication

- Member can clearly explain procedures to members of the public, accurately conveys circumstances to other agencies and superior Officers when necessary.

**Outstanding**  
**Above Average**  
**Satisfactory**  
**Needs Improvement**  
**Unacceptable**  
**Comments:**

**Section 2: Attitude, Demeanor, Personal Responsibility**

A) Personal Appearance

- Exercises proper care and attention to personal appearance, clothing, and equipment.

**Outstanding**  
**Above Average**  
**Satisfactory**  
**Needs Improvement**  
**Unacceptable**  
**Comments:**

B) Department Equipment

- Gives appropriate attention to all Department equipment under their care to include RMP's, radar/laser units, tablets, PBT's etc. Member is thorough in facility inspections and ensures subordinates are using Departmental equipment appropriately.

**Outstanding**

**Above Average**

**Satisfactory**

**Needs Improvement**

**Unacceptable**

**Comments:**

C) Relations with Others

- Relates well with peers, is respectful to Supervisors, and interacts positively with the public.

**Outstanding**

**Above Average**

**Satisfactory**

**Needs Improvement**

**Unacceptable**

**Comments:**

**Section 3: Work Conduct**

A) Observance of Rules and Regs

- Conforms to Department standards of conduct as outlined in Department Manual and Village Handbook, carries out orders and assignments promptly and efficiently, and ensures subordinates do the same.

**Outstanding**

**Above Average**

**Satisfactory**

**Needs Improvement**

**Unacceptable**

**Comments:**

B) Initiative

- Displays energy and aptitude to be a self-starter, takes steps to self-improve, self-educate and exceed expectations.

**Outstanding**

**Above Average**

**Satisfactory**

**Needs Improvement**

**Unacceptable**

**Comments:**

C) Attendance

- Member is present for duty and punctual when scheduled.

**Outstanding**

**Above Average**

**Satisfactory**

**Needs Improvement**

**Unacceptable**

**Comments:**

D) Judgement

- Accurately assesses and takes appropriate actions in any given situation.

**Outstanding**

**Above Average**

**Satisfactory**

**Needs Improvement**

**Unacceptable**

**Comments:**

E) Leadership

- Consistently leads by example and provides a positive and professional role model for employees.

**Outstanding**

**Above Average**

**Satisfactory**

**Needs Improvement**

**Unacceptable**

**Comments:**

**Final Comments** (the rater must complete this area):

**Member's Comments:**

**Member Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Supervisor Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

# **ROCKVILLE CENTRE POLICE DEPARTMENT PERFORMANCE EVALUATION USER GUIDE**

The performance evaluation is intended to be an appraisal of both the employee's proficiency in work skills and the professionalism of their work conduct. It is also intended to serve as a guide to aid in the development of the employee's potential to improve in areas where needed, and to recognize high levels of competency where earned. Evaluation of the specific areas of performance encompass the employee's response to training, their adherence to all written policies and procedures of the Rockville Centre Police Department and the Village of Rockville Centre, NY, and finally, their contribution in achieving the goals and objectives of the Department and their specific squad or unit. The below listed appraisal criteria will be utilized to express the measurement of the employee's relative performance in each specific area of evaluation. **Performance factors evaluated with an "Outstanding" or "Unacceptable" must be explained in the comments section.**

**Outstanding:** Performance in this area is consistently above average. Employee obviously exceeds normal requirements, frequently anticipates needs, and consistently uses excellent judgment. **Specific examples of outstanding performance must be cited to justify this rating.**

**Above Average:** Performance exceeds the minimum standard normally practiced in this area.

**Satisfactory:** Employee meets the requirements of the position in this area on a consistent basis.

**Needs Improvement:** Performance standards in this area are frequently not met and are overall below average. With application and serious effort on the part of the employee, deficiency should improve.

**Unacceptable:** Performance in this area is not acceptable. Employee demonstrates inability or lack of desire to improve or meet required standards.

## Notes:

- Sick days, arrests, and summons information is the yearly total.
- The current assignment will reflect what the employee's regular assignment is (Patrol, Desk Officer, Traffic, etc.)
- Although Supervisory comments for 'Above Average,' 'Satisfactory,' and 'Needs Improvement' are not required, they are encouraged.
- The description under each heading is an example of the things to be considered and is not necessarily all-inclusive. The Rater has the flexibility to consider other criteria he/she believes applicable, provided it is reasonable and can be articulated.
- The evaluating Supervisor must leave final comments at the end of each employee's evaluation and meet personally with the member to review the evaluation.
- Evaluations are not final until they have undergone Administrative review. The CO of Patrol will be the authority as to the acceptability of the evaluation.

1787:11/18/2020 22:32 - This order will serve to amend the Rockville Centre Police Department Manual Section 1.1200 regarding Personnel Performance Evaluations, and replace General Order 04-30 and Memorandum 04-031 in their entirety:

I. PURPOSE:

To provide an appraisal mechanism within the Department, and to guide personnel who prepare the standardized performance appraisals.

II. PROCESS:

A Department standard is the efficient operation of its functions. A person is hired with the expectation that he/she will perform properly and efficiently. Efficiency is affected by the manner, and level, at which an individual conducts himself/herself while in the process of performing required job functions.

III. PROCEDURE:

The following will guide, and assist, the raters with the standardized performance appraisal process.

1) Rate each individual's performance in relation to the results of his/her job functions based upon the performance statement standards noted for each category of evaluation on the "Performance Evaluation Form" and the accompanying user guide. Raters may use their judgement but should be prepared to justify each rating to the member.

2) Rate each individual on performance for the entire rating period utilizing all administrative tools (reports, activity sheets, letters of commendation, disciplinary actions, administrative notes, etc.) available as reference when reviewing performance.

3) The rater will meet personally with the member to be rated to discuss the evaluation. Both the member and the rater will sign and date the evaluation at the conclusion of the meeting. Completed evaluations will be forwarded to the CO of Patrol.

IV. EVALUATION PERIOD

Evaluations will be conducted annually and must be submitted to the CO of Patrol no later than February 15th.

V. EMPLOYEE REVIEW:

Before submission, each member must be shown his/her evaluation, and given an opportunity to discuss it with their immediate supervisor. Additionally, space will be provided on the evaluation form for any explanatory comments the member wishes to make.

VI. ADMINISTRATIVE REVIEW:

Any member objecting to their evaluation, or portion thereof, will be granted an administrative review by the Commanding Officer of Patrol. This review must be requested by the member via Department email, and will consist of member/rater interviews to determine the fairness and impartiality of the evaluation. At the conclusion of the review process, members will be provided with a written finding, a copy of which will be attached and made a part of the member's evaluation.

VII. EVALUATION RESPONSIBILITY:

It will be the responsibility of the Commanding Officer of Patrol to provide each rater with the necessary "Performance Evaluation Forms" and "User Guides", and to train each rater about their role in the evaluation process. He will review each evaluation, and then forward them to the Police Commissioner upon request. A member will receive a copy of his/her evaluation if desired.

BY ORDER OF:

\_\_\_\_\_  
COMMISSIONER OF POLICE  
ROCKVILLE CENTRE POLICE DEPARTMENT

Police Manual Section 3.6500 is amended as follows:

In Police Manual Section 3.6500 - D. Transporting Injured or Sick Prisoners

The following directive shall be put into effect on January 01, 2021 and entered into the Department Manual at the earliest possible convenience:

Police Manual Section 3.6500 - D. "Transporting Injured or Sick Prisoners" shall now be changed to: Transporting Injured or Sick Persons In Police Custody.

Police Manual Section 3.6500 - D Line #2 shall now be changed to:

Members are to acquire prompt medical attention for anyone in police custody who is complaining of, or is exhibiting signs/symptoms of any medical or mental health condition should such care be deemed necessary. This applies to any person in police custody for any reason.

All other aspects of Police Manual Section 3.6500 remain in effect.

BY ORDER OF:

\_\_\_\_\_  
COMMISSIONER OF POLICE  
ROCKVILLE CENTRE POLICE DEPARTMENT



# Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers



As a law enforcement officer, you can expect to come into contact with people who are deaf or hard of hearing. It is estimated that up to nine percent of the population has some degree of hearing loss, and this percentage will increase as the population ages.

