

# Town of Haverstraw Police Department



*New York State Police*  
*Reform and Reinvention*  
*Collaborative Review*



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**TOWN OF HAVERSTRAW**  
**HOWARD T. PHILLIPS, JR.**  
Supervisor

ISIDRO CANCEL  
JOHN J. GOULD  
Councilmen

VINCENT J. GAMBOLI  
JOHNNY ORTIZ  
Councilmen

MICHAEL J. GAMBOLI  
Director of Finance

WILLIAM M. STEIN  
Town Attorney

March 9, 2021

On August 17, 2020, the Town of Haverstraw was officially notified by the Governor of his Executive Order of June 12, 2020 requiring all local governments with Police Departments to adopt a Reform Plan for their Police Departments. The New York State Reform and Reinvention Collaborative required municipalities to form a civilian committee to oversee all policing policies within their departments. Shortly thereafter, the Town Board Members and I constituted the Reform and Reinvention Collaborative Police committee. The committee was made up of eleven citizens from diverse racial, cultural and socioeconomic backgrounds. I would like to thank and extend our gratitude to the Town residents who participated as members of the committee.

The Town of Haverstraw has been very fortunate not to have experienced racial divisions that occurred in many of the cities and towns in our country. I'm sure there are many factors for that reason, but perhaps the greatest is the fact that Haverstraw is a true melting pot of all nationalities and religions. As an individual who has lived in Haverstraw all of my life, I can personally attest that in school, sports and life there has always been a comingling in our community of people from all different backgrounds. Growing up in a diverse community is probably one of the healthiest and most productive ways in which people can understand each other's challenges and adversity in life.

The Town Board members and I have strived over the years to make our Police Department representative of our community. To that end, we have now have one of the most diverse Police Departments in the State of New York. We must continue to add to that rich diversity and find ways in which our Police Officers and our residents can build true relationships of trust and respect. We are very proud of the fact that the Town Board and I created with our Police Administration the North Rockland Police Youth Academy, Badges for Baseball, Police Explorers and Youth Court. In addition, we encourage all of our officers to participate in several youth organizations that exist within the Town of Haverstraw.





## **TOWN OF HAVERSTRAW**

Realizing that no study will satisfy every single person's concerns, I believe that a serious effort was made by the committee and Chief Murphy, Captain Lund, Lt. Gould and Lt. Kaye as well as other staff of the Police Department to provide our community and residents with a plan that can be both transparent and meaningful. We are hopeful that it will build greater confidence and understanding of the concerns of our residents as it pertains to law enforcement and the protection and safety of our citizens.

We look forward to an ongoing dialogue and participation with members of our community. As we have learned from the past, no plan that involves such sensitive and important issues to our citizens and law enforcement officers can fit all circumstances and times. Therefore, as we move forward into the future, we must be prepared to constantly address the needs of those we serve to build on the foundation of which this study has initiated.

Sincerely,

**HOWARD T. PHILLIPS, JR.**  
Supervisor

## Police Justice Reform Citizens Collaboration Committee

Carlos Barrett  
Francisco Batista  
Collin Dunner  
Mike Gill  
Sabrina Greco  
Davidson Louis  
Dee Louis  
Veronica Phillips  
Rev. Domingo Rodriguez  
David Velazquez

### History of The Department

The Town of Haverstraw Police Department consists of 65 full-time sworn officers, 2 part-time officers and 10 civilian employees. The Department serves the Town of Haverstraw which is in Rockland County in the southeastern part of the State. The Town is about 33 miles from New York City. The Town of Haverstraw Police Department has a jurisdiction that covers 39 square miles and a population of approximately 40,000 people. This includes the Villages of Haverstraw, West Haverstraw and a portion of Pomona and the Hamlets of Garnerville, Thiells, and Mount Ivy. The Town of Haverstraw is a New York State Division of Criminal Justice Services Accredited Agency since 2015 and Re-Accredited in 2020. The mission of the Town of Haverstraw Police Department is ***“To protect the rights of all persons within our jurisdiction to be free from criminal attack, secure in their possessions and to live in peace. The members of the Town of Haverstraw Police Department shall perform the Law Enforcement function in a professional manner, consistent with the values of society as its primary objective. The members shall exercise sound judgement in the execution of their duties for the good of the public; seeking to preserve public confidence by demonstrating impartial service to the law, recognizing both statutory and judicial limitations and the constitutional rights of all persons.”***

## **What is an Accredited Agency?**

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 their field. Accreditation acknowledges the implementation of policies that are conceptually sound and operationally effective.

The New York State program became operational in 1989 and 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.

## **Background and Scope of the Study**

In the Spring of last year, in the wake of incidents involving Law Enforcement encounters with citizens and most notably the incident resulting in the killing of George Floyd, protests erupted around the country which led to Federal and Local Governments to question not only the handling of these incidents but the role of policing in society in general. Last June, Governor Andrew Cuomo issued Executive Order 203 entitled “New York State Police Reform and Reinvention Collaborative”. Every municipality with a Police Department is required to perform a comprehensive review of their practices and policies to

promote fair and transparent community-oriented policing strategies designed to eliminate racial disparity. The Town of Haverstraw Police administration in collaboration with community stakeholders, which were selected by the Haverstraw Town Board, held numerous meetings and reviewed The New York State Police Reform and Reinvention Collaborative handbook as well as the Town of Haverstraw Police Departments rules, regulations, and procedures. This report will describe our policies, procedures, and theories for how our department operates as well as suggestions and changes to our current policies and procedures as a result of the collaboration.

## **Employing Smart and Effective Policing Standards and Strategies**

### **Stop and Frisk**

On page 25 of the guide it states, *“Stop and Frisk, police departments adopted a policy of temporarily detaining individuals on the street based upon a “reasonable suspicion” of minor crimes and performed a pat-down search of these individuals looking for more serious criminal conduct, such as possession of contraband or weapons.”*

- The Town of Haverstraw Police Department does not participate in “Stop and Frisk” practices
- Officers may stop and detain individuals when there is “reasonable suspicion” that a crime has been committed.
- However, we will not randomly conduct “pat-down searches” of individuals without confirmation that a crime has been committed or the Officer feels that a pat-down search is justified for Officer safety reasons.
- A “Pat-Down” search will be conducted for weapons.
- All searches of suspects are conducted after a lawful arrest and are conducted in the processing area of the police station recorded by station video surveillance.



Questions arose from stakeholders asking how the police administration would know if individuals were being “reasonably” stopped. We answered that concern by providing our General Order #12-2001 entitled ***Police/Citizen Street Encounters*** (See “Provided Material” section). We also explained that every incident we are dispatched to or any individual we officially encounter during patrol generates an incident number in our Spillman Computer Aided Dispatch (Cad) documentation software. Officers are responsible for documenting the date, time, location, pedigree information of civilian encountered, and a detailed narrative of the circumstances. (See next page, civilian names redacted for privacy). An additional suggestion by the stakeholders was to equip the department with body cameras. There were mixed suggestions on the use of body cameras. One stakeholder suggested that the body camera should be recording at all times. Others suggested that Officers should activate the camera when conducting official police business. It should be noted that all patrol vehicles are equipped with an in-car camera system which has audio and video recording capabilities. That data is stored and readily available to the administration for review.

Law - Suspicious

 Law: Suspicious

<b>When Reported:</b> 16:21:06 01/21/2021 <b>Address:</b> LIBERTY ST & BROAD ST HAVERSTRAW, NY 10927 <b>Area:</b> P5014 - 501 Sect 514/515 <b>Agency:</b> 501 <b>Officer:</b> Hansen 230 <b>Contact:</b> SGT CONNOLLY <b>Disposition:</b> 21, 01/21/2021	 <b>Complainant</b> <b>Name:</b> <b>Address:</b> <b>Race:</b> <b>Sex:</b> <b>Phone:</b> <b>Birth Date:</b>	<b>Incident #:</b> 21HT01954  <div style="border: 1px solid black; padding: 5px; text-align: center;">                     Thumbnail                      Photo                      Not                      Available                 </div>
<b>Other Information:</b> <input type="checkbox"/>		
<b>Narrative:</b> <input type="checkbox"/> While on patrol riding in 5567 with Officer Connolly I noticed a white Ford van running with its rear doors open in the parking lot near Broad St and Liberty St. I saw [REDACTED] loading a gas powered portable pump into the rear of the vehicle. I also noticed [REDACTED] preparing to load a large green flexible hose into the rear of the van. As I approached the van I saw two 275 gallon liquid storage containers in the Van. We stopped to talk to the 2 men and question them about the van and the equipment. The van and the equipment match recent Waste Oil thefts in our area and throughout the county. While questioning [REDACTED] he admitted he had gathered Waste Oil in the past and was getting back into the business. He stated all the oil he collected was given to him. He stated the oil is given to him in 5 gallon buckets. A further inspection of the vehicle revealed it had a fraudulently obtained Texas temporary tags on the front and back. The plates were confiscated.  [REDACTED] and [REDACTED] were transported by Officer Pena to HTPD to be interviewed by Detectives. The van was impounded into evidence at the HTPD lot as per Det. Sgt. Figueroa.		[ Edit Narratives ]
<b>Supplements:</b> <input type="checkbox"/> 1 - Transported [REDACTED] and [REDACTED] to station. - 17:29:14 01/21/2021 - Pena 117		
<b>Radio Logs:</b> <input type="checkbox"/> 17:52:29 01/21/2021 - CMPLT		
<b>Involvements:</b> <input type="checkbox"/> Law - 01/25/2021 - Larceny - Linked		
<b>Approval History:</b> <input type="checkbox"/> CMPLT - Gaynor 169 - MCNALLY 231 - 17:06:56 01/31/2021		
<b>Files:</b>		[ Manage Files ]

[ Refresh Data ] [ Approval ] [ Edit ]

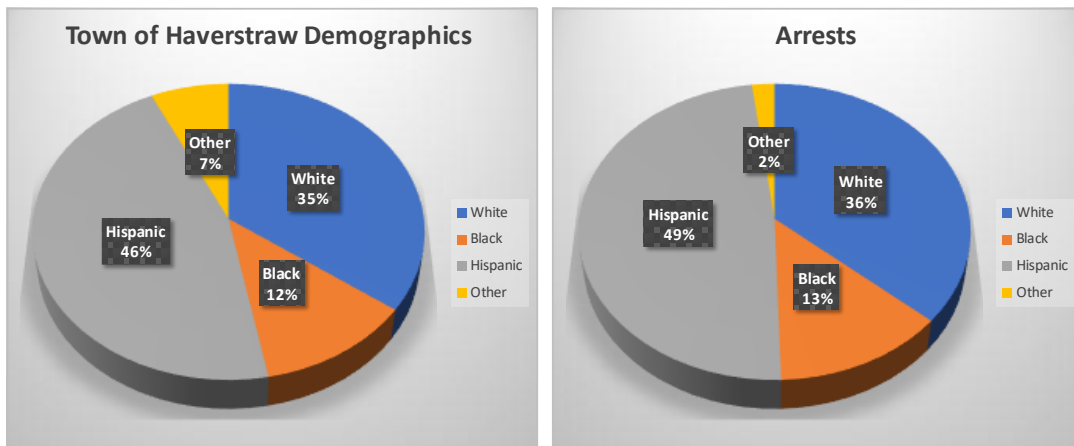
After discussion and documentation provided, stakeholders felt our policies and procedures were adequate and did not require alterations.

## Discriminatory or Bias-Based Stops, Searches and Arrests

On page 26 of the guide it states, *“Racial and ethnic profiling erodes trust in the police and unfairly targets minority communities. Bias based upon race, sex, national origin, gender identity and expression and sexual orientation, among other factors, is fundamentally unjust, and damages the targeted individuals, their communities, and the relationship with law enforcement that is necessary to build trust and effective policing.”*

- The Haverstraw Town Police Department does not practice racial or ethnic profiling as described in General Order 3-2012 **“Racial Profiling Policy Statement.”**
- Statistics will show that arrests made as compared to demographics reported in the United States Census Report for Haverstraw will confirm that no race or ethnicity is being unfairly targeted.

## Demographics - Arrests 2017 - Present



One question asked was if we kept statistics on summonses issued to minorities. We stated that we did not keep that statistic because it is not a required field on the traffic summons. The change would have to be made by New York State by incorporating into the NYS Department of Motor Vehicle License

application process to make ethnicity a required field. This mandate would then be implemented into the New York State TRACS system and would auto populate onto the Traffic Summons when the license is scanned by an officer during the summons issuing process. This would allow New York State to then keep accurate statistics on summonses issued to specific ethnicities.

### **Chokeholds and Other Restrictions on Breathing**

On page 27 of the guide it states, *“New York State has criminalized the use of chokeholds by police in the immediate aftermath of George Floyd’s shocking death by asphyxiation. In that case, the arresting officer applied continual pressure to his neck while Mr. Floyd was handcuffed on the ground. Governor Cuomo signed this measure into law on June 12, 2020 in the presence of Gwen Carr - the mother of Eric Garner, another individual killed after use of a chokehold in 2014 by a New York City police officer. The legislation creates the crime of aggravated strangulation where a police officer uses a chokehold and causes serious physical injury or death.”*

- The Town of Haverstraw Police Department considers a “chokehold” to be 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”*** as quoted from our department’s use of force policy.
- Also included in the department’s use of force policy is a section entitled ***“Duty to Intervene”*** that section states ***“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. An officer who observes another officer use force that exceeds the degree of force as described in subdivision “A” of this section should promptly report these observations to a supervisor.”***



- The Town of Haverstraw Police Department’s Use of Force Policy is published on the Town of Haverstraw Police Department’s website ([HaverstrawPolice.org](http://HaverstrawPolice.org)) for the public to view as per New York State Department of Criminal Justice standards (DCJS).

Stakeholders were looking for clarification on what constitutes “Deadly Physical Force” and when is it justified. Stakeholders were provided with our Departments General Order# 6-2013 entitled “**Use of Force**”. Stakeholders were able to review the policy and ask questions and make suggestions. Stakeholders favored section IV entitled “**Duty to Intervene**”. This section requires an officer to intervene either verbally or physically if unreasonable force/tactics are observed. Stakeholders felt that it should not only apply to use of force situations but to all citizen/police encounters. This suggestion led to our department creating a brand-new General Order 1-2021 entitled “**Duty to Intervene**”. See below:

**HVERSTRAW TOWN POLICE DEPARTMENT  
GARNERVILLE, NEW YORK 10923**

MANUAL INDEX # 1-2021	SUBJECT: <u>GENERAL ORDER</u>
REF:	<b>DUTY TO INTERVENE</b>
NYSLEAS No.	
EFFECTIVE DATE: 1-27-2021	APPROVED: <i>Peter G Murphy</i> <i>Chief</i>
<u>RESCINDS</u>	<u>AMENDS</u>
	<u>CROSS REFERENCE</u>
REVIEW DATE: 1/27/21	PAGE 1 OF 3
DISTRIBUTION: ALL MEMBERS OF POLICE DEPARTMENT	

**I. PURPOSE**

It is the purpose of this policy to explain the legal and moral obligation of all members of the Town of Haverstraw Police Department to recognize and act upon their Duty to

Intervene. This policy is to protect all members of the department who act upon their duty to intervene whether on or off duty. This policy is to prevent misconduct by any member of the Town of Haverstraw Police Department including any outside agency that is requested to assist in a mutual aid capacity.

## **II. DEFINITIONS**

**INTERVENE-** To come between, whether verbally or physically, to prevent or alter a result or a course of events.

**MEMBER-** Any sworn or unsworn member of the Town of Haverstraw Police Department.

## **III. PROCEDURE**

1. Duty to Intervene:  
All members of the Town of Haverstraw Police Department must recognize and act upon the duty to intervene to prevent or stop any member from conducting any act that is unethical and/or violates law or policy. Intervention by any member may be verbal and/or verbal and physical.
2. All members of the department benefit when the potential misconduct is not committed or when a potential mistake is not made. Preventing misconduct protects the integrity of all members, ultimately protects members from damaging their careers as a result of misconduct or, in some instances, as a result of a failure to intervene to prevent misconduct by others.

## **IV. MEMBER RESPONSIBILITIES**

1. If aid is required by any individual, ensure that medical aid is rendered, and a paramedic and an ambulance are called to the scene. Medical aid rendered will be documented on the NY State Patient Care Report (PCR).
2. Take a preventative approach, whenever possible, if behavior is observed that suggests that another member is about to commit or conduct inappropriate or unethical behavior.

3. The Officer shall:
  - a. Evaluate circumstances surrounding the incident to determine the appropriate form of intervention. Which may include intervening verbally or physically, based on the presenting circumstances.
4. Take an active approach to intervene to stop any unethical behavior or misconduct when such conduct is being committed by another member of the Town of Haverstraw Police Department.
5. Immediately notify the Chief of Police, or Captain/Lieutenant in Chiefs absence, after conducting any type of intervention when safe to do so.
6. After the above notification is made, document the incident in writing by articulating every detail via departmental memo.
7. Consistence with the Town of Haverstraw Use of Force Policy, when a physical intervention (Use of Force) occurs, the Officers Response to Resistance Form must be completed and a Supervisor must be notified immediately.

## **V. CHIEF OF POLICE RESPONSIBILITIES**

1. Conduct a preliminary investigation to gather any pertinent information that would coincide with the reason for the intervention. (In-Car video/audio, civilian video)
2. Ensure all parties involved, whether directly or indirectly, are properly identified and provide written documentation detailing the circumstances that led to the intervention and what, if anything, occurred once the intervention(s) occurred.
3. Assign a Lieutenant or Captain or any combination thereof to assist in a full investigation of the event.
4. Determine whether the actions that led to the intervention constitutes misconduct, unethical behavior, violation of police or criminal conduct.
5. A detailed report will be completed for review by the Police Commission so a disciplinary determination may be made. Said report shall, where appropriate, make recommendations as to any actions to be taken against the officer's involved including recognition for the officer that intervened.
6. If a determination is made that there was potential criminal conduct, notification shall be made to the Rockland County District Attorney's Office and if required or appropriate, The Attorney General's Office of New York.

Stakeholders had no further suggestions or remarks on this topic.

## **Use of Force for Punitive or Retaliatory Reasons**

Page 28 of the guide states, *“The potential for abuse of the use of force for retaliatory or punitive reasons exists. The U.S. Department of Justice has found that such situations have arisen generally where an individual is fleeing, resisting arrest or showing disrespect for the officer. In several instances, DOJ has required police departments to adopt formal policies prohibiting the use of force for retaliatory or punitive reasons.”*

- The Town of Haverstraw Police Department has strict policies, procedures, and reporting whenever force is used. The following steps are followed as per department policy whenever force is used:
- A supervisor is required to respond to the scene whenever force is used.
- The officer's that uses force are required to complete an “Officers Response to Resistance Form” (See page 12)
- Photographs will be taken by a Supervisor that sufficiently document any injuries or lack thereof.
- A “Officers Response to Resistance Form” will be completed and forwarded to the Patrol Lieutenant for review. The Patrol Lieutenant will conduct an additional investigation if deemed necessary.
- The Patrol Lieutenant is then mandated by the State of New York to report the incident to the Department of Criminal Justice Services (DCJS)
- If the officer's use of force rises to the level of criminality, the case will be turned over to the Rockland County District Attorney's Office or The New York State Attorney General's Office for independent review





**Haverstraw Town Police Department**  
 101 West Ramapo Road  
 Garnerville, New York 10923



**OFFICER RESPONSE TO RESISTANCE REPORT**

Lethal \_\_\_\_\_ Non-Lethal \_\_\_\_\_

Incident # \_\_\_\_\_

Subject \_\_\_\_\_ Address \_\_\_\_\_

Phone # \_\_\_\_\_ Social Security # \_\_\_\_\_

D.O.B. \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_

Arrested: Yes \_\_\_\_\_ NO \_\_\_\_\_ Weapon Type \_\_\_\_\_ Charges \_\_\_\_\_

Location \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Officer \_\_\_\_\_ Badge # \_\_\_\_\_

Force Used: Firearm \_\_\_\_\_ ASP \_\_\_\_\_ OC Spray \_\_\_\_\_ Taser \_\_\_\_\_  
 (Indicate U for Used or D for Displayed)

Other: \_\_\_\_\_

**Medical**

Subject injured prior to Police contact? Yes \_\_\_\_\_ No \_\_\_\_\_

Describe \_\_\_\_\_

Subject injured during Police contact? Yes \_\_\_\_\_ No \_\_\_\_\_

Describe \_\_\_\_\_

Treatment provided? Yes \_\_\_\_\_ No \_\_\_\_\_

Describe \_\_\_\_\_

Transported by: Police \_\_\_\_\_ Ambulance \_\_\_\_\_ Refused Medical Treatment \_\_\_\_\_

Medical Personnel: Name \_\_\_\_\_ Title \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

Status: Admitted \_\_\_\_\_ Treated & Released \_\_\_\_\_ No Treatment \_\_\_\_\_

Refused Treatment \_\_\_\_\_ Witness \_\_\_\_\_

Title \_\_\_\_\_ Phone Number \_\_\_\_\_

**Narrative: (Detailed Description of Events)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Officers/Witnesses on Scene**

Name Address/Department Phone #

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Photos Taken? Yes \_\_\_\_\_ No \_\_\_\_\_ Describe \_\_\_\_\_

Supervisor on Duty \_\_\_\_\_

Reporting Officer Signature \_\_\_\_\_ Date \_\_\_\_\_

Supervisor Signature \_\_\_\_\_ Date \_\_\_\_\_

E-Justice Use of Force Form Completed: \_\_\_\_\_ Date \_\_\_\_\_

*(To be completed by Road Supervisor)*

Administration Signature \_\_\_\_\_ Date \_\_\_\_\_

**\*\*\*A COPY OF ALL PAPERWORK ASSOCIATED WITH THIS INCIDENT MUST BE ATTACHED TO THIS FORM\*\*\***

Stakeholders questioned the reporting procedure and where that data is stored. They were advised that our departmental reporting procedure has stricter guidelines than what is required by DCJS. DCJS only requires an incident to be reported when a weapon is used or displayed as well as conduct resulting in serious physical injury or death. In addition to DCJS requirements, we require documentation whenever any type of physical contact is made with a suspect. It does not matter if injuries are sustained or not. An additional suggestion was two amendments to our Use of Force Policy stating that all camera and audio should be reviewed when investigating “Use of Force” complaints. Stakeholders were advised this is a common step in the investigation process but they felt that the language should be added to the policy so it is clear. The second suggestion was to add a section under the “Prohibited Uses of Force” section stating that we should make every effort to have medical professionals extract contraband or weapons from an internal cavity of a suspect. See highlighted amendments to the Use of Force Policy on pages 15-21 of this report.

**HAVERSTRAW TOWN POLICE DEPARTMENT  
GARNERVILLE, NEW YORK 10923**

MANUAL INDEX # 15-2014	SUBJECT: <u>GENERAL ORDER</u>
REF:	<b>USE OF FORCE</b>
NYSLEAS No. 20.1,20.6, 21.2,32.4	
EFFECTIVE DATE: 11/7/14 AMMENDED: 7/1/19	APPROVED:  <i>Peter G. Murphy</i> Chief of Police
<u>RESCINDS</u>	<u>AMENDS</u>
<u>CROSS REFERENCE</u>	
<u>G.O. 1-2007</u>	
REVIEW DATE: 7/1/19	PAGE 1 OF 8
DISTRIBUTION: ALL MEMBERS OF POLICE DEPARTMENT	

**I. PURPOSE**

Law enforcement officers around the country and here in The Town of Haverstraw 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.

**II. POLICY**

The federal and state standards by which use of force is measured are both founded in the basic premise of objective reasonableness. 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.

### III. DEFINITIONS

- A. **Objectively Reasonable** – An objective standard used to judge an officer’s actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.
  
- B. **Deadly Physical Force** - Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.
  
- C. **Physical Injury** – Impairment of physical condition or substantial pain.
  
- D. **Serious Physical Injury** – Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

#### **IV. USE OF FORCE**

- 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.
- 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.

#### **V. DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE**

- A.** When used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at the time of the event.
- B.** Factors that may be used in determining the reasonableness of force include, but are not limited to:
  - 1. The severity of the crime or circumstance;
  - 2. The level and immediacy of 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/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects;
  - 7. Other environmental conditions or exigent circumstances.

## **VI. DUTY TO INTERVENE**

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

## **VII. USE OF DEADLY PHYSICAL FORCE**

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

## **VIII. PROHIBITED USES OF FORCE**

- A.** Force shall not be used by an officer for the following reasons:
  - 1. To extract an item from the anus or vagina of a subject without a warrant. **Unless exigent circumstances exist, all efforts will be**

made to have item removed by a medical professional unless such delay jeopardizes the safety and/or well being of the individual.

2. To coerce a confession from a subject in custody;
3. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required;
4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.
5. 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.

**IX. REPORTING AND REVIEWING THE USE OF FORCE**

- A. Any injuries resulting from a use of force incident shall result in the appropriate and timely medical attention being provided to the injured party.
- B. Members involved in use of force incidents as described below shall notify their supervisor as soon as practicable and shall complete the department “Officers Response to Resistance Report”.
  1. Use of force that results in a physical injury or death.
  2. Use of force incidents that a reasonable person would believe is likely to cause an injury.
  3. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.



4. Incidents where a conducted energy device (TASER) was intentionally discharged or accidentally discharged or displayed.
5. Incidents where a firearm was discharged or displayed at a subject.
6. Incidents where an ASP is used/displayed to control a subject
7. Whenever any other force, regardless of its nature, is used/displayed to control an uncooperative subject

**X. PROCEDURES FOR INVESTIGATING USE OF FORCE INCIDENTS**

- A. Where practicable, a supervisor should respond to the scene to begin the preliminary force investigation.
- B. A supervisor that is made aware of a force incident shall ensure the completion of a “Officers Response to Resistance Form” by all officers engaging in reportable use of force incident and, to the extent practical, make a record of all officers present.
- C. Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
- D. All audio and video of the incident will be reviewed by the investigating Supervisor as well as the Lieutenants and Captain.**
- E. The Patrol Lieutenant/Captain will review the completed “Officers Response to Resistance Form” and conduct a further investigation if deemed necessary
- F. The Patrol Lieutenant will report the incident using the following link <https://www.surveygizmo.com/s3/5075589/NYS-Use-of-Force-Reporting> provided by New York State DCJS and provide all information required to complete the report.

**G.** Should further investigation be required, after the fact, the Captain will direct such investigation utilizing whatever department resources are required. The Captain will also be responsible for securing any audio or video recordings and for the downloading of the record of use on the department Taser. After review by the Captain, the report shall be forwarded to the Chief of Police for adjudication.

**H.** Adjudication of Report:

1. The Chief of Police will classify the completed Officers Response to Resistance Report as follows:
  - a. Unfounded- no undue use of force.
  - b. Justified- definite use of force, but in adherence to proper and appropriate police procedures and techniques.
  - c. Not sustained- unable to verify improper use of force.
  - d. Sustained- improper use of force.
2. Completed investigation classified as unfounded, justified or not sustained will be maintained in Internal Affairs files in the Chief's Office. Sustained complaints will be filed in the individual employee's department personnel file with a copy in the Internal Affairs files.
3. The Chief of Police, upon receipt of the completed investigation, will review the material pertaining to the incident, the involved person's work record, disciplinary history and service record and then recommend a

disciplinary action if the incident is sustained.

4. The employee will be notified of results of the investigation and the recommended disciplinary action, including scheduled implementation of said action.

#### **E. TRAINING**

- A. All officers will receive training and demonstrate their understanding on the proper application of force.
- B. Training will be done on a yearly basis at the Rockland County Police Academy during scheduled In-Service Training.

#### **Informal Quotas for Summonses, Tickets, or Arrests**

On page 29 of the guide it states, *“New York State has banned formal quotas for issuance of tickets or summonses, stops of individuals suspected of criminal activity, and arrests. Quotas erode community-police relations as they encourage officers to make arrests in situations that otherwise would be unnecessary or unwise so as to meet a mandated numeric threshold. Historically, minority communities are often targeted to meet such quotas. Moreover, “the knowledge that quotas exist, and therefore that illegitimate arrests exist, casts an untrusting shadow onto all police activity.”*

- The Town of Haverstraw has never imposed a “formal” or “informal” quota system.
- It is the mindset of the Town of Haverstraw Police Administration that summonses, tickets, and arrests are just one of the many aspects of an officer’s duties and in no way are officers rewarded or disciplined for their activity or lack thereof in those categories.
- We expect our officers to be well rounded in all aspects of policing.
- Our focus is community policing and positive interactions with the community which ultimately forms a strong bond between our department and the community that we protect.

Stakeholders were satisfied with this explanation and no comments or concerns were expressed.

### **Shooting at Moving Vehicles and High-Speed Pursuits**

On page 31 of the guide it states, *“Shooting at a moving vehicle risks injury to unintended targets, including to innocent bystanders. Hitting the driver can turn a moving car into a highspeed, out of control weapon”*.

- It is the Town of Haverstraw Police Department’s policy that shooting at a moving vehicle is considered deadly physical force and all guidelines for using deadly physical force must be conformed by.
- High Speed Pursuits are authorized only after considering the following factors: Life threatening situation/ severity of crime, speed involved, road surface and weather conditions, the amount of vehicular or pedestrian traffic, time of day/night, surroundings such as school zones, construction sites, etc.
- The supervisor on duty will monitor the situation and decide to terminate or continue the pursuit based on the factors listed above.

