



PRIDE - INTEGRITY - COMPASSION



VILLAGE OF FLORAL PARK



POLICE REFORM AND REINVENTION COLLABORATIVE

March 2021



Dear Neighbors,

I was asked one time by one of our young school children why do we need government? Government exists for one reason and one reason only: the collective Health and Safety of the People it serves. Otherwise, you would not need government. As our residents' and business owners' safety and health are our top priority, the Village Board and staff give a high priority to all of those resources that help create a safe environment. Of course, the leading resource would be our great Village Police Department.

The Village of Floral Park has consistently been rated one of the safest places to live in the State of New York, and our great country as well. This rating does not come easily or as consistently without a well-trained and service-oriented group of men and women dedicated to the care and concerns of the people they serve. This is the Floral Park Police Department.

Within the attached draft report you will find many of the programs, attributes, policies and procedures that guide our fine men and women through their daily activities. You will also find ideas our police department plans to implement on how to improve the services they bring to protect each and every one in our Village. This plan is part of a directive put forth by New York State that each Police Department within the State review their policing policies and look towards how they can be improved. Part of this process included obtaining community input from local stakeholders, as well as the community at large. In November of last year, the Village Board appointed a committee to assist the Police Department in this endeavor. This committee included many individuals active in our community from various religious, fraternal, business, sports and other areas so as to bring perspective from not only different points of view, but also the differing needs our Village requires. These individuals include: Trustee Frank Chiara, Village Administrator Gerard Bambrick, Fr. Thomas Fusco, Arthur Walsh, Esq., Pastor Evan Peet, Maryann Cuite, Heather McClintock, Esq., Mark Mullen, Esq., Richard Provost, Thomas Kubler, Commissioner Stephen G. McAllister, and Louis Leblanc. I want to take this opportunity to thank them for their time, energy, opinions, concerns and forward thinking on behalf

of our Village. Trustee Frank Chiara, the Village Board's liaison to the Police Department, did a fantastic job as chair of this committee in guiding and spearheading this process. I also wish to thank Police Commissioner Stephen G. McAllister, Lieutenant William Doherty and Lieutenant Thomas McCarthy for all of their work, not only in creating this document, but their dedication and diligence in maintaining and improving the best police force anywhere.

The next step in this process is for the public at large to review this document and provide comments on its content. I would ask that your comments remain constructive and professional and with the best interest of our Village's future.

The Village of Floral Park is and always will be "A Great Place to Live, Work and Raise a Family". Our Police Department has guided our community and maintained our safety for over 100 years. May we continue to be blessed with such hard-working and caring men and women in these policing positions and may they remain as safe and secure as they make each of us feel as residents and business owners each and every day.

We thank every member of our force from the bottom of our hearts!

Regards,

Dominick A. Longobardi

Dominick A. Longobardi
Mayor

Table of Contents

INTRODUCTION	1
PART 1: KEY QUESTIONS AND INSIGHTS FOR CONSIDERATION	2
SECTION I	2
WHAT FUNCTIONS SHOULD THE POLICE PERFORM?	2
Police/Community Engagement - Adopting Procedural Justice	2
What role do the police currently play in your community?.....	2
Should you deploy social service personnel instead of or in addition to police officers in some situations?.....	4
Can your community reduce violence more effectively by redeploying resources from policing to other programs?.....	6
What functions should 911 Call Centers play in your community?.....	11
Should Law Enforcement Have a Presence in Schools?	13
Staffing.....	15
What are the staffing needs of the Police Department the community wants?.....	16
Should components of the Police Department be civilianized?	18
SECTION II	19
EMPLOYING SMART AND EFFECTIVE POLICING STANDARDS AND STRATEGIES	19
1. Adopt procedural justice as a guiding principle.....	19
2. Procedural Justice and Community Policing	19
3. Policing Strategies of Concern to the Public.....	20
4. Law Enforcement Strategies to Reduce Disparities and Build Trust.....	25
5. Community Engagement.....	33
6. Police Department engagement in crowd control.....	39
SECTION III	41
FOSTERING COMMUNITY-ORIENTED LEADERSHIP, CULTURE AND ACCOUNTABILITY	41
1. Leadership and Culture	41
2. Tracking and Reviewing Use of Force and Identifying Misconduct	41
3. Citizen Oversight and Other External Accountability.....	48
SECTION IV	55

RECRUITING AND SUPPORTING EXCELLENT PERSONNEL..... 55

- 1. Recruitment:..... 55
- 2. Training..... 58
- 3. Support Officer Wellness and Well-being..... 63

EXHIBIT A: FPPD Strategic Management Plan 2015-2020 64

EXHIBIT B: FPPD Vehicle Pursuit Policy (POL307)..... 82

EXHIBIT C: FPPD Hate Crimes Policy (POL319)..... 98

EXHIBIT D: FPPD Use of Force Policy (POL300)..... 101

DRAFT

INTRODUCTION

Over the last decade New York State has enacted measures aimed at reforming the criminal justice system and ending mass incarceration in New York. As cited in the New York State Police Reform and Reinvention Collaborative Resources & Guide for Public Officials and Citizens (["the Guidebook"](#)), these statewide measures have included the repeal of Section 50-a of Civil Rights Law, banning chokeholds, prohibiting race-based 911 calls, appointing the Attorney General as Independent Prosecutor for police involved deaths, measures to reduce prison population, bail reform, discovery reform, speedy trial reform, raising the age of criminal responsibility to 18-years-old, requiring videotaping of interrogations and permitting photo identification into evidence.

The following initial report presented to the Floral Park Police Reform Committee does not offer an opinion on the effectiveness of these measures nor any others. Instead, the information and data presented in this report describes the current functions and operations of the Floral Park Police Department in alignment with the topics and questions stated in the Guidebook. It is the intent of the Village of Floral Park to provide unbiased, factual information to the committee to assist members in their formulation and submission of effective recommendations that will serve to improve police-community relations and public safety.

PART 1: KEY QUESTIONS AND INSIGHTS FOR CONSIDERATION

SECTION I.

WHAT FUNCTIONS SHOULD THE POLICE PERFORM?

Police/Community Engagement - Adopting Procedural Justice

The Floral Park Police Department is incorporating elements of the New York State Department of Criminal Justice endorsed Procedural Justice training curriculum into its annual in-service training schedule.

Procedural Justice focuses on the way police interact with the public and how these interactions influence crime rates, the public's view of police and willingness to obey the law. (See page 19 for a more detailed explanation of the term "procedural justice"). Evidence shows that practicing procedural justice can have a significant impact on compliance, cooperation, public safety and police officer safety.

The Floral Park Police Department embraces Procedural Justice with the recognition that while highly publicized abuses of authority by police officers fuel distrust and erode legitimacy, less publicized, day-to-day interactions between community members and law enforcement are also influential in shaping people's long-term attitudes toward the police. Procedural Justice training for police officers has been found to be effective in lowering incidences of excessive force, overall number of complaints and substantiated complaints.

What role do the police currently play in your community?

a) What are the primary activities of police officers in your community?

The FPPD continually reviews crime trends, resource deployment, etc. The Police Commissioner regularly meets with his command staff, which includes lieutenants in charge of both divisions, the detective assigned to investigations, the School Resource Officer, and the department's training officers to engage in intelligence sharing



and dialogue. Strategies are developed for best focusing the FPPD's policing model with respect to top offenders and active crime trends. The result of each discussion is a strategy for the most effective deployment of resources for the upcoming weeks.

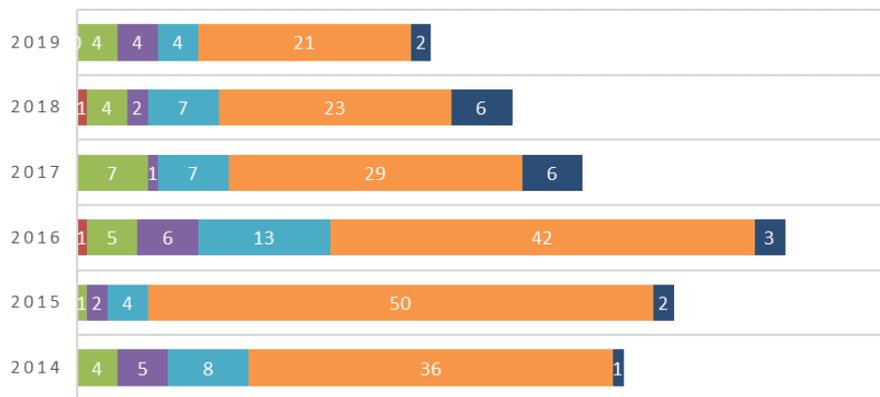
Additionally, the FPPD regularly conducts local criminal investigations and follow-ups, while cooperating closely with Nassau County 3rd Squad Detectives and specialized units on more serious criminal cases. The department provides a patrol force that is actively involved in the community and engages in all of the same police activities that are handled by larger police departments with the added ability of being very close to the community served. Community policing and problem-solving methods guide the Department in its goals, objectives and actions. Initiatives, including the Department's School Resource Officer program, and other community partnerships, are discussed in greater detail later in this document.

Moreover, the FPPD continually participates in such service-oriented programs at the Drug Enforcement Agency (DEA) National Prescription Drug Take-Back Day, and enforcement initiatives such as the STOP-DWI "Drive Sober or Get Pulled Over", and "Click It or Ticket" seat belt enforcement campaigns.

Local Team Led Policing enforcement activity typically includes enforcement of the New York Vehicle and Traffic Law (VTL), and quality of life offenses. Licensed premises are monitored for violations of the Alcoholic Beverage Control (ABC) laws as well as local ordinances, with referrals being made and citations issued when necessary. When manpower permits, the Department uses marked and unmarked patrol cars to aggressively combat these issues.

The graph *6-Year Comparison – All Index Crimes*, breaks down the annual crime statistics for the 6-year period between 2014 and 2019, which demonstrates the

6-YEAR COMPARISON - ALL INDEX CRIMES



	2014	2015	2016	2017	2018	2019
■ Rape			1		1	0
■ Robbery	4	1	5	7	4	4
■ Agg Assault	5	2	6	1	2	4
■ Burglary	8	4	13	7	7	4
■ Larceny	36	50	42	29	23	21
■ Auto Larceny	1	2	3	6	6	2

types of criminal activities FPPD are responding:

b) Why are people calling 911?

Table 1 shows the number of 911 Dispatcher Calls for 2019, as well as the reasons for the 911 call. The types of calls depicted are categorized by the public safety dispatcher. The outcome of the event may differ from the reason for dispatch.

Table 1: Calls for Service: general calls responded to by FPPD; Aided Cases are calls for individuals requiring emergency medical attention. Together with general assistance calls, these two categories make up over one-third of our agency's total calls for service annually.

Should you deploy social service personnel instead of or in addition to police officers in some situations?

- **Mental Health Issues**

Emergency Admission to a hospital, as defined in §9.39 of the New York State Mental Hygiene Law, can be based on an allegation that a person has a mental illness which is likely to result in serious physical harm to himself/herself or others, and for which immediate observation, care, and treatment is appropriate. The allegations may be made by police officers, as well as the courts, or the Director of Community Services. Within 48 hours of admission, a psychiatrist on staff of the hospital must examine the patient, and either release the patient or confirm that he/she meets emergency standards. The patient is entitled to request a prompt review by a court, and the Mental Hygiene Legal Service will provide representation at the court hearing. An emergency admission may not exceed 15 days, unless the person has been converted to medical certification, or agreed to remain as a voluntary admission.

Call Type	Totals	% Of Total
AIDED CASE	964	18.9%
ASSISTANCE	746	14.6%
FALSE ALARM	357	7.0%
NYS ACCIDENT	320	6.3%
SUSPICIOUS AUTO/PERSON	251	4.9%
UNUSUAL/SUSP INCIDENT	244	4.8%
POLICE INFORMATION	233	4.6%
FIRE SYSTEMS	178	3.5%
VO VIOLATION	170	3.3%
DOMESTIC INCIDENT	112	2.2%
HIGHWAYS & SIDEWALKS	109	2.1%
DISPUTE	103	2.0%
YOUTHS	102	2.0%
FOUND PROPERTY	94	1.8%
ACCIDENT	89	1.7%
LARCENY	83	1.6%
IDENTITY THEFT	75	1.5%
VO APPEARANCE TICKET	72	1.4%
UTILITIES	64	1.3%
LOST PROPERTY	61	1.2%
GENERAL	57	1.1%
HARASSMENT	48	0.9%
MALICIOUS DAMAGE	45	0.9%
FIRE	43	0.8%
ALL OTHER	486	9.5%
TOTAL	5106	100%

Floral Park Police respond to hundreds of calls annually where individuals are experiencing mental health issues. Not all of these types of calls involve a person who has crossed the threshold that would require such immediate observation or care. In such cases, police will refer the matter to the Nassau County Department of Human Services, which provides a Mobile Crisis Team consisting of licensed professional social workers and nurses who are specially trained to help individuals, and their families, with mental health problems. Social workers and nurses travel to homes, schools, work-sites and other locations in Nassau County.

Calling the Mobile Crisis Team is an alternative to calling the police or driving to a psychiatric emergency room when an individual is in crisis. The Mobile Crisis Team responds in the same day and provides supportive crisis intervention for children and adults who are experiencing an emotional disturbance, interpersonal crisis or psychiatric emergency.

The Mobile Crisis Team members assess individuals in their environment and evaluate their psychological condition. The Mobile Crisis Team will make a referral to the most appropriate program, resource or facility to ensure the safety and wellbeing of the individual. In addition, the Mobile Crisis Team will follow up on all referrals to ensure that they took place, and to assist with any barriers or obstacles to getting treatment.

- **Domestic Incidents**

The FPPD responds to over 100 domestic incidents annually, or over 2 calls each week. Police officers face unpredictable, potentially volatile situations and therefore, are trained to help ensure victims' safety as well as their own.

In addition to enforcing the laws and working to ensure victims' safety, officers assist victims of domestic violence by making referrals to court, and providing information on how to access counseling services, shelter alternatives, and obtaining orders of protection.

- **Homelessness**

Floral Park Police routinely patrol known locations where the homeless tend to sleep overnight, including the train station, parks, parking lots, business vestibules and other areas where complaints of homeless people sleeping overnight are received. Officers attempt to get the individuals to make use of services provided by Nassau County, especially during frigid temperatures. The Nassau County Homeless Veterans Outreach is available to individuals that have served in the United States armed forces.

Homeless individuals often suffer from substance abuse problems and/or mental illness. Individuals who risk serious physical harm to themselves or others may be required to be evaluated under the aforementioned provision in the NYS Mental Hygiene Law. Those suffering from medical problems may be transported to an area hospital.

- **Chemical Dependency and Substance Abuse**

The New York State 911 Good Samaritan Law allows people to call 911 without fear of arrest if they are having a drug or alcohol overdose that requires emergency medical care or if they witness someone overdosing. Services are available through Nassau County to assist individuals in overcoming dependency and abuse problems.

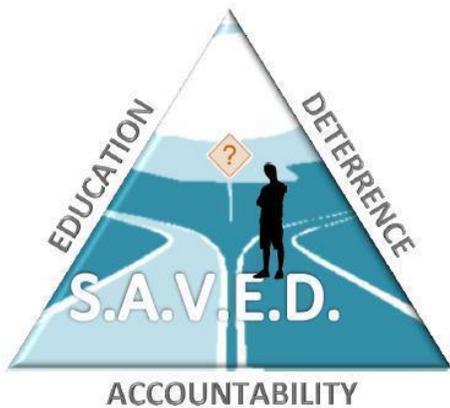
Can your community reduce violence more effectively by redeploying resources from policing to other programs?

The Guidebook mentions that some stakeholders have suggested that investment in social services, rather than policing, may yield better results in enhancing safety and reducing violence. Proposals include redirecting resources to the following areas:

- **Community Based Outreach and Violence Interruption:** such as the New York State Division of Criminal Justice Services (DCJS) Street Outreach Program, SNUG, that identifies individuals at high risk of engaging in gun violence.
- **Parent Support:** which includes support programs run by social workers to help mediate family conflict.
- **Youth Development:** which includes programs relying on mentors from the community that teach young people skills such as photography, computer programming and entrepreneurship.
- **Addressing Trauma & Preventing Violence at Home:** programs that create collaborative approaches to help families manage trauma.
- **Design of Public Spaces - Crime Prevention Through Environmental Design:** reducing crime by identifying features that create opportunities for crime and modifying those features with such things as lighting and landscaping to decrease such opportunities.

The residents of Floral Park are fortunate to reside in a Village that has been recognized as one of the safest communities in the United States. Although troubled families struggling with the social issues addressed by the aforementioned proposals do reside within our Village, the problems fall far from the prolific levels seen in the communities

where most of these programs are currently established. Many of the issues that are the focus of these suggested programs are addressed locally by a number of youth organizations within our Village and our school districts, and also through social services administered through Nassau County, the Towns of Hempstead and North Hempstead. This, however, does not relinquish the police from having a role in addressing these issues.



It is well known that juvenile and adolescent criminal activity is a serious challenge facing the law enforcement community throughout the country. News reports are filled with stories regarding violent crime arrests of juveniles, the proliferation of gangs, drug and alcohol abuse, and juvenile victims of crimes and abuse (especially involving internet harassment). It is statistically well established that among all males, the probability for violent behavior begins to rise after age 8, peaks at about age 17, and begins to level off again after age 24. The Village of Floral Park, though far

from the crisis levels facing many less fortunate communities, is neither immune nor without symptoms related to these issues.

To help combat the problem of harmful youthful behavior, the Floral Park Police Department has developed the **Setting Adolescent Values through Education and Deterrence (SAVED)** Initiative. The intent of this initiative is to embrace a philosophy directed at preventing adolescents from involving themselves in destructive behavior. The program is based on three principles:

Accountability: The foundation of the program is accountability. Often, unlawful and destructive behavior of juveniles and adolescents is either considered too trivial to initiate official police action against, or offending youths have their parents advised of such behavior with the anticipation they will take proper corrective action. Being that some parents have difficulty controlling their children's behavior, or are frankly poor parents, some problematic youths are never held accountable for their actions. The problem is aggravated when police, unaware of a youth's problematic history, might be unlikely to follow-up on minor infractions committed by such youths. The child learns that delinquent behavior has little or no consequences, and may be more likely to repeat such behavior, or commit more serious offenses. Therefore, not only must the adolescent be held accountable for targeted behavior, but parents and the police department must ensure that they have taken necessary steps to prevent an "at risk"

youth from becoming a casualty of their own poor choices. According to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) comprehensive strategy, risk assessment tools "should be employed to determine the most appropriate sanction for each youth". Each youth must be treated as an individual, and when dealing with them the following should be taken into consideration:

- The type of offense committed;
- Past criminal or delinquent behavior;
- The effectiveness of previous interventions; and
- An assessment of special treatment, counseling, or training needs

Education: Through educational programs coordinated with the local schools through our School Resource Officer, the Floral Park Police Department aims to bridge the gap between youth and police through presentations that not only instructs them on how to avoid common pitfalls typically faced by adolescents, but also establishes a rapport and opens up a dialogue with this group. Parents are also advised through the school PTA about various laws that affect them and their children such as the Nassau County Social Host Law. It is the goal of the police department that through education, "at risk" adolescents will be made aware of all consequences for their poor choices, legal, social, mental and physical. The objective being to have as many youths as possible steer away from harmful or destructive behavior by giving them information to make better choices.

Deterrence: Knowing that some youths will ultimately still involve themselves in destructive behavior, efforts will be made to identify adolescents that are at risk of involvement with such conduct, and to take appropriate and effective corrective action, should such associated actions come to the attention of the police. Our initiative aims to develop a systematic program related to the collection and analysis of accurate data regarding police interaction with juveniles and adolescents, sharing information and cooperating with local schools, and parents, in an effort to better prevent harmful youthful behavior by identifying potential problem individuals and taking corrective action prior to such behavior escalating into criminal or destructive activity. With this in place, types of activity can be prioritized and progressive steps of intervention instituted. Those committing more serious actions, and individuals exhibiting chronic patterns of problematic behavior, would be given a weighted response fitting both the individual and the conduct, these may include:

1. Parental notification
2. Meeting with parents
3. Notification and involvement of school officials
4. Holding irresponsible parents accountable for juvenile's actions, when possible, such as issuing a ticket for violation of the Social Host Law, or making necessary notification to Child Protective Services
5. Filing of PINS (**P**erson **I**n **N**eed of **S**upervision) Petition
6. Custodialization or arrest of the juvenile or youth, with consideration of referral to Youth Court based on seriousness of the offense, and the youth's prior history.

A fundamental goal of our police department is to work in partnership with school officials and parents, to act more as first preventers rather than first responders. The Floral Park Police Department will continue to monitor youth activity in the Village. With youth related crime such as acts involving criminal mischief and graffiti down significantly from their record levels, it is a high priority of the department to remain vigilant in this area and to continually monitor the effectiveness of the program.

The Floral Park Police Department has created various programs in support of youth development and supporting a strong and healthy home:

- **Youth Court Membership**

Nassau County previously offered a "Youth Court" program that the Village participated in and which provided many benefits. Youth Court is a legal diversion tool whereby offenders in specific age groups can be redirected either from an adult court, such as Nassau County District Court or from a juvenile court, such as Nassau County Family Court. This provides an alternative to incarceration, a criminal record, time, and money drain on the system and financial devastation to offenders' families.

