

Old Westbury Police Department

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OLD WESTBURY, NEW YORK 11568-0290

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CHIEF OF POLICE
ROBERT GLASER

The Mayor of Old Westbury and the Old Westbury Village Police Department submit this plan pursuant to NYS Executive Order 203. This plan is the result of a comprehensive review of police policies, procedures, and practices. In addition to forming its own committee, the Village of Old Westbury also received valuable feedback from Nassau County's Police and Community Trust Initiative (PACT) through our representative on that committee, Garden City Police Commissioner Kenneth O. Jackson. As President of the Nassau County Municipal Police Chiefs Association, Commissioner Jackson attended thirteen PACT meetings and reported their findings to all local Police Departments within Nassau County.

During 2020, the Old Westbury Police Department (OWPD) reviewed and revised their Use of Force Policy and posted it to the Village website, available to all. Such transparency is essential as we continue to build mutual trust and respect with our community.

The Old Westbury Police Department achieved the prestigious status of becoming an Accredited Agency in 2015 and was reaccredited in 2020 by the New York State Accreditation Council.

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(Mission Statement attached as Appendix A)

Established in 1924 with one Police Officer, the Old Westbury Police Department grew over the years to its current size. The Old Westbury Police Department has 25 sworn members and 6 civilian employees, responsible for a jurisdiction covering approximately 9 sq. miles with a population of approximately 4700. Included within the boundaries of Old Westbury are two public high schools and three college campuses. As a result, the effective population increases substantially on any given day. The Village of Old Westbury is almost entirely residential, with only two commercial establishments and several houses of worship.

Department Staffing

The Old Westbury Police Department consists of 25 sworn members and 6 civilians:

1 Police Chief

1 Lieutenant

5 Sergeants

2 Detectives

16 Police Officers

4 Full-Time Police Dispatchers

1 Part-Time Police Dispatcher

1 Police Secretary

All ranks in the Department, except for Detective, are governed by Civil Service lists. Nassau County Civil Service administers tests for the titles of Police Officer, Sergeant, Lieutenant, and Chief.

Following the Civil Service exams, Civil Service establishes a list based upon the scores ranking the highest scoring candidates from first to last for selection. Detectives are appointed by the Chief of Police with the approval of the Village of Old Westbury Board of Trustees.

Recruitment

All recruitment of candidates for the positions of Police Officer, Police Dispatcher, and Police Secretary in the Old Westbury Police Department are conducted by the Nassau County Police Department and the Nassau County Civil Service Commission.

The following is a description of the Nassau County Police Department's recruiting process:

- The Police Department and the Civil Service Commission continuously works with the communities in Nassau County (as well as adjoining counties) to recruit a diverse group of candidates, which represent the diverse population of Nassau County.
- In an effort to create a more diverse Department, the NCPD has been promoting the Police Officer Civil Service Exam through the Police Department's website, distributing pamphlets, utilizing social media platforms, and engaging the youth in the community.
- Individuals interested in becoming a police officer may sign up to take the next police officer exam by calling 1-800-RECRUIT. A recorded message provides prospective applicants with additional information on upcoming tests and instructions on how to apply to take the test. The message also provides applicants to another phone number should they wish to speak with an NCPD officer about joining the Department.
- Interested individuals can also obtain information about upcoming tests through the NCPD website or by scanning the QR code provided on informational pamphlets distributed in the community.
- Community Affairs also handles the ongoing recruitment efforts undertaken by the Department. Members of Community Affairs partner with the local schools and universities as well as large shopping/meeting centers throughout Nassau County and the surrounding areas in order to recruit candidates for various positions in the NCPD (i.e.

police officer, crossing guard, explorer). The recruitment effort has a specific focus on diversifying the Department to mirror the community it serves.

- Community Affairs regularly hosts career day informational sessions. At these meetings, Community Affairs officers go into middle schools and high schools and talk about job opportunities within the NCPD. These career days allow the NCPD to interact with young people and answer any questions they may have about a career in law enforcement.
- Even when there is no entrance exam scheduled, Community Affairs continues its recruitment efforts for interested candidates (pre-registration) and maintains a database of individuals to contact when a test date is announced. The Department also announces all entrance exams on its social media accounts.
- Individuals who would like to pre-register for the next exam can scan the QR code provided in the “Meet the NCPD” paper.

Recruit Training

Police Officer candidates for the Old Westbury Police Department, who are not previously certified Police Officers in the State of New York, are trained in the Nassau County Police Academy, receiving all of the training as listed herein.

Nassau County Police Department Academy Quality Assurance Standards:

- The Nassau County Police Department Academy is governed by the New York State Division of Criminal Justice Services Law Enforcement Agency Accreditation Program. The NCPD Academy staff utilizes NYS curriculum which requires six-hundred ninety-nine (699) hours in training, in addition to the NCPD’s four-hundred (400) hours of supplemental training. NYS provides evidence-based curriculum and scenario training.
- The quality and efficacy of the Department’s training programs is assured by utilizing state certified curricula and conducting an annual review by academy staff.

I. Use of Force

- New York State Department of Criminal Justice Services (DCJS) mandates that police academies provide eleven (11) hours of instruction on use of force. The NCPD exceeds

that requirement by providing nineteen (19) hours of academy instruction, including eight (8) hours of reality-based training using “simunitions”.

- “Simunition” rounds, which are akin to paintballs, are fired from guns to mimic scenarios where an officer may be confronted with an individual armed with a gun.
- In the 8-hour reality-based training, academy staff devises various training scenarios where officers are confronted with situations that may or may not require force. These scenarios allow the academy staff to assess whether the appropriate amount of force is applied given the situation. The academy staff base their scenarios off scenes the new officers will confront on a daily basis (i.e. traffic stops, domestic violence calls, and disturbances).
- Observing new officers in this environment during these scenarios allows the academy staff to evaluate the new officers’ ability to balance both their safety and the individual’s safety without resorting to unnecessary force.
- After use of force training, recruits take a Use of Force Exam. All recruits must receive a perfect score. If a perfect score is not achieved after three (3) retries the recruit’s employment is terminated.

II. Vehicle Stops

- Police Officers are trained to conduct vehicle stops for many reasons. Primary amongst those are to prevent traffic accidents, allow for an orderly and expeditious flow of traffic, and for regulatory/administrative purposes (i.e. violations of the NYS Vehicle and Traffic Law).
- Stops are used as a deterrent to prevent traffic violations from occurring which leads to a decrease in traffic incidents/accidents. Traffic enforcement increases the level of voluntary compliance with traffic regulations.
- Types of traffic stops are for traffic or criminal offenses, high risk situations, or potential investigative stops that are initiated when there is reasonable suspicion that a felony or penal misdemeanor is being committed, has been committed, or is about to be committed. None of these situations are ever initiated based on race, gender, ethnic origin, age, sexual orientation, religion, or financial status.

III. Procedural Justice

- The police academy stresses the importance of enhancing trust in the community, the use of language skills, the study of police behavior and interaction with police and how mannerisms of interactions shape the public's view of police.
- The Nassau County Police Department's Procedural Justice Course is ten (10) hours long and exceeds the NYS DCJS' mandated two (2) hours. The Procedural Justice Course includes sections on de-escalation and professional communication.
- In order to make forward progress towards procedural justice and police legitimacy, the NCPD Academy instills the Four Pillars of Procedural Justice in Officers. These four (4) principles are:
 - Fair in process
 - Transparent in actions
 - Providing opportunity for voice
 - Being impartial in decision making
- The opportunity for the citizen to make arguments and present evidence should occur before the officer decides how they are going to resolve the encounter.
- It is imperative to remain neutral in order to achieve impartial decision making. Officers are trained in consistency in decision making and that decisions need to be reasoned, objective, and factually driven.
- Officers are trained regarding transparency and openness with rules and procedures. Members are instructed to secure the situation, then explain the reason for their presence.
- As reviewed in many topics at the police academy, the importance of being sensitive to cultural differences and being empathetic to a person's situation is continuously emphasized.

IV. Implicit Bias Awareness Training

- Training and exposing police officers to the existence of unconscious bias is believed to help reduce and manage implicit bias.

