

# NYS Police Reform and Reinvention Collaborative Guide Response

## Introduction

Preserving sustained public safety is paramount, however, we understand the necessity of obtaining mutual trust and respect between the police department and the people we serve. In recognition of this, the Port Washington Police District decided to redefine the definition of duty to read:

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

In accordance with the mandates of EO203 and the guidance provided by NYS relating to the Executive Order, the Port Washington Police Department engaged in a collaborative effort with community stakeholders through several different forums. After taking into consideration the information gathered from these forums, the Port Washington Police Department, in collaboration with the other Police Departments in Nassau County, have shared ideas, policies and procedures to come together with a collective plan. The Port Washington Police Department presents this Police reform and reinvention plan.

## History of the Port Washington Police Department:

In 1921, the community of Port Washington established its own Police Department, four years prior to the establishment of the Nassau County Police Department. Prior to 1922, Port Washington managed to get along with one constable, Isaac Smith, who had Police powers. However, it was impossible for one man to work around the clock seven days a week and give the community proper Police protection. With a population of five to six thousand there was very little crime. But with a rapidly increasing population and more universal use of the automobile, it was felt that a larger, more adequate Police force was needed. A wave of burglaries struck the heights section of town during 1919-1920, and residents of this upper middle-class neighborhood became alarmed. Meetings were held to explore remedies to make people feel secure in their homes at night.

At the urging of residents, and with the assistance of local politicians, a bill was introduced in the State Legislature in Albany to create a Police District in Port Washington. After passage of the bill, the Port Washington Police Department was established in November of 1921 and began operation on January 1,

1922. The Police Department had no headquarters of its own until 1923, when a building was erected next to the sewer district office at Sunset Park on Main Street. The original headquarters building still stands today, housing the Port Washington Police Athletic League.

The first Chief of the Department was Frederick J. Snow, a retired battalion chief of the New York City Fire Department who moved to South Maryland Avenue in Port Washington in 1904. He served for a short period as a captain of the Long Island Railroad Police.

The remainder of the Department consisted of a day clerk, Miss Mortimer, and a night clerk, Elwood Stuyvesant (later replaced by Miss Ivabella Cocks and Ellwood Hults) who acted as desk officers. These civilian employees worked twelve-hour shifts, women 8 AM to 8 PM, men, 8 PM to 8 AM. There were six men on the force, one lieutenant and five patrolmen. The force worked without days off but was allowed ten days of vacation a year. This small force was required to turn out all men for every general alarm fire regardless of tour worked. In addition, for the first three days of sick leave, only half pay was given. Later, as the men received a long swing, one day off out of every fifteen, they were required to work that day as payroll guards from 9 AM to 2 PM for the big business doing sand mining in town. All these duties were normal and accepted for Patrolmen earning \$1,500 annually.

The five patrolmen were given bicycles for patrolling and answering calls. The Chief and the Lieutenant were given model T Ford to ride in. The only means of contacting the patrolmen was by a green lighted lamp hung over each call box. These boxes were placed throughout the village, including the residential district. Port Washington was still a beautiful rural town. Traffic was just a trickle and horses were still drawing milk wagons.

In 1925, under an opinion obtained from the State Attorney General Albert Ottinger, the creation of the Nassau County Police Department eliminated all special police districts wherever formed. At the Town Board meeting in October of 1925, the budget presented by the Port Washington Police Commissioners was temporarily held up, it being the opinion that remedial legislation would be needed to avoid a double tax for police protection. This problem would not be resolved for eight years.

In 1926, the Commissioners appointed Philip N. Grosbeck, a retired New York City Police Captain, as Chief of Police. This was to bring city police methods to Port Washington. In 1928, Chief Grosbeck retired and Stephen J. Webber, a former Army Provost Marshal at Mitchel Field, was appointed Chief. He headed the department for fourteen years, during which time the size of the force increased to twenty men. Radios were added to patrol cars, receivers only at first, with acknowledgment over the nearest call box. Later, two-way radios were installed.

It was in 1933 that the official status of the police district was finally legislated. At a special election held on August 2, 1933, voters of the Town of North Hempstead approved a proposition to retain the special police district by 4,086 to 2,221 majority. The Port Washington Police District was confirmed as a separate unit on May 28, 1934, when the late Governor Herbert Lehman signed a bill authorizing the town board to appoint three commissioners to conduct the District's affairs. The bill transferred supervisory powers from the town board to the three commissioners. The Governor had previously vetoed the bill, but a delegation headed by Police Commissioner (later Town Supervisor) Hartford Gunn went to Albany and induced the Governor to rescind his veto.

Over the years, many innovations and many new personnel have been added to the Port Washington Police Department. Under the direction of William J. Kilfoil, Chief of Police since 1993, as of January

2021, the force now consists of sixty-five sworn officers, (this includes the Detective Division, Juvenile Aid Bureau, Gang Unit, Narcotics Unit, Traffic Safety Enforcement Unit (3), Problem Oriented Policing unit (3), School Resource Officer (1) and Community Liaison (1). There are twelve school crossing guards, three dispatchers, one parking meter attendant and four civilian personnel for a total staff of 85. The department maintains a fleet of 31 vehicles, which includes three motorcycles.

# New York State Police Reform and Reinvention Collaborative Guide Response

The guide released by Governor Cuomo's office in August of 2020 reviewed numerous policing strategies in which purportedly have raised concerns among the public. Some of these concerns are addressed in the Executive Order through Evidence-Based Policing, and in the Contemporary Port Washington Police Department Policing Policies sections. Concerns not accounted for in the prior sections will be covered in this category. Some topics addressed are stop and frisk (stop, question and frisk), informal quotas, use of military equipment, abuse of authority disciplinary repercussions, diversity in recruitment and police force, and any other issues specified in the guide.

## Evidence-Based Policing

### [Evidence-Based Policing Definition:](#)

Evidence-based policing is the theory that effective policing requires a tightly focused, collaborative approach that is measurable; based on sound, detailed analysis; and includes policies and procedures that promote and support accountability. Evidence-based policing practices are guided by research and evidence demonstrating their effectiveness. Departmental policies and decisions are based on practices and strategies which accomplish police missions most effectively and efficiently. Data is accumulated continuously to test hypotheses with empirical research findings. The focus on data-driven, science based criminal justice strategies serves to develop effective, economical, and innovative responses to crime. Governor Cuomo's Executive Order No. 203 lists strategies for evidence-based policing to include: use of force, procedural justice, addressing systemic racial bias or racial justice in policing, implicit bias awareness training, de-escalation training and practices, law enforcement assisted diversion programs, restorative justice practices, community-based outreach and conflict resolutions, problem-oriented policing, hot spot policing, focused deterrence, crime prevention through environmental design, and violence prevention and reduction interventions.

## Contemporary Port Washington Police Department Policing Policies:

In addition to the 13 Evidence-Based Policing Policies mandated by the Governor, by self-evaluating and through open communication with our community, the PWPB recognized a need to reevaluate additional procedures regarding complaint tracking and transparency, mental health, homelessness, and crowd control.

# Use of Force

## Use of Force Policies

### Definition:

The use of force by law enforcement officers that is necessary and permitted under specific circumstances, such as in self-defense or in defense of another individual or group. The use of force requires a police officer to quickly tailor a response to a threatening situation and apply appropriate force if necessary. Situational awareness is essential, as is training to judge when a crisis requires the use of force to regain control. Police Officers should only use the amount of force necessary to mitigate an incident, make an arrest, or protect themselves or others from harm.

### Policy:

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

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

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

## **DUTY TO INTERCEDE**

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

## **USE OF FORCE**

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

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

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

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

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

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

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

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

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- a. Immediacy and severity of the threat to officers or others.
- b. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- c. Officer/subject factors (i.e., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- d. The effects of drugs or alcohol.
- e. Individual's mental state or capacity.
- f. Proximity of weapons or dangerous improvised devices.
- g. The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- h. The availability of other options and their possible effectiveness.