It is understood that not all incidents are the same and that some individuals' actions are isolated, where others actions are chronic. Let the action taken fit not only the crime, but also the individual who is involved. With such program, first-time offenders of non-violent crimes are given a second chance through a juvenile justice alternative operated by their peers. Nationwide, the program has proven to be a useful tool in deterring youth crimes. There are many documented cases where youths who have gotten into trouble with the law have been fortunate to participate in local youth courts and ultimately go on to

succeed in endeavors such as law school, rather than re-offend, get suspended from school and not pursue their academic careers.

Youth Court programs are overseen by volunteer lawyers, judges, educators, law enforcement officials or community members, according to the website of the New York Association of Youth Courts. The courts use "positive peer pressure to ensure that young people who commit even minor offenses give back to the community and avoid further entanglement with the justice system." Youth Courts can take various forms and sanctions including community service, letters of apology, behavior modification classes, essays and counselling, according to the New York Association of Youth Courts.

A previous model offered through the Nassau County District Attorney's Office, was designed for first-time non-violent offenders who were under the age of 18. In order to be accepted into the program, the offending juvenile had to basically plead guilty, and by doing so have their case docketed to a Youth Court, where they were judged by their peers, such as mock trial club members, or some past offenders.

Lt. Doherty has previously coordinated with Students from Floral Park Memorial's Mock Trial Club and participated in a Youth Court Program. About 11 kids were trained at a three-day-long program at Hofstra University Law School in conjunction with Nassau County Youth Court. It was very well received at the time. Should the County again offer such program, the Floral Park Police Department would be very interested in participating in it, and resuming a Youth Court in Floral Park.

- **Youth Community Service and Alternative Corrective Measures**

In the State of New York, Town and Village Courts are collectively known as the Justice Courts. Many New Yorkers will have their first and only court experience in one of the almost 1300 locally-funded Justice Courts located throughout New York State (except for New York City). These courts have jurisdiction over a broad range of matters, including vehicle and traffic matters, small claims, evictions, civil matters and criminal offenses.

Having our own Justice Court is a valuable resource. Seeking to reduce crime and incarceration and increase public trust in justice, the court responds creatively to low-level offending, seeking sentences that are restorative to the victim, defendant, and community. First-time offenders and other young adults are often written tickets for violations that are returnable to the Floral Park Village Justice Court. Those appearing before the Justice, based upon mitigating circumstances are often provided with an opportunity to perform community service or perform alternative corrective measures in lieu of paying a fine. Often, the original charges are dismissed upon satisfaction of the measure. This program provides for positive interaction between local youth, the police and our Justice Court as

it aims, with a view toward rehabilitation instead of punishment, to provide alternatives to punitive actions as the sole response to low-level crime

- **Design of Public Spaces - Crime Prevention Through Environmental Design**

Crime Prevention Through Environmental Design (CPTED) examines how environmental features create opportunities for crime and how those features can be adjusted to eliminate those opportunities. Adjustments can be implemented to:

1. Control or make access more difficult
2. Deter offenders by increasing the risk of apprehension
3. Increase visibility
4. Increase or encourage guardianship
5. Regulate or adjust behaviors and routines; or
6. Reduce the rewards for crime.

Examples of environmental features that could create opportunities for crime include trees and shrubbery that block visibility; lack of lighting; traffic direction or lack of signaling; abandoned buildings; alleyways or cuts in between buildings; and empty lots hidden from the street.

Adjustments that address these features may include cutting down shrubs to increase visibility; adding lighting to a dark alley; boarding up abandoned homes; or improving traffic conditions by adding signage, signals and speed bumps.

What functions should 911 Call Centers play in your community?

a) *Who currently staffs your 911 call centers?*

Floral Park Police Communications Dispatchers.

b) *What training do Communications Dispatchers receive?*

The Floral Park Police Department has instituted a comprehensive Communications Training Officer (CTO) Program. This program can help ensure successful caller outcomes and decreased liability for the agency. The Department co-hosted a 5-day (40-hour) Public Safety Telecommunicator Course with The Association of Public-Safety Communications Officials (APCO) in September, 2019 and plans to train all 6 members in this course.

Ultimately it the goal of the department to maintain a one-on-one training program and provide the training necessary to foster levels of consistency for CTOs as they provide on-the-job training to new hires and current Police Communications Operators. Upon

successful completion, CTOs can help build and maintain the CTO system while exploring important elements of effective CTO programs.

Communication skills are a must for our Police Dispatchers, and others in the disaster and emergency response field. When the call comes, the person answering has to be ready because this is when seconds count. Our goal is to provide comprehensive dispatcher training to prepare them for the situations they will encounter.

c) *Are all calls routed to law enforcement, fire, or EMS?*

Yes, all calls are routed to Police, Fire, or EMS.

d) *Are there other social services that should be more fully integrated into 911 call centers and the triage process? Would call-takers need new training if your community wanted to shift response functions toward social services?*

The Floral Park Police Department will coordinate with the Nassau County Police Department Communications Bureau and the Nassau County Mobile Crisis Team regarding Police Communications Operators (PCO) ability to screen calls that may be better handled by Mobile Crisis. Call-takers will be provided with a script requiring them to ask a series of mental health questions that will offer guidance related to the type of response that will be assigned. These questions should provide information regarding the likelihood of violence, the mental state of the individuals and whether they pose a threat to themselves or others, the presence of any weapons, and whether the individuals have taken medications or substances that could alter their behavior.

In general, if the caller answers “No” to all the questions, the call-taker will conference in Mobile Crisis, who will assume control of that call. At some point, Mobile Crisis will advise the PCO to hang-up.

If the answer to any of the questions is “Yes,” the PCO will dispatch a dual response, both police and Mobile Crisis. The aided will not be transported, unless medically necessary (the aided is stabbed, shot, etc.). Police will control the scene and Mobile Crisis will respond to the scene to determine if transport is necessary.

As Mobile Crisis will be staffed from 8:00 a.m. to midnight, police will respond to such calls outside of these hours. Police Communication Operators would require additional training and resources in a shift towards integrating social services into 911 call centers.

e) Should 911 call centers be operated by law enforcement, other social service agencies, or a combination of agencies?

Call centers maintain focus on emergency services. As previously mentioned, the FPPD will be improving how it coordinates services for emotionally disturbed persons with the Nassau County Mobile Crisis Team. The Mobile Crisis Team will be accompanied by police officers while performing welfare checks based on information provided by the family members, mental health professionals or from the person in question. If an individual needed emergency treatment, it would be so ordered at the direction of a psychiatrist under the guidelines of the Diagnostic and Statistical Manual of Mental Disorders and under the authority of NYS Mental Hygiene Law.

Should Law Enforcement Have a Presence in Schools?

The Floral Park Police Department has continually recognized the value of establishing a rapport with the youth of our community through various education related programs. Since 1976, seeing a need to classify complaints regarding youth and a proportionate rise in malicious damage as a high priority, a Youth Officer has been designated in some capacity on a part-time basis with the goal developing a comprehensive program to work with our young adults and improve communications with this important group.

Today that role is assigned to Police Officer Matthew Viscusi, a certified school resource officer, who has developed a rapport with community leaders and school educators. He has been teaching Internet safety in the local schools and to community groups covering such topics as:

- **Internet Safety (cyber-bullying, cyber-predators, and the vulnerability social media networks create.)**
- **Underage Drinking**
- **Dangers of Texting and Driving**
- **Hate Crimes**
- **Drugs and Substance Abuse**



PO Viscusi has established himself as a valuable source of information and has continued to instruct students in the I-Safe (internet safety) program in our schools. He tailored the program to meet the needs of his listeners and refreshes and updates the program as needed. He is readily available to speak to students to teach them of the dangers which lurk within the Internet. His service within the schools has proven him to be a trustworthy school liaison and a respected member of the Floral Park Police Department. His involvement in community activities and athletic organizations keep him visible within the Village and in touch with the youths of the community. He attends meetings by such groups as the PTA and PTSA, presenting programs of

interest to our students and parents.

Often times school security or administrators will call for his assistance with a student that is exhibiting concerning behavior. Having such a close relationship assists our Patrol Officers to resolve issues without any further assistance required.

On rare occasions, patrol officers have been called to make arrests when students are found in possession of weapons, drugs, or otherwise break the law on school grounds. As previously stated, should a Youth Court be made available, qualifying youths may have their cases diverted from the Family Court System into a Youth Court program, thereby keeping them out of the juvenile justice system. Sentencing involves time working in various programs. The benefit of this program is not only that of keeping youth out of the court system, but also engaging them in completing community service and positive



interaction with police officers and community groups. These interactions build mentorships and job skills that serve to build character and perhaps change their perception of law enforcement officers.

In addition to the above, many of the FPPD's community outreach programs are designed to specifically engage youth and young adults in the local school district (i.e. Halloween Roll Call, Operation Chill, etc.). These engagements place Floral Park Police officers and local youth in a non-enforcement environment, leading to positive communication opportunities for all parties. Both officers and kids get the opportunity to exchange information freely and learn from each other by sharing perspectives.



Staffing

FULL TIME SWORN POLICE OFFICERS	33
<ul style="list-style-type: none"> • <i>Police Commissioner</i> • <i>Lieutenants</i> • <i>Sergeants</i> • <i>Detectives</i> • <i>Police Officers</i> 	<p>1</p> <p>2</p> <p>5</p> <p>1</p> <p>24</p>
FULL-TIME CIVILIAN EMPLOYEES	12
<ul style="list-style-type: none"> • <i>Police Communications Operators</i> • <i>Neighborhood Aides</i> 	<p>6</p> <p>6</p>
PART-TIME CIVILIAN EMPLOYEES	8
<ul style="list-style-type: none"> • <i>School Crossing Guards</i> • <i>Administrative Aide</i> 	<p>7</p> <p>1</p>

At present, the Floral Park Police Department is commanded by a Police Commissioner and staffed with thirty-four (32) full-time sworn officers; including two (2) lieutenants, five (5) sergeants, one (1) detective, and twenty-four (24) police officers. There is also a staff of twenty (20) civilian employees; including six (6) police communications operators, six (6) neighborhood aides, seven (7) part-time crossing guards, and one (1) part-time clerical aide.

Recent retirements have affected our manpower strengths with

vacancies in the position of Sergeant and Detective.

What are the staffing needs of the Police Department the community wants?

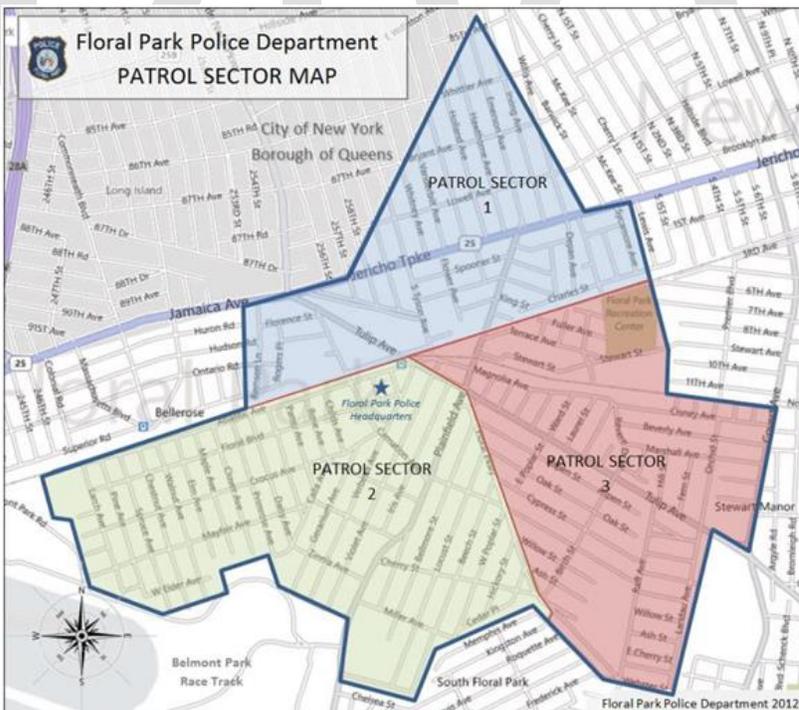
The Floral Park Police Department currently uses civilians for job functions that do not call for an arrest or potential use of force.

There are several approaches to estimating an agency's staffing allocation, each with its own advantages and disadvantages. From an efficiency standpoint—that is, from the perspective of optimizing resources to best complete a given agency's work and accomplish its objectives, staffing levels that specifically consider an agency's workload, performance objectives, and work schedules are used to enhance overall efficiency and effectiveness.

With an agency such as the Floral Park Police Department which generates less than 15,000 calls for service annually, an alternative **"coverage-based"** approach to staffing takes into account the necessity for police executives to make a subjective judgment about the appropriate level of policing required for:

- (1) Deterrence,
- (2) Rapid response, and
- (3) Officer safety and adjust the numbers of officers accordingly.

The Department is divided into three sectors. Each sector is assigned one police officer in a



marked radio motor patrol car (RMP). In general, that officer is responsible to respond to all calls-for-service within that sector throughout his or her shift. The officer is also required to maintain omnipresence by patrolling the area, investigating, and enforcing observed violations of law, and reporting unusual or dangerous conditions. Depending on the nature of the call, officers will respond alone or will be assigned backup as necessary.

The Department endeavors to maintain a strength of twenty-four (24) police officers. This allows the continued scheduling of at least three police officers, allotting for vacations, personal days, sick leave, days on training, days at court, and other absences. At this strength, five police officers are always scheduled to work. When available, the additional officers are detailed to specific overlapping assignments, such as marked and unmarked highway enforcement posts that monitor problematic locations, or specified violations of the Vehicle and Traffic Law (VTL) that are detrimental to the safety of the Village.

In addition to the assigned officers, at least one Patrol Supervisor is always assigned. Ordinarily, this responsibility is assigned to a sergeant, who utilizes a marked patrol vehicle while on patrol Village-wide. Supervision of patrols ensures uniform performance of duties in accordance with approved procedures and promotes exemplary appearance and conduct. The patrol supervisor is tasked with correcting any improper actions of patrol personnel and continually seek to improve policies and procedures with recommendations from field observations. They also assist patrol personnel in handling serious incidents and are required to respond to all calls involving emotionally disturbed persons and domestic incidents.

A comprehensive report completed in 2014 concluded The Floral Park Police Department is identified as a small to medium sized agency and as such ought to be organized functionally into two divisions: *Line Operations*, and *Administrative Support*. It is consistent with standard practices to have each division commanded by a lieutenant, as requisite authority is necessary in assigning duties and overseeing completed staff work conducted by sergeants.

- **Strategic Management Plan**

In recognition of our commitment to keep the Floral Park community informed and engaged, the FPPD is currently updating its Strategic Management Plan (refer to *FPPD Strategic Management Plan*, annexed hereto as Exhibit A.) As such the following six strategic goals will provide us direction for the next five years:

- (1) Prevent Crime, Reduce Fear and Control Disorder
- (2) Improve Traffic Safety
- (3) Prepare for Contingencies and Manage Public Emergencies
- (4) Embrace and Integrate Technology throughout the Agency
- (5) Maximize Resources and Provide Superior Service
- (6) Develop and Retain a Quality Workforce
- (7) Address Challenges Posed by Arena and Mall Development at Belmont Park

This plan does not cover everything that needs to be accomplished within the agency, but instead places focus on priority areas. Our Strategic Plan is not static in nature, but rather is designed to be a dynamic and flexible document that can evolve as the needs of our community change. The plan is designed with flexibility in mind while at the same time setting a foundation with consideration to best practices to guide the objectives and actions of the Floral Park Police Department over the next five years

Should components of the Police Department be civilianized?

The overall organizational structure of the Department has changed very little ever since such arrangement was recommended by the New York State DCJS in 1976. At that time the FPPD civilianized the dispatcher function of the agency and eliminated 3 lieutenant positions and the rank of captain. This structure remains sound, which is not to say efficiencies should not be sought and appropriate staffing levels periodically evaluated.

Because many small agencies utilize this *coverage-based model* for staffing they often have significant amounts of officer discretionary time. While some communities may choose to reduce this through reducing the size of the department, others will seek to make better strategic use of that time, thus improving both efficiency and performance.

Floral Park has continually been ranked among the safest communities in the United States, and was ranked the Safest City in New York by Safewise.com in 2012. **The residents expect excellent service from their Police Department and that expectation is the heart of the mission for the FPPD.**



SECTION II.

EMPLOYING SMART AND EFFECTIVE POLICING STANDARDS AND STRATEGIES

1. Adopt procedural justice as a guiding principle

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.

Procedural justice is based on four central principles:

- (1) *Treating people with dignity and respect,*
- (2) *Giving citizens 'voice' during encounters,*
- (3) *Being neutral in decision making, and*
- (4) *Conveying trustworthy motives.*

Research demonstrates that these principles contribute to relationships between authorities and the community in which the community:

- Has trust and confidence in the police as honest, unbiased, benevolent, and lawful;
- Feels obligated to follow the law and the dictates of legal authorities,
- Feels that it shares a common set of interests and values with the police.

The Floral Park Police Department's mission statement parallels the principles of procedural justice and all members are currently scheduled to go through a procedural justice training program.

2. Procedural Justice and Community Policing

a) Create a comprehensive community policing strategic plan

The Floral Park Police Department engages in strategic community policing practices through officers' daily interactions with the public and all Floral Park Police Officers are trained to approach every public contact and engagement as an opportunity for building positive relationships and trust. As previously mentioned, the FPPD also has assigned Police Officer Matthew Viscusi and trained him as a certified school resource officer (SRO) to focus of juvenile and youth issues while developing lasting relationships with school officials and parents. Police Commissioner McAllister, and his command staff regularly attend civic and other community-based organizational meetings and are tasked with building those relationships with residents and businesses throughout the Village. These

measures are compounded with an active community training program where participants are trained in CPR, use of AED, "Stop the Bleed", and use of Narcan. Having a unit dedicated to training the public enables the Floral Park Police to have an opportunity to engage with a wide variety of residents of various backgrounds throughout the Village

b) Train all personnel on community policing - including overcoming distrust.

All police officers employed by the FPPD are certified by New York State after completing a comprehensive training in the police academy. The Floral Park Police Department also incorporates community policing components and instruction, as well as major components of procedural justice training, into its overall in-service training program. A tremendous benefit of having a village police department is that every officer is expected to get to know the residents, businesses, community groups, churches, and schools on their post and work with them to identify and address public safety challenges, including quality of life issues. An atmosphere of familiarity and trust is enabled as officers remain in the Village throughout their careers. By its very nature, the mission of the department and expectations for its members coincides by with principles of community policing.

3. Policing Strategies of Concern to the Public

a) "Broken Windows" and "Stop & Frisk"

- **Broken Windows:**

The broken windows model of policing was first described in 1982 in a seminal article by Wilson and Kelling. Briefly, the model focuses on the importance of disorder (e.g., broken windows) in generating and sustaining more serious crime. Disorder is not directly linked to serious crime; instead, disorder leads to increased fear and withdrawal from residents, which then allows more serious crime to move in because of decreased levels of informal social control.

Some connect broken windows policing with giving police officers a wider range of authority to detain people because they are tasked with maintaining order. In Floral Park, offenses such as trespassing, disorderly conduct, public urination, public drinking and making graffiti have traditionally been a focus of enforcement action as it is understood that such quality-of-life issues are a general concern of the people who live here.

The FPPD continues to work with local leaders and residents who live in locations that have on-going quality-of-life complaints in an effort to gain compliance through cooperation, rather than through enforcement. Enforcement, however, should not be disregarded and, considering most tickets issued for such offenses will be adjudicated by the Floral Park Village Justice Court, remains a viable option when deemed necessary. The four pillars of Procedural Justice play a key role in this effort.

- **Stop and Frisk:**

People generally relate “Stop and Frisk” to the controversial use of this tactic by the NYPD that culminated with a federal judge in Manhattan ruling in 2013 that the searches amounted to a “policy of indirect racial profiling”. Critics of the program said that it gave officers overly broad discretion to target mostly black and Latino males. Testimony presented at the trial argued that virtually any type of behavior considered “furtive” by police officers was being used as a basis to establish the “reasonable suspicion” necessary to perform a stop described in Level 3 below. Dissenting officers described being pressured to make stops to meet numerical quotas.

Members of the Floral Park Police Department have all received training in the legalities of street encounters in the police academy and receive annual refresher training in the topic during the “Search and Seizure” module of in-service training. The FPPD policy has consistently been to remain faithful to the guidelines set forth in the *De Bour* decision (discussed below), and to stop, question and possibly frisk individuals consistent with the limitations specified in CPL section §140.50. The FPPD has been able to maintain exceptionally low crime levels in the Village of Floral Park while at the same time confining stops to circumstances clearly prescribed by law.

The New York State Court of Appeals has set forth four levels of permissible police conduct when confronting individuals on the street (*People v. De Bour, 40 N.Y. 2d 210 (1976)*).