Stakeholders were satisfied with this explanation and no comments or questions were expressed.

## Less-Than-Lethal Weaponry such as Tasers and Pepper Spray

On Page 33 of the guide it states, *“Increasingly, tasers are being used by law enforcement as an alternative to firearms. The electric shock in tasers induces muscle contraction which can sometimes result in serious injury or even death. In 2008, the NYPD was called to an apartment building in Brooklyn after a mentally disturbed man, Iman Morales, did not answer his apartment door and his mother asked someone to call 911. After police arrived Mr. Morales, who was naked, left his third-floor apartment through the fire escape descended to the second floor landing and ultimately jabbed at another officer with a fluorescent light tube. An officer on the street then fired his taser at Mr. Morales, who fell head first to the ground and died from his head injuries.”*

- The Town of Haverstraw Patrol Officers carry a taser as well as OC spray “Pepper Spray”
- It is the mindset of the Town of Haverstraw to provide our officers with as many tools as possible to avoid using force that could possibly result in serious physical injury or death.
- There have been multiple scenarios our officers have encountered situations where “Deadly Physical Force” would have been justified. Instead of using deadly physical force, Less-Than-Lethal options had been used and the suspect has been taken into custody with only injuries consisting of minor pain and discomfort.
- Again, all of these incidents will be reported to the New York State Department of Criminal Justice System

Stakeholders had questions regarding other options of less-than-lethal weaponry. A stakeholder asked if we looked into the Bola Wrap. A Bola Wrap is a device similar to a taser in the fact that it shoots two darts out of the device which is connected by a string and wraps around the suspect preventing him/her from escaping or using his/her hands and arms to resist (see illustration). At the request of the stakeholders, we are researching this tool as an addition to our current tools that we already use on patrol. Stakeholders were satisfied with our department being open to exploring alternate tools and had no further suggestions.



### **Facial Recognition Technology**

On page 26 of the guide it states, *“Some law enforcement agencies have used facial recognition systems to assist with investigations. Civil libertarians have raised privacy concerns pertaining to the collection of images. Further, users of facial recognition technology have reported accuracy problems as these systems have a more challenging time recognizing the faces of certain segments of the population, such as African Americans and women. A recent study looked at three commercial facial recognition systems and found they exhibit higher error rates for darker-skinned women than any other group, with the lowest error rates for light skinned men.”*

- The Town of Haverstraw Police Department uses multiple forms of technology to assist in the solving and prevention of crimes.
- The Village of Haverstraw is equipped with a camera system that is used by officers on a daily basis to monitor the down-town area as well as get a birds-eye view of crimes that are called in to the Police Department desk. This allows the Desk Officer to transmit real time observations as units respond to a call for service.
- The North Rockland School District received a grant to equip all of their schools with cameras covering both the interior and exterior. The Haverstraw Police Department has access to these cameras and monitor them only when we receive a call for service at a specific

- school. The purpose of us having this access is in case of a scenario
- where there is an active shooter or any other major emergency at one of the schools.
  - It is important to note that all of these camera systems DO NOT have facial recognition technology. We understand and realize that facial recognition is still an evolving technology and is not reliable enough for us to use at this point.

Stakeholders had no questions regarding this subject and were satisfied with our explanation.

### **Hot-Spot Policing and Focused Deterrence**

*On Page 38 of the guide it states, “Some departments have used data analysis to identify crime spikes or “hot spots” in specific neighborhoods or even particular street blocks and increased the visible police presence in these areas, with the purpose of deterring crime. Relatedly, some departments have implemented a strategy of “focused deterrence,” in which officers engage directly with offenders or groups of offenders based on their prior history, sometimes in partnership with community members.”*

- The Town of Haverstraw Police Department uses “Hot-Spot Policing” based on complaints received by residents requesting extra patrols in their neighborhoods as well as statistical data of a particular section of our jurisdiction.
- Extra patrols will be assigned to a particular area based on complaints and observations from residents.
- Crime data is constantly being analyzed by the Administration and resources are assigned accordingly.
- It is the Haverstraw Police Administration’s duty to assign department resources to the areas where specific crimes are being committed to rectify the issue and continue to keep that community safe.
- It is important to note that other areas of our department’s

jurisdiction will not be neglected due to these assignments.

- These specific “Hot-Spots” are usually assigned to the Department’s Special Operations Unit which is in addition to our normal daily patrol units.

Stakeholders had no questions regarding this subject and were satisfied with our explanation.

### **Law Enforcement Strategies to Reduce Racial Disparities and Build Trust**

Page 35 of the guide states “Law enforcement experts have also suggested that various policing and criminal justice strategies can reduce racial disparities and build trust between police departments and the community. You should consider which, if any, of these strategies would help your department achieve these important goals.”

- The Town of Haverstraw Police Department makes it common practice to use summonses rather than warrantless arrests for specific offenses.
- With the passing of New York State Bail Reform, amendments were made to our arrest procedures. (See departmental memo entitled “New Bail Reform Guidelines”)
- Our department also participates in diversion programs such as “Hope not Handcuffs” and North Rockland Youth Court (See pages 30-34)
- Other highly successful programs we participate in is the North Rockland Youth Police Academy, Badges for Baseball, and the Haverstraw Police Athletic League (PAL). The Youth Academy is designed to give youth an inside look at what it takes to become a Police Officer. Badges for Baseball gives Officers the opportunity to coach the youth during baseball clinics and other sporting activities such as basketball. Officers also use this program during Physical Education classes in our local schools. Both of these



programs give the youth the opportunity to interact with local Law Enforcement to create bonds and build trust between the youth and Law Enforcement.

- In addition to the above described programs, The Town of Haverstraw Police Department assists in organizing neighborhood watch programs at the request of residents, Child Safety Seat Program which provides child seats to members of the community as well as having our trained Officers professionally install these seats to ensure that the child is secured safely in the vehicle, Our Special Operations Unit attends community sponsored events such as Dancing Under the Stars, North Rockland Fun Run, Thursday night concert series at Bowline Point Park, and many other events.
- Our Officers also conduct foot patrol which allows them to interact with local business owners and residents. We have found that foot patrol allows our Officers to be more approachable and form strong relationships with members of the community.

Stakeholders were satisfied with our participation in programs and did not provide any suggestions or concerns.



**Haverstraw Town Police Department**  
**101 West Ramapo Road**  
**Garnerville, New York 10923**



**PETER MURPHY**  
**CHIEF OF POLICE**

Tel. 845-354-1500  
 Fax 845-354-6919

**To: All Sergeants**

**From: Lt. John Gould**

**Date: 12/10/19**

**RE: New Bail Reform Guidelines**

As we approach the 2020 year, we all have been made aware of changes that are coming with the New Criminal Justice Reform Act. The purpose of this memo is to simplify when we can and can't take bail and when an appearance ticket must be issued.

**Step 1: An Arrest is made**

**Step 2: Identify the Charge**

If charge is an A,B,C or D Felony – An Appearance ticket is NOT Authorized

If the charge is a Violation or Misdemeanor you must issue an appearance ticket  
**UNLESS THE SUSPECT FALLS INTO ONE OF THE FOLLOWING CATEGORIES:**

- HAS AN ACTIVE WARRANT
- FAILED TO APPEAR IN COURT IN LAST 2 YEARS
- UNABLE OR UNWILLING TO VERIFY IDENTITY
- DOMESTIC ARREST AS PER CPL 530.11
- ANY SEX CRIME IN PL 130
- APPEARS SUSPECT SHOULD BE SERVED AN OOP
- CRIME DICTATES SUSPECT LICENSE BE SUSPENDED
- SUSPECT WOULD FACE HARM WITHOUT MEDICAL/MENTAL CARE

If the charge is an E Felony you must issue an appearance ticket

**UNLESS ONE OF THE FOLLOWING E FELONIES ARE COMMITTED:**

- PL 130.25 RAPE 3<sup>RD</sup>
- PL 130.40 CRIMINAL SEX ACT 3<sup>RD</sup>
- PL 205.10 ESCAPE 2<sup>ND</sup>
- PL 215.56 BAIL JUMPING 2<sup>ND</sup>
- PL 205.17 ABSCONDING TEMP RELEASE 1<sup>ST</sup>
- PL 205.19 ABSCONDING COMMUNITY TREATMENT FACILITY

### What is Youth Court?

The North Rockland Youth Court is a voluntary alternative to the criminal justice system for young people who have committed a crime or an offense. The primary goal of Youth Court is to intervene in early antisocial, delinquent, and criminal behavior, to reduce the incidence and to prevent the escalation of such behavior. Youth Court strives to promote feelings of self-esteem and a desire for self-improvement and foster a healthy attitude toward rules and authority. Youth Court also offers a law-educated program for young people who seek to become members of the Court.

### What happens in Youth Court?

A youth, who has admitted guilt to a crime or offense, appears before the court. The court is presented with evidence relevant to sentencing; Deliberates and passes sentence. Sentences typically include community service, counseling, and / or stress rehabilitative goals.

### What types of cases are heard?

Cases are generally referred by Judges, Police, SRO's, and Probation Departments to the Coordinator, who accepts cases that meet established criteria. Typical cases that may be heard include, but not limited to; shoplifting, fighting, trespassing, bullying, underage drinking and smoking.

### Who are Youth court Members?

Youth Court Members are students from the Town's of Haverstraw and Stony Point who volunteer their time to provide a fair and equitable system in which a juvenile crime may be handled. Students must be between the ages of 13 and 19, and must have successfully completed a multi-week law related educational training program.

### What will I learn during my training?

Area's of instruction include an overview of the Criminal Justice System from an arrest to the appeal process, the penal law, the consequences of crime, sentencing issues, rehabilitation as a goal, the nature and type of evidence that is admissible and probative in sentencing.

The training programs will also include mock hearings to prepare members for participation in Youth Court Proceedings.

### What are the rights of the Defendant?

1. The right to proper Youth Court procedures.
2. The right to a quick and uncomplicated hearing.
3. The right to have a Defense Attorney.
4. The right to an unbiased hearing.
5. The right to have parents present.

### What is the Youth Court Procedure?

Once the defendant and their parents have agreed to participate in the program, they are assigned a Defense Attorney from the Youth Court Membership. At the Court appearance, the defendant admits their guilt and the Defense Attorney works with them in presenting their case to the Court. Once all the facts have been examined, the Judge will have numerous sentencing options, which may include community service, restitution, safety course, essays, anger management, and letters of apology.

The Judge cannot sentence any youth to a detention facility or jail.

Complete confidentiality is stressed throughout the entire process. Proceedings are not open to the public.

### What are the advantages of Youth Court?

1. The defendant is not sent to Family Court and is therefore not labeled a Juvenile Delinquent.
2. The defendant is judged by their own peers.
3. The defendant constructively assumes responsibility for their actions.
4. The defendant **does not have to pay attorney fees.**
5. The defendant has the opportunity to learn about the Justice System.
6. The defendant will not have an official record.

**What are the responsibilities of Youth Court Members?**

Youth Court members will assume the following roles, on a Rotating basis: Judge, Prosecutor, Defender, Clerk, and Bailiff.

**Judges:**

Proceed over all Youth Court proceedings. Examine all cases on an individual level. Make all decisions on the facts presented. Uphold the rights of the offender.

**Prosecuting Attorney:**

Know the facts of the case. Uphold court standards. Represent the community interests.

**Defense Attorney:**

Speak with the defendant before all proceedings. Represent the defendant. Present the circumstances of each case. Uphold the rights of the defendant.

**Clerk / Bailiff:**

Record and maintain all court records. The responsibility of maintaining the efficient operation of the courtroom.

**Coordinator**

Youth Court is supervised and overseen by the Coordinator. The Coordinator works with the offender's family, Youth Court members, Law Enforcement agencies and others in the community to ensure that the North Rockland Youth Court is effective in its mission to be constructive, to be Rehabilitative, and to be educational.

An advisory board will assist in this Mission and in formulating operational Procedures and policy.

**For further information, contact:**

**Detective Richard Spatta**  
*Youth Officer / Coordinator*  
**Town of Haverstraw Police**  
**Juvenile Aid Bureau**  
**(845)354-1500 ext 1025**  
**rspatta@haverstrawpolice.org**

**Detective Andrew Kryger**  
*Youth Officer / Coordinator*  
**Town of Stony Point Police**  
**Juvenile Aid Bureau**  
**akryger@stonypointpd.org**

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***Stony Point Police***

**North Rockland**



**Youth Court Program**

**Haverstraw Police Department Launches Hope Not Handcuffs Program**

**Haverstraw, NY-** The Town of Haverstraw Police Department is pleased to announce our participation in the Hope Not Handcuffs program. We are excited to be able to offer this resource to our community and open our front door as a first step in recovery from drug and alcohol addiction.

Anyone seeking help in the fight of drug or alcohol addiction may come to Haverstraw Police Department and ask for the Hope Not Handcuffs program. They will be treated with compassion and respect. A call will be made to an "Angel" volunteer from the Hope Not Handcuffs team who will come and actively seek out a treatment plan. Individuals suffering from addiction will instantly gain an advocate and a network of resources designed to lead them to success. Hope Not Handcuffs, is a proactive approach to reach out to people struggling with drug addiction to encourage them to seek recovery and regain control of their lives.

Hope Not Handcuffs-Hudson Valley, a program of the Tri-County Community Partnership Inc., is aimed at bringing law enforcement, community organizations and volunteers together to find viable treatment options for individuals seeking help to reduce dependency with any substance including heroin, prescription drugs, and alcohol. HNH-HV started in Orange County, NY in January of 2019, since then the program has rapidly grown to include 27 police departments across 5 counties, incorporating approximately 1100 police officers. The program has a volunteer force of over 500 Angels.

Since its inception, HNH which was founded in Michigan by Families Against Narcotics, has expanded to include over 90 police departments in 9 counties in the state and has successfully connected more than 4700 participants with the resources and treatment they need and deserve.

Learn more at [www.tricountycommunitypartnership.org](http://www.tricountycommunitypartnership.org)

Or call (833)428-HOPE

###





*What is the Hope Not Handcuffs- Hudson Valley?*

Hope Not Handcuffs- Hudson Valley, is a program of Tri-County Community Partnership Inc., aimed at bringing law enforcement and community organizations together in an effort to find viable treatment options for individuals to reduce dependency with heroin, prescription drugs, and alcohol. The program is a collaborative effort between local police departments, and community volunteers called “Angels” to find treatment options for those seeking assistance for addiction.

The Hope Not Handcuffs model originated in 2017 in Michigan. Since its inception, HNH has expanded to include over 100 police departments in 9 counties and has successfully connected more than 3900 participants with resources and treatment. They have over trained 800 Volunteer Angels and have recently expanded to a state-wide program. HNN operates in partnership with the Police Assisted Addiction and Recovery Initiative (P.A.A.R.I.) in Gloucester, MA.

*How it works*

Any person seeking assistance for their substance use can just walk into a participating police department and ask for help. The person is met with dignity and respect. An Angel is dispatched to the location and immediately works to find a treatment option. It’s that simple.

*Demand*

HNH- Hudson Valley started in January of 2019 with only one police department, and 10 volunteers. In one year since its inception, the program has rapidly grown to include 26 police departments across 4 counties, incorporating approximately 956 police officers. The program started with fewer than 10 volunteer Angels and now has a volunteer force of over 700 Angels.

*Impact*

Since January 2019, 100% of those seeking help - from participating police departments and have been placed into treatment by connecting with HNH- Hudson Valley. Additionally, hundreds of calls have been received for referrals and inquiries regarding the program. Requests for help have grown and have become a more regular occurrence as the community learns of the program’s existence.

HNH- Hudson Valley has been recognized by the Rockefeller Institute for our efforts to help fight the opioid epidemic.

We are also now working with the University of Albany, School of Public Health to develop research on the efficacy of pre-arrest diversion programs in New York state.



## Program Protocol

### **POLICY:**

#### ***Program Philosophy***

It is the philosophy of Hope Not Handcuffs-Hudson Valley that:

- We support a three-prong approach to combatting illegal drugs – Enforcement, Education, and Treatment. We recognize that addiction is a brain disorder which can benefit from medical intervention and treatment.
- Officers responding to any call for service or performing any police action will be cognizant for the potential that the involved parties may be suffering from addiction.
- Officers interacting with persons suffering from addiction will be professional, compassionate and understanding at all times. Often times, people suffering from addiction ask for help only as a “last resort” and may be considering self-harm or suicide. Your interaction with them can help make a difference.
- In all instances, officers will continue to take enforcement action within their discretion and normal scope of duties to address criminal activity. At the same time, officers will recognize the fact that such criminal activity may result from a medical condition (addiction).

#### ***General Program Guidelines***

It shall be the policy of law enforcement that:

- Any person who enters the police station and requests help with their addiction will immediately be screened by a law enforcement officer for potential participation.
- No questioning of the person will be undertaken in an effort to collect drug intelligence, determine the origins of any drugs relinquished by the person, or any other effort which may undermine the intended purpose of this program - namely to encourage persons to seek police assistance in getting help for their addiction without fear of arrest or police action.

#### ***Specific Program Implementation***

**The patrol supervisor and volunteer Angel are responsible for ensuring this policy is followed.**

**FOLLOWING INITIAL SCREENING BY LAW ENFORCEMENT PERSONNEL AND CONFIRMATION THAT THE SUBJECT IS ELIGIBLE TO PARTICIPATE IN HOPE NOT HANDCUFFS:**

- Officer will immediately contact the Hope Not Handcuffs helpline (833)428-4673 by phone. Select appropriate county at the prompt and identify police department to the Angel Coordinator.



## North Rockland Youth Police Academy

### Spring 2020 Youth Academy Schedule

as of 02/05/2020 Ver. 1

ALL CLASSES 7PM-9PM (unless noted)

<b>TUESDAY</b>	March 3	Orientation Haverstraw Town Hall 7pm
Thursday	March 5 <sup>th</sup>	Police / Street Gang Interaction and Investigations
Thursday (6:30pm)	March 12 <sup>th</sup>	Arrest Techniques/Self Defense
Thursday	March 19 <sup>th</sup>	Accident Investigation/Intro Patrol/
Thursday	March 26 <sup>h</sup>	FATS/EMS-First Aid- @ FTC
Thursday (6:30pm)	April 2 <sup>nd</sup>	Drone/BCI/Jail Visit – NEW CITY****
Thursday	April 23 <sup>rd</sup>	Patrol K9 / DWI Investigation
<b>TUESDAY</b>	April 28 <sup>th</sup>	Scenarios- @ FTC
Thursday	April 30 <sup>th</sup>	Bomb Disposal/Fire Dept @ FTC
Thursday	May 7 <sup>th</sup>	Mounted/Disorder Control
Thursday	May 14 <sup>th</sup>	Felony Car Stops/Helicopter @ FTC
Thursday (6:30pm)	May 21 <sup>st</sup>	Marine Unit – STONY POINT****
Thursday	May 28 <sup>th</sup>	S.W.A.T.
<b>WEDNESDAY</b>	Jun 3	Graduation Ceremony – North Rockland High School

\*On May 28<sup>th</sup>, the S.W.A.T. team will be conducting a Demonstration at the end of the class.

Parents are encouraged to arrive at 8:45pm to also view the Demonstration.

If you are going to be late or must miss a class, please contact Det. Kryger or Det. Spatta

Det. Kryger 786-2242

Det. Spatta 354-8972

*Due to the unpredictability of Police work, this schedule is subject to change with short notice*



## Bias/Hate Crimes

Page 41 of the guide states, *“Hate crimes against individuals in protected classes are an attack not only on the individual, but also on the whole community. On March 11, 2020, in response to a physical assault on the basis of race against a woman of Asian-decent in Manhattan, Governor Cuomo directed the New York State Police to investigate the incident and stated: “No one in this state should ever feel intimidated or threatened because of who they are or how they look. Diversity is our greatest strength – it’s one of the things that makes New York great – and in difficult times we need to band together even tighter.” Local law enforcement agencies are required to submit Hate Crime Incident Report forms to the Division of Criminal Justice Services each month. You should ensure your police department is complying with these reporting requirements and has the capacity to effectively identify and investigate hate crime and bias incidents.”*

- The Town of Haverstraw Police Department has an extensive policy and procedure to handle a Hate Crime. The following steps are followed:
- The Officer first will secure the scene, provide medical attention if necessary and take the necessary action depending on the circumstances.
- Once the scene is stabilized, the Officer will then determine if a bias crime exists. (was the apparent motive for the criminal act based upon a bias motive such as race, ethnicity, religion, or sexual orientation.)
- The Officer will notify a Sergeant if they determine that a bias crime occurred and the Sergeant will respond to the scene.
- An incident report will be taken. The Officer must obtain accurate information and assess if there is any physical, emotional, or financial impact on the victim.
- The Officer will refer the victim and their families to any crime victim assistance agencies or other community services for support. (Family Members, Clergy or Counselors)
- The Sergeant will notify the Lieutenant and request Detectives to the scene.

- The Town of Haverstraw Police Department will arrange for any additional security that may be required.
- It is also important to note that Bias/Hate Crimes are classified more severely than the same crime that is not committed with Bias/Hate. When a specific crime is a misdemeanor or a class C, D, or E felony, the hate crime shall be one category higher. (example, if the charge is an assault 2 which is a “D” felony, upon conviction, it will be a C felony because of the hate crime.)

Stakeholders were provided with Town of Haverstraw Police General Order 4-2012 titled Biased/Hate Crimes (see provided materials section). Stakeholders did not have any questions on this topic.

### **Tracking and Reviewing Use of Force and Identifying Misconduct**

Page 57 of the guide states, “Building on prior use-of-force reporting reforms, Governor Cuomo recently signed legislation requiring that law enforcement officers report all firearm discharges in circumstances where a person could have been injured, whether or not any injury occurred. Beyond this requirement, police departments should have clear policies regarding documenting the use of force. Consider what other incidents, including other uses of force, your department should require be reported.”

- The Town of Haverstraw has strict policies, procedures, and reporting whenever force is used as outlined in the Departments “Use of Force” policy.
- DCJS requires all departments throughout the state to report “Use of Force” incidents when the following criteria is met.
- If any weapon is used or displayed
- If any conduct by the Officer results in serious physical injury or death
- The Town of Haverstraw has much stricter internal guidelines for “Use of Force” reporting.
- Our Officers must report whenever they have physical contact with an individual in addition to the previous listed circumstances. It does not matter if they sustain injuries or not.
- On page 39-42 of this report show the mandated reporting requirements from DCJS

Stakeholders had no further questions regarding this topic.

Resources » UCR/IBR Submission » Uniform Crime Reporting (UCR) [\[+\] Feedback](#)

**UCR Report Submission**

**Submission Of Reports**

Logged In ORI: NY0435100  
Agency Name: Haverstraw Town Police Department

**Submit UCR for a different Agency**

\* Reporting ORI:  \* UCR Number

\* Reporting Agency Name:

**Current Submission**

\* Report Month / Year:  /

**Preparer's Information**

Preparer Name: John Gould JR

\* Preparer Phone Number:

\* Preparer Email ID:

**Submission Status for Haverstraw Town Police Department for Review Status**

Report Type	Status	Date Submitted	Last Modified	Nothing to Report

\* = Denotes Required Fields

Resources » UCR/IBR Submission » Uniform Crime Reporting (UCR) [Feedback](#)

UCR Report Submission

### Use of Force Incident Numbers

ORI: NY0435100 Agency Name: Haverstraw Town PD Month-Year: 1-2021

Select Incident	Incident Number	Reported As
<input type="radio"/>	Add New Incident	

\* = Denotes Required Fields

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February 12, 2021 11:14 AM EST

Use of Force - DICRA

Did this Incident involve a death by natural causes?

Resources » UCR/IBR Submission » Uniform Crime Reporting (UCR) [Feedback](#)

UCR Report Submission

### Use of Force Incident Numbers

ORI: NY0435100 Agency Name: Haverstraw Town PD Month-Year: 1-2021

Select Incident	Incident Number	Reported As
<input type="radio"/>	Add New Incident	

\* = Denotes Required Fields

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February 12, 2021 11:55 AM EST

**Use of Force**

\* Did this Incident occur in Jail?  
 Yes  No

\* Did any of the following Use of Force Types occur in the Incident?  
**a.** Discharged Firearm  
**b.** Conduct that Resulted in Serious Bodily Injury  
**c.** Conduct that Resulted in Death  
 Yes  No



Resources » UCR/IBR Submission » Uniform Crime Reporting (UCR) [1] Feedback

**UCR Report Submission**

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**Use of Force Report**

ORI: NY0435100 Agency Number: 04351 Agency Name: Haverstraw Town PD Month-Year: 1-2021

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**Incident Details**

\* Incident Number:  \* Incident Date:  mm/dd/yyyy \* County:

\* Circumstance:  \* City:

---

**Subject(s) Details**

Subject Number	Age	Sex	Race	Ethnicity	Actions
<input type="button" value="RESET SUBJECT INPUTS"/>					

\* Age:  \* Sex:  \* Race:  \* Ethnicity:

Unknown Age

---

**Officer(s) Details**

Officer Number	Age	Sex	Race	Ethnicity	Actions
<input type="button" value="RESET OFFICER INPUTS"/>					

\* Age:  \* Sex:  \* Race:  \* Ethnicity:

**\* Use of Force Type (check all that apply)**

Displayed a chemical agent

Used/Deployed a chemical agent

Pointed a firearm in direction of subject

Used/Discharged a firearm

Pointed an electronic control weapon in direction of subject

Used/Deployed electronic control weapon

Pointed an impact weapon in direction of subject

Used/Deployed an impact weapon

Used a chokehold or other similar restraint

*Conduct that resulted in death*

*Conduct that resulted in serious bodily injury*

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Disclaimer

\*  **By Submitting this report you are attesting to the accuracy of the reported crime data entered by your department.**

\* = Denotes Required Fields

## **Internal Accountability for Misconduct**

Page 60 of the guide states, “Some law enforcement agencies, such as the LAPD, have imposed on their officers a duty to report misconduct by other officers. Within the New York State Police, there is an obligation to report the misconduct of another trooper. Similarly, some Law Enforcement agencies have imposed on their Supervisors a duty to respond to reports of possible misconduct. Should your department adopt such policies?”

- The Town of Haverstraw Police Department, in conjunction with committee stakeholders formulated a new policy entitled “Duty to Intervene” (see page 8).
- It is the Haverstraw Police Department Administration’s mindset that it is the responsibility of every member of the department to report misconduct wherever and whenever it is observed. The procedure for doing so can be viewed on page 9 of this report.
- The Department also has a civilian complaint procedure. See page 44 for details on the procedure.
- Civilian complaint forms may be printed out online at [townofhaverstraw.org/police.html](http://townofhaverstraw.org/police.html), picked up in the Police Department lobby, or at the Town of Haverstraw Clerk’s office at Haverstraw Town Hall.

Similarly to past topics, stakeholders felt there should be a “Duty to Intervene” policy the covers all aspects of our job, not just use of force incidents. There was also a request to add in our policy the locations of where a civilian complaint form can be attained if necessary (See highlighted section for changes to policy on page 45). The discussion of a Civilian Complaint Review Board came up and was suggested it should be added to the Civilian Complaint policy. We will address civilian oversight on page 55.



**HAVERSTRAW TOWN POLICE DEPARTMENT  
GARNERVILLE, NEW YORK 10923**

MANUAL INDEX # 2-2012	SUBJECT: <u>GENERAL ORDER</u>
REF:	COMPLAINTS AGAINST POLICE OFFICERS
NYSLEAS No. 25.1	
EFFECTIVE DATE: 7/20/2012	APPROVED: <i>Peter G Murphy</i> <i>Chief</i>
<u>RESCINDS</u> 2-2004	<u>AMENDS</u>
	<u>CROSS REFERENCE</u>
REVIEW DATE: 3/5/20	PAGE 1 OF 10
DISTRIBUTION: ALL MEMBERS OF POLICE DEPARTMENT	

**PURPOSE**

To specify the activities of the internal affairs function and outline the procedure for the handling and investigating of complaints filed against Department personnel, the resultant dispositions and the maintenance of records.

**POLICY**

The department's image and reputation depend on the personal integrity and discipline of all departmental employees. To a large degree, the public image of the department is determined by a professional response to allegations of misconduct against its employees. The department must competently and impartially investigate all allegations of misfeasance, malfeasance, nonfeasance by employees and complaints bearing on the department's response to community needs. The department recognizes that its personnel are often subject to intense pressures in the discharge of their duties. The employee must remain neutral under circumstances that are likely to generate tension, excitement, and emotion. In these situations, actions and events frequently result in misunderstanding and confusion. It is to the advantage of all employees to have a procedure for the investigation of the more serious allegations and underlying circumstances, so that complaints can be resolved in light of the complicated pressures of law-enforcement work.

The department encourages citizens to bring forward legitimate grievances regarding misconduct by employees. Department members shall receive all complaints courteously and shall handle them efficiently. All officers are obligated to explain complaint procedures to inquiring citizens.

**PROCEDURES (GENERAL):**

**A. HOW TO MAKE A COMPLAINT:**

A copy of "How to Make a Complaint" will be posted in the public areas of the department, provided to media representatives, and may be given to any citizen requesting information on how to make a complaint. A copy of "How to Make a Complaint" is found in the appendix to this order. Additionally, this document can be located on the Police Departments website [www.townofhaverstraw.org/police](http://www.townofhaverstraw.org/police), and located at the Town of Haverstraw Clerk's Office located at Town Hall.