- i. Seriousness of the suspected offense or reason for contact with the individual.
- j. Training and experience of the officer.
- k. Potential for injury to officers, suspects and others.
- l. Whether the individual appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- m. The risk and reasonably foreseeable consequences of escape.
- n. The apparent need for immediate control of the individual or a prompt resolution of the situation.
- o. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- p. Prior contacts with the individual or awareness of any propensity for violence.
- q. Any other exigent circumstances.

### **SHOOTING AT OR FROM MOVING VEHICLES**

The PYPD is aware of the public concern for shooting at moving vehicles. Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

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

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law.

### **MEDICAL CONSIDERATIONS**

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should

be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

New York State Department of Criminal Justice Services mandates Police Academies to instruct use of force for eleven (11) hours. Nassau Police Department addresses use of force in the Police Academy for nineteen (19) hours including eight (8) hours of reality-based training. Academy staff utilizes training supplements to assist with fluid and dynamic situations. Simunitions and Virtual Reality Simulators replicate reality-based scenarios including an active shooter, when a subject points gun at officer, when subject turns around towards officer with a cell phone in hand, de-escalation of person in crisis and professional communications.

### Modifications:

The Nassau County Police Department issued Legal Bureau Bulletin 20-004 notifying our members of the new law, Aggravated Strangulation NYS PL 121.13-a. The PWPDP Use of Force Policy prohibits the use of the carotid restraint, except in situations where deadly physical force is authorized.

The PWPDP is aware of community concerns regarding forms of force that restrict breathing. Members of the Department will not use any restraint technique during transport that dangerously inhibits a restrained person's breathing. The NCPD Police Academy strictly adheres to the NYS DCJS curriculum for defensive tactics.

To further explain the circumstances in which Officers restrain a defendant, the PWPDP provides guidelines for the use of handcuffs and other restraints during detentions and arrests:

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure that person's safety, officer safety, or the safety of a third party.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, hands should be facing palms out, thumbs up, and handcuffs should be double locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility or other secure area.

The Port Washington Police Department understands that to embolden our relationship with the community we serve, we must promote further transparency, especially with matters of use of force. The PWPDP will issue an annual Use of Force Report and will include statistics on event circumstances, demographics and type of force used. The dissemination of the Use of Force Report will show the public how restrained the PWPDP is when it comes to using force. At times, use of force statistics could be misunderstood and second guessed due to a variety of circumstances. The PWPDP hopes, after review of this use of force section, the citizens of Port Washington will have a better understanding of the nature of police work and dealing with the criminal element and therefore interpreting our use of force statistics justly.

To ensure PWPDP Officers are aware of recent legislation and policy changes regarding use of force, this topic will be covered during the ten (10) hour yearly in-service training. The NCPD in-service training curriculum will be presented to the public for comments and suggestions to make certain the communities we serve concur with our procedures.

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

## Procedural Justice

### Definition:

Procedural justice is the theory citizens need to participate in a decision-making process that is neutral and promotes transparency. Citizens want to be treated with dignity and respect and are more likely to view an interaction as fair when the police are transparent about why they are resolving a dispute a particular way and when they show a genuine concern for the interests of the parties involved.

### Policy:

The Port Washington Police Department understands procedural justice and police legitimacy play an essential role in establishing a positive relationship with the community. 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. PWPDP establishes long-lasting community partnerships when the public has confidence in the morality of the police and in its ability to safeguard the communities it serves. 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. The public reacts favorably when they believe officers are sincerely trying to act on behalf of the best interests of the citizens with whom they interact. Procedural justice policing has the potential to facilitate the role of citizens as agents of social control. When officers are perceived as

legitimate, there is less resistance to their actions and greater potential for compliance without the use of force, making officers more effective at policing. Officers reduce racial disparities and build trust by promoting engagement over enforcement.

The Port Washington Police Department utilizes the Nassau County Police Department's Procedural Justice Course which is ten (10) hours long and exceeds the NYS DCJS' mandated two (2) hours. The Procedural Justice Course includes sections on de-escalation and professional communication. The Police Academy stresses the importance of enhancing trust in the community, the use of language skills, the study of police behavior and interaction with police and how mannerisms of interactions shape the public's view of police. To make forward progress towards procedural justice and police legitimacy, the NCPD Academy instills the Four Pillars of Procedural Justice in Officers. These four principles are fair in process, transparent in actions, providing opportunity for voice and being impartial in decision making. Officers are reminded to give others a voice. People want to be able to explain their situation or tell their side of the story to the Officer. The opportunity for the citizen to make arguments and present evidence should occur before the Officer decides how they are going to resolve the encounter. It is imperative to remain neutral to achieve impartial decision making. Consistency in decision making must be always achieved. Decisions need to be reasoned, objective and factually driven. Transparency and openness regarding the rules and procedures being employed to make decisions facilitates the perception of neutrality. Recruits are instructed to secure the situation, then explain the reason for their presence.

It is important for Officers to right their wrongs, when appropriate: admit it, apologize for it, and work to correct it. Pride should not get in the way of doing the right thing. Respect is an active process of engaging people from all backgrounds in a non-judgmental manner. Respectful treatment is practiced increasing our awareness and effectiveness. Individuals are sensitive to whether they are treated with dignity and politeness and to whether their rights are being respected. People may not remember the details, but they will remember how they feel around the Officer. Recruits are reminded that during an encounter it is okay to give the person the last word because Officers have the last action. As reviewed in many topics of the Police Academy, the importance of being sensitive to cultural differences and being empathetic to a person's situation is continuously emphasized.

### Modifications:

The Nassau County Police Department is implementing a Young Adult Council (YAC) in every precinct. Each council will contain six (6) members between the ages of seventeen (17) and twenty-three (23) with different social views such as protest leaders, law enforcement explorers and other influencers who impact other young adults in their communities. To ensure a diverse group is recruited, POP Officers will be reaching out to their community contacts, school districts and colleges in their jurisdictions. The Port Washington Police Department will encourage the youth within the Police District to participate in this program. As the PWPDP is embraced by the Nassau County 6<sup>th</sup> precinct, we encourage the youth within the Port Washington Police District to participate in this program.

The PWPDP ensures the members of our community with limited English proficiency have equal access to all services provided by the Department. In a continued effort to enhance communication with our

community, all PWPB patrol cars were issued iPhones to create easy access to the language line. The Language Line Application given the citizen an opportunity to video conference with an interpreter to ensure both parties can properly articulate themselves and understand each other. The PWPB protects the confidentiality of immigration status. The use of limited English proficiency services is not utilized by any Department Member as a basis for inquiring into a person's confidential information relating to immigration status unless said person is arrested for a crime. The Port Washington Police Department does not inquire about the immigration status of crime victims, crime witnesses and anyone who calls or approaches Officers to seek assistance.

To ensure PWPB Officers are aware of recent legislation and policy changes regarding procedural justice, this topic will be covered during the ten (10) hour yearly in-service training. The NCPD in-service training curriculum will be presented to the public for comments and suggestions to make certain the communities we serve concede with our procedures.

## Systemic Racial Bias / Racial Justice in Policing

### Definition:

Racial justice in policing is the concept that racial bias impairs the perceptions, judgment, and behavior of police personnel and obstructs the ability of police agencies to protect and serve the communities in a fair and just manner. The missions of a law enforcement agency are only effective when it incorporates the experience, judgment, knowledge, and energy from a wide spectrum of racial, ethnic, economic, and geographic backgrounds. To succeed in these missions, police officers must earn and retain the trust and confidence of the citizens in how they fulfill their responsibilities as custodians of justice. Police officers must earn and retain the trust and confidence of citizens to effectively fulfill their responsibilities in preserving peace.

### Policy:

The Port Washington Police Department does not condone racial profiling and Members of the Department will not engage in racial profiling. Racial profiling undermines the efforts of law enforcement by causing a loss of respect for the law and a loss of credibility for the Department. Even the perception of racial profiling creates a distrust that discourages participation in the criminal justice system. Racial profiling occurs when a police officer relies on race or ethnicity as the primary basis for law enforcement action such as a traffic stop, pedestrian stop or request for a consent search. However, when an officer has information which links 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. Discretion is at the core of a police officer's job and it permits innovative and flexible problem solving. However, it also provides opportunities for the presence of conscious and unconscious bias and prejudice that could affect decision-making. A Fourth Amendment basis to stop does not legitimize stops which are initiated essentially because of race or ethnicity. Discriminatory or bias-based stops, searches and arrests are strictly prohibited. Such stops can cause deep cynicism about fairness and the legitimacy of law enforcement and the judicial system.