Under the Americans with Disabilities Act (ADA), people who are deaf or hard of hearing are entitled to the same services law enforcement provides to anyone else. They may not be excluded or segregated from services, be denied services, or otherwise be treated differently than other people. Law enforcement agencies must make efforts to ensure that their personnel communicate effectively with people whose disability affects hearing. This applies to both sworn and civilian personnel.

Your agency has adopted a specific policy regarding communicating with people who are deaf or hard of hearing. It is important to become familiar with this policy.

## Requirements for Effective Communication

The ADA requires that . . .

- Law enforcement agencies must provide the communication aids and services needed to communicate effectively with people who are deaf or hard of hearing, except when a particular aid or service would result in an undue

burden or a fundamental change in the nature of the law enforcement services being provided.

- Agencies must give primary consideration to providing the aid or service requested by the person with the hearing disability.
- Agencies cannot charge the person for the communication aids or services provided.
- Agencies do *not* have to provide personally prescribed devices such as hearing aids.
- When interpreters are needed, agencies must provide interpreters who can interpret effectively, accurately, and impartially.
- Only the head of the agency or his or her designee can make the determination that a particular aid or service would cause an undue burden or a fundamental change in the nature of the law enforcement services being provided.

Your agency's policy explains how to obtain interpreters or other communication aids and services when needed.

## **Communicating with People Who are Deaf or Hard of Hearing**

Officers may find a variety of communication aids and services useful in different situations.

- Speech supplemented by gestures and visual aids can be used in some cases.
- A pad and pencil, a word processor, or a typewriter can be used to exchange written notes.
- A teletypewriter (TTY) can be used to exchange written messages over the telephone.
- An assistive listening system or device to amplify sound can be used when speaking with a person who is hard of hearing.
- A sign language interpreter can be used when speaking with a person who knows sign language.
- An oral interpreter can be used when speaking with a person who has been trained to speech read (read lips). **Note:** Do not assume that speech reading will be effective in most situations. On average, only about one third of spoken words can be understood by speech reading.

The type of situation, as well as the individual's abilities, will determine which aid or service is needed to communicate effectively.

## **Practical Suggestions for Communicating Effectively**

- Before speaking, get the person's attention with a wave of the hand or a gentle tap on the shoulder.
- Face the person and do not turn away while speaking.
- Try to converse in a well-lit area.
- Do not cover your mouth or chew gum.
- If a person is wearing a hearing aid, do not assume the individual can hear you.
- Minimize background noise and other distractions whenever possible.
- When you are communicating orally, speak slowly and distinctly. Use gestures and facial expressions to reinforce what you are saying.
- Use visual aids when possible, such as pointing to printed information on a citation or other document.
- Remember that only about one third of spoken words can be understood by speech reading.
- When communicating by writing notes, keep in mind that some individuals who use sign language may lack good English reading and writing skills.
- If someone with a hearing disability cannot understand you, write a note to ask him or her what communication aid or service is needed.
- If a sign language interpreter is requested, be sure to ask *which* language the person uses. American Sign Language (ASL) and Signed English are the most common.
- When you are interviewing a witness or a suspect or engaging in any complex conversation with a person whose primary language is sign language, a qualified interpreter is usually needed to ensure effective communication.
- When using an interpreter, look at and speak directly to the deaf person, not to the interpreter.
- Talk at your normal rate, or slightly slower if you normally speak very fast.
- Only one person should speak at a time.
- Use short sentences and simple words.
- Do not use family members or children as interpreters. They may lack the vocabulary or the impartiality needed to interpret effectively.

## **What Situations *Require* an Interpreter?**

Generally, interpreter services are not required for simple transactions – such as checking a license or giving directions to a location – or for urgent situations – such as responding to a violent crime in progress.

**Example:** An officer clocks a car on the highway going 15 miles per hour above the speed limit. The driver, who is deaf, is pulled over and is issued a noncriminal citation. The individual is able to understand the reason for the citation because the officer points out relevant information printed on the citation or written by the officer.

**Example:** An officer responds to an aggravated battery call and upon arriving at the scene observes a bleeding victim and an individual holding a weapon. Eyewitnesses observed the individual strike the victim. The individual with the weapon is deaf. Because the officer has probable cause to make a felony arrest without an interrogation, an interpreter is not necessary to carry out the arrest.

However, an interpreter may be needed in lengthy or complex transactions – such as interviewing a victim, witness, suspect, or arrestee – if the person being interviewed normally relies on sign language or speech reading to understand what others are saying.

**Example:** An officer responds to the scene of a domestic disturbance. The husband says the wife has been beating their children and he has been trying to restrain her. The wife is deaf. The officer begins questioning her by writing notes, but her response indicates a lack of comprehension. She requests a sign language interpreter. In this situation an interpreter should be called. If the woman’s behavior is threatening, the officer can make an arrest and call for an interpreter to be available later at the booking station.

It is inappropriate to ask a family member or companion to interpret in a situation like this because emotional ties may interfere with the ability to interpret impartially.

**Example:** An officer responds to the scene of a car accident where a man has been seriously injured. The man is conscious, but is unable to comprehend the officer’s questions because he is deaf. A family member who is present begins interpreting what the officer is saying.

A family member or companion *may* be used to interpret in a case like this, since it is an emergency involving an imminent threat to the safety or welfare of an individual and no interpreter is available. However, in general, do not expect or demand that a deaf person provide his or her own interpreter. As a rule, when interpreter service is needed, it must be provided by the agency.

List your agency’s contact information for obtaining an interpreter, an assistive listening device, or other communication aid or service here.

## **For further information on the Americans with Disabilities Act contact:**

**ADA Website**

[www.ada.gov](http://www.ada.gov)

## **ADA Information Line**

800-514-0301 (voice)

800-514-0383 (TTY)

This pamphlet was developed by the U.S. Department of Justice for law enforcement personnel.

## **Reproduction is encouraged.**

Issued January 2006, last updated February 25, 2020

The Americans with Disabilities Act authorizes the Department of Justice (the Department) to provide technical assistance to individuals and entities that have rights or responsibilities under the Act. This document provides informal guidance to assist you in understanding the ADA and the Department's regulations.

This guidance document is not intended to be a final agency action, has no legally binding effect, and may be rescinded or modified in the Department's complete discretion, in accordance with applicable laws. The Department's guidance documents, including this guidance, do not establish legally enforceable responsibilities beyond what is required by the terms of the applicable statutes, regulations, or binding judicial precedent.

## Section 140.50

Temporary questioning of persons in public places; search for weapons  
Criminal Procedure (NYS CPL)

§ 140.50 Temporary questioning of persons in public places; search for weapons.

1. In addition to the authority provided by this article for making an arrest without a warrant, a police officer may stop a person in a public place located within the geographical area of such officer's employment when he reasonably suspects that such person is committing, has committed or is about to commit either (a) a felony or (b) a misdemeanor defined in the penal law, and may demand of him/her his/hers name, address and an explanation of his conduct.

2. Any person who is a peace officer and who provides security services for any court of the unified court system may stop a person in or about the courthouse to which he is assigned when he reasonably suspects that such person is committing, has committed or is about to commit either (a) a felony or (b) a misdemeanor defined in the penal law, and may demand of him/her his/hers name, address and an explanation of his conduct.

3. When upon stopping a person under circumstances prescribed in subdivisions one and two a police officer or court officer, as the case may be, reasonably suspects that he is in danger of physical injury, he may search such person for a deadly weapon or any instrument, article or substance readily capable of causing serious physical injury and of a sort not ordinarily carried in public places by law-abiding persons. If he finds such a weapon or instrument, or any other property possession of which he reasonably believes may constitute the commission of a crime, he may take it and keep it until the completion of the questioning, at which time he shall either return it, if lawfully possessed, or arrest such person.

