

# Sands Point Police Department

New York State Police Reform & Reinvention Collaborative



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# NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE GUIDE RESPONSE

## INTRODUCTION AND HISTORY OF THE SANDS POINT POLICE DEPARTMENT

The Sands Point Police Department is a small Police Department located on the North Shore of Western Nassau County. Sands Point is surrounded on three sides by water. Manhasset Bay, Hempstead Bay and the Long Island Sound. Established in 1920, the Sands Point Police Department began with 6 Police Officers. Serving the citizens of the quiet and quaint village of Sands Point for over a century, the Department now has 20 sworn members. Our jurisdiction covers approximately 5.2 square miles. We serve 910 individual residences, and approximately 2900 residents. The Village of Sands Point has no regular commercial businesses. We do have a synagogue, a church, an elementary school, 2 golf course/county clubs and the Helen Keller National Center for the Deaf and Blind. Sands Point borders the Police District of Port Washington as well as communities serviced by the Nassau County Police Department to the south. There are many instances where inter-agency cooperation is required and welcomed. For that reason, all of our policies and ideologies must be, and are, in unison. Nassau County was just named in 2020 by Forbes magazine as the "Safest place to live in the US". Considered one of the country's largest police agencies, the Nassau County Police Department safeguards a population of more than 1.4 million people. Founded on the ideals of integrity, loyalty, fairness, and excellence, the NCPD is a service-oriented police department that places the concept of community at the heart of its philosophy.

The Sands Point Police Department is one of 21 smaller municipal departments within Nassau County. The Sands Point Police Department, as well as virtually every other smaller department within the county, utilize the Nassau County Police Department for some, most or all of their support and training. The Sands Point Police Department utilizes the Nassau County Police Academy for training of new officers as well as refresher training of its active ones. We utilize their detectives to investigate and solve crimes. We utilize all of their vast array of support services, including but not limited to: aviation, K-9, crime-scene, highway patrol, marine-bureau, pistol range, ambulance service, communications bureau, legal bureau and many others. As such, our departments mindset, theories and policies are not only inline, but some are identical. The police reform mandated by Governor Cuomo is a great opportunity for all departments to take a look at how they operate. To see if they are truly meeting the

best needs of the communities they serve, and see what, if anything needs to be changed. Some of the Policies mandated by the Governor don't necessarily have applications within the Sands Point Police Department. In those instances, the SPPD simply adheres to policies being utilized by the Nassau County Police Department.

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 Nassau County Police Department decided to redefine their definition of duty to read:

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

The Sands Point Police Department has the same mission as above, and support the NCPD with their redefinition.

## NEW YORK STATE POLICE REFORM AND REINVENTION COLLABORATIVE GUIDE RESPONSE

The aforementioned 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 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.

# 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 members of law enforcement is a matter of utmost concern both to the public and the law enforcement community itself. When faced with a situation where the use of force is objectively reasonable under the circumstances, the guiding values of members for the Sands Point Police Department shall be those principles set forth, as well as the paramount objective of reverence for the sanctity of human life. In all cases, the primary duty of all Members of the Department is to protect human life and provide for the safety of the community. Force is authorized when reasonably believed to be necessary to effect a lawful arrest or detention, to prevent the escape of a person from custody, or in defense of one's self or another. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene. Whenever feasible and consistent with personal and public safety, members should de-escalate the use of force once a particular threat and/or resistance has dissipated. The progression of force goes from verbal, physical, non-lethal, impact and firearm. To determine the objective reasonableness of force, members shall consider the following factors:

1. the severity of the crime or circumstances;
2. the level and immediacy of the threat or resistance posed by the suspect;
3. the potential for injury to citizens, officers, and suspects;
4. the risk or attempt of the suspect to escape;
5. the knowledge, training, and experience of the officer;
6. officer/suspect considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers and subjects;
7. other environmental conditions or exigent circumstances.

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

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

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

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

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

Members of the Department shall notify their immediate supervisor as soon as possible of instances involving the use of force. Use of force incidents are reviewed by the Chief of Department. Use of force incidents are examined to determine trends in weapons used, outcomes, reasons for usage, and where and when force is being used. Due to the minimal number of instances within our department, any uses of force are notified to and compared with the Port Washington and Nassau County Police Departments to see if any links exist.

The SPPD Policy prohibits the use of force except as provided by law, (Department Policies, No. 700.1, Use of Force) therefore, the use of force for punitive or retaliatory reasons is strictly prohibited. General Members of the Sands Point Police Department will only use force in accordance with existing law and Sands Point Police Department policy, rules and procedures. In all cases, the primary duty of all

Members of the Department is to protect human life and provide for the safety of the community. It should be noted that members of law enforcement who use unreasonable force diminish the confidence of the community they serve, expose their department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used.

The Sands Point Police Department is aware of the public concern for shooting at moving vehicles. Department Policy POL 700.1a, Use of Deadly Force prohibits firing at or from a moving vehicle unless deadly force is being used against the Police Officer or another.

New York State Department of Criminal Justice Services mandates Police Academies to instruct use of force for eleven (11) hours. The Nassau County Police Department trains our officers, and 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, that we distributed to all our members notifying them of the new law, Aggravated Strangulation NYS PL 121.13-a. This reminded members that the Carotid Restraint or “Chokehold” is not an authorized use of force technique. The Sands Point Police Department’s Use of Deadly Force, POL 700.1, prohibits the use of the carotid restraint or “chokeholds”, except in situations where deadly physical force is being asserted against a Member of the Department or another.

The Sands Point Police Department 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 SPPD refers to POL 100.3, Prisoner Search & Transport, Handcuffing:

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Sands Point Police 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.

When feasible, persons will be handcuffed with their hands behind their backs, palms facing out, and double lock mechanism engaged to prevent tightening, which may cause undue discomfort or injury to hands or wrists.

Members should handcuff all adult prisoners charged with a felony in the above-described manner.

Members will use reasonable discretion in handcuffing adult prisoners charged with a non-felony and juveniles in custody. This will permit arresting officers some latitude in considering the nature of the offense and any factors which may make such handcuffing unnecessary.

The basic objective of these guidelines is to ensure the safety of the officer, the public, and the person in custody. Any questions an officer may have regarding the proper procedure in matters involving handcuffing should be resolved in the interest of safety.

The Sands Point Police Department also has a policy on the use of force against an individual who is restrained. POL 100.3 states force shall not be used by a Member of the Department against persons who are handcuffed or restrained unless used to prevent injury, escape, or otherwise to overcome active or passive resistance posed by the subject.

The Sands Point Police Department understands that in order to embolden our relationship with the community we serve, we must promote further transparency, especially with matters of use of force. Any incidents involving use of force by members of the Sands Point Police Department will be reported to the Nassau County Police Department. The NCPD will issue a bi-annual Use of Force Report. The dissemination of the Use of Force Report will show the public how restrained all the departments in Nassau County are when it comes to using force.

To ensure that members of the Sands Point Police Department 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 that the Nassau County Police Academy provides for all our members. The NCPD in-service training curriculum will be presented to the public for comments and suggestions to make certain the communities we serve agree with our procedures.

# PROCEDURAL JUSTICE

## DEFINITION:

Procedural justice is the theory that 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 Sands Point Police Department understands that 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. The Sands Point Police Department establishes long-lasting community partnerships when the public has confidence in the morality of the police and in its ability to safeguard the community 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.