**B. RESPONSIBILITY FOR HANDLING COMPLAINTS:**

1. Complaints regarding law-enforcement operations or services or failure to provide a service, or improper attitudes or behavior including but not limited to tardiness, rudeness or insubordination will be handled through the chain of command, beginning with the first-line supervisor. The first line supervisor for purposes of this order shall be of the rank of a Sergeant.
2. A supervisory officer who receives a complaint directly or has been summoned to receive a complaint shall explain the procedure/policy to the complainant. If, after the investigation, allegation or conciliation is completed, the complainant is satisfied and the matter resolved, no further action is necessary.
3. Serious categories of complaints which include, but are not limited to: corruption, brutality, death or serious injury, criminal misconduct or misconduct involving several personnel or supervisory personnel shall be investigated by the Captain who has been designated by the Chief of Police to administer, direct and be responsible for the internal affairs components of the Police Department. The Captain will report directly to the Chief on internal affair matters.
4. The District Attorney's office or other outside agency upon request of the Chief may be involved in the investigation to maintain public confidence in

the internal affairs function. The Captain will maintain a close liaison with the District Attorney's Office in investigations alleging criminal conduct, by seeking legal advice or by routine notification.

C. RECEIPT OF COMPLAINTS AND HANDLING PROCEDURES:

1. All complaints, regardless of nature, can be logged in person, by mail, or by phone at any time. As part of the follow-up investigation, persons making complaints by mail or phone normally shall be interviewed and a written, signed complaint prepared. A copy of the complaint form is found in the appendix to this order.
2. An employee who receives a citizen's complaint through U.S. mail shall place the correspondence and envelope in a sealed envelope and forward it to the first line supervisor, who shall determine investigative responsibility.
3. Complaints received by telephone by dispatchers or other employees shall be courteously and promptly referred to the first line supervisor. The employee shall record the name and telephone number of the complainant and state that the Chief of Police or, if unavailable, the sergeant shall call back as soon as practical.
4. Anonymous complaints shall be followed up to the extent possible. In case of an anonymous complaint, the officer or other person who receives the anonymous complaint shall complete the form in the appendix to the extent possible.
5. Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. An employee of the department, who interferes with, discourages, or delays the making of complaints shall be subject to disciplinary action.
6. Normally, a citizen with a complaint shall be referred to the first line supervisor who shall assist the citizen in recording pertinent information. The first-line supervisor shall at least conduct a preliminary investigation. The preliminary investigation consists of questioning the officer, complainants, or witnesses, and securing evidence.

7. Upon completion of the preliminary investigation, the following documents shall be prepared and forwarded through the chain of command.
  - i. A report of the alleged violation; any documents and evidence pertinent to the investigation.
  - ii. Recommendations for further investigation by internal affairs or another agency.
  
8. If the first-line supervisor or other investigators determine that the complainant is apparently under the influence of an intoxicant or drug, or apparently suffers from a mental disorder, or displays any other trait or condition bearing on his or her credibility, the supervisor or investigator shall note these conditions on the reverse side of the complaint form. Any visible marks or injuries relative to the allegation shall be noted and photographed.
  
9. Prisoners or arrestees also may make complaints, although circumstances may require a department representative to meet the complainant at the jail for an interview. If appropriate, the representative will have photographs taken of prisoners' injuries
  
10. The above procedure may also be used when department employees desire to enter a complaint against any other employee governed by this order.

#### **INTERNAL AFFAIRS FUNCTIONS:**

##### **A. TYPES OF INVESTIGATIONS**

1. Two types of investigations may take place: administrative or criminal. Different rules govern interviews of employees in each case. Before any interview, the employee under investigation shall receive a confidential written notice of the complaint. This notice will include a copy of the original complaint, a summary of the facts, and the officer's rights and responsibilities.

Note: Administrative and criminal investigations may be conducted simultaneously, but investigators assigned to either may not collaborate or share information.]

B. INVESTIGATIVE PROCEDURES

The Chief shall:

- 1 Record, register, control or cause to be recorded, registered, or controlled the investigations of employees.
- 2 Supervise and control the investigation of the alleged or suspected misconduct within the agency.
- 3 Maintain the confidentiality of the internal affairs investigation and the records of it.
- 4 Maintain close liaison with the Department attorney in investigating alleged criminal conduct.

C. ASSISTANCE OF LEGAL COUNSEL:

Employees are permitted to have an attorney, supervisor, or union representative with them in the room during any interview regarding allegations of misconduct.

D. INTERVIEW FOR ADMINISTRATIVE PURPOSES: GARRITY HEARING

If the chief of police wishes to compel an employee to answer questions directly related to his or her official duties and the chief is willing to forego the use of any answers in a criminal prosecution, the Chief of Police or another interviewer shall advise the employee that:

1. The purpose of the interview is to obtain information to determine whether disciplinary action is warranted. The answers obtained may be used in disciplinary proceedings resulting in reprimand, demotion, suspension, or dismissal.
2. All questions specifically related to employment must be fully and truthfully answered. Refusal to answer may result in disciplinary action.
3. Neither answers given nor any information obtained by reason of such statements are admissible against the employee in any criminal proceeding: Read to the employee the following.

*"I advise you that you are being questioned as part of an official investigation of the department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges that could result in your dismissal from the department. If you do answer, neither your statements nor any information or evidence, which is gained by reason of such statements, can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges."*

4. In an interview for administrative purpose, no Miranda rights are required. Further, the foregoing rules are inconsistent with Miranda in that employees' statements cannot be used as evidence.
5. The interviewing officers shall use the "administrative proceedings rights" form found in the appendix to this instruction.

E. INTERVIEWS FOR CRIMINAL INVESTIGATIVE PURPOSES:

If the Chief of Police believes that criminal prosecutions are possible and wishes to use statements against the employee in a criminal proceeding, or at least wishes to maintain the option of their use, he or another interviewer shall:

1. Give the employee Miranda rights
2. Advise the employee that if he asserts his right not to answer questions, no adverse administrative action will be taken based upon the refusal.
  - i. If the employee decides to answer questions at this point, the responses may be used in both criminal and disciplinary proceedings.
  - ii. Note that the Miranda admonition includes the provision that a lawyer may be present at an interview. Although technically the employee has no right to counsel until the employee has been

- iii. criminally charged or his or her freedom of action has been deprived, the department wishes the employee to have the option. The department wishes no possibility to arise in which its actions might be construed as coercive.

## F. ADJUDICATION OF COMPLAINTS

The chief of Police will classify completed internal affairs investigations as:

1. Unfounded - no truth to allegations.
2. Exonerated - allegations true but result of adherence to proper and appropriate procedures and techniques.
3. Not sustained - unable to verify the truth of the matters under investigation.
4. Sustained - allegations true

G. Completed investigations classified as unfounded, exonerated or not sustained will be maintained in legal files in the chief of police's office. Sustained complaints shall be filed in the individual employee's department personnel file with a copy in the internal affairs files.

H. Disciplinary action taken shall be determined by the seriousness of the violation or the extent of injury to the victim. It shall be commensurate with the circumstances surrounding the incident and in consideration of the employee's service record and prior sustained complaints.

1. The department shall maintain a log of all complaints.
2. The complaints and internal investigative files shall be kept in a secure area and shall be maintained as long as state archival policy dictates.

3. The chief of police shall direct a periodic audit of complaints to ascertain a need for training or a revision of policy.

## I. DISPOSITION OF COMPLAINTS GENERALLY:

1. Written notice of case progress will be provided to citizens who initiate formal complaints against Departmental members.
2. The Chief of Police will notify the complainant that complaints against the agency or its employees will be investigated and administratively handled.

Note: Pursuant to §50-a of the Civil Rights Law, the agency need only advise the complainant that the matter is being administratively handled.

3. Maintain complaint files separate from personnel files.
4. Take appropriate disciplinary action following the investigation

All procedures listed above will be subject to all applicable laws and the Collective bargaining agreement.

## HOW TO MAKE A COMPLAINT

1. If you wish to make a complaint about the actions of an officer or about any aspect of law-enforcement operations, please:
  - a. Come to the department and tell any employee that you want to make a complaint; or



- b. Call the department office and tell the person answering the phone that you want to make a complaint; or
- c. Write your complaint and mail it to the Chief of Police.

Chief of Police  
 Town of Haverstraw Police Department  
 101 West Ramapo Road  
 Garnerville, N.Y. 10923

- 2. A Supervisor will assist you in filling out a complaint form. This form asks you to identify yourself and then to give specific details about your complaint.
- 3. Your complaint will then be investigated. You may be contacted and asked additional questions about your complaint.
- 4. If it is going to take a long time to investigate your complaint, you will receive a letter telling you approximately when you may expect a reply.
- 5. When your complaint has been investigated, the chief of Police will review the investigation and will write you a letter explaining what has been found out about the matter.

**REPORT OF COMPLAINT AGAINST POLICE PERSONNEL**

*CONFIDENTIAL*

Name of complainant: \_\_\_\_\_

Contact address? \_\_\_\_\_

What phone number? Residence: \_\_\_\_\_ Work: \_\_\_\_\_

Date and time of incident: \_\_\_\_\_

Location of incident: \_\_\_\_\_

Name of officer(s) or employee(s) against whom complaint is being filed, or other identifying marks (car number, badge number, etc.)

Rank: \_\_\_\_\_ Name: \_\_\_\_\_

I.D. # \_\_\_\_\_ Badge: \_\_\_\_\_ Vehicle: \_\_\_\_\_

Name(s)/address/phone number or other identifying information concerning any witnesses, if applicable:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Statement of allegation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ (If further space is needed use reverse side of sheet)

I understand that this statement of complaint will be submitted to the Town of Haverstraw Police Department and may be the basis for an investigation. Further, I sincerely and truly declare and affirm that the facts contained herein are complete, accurate, and true to the best of my knowledge and belief. Further, I declare and affirm that my statement has been made by me voluntarily without persuasion, coercion, or promise of any kind.

I understand that, under the regulations of the department, the employee against whom this complaint is filed may be entitled to request a hearing before a board of inquiry. By signing and filing this complaint, I hereby agree to appear before a board of inquiry if requested by the employee, and to testify under oath concerning all matters relevant to this complaint.

The filing of a false statement is a class A misdemeanor in the State of New York. [NYS Penal Law Sect. 135.70]

Refused to sign \_\_\_\_\_ Signature and Date \_\_\_\_\_

Signature of Person Receiving Complaint \_\_\_\_\_ Date and Time Received \_\_\_\_\_

**ADMINISTRATIVE PROCEEDINGS RIGHTS**  
**NOTICE OF ALLEGATIONS**

NAME \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_

Police department procedure provides that whenever an investigation by an agency focuses

on matters that could lead to the dismissal, demotion, suspension or transfer for punitive reasons of a law-enforcement officer, the following conditions shall be compiled with:

Any questions of the officer shall take place at a reasonable time and place as designated by the investigating officer, preferably when the officer under investigation is on duty and at the office of the investigating officer unless circumstances dictate otherwise.

Before questioning the officer, he shall be informed of:

1. The name and rank of the investigating officer
2. Any person to be present during the questioning
3. The nature of the investigation.
4. Name of Complainant

Departmental policy provides that

- A. You are entitled to know the allegations lodged by the complainant.
- B. Refusal to answer all questions pertaining to the allegations made by the complainant, either orally or in writing, shall be grounds for disciplinary action, or may result in dismissal from the department.
- C. The answers given during the investigation of an administrative matter will not be used against you in any criminal proceedings.
- D. The answers given do not constitute a waiver of your privilege against self-incrimination as related to criminal matters.

Accordingly, you are hereby advised that the following allegations have been directed to you:

COMPLAINT(S): 1. \_\_\_\_\_ 2. \_\_\_\_\_

-----

The undersigned hereby acknowledges receipt in writing of the charges or allegations against him and his rights as pertaining to administrative proceedings.

## **Civilian Oversight and Other External Accountability**

Page 64 of the guide states, *“Many larger law enforcement entities have some form of civilian oversight entity. Unlike citizen advisory boards, which are broad committees to encourage dialogue, community civilian oversight entities have formal duties and authorities. For example, these entities may have the power to review investigative findings of Internal Affairs bureaus, to conduct their own investigations, to leverage various investigative tools, including subpoenas, and/or to impose discipline. Some entities also have the power to weigh in on key policy decisions”.*

- The Town of Haverstraw Police Department’s civilian oversight consists of the Town of Haverstraw Police Commission.
- The Police Commission members consists of the Town Supervisor and Town Councilmembers.
- The Police Commission makes decisions on topics such as discipline, policy and procedure, operation plans for large events, etc.
- In addition to the Police Commission oversight, being an Accredited agency, we are continuously audited on our policies and procedures by outside assessors assigned to our Department by the New York State Accreditation program.
- These assessors are selected by the State of New York to perform on site visits of our Department to ensure our organization meets or exceeds general expectations of quality in each area of policing.
- The Accreditation program also makes sure our policies are up to date with current regulations as well as conducting an in-depth audit of our policies and procedures to ensure that they are all conceptually sound and operationally effective.

Stakeholders suggested that a Civilian Complaint Review Board should be formed consisting of people that have no personal or professional benefit to the outcome of decisions made by the board. Some stakeholders feel that the Town Board is not able to give an impartial decision due to their potential liability on the outcome of an incident.

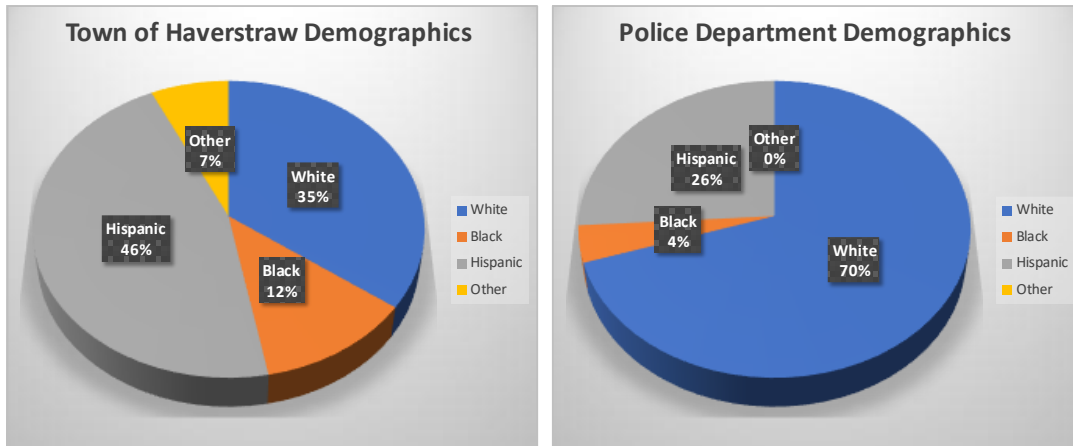
The idea of the Civilian Complaint Review Board was debated by stakeholders. There were a few ideas of how it should be implemented. One stakeholder felt the review board should be consulted on all aspects of the Police Department such as discipline, policy and procedures etc. Others felt it should only be used for disciplinary matters and civilian complaints. A few members felt that a Civilian Review Board is not necessarily a good idea because civilians are not aware of how policing works therefore possibly making it difficult to fairly make a determination.

### **Recruiting a Diverse Workforce**

Page 84 of the guide states, *“It is essential that local law enforcement agencies reflect and represent the diversity of the communities they serve. President Obama’s Task Force on 21st Century Policing recognized that diverse law enforcement agencies foster trust in the community. This trust, in turn, aids in easing community tensions, reducing and solving crime, and creating a system where residents have positive views of law enforcement as fair and just.”*

- The Town of Haverstraw makes it a priority to hire the most qualified members of the community to become a member of the Haverstraw Police department.
- The Town of Haverstraw also recognizes the importance of having the workforce reflect the demographics of the community that we serve.
- The graph pictured below shows the Town of Haverstraw demographics as compared to the demographics of the Police Department. It is also important to note that of our last 17 hires, approximately 50% were minority candidates.
- Recruiting efforts are made to reach all members of the community to encourage everyone to take the civil service test for Police Officer.
- In the flyers shown on the following pages, you will see 3 examples of flyers that are disseminated throughout the community.
- The flyers are printed in English, Spanish, Yiddish, and Creole. Pictured in the photo, second in from left, is our very own P.O. Dana Morel.

## Police Department Demographics



Stakeholders were asking for statistics on demographics of the Police Department employees and were provided the above listed data. Concerns were raised regarding our lack of African-American Officers. They were advised of the New York State Civil Service requirements and it was explained that the town can only choose candidates that are currently on a list that is issued to us by the Rockland County Department of Personnel based on their performance on the New York State civil service exam for Police Officer. The Rockland County Police Act is also a piece of legislation that outlines hiring policy (See page 61). A suggestion was made that there should be an African-American list created similar to a Spanish speaking list that is created by the Rockland County Department of personnel. It was also suggested that we should attempt to look for transfer or resignation/reinstatement candidates as an additional method of recruiting minority candidates. Stakeholders also were provided with General Order 2-2014 entitled "Recruitment and Screening." A several stakeholders did not like the wording in III A stating they did not like the word "Moral Character". That section was amended (see page for proposed changes)

## DO YOU HAVE WHAT IT TAKES?



EXAM Date:

Sept. 26, 2020

# APPLY NOW!

## BECOME A POLICE/ PATROL OFFICER

The County of Rockland announces Police & Patrol Exam

- ❖ Sheriff's Dept.
- ❖ Towns
- ❖ Villages

Start Applying:  
March 13, 2020

Last Date to Apply:  
July 15, 2020

\$30 Filing Fee

For more information or to apply online:

[www.rocklandgov.com/departments/personnel/policepatrol-officer-exam](http://www.rocklandgov.com/departments/personnel/policepatrol-officer-exam)

or

In Person/ Mail at:

50 Sanatorium Road, Building A, 7<sup>th</sup> Floor Pomona, NY 10970

845-364-3737



## Tienes lo que se necesita?



Fecha de examen  
26 de Septiembre de 2020

# Aplique ahora! Hágase policía

El condado de Rockland anuncia el examen de policía

- ❖ La oficina del Sheriff
- ❖ Los departamentos municipales

Empiece a  
aplicar:  
13 de Marzo de  
2020

Gasto  
administrativo: \$30

El último día para  
aplicar:  
15 de Julio de 2020

Para más información o para aplicar por internet:  
[www.rocklandgov.com/departments/personnel/policepatrol-officer-exam](http://www.rocklandgov.com/departments/personnel/policepatrol-officer-exam)

o  
por correo

50 Sanatorium Road, Building A, 7<sup>th</sup> Floor Pomona, NY 10970

845-364-3737



## Eske ou santi ou kapab?



Dat Egzamen an  
26 Septanm, 2020

## APLIKE KOUNYE A

Vin Yon Ofisye La Polis/Ofisye Kap Fè Patrouy

Konte Rockland anonse Egzamen Polis ak Ofisye  
Patwouy

❖ Sheriff

❖ Towns and Vill

Kòmanse Aplike:

**13 Mas, 2020**

\$30 Pou Aplike

Dènye Dat Pou Aplike

**15 Jiyè, 2020**

Pou plis enfòmasyon oswa pou aplike sou entènèt:

[www.rocklandgov.com/departments/personnel/policepatrol-officer-exam](http://www.rocklandgov.com/departments/personnel/policepatrol-officer-exam)

Ousinon An Pèsòn oswa pa Lapòs

50 Sanatorium Road, Building A, 7<sup>th</sup> Floor Pomona, NY 10970

845-364-

ROCKLAND COUNTY POLICE ACT  
AS AMENDED FOR TOWN POLICE DEPARTMENTS

CHAPTER 526

AN ACT providing for the establishment, organization and operation of police departments in town of the first class in Rockland County.

Became a law May 11, 1936, with the approval of the Governor.  
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

**Section 1. Establishment, organization and operation of police departments in towns of the first class in the County of Rockland.** Notwithstanding any other provisions of law, the establishment, organization and operation and all matters concerning police or police departments in all towns of the first class in the County of Rockland shall be governed by the provisions of this act. The employment of such policemen and special policemen shall continue to be in accordance with the rules of the state civil service commission as heretofore extended to the employment of policemen in such towns of Rockland County.

**Section 2. A. Establishment of town police departments.** The town board of any town of the first class in Rockland County which now has a police force or police department, or employs police officers or policemen or which hereafter employs such policemen or police officers, shall establish a police department and appoint a chief of police, and such captains, lieutenants, sergeants and patrolmen as may be needed and fix their compensation, except that it shall not be mandatory for a town which employs special policemen only for temporary periods of time in accordance with this act to establish a police department. The compensation of such policemen shall be a town charge, except that the town board of such town may enter into an agreement with any village within it or partially within it which maintains a police department of four or more policemen on an annual full-time basis, established and maintained under the rules of civil service, and determine therein what part of the cost thereof shall be assessed against the property in the village and what part thereof shall be assessed against the property in the town outside of the village. Thereafter such portion of the cost thereof determined to be assessed outside of the village shall be a charge against that part of the town outside of any such village and assessed, levied and collected from the taxable property of that part of the town outside of the village. The town board may, at its option, determine that the town shall pay all or part of the cost of the uniforms and necessary equipment of its policemen. When appointed, such policemen shall be peace officers and shall have all the powers and be subject to all the duties and liabilities of a constable of such town in all criminal actions and proceedings and special proceedings of a criminal nature.

Town policemen who were serving as such in all towns of the first class in the County of Rockland on May sixteenth, nineteen hundred thirty-five or who have been appointed to permanent positions pursuant to law since such date, and who are lawfully entitled to continue in such positions at the time this act takes effect, shall continue to be members of the town police department without further civil service examination regardless of their age and shall retain their present lawful rank. All appointments made hereafter to any such police department shall be made in accordance with the provisions of section three of this act.

B. The town board of a town in which such a police department has been established at any time by resolution may establish a board of police commissioners for such town and appoint one or three police commissioners who shall at the time of their appointment and throughout their term of office be owners of record of real property in and electors of such town, and who shall serve without compensation, and at the pleasure of the town board. If the town board shall appoint only one such police commissioner, it shall in addition designate two members of the town board to serve as members of such police commission. When either of such boards of police commissioners shall have been established, such board of police commissioners shall have and exercise all the powers relative to police matters conferred upon the town board pursuant to this article. The town board may by resolution at any time abolish such police commission and thereupon the town board only shall exercise the powers conferred upon it by this article.

**Section 3. Qualifications.** No person shall be eligible to appointment or reappointment to such police department, nor continue as a member thereof, who shall not be a citizen of the United States, who has been convicted of a felony, who shall be unable to read and write understandingly the English language or who shall not have resided within the State of New York one year and in any town or village in Rockland County for six months next preceding his appointment. No person shall be appointed a member of such police force who is over the age of thirty-five years; provided, however, that a person who is serving as a town policeman who is over the age of thirty-five years and who possesses the above qualifications shall be eligible for appointment in such department, at the time of its organization only. No person shall be appointed a member of such police force unless he shall have passed an examination, held by the state civil service department, and unless at the time of his appointment his name shall be on the eligible list of the state civil service department.

**Section 4. Promotion.** Promotion of officers and members of such police department shall be made, and all vacancies above the grade of patrolmen filled whenever possible by promotion from among persons holding positions in a lower grade in the department in which the vacancy exists, by the town board on the basis of seniority, meritorious police service and superior capacity as shown by competitive examination, such examination to be conducted by the state civil service department. Individual acts of personal bravery may be treated as an element of meritorious service in such examination. The town board shall keep a complete service record of each member of such police department in accordance with the rules and regulations of the state civil service department and shall transmit the record of each candidate for promotion to the state civil service department in advance of such examination. Notwithstanding any other special or general laws to the contrary, such promotion examination shall be competitive examinations held by the state civil service commission regardless of the number of candidates eligible for such promotion, and if the number of candidates is restricted to less than four by the action of the town board, and if the names of one or more candidates are certified as having passed such examination, such name or names shall constitute an eligible list under the civil service law. In no case shall the requirements for service for the respective offices be for longer periods than the following periods of time: for the office of chief, one year as captain or two years as lieutenant or three years as sergeant or ten



years as patrolman; for the office of captain, one year as lieutenant or two years as sergeant or seven years as patrolman; for the office of lieutenant, one year as sergeant or five years as patrolman; for the office of sergeant, three years as patrolman. No person shall be eligible to take such promotion examination unless he is serving as a policeman on the police force of a town or village in Rockland County. (as amended 1941, 1963)

**Section 5. Transfers.** Transfers from one town police department to another town or village police department in the county may be made upon the mutual consent of the appointing officers of the departments affected. Any member of such police force who is or has been transferred shall receive credit with the town department to which he is transferred for time served on the police force or in the department of any village or town within the county, as though the full time had been served with the department to which he has been transferred, for purposes of seniority, promotion, pensions and general administration.

**Section 6. Administration.** The town board may make, adopt and enforce rules, order and regulations for the government, discipline, administration and disposition of the police department and of the members thereof. Such rules and regulations and all amendments thereto shall be in writing and shall be posted in a conspicuous place in the police headquarters. Each member of the department shall receive a copy thereof and of all amendments thereto.

**Section 7. Discipline and charges.** Except as otherwise provided by law, a member of such police department shall continue in office unless suspended or dismissed in the manner hereinafter provided. The town board shall have the power and authority 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 such police department. Except as otherwise provided by law, no member or members of such police department shall be fined, reprimanded, removed or dismissed until written charges shall have been examined, heard and investigated in such manner or by such procedure, practice, examination and investigation as the board, by rules and regulations from time to time, may prescribe. Such charges shall not be brought more than sixty days after the time when the facts upon which such charges are based are known to the town board. Any member of such police department at the time of the hearing or trial of such charges shall have the right to a public hearing and trial and to be represented by counsel; no person who shall have preferred such charges or any part of the same shall sit as judge upon such hearing or trial. Witnesses upon the trial of such charges shall testify thereto under oath. No member of such department who shall have been dismissed shall be reinstated unless he shall, within twelve months of his dismissal, file with such board a written application for a rehearing of the charges upon which he was dismissed. Such board shall have the power to rehear such charges and, in its discretion, may reinstate a member of the force after he has filed such written application therefor.

Any member of such department found guilty upon charges, after five days' notice and an opportunity to be heard in his defense, of neglect or dereliction in the performance of official duty, or of an act of delinquency seriously affecting his general character or fitness for office, may be punished by the town board having jurisdiction, by reprimand, by forfeiture and withholding of salary or compensation for a specified time not exceeding twenty days, by extra tours or hours of duty during a specified period not exceeding twenty days, by suspension from duty for a specified time not exceeding twenty days and the withholding of salary or compensation during such suspension or by dismissal from the department. Such board shall have the power to suspend, without pay, pending the trial of charges, any member of such police department. If any member of such police department so suspended shall not be convicted of the charges so preferred, he shall be entitled

to full pay from the date of suspension. The conviction of a member of such police department by the town board shall be subject to review by certiorari to the supreme court in the judicial district in which such town is located, provided that application therefor be made within thirty days from the determination of such conviction by the town board.

**Section 8. Effect of resignation.** Any member of such department who shall resign shall not be reinstated by such board unless he shall make written application, within twelve months of his resignation, for reappointment as a member of such department.

**Section 9. Absentee leave.** Every member of such police department shall be entitled, in addition to any vacation or absentee leave now prescribed by law, to one day of rest in seven. The chief or acting chief of the police department shall keep a time book showing the name and shield number of each member of the department and the hours worked by each of such policemen in each day. The town board may make a variation from the above prescribed hours of vacation, provided the member shall receive during each year the actual number of days absentee leave to which he is entitled. The town board, at its option, may, in addition to the days of rest hereinbefore provided, grant an annual vacation with pay. Whenever the town board shall designate any policeman to attend police school, such attendance shall be deemed in the course of duty and when so attending he shall receive his usual pay and reimbursement for actual and necessary expenses. Sick leave with full pay may be granted whenever such sickness or disability has been incurred without the delinquency of the policeman.

**Section 10. Special policemen.** The town board of any such town, whether there be a police department in and for such town or not, may employ temporary police officers from time to time as the town board may determine their services necessary. Such police officers shall be known as "special policemen" and shall have all the power and authority conferred upon constables by the general laws of the state and such additional powers, not inconsistent with law, as shall be conferred upon them by the town board. They shall be subject to the general authority and direction of the town board and to such orders and regulations as the town board may prescribe, not inconsistent with law. Such special policemen shall serve at the pleasure of the town board and the town board shall fix their compensation and may purchase uniforms and equipment therefor but no such special policemen shall be appointed nor any expense incurred by reason thereof unless said town board shall have provided therefor in its annual budget, previously adopted, and no expenditure shall be made in excess of the budget appropriation therefor. Such special police shall not be eligible to appointment unless they shall have passed an examination held by the state civil service commission, and unless their names shall be on the eligible list of the said commission at the time of their appointment, and unless such special policemen possess the qualifications set forth in section three of this act.

**Section 11. Vacations.** Every member of such police department shall be allowed an annual vacation of not less than fourteen consecutive days without diminution of salary or compensation as fixed by or pursuant to law, except in case of public emergency. In the event of a public emergency during which the vacation or portion of a vacation of a member shall have been withheld upon the cessation of such emergency, such member shall then receive with pay the number of days of such vacation withheld.