4. In cities with a population of one million or more, information that establishes the personal identity of an individual who has been stopped, questioned and/or frisked by a police officer or peace officer, such as the name, address or social security number of such person, shall not be recorded in a computerized or electronic database if that individual is released without further legal action; provided, however, that this subdivision shall not prohibit police officers or peace officers from including in a computerized or electronic database generic characteristics of an individual, such as race and gender, who has been stopped, questioned and/or frisked by a police officer or peace officer.





**POLICE DEPARTMENT, COUNTY OF NASSAU, NEW YORK  
EMERGENCY BUSINESS FILE**

PDCN 48 - REV. 9/79

BUSINESS ADDRESS: NO. STREET		VILLAGE	
NEAREST CROSS STREET	TRADE NAME	POST	
BUSINESS PHONE	PROPRIETOR'S NAME	HOME PHONE	
PROPRIETOR'S HOME ADDRESS: NO. STREET		VILLAGE	
SAFE <input type="checkbox"/> YES <input type="checkbox"/> NO	* LOCATION	NIGHT LIGHT <input type="checkbox"/> YES <input type="checkbox"/> NO	* LOCATION
HOURS OF BUSINESS	GUARD DOG ON PREMISE <input type="checkbox"/> YES <input type="checkbox"/> NO	BURGLAR ALARM <input type="checkbox"/> YES <input type="checkbox"/> NO	
TYPE OF ALARM: <input type="checkbox"/> AUTOMATIC DIALING <input type="checkbox"/> AUDIBLE <input type="checkbox"/> BURGLARY <input type="checkbox"/> FIRE <input type="checkbox"/> MEDICAL EMERGENCY <input type="checkbox"/> SILENT <input type="checkbox"/> ROBBERY <input type="checkbox"/> OTHER			
DATE OF REPORT	NO. 1 EMERGENCY: NAME	HOME PHONE	
HOME ADDRESS		NO. 2 EMERGENCY: NAME	
HOME PHONE	HOME ADDRESS		
INFORMATION SECURED BY	RANK	SURNAME	INITIAL SERIAL NO.

FIELD INTERVIEW REPORT

---

Field Int #: RC-00001-21      Date: 01/20/2021      Day: WE      Time:      Blotter #:

---

Location.....:      Post....:

City.....:      Post....:

Interviewing Officer:      - ,

---

NARRATIVE

-----

VEHICLE (S) / PERSON (S) INVOLVED

Plate #....: ABC123      Make.:

Reg. State.: NY      Model:

Veh. Year..:      Color:

=====

Plate #....:      Make.:

Reg. State.:      Model:

Veh. Year..:      Color:

=====

Last Name: SAMPLE      First: JOHN      MN :

D.O.B....:      Age..:      Sex:

Address..:      State:      Zip Code:

City.....:      State:      Zip Code:

Alias/AKA:

-----

Soc Sec #..:      Height....:      Weight..:

Hair Color.:      Eye Color.:      Build...:

Race.....:      Complexion:      Hispanic: N

ID Verified: N      Occupation:      Glasses.: N

Facial Hair:

Tattoos....:

=====

**ROCKVILLE CENTRE POLICE DEPARTMENT  
MEMORANDUM**

Date: 19 November 97  
From: Police Commissioner J.P. McKeon  
To: *Files*

Subject: **SERVICES AVAILABLE TO ROCKVILLE CENTRE POLICE, AS A  
RESULT OF "HEADQUARTERS TAX" PAID BY ROCKVILLE CENTRE  
RESIDENTS AND MERCHANTS**

- Affirmative Action Office
- Aviation Bureau
- Applicant Investigation Bureau
- Arson Squad
- Auxiliary Police Unit
  
- Bomb Squad
- Bureau of Special Operations
- Burglary Squad
  
- Central Testing Section
- Chief of Detectives
- Chief of Operations
- Chief of Patrol
- Chief of Support
- Children's Safety Town
- Civil Preparedness Office
- College Information & Assistance
- Commissioner of Police Office
- Communications Bureau
  - NYSPIN Coordinator
- Community Projects Bureau
- Community Relations Unit
- Community Services
- Court Liaison
- Crime Scene Search Section
  
- Data Processing Bureau
- Detective Services
  - Detective Records Storage Room
- Detention Desk
- District Attorney Squad

- Electronics Section
- Emergency Ambulance Bureau
  - Fire Police
- Emergency Services Unit
- Employee Assistance Office
- Emergency Vehicle Operations Course Training (EVOC)
  
- Field Auditing Unit
- Firearms Training Unit
- Fire-Com
- Fire Police Academy
- Fleet Service Bureau
- Forgery Squad
- Fugitive Squad
  
- Highway Patrol Bureau
- Homicide Squad
  
- Internal Affairs Unit
- Investigative Support Bureau
  
- Jail
- Juvenile Aid Bureau
  
- Latent Fingerprint Section
- Legal Bureau
  
- Mail Room
- Main Office (Detectives)
- Major Case Squad
- Marine Bureau
- Medical Administration Office
- Missing Persons Squad
- Mounted Unit
- Museum
  
- Narcotics Bureau
- Narcotics Enforcement Team
- Nassau County Switchboard
- Nassau Medical Center
- NCIS/DCJS
  
- Organized Crime Unit
- Oxygen Unit

- Paging Unit
  - PBA
  - Personnel & Accounting Bureau
  - Photo Section
  - Pistol Licenses
  - Pistol Range (outdoor / indoor)
  - Planning Bureau
  - Police Academy
    - College Information
    - Command Level Training
    - EVOG
    - Firearms Training
    - In Service Training
    - Recruit Training
  - Police Activity League
  - Polygraph Section
  - Precinct Squads North
  - Precinct Squads South
  - Press Room
  - Print Shop Unit
  - Property Bureau
    - Evidence
    - Warehouse
  - Property Recovery Section
  - Public Information Office
  
  - Radio Dispatch
  - Records Bureau
  - Recruitment Section
  - Retirement Processing
  - Robbery Squad
  - Rogues Gallery
  
  - Scientific Investigation Bureau
  - Security Desk
  - Sex Crimes Squad
  - Special Investigations Squad
  - Subpoenas
  - Summonses/Traffic Court
  - Superior Officers Association
  - Supply Unit
  - Surgeons
  
  - Teletype
  - Traffic Safety Unit
-

- Traffic Services
- Traffic Court
  
- Uniform Section
  
- Vehicle Theft Squad
- Vice Squad
- Visual Communications Unit
  
- Warrant Squad

*J.P. McKeon*

J.P. McKeon  
Police Commissioner

↑ INSTRUCTIONS ON BACK ↓

# Interpreter on Wheels™

LanguageLine® InSight™  
Video Interpreting



[www.LanguageLine.com](http://www.LanguageLine.com)

LanguageLine  
Solutions

# LanguageLine® InSight<sup>SM</sup> Video Interpreting

## INTERPRETER ACCESS

- 1 Select the InSight application icon.



- 2 Tap the language needed. Scroll to view more languages.



- 3 Tap to confirm the selection.



- 4 The hold screen appears while waiting to be connected to an interpreter. Tap the red Cancel Call button to end the call.



- 5 Greet your interpreter. Document the language and interpreter ID located at the bottom left.



## SCREEN CONTROL FUNCTIONS

- Connect to an InSight video interpreter.
- Connect to an InSight audio interpreter.
- End a call in progress.
- Initiate video privacy to restrict the interpreter's ability to see; audio will continue.
- Cancel video privacy.
- Mute the audio to restrict the interpreter's ability to hear; video will continue.
- Cancel audio mute.
- Indicates current bandwidth connection and video quality.

## TIPS

1. Keep the iPad plugged in and ready when not in use.
2. Check WiFi connection and strength before each session.
3. Set the call volume prior to placing the iPad in the stand. Tap Help & Settings in the lower left corner of the InSight Application's Language Selection Screen, then tap Place Test Call. Press the Volume Button on the side of the iPad and increase the Volume to the loudest position. Next, if using an external speaker, make sure it is on and set to Max. Volume, plug it into the AUX jack, then press the Volume Button on the side of the iPad and increase the Headset Volume to the loudest position. Tap on the red phone icon to end the Test Call.
4. Position the iPad camera so the interpreter can see the head and torso of the customer and the customer can see the interpreter.
5. Search for a language by name or by country.
6. Brief the interpreter and speak directly to your customer.
7. Move the self-view window by dragging to any corner. Minimize by tapping the (-) icon. Tap the (+) icon to restore.
8. If you are having problems accessing InSight Interpreters, please call 1-844-373-1951.