- The Nassau County Police Department educates our recruits about implicit bias for a total of sixteen (16) hours. NCPD exceeds the NYS DCJS mandate by three (3) hours.
 - Eight (8) hours are spent on decision making which incorporates concepts of implicit bias including how to reduce stereotypical ideology and subconscious biases.
 - Eight (8) hours of training is spent on cultural diversity.
- Members of the community educate recruits about their culture and address common misconceptions or prejudices they experience in their everyday lives. These speakers address new recruits about their community's experience with police officers and the role these officers will be undertaking as guardians of that community.
- Different scenarios are presented by means of roleplay to simulate potential community interactions.
- In response to the call for police reform, in June of 2020, the NCPD Police Academy added an additional eight (8) hours of newly expanded training addressing anti-bias, morality, ethical awareness and cultural diversity. This supplementary eight (8) hour training will occur just prior to recruit graduation. The academy staff stresses ethical and moral courage and the importance of holding each other accountable for their actions.

V. Hate Crimes

- The NCPD Academy complies with the NYS Guidelines for hate crime training. Hate crime curriculum is incorporated into several lesson plans throughout the academy.
- The Police Academy teaches officers that the NCPD has to have a zero-tolerance policy regarding hate crimes and bias incidents. Officers are instructed to identify these incidents, initiate proper reporting procedures, and make the necessary notifications to appropriate special units and, if necessary, members of the community that have a vested interest in these situations.
- All newly promoted supervisors are required to attend a refresher course on hate crimes.
- Prohibited race-based 911 calls-Section 79-n subdivision 2 of the New York State Civil Rights Law has been amended to establish civil penalties for a person who intentionally summons a police officer or peace officer without reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property, in

whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person. A person in violation of this law shall be liable in a civil action for injunctive relief, damages, or any other appropriate relief in law or equity.

VI. De-Escalation

- Although DCJS does not specifically require training in de-escalation techniques, the NCPD provides an eight (8) hour course dedicated to de-escalation training. De-escalation is incorporated into other areas of recruit training. Topics included in de-escalation training are:
 - Active listening,
 - The principle of impartiality,
 - The concept of verbal judo for effective communication (as discussed in the book *Verbal Judo: The Gentle Art of Persuasion* by George J. Thompson)
 - Speaking persuasively,
 - Techniques on remaining calm and in control of situations.

- Although police recruits receive extensive de-escalation training in the academy, there is only so much that can be learned in a controlled environment. Accordingly, all new OWPD police officers are assigned to shadow an experienced officer. This experienced officer is carefully selected based on his/her length of service with the OWPD, past performance record, and the officer's ability to mentor and guide new officers. These Field Training Officers (FTO) take great pride in passing on their knowledge and experience to the next generation of officers. It is with these FTO where new police officers witness the real-world application of de-escalation techniques and the benefits it provides to both the officer and the individual.

VII. Problem-Oriented Policing

- The Nassau County Police Academy instructs recruits on the methods of Problem-Oriented Policing in a two (2) hour course encompassing the value of community-oriented policing and problem solving.

VIII. Mental Health

- Recruits of the Nassau County Police Academy undergo twenty (20) hours of NYS DCJS Mental Health curriculum. This course trains recruits in identifying behavioral signs of emotional distress, how to effectively communicate with an emotionally disturbed/mentally ill person, and to help people with mental illnesses connect to resources. This curriculum uses roleplay for reality-based training by simulating scenarios involving people in crisis.
- In addition to the DCJS Mental Health course, the NCPD academy addresses mental health training in other courses such as: crisis intervention, de-escalation, professional communication, hostage negotiation, autism awareness, and interview and verbal skills.
- When needed, the OWPD can call upon Nassau County Police Department's Emergency Services Unit and other specialized units for assistance.
- Members of Nassau County Police Department's Emergency Services Unit (ESU) receive an extensive five (5) day mental aided training in addition to the training described above. ESU Members train to subdue a mental aided with the minimal use of force necessary. ESU works in collaboration with other members present at the scene, which includes officers, supervisors, police medics, the Bureau of Special Operations (if the aided is armed with a firearm), and, when necessary, the Hostage Negotiation Team.

New and Additional Annual In-Service Training

To ensure all officers are aware of recent legislation and newly implemented department policies and procedures related to EO203 mandates, the Nassau County Police Department formulated an innovative in-service training curriculum. The new ten (10) hour in-service course will be offered to all local Police Departments in Nassau County. The Old Westbury Police Department will participate in the training. The core lessons are outlined below:

- Legal updates to include EO203 mandates, NYS Penal Law Aggravated Strangulation, disciplinary records repeal (NYS Civil Rights Law §50-a), NYS Civil Rights Law §79-p Right to Monitor, Establishment of the Law Enforcement Misconduct Office, as well as any other legal revisions or updates which must be brought to the attention of the Members of the OWPD.

- Use of force review, reaffirming the definition of reasonableness and necessity, misuse of force, use of force reporting, and priority of life discussion.
- De-escalation, maintaining control over oneself, the five universal truths to human interaction, communication, active listening, and the principles of impartiality.
- Procedural justice, police legitimacy and the benefits thereof
- Ethical and moral courage and the duty to intercede/intervene
- Fundamental crisis intervention, indicators of emotional stress, communication, and treatment, recovery and resources.
- Implicit bias, implicit/preference, explicit/conscious preference and confirmation bias
- Leadership, changing ourselves and our organization internally to assist in reflecting positive change on the interactions of those we serve.

Old Westbury Police Department's Current Operational Policies and Practices

Based on its training and community engagement, The Old Westbury Police Department has established its own operational standards which far exceed basic guidance and have contributed directly to the Department's Accreditation status. Policies and procedures are constantly reviewed and updated to conform to guidance and updates provided by The Municipal Police Training Council, The Accreditation Council, the Division of Criminal Justice Services, and the Commission of Corrections. The following details these policies and procedures:

I. Use of Force

The use of force by members of law enforcement is a matter of utmost concern both to the public and the law enforcement community itself. The Use of Force Policy of the Old Westbury Police Department is written in recognition of the value of all human life and dignity without prejudice to anyone. The policy is attached as Appendix B.

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

- The severity of the crime or circumstance;

- The level and immediacy of threat or resistance posed by the suspect;
- The potential for injury to citizens, officers, and suspects;
- The risk or attempt of the suspect to escape;
- The knowledge, training, and experience of the officer;
- Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects;
- Other environmental conditions or exigent circumstances

The Use of Force policy contains a Duty to Intervene section, which mandates that any other officer on scene must intercede if they witness force being used which they believe to be clearly beyond that which is objectively reasonable under the circumstances. That Officer is then obligated to report the incident to his/her supervisor.

II. Firearms Safety

Safety in regards to using firearms as a means of using deadly physical force:

- Warning shots are prohibited; they shall not be fired at any time.
- Police Officers shall not fire their weapons at a moving vehicle, or from a moving vehicle, unless such action is the only possible way to prevent serious injury, or death, to the officer himself or another person.
- Except for maintenance, or during training, police officers shall not draw or exhibit, their firearms unless circumstances create a reasonable belief that it may be necessary to use the weapon in conformance with this policy. At all times that a firearm is drawn, it shall be handled in a safe manner.
- Members shall not fire upon a suspect holding an innocent person hostage. The appropriate special unit (Hostage Negotiations, Emergency Services, BSO) should be requested from the Nassau County Police Department.
- Members shall not surrender their firearms (unless as a last resort, and only after using every tactical tool at their disposal). Surrender of a firearm rarely de-escalates a situation and can, in fact, place an officer, or other innocent persons, in severe jeopardy.
- Whenever a member discharges a firearm, whether on or off duty, except for Department approved training or competition, he shall prepare a Department 'Firearm Discharge Report' of the incident, indicating the necessity for the discharge of the

weapon, and will submit same to his immediate supervisor, who will review the report, indicate on same (or by separate attachment) his concurrence, or non-concurrence, with the decision to discharge the firearm, and forward the report, through normal channels, to the Chief of Police.

III. Reporting and Reviewing the Use of Force

A member of this department 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.

- This includes appropriate and timely medical attention being provided to a party injured as a result of a use of force incident.
- 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.

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.

- Use of force that results in a physical injury.
- Use of force incidents that a reasonable person would believe is likely to cause an injury.
- Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
- Incidents where a conducted energy device (CED) was brandished, intentionally discharged or accidentally discharged.
- Incidents where a firearm was brandished or discharged at a subject.
- Incidents where an officer displays or deploys a chemical agent at a subject.
- Incidents where an officer brandishes or uses an impact weapon.

A standardized use of force form should be used to document any reportable use of force incident.