- (1) Level 1 involves a “*request for information*” and deals with a police officer who has an objective credible reason to approach someone encounter and may involve criminality but may also involve a police service function. At this level a police officer may ask non-threatening questions regarding a person’s name, address and destination, may inquire about something unusual and even tell a person to “stop!”, however, the police officer may not cause the individual to reasonably believe that he or she is suspected of crime, nor may the officer request the person’s permission to search, or engage in a pursuit of the individual.
- (2) Level 2 involves a “*founded suspicion*” that a particular person is engaged criminal activity, beyond a mere hunch or police intuition. At this level a police officer can ask pointed questions that would reasonably lead one to believe that he or she is suspected of crime. The officer may also request permission to search at this level but cannot forcibly detain, and still cannot pursue the person.

(3) Level 3 is defined in section §140.50 of the New York State Criminal Procedure Law (CPL) – (*Temporary questioning of persons in public places; search for weapons*) authorizes police officers to physically stop a person in a public place located within their geographical area of employment (this is limited to the Village of Floral Park for members of the FPPD) when such officer *reasonably suspects* that such person is committing, has committed or is about to commit either (a) a felony or (b) a misdemeanor defined in the penal law. At this level, the officer may demand a person give his or her name, address and an explanation of conduct. Furthermore, upon such



stop if the officers reasonably believe they are in danger of physical injury, they may search such person for a deadly weapon or any instrument, article or substance readily capable of causing serious physical injury and of a sort not ordinarily carried in public places by law-abiding persons.



(4) Level 4 involves an arrest. A police officer who has *probable cause* with respect to an individual, may arrest that person on the street without an arrest warrant and may search such person incident to that arrest without a search warrant.

b) Pretextual Stops

The United States Supreme Court and New York State Court of Appeals have provided guidance with their decisions regarding pretextual stops—using minor traffic violations as a reason to stop a person in order to investigate suspicious activity.

- (1) Pretextual car stops are held to be constitutional, but officers generally must have probable cause (Level 4 street encounter) of a Vehicle and Traffic Law (VTL) violation to do so.
- (2) Cars may be stopped at roadblocks, checkpoints and weighing stations as long as they are conducted in a uniform, nonarbitrary, nondiscriminatory fashion.
- (3) Additionally, where specific facts and circumstances give a police officer reasonable suspicion to believe (Level 3 street encounter) that the driver or occupant of a motor vehicle has committed, is committing, or is about to commit a crime, the officer may stop the car and conduct an investigation.

As previously noted, members of the Floral Park Police Department have all received training in the legalities of street encounters in the police academy and receive annual refresher training in the topic during the “Search and Seizure” module of in-service training.

c) Informal Quotas for Summonses, Tickets or Arrests

There are no quotas, formal or informal, for summonses, tickets, or arrests.

d) Shooting at Moving Vehicles and High-Speed Pursuits

There are policies that cover both instances (refer to POL §307 annexed hereto as Exhibit B). In general, officers are prohibited from using firearms to disable a pursued vehicle, unless circumstances meet the requirements authorizing the use of deadly force.

e) Use of “SWAT” Teams and No-Knock Warrants No Knock Warrant services:

- **No-Knock Warrants**

Although exceptions exist, as a general rule, police officers cannot enter a home without a warrant. Section §120.80 (Warrant of Arrest), and section §690.50 (Search Warrants), of the New York State Criminal Procedure Law (CPL) provide for the specific procedures that must be followed when executing a warrant. Both statutes require an officer serving a warrant knock and announce their presence, and both statutes also contain exceptions when an officer is permitted to forcefully enter a home without first complying with the *knock-and-announce rule*.

Under section §120.80, officers do not need to knock and announce when executing an **arrest warrant** if doing so may:

- (1) Result in the defendant escaping,
- (2) Endanger the lives of police or other citizens, or
- (3) Result in the destruction of evidence.

Section §690.50, on the other hand, only allows for officers to bypass the knock-and-announce rule when executing a **search warrant**, if they have a reasonable belief:

- (1) The home is unoccupied, or
- (2) The **search warrant specifically provides for an unannounced entry**. This is what is known as a "**no-knock warrant**." Such warrants are issued by a magistrate where an entry pursuant to the knock-and-announce rule would lead to the destruction of the objects for which the police are searching or would compromise the safety of the police or another individual.

On occasion, the FPPD will execute a search warrant, and common practice is to knock prior to its execution. When the FPPD has executed a search warrant with a "No Knock" endorsement, it has received such authorization only after a thorough investigation has been performed and consultation with the Nassau County District Attorney's Office has taken place.

Typically, such warrant is obtained with the assistance of Nassau County Police Detectives, commonly assigned to the Narcotics Unit, mainly to prevent the destruction of evidence which can occur if they announce their purpose and authority. Additionally, the drug trade frequently involves the use of firearms and knocking may endanger the officers executing the search warrant.

- **Use of Special Weapons and Tactics**

The Floral Park Police Department has no "SWAT" team. Officers receive vigorous annual training on and are equipped with AR-15 patrol rifles that may be deployed according to policy. The NCPD Bureau of Special Operations (BSO) has units that are continually trained on and equipped with automatic and specialized firearms that may respond to serious incidents when necessary. Safety of the public and of the officers involved is always paramount when deploying such teams.

- f) *Less-Than-Lethal Weaponry such as Tasers and Pepper Spray*

All officers undergo DCJS approved training from the device manufacturer and the Floral Park Police Training Unit for proper application and proper utilization in the use-of-force continuum.

g) Facial Recognition Technology

The NYS guidance brings to light the public's concern surrounding the use of technology and the maintenance of data it acquires.

- The FPPD is aware of risks in using novel technologies. The effectiveness of each technology is studied by the Department and is analyzed for potential biases. The Department does not currently have a facial recognition program, and any use of such technology would be subject to vigorous review that weighs potential benefits with any pitfalls associated with individual rights.
- Any sensitive electronic data collected through the use of technology is protected by means congruent with industry standards recommended by the Department's information technology specialist.

4. Law Enforcement Strategies to Reduce Disparities and Build Trust

a) Using Summonses Rather than Warrantless Arrests for Specified Offenses

(1) In recognition of offender rights and avoiding the tendency towards incarceration-minded policing the FPPD instituted an updated Appearance Ticket Protocol. In lieu of jailing offenders for offenses involving Marijuana, Offenders are issued Appearance Tickets at the offender's location, without bringing him or her into Police Headquarters for processing. The NCPD has expanded this protocol to include offenses involving petit larcenies such as shoplifting.

(2) As mentioned previously in Section I (p. 11), having our own Justice Court is a valuable resource. Seeking to reduce crime and incarceration and increase public trust in justice., FPPD officers are encouraged to issue Appearance Tickets for low level violations citing the Village Code. Offenses such as Disorderly Conduct or Trespassing are thereby made returnable to the Village Court, which, after weighing mitigating and aggravating circumstances, will often require respondents to perform community service or perform alternative corrective measures in lieu of paying a fine. With a focus on deterrence rather than retribution, the original charges may be dismissed upon satisfaction of the measure providing for a more positive interaction between petty offenders, the police, and our Justice Court.

b) Diversion Programs

Diversion programs help a defendant rectify their behavior, which resulted in arrest, and provides the opportunity to avoid prosecution. To enhance diversion, the Nassau County District Attorney's Office Early Case Assessment Bureau (ECAB) reviews cases monthly and makes recommendations based on their observations. The FPPD will coordinate with the Nassau County District Attorney's Office with regard to alternative prosecutions and resources. Currently, the Nassau County District Attorney's Office offers the following diversion programs:

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

c) Restorative Justice Programs

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

(1) SAFE Program: Restorative justice can be achieved by utilizing diversion courts such as alcohol and drug diversion as well as after care visits and the SAFE program and center for victims of abuse.

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

(2) Routine Mediation: Although never formally labeled as restorative justice in training segments or discussed as such, the FPPD engages in restorative justice on a daily basis by acting as an arbitrator between parties. For example, an officer called to a dispute involving neighbors is trained to defuse the situation and interview both neighbors separately to investigate what transpired and determine if any crime was committed. Upon investigation, the officer informs both parties of the allegations each have made against each other and the harm each of their corresponding actions are having on one another. A solution is then devised to avoid further disputes. Although not always successful, this type of mediation is generally beneficial in avoiding future conflict between the neighbors.

d) *Violence Prevention and Reduction Interventions*

Violence prevention and reduction interventions is the theory that focusing on prevention, intervention, and suppression, reduces crime. This model calls for police departments to proactively address potential criminal activity by facilitating or participating in community programs and connecting high risk individuals with needed services and other forms of community engagement.¹

The Floral Park Police Department understands that victims of domestic violence are a vulnerable population who are susceptible to escalating levels of violence at the hands of their loved ones. As such, the FPPD has a zero-tolerance policy for any and all instances of domestic violence.

- If it is determined that any misdemeanor crime has been committed in a domestic situation, an arrest must be made regardless of whether the victim requests such arrest. This policy is more restrictive than state law requires under Criminal Procedure Law §140.10.
- It is also worth noting that even in situations that do not arise to a level of arrest, any gun, including rifles and shotguns, that are found in the residence are temporarily removed by the FPPD until a full investigation can determine if it is safe to return them.
- This proactive gun removal policy is also used in situations where a student makes a threat of violence in a school setting.

The Floral Park Police Department, through its SAVED initiative, uses a three-pronged approach which includes Education, Deterrence, and Accountability to prevent violence by addressing it with the youth in Floral Park. By guiding and mentoring young men and

¹ <https://everytownresearch.org/report/community-led-public-safety-strategies/>

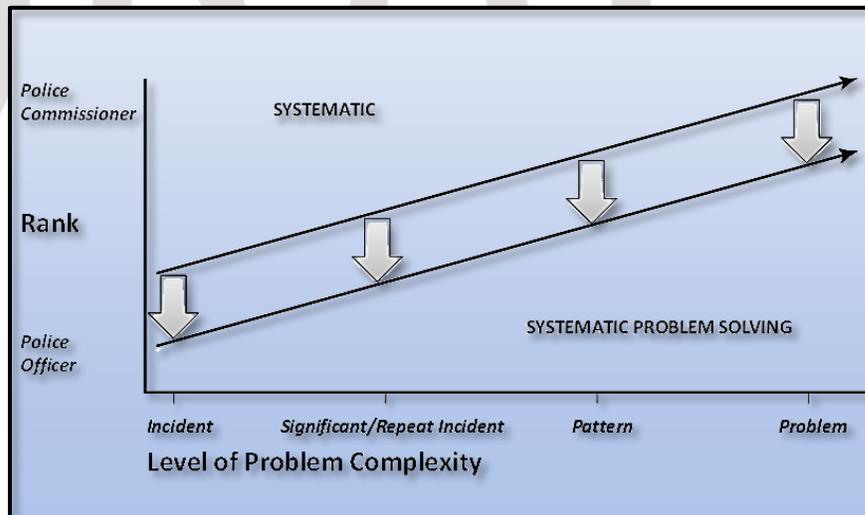
women, the FPPD hopes to help them become upstanding citizens who steer clear of criminal activity and violent behavior.

As previously mentioned in section 1 (p. 13), the FPPD has assigned a certified School Resource Officer (SRO) who focuses on the Education component of our initiative. The SRO has developed a rapport with community leaders and school educators, and has been addressing many of the following topics with students:

- Internet Safety (cyber-bullying, cyber-predators, and the vulnerability social media networks create.)
- Underage Drinking
- Dangers of Texting and Driving
- Hate Crimes
- Drugs and Substance Abuse
- Additional programs are mentioned in Part 4 of this section, under Partnering with Students and Schools (p. 47)

e) Hot-Spot Policing and Focused Deterrence

- **Stratified Model of Problem Solving, Analysis, and Accountability:** The Floral park Police Department employs the Stratified Model, a system of where crime reduction



strategies are implemented for a range of short- and long-term problems. Notably, addressing short-term problems successfully helps to prevent long-term problems from surfacing or becoming significant issues. Long-term problems contain numerous patterns or repeat incidents (short-term problems) and by systematically identifying these short-term problems and responding to them effectively, long-term problems can be prevented.

- **Immediate Problems:** isolated incidents that occur and are resolved within minutes, hours, or in some cases, days. They are responded to by patrol officers and detectives who utilize the investigative skills learned in basic police training and more intensive investigative training. Here, immediate activity is broken down into two categories:
 - (1) *Incidents* including service-related tasks, disturbances and acts of disorder, crimes in progress, traffic accidents, subject stops, and traffic stops, are individual events which an officer typically responds to or discovers on while patrol. Incidents are citizen and officer generated calls for service all of which usually occur and are resolved within minutes and/or hours.
 - (2) *Serious incidents* such as rapes, hostage situations, homicides, traffic fatalities, or armed robberies, are individual events that arise from calls for service but are deemed more serious by laws and policies of the police department, thus require additional investigation and/or a more extensive immediate response. They occur within minutes and/or hours but may take days, weeks, or in some cases, months to resolve.

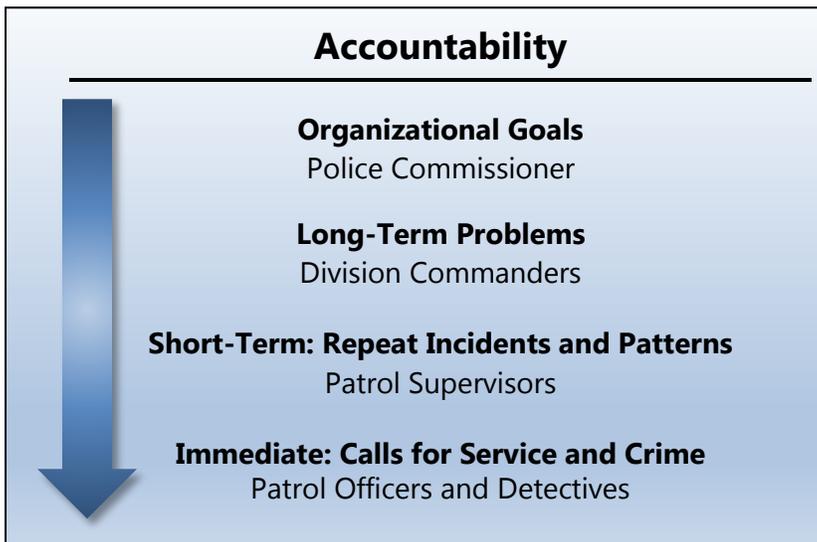
- **Short-Term Problems:** are those that occur over several days or weeks and typically require short-term versus immediate responses. Here, short-term problems are broken down into two categories:
 - (1) *Repeat incidents* are two or more incidents that are similar in nature and have happened at the same place. These are related to common non-criminal disorder activity (e.g., disturbances, barking dogs, problem juveniles, or traffic crashes) or to interpersonal disputes and crimes between individuals who know one another (e.g., bar fights, domestic violence, drug offenses, and neighbor disputes). Repeat incidents happen within hours, days, and in some cases weeks of one another. Analysis of and response to repeat incidents focus on identifying addresses with repeat calls for service and resolving the immediate issue with a variety of responses from police, other agencies, and the community.
 - (2) *Patterns* are two or more crimes that seem to be related by victim, offender, location, or property that typically occur over days, weeks, or months. Patterns focus on crime in which the victim and the offender do not know one another (e.g., stranger rape, robbery, burglary, theft from/of vehicles, or grand theft). Analysis of patterns is systematically conducted, and responses focus on immediate, traditional crime reduction strategies employed by the police (e.g., directed patrol, field contacts, contacting victims and known offenders directly).

- **Long-Term Problems** are those that occur over several months, seasons, or years and stem from systematic opportunities created by everyday behavior and environment.

Long-term problems require the most comprehensive analysis and response because a number of factors may contribute to the problem that has evolved over time, and responses will most likely require partnerships with the community and outside agencies. Problems can consist of common disorder activity (e.g., loud parties or speeding in residential neighborhoods) or serious criminal activity (e.g., armed robbery or residential burglary). The types of long-term activity include:

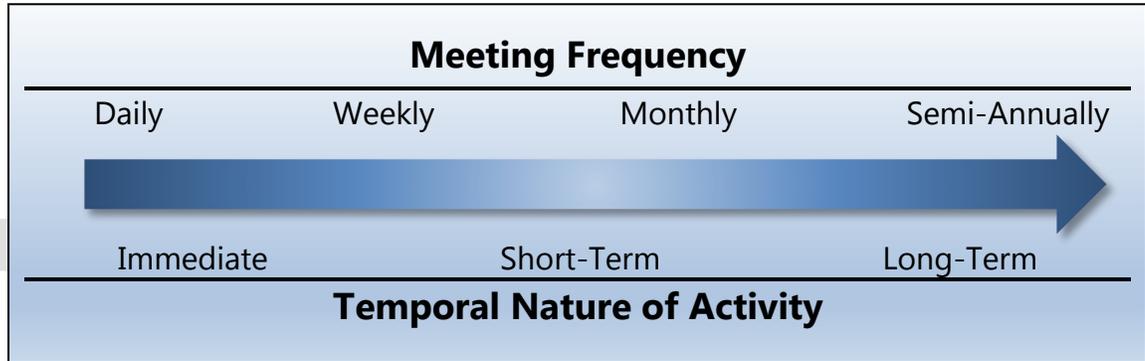
- (1) Problem locations are individual addresses (e.g., one convenience store) or types of places, also called risky facilities (e.g., all convenience stores), at which there is a concentration of crime or problematic activity.
- (2) Problem areas, also called hot spots, are relatively small areas (e.g., several block area) with a disproportionate amount of crime or disorder activity that is related.
- (3) Problem offenders, also called repeat offenders, are either one person who has committed a disproportionate amount of crime or a group of offenders who share similar characteristics.
- (4) Problem victims, also called repeat victims, are either one person who has been victimized or a group of victims who share characteristics and have been targeted by different offenders (for more than 6 months).
- (5) Problem products, also called hot products, are classes of products being targeted that share characteristics that make them attractive and vulnerable in various situations to various types of offenders.
- (6) Compound problems are the highest-level problems that encompass various locations, offenders, and victims and, in most cases, exist throughout an entire jurisdiction.

- **Accountability:** People in the organization are responsible for crime reduction at a



level appropriate to their rank and responsibilities, and all but line-level officers are responsible for holding a lower rank accountable for their efforts. Ultimately, the agency's top leaders hold all people accountable for the overall outcomes.

The Stratified Model contains a meeting structure that corresponds to the stratification of the problem's complexity and the temporal nature of the activity addressed. Each type of meeting is important because it serves a different purpose based on the type of activity addressed, rank of personnel who attends, and how the meetings are documented. Daily and weekly meetings are action oriented because they are used to ensure that personnel are responding immediately, collaboratively, and appropriately. Monthly and semi-annual meetings are evaluation oriented because they are used to assess the overall effectiveness



of short-term crime reduction and the progress and effectiveness of long-term crime reduction efforts.

f) De-Escalation Strategies

All use of force incidents are reviewed to ensure de-escalation techniques were utilized if possible. The success of de-escalation training and practices is gauged through the review of use of force reports and heeding suggestions from the community.

- (1) The FPPD will cross reference collaboration with community stakeholders to learn about cultural differences that may inadvertently lead to escalation. This input will be incorporated into future de-escalation training.
- (2) De-escalation is a topic covered in the new in-service training curriculum. By reviewing de-escalation annually, it ensures officers are trained in the most current and effective techniques.
- (3) In situations where de-escalation was not successful and force is necessary, the data is collected and reported bi-annually.

g) Can Your Community Effectively Identify, Investigate and Prosecute Hate Crimes?

- **Hate Crimes**

- (1) The Floral Park Police Department is committed to identifying, investigating and prosecuting hate crimes.

- (2) It is FPPD Policy that a supervisor is dispatched to any call where a hate crime is alleged to have occurred (refer to POL §319 annexed hereto as Exhibit C). The FPPD coordinates with the Nassau County PD to ensure even the lowest level crime influenced by any type of bias or hate is recorded and investigated.
- (3) Any case reported alleging a hate crime committed in Floral Park is reported to the NCPD Special Investigations Squad (SIS) which assigns a control number to all bias incidents/hate crimes and maintains daily, weekly, monthly and annual statistics. This data is shared with the District Attorney's Office and Anti-Defamation League. These incidents are categorized by the type of bias:
- Race and ethnicity
 - National origin and ancestry
 - Gender
 - Religion and religious practice
 - Age
 - Disability
 - Sexual orientation
- (4) The bias incident/hate crime data is reviewed and monitored by the Department Operations Lieutenant and reported on a monthly basis to the New York State Division of Criminal Justice Services (DCJS)
- (5) Floral Park Police and Nassau County Police Detectives investigating hate crimes will research prior bias incidents and hate crimes to determine if there is a discernable pattern or commonalities.
- (6) The Department emphasizes the importance of reporting crimes and acknowledges that discrepancies in hate crime data maintained by the Department compared to cases tracked by community stakeholders could occur due to the unwillingness of the victims
- (7) The Operations Lieutenant will review all bias incidents and hate crimes to determine commonalities and trends specific to the Village. The investigating detective will report to the commander and collaborate with investigators in the Nassau County Police, and other agencies, to determine any County-wide patterns.
- (8) The FPPD is determined to discover if any such incident is isolated or indicative of a larger issue. The Police Commissioner reviews any such cases to determine the appropriate response.

- **Prohibited Race-Based 911 Calls**

- (9) 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.