Sands Point Police Department members who attended the Nassau County Police Academy have had their 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. In order to make forward progress towards procedural justice and police legitimacy, the NCPD Academy instills the Four Pillars of Procedural Justice in Officers. These four principles are fair in process, transparent in actions, providing opportunity for voice 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 in order to achieve impartial decision making. Consistency in decision making must be achieved at all times. 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 to increase our awareness and effectiveness. Individuals are sensitive to whether they are treated with dignity and politeness and to whether their rights are being respected. 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.

The Sands Point Police Department protects the confidentiality of immigration status. It is the Sands Point Police Department's policy not to inquire about the immigration status of crime victims, crime witnesses and anyone who calls or approaches Officers to seek assistance. The only basis for inquiring into a person's confidential information relating to immigration status is if said person is arrested for a crime.



To ensure Sands Point Police 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 provided by the NCPD.

Similar to our yearly refresher re-trainings in subjects of sexual harassment, hazardous materials and bloodborne pathogens, all SPPD Members, sworn and civilian, will be required to complete racial bias training. A short exam will be administered to confirm the members understanding of racial bias and the importance of procedural justice.

# **SYSTEMIC RACIAL BIAS / RACIAL JUSTICE IN POLICING**

## **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. In order 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 in order to effectively fulfill their responsibilities in preserving peace.

### **POLICY:**

The Sands Point Police Department does not engage in and does not condone 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 Sands Point Police

Department Members must consider in their daily contacts with the public. The Sands Point 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 Sands Point Police Department is now able to and does record demographics on motorists who are issued traffic summonses. This data can be reviewed for anomalies and trends.

To ensure Sands Point Police Department 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 provided by the NCPD police academy.

SPPD will be requiring yearly training on racial bias by all Department Members. A short exam will be administered to confirm the Members understanding racial bias and the consequences of racial profiling.

# **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 Department 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. NCPD's training, and thereby the training the SPPD members receive, 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.

## **MODIFICATIONS:**

In June of 2020, the Police Academy added an additional ten (10) hours of training addressing anti bias, morality, ethical awareness and cultural diversity. This supplementary ten (10) 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 Sands Point Police Department members during in-service training and is expected to be widely publicized in schools.

To ensure SPPD 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 conducted by the Nassau County Police Academy.

# **DE-ESCALATION TRAINING & 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 in order 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:**

The Sands Point Police Department mirrors the Nassau County Police Department's 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 Sands Point Police Department 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 Nassau County Police Department recognized the importance of de-escalation and although the concepts are woven through many areas of recruit curriculum, the NCPD 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. The Sands Point Police Officers who come through the Nassau County Academy partake in this training.

In the Police Academy, recruits are taught the Five Universal Truths of Human Interaction: people feel the need to be respected, people would rather be asked than told, people have a desire to know why, people prefer to have options instead of threats, 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 Sands Point Police Department 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.

To ensure all Sands Point Police 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 community we serve agrees with our procedures.

# LAW-ENFORCEMENT ASSISTED DIVERSION PROGRAMS (LEADS)

The Sands Point Police Department follows the Nassau County Police Department's policies and protocols when it comes to Law-Enforcement Assisted Diversion Programs. We are offered and utilize the same programs when needed.

## 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 Sands Point Police Department has a School Resource Officer program in our one and only school, Guggenheim Elementary School. The SRO program was created in 2004.

NCPD Community Affairs has many Law-Enforcement Assisted Programs outlined below:

**Bullying/Cyber Bullying Program:** Community Affairs conducts trainings at schools and youth centers in regards to all forms of bullying.

**Bias Crime/Hate Crime Training:** In Nassau County, even the lowest-level crime influenced by any type of bias or hate is recorded and investigated. Community Affairs consistently trains members of the community on bias and hate crimes. Teenagers from throughout the county volunteer to participate in hate crime education and prevention activities under the guidance of the Community Affairs Unit.

**Drug Awareness and Prevention Programs:** To address the crisis of alcohol and drug abuse in Nassau County, Community Affairs is a member of the Heroin Prevention Task Force. The task force's mission is to form partnerships with community and government agencies dedicated to reducing the demand for illicit drugs in our communities. The Community Affairs Unit helped to produce a substance abuse video titled "Impact" in collaboration with public and private agencies. This video has been distributed to all public, private and diocese schools throughout Nassau County to address the alcohol and substance abuse by trying to reach young people before they make destructive decisions involving these issues. Community Affairs also hosts events such as "The NCPD Takes Down Drugs". These events pair sports and athletic events with drug awareness and prevention seminars. These events are always well attended and garner significant media coverage. To further NCPD's drug awareness and prevention efforts, Community Affairs presents thorough vaping and nicotine addiction presentations.

Bicycle Safety Demonstrations: In the past the Sands Point Police Department has hosted a bicycle safety day at Guggenheim Elementary School.

Other various crime prevention trainings include, but are not limited to, internet safety, identity theft, child safety, senior citizen safety, and scams targeting the elderly.

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

# RESTORATIVE JUSTICE PRACTICES

The Sands Point Police Department follows the Nassau County Police Department's policies and protocols when it comes to Restorative Justice Practices. We are offered and utilize the same programs when needed.

## 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 both the Sands Point Police Department and the Nassau County Police Department are service-based departments, they share many values of restorative justice programs. All of these values are taught in various places throughout our basic instructive course for police. Some examples of restorative justice exercised by NCPD 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 in 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. Special Victim Detectives attend trauma-informed investigative training which teaches detectives how not to re-victimize survivors/victims of sexual assault during the course of 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 & CONFLICT RESOLUTION

The Sands Point Police Department follows the Nassau County Police Department's policies and protocols when it comes to Community-Based Outreach and Conflict Resolution. We are offered and utilize the same programs that we do not have of our own. For example, the Port Washington PAL, and the Nassau County Police Explorers program which are available to any Sands Point residents who wish to participate.

## DEFINITION:

The concepts of community-based outreach and conflict resolution are that addressing the particular 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 Sands Point Police Department makes the Chief of Police or another member of the administrative staff available regularly for Village Board meetings that are open to the public. In these open forums, community members have the opportunity and are encouraged to bring topics of discussion to the Police Department that may not be in their purview. In these meeting the Police Department also informs the public of recent trends, events and any new methods or equipment being utilized by the Police Department.

Although the Sands Point Police Department only has ONE school within its geographical boundaries, the Police Department has trained and assigned a School Resource officer to the school. This officer is a liaison between the Police Department and the School District. The School Resource officer works hand in hand with the principal creating, crafting and presenting programs to the children of Guggenheim Elementary school. They include, but are not limited to, anti-smoking, alcohol-awareness, anti-bullying, stranger-danger and Halloween safety. It is the Sands Point Police Departments wish that every child's first encounter with a police officer be a pleasant one. That is why we stress the importance of the School Resource Officer program. To show children that Police Officers are here to help and assist everyone.

Another form of community-based outreach is the Nassau County Police Activity League (PAL). The PALs 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. The PAL brings the youth in the communities together to harbor friendships that will continue to grow in school and create a stronger community as they mature. The Police Activity League believes “it’s better to build youth, than mend adults”. Nassau County’s PAL is comprised of one (1) Supervisor and twelve (12) Police Officers. PAL programs have recently been added to Lawrence, Elmont and Roosevelt. The initial costs for these new PALs have been provided by NCPD Asset Forfeiture funds.