**Section 12. Grades of policemen.** The annual salary and compensation of the members of such police department shall be uniform in accordance with their rank and grade except as provided by section thirteen

of this chapter and a copy of such salary scale and any changes made therein shall be filed with the state civil service commission. All patrolmen who shall have served four years or upwards on such police force shall be patrolmen of the first grade. All patrolmen who shall have served for less than four years and more than three years shall be patrolmen of the second grade. All patrolmen who shall have served for less than three years and more than two years shall be patrolmen of the third grade. All patrolmen who shall have served for less than two years and more than one year shall be patrolmen of the fourth grade. All patrolmen who shall have served for less than one year shall be patrolmen of the fifth grade. Whenever any patrolmen of the fifth grade shall have served therein for one year, he shall be advanced to the fourth grade and whenever any patrolman of the fourth grade shall have served therein for one year, he shall be advanced to the third grade and whenever any patrolman of the third grade shall have served therein for one year, he shall be advanced to the second grade and whenever any patrolman of the second grade shall have served therein for one year, he shall be advanced to the first grade. (as amended 1946)

**Section 13. Detective service.** The chief of police after consent and approval of the town board and board of police commissioners, if any, may from time to time, detail to detective duty as many members of the force as he may deem necessary to make the service efficient and he may at any time revoke such detail. Any policeman who may be so assigned by the chief of police to detective duty may be paid a salary in excess of that paid a member of his rank and grade. Any policeman detailed to detective duty, while so detailed, shall retain his rank and shall be eligible for promotion, the same as if serving in the uniformed force and the time during which he serves in detective duty shall be counted for all purposes as if served in his rank or grade in the uniformed force. (added 1946)

**Section 14. Reservation.** Nothing in this chapter contained shall deprive any person or persons of any of the benefits of any other provisions of law unless the same shall be inconsistent with the provisions of this chapter, and no other provision of law which may be inconsistent shall prevent the operation of the provisions of this chapter. (added 1946)

**HAVERSTRAW TOWN POLICE DEPARTMENT  
GARNERVILLE, NEW YORK 10923**

MANUAL INDEX # 2-2014	SUBJECT: <u>GENERAL ORDER</u>	
REF: NYSLEAS #s11.1,12.1,	<b>RECRUITMENT AND SCREENING</b>	
NYSLEAS #s 12.5,12.6,12.7,12.8,12.9		
EFFECTIVE DATE: 2/5/14	APPROVED:  <i>Peter G. Murphy</i> Chief	
<u>RESCINDS</u>	<u>AMENDS</u>	<u>CROSS REFERENCE</u>
REVIEW DATE: 11/22/17	PAGE 1 OF 5	
DISTRIBUTION: ALL MEMBERS OF POLICE DEPARTMENT		

**I. PURPOSE**

The purpose of this policy is to ensure that qualified candidates are selected for hiring as Police Officers and that the selection process is valid, job-related, non-discriminatory, and appropriately documented.

**II. POLICY**

It is the policy of the Haverstraw Town Police Department to recruit and select candidates for the position of Police Officer in accordance with the New York State Civil Service Law, as administered by the Rockland County Department of Personnel, and to afford equal employment opportunity to all eligible candidates. To be eligible for appointment, candidates must meet the prescribed standards set forth by the New York State Bureau for Municipal Police and the Rockland County Department of Personnel. In cases of inter-agency transfer, only candidates from competitive civil service agencies shall be

considered for appointment to the Police Department. It shall be the responsibility of the Chief of Police to coordinate selection activities.

### III. PROCEDURE

#### RECRUITMENT AND TESTING

Recruitment is the first step in the hiring process. The primary method of recruitment for the position of Police Officer within the Haverstraw Town Police Department is through the Rockland County Personnel Department continuous recruitment-testing program. In the matter of recruitment all testing, screening and hiring shall be in accordance with New York State Civil Service law as administered by the Rockland County Personnel Department. (Candidates must pass a written Civil Service Examination prepared by the New York State Civil Service Commission in order to become eligible for appointment.)

The Director of Personnel will supply a Certification of Eligible Candidates to the Police Department when the examination results become available and are requested by the Town of Haverstraw.

Candidates on the certification list will be reviewed and contacted by registered mail to establish availability and arrange for Pre-Employment Interviews.

Appointments resulting from sources other than a Civil Service list, such as inter-agency transfers, must be in accordance with these policies, procedures and requirements utilized in hiring from a Civil Service list.

All officers hired by the Haverstraw Town Police Department must complete the Bureau for Municipal Police Training Course within one (1) year of employment, if they have not already done so.

Candidates considered for appointment to the Haverstraw Town Police Department must be of good moral character and must satisfy the height, weight, medical, psychological and physical fitness requirements prescribed by the New York State Bureau for Municipal Police and the Rockland County Personnel Department.



**Proposed Change**

*Candidates considered for appointment to the Haverstraw Town Police Department must satisfy the requirements prescribed by the New York State Bureau for Municipal Police and the Rockland County Personnel Department.*

**B. ORAL INTERVIEW**

The Chief of Police and/or his designee(s) will give eligible candidates meeting all of the requirements specified in Section A an oral interview. Oral interviews will employ a set of uniform questions and the results obtained will be recorded on standardized forms. The recorded results will be kept on file for a minimum of one (1) year after any appointments resulting from a series of interviews.

**C. BACKGROUND INVESTIGATION**

All candidates must complete and submit the Haverstraw Town Police Department Employment Application, which includes signing an authorization for release of information form. Upon submission of the completed application, a thorough background investigation will be conducted which will include, but not be limited to, investigation of the candidate's family, education, residences, work record, credit records, organizations and affiliations, references, social contacts, DMV record, military history and criminal history record.

**D. PSYCHOLOGICAL SCREENING**

An emotional stability and psychological fitness screening is conducted for all police officer candidates (e.g. new hires, rehires, lateral appointments, full-time and part-time). The evaluation must be conducted by a qualified professional.

In cases of part-time employees, rehires and lateral appointments, psychological testing conducted at any time by another law enforcement agency may be considered provided the candidate has maintained a valid police training certificate pursuant to General Municipal Law 209-q.

**E. PHYSICAL EXAMINATION**

A licensed physician in accordance with the standards prescribed by the Rockland County Department of Personnel will give all candidates a physical examination. When such physical examination has not been conducted in the course of Civil Service testing, as in the case of some transfer candidates, the same standards and procedures will be applied.

**F. PROBATIONARY APPOINTMENT**

At the conclusion of the selection process, the Chief of Police or his designee will make recommendations to the Police Commission for appointments to the position of Police Officer. All appointments will be probationary for a period of one hundred and four (104) weeks. Subsequent to the effective date of appointment and prior to commencement of official duties, the appointee will be administered the standard Oath of Office for Police Officers by the Office of the Town Clerk. (See Section H, on page 5.)

1. Employee's permanent status is contingent upon the ability of the probationer to successfully negotiate all of the following:

- a. Basic Police Course Certification- All appointed candidates to the position of Police Officer are required to complete a course as prescribed by the Bureau of Municipal Training of the State of New York, within the first twelve (12) months of their employment.
- b. A 12-Week Field-Training Officer Program
- c. Probationary Police Officers will be evaluated a minimum of three times during their course of instruction and during any additional recruit and probationary training that is mandated.
- d. All other requirements of the department:
  - 1. In-Service Training: The Department will conduct annual In-Service Training for the purpose of maintaining a proficiency level and knowledge in the areas of Article 35 of the C.P.L.

(Use of Deadly Physical Force Justification), firearms training,

and C.P.R.

G. MAINTENANCE OF RECORDS

All records of appointed candidates, which are not maintained by the Rockland County Department of Personnel, shall be maintained by the Haverstraw Town Police Department for a period of six (6) years beyond the duration of employment.

H. OATH OF OFFICE

Any Police Officer hired by the Haverstraw Town Police Department shall, prior to assuming any duties, be administered the Oath of Office by the Town Clerk of the Town of Haverstraw.

Said Record of Oath shall be recorded in the Oath of Office book which is maintained and secured by the Town Clerk.

A superior officer of the Haverstraw Town Police Department will accompany any officer being administered the Oath of Office.

**Training and Continuing Education**

Page 89 of the guide states, *“Smart and effective policing starts with smart and effective training. Training should not end at recruitment; officers should be encouraged to continue to grow and learn throughout their career. Training should incorporate and reinforce best practices while emphasizing values such as accountability, transparency, and fairness in all aspects of policing.”*

- When a new Police Officer, with no prior Law Enforcement experience is hired, they are required to attend the Rockland County Police Academy for 20 weeks for the Basic Police School.
- The new officers are trained at the Police Academy in a variety of topics. (See provided materials section)

- It should be noted Crisis Intervention Training has increased from 32 hours to 40 hours.
- After successful completion of the Police Academy training, the new Officer is paired up with a New York State Certified Field Training Officer (FTO) for 12 weeks.
- The FTO will reinforce topics taught to the new recruit in the Academy as well as train them in the Policies and Procedures of our Department. After all of this is training is successfully completed, the new Officer will be cleared for the patrol duties.
- When a Police Officer is hired that already has been a New York State Certified Police Officer in another jurisdiction, they are not required to attend the Police Academy.
- That Officer is still required to be paired up with a Field Training Officer for 9 weeks. At that time, they will be taught the Department's Policies and Procedures before being cleared for the road.
- The Town of Haverstraw Police Department believes that continuing education and training is an important element to creating and maintaining a well-rounded Police Officer.
- All members of the Department are required to attend annual In-Service training for 4 days at the Rockland County Police Academy. See page 73 for a detailed syllabus of the 2021 in-service schedule.
- The Rockland County Police Academy does weave de-escalation training into all of its programs and has recently included de-escalation and Procedural Justice training into the in-service curriculum for 2021.
- In the past, Rocklands Behavioral Response Team has conducted training for In-Service Officers. The plan is to refresh this training in 2021.
- Officers currently participate in "Reality Based Training" during in-service. During this training, Officers are faced with different scenarios but primarily scenarios involve handling emotionally disturbed persons .

- In addition to the 4 days of In-Service, Officers are required to re-qualify with their duty handgun, rifle, shotgun, Taser, as well as Article 35 “Deadly Physical Force”. This training is conducted by our Department’s New York State Certified Training Officers.
- Supervisors receive all of the above training and receive an additional day at the Police Academy for training that is specifically designed for Supervisors. See Page 71 for details of topics covered.

Stakeholders felt there was not enough time being spent on bias and discrimination training and that it was not possible to properly cover these topics in the amount of time allotted at the Police Academy In-Service training. Stakeholders suggest that additional time and resources be devoted to this topic. It was also suggested that this training should be conducted “in-house” at our Department throughout the year to supplement what is being taught in annual in-service. Stakeholders also felt that in addition to training with handling emotionally disturbed persons, more behavioral response teams should be created to handle the high call volume throughout the county which could ultimately result in less injuries to individuals in crisis as well as responding Officers.

## In-Service Training – 2021

**4 Day In-service (each day deals with different topics and may be attended individually.)** This training is used to update police officers on contemporary police issues and techniques. This training will fulfill the yearly training requirement for accreditation. Pre-requisites: The requirement for attending the course is that each attendee must be a police officer or peace officer as defined in the Criminal Procedure Law who has attended an MPTC BCPO.

Length of Course: 4 days (8 hours each day)			
Course Hours: 0800 – 1600*			
Dates:	1. January 4 - 7 2. January 11 - 14 3. January 18 - 21 4. January 25 - 28 5. February 1 - 4 6. February 8 - 11	7. February 15 - 18 8. February 22 - 25 9. March 1 - 4 10. March 8 - 11 11. April 19 - 22 12. May 17 - 20	13. June 7 - 10 14. September 20 - 23 15. October 4 - 7 16. November 15 - 18
Tuition: \$150 per day			

\*Officers not prepared and or on the Acadis Roster for class will not train and will be referred back to their commands.

### Day 1: In-Service update, review, supplements

Time	Subject	Location / Information	Instructor(s)
0800	Use of force review (NYS PL Art. 35)	RCPA	RCPA Staff
1100	Lunch		
1200	DCJS Procedural Justice 1		RCPA Staff
1300	DCJS Procedural Justice 1		RCPA Staff
1400	DCJS Procedural Justice 1		RCPA Staff

### Day 2: Active Shooter (note: this is a tactical day please refer to our dress code which follows this)

Time	Subject	Location / Information	Instructor(s)
0800 to 1600*	Active shooter response	The use of non-lethal training ammunition is part of this training, bag lunch and drink are suggested.	RCPA staff, Clarkstown PD CERT

### Day 3: Emergency medical review CPR recertification

Time	Subject	Location / Information	Instructor(s)
0800	Emergency First Aid Training – Limited to 35 attendees please disperse registrations over the year.	Rockland County Police Academy	RCPA staff
1200	Lunch		
1300	Tactical Emergency Causality Care, CPR, AED, tourniquets, wound packing and opioid overdoses		RCPA Staff

### Day 4: Disorder control and Defensive tactics refresher (Duty belts required)

Time	Subject	Location / Information	Instructor(s)
0800	Sig. 170 brief and familiarization	Rockland County Police Academy	RCPA staff
0900	Disturbance Control formations and practical		RCPA staff
1200	Lunch		
1300	DT refresher		RCPA Auditorium

**\*Please Note: Hours are approximate depending on the size of the class.**

**\*\*\* Please Note: ALL IN-SERVICE MATERIALS ARE SUBJECT TO CHANGE. \*\*\***

### **Supervisor In-Service**

Length of Course: 1 Day 8 hours

Course Hours: 0800 - 1600

Dates: **January 29**                      **March 12**                      **June 11**                      **November 19**

Tuition: \$150

**Pre-requisites: The requirement for attending the course is that each student must be a police officer or peace officer as defined in the Criminal Procedure Law who have attended an MPTC BCPO. This training is used to update police supervisors on contemporary police supervisory issues and techniques. This training will fulfill the yearly supervisory training requirement for accreditation.**

*The class size is limited to 30 students.*

### **Support Officer Wellness and Well-being**

Page 103 of the guide states, *“Law enforcement is inherently a physically and emotionally dangerous career. Studies show that people working in law enforcement are at an elevated risk of physical and mental health issues when compared to the general population.”*

- The Town of Haverstraw recognizes the physical and emotional toll that can come with a career in Law Enforcement.
- The Town of Haverstraw has teamed up with Montefiore Nyack Hospital to provide an Employee Assistance Program(EAP).
- The EAP provides professional and confidential counseling services for any member of the department or their family that may need it.
- Throughout the course of an Officer’s career, it is inevitable that they will respond to a traumatic event. The EAP is called in to debrief the Officers on that event and provide any assistance they may need during the aftermath of such a traumatic event.
- The EAP is not only for Law Enforcement related stressors. It also includes assistance with couple/family difficulties, alcoholism and drug abuse, depression, financial pressures, and any other personal or emotional problems.
- See EAP brochure provided on pages 76-78.
- The Haverstraw Police Benevolent Association partnered with a medical practice known as Advanced Cardiovascular Testing
- Advanced Cardiovascular Testing is a mobile unit that comes to the police station and conducts multiple medical tests on our members. It is important to note that this is strictly on a voluntary basis. See page 75 for details.

Stakeholders suggested that our officers should be required to take yearly physicals as well as mental health evaluations.

## Advanced Cardiovascular Testing



### Tests Performed

- Carotid Doppler
- Echocardiogram
- Stress Echocardiogram
- Abdominal Aortic Aneurysm Ultrasound
- Blood Work
- EKG



THE EMPLOYEE  
ASSISTANCE PROGRAM  
AT MONTEFIORE NYACK HOSPITAL



PROFESSIONAL,  
CONFIDENTIAL COUNSELING

Montefiore | Nyack

**WHAT IS THE EMPLOYEE ASSISTANCE PROGRAM (EAP) AT MONTEFIORE NYACK HOSPITAL?**

The EAP is a professional and confidential counseling service available to you and your family to help resolve personal problems before they affect your health, family, or job.

**WHAT KIND OF HELP IS AVAILABLE?**

An experienced professional can provide you with help to understand and resolve problems relating to stress, couple and family difficulties, alcoholism and drug abuse, depression, financial pressures, and other personal and emotional problems. No problem is too serious or too simple.

**WHAT WILL HAPPEN WHEN I CALL?**

You will set up an appointment to discuss your situation and decide upon a plan of action. Sometimes the problem can be resolved within a few visits; in other cases, you may be referred locally for additional help.

**WHAT ABOUT CONFIDENTIALITY?**

We can share **no** information about your personal matters with your employer or any other person unless you authorize such disclosure in writing.

*“An experienced professional can provide you with help to understand and resolve problems... no problem is too serious or too simple.”*

**HOW MUCH DOES IT COST?**

There is no cost to you and members of your family for services provided by the EAP. In those cases where referrals are necessary, they can often be made to prescreened professionals or community organizations whose charges may be covered within the limits of your health insurance.

**WHY IS THE EAP BEING OFFERED?**

Progressive organizations are providing Employee Assistance Programs to their employees because it's good business and because they care about their employees. Each of us, regardless of our position in the organization, faces a variety of problems in our daily lives. Usually, we can work them out. Sometimes our problems become too much for us to handle and they affect our personal happiness, our family relations, our performance at work, and even our health. When this occurs, we often need professional help in resolving them. With early recognition and prompt professional support, many problems can be resolved before they become serious concerns.

**HOW CAN I GET IN TOUCH WITH THE EAP?**

Call 845-638-8880 to arrange an appointment with an EAP specialist. Identify the organization that sponsors your EAP. To accommodate your work schedule, you can meet with the EAP professional during your lunch break or before or after work.

**THE EMPLOYEE ASSISTANCE PROGRAM (EAP) AT MONTEFIORE NYACK HOSPITAL**



To arrange an appointment that is convenient for you, please call 845-638-8880.

One Blue Hill Plaza, 6th Floor, Pearl River, NY 10965

## DIRECTIONS TO THE EMPLOYEE ASSISTANCE PROGRAM

One Blue Hill Plaza, 6th Floor, Pearl River, NY 10965

### VIA ROUTE 303

New York State Thruway (I-87) to Exit 12 (Route 303), proceed South on Route 303 approximately 4 miles, turn right onto Orangeburg Road. Follow to 7th traffic light, make a left into the VISITOR'S/MAIN entrance of Blue Hill Plaza. Follow to the Visitor two-hour parking directly in front of One Blue Hill Plaza (High Rise) or if full, proceed around the lot to the front of Two Blue Hill Plaza and park in their Visitor two-hour parking. Enter via One Blue Hill from the outside, take the escalator, and use the elevators on the right marked 1–7. The EAP office is on the 6th floor to the right.

### VIA THE PALISADES PARKWAY

Palisades Interstate Parkway to Exit 6, Orangeburg Road, proceed West on Orangeburg Road toward Pearl River. At the 5th light make a left into the VISITOR'S/MAIN entrance and follow the directions above.



### CALL TODAY FOR MORE INFORMATION

845-638-8880 or visit us online at  
[montefiorenyack.org/EAP](http://montefiorenyack.org/EAP)

Appointments will be arranged at your convenience.

The Employee Assistance Program  
at Montefiore Nyack Hospital  
One Blue Hill Plaza, 6th Floor  
Pearl River, NY 10965  
845-638-8880  
[montefiorenyack.org/EAP](http://montefiorenyack.org/EAP)

Montefiore  
Nyack

9/2018

### Stakeholder Recommendations

- Stakeholders suggested that Police Officers be equipped with body worn cameras. There were mixed suggestions on the use of the body cameras. One stakeholder suggested that the body camera should be recording at all times. Others suggested that Police Officers should activate the camera only when they are conducting official police business. It should be noted that all of the Town of Haverstraw's Police patrol vehicles are equipped with an in-car camera system which has audio and video recording capabilities. The recorded data is stored and readily available for review by the Police Administration. The Town of Haverstraw Police Department will continue to explore the implementation of a body worn camera system. This will require additional research to evaluate the various systems that are currently out on the market and any budgetary impact to the Department. The Department would also seek out possible funding sources for a body worn camera system such as State grants.
- Create a panel of community members that will allow an opportunity to provide suggestions on law enforcement practices, trending issues, and community relations.
- The Town of Haverstraw makes it a top priority to provide our Police Officers with training and as many Less-Than-Lethal options to ensure that in the circumstance where deadly physical force is necessary, it is truly the last resort. In continuing with this practice, The Town of Haverstraw will research the effectiveness and cost of providing the Bola Wrap to our Police Officers.
- The Town of Haverstraw understands the importance of holding every member of the Police Department accountable for their actions as well as the actions of their fellow Officer. To ensure that this practice is followed, the Town of Haverstraw Police Department will create and implement a Duty to Intervene policy

which provides strict guidance on methods of intervention as well as the process for reporting and investigating these allegations.

- The Town of Haverstraw believes that policies and procedures should be constantly reviewed and revised to conform with updates and changes to local and state laws as well as tactics. The Town of Haverstraw will update and adopt our Use of Force Policy based on the State of New York model policy as well as recommendations from our stakeholders. One suggestion by stakeholders was to add to our policy that audio and video are to be reviewed on every use of force. Audio and video have always been reviewed on use of force incidents and is now documented in our policy.
- Encountering members of the community who suffer from mental health issues is a common occurrence for members of the Town of Haverstraw Police Department. The success rate for a positive outcome in these situations greatly increase when properly trained professionals are available to assist our Police Officers when responding to these calls. Currently, Rockland County Police Departments rely on the assistance from the Behavioral Response Team (BHRT). Unfortunately, due to staffing and budget restrictions, there is only one team available to serve the entire County of Rockland. Our stakeholders feel that funding should be made available by the County of Rockland to provide additional teams to assist with the high number of calls for service that involve mental health issues.
- All of the Haverstraw Police Department's members attend yearly in-service training at the Rockland County Police Academy in which some specific anti-bias training is on the curriculum. The Police Academy is currently planning to increase the amount of anti-bias training available for Police Officers attending the in-service classes. The stakeholders felt that additional anti-bias training should be performed "in-house" by the Departments own

state certified Instructors, as such the Department will include “in-house” anti-bias training for all members.

- A stakeholder asked a question at a Committee meeting if the Police Department kept statistics on traffic summonses issued to minorities. The Department’s response was that the Police Department does not keep that statistic because it is not a required field on the New York State Uniform Traffic Ticket. The change would have to be made by New York State by incorporating into the NYS Department of Motor Vehicle License application process a race/ethnicity field. This would then be implemented into the New York State TRACS system and would auto populate onto the Traffic Summons when the driver’s license is scanned by a Police Officer during the summons issuing process. This would allow New York State to then keep accurate statistics on summonses issued to specific race and ethnicities. The Police Department would then be able to review the data from New York State.

# Provided Materials



# State of New York

## Executive Chamber

No. 203

### EXECUTIVE ORDER

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

**WHEREAS**, the Constitution of the State of New York obliges the Governor to take care that the laws of New York are faithfully executed; and

**WHEREAS**, I have solemnly sworn, pursuant to Article 13, Section 1 of the Constitution, to support the Constitution and faithfully discharge the duties of the Office of Governor; and

**WHEREAS**, beginning on May 25, 2020, following the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability; and

**WHEREAS**, there is a long and painful history in New York State of discrimination and mistreatment of black and African-American citizens dating back to the arrival of the first enslaved Africans in America; and

**WHEREAS**, this recent history includes a number of incidents involving the police that have resulted in the deaths of unarmed civilians, predominantly black and African-American men, that have undermined the public's confidence and trust in our system of law enforcement and criminal justice, and such condition is ongoing and urgently needs to be rectified; and

**WHEREAS**, these deaths in New York State include those of Anthony Baez, Amadou Diallo, Ousmane Zango, Sean Bell, Ramarley Graham, Patrick Dorismond, Akai Gurley, and Eric Garner, amongst others, and, in other states, include Oscar Grant, Trayvon Martin, Michael Brown, Tamir Rice, Laquan McDonald, Walter Scott, Freddie Gray, Philando Castile, Antwon Rose Jr., Ahmaud Arbery, Breonna Taylor, and George Floyd, amongst others,

**WHEREAS**, these needless deaths have led me to sign into law the Say Their Name Agenda which reforms aspects of policing in New York State; and

**WHEREAS**, government has a responsibility to ensure that all of its citizens are treated equally, fairly, and justly before the law; and

**WHEREAS**, recent outpouring of protests and demonstrations which have been manifested in every area of the state have illustrated the depth and breadth of the concern; and

**WHEREAS**, black lives matter; and

**WHEREAS**, the foregoing compels me to conclude that urgent and immediate action is needed to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust; and

**WHEREAS**, the Division of the Budget is empowered to determine the appropriate use of funds in furtherance of the state laws and New York State Constitution; and

**WHEREAS**, in coordination with the resources of the Division of Criminal Justice Services, the Division of the Budget can increase the effectiveness of the criminal justice system by ensuring that the local police agencies within the state have been actively engaged with stakeholders in the local community and have locally-approved plans for the strategies, policies and procedures of local police agencies; and



**NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, in particular Article IV, section one, I do hereby order and direct as follows:**

The director of the Division of the Budget, in consultation with the Division of Criminal Justice Services, shall promulgate guidance to be sent to all local governments directing that:

Each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.

Each chief executive of such local government shall convene the head of the local police agency, and stakeholders in the community to develop such plan, which shall consider evidence-based policing strategies, including but not limited to, use of force policies, procedural justice; any studies addressing systemic racial bias or racial justice in policing; implicit bias awareness training; de-escalation training and practices; law enforcement assisted diversion programs; restorative justice practices; community-based outreach and conflict resolution; problem-oriented policing; hot spots policing; focused deterrence; crime prevention through environmental design; violence prevention and reduction interventions; model policies and guidelines promulgated by the New York State Municipal Police Training Council; and standards promulgated by the New York State Law Enforcement Accreditation Program.

The political subdivision, in coordination with its police agency, must consult with stakeholders, including but not limited to membership and leadership of the local police force; members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based community groups; the local office of the district attorney; the local public defender; and local elected officials, and create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing.

Such plan shall be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative body in such political subdivision, which shall ratify or adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021; and

Such local government shall transmit a certification to the Director of the Division of the Budget to affirm that such process has been complied with and such local law or resolution has been adopted; and

The Director of the Division of the Budget shall be authorized to condition receipt of future appropriated state or federal funds upon filing of such certification for which such local government would otherwise be eligible; and

The Director is authorized to seek the support and assistance of any state agency in order to effectuate these purposes.



G I V E N under my hand and the Privy Seal of the  
State in the City of Albany this  
twelfth day of June in the year two  
thousand twenty.

BY THE GOVERNOR

A handwritten signature in black ink, appearing to be "M. C.", written over a horizontal line.

Secretary to the Governor

A handwritten signature in black ink, appearing to be "Andrew M. Cuomo", written over a horizontal line.