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

### Modifications:

The PWRPD is making improvements in our summonses tracking policies to record demographics on the citizens stopped. Through proper documentation of demographics, the PWRPD can generate reports on field stops and summonses. Summons and field stop data is reviewed monthly for anomalies by the Chiefs Office.

To ensure PWRPD Officers are aware of recent legislation and policy changes regarding systemic racial bias and racial justice in policing, this topic will be covered during the ten (10) hour yearly in-service training. The NCPD in-service training curriculum will be presented to the public for comments and suggestions to make certain the communities we serve concede with our procedures.

The PWRPD will be utilizing the NCPD training program on racial bias. All PWRPD Members, sworn and civilian, will take the course followed by a short exam.

# Implicit Bias Awareness Training

### Definition:

Implicit bias awareness is a theory acknowledging that individuals are susceptible to making automatic associations of individuals between groups of people and stereotypes about those groups, which may lead to automatically perceiving crime based on an individual's membership in a particular group. Training and exposing police officers to the existence of unconscious bias is believed to help reduce and manage implicit bias. Diversity training that addresses implicit or unconscious bias can help individuals manage and minimize its existence by increasing awareness and ensuring respectful encounters both inside the organization and with communities. Respectful language, thoughtful and intentional dialogue, and consistent involvement, both formal and informal, in community events help ensure that relationships of trust between police and communities will be built.

### Policy:

It is imperative our officers are more accepting and respectful to everyone's principles and lifestyles. The Nassau County Police Academy educates our recruits about implicit bias for a total of sixteen (16) hours. Eight (8) hours are spent on decision making which includes concepts of implicit bias including how to reduce stereotypical ideology and subconscious biases. Eight (8) hours of training is also spent on cultural diversity. The NCPD Academy exceeds the NYS DCJS mandate by three (3) hours. Different scenarios are presented by means of roleplay to simulate potential community interactions. Members of the community are invited to lecture recruits about their culture and address common misconceptions or prejudices they experience in their everyday lives.

The NCPD Community Affairs Unit assists in creating videos which PWPB Members use for implicit bias training. One of the videos, titled “All Interactions Matter” is intended to guide Officers when dealing with the public and how the Officers impact future police-community relations. The video is shown at the police academy to the recruits and at in-service training. Another video created by Community Affairs, titled “Hate-Crossing the Line” is an anti-hate educational program which is targeted to middle school aged kids. It was created with input from law enforcement, human rights experts, as well as educators in civil rights and issues of hate crime. Both videos are available to the public by request at no cost.

### Modifications:

In June of 2020, the Nassau County Police Academy added an additional ten (10) hours of training addressing anti bias, morality, ethical awareness, and cultural diversity. This supplementary eight (8) hour training will occur just prior to recruit graduation. The academy staff stresses ethical and moral courage and the importance of holding each other accountable for their actions.

Community Affairs recognizes what a significant impact a single video of a seemingly negative police encounter can have on the public. In response to current events, Community Affairs is currently working on a new video titled, “Respect and Responsibility”. This video is a community information project designed to demonstrate how a perceived negative encounter with police should be handled by a community member and how that concern can be brought to a higher authority. Once completed, this video will be shown to PWPB members during in-service training and is expected to be widely publicized in schools and on the Nassau County Police Department’s social media platforms.

As early as 2016, the PWPB recognized the value of enhanced training in the realm of implicit bias. At that time, the PWPB contracted with a Nationally recognized training company which provided a comprehensive ten (10) hour course to all sworn and civilian personnel.

To ensure PWPB Officers are aware of recent legislation and policy changes regarding implicit bias awareness, this topic will be covered during the ten (10) hour yearly in-service training. The NCPD in-service training curriculum will be presented to the public for comments and suggestions to make certain the communities we serve concede with our procedures.

PWPB will be requiring yearly training on racial bias by all Department Members, sworn and civilian. A short exam will be administered to confirm the Members understanding of implicit biases.

## De-Escalation Training and Practices

### Definition:

The concept of de-escalation refers to the range of verbal and non-verbal skills used to slow down the sequence of events, enhance situational awareness, conduct proper threat assessments, and allow for better decision-making to reduce the likelihood of a situation escalating into a physical confrontation or injury. Maintaining public trust is an essential element of effective policing and without it, public deference to police authority diminishes, with minor incidents more likely to escalate to the use of

force. A key factor in enhancing an agency's legitimacy in the community is reducing the need for use of force through the practice of de-escalation whenever possible. De-escalation practices provide an opportunity to create an open dialogue between members of the community, police agencies, and the government.

### Policy:

Port Washington Police Department has comprehensive ideology on de-escalation practices. Through effective communication and control over their own emotions, officers can bring almost any interaction with their constituents to a successful, non-violent conclusion. De-escalation enhances the safety of police officers and the public. The most important tool an officer has available to them is communication and the ability to verbally disarm someone. The PWPd strives for a positive outcome in every situation.

NYS Department of Criminal Justice Services does not require police academies to have a specific course designated for de-escalation as concepts are incorporated through other portions of training. The Port Washington Police Department recognizes the importance of de-escalation and although the concepts are woven through many areas of recruit curricula, the NCPD Academy has designed an additional eight (8) hour course specifically to train officers in de-escalation techniques. Among the topics incorporated in this class are active listening, the principle of impartiality, the concept of verbal judo for effective communication (as discussed in the book *Verbal Judo: The Gentle Art of Persuasion* by George J. Thompson), speaking persuasively, and techniques on remaining calm and in control of situations.

In the Police Academy, recruits are taught the Five Universal Truth 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, and people want to have a second chance. The academy instructors also stress the importance of understanding that being in charge of a situation does not necessarily mean you are in control. Officers can gain control of a situation through effective communication. Officers should use verbal, non-verbal and tactical communication to be persuasive speakers. Officers are also provided with methods of interaction in basic street encounters as well as appropriate dialogue for each aspect of the encounter.

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 conveyed (verbal and non-verbal), interpret the meaning and respond appropriately and free of judgment. The PWPd stresses the importance of empathy, as it recognizes the ability to understand someone's feelings and emotions. Empathy is key to understanding another person's perspective. Successful interactions to de-escalate a situation require 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. When an Officer reacts, they are no longer in control as the situation is controlling them. NCPD Academy also teaches Members to identify their weaknesses. Once identifying the trigger, one could make attempts to remove it. By recognizing that a weakness exists, the Officer can consciously avoid being triggered by others and therefore remain in control.

To ensure PWPB Officers are aware of recent legislation and policy changes regarding de-escalation training and practices, this topic will be covered during the ten (10) hour yearly in-service training. The NCPD in-service training curriculum will be presented to the public for comments and suggestions to make certain the communities we serve concur with our procedures.

### Modifications:

In 2021, all PWPB Sworn Members will be required to attend four (4) hours of training on Community Interactions and it will continue to be implemented during in-service training. NCPD Academy staff hosted multiple meetings with the communities to create an all-inclusive curriculum and to refine the training.

# Law-Enforcement Assisted Diversion Programs (LEADS)

### Definition:

In theory, law-enforcement assisted diversion programs divert low-level offenders from the criminal justice system and link them with treatment and services positively impacts public safety. This program provides for the voluntary diversion of chronic, low-level drug offenders from criminal prosecution to case managers for individualized treatment in the community.

### Policy:

LEADS are a community-based diversion approach with goals of improving public safety and public order. LEADS also assists in avoiding unnecessary justice system involvement of people who participate in these programs. The PWPB has had a full time School Resource Officer (SRO) since 1981. Our SRO has many Programs outlined below:

**Bias Crimes/Hate Crimes Programs:** Port Washington Police District School Resource Officer provides age-appropriate programs to youth in the community. In addition, the SRO has worked with at risk youth regarding prevention strategies related to Bias and or hate crimes.