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www.LanguageLine.com

LanguageLine  
Solutions

**New LanguageLine App Feature: Support Transfers to a Male or Female Video Interpreter**

Now LanguageLine App users can request to be transferred to a male or female interpreter during both video and audio interpreting sessions. The ability to request a call transfer to the opposite gender during audio calls remains the same (audio interpreters are able to route a call to a LanguageLine agent to assist with routing the call to the requested gender). During video interpreting sessions, interpreters now have the ability to transfer a call to another video interpreter in the same language.

**How do I transfer interpreters during a video call?**

1. **Request a transfer:** From within a video interpretation session, ask the interpreter to transfer a call to another video interpreter in the opposite gender.
2. **Wait to be connected:** Wait while the current video interpreter finds the next available video interpreter in the requested gender. The privacy screen launches while waiting, to allow the current interpreter to hear but not see the end user.
3. **Start your interpretation session:** If an interpreter in the opposite gender is staffed and available, the current interpreter will brief the new interpreter and drop from the call, and the privacy screen will disappear when the new interpreter joins the video call.

If there aren't any video interpreters of the requested gender logged in or all interpreters are busy, the current interpreter may offer these options to the end user:

- *Continue with the current interpreter (use the privacy screen if helpful)*
- *Keep holding and wait for an interpreter in the requested gender*
- *Call us back at a later time*

**Important Reminders**

To ensure you have the highest quality services through the LanguageLine on-demand interpreting application, update your devices to the most current operating system. Apple periodically announces that older iPad models are no longer eligible for iOS updates. As a result, these models may no longer be able to update to new versions of the LanguageLine App. If you have devices running the LanguageLine App that do not meet these technical recommendations, we suggest that you update those devices to the most current operating system and retire old devices that cannot be updated. These operating systems and browsers are recommended to support secure and reliable access to the LanguageLine App:

- iPad and iPhone®: running iOS 12.1.4 or later
- Android™: smartphones or tablets running Android 9 or later
- macOS®: macOS 10.15 Catalina or later
- Windows Operating System®: Windows 10 / 8 / 7 using the latest version of Google Chrome™ or Firefox®



### Installing Updates

The update installation process varies depending on whether you have purchased your devices or lease them from LanguageLine Solutions.

- **Client-Owned Devices:** Updates will take place automatically if you utilize the iOS "Automatic App Update" feature. To update the application yourself, follow your device's standard app update process.
- **LanguageLine-Owned Devices:** The application update will be handled by LanguageLine's Mobile Device Management (MDM) automatically. If the application is open during the update, the user may be prompted to allow the update to proceed.

### Release Schedule – LanguageLine-Owned Devices

All LanguageLine App updates are released during LanguageLine Solutions' monthly maintenance window, between the hours of 6:00 p.m. and 8:00 p.m. Pacific Time starting on the first Thursday of the month and continuing through the following Sunday. Emergency app updates, profile updates, and iOS updates will be released the first weekend after LanguageLine Solutions receives an emergency notification from Apple. The "Auto-Update" feature will be enabled for two weeks from the start of the maintenance window to ensure that iPads that were offline during the maintenance window receive the update.

### Technical Support

If you need assistance or have any questions about how to download our app from the App Store or the Google Play store, please contact us at (844) 373-1951.

Questions? Contact your LanguageLine Account Executive or Customer Service at 1-800-752-6096 / [customercare@languageline.com](mailto:customercare@languageline.com).

*Thank you for your business. We look forward to hearing about how our app is helping you create better experiences for those you serve, no matter what language they speak.*

**The LanguageLine Solutions Team**



**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

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### Car Stops vs. Pedestrian Stops

It is well settled that the stop of a motor vehicle is a limited seizure triggering constitutional protections, *People v. Spencer*, 84 N.Y.2d 749 (1995); *People v. Sobotker*, 43 N.Y.2d 559 (1978). The rationale behind the rulings of the courts in this area is the recognition that automobile stops are more intrusive than the minimal intrusion involved in stopping a pedestrian. Members should be aware that the stop of a motor vehicle has Fourth Amendment search and seizure implications and may not be permissible under certain circumstances.

The Courts have distinguished stops of a pedestrian from motor vehicle stops because "...the obvious impact of stopping the progress of an automobile is more intrusive than the minimal intrusion involved in stopping a pedestrian" *People v. John BB.*, 56 NY2d 482, 487 (1982). A police officer may request information from a pedestrian, but the request must be supported by an objective, credible reason, not necessarily indicative of criminality, i.e. inquiring about a missing child. At this level of intrusion the questioned person does not have to respond and the police officer may not detain the individual. Of course, during this brief encounter circumstances may evolve whereby the police officer has a founded suspicion that criminal activity is afoot. At this point the police officer may interfere with the individual to the extent necessary to gain explanatory information concerning the suspected illegal activity. This level of intrusion is known as the "common law right of inquiry." It is important to note that when a police officer has reasonable suspicion that a particular person "has committed, is committing or is about to commit a felony or misdemeanor", the Criminal Procedure Law authorizes a forcible stop and detention of that person. Finally, when the officer has probable cause an arrest may be made of the individual (*People v. DeBour*, 40 N.Y. 2d 210; *People v. Hollman and People v. Saunders*, 79 N.Y.2d 181 (1992)).

Stopping a moving vehicle in order to obtain information or based on a police officer's "common law right of inquiry" is not permissible. An automobile may be stopped "in accordance with nonarbitrary, nondiscriminatory, uniform procedures, such as at roadblocks, checkpoints and weighing stations," but stops that are "the product of mere whim, caprice or idle curiosity," are prohibited, *People v. Singleton*, 41 N.Y.2d 402 (1977). The Court of Appeals has held that a motor vehicle may be stopped for a "routine traffic check" when a police officer reasonably suspects a violation of the Vehicle and Traffic Law, *People v. Ingle*, 36 N.Y.2d 413 (1975).

Our courts have acknowledged that when a police officer has "reasonable suspicion" to believe that the driver or occupant of a moving vehicle has "committed, is committing, or is about to commit a crime", the officer may stop the car and conduct an investigation. It has also been held that if a police officer has probable cause to believe that a motorist has violated a traffic law he may stop the automobile even though the officer's underlying reason is to conduct another investigation. In *People v. Robinson*, 97 N.Y.2d 341 (2001), New York State's highest court found such **pretextual** car stops to be constitutional.

### Car Stops Based on Reasonable Suspicion

Although probable cause of a VTL violation is required for a **pretextual** car stop, Courts before and after the *Robinson* decision have consistently held that investigative car stops, based on reasonable suspicion, are constitutional. The following is a sampling of such cases.

*People v Howell*, 111 A.D.2d 768 (2<sup>nd</sup> Dept., 1985)

Facts: A police officer was on patrol near a gas station which had been the target of prior robberies. While on patrol he observed a vehicle which matched the description of a vehicle which had been used in recent robberies. The vehicle was parked with its lights off near the gas station which had previously been robbed, a home undergoing renovations and a closed store. The officer found it unusual that the vehicle would be parked at that location at that time of night. The officer activated his lights and drove towards the car. The suspect vehicle almost immediately drove away. The officer pursued and ultimately stopped the vehicle. The vehicle's owner consented to a search of the car where physical evidence was recovered. The defendants moved to suppress the physical evidence arguing that the stop of the car was not justified.

Question: Was the officer's stop of the vehicle permissible?

Answer: Yes. The Court found that the officer had a reasonable suspicion that the driver or occupants of the car had committed, were committing or were going to commit a crime.