**COURSE TITLE: BASIC COURSE FOR POLICE OFFICERS: 1-2021**

**SCHOOL SPONSOR: Rockland County Police & Public Safety Academy**

**SCHOOL DATES: 02/01/2020 to 01/31/2022**

**SCHOOL LOCATION: Pomona, New York**

**SCHOOL DIRECTOR: Christopher Strattner**

DATE	TIME	HRS	MPTC COURSE TITLES (REQUIRED)	ACADEMY COURSE TITLE (OPTIONAL)	INSTRUCTOR NAME - DEPARTMENT	INSTRUCTOR CERTS
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<b>WEEK 1</b>						
Mon Feb 01	0800	1		Opening Ceremony	Andrew McDonagh RCPA	GT # 3184
	0900	2.5		Rules & Regulations	Andrew McDonagh RCPA	GT # 3184
	1200	1		Uniform Inspection	Andrew Kelly CPD	GT/PT # 4993
	1300	3	2D: Physical Training (1/45)	PT Test #1	Andrew Kelly CPD	GT/PT # 4993
Tue Feb 02	0800	8.5	6A: Standardized Response Plans for Unusual Events	ICS 100C; 700B & 800D	Andrew McDonagh RCPA	GT #3184
Wed Feb 03	0800	2.5	2D: Physical Training (2/45)		Andrew Kelly CPD	GT/PT # 4993
	0930	1	1A: Introduction to the Criminal Justice System		Chris Strattner RCPA	GT # 2244
	1030	1	1B: Jurisdictional Responsibilities of Law Enforcement		Andrew McDonagh RCPA	GT # 3184
	1200	2	1C: Adjudicatory Process Court Structure Criminal & Civil		Chris Strattner RCPA	GT # 2244
	1400	2	2B: Discretionary Powers of Police		Andrew McDonagh RCPA	GT # 3184
Wed Feb 03	0800	2.5	2D: Physical Training (2/45)		Andrew Kelly CPD	GT/PT # 4993
	1030	2	4A: Essentials of Response and Investigative Skills (1/12)	Preliminary Investigations	Chris Strattner RCPA	GT # 2244
	1300	3	4A: Essentials of Response and Investigative Skills (2/12)	Field Notes	Dean O'Hanlon	GT # 8884
Thu Feb 04	0800	1.5		Uniform Inspection	Andrew Kelly CPD	GT/PT # 4993
	0930	2	4W: Decision Making (1/4)		Chris Strattner RCPA	GT # 2244
	1200	4	4B: Report Writing (1/2)		Joseph Piraino	GT #
Fri Feb 05	0800	1.5	2D: Physical Training (3/45)		Andrew Kelly CPD	GT/PT # 4993
	0930	2	4W: Decision Making (2/4)		Andrew McDonagh RCPA	GT # 3184
	1200	4	4B: Report Writing (practical) (2/2)		Chris Strattner RCPA	GT # 2244

	1200	4	4B: Report Writing (practical) (2/2)		Chris Strattner RCPA	GT # 2244
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<b>WEEK 2</b>						
Mon Feb 8	1200	2.5	2D: Physical Training (4/45)		Andrew Kelly CPD	GT/PT # 4993
	1430	2	2A: Constitutional Law			
	1700	3	4D: Observation and Patrol		Thomas Koziak SVPD	GT # 7429
Tue Feb 9	1200	.5		Uniform Inspection	Andrew Kelly CPD	GT/PT # 4993
	1230	2	5G: Crime Prevention			
	1500	3	4W: Decision Making (3/4)			
	1800	2	2E: Procedural Justice (1/2)			
Wed Feb 10	1200	2.5	2D: Physical Training (5/45)		Andrew Kelly CPD	GT/PT # 4993
	1430	1		Intro to Police Equipment		
	1600	4	3B: Use of Force / Deadly Physical Force			
Thu Feb 11	1200	.5		Uniform Inspection	Andrew Kelly CPD	GT/PT # 4993
	1230	1	4M: Firearms (1/13)	Draw Stroke	John Smith RCPA	GT/FA # 3389
	1400	4	2F: Officer Wellness (1/3)		Jacqueline Klapak RCPA	GT # 6825
	1800	2	3E: Civil Liability			
Fri Feb 12	1200	8	2C: Ethics and Professionalism			

<b>WEEK 3</b>						
Mon Feb 15	0800	2.5	2D: Physical Training (6/45)		Andrew Kelly CPD	GT/PT # 4993
	1100	5	5D: Cultural Diversity/Bias Incidents & Sexual Harassment		James Russell RCSO	GT # 9475
Tue Feb 16	0800	.5		Uniform Inspection	Andrew Kelly CPD	GT/PT # 4993
	0830	3	3B: Use of Force / Deadly Physical Force			
	1200	3	4C: Electronic Communications (1/2)		Ralph L. Sentell RCSO	GT # 7475
	1500	1	4C: Electronic Communications (practical) (2/2)		Ralph L. Sentell RCSO	GT # 7475
Wed Feb 17	0800	1.5	2D: Physical Training (7/45)		Andrew Kelly CPD	GT/PT # 4993
	0930	2	4W: Decision Making (4/4)			
	1200	4	3B: Use of Force / Deadly Physical Force			
Thu Feb 18	0800	8	4V: Professional Communications			
Fri Feb 19	0800	2	2D: Physical Training (8/45)	PT Test #2		
	1000	6	2F: Officer Wellness (2/3)		Jacqueline Klapak RCPA	GT # 6825

<b>WEEK 4</b>						
Mon Feb 22	0800	2	2D: Physical Training (9/45)		Andrew Kelly CPD	GT/PT # 4993
	1000	6	4K: Emergency Medical Services (1/8)	Mods 1,2,3,4,5,7,8		
Tue Feb 23	0800	.5		Uniform Inspection	Andrew Kelly CPD	GT/PT # 4993
	0830	3	4J: Defensive tactics (classroom) (1/17)	Classroom	Andrew Esposito RCPA	GT/DT # 4124
	1200	4	4J: Defensive tactics (practical) (2/17)	Stance/Falls/GetUps/Floor	Andrew Esposito RCPA	GT/DT # 4124
Wed Feb 24	0800	2	2D: Physical Training (10/45)		Andrew Kelly CPD	GT/PT # 4993
	1000	6	4K: Emergency Medical Services (2/8)	CPR + Mods 9,10,11		
Thu Feb 25	0800	.5		Uniform Inspection	Andrew Kelly CPD	GT/PT # 4993
	0830	3	4J: Defensive tactics (classroom) (3/17)	Classroom	Andrew Esposito RCPA	GT/DT # 4124
	1200	4	4J: Defensive tactics (practical) (4/17)	Compliant Cuff/Search	Andrew Esposito RCPA	GT/DT # 4124
Fri Feb 26	0800	2	2D: Physical Training (11/45)		Andrew Esposito RCPA	GT/PT # 4993
	1000	6	4K: Emergency Medical Services (3/8)	TECC / Simple Point		

<b>WEEK 5</b>						
Mon Mar 1	0800	2	2D: Physical Training (12/45)		Andrew Kelly CPD	GT/PT # 4993
	1000	6	4K: Emergency Medical Services (4/8)	Point Drill		
Tue Mar 2	0800	.5		Uniform Inspection	Andrew Kelly CPD	GT/PT # 4993
	0830	3	4J: Defensive tactics (classroom) (5/17)	Classroom	Andrew Esposito RCPA	GT/DT # 4124
	1200	4	4J: Defensive tactics (practical) (6/17)	PsnlWpns/Press Pts GrabControl/PunchStrike	Andrew Esposito RCPA	GT/DT # 4124
Wed Mar 3	0800	2	2D: Physical Training (13/45)		Andrew Kelly CPD	GT/PT # 4993
	1000	6	4K: Emergency Medical Services (5/8)	Mod 12, 13, 14, 15, 16		
Thu Mar 4	0800	.5		Uniform Inspection	Andrew Kelly CPD	GT/PT # 4993
	0830	3	4J: Defensive tactics (classroom) (7/17)	Classroom	Andrew Esposito RCPA	GT/DT # 4124
	1200	4	4J: Defensive tactics (practical) (8/17)	Escape/Ground Control	Andrew Esposito RCPA	GT/DT # 4124
Fri Mar 5	0800	2	2D: Physical Training (14/45)		Andrew Kelly CPD	GT/PT # 4993
	1000	6	4K: Emergency Medical Services (6/8)	Mod 17, 18, 19, 20, 21, 22		

<b>WEEK 6</b>						
Mon Mar 8	0800	2	2D: Physical Training (15/45)		Andrew Kelly CPD	GT/PT # 4993
	1000	6	2F: Officer Wellness (3/3)			
Tue Mar 9	0800	.5		Uniform Inspection	Andrew Kelly CPD	GT/PT # 4993
	0830	3	4J: Defensive tactics (classroom) (9/17)	Classroom	Andrew Esposito RCPA	GT/DT # 4124
	1200	4	4J: Defensive tactics (practical) (10/17)	Takedowns	Andrew Esposito RCPA	GT/DT # 4124
Wed Mar 10	0800	2	2D: Physical Training (16/45)		Andrew Kelly CPD	GT/PT # 4993
	1000	6	4K: Emergency Medical Services (7/8)	Mod 24, 25 + Review		
Thu Mar 11	0800	.5		Uniform Inspection	Andrew Kelly CPD	GT/PT # 4993
	0830	3	4J: Defensive tactics (classroom) (11/17)	Classroom Review	Andrew Esposito RCPA	GT/DT # 4124
	1200	4	4J: Defensive tactics (practical) (12/17)	Practical Review	Andrew Esposito RCPA	GT/DT # 4124
Fri Mar 12	0800	2	2D: Physical Training (17/45)		Andrew Kelly CPD	GT/PT # 4993
	1000	6	4K: Emergency Medical Services (8/8)	8A: Final / Final Scenarios		

<b>WEEK 7 (Range)</b>						
Mon Mar 15	0800	8	4M: Firearms Training (2/13)		John Smith RCPA	GT/FA # 3389
Tue Mar 16	0800	8	4M: Firearms Training (3/13)		John Smith RCPA	GT/FA # 3389
Wed Mar 17	0800	8	4M: Firearms Training (4/13)		John Smith RCPA	GT/FA # 3389
Thu Mar 18	0800	8	4M: Firearms Training (5/13)		John Smith RCPA	GT/FA # 3389
Fri Mar 19	0800	8	4M: Firearms Training (6/13)		John Smith RCPA	GT/FA # 3389

<b>WEEK 8 (Range)</b>						
Mon Mar 22	1300	2		Navigation (2/2)		
	1500	2	4M: Firearms Training (7/13)	Shotgun	John Smith RCPA	GT/FA # 3389
	1700	4	4M: Firearms Training (8/13)	Low Light/Night Shoot	John Smith RCPA	GT/FA # 3389
Tue Mar 23	0800	7	4M: Firearms Training (9/13)		John Smith RCPA	GT/FA # 3389
		1	4M: Firearms Training (10/13)	Written Final	John Smith RCPA	GT/FA # 3389
Wed Mar 24	0800	1	Patrol Rifle: Introduction and Safety (1/5)		John Smith RCPA	GT/FA # 3389
	0900	3	Patrol Rifle: Nomenclature & operation (2/5)		John Smith RCPA	GT/FA # 3389
	1300	3	Patrol Rifle: Practical Exercises (3/5)		John Smith RCPA	GT/FA # 3389
Thu Mar 25	0800	8	Patrol Rifle: Practical Exercises (4/5)		John Smith RCPA	GT/FA # 3389
Fri Mar 26	0800	8	Patrol Rifle: Practical Exercises & Evaluation (5/5)		John Smith RCPA	GT/FA # 3389

<b>WEEK 9</b>						
Mon Mar 29	0800	1	2D: Physical Training (18/45)		Andrew Kelly CPD	GT/PT #4993
		7	6B: BOSAR			
Tue Mar 30	0800	1		Uniform Inspection	Andrew Kelly CPD	GT/PT #4993
	0900	4	4J: Defensive tactics (practical) (13/17)	Batons/Retention	Andrew Esposito RCPA	GT/DT # 4124
	1300	3	6C: The Nature and Control of Civil Disorder (1/2)		Patrick Casey OPD	GT # 9901
Wed Mar 31	0800	1	2D: Physical Training (19/45)		Andrew Kelly CPD	GT/PT #4993
	0900	2	4U: ASR Sec 1: Introduction and Course Overview (1/4)			
	1100	.5	4U: ASR Sec 2: Criteria of Selection of Chem Agent (2/4)			
	1130	.5	4U: ASR App B: Written Exam (3/4)			
	1200	3	4U: ASR Sec 3: Op Guidelines - Oleoresin Capsicum (4/4)	OC Gauntlet		
	1500	1	6C: Nature & Control of Civil Disorder (practical) (2/2)		Patrick Casey OPD	GT # 9901
Thu Apr 1	0800	.5	CED Sec 1: Introduction and Overview (1/8)			
	0830	1.5	CED Sec 2: Technology - Conducted Energy Devices (2/8)			
	1000	1	CED Sec 3: CED Pre-Deployment (3/8)			
	1100	1	CED Sec 4: Deployment & Tactical Considerations (4/8)			
	1200	.5	CED Sec 5: CED Post-Deployment (5/8)			
	1230	1	CED Sec 6: Student Exposures (6/8)			
	1330	1	CED Sec 7: Practical Scenarios (7/8)			
	1430	1.5	CED Sec 7: Exam & Practical Evaluation Exercises (8/8)			
Fri Apr 2	0800	1	2D: Physical Training (20/45)			
	0900	7	4T: Active Shooter (1/3)	ALERRT		

<b>WEEK 10</b>						
Mon Apr 5	0800	1	2D: Physical Training (21/45)	PT Test #3	Andrew Kelly CPD	GT/PT #4993
	0900	7	4T: Active Shooter (2/3)	ALERRT		
Tue Apr 6	0800	.5		Uniform Inspection		
	0830	7	3A: NYS Penal Offenses (1/4)		Kevin Shea CPD	GT # 1118
Wed Apr 7	0800	2	2D: Physical Training (22/45)	DT Workout	Andrew Kelly CPD	GT/PT #4993
	1000	5.5	3A: NYS Penal Offenses (2/4)		Kevin Shea CPD	GT # 1118
Thu Apr 8	0800	.5		Uniform Inspection	Andrew Kelly CPD	GT/PT #4993
	0830	6	3A: NYS Penal Offenses (3/4)		Kevin Shea CPD	GT # 1118
	1500	1	4L: EVOC (1/4)	Introduction	Tom Doyle CPD	EVOC # 5954
Fri Apr 9	0800	1	2D: Physical Training (23/45)		Andrew Kelly CPD	GT/PT #4993
	0900	3.5	3A: NYS Penal Offenses (4/4)		Kevin Shea CPD	GT # 1118
	1300	3	3C: Criminal Procedure Law (1/10)	Accusatory Instruments	Kevin Shea CPD	GT # 1118

<b>WEEK 11</b>						
Mon Apr 12	0800	1	2D: Physical Training (24/45)			
	0900	4.5	3C: Criminal Procedure Law (2/10)	Search & Seizure		
	1330	2	3F: Ancillary Law			
	1530	.5		OCCB		
Tue Apr 13	0800	7.5	3C: Criminal Procedure Law (3/10)	Stop Frisk		
Wed Apr 14	0800	2.5	2D: Physical Training (25/45)	DT Workout	Andrew Kelly CPD	GT/PT #4993
	1030	1	3C: Criminal Procedure Law (4/10)	Arrest		
	1200	1	3C: Criminal Procedure Law (5/10)	Standard of Proof		
	1300	1	3C: Criminal Procedure Law (6/10)	Appearance Tickets		
	1400	1	3C: Criminal Procedure Law (7/10)	Witness ID		
	1500	1	3C: Criminal Procedure Law (8/10)	Evidence		
Thu Apr 15	0800	1		Uniform Inspection	Andrew Kelly CPD	GT/PT #4993
	0900	7	3C: Criminal Procedure Law (9/10)	Interview (1/2)	Daniel Anfang	
Fri Apr 16	0800	0.5		Uniform Inspection	Andrew Kelly CPD	GT/PT #4993
	0830	7	4L: EVOC (2/4)		Tom Doyle CPD	EVOC # 5954
Sat Apr 17	0800	7.5	4L: EVOC (practical) (3/4)		Tom Doyle CPD	EVOC # 5954
Sun Apr 18	0800	7.5	4L: EVOC (practical) (4/4)		Tom Doyle CPD	EVOC # 5954

<b>WEEK 12</b>						
Wed Apr 21	0800	1.5	2D: Physical Training (26/45)	DT Workout	Andrew Kelly CPD	GT/PT #4993
	0930	2	4A: Essentials of Response and Investigative Skills (3/12)	Arson		
	1200	4	4A: Essentials of Response and Investigative Skills (4/12)	Electronic		
Thu Apr 22	0800	.5		Uniform Inspection	Andrew Kelly CPD	GT/PT #4993
	0830	2	4A: Essentials of Response and Investigative Skills (5/12)	Auto Crimes		
	1100	2.5	4A: Essentials of Response and Investigative Skills (6/12)	Burglary		
	1330	2.5	4A: Essentials of Response and Investigative Skills (7/12)	Evidence		
Fri Apr 23	0800	1.5	2D: Physical Training (27/45)			
	0930	2	4A: Essentials of Response and Investigative Skills (8/12)	Larceny		
	1200	3	4A: Essentials of Response and Investigative Skills (9/12)	Robbery		
	1500	1		Meditation		

<b>WEEK 13</b>						
Mon Apr 26	0800	2.5	2D: Physical Training (28/45)		Andrew Kelly CPD	GT/PT #4993
	1030	2	4A: Essentials of Response and Investigative Skills (10/12)	Crimes in Progress		
	1300	3	7G: Injury & Death			
Tue Apr 27	0800	.5		Uniform Inspection	Andrew Kelly CPD	GT/PT #4993
	0830	3	4A: Essentials of Response and Investigative Skills (11/12)	8A: RBT: Evidence		
	1200	4	4A: Essentials of Response and Investigative Skills (12/12)	8A: RBT: Responses		
Wed Apr 28	0800	1	2D: Physical Training (29/45)	DT Workout	Andrew Kelly CPD	GT/PT #4993
	0900	5	3G: Vehicle & Traffic Law			
	1400	2	4O: Traffic Direction & Control			
Thu Apr 29	0800	7.5	7F: Basic Crash Management and Reporting (1/2)			
Fri Apr 30	0800	1	2D: Physical Training (30/45)		Andrew Kelly CPD	GT/PT #4993
	0900	6.5	7F: Basic Crash Management & Reporting (2/2)			



<b>WEEK 14</b>						
Mon May 3	0800	1	2D: Physical Training (31/45)		Andrew Kelly CPD	GT/PT #4993
	0900	7	4M: Firearms Training (11/13)	4C Drills	John Smith RCPA	GT/FA # 3389
Tue May 4	0800	.5		Uniform Inspection	Andrew Kelly CPD	GT/PT #4993
	0830	3	4E: Case Prep & Demeanor in Official Proceedings (1/2)	Admin, DMV & Traffic		
	1200	4		Below 100		
Wed May 5	0800	3	2D: Physical Training (32/45)	DT Workout	Andrew Kelly CPD	GT/PT #4993
	1100	2		Midterm Exam		
	1300	3	3C: Criminal Procedure Law (10/10)	Interview (2/2)	Daniel Anfang	
Thu May 6	0800	.5		Uniform Inspection	Andrew Kelly CPD	GT/PT #4993
	0830	2	7K: Animal Abuse Cases			
	1030	2	7H: Sex Crimes			
	1300	3	7J: Missing and Abducted Children / Missing Adult Cases			
Fri May 7	0800	2.5	2D: Physical Training (33/45)		Andrew Kelly CPD	GT/PT #4993
	1030	3	5B: Victim Resources			
	1400	2	7M: Human Trafficking			

<b>WEEK 15</b>						
Mon May 10	0800	1.5	2D: Physical Training (34/45)		Andrew Kelly CPD	GT/PT #4993
	0930	6	3D: NYS Juvenile Law & Procedures			
Tue May 11	0800	2	5C: Elder Abuse			
	1000	6	5E: Person with Disabilities			
Wed May 12	0800	1	2D: Physical Training (35/45)	DT Workout		
	0900	7	7A: Domestic Violence (1/2)			
Thu May 13	0800	1		Uniform Inspection	Andrew Kelly CPD	GT/PT #4993
	0900	7	7A: Domestic Violence (2/2)			
Fri May 14	0800	2	2D: Physical Training (36/45)			
	1000	6	4F: Fundamental Crisis Intervention Skills for LE (1/6)			

<b>WEEK 16</b>						
Mon May 17	0800	2	2D: Physical Training (37/45)		Andrew Kelly CPD	GT/PT #4993
	1000	6.5	4F: Fundamental Crisis Intervention Skills for LE (2/6)			
Tue May 18	0800	.5		Uniform Inspection	Andrew Kelly CPD	GT/PT #4993
	0830	7.5	4F: Fundamental Crisis Intervention Skills for LE (3/6)			
Wed May 19	0800	2	2D: Physical Training (38/45)	DT Workout	Andrew Kelly CPD	GT/PT #4993
	1000	6	4F: Fundamental Crisis Intervention Skills for LE (4/6)			
Thu May 20	0800	.5		Uniform Inspection	Andrew Kelly CPD	GT/PT #4993
	0830	7.5	4F: Fundamental Crisis Intervention Skills for LE (5/6)			
Fri May 21	0800	1		Uniform Inspection	Andrew Kelly CPD	GT/PT #4993
	0900	7	4F: Fundamental Crisis Intervention Skills for LE (6/6)	8A: RBT Scenarios		

<b>WEEK 17</b>						
Mon May 24	0800	1	2D: Physical Training (39/45)		Andrew Kelly CPD	GT/PT #4993
	0900	2	5F: Crime Control Strategies			
	1100	5	4M: Firearms Training (12/13)	Combat Handgun	John Smith RCPA	GT/FA # 3389
Tues May 25	0800	8		CDP - IRTB	Andrew McDonagh RCPA	
Wed May 26	0800	3	2D: Physical Training (40/45)	DT Workout	John Smith RCPA	GT/FA # 3389
	1130	3	7I: Narcotics and Dangerous Drugs		Jeanne Horan	GT # 2199
	1430	.5		Gang		
	1500	1		Intel		
<b>Thu May 27</b>	<b>0800</b>	<b>8</b>	<b>6A: Standardized Response Plans for Unusual Events</b>	<b>ICS 100 &amp; 700.A</b>	<b>2/2/2021 Remote</b>	
Fri May 28	0800	3	2D: Physical Training (41/45)		Andrew Kelly CPD	GT/PT # 4993
	1130	1		Corrections		
	1230	1		Sheriff's Civil Division		
	1330	1		Bomb		
	1430	1.5		Canine		

<b>WEEK 18</b>						
Mon May 31	0800	4		Firefighting		
	1200	1		SWAT		
	1300	1		Patrol Breaching		
	1400	1		Aviation		
	1500	1		Mounted		
Tue June 1	0800	4	4S: Off Duty & Plain Clothes Encounters			
	1200	2	4J: Defensive tactics (14/17)	Review		
	1400	2	Marine Unit	Marine Unit		
Wed June 2	0800	3	2D: Physical Training (42/45)	PT Test #4 - Final	Andrew Kelly CPD	GT/PT # 4993
	0900	5		Water Rescue		
Thu June 3	0800	3	4J: Defensive tactics (15/17)	Written		
		2	4J: Defensive tactics (16/17)	Box Drills		
		2	4J: Defensive tactics (17/17)	Final Practical		
Fri June 4	0800	3	2D: Physical Training (43/45)	Combatives		
	1100	2	4H: Arrest Processing (1/2)			
	1300	3	4H: Arrest Processing (practical) (2/2)			

<b>WEEK 19</b>						
Mon June 7	1600	4	4I: Vehicle Stops & Traffic Enforcement (1/2)			
	2000	4	4T: Active Shooter (3/3)	Low Light		
Tues June 8	1600	.5		Uniform Inspection	Andrew Kelly CPD	GT/PT #4993
	1630	7	4I: Vehicle Stops & Traffic Enforcement (2/2)	Low Light		
Wed June 9	1200	1	5A: Intoxication			
	1300	7	4Q: DWI Detection & SFST (1/3)		Anthony Palazolo OPD	GT/SFST # 2642
Thu June 10	1200	7.5	4Q: DWI Detection & SFST (2/3)	SFST Lab	Anthony Palazolo OPD	GT/SFST # 2642
Fri June 11	1200	7.5	4Q: DWI Detection & SFST (3/3)	SFST Lab	Anthony Palazolo OPD	GT/SFST # 2642

WEEK 20						
Mon June 14	0800	2		Rail Safety		
	1000	6	4M: Firearms (13/13)		John Smith RCPA	GT/FA # 3389
Tue June 15	0800	2	Final Exam			
	1000	6	8A: RBT Box Drills			
Wed June 16	0800	2	2D: Physical Training (44/45)		Andrew Kelly CPD	GT/PT # 4993
	1000	6	2E: Procedural Justice (2/2)			
Thu June 17	0800	8		8A: RBT: Hansenville		
Fri June 18	0800	4	4E: Case Prep. & Demeanor (practical) (2/2)			
	1200	4	Remediation			

WEEK 21						
Mon June 21	0800	3	2D: Physical Training (45/45)	PT Test - Remedial	Andrew Kelly CPD	GT/PT # 4993
	1100	2		8A: RBT Sim Drill M&M		
	1300	2		8A: RBT Sim Drill Ducks		
	1500	1		8A: RBT: Smitty Hunt		
Tues June 22	0800	8		Officer Involved Debrief	Daniel Burke CPD	GT # 0701
Wed June 23	0800	8		LEOKA		
Thu June 24	0800	4		Financial Literacy		
	1200	4		Graduation Practice	Andrew Kelly CPD	GT # 4993
				Union & Fraternal Orgs		
Fri June 25	0800	4		Graduation	Andrew Esposito RCPA	GT # 4124

WEEK 22-52						
Sat June 26		160	4N: Supervised Field Training 12/24/20 to 08/02/21		Department Field Trainers	

<b>Conducted Energy Device</b>						
Fri Apr 2	0930	.5	CED Sec 1: Introduction and Overview		Andrew McDonagh RCPA	GT/CED # 3184
	1030	1.5	CED Sec 2: Technology of Conducted Energy Devices		Andrew McDonagh RCPA	GT/CED # 3184
	1230	1	CED Sec 3: CED Pre-Deployment		Andrew McDonagh RCPA	GT/CED # 3184
	1330	1	CED Sec 4: CED Deployment & Tactical Considerations		Andrew McDonagh RCPA	GT/CED # 3184
	1500	.5	CED Sec 5: CED Post-Deployment		Andrew McDonagh RCPA	GT/CED # 3184
	1200	1	CED Sec 6: Student Exposures		Andrew McDonagh RCPA	GT/CED # 3184
	1300	1	CED Sec 7: Practical Scenarios		Andrew McDonagh RCPA	GT/CED # 3184
	1400	1.5	CED Sec 7: Exam & Practical Evaluation Exercises		Andrew McDonagh RCPA	GT/CED # 3184
<b>4U: Aerosol Subject Restraint</b>						
Wed Mar 31	1000	2	Sec 1: Introduction and Course Overview		Andrew McDonagh RCPA	GT/ASR # 3184
	1200	.5	Sec 2: Criteria of Selection of Chemical Agent Product		Andrew McDonagh RCPA	GT/ASR # 3184
	1230	.5	App B: Written Exam		Andrew McDonagh RCPA	GT/ASR # 3184
	1300	3	3: Operation Guidelines for Oleoresin Capsicum Spray	OC Gauntlet	Andrew McDonagh RCPA	GT/ASR # 3184
<b>Patrol Rifle</b>						
Wed Mar 24	0800	1	Patrol Rifle: Introduction and Safety (1/5)			
	0900	3	Patrol Rifle: Nomenclature & operation (2/5)		John Smith RCPA	GT/FA # 3389
	1300	3	Patrol Rifle: Practical Exercises (3/5)		John Smith RCPA	GT/FA # 3389
Thu Mar 25	0800	8	Patrol Rifle: Practical Exercises (4/5)		John Smith RCPA	GT/FA # 3389
Fri Mar 26	0800	8	Patrol Rifle: Practical Exercises & Evaluation (5/5)		John Smith RCPA	GT/FA # 3389

<b>4Q: DWI Detection and SFST</b>						
Wed June 9	1300	.5	S0/1: Introduction to Drugged Driving, DWI & SFST		Anthony Palazolo OPD	GT/SFST # 2642
	1330	1	S2: Detection & General Deterrence		Anthony Palazolo OPD	GT/SFST # 2642
	1430	1.5	S3: Legal Environment		Anthony Palazolo OPD	GT/SFST # 2642
	1600	1	S4: Overview of Detection Note Taking & Testimony		Anthony Palazolo OPD	GT/SFST # 2642
	1700	1	S5: Phase 1 Vehicle in Motion		Anthony Palazolo OPD	GT/SFST # 2642
	1800	1	S6: Phase 2 Personal Contact		Anthony Palazolo OPD	GT/SFST # 2642
	1900	1	S7: Phase 3 Pre-arrest Screening		Anthony Palazolo OPD	GT/SFST # 2642
Thu June 10	1200	3	S8 : Concepts & Principles of SFST		Anthony Palazolo OPD	GT/SFST # 2642
	1500	.5	S9: Test Battery Demonstration		Anthony Palazolo OPD	GT/SFST # 2642
	1530	1	S10: Dry Run Practice		Anthony Palazolo OPD	GT/SFST # 2642
	1700	2.5	S11: Testing Subjects/First Session		Anthony Palazolo OPD	GT/SFST # 2642
	1930	.5	Standard Field Sobriety Testing Review of First Test		Anthony Palazolo OPD	GT/SFST # 2642
Fri June 11	1200	1.5	S12: Processing the Arrested Subject & Preparing for Trial		Anthony Palazolo OPD	GT/SFST # 2642
	1330	1	S13: Report Writing Exercise & Moot Court		Anthony Palazolo OPD	GT/SFST # 2642
	1430	.5	S10: Dry Run Practice		Anthony Palazolo OPD	GT/SFST # 2642
	1530	2	S14: Testing Subjects/Second Session		Anthony Palazolo OPD	GT/SFST # 2642
	1730	2	S15: Review & Proficiency Exams		Anthony Palazolo OPD	GT/SFST # 2642
	1930	.5	S16: Written Exam		Anthony Palazolo OPD	GT/SFST # 2642
<b>Principled Policing - Procedural Justice I</b>						
Wed June 16	0900	1	The Interactive Nature Between Procedural Justice, Legitimacy & Goals in Policing			
	1000	1.5	Officer Wellness and Safety – Effects of Cynicism on Family Relationships			
	1200	1	Police Cynicism and the Nexus of Training, Control and Culture			
	1300	1	Procedural Justice I			
	1400	1	The Historical and Generational Effects of Policing			
	1500	.5	Procedural Justice at its Finest			

NYS DIVISION OF CRIMINAL JUSTICE SERVICES  
OFFICE OF PUBLIC SAFETY  
BASIC COURSE FOR POLICE OFFICERS  
SUPERVISED FIELD TRAINING ORIENTATION AND REVIEW  
DAILY OBSERVATION REPORT

Agency:	Date:	DOR Number:
Recruit Officer Name • Printed:	Shield Number:	Phase Number:
Field Training Officer Name. Printed:	Shield Number:	Shift:

Rating instructions: The Field Training Officer should rate observed behavior utilizing the scale which is described in the guide and outlined below. Written comments pertaining to the most and least satisfactory performance must be placed in the "Narrative" section. Narrative comments can be provided for any behavior observed; however, are required whenever a rating of, "2" or less, "6" or more and "NRT" is given in any category. "N.O." should be circled if behavior is not observed in a given area. A description of any remedial training provided, including the amount of time utilized, should be noted in the narrative section.