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

IV. Annual Use of Force Training

All officers will receive annual training and demonstrate their understanding on the proper application of force. Training topics will include:

- Proper use of force
- Conflict prevention
- Conflict resolution and negotiation
- De-escalation techniques and strategies, including, but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.

The Use of Force Policy has been posted on the Village of Old Westbury website, accessible to the public.

The Old Westbury Police Department will co-operate with the Nassau County District Attorney's office as well as the New York State Attorney General's office in any use of force investigation. Effective April 1, 2021, the Attorney General's Law Enforcement Misconduct Office has the authority to investigate police department complaints concerning matters such as corruption, fraud, excessive force, criminal activity, conflicts, and abuse.

V. Traffic Summonses

In the interest of transparency, the Old Westbury Police Department has had TraCs software installed and is currently working to implement it. The New York State TraCs system for recording summonses issued is operated by the New York State Police. It now has the capability of compiling data on the race of drivers who have received summonses. This data will be reviewed periodically.

VI. Community Relations

The Old Westbury Police Department recognizes the importance of maintaining an atmosphere of openness with the community we serve. We actively seek to establish a cooperative relationship and keep the community informed on matters of public interest. While the Chief of Police is the Community Relations Officer for the Department, community relations are the responsibility of **all** Old Westbury Police Department members. All personnel should project a

positive image, as their conduct reflects on the agency as a whole. Police legitimacy exists when the public views the police as authorized to exercise power to maintain social order, manage conflicts, and solve problems in the community.

Employees shall be courteous to the public in person or when on the telephone. All persons have a right to dignified treatment under the law and the protection of this right is a duty that is binding on all members of the Department. The Department services a community comprised of individuals with varied ethnic and social backgrounds, all of whom have a right to the protection and security that is afforded by fair and impartial law enforcement. The Department must be responsive to the needs of the community. This regard for community must be shown at all levels of the Department by an obvious willingness to listen, and a showing of genuine concern for the problems of individuals or groups.

VII. Enhanced Residential Communications Mobile App

Members of our Committee who are Old Westbury residents requested more frequent communication between the Village/Police Department and the community. Over the past several months the Village has been working in partnership with **CivicPlus** and will soon be announcing a “*Push Notification*” app available to all interested parties on announcements from Old Westbury Village Hall. These notifications are designed to inform the community of events occurring in “real-time” or ones that are scheduled. Such events will include:

- Weather Alerts
- Road Closures
- Tax & Water Payment Reminders
- Meeting Notices
- Community Events

Anyone wishing to receive their high priority notifications can download the designated mobile app and become a subscriber.

VIII. Police in Schools

One of the many functions of the Old Westbury Police Department is partnering with the Public Schools, Private Schools, and Colleges located within the Village of Old Westbury. There are two public high schools, five private schools (ranging from Pre-K to 8th grade), and three college campuses within the Old Westbury Police Department's jurisdiction. The Old Westbury Police Department and its members have maintained a longstanding partnership with many of these schools.

Specifically, the Department works in collaboration with both the Westbury High School and The Wheatley High School on a daily basis to maintain a safe learning environment. This is accomplished by working together with the school administration and staff throughout the entire year. All levels of the Police Department contribute to this partnership. Patrol officers conduct daily school safety checks at both High Schools. They attend sporting events and other extracurricular events throughout the school year. The Old Westbury Police Department also has School Resource Officers who attend school and district wide safety meetings. These officers work together with school staff to address safety issues within the school. These officers assist with event planning such as graduation and homecoming. The Resource Officers are involved with many other events that occur at both High Schools all year long. Some examples are sporting events, special events, homecoming parades, pre-prom, prom, and graduations. The Resource Officers conduct various safety drills such as lockdown, lockout, shelter in place, and Rave app testing, assisted by its Nassau County Police partners. The Old Westbury Police Supervisors play an important role as well. They communicate with school administration on a regular basis. They assist in allocating resources as needed or requested and often attend some of the many school events that occur throughout the year. One of the many goals of the Police Department is to be a positive part of the school culture. Participating in the many events that occur throughout the school year help us form and maintain connections with students and staff.

The Old Westbury Police Department is also involved with the Jericho School District, as a large portion of the student population resides in the Village of Old Westbury. Resource Officers participate in the Jericho wellness coalition. The coalition looks to improve student, staff, and parents physical & mental health through various wellness programs.

The Old Westbury Police Department works with the various private schools as well. The Department helps conduct safety drills, safety assessments, and recommendations. Police Department members engage with the children with age-appropriate safety programs and lessons.

Additionally, the Old Westbury Police Department works closely with its college public safety and law enforcement partners. NYIT and CW Post LIU both have their own public safety departments. The Old Westbury Police take an active role patrolling the campus and assisting at campus events. The SUNY Old Westbury campus has its own dedicated SUNY Police Department. The Old Westbury Village Police Department maintains a close working relationship with the SUNY police. We are available to assist them as needed and we also conduct training opportunities together.

The Old Westbury Police Department looks to continue with and expand on our partnerships with the school community. By building these partnerships we hope to strengthen our connection with the community as a whole. We want students, staff, and parents to know we are here to support the community, keep the schools safe, and form a mutual respect between the schools, the community, and the Old Westbury Police Department.

IX. Citizen Complaints

The Department will impartially accept, document, and investigate all complaints involving the acts or failure to act of any Department member. These complaints may be received in person, by telephone, email, or written correspondence. The complainant may remain anonymous if he/she prefers. Department members are required to cooperate fully and courteously with any person making a complaint against the Department or a department member. Due process shall be afforded to any member who may be the subject of a complaint, including PBA and/or attorney representation. If the complaint is determined to be potentially criminal in nature, the Chief of Police is to be notified immediately. As the Old Westbury Police Department does not maintain an Internal Affairs Unit, all complaints where criminal conduct is alleged will be referred to the Nassau County District Attorney's office or if necessary, the New York State Attorney General's Office for investigation by the Chief of Police. If the complaint is determined not to be criminal in nature a Civilian Complaint Report will be completed and

forwarded to the Lieutenant for investigation. After the Lieutenant completes his investigation, his findings will be forwarded to the Chief of Police for review and possible disciplinary action.

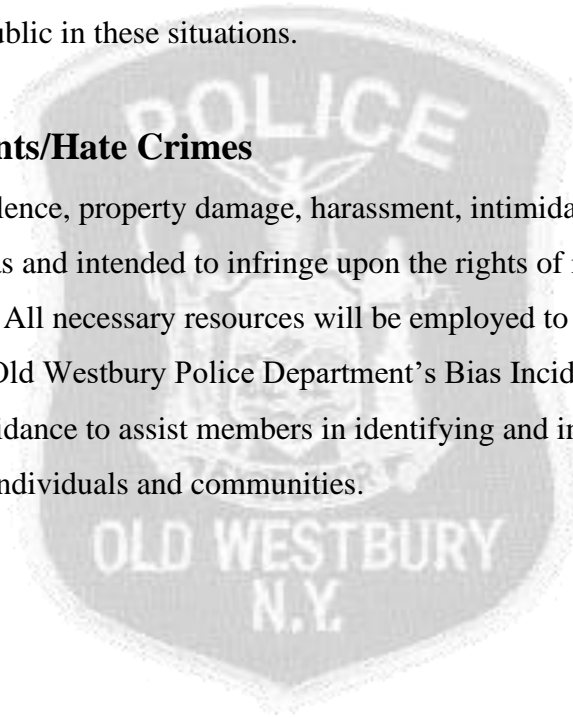
X. Recording Police Activity

Members of the public including media representatives, have an unambiguous First Amendment right to record officers in public places, as long as their actions do not interfere with the officer's duties or the safety of officers or others.

The policy, attached as Appendix C, recognizes this right, and provides officers with guidance for interacting with the public in these situations.

XI. Bias Incidents/Hate Crimes

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and intended to infringe upon the rights of individuals are taken very seriously by this agency. All necessary resources will be employed to identify and arrest hate crime perpetrators. The Old Westbury Police Department's Bias Incidents Policy, attached as Appendix D, provides guidance to assist members in identifying and investigating hate crimes and assisting victimized individuals and communities.



Accreditation

The New York State Law Enforcement Agency Accreditation Program provides law enforcement agencies with a mechanism with which to evaluate and improve the overall effectiveness of their agency and the performance of their staff. It also gives formal recognition to agencies that meet or exceed general expectations of quality in the law enforcement field.