Discussion: The Court found that based on the fact that the officer knew the vehicle matched the description of a car which had been used in recent robberies, the location of where the car was parked late at night and the fact that the car drove away as soon as the officer activated his lights, the officer had reasonable suspicion to believe that the driver or occupants of the car were involved in criminal activity and the stop of the vehicle was justified.

*People v. Ballard*, 16 A.D.3d 697 (2<sup>nd</sup> Dept., 2005)

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

Question: Were the officers justified in stopping the vehicle?

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

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

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

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

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

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

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

**People v. 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?

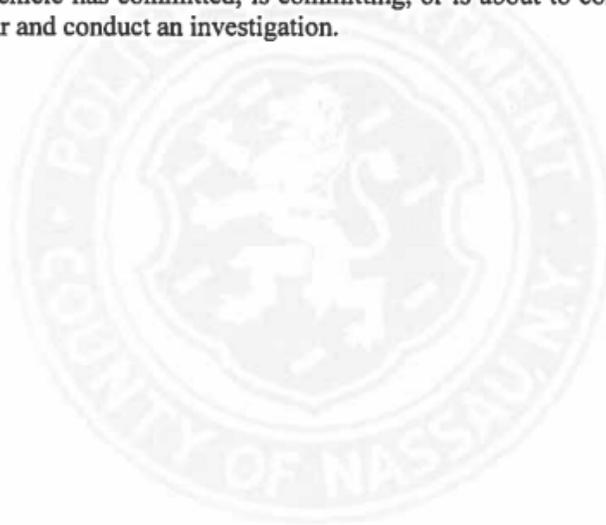
Answer: Yes, the trooper had reasonable suspicion of criminal activity and therefore the stop was justified.

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.





**Nassau County Police Department**  
Our Mission is to serve the people of Nassau County  
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our communities through excellence in policing.

## Legal Bulletin

BULLETIN TOPIC

**Recent Legislation**

FILE

**3010**

NUMBER

**20-003**

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

### **Civil Rights Law**

#### **Personnel Records of Police Officers, Firefighters and Correction Officers** (Chapter 96)

Section 50-a of the Civil Rights Law relating to the confidentiality of personnel records of police officers, firefighters and correction officer is repealed.

Effective: June 12, 2020

### **Public Officers Law**

**Article 6 – Freedom of Information** - Article 6 of the Public Officers Law has been amended with regard to the disclosure of law enforcement disciplinary records. The amendments are as follows:

#### **Definitions** (Chapter 96)

Section 86 subdivisions 6, 7, 8, and 9 have been added to the Public Officers Law as follows:

6. “Law enforcement disciplinary records” means any record created in furtherance of a law enforcement disciplinary proceeding, including, but not limited to:
  - (a) the complaints, allegations, and charges against an employee;
  - (b) the name of the employee complained of or charged;
  - (c) the transcript of any disciplinary trial or hearing, including any exhibits introduced at such trial or hearing;
  - (d) the disposition of any disciplinary proceeding; and
  - (e) the final written opinion or memorandum supporting the disposition and discipline imposed including the agency’s complete factual findings and its analysis of the conduct and appropriate discipline of the covered employee.
  
7. “Law enforcement disciplinary proceeding” means the commencement of any investigation and any subsequent hearing or disciplinary action conducted by a law enforcement agency.
  
8. “Law enforcement agency” means police agency or department of the state of any political subdivision thereof, including authorities or agencies maintaining police forces of individual’s defined as police officers in section 1.20 of the criminal procedure law, a sheriff’s department, the department of corrections and community supervision, a local department of correction, a local probation department, a fire department, or force of individuals employed as firefighters or firefighter/paramedics.

9. “Technical infraction” means a minor rule violation by a person employed by a law enforcement agency as defined in this section as a police officer, peace officer, or firefighter or firefighter/paramedic, solely related to the enforcement of administrative departmental rules that

- (a) do not involve interactions with members of the public,
- (b) are not of public concern, and
- (c) are not otherwise connected to such person’s investigative, enforcement, training, supervision, or reporting responsibilities.

**Access to agency records** (Chapter 96)

Section 87 subdivisions 4-a and 4-b have been added to the Public Officers Law as follows:

4-a. A law enforcement agency responding to a request for law enforcement disciplinary records as defined in section eighty-six of this article shall redact any portion of such record containing the information specified in subdivision two-b of section eighty-nine of this article prior to disclosing such record under this article.

4-b. A law enforcement agency responding to a request for law enforcement disciplinary records, as defined in section eighty-six of this article, may redact any portion of such record containing the information specified in subdivision two-c of section eight-nine of this article prior to disclosing such record under this article.

**General provisions relating to access to records; certain cases** (Chapter 96)

Section 89 subdivisions 2-b and 2-c have been added to the Public Officers Law as follows:

2-b. For records that constitute law enforcement disciplinary records as defined in subdivision six of section eighty-six of this article, a law enforcement agency shall redact the following information from such records prior to disclosing such records under this article:

- (a) items involving the medical history of a person employed by a law enforcement agency as defined in section eighty-six of this article as a police officer, peace officer, or firefighter or firefighter/paramedic, not including records obtained during the course of an agency’s investigation of such person’s misconduct that are relevant to the disposition of such investigation;
- (b) the home address, personal telephone numbers, personal cell phone numbers, personal e-mail addresses of a person employed by a law enforcement agency as defined in section eighty-six of this article as a police officer, peace office, or firefighter or firefighter/paramedic, or a family member of such a person,

a complainant or any other person named in a law enforcement disciplinary record, except where required pursuant to article fourteen of the civil service law, or in accordance with subdivision four section two hundred eight of the civil service law, or as otherwise required by law. This paragraph shall not prohibit other provisions of law regarding work-related, publicly available information such as title, salary, and dates of employment;

- (c) any social security numbers; or
- (d) disclosure of the use of an employee assistance program, mental health service, or substance abuse assistance service by a person employed by a law enforcement agency as defined in section eighty-six of this article as a police officer, peace officer, or firefighter or firefighter/paramedic, unless such use is mandated by a law enforcement disciplinary proceeding that may otherwise be disclosed pursuant to this article

2-c. For records that constitute law enforcement disciplinary records as defined in subdivision six of section eight-six of this article, a law enforcement agency may redact records pertaining to technical infractions as defined in subdivision nine of section eighty-six of this article prior to disclosing such records under this article.

Effective: June 12, 2020

Prepared by:

Christopher V. Todd  
Deputy Bureau Chief  
Legal Bureau

\*\*\*



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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

\*\*\*

**Order #:** 17-031      **Date:** 04/04/2017  
**Category:** GENERAL  
**Title:** INTELLIGENCE COLLECTION & SHARING

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**I. PURPOSE:**

The purpose of this policy is to provide Rockville Centre Police Department Personnel with guidelines for the collection, analysis, and distribution of intelligence information.

Information gathering is a fundamental and essential element in the duties of any law enforcement agency. When acquired, information is used to prevent crime, pursue and apprehend offenders, and obtain evidence necessary for conviction. It is the policy of this agency to gather information directed toward specific individuals or organizations where there is reasonable suspicion that said individuals or organizations may be planning or engaging in criminal activity, to gather it with due respect for the rights of those involved, and to disseminate it only to authorized individuals. While criminal intelligence may be assigned to specific personnel within the agency, all members of this agency are responsible for reporting information that may help identify criminal conspirators and perpetrators.

**II. POLICY:**

It is the policy of this Department to investigate all known criminal activity. All such investigations will be coordinated through the investigating Officer's supervisor as well as the Commissioner of Police. The Commissioner of Police will carefully monitor the progress of the investigation with a view toward insuring the safety of anyone involved in the investigation, as well as protecting the integrity of the investigation.

**III. DEFINITIONS:**

Criminal Intelligence; Information compiled, analyzed and/or disseminated in an effort to anticipate, prevent, or monitor criminal activity.

Strategic Intelligence; Information concerning existing patterns or emerging trends of criminal activity designed to assist in criminal apprehension and crime prevention strategies, for both short- and long-term investigations.