#1 - Unacceptable, #4 - Acceptable, #7 - Superior

NRT - Not Responding to Training, NO - Not Observed, NAR - Narrative, REM - Remedial Training

PERFORMANCE AREAS	RATING												FTO/RO	
Rating Number														Time____
1. _Community Interaction	NO	NRT	1	2	3	4	5	6	7	NAR	REM			27.
2. _Apprehension/Intervention	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
3. _Victim/Prisoner Interaction	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
4. _Processing Arrests	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
5. _Vehicular Offenses/Accidents	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
6. _Handling Specific Offenses	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
7. _Police Interaction/Notification	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
8. _Vehicle Operation/Maintenance	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
9. _Review andMaintenance	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
10. _Handling Special Cases	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
11. _Vouchering/Inventorying	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
12. _Reports/Clerical Duties	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
13. _Officer Safety	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____

BEHAVIORAL DIMENSIONS

14. _Police Ethics/Integrity	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
15. _Comprehension Skills	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
16. _Communication Skills	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
17. _Reasoning Ability,	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
18. _Information Ordering	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
19. _Problem Recognition	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
20. _Visualization	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
21. _Spatial Orientation	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
22. _Memorization	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
23. _Judgement	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
24. _Innovativeness	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
25. _Adaptability	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____
26. _Drive/Initiative	NO	NRT	1	2	3	4	5	6	7	NAR	REM			Time____





## LAW ENFORCEMENT AGENCY ACCREDITATION PROGRAM OVERVIEW

### Program Basics

The New York State Law Enforcement Agency Accreditation Program was established as a voluntary program that would provide law enforcement agencies with a mechanism to evaluate and improve the overall effectiveness of their agency and the performance of their staff. Accreditation is formal recognition that an agency's policies and practices meet or exceed the standards established by the council in the areas of administration, training, and operations.

Article 36, § 846-h of the New York State Executive Law establishes the Law Enforcement Agency Accreditation Council (the council). The council is the authoritative body responsible for guiding the direction of the program; developing model standards designed to promote excellence and professionalism in the field of law enforcement; and developing policy to establish program rules and expectations. The council meets quarterly to conduct business, including awarding accreditation to agencies that have demonstrated that they meet the program requirements and are compliant with the standards.

The Division of Criminal Justice Services (DCJS) Office of Public Safety (OPS) administers the program in accordance with the council policies. Accreditation Unit staff members provide training to members of agencies seeking to become accredited; and to assessors, who are independent contractors assigned to verify an agency's compliance with program standards. In addition, OPS program staff members develop resource materials; provide technical assistance to both applicant and accredited agencies to assist them in meeting their goals; conduct site visits of accredited agencies; and provide support-staff services to the council.

The program is made up of 110 different standards, as outlined in this Standards and Compliance Verification Manual. Of the 110 total standards, there are 51 Administration, 12 Training, and 47 Operations standards, as described below:

- Administration standards encompass such areas as general management, personnel, and relationships with other agencies. They also address organizational issues such as the agency's mission, the delineation of responsibility, and delegation of authority.

- Training standards incorporate many requirements that have already been established by the State's Municipal Training Council. The standards are divided into four categories: Basic, Inservice, Supervisory, and Records.

- Operations standards impact the ways in which agencies conduct the bulk of their crime fighting responsibilities. Major topics include patrol, traffic, criminal investigations, and unusual occurrences. The standards can be found in this manual, beginning on page 20. *Composition of the Standards*

- **Standard** - the actual Standard is always in bold font. Agencies are required to meet every component of each standard to be in compliance.

- *Commentary* - many of the standards are accompanied by an italicized Commentary which offers background information, clarifies the intent of the standard, and provides guidance on implementing the standard in some instances. For more information, please see the Council Policy, *The Role of Commentaries in Establishing the Intent of Program Standards*.

- *Compliance Verification Strategies* - each standard is accompanied by Compliance Verification Strategies, the section below the box. Compliance Verification Strategies provide agencies (and assessors)

with examples of what can be provided or reviewed to demonstrate compliance with the standard. Agency staff should use these strategies as a guide when determining what to include in the file folder or have available when the agency is assessed.

Participating agencies are expected to implement all standards in place during their period of accreditation. Please refer to the Council Policy, Program Standards that Do Not Apply to Every Agency for information on exceptions.

It is important to note that while the standards generally indicate what must be done to earn accreditation, the chief law enforcement officer has considerable flexibility in determining how the agency will implement the specific requirements needed to comply with the standards. Program assessors have been advised to expect variation in agency policies and procedures when conducting assessments.

#### Becoming an Accredited Law Enforcement Agency

**APPLICATION:** The accreditation process begins when an agency submits a formal application which must be signed by both the agency's chief law enforcement officer and the municipality's chief elected official. The chief law enforcement officer must also sign and submit the 'Agency Participation Agreement' which outlines the responsibilities of the agency and the Accreditation Council.

**PROGRAM DEVELOPMENT:** A program manager must be appointed to oversee development and then maintenance of the program. Generally, Program Manager Training is held at least once or twice per year, and it's important that any newly appointed program manager attend so they are familiar with the program requirements. Chief law enforcement officers and other command staff are also encouraged to attend since their involvement is crucial to the success of the program.

The program manager is responsible for ensuring the agency has in place policies or procedures to meet every standard. They may begin by identifying standards that are already met by existing policies/practices within the agency and then work toward developing policies for those standards that are not met through existing policy. In general, agency staff can expect three levels of policy development:

1. If a current policy or practice meets a standard(s), preparation may be as simple as the chief law enforcement officer signing off on the policy to verify it is still in effect.
2. If a current policy or practice is in place that addresses portions of a standard(s) but not every component, adjustments to the current policy/practice will need to be made to meet the standard.
3. Many times, brand new policies and/or procedures need to be developed and implemented to meet the standards.

All policies related to accreditation standards must be fully implemented and distributed to affected staff no less than 90 days prior to an agency undergoing an on-site assessment. (See the Council Policy, Dissemination of Written Directives for more information.)

Finally, file folders for each standard must be developed, as they are the mechanism by which the program manager can organize the standards, policies, and documentation; and they serve as the main method by which the assessors will verify compliance with the standards. 'Hardcopy' file folders and electronic files are both acceptable means of documenting program compliance.

**ASSESSMENT:** Once an agency has developed and implemented policies and procedures that are aligned with the program standards and created file folders that contain proof of compliance, OPS program staff will coordinate an 'on-site' assessment. The assessments are conducted by independent assessors that

have significant experience with the accreditation program. Each assessor that DCJS contracts with is required to meet minimum qualifications; be approved by the council; undergo training by DCJS; and follow specific guidelines to ensure that every agency is assessed objectively and equally.

Agencies are evaluated on their policies and practices as they pertain to the standards. The methods that will be used to determine compliance are:

- **Evaluating Written Directives for Compliance with Standard.** Written directives can include general or special orders, standard operating procedures, policies, procedures, or rules and regulations.
- **Documentation of Compliance.** Assessors will look for proof in the file folders that the written directives are up-to-date and are being properly implemented by agency personnel. Proof may include, but not be limited to, reports, files, logs, lesson plans, incident reports, personnel files, and performance evaluations.
- **Interviews with Agency Staff.** Assessors will interview department members – some that are identified in advance by the chief law enforcement officer and others at random - to evaluate their familiarity with written directives for particular standards. Staff members identified by the agency head prior to the on-site assessment are expected to be available to the assessors.
- **General Observations.** This involves verification of standard compliance through direct observation by the assessors (for example, the evidence storage facility.)

Prior to the on-site assessment, a Standard Compliance Report (page 18 of this manual) must be completed for every standard. This form is intended for use by both agency staff and the assessors, enabling both parties to quickly determine how compliance is being met.

Assessments are not intended to be adversarial. The assessment team may at times have to work a bit harder to help an agency correct minor errors in their policies and/or documentation, and they will likely use this as an opportunity to provide agency program staff with additional training on program requirements. This is intended to be helpful and give a new agency a better understanding of the program. Minor deficiencies that can be easily corrected on-site generally won't keep the team from recommending accreditation to the council. However, agencies that require a great deal of additional work to bring them into compliance could face having to delay achieving their status of accreditation until they have more time to spend preparing their policies and files. OPS program staff members can assist in determining an agency's readiness for assessment. Also, most assessors cite that agencies that have had a mock assessment conducted prior to their assessment are better prepared, so the council strongly encourages this as a final task in the preparation process.

Before the assessment team concludes their on-site assessment, they will meet with the agency head and program manager to discuss their team's findings. If compliance is a concern, the assessors will make them aware of any reluctance to recommend accreditation to the council. The agency, assessment team, and OPS program staff can then determine the best course of action prior to the report being forwarded to the council.

**ACCREDITATION:** The Law Enforcement Accreditation Council meets quarterly (in the months of 12 March, June, September and December.) Agencies that are recommended for accreditation will be invited to attend the next scheduled meeting to receive their Certificate of Accreditation upon a vote of approval by the council. Agencies are accredited for a period of five years.

**PROGRAM MAINTENANCE:** To remain in good standing, agencies must maintain compliance with all program standards throughout the period of accreditation. The key to successfully maintaining accreditation hinges on the commitment that the agency makes to the program. It's imperative that the accredited agency program staff work to keep its files, policies, and records up-to-date. Accredited agencies must submit the Annual Compliance Survey each year to document areas of compliance and notify OPS program staff of any areas of non-compliance that would require corrective action.

Becoming accredited may seem overwhelming at times, but OPS program staff is available to offer technical assistance throughout the process. In addition, a variety of useful tools and publications are available on our website at <http://www.criminaljustice.ny.gov/ops/docs/index.htm>. Under 'Forms', the Master Plan and the Log Sheet can be very useful in keeping agency program staff organized and the development of the program on track.

For more in-depth information about the Law Enforcement Accreditation Program, from the website above click on 'Publications'. There you will find the Blueprint for Effective Law Enforcement, which provides overall program information; and the Implementation Guide, which covers the process for implementing a program within an agency.



**Division of Criminal  
Justice Services**

December 3, 2020

Chief Peter Murphy  
Haverstraw Town Police Department  
101 West Ramapo Road  
Garnerville, NY 10923

Dear Chief Murphy:

Congratulations on your agency being awarded accreditation. Your participation in the accreditation program demonstrates the commitment you and your officers have to providing the highest level of service and professionalism to the community you serve. You and all of the members of the Haverstraw Town Police Department are to be commended for this achievement.

Unfortunately, we had to hold this council meeting remotely. Normally we would accompany this letter with pictures of you receiving the certification and program manager's achievement award. As mentioned during the meeting your certification and award will be sent via US mail in the coming days.

As an accredited agency, you are eligible to display the official Accreditation Program logo. Your request to do so has been approved, and several electronic versions of the logo are attached for your convenience. I've also attached the Accreditation Council policy statement entitled "Use of the Program Logo" so that you can become familiar with the responsibilities of your agency with regard to using the logo. Please be sure that this policy is strictly adhered to.

You may recall that there are accreditation uniform pins available for purchase through independent vendors. You can google "NYS Accreditation Pins" to find vendors that already have the design or order them through a vendor of your choice, provided that they match the design of any previously purchased exactly in terms of design, colors and size. If you have not purchased the uniform pins in the past, a staff member from the accreditation unit can provide you with a sample for duplication when making a purchase.

The accreditation window decals that can be affixed to patrol vehicles may be purchased through Corcraft (the NYS Preferred Source vendor) for \$1.79 each (minimum order of 20 required). If you are interested in purchasing these decals, contact Roni at Corcraft directly at [roni.dupree@doccs.ny.gov](mailto:roni.dupree@doccs.ny.gov) or by phone at (845) 647-4256. **NOTE: Please refer to code H604X12 when placing orders.**

While achieving accreditation is a significant accomplishment, maintaining your accredited status is equally as important. The DCJS Accreditation Program staff is committed to ensuring that your department is successful in maintaining its accredited status. A number of forms and publications that you might find helpful are available on the DCJS website at <http://www.criminaljustice.ny.gov/ops/docs/index.htm>. In addition, you should always feel free to contact your DCJS liaison, Kevin Fairchild, at (518) 457-9113 for help at any time.

Once again, congratulations to you, Sergeant James Hansen, and all of the members of the Haverstraw Town Police Department for job well done.

Sincerely,



Kevin Fairchild  
Accreditation Program Coordinator  
Office of Public Safety

Attachments: Accredited Agency Logo  
Council Policy on Use of the Logo

cc: Sergeant James Hansen

Prepared by

**New York State**

**DIVISION OF CRIMINAL JUSTICE SERVICES**

Office of Public Safety

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## AUTHORITY AND DISCLAIMER

The standards contained in this manual have been approved by the New York State Law Enforcement Agency Accreditation Council in accordance with the provisions of §846-h of the New York State Executive Law.

The program is offered to the law enforcement community for use on a voluntary basis. The standards are not intended to replace or circumvent any legal requirement that may apply to individual agencies. The Accreditation Council recognizes that state and local laws, Codes, Rules and Regulations, and current bargaining agreements are binding in nature and take precedence over program standards and definitions.

**Key terms are defined in the Glossary beginning on page 165. These are offered solely for the purpose of clarifying the intended scope and purpose of program requirements.**



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# **Use of Force Model Policy**

*September 2020*



**Municipal Police  
Training Council**

New York State Division of Criminal Justice Services  
80 South Swan Street, Albany, New York 12210

[www.criminaljustice.ny.gov](http://www.criminaljustice.ny.gov)



**Municipal Police  
Training Council**

# Use of Force Model Policy



STATE OF NEW YORK  
Division of Criminal Justice Services  
Office of Public Safety

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## **Use of Force Model Policy**

At the forefront of the national discussion involving policing in America is the way in which police use force. Agency policies regarding the use of force are facing increased scrutiny and agencies are seeking to ensure that their Use of Force policies are well-reasoned. Agencies are increasingly concerned with providing their officers with the best direction possible as they are tasked with making split-second judgements under circumstances that are tense, uncertain, and rapidly evolving.

The Council sought to address these concerns with the attached policy. The MPTC Use of Force model policy is firmly rooted in the 4<sup>th</sup> Amendment jurisprudence that governs police use of force, while remaining broad enough to serve as a framework for any agency in New York to build upon. This version of the policy has been promulgated pursuant to Executive Law §840(4)(d)(3) and adopted by the Municipal Police Training Council in September of 2020.

## **Acknowledgements**

The New York State Division of Criminal Justice Services (DCJS) acknowledges the extensive work done by the following associations and agencies:

District Attorney's Association of the State of New York

Law Enforcement Training Directors Association of New York State

New York State Association of Chiefs of Police

New York State Police

New York City Police Department

New York State Sheriff's Association

New York State University Police

New York State Department of Corrections and Community Supervision



# Use of Force - Model Policy

Municipal Police Training Council

## I. PURPOSE

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.

## II. POLICY

The federal and state standards by which use of force is measured are both founded in the basic premise of objective reasonableness.<sup>1</sup> 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.”<sup>2</sup>

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.

---

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

<sup>2</sup> *Graham v. Connor*, 490 U.S. 386 at 396 (1989).

## **Use of Force - Model Policy**

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### **III. DEFINITIONS**

- A. **Objectively Reasonable** – An objective standard used to judge an officer's actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.<sup>3</sup>
- B. **Deadly Physical Force** - Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.<sup>4</sup>
- C. **Physical Injury** – Impairment of physical condition or substantial pain.<sup>5</sup>
- D. **Serious Physical Injury** – Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.<sup>6</sup>

### **IV. USE OF FORCE**

- 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.<sup>7</sup>
- B. Under the 4<sup>th</sup> 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.<sup>8</sup>

### **V. DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE**

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

---

<sup>3</sup> *Graham*, 490 U.S. 396 (1989)

<sup>4</sup> NY Penal Law § 10 (11) (McKinney 2013)

<sup>5</sup> NY Penal Law § 10 (9) (McKinney 2013)

<sup>6</sup> NY Penal Law § 10 (10) (McKinney 2013)

<sup>7</sup> NY Penal Law and § 35.30(1) (McKinney 2013)

<sup>8</sup> *Graham*, 490 U.S. at 396 (1989)

## **Use of Force - Model Policy**

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- B. Factors that may be used in determining the reasonableness of force include, but are not limited to:
1. The severity of the crime or circumstance;<sup>9</sup>
  2. The level and immediacy of threat or resistance posed by the suspect;<sup>10</sup>
  3. The potential for injury to citizens, officers, and suspects;<sup>11</sup>
  4. The risk or attempt of the suspect to escape;<sup>12</sup>
  5. The knowledge, training, and experience of the officer;<sup>13</sup>
  6. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects;<sup>14</sup>
  7. Other environmental conditions or exigent circumstances.<sup>15</sup>

### **VI. DUTY TO INTERVENE**

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

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<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> *Scott v. Harris*, 550 U.S. 372 (2007)

<sup>12</sup> *Graham*, 490 U.S. at 396 (1989)

<sup>13</sup> Analysis of cases under the 4<sup>th</sup> 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)

<sup>14</sup> *Sharrar v. Felsing*, 128 F. 3d 810 (3<sup>rd</sup> Cir. 1997) (numbers of officers or subjects)

<sup>15</sup> Courts have repeatedly declined to provide an exhaustive listing of factors. *Chew v. Gates*, 27 F. 3d 1432, 1475 n.5 9<sup>th</sup> Cir. (1994)

## **Use of Force - Model Policy**

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### **VII. USE OF DEADLY PHYSICAL FORCE**

- A. Deadly physical force may be used by an officer to protect themselves or another person from what the officer reasonably believes is an imminent threat of serious physical injury or death.<sup>16</sup>
  
- B. Deadly physical force may be used to stop a fleeing suspect where:
  - 1. The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; and,
  - 2. The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or to others.
  - 3. Where feasible, some warning should be given prior to the use of deadly physical force.<sup>17</sup>
  
- C. Chokeholds and Obstruction of Breathing or Blood Circulation
  - 1. 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.<sup>18</sup>

### **VIII. PROHIBITED USES OF FORCE**

- A. Force shall not be used by an officer for the following reasons:
  - 1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
  - 2. To coerce a confession from a subject in custody;

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<sup>16</sup> NY Penal Law and § 35.30(1)(c)(McKinney 2013)

<sup>17</sup> 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.

<sup>18</sup> NY Penal Law § 121.13-a establishes the crime of Aggravated Strangulation.

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3. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required;
4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

### **IX. REPORTING & REVIEWING THE USE OF FORCE**

- A. 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.<sup>19</sup>
  1. This includes appropriate and timely medical attention being provided to a party injured as a result of a use of force incident.
  2. 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.<sup>20</sup>
- B. Members involved in use of force incidents as described below shall notify their supervisor as soon as practicable and shall complete a departmental use of force report.
  1. Use of force that results in a physical injury.
  2. Use of force incidents that a reasonable person would believe is likely to cause an injury.
  3. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
  4. Incidents where a conducted energy device (CED) was intentionally discharged or accidentally discharged after being displayed.

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<sup>19</sup> NY Civil Rights Law § 28

<sup>20</sup> NY Mental Hygiene Law § 9.41

## **Use of Force - Model Policy**

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- 5. Incidents where a firearm was discharged at a subject.<sup>21</sup>
- C. A standardized use of force form should be used to document any reportable use of force incident.<sup>22</sup>
- D. Officers should document any requests for necessary medical or mental health treatment as well as efforts of police to arrange for such treatment.

### **X. PROCEDURES FOR INVESTIGATING USE OF FORCE INCIDENTS**

- A. Where practicable, a supervisor should respond to the scene to begin the preliminary force investigation.
- B. A supervisor that is made aware of a force incident shall ensure the completion of a use of force report by all officers engaging in reportable use of force and, to the extent practical, make a record of all officers present.
- C. Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
- D. The [applicable person, unit, or bureau] will receive the supervisor's report and conduct an investigation.
- E. Consistent with agency disciplinary protocols and any applicable collective bargaining agreements, agency policy should establish standards for addressing the failure to adhere to use of force guidelines.<sup>23</sup>

### **XI. TRAINING**

- 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,

---

<sup>21</sup> 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.

<sup>22</sup> 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.

<sup>23</sup> NY EXC § 840(4)(d)(2)(vi)

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including, but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.<sup>24</sup>

- C. This policy is not intended to be a substitute for proper training in the use of force. Comprehensive training is the key to the real-world application of the concepts discussed within this policy.

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<sup>24</sup> EXC § 840(4)(d)(2)(vii)

**HAVERSTRAW TOWN POLICE DEPARTMENT  
GARNERVILLE, NEW YORK 10923**

MANUAL INDEX # 12-2001	SUBJECT: <u>GENERAL ORDER</u>
REF:	<b>POLICE/CITIZEN STREET ENCOUNTERS</b>
NYSLEAS No.	
EFFECTIVE DATE: 10/19/01	APPROVED: <i>Peter G. Murphy</i> <i>Chief</i>
<u>RESCINDS</u> All prior	<u>AMENDS</u>
<u>CROSS REFERENCE</u>	
REVIEW DATE: 9/4/18	PAGE 1 OF 18
DISTRIBUTION: ALL MEMBERS OF POLICE DEPARTMENT	

**I. POLICY**

A. It is the policy of the Haverstraw Town Police Department to comply with all laws and court decisions. Interacting with the public, both law-abiding citizens and those who are subjects of investigations, is a critical part of good, effective police work. Additionally, in today's environment a solid, working knowledge of the law concerning "street encounters" is essential for professional police officers to perform their very difficult, yet critically important, functions effectively and with integrity. Furthermore, there is no situation more dangerous to a police officer than the confrontation of a person suspected of carrying a weapon. The understanding of the material contained in this General Order will, hopefully, allow our officers to protect themselves and others, while leading to sound, constitutional arrests. It should be noted that this General Order is based on the laws of New York which, in some cases, impose more stringent requirements upon police investigations than the decisions of the United States Supreme Court interpreting the United States Constitution.

**B. POLICE/CITIZEN STREET ENCOUNTERS A LEGAL OVERVIEW**

1. When investigating a report of crime or suspicious conduct police officers often approach, question and detain suspects. The level of suspicion (whether a person has committed, is committing or is about to commit a crime) will determine how intrusive the officer's conduct may be (the intrusion). The level of suspicion is determined by all of the facts and



circumstances known to the officer (the predicates). The number and nature of the suspicious factors and the aggregate suspicion created by all factors will lead to:

- a. A mere suspicion,
  - b. Founded suspicion,
  - c. Reasonable suspicion, or
  - d. Probable cause.
2. Depending on the level of suspicion the officer may:
- a. Approach and question the person, or
  - b. Use force during the encounter (it also determines how much force may be used), or
  - c. Detain the person, or
  - d. Frisk the person, or
  - e. Arrest the person.
3. The legality of the officer's conduct will depend largely upon his/ her ability to articulate:
- a. The factors which gave rise to suspicion and
  - b. The reasonable inferences of criminal activity drawn from those factors based on his experience and expertise.

## II. PROCEDURE

- A. The following legal points indicate the amount of force (the intrusion) which is permissible based on the circumstances known to the officer (the predicates):
- B. **PUBLIC SERVICE FUNCTION** - When a police officer approaches a person to seek or give information or to carry out his/her public service function, his/her actions will receive less scrutiny by the courts.
1. With an objective credible basis, the officer may approach and ask questions. The officer may not detain the person or restrict his/her freedom to walk away.

C. **LAW ENFORCEMENT** – When a police officer approaches a person who is acting suspiciously or who the officer suspects may have committed a crime, the officer’s actions will be closely reviewed by the courts.

### 1. WHIMSICAL, CAPRICIOUS AND BIASED BASED - NO APPROACH

- a. Definition - If the officer has only a whim or caprice without any articulable basis for initiating an encounter with a person, then he/she may not approach, question or detain the person. Moreover, if the basis for the officer’s contact with the person is a personal prejudice or bias, such as the person’s race or hair length, the encounter is unlawful.

### 2. MERE SUSPICION - APPROACH AND QUESTION - NO FORCE

- a. Definition - If the officer has very little, but some factual basis for believing that the person is engaged, has engaged, or is about to engage in crime, the officer has only mere suspicion. The courts frequently refer to this as an “articulable basis” (the ability of the officer to describe the reasons for his action). At this level of suspicion, the officer may approach the person and ask questions. He/she may not use force nor in any way detain the person against his/her will.
- b. Questions and Answers - If an officer has mere suspicion of criminality, he/she may approach a person and ask him/her questions concerning conduct or presence at a location. This is referred to as the “Request for Information.” The person is free to walk away from the officer and need not answer the questions. When the answers to the officer’s questions and the suspect’s

reactions do not increase suspicion, and there is no other evidence that the person is engaged in criminal activity, or has a weapon, the officer must not detain him/her further. At this level, a request for consent to search a bag, pocketbook, luggage, or other item of personal property is improper.

3. FOUNDED SUSPICION - ACCUSATORY QUESTIONING - NO FORCE

- a. Definition - Once questioning becomes extended and accusatory and the officer's inquiry focuses on possible criminality, it is no longer a simple request for information. At this point the questioning becomes a "Common-Law Inquiry" and must be based on a founded suspicion that criminality is afoot.
- b. Police Action Authorized - When an officer has a founded suspicion that criminality is afoot, he/she may conduct more extensive questioning than that which is allowed at the mere suspicion level. The officer may ask accusatory-type questions which would lead a reasonable person to believe the person is a suspect. The officer may not forcibly stop or detain the suspect unless the officer has reasonable suspicion or probable cause. At this stage, however, a suspect may be asked for consent to search an item of personal property.

4. REASONABLE SUSPICION - APPROACH, QUESTION AND FORCIBLE STOP

- a. Definition - Reasonable suspicion exists when the information known to the officer is of such weight and persuasiveness as to make a police officer, based on his/her judgment and experience, reasonably suspect that a person may have committed, is committing, or is about to commit a crime.
- b. Police Action Authorized - When an officer has a reasonable suspicion that a person has committed, is committing, or is about to commit a crime, the officer may stop the person, question him/her about his/her conduct, and detain him/her while expeditiously conducting an investigation to determine if there is probable cause to arrest the individual. At this level of suspicion, the officer may use force, if necessary, to stop and detain the person.
- c. Use of Force - The force used must be reasonably related to the circumstances which justified the stop. The following are some examples of force:

- (1) Authoritative oral command
- (2) Placing of hands upon the suspect
- (3) Drawing gun
- (4) Pointing gun
- (5) Using nightstick to contain suspect

- (6) Placing suspect against wall or other stationary object
- (7) Placing suspect on ground
- (8) Handcuffing

d. Not all of the above examples are legally permissible in every forcible stop. For example, although a command to stop is permissible in every reasonable suspicion stop, placing a suspect on the ground ordinarily would not be reasonable unless a violent crime had been committed and there was a need to obtain immediate compliance by and control of the suspect for the officer's safety.

e. Handcuffing, on the other hand, would be impermissible in forcible stop situations based on less than probable cause except where the police officer has reasonable suspicion that a suspect has committed, is committing, or is about to commit a crime and the officer has reasonable suspicion the suspect is armed and there exists an extraordinary condition that adds an element of danger. For example, police officers who chased a potential armed robbery suspect into a dark alleyway were justified in handcuffing the suspect (a non-arrest detention) in order to ensure their own safety and to bring the suspect to a more suitable location to conduct the frisk.

f. Duration of Stop - An officer may detain a suspect to confirm or dispel his/her suspicions. The investigative steps taken by the officer must be reasonably related to the circumstances which justified the stop. The officer must act diligently to avoid detaining the suspect for an unreasonable length of time. The following are several examples of reasons for detaining a suspect:

- (1) Await assistance of other officers
- (2) Await identification of suspect or property by witness
- (3) Await result of search of area where suspect may have discarded weapon or evidence
- (4) Await result of search of area for victim of crime or evidence of commission of crime

- (5) Await result of computer, telephone or other check of suspect's identification, vehicle identification or property identification.
  - (6) Await result of prompt investigation into validity of suspect's account of his/her behavior - "check out his/her story."
- g. Movement of Suspect - A person stopped on reasonable suspicion may not be removed to headquarters unless he/she consents.
- (1) Occasions arise where an officer wants to move the suspect to a different location, a short distance from the stop, to continue the brief street investigation.
  - (2) Movement of the suspect even short distances usually would be unlawful unless the officer had grounds for an arrest. However, the Court of Appeals has recognized that under certain circumstances a suspect may be returned to the scene of the crime based solely on reasonable suspicion. Where the crime scene is close to the detention area, where the detaining officers are aware of a crime actually having been committed and where the transporting of the victim(s) to the suspect would be more time consuming, the suspect may be brought back to the crime scene for a show-up identification.

5. FRISK - FEAR OF SAFETY

- a. Basis When a police officer has stopped a person based on reasonable suspicion (see 4 above) the officer may frisk the person if the officer reasonably fears for his/her safety.
- b. Definition - A frisk is no more than a pat-down of the outer clothing of a suspect to detect weapons or objects which may endanger the officer.
- c. Scope of Frisk
  - (1) When an outer clothing pat-down reveals an "object" secreted in the suspect's inner clothing or pocket, the officer may reach into the area and recover the object if the officer reasonably suspects that the object is a weapon.