Nassau County Police Department partners with our communities through the Citizens Police Academy (CPA) to reduce crime and provide instructional insight through education and positive interaction. The Citizens Police Academy is a fifteen (15) week program; each week is three (3) hours of interactive training for a total of forty-five (45) hours of instruction. Topics taught in the CPA are: deadly physical force, decision making, professional communications, asset forfeiture and intelligence, investigative techniques, department structure, defensive tactics, bureau of special operations and mounted unit. By providing attendees with insight to the Police Department’s policies and tactics, we anticipate the CPA graduates will educate their communities, ultimately strengthening the partnership with the communities we serve. The Citizens Police Academy is organized and hosted by the Police Academy staff.

The Nassau County Police Academy staff also host and instruct the Police Youth Academy (PYA). The PYA is an eight (8) hour course held on Saturdays for deserving and at-risk high school students to take an in-depth look into the Nassau County Police Department. The majority of these students are from school districts with significant socioeconomically disadvantaged demographics. The Police Youth Academy has successfully trained over one thousand eight hundred (1,800) students by fostering enhanced communication and relationships through training and education. This course is also used as a recruitment tool as students report favorable impressions of Police Officers after they have a better understanding of department policies and procedures.

Another way the NCPD engages the youth in our communities is through the 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. Youth benefits include: scholarship opportunities, opportunities to participate in practical, real and meaningful hands-on experiences, develop new career and personal skills and provide service to others. The NCPD guides explorers to be positive role models for the youth in their communities. Law Enforcement Explorers are utilized in crime reduction tactics such as providing pamphlets and literature to the public to inform them of ways to protect themselves from becoming a victim of larcenies from vehicles and residential burglaries. The distribution of pamphlets by explorers are strategically performed in areas where larcenies from auto or residential burglaries have increased or are expected to rise based on predictive analysis.

## **MODIFICATIONS:**

To ensure Sands Point Police and Nassau County Police 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.



# 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. The Sands Point Police Department furnishes all crime statistic to the NCPD and participates in the STRAT COM process which is designed to collect and analyze real time crime trends. The Sands Point Police Department allows both the Port Washington Police Department and the Nassau County Police Department access to our License Plate Reader data. This collaboration has been instrumental in solving recent burglary and vehicle larceny cases.

# 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.

## POLICY:

One of the ways the Nassau County Police Departments participates in focused deterrence is through the Gang Resistance Education and Training Program (GREAT). The program, which is evidence-based and an effective gang and violence prevention tool is built around the school system, and is a law enforcement officer-instructed classroom curriculum. GREAT is intended as an immunization against delinquency, youth violence, and gang membership for children in years immediately before the prime ages for gang inductions and aberrant behavior.

### **MODIFICATIONS:**

Each precinct creates a Person of Interest Bulletin which is widely disseminated. The Sands Point Police Department receives and disseminates that bulletin throughout the department.

To affirm that the Sands Point Police Officers exercise the best practices in implementing proper focused deterrence, this topic will be covered during the ten (10) hour yearly in-service training.

## **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:**

The Sands Point Police Department utilizes some techniques outlined in CPTED. The SPPD has in the past assessed locations and created plans for various community institutions to help reduce or prevent crimes from occurring. We have done evaluations on our local community synagogue. Our suggestions were used when they made major structural and security enhancements to their building. 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 Sands Point Police Department believes one of the most effective ways to prevent violence is to address it with the youth in our communities. 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. One way the Sands Point Police Department positively influence youth in our community is with our School Resource Officer program. It is the belief that a child's first interaction with a police officer should be a positive and memorable one. That is why we feel the SRO program is imperative to instilling in young minds that Police Officers are their friends and are here to help you.

# **CONTEMPORARY SANDS POINT PD POLICING POLICIES**

## **COMPLAINT TRACKING AND TRANSPARENCY**

### **POLICY:**

The Sands Point Police Department holds its members to a high standard of professional and individual conduct in order to serve the citizens of the county, 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 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 by utilizing the department website, through email, by phone or in person at our police precinct, twenty-four (24) hours a day, seven (7) days a week.

Thankfully the Sands Point Police Department has a tremendous working relationship with the community it serves. Complaints are extremely infrequent and are generally benign in nature.

In the event of any substantiated claim of excessive force, false arrest, violation of rights or any other serious violation of conduct, the Nassau County District Attorney would immediately be contacted and asked to investigate on our behalf.

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.

## MENTAL HEALTH AND HOMELESSNESS

### Policy:

The Sands Point Police Department responds to all Medical Aid cases including mental Health and Homelessness. The SPPD 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 be requested to 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: subjects mental and medical history, prescription or illegal drugs being taken, current problem, subject behavior prior to police arrival, and the subjects past violent behavior. It is the responding officer's responsibility to determine if the mental aided is conducting themselves in a way that 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, 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, have received an extensive five (5) day mental aided training course. 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 aided, 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. 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 Sands Point Police Department must consider its responsibility if a police line is called for assistance, but we do not respond. At this time, the Sands Point Police Department 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.

## MODIFICATIONS:

- It has been suggested that police reform should include eliminating a police response to calls for individuals experiencing mental illness related distress. The Sand Point Police Department 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.

## 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 NYS Police Reform and Reinvention Collaborative Guide suggests considering whether the Sands Point Police Department staffing should be adjusted to include fewer uniformed officers and more civilians. The Sands Point Department constantly reviews the staffing level of the department and finds it to be appropriate at this time.

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

The Village of Sands Point Board of Police Commissioners consist of five elected officials or trustees. One of which is designated the Chief Police Commissioner. Each year either two or three of the Trustees/Commissioners come up for election for a two-year term. The Commissioners are voted into office by residents of the Incorporated Village of Sands Point.

The ranks below the Commissioner of Police are all 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, Lieutenant and Chief of Police 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.

In order to become a Sands Point 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.

## “BROKEN WINDOWS” AND “STOP AND FRISK”

The Sands Point Police Department does not practice “Broken Windows” or random “Stop and Frisk” for the purpose of finding something without pretext, nor do we 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, if 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.

The Sands Point 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. Sands Point Police Officers record the name, age, gender and race/ethnicity of the person(s) summonsed or subjected to field stops.

## OFFICER EVALUATIONS AND ACCOLADES

Currently, the Sands Point Police Department members of the rank of Police Officer and Sergeant are evaluated bi-annually by their immediate supervisors. Members are rated and ranked in various categories of patrol or supervisory responsibilities. Deficiencies are noted, as well are areas that members excel at. The evaluation is discussed with the supervisor, and each member must read, acknowledge and sign the evaluation form of themselves. These evaluations are retained, and could be used as future evidence in promotional or disciplinary discussions



## SUMMONSES

### INFORMAL QUOTAS

The Sands Point 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%.

### 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.

## HIGH-SPEED PURSUITS

The Sands Point Police Department issued Department Procedure, OPS 600.3 in regards to vehicle pursuits. The Department recognizes that the vehicular pursuit of fleeing suspects poses a danger to the lives of the public, Police Officers and the suspects involved in the pursuit. The Department also recognizes that in certain circumstances, the proper law enforcement response requires a pursuit. The policy of the Police Department is to minimize the risks of pursuit by limiting vehicle pursuits to only those situations where the escape of the suspect poses a greater risk of harm to the general public than does the pursuit itself. There must be a justification for a pursuit. Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

- The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- 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.