- (10) 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. The FPPD is developing policies and procedures that will effectively track any such calls to enhance their effective investigation.

5. Community Engagement

a) Community Outreach and Conflict Resolution

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

- (1) The Department has in the past engaged the community through **bike patrols** while riding through parks and business districts. With an influx of younger members, the Department is seeking to expand this program, provide necessary training, and upgrade our equipment. Recently, bicycles have primarily been used during parades and special events. Officers will be encouraged to engage in discussions with individuals they encounter in the community. Relaying these concerns to the unit responsible for handling that issue.
- (2) The FPPD has is planning to re-institute "**Park, Walk and Talk,**" where police officers are encouraged to engage with all members of the community by getting out of their patrol cars and talk with various stakeholders in the Village. The main objective is to build trust and communication with members of the community an officer might not otherwise encounter.
- (3) The FPPD is continually visible and actively supports many local fundraising events such as **St. Baldrick's Day and Liz's Day**, each which help support cancer research.
- (4) Actively participates in such popular programs as The Pink Patch Project, and No Shave November, fostering visibility and affable impressions with the community.

- (5) Annual participation in the **Operation Chill** program. This 7-Eleven community outreach program is designed to reduce crime and enhance relations between police and youths. It allows law enforcement officers to reward kids they observe doing good deeds or exhibiting positive behavior with coupons good for a free medium Slurpee at any participating store.

b) Community Safety Outreach

Besides our educational programs, we provide a curriculum geared toward safety skills for our residents. In many cases they receive nearly the same training that our police officers receive. We provide this training to our residents because it effectively makes them a force multiplier for the Department. Having hundreds of people that we have trained in life-saving skills has lasting effects for the community.

(1) Narcan – The Department is a registered Opioid Overdose Prevention Program through the New York State Department of Health. This certification permits the Department, with the help of the program’s Medical Director, Dr. Anthony Cordaro of Floral Park, to carry, dispense and train non-medical civilians in the use of Narcan. Narcan (generic name Naloxone) is a portmanteau of the words “narcotic” and “antidote.” It is a drug that is engineered to reverse the effects of an opioid overdose. The Floral Park Police Department Opioid Overdose Prevention Program is one of approximately three on Long Island that exist within police departments. We have trained civilians (as well as our own police officers) in the use of Narcan and recognition of overdoses – as well as the emergency medical treatment that becomes necessary. To date, we have trained approximately 400 students, faculty, staff, and administrators from our school districts. We have trained members of the Floral Park Fire Department. We have also conducted Village training sessions for approximately 75 people.

(2) Prescription Drug Disposal Programs – The FPPD participates in the U.S. Drug Enforcement Administration’s biannual “Drug Takeback Day.” In addition, two receptacles are located in the lobby of Police Headquarters that are always available for people to safely dispose of prescription drugs and medical sharps.

(3) CPR/AED Training – The Lieutenant in charge, one sergeant and one police officer are certified by the American Heart Association to instruct several CPR/AED programs (such as for first responders and community members). They conduct these classes regularly for the Department. They have also certified several hundred faculty, staff, and administrators from the school districts, as well as several hundred coaches from the sports leagues.

(4) Civilian Response to Active Shooter Events (CRASE) – The CRASE course is designed and built on the *Avoid, Deny, Defend* (ADD) strategy developed by The ALERRT Center

at Texas State University in 2004. CRASE provides strategies, guidance, and a proven plan for surviving an active shooter event at locations such as offices, hospitals, government buildings, open spaces, and other civilian-populated locations. Lessons center around certain notable historical attacks and the prevalence of active shooter events. Additionally, civilian response options, emergency medical lessons, and drills are discussed. This Department does not teach or advocate this concept for our school partners. It is delivered strictly to non-school stakeholders like libraries and government buildings. The Community Outreach Lieutenant, a sergeant and police officer are certified by Texas A&M University to conduct this training.

(5) Stop the Bleed – The Stop the Bleed Program was developed by the American College of Surgeons (“ACS”) to teach bleeding control techniques, such as tourniquet application and other first aid remedies, to non-medically trained civilians. Previously, tourniquet use was discouraged for pre-hospital care in all but the most devastating hemorrhagic injuries because of the potential for tissue necrosis. However, since the advent of the War on Terror in two separate theaters, the ACS has found that tourniquets save lives. The Community Outreach Lieutenant, as well as a sergeant and police officers are certified by the ACS to deliver this program. To date, approximately 400 faculty, staff, and administrators from four of our schools have been trained. All our police officers are trained and carry tourniquets and Quik-clot gauze. Additionally, we have trained several sports leagues coaches as well. The program teaches these people to stop bleeding in cases of terrorism and crimes, as well as workplace/industrial accidents because we know that bleeding control saves lives.

c) *Partnership with Community Organizations and Faith Communities*

The Village of Floral Park is fortunate to have multiple groups of residents that come together to engage in charitable activities, social activities, and civic activities. The FPPD devotes a great deal of time to participating in these groups various missions. One way to build trust is for the Department to get involved in groups that serve the Village in other ways. The FPPD partners with many community-based organizations through community outreach programs and maintains an active relationship with local clergy.

(1) Hance Family Foundation – This charitable organization is named for three local girls named Emma, Allyson, and Katie Hance, who tragically died in a motor vehicle accident in 2009. Their parents established this organization in their memory to conduct programs that enhance self-esteem in kids and for many other good purposes. Our SRO collaborates with them regularly to deliver their incredible programs.

(2) Operation Safe Child – This is an initiative by the Nassau County District Attorney's Office that allows parents to sign their children up for identification cards with vital

- statistics, pedigree information, a fingerprint and photo. Our SRO conducts these programs several times throughout the year and public events and in the schools.
- (3) Feed Floral Park's Children** – This began during the 2020 COVID-19 pandemic. When students were unable to get meals through school because the districts were closed, this organization, with the collaboration of numerous local restaurants, filled the void. Our SRO regularly helped to distribute food to local children and families in need.
- (4) Nassau County Heroin Prevention Task Force** – The Floral Park Police Department sends two representatives to this Task Force, the SRO, and the Community Outreach Unit Lieutenant. The stated purpose of the Task Force is to “form a partnership of community, social and government agencies dedicated to reducing the demand for heroin in our communities; to educating our citizens of the prevalence of the heroin problem, the signs and symptoms of addiction, and the resources available; to eliminating drug-related crime in our communities, through public education, advocacy, media, law enforcement, and legislation” (heroinprevention.org). Through monthly meetings and other activities, the Department can network, form partnerships, gain intelligence and serve the Village better insofar as any narcotics-related incidents, education, and prevention.
- (5) Girl Scouts, Brownie Scouts and Boy Scouts** – The SRO attends meetings and delivers lessons related to all the topics in his curriculum portfolio. The scouts are frequently invited for tours of Police Headquarters, and as is the case with so many SRO programs, early relationships and bonds with Village children pay later dividends when they get older.
- (6) Floral Park Indians Youth Sports League** – The SRO attends meetings of players and coaches and updates them on police activities. Additionally, the Department CPR/AED/Tourniquet instructors provide training in their subject areas.
- (7) Floral Park Youth Council** – The SRO attends events hosted by the Floral Park Youth Council and provides mentoring and instruction about topics as requested by the Council. It cannot be stated enough: building early relationships with community youths pays dividends later in life. The bond of trust that is built creates good citizens who follow laws and rules.
- (8) Mothers' Clubs, Women's Clubs and Others** – There are several clubs that represent various Village constituencies. From social organizations to fraternal and charitable clubs, they reach a wide swath of Village residents. They often invite members of the Outreach Unit to speak on topics important to them.
- (9) Civic Associations** – There are four Civic Associations, the Hillcrest, Northside, West End and Southside Civic Associations, representing the four geographic areas of the Village. The Village's police officers regularly attend and address these civic

associations to keep the residents informed and to receive feedback on issues of concern from the residents.

d) *Partnering with Students and Schools*

The Department's School Resource Officer is certified by the National Association of School Resource Officers ("NASRO") and New York State. He spends a large amount of time embedded into our schools providing a large catalog of instruction. The Department serves the Sewanhaka Central High School District ("SCHSD") at our local high school, Floral Park Memorial High School. We also serve the Floral Park-Bellerose School District ("FPBSD") at two local elementary schools: The Floral Park-Bellerose School and the John Lewis Childs School. The Department also serves one parochial K-8 school named Our Lady of Victory. Additionally, the Department serves several early childhood education centers: My First School, Bright Horizons Nursery and Kiddie Academy. Important aspects of the SRO's presence in the schools include lockdown drills, blue light drills, evacuation drills and fire drills. Additionally, the Unit Lieutenant and the SRO are members of the standing Safety Committees of the SCHSD, the FPBSD and building-level committees.

(1) Substance Abuse Education – The SRO designs lesson plans geared toward prevention and abstinence from illicit drugs. Lessons concern side effects, criminal penalties, decisions and consequences and other concepts. The lessons are delivered to all grades, with specific information directed to specific grade levels based on age and grade as appropriate.

(2) Internet Safety – One of the biggest perils of the Internet is that children cannot always get away from it. If there is an online bully or stalker or ill-intended other person, that person can "follow" the child home remotely. Problems with people on the internet do not stop at school walls. Additionally, children's trust level is heightened when using computers because they are often taught how much computers help society. It is with this in mind that School Resource Officer lessons stress privacy, information retention and involvement of parental safety-nets like controls on usage, etc. These lessons are delivered on grade-appropriate scales to both children in school, as well as their parents during after school meetings.

(3) Bullying and Good Citizenship – A perennial request from our schools is to deliver lessons in good citizenship and anti-bullying. All grades get some form of these lessons, designed to stress that differences should not be the cause of children being made fun of or ostracized. The SRO stresses that as a micro-community, these classes should work together for common goals and help each other get through school as friends.

- (4) Halloween Safety and Stranger Danger** – Stranger danger lessons emphasize not getting into cars, examples of scams that ill-intended people commit (i.e., “help me find my dog...”) and the dangers of communicating with people unknown to you. Because Halloween is a day that kids often get mixed signals (i.e., knocking on strange doors and asking for treats), these lessons are often delivered together. However, the remaining months of the academic calendar stress the paramount importance of safety for younger grades when they are out in public with their friends. Communications with parents, how to call for help and other safety measures are large parts of these lessons.
- (5) Halloween Trick or Treat Police Uniform Inspection** – Additionally, the Department hosts this event annually at Police Headquarters. Children are invited to “appear in your best police uniform costume” and are given prizes. Children are all given a prize, whether in a police uniform costume or not.
- (6) Home Safety** – With so many of our community’s parents both working, we have found that our community’s children spend some amount of time home alone during the week. Our SRO has developed lessons that teach kids about answering telephones and the front door, as well as best practices for using and carrying house keys. Stressing how to call 911 for help and how to find safe hiding places in their houses is also part of the lesson.
- (7) Bicycle and Pedestrian Safety** – Every day, hundreds of local youths traverse our streets both on bicycles and on foot. Providing a program of instruction to buttress that which has already been taught to them by their parents and guardians has the intended result of lessening bicycle and pedestrian injuries by children. Bicycle safeguarding is also taught to these children, because unlocked and unsecure bicycles are tempting targets for criminals.
- (8) College Preparation** – Statistics show that when youths go to college, they experiment with their new-found freedom. They take chances and liberties that, while a natural part of growing up, place them in dangerous situations. The Department’s SRO provides lectures on safety in dorms, licensed premises, parties and on campus. This is also an opportunity to remind students of previous lessons related to drug and alcohol use and abuse. It is important to the Department that our Village children come home safely from their college experiences.
- (9) Driver’s Education** – Driver’s Education programs are conducted by the SCHSD. The SRO is invited to sessions each semester to lecture students about proper interactions with the police when they are new drivers, safety precautions, texting and driving dangers and many other topics. This pays off dividends when we see young drivers who are respectful and safe on the road.

6. Police Department engagement in crowd control

The FPPD engages with the public and large crowds positively and constructively during many different types of community wide (and beyond) gatherings in which the Village either hosts or participates. No matter the event, the objective is always to maintain the peace and order of the Village.

Examples of events requiring the FPPD to handle large crowds include:

- (1) Large, annual celebratory events, often bringing thousands of participants to our parks and other venues: Christmas tree lighting and holiday festivals; children's and women's cancer tributes; a salute to our police officers and first responders; St. Baldrick's and Liz's Day Foundation cancer fundraising days; Hance Foundation Family Fun Days; and Memorial and Veterans Day commemorative ceremonies.
- (2) Parades including our newest, very popular feature, auto parades: Memorial Day, Floral Park Memorial High School Homecoming, Little League, and our elementary schools' Olympic Day, Halloween and graduation parades.
- (3) Street fairs/Block parties: Chambers of Commerce, Belmont Stakes Day, and ongoing throughout our local neighborhoods.
- (4) Races and runs through our Village streets sponsored by the Knights of Columbus and Hance Family Foundation (1 mile and 5K run/walks)
- (5) Belmont Stakes Day when thousands of residents and visitors to the Village celebrate in our neighborhoods, patronize our businesses, and access Belmont Park through our local streets. At the end of the races, the entire Floral Park Police Department is deployed to reroute thousands of vehicles exiting Belmont Park through designated Village streets. Following precise, comprehensive multi-agency planning (FPPD, NCPD, NYPD, NYRA and others) and FPPD execution, thousands of vehicles safely exit the Village to regional highways within several hours.

It is the policy of the Floral Park Police Department to protect individual rights related to assembly and free speech, effectively manage crowds to prevent loss of life, injury, or property damage; and minimize disruption to persons who are not involved.

As some protests across the country had descended into violence and criminal activity, resulting in injuries, property damage and theft, every precaution was taken to ensure the safety of all, including protesters, bystanders, residents, businesses, and police.

This past summer, the Village of Floral Park Police Department responded to three large rallies in June and July, held in the wake of George Floyd's death. The command staff worked diligently to evaluate police response following each event and quickly implemented improvements for the next.

The utilization and coordination of available outside police resources were crucial to the command staff in deploying the field force necessary to maintain order and manage contingencies. Contact was made and additional manpower was available from external police agencies that provided mutual aid to the Floral Park Police Department to assist with maintaining order during this event.

For example, during the first event, the Floral Park Police Department was able to form task force of 68 police officers with its law enforcement partners from the following agencies:

- Nassau County Police
- Metropolitan Transportation Authority Police
- New York State Police

Additionally, the FPPD coordinated with the Floral Park Fire Department and the Floral Park Department of Public Works to ensure the security of all protesters, bystanders, and police officers, while protecting the residential, commercial, and public property in the area.

The strategies employed were aimed at taking away the visual element of having a large show of force, that could lead to confrontation, and assist with de-escalating violence. Where possible, the FPPD engaged the event organizers in discussions and preparations. There were no arrests or reports of violence or property damage.

SECTION III.

FOSTERING COMMUNITY-ORIENTED LEADERSHIP, CULTURE AND ACCOUNTABILITY

1. Leadership and Culture

The qualifications for Office of Commissioner of Police are contained in Chapter 25 of the Code of the Village of Floral Park. The Commissioner of Police shall be appointed by the Mayor of the Village, which appointment shall be approved by the Board of Trustees and shall serve at the pleasure of the Board, all in a manner consistent with the provisions of the Village Law.

The ranks below the Commissioner of Police are generally governed by Civil Service Lists. Nassau County Civil Service administers tests for the titles of Police Officer, Sergeant, and Lieutenant. Following those exams, Civil Service establishes a list based upon the scores, ranking the highest scoring candidate first on the list for selection. With respect to the position of Police Officer, preference in appointment is given to candidates from the Civil Service list who are residents of the Village. See page 55 for further information on the Recruitment process.

Individuals are selected for the rank of Detective by the Commissioner of Police based upon the needs of the Department and the community. The Commissioner consults with other members of his Executive Staff, community representatives and stakeholders depending on the particular position being filled.

2. Tracking and Reviewing Use of Force and Identifying Misconduct

a) Use of Physical Force:

The use of force by members of law enforcement is a matter of utmost concern both to the public and the law enforcement community itself. When faced with a situation where the use of force is objectively reasonable under the circumstances, the guiding values of the Floral Park Police Department shall be those principles set forth, as well as the paramount objective of reverence for the sanctity of human life. In all cases, the primary duty of all Members of the Department is to protect human life and provide for the safety of the community. Force is authorized when reasonably believed to be necessary:

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

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

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

- (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 option;
- Determination of a suitable course of action;
- 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.

It is stressed to members of the FPPD that any law enforcement officers 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 FPPD Use of Force Policy (refer to POL §300 annexed hereto as Exhibit D) (and which is also available on the Village Police Department webpage: www.floralparkpolice.org) was written in recognition of the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires a careful balancing of all interests. It should be recognized that the use of physical force is occasionally necessary to gain control of aggressive individuals, reluctant to submit to lawful police authority. However, the use of deadly physical force by a police officer in the line of duty is a very rare occurrence. It has been several decades since a member of the Department has had to deliberately discharge a weapon at someone. Compliance has historically been gained before this has had to happen. The Department remains fortunate in this regard.

b) Use of Force for Punitive or Retaliatory Reasons

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

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

c) Chokeholds and Other Restrictions on Breathing

The FPPD Use of Force Policy states the following:

- Any application of pressure to the throat, windpipe, neck, or blocking the mouth or nose of a person in a manner that may hinder breathing, reduce intake of air or obstruct blood circulation, is prohibited unless deadly physical force is authorized.²

² NY Penal Law § 121.13-a establishes the crime of Aggravated Strangulation.

Chokeholds or similar applications of pressure to the throat, windpipe, etc., are limited to deadly physical force situations (i.e., life and death struggle necessary to save the life of an officer or other).

d) Use of Deadly Physical Force:

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

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

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

The NCPD generally prohibits the firing of rounds at or from moving vehicles unless the deadly force being used against the officer is other than the vehicle itself. Every incident where an officer fires their weapon at a moving vehicle is fully investigated pursuant to the Department's use of force policy.

e) Reporting:

Members of the Department shall notify their immediate supervisor as soon as possible of instances involving the use of force. Following involvement in any such incident, members are required to complete FPPD Form 258, the Use of Force Report (annexed hereto as Exhibit D). Use of force incidents are reviewed by the Deadly Use of Force Review Board.

The Deadly Use of Force Review Board has been established to evaluate and report findings on incidents involving the use of deadly force. This three (3) person board is comprised of the Commissioner of Police (chairman), the Operations Lieutenant, and the Village Attorney. This board is responsible for reviewing, investigating, evaluating and making recommendations for all incidents involving the following use of deadly force by a Member of the Department:

- An intentional firearm discharge at a human being, or

- An unintentional firearm discharge causing injury to another, or
- The use of force, intentional or otherwise, causing serious physical injury or death to another, or
- Any other incident involving the use of force for which the Commissioner of Police directs a review.

A Deadly Use of Force Team was created by the NCPD and will respond to all use of force incidents that meet the aforementioned criterion. The Deadly Use of Force Team conducts a full investigation into the circumstances surrounding the shooting and will generate a report submitted to the Commissioner of Police. Thereafter, if warranted, discipline and/or retraining may occur.

In addition to the Deadly Use of Force Review Board, deadly use of force incidents are also reviewed by the Administrative Lieutenant and Training Staff.

The FPPD is cognizant of the importance of collecting and maintaining data related to use of force incidents in order to identify possible trends, identify areas where training may need to be expanded or supplemented, and have the ability to provide this information to the community.

f) Tracking:

- The use of force reports will be examined to determine trends in weapons used, outcomes, reasons for usage, and where and when force is being used.
- The FPPD requires the monitoring of any officer who has received three (3) or more civilian complaints within a one-year period.
- The Police Commissioner will review all use of force reports to determine if there appears to be any irregularities that might indicate a cause for concern.

If an officer has a high number of use of force complaints, an internal review is conducted with possible disciplinary action. If the review deems the incident criminal, an external review is conducted by the District Attorney's Office. As of April 1, 2021, the Attorney General will have the right to review and investigate all matters of excessive force.

g) Complaint Tracking

The Floral Park Police Department holds its members to a high standard of professionalism. The Commissioner of Police is responsible for the complete investigation of civilian complaints, which is an essential function to ensure compliance with established rules, ethical standards, and Department policies and procedures.

The following applies to the source of civilian complaints:

(1) Individuals from the public may make complaints in any form, including:

- In writing,
- By email,
- In person or
- By telephone.

(2) Anonymous and third-party complaints will be accepted and investigated to the extent that sufficient information is provided.

(3) Tort claims and lawsuits may generate a personnel complaint.

Civilian complaints are documented using the following categories: excessive use of force, false arrest, improper tactics/procedures, neglect of duty, police impersonator, racial/ethnic bias, unlawful conduct, unprofessional conduct, violation of department rules, and other.

Complaints are provided with a civilian complaint number for their records and tracking purposes. Investigative findings are provided to complainants who choose to provide their contact information.

Within three (3) business days of filing a complaint, complainants are contacted by a supervisor to acknowledge receipt of the complaint and establish contact information.

If the complaint involves alleged criminality, the matter is referred to the District Attorney's Office for an investigation and possible criminal prosecution prior to any FPPD administrative proceeding.