In 1989, New York was the first state in the country to sponsor a law enforcement accreditation program. Community leaders embraced the initiative from the outset, and the program was immediately endorsed by leading statewide organizations of law enforcement and elected officials. The accreditation program has had a significant impact on law enforcement in the years since its inception.

In order to be considered for accreditation, chiefs of police and other agency program staff must be able to clearly demonstrate that they have developed, implemented, and adhered to a variety of sound policies that comply with the standards set by the Law Enforcement Agency Accreditation Council in the areas of administration, training, and operations. The program is presently comprised of 110 standards and is divided into the above three sections.

Administrative section standards have provisions for such topics as agency organization, fiscal management, personnel practices, and records. Training standards include basic and in-service instruction, as well as training for supervisors and specialized assignments. Operations standards deal with critical and litigious topics such as high-speed pursuits, roadblocks, patrol and unusual occurrences. The program is voluntary and the Old Westbury Police Department is an exclusive group of approximately 20 percent of police agencies that are accredited statewide.

The Village of Old Westbury Police Department was initially accredited in June of 2015 following a thorough three-day review of all departmental policies, trainings, and records by certified New York State accredited assessors. The assessment for reaccreditation was recently completed by an on-site visit of a certified assessor in August of 2020. The on-site assessment and audit of the Department confirmed that all qualification standards were met.

As a result of the Department's accreditation status, a few of the many tangible benefits the Village of Old Westbury Police Department enjoys are: increased insurance benefits, enhanced community support, and a greater overall standard of operational professionalism. The positive impact of the Accreditation Program stems from the profound commitment that the Old Westbury Police Department has made to excellence in the field of law enforcement, and from our desire to provide the best possible services to the community we serve.



APPENDIX A

Old Westbury Police Department Mission Statement

Our mission is to serve the citizens of Old Westbury and to provide safety and an improved quality of life in our community through excellence in policing.

Members of the Department shall do their utmost to preserve the rights of citizens and reduce fear in the community through the prevention of crime, protection of persons, property, and the maintenance of order in public places.

It is essential for all members to understand that in the execution of their duties, they act not for themselves, but for the public good, and that they do so with fairness, integrity, fidelity, zeal, and sound judgment. Members must also remain committed to excellence in service, personal performance, and professionalism, and should always treat each other with fairness, loyalty, and respect.

APPENDIX B

Sec: 3.7300

Title: Use of Force

Standards: 20.1, 20.5, 21.1, 43.8

Authority: Police Manual

I. PURPOSE

The use of force, especially deadly force, by police officers is a serious matter which has far reaching consequences for both the officers involved, and the citizens who are the object of such force. It is, therefore, imperative that all members of the Department be guided by law, morality, good judgment, and accepted practice. The purpose of this policy statement, and directive, shall be to provide the officer with a basis for such guidance.

II. POLICY

- A. 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.

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.

- B. 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.
- C. This policy is not intended to create confusion in the mind of an officer at a critical moment. It provides basic guidelines so that the officers may be confident in exercising judgement as to the use of force.

III. DEFINITIONS

- A. **Force** – Means the following actions by a member: any physical strike or instrumental contact with a person, or any significant physical contact

that restricts movement of a person. The term includes, but is not limited to, the use of electronic control devices (ECDs); chemical spray; empty hands; the taking of a person to the ground; physical force such as kicks, punches, or martial arts techniques; compliance and control holds such as twist locks, wrist locks, pressure point; or the deployment of a canine. **The term does not include escorting or handcuffing a person, with no or minimal resistance.**

- 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.
- E. **Reasonable and Necessary** - Facts and circumstances, including rational inferences drawn there from, known to the Police Officer at the time of the use of force, that would cause an objectively reasonable Police Officer to conclude the force used is warranted.
- F. **Totality of Circumstances** - A term used to refer to all facts and circumstances known to the police officer at the time, reasonably perceived by the police officer, as the basis for the use of force decision.
- G. **Intermediate Weapons** - O/C Pepper Spray, Taser (ECD), Expandable Baton
- H. **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.

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 others.
- 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.
- C. A situation may arise in which the use of deadly force is not reasonable and necessary, yet something more than manual restraint is required to subdue a subject. Intermediate weapons, such as O/C Pepper Spray, the ASP Expandable baton, and Taser, electronic control device (ECD), have been proven effective in such situations.

1. Police officers are not permitted to use an intermediate weapon unless qualified in its proficient use as determined by training procedures.
2. Officers shall carry only the intermediate weapons authorized by the Department.

Note: See also Manual index under “*OC PEPPER SPRAY*”, *Expandable Police Baton*, and *Taser (ECD)*

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.
- C. In order to use deadly force, the officer need not wait to be shot or stabbed. The threat of violence from an attack of deadly force must, however, be imminent and real based on the officer's reasonable belief. The Department does not expect an individual officer to **unreasonably**, or **unnecessarily**, endanger himself/herself in order to conform to this policy.
- D. All personnel are reminded that the baton ("impact weapon"), depending on how it is used, may constitute deadly force. Careful judgment, and discretion, must be exercised by an officer to avoid the use of this weapon in situations where such use may not be justified by the circumstances.
- E. The Department acknowledges that extraordinary circumstances may compel deviation from the letter of this policy. The basis for such a determination depends on the totality of circumstances known or reasonably perceived by a member of the Department at the time.
- F. Where feasible, some warning should be given prior to the use of deadly physical force.
- G. 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.

VIII. SAFETY IN REGARDS TO USING FIREARMS AS A MEANS OF USING DEADLY PHYSICAL FORCE

- A. Warning shots are prohibited; they shall not be fired at any time.
- B. Police Officers shall not fire their weapons at a moving vehicle, or from a moving vehicle, unless such action is the only possible way to prevent serious injury, or death, to the officer himself or another person.
- C. Except for maintenance, or during training, police officers shall not draw or exhibit, their firearms unless circumstances create a reasonable belief that it may be necessary to use the weapon in conformance with this policy. At all times that a firearm is drawn, it shall be handled in a safe manner.
- D. Members shall not fire upon a suspect holding an innocent person hostage. The appropriate special unit (Hostage Negotiations, Emergency Services, BSO) should be requested from the Nassau County Police Department.
- E. Members shall not surrender their firearms (unless as a last resort, and only after using every tactical tool at their disposal). Surrender of a firearm rarely de-escalates a situation and can, in fact, place an officer, or other innocent persons, in severe jeopardy.

- F. Whenever a member discharges a firearm, whether on or off duty, except for Department approved training or competition, he shall prepare a Department *'Firearm Discharge Report'* of the incident, indicating the necessity for the discharge of the weapon, and will submit same to his immediate supervisor, who will review the report, indicate on same (or by separate attachment) his concurrence, or non-concurrence, with the decision to discharge the firearm, and forward the report, through normal channels, to the Chief of Police.

IX. 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;
 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.

X. REPORTING & REVIEWING THE USE OF FORCE

- A. A member of this department 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.
 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.
- 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.

5. Incidents where a firearm was discharged at a subject.
 6. Incidents where an officer deploys a chemical agent at a subject.
- C. A standardized use of force form should be used to document any reportable use of force incident.
- D. Officer should document any requests for necessary medical or mental health treatment as well as efforts of police to arrange for such treatment.

XI. INVESTIGATION OF INCIDENTS

- A. Whenever force is used that results in a physical injury to any person, the incident will be investigated as outlined herein.

B. Investigation Procedure:

Whenever an incident occurs involving the use of force by a member of this Department which requires investigation pursuant to this policy, the Lieutenant will be notified immediately.

1. Command at Scene - the officer assigned the original call is in command until properly relieved by a supervisory officer.
2. The Lieutenant will assign a supervisor to take charge of the scene and investigate the incident. Depending on the severity of the incident, the Lieutenant may conduct the investigation of the incident.

3. Initial Action:

- a) The investigating officer will be responsible for control of the scene.
- b) The investigating officer will identify all personnel involved in the incident.
- c) The investigating officer will make recommendations to the Lieutenant concerning the status of any arrests, and the need for further investigation.
- d) The investigating officer will ensure the completion of a use of force report by all officers engaging in reportable use of force.

4. Information and Evidence Required:

- Personnel involved
- Witnesses, if any.
- Color photos of injuries, or lack thereof, to any persons (including officers) taken prior to treatment, if possible.
- Any other information, or evidence, available and required for proper investigation.