-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.

-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.

-Whether weather, traffic and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

-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.

-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.

-Vehicle speeds.

-Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, and hostages).

-The availability of other resources, such as air support assistance.

-Whether the pursuing vehicle is carrying passengers other than on-duty Police Officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

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 Sands Point Police Department does not have a SWAT or any specialized unit. In the event that a tactical unit like that would be necessary, we would call on the assistance of the Nassau County Police Department BSO. Below is a description of their responsibilities.

The Nassau County Police Department's Bureau of Special Operations (BSO) is 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 has a very conservative policy 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. The number of court approved search warrant executions by our 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. No-Knock search warrants are issued by a superior court only. Tactical planning and execution must be approved by the Commissioner of Police in the most exigent of circumstances.

The Sands Point Police Department does NOT use or own any surplus military equipment.

## HATE CRIME INVESTIGATION

With all hate-crime investigations, or any felony crime investigations whatsoever, the Sands Point Police Department utilizes the Nassau County 6<sup>th</sup> Precinct Detective Squad. Below is an example of their responsibilities.

The Nassau County 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 precinct 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 Office of Chief of Detectives 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.

## 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 Sands Point Police Department website

- Total calls for Police service
- Total crimes by category (Felony, Misdemeanor, Violation etc.)
- Total summonses
- Total arrests (Felony, Misdemeanor, Violations, etc.)

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

Members of the Department will be respectful not only in their contact with Superior Officers and all other persons within and the Police Department, but with more importantly, all members of the public as well. 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

The Sands Point Police Department utilizes the Nassau County Police Department Wellness Committee. It was established in November of 2018 to coordinate the efforts of preexisting Employee Assistance Office and Peer Support Group with department representatives to discuss and implement the means to provide for, improve and study the physical, emotional and spiritual welfare of our employees. The Wellness Committee actively seeks the input of Department Members through surveys, website and email contributions. Representatives from across all divisions, units and unions have been invited to contribute via the wellness committee to bring forth the concerns of their respective peers. The Wellness Committee hosts health related voluntary seminars and training sessions. Additionally, they recommend current issues and topics to be covered during mandatory in-service training.

Law Enforcement leadership is made aware of current trends, both physically and emotionally, of the Department Members. Confidential meetings on a one-on-one basis are the responsibility of the Employee Assistance Office.


During the course of a career in law enforcement, an Officer may be exposed to a traumatic event. Traumatic events are covered by the NCPD Peer Support Team who respond to scenes and/or hospitals and other locations as needed. This team is available twenty-four (24) hours a day, seven (7) days a week. At times, Officers can be mandated to Employee Assistance by Supervisors.

The Department understands the stress level of an Officer could be correlated with shift lengths. Sands Point Police Department's Officer Charts are negotiated by the Sands Point PBA union and the Village of Sands Point. SPPD observes an eight (8) hour rule which states, once a Member signs off-duty, they are not permitted to sign on-duty for a minimum of eight (8) hours. This rule is in place to provide officers a mechanism to rest and not be pressed in to service before adequate recovery time.

## CHIEFS CLOSING REMARKS:

It has been a very productive and enlightening experience responding to the New York State Police Reform and Reinvention order. This has given all Police Departments an opportunity to allow their communities they serve, to look at how they do things and have a say on departments will do them going forward. Ultimately, anything that allows the police to do their jobs better, protect the citizens of the community, and create and foster a partnership and positive working relationship going forward is a great thing. I am thankful for this opportunity it presented my department and look forward to hearing from my residents and citizens in the future, to listen to their suggestions, address their concerns and give them a sense of ownership in the fine community we have sworn to protect.

# SANDS POINT POLICE DEPARTMENT

	Subject:  <b>Use of Force</b>	No.  700.1
Effective Date: 2/17/2021	Revises: All Prior Directives	Review: Annual
Authority:	Thomas Ruehle, Chief of Police	Page(s): 5

**Purpose:** To establish procedures for the use of force in situations where it is objectively reasonable and the documentation of such force.

**Policy:** The Policy of the Sands Point Police Department is to prevent crime and arrest offenders while protecting human life. In situations where it is necessary to engage in the lawful use of force, (See Definition), or Deadly Physical Force, (See Definition), members of the department will use said force based upon the totality of circumstances (See Definition), using an objectively reasonable (See Definition), standard to effectively bring an incident or person under control.

## Definitions:

- **Actively Resistant Person/Self-Destructive Behavior:** an actively resistant person is one who takes an offensive or a physically resistant action. These actions can take the form of the person standing at the ready and menacing with an object, device, or material capable of inflicting serious injury; the person using bodily force such as punching, striking, scratching, grabbing, holding; the using active physical resistance to custody; or presenting an imminent biohazard threat such as spitting or throwing a biohazard at the member or attempt of same. Also in this category: evading custody, escape, destroying evidence, or attempting to harm self (suicide attempt), making explicit verbal threats to cause injury to the member or others present and which the member reasonably believes the person will carry out that threat. The member objectively and reasonably perceives an actual or imminent threat to self, other or evidence. In the interest of officer safety, members shall be particularly vigilant of person presenting physical cues of an imminent attack (yawning with outstretched arms, glancing and assessing environment, staring at officer's duty belt, balling fists, shifting body weight into a fighting stance, etc.)
- **Deadly Active Person:** a deadly active person is one who is presenting a deadly threat with a firearm, edged weapon, deadly ordinance, electronic control device (ECD), motor vehicle, or any other instrument or substance capable of causing death or serious physical injury. Also included is an attempt to disarm the member, incapacitate the member or a life-threatening weaponless assault. The member objectively and reasonably perceives an imminent threat of death or serious physical injury to self or innocent others.

- **Force:** means the following actions by a member: any physical strike or instrumental contact with a person, or any significant physical contact that restricts movement of a person. The term includes, but is not limited to, the brandishing, use or discharge of firearms; brandishing, use or deployment of electronic control devices (ECDs); display, use of deployment of chemical spray; empty hands; the taking of a person to the ground; physical force such as kicks, punches, or martial arts techniques; compliance and control holds such as twist locks, wrist locks, pressure point; or the deployment of a canine. The term does NOT include escorting or handcuffing a person, with no or minimal resistance.
- **Deadly Physical Force:** means physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury. (NYS Penal Law 10.00 (11)). It may involve firearms, but also includes any force or instrument of force, (i.e., vehicle, edged weapon), capable of causing death or serious physical injury. Deadly physical force includes the firing at or in the direction of a person, and head strikes with a police baton or any hard object. Deadly physical force is anything that severely restricts the breathing of a person.
- **Imminent:** does NOT mean immediate or instantaneous, but rather that an action is pending. Thus, a subject may pose an imminent danger even if he is not at that very moment pointing a weapon at an Officer. For example, imminent danger may exist if Officers have probable cause to believe any of the following:
  - 1 - a subject possesses a weapon or is attempting to gain access to a weapon under circumstances indicating an intention to use it against the Police Officer or others, or
  - 2 - a subject is armed and running to gain a tactical advantage of cover, or
  - 3 - a subject with the capability of inflicting death or serious physical injury or otherwise incapacitating a police officer and is demonstrating an intention to do so, or
  - 4 - a subject is attempting to escape from the vicinity of a violent confrontation where the subject inflicted or attempted to inflict death or serious physical injury.
- **Intermediate Weapons:** compliance devices authorized, approved, and issued by the Sands Point Police Department and used to stop and control individuals when the use of force is reasonable and necessary. These instruments or devices include, but are not limited to, the following: OC pepper-spray, MEB or Monodnock Expandable Baton, electronic control device (ECD), a propelled beanbag round, and the deployment of a canine.
- **Objectively Reasonable:** an objective standard used to judge a police officer's actions. Under an objectively reasonable standard, a particular application of force must be judged through the perspective of a reasonable police officer possessing the same information and faced with the same circumstances as the officer who actually used force. The use of objectively reasonable force is not analyzed with hindsight, but will consider, where appropriate, the fact that the officers must make rapid decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations.
- **Passively Resistant Person:** a passively resistant person is one who fails to follow voice commands. A passively resistant person may be verbally abusive using non-threatening language. A passively resistant person is also any person who resists arrest simply by passively refusing to comply as directed (dead weight). The police member does not objectively and reasonably perceive an imminent physical threat.
- **Physical Injury:** impairment of physical condition or substantial pain. (NYS Penal Law 10.00 (9)).