**Drug Awareness and Prevention Programs:** Working together with the health educators of the school district the Port Washington Police District School Resource Officer continues to provide age-appropriate Drug Awareness and Prevention Programs to youths in the community. These programs include but are not limited to, Alcohol, Tobacco, Vaping, Marijuana, Chewing Tobacco, Self Esteem, Peer Pressure & Decision-Making Skills as well as many others. In addition, the SRO is a member of the Safety and Substance Task Force as well as the Heroin Prevention Task Force. The Nassau County Police

Community Affairs Unit helped to produce a substance abuse video titled "Impact" that has been distributed to all schools, both public and private as well as diocese schools in the County. As part of the Safety and Substance Task Force, Programs for parents and guardians have been presented throughout the school year.

Bicycle Safety Programs and Demonstrations: The Port Washington Police District School Resource Officers provides Bicycle Safety Presentations as well as Bicycle Rodeos in the community. In cooperation with a local bicycle store, demonstrations and education on bicycle safety laws, bicycle inspections, proper use of safety equipment and how to secure your bicycle have been held in the community.

In addition, many other crime prevention and safety trainings include but are not limited to, Shoplifting, Vandalism, traffic safety, driver's education, stranger safety, pedestrian safety, internet safety, identity theft, safer seniors, scams targeting the elderly, and weapon safety.

School Resource Officer Programs have received a great deal of attention as a promising strategy to strengthen law enforcement roles in the school and communities they serve. Law enforcement agencies who utilize this pro-active approach are discovering that crimes rates are decreasing, schools are becoming safer. This approach incorporates methods for improving services while becoming more responsive to other agencies, students, and staff within the school system. This cooperation enhances law enforcement agencies efforts to reduce crime and create safer schools and communities. This mutual effect is known as the School Resource Officer Program. Since 1980, the Port Washington Police District and the Port Washington School District have had an agreement allowing an SRO to be a part of the School community. This mutual agreement allows for the police to bridge the gap between police officers and youth, increases positive attitude toward law enforcement as well as encourages more cooperation and understanding between youth and police officers. The success of this program is evident by its 40-year long history. The Port Washington Police District continues to create and update its training presentations and tools to reflect the present concerns of the community.

To help others less fortunate in the community, the Port Washington Police District School Resource Officer as well as Chiefs and Police Officers attend many community events such as holiday parties, barbeques, picnics, school backpack and school supply giveaways. In 1989, the School Resource Officer created the Make A Child Smile Holiday Toy and Food Drive to help others, especially the children in the community during the holidays. This program has been a tremendous success and has provided hundreds of toys and food each holiday to those in need.

### Modifications:

The NCPD coordinates with the Nassau County District Attorney's Office with regard to alternative prosecutions and resources. The Nassau County District Attorney's Office offers the following diversion programs: phoenix pleas, mental health court, misdemeanor drug treatment court, TAPP, Felony Drug Diversion Unit (DTAP), judicial diversion and Veteran's treatment court. Diversion programs help the defendant rectify their behavior which resulted in arrest and provides the opportunity to avoid prosecution.

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

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

**Education:** informing the public about the ways they can protect themselves, how to recognize the signs of drug abuse, and what treatment resources are available

**Enforcement:** deploying resources to communities experiencing the effects of the opioid crisis and increased property crime

**Diversion:** coordinating with the District Attorney's Office to find comprehensive alternative-prosecution options for individuals who are arrested and suffer from substance abuse

**Treatment:** providing residents with a list of county resources as well as access to treatment and recovery specialists

**After Care Visits:** following up with individuals who have suffered an overdose and providing them with the opportunity to directly connect with treatment services

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

## Restorative Justice Practices

### Definition:

Restorative justice is the theory that 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 and community relations. Restorative justice practices seek to involve offenders, victims, and community representatives in the reparation process. Case-by-case analysis is designed to hold offenders accountable to victims and/or community members, while encouraging the parties to work together to formulate an agreement that ameliorates the harm inflicted.

### Policy:

As Port Washington Police Department is a service-based police department, it shares many values of restorative justice programs. All these values are taught in various places throughout the basic

instructive course for police. Some examples of restorative justice exercised in Nassau County are diversion court, alcohol, and drug diversion, after care visits, and the SAFE program for victims of abuse.

The Nassau County Special Victims Squad cohabitates the same facility as the Safe Center. The Safe Center is the Nassau County Advocacy Agency that serves children and adult victims of family violence and sexual abuse. PWRPD Detectives attend trauma-informed investigative training which teaches detectives how not to re-victimize survivors/victims of sexual assault during their investigation. When arresting perpetrators of domestic violence, when feasible, 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.

# Community-Based Outreach and Conflict Resolution

## Definition:

The concepts of community-based outreach and conflict resolution are that addressing the needs of the communities through a police agency promotes community engagement to foster trust, fairness, and legitimacy. Implementing community-based services to assist victims and offenders by responding to their emotional and physical needs, officers can more aptly overcome barriers and enhance comprehensive community restoration. Increasing the availability of Police Officers in the community puts a focus on increasing and strengthening community relationships to provide more comprehensive services and responses 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.

## Policy:

The Port Washington Police Department has continued to liaise with community groups for more than twenty-five years. Regular contact with the community is necessary in order to address local concerns and identify law enforcement needs. The Police Department maintains an active role in community affairs through frequent and regular contact between officers, various civic organizations, and community groups in their areas of responsibility. The PWRPD excels in this arena by connecting with the community through semi-monthly meetings held throughout the District as well as integration of community-oriented units and programs.

The PWRPD staffs its own Problem Oriented Policing Unit (POP), Community liaisons, and School Resource Officer positions. These members work closely with the community to enhance police-community relations, actively address problems before a crime occurs and improve the quality-of-life in the communities we serve. These tasks are achieved through specialized patrols, activities, and initiatives all of which further Departmental goals. The PWRPD has a designated POP Supervisor to

ensure all POP Officers are working together effectively and all community concerns are addressed. These elements work closely with the NCPD Community Affairs Unit which plays a critical role in achieving the department's goals against crime by strengthening community relationships and trust.

The NCPD Community Affairs Unit supports the Port Washington Police Department's mission through the following programs:

- Nassau County Police Activity League (PAL). PAL's purpose is to operate youth clubs and provide sports, crafts, educational and other programs of a team and individual nature for all boys and girls in Nassau County. The goal is to prevent juvenile delinquency, steer children clear from gang activity and to aid in the positive interaction of Police Officers and youth.
- Citizens Police Academy (CPA) reduces crime and provides instructional insight through education and positive interaction. The Citizens Police Academy is organized and hosted by the Police Academy staff.
- Police Youth Academy (PYA) is an eight-hour course for deserving and at-risk students. The academy has successfully trained over one thousand eight hundred (1,800) students by fostering enhanced communication and relationships through training and education.
- Nassau County Law Enforcement Exploring Program for ages fourteen (14) to twenty-one (21). The ultimate goal of Law Enforcement Exploring is to help young adults become responsible and caring individuals, both presently and in the future. The NCPD guides explorers to be positive role models for the youth in their communities.
- The Nassau County Police Academy instructs recruits on the methods of Problem-Oriented Policing in a two (2) hour course encompassing the value of community-oriented policing and problem solving.

### Modifications:

The PWRD recognizes the importance of interacting with neighborhood residents, faith leaders and businesses. The PWRD continues to participate in non-enforcement contact through Park, Walk and Talk. During some of these interactions, Officers may request businesses and places of worship, to provide information to be added into a database maintained by the Detective Division. In the event of an emergency or if the Department needs to contact business owners for any reason, the PWRD utilizes this database.

To ensure Officers stay connected and engaged with the community, community-based outreach and conflict resolution practices will be discussed during the ten (10) hour yearly in-service training provided by NCPD.

# Problem-Oriented Policing

## Definition:

In theory, problem-oriented policing replaces primarily reactive, incident-driven policies with strategies that proactively identify underlying issues that can be targeted to alleviate crime at its roots. Problem-oriented policing requires the careful analysis of issues to design tailor-made solutions response to similar obstacles. Police officers identify potential matters of concern, analyze the issue using a variety of data sources, design and implement response strategies, and assess the success of the strategies. Officers work closely with citizens to address crime concerns and quality-of-life issues.