Investigative findings are categorized as follows:

- (1) **Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.
- (2) **Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.
- (3) **Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.
- (4) **Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

The Commissioner of Police, pursuant to § 25-6 of the Code of the Village of Floral Park has the authority to discipline a member of the Department by:

- (1) Reprimand.

- (2) Fine;
- (3) Suspension, with or without pay;
- (4) Dismissal or removal from the force;
- (5) Demotion

Members with a designated number of complaints within a twelve-month period trigger an automatic alert that requires mandatory follow-up by a Lieutenant within thirty (30) days.

•The Standards of Conduct for all members of the Floral Park Police Department prohibits are outlined in Policy 320., which, among other things, prohibits the following behavior:

- (1) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
 - (2) Unreasonable and unwarranted force to a person encountered or a person under arrest.
 - (3) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
 - (4) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
 - (5) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the Village.
- All recently promoted sergeants are required to attend a month-long training session at the academy. At this supervisor training, all new sergeants are informed of “respondeat superior” liability, which simply means that they will likely be held responsible for the actions of their subordinates. Accordingly, they are urged to respond to all calls where there is the potential for misconduct or risk personal liability and/or department discipline thereafter.
 - All complaint investigations now have a thirty (30) day completion requirement unless a valid reason is given for an extension.
 - **In accordance with the repeal of section 50-a of the New York State Civil Rights Law and the amendments to Article 6 of the New York State Public Officers Law (Freedom of Information Law), founded complaints and dispositions thereof will be made available to the public as required by law.** The Police Department’s Administrative Lieutenant has been tasked with providing the appropriate information to the public when requested.
 - Beginning April 1, 2021, the Attorney General’s Law Enforcement Misconduct Office has the authority to investigate police department complaints concerning matters such as corruption, fraud, excessive force, criminal activity, conflicts and abuse.

3. Citizen Oversight and Other External Accountability

a) Citizen Oversight

Many larger law enforcement entities have some form of civilian oversight entity.³ Unlike citizen advisory boards, such as the Floral Park Police Reform Committee (FPPRC), which are designed to encourage dialogue and community connection, these entities may have the power to:

- Review investigative findings of internal police investigations
- Conduct their own investigations
- Leverage various investigative tools, such as subpoenas, and/or
- Impose discipline

While some groups advocate giving oversight entities wide-ranging authority over police conduct, the National Association for Civilian Oversight of Law Enforcement (NACOLE) recommends that police departments select the least intrusive civilian oversight entity that is able to accomplish its desired goal.⁴ Moreover, they advise municipalities should consider the “characteristics of the population, law enforcement agency, statutes, and collective bargaining agreements when deciding what type of system will best suit your community’s unique needs and resources.”⁵

In 1829, Sir Robert Peel established the London Metropolitan Police Force. He became known as the “Father of Modern Policing,” and his commissioners established a list of policing principles that remain as crucial and urgent today as they were two centuries ago. Although all of these principles are relevant, Principle 7, which states *“Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence,”* can best describe the model of policing adapted by the FPPD and prevalent in the Village of Floral Park. The FPPD fosters a close relationship with the stakeholders of the Village. The people of our Village have a strong proprietary interest in its continued success and care deeply about their neighbors in need. This attitude is reflected in

³ “Police Oversight by Jurisdiction (USA).” National Association for Civilian Oversight of Law Enforcement. https://www.nacole.org/police_oversight_by_jurisdiction_usa.

⁴ National Association for Civilian Oversight of Law Enforcement, Civilian Oversight of Law Enforcement, A Review of the Strength and Weaknesses of Various Models (http://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1481727977NACOLE_short_doc_FINAL.pdf?1481727977).

⁵ *ibid*

continued active involvement of our residents in local organizations and programs, charitable causes, our schools, and our local Village government.

Section §4-400 of the New York State Village Law, provides for civilian control of our Police Department through the Village Mayor. The law states it is the responsibility of the mayor: (1) to provide for the enforcement of all laws, local laws, rules and regulations and to cause all violations thereof to be prosecuted (Subdivision 1b); and (2) to exercise supervision over the conduct of the police and other subordinate officers of the Village (Subdivision e). Through Section §25-6 of the Code of the Village of Floral Park, these powers, and other powers necessary to effectively discharge these duties, are delegated to the Commissioner of Police. The Mayor maintains responsibility to supervise the proper discharge by the Commissioner of the obligations placed upon him or her by the NYS Village Law.

Additionally, Chapter 25 of the Village Code (Commissioner of Police), adopted by the Board of Trustees of the Village of Floral Park on July 10, 1984, abolished the position of Chief of Police and established the Office of Commissioner of Police. Although both positions function similarly in managing the day to day operations of the department, setting policy, establishing discipline, etc., the Commissioner of Police is appointed to a two-year term of office by the Mayor, approved by the Board of Trustees and serves at the pleasure of the Board consistent with the state Village Law. Comparatively, Police Chiefs enjoy civil service protection, and their employment can be terminated only with cause or through resignation. Essentially, the Police Commissioner provides civilian oversight, answerable to the elected Mayor and Board of Trustees.

Furthermore, Section §8-804 of the New York State Village Law (Discipline and Charges) authorizes the Village Board to adopt and make rules and regulations for the examination, hearing, investigation and determination of charges, made or preferred against any member or members of the Police Department. The Commissioner of Police is authorized by Section §25-6 of the Village Code (Powers and Duties) to promulgate rules and regulations governing the operation of the Police Department, subject to the prior approval of the Mayor and Board of Trustees. The Commissioner also exercises supervision, control and direction over the conduct of the members of the FPPD, and of all matters relative to the operation of the Department, including the appointment, promotion, change in status and removal of said members.

Ultimately, the Village Board has the right, subject to applicable provisions of the New York State Civil Service Law and the Collective Bargaining Agreement with the PBA , to discipline a member of the police department for just cause by reprimand; fines; loss of vacation or personal days, suspension without pay, demotion or dismissal. Moreover, officers accused of criminal activity may be investigated by the Nassau County District Attorney's Office, and As

of April 1, 2021, the State Attorney General will have the right to review and investigate all matters of excessive force.

b) New York State Law Enforcement Agency Accreditation Program – LEAAP

Accreditation is a progressive and contemporary way of helping police agencies evaluate and improve their overall performance. It provides formal recognition that an organization meets or exceeds general expectations of quality in the field. Accreditation acknowledges the implementation of policies that are conceptually sound and operationally effective. The Division of Criminal Justice Services (DCJS) administers the New York State Law Enforcement Agency Accreditation Program (LEAAP), which provides structure and guidance for police agencies to evaluate and improve overall performance in areas such as administration, training, and operational standards. The program encompasses four principal goals:

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

The Accreditation Program is comprised of a set of standards developed to further enhance the capabilities of an agency, and is divided into three categories. Standards in the Administrative section have provisions for such topics as agency organization, fiscal management, personnel practices, and records management. Training standards encompass basic and in-service instruction, as well as training for supervisors and specialized or technical assignments. Operations standards deal with such critical and litigious topics as high-speed pursuits, roadblocks, patrol, and unusual occurrences.

Accredited agencies must meet minimum standards, considered “best practices” in the field, which promote a high degree of professionalism and public confidence. The Floral Park Police Department is committed to becoming an accredited agency under this program. It is available at no cost to our Village, and the Floral Park Police Department has made an application to become accredited by the New York State LEAP Program (LEAP). Our participation is considered to be a valuable part of our community policing plan.

LEAP has been the measure of excellence in law enforcement for more than two decades. The program provides law enforcement professionals with a means for establishing and implementing policies and procedures that deal with the most critical aspects of policing. The

program also requires that agencies evaluate their practices on a regular basis, thereby improving the overall effectiveness of the agency and the performance of their staff.

The LEAP program is voluntary – law enforcement administrators who wish to have their agency participate complete an application and participation agreement and then begin the process of developing policies and procedures to comply with the 133 standards that have been established. After undergoing a rigorous on-site assessment, agencies that are successful receive formal recognition that their agency meets or exceeds the established standards of professionalism and excellence in the field of law enforcement. Certificates of Accreditation are displayed with pride and a sense of accomplishment as becoming an accredited agency is no small task.

Currently the Department has completed many of the 133 standards and our goal is to become an accredited Police Department in the near future. The Law Enforcement Accreditation Program process is aspirational. The Department is endeavoring to comply with each of its dictates, or standards. The process is lengthy and ongoing. If we ultimately do not get accredited for administrative reasons, that is not a reflection of the Department's professionalism. However, the process will still make us better.

4. Foster an atmosphere of openness and transparency.

The FPPD seeks to foster an atmosphere of openness and transparency through community policing initiatives, programs and training as well as through engagement with local community-based organizations and media outlets. The Police Commissioner and his command staff routinely communicate with community groups to discuss current events, incidents, initiatives, training, and guiding principles. The FPPD also has a presence through its website and on social media enabling it to convey police news and events through these outlets. With an approximate direct outreach of about 5,000 people, this audience can often increase to over 15,000 people through the sharing of posts. The Floral Park Police Department recognizes accountability and transparency as core components of building community and uses the following outlets to foster an atmosphere of openness to the public:

(1) Public Access Media Productions – The Village is served by 4 Village Studio. “Four Village Studio is a ‘Government Access’ television facility producing community interest programming. All 4VS programs are non-commercial and emanate from a governmental, educational, or cultural derivation. Studio programs attempt to inform, educate, and entertain viewers while promoting the diverse talents and contributions of community groups, organizations, and individuals. Established studio practices and policies dictate

what types of programs can be produced" (4VS.org). Since 2015, the Department has aired over 18 shows entitled "FPPD: Behind the Badge." These shows have been about topics such as Bullying, Texting and Driving, Car Stops, Drugs, Narcan, Autism and many more. They are all available online for streaming. Several have won public-access television awards at regional conferences. This enables the Department's reach to extend past the patrol cars and into people's homes. In January 2021, we produced a show on the CRASE program with our two firearms instructors and the Unit Lieutenant.

(2) Social Media – The FPPD Facebook and Twitter accounts are used to broadcast important information whether it is road closures, weather emergencies or construction issues. Additionally, "Traffic Tip Tuesday" is used to remind people of Vehicle and Traffic Laws. Additionally, these outlets have been a great outlet to publish noteworthy accomplishments of the Department and its members, and recently to publicize job opportunities within the Department. The aim with this initiative is to increase ways through which residents can communicate with the Department and vice-versa.

(3) Website – The FPPD website (www.floralparkpolice.org) can be an invaluable source of information about the department. Information provided on a department's website includes:

- Crime data
- Traffic ticket data
- Traffic crash data
- Community policing/crime prevention programs
- Annual reports
- Contact information
- Department press releases
- **Specific Department directives of interest such as the *Use of Force Policy*.**

Additionally, the website provides a convenient portal to access:

- Traffic Crash Reports that may be purchased online, and
- The FPPD Alarm Management Program, where burglar alarm users may manage their accounts, and pay fees and fines.
- Recently, the Department has partnered with *Public Safety Solutions* which has provided a portal that:
 - (1) Simplifies residents' ability to **register cars in relationship Village to Overnight Parking Regulations.**
 - (2) **At-Risk Residents:** allows police officers to gather and store information on individuals that may need special assistance. The elderly, special needs individuals, and people on the autism spectrum are some of the people that may benefit from this platform, as names, addresses, physical descriptions,

photos, medical histories, and forms of communication can be readily accessed by police.

- (3) **Vacation Watch:** allows officer to have access to a list of homes that have requested that their homes be put on a watch list for a determined period of time.
- (4) **Pet Data Management:** allows pet owners to create entries of registered pets, and even upload photos for recognition.
- (5) **Bike Data Management:** allows bicycle owners to create entries, registering their bicycles, and uploading photos for easy recognition of found or stolen.
- (6) **Condition Report:** allows residents to report issues such as streetlight outages, potholes, and other non-emergency conditions to make police aware and manage such issues more efficiently.
- (7) **Business Contact Information:** including names, addresses, phone numbers, cell phone numbers and 2nd & 3rd contact people can be stored in case of an emergency situation. Police and Fire Departments have immediate access to this information which can change the course of action necessary.

a) *Engage the community in a true partnership to address crime and disorder issues.*

The Floral Park Police command staff meets regularly with local community leaders and stakeholders to discuss crime topics and strategies at various meetings held by local organizations. These groups, such as civic associations and chambers of commerce, provide an opportunity for police and residents to work together in addressing public safety issues and quality of life complaints. Some of these groups have their meeting dates, times and locations published online on the Floral Park Village Website:

- <https://fpvillage.org/community/civic-associations/>
- <https://fpvillage.org/community/cultural-and-environmental/>
- **Civic Group Liaisons** – The Village has four civic associations that meet monthly. They are organized by geographic region in the Village: Northside, Southside, West End and Hillcrest. The Unit Lieutenant attends the Northside Civic and Hillcrest Civic monthly. Another Lieutenant regularly attends the Southside Civic Association meetings. We send representatives to the West End Civic Association when invited. Current events, police activity and statistical reports are typically presented. This is always followed by a question-and-answer period. The department began this initiative over fifteen years ago and it has done a great deal to build rapport and relationships with Village residents.

b) Treat every contact as an opportunity to engage positively with a community member.

Treating every contact with a community member as an opportunity for positive engagement is a concept addressed in the FPPD's training curriculum and emphasized with its members.

c) Measure social cohesion and work to develop relationships and reevaluate metrics of community policing success

FPPD compiles and reports on crime statistics and crime data and measures trends to determine the success and need for reallocating resources.

d) Incorporate community policing measures into the performance evaluation process.

Performance evaluations are an important part of the personnel administration of any police department and is an important and necessary component of the New York State Law Enforcement Agency Accreditation Program. As part of the NYS Accreditation process, the FPPD is modifying and formalizing its evaluation process. .

DRAFT

SECTION IV.

RECRUITING AND SUPPORTING EXCELLENT PERSONNEL

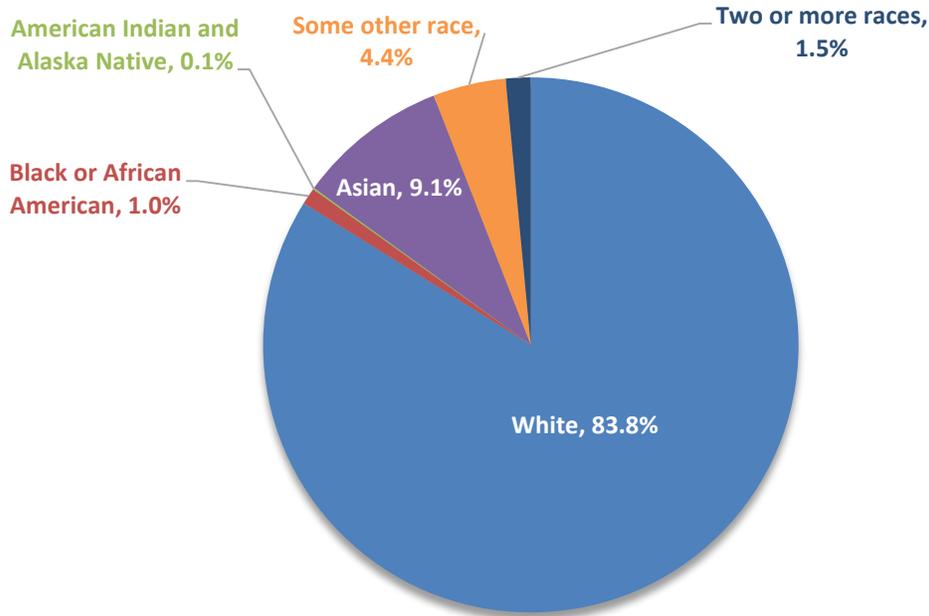
1. Recruitment:

The Nassau County Civil Service Commission administers the entry level Police Officer examination for and is responsible for coordinating all phases of the qualifying process for law enforcement positions for our agency and most other agencies in the county. Any person wishing to become a Police Officer in Floral Park, must take the Nassau County Police Test, which is administered approximately every four years and is dependent upon the needs of the Department. Currently, there is no scheduled test date. In an effort to create a more diverse Department, the FPPD promoted the last Police Officer Civil Service Exam on the Police Department's website, and through social media platforms. Our SRO and patrol officers will continue to encourage and the youth in the community to consider a career with our agency as we engage them through public contacts.

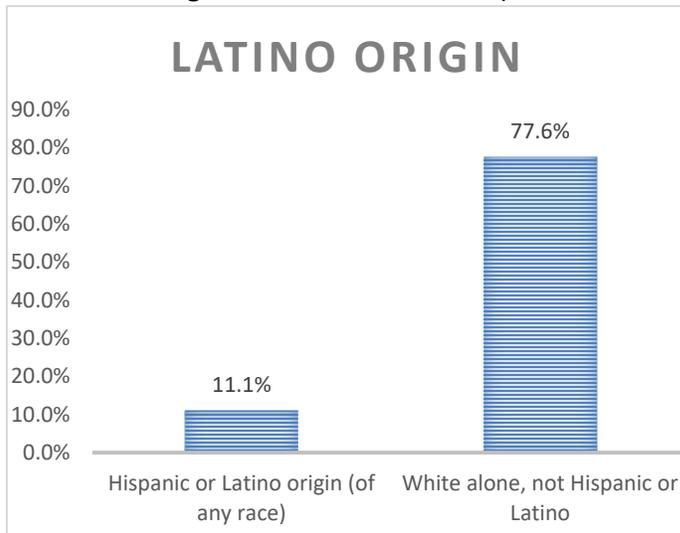
- Individuals interested in becoming a police officer may sign up to take the next police officer exam by calling 1-800-RECRUIT. A recorded message provides prospective applicants with additional information on upcoming tests and instructions on how to apply to take the test.
- Interested individuals can also obtain information about upcoming tests through the information that will be published on the FPPD or NCPD website or by scanning the QR code provided on informational pamphlets distributed in the community by the Nassau County PD.
- Residents of the Incorporated Village of Floral Park who pass the written exam will be placed ahead of those who are non-residents on the civil service list. Candidates are required to pass a physical agility test, psychological exam, polygraph test, and undergo an investigation conducted by the Nassau County Police Applicant Investigation Unit.
- Interviews are then conducted by the Police Commissioner along with the administrative staff of the Department, and the Village Board of Trustees. As per Civil Service law, the Village may select 1 person out of the top 3 candidates. Such characteristics as previous police experience, and educational background are weighed heavily when making a final selection for open position.
- Civilian positions have been posted on our social media platforms. Interested parties have expressed interest online, and then submitted applications to the Village Clerk.

- **Demographics of the Village of Floral Park⁶**

VILLAGE OF FLORAL PARK DEMOGRAPHICS 2019 ESTIMATE - RACE



According to estimates provided by the United States Census Bureau, the Village of Floral Park is becoming more diverse. Although the overall population remains predominantly “White” (83.8%), this figure has decreased compared to the 95.5% figure reported in the 2000 census.

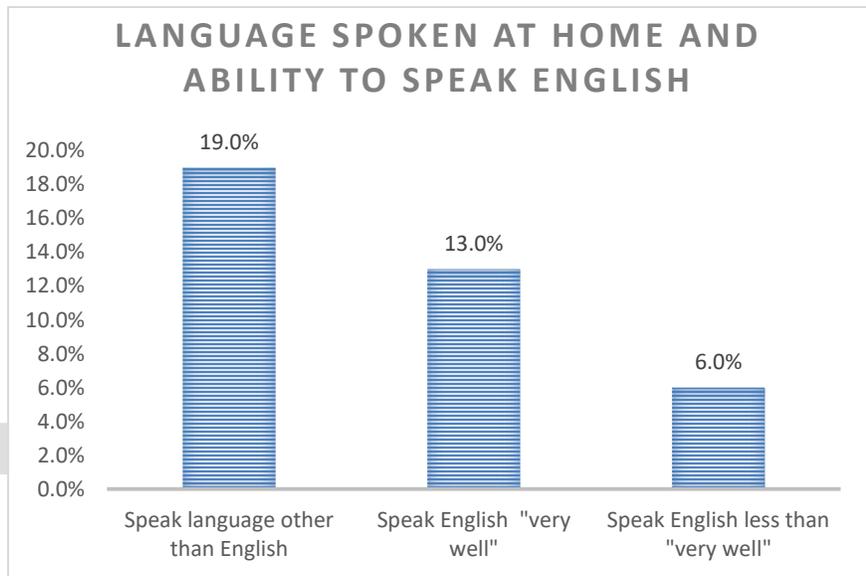


Over the past 20 years, those reporting an “Asian” background has grown from 2.6% to 9.1% of the population, and those reporting a “Black or African-American” background has grown from 0.4% to 1% of the population. Additionally, those reporting “Hispanic or Latino” origin has grown from 3.5% of the population in 2000 to 11.1% of the population in 2019.

⁶ United States Census Bureau. (n.d.). *American Community Survey 2019, Floral Park Village, New York*. Data.Census.Gov. Retrieved February 7, 2021, from <https://data.census.gov/cedsci/table?g=1600000US3626264&tid=ACSST5Y2019.S0601&hidePreview=true>

Corresponding with this figure was a decrease in those reporting to be “White alone, not Hispanic or Latino” from 92.3% of the population in 2000 to 77.6% of the population in 2019.