5. Investigating Officer will promptly prepare a written report to the Chief of Police that will fully document the incident, and will maintain personal notes of the incident, as required. The following guidelines will apply:
 - a) Summary of the nature of the incident where force was used, including date and time, location, and case number.
 - b) Name, rank, of all officers at the scene including outside agencies.
 - c) Names, addresses, telephone numbers, and statements of any, and all, witnesses.
 - d) The circumstances that led to the use of force.
 - e) The exact nature of the force used by each officer involved.
 - f) Describe the injuries to all persons involved (including officers). Include photos and description of medical treatment received, including the name of the treating facility, doctor's name, and a copy of treatment slip (medical lines).
 - g) Include copies of all reports pertaining to the incident.
 - h) Description of any direct action taken by the investigator of the incident.
 - i) Include personal conclusions and recommendations, along with any information, and/or evidence, not specifically mentioned above, which is deemed pertinent to the investigation.

XII. TRAINING

- A. All officers will receive annual training and demonstrate their understanding on the proper application of force.
- B. Training topics will include use of force, conflict prevention, conflict resolution and negotiation, and de-escalation techniques and strategies, including, but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.

APPENDIX C

Sec: 2.2975

Title: Recording Police Activity

Standard: N/A

Authority: Police Manual

Effective: 06/17/2020

I. PURPOSE

This policy provides officers with guidance for dealing with situations in which they are being recorded, to include photographing, videotaping, audiotaping, or both, by members of the public or the press.

II. POLICY

Members of the public, including media representatives, have an unambiguous First Amendment right to record officers in public places, as long as their actions do not interfere with the officer's duties or the safety of officers or others. Officers should assume that they are being recorded at all times when on duty in a public space.

III. DEFINITIONS

Recording: Capturing of images, audio, or both, by means of a camera, cell phone, audio recorder, or other device.

Media: The storage source for visual or audio recordings, whether by film, analog, or digital means.

IV. PROCEDURES

- A. Persons who are lawfully in public spaces or locations where they have a legal right to be present – such as their home, place of business, or the common areas of public and private facilities and buildings – have a First Amendment right to record things in plain sight or hearing,¹ to include police activity. Police may not threaten, intimidate, or otherwise discourage or interfere with the recording of police activities. However, the right to record is not absolute and is subject to legitimate and reasonable legal restrictions, as follows:
1. A reasonable distance must be maintained from the officer(s) engaged in enforcement or related police duties.
 2. Persons engaged in recording activities may not obstruct police actions. For example, individuals may not interfere through direct physical intervention, tampering with a witness, or by persistently engaging an officer with questions or interruptions. The fact that recording and/or overt verbal criticism, insults, or name-calling may be annoying, does not of itself

¹ In nearly all cases, audio recording of police is legally permissible and subject to the same guidelines as video recording. This is so even in states where eavesdropping statutes require two-party consent.

justify an officer taking corrective or enforcement action or ordering that recording be stopped, as this is an infringement on an individual's constitutional right to protected speech.

3. Recording must be conducted in a manner that does not unreasonably impede the movement of emergency equipment and personnel or the flow of vehicular or pedestrian traffic.
4. The safety of officers, victims, witnesses, and third parties cannot be jeopardized by the recording party.

B. Arrest

1. Persons who violate the foregoing restrictions should be informed that they are engaged in prohibited activity and given information on acceptable alternatives, where appropriate, prior to making an arrest.
2. Arrest of a person who is recording officers in public shall be related to an objective, articulable violation of the law unrelated to the act of recording. The act of recording does not, in itself, provide grounds for detention or arrest.
3. Arrest of an individual does not provide an exception to the warrant requirement justifying search of the individual's recording equipment or media. While equipment may be seized incident to an arrest, downloading, viewing, or otherwise accessing files requires a search warrant. Files and media shall not be altered or erased under any circumstances.

C. Seizure of Recording Devices and Media

1. Absent arrest of the recording party, recording equipment may not be seized. Additionally, officers may not order an individual to show recordings that have been made of enforcement actions or other police operations.
2. If there is probable cause to believe that evidence of a serious crime has been recorded, an officer should
 - a. advise and receive instructions from a supervisor;
 - b. ask the person in possession of the recording if he or she will consent to voluntarily and temporarily relinquish the recording device or media so that it may be viewed and/or copied as evidence; and
 - c. in exigent circumstances, in which it is reasonable to believe that the recording will be destroyed, lost, tampered with or otherwise rendered useless as evidence before a warrant can be obtained, the recording device or media may be seized under a temporary restraint. A warrant must be obtained in order to examine and copy the recording and the chain of custody must be clearly documented per department policy.
3. In exigent situations where it is objectively reasonable to believe that immediate viewing of recordings is necessary to prevent death or serious

bodily harm of another before a warrant can be authorized, the recording device or media may be seized and viewed.

4. Whenever a recording device or media is seized without a warrant or obtained by voluntary consent, the seized item shall be held in police custody no longer than reasonably necessary for the police, acting with due diligence, to obtain a warrant. The device must be returned at the earliest possible time and its owner/operator given instruction on how it can be retrieved. In all cases property receipts shall be provided to the owner.

D. Supervisory Responsibilities

A supervisor should be summoned to any incident in which an individual recording police activity is going to be, or will most likely be, arrested or when recording equipment may be seized without a warrant or lawful consent.

[Source: International Association of Chiefs of Police. *Recording Police Activity* . Alexandria, 2015.]

V. NEW YORKER'S RIGHT TO MONITOR ACT

- A. Section 79-p has been added to the Civil Rights Law to create the New Yorker's Right to Monitor Act as follows:

Section 79-p Recording Certain Activities

1. Definitions. For purposes of this section, the following terms shall have the following meanings:
 - a) "Officer" means any peace officer, police officer, security officer, security guard, or similar official who is engaged in a law enforcement activity;
 - b) "Law enforcement activity" means any activity by an officer acting under the color of law; and
 - c) "Record" means to capture or attempt to capture any moving or still image, sound, or impression through the use of any recording device, camera, or any other device capable of capturing audio, moving or still images, or by way of written notes or observations;

2. Right to record law enforcement related activities

A person not under arrest or in the custody of a law enforcement official has the right to record law enforcement activity and to maintain custody and control of that recording and of any property or instruments used by that person to record law enforcement activities, provided, however, that a person in custody or under arrest does not, by that status alone, forfeit the right to have any such recordings, property and equipment.

3. Private right of actions

- a) A claim of unlawful interference with recording a law enforcement activity is established under this section when a person demonstrates that he or she exercised or attempted to exercise the right established in subdivision two of this section to record a law enforcement activity and an officer acted to interfere with that

person's recording of a law enforcement activity, including but not limited to, by:

- i. Intentionally preventing or attempting to prevent that person from recording law enforcement activity;
 - ii. Threatening that person for recording a law enforcement activity;
 - iii. Commanding that the person cease recording law enforcement activity when the person was nevertheless authorized under law to record;
 - iv. Stopping, seizing, searching, ticketing, or arresting that person because that person recorded a law enforcement activity; or
 - v. Unlawfully seizing property or instruments used by that person to record a law enforcement activity, unlawfully destroying, or seizing a recorded image or recorded images of a law enforcement activity, or copying such a recording of a law enforcement activity without consent of the person who recorded it or approval from an appropriate court.
- b) It shall be an affirmative defense to a civil action under subparagraphs (i), (iii), and (iv) of paragraph (a) of this subdivision that at the time of such conduct by an officer, such officer had probable cause to arrest the person recording such a law enforcement activity for a crime defined in the penal law involving obstructing governmental administration.
- c) A person subject to unlawful interference with recording law enforcement activities as described in paragraph (a) of this subdivision may bring an action for any violation of this section in any court of competent jurisdiction for damages, including punitive damages, for declaratory and injunctive relief, and such other remedies as the court may deem appropriate.
- d) In any action or proceeding brought pursuant to this section, the court may also allow a prevailing plaintiff reasonable attorney's fees and expert fees as a party of the costs which may be recovered.
- e) Any action or proceeding brought pursuant to this section shall be commenced no later than three years after the date on which the violation of this section is committed.

4. Preservation of Rights

This section shall be in addition to all rights, procedures, and remedies available under the United States Constitution, 42 USC 1983, the constitution of the state of New York and all other federal law, state law, law of the city of New York or the administrative code of the city of New York, and all other civil remedies, including monetary damages, created by statute, ordinance, regulation or common law.