## Policy:

The concept of Problem-Oriented Policing (POP) has been successfully integrated into PWRPD policing strategies for decades. Our Officers work with the community to identify and coordinate a response to problems that range from minor public nuisances, quality of life issues to serious criminal actions. POP Officers and Executive Staff attend community meetings. These meetings provide a forum for the community to address the Commanding Officer, POP Officers and executive staff. POP Officers are also tasked with community outreach to civic groups, schools, community-based outreach associations and any other stakeholders within the District. These Officers are an additional resource and steady point of contact for the community to address their concerns.

POP Officers look beyond traditional policing strategies and consider other possible approaches for addressing crime and community issues. The approaches POP Officers initiate can take on many different forms depending on community need and the crime being addressed.

# Hot Spots Policing

## Definition:

The premise of hot spots policing is that it focuses on the “High Visibility Intermittent Random Policing” (HVIRP) of small geographical areas that are experiencing high volumes of crime. Concentrating on offender-based and place-based policing can reduce violent crime and neighborhood disorder. The logic is that if crime is highly concentrated on specific streets in a municipality, the police should focus their interventions at those places.

## Policy:

The Nassau County Police Academy recognizes how valuable hot spot policing is and incorporates it into a three (3) hour course on intelligence led policing. Further, the PWRPD has weekly meetings where Officers can identify and discuss hot spots and how to effectively deploy resources. PWRPD participates in the STRAT COM process which is designed to collect and analyze real time crime trends.

# Focused Deterrence

## Definition:

Focused deterrence is the theory that targeting specific criminal behavior committed by a small number of chronic offenders reduces crime. Focused deterrence is a premise that a substantial portion of serious crimes are committed by an organized group of repeat offenders. The purpose of focused deterrence is to alter the opportunities for crime in order to deter motivated offenders. Group-focused law enforcement strategy makes it less likely for associates to aid an offender in committing a criminal act for fear that their acts will make them a priority to law enforcement.

## Modifications:

The Port Washington Police Detective Division collaborates with the Nassau County Intelligence Unit to identify Persons of Interest. An analysis of persistent offenders in high crime areas and crime trends are considered.

To affirm PYPD Officers exercise the best practices in implementing proper focused deterrence, this topic will be covered during the ten (10) hour yearly in-service training. The NCPD in-service training curriculum will be presented to the public for comments and suggestions to make certain the communities we serve concede with our procedures.

# Crime Prevention Through Environmental Design

## Definition:

The concept of crime prevention through environmental design is that crime is a man-made hazard which can be resisted through quality design. This strategy addresses the relationship between the physical environment and the incidence of crime. Crime prevention through environmental design considers the themes of visibility, territoriality, cohesion, accessibility, attractiveness, connectivity and community culture and their impact on crime. This strategy deters offenders from engaging in low-risk situations due to public visibility.

## Policy:

Port Washington Police Department utilizes some techniques outlined in CPTED. The PYPD in conjunction with the local government assesses and create plans for various community locations to help reduce or prevent crimes from occurring. Some examples of environmental design aspects include lighting, landscaping, signs, sidewalks, ordinances, community cleanups, pathways, etc.

# Violence Prevention and Reduction Interventions

## Definition:

Violence prevention and reduction interventions is the theory that focusing on primary prevention, secondary prevention, intervention, and suppression reduces crime. Proactively addressing potential problems by focusing on developing community programs, policies, and procedures at local community institutions. By intervening in the lives of offenders who have come in contact with the criminal justice system, their goal is to reduce recidivism.

## Policy:

The Port Washington Police Department believes one of the most effective ways to prevent violence is to address it with the youth in our community. By guiding and mentoring the youth into becoming upstanding citizens who positively impact our society, we successfully avert them from the possibility of a delinquent future, hence preventing violence. Some ways in which the PWPd mentors the youth, specifically relating to violence prevention and reduction, is through the SRO's Anti-Bullying and Bias/Hate Crimes Programs.

The PWPd recognizes bullying as a cause for concern among youth because, at times, it is triggered by aggression. If this aggression is not addressed during school-age, that child could continue the offensive behavior into adulthood. The PWPd SRO reports to 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. Creating awareness about bullying may divert the offender or create an understanding for a witness to recognize bullying and intervene. Our SRO also trains the youth on violence prevention and bystander responsibility. There is empirical data that suggests bystander intervention campaigns are successful in increasing the notion that persons witnessing a crime or incident should get help from others and call 911.

# Contemporary PWPd Policing Policies

## Complaint Tracking and Transparency

### Policy:

The Port Washington Police Department holds its members to a high standard of professional and individual conduct to serve the citizens of the District, and its visitors, with confidence, integrity, and respect. In addition to its enforcement, members are required to obey the law and to respect the dignity of all people. In furtherance of its commitment to this mission, the Department designates an Internal Affairs Officer who is responsible for the complete investigation of civilian complaints, which is an essential function to ensure compliance with established rules, ethics standards, Department policies and procedures.

In furtherance of our mandate and commitment to the principles of honesty and ethical behavior in all actions; all complaints are thoroughly and impartially investigated at the supervisory rank, followed by multiple levels of review before final approval. All allegations of misconduct are thoroughly investigated. Civilian complaints may be filed easily through email, by phone or in person, twenty-four (24) hours a day, seven (7) days a week. Anonymous complaints are accepted, and complaints will be taken from anyone, with or without a connection or direct relationship to the incident. Investigative findings are provided to complainants who choose to provide their contact information.

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.

All complainants, no matter where or how lodged, are promptly reviewed by the Internal Affairs Officer. Investigations are conducted by supervisors, followed by multiple layers of review before findings are approved. Complainants are contacted by a supervisor to acknowledge the receipt of the complaint and to provide a contact name and number for their investigation. The Investigating Supervisor thoroughly interviews the complainant and available witnesses and collects and reviews all evidentiary material. At the completion of the investigation, findings are provided to complainants who elect to provide their contact information. Investigative findings are categorized as follows:

Founded- Substantial evidence exists to corroborate the allegations against an officer.

Unfounded- Witnesses and evidence, clearly and unequivocally, establishes that the allegation by the complainant is untrue, fabricated, or a distortion of the facts.

Unsubstantiated- Insufficient evidence is available to either prove or disprove the allegation.

Exonerated- The incident did occur; however, the actions of the member were justified, lawful and proper.

Depending on the nature of the activity, repercussions for substantiated complaints range from verbal discipline and retraining, to fines and loss of pay and in more extreme instances, termination. In cases involving criminality, the Internal Affairs Unit works, in cooperation and conjunction, with the Nassau County District Attorney's Public Corruption Bureau. Officers that engage in activity which may contain criminality, are screened by the DA's Office for evaluation and at times, prosecution. Officer that engages in excessive force may find themselves in criminal, civil and civil rights proceedings. Members found guilty of criminal activity are subject to the same sanctions and penalties imposed by the law as the civilian population. Founded investigations for violation of rules or regulations are referred to the Department Board of Commissioners for consideration of discipline.

There are levels of discipline depending on the offense and circumstances:

1. Retraining (verbal reprimand/re-instruction, written counseling)
2. Command Disciplinary Report
3. Report of Violation of Department Rules

4. Charges and Specifications
5. Suspension
6. Termination

In cases where policies or procedures are determined to be outdated or deficient, the Internal Affairs Officer recommends review by the Chief of Police.

### Modifications:

In an effort to eliminate any language barrier obstacles the community may experience while filing compliments or complaints to the Police Department, we have instituted the “language line”. The language line provides on demand access to professional interpreters in over 240 languages via three formats: mobile, video and phone. This service is available not only at PWPB headquarters, but in all sector cars.

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. The Police Department’s Record Access Officer has been tasked with providing the appropriate information to the public when requested. To date, civilian complaints are not reported to the public. Outside of notifying the interested parties whether the complainant was founded, unfounded, undetermined, or exonerated, no details were released to the public at large. With the repeal of 50-A and in fortifying Police Department transparency, the Port Washington Police Department has decided to issue an annual report on civilian complaints. This report will include the number of complaints to each of the aforementioned categories along with the statistics of their investigative findings.