Tactical Intelligence; Information regarding a specific criminal event that can be used immediately by Department members to further a criminal investigation, plan tactical operations and provide for officer safety.

**IV. PROCEDURE:**

1. Although specific assignments may be made as deemed necessary by supervisors and/or the Commissioner of Police, intelligence gathering is the responsibility of each member of this agency.

2. Confidential and restricted intelligence information shall be documented and forwarded to the Commissioner of Police. These files shall be secured by the Commissioner of Police. Access to all intelligence Information shall be controlled by the Commissioner of Police.

- a. Intelligence files shall be maintained separately from Informant files.
- b. Intelligence files shall be maintained in accordance with state and federal law.
- c. All files released under freedom of information provisions or through disclosure shall be carefully reviewed as to protect the privacy and civil rights of individuals.

3. The Commissioner of Police shall review all follow-up reports, evaluate the progress of the investigation, and direct the activities of the investigation in order to insure:

- a. A thorough and appropriate investigation.
- b. The confidentiality of the investigation and criminal intelligence.
- c. The safety of those involved in the investigation and;

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d. The reputation of the Department or any of its members is not damaged as a result of the investigation.

4. Information that implicates, suggests implication or complicity of any public official in criminal activity or corruption shall be immediately reported to the Commissioner of Police.

5. The Commissioner of Police is responsible for ensuring that files are maintained in accordance with the goals and objectives of the department and include information that is both timely and relevant. To that end, all intelligence files shall be reviewed and purged on an annual basis.

6. Criminal intelligence files shall be maintained indefinitely, however when a file is found to contain no further informational value and/or meets the criteria of any applicable law, it may be destroyed. A record of purged files shall be maintained by the Commissioner of Police.

**INTERAGENCY INVESTIGATIONS:**

Interagency cooperation is often necessary regarding criminal intelligence, and while the exchange of information or records between agencies should be encouraged, same should always be on a "need to know" basis. The release of intelligence information to any outside law enforcement agency shall be made only with the approval of the Commissioner of Police and with the stipulation that such intelligence not be duplicated or otherwise disseminated without prior approval.

Release of intelligence information in general and electronic surveillance information and photographic intelligence shall be made only by or with the approval of the Commissioner of Police.

BY ORDER OF:

\_\_\_\_\_  
COMMISSIONER OF POLICE  
ROCKVILLE CENTRE POLICE DEPARTMENT

Order #: 21-002      Date: 01/05/2021  
Category: GENERAL  
Title: FIELD STOP DATA COLLECTION

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7566:01/05/2021 09:07 - The Field Stop Data Collection is utilized to demonstrate this Department's commitment to fair and equitable policing and to provide unbiased and professional police service to every member of the community.

Data is to be collected on all field stops, including traffic stops, that rise to the level of "founded suspicion" and above. The required information shall be entered into IMPACT on in-vehicle computers, which are installed in most Department vehicles. Whenever a Department member without an in-vehicle computer makes a stop, the information shall be transmitted by voice to headquarters for input into the system.

Field Stop data shall be collected via either a. or b. below in the following manner:

a. While logged on to IMPACT and conducting a Traffic Stop, press the New button, and select Traffic Stop from the drop-down menu as the Call Type. Prepare a complete blotter entry for the traffic stop; or

b. While logged on to IMPACT and conducting a Pedestrian Stop, press the New button, and select the appropriate Call Type from the drop-down menu:

Select Call Type as:

Suspicious Person (pedestrian) stops

Suspicious Auto Person (person in vehicle)

Suspicious Auto for Suspicious Vehicle stops (no person in vehicle)

For both a. and b. above:

Enter any pertinent remarks in the Description field and prepare a complete blotter entry.

At the conclusion of the field stop, press the Save button.

Enter any pertinent remarks and the appropriate incident disposition in the Narrative section with a date/time stamp.

**\*\*See the below disposition code list\*\***

The first letter of the disposition code applies to sex of person stopped:

M for Male

F for Female

If the stop is a group of pedestrians, enter the sex of the majority of persons or the sex of the perceived leader of the group.

The second letter of the disposition code applies to race or ethnicity of person stopped:

A for a person perceived to be Asian

B for a person perceived to be Black

H for a person perceived to be Hispanic

M for a person perceived to be Middle Eastern

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U If the race/ethnicity of the person is Unknown  
W for a person perceived to White  
X for a person perceived to be Other than the above, or of possibly mixed heritage

If the stop is a group of pedestrians, enter the race or ethnicity of the majority of persons or the race or ethnicity of the perceived leader of the group.

The third letter of the disposition code applies to the most appropriate or significant result of the stop as follows:

A if an Arrest is made  
C if a Case Report is prepared  
F if a Field Interview is prepared  
I if the person is Identified  
N if No police action is taken  
T if a Ticket is issued  
W if a Warning is issued

(Example: If a female/white is ticketed, enter FWT as the disposition in the Narrative. If a female/white is arrested, but also receives some tickets, enter FWA as the disposition since the arrest is more significant than the tickets.)

If a ticket is issued, the member shall include the IMPACT blotter number in the "Notes" section in TRACS.

Please note that race by itself does not generate reasonable suspicion for an investigative stop. Reasonable suspicion demands specific and articulable facts which, taken together with rational inferences from those facts, provide law enforcement officers with a particularized and objective basis for suspecting legal wrongdoing. *United States v. Walker*, 965 F.3d 180 (2d Cir. 2020). In assessing reasonable suspicion, courts look at the totality of the circumstances through the eyes of a reasonable and cautious police officer on the scene, whose insights are necessarily guided by his experience and training. *United States v. Wallace*, 937 F.3d 130, 138 (2d Cir. 2019). Race assumes importance in determining the existence of reasonable suspicion only when it is considered in conjunction with other facts which provide an articulable basis for suspicion. *Patrolmen's Benev. Ass'n of City of New York, Inc. v. City of New York*, 142 A.D.3d 53 (2016). However, racial profiling is prohibited and will not be tolerated as every stop, whether for traffic enforcement or suspicious activity, must be initiated on its own merits supported by legal justification [NYS CPL 140.50; *Terry v. Ohio*, 392 U.S. 1 (1968); *People v. DeBour*, 40 N.Y.2d 210 (1976) (four tiers of police encounters); *People v. Ingle*, 36 N.Y.2d 413 (1975) (reasonable suspicion of a violation of VTL for vehicle stop)].

BY ORDER OF:

\_\_\_\_\_  
COMMISSIONER OF POLICE  
ROCKVILLE CENTRE POLICE DEPARTMENT

EFFECTIVE COMMUNICATION WITH INDIVIDUALS WHO ARE DEAF OR HARD OF HEARING OR HAVE LIMITED ENGLISH PROFICIENCY (LEP)

I. POLICY:

It is the policy of the Rockville Centre Police Department to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hard of hearing or have limited English proficiency (LEP). In addition, the Department has specific legal obligations under the Americans with Disabilities Act and the New York Human Rights Law to communicate effectively with people who are deaf or hard of hearing. To carry out these policies and legal obligations, the Department instructs its officers and employees as follows:

People who are deaf or hard of hearing or LEP are entitled to a level of service equivalent to that provided to other persons.

The Department will make every effort to ensure that its officers and employees communicate effectively with people who are deaf or hard of hearing or LEP.

Effective communication with a person who is deaf or hard of hearing or LEP involved in an incident – whether as a victim, witness, suspect, or arrestee – is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation.

With respect to people who are deaf or hard of hearing:

Various types of communication aids – known as "auxiliary aids and services" – are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of an assistive listening system or device to amplify sound for persons who are hard of hearing; or use of a qualified oral or sign language interpreter.

The type of aid that will be required for effective communication will depend on the individual's usual method of communication and the nature, importance, and duration of the communication at issue.

In some circumstances, oral communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communicating with people who are deaf or hard of hearing. In other circumstances, a qualified sign language or oral interpreter may be needed to communicate effectively with persons who are deaf or hard of hearing. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication.

For example:

If there has been an incident and the officer is conducting witness interviews, a qualified sign language interpreter may be required to communicate effectively with someone whose

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primary means of communication is sign language. A qualified oral interpreter may be required to communicate effectively with someone who has been trained to read lips.