APPENDIX D

Sec: 3.3850

Title: **Bias Incidents –**
(Investigation of Hate Crimes)

Standard: (44.2 Hate Crimes)

Authority: **Police Manual**

Effective: **01/01/2008**

I. PURPOSE

This policy is designed to assist employees in identifying and investigating hate crimes, as defined by New York State Penal Law §485.05 and pursuant to New York State Executive Law §840(6)(a). A swift and strong response by law enforcement can help stabilize and calm the community as well as aid in a victim's recovery.

II. POLICY

The policy requires that all suspected and confirmed hate crime incidents be thoroughly and completely investigated in accordance with applicable law and the procedures set forth below. The guidance of this policy is based on the utilization of victim-focused procedures being mindful of and responsive to the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and far-reaching negative consequences of these crimes on victims, their families, and the community.

III. DEFINITIONS

- A. **Hate Crime:** A person commits a hate crime when one commits a specified offense and either targets a victim or commits a specified offense because of a perception or belief about the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether or not the perception or belief is correct. Hate crimes can be perpetrated against an individual, a group, or against public or private property. For example, hanging a noose or painting a swastika could be deemed hate crimes if the statutory criteria are otherwise met.²
- B. **Bias:** A negative opinion or attitude toward a person or group of persons based on their race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability, or sexual orientation.
- C. **Specified Offense:** Any offense defined by the provisions of hate crime law.³
- D. **Hate Group:** An organization whose ideology is primarily or substantially based on antipathy, hostility, or hatred toward persons based on race, color, national

² See NYS Anti-Hate Crime Resources Guide: <https://www.ny.gov/we-are-all-immigrants/new-york-state-anti-hate-crime-resource-guide>

³ NYS Penal Law §485.05 (3)

origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person.

- E. **Age:** sixty years old or more.⁴
- F. **Disability:** a physical or mental impairment that substantially limits a major life activity.⁵
- G. **Gender:** Used synonymously with sex to denote whether an individual is male or female.
- H. **Gender Identity or Expression:** a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.⁶
- I. **Interpreter:** A person who is able to convert source language into targeted language, both receptively (i.e., understanding what the person is saying) and expressively (i.e., having the skill needed to convey information back to that person).⁷
- J. **Race:** A group of persons who possess common physical characteristics, for example, color of skin, eyes, and/or hair, facial features, and so forth, which are genetically transmitted by descent and heredity and that distinguish them as a distinct division of humankind. Examples include Asians, Blacks or African Americans, and Whites.
- K. **Sexual Orientation:** heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.⁸

IV. PROCEDURES

A. Initial Response

1. Initial responding officers at the scene of a suspected hate crime should follow standard protocol for responding to a crime scene and should take the following specific actions:
 - a) Secure the scene. Steps should be taken so that the initial situation does not escalate. This includes but is not limited to:
 - 1) Stabilizing injured victims and requesting medical aid;
 - 2) Providing protection to victims and witnesses by increased police presence; and
 - 3) Protecting the crime scene and any physical evidence for collection.

⁴ NYS Penal Law §485.05 Hate Crimes

⁵ NYS Penal Law §485.05 Hate Crimes

⁶ NYS Penal Law §485.05 Hate Crimes

⁷ Family members, friends, or the public should not be used as an interpreter.

⁸ NYS Executive Law §292

- i. If evidence of an inflammatory nature cannot be physically removed, after it has been properly documented for investigatory purposes (e.g., painted words or signs on a wall), the owner of the property shall be contacted to do all that is possible to ensure that the graffiti is removed as soon as possible.
 - b) Notify and brief a supervisor, as soon as practicable, of any report of a suspected hate crime or activity that reasonably appears to be a hate crime. The mere perception that the incident may be motivated by bias should necessitate a notification to a supervisor.
 - c) Request the assistance of an interpreter when necessary.
 - d) Request the assistance of an Old Westbury Detective when necessary.
2. Police Officer/Old Westbury Detective should investigate and document all evidence that it may be a hate crime including but not limited to:
- a) Interviewing victim(s) and witness(es) at the scene, or as soon as possible thereafter, and canvassing the area for additional sources of information, including symbols used by hate groups. Attempt to establish the victim's perception as to why they believe the crime may have happened.
 - b) Interviewing the perpetrator(s) to attempt to establish a motive or lack thereof. The nature of a particular incident could denote a hate crime, even when the perpetrator and victim don't know each other. The perpetrator(s)'s perception of the victim (whether accurate or not) will be particularly relevant in a hate crime investigation.
 - c) Statements made by the perpetrator(s) (exact language is critical).
 - d) Presence of multiple perpetrators.
 - e) Display of offensive symbols, words, or acts/gestures.
 - f) Presence of hate literature, spray paint cans, and biased symbolic objects such as swastikas and crosses found in possession of the suspect and/or at or near the scene of the incident.
 - g) Presence of social media activity for evidence of bias motivation.
 - h) Tattoos, clothing, paraphernalia, or jewelry suggesting identification by the perpetrator(s) with an organized hate group.
 - i) Evidence that the victim is the only person of a particular group among others present.

- j) Evidence the victim is from a different racial, national origin, religious group than the perpetrator.
- k) Date, time or circumstances of the occurrence, such as on a religious holiday or at a gathering of a group of people affiliated by race, ethnicity, religion, sexual orientation, etc.
- l) Multiple incidents occurring in a short time period involving victims of the same identifiable group.
- m) Proximity of the incident to an establishment (i.e., houses of worship, LGBTQ community center) that could be associated with one of the protected categories included in the hate crime law.
- n) Certain areas of victim's body targeted by the perpetrator(s) (i.e., Sikh victim forcibly having haircut, or a victim targeted for their gender identity being attacked near or around the person's genitalia.)
- o) Existence of dual motivation by a suspect. Example: A suspect may be looking to commit robberies but specifically targets elderly victims.

B. Supervisory Responsibilities

1. The supervisor shall personally respond to the scene and confer with the initial responding officer(s), take measures to ensure that necessary preliminary actions have been taken, and make appropriate departmental notifications as necessary. The supervisor shall request any appropriate additional personnel, community resources, or other victim support when necessary to accomplish the following:
 - a) Provide support and assistance.⁹
 - b) Explain to the victim about the probable sequence of events in the investigation and prosecution and the victim's right (see Attachment A) to be informed about the case status throughout the course of the investigation and prosecution.¹⁰
2. Ensure that officers and Old Westbury Detectives conduct a thorough preliminary investigation.
3. Ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime. All related reports should be clearly marked "Hate Crime."

⁹ The Office of Victim Services (OVS) helps crime victims. OVS can be reached by telephone, by email or online: 1-800-247-8035; ovsinfo@ovs.ny.gov; www.ovs.ny.gov

¹⁰ New York State Office of Victim Service: Know Your Rights: A guide for victims of crime

4. Conduct necessary notifications (e.g., members of the impacted community, press) depending on the nature and seriousness of the offense and its potential impact on the community.
5. Arrange for an increase in uniform patrols throughout the affected area.

C. Follow-Up Investigation

1. Work closely with the prosecutor's office to ensure that a legally adequate case is developed for prosecution.
2. Coordinate the investigation with other local, state, and federal agencies, as necessary.¹¹

D. Case Report Preparation

1. Case reports should clearly indicate the following information:
 - a) Specified offense – as designated by hate crime penal law
 - b) Victim age, gender, race, and ethnicity (when victim(s) is an individual(s))
 - c) Offender age, gender, race, and ethnicity (when available)
2. The narrative portion of the Case report should document that the victim(s) was intentionally selected or that the act was intentionally committed because of a belief or perception regarding such victim(s)'s race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability, or sexual orientation. The specific bias motivation of the perpetrator should be documented. (Ex: selected victim because the victim was Hispanic, Jewish, Muslim, transgender, etc.)

V. VICTIM

- A. Provide immediate assistance to the crime victim utilizing a victim centered approach.
 1. Express the Old Westbury Police Department's official position on the importance of hate crime cases and describe the measures that will be taken to apprehend the perpetrators.
 2. Take preventive measures to ensure the safety of the victim.
 - a) Express the department's interest in protecting victims' anonymity whenever possible.
 - b) Explain any security measures and precautions to the victim.