- **Serious Physical Injury:** means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ. (NYS Penal Law 10.00 (10)).
- **Totality of circumstances:** the facts and circumstances of a particular case, including the severity of the crime, whether an individual poses an immediate threat to the safety of a police officer or others, and whether an individual is actively resisting arrest or attempting to evade flight, judged from the perspective of a reasonable police officer at the scene of an incident.

## Rules:

- 1- Members of the Sands Point Police Department will not use force except as provided by law.
- 2- Members of the Sands Point Police Department will render aid to a sick or injured person in accordance with their level or training and summon an ambulance if necessary.
- 3- Members of the Sands Point Police Department will not use choke holds, or restrict the breathing of any individual unless Deadly Physical Force is being used against that officer or another person.
- 4- Members of the Sands Point Police Department will not fire warning shots.
- 5- Members of the Sands Point Police Department will not fire shots from a moving vehicle or at a moving vehicle unless deadly physical force is being used upon a member or another person.

## Procedure:

### A. Use of Force: POLICE OFFICER

1. Encounters a situation where the totality of circumstances suggests the use of force may be necessary.

Note: The totality of circumstances should be considered when deciding the force necessary to overcome resistance when trying to maintain control of a violent person or to effect an arrest.

Note: Force is authorized to be used when reasonably believed to be necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one's self or another.

Note: Under the 4<sup>th</sup> Amendment, a police officer may only use such force as is "objectively reasonable" under the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable person on scene.

2. Requests assistance, as necessary.
3. Initiates Mental Aided Persons procedure (OPS 300.1) if the subject appears to be suffering from mental illness or experiencing emotional distress.
4. Considers if the behavior displayed by the subject is viewed as:
  - a. A passively resistant person (See Definition)
  - b. An actively resistant person/self-destructive behavior (See Definition)



- c. A deadly active person. (See Definition)
5. Considers additional factors that may be used in determining the reasonableness of force, including:
    - a. The severity of the crime or circumstance,
    - b. Whether the subject poses as immediate threat to the safety of the officers, himself or others,
    - c. Whether the subject is attempting to evade arrest by flight,
    - d. Knowledge, training, and the experience of the police officer,
    - e. The subject's age, size and relative strength,
    - f. Number of subjects at the scene,
    - g. Number of police officers at the scene,
    - h. Other environmental conditions or exigent circumstances.
  6. If the use of force is not objectively reasonable, continues with the incident as appropriate.
 

Note: Force shall NOT be used by a member for the following reasons:

    - a. To coerce a confession from a subject in custody
    - b. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present,
    - c. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required,
    - d. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome an active or passive resistance posed by the subject,
    - e. Whenever use of force is not legally justified.
  7. If the use of force is objectively reasonable (See Definition) initiates use of force techniques if appropriate, such as:
    - a. Empty hand
    - b. Take down
    - c. Kick
    - d. Punch
    - e. Martial arts technique
    - f. Twist lock
    - g. Wrist lock
    - h. Pressure point
  8. Intercedes to prevent the use of unreasonable force by another officer.
 


Note: Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
  9. Promptly reports incident to a supervisor, if an officer observes another officer use force that exceeds the degree of force as described in Step 8.
  10. Continually assesses the circumstances and, as appropriate, escalates or de-escalates the use of force.
  11. If an intermediate weapon (See Definition) is necessary, initiates procedures including:
    - a. Notifying supervisor immediately that such weapon was deployed or even shown.
    - b. Supervisor will complete use of force form, and forward with his findings to the executive officer for review.
  12. If the use of deadly physical force (See Definition) is necessary, (go to OPS 700.1a). (End of Procedure)
  13. Restrains the subject once compliance is met.

14. Checks subject's condition and renders aid, if necessary.
15. Initiates aided case procedure (OPS 200.1), if any of the following conditions exist:
  - a. The suspect has visible injuries,
  - b. The suspect complains of injury,
  - c. The use of force is likely to result in injury
  - d. If an electronic control device (ECD), is used on the subject.
16. Notifies a supervisor if involved in a use of force incident that results in any of the following:
  - a. The suspect complains of pain, except complaints of minor discomfort from compliant handcuffing,
  - b. A reasonable person believes the use of force is likely to cause an injury,
  - c. Physical injury
  - d. Serious physical injury,
  - e. Death,
  - f. An ECD was intentionally or accidentally discharged after being displayed,
  - g. A firearm was discharged or displayed,
  - h. OC spray was discharged.
17. Initiates Arrest Processing Procedure if necessary.

#### **SUPERVISOR/DESK OFFICER**

18. If notified that a member was involved in a use of force incident,
  - a. Notifies the Lieutenant or Executive officer, who will notify the Chief of Police
  - b. Responds to the scene
  - c. Maintains the scene
  - d. Conducts an investigation
  - e. Ensures the security of the scene in its present state for evidentiary recording and collecting, if detectives are responding.
  - f. Directs and ensures all involved officers who used force prepare Use of Force report PDCN 258.

# SANDS POINT POLICE DEPARTMENT

	Subject: <b>Prisoner Search, Transport &amp; Appearance Before a Desk Officer</b>	No. 100.3
Effective Date: 2/17/2021	Revises: Prior Directive of 2/15/2003	Review: Annual
Authority:	Thomas Ruehle, Chief of Police	Page(s): 4

**Policy:** Each member of the Sands Point Police Department is responsible for the humane treatment and safekeeping of a prisoner in his custody or detained in a building or part thereof over which he has supervision.

**Scope:** All members of the Department

**Rules:** 1- A person will not be arrested nor be detained except as provided by law.  
2- A police officer may use such force as is legally justified to effect an arrest.

## **I - Handcuffing:**

- 1) Members will handcuff all adult prisoners charged with a felony with their hands behind their backs, palms facing out, and double lock mechanism engaged.
- 2) Members shall use reasonable discretion in handcuffing adult prisoners charged with non-felony and juveniles in custody. This will permit arresting officers some latitude in considering the nature of the offense and the defendant's age, sex, stature, state of consciousness or debilitation, or other similar factors which may make handcuffing unnecessary.
- 3) The basic objective of these guidelines is to ensure the safety of the officer, the public, and the person in custody. Any questions an officer may have regarding the proper procedure in matters involving handcuffing should be resolved in the interest of safety.
- 4) Force shall not be used by a Member of the Department against persons who are handcuffed or restrained unless used to prevent injury, escape, or otherwise to overcome active or passive resistance posed by the subject.