If a person is asking an officer for directions to a location, gestures or an exchange of written notes will likely be sufficient to communicate effectively.

To serve each individual effectively, primary consideration should be given to providing the type of communication aid or service requested by the individual. Officers should find out from the person who is deaf or hard of hearing what type of auxiliary aid or service he or she would like to employ. Officers should defer to those expressed choices, unless:

There is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing; or

Doing so would fundamentally alter the nature of the law enforcement activity in question or would cause an undue administrative or financial burden; only the Commissioner or his or her designee may make this determination.

The input of people who are deaf or hard of hearing or LEP who are involved in incidents is just as important to the law enforcement process as the input of others. Officers must not draw conclusions about incidents unless they fully understand – and are understood by – all those involved, including people who are deaf or hard of hearing or LEP.

People who are deaf or hard of hearing or LEP must not be charged for the cost of interpreter services or any other auxiliary aid or service needed for effective communication.

Officers will be trained on the procedures within this policy and each officer will endeavor to follow the procedures given each situation.

## II. PROCEDURES:

### A. OBTAINING AND USING INTERPRETING SERVICES:

For persons who are deaf or hard of hearing:

The Department provides qualified sign language interpreting services to deaf and hard of hearing persons through a video remote interpreting app.

If a deaf or hard of hearing person requests an in-person sign language or oral interpreter, or if a deaf or hard of hearing person is unable to use the Department's video remote interpreting app, an in-person interpreter can be obtained by contacting the Nassau County Police Department at (516) 573-7000.

Do not rely upon a hearing person accompanying a deaf or hard of hearing person to provide

interpretation unless the deaf or hard of hearing person specifically requests that such person act as an interpreter. Absent an emergency, a hearing person accompanying a deaf or hard of hearing person should not be used to interpret:

For potential admissions, confessions, or sworn statements;

When the hearing person is the alleged perpetrator in a domestic incident and would be translating for an alleged victim or complainant of that domestic incident; or

When the hearing person is a minor child.

For persons who are LEP:

The Department provides qualified foreign language interpreting services, available in multiple languages, through a video remote interpreting app.

If a person who is LEP requests an in-person interpreter, or is unable to use the Department's app, an in-person interpreter can be obtained by contacting the Nassau County Police Department at (516) 573-7000.

A person who is deaf or hard of hearing or LEP who is the subject of a criminal investigation must be advised appropriately of his or her Miranda rights. This shall be done through an official Investigative Interpreter.

Members needing an Investigative Interpreter, i.e. to complete a deposition, shall contact the CB Supervisor at the NCPD Communications Bureau.

For cases involving NCPD detectives, the assigned NCPD detective shall arrange for an Investigative Interpreter.

Members shall document the use of any interpreting services to communicate with persons who are deaf or hard of hearing or LEP – including the interpreter's name, identification number (if applicable), and telephone number – in the Blotter narrative and on any corresponding reports (i.e., case report, aided report, auto accident report, etc.).

Members shall submit an email to the Executive Officer after using an interpreting service in order to process administrative fees associated with the service.

Members are reminded that interpreting services are not restricted to use within the Village; they can be used at other locations, such as the NCPD Central Testing Section, hospitals, etc.

**B. TELEPHONE CALLS AT HEADQUARTERS FOR PERSONS WHO ARE DEAF OR HARD OF HEARING:**

In situations when a non-disabled person would have access to a telephone, Department

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officers and employees must provide persons who are deaf or hard of hearing the opportunity to place calls using a video phone, a mobile video phone, a teletypewriter (TTY) or telecommunications device for deaf people (TDD), or any other device capable of making or receiving telephone calls.

In such situations where the deaf or hard of hearing person does not have access to a personal device capable of making or receiving telephone calls, Department officers shall provide the deaf or hard of hearing person with the use a qualified sign language interpreter through the Department's video remote interpreting app.

C. Telephone Calls received at Headquarters by Desk Officer or Dispatcher;

Desk officers and dispatchers must answer telephone calls from persons who are deaf or hard of hearing or LEP. (Note: persons who are deaf or hard of hearing routinely make telephone calls using the Video Relay Service (VRS). VRS Interpreters will announce, at the onset of the call, that the person placing the call is deaf or hard of hearing and that the call is being interpreted).

For persons who are LEP:

Desk officers and dispatchers shall attempt to determine the language being spoken and whether or not a member of the Department is present and immediately available to speak to the caller in that language.

If able to determine the language being spoken and a member of the Department is immediately available to speak to the caller, that member shall speak with the caller and direct the appropriate response to the situation.

If unable to determine the language being spoken or if a member of the Department is not immediately available to speak to the caller, states "un momento", Note: this phrase is universal and understood in many different languages.

If no member of the Department is present and immediately available to speak to the caller in his or her language:

Press the speed dial button for Language Line (or dial 1-866-874-3972) and connect to the interpreter service, provide the Client ID # 581260

Provide the following information to the operator:

Requested language, if known,

Greet the Interpreter.

Inform the interpreter of the following information after being connected:

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Department's name,

Rank and name,

What you want to accomplish on the call.

Press the CONF button, Note: you are now on a 3-way conference call with the interpreter and the caller.

Proceed with the conversation utilizing the interpreter.

Direct the Department's response to the situation.

If response requires dispatching an officer to the scene, assign a unit proficient in speaking that language, if available.

**D. IN-PERSON ENCOUNTERS AT HEADQUARTERS OR ON PATROL**

If a member of the Department comes into contact with a person who is deaf or hard of hearing or LEP:

1. Attempt to locate a person at the location who can assist with accurate interpretation.
2. If there is such a person at the location to interpret to the LEP or deaf or hard of hearing person, use that interpreter and direct the Department's response only under the following circumstances:

The situation is not an emergency and non-confrontational; and

Only basic information is needed.

3. For a person who is LEP, utilize the Language Identification Card to assist with determining the language that person speaks.
4. If there is not a person at the location who can interpret in accordance with item 2, or if the circumstances are different than those described in item 2, request the response of the Patrol Supervisor, who will bring the Department tablet to the scene to access Language Line using the installed app.
5. If necessary, an in-person interpreter can be obtained by contacting the Nassau County Police Department at (516) 573-7000.
6. After interpretation, direct the Department's response.

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**E. WRITTEN STATEMENTS**

- LEP and Deaf or Hard of Hearing subjects of criminal investigations will be advised appropriately of their rights, in regard to giving a statement and securing an attorney. This shall be done through an official Investigative Interpreter.

Members needing an Investigative Interpreter, i.e. to complete a deposition, shall contact the CB Supervisor at the NCPD Communications Bureau.

For cases involving NCPD detectives, the assigned NCPD detective shall arrange for an Investigative Interpreter.

**III. TECHNIQUES FOR OFFICERS TO COMMUNICATE EFFECTIVELY WITH PERSONS WHO ARE DEAF OR HARD OF HEARING:**

Officers may utilize the following auxiliary aids, when available, to communicate effectively:

Use of gestures;

Use of visual aids;

Use of a notepad and pen or pencil;

Use of a computer or typewriter;

Use of an assistive listening system or device, including but not limited to LanguageLine Solutions;

Use of a teletypewriter (TTY);

Use of a qualified oral or sign language interpreter.

Officers must review and have a working knowledge of the publication "Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers" (available at <https://www.ada.gov/lawenfcomm.htm>). This document reviews how officers should communicate effectively in the types of situations officers will encounter.