Those who reported “Speaking a language other than English” rose from 14.7% of the population in 2000 to 19% of the population in 2019. Whereas 4.2% of the population reportedly spoke English “Less than “very well”” in 2000, that figure has grown to 6% of the population in 2019.



The Floral Park Police Department is committed to responding to these demographic changes as they develop. As previously stated, our officers will continue to encourage youths of all backgrounds who reside in the Village of Floral Park to consider a career with our agency. Having the ability to effectively communicate with our residents is of the utmost importance to accomplish our mission. As increased diversity may hinder communication through associated language problems, our agency will undoubtedly require a workforce that is equipped with the resources necessary to keep the lines of communication open. This includes hiring employees, civilian and sworn, with proficiency in languages other than English. It will also require the initiation of additional training, coordination, and the use of innovative technology to assist our members with maintaining an acceptable level of understanding that will ensure the safety of all stakeholders in our Village.

- **Agency Personnel Report**

The New York State Uniform Crime Reporting Program requires each agency to submit an Agency Personnel Report annually. The report reflects the personnel support of each law enforcement agency in the state as of October 31st of each year. It collects counts of full-time and part-time sworn and civilian employees by race, ethnicity, and gender. The tables below exhibit the information that was most recently submitted to New York State and reflect a snapshot of the personnel data of the Floral Park Police Department as it existed on October 31, 2020.

Personnel Characteristics	RACE											
	Full Time						Part Time					
	White		Black		Other		White		Black		Other	
	M	F	M	F	M	F	M	F	M	F	M	F
Sworn Subtotal	30	2	0	0	0	0	0	0	0	0	0	0
Civilian Subtotal	3	7	0	1	0	1	0	7	0	0	0	0
Total	33	9	0	1	0	1	0	7	0	0	0	0

Personnel Characteristics	ETHNICITY							
	Full Time				Part Time			
	Hispanic		Non-Hispanic		Hispanic		Non-Hispanic	
	M	F	M	F	M	F	M	F
Sworn Subtotal	0	0	30	2	0	0	0	0
Civilian Subtotal	1	1	2	8	0	1	0	6
Total	1	1	32	10	0	1	0	6

EMPLOYMENT STATUS SUMMARY			
Sworn		Civilian	
Full Time Male	30	Full Time Male	3
Full Time Female	2	Full Time Female	9
Part Time Male	0	Part Time Male	0
Part Time Female	0	Part Time Female	7
Total	32	Total	19

2. Training

As we move further into the 21st century, it has become obvious that police training must become more comprehensive and focus on relevant issues related to public safety and service to the community rather than solely on mechanical and technical aspects of policing. Research indicates that police officers spend only 10 percent of their time on criminal-related matters and the remaining 90 percent on a variety of service-related calls. As previously displayed in in of this report (*Table 1: Calls for Service*, page 5), Floral Park is no different. Moreover, the evolving police role includes working with the community to solve the root causes of crime and disorder, and police officers frequently engage in proactive problem-solving and crime prevention activities in the Village. Because of the increased contact police officers have with citizens, they must receive training in such areas as interpersonal skills, ethnic diversity, drug and alcohol awareness, and domestic violence. The training staff of the Floral Park Police Department is committed to institute a

comprehensive training program that encourages effective learning and supports the community focused mission of the agency. They emphasize problem-centered learning in order to impart knowledge of the prerequisites necessary to ensure contemporary methods of policing are practiced pervasively throughout the agency.

In an effort to enhance accountability, codifying the efforts of training members of the Floral Park Police Department has become essential. The training staff of the Department believe in the importance of training professional police officers and, as such, plan accordingly. Lesson plans for all relevant subjects are approved by the Police Commissioner and uploaded into PowerDMS, the Department's electronic policy, procedure, and records repository. Staying on the vanguard of statutory changes, legal developments, technology, and trends, is the number one imperative of the training faculty because well-informed and well-trained police officers serve their public at an optimal level.

The following is a list of recent and forthcoming training being conducted by the training staff of the Floral Park Police Department, and being provided to all members of the agency. It includes a curriculum that focuses on relevant issues as well as mechanical and technical aspects of policing.

a) *Firearms Training*

Each year, the Department schedules at least two eight-hour firearms training tours for the members of the Department. In June of 2020, this training was conducted at the Freeport Revolver and Rifle Range over the course of five 8-hour tours. Each member of the Department was transitioned back to the 9mm pistol platform and duly qualified on the same. Techniques were reviewed and drills were conducted. Newly-issued firearms were inspected, tested, and issued. In brief, the Department transitioned back to the 9mm caliber (from .40 caliber) based on research conducted by the Department firearms instructors. Studies by the FBI and other organizations have shown that the 9mm bullet is as effective at stopping a subject as the .40 caliber round. However, these studies have shown that police officers are more accurate with the 9mm round because of its relative size to the .40 caliber bullet.

Members are set to re-qualify again in June of 2021 at the Freeport Revolver and Rifle Range over the course of four 8-hour tours. Each member of the Department will re-qualify on the 9mm pistol platform as well as Patrol Rifles. Techniques will be reviewed, and drills will be conducted. Firearms will be inspected and tested.

b) *Police Executive Research Foundation (“PERF”) Integrating Communications, Assessment and Tactics (“ICAT”) Training*

Because of the various issues related to police use of force that have overcome many municipalities nation-wide this year, LT. Doherty and Sgt. Mayo have researched and adopted the PERF ICAT program. Essentially, this program provides tools for police officers to defuse critical incidents and view all police-citizen interactions through the prescriptive lens of the “Sanctity of Human Life.” Topics such as the “tactical pause” to slow down police officers’ need to use force and communications skills when dealing with the mentally ill are at the foundation of this training program. The program consists of six modules related to ICAT, as well as a “Suicide by Cop” module. The Department provided this training to all members during the Fall of 2020. Over the course of three 8-hour tours in late September and early October. The Department’s Use of Force policy was tailored to include verbiage that describes “Sanctity of Human Life” as being of paramount importance.

c) *Firearms and Domestic Violence Training*

As stated above, each year, the Department endeavors to provide at least two 8-hour firearms training tours for each member of the Department. In Fall 2020, the Department trained on the 9mm as well as low light firearms operations at Mitchell Field in Uniondale. Additionally, the Department conducted approximately 90 minutes of Domestic Violence training prior to the shooting exercises. This included an overview of domestic violence policy and statutory changes, as well as tactics. The remainder of this training tour was reserved for low-light shooting instruction.

Emphasis was placed on new statutes regarding the taking of firearms at certain domestic incidents, as well as victimology. Student officers were instructed in the importance of officer safety as well as victim well-being and the sociology of domestic violence incidents.

d) *TASER Training*

Because of the need to have as many tools as possible for the members of the Department to engage in policing safely, the Department previously submitted a plan for TASER implementation. The Department will need to have its own instructors for this curriculum. TASER instructor training is ongoing.

Beginning in March of 2021, the training staff will begin conducting an 8-hour training course with each member of the FPPD. Members of the department will be required to complete this training in order to permit them to carry this tool on patrol. Tactics and legalities involving this important less-lethal tool will be emphasized.

e) *Traffic and Criminal Software (TraCS)*

Traffic and Criminal Software (TraCS) enables police officers across New York State to perform many enforcement and administrative functions from a mobile computer inside the police patrol car. This enables them to remain on patrol, rather than having to come to the police station to finish mandated administrative duties. Police Officers can also complete a myriad of law enforcement forms in the vehicle and import case data directly into their records management system without having to be physically present in Police Headquarters.

Currently, there are over 500 agencies using TraCS and transmitting data electronically in New York State. According to New York State, TraCS transmits over 2,000,000 traffic citations and 300,000 motor vehicle accident reports annually. Electronic transmissions of tickets and crash reports continue to increase, which also allows statistical study of motor vehicle accidents, their causes and summons activity more easily.

The Floral Park Police Department intends to install this software in early 2021 and ensure that it uses this technology to its fullest capabilities.

f) *Performance Management: From Budgeting to Operations*

The Floral Park Police Department has previously partnered with the University of Louisville, Southern Police Institute (SPI) to bring courses associated with organizational management to our agency. These courses are designed to enhance the leadership and management qualities essential for effective planning, cooperation and service delivery and are provided at no cost to agencies willing to provide a location to co-host a course. Lt. McCarthy and Lt. Doherty are scheduled to attend this course in Performance Management which introduces two major areas that contribute substantially to managerial success: 1) understanding budgetary fundamentals, strategies and challenges as it relates to law enforcement agencies and 2) achieving value for money with a budget linked to operational performance. It is scheduled to be given at the Pool and Recreation Building in April 2021.

g) *FBI-LEEDA Supervisor Leadership Institute (SLI)*

Conceptualized to fill a void in the FBI executive training programs for municipal, state, and federal leaders of law enforcement agencies, the Law Enforcement Executive Development Association (FBI-LEEDA) continues to bring the best executive level training to law enforcement agencies throughout the world. The Supervisor Leadership Institute (SLI) is a dynamic, intensive and challenging five-day program specifically and uniquely designed for first-line supervisors and middle managers. Attendees are engaged in

personality diagnostics, leadership case studies, mentoring, developing your people, performance management, risk management and credibility. This institute is student-centered and rich in facilitated dialogue and group work.

The Suffolk County Sherriff's Office will be hosting a SLI course in September, 2021. The Floral Park Police Department will be assigning at least 1 officer to attend this program.

h) Reality-Based Training (RBT)

Reality-Based Training allows officers to engage in realistic scenarios they are likely to experience on patrol – from routine encounters with people on the street to high-risk situations with the potential for deadly violence. The training scenarios allow instructors to work with officers to review and evaluate their performance with the ultimate goal of improving decision-making skills, reactions, and responses for better outcomes on the street for officers and civilians. The hands-on training is designed to recreate the stress experienced by officers during those interactions.⁷ This type of training is imperative for the Department to provide its police officers with real-life scenarios that will be encountered on patrol. The training staff is planning to present this curriculum to members of the department this Fall, in October of 2021.

i) Instructor Development-Related Training

- LT. Doherty and Sgt. Mayo (accompanied by two other patrol sergeants and two police officers) attended a TraCS "train the trainer" seminar, in preparation for rolling out this software.
- Sgt. Mayo attended the National Tactical Officers' Association annual conference via a virtual platform.
- P.O. Pedley attended Sig Sauer Low Light Instructor training in New Hampshire.
- P.O. Hayes attended Sig Sauer Low Light Operator training in New Hampshire.
- Sgt. Mayo and P.O. Hayes attended a TASER Instructor school in October 2020. The Department intends to send LT. Doherty and P.O. Pedley to TASER instructor school in order to have more flexibility for re-training Department members annually.
- LT. Doherty and Sgt. Mayo attended a Force Science Institute Realistic De-Escalation Instructor course in December 2020. Force Science Institute is the preeminent international training entity on all aspects of police use of force. Both LT. Doherty and Sgt. Mayo have attended seminars hosted by Force Science Institute in the past. Within the next 18 months, LT. Doherty and Sgt. Mayo will

⁷https://www.criminaljustice.ny.gov/pio/press_releases/2017-10-25_pressrelease.html. NYS DCJS (Last accessed September 9, 2020).

host a Force Science Institute Use of Force Certification course. According to Force Science Institute: "Participants in the Force Science Institute's intensive five-day certification program uncover the unbiased truth and scientific realities surrounding officer performance under stress, action/reaction time, memory, decision-making and more aspects of complex, rapidly unfolding encounters."

- The Realistic De-Escalation Instructor Course examines complex concept of "de-escalation" and the many elements in determining its feasibility or effectiveness throughout the wide spectrum of encounters that face police. This police technique is a valuable tool for police officers on patrol, investigators and administrators tasked with review of force events. All these parties will need to determine to what extent using de-escalation techniques is feasible in specific high-pressure and rapidly unfolding encounters. This instructor course will allow the training faculty to bring this technique to the Department and deploy it accordingly.
- Department instructors that attend this course will learn how to support de-escalation efforts when personal connections can be made between officers and subjects. The instructors are provided with instruction in ways to help people in a state of mental health crisis, or whose perception of reality is altered. According to the host, Force Science Institute: "Law enforcement officers using the lessons from this course will be able to better manage human beings with better skills around establishing contact, building rapport and gaining influence to achieve police objectives."

3. Support Officer Wellness and Well-being

Members of the Floral Park Police Department, through the Nassau Police Conference (NPC), have access to personal guidance and support through their Member Assistance Program (MAP) and Peer Support Group consisting. Officers seeking help are encouraged to contact a member of the group or NPC Chaplain Rev. Joe D'Angelo for assistance.

The department seeks to ensure health and safety of their members. Lt. McCarthy and Lt. Doherty are instituting policies that include critical incident debriefings and facilitate group and individual crisis interventions should the need arise. Currently, the department is looking to assign a member as a liaison to the peer support team when appropriate and visits each command to ensure the health and healing of each member impacted.

EXHIBIT A: FPPD Strategic Management Plan 2015-2020

POLICE
FLORAL PARK

Floral Park Police Department

Strategic Management Plan
2015 - 2020

Stephen G. McAllister
Police Commissioner

Executive Summary



In recognition of our commitment to keep the Floral Park community informed and engaged, it is with great pride that I present to you the 2015-2020 Department's Strategic Plan.

Built upon input from our stakeholders within the community as well as within the Floral Park Police Department, this Strategic Plan is a proactive tool designed to provide guidance and structure for the Department to continually improve its service to the citizens of Floral Park. In recognition of the importance of this document in translating our Department's mission and values into goals and objectives, we have invested a considerable amount of effort into developing a plan that helps us continue to effectively allocate our limited resources on the most important issues facing our community. As such the following six strategic goals will provide us direction for the next five years:

- Prevent Crime, Reduce Fear and Control Disorder
- Improve Traffic Safety
- Prepare for Contingencies and Manage Public Emergencies
- Embrace and Integrate Technology throughout the Agency
- Maximize Resources and Provide Superior Service
- Develop and Retain a Quality Workforce

This plan does not cover everything that needs to be accomplished within the agency, but instead places focus on priority areas. Our Strategic Plan is not static in nature, but rather is designed to be a dynamic and flexible document that can evolve as the needs of our community change. The plan is designed with flexibility in mind while at the same time setting a foundation with consideration to best practices to guide the objectives and actions of the Floral Park Police Department over the next five years.

Collaboration is a cornerstone in the development of our six strategic goals and it will continue to be necessary for their successful implementation. This requires that we build upon the strong relationships that we have already formed within the community and continue to forge new relationships with others. Working together towards these common interests, we can ensure that we will be able to continue to provide a quality of service to our community that is the hallmark of the Floral Park Police Department. On behalf of the entire Floral Park Police Department, I would like to extend my gratitude to this community for its continued input and support.

March, 2015

Contents

Executive Summary i

Contents..... ii

Community Overview..... 1

Agency Profile..... 6

Our Principles 9

Our Purpose..... 10

Our Goals..... 11

Priority I – Public Safety..... 11

Priority II – Organizational Development..... 14

Community Overview

The Floral Park Police Department serves an area of jurisdiction that is at an urban cross-road.



The Department provides police services to the Incorporated Village of Floral Park. With a land area of about 1.4 square miles and a population of approximately 16,000, the village has a population density of about 11,600 people per square mile, making it the 15th most densely populated community in New York State, and 85th

most densely populated in the country. The total resident population increases with commuters working in the main business districts of the village; students attending and faculty working at the 3 elementary schools and 1 high school; and visitors either staying at the 107 unit Floral Park Motor Lodge, or visiting the numerous commercial establishments located within the community. The Village of Floral Park borders the New York City Borough of Queens to the north and west, the Village of Bellerose to the west, Elmont and the Village of South Floral Park to the south and Floral Park Centre and the Villages of New Hyde Park and Stewart Manor to the east.

Due to its geographical uniqueness, the Floral Park Police Department encounters most of the difficulties experienced by the larger departments that it borders. The Floral Park Police Department regularly assists the bordering Nassau



March, 2015 

County Police Department 3rd and 5th Precincts and New York City Police Department 105th Precinct when necessary. Such proximity to these commands, as well as the MTA Police that has jurisdiction of the Long Island Railroad that cuts a path through the village, and the Garden City Police Department whose jurisdiction lies about 7 blocks (½ mile) due east of Covert Avenue, requires close communication with these agencies.

Roads and Transit: The Long Island Railroad transports over 116,000 commuters each day

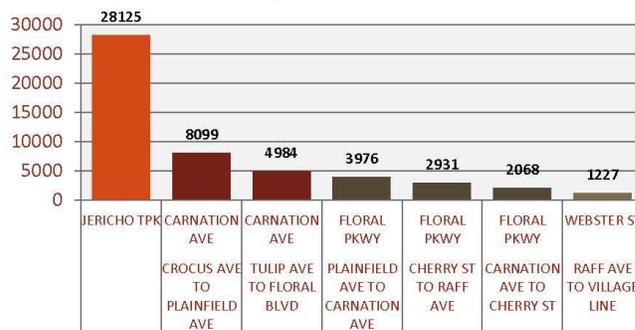


(2012 Long Island Railroad Ridership Book) who travel through the rail lines, including the Main Line and the Hempstead Branch, that bisect the Village of Floral Park. These same rail lines also service freight cars that transport cargo such as nuclear waste from Stony Brook to New Jersey. The Floral Park

Police Department routinely responds to emergencies on these

tracks, the rail cars that travel on them, as well as emergencies and calls for assistance at the two passenger stations, Floral Park and Bellerose, which are located within its jurisdiction. These stations provide LIRR access to commuters from Floral Park and surrounding communities as well with commuter lots located in the vicinity of the Floral Park Station. Located about 16.7 miles east of New York Penn Station, there are approximately thirty daily trains that stop at these stations that combined service about 4,000 passengers daily (2006 LIRR Origin and Destination Study: Floral Park – 2,991; Bellerose – 951). The railroad also operates a substation and interlocking junction between the Main Line and Hempstead Branch within the boundaries of Floral Park. The village is also serviced by other major bus routes including the Nassau Inter-County Express (NICE) N2, N8 and N24; and the New York City Transit Bus Q36.

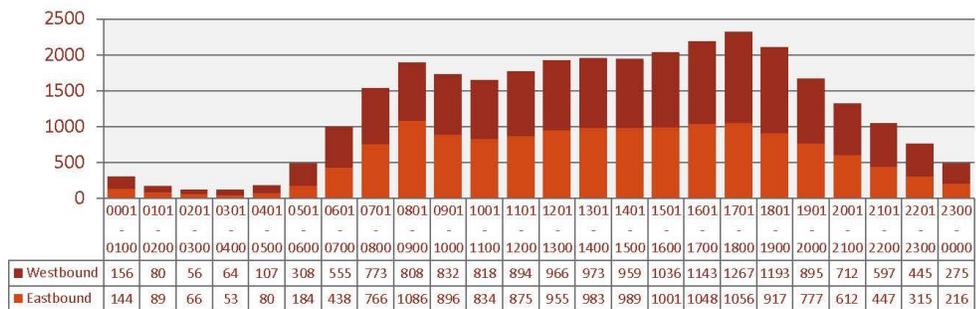
2009 AADT Report for Roads in Floral Park



March, 2015

Jericho Turnpike (NY 25) is a main artery maintained by the New York State Department of Transportation and a busy commercial corridor that transects the village. With an Annual Average Daily Traffic count (AADT) of over 28,000 motor vehicles per day between Little Neck Parkway and Lakeville Road (NYS DOT 2009 Survey), serves a main feeder route to the Cross Island Parkway which is located about one mile west of the village. Main Nassau County

Jericho Tpk Vehicle Count (2009)
Average Weekday Hours

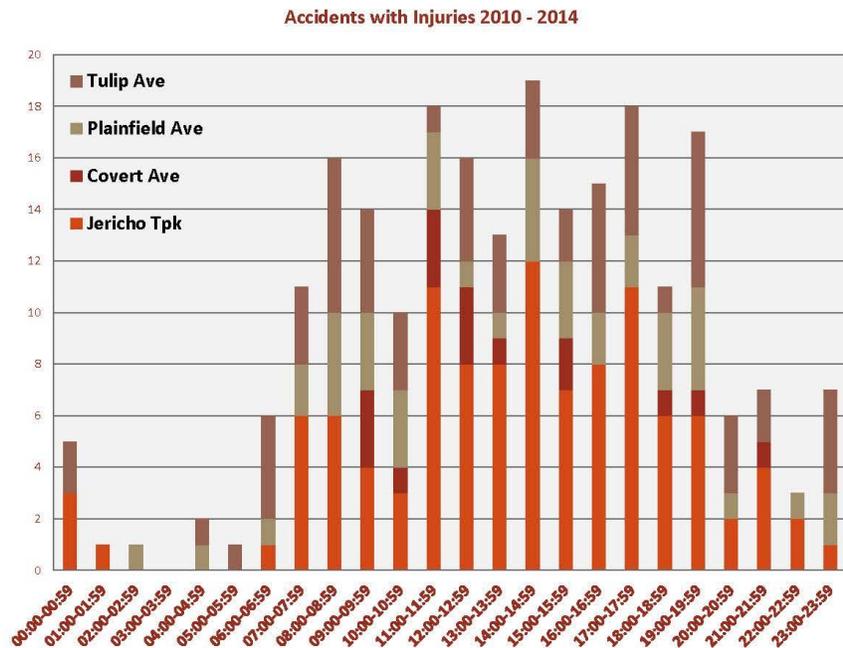


roadways such as Plainfield Avenue, Tulip Avenue and Covert Avenue (AADT 17,964 NYSDOT 2009), traverse the Village as well.