## **II - Prisoner Transport:**

- 1) Members of the Sands Point Police Department will make known the arrest of any person by transporting such person to Department headquarters, or to the precinct or department in which the arrest was made or in which the crime or offense occurred or to a location otherwise directed for search and detention and will report the details of the arrest to the Desk Officer.

- a. This is to be done via department radio transmission as soon as the arrestee is in custody. Once transport begins, the arresting officer will report the mileage of the transporting vehicle via radio transmission as well as intended destination. Another notification will be made via radio transmission once the arrestee arrives at the destination this will include the ending mileage of the transport and location.
- 2) At no time shall a lone police officer transport a prisoner. Further, when transporting persons in custody:
    - a) The prisoner shall be seated in the rear seat behind the front passenger seat.
    - b) The assisting officer shall sit in the rear seat behind the officer driving the vehicle. In vehicles equipped with prisoner screens, the assisting officer may sit in the front passenger seat.
    - c) Seat belts shall be utilized for all prisoners.
    - d) The portion of the transport vehicle in which the prisoner is to be seated shall be searched for contraband, weapons, or evidence before and after the prisoner is transported.
    - e) All police equipment shall be safeguarded to avoid injury and prevent accessibility to the prisoner.
  - 3) All felony adult prisoners being transported from Sands Point Police Headquarters or from NCPD precincts to detention facilities such as NCPD Headquarters, Arraignment Court, Family Court and the Nassau County Jail, shall be handcuffed. In non-felony circumstances involving adult prisoners or juveniles in custody, members will be guided by the provisions of the Handcuffing section of this policy.
  - 4) As a general rule, no child under restraint, who is actually or apparently under the age of eighteen (18) years old, will be placed in any vehicle for transportation with an adult prisoner or prisoners. The one exception to this rule is that a juvenile who is an accomplice or conspirator with an adult may be transporter in the same vehicle as the adult involved.

### **III – Prisoner Search and Appearance Before A Desk Officer**


- 1) Stop and Frisk – Police Officers should be familiar with Section 140.50 of the Criminal Procedure Law concerning Stop and Frisk situations prior to arrest. The purpose of the Stop and Frisk under this section is as follows:
  - a. “Stop”: Temporary detention of a subject in a public place within a police officer’s geographical area of employment while an inquiry is made into circumstances where there is reasonable suspicion that the subject has, is, or is about to commit either a felony or a misdemeanor as defined in the Penal Law.
  - b. “Frisk”: Protection of the Police Officer where there is reasonable suspicion that the subject poses a threat to the safety of the officer. The frisk is a limited protective search for weapons, not a full-blown search for evidence.
- 2) Search Incident to Arrest - All prisoners should be searched immediately at the time of arrest by the arresting officer. The purpose of the search to arrest is threefold: first, to discover those objects which could pose a threat to the safety of the Officer; second, to discover those objects which could be used to facilitate escape; and third, to recover evidence or contraband. Therefore, members are guided by the following:

- a. Search all clothing of prisoners
  - b. Check for the presence of objects strapped or taped to clothing or the body.
- 3) Search at the Station House – The initial search at the time of arrest does not preclude a search at the station house in which the arrest is made or in which the crime or offense occurred by the arresting officer under the supervision of the Desk Officer. The purpose of the search before the Desk Officer is to take all the property as required by Departmental Rules.
- 4) Strip Searches & Body Cavity Searches - The integrity of an individual's person is a cherished value in our society, and a strip search or body cavity search is a significant intrusion into an individual's personal privacy. Therefore, Strip searches and body cavity searches should never be undertaken routinely, and never without clear, legal justification.
  - a. Strip Search – Defined. A strip search within the meaning of this section is the removal or rearrangement of any clothing which permits visual inspection of the genitals, buttocks, anus or female breasts.
  - b. Strip Search – Justification. A strip search may be undertaken ONLY when there is reasonable suspicion that a person is concealing a weapon, dangerous instrument, contraband, evidence of an offense, or any other instrument, article or substance that may facilitate escape, and there is no other reasonable method to obtain these items unless a strip search is undertaken without delay.
  - c. Strip Search – Approval. A strip search will NEVER be undertaken unless the search is approved by a superior officer.
  - d. Strip Search – Record. The superior officer granting such approval will forthwith have entered into command record appropriate for such recording of all of the facts and circumstances that detail the “reasonable suspicion” necessary to justify the search, and the name, address and sex of the individual who is to be searched, the exact location of the search, the names and sex of the officers conducting the search, and the period of time that has elapsed from the commencement of the search until its completion.
  - e. Strip Searches – By Whom Performed. Strip searches will ONLY be conducted in a secluded, private setting, by members who are of the same sex as the person to be searched, and the members conducting such search will exercise reasonable care for the privacy, dignity and comfort of the person searched. Two members will be present to conduct and witness the search.
  - f. Body Cavity Search – A body cavity search is a search or examination of any body cavity of an individual, and is a substantial, significant intrusion into a person's personal privacy. Members of the Sands Point Police Department will NOT conduct Body Cavity Searches unless instructed to do so by Court Order.
- 5) Search Prior to Detention – Prior to lodging in a detention cell, every prisoner will be thoroughly searched as follows:
  - a. Male prisoners will be searched by the male officer delivering the prisoner to the place of detention in the presence of a male attendant at Headquarters under the supervision of the Desk Officer.
  - b. Female prisoners will be searched by a matron or a female police officer, with all possible privacy.
- 6) Notification to Parents:
  - a. The Desk Officer to which a juvenile, (under 18 years old), is brought after having been taken into custody will be responsible for immediately notifying the

parent, guardian, or other lawful custodian of such juvenile that the juvenile has been taken into custody. Such notification will include the full particulars as to cause of custody and place of detention. The conversation will be documented on a recorded line, and noted on departmental phone log.

- 7) Vehicles of the arrestee: When an arrest is made, a member of the department will properly safeguard any vehicle or apparatus in custody of such arrested person. A person charged with the operation of a mechanical apparatus which, if left unguarded, might result in injury to persons or damage to property will not, if arrested, be removed until such mechanical apparatus has been safeguarded beyond such possibility.
- 8) Physical Condition of Defendant Questionnaire: In ALL cases where a person is in the custody of the Sands Point Police Department and is subsequently released or turned over to another command or authority, a Physical Condition of Defendant Questionnaire (PDCN Form 79) MUST be prepared by the Desk Officer.
- 9) Prisoners Sick or Injured:
  - a) A member of the department will promptly report to the Desk Officer a person in his care or custody who is in such a condition as to require medical attention. The Desk Officer will promptly summon medical aid. If necessary, the Desk Officer will send the prisoner to the hospital for evaluation.
  - b) A prisoner who claims to be ill or requests medical attention will be provided so, regardless of the prisoner's apparent condition. The Desk Officer will summons medical aid. Responding medical team will determine if subject needs further medical attention.
- 10) Phone Calls: A Desk Officer will telephone, free of charge, up to three phone numbers within the United States and Puerto Rico at the request of the prisoner, unless granting the call will compromise an ongoing investigation or the prosecution of the defendant. All calls will be made on Department phones, on recorded lines, and all numbers called will be recorded both in the official record and on department phone logs.