A training video is also available at:  
<https://www.youtube.com/watch?v=buVj1HatgOw&feature=youtu.be>

BY ORDER OF:

\_\_\_\_\_  
COMMISSIONER OF POLICE  
ROCKVILLE CENTRE POLICE DEPARTMENT

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**Rockville Centre Police Department**  
RECORD OF DETENTION – ARREST / CUSTODIAL WORKSHEET

*This form is to be completed and forwarded to the Executive Officer, whenever ANY person is detained at RCPD HQ's pursuant to arrest processing or juvenile custodial processing.*

Date: \_\_\_\_\_ Time of Arrest: \_\_\_\_\_ Time at HQ's: \_\_\_\_\_ Time released / transported: \_\_\_\_\_

Arrest #: \_\_\_\_\_ Case #: \_\_\_\_\_ Incident #: \_\_\_\_\_ DD #: \_\_\_\_\_ App Tic #: \_\_\_\_\_

Reason for detention / charges: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Location of Incident: \_\_\_\_\_

Arresting Officer: \_\_\_\_\_ Assisting Officer: \_\_\_\_\_ Det.: \_\_\_\_\_

Subject of detention - Male \_\_\_\_\_ Female \_\_\_\_\_ D.O.B.: \_\_\_\_\_ Age: \_\_\_\_\_

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

Town: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Is subject a Juvenile: Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, the supervisor MUST complete and forward to the Executive Officer, separately from the case / arrest package, a NYS Record of Juvenile Detention Form, if the juvenile was held FOR ANY TIME in the adult area (arrest processing room), or was secured by handcuffs to a fixed object anywhere with Police Headquarters.

Comments (e.g., subject's physical condition or anything unusual regarding arrest): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Warrant Checks done by: \_\_\_\_\_ CHIEF \_\_\_\_\_ NCIC \_\_\_\_\_ DCJS \_\_\_\_\_

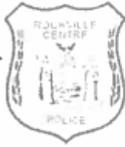
Subject Vehicle Info: Year: \_\_\_\_\_ Make: \_\_\_\_\_ Reg: \_\_\_\_\_ VIN# \_\_\_\_\_

Impound # \_\_\_\_\_ Alarm # \_\_\_\_\_ Owner: \_\_\_\_\_

\_\_\_\_\_

Evidence Information: Property Book # \_\_\_\_\_ Page # \_\_\_\_\_ Invoice # \_\_\_\_\_ Narc # \_\_\_\_\_





## *Rockville Centre Police Department*

34 MAPLE AVENUE, VILLAGE OF ROCKVILLE CENTRE • (516) 766-1500

P.O. Box 950, Rockville Centre, N.Y. 11571 • Fax (516) 678-9384



James M. Vafeades  
Commissioner of Police

January 10, 2021

Division of Criminal Justice Services  
Law Enforcement Accreditation Program  
Accreditation Council  
Albany, NY

### **Standard 43.6; Specialized Units**

To File:

The Rockville Centre Police Department received **Specialized Unit Response** services from the Nassau County Police Department in 2020 by means of a Headquarters Tax Service Agreement.

There is no separate agreement between the Rockville Centre Police Department and the Nassau County Police Department regarding specialized unit response (i.e. canine, scuba, bomb squad, aviation, etc.). These services are paid for via property taxes direct to the Town of Hempstead.

Yours truly,

James M. Vafeades  
Commissioner of Police

**ROCKVILLE CENTRE POLICE DEPARTMENT ——— NEW YORK STATE USE OF FORCE REPORTING FORM**

Incident Number: \_\_\_\_\_ Incident Date: \_\_\_\_\_

Incident Time: \_\_\_\_\_ Case Report Number: \_\_\_\_\_

City/Town/Village: \_\_\_\_\_ County: \_\_\_\_\_

- Circumstance:
- Response to suspicious activity
  - Executing arrest
  - Routine patrol other than traffic stop
  - Traffic stop
  - Transporting/Holding arrestees
  - Service of a warrant
  - Service of a court order
  - Follow-up investigation
  - Demonstration
  - Medical, mental health or welfare assistance
  - Other \_\_\_\_\_

**Subject Details**

1. Subject's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_
2. Subject's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_
3. Subject's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_
4. Subject's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_
5. Subject's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_

**Officer Details**

1. Officer's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_
2. Officer's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_

3. Officer's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_

4. Officer's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_

5. Officer's age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_

**Type of Force Use (check all that apply)**

Brandished Firearm Officer Number(s): \_\_\_\_\_

Discharged Firearm Officer Number(s): \_\_\_\_\_

Used Firearm Officer Number(s): \_\_\_\_\_

Displayed Chemical Agent Officer Number(s): \_\_\_\_\_

Deployed Chemical Agent Officer Number(s): \_\_\_\_\_

Used Chemical Agent Officer Number(s): \_\_\_\_\_

Brandished an Impact Weapon Officer Number(s): \_\_\_\_\_

Deployed an Impact Weapon Officer Number(s): \_\_\_\_\_

Used an Impact Weapon Officer Number(s): \_\_\_\_\_

Brandished an Electronic Control Weapon Officer Number(s): \_\_\_\_\_

Deployed an Electronic Control Weapon Officer Number(s): \_\_\_\_\_

Used an Electronic Control Weapon Officer Number(s): \_\_\_\_\_

Used a Choke Hold or Similar Restraint Officer Number(s): \_\_\_\_\_

Conduct that Resulted in Serious  
Bodily Injury Officer Number(s): \_\_\_\_\_

Conduct that Resulted in Death Officer Number(s): \_\_\_\_\_

**Supervisor Completing Form:** \_\_\_\_\_  
Rank Name Printed Signature

**THIS FORM SHALL BE COMPLETED BY THE PATROL SUPERVISOR OF RECORD AND SUBMITTED TO THE COMMISSIONER OF POLICE, EXECUTIVE OFFICER AND COMMANDING OFFICER OF SUPPORT**

# Nassau County Police Department

## Recruitment Resources

When necessary, the Rockville Centre Police Department utilizes several of Nassau County Police Department resources, to include; Crime Scene Investigations, Major Crimes, Aviation, and K-9, etc. There are many more resources available to the Rockville Centre community, but this reform will primarily focus on the NCPD's recruitment efforts as described below.

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

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

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

The NCPD started a mentorship program to help police officer candidates succeed in the application and background investigation process. The societies involved in this program are: the Columbia Police Association of Nassau, Nassau County Association of Women of Police, Nassau County Guardians Association, Nassau County Police Hispanic Society, LGBTQ of Nassau County, Police Emerald Society of Nassau County, and Shomrim Society of Nassau County. If a prospective candidate cannot afford the application fee, the Department waives that fee due to economic hardship reasons. Mentor societies:

**Nassau County Guardians Association:** The Guardian Association is comprised of African-American members, both sworn and civilian of the various law enforcement agencies within the County of Nassau. Email: [ncguardiansmi@pdcn.org](mailto:ncguardiansmi@pdcn.org)

**Nassau County Police Hispanic Society:** Fraternal organization comprised primarily of Department members and other Nassau County law enforcement members of Hispanic heritage. Email: [ncpdhispanicmi@pdcn.org](mailto:ncpdhispanicmi@pdcn.org)

**LGTBQ+ of Nassau County**: This society is not only for members who identify themselves as LGBTQ+, but also for members who support the community. With this society, we hope to support our LGBTQ members and our department's relationship with the Nassau County LGBTQ+ community. Email: [lgtbqmi@pdcn.org](mailto:lgtbqmi@pdcn.org)

**Columbia Police Association of Nassau**: Fraternal organization comprised primarily of Department Members and other Nassau County law enforcement members of Italian heritage. Email: [columbiami@pdcn.org](mailto:columbiami@pdcn.org)

**Nassau County Association of Women Police**: Fraternal organization comprised primarily of female police officers within Nassau County.  
Email: [ncawpmi@pdcn.org](mailto:ncawpmi@pdcn.org)

**Police Emerald Society of Nassau County**: Fraternal organization comprised primarily of Nassau County law enforcement members of Irish heritage.  
Email: [emeraldmi@pdcn.org](mailto:emeraldmi@pdcn.org)

**Shomrim Society of Nassau County**: Religious organization comprised primarily of Nassau County law enforcement members of the Jewish faith.  
Email: [nassaushomrim@gmail.com](mailto:nassaushomrim@gmail.com)

**Test Pre-registration:**

Here are the ways interested parties can find out more information:

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

How it works: Fill out the Test Pre-Registration Application Form – which can be accessed electronically via the website – 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.