- (2) When the officer reasonably suspects that a weapon is hidden in a particular place on the suspect's person (e.g., bulge in waistband shaped like a gun), the officer may forego a general frisk and reach into the suspect area to recover the object.
- (3) If the suspect is wearing a bulky overcoat or similar garments the officer may request the suspect to open his coat to allow a frisk of his inner clothing.
- (4) If the officer feels an object which he/she does not suspect to be a weapon but other contraband such as drugs, the officer may not reach into the area to recover the property.

d. Fear of Safety

- (1) Generally, an officer must be able to articulate reasons for his/her fear. Relevant factors include darkness; inability to see hands of suspect or bulges in clothing; suspects outnumber officers; hostile environment; furtive movements or flight of suspects; lack of cooperation of suspect; belligerent reaction of suspect to the stop; suspect's past history of violence.
- (2) When a violent crime is suspected, such as robbery or felonious assault, the officer need not articulate a separate basis for his/her fears. These crimes, by their violent nature, will always evoke fear for safety and permit a frisk. Burglary has been included in the violent crimes which allow a frisk without articulating a separate basis for fear.

6. AREA AND CONTAINER FRISKS (SEARCHES) BASED ON REASONABLE SUSPICION

- a. When a police officer is conducting a stop based on reasonable suspicion, he/she may search the area immediately surrounding the suspect, if the officer has a reasonable fear for his/her safety. If there is a container located in this area such container may be grabbed, squeezed, or opened, if necessary, to insure there are no weapons inside.
- b. The search may extend only to those areas and containers within the gradable reach of the suspects, which could contain a weapon.

7. AUTOS - SPECIAL RULES ON STOPS AND FRISKS

- a. Basis - An officer may forcibly stop a vehicle when he/she has reasonable suspicion that the owner, operator or occupant has committed a traffic violation, or when an occupant has committed, is committing or is about to commit an offense, or pursuant to a non-arbitrary roadblock procedure.
- b. Scope of Stop - An officer may order the driver and passenger(s) out of the auto regardless of the nature of the crime or offense.
- c. Scope of Vehicle Frisk (Search) - Where an officer suspects that an occupant of a vehicle has committed a crime and the occupant reaches toward an area of the auto as if to hide evidence, the officer may visually inspect that area for weapons in order to insure his/her personal safety during the stop.
  - (1) Where an officer suspects that the driver or owner of a vehicle has committed a crime and the occupant must obtain identification papers from the glove compartment or other area of the auto, the officer first may inspect that area for weapons to ensure his/her personal safety during the stop.
  - (2) This “Area Frisk” rule was recently limited by the Court of Appeals, which ruled in 1989 that once an officer has removed the occupants from a car, he/she may not conduct a frisk of the interior, even if he/she reasonably suspects weapons are present. The Court said that while the suspects who have been removed can be frisked, the passenger compartment cannot. The Court said that in order to look inside the passenger compartment for weapons, the officer must have probable cause. The Court, however, recognizes a limited basis for an officer to “frisk” a vehicle if the passengers are in the car and the officer suspects that there is a weapon in the vehicle and that the danger of the officer’s safety is “actual and specific” (e.g., passenger wearing a bullet-proof vest suspiciously bends down and hides something as the officer approaches).



- (3) However, all car stops are potentially dangerous encounters for the investigating police officer. When weapons are suspected, the car can be extremely perilous. Because the distinction between reasonable suspicion and probable cause is often a very fine line; officers should be cautious and take all reasonable and necessary steps to protect their safety. Safety is the most important factor to be considered in any encounter between police and a criminal suspect.

## 8. PROBABLE CAUSE - ARREST

- a. Basis - When an officer has information that makes it more probable than not that a crime or offense has been committed and that a particular person has committed the crime, the officer may arrest that person. The information must be reliable and be received from a reliable source or be based on the officer's personal observation.
- b. Arresting in Public Place - An officer may make a warrantless arrest at any time in a public place, including private property which is open to the public.
- c. An officer must obtain an arrest warrant to arrest a person in his/her home unless the officer:
  - (1) Obtains consent to enter the home, or
  - (2) The officer is in hot pursuit of the suspect, or
  - (3) Other exigent circumstances exist.
- d. In determining whether exigent circumstances exist that will permit police to enter a suspect's home without a warrant, the New York Courts will consider the following factors:
  - (1) Whether the offense is a serious and violent crime. (The suspect must be wanted for a serious, violent offense, such as murder, robbery with a weapon or injuries, rape, kidnapping, etc.)
  - (2) Whether there is reason to believe the suspect is armed. (For example, a gun is used in the crime but not recovered at the scene, or a reliable witness informs the police that the suspect has a weapon, or the police know the suspect has a history of being armed.)

- (3) Whether there is a strong showing of probable cause. (There must be more than the minimum amount of information to establish probable cause for most arrests. For example, several reliable witnesses have identified the suspect as the perpetrator, or a police officer actually witnessed the crime.)
- (4) Whether there is a strong reason to believe the suspect is inside at time of entry by police. (For example, a reliable witness confirms the suspect is inside or just entered, or someone speaks with the suspect inside the location on the phone.)
- (5) Whether there is a likelihood of escape if defendant is not apprehended immediately. (For example, police are informed by a reliable witness or have other credible evidence that the suspect is about to flee the jurisdiction.)
- (6) Whether the entry by police is made peacefully. (The courts are more likely to view a warrantless entry into a suspect's home as reasonable if it is accomplished peacefully, without breaking down a door or otherwise forcing entry.)

**Note: An officer may call on a suspect at his home, and if the suspect steps across the threshold, may arrest the suspect without a warrant.**

e. Arrest in a Third Party's Home - In order to enter a third party's home to arrest a visitor, the police must have a search warrant. The same exceptions which allow a warrantless entry of a suspect's home, i.e., consent, hot pursuit, and exigent circumstances also apply to an arrest of a suspect in a third party's home. Criminal Procedure Law Section 690 contain provisions which permit the police to obtain a search warrant to search for a suspect who is believed to be present in a third party's home. In order to obtain such a search warrant the following requirements must be satisfied:

- (1) The police must have either:
  - (a) An arrest warrant for the suspect; or
  - (b) A felony bench warrant for the suspect; or

- (c) An out-of-state or federal arrest warrant for an offense which would constitute a felony under the laws of New York State.
- (2) The application for the search warrant must demonstrate that there is probable cause to believe that the suspect is present in the third party's home.
- f. Criminal Procedure Law Section 690 also contains the requirements for executing a search warrant for a person. Like ordinary search warrants, these warrants must be executed within ten days of issuance and only between the hours of 6:00 AM and 9:00 PM. Upon a showing (1) that the person sought is likely to flee or commit another crime; or, (2) may endanger the safety of the executing police officer, if not seized forthwith, the court may order that the warrant can be executed at any time.
- g. After arresting a person pursuant to a search warrant, the executing police officer must comply with the terms of the arrest warrant and file a sworn written statement with the court that issued the search warrant stating that the person has been arrested and brought to the appropriate court.

**D. DEVELOPING SUSPICION AND PROBABLE CAUSE** - The previous material discussed the various levels of suspicion and the police action permitted at each level. The following will describe the relevant factors and the sources of information which contribute to suspicion and probable cause.

1. **RELEVANT FACTORS** - The factors which generally produce suspicion of criminal activity may be grouped into the following categories:
  - a. Environmental factors
  - b. Suspect's actions
2. An unlimited number of varied factors may be listed under each grouping. The factors include anything which might indicate criminal activity. Alone or in combination, these factors will lead to
  - a. Approach and question,
  - b. Common-law inquiry,
  - c. Reasonable suspicion, or
  - d. Probable cause.

3. Below are common relevant factors, which the New York Courts will consider when, determining the legality of a police officer's street encounter with a citizen.
- a. Environmental
- (1) Area has a high incidence of reported crimes of the type under investigation.
  - (2) Time of day, day of week, season, and other time factors correspond with time of past reports of criminal activity.
  - (3) Sights and sounds which may indicate criminal activity.  
Example: Observe open door of commercial premises at 3:00 AM; hear screams or calls for help.

4. Suspect's Actions

- a. Nearness to scene of reported or suspected crime;
- b. Carrying of objects commonly used in commission of crime. Example: Slap-hammer, suspicion of auto larceny;
- c. Wearing of clothes or disguises commonly used in commission of crime. Example: Wearing two pairs of pants of different colors;
- d. Fitting description of suspect. Matching more specific description or distinctive features increases level of suspicion;
- e. Furtive gestures;
- f. Changing direction upon sighting officer;
- g. Flight;
- h. Unusual nervousness;
- i. Actions indicative of "casing" a victim of crime location;
- j. Actions indicative of acting as a lookout;

- k. Evasive, false, inconsistent responses to police inquiries.  
NOTE: This is often the critical factor which raises mere suspicion to reasonable suspicion or reasonable suspicion to probable cause. It is critical that officers make inquiries and closely observe the suspect for nervous reaction as well as listen for evasive, false and inconsistent responses;
  - l. Any other words or actions of the suspect which the officer can show, by rational inferences based on experience and expertise, may indicate criminal activity;
  - m. Knowledge of suspect's reputation as a criminal;
  - n. Consorting with known criminals;
  - o. Police officer's expertise;
    - (1) Own personal experience
    - (2) Experiences communicated to him/her by other officers
  - p. Repetitive conduct.
5. SOURCES OF INFORMATION - The information, which gives rise to the various levels of suspicion or probable cause, originates from one, or a combination of the following sources:
- a. Officer's personal observations
  - b. Reports from criminal informants
  - c. Reports from other officers
  - d. Reports from citizen informants
6. Officer's Personal Observations - As previously stated, the action that an officer may take and the level of intrusion on a suspect's freedom and privacy will depend upon the aggregate suspicion formed by all of the facts and circumstances known to the officer. If the factors produce:
- a. Mere suspicion - he/she may conduct a non-forcible inquiry;
  - b. Reasonable suspicion - he/she may conduct a forcible stop and inquiry; where a fear of safety exists - he/she may frisk.

- c. Probable cause - he/she may arrest.
  - d. The most important consideration is: The officer's ability to articulate the factors, which he/she relied upon, and his/her ability to connect these factors to the suspected criminal activity through rational inferences.
7. Reports from Criminal Informants Requirements: When information is received from a confidential informant or individual known to have a criminal record or criminal associates, an officer should establish that:
- a. The informant is reliable;
  - b. The information is reliable.

**These two requirements are known as the “two prong” test.**

8. Satisfying One Requirement - Reasonable Suspicion - Satisfying one of the requirements may produce reasonable suspicion and form a basis for a forcible stop provided the information meets the reasonable suspicion standard: Would a reasonable and prudent person with the officer's experience and possessing information, believe that a crime has been, is being or is about to be committed?
- a. If both requirements are satisfied, and the information indicates a particular suspect has committed a crime, the officer has probable cause to make an arrest. Below are factors, which will satisfy the reliability requirements: Reliability of the Information:
    - (1) If he/she has supplied information in the past which has led to at least one arrest and a conviction on that arrest or arrests in more than one criminal incident. Convictions are not necessary. Information supplied previously does not have to be for the same type of crime as the present crime.
    - (2) If he/she has supplied information in the past which has led to the seizure of evidence, contraband, or stolen property.
    - (3) If two or more informants corroborate the information; the informants must not be known to each other and must act independently of each other.
    - (4) If the information constitutes a declaration against penal interest which connects the suspect to the crime or otherwise incriminates him;

- (5) If the police observe sufficient details which corroborate the information and indicate that the informant knew of what he/she spoke (subsequent verification). For example, corroborating information with respect to:
  - (a) Suspect's dress, mannerisms, route to be used or conveyance to be used;
  - (b) Suspect's appearance on day, at time, at place and engaging in activity consistent with informant's details;
  - (c) Observing suspect in possession of object or container matching quantity, shape, physical characteristics and location of reported contraband.
- (6) If the information reported corresponds with information already known to the police (prior verification).

b. Reliability of Information

- (1) If the informant states that he/she obtained the information by personal observation of the suspect or conversation directly with the suspect, or
- (2) If the information with respect to criminal activity is so detailed as to make clear that it must have been based on the informant's personal observation of the activity, or
- (3) If the police observe conduct suggestive of, or directly involving the criminal activity reported by the informant.

9. Reports from Other Officers - Police officers are presumed reliable so that only the information they supply must be scrutinized for reliability.

- a. If an officer does not know or could not reasonably determine how or from whom the other officer obtained his information, he/she may consider it reliable and act upon it. For example, an arrest may be affected based on a teletype message advising that a particular person is wanted. If it later turns out that the information was supplied to the other officer by an unreliable third party then the case may be dismissed. However, the officer acted properly when he/she effected the arrest.

- b. When an officer knows or has reason to know that the reporting officer has obtained the information from a third party and there is an opportunity to ascertain the credibility of the third party informant, the officer has an obligation to do so before acting on the information.

10. Reports from Citizen Informants - A citizen informant is presumed reliable. However, unless emergency action is required, an officer must determine that he/she is a responsible citizen with no ax to grind. This may include knowledge that the person:

- a. Lives in the community
- b. Has a good reputation in the community
- c. Is employed
- d. Is a voter
- e. Has no criminal record
- f. Has no personal grudge and no motive to lie.

- (1) Also, the reliability of the information should be ascertained. (See the tests of reliability.) Generally, the information must be based on the informant's personal observation or personal conversation with the suspect. If it is not, the information may be shown to be reliable by police observations which corroborate the criminal activity.
- (2) If the information is reliable and gives probable cause an arrest may be made.
- (3) If a crime is spelled out but the reliability of the information is unknown, then reasonable suspicion is often present which would allow a forcible stop.

11. Reports from Victims - A crime victim is presumed reliable and his/her information may also be relied upon to effect an arrest. However, the information must spell out a crime and there must be no reason to suspect that the alleged victim is making a false report.



12. Response to Anonymous Calls - The police often receive anonymous calls that a person of a certain description has committed a crime or is in possession of a gun. The absence of knowledge concerning the reliability of the information, or the informant, limits the action an officer may take. However, the police have a public responsibility to investigate the report. To reconcile these apparent inconsistencies the following rules have been developed by the appellate courts for application in common street situations:

- a. Anonymous Tip - Man With a Gun - General Description - Produces mere suspicion. An officer may stop and question a person fitting the description in the vicinity of the location. No force or detention is permitted unless suspicion is raised by other factors.
- b. Anonymous Tip - Man with a Gun - Precise Description - Produces reasonable suspicion. An officer may forcibly stop, question and detain a person in the vicinity who fits the description.
- c. Anonymous Tip - Man with a Gun Plus Report of Present or Past Use of Gun to Commit Crime - Produces reasonable suspicion. An officer may forcibly stop, question and detain a person in the vicinity who fits the description.
- d. Anonymous Tip - Man with a Gun - No Description or General Description - Plus Other Factors - May produce reasonable suspicion if additional factors raise suspicion to the necessary level. If so, an officer may forcibly stop, question and detain a person in the vicinity who fits the description. The following are examples of factors a court might consider. **No one factor, however, would be sufficient:**
  - (1) Observe bulge in clothing
  - (2) Darkness or other obstacle prevent observation of bulge
  - (3) Flight of suspect
  - (4) Evasive, false, inconsistent responses of suspect
  - (5) Suspect is unusually nervous
  - (6) Officer observes possible evidence of a crime
  - (7) Officer hears the sound of a gunshot or scream

(8) Physical condition of suspect is consistent with possible criminal activity. Example: hand is cut; report is of forcible entry.

e. Anonymous Tip - Violent Crime or Burglary - General Description  
Produces reasonable suspicion. May forcibly stop, question and detain a person in the vicinity who fits the description.

\*\*\*H.T.P.D.\*\*\*

**HAVERSTRAW TOWN POLICE DEPARTMENT  
GARNERVILLE, NEW YORK 10923**

MANUAL INDEX # 16-2001	SUBJECT: <u>GENERAL ORDER</u>
REF:	<b>CONTACT WITH COMMUNITY</b>
NYSLEAS No.	
EFFECTIVE DATE: 1/1/01	APPROVED: <i>Peter G. Murphy</i> <i>Chief</i>
<u>RESCINDS</u>	<u>AMENDS</u>
All prior	<u>CROSS REFERENCE</u>
REVIEW DATE: 11/15/18	PAGE 1 OF 2
DISTRIBUTION: ALL MEMBERS OF POLICE DEPARTMENT	

**I. POLICY**

- A. All members of the Haverstraw Town Police Department shall conduct themselves in a courteous and respectful manner in all contacts with members of the community.

**II. PROCEDURE**

- A. When dealing with members of the community during a vehicle and traffic stop, officers shall conduct themselves in the following manner:
  - 1. Politely request to inspect the individual's driver's license, registration and insurance card.
  - 2. When appropriate, advise the individual of the reason for the stop.
- B. When dealing with members of the community in person, and in all other contacts that are not of an emergency nature, officers shall conduct themselves in the following manner:
  - 1. If necessary, officers (plainclothes, detectives, etc.) shall identify themselves as a Haverstraw Town Police Officer.
  - 2. If specifically requested, officers shall identify themselves by name, rank and badge number, and as a Haverstraw Town Police Officer.

3. Inquire as to the nature of the problem and address same in a respectful manner.
- C. When dealing with members of the community by telephone, Officers shall:
1. Answer outside calls with the phrase "HAVERSTRAW TOWN POLICE DEPARTMENT" and identify themselves by rank and name.
  2. Answer internal calls by rank and name.
- D. When dealing with members of the community in emergency situations, officers shall conduct themselves as appropriate.

\*\*\* H.T.P.D. \*\*\*

**HAVERSTRAW TOWN POLICE DEPARTMENT  
GARNERVILLE, NEW YORK 10923**

MANUAL INDEX # 3-2012	SUBJECT: <u>GENERAL ORDER</u>
REF:	<b>RACIAL PROFILING POLICY STATEMENT</b>
NYSLEAS No.	
EFFECTIVE DATE: 7/20/2012	APPROVED: <i>Peter G Murphy</i> <i>Chief</i>
<u>RESCINDS</u> GO# 4-2004 & All Prior	<u>AMENDS</u>
	<u>CROSS REFERENCE</u>
REVIEW DATE: 3/13/18	PAGE 1 OF 1
DISTRIBUTION: ALL MEMBERS OF POLICE DEPARTMENT	

**POLICY:**

The Police Department is committed both to the impartial enforcement of law and protection of Constitutional rights. Therefore, to emphasize these commitments and to ensure all members of the Department engage in only constitutionally sound Policing practices, the department prohibits the use of racial profiling in law enforcement actions. Racial profiling is defined as the use of race, color, ethnicity or national origin as the determinative factor for initiating police action.

All Police-initiated enforcement actions, including but not limited to arrest, stop and question, and motor vehicle stops, will be based on the standards required in the Fourth Amendment of the U.S. Constitution or other applicable Law. Officer must be able to articulate the factors which led them to take enforcement action, in particular those factors leading to reasonable suspicion for a stop and question or probable cause for an arrest. Officers are reminded that the use of characteristics such as religion, race, color, gender or gender identity, or sexual orientation as the determinative factor to taking police action is prohibited.

While in the performance of their duties, Officers are reminded that this Policy in no way precludes them from taking into account the reported race, color, ethnicity, national origin, religion, age, gender identity, or sexual orientation of a specific suspect in the same way the member would use pedigree information, e.g., height, weight, age, etc., about specific suspects.

**HAVERSTRAW TOWN POLICE DEPARTMENT  
GARNERVILLE, NEW YORK 10923**

MANUAL INDEX # 4-2012	SUBJECT: <u>GENERAL ORDER</u>
REF:	<b>BIAS/HATE CRIMES</b>
NYSLEAS No. 44.2	
EFFECTIVE DATE: 7/20/2012	APPROVED: <i>Peter G Murphy</i> <i>Chief</i>
<u>RESCINDS</u> GO# 1-2000 & All Prior	<u>AMENDS</u>
	<u>CROSS REFERENCE</u>
REVIEW DATE: 3/13/18	PAGE 1 OF 7
DISTRIBUTION: ALL MEMBERS OF POLICE DEPARTMENT	

**PURPOSE:**

To assist employees in identifying and investigating hate crimes in accordance with the Hate Crimes Act of 2000 and section §485.05 of the NYS Penal law.

**POLICY:**

It is the policy of Town of Haverstraw Police Department to safeguard the state and federal rights of all individuals irrespective of their race, religion, ethnic background, disability or sexual orientation. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously and will be given high priority.

Officers shall be mindful of the potential for reprisal and escalation of violence, and the far reaching negative consequences of these crimes on the community. All necessary resources will be employed to identify and arrest hate crime perpetrators. A swift and strong response by law enforcement can help stabilize and calm the community as well as aid in a victim's recovery.

**DEFINITIONS:**

**BIAS:** An inclination or preference, especially one that interferes with impartial judgment. "Bias" can also mean prejudice and imply an irrational hatred or suspicion of a specific group, race, or religion.

**BIAS CRIME:**

A criminal offense committed against a person or property which is motivated in whole or part, by the offender’s bias against the victim’s race, religion, ethnic/national origin group, or sexual orientation group.

**DISABILITY:**

The Americans with Disabilities Act defines disability as “a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such an impairment.” Major life activities include, but are not limited to, caring for one’s self, walking, seeing, hearing, speaking, breathing, learning, and working.

**RACIAL BIAS:**

A pre-formed negative opinion or attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and hereditary which distinguish them as a distinct division of humankind.

**RELIGIOUS BIAS:**

A pre-formed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

**SEXUAL ORIENTATION BIAS:**

A pre-formed negative opinion or attitude toward a group of persons based on their sexual attraction toward and responsiveness to, members of their own sex or members of the opposite sex.

**ETHNIC/NATIONAL ORIENTATION BIAS:**

A pre-formed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions.

**FACTORS TO CONSIDER WHEN ESTABLISHING MOTIVE:**

A. BIAS MOTIVATION

1. Racial Bias

- i. Anti-White.
- ii. Anti-Black.
- iii. Anti-American Indian/Alaskan Native.
- iv. Anti-Asian/Pacific Islander.
- v. Anti-Multi-Racial Group.
- vi. Anti-Other Racial Group.

2. Religious Bias
  - i. Anti-Jewish.
  - ii. Anti-Catholic.
  - iii. Anti-Protestant.
  - iv. Anti-Islamic (Moslem)
  - v. Anti-Other religion (Buddhism, Hinduism, Shintoism, etc.).
  - vi. Anti-Atheist/Agnostic/etc.
  
3. Ethnicity/National Origin Bias
  - i. Anti-Arab.
  - ii. Anti-Hispanic.
  - iii. Anti-Other Ethnicity/National Origin.
  
4. Sexual Orientation Bias
  - i. Anti-Male Homosexual (Gay).
  - ii. Anti-Female Homosexual (Lesbian).
  - iii. Anti-Homosexual (Gays and Lesbians).
  - iv. Anti-Bisexual.
  - v. Anti-Transsexual.
  - vi. Anti-Heterosexual.

## B. BIAS INDICATORS

Even if the offender was mistaken in his/her belief that the victim was a member of a [citizenship, racial, religious, ethnic/national origin, handicap, or sexual orientation, gender group], the offense is still a bias crime as long as the offender was motivated by bias against that group. [For example, six teenagers mistakenly believing the victim to be gay attacked a non-gay man walking by a bar frequented by gays. Although the offenders were mistaken, the offense is a bias crime because it was motivated by the offenders' anti-gay bias.]

The following criteria can assist law enforcement professional in determining whether a particular crime should be classified as a bias crime. These criteria are not all-inclusive, and each case must be examined on its own facts and circumstances. Common sense judgment should also be applied in making the determination whether a crime should be classified as a bias crime.

### 1. Racial, Ethnic, Gender and Cultural Differences

- i. Racial, religious, ethnic/national origin, handicap, or sexual orientation of victim differs from that of offender.
- ii. Victim, although not a member of the targeted group, is a member of an advocacy group that supports the victim group, or the victim was in the company of a member of the targeted group
- iii. Historically, animosity exists between the victim's group and the suspect's group.
- iv. Victim was engaged in activities promoting his/her group.



## 2. Comments, written Statements, Gestures

- i. Bias-related drawings, markings, symbols or graffiti were left at the scene of the incident.
- ii. Bias indicators need not establish that the predominant purpose of an offender's actions was motivated by hatred or bias. It is sufficient an incident as a bias crime that an offender was acting out of hatred or bias, together with other motives, or that a bias motive was a contributing factor, in whole or in part, in the commission of a criminal act.

## 3. Organized hate groups

- i. Objects or items that represent the work of organized hate groups were left ( e.g., white hoods, burning crosses), or an organized hate group claimed responsibility for the incident.
- ii. There were indications that a hate group was involved. For example, a hate group claimed responsibility for the crime or was active in the neighborhood.

## **RESPONSE PROCEDURES**

### RESPONDING OFFICER RESPONSIBILITIES

1. The officer shall secure the scene, provide medical attention (if necessary), evaluate the situation, and take the necessary action dictated by the circumstances.
2. After the scene is stabilized, the responding officer shall make a determination If the elements of a "Bias Crime" exist.
3. Was the apparent motive for the criminal act based upon one of the Bias Motives outlined in paragraph A 1 through A 4.
4. If a "Bias Crime" exists, notify the patrol sergeant and have him/her respond to the scene. An incident Report is to be taken.
5. Tending to the victim: Ensure that responses to hate incidents and crimes are swift, thorough and sensitive to the feelings of victims.
  - i. First responders must obtain accurate information about an incident;
  - ii. Conduct a preliminary assessment of physical, emotional, and financial injury to a victim;
  - iii. Reassure victims that their concerns and needs will be addressed.
  - iv. First responders must be prepared to assist victims whose initial

emotional reactions to an incident may include rage, terror and grief.

- v. Victims and their families should be immediately referred to victim assistance agencies and other community services when needed.

## B. RESPONDING SUPERVISOR RESPONSIBILITIES

1. The sergeant shall confer with the initial responding officer to ensure all necessary preliminary actions have been taken and, inform his/her Lieutenant or chief of the incident. The sergeant shall utilize any appropriate additional personnel or resources to ensure that the preliminary investigation is properly conducted and all necessary responsibilities are met. Determine if a bias crime exists.
2. Request Detectives, if necessary.
3. Direct the initial investigation. Make sure initial report and any other statement or depositions are taken.
4. Assisting the victim in identifying and contacting individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, a member of the clergy, counselors or others the victim may wish to have contacted.
5. Ensure that the victim is informed of security precautions and if necessary arrange for any additional security that may be required for protection of the victim.

## C. DETECTIVE RESPONSIBILITIES

1. Coordinate the focus of the investigation and assist with investigation and assist with interviews/ interrogations and the processing of the scene for possible evidentiary material.

## D. REPORTING REQUIERMENTS

1. Reporting of hate crime arrests is statutorily required. It is essential that if an individual is being charged with a hate crime, the arrest is properly coded.
2. When an arrest is being processed for a hate crime, you are required to use the penal law code with the letter "H" to highlight and make the distinction. The letter "H" is applied to the subdivision of the PL section. In those cases where no subdivision exists, a double zero is used with the letter "H". Use caution ‘

when automated booking system to ensure that the correct offense is selected.

3. Examples:

- PL section 120.00, subdivision 1 – Assault 3<sup>rd</sup>  
120.0 (01H), when it is a Hate Crime
- PL section 140.15 – Criminal Trespass 2<sup>nd</sup>  
140.15 (00H), when it is a Hate Crime

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

5. Review all Incident Reports to determine if they meet the “Bias Crime” definitions listed in Section A of this policy and that the criteria qualifies the incident as a reportable incident to DCJS through NYSIBR reporting. Bias/Hate crime incidents will be recorded on the DCJS Hate Crime Incident Report DCJS-3249 (11/10), and submitted in the given month of the incident.

6. Track and record all “Bias Crime” activities as well as the disposition of those activities.

7. The BCI will maintain the bias crime statistics and report them to the Records Management Supervisor to be included in the Department’s UCR statistics.

E. OFFENSE CATEGORIES

1. The Hate Crimes Act of 2000 requires law enforcement to establish guidelines and collect data about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity.
2. If one of the below listed crimes, in particular, is committed, it is the responding officer’s responsibility to determine whether there is any indication that the offender was motivated by bias. If it is determined that the offender was motivated by bias, you have the foundation for a Hate Crime.