# SANDS POINT POLICE DEPARTMENT

	Subject: <h2 style="text-align: center;">Mental Aided Persons</h2>	No. <h2 style="text-align: center;">300.1</h2>
Effective Date : <h3>2/17/2021</h3>	Revises: <h3>All Prior Procedures</h3>	Review: <h3>Annual</h3>
Authority : <h3 style="text-align: center;">Thomas Ruehle, Chief of Police</h3>		Page(s): <h3 style="text-align: center;">4</h3>

**Policy:** The Policy of the Sands Point Police Department is to assist persons who are in need. This includes rendering necessary aid in a humane and sensitive manner to persons who appear to be suffering from mental illness or disability.

**Purpose:** To establish procedures for dealing with and assisting persons suffering from a mental illness or experiencing emotional distress.

**Definitions:**

**A. Barricaded Person:** a person(s) who may or may not be armed and has taken a position in a physical location, most often a structure or vehicle, that may not allow immediate police access, and who is refusing police orders to exit. Barricaded persons often include those who are suicidal or otherwise experiencing a mental crisis.

**B. Hostage Incident:** a situation in which a person(s) holds another person(s) against their will by force, threat or violence.

**C. Likely to result in serious harm to themselves or others:**

1. A substantial risk of physical harm to themselves as manifested by either of the following:
  - a. threats of, or attempts at, suicide or serious bodily harm, or
  - b. other conduct demonstrating that they are dangerous to themselves, which may include the persons refusal or inability to meet their essential need for food, shelter, clothing or health care, **or**
2. A substantial risk of physical harm to other persons as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious harm.

**D. Mental Aided Person:** a person who appears to be suffering from mental illness or experiencing emotional distress.

**E. Mobile Crisis Outreach Team (MCOT):** A group consisting of Qualified Mental Health Professionals who may respond to locations in Nassau County to make assessments of individuals who appear to be having psychiatric problems. The MCOT operates out of the Nassau County Department of Human Services, Office of

Mental Health, Chemical Dependency and Developmental Disabilities Services.  
They can be reached 24 hours a day at (516) 227-8255.

- F. Qualified Mental Health Professional (QMHP):** a licensed psychologist, certified social worker, or registered professional nurse approved by the Commissioner of the Department of Mental Health to serve on a MCOT.

**Scope:** All members of the Sands Point Police Department.

**Rules:** Members of the Sands Point Police Department will not use any restraint technique during transport that dangerously inhibits a restrained person's breathing.

**Procedure:** **DESK OFFICER:**

- 1- Receives a call regarding a person who acts in a manner consistent with a mental aided person (See Definition)
- 2- Assigns the following to respond to the scene:
  - a. A minimum of two (2) police officers,
  - b. Notify Port Washington Fire Department that officers are responding to a possible mental aided at reported location. If later determined that aided is violent or combative, a Nassau County Police Ambulance may be requested.
  - c. NCPD ESU, if the person is reported as violent or barricaded.

**POLICE OFFICER:**

- 3- Responds to the assignment for, or otherwise comes in contact with a person who appears to be a mental aided person.
- 4- Assesses the situation and the condition of the subject
- 5- Requests additional assistance if necessary.
- 6- Secure the area.
- 7- If subject is believed to be a mental aided person, advise desk to contact MCOT at (516) 227-8255. Advise them of location, that police are on scene and provide available preliminary information.
- 8- Obtain background information on the mental aided person such as:
  - a. Current problem,
  - b. Mental/medical history,
  - c. Prescription/illegal drugs being taken,
  - d. History of substance use/abuse,
  - e. Behavior prior to police arrival,
  - f. Past violent behavior.

- 9- Treat as an aided case if the behavior is NOT due to mental illness (End of Procedure)



- 10- If the mental aided person requests to go to the hospital, (Go to Step 18).
- 11- Determines if the mental aided person is conducting themselves in a manner which is likely to result in serious harm to themselves or others (See Definition).  
Note: If the MCOT goes to the scene, Officers may be assigned to assist the MCOT (See Definition). The QMPH (See Definition) from the MCOT will make the determination as to the mental aided person's likelihood to cause serious harm to themselves or others. If MCOT is not at the scene the determination is to be made by Officers and/or Ambulance crew at scene.
- 12- If the MCOT is at the scene,
  - a. Police Officer will verify the identification of the QMHP and,
  - b. Receive a completed copy of OMH Form 482, MCOT Authorization for Transport, from the QMHP if the mental aided person will be transported.
- 13- If the mental aided person is NOT conducting themselves in a manner which is likely to result in serious harm to themselves or others, but may need evaluation,
  - a. Make a referral to the MCOT,
  - b. Document the referral in the narrative event report,
  - c. Report the disposition of the assignment.
- 14- If the mental aided person IS conducting themselves in a manner which is likely to result in serious harm to themselves or others,
  - a. Secures the immediate area to facilitate taking subject into custody, and
  - b. Notifies desk officer of the precise location and requests additional assistance as necessary. Including ambulance(s), ESU, etc.
    - i. NOTE: MHL 9.41 authorizes a Police Officer to take into custody any person who appears to be mentally ill and is conducting themselves in a manner which likely to result in serious harm to themselves or others. The custody is for transportation to a hospital for psychiatric evaluation.
- 15- If the mental aided person has a firearm or has a weapon capable of causing imminent risk to officers at the scene or other civilians at or not at the scene,
  - a. Initiates the Use of Force procedure (OPS 700.1),
  - b. Request NCPD BSO to respond to the scene.
- 16- If at any point when dealing with a mental aided person, the circumstances develop into a hostage incident/barricaded person (See Definitions) situation,
  - a. Notify NCPD and request BSO to respond to scene. Advise them of the hostage incident/barricaded situation.
  - b. Advise Port Washington Police Department of situation, and request that assistance and manpower are needed.
  - c. Establish a safe perimeter around the location. Make sure no vehicle or pedestrian traffic passes near the location.
- 17- Request NCPD Emergency Services Unit (ESU) for specialized restraining equipment if the mental aided person is:
  - a. Violent, or
  - b. Armed with a weapon, OTHER than a firearm or long-gun, AND
    - i. Does NOT pose a threat to a non-department member(s) AND

- ii. Is situated in a location where the mental aided is actively resisting police entry.

18- Restrains and maintains control of the mental aided person.

19- Searches the mental aided person.

20- Places/assists in placing the mental aided person in the ambulance.

21- Safely removes the magazine and then clears the chamber of his/her weapon prior to entering patient compartment when guarding the mental aided person during transport.

22- Replaces handcuffs, if used, with soft restraints when appropriate and practical.

23- Ensures the restrained mental aided person is NOT transported in a face-down position.

24- Assists the Medic in the patient compartment of the ambulance with the mental aided person during transport.

25- Transports the mental aided person to the closest appropriate psychiatric receiving hospital as determined by the attending medic, EXCEPT in the following cases:


- a. The MCOT or Medical Control physician directs that the mental aided be transported to another hospital, or
- b. The mental aided person has a serious medical condition that requires transport to the nearest hospital.

26- Assisting officer will drive ambulance to the hospital.

27- Prepares aided report, noting the name of the QMHP who authorized transportation of mental aided person.

28- Prepares PDCN 258 use of force report.