## Mental Health and Homelessness

### Policy:

The Port Washington Police Department responds to all Medical Aid cases including mental Health and Homelessness. The PWPB renders the necessary aid in a humane and sensitive manner to persons who appear to be suffering from mental illness or disability. When responding to a call for a mental aided, the officers are to make certain they have adequate assistance. If necessary, a Patrol Supervisor, additional Officers and a NCPD Ambulance respond to the scene. In situations where the mental aided exhibits violent behavior and the situation is likely to result in serious harm, personnel from the NCPD Emergency Services Unit (ESU) will respond as well. A substantial risk of physical harm is defined as a threat or attempt at suicide or serious bodily harm, conduct demonstrating danger to oneself, or a risk of physical harm to other persons who are placed in reasonable fear of violent behavior. The responding officer is to assess the situation and obtain the following background information: aided’s mental and medical history, prescription or illegal drugs being taken, current problem, aided’s behavior prior to police arrival, and aided’s past violent behavior. It is the responding officer’s responsibility to determine if the mental aided is conducting themselves in a way they are likely to inflict serious harm to themselves or others. If they are not a threat to themselves or others but appear to need evaluation, the officer will refer available resources such as Mobile Crisis Outreach Team, the National Alliance on

Mental Illness, 211, and the National Suicide Prevention Lifeline. If the aided appears to be a threat, officers must secure the immediate area to facilitate taking the subject into custody with the assistance of ESU as per New York Mental Hygiene Law 9.41. While the aided is in custody, the Police Officer must search the aided, place the aided into the ambulance, and guard the aided during transport. During transport, Members of the Police Department are prohibited from using any restraint technique which could dangerously inhibit a restrained person's breathing.

Members of Nassau County Police Department's Emergency Services Unit, as well as fourteen (14) members of the PYPD, have received an extensive five (5) day mental aided training course. Upon completion of this training, the Officers have a greater understanding of psychological conditions and are able to make more accurate assessments of mental aided situations. ESU Members train on mid-range impact weapons and gear to subdue a mental aided without having to resort to deadly force. ESU works in collaboration with other members present at the scene, such as Officers, Supervisors, Police Medics, the Bureau of Special Operations (if the aided is armed with a firearm), and the Hostage Negotiation Team.

When an encounter with a mental aided involves a suicidal person, a barricaded individual or persons held against their will, the Nassau County Police Department Hostage Negotiation Team (HNT) may be assigned.

There are few situations that pose as much danger to the public at large or a responding officer than those that involve the taking of hostages, barricaded individuals or a suicidal person indicating their intent to take their own life. These incidents are challenging, emotionally charged, may be unpredictable and can result in serious injury or death. The primary goal in hostage/barricade incidents or situations involving people in crisis is to protect human life. Constructive negotiation, with the emphasis on the use of time and communication to defuse a situation, will decrease the potential for violence and increase the possibility of a safe resolution. To meet these challenges, the Nassau County Police Department has developed and maintained a team of specially trained, highly disciplined individuals who understand both the dynamics of these situations and can empathize with the mindset of those in crisis. The Hostage Negotiation Team responds, as needed, twenty-four (24) hours a day to crisis situations; including mental aids, barricaded and/or suicidal subjects, hostage incidents and any other incident where the skills of a trained negotiator are beneficial.

The Hostage Negotiation Team is comprised of vetted, individually selected, motivated members of the Police Department. The PYPD currently has two trained hostage negotiators. Spanning multiple ranks and organizational disciplines, the average law enforcement experience of a crisis/ hostage negotiator is currently twenty (20) years. As coordination of effort is essential for the safe resolution of these incidents, the team maintains, and works in conjunction with, dedicated liaisons from the Electronics Squad, the Bureau of Special Operations, Communications Bureau, the Emergency Service Unit, and the Office of the Chief Surgeon. Negotiators undergo initial training with the Federal Bureau of Investigation's Crisis Negotiation Team and participate in regular, required in-service training throughout the calendar year which includes real-world, dynamic role play scenarios. Members of the HNT travel and attend training across the country to obtain up-to-date information, techniques and

strategies used to successfully diffuse and resolve crisis/hostage incidents. Negotiators use active listening skills and proven crisis intervention techniques to lower the risks associated with these incidents. In turn, these skills increase the options available to law enforcement and community services to bring these incidents to a successful resolution.

HNT Negotiators conduct Police Academy and department-wide in-service training with recruits, active force members, Communications Bureau Operators and outside agencies in de-escalation, crisis communication, rapport building and verbal threat assessment.

Recruits of the Nassau County Police Academy undergo twenty (20) hours of NYS DCJS Mental Health curriculum. The purpose of this course is for recruits to be able to identify behavioral signs of emotional distress and people in distress, to effectively communicate with an emotionally disturbed/mentally ill person, and to help people with mental illnesses connect to resources. This curriculum uses roleplay for reality-based training simulating people in crisis. In addition to the DCJS Mental Health course, the NCPD academy addresses mental health training in the syllabi for the following courses: crisis intervention, de-escalation and professional communication, hostage negotiation, autism awareness, and interview and verbal skills.

The NYS Police Reform and Reinvention Collaborative Guide poses the question if the Department should deploy social service personnel in lieu of or in addition to police officers in some situations. The Port Washington Police Department must consider its responsibility if a police line is called for assistance, but we do not respond. At this time, no, the PWPD will not be assigning social service personnel in lieu of or in conjunction with police officers. The Nassau County Police Department Academy conducts extensive mental health training for recruits and during in-service training. This training includes active listening, the importance of empathy and persuasive communication as discussed in previous sections. Additionally, the PWPD will further promote the twenty-four-hour, seven days a week confidential crisis hotline. If all citizens are made aware of the TALK helpline and continue to call 911 while in crisis, their intention is for police intervention.

- The Port Washington Police Department operates a NYS DOH registered opioid overdose prevention program. Under this program, PWPD Officers are trained to respond to all opioid overdose requests for assistance. In most circumstances, our police officers are generally the first to arrive at the scene of an overdose. Pursuant to their training, if necessary, they will administer NARCAN until the Fire Medics and ambulance arrive to the scene. Nassau County Health and Human Services is also apprised of each and every overdose call. If illegal drugs or drug paraphernalia are found at the scene, the PWPD Detective Division is advised and responds to investigate. 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 PWPD 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.

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

### Modifications:

- It has been suggested that police reform should include eliminating a police response to calls for individuals experiencing mental illness related distress. The PWPD has participated in these discussions and has heard the concerns of the stakeholders. However, the PWPD believes that it is most prudent, in the interest of safety, to have a police officer respond to these calls. When the public calls the Police for assistance, they expect the Police to respond. The PWPD is aware of the value of having a mental health professional at these scenes and is working on establishing a "dual response" model with the Mobile Crisis Unit in these cases.

## Crowd Control

The purpose of this strategy is to establish guidelines for managing crowds, protecting individual rights, and preserving the peace during demonstrations and civil disturbances. It is the policy of the Port Washington 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. The PWPD cannot succeed without support from the communities we serve. We are increasingly building on the concepts of legitimacy and procedural justice, which put communities at the heart of policing here in Port Washington. Since the tragic death of George Floyd, the United States has seen a tremendous increase in protests. Most of the demonstrations have remained peaceful, however, many cities around the country have seen widespread violence and significant property damage.

Port Washington was host to multiple protests in 2020. The protests were extraordinarily peaceful with no arrests or summonses issued. We attribute this accomplishment to our partnership with NCPD, internal preparation and planning, and communication with the organizers before and during the events. Our commitment to deescalating potential disturbances and compromising appropriately with organizers is also a critical component. In the past, our crowd management techniques were based upon long standing tactical formations and riot control. While these methods are still legitimate when violence is occurring; today we prefer to rely upon pre-operational planning, communication, and collaboration, when possible, to achieve public safety and protect civil liberties.