Assault 3 <sup>rd</sup>	120.00	Coercion 2 <sup>nd</sup>	135.60
Assault 2 <sup>nd</sup>	120.05	Coercion 1 <sup>st</sup>	135.65
Assault 1 <sup>st</sup>	120.10	Criminal Trespass 3 <sup>rd</sup>	140.10
Agg Assault Person <11	120.12	Criminal Trespass 2 <sup>nd</sup>	140.15
Menacing 1 <sup>st</sup>	120.13	Criminal Trespass 1 <sup>st</sup>	140.17
Menacing 2 <sup>nd</sup>	120.14	Burglary 3 <sup>rd</sup>	140.2
Menacing 3 <sup>rd</sup>	120.15	Burglary 2 <sup>nd</sup>	140.25
Reckless Endanger 2 <sup>nd</sup>	120.2	Burglary 1 <sup>st</sup>	140.30
Reckless Endanger 1 <sup>st</sup>	120.25	Criminal Mischief 4 <sup>th</sup>	145.00
Stalking 4 <sup>th</sup>	120.45	Criminal Mischief 3 <sup>rd</sup>	145.05
Stalking 3 <sup>rd</sup>	120.50	Criminal Mischief 2 <sup>nd</sup>	145.1
Stalking 2 <sup>nd</sup>	120.55	Criminal Mischief 1 <sup>st</sup>	145.12

Staling 1 <sup>st</sup>	120.60	Arson 4 <sup>th</sup>	150.05
Strangulation 2 <sup>nd</sup>	121.12	Arson 3 <sup>rd</sup>	150.1
Strangulation 1 <sup>st</sup>	121.13	Arson 2 <sup>nd</sup>	150.15
Manslaughter 2 <sup>nd</sup>	125.15 Sub 1	Arson 1 <sup>st</sup>	150.2
Manslaughter 1 <sup>st</sup>	125.20 Sub 1, 2,4	Petit Larceny	155.25
Murder 2 <sup>nd</sup>	125.25	Grand Larceny 4 <sup>th</sup>	155.30
Rape 1 <sup>st</sup>	130.35 Sub 1	Grand Larceny 3 <sup>rd</sup>	155.35
Criminal Sexual Act 1 <sup>st</sup>	130.50 Sub 1	Grand Larceny 2 <sup>nd</sup>	155.40
Sexual Abuse 1 <sup>st</sup>	130.65 Sub 1	Grand Larceny 1 <sup>st</sup>	155.42
Agg Sexual Abuse 2 <sup>nd</sup>	130.67 Sub 1A	Robbery 3 <sup>rd</sup>	160.05
Agg Sexual Abuse 1 <sup>st</sup>	130.70 Sub 1A	Robbery 2 <sup>nd</sup>	160.10
Unlawful Imprisonment 2 <sup>nd</sup>	135.05	Robbery 1 <sup>st</sup>	160.15
Unlawful Imprisonment 1 <sup>st</sup>	135.1	Harassment 1 <sup>st</sup>	240.25
Kidnapping 2 <sup>nd</sup>	135.2	Agg Harassment 2 <sup>nd</sup>	240.30
Kidnapping 1 <sup>st</sup>	135.25	Agg Harassment 1 <sup>st</sup>	240.31

**CRIME CLASSIFICATION (ELEVATION OF CHARGE)**

The Hate Crimes law is a sentencing enhancement statute. Thus, when the specified crime is a misdemeanor or a class C, D or E, felony, the hate crime shall be deemed to be one category higher. For example, if a defendant is alleged to have committed an Assault in the second degree, which is a “D” felony and it is alleged that the assault was a hate crime, then upon a conviction the assault is deemed to be a “C” felony and the sentence imposed will be based upon the sentencing range for a “C” felony. “A” and “B” felonies charged as hate crimes stay the same but are subject to higher penalties. It is important to realize that a class A misdemeanor charged as a hate crime is deemed a class E felony. This may affect the manner in which the case is handled. (e.g., arraignment, bail, grand jury).

**HAVERSTRAW TOWN POLICE DEPARTMENT  
GARNERVILLE, NEW YORK 10923**

MANUAL INDEX # 3-2013	SUBJECT: <u>GENERAL ORDER</u>			
REF:	<b>Discrimination, Sexual Harassment, Workplace Discrimination</b>			
NYSLEAS No. 14.7				
EFFECTIVE DATE: 8/15/13	APPROVED: <i>Peter G Murphy</i> <i>Chief</i>			
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; text-align: center;"><u>RESCINDS</u></td> <td style="width: 33%; text-align: center;"><u>AMENDS</u></td> <td style="width: 33%; text-align: center;"><u>CROSS REFERENCE</u></td> </tr> </table>		<u>RESCINDS</u>	<u>AMENDS</u>	<u>CROSS REFERENCE</u>
<u>RESCINDS</u>	<u>AMENDS</u>	<u>CROSS REFERENCE</u>		
G.O. 14-2001				
REVIEW DATE: 11/22/17	PAGE 1 OF 5			
DISTRIBUTION: ALL MEMBERS OF POLICE DEPARTMENT				

**I. POLICY**

- A. It is the policy of the Haverstraw Town Police Department to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of harassment and discrimination.
  
- B. It is a policy of this Police Department that all employees have the right to work in an environment free from all forms of harassment and discrimination, and it is a violation of these policies and procedures to cause, tolerate, condone or allow harassment of or discrimination against any person by Department employees, whether sworn, civilian, volunteer or other non-employees who conduct business with this agency.
  - 1. Federal law and this policy provides for the protection of classes of persons based on race, color, sex, religion, age, disability and national origin.
    - a. Although not protected by federal law, this policy shall also apply to discrimination or harassment of persons based upon their sexual orientation.
  
- C. The Haverstraw Town Police Department considers harassment and discrimination of others a serious form of employee misconduct.
  - 1. The Department shall take direct and immediate action to prevent

such behavior, and to remedy all reported instances of harassment or discrimination.

2. A violation of this agency policy can lead to discipline up to and including termination.

## **II. DEFINITIONS**

### **A. Harassment and /or Discrimination:**

1. To explicitly or implicitly ridicule, mock, deride or belittle any person;
2. To make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, sex, religion, age disability, sexual orientation or national origin. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is considered misconduct subject to disciplinary action by this agency.
3. To engage in any form of sexual harassment.

### **B. Sexual Harassment:**

1. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
  - b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
  - c. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

### **C. Employees:**

1. Individuals covered under this policy, whether an actual employee or otherwise, and whether referred to as an employee or otherwise, include employees and applicants for employment with the Haverstraw Town Police Department, whether sworn, regular, reserve, civilian, or volunteer.

### III. PROCEDURE

- A. No employee of the Haverstraw Town Police Department, as defined above, shall cause, condone, tolerate or allow the harassment of or discrimination against any person.
  - 1. No employee shall cause, condone, tolerate or allow the retaliation against any person for reporting such harassment or discrimination, or against any person for filing a harassment or discrimination complaint, or for assisting, testifying or participating in the investigation of such a complaint.
    - a. Retaliation shall be considered a separate violation of this policy and shall be handled in the same manner as harassment and discrimination complaints.
- B. Supervisors shall play a primary role in assuring the implementation and effectiveness of this employee discrimination and harassment policy.
  - 1. Each supervisor shall be responsible for preventing acts of harassment or discrimination, and for preventing retaliation for reporting such acts, which responsibility includes:
    - a. Monitoring the Department and work environment on a daily basis for signs that harassment or discrimination may be occurring;
    - b. Counseling all employees on the types of behavior prohibited, and the Department's procedure for reporting complaints of harassment or discrimination;
    - c. Stopping any observed acts that may be considered harassment or discrimination, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
    - d. Taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment or discrimination, pending an investigation.
  - 2. If the situation requires separation of the parties involved, care should be taken to avoid action that appears to punish the complainant.
    - a. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.

3. Failure to carry out these responsibilities will be considered in any evaluation or promotion decision and may be grounds for discipline.
  4. Each supervisor has the responsibility to assist any employee who comes forward with a complaint of harassment or discrimination in documenting and filing a complaint with the Chief of Police.
- C. Each employee of this agency is responsible for assisting in the prevention of harassment and discrimination.
1. Employee responsibility in this regard includes:
    - a. Refraining from participation in, or encouragement of, actions that could be perceived as harassment or discrimination:
    - b. Reporting acts of harassment or discrimination to a supervisor; and
    - c. Encouraging any employee who confides he or she is being harassed or discriminated against to report these acts to a supervisor.
  2. Failure of any employee to carry out the above responsibilities will be considered in any performance evaluation or promotional decision and may be grounds for discipline.
- D. Complaint procedures shall be similar to other forms of internal or external complaints, and must be acted upon promptly.
1. Any employee encountering harassment or discrimination is encouraged to inform the person that his or her actions are unwelcome and offensive, and to document all incidents in order to provide the fullest basis for an investigation.
  2. Any employee who believes that he or she is being harassed or discriminated against shall report the incident(s) as soon as possible to their immediate supervisor so that steps may be taken to protect the employee from further acts, and appropriate investigation and disciplinary measures may be initiated.
    - a. Where doing so is not practical, including instances when the alleged offending party is in the complainant's chain of command, the employee may instead file a complaint with another supervisor, or the Chief of Police.
    - b. When an allegation is levied against the Chief of Police, the



complainant shall be referred to the Town of Haverstraw Supervisor so an appropriate investigation can be initiated.

3. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment or discrimination, any witnesses to the incident(s) and the date(s) of occurrence.
  - a. The person taking the complaint shall promptly submit a confidential memorandum documenting the complaint to their immediate supervisor and the Chief of Police.
4. The Chief of Police and or his designee shall be responsible for investigating any complaints alleging harassment or discrimination.
  - a. The complaining party's confidentiality will be maintained throughout the investigation process to the extent practical and appropriate under the circumstances
  - b. The investigating party shall immediately notify the Chief of Police if the complaint contains evidence of criminal activity.
  - c. The investigating party shall include a determination as to whether other employees are being harassed or discriminated against by the person, and whether other agency members participated in or encouraged the harassment or discrimination.
  - d. The Chief of Police, and all parties involved shall be informed of the outcome of the investigation.
    1. Complainants or employees accused of harassment or discrimination may file an appeal in accordance with Department procedures when they disagree with the investigation or disposition of a harassment and/or discrimination claim.
  - e. A file of harassment and discrimination complaints shall be maintained by the Chief of Police.
- E. This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.

**HAVERSTRAW TOWN POLICE DEPARTMENT  
GARNERVILLE, NEW YORK 10923**

MANUAL INDEX # 2-2014	SUBJECT: <u>GENERAL ORDER</u>	
REF: NYSLEAS #s11.1,12.1,	<b>RECRUITMENT AND SCREENING</b>	
NYSLEAS #s 12.5,12.6,12.7,12.8,12.9		
EFFECTIVE DATE: 2/5/14	APPROVED: <i>Peter G Murphy</i> <i>Chief</i>	
<u>RESCINDS</u>	<u>AMENDS</u>	<u>CROSS REFERENCE</u>
REVIEW DATE: 11/22/17	PAGE 1 OF 5	
DISTRIBUTION: ALL MEMBERS OF POLICE DEPARTMENT		

I. PURPOSE

The purpose of this policy is to ensure that qualified candidates are selected for hiring as Police Officers and that the selection process is valid, job-related, non-discriminatory, and appropriately documented.

II. POLICY

It is the policy of the Haverstraw Town Police Department to recruit and select candidates for the position of Police Officer in accordance with the New York State Civil Service Law, as administered by the Rockland County Department of Personnel, and to afford equal employment opportunity to all eligible candidates. To be eligible for appointment, candidates must meet the prescribed standards set forth by the New York State Bureau for Municipal Police and the Rockland County Department of Personnel. In cases of inter-agency transfer, only candidates from competitive civil service agencies shall be considered for appointment to the Police Department. It shall be the responsibility of the Chief of Police to coordinate selection activities.

### III. PROCEDURE

#### RECRUITMENT AND TESTING

Recruitment is the first step in the hiring process. The primary method of recruitment for the position of Police Officer within the Haverstraw Town Police Department is through the Rockland County Personnel Department continuous recruitment-testing program. In the matter of recruitment all testing, screening and hiring shall be in accordance with New York State Civil Service law as administered by the Rockland County Personnel Department. (Candidates must pass a written Civil Service Examination prepared by the New York State Civil Service Commission in order to become eligible for appointment.)

The Director of Personnel will supply a Certification of Eligible Candidates to the Police Department when the examination results become available and are requested by the Town of Haverstraw.

Candidates on the certification list will be reviewed and contacted by registered mail to establish availability and arrange for Pre-Employment Interviews.

Appointments resulting from sources other than a Civil Service list, such as inter-agency transfers, must be in accordance with these policies, procedures and requirements utilized in hiring from a Civil Service list.

All officers hired by the Haverstraw Town Police Department must complete the Bureau for Municipal Police Training Course within one (1) year of employment, if they have not already done so.

Candidates considered for appointment to the Haverstraw Town Police Department must be of good moral character and must satisfy the medical, psychological and physical fitness requirements prescribed by the New York State Bureau for Municipal Police and the Rockland County Personnel Department.

**B. ORAL INTERVIEW**

The Chief of Police and/or his designee(s) will give eligible candidates meeting all of the requirements specified in Section A an oral interview. Oral interviews will employ a set of uniform questions and the results obtained will be recorded on standardized forms. The recorded results will be kept on file for a minimum of one (1) year after any appointments resulting from a series of interviews.

**C. BACKGROUND INVESTIGATION**

All candidates must complete and submit the Haverstraw Town Police Department Employment Application, which includes signing an authorization for release of information form. Upon submission of the completed application, a thorough background investigation will be conducted which will include, but not be limited to, investigation of the candidate's family, education, residences (past and present), work record, credit records, organizations and affiliations, references, social contacts, DMV record, military history, county records such as liens and judgements and fingerprint based criminal history record.

**D. PSYCHOLOGICAL SCREENING**

An emotional stability and psychological fitness screening will be conducted for all police officer candidates (e.g. new hires, rehires, lateral appointments, full-time and part-time). The evaluation must be conducted by a qualified professional.

In cases of part-time employees, rehires and lateral appointments, psychological testing conducted at any time by another law enforcement agency may be considered provided the candidate has maintained a valid police training certificate pursuant to General Municipal Law 209-q.

**E. PHYSICAL EXAMINATION**

A licensed physician in accordance with the standards prescribed by the Rockland County Department of Personnel will give all candidates a physical examination. When such physical examination has not been conducted in the course of Civil Service testing, as in the case of some transfer candidates, the same standards and procedures will be applied.

## F. PROBATIONARY APPOINTMENT

At the conclusion of the selection process, the Chief of Police or his designee will make recommendations to the Police Commission for appointments to the position of Police Officer. All appointments will be probationary for a period of one hundred and four (104) weeks. Subsequent to the effective date of appointment and prior to commencement of official duties, the appointee will be administered the standard Oath of Office for Police Officers by the Office of the Town Clerk. (See Section H, on page 5.)

1. Employee's permanent status is contingent upon the ability of the probationer to successfully negotiate all of the following:

- a. Basic Police Course Certification- All appointed candidates to the position of Police Officer are required to complete a course as prescribed by the Bureau of Municipal Training of the State of New York, within the first twelve (12) months of their employment.
- b. A 12-Week Field-Training Officer Program
- c. Probationary Police Officers will be evaluated a minimum of three times during their course of instruction and during any additional recruit and probationary training that is mandated.
- d. All other requirements of the department:
  1. In-Service Training: The Department will conduct annual In-Service Training for the purpose of maintaining a proficiency level and knowledge in the areas of Article 35 of the C.P.L. (Use of Deadly Physical Force Justification), firearms training, and C.P.R.

## G. MAINTENANCE OF RECORDS

All records of appointed candidates, which are not maintained by the Rockland County Department of Personnel, shall be maintained by the Haverstraw Town Police Department for a period of six (6) years beyond the duration of employment.

## H. OATH OF OFFICE

Any Police Officer hired by the Haverstraw Town Police Department shall, prior to assuming any duties, be administered the Oath of Office by the Town Clerk of the Town of Haverstraw.

Said Record of Oath shall be recorded in the Oath of Office book which is maintained and secured by the Town Clerk.

A superior officer of the Haverstraw Town Police Department will accompany any officer being administered the Oath of Office.

**HAVERSTRAW TOWN POLICE DEPARTMENT  
GARNERVILLE, NEW YORK 10923**

MANUAL INDEX # 7-2013	SUBJECT: <u>GENERAL ORDER</u>
REF:	<b>In-Service Training</b>
NYSLEAS No. 33.1, 33.2, 34.2	
EFFECTIVE DATE: 9/25/13	APPROVED: <i>Peter G Murphy</i> <i>Chief</i>
<u>RESCINDS</u> <u>AMENDS</u> <u>CROSS REFERENCE</u> <u>All prior</u>	
REVIEW DATE: 6-22-18	PAGE 1 OF 2
DISTRIBUTION: ALL MEMBERS OF POLICE DEPARTMENT	

**I. PURPOSE**

In order to ensure that training remains a continual process throughout a member's career, the Haverstraw Town Police Department has established an In-Service Training Program. This program will incorporate In-Service Training provided by certified instructors at the Rockland County Police Academy along with in-house training provided by certified instructors at the Police Department to provide officers of all ranks a minimum of 21 hours of instruction annually in field firearms training/qualifications, use of force, use of deadly physical force, legal updates & CPR recertification.

The training coordinator will be responsible for the maintenance of this program.

**II. Officers holding the rank of Sgt. or higher shall also receive annual training in:**

**A. Managerial Skills.**

1. This Managerial training will be held to enhance the officers' supervisory skills.

2. The training may be part of the in-service training held at the Police Academy or it may be obtained elsewhere, i.e.:

- a. Executive Development seminars.
- b. Supervisor In-Service Training Day
- c. Private vendors.
- d. Video presentations approved by the Chief of Police.

B. Training can also be accomplished “in-house”. All training, whether “in-house” or elsewhere, must be approved by the Chief of Police, and will be given by or under the direction of one or more of the following:

- 1. A Bureau for Municipal Police Instructor.
- 2. A licensed attorney
- 3. An expert in a given field, recognized and acceptable to either the Chief of Police or the Rockland County Police Academy Training Director.
- 4. A Federal Law Enforcement certified instructor.

### **III. TRAINING RECORDS**

A complete training history shall be maintained on all individuals who receive training under this program. The training records will be maintained by the training coordinator.



**HAVERSTRAW TOWN POLICE DEPARTMENT  
GARNERVILLE, NEW YORK 10923**

MANUAL INDEX # 38-2014	SUBJECT: <u>GENERAL ORDER</u>
REF:	<b>VEHICLE PURSUITS &amp; ROADBLOCKS</b>
NYSLEAS No. 43.4, 43.5	
EFFECTIVE DATE: 11/7/14	APPROVED: <i>Peter G Murphy</i> <i>Chief</i>
<u>RESCINDS</u>	<u>AMENDS</u>
<u>CROSS REFERENCE</u>	
G.O. 1-1995	
REVIEW DATE: 7/24/18	PAGE 1 OF 8
DISTRIBUTION: ALL MEMBERS OF POLICE DEPARTMENT	

**I. PURPOSE**

To establish guidelines and procedures governing the police operation of motor vehicles by Haverstraw Town Police Department personnel involved in a pursuit.

**II. POLICY**

Department personnel while operating Department vehicles in emergency situations will exercise due regard for the SAFETY OF ALL PERSONS. No assignment will be of such importance, and no task shall be expedited with such emphasis, that the principle of SAFETY becomes secondary. Reckless disregard for the safety of innocent persons on behalf of a Haverstraw Town Police Department Officer in the operation of a Department vehicle will put that Officer in a position to suffer all the consequences of the law and Departmental discipline.

**III. PROCEDURE**

## **A. EVALUATING THE CIRCUMSTANCES OF A PURSUIT**

1. The decision to initiate pursuit must be based on the pursuing Officer's conclusion that the necessity of immediate apprehension outweighs the level of danger (immediate or potential) to the public that may be created by the pursuit.
2. Any Haverstraw Town Police Officer in an authorized emergency vehicle may initiate a vehicular pursuit when ALL of the following criteria are met:
  - i. The suspect exhibits the intention to avoid arrest by using a vehicle to flee apprehension for an alleged felony or misdemeanor that would normally require a full custody arrest.
  - ii. The suspect operating the vehicle refuses to stop at the direction of the officer.
  - iii. The suspect, if allowed to flee, would present a danger to human life or cause serious injury, or present a clear and immediate threat to the safety of other motorists.
3. The pursuing officer shall consider the following factors in determining whether to initiate pursuit:
  - i. Possible life-threatening situation/serious crime in progress
  - ii. The speed involved /condition of the Police vehicle.
  - iii. Road surface and weather conditions
  - iv. The amount of vehicular and pedestrian traffic in the area.
  - v. Time of day (or night).
  - vi. Location and the existence of known factors of considerations such as the presence of school zones, parks, construction sites, etc.,
  - vii. If the violator is known and can be found/apprehended later.
  - viii. During emergency operation, officers will drive with due regard for all persons.
  - ix. Officers will avoid engaging in or will terminate any emergency operation when conditions indicate that the safety of the officer and/or the community is in jeopardy.
4. Department vehicles engaged in pursuits will utilize lights, siren and video camera system continuously.
5. Department vehicles not equipped with emergency warning devices (red lights and siren) will not initiate or engage in a vehicle pursuit or undertake an emergency response except under the most critical of circumstances. If dispatched, they will respond in obedience to all traffic laws.

6. In cases of crimes in progress, when approaching the scene, Officers may discontinue such use in order to avoid detection by possible suspects.
7. Once use of either lights or siren is discontinued, the Officer will proceed in such a way as to assure safe yet expeditious arrival at the scene.
8. Officers will not engage in any form of emergency vehicle operation while transporting non-departmental persons (prisoners, juveniles, witnesses, civilians, etc.) "Ride-Along" shall not be covered by this provision.

## **B. INITIATING OFFICER'S RESPONSIBILITIES**

1. The responsibility of initiating Police Pursuit rests solely with the individual officer. The officer must constantly evaluate the risks involved in initiating or continuing a pursuit.
2. Department vehicles engaged in pursuits will utilize lights, siren and video camera system continuously. The initiating officer shall immediately notify the desk/communications center personnel that a pursuit is underway. The officer shall provide communications with the following information:
  - i. Unit identification.
  - ii. Reason for the pursuit (clearly articulated).
  - iii. Route, direction of travel and areas being approached (to be reported as frequently as safety permits).
  - iv. Description of the fleeing vehicle, and license plate number if known.
  - v. Number of occupants in the fleeing vehicle, and descriptions, where possible.
  - vi. Weapons involved, if any.
  - vii. Speed of pursuit.
  - viii. Operation of pursued vehicle, e.g., reckless, slow, etc.
3. Failure to provide the above information to the desk/communications personnel may result in an immediate decision by a shift supervisor who is monitoring the event to order its termination.
4. Members will refrain from non-essential radio transmissions during the pursuit. Supervisors may utilize a signal 100 (emergency-radio silence), if appropriate.
5. Desk personnel shall instruct the officer(s) involved in the pursuit to utilize the County Channel for radio transmissions (if not already done so) and clear the channel except for vehicles involved in the pursuit. All other emergency

transmissions such as a medical emergency will be broadcast on the Department Channel.

### **C. SECONDARY UNITS**

1. Active pursuit should generally be limited to two (2) units, the primary unit and one back-up unit.
2. The back-up unit will assume radio communications responsibility, allowing the primary pursuing unit to devote full attention to driving. The back-up unit will maintain a safe distance behind the primary pursuing unit that is reasonable and prudent under the existing conditions. Other than a Supervisor, no other units will follow behind these two units.
3. Other units in the area of the pursuit will remain available to assist but shall do so only if directed by the desk/communications or a Supervisor.
4. These additional units in the area shall take parallel and alternate routes, in the vicinity of the pursuit. They shall not join the pursuit unless directed to do so by a Supervisor. The desk/communications officer under the direction of the shift Supervisor will coordinate all assistance.

### **D. DESK/COMMUNICATIONS CENTER RESPONSIBILITIES**

1. Upon notification that a pursuit is in progress, communications personnel shall immediately advise a Supervisor of essential information regarding the pursuit.
2. Communications personnel shall carry out the following activities and responsibilities during the pursuit:
  - i. Receive and record all incoming information on the pursuit and the pursued vehicle.
  - ii. Control all radio communication and clear the radio channels of all non-emergency radio traffic.
  - iii. Obtain and broadcast (time permitting) local criminal information and vehicle checks of the suspects/plate numbers.
  - iv. Coordinate and dispatch backup assistance under the direction of the shift supervisor.
  - v. Notify neighboring jurisdictions, where practical, when pursuit may extend into their locality.

## **E. SUPERVISOR'S RESPONSIBILITIES DURING VEHICULAR PURSUIT**

1. Upon notification that a vehicular pursuit incident is in progress, the shift Supervisor shall assume responsibility for the monitoring and control of the pursuit as it progresses.
2. The Supervisor shall continuously review the incoming data to determine whether the pursuit should be continued or terminated.
3. In controlling the pursuit incident, the shift Supervisor shall be responsible for coordination of the pursuit as follows:
  - i. Directing pursuit vehicles into or out of the pursuit
  - ii. Re-designation of primary, support or other backup vehicle responsibilities
  - iii. Approval or disapproval, and coordination of pursuit tactics
  - iv. Approval or disapproval to leave jurisdiction
  - v. Approval or disapproval to continue the pursuit
4. The supervisor may approve and assign additional backup units to assist the primary and backup pursuit vehicles based on an analysis of:
  - i. The nature of the offense for which pursuit was initiated
  - ii. The number of suspects and any known propensity for violence
  - iii. The number of officers in the pursuit vehicles
  - iv. Any damage or injuries to the assigned primary and backup vehicle or officers
  - v. The number of officers necessary to make an arrest at the conclusion of the pursuit
  - vi. Any clear and sensible facts that would warrant the increased hazards caused by numerous pursuit vehicles.

## **F. FORCIBLE STOPPING/ROADBLOCKS, RAMMING, AND FIREARMS:**

1. The use of roadblocks, the ramming of vehicles, and the use of a firearm are all considered Use of Deadly Physical Force.
  - i. Use of a roadblock shall be specifically authorized only by a Supervisor, and only in the most extreme cases where it is necessary to alleviate a greater risk to the officers and the public. In making such decisions, the supervisor shall adhere to Departmental Policies regarding the use of force and deadly physical force.

- ii. The ramming of a vehicle is authorized only in extreme cases where a threat of serious physical injury to officers or the public is presented. In making such decisions, the officer shall adhere to Departmental Policies regarding the use of force and deadly physical force.
- 2. The following procedures will be adopted:
  - i. A safe sight distance will be allowed in both directions.
  - ii. The location should be visible at a distance sufficient to enable an oncoming vehicle traveling at high speed to stop safely.
  - iii. If time allows, flares or other warning devices shall be placed at an approximate distance of 500 feet from the blockade in both directions.
  - iv. Efforts shall be made to remove any civilian personnel from the area prior to the approach of the fleeing vehicle.
  - v. Officers shall remove themselves from the area of the barricade as the fleeing vehicle approaches and assume a position that affords adequate safety.
  - vi. No person shall be permitted to remain in any vehicle at the blockade.
- 3. **FIREARMS SHALL NOT BE USED TO DISABLE OR STOP A FLEEING VEHICLE.**

#### **G. TERMINATION OF PURSUIT**

- 1. The decision to abandon or terminate pursuit may be the most rational means of preserving the lives and property of both the public, and the officers and suspects engaged in pursuit. Pursuits may be terminated by the pursuing Officer, the shift Supervisor or any Commanding Officer of the Department.
- 2. If it is the opinion of the pursuing Officer, shift Supervisor, or Commanding Officer that one of the justifications for pursuit termination exists (pursuant to the policies set forth herein) the pursuit will be terminated.
- 3. Termination of pursuit shall be accomplished when any of the following conditions exist:
  - i. When circumstances develop which present extraordinary danger to the officer or the public (pursuing officer or commanding officer discretion).
  - ii. When the prevailing road, weather and traffic conditions, indicate that the continuation of the pursuit will be futile or pose a serious threat to the officer's safety, the suspect's safety, or the community at large.

- iii. When the offender's identity has been ascertained and an arrest can be made at a later time without risk of creating an unreasonable danger to the public.
- iv. When the pursued vehicle's location is no longer known by the pursuing officers.
- v. When radio contact is lost due to distance or equipment failure, unless extraordinary circumstances exist.
- vi. When ordered by a supervisor

#### **H. INTER-AND INTRA JURISDICTIONAL PURSUITS**

- 1. If a pursuit is initiated by the Haverstraw Town Police Department and enters another police jurisdiction, (i.e. entering onto Parkway/Thruway, approaching tolls or bridge, etc.) the desk/communications shall notify the authority of that jurisdiction providing all pertinent details.
- 2. Haverstraw Town Police Officers shall not become involved in pursuits initiated by other jurisdictions unless requested to do so by that agency, or specifically authorized by a Supervisor of this department or OIC. Such assistance shall be limited to:
  - i. Observing and reporting.
  - ii. Following at a safe speed.
  - iii. Leapfrogging or maneuvering to positions ahead of the direction of pursuit to provide for traffic control and safety at intersections.
- 3. Pursuit into another State shall be strictly governed by the rules of close pursuit as defined in the Criminal Procedural Law of the State of New York.

#### **I. REPORTING REQUIREMENTS**

- 1. Upon completion of a pursuit, the initiating officer shall include the following information in the incident report:
  - i. The reason for the pursuit, and any extraordinary circumstances, offense involved, and charges filed
  - ii. The speed(s) and duration of the pursuit, and the number of Department and outside agency vehicles involved
  - iii. Description of any injuries or accidents occurring during or as a result of the pursuit

- iv. The report will be forwarded to a Patrol Lieutenant.
- v. The Patrol Lieutenant will maintain records and statistical data of all pursuits and also make recommendations for policy changes if necessary.

#### **J. ADMINISTRATIVE REVIEW**

1. All incidents of pursuits involving officers of this Department will be forwarded to a Department review board.
  - i. The pursuit will be reviewed by the Board to identify any deviations from or non-compliance with Departmental rules, regulations and procedures as outlined in this Policy.