¹¹ New York State Crime Analysis Centers can provide the investigative officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

- c) Conduct all interviews with victims utilizing the principles of a trauma-informed approach that supports the immediate and long-term recovery of the victim by:
 - i. Allowing the victim the option to have a victim advocate or others present (including, for example, a family member);
 - ii. Encouraging the victim to give a statement in their own words uninterrupted; use open ended questions
 - iii. Employing trauma-informed questions using caution to not affect the victim's account of the event; and
 - iv. Providing an opportunity for follow-up questions.
- d) Protect the privacy of the victim and their families as much as possible.
- e) Provide the victim with community resources that may provide support and assistance such as advocacy, healthcare, civil legal services, and counseling services.
- f) In cases where a police or peace officer is summoned for suspected criminal activity based on the belief or perception about the individual's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation and a reasonable person would not suspect such violation¹², the supervisor should provide the victim with referral information for the New York State Division of Human Rights (DHR).¹³ For other civil matters where discrimination is alleged against an individual in areas such as employment, housing, credit, and places of public accommodation, refer the individual to DHR.
- g) Provide victim(s) with a point of contact in the department to whom they can direct questions or concerns and explain that they have the right to be informed about the case status throughout the course of the investigation and prosecution.

VI. COMMUNITY RELATIONS AND CRIME PREVENTION

- A. Hate crimes are viewed in the community not only as a crime against the targeted victim(s), but also as a crime against the victim's community as a whole. Working constructively with the community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and

¹² Law enforcement can refer individuals to the NYS Division of Human Rights for civil rights violations related to Civil Rights Law Subdivision 2 of section 79-n.

¹³ NYS Division of Human Rights: www.dhr.ny.gov or 718-741-8400; Referral brochure to NYS Human Rights Law & Division of Human Rights: <https://dhr.ny.gov/sites/default/files/pdf/basic-guide-trifold.pdf>

encourage other victims to step forward and report those crimes. The following are community relations strategies that can be used to enhance the proactive approach of law enforcement's response to hate crimes.

1. Meet with the neighborhood groups and residents including targeted communities to emphasize law enforcement's commitment to:
 - a) A proactive response to hate crimes;
 - b) build strong relationships and lines of communication;
 - c) provide safety, security, and crime prevention information; and
 - d) reduce the potential for counter-violence and reprisals.
2. The Chief of Police or his designee should engage the media as partners in restoring victimized communities through sensitive and accurate reporting. Information regarding hate crimes should be prepared for the media in an accurate and timely manner.
3. Conduct public meetings or forums designed to address the community-wide impact of hate crime and violence in general.
4. Establish liaisons with formal community-based organizations and leaders to mobilize resources that can be used to assist victims and prevent future hate incidents and crimes.
5. Collaborate with communities to expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

VII. REPORTING

All incidents of reported hate crimes are to be submitted to DCJS each month using the State form 3294 (see Attachment B).¹⁴

VIII. TRAINING

A. Officers will be periodically trained on:

1. The components of Penal Law §485.05 and related case law;
2. Familiarity with organized hate groups operating in the community;
3. Response to a hate crime; and
4. Arrest processing procedures for a hate crime.

B. This policy is not intended to be a substitute for proper training in responding to or investigating hate crimes.

¹⁴ New York State Executive Law §837-4c



Know Your Rights: A guide for victims of crime

The Office of Victim Services (OVS) helps crime victims. You can reach OVS by telephone, by email or online:

Telephone: 1-800-247-8035

Email: ovsinfo@ovs.ny.gov

Online: www.ovs.ny.gov

OVS also has two offices:

80 South Swan St., Second Floor
Albany, NY 12210
(518) 457-8727

55 Hansen Place, 10th Floor
Brooklyn, NY 11217
(718) 923-4325

If you wish to visit an OVS office, you must call to make an appointment.

Visit <https://ovs.ny.gov/locate-program> to search for a victim assistance program (VAP) using your zip code or name of the county where you live.

The District Attorney's (DA's) office also may refer you to a victim assistance program. If you have questions about a criminal case, visit <https://www.nypti.org/new-york-district-attorneys/> to find the DA's Office in your county.

Once you have a contact in the DA's office, write it here for future reference:

DA name: _____

Email: _____

Phone Number: _____

Address: _____

Website: _____

How can victims of crime get financial help?

OVS may pay costs you had because of the crime, including: the repair or replacement of essential personal property; loss of earnings or support; medical bills, including the cost of counseling; vocational rehabilitation; crime scene clean-up; or funeral bills.

To get help, you must file a claim with OVS. You can get a claim form from a police department or sheriff's office, a victim advocate, hospital emergency room, or online (www.ovs.ny.gov).

Claims must be filed within one year from when the crime happened. If a victim died, the claim must be filed within one year of the date of death.

Victim advocates can help you with filing a claim. You can also get help from rape crisis centers, domestic violence programs or shelters, and other victim assistance programs.

Any payments from the following sources may reduce benefits provided by OVS:

- Insurance, Veteran's or Social Security benefits;
- Worker's compensation benefits if the crime happened at work, including payment for:
 - medical care and physical therapy,
 - lost wages,
 - disability benefits, or
 - death benefits;
- Filing a civil lawsuit.

If you are the victim of a crime:

You have the right to know what is happening in your criminal case.

You have the right to know how the case is being handled. To stay informed you ***must*** give your phone number and address to the DA and update this information when it changes. You should be told:

- the date someone is arrested;
- the date that person sees a judge for the first time;
- when that person is out of jail;
- when someone pleads guilty to the crime;
- the date of trial;
- the date of sentencing; and
- the possible sentence.

You have the right to attend court.

The prosecutor (another name for DA, the lawyer handling the case against someone who has been arrested) may ask you to stay away from court because

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of how they plan to handle your case. But, even if you are asked to stay away, you have the right to be in court.

You have rights while defendants are facing trial.

You may ask the police or prosecutor to contact your employer if you must miss work to help with the case. The police or prosecutor also should help by giving creditors information about the crime if you can't pay your bills because of the crime.

Property held as evidence must be given back to you unless it is needed for proof at trial. The court will help to return property promptly.

You have the right to be free from intimidation.

Crime victims have the right to be protected from threats, physical injury or other forms of intimidation. The police department, sheriff's office or DA/prosecutor can give advice about how to protect yourself. Courts can issue orders of protection that direct the accused to stay away from you.

Intimidating a witness is a felony. Felonies are crimes for which a person can be sentenced to more than one year in prison. If you are threatened or harassed, immediately contact the police, sheriff's office, or DA/prosecutor.

If you receive unwanted contact after the individual is in prison, contact the Office of Victim Assistance at the New York State Department of Corrections and Community Supervision (1-800-783-6059) right away. Witnesses and victims may get help in relocating and changing their identities if needed.

If possible, when waiting to go into court, prosecution witnesses shall be provided a secure waiting area separate from all other witnesses.

You have the right to let law enforcement, the courts and the Parole Board know how you think and feel about the crime and how it affected you.

This is called making a victim impact statement. This statement allows you to share your feelings about the crime, how it affected you and your family, and what you think the defendant owes you. You may make these statements when the defendant is sentenced or eligible for parole.

The DA/prosecutor will ask what you think about releasing the defendant and about sentences other than prison. The court shall consider your views at sentencing.

At least 10 days in advance, you may ask to speak when the defendant is sentenced. You must let the court know you want to do this. You may speak about anything that relates to the possible sentence. If the victim of the crime is a minor, has died or been hurt and can't be in court, a relative may speak for the victim. You may make your statement in person at sentencing, or in writing as part of a pre-sentence report.

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When a defendant is eligible for parole, you can also make a statement to the Parole Board. You may meet face-to-face with a member of the Parole Board, make your statement in writing, or make an audio or video recording of your statement. The defendant would not be at any face-to-face meeting.

You have the right to ask the DA to let you know how the case ended.

When making this request, ask for the “final disposition” of the case: was the person found guilty or not. You will get an answer within 60 days of when the case ended.

The Office of Victim Assistance at the state Department of Corrections and Community Supervision can answer questions about individuals sentenced to state prison. You may get information on these individuals — including when they will be sentenced — by:

Calling VINE (Victim Information and Notification Everyday) at 1-888-846-3469 or 1-888-VINE4NY and providing the:

- Inmate’s full name,
 - date of birth, and
 - NYS ID number or the ID number assigned by the Department of Corrections and Community Supervision.
- *Note:* The DA’s office will provide the NYS ID number and/or the inmate’s date of birth.
 - Visit <http://nysdoccslookup.doccs.ny.gov/kinqw00> to search for an inmate by name, NYSID number or other identifying information.

You have the right to know when an inmate is released.

You can sign up for telephone, text or email notifications from VINE: Call 1-888-846-3469, 1-888-VINE4NY or visit www.vinelink.com to be told when a person is released from custody. VINE also provides other notifications such as an inmate’s death, furlough, escape, and return to custody after an escape.