# SANDS POINT POLICE DEPARTMENT

	Subject:  <b>Vehicle Pursuits</b>	No.  <b>600.3</b>
Effective Date: <b>2/17/2021</b>	Revises: <b>All Prior Directives</b>	Review: <b>Annual</b>
Authority: <b>Thomas Ruehle, Chief of Police</b>		Page(s): <b>5</b>

## **POLICY:**

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

## **PURPOSE:**

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

## **SCOPE:**

All members of the Department

## **DEFINITIONS:**

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

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

Pursuit Alternatives: Any course of action that can effectively stop a vehicle or apprehend a subject without engaging in a pursuit.

Among these are:

1. Notify the desk and other units while following at a safe speed observing the subject's actions.
2. Obtain an arrest warrant if the police know the subject or it is likely the subject can be identified.

Pursuit conditions: Conditions that a police officer must evaluate prior to and during a pursuit because they increase the risk to the public and to the officers involved. Among these are:

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

Pursuit Requirements: A police officer **must** have one of the following requirements present to justify a pursuit:

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

Pursuit Vehicles: Police vehicles equipped with emergency warning lights and siren are the minimum requirements.

Primary Car - the first police vehicle immediately following the pursued vehicle.

Secondary Car - The police vehicle following the primary car and generally responsible for radio transmissions.

Roadblock: The use of barriers including vehicles to slow or stop the pursued vehicle.

#### **RULES:**

1. Only members of the force can initiate pursuits.
2. Members of the force will not engage in a pursuit whenever non-force members are in their vehicle.
3. Members of the force operating an ambulance will not engage in a pursuit.
4. Members of the force must use emergency lights and siren when engaged in a pursuit.
5. Only members of the force operating as the primary car and secondary car will engage in actual pursuit.
6. Members of the force must terminate a pursuit once the pursued vehicle drives against the flow of traffic on a controlled access highway.
7. Members of the force will not use their vehicles to ram, make contact with, or otherwise force off the road the pursued vehicles while in a pursuit.
8. Members of the force will not utilize roadblocks during a pursuit.
9. Firearms shall not be used in an attempt to stop a pursued vehicle.

## **PROCEDURE:**

### **A. Justification**

Police officer -

1. Signals the motorist to stop.
2. Evaluates the alternatives to pursuit if the vehicle does not stop.
3. Initiates an alternative to pursuit whenever an alternative might be effective.
4. Ensures that at least one of the pursuit requirements has been met if there is no effective alternative to pursuit.
5. Considers the pursuit conditions.
6. Determines that the pursuit is justified and stopping the vehicle outweighs the risk to the safety of the public and the police officers involved.
7. Discontinues the attempt to stop the vehicle if the pursuit is not justified (end of procedure).

### **B. Pursuit**

Police Officer -

1. Initiates the pursuit, if justified, and requests a clear radio channel
2. Notifies desk of the following:
  - a. location and direction of travel
  - b. a description of the vehicle and number of occupants
  - c. Notifies desk of the reason for the pursuit.
  - d. Notifies desk if unmarked unit is involved in pursuit
  - e. Notifies desk of speed of pursuit

- Note - Unmarked vehicles may initiate pursuits, but must immediately request marked units to assist and must discontinue pursuit when marked units assume the role of primary and secondary cars. The unmarked vehicle will continue to follow safely and respond to the location where the pursuit ends to assist marked units.

D.O./Supervisor

3. Assigns assistance to respond.
4. Notifies PWRD that SPPD unit is in pursuit, relays all pertinent information, and requests PWRD assistance if necessary.
5. Once the pursuit leaves the village, notify NCPD CB and NCPD helicopter of pursuit. Desk officer will have to continue communications with CB supervisor since SPPD cars cannot pick up NCPD radio transmissions. Desk officer will have to keep both units involved in the pursuit and NCPD CB supervisor updated throughout the pursuit.
6. Continually evaluate the pursuit, and terminate it when there is an effective alternative to pursuit or when the pursuit loses justification.

Police officer -

7. Continually assess the pursuit and consider any alternatives available to ensure that the pursuit is appropriate. As conditions change, the police officer must justify continuing the pursuit.

- Assisting 8. Notify desk of response time and location.
- Vehicles 9. Notify desk when visual contact with pursuit is made.
- D.O./Supervisor 10. Identifies the second car and notifies all units.
- Second Car - 11. Assumes radio control when in position behind primary car
- Primary Car - 12. Stops radio notifications after second car assumes radio control.
- 13. Discontinues pursuit when:
  - a. The subject is apprehended, **or**
  - b. Justification for the pursuit is lost, **or**
  - c. An effective alternative to pursuit is available, **or**
  - d. An order to terminate pursuit is received.

**C. Helicopter**

- 1. The helicopter will assume radio control for all NCPD units as per NCPD policy. Desk officer will have to gather information from NCPD CB supervisor as to helicopters involvement.

**D. Crossing Jurisdictional Boundaries**

- Second Car - 1. Notifies desk when there is a change of jurisdiction.
- D.O./Supervisor 2. Notify NCPD CB of change in jurisdiction.
- 3. Notify other jurisdiction of pursuit.

**E. Pursuits from Other Jurisdictions**

- Patrol/D.O. - 1. Hears of or observes an apparent pursuit or a pursuit nearing or entering our jurisdiction.
- Patrol - 2. Notifies desk of all relevant information
- D.O. - 3. Notifies supervisor and all patrol of the pursuit
- 4. Establish contact with pursuing agency via landline and obtains:
  - a. Reason for the pursuit, and
  - b. Pursuing agency's need for assistance.
- 5. Informs patrol of the information gathered.
- Supervisor. - 6. Decide if pursuit is justified and assign appropriate assistance.
- Assisting 7. Respond as directed by D.O. or Supervisor.
- Vehicles -
- D.O. - 8. Coordinates communication between our department and outside agencies involved in the pursuit.

**F. End of Pursuit**

- Apprehending Officers -
1. Stops the vehicle and:
    - a. Notify desk officer of location,
    - b. Apprehends the occupants,
    - c. Initiate arrest procedures (See OPS 100.1) or other appropriate procedures.
  2. Requests Supervisor to respond to scene if needed.
  3. If the vehicle has eluded pursuit, notify D.O. of details that will assist in future apprehension.
- Supervisor -
4. Directs all vehicles to terminate pursuit and return to jurisdiction, or directs all vehicles involved to terminate active pursuit of vehicle but continue to follow in safe manner or provide assistance at scene, or if the vehicle has eluded the pursuit, coordinate the actions of all department vehicles.
  5. Respond to the location where the pursuit ended when:
    - a. Police officers stop the pursued vehicle and apprehend the occupants, or
    - b. The subject abandons the vehicle, or
    - c. Department vehicles were involved in or caused a motor vehicle accident, or
    - d. An officer of this department was injured during the pursuit.
  6. Prepares a case report for the pursuit which includes:
    - a. Police officers operating the primary, secondary, and assisting vehicles.
    - b. Reason for the pursuit.
    - c. Maximum speed attained by patrol during the pursuit.
    - d. Damage or injuries resulting from the pursuit.
    - e. Time and route of the pursuit.
    - f. The outcome of the pursuit, including the reason and authority for discontinuing the pursuit.
    - g. Any associated numbers of reports prepared in connection with the pursuit, including outside agencies.
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