Plainfield Avenue serves as a major north-south route between Jericho Turnpike and Hempstead Turnpike. Because of its access to connecting routes to points on the south shore, it serves as a major commercial trucking route especially to large semi-trailer tanker trucks that transport fuel from the fuel terminal located in Inwood. Belmont Racetrack, a New York Racing Authority venue that conducts over 90 race-days and attracts hundreds of thousands of spectators annually, also lies partially within the Village of Floral Park and maintains a gate on Plainfield Avenue. The main gate to the racetrack is located on Hempstead Turnpike is located about one mile outside the village limits. In 2014 the Belmont Stakes

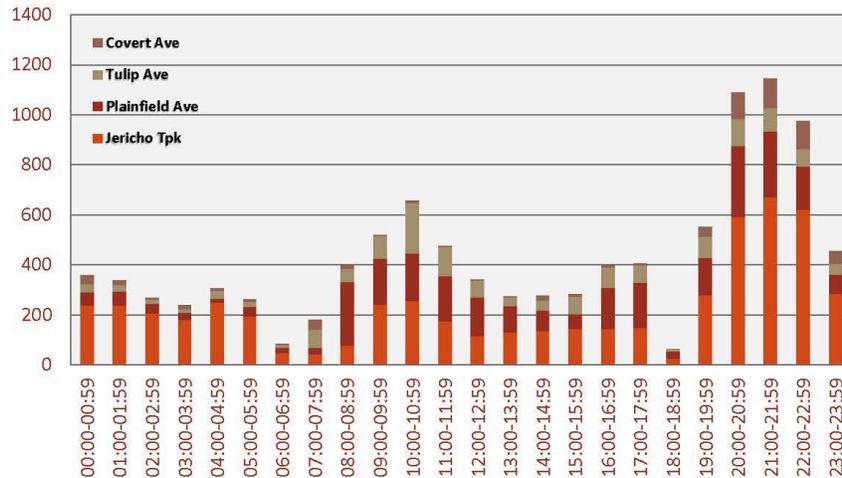


attracted more than 102,000 spectators many of whom traversed Floral Park roadways on their way to and from this international event. The Floral Park Police coordinates with the Nassau County Police, New York City Police, New York State Police, Belmont Security, and an array of additional governmental agencies each year and participates in the planning and execution of tasks necessary for this event to successfully take place.



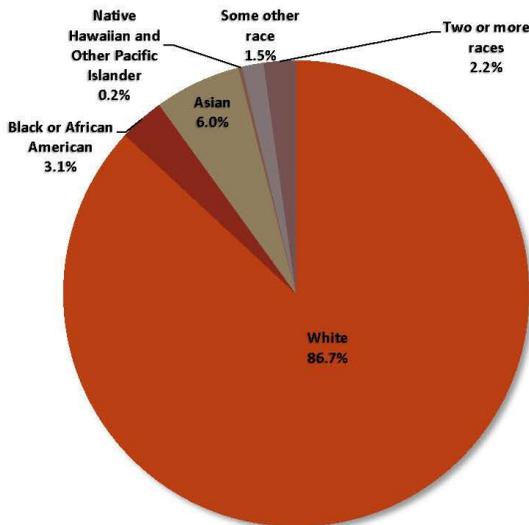
Of the 335 motor vehicle accidents with injuries occurring in Floral Park between 2010 and 2014, 231 (69%) involved vehicles traveling on these four roadways, with 110 (33%) occurring on Jericho Turnpike alone. With the greatest amount of traffic and accidents occurring on these roadways, enforcement actions are greatly focused upon them. Of the 12,760 traffic citations issued in Floral Park over the 5-year period, 10,358 (over 81%) were for violations observed on these roadways.

**All Citations Issued on Major Roads by Time of Day
2010 - 2014**



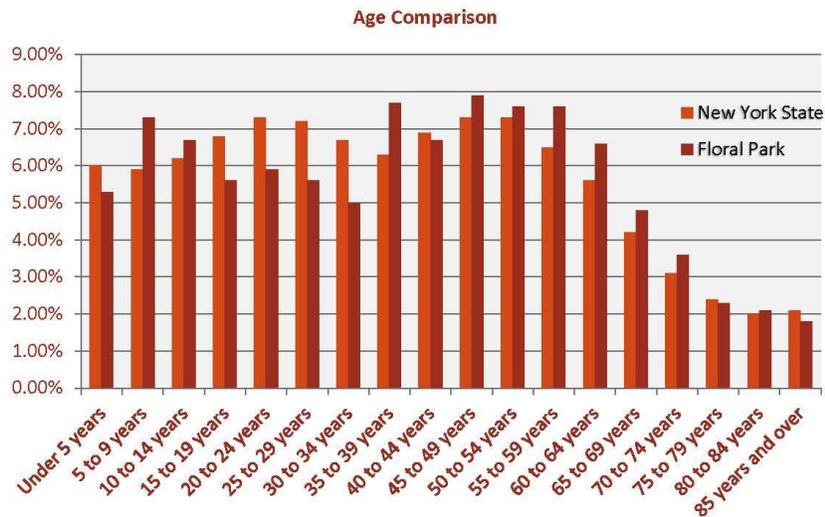
Critical Infrastructure: In addition to Long Island Railroad infrastructure, a Water Authority of Western Nassau pumping station, PSE&G substation, and Verizon telephone facility that houses all of the 911 emergency telephone lines and resources that service western Nassau County and eastern Queens County is located within the confines of the Village of Floral Park

Socio-Economic Climate:



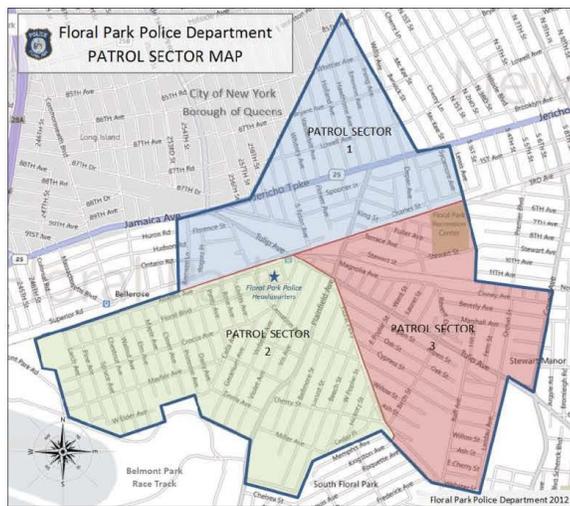
- Male - 48.3%
- Female - 51.7%
- Hispanic Origin - 9.9%
- High school graduates or higher – 94.5%
- Bachelor’s degree or higher – 43.4%
- Median household income - \$110,879
- People of all ages in poverty – 2.6%
- Unemployment rate - 4.6%
(New York – 5.2%, U.S. – 5.6%)
- Median Age – 40.6
- Speak English less than very well – 5.9%

March, 2015 



Agency Profile

At present, the Floral Park Police Department is commanded by a Police Commissioner and staffed with thirty-four (34) full-time sworn officers; including two (2) lieutenants, six (6)



sergeants, two (2) detectives, and twenty-four (24) police officers. There is also a staff of twenty (20) civilian employees; including one (1) communications supervisor, six (6) police communications operators, five (5) neighborhood aides, seven (7) part-time crossing guards, and one (1) part-time clerical aide. The Department is divided into three sectors. Each sector has a marked radio motor patrol car (RMP) assigned to it. There are also overlapping highway enforcement posts that cover the entire Village area when manpower allows. Additionally,

March, 2015

the supervisor of patrol utilizes a marked patrol vehicle while on patrol Village-wide.

While small in size, the mission of the Floral Park Police Department is grand in scope. In addition to responding to over 5,400 calls for service in 2014, ranging from emergency medical calls, crimes in progress, domestic incidents, and any other manner of police service that is requested; the Department conducts local criminal investigations and follow-ups, and cooperates closely with Nassau County 3rd Squad Detectives and specialized units on more serious criminal cases. The department provides a patrol force that is actively involved in the community and engages in all of the same police activities that are handled by the largest police departments with the added ability of being very close to the community served. Community policing and problem-solving guide the Department in its goals. Current initiatives include the Department’s *Setting Adolescent Values through Education and Deterrence (SAVED)* program that includes and assigned School Resource Officer, and Youth Court and Substance Abuse Coalition Initiatives.



Other initiatives include Community partnerships, and participation in the Drug Enforcement Agency (DEA) National Prescription Drug Take-Back Day and Community Overdose Prevention (COP) Program, and many more. Emergency Response Team program,

Enforcement initiatives have included annual participation the New York State *Stop DWI*, and *Click It or Ticket* seat belt enforcement programs. Local Team Led Policing enforcement activity typically includes infractions of the New York State Vehicle and Traffic Law (VTL), aggressive driving

intervention, texting and driving enforcement, DWI apprehension and prevention and road safety checkpoints. Additionally the Department uses marked patrol cars to aggressively combat larcenies from retail establishments located in the Jericho Turnpike corridor and in the Tulip Avenue and Covert Avenue business districts.

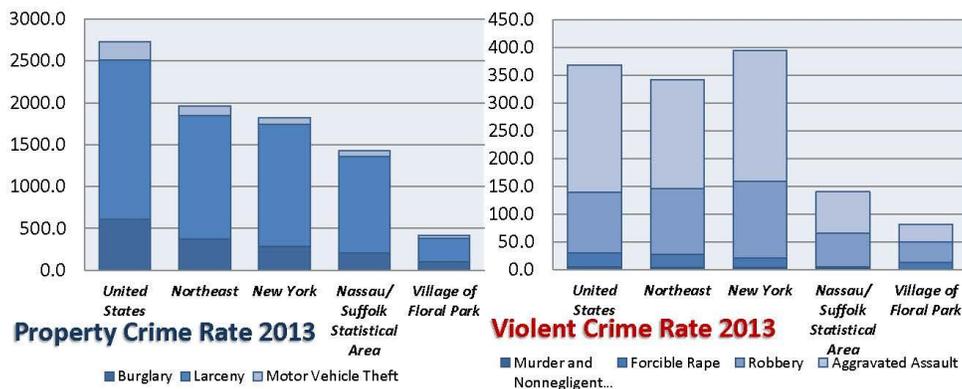
Specific attention is focused on quality of life offenses particularly along Tulip Avenue, which is a popular local nightspot consisting of several bars and restaurants licensed by the New York State Liquor Authority within walking distance of each other. Issues include assaults, disorderly behavior, underage drinking, and destruction of property. Licensed premises are monitored for violations of the Alcoholic Beverage Control (ABC) laws as well as local ordinances, with referrals

Major Crime Comparison 2013-2014				
	2013	2014	Chg	% Chg
Murder	0	0	0	0.00%
Forcible Rape	2	0	(2)	100.00%
Robbery	6	4	(2)	-33.33%
Aggravated Assault	5	3	(2)	-40.00%
VIOLENT CRIMES	13	7	(6)	-46.15%
Burglary	16	8	(8)	-50.00%
Larceny	45	36	(9)	-20.00%
Auto Theft	5	1	(4)	-80.00%
PROPERTY CRIMES	66	45	(21)	-31.82%
ALL INDEX CRIMES	79	52	(27)	-34.18%

being made and citations issued when necessary.

To date, the Floral Park Police Department has had much success in its crime prevention endeavors. In 2012, the Village of Floral Park was ranked the safest city with a population over 15,000 in New York State by *Safewise.com*. Additionally, in 2013 the Village ranked 3rd out of all cities in New York State in a survey conducted by *Safe Choice Security*, placing it in the 95th percentile of safety in the United States.

Problematic criminal activity includes larcenies from within motor vehicles and motor vehicle equipment, criminal trespass, bicycle theft, larcenies from retail establishments located in the Jericho Turnpike corridor and in the Tulip Avenue and Covert Avenue business districts, and occasional burglaries, robberies and motor-vehicle theft. When manpower permits, the Department uses marked and unmarked patrol cars to aggressively combat these issues.



The property crime rate for Floral Park in 2013 was 414.4, which means if the Village had a population of 100,000 there would have been 414.4 property crimes in that year. The violent crime rate for 2013 was 50.2. Comparatively, crime in the Village of Floral Park has remained consistently low when compared to national, regional, statewide and area crime rates. The Department reviews these statistics and shares this information with the community on its website, www.floralparkpolice.com.

Our Principles

Our Vision: It is the vision and goal of the Floral Park Police Department to continue to grow and adapt as our community changes, and to provide the highest level of service and protection to our citizens.

We will provide our officers with the tools and knowledge to meet and exceed all present and future needs of Floral Park within the scope of police services.



We will work in cooperation with our community to proactively address identified areas of needed improvement, and to continually provide the level of service and safety so deserved by the community we serve.

We will continue to seek new partnerships, new operational methods, and new technology, applying them enthusiastically when displaying a potential that would increase the effectiveness and efficiency of the police service we provide.

Our Mission: To work in partnership with the people of the Village of Floral Park in preventing crime, reducing fear and preserving the peace and order of the Village; while serving and protecting all persons, safeguarding their property and enhancing their quality of life, through professional, superior and compassionate policing.

Our Values:

- **Pride** - We take pride in offering our citizens a high level of service and protection, while courageously acting with a commitment to fairness and a continued alertness to improvement and innovation.
- **Integrity** - Integrity is the hallmark of the Floral Park Police Department as we are committed to the highest performance standards, ethical conduct and honesty in all our interactions. We accept individual responsibility and accountability for our actions and decisions, standing accountable to our community and co-workers with transparency.
- **Compassion** - We recognize that we are the strength to people that are physically injured, emotionally strained or have been victimized. We will offer those in need compassion, sympathy, kindness and understanding of the stress that they feel.



Our Priorities:

- I. **Public Safety** - Attaining results by focusing on goals that are critical to achieving our mission. They include:
 1. Prevent Crime, Reduce Fear and Control Disorder
 2. Improve Traffic Safety
 3. Prepare for Contingencies and Manage Public Emergencies
- II. **Organizational Development** - The Department seeks to enhance results by focusing on strengthening our organization. To ensure continuous improvement in our ability to achieve our mission the Department will:
 4. Embrace and Integrate Technology throughout the Agency
 5. Maximize Resources and Provide Superior Service
 6. Develop and Retain a Quality Workforce

Our Purpose

The Strategic Plan is a proactive tool that provides guidance in fulfilling our agency's mission with maximum efficiency and impact. The purpose of the Strategic Plan is to provide direction and continuity for the Floral Park Police Department to improve its service to the citizens of Floral Park. This five-year plan consists of six strategic goals.

Derived from the Department's mission and vision statements, the goals are broad, measurable categories that will each have a responsible party assigned to them, and when achieved move the organization closer to its stated vision. Under each goal are objectives that more clearly define the intent of the strategic goal. Objectives set specific measurable targets for each goal, and they are adaptable and can change over time. Each objective will have action items. The action items are specific activities which need to be completed in order to accomplish the objective, and may involve multiple initiatives or projects. The number of objectives and action items will vary depending upon the strategic goal.

This Strategic Plan will incorporate aspects of the four distinct categories of police innovation, including:

1. **Programmatic** – establishment of new operational methods that govern how resources are used to achieve particular results.
2. **Administrative** – changes in how the department prepares itself to conduct operations or account for their achievements. These include new ways of measuring the performance of an individual officer or the overall department as well as changes in personnel policies and practices such as new recruiting techniques, new training approaches, and new supervisory relations.
3. **Technological** – the acquisition or use of new capital equipment.



4. **Strategic** – representing important redefinitions of the primary objectives of policing, the range of services and activities supplied by police departments, the means through which police officers achieve their goals, and the key internal and external relationships that are developed and maintained by the police.

The focus will be upon the resources necessary to update the basic information technology systems and organizational structure, with the intent of making them complimentary to Community Oriented Policing (COP), and Problem-Oriented Policing (POP). This approach blended with aspects of Intelligence-Led (ILP), and Evidence-Based strategies and coupled with data-driven management models such as CompStat, acknowledge policing requires a focused, collaborative approach that is measurable; based on sound, detailed analysis; and include policies and procedures that promote and support accountability.

The guiding principles of, and all efforts in, this Strategic Plan will be:

- accomplished with a high degree of professionalism,
- encompassing of the Department’s mission, vision and values,
- considerate and open to potential partnerships to maximize resources, avoid duplication of services, and improve service to the community,
- designed and implemented with consideration to best practices,
- inclusive of all stakeholders and considerate of their input,
- thoroughly planned and reviewed by stakeholders before implementation,
- a benchmark for progress within our agency and a system of accountability, and
- evaluated and reported on an annual basis.

Our Goals

Our goals help us refine our priorities and expectations for performance. Goals are organized under their priority.

Priority I – Public Safety

Goal 1 – Prevent Crime, Reduce Fear and Control Disorder

Controlling crime and reducing the fear of crime is essential to our mission and the success of our community. In order to accomplish this goal, the department will apply many strategies developed through the **SMART Policing Initiative** (*Strategic Management, Analysis, Response, and Tactics – (SPI)*). The goal of the SPI is to **improve policing performance and effectiveness while containing costs**, an important consideration in today’s fiscal environment. Our strategy will leverage the principles of Community Oriented Policing (COP), Problem Oriented Policing (POP) and infuse Intelligence-Led Policing (ILP) and other evidence-based strategies, such as “hot spots” policing, into our operations. Our plan is intended to be a dynamic strategic process,

March, 2015



rather than a static strategic plan, allowing the department to quickly identify and adjust operational responses based on emerging criminal intelligence, patterns, and trends.

Initially our methods will be guided by the *Stratified Model of Problem Solving, Analysis, and Accountability*. This model provides an organizational structure that supports the institutionalization of problem solving, analysis, and accountability. Into the future, the department shall extend the potential of this model by exploring the use of a business intelligence system (BIS) to improve intelligence and performance measurement.

In connection with SMART Policing, the department will develop detailed response plans to address the more complex problems impacting public safety. These initiatives shall be based in research, directly support our mission, demonstrate our organizational values, and advance the principles of Community Oriented Policing (COP) and other applied strategies. The development and implementation of all operational initiatives will be monitored through a process based upon SMART policing principles.

Measurement: Performance will be measured through analysis of Federal Bureau of Investigations Part 1 Uniform Crime Report (UCR) statistics on an annual basis. This analysis will compare current year statistics to previous year trends, with the ultimate goal of achieving a reduction in crime rates. The analysis will also compare Floral Park's crime statistics against local, state, and federal statistics, with the aim of outperforming these benchmarks. Additionally, the department will use calls for service to 911 as a performance indicator. Our strategy is expected to reduce calls for service associated with both criminal incidents and nuisances.

Objectives: Annual work plans will provide specific objectives organized by the following focus areas:

- 1.1. Establish Effective Enforcement Initiatives
- 1.2. Enhance Investigative Initiatives
- 1.3. Engage the Community in Joint Problem-Solving & Crime Prevention Activities
- 1.4. Enhance Public and Private Partnerships with Community and Other Important Stakeholders
- 1.5. Improve Response to Community Needs and Expectations
- 1.6. Focus Resources on Visibility and Availability
- 1.7. Improve Public Awareness and Marketing

Goal 2 – Improve Traffic Safety

Improving traffic safety is essential to *protecting our community*, and it will be an on operational priority for the police department. The goal is reducing traffic crashes and crashes with serious injuries in our community. The department will implement the Data-Driven Approaches to Crime and Traffic Safety (DDACTS) model to accomplish this goal. Similar to our crime prevention strategies, DDACTS relies heavily on analysis to drive operational response and cost-

March, 2015



effectively compliments our “hot spots” crime prevention strategies, assigning officers to enforce traffic laws at the times and locations where traffic crashes and criminal activity are most prevalent.

As a method of supporting the reduction of crashes and reducing the seriousness of crashes in our community, the department shall also advance DWI, Commercial Vehicle, Texting and Driving, and Safety Belt and Child Restraint education and enforcement.

Measurement: Annual analysis of traffic crash statistics, traffic citations issued, and DWI arrests, with an expected reduction in crash rates and crashes with serious injury rates.

Objectives: Annual work plans will provide specific objectives organized by the following focus areas:

- 2.1 Reduce Traffic Crashes
- 2.2 Reduce Incidents of Driving While Intoxicated
- 2.3 Increase Safety Belt and Child Restraint Use
- 2.4 Increase Awareness of Commercial Vehicle Laws

Goal 3 – Prepare for Contingencies and Manage Public Emergencies

Improving the police department’s ability to respond and manage public emergencies, including natural disasters, acts of terrorism, and civil disturbances, is imperative in *protecting our community*. The department shall improve readiness and response capability to these public emergencies.

Measurement: Performance will be measured by the implementation of a comprehensive all hazards emergency response plan, a civil disturbance response plan, and demonstration of incident command proficiency. The department shall conduct an annual assessment of readiness to respond to public emergencies.