The PWPD has a commitment to continued learning. In the NCPD yearly in-service training our officers and supervisors will continue to acquire best practices related to crowd control and management. In cases of large-scale events, our Officers will work together with the NCPD specialized units such as the

Mounted unit and BSO. Use of force will be discussed in the context of crowd management. Unless exigent circumstances justify immediate action, officers shall not independently make arrests or employ force without authorization from the incident commander.

The Port Washington Police Department neither has nor uses any surplus military equipment for crowd control. It is our vision for the future of the Department and the community, to maintain and enhance the confidence and trust of the people we serve. Continually strengthen and expand the partnerships between the police and the communities we serve. Maximize community participation in identifying problems, developing solutions, and establishing relevant Department priorities and policies. Strive to effectively resolve problems of the communities we serve while protecting life and property.

## Prohibited Race-Based 911 Calls

Section 79-n subdivision 2 of the New York State Civil Rights Law was amended to establish civil penalties for a person who intentionally summons a Police Officer or Peace Officer without reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property, in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person. A person in violation of this law is liable in a civil action for injunction relief, damage, or any other appropriate relieve in law or equity. A legal bulletin was issued notifying the Members of the Police Department of this new law. This information will be included during in-service training to further educate the Department Members who may in turn educate members of the public who may fall victim to such conduct.

## Department Staffing

The guide suggests considering whether the PWPDP staffing should be adjusted to include fewer uniformed officers and more civilians. The Port Washington Police Department constantly reviews the staffing level of the department and finds it to be appropriate at this time. The PWPDP has determined that all possible positions that can be civilianized are currently civilianized. Increases and decreases in staffing often involve union negotiations.

Below is a breakdown of the appointment for PWPDP designated positions as well as ranks achieved through test scores:

The Port Washington Board of Police Commissioners consist of three elected officials. Each year one of the Commissioners comes up for election to a three-year term. The Commissioners are voted into office by residents of the Port Washington Police District.

The ranks below the Commissioner of Police are generally governed by Nassau County Civil Service Lists. All hiring and promotions are in strict accordance with New York State and Nassau County Civil Service laws. Tests are given by Nassau County Civil Service for the ranks of Police Officer, Sergeant, and Lieutenant to establish the list based upon the candidates test score. The Police Department and the Civil Service Commission continues to work with consultants and the communities in Nassau County and even adjoining counties to recruit a diverse group of candidates to take the police entrance exam in

order to become Police Officers and supervisors that are representative of the communities within Nassau County.

Ranks above Lieutenant are appointed by the Board of Commissioners of the Port Washington Police District.

In order to become a Port Washington Police Officer, one must take a Nassau County Civil Service exam. 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. If a citizen is interested in becoming a Police Officer, they can call 1-800-RECRUIT or by clicking on the links or scanning the QR code provided. Users will then access the Test Pre-Registration Application Form which can be electronically submitted. Once the test is announced, the Department will utilize the contact information provided on the pre-registration form to contact the applicant. Once the form is submitted, all applicants will receive a letter listing the participating Police Department Societies and Associations. Members of these Societies and Associations are 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. The Department Societies are Columbia Police Association of Nassau, Nassau County Association of Women Police, Nassau County Guardians Association, Nassau County Police Hispanic Society, LGBTQ of Nassau County, Police Emerald Society of Nassau County, and Shomrim Society of Nassau County. The Port Washington Police Department also promotes the Police entrance exams at community forums, meetings and the PWRPD web site.

## “Broken Windows” and “Stop and Frisk”

The Port Washington Police Department does not practice “Broken Windows” or random “Stop and Frisk” for the purpose of finding something without pretext, nor teach it. We teach our members the rules in conducting an investigative stop in accordance with the provisions provided in the Criminal Procedure Law (CPL) 140.50:

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 a person is committing, has committed or is about to commit either (a) a felony or (b) a misdemeanor defined in the penal law, and may demand of him his name, address and an explanation of his conduct.

2. Any person who is a Peace Officer and who provides security services for any court of the unified court system may stop a person in or about the courthouse to which he is assigned when he reasonably suspects that such a person is committing, has committed or is about to commit either (a) a felony or (b) a misdemeanor defined in the penal law, and may demand of him his name, address, and an explanation of his conduct.

3. When upon stopping a person under circumstances prescribed in subdivisions one and two a Police Officer or Court Officer, as the case may be, reasonably suspects that he is in danger of physical injury, he may search such person for a deadly weapon or 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.

In sum and substance, the Port Washington Police Department instructs Officers to conduct 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. Factors to establish suspicion 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 in direction or flight, unusual nervousness, independent knowledge, training and experience, and evasive, false, inconsistent statements. This standard is reached through an officers training and experience and is based on several of the aforementioned factors that are observed by the Officer to get him to conduct a field stop. In order for an officer to frisk a field stop subject, the officer must reasonably suspect he is in danger of physical injury. Officers can frisk for weapons and only weapons during this encounter unless the subject gives consent to search for evidence. Frisk of an individual is never automatic and only undertaken to pat down for items that can harm Officers. Any evidence that may be found at this stage, would be suppressed, and not permitted into court and therefore not permitted to be used to arrest said individual.

Port Washington Police Officers record the gender and race/ethnicity of the person(s) summonsed or subjected to field stops. Within the next year, the PWPd will be adopting a technology solution to improve its demographics tracking. This will help the Department ensure that there are no biases or disparities in ticketing or field stops.

## Pretextual Stops

The NCPD Legal Bureau issued Legal Bulletin 09-006 which provides an overview of car stops. This bulletin articulates that if a Police Officer has probable cause to believe that a motorist has violated a

vehicle traffic law (VTL), he may stop the automobile even though the Officer's underlying reason is to conduct another investigation. Our courts acknowledge pretextual stops in this manner. In *People v. Robinson*, 97 N.Y. 2d 341 (2001), New York State's highest court found such pretextual car stops to be constitutional. 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.

## Summonses

### Informal Quotas

The Port Washington Police Department does not hold its Members to any sort of quota, informal or otherwise. Quotas are illegal. Union representatives are always on guard for any activities that resemble informal requirements or suggestions that imply we are seeking quota compliance.

### Summons Demographics

The guide states African Americans are ticketed at a disproportionate rate. This is not the case in Nassau County. A small sampling of recent data from August of 2020 indicates the highest volume of tickets are given to Male/Whites 24%, followed by Male/Hispanics 13%, Female/Whites 10%, Male/Blacks 8%, Male/Asians 6%, and all other categories fall below 5%.

Within the next year, the PWPDP will be adopting a technology solution to analyze Port Washington-specific data.

### Failure to Pay Fees and/or Fines for Summonses

The guide suggests some Police Departments create a 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 write tickets based on observation and violations of rules of the road; officers do not seek, nor is it their job to inquire regarding a citizen's financial means. Such an inquiry could be considered too invasive, insulting, unprofessional, and not germane to the circumstance. Officers do have discretion to issue a ticket or warning based on a number of factors to include, the nature of the infraction, the rate of violations and accidents at high frequency accident locations, complaints from the public regarding persistent traffic violations as well as other variables including enforcement efforts directed as a result of traffic analysis. The act of driving is a privilege in New York State, all one must do to keep that privilege is follow the rules according to New York State Department of Motor Vehicles. All the proceeds for traffic summonses go to NYS, Nassau County, the Town of North Hempstead, or Incorporated Villages in our Police District. The Port Washington Police District does not receive any proceeds from traffic or parking summonses.

## High-Speed Pursuits

The PWPDP 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 weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits. Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle. Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, and hostages).
- (k) The availability of other resources, such as air support assistance.
- (l) Whether the pursuing vehicle is carrying passengers other than on-duty Police Officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

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

## The Use of SWAT Teams and No-Knock Warrants

The PYPD utilizes the Nassau County Police Department's Bureau of Special Operations (BSO) as the Department's 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 Bureau of Special Operations 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 firearms proficiency. Following an 8-week tactical and plainclothes patrol training course, BSO personnel are assigned to Two-Officer plainclothes patrol duties in unmarked, non-descript vehicles. The following details the Bureau's current staffing levels, resources and essential equipment carried by all teams.

BSO is responsible for Special Weapons and Tactics assignments. These include the execution of high-risk search warrants, search and apprehension of violent and armed perpetrators, response to armed and barricaded subjects and some hostage situations. Other tactical assignments may include assignments to special events, crowd control situations, dignitary protection and escorts and tactical vigilance patrols.

The NCPD and PYPD have very conservative policies regarding the deployment of BSO tactical team and search warrants. We only utilize this option when all other alternatives have been exhausted to apprehend a suspect. There have been no tactical search warrant executions in Port Washington during the last three years. The number of court approved search warrant executions by the NCPD tactical unit in the last three years has been minimal. Over a three-year span, 2018 to 2020, a total of eight (8) court approved search warrants have been executed county wide. No-Knock search warrants are issued by a superior court only. Tactical planning and execution must be approved by the Nassau County Commissioner of Police in the most exigent of circumstances.

## Hate Crime Investigation

The Port Washington Police Department effectively identifies, investigates, and prosecutes hate crimes. Hate crimes are investigated vigorously. A Police Officer is typically the first to respond to a bias incident/hate crime incident. A preliminary investigation is conducted at scene, which includes complainant/victim statement, witness statement, and capture of video evidence. If a summary arrest cannot be made, the investigation is then referred to the detective squad. Once a Detective is assigned, a subsequent investigation is conducted, which includes re-interviewing of complainant/victim and witness. A secondary video canvass will be conducted in the field. Additionally, the investigating detective will research prior bias/hate crime incidents to determine if there is a discernable pattern or commonalities. If probable cause is established, an arrest will be made. The Nassau County Chief of

Detectives is notified and assigns a control number to all bias incident/hate crimes and maintains daily, weekly, monthly, and annual statistics. The stats are categorized by incidents involving race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person. 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. The PWRD coordinates with and utilizes Nassau County Detectives, NYS Investigators and any other resources available to bring the case to a positive conclusion.

## Incentives for Officer to Advance Policing Goals

Promotion of professional progression through the many divisions of the Police Department is a traditional method for incentivizing Officers to advance their careers. Officers who are drawn to promote traffic safety may request to be transferred to the Traffic Safety Enforcement Unit (TSEU), others interested in investigations may be encouraged to apply for the Detective Division, and those who wish to enhance community service may request to be transferred to the Problem Oriented Policing Unit.

Other incentives include grants that offer additional funding to Officers, usually in form of overtime, who have exhibited a propensity to arrest offenders in neighborhoods that have an increase in crime and or gun violence. Also, Traffic Safety Grants are available for members in the enforcement of DWI, seat belt violations and aggressive driving violations.

The executive staff of the Department has sufficient latitude of administering these incentives and are only constrained by employee union agreements and civil service rules.

There are many Civic Groups within Nassau County that issue accolades to our members, such as the NPC, NCMPCA, Mothers Against Drunk Driving (MADD), AAA, Local Chambers of Commerce, etc. These awards are usually nominated by the Chiefs Office. The organizations typically hold a testimonial dinner and often use these events during the membership recruitment drives.

The PWRD has a recognition program. It includes seven (7) commendations and one (1) civilian commendation for Community Service (issued to a member of the public). Nominations for these recognitions are submitted by Department Supervisors, investigated by a committee, and approved by the Chiefs Office. Each year during Police Week, a ceremony is held for the awardees, their families, and the public.

Community members often acknowledge good work by Officers in written form. These letters are posted and added to the Officer's personnel file for future considerations.

## Policy on Reporting of Officer Misconduct by Other Officers

An Officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a Supervisor. Supervisors must report to their immediate Commanding Officer cases of misconduct, neglect of duty, or any violation of the rules and regulations on the part of any Police Officer. All complaint investigations will be done completely and expeditiously.

Should the complaint of misconduct of an Officer rise to criminality, the complaint will be forwarded to the Nassau County District Attorney's Office for investigation.

## Policing Data to be Made Public

The following data will be posted annually on the Port Washington Police Department web site [portwashingtonpd.ny.gov](http://portwashingtonpd.ny.gov)

Total calls for Police service

Total crimes by category (Felony, Misdemeanor, Violation etc.)

Total summonses

Total arrests (Felony, Misdemeanor, Violations, etc.)

Total Field stops

Summonses, arrests, and field stops will include demographics

Use of Force- The PYPD will issue an annual Use of Force Report and will include statistics on event circumstances, demographics and type of force used.

Civilian Complaints- The annual report will include the number of formal civilian complaints for each of the following categories: excessive use of force, false arrest, improper tactics/procedures, neglect of duty, racial/ethnic bias, unlawful conduct, unprofessional conduct, violation of department rules and others.

## Transparency in Police Interactions and Initial Contact

The PYPD 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.

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

## Supporting Officer Well-Being

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

- The PWPD started a Member Assistance Program in the mid 1980's.
- This unit consists of representatives from Patrol, Detective Division and Supervisors.
- Confidential meetings and counseling with licensed social workers and Psychiatrists are available to members of the PWPD through the Member Assistance Program. At times, officers can be mandated to Member Assistance by the Chief's Office.
- During 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 MAP and the NCPD Peer Support Team who respond to scenes and/or hospitals and other locations as needed. This teams are available twenty-four (24) hours a day, seven (7) days a week.
- The PWPD understands the stress level of an Officer could be correlated with shift lengths. Port Washington Police Department's Officer Charts are negotiated by the unions. The PWPD 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 PWPD members have adequate time to rest and recharge between tours.

## NCPD In-Service Training Curriculum

Please see attached NCPD In-Service Training Curriculum:

**Lesson Title:**

[Re-Imagining Policing – 2020]

**Section:**

[In-Service]

**Prepared by:**

[Police Officer Christopher Boccio]

**Approved by:**

[Inspector Robert Kaufmann]

**Instructor:**

[Police Officer Christopher Boccio]

**Method of presentation:**

[Computer]

**Date prepared:**

[07/30/2020]

**Duration:**

[10 hours]

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

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

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

**Instructor References:**

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

**Training Aid/Supplies/Equipment:**

Whiteboard  
PowerPoint  
Handouts  
Videos  
Exercises

**I. INTRODUCTION:**

A. Self, background:

**II. MOTIVATION:**

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

**III. INSTRUCTIONAL OBJECTIVES:**

A. See cover sheet

**IV. PRESENTATION:**

A. Legal Updates

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

B. Use of Force

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

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

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

PDCN 258

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

Verbal Judo by Dr George Thompson

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

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

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

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

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

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

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

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

Reference DCJS guide to fundamental crisis intervention

Mostly a review of De-escalation

- cause harm to himself or others.
      - b. Evaluation of the likelihood of the harm
      - c. Does not need to be acting in an overt suicidal or harmful manner – threats, starvation, frostbite, hypothermia, heat stroke, disregard for healthcare.
    - 4. Treatment, Recovery, Resources
      - a. Nassau County Office of Mental Health
      - b. Mental Health Association of Nassau County
      - c. SAMHSA resources
      - d. OMH Resource Locator
      - e. NAMI – National Alliance on Mental Health
      - f. Mobile Crisis
- G. Implicit Bias
  - 1. Two types of Bias
    - a. Implicit – preference (positive or negative) for a social category based on stereotypes or attitudes that are held and tend to develop early in life, outside of awareness
    - b. Explicit – conscious preference (positive or negative) for a social category
    - c. Thin Slicing – shortcuts that occur in the brain to assist with rapid decisions without having to consciously think about every decision. These can be corrupted by unconscious likes, dislikes, prejudices, and stereotypes
    - d. Confirmation Bias- tendency to search for, interpret, favor, and recall information that supports ones prior beliefs or values. A cognitive bias that distorts evidence based decision making
    - e. Factors that enhance reliance on these biases
      - a. Stress
      - b. Exhaustion
      - c. Time
      - d. Threat
      - e. Ambiguity
      - f. Distraction
    - f. Training goal
      - a. Interrupt the psychological effects that may play into subsequent behavior
      - b. Effective change requires time, internal motivation, sustained practice, and training to form new individual and organizational habits
- H. Leadership
  - 1. Leadership defined
    - a. Fostering a relationship of action, trust, proactive partnerships

Names exercise  
Harvard implicit  
association test

Reflection exercise |

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

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

**A.** |