Objectives: Annual work plans will provide specific objectives organized by the following focus areas:

- 3.1 Enhance Major Incident Preparedness and Response Strategies
- 3.2 Coordinate with Federal, State and Local Agencies to Improve Incident Command Structure
- 3.3 Enhance Distribution of Necessary Information to the Public in the Event of a Major Incident
- 3.4 Prepare for Civil Disturbances

Priority II – Organizational Development

Goal 4 – Embrace and Integrate Technology throughout the Agency

Building community collaboration is the foundation of community oriented policing, and it is imperative to the achievement of our public safety mission. The goal is to build partnerships that expand our resources, contribute to solving community problems, and empower our residents.

Measurement: Performance will be measured by the number of partnerships and participation, as well as the recorded impact of these partnerships towards obtaining our public safety goals.

Objectives: Annual work plans will provide specific objectives organized by the following focus areas:

- 4.1 Enhance Use of Data to Improve Analysis and Decision Making
- 4.2 Enhance Mobile Computing Communications Systems
- 4.3 Focus on Automation of Administrative Systems and Processes

Goal 5 – Maximize Resources and Provide Superior Service

The purpose of this goal is to strengthen organizational performance through continuous evaluation and improvement. In order to meet this goal, the department shall advance the strategic management process, so that it evolves as a dynamic process rather than a static plan. The goal also requires that we maintain professional standards and develop policy that supports our operational priorities. Likewise, we must maintain prudent fiscal management practices that maximize efficiency and provide the resources necessary to achieve our mission.

Measurement: Performance will be evaluated based on completion of objectives provided in the annual work plans, and by our organization's ability to achieve operational priorities.

Objectives: Annual work plans will provide specific objectives organized by the following focus areas:

- 5.1 Develop and Maintain Professional Standards
- 5.2 Establish Processes and Systems for Accountability and Compliance
- 5.3 Analyze and Implement Cost Saving Programs and Best Practices in Fiscal Management
- 5.4 Improve and Maintain Operational Efficiencies
- 5.5 Improve and Maintain Existing Facilities and Equipment
- 5.6 Enhance External Communication and Cooperation with Outside Agencies and Resources

Goal 6 – Develop and Retain a Quality Workforce

The purpose of this goal is to develop the performance of our employees, so that they are contributing positively and purposefully to the achievement of our mission. This will be accomplished by investing in core competency training, leadership development, and supporting our employees.

Measurement: Strengthening member performance will be measured by completion of objectives specified in this plan and by measuring individual achievement (i.e. awards, advanced training, certification, and education, etc.) and skills proficiency ratings (testing results, performance evaluations, etc.) compared to previous years.

Objectives: Annual work plans will provide specific objectives organized by the following focus areas:

- 6.1 Enhance Recruiting Efforts
- 6.2 Enhance Work Life Environment
- 6.3 Develop Employee Competency and Capabilities
- 6.4 Enhance Job Satisfaction and Productivity
- 6.5 Improve Leadership Capability

EXHIBIT B: FPPD Vehicle Pursuit Policy (POL307)



Floral Park Police Department

POLICY

Policy Manual

307

TITLE

§307 VEHICLE PURSUITS

DISTRIBUTION	RELATED ORDERS OR DIRECTIVES	RESCINDS
All Members		All Previous Directives
NYLEAP STANDARD(S)	TOTAL PAGES	REVISION
43.4, 43.5	16	

307.01. PURPOSE AND SCOPE¹

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

307.01 (1) DEFINITIONS²

Definitions related to this policy include:

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

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

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

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

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

ISSUING AUTHORITY	SIGNATURE	EFFECTIVE DATE	PAGE
Commissioner of Police		01/23/2021	1 of 16

TITLE	EFFECTIVE DATE	POLICY
Vehicle Pursuits	01/23/2021	307

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

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

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

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

307.02. POLICY³

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

307.03. OFFICER RESPONSIBILITIES

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

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

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

307.03 (1) WHEN TO INITIATE A PURSUIT⁴

TITLE	EFFECTIVE DATE	POLICY
Vehicle Pursuits	01/23/2021	307

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

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

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

307.03 (2) WHEN TO TERMINATE A PURSUIT⁵

TITLE	EFFECTIVE DATE	POLICY
Vehicle Pursuits	01/23/2021	307

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

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

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

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

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

307.04. PURSUIT VEHICLES

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

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

TITLE	EFFECTIVE DATE	POLICY
Vehicle Pursuits	01/23/2021	307

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

307.04 (1) VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

307.04 (2) PRIMARY PURSUIT VEHICLE RESPONSIBILITIES⁶

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

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

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

Until relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate

TITLE	EFFECTIVE DATE	POLICY
Vehicle Pursuits	01/23/2021	307

otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

[For procedures for Primary Pursuit Vehicles, refer to the Floral Park PD Procedure Manual: 300.1 Primary Pursuit Vehicle Procedures](#)

307.04 (3) SECONDARY PURSUIT VEHICLE RESPONSIBILITIES⁷

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

307.05. PURSUIT DRIVING

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

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
- (c) Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.

TITLE	EFFECTIVE DATE	POLICY
Vehicle Pursuits	01/23/2021	307

1. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
2. As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
 3. Request assistance from available air support.
- (d) Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
- (e) Request other officers to observe exits available to the suspect.
- (f) Notify the Nassau County Police, New York City Police or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (g) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

307.05 (1) PURSUIT TRAILING

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

307.05 (2) AIR SUPPORT ASSISTANCE

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

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

TITLE	EFFECTIVE DATE	POLICY
Vehicle Pursuits	01/23/2021	307

307.05 (3) OFFICERS NOT INVOLVED IN THE PURSUIT

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

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

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

307.06. SUPERVISORY CONTROL AND RESPONSIBILITIES⁸

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

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

- (a) Immediately notifying involved officers and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.

TITLE	EFFECTIVE DATE	POLICY
Vehicle Pursuits	01/23/2021	307

- (h) Ensuring that the Patrol Supervisor is notified of the pursuit, as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing Floral Park Police Department officers when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.

307.06 (1) PATROL SUPERVISOR RESPONSIBILITIES

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

The Patrol Supervisor shall review all pertinent reports for content and forward them to the Operations Commander.

307.07. THE DISPATCH CENTER

If the pursuit is confined within the Village limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved officers should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

307.07 (1) RESPONSIBILITIES⁹

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

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Patrol Supervisor as soon as practicable.

TITLE	EFFECTIVE DATE	POLICY
Vehicle Pursuits	01/23/2021	307

(g) Assigning an incident number and logging all pursuit activities.

307.08. LOSS OF PURSUED VEHICLE

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

307.09. INTERJURISDICTIONAL CONSIDERATIONS¹⁰

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

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

307.09 (1) ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

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

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

307.09 (2) PURSUITS EXTENDING INTO THIS JURISDICTION

TITLE	EFFECTIVE DATE	POLICY
Vehicle Pursuits	01/23/2021	307

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

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

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

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

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

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

307.10. PURSUIT INTERVENTION¹¹¹²

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

307.10 (1) WHEN USE IS AUTHORIZED

TITLE	EFFECTIVE DATE	POLICY
Vehicle Pursuits	01/23/2021	307

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/ supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

307.10 (2) USE OF FIREARMS

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

307.10 (3) INTERVENTION STANDARDS¹³

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public’s safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or others.
2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of safety to those involved or the public.
4. The suspect vehicle is stopped or traveling at a low speed.

TITLE	EFFECTIVE DATE	POLICY
Vehicle Pursuits	01/23/2021	307

5. Only law enforcement vehicles should be used in this tactic.
 - (b) The PIT is limited to use by properly trained officers with the approval of a supervisor and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.
 - (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
 1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.
 - (d) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
 - (e) Tire deflation devices should be deployed only after notification of pursuing officers and the supervisor of the intent and location of the intended deployment, and in a manner that:
 1. Should reasonably only affect the pursued vehicle.
 2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
 3. Takes into account the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle.
 4. Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.
 - (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle

TITLE	EFFECTIVE DATE	POLICY
Vehicle Pursuits	01/23/2021	307

is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public.

307.11. CAPTURE OF SUSPECTS

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

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

307.12. REPORTING REQUIREMENTS

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

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

TITLE	EFFECTIVE DATE	POLICY
Vehicle Pursuits	01/23/2021	307

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

307.13. REGULAR AND PERIODIC PURSUIT TRAINING

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

¹ NYSLEAP – 43.4
² NYSLEAP – 43.5
³ Ibid
⁴ NYSLEAP – 43.4(a), 43.4(b)
⁵ NYSLEAP – 43.4(g)
⁶ NYSLEAP – 43.4(b)
⁷ NYSLEAP – 43.4(c)
⁸ NYSLEAP – 43.4(e)
⁹ NYSLEAP – 43.4(d)
¹⁰ NYSLEAP – 43.4(h)
¹¹ NYSLEAP – 43.4(f)
¹² NYSLEAP – 43.5

TITLE	EFFECTIVE DATE	POLICY
Vehicle Pursuits	01/23/2021	307

¹³ *ibid*

EXHIBIT C: FPPD Hate Crimes Policy (POL319)



Floral Park Police Department

POLICY

Policy Manual

319

TITLE

§319 HATE CRIMES

DISTRIBUTION	RELATED ORDERS OR DIRECTIVES	RESCINDS
All Members		All Previous Directives
NYLEAP STANDARD(S)	TOTAL PAGES	REVISION
44.2	10	

319.00. PURPOSE AND SCOPE

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

319.00 (1) DEFINITIONS

Bias incident - an offense or offenses against a person or property, which appear to be motivated, in whole or in part, by the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of the victim.

Hate crime - A specified offense, as defined in Penal Law § 485.05, committed or intended to be committed in whole or substantial part because of a belief or perception regarding the race, color, religion, national origin, gender, sexual orientation, gender identity, disability, ancestry, religious practice or age of a person, regardless of whether that belief or perception is correct.

Age - At least 60 years old (Penal Law § 485.05).

Disability - A physical or mental impairment that substantially limits a major life activity (Penal Law § 485.05).

319.01. POLICY

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

ISSUING AUTHORITY	SIGNATURE	EFFECTIVE DATE	PAGE
Commissioner of Police		01/23/2021	1 of 4

TITLE	EFFECTIVE DATE	POLICY
Hate Crimes	01/23/2021	319

319.02. PREVENTION AND PREPARATION

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

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

319.03. INVESTIGATIONS

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

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further, as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable
- (c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.
- (e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.
- (f) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (h) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked "Hate Crime."
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid.

TITLE	EFFECTIVE DATE	POLICY
Hate Crimes	01/23/2021	319

319.03 (1) DETECTIVE UNIT RESPONSIBILITIES

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

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

319.03 (2) SPECIFIC NOTATIONS

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

319.04. TRAINING

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

- (a) Guidance for the investigation of hate crimes available through the New York State Division of Criminal Justice Services.
- (b) The components of Penal Law § 485.05 and Penal Law § 485.10 and related case law, including:
 - 1. Notice that the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the suspect, the victim, or both the suspect and the victim does not, by itself, constitute legally sufficient evidence of a hate crime.
 - 2. Notice that the mere mention of a bias remark does not make an incident bias motivated, just as the absence of a remark does not make an incident without bias.
 - 3. An explanation of how enhanced sentences relate to the specified offenses on which they are based.

EXHIBIT D: FPPD Use of Force Policy (POL300)



Floral Park Police Department

POLICY

Policy Manual

300

TITLE

§300 USE OF FORCE

DISTRIBUTION	RELATED ORDERS OR DIRECTIVES	RESCINDS
All Members		All Previous Directives
NYLEAP STANDARD(S)	TOTAL PAGES	REVISION
20.1, 21.1(a), 21.1(c), 21.2, 21.2(c), 33.1	10	

300.01. PURPOSE AND SCOPE¹

Law enforcement officers around the country and here in New York State are authorized to use reasonable and legitimate force in specific circumstances. Federal constitutional and state statutory standards dictate when and how much force can be used. This policy is founded in these standards but is not intended to be an exhaustive recitation of state and/or federal legal framework governing use of force. The policy is designed to provide guidance to individual agencies as they develop their own use of force policies in accordance with Executive Law §840(4)(d)(3).

This policy is not intended to endorse or prohibit any particular tactic, technique, or method of employing force. Separate policy guidance and training should be provided for each of the available force instrumentalities made available to officers.

300.01 (1) DEFINITIONS

Definitions related to this policy include:

Objectively Reasonable – An objective standard used to judge an officer’s actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.¹

¹ Graham, 490 U.S. 396 (1989)

ISSUING AUTHORITY	SIGNATURE	EFFECTIVE DATE	PAGE
Commissioner of Police		09/29/2020	1 of 10

TITLE	EFFECTIVE DATE	POLICY
Use of Force	09/29/2020	300

Deadly Physical Force – Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.²

Physical Injury – Impairment of physical condition or substantial pain.³

Serious Physical Injury – Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.⁴

300.02. POLICY

The federal and state standards by which use of force is measured are both founded in the basic premise of objective reasonableness.⁵ The amount of force that is used by the officers shall be the amount of force that is objectively reasonable under the circumstances for the officer involved to effect an arrest, prevent an escape, or in defense of themselves or others. The standard of objective reasonableness, established by the United States Supreme Court in *Graham v. Connor*, is used in this policy and is intended to provide officers with guidelines for the use of force, including deadly physical force.

As the Supreme Court has recognized, this reasonableness inquiry embodies “allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.”⁶

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

2 NY Penal Law § 10 (11) (McKinney 2013)

3 NY Penal Law § 10 (9) (McKinney 2013)

4 NY Penal Law § 10 (10) (McKinney 2013)

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

6 *Graham v. Connor*, 490 U.S. 386 at 396 (1989).

TITLE	EFFECTIVE DATE	POLICY
Use of Force	09/29/2020	300

300.02 (1) DUTY TO INTERCEDE

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

300.03. USE OF FORCE¹

- (a) In general terms, force is authorized to be used when reasonably believed to be necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one’s self or another.⁷
- (b) Under the 4th Amendment, a police officer may use only such force as is “objectively reasonable” under the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene.⁸

300.03 (1) USE OF FORCE TO EFFECT AN ARREST

- (a) It is not a use of force when someone allows him/herself to be searched, escorted, handcuffed or restrained.

300.03 (2) FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at the time of the event.⁹

Factors that may be used in determining the reasonableness of force include, but are not limited to:¹⁰

- (a) The severity of the crime or circumstance;¹¹

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

⁸ Graham, 490 U.S. at 396 (1989)

⁹ NY Penal Law and § 35.30(1) (McKinney 2013)

¹⁰ Graham, 490 U.S. at 396 (1989)

¹¹ Ibid

TITLE	EFFECTIVE DATE	POLICY
Use of Force	09/29/2020	300

- (b) The level and immediacy of threat or resistance posed by the suspect;¹²
- (c) The potential for injury to citizens, officers, and suspects;¹³
- (d) The risk or attempt of the suspect to escape;¹⁴
- (e) The knowledge, training, and experience of the officer;¹⁵
- (f) Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects;¹⁶
- (g) Other environmental conditions or exigent circumstances.¹⁷

300.04. USE OF DEADLY PHYSICAL FORCE

Deadly physical force may be used by an officer to protect themselves or another person from what the officer reasonably believes is an imminent threat of serious physical injury or death.¹⁸

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

- (a) The individual has a weapon or is attempting to access one and it is reasonable to believe the individual intends to use it against the officer or another person.
- (b) The individual is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the individual intends to do so.

300.04 (1) USE OF DEADLY PHYSICAL FORCE TO STOP A FLEEING SUSPECT

Deadly physical force may be used to stop a fleeing suspect where:

¹² Ibid

¹³ Scott v. Harris, 550 U.S. 372 (2007)

¹⁴ Graham, 490 U.S. at 396 (1989)

¹⁵ Analysis of cases under the 4th Amendment require the focus to be on the perspective of a reasonable officer on the scene which includes the training and experience of the officer. Graham v. Connor, 490 U.S. 386 (1989), Terry v. Ohio, 392 U.S. 1 (1968)

¹⁶ Sharrar v. Felsing, 128 F. 3d 810 (3rd Cir. 1997) (numbers of officers or subjects)

¹⁷ Courts have repeatedly declined to provide an exhaustive listing of factors. Chew v. Gates, 27 F. 3d 1432, 1475 n.5 9th Cir. (1994)

¹⁸ NY Penal Law and § 35.30(1)(c)(McKinney 2013)

TITLE	EFFECTIVE DATE	POLICY
Use of Force	09/29/2020	300

- (a) The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; and,
- (b) The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or to others.
- (c) Where feasible, some warning should be given prior to the use of deadly physical force.¹⁹

300.04 (2) CHOKEHOLDS AND OBSTRUCTION OF BREATHING OR BLOOD CIRCULATION

- (a) Any application of pressure to the throat, windpipe, neck, or blocking the mouth or nose of a person in a manner that may hinder breathing, reduce intake of air or obstruct blood circulation, is prohibited unless deadly physical force is authorized.²⁰

300.04 (3) SHOOTING AT OR FROM MOVING VEHICLES

- (a) Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.
- (b) Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.05. PROHIBITED USES OF FORCE

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

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

¹⁹ NY Penal Law and § 35.30(1), as restricted by *Tennessee v. Garner*, 471 U.S. 1 (1985) (restricting the use of deadly physical force as it relates to fleeing felons) In *Garner*, the Supreme Court uses “significant threat of serious physical harm, either to the officer or others” in describing the limited circumstances under which deadly force can be used to prevent the escape of a felon.

²⁰ NY Penal Law § 121.13-a establishes the crime of Aggravated Strangulation.

TITLE	EFFECTIVE DATE	POLICY
Use of Force	09/29/2020	300

300.06. REPORTING THE USE OF FORCE^{2 3}

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

300.06 (1) NOTIFICATIONS TO SUPERVISOR²

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

- (a) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (b) The individual subjected to the force complained of injury or continuing pain.
- (c) The individual indicates an intent to pursue litigation.
- (d) Any application of a control device.
- (e) Any application of a restraint device other than handcuffs or shackles.
- (f) The individual subjected to the force was rendered unconscious.
- (g) An individual was struck or kicked.
- (h) An individual alleges any of the above has occurred.

300.06 (2) DEPARTMENTAL USE OF FORCE REPORT

Members involved in use of force incidents as described below shall notify their supervisor as soon as practicable and shall complete a departmental use of force report for the following situations:

- (a) Use of force that results in a physical injury.
- (b) Use of force incidents that a reasonable person would believe is likely to cause an injury.
- (c) Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
- (d) Incidents where a conducted energy device (CED) was intentionally discharged or accidentally discharged after being displayed.

TITLE	EFFECTIVE DATE	POLICY
Use of Force	09/29/2020	300

(e) Incidents where a firearm was discharged at a subject.²¹

300.06 (3) STANDARDIZED USE OF FORCE FORM

(a) A standardized use of force form should be used to document any reportable use of force incident.²²

300.07. MEDICAL CONSIDERATIONS

A police or peace officer or other law enforcement entity who has custody of a person must provide attention to the medical and mental health needs of a person in their custody and obtain assistance and treatment of such needs, which are reasonable and provided in good faith.²³

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

- (a) This includes appropriate and timely medical attention being provided to a party injured as a result of a use of force incident.
- (b) The immediate mental health needs of a person shall be based upon the reasonable cause to believe that a person, who appears to be mentally ill, is conducting themselves in a manner which is likely to result in a serious harm to themselves or others.²⁴
- (c) Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.
- (d) Based upon the officer’s initial assessment of the nature and extent of the individual’s injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer

²¹ NY EXC § 837-v requires that any discharge of a weapon, while either on duty or off duty, in the direction of a person be verbally reported to the involved officer’s supervisor within six hours and a written report prepared within forty-eight hours of occurrence.

²² Chiefs of police departments, County Sheriffs, and the Superintendent of State Police should consider utilizing these forms to ensure compliance with the administrative reporting requirement of EXC §837-t.

²³ NY Civil Rights Law § 28

²⁴ NY Mental Hygiene Law § 9.41

TITLE	EFFECTIVE DATE	POLICY
Use of Force	09/29/2020	300

and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

- (e) The on-scene supervisor, or if not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).
- (f) Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away (see the Medical Aid and Response Policy).

300.08. SUPERVISOR RESPONSIBILITIES^{4 5 6 2 3}

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her Miranda rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

TITLE	EFFECTIVE DATE	POLICY
Use of Force	09/29/2020	300

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.

1. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the individual may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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

300.08 (1) PATROL SUPERVISOR RESPONSIBILITY^{2 5 3 6 7}

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

300.09. TRAINING⁸

(a) All officers should receive training and demonstrate their understanding on the proper application of force.

(b) Training topics will include use of force, conflict prevention, conflict resolution and negotiation, and de-escalation techniques and strategies, including, but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.²⁵

²⁵ EXC § 840(4)(d)(2)(vii)

TITLE	EFFECTIVE DATE	POLICY
Use of Force	09/29/2020	300

- ¹ NYSLEAP – 20.1
- ² NYSLEAP – 21.1(a)
- ³ NYSLEAP – 21.2
- ⁴ NYSLEAP – 40.2
- ⁵ NYSLEAP 21.1(c)
- ⁶ NYSLEAP 21.2(c)
- ⁷ NYSLEAP – 21.1(d)
- ⁸ NYSLEAP – 33.1

DRAFT