You also can register to be told when an inmate will go before the Parole Board and before an inmate is released. If you want to be told when an inmate is scheduled to go before the Parole Board or scheduled to be released, you must:

- Ask the DA’s office for the form to make this request; complete it and then return it to the DA’s office; or
- Complete the form online: www.doccs.ny.gov/DOCCSWebVictimNotification.aspx

You must complete this form to be informed of the chance to make a Parole Victim Impact statement. Registering with VINE alone will not inform you about this.

For additional questions about victim notification or making a Parole Victim Impact Statement, call the Department of Corrections and Community Supervision Office of Victim Assistance at 800-783-6059.

Other things you should know about your rights:

- You may always have a free copy of the police report.
- You can ask the Department of Motor Vehicles to waive fees for replacing licenses, permits, registrations, and license plates lost, destroyed or stolen because of a crime.
- Employers cannot fire or punish you because you:
 - were a witness in court;
 - took time to give a statement to the Parole Board, or
 - helped the DA.
- These rights apply to:
 - the next of kin of victims who died,
 - representatives of victims, andGood Samaritans, who are people who tried to help victims even though it was not their job, i.e., they are not police, firefighters, etc.

Violating this law is a misdemeanor. Your employer may decide, however, not to pay you for the time you spent away from work while involved in any of these activities.

- Victims can ask that a person convicted of a felony sexual offense be ordered to be tested for HIV. Requests must be in writing and must be filed with the court. A representative can act for a minor victim or someone a court has determined cannot handle his or her personal affairs. The test results are given to the victim and the defendant; they are not disclosed to the court.
- The Court may order the identifying information of a person applying for a name change sealed if publishing this information might put the person at risk.

Restitution: Your Right to be Paid Back

As a victim, you can ask that the defendant pay you back for what you lost due to the crime. This is known as restitution and it is not paid for future losses or pain and suffering.

Restitution must be part of a defendant's sentence. The amount paid to you will be based on proof of what you lost because of the crime.

- Keep records and receipts of any costs you have due to the crime, and
- Give copies of those records and receipts to the police, DA and Probation Department. Your claim for restitution will be part of the report that the Probation Department files with the court.

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If you do not provide this information in time to be part of the defendant's sentence, you may be able to get repaid by suing the defendant.

You can ask for, but are not limited to:

- medical and counseling costs,
- loss of earnings,
- replacing, repair or cleaning of property,
- funeral costs, and
- any other cost you incurred because of the crime.

The defendant can object and the court may hold a hearing on your request. The DA may ask you to testify at that hearing. If you are worried about being in court, you should talk to the DA.

A judge will usually order the defendant to pay you back. If the judge does not order repayment, he or she must clearly state why, on the record. The restitution order will be on the inmate's commitment paper, which is the written instruction from the court directing the convicted person to be put in jail or prison.

The agency responsible for collecting repayment is listed on the restitution order. Payments are required to be made as ordered and will be made by check. You must provide a current address and update your address information if it changes.

Restitution from minors or persons in need of supervision (PINS) must be ordered by the Family Court. Repayment from juvenile delinquents is limited to \$1,500, and \$1,000 from PINS. To seek additional restitution, victims may file a lawsuit against the minor's parents or guardians.

If OVS has paid your bills and the court orders restitution, that repayment may be made to OVS, not you. If you filed a claim with OVS, it is important that you tell OVS if the court orders repayment.

Certain victims of crime have additional rights under the law.

Rights of Child Victims:

1. Describing the crime as few times as needed;
2. A judge sensitive to the stress a child may experience testifying;
3. The same prosecutor handling the case whenever possible;
4. The use of video-recording or two-way closed-circuit TV when acting as a witness;
5. A support person when acting as a witness in court;
6. Using dolls and drawings when acting as a witness;
7. A team of people from various fields to address child abuse.

Rights of Victims of Domestic Violence:

1. An Order of Protection, which is an order of a court that requires one person to stay away from another person. Orders of protection are served at no cost. Criminal courts can give such orders to anyone while Family Court is limited to giving such orders to:

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- relatives,
- former spouses, or
- people who are not related but have an “intimate relationship.”

The judge will decide if a relationship is “intimate;” non-sexual relationships can be “intimate.”

2. An arrest made by police if:

- Police find that your abuser committed a **felony** against you, they must make an arrest.
- An **Order of Protection has been violated**. This is true even if the order of protection was issued in another county, state, territory or tribal jurisdiction.
- Police determine that a **misdemeanor** has been committed against you, unless you ask them not to. Even if you make that request, police may still make the arrest. Misdemeanors are crimes for which a person can be sentenced for up to one year in jail.

3. When police believe that more than one family or household member committed a misdemeanor family offense, they are not required to arrest more than one person. In such cases, police must try to determine who is most responsible and arrest that individual.

4. If the police do not witness the violation or do not make an arrest, you can make a civilian arrest.

- This does not mean that you must physically make the arrest. It means that you must sign a complaint.
- Police may either take your abuser into custody or give you information on how to get the court to take some action.

5. In addition to making arrests, police can help you:

- Get to a safe place: victims of domestic violence can get emergency residential services;
- Get information on how the court can help protect you;
- Get medical care;
- Get personal belongings from your home;
- Get a free copy of any incident reports; and
- File a complaint in Criminal Court.

6. You may either place or temporarily lift a “freeze” on your credit report free of charge. To do this you must a) write to the credit reporting agency, and b) give proof you are a victim of domestic violence by providing one of the following:

- a domestic violence incident report (called a DIR),
- a police report,

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- an order of protection, or
- an affidavit of a medical provider or of a victim

advocate Credit reporting agencies must not share the reason for the request.

7. To be treated fairly by an employer or licensing agency in hiring or employment practices.
8. Avoid forced contact with your abuser.
9. Request a new telephone number, at no cost.

Rights of Victims of Rape or Sexual Assault:

1. To be informed in writing of the name, address and phone number of the nearest rape crisis center;
2. To be in a private setting when being interviewed;
3. To limit people in the interview to:
 - those conducting the interview,
 - a social worker, rape crisis counselor, psychologist or other professional providing emotional support, and
 - the victim's parents, spouse or friend if requested by the victim.
4. To not be asked or required to take a lie detector test or stress exam.
5. To have OVS pay for a medical exam related to a sexual assault. In addition:
 - Examiners and facilities must accept the state's set fee as payment in full.
 - Victims may assign insurance benefits to the examination provider.
 - If victims assign insurance benefits, such coverage is not subject to annual deductibles or co-pays or balance billing by the provider¹⁴
 - However, victims may choose not to provide insurance information to the examination provider if concerned about privacy or safety.
6. To have clothes returned upon request.
7. Hospitals providing emergency treatment:

¹⁴ For all insurance policies and contracts issued, renewed, modified, altered or amended on or after January 1, 2019.

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- shall provide information on the availability of emergency contraception, its use and how well it works;
 - must provide emergency contraception, unless the victim refuses or if the victim is pregnant.
 - must offer victims a trained sexual assault advocate during the examination.
8. To have sexual offense evidence collected and kept in a locked, separate and secure area for 20 years from the date of collection. Victims will be notified at least three months before the end of the 20-year period that the evidence will be discarded.

**INSTRUCTIONS FOR PREPARING THE
HATE CRIME INCIDENT REPORT**

The Hate Crime Incident Reports provide data to the Division of Criminal Justice Services on hate crimes that occur in your jurisdiction. Agencies must report a hate crime when it appears that the offender's actions were motivated, in whole or in part, by a bias towards the victim. Use the attached Hate Crime Penal Law Reference Table to identify crimes that may involve a bias motivation. Submit the completed form with your monthly UCR or IBR crime report.

IF THERE ARE NO HATE CRIME INCIDENTS TO REPORT for the month, IBR agencies should check the appropriate box on the form and fill in month, year, and agency name before submitting by email, fax or postalmail. UCR agencies should check the appropriate box on page 5 of the Return A form.

This form is designed for electronic or manual data entry. To complete the form, enter the data into the spreadsheet or print the form and manually enter the information. When completed, return the form **by email to infonysucr@dcjs.ny.gov, by fax at (518) 485-8039, or by mail to NYS DCJS, Crime Reporting Unit, Alfred E. Smith Office Building - 6th Floor, 80 South Swan Street, Albany, NY 12210**. If you have any questions, please call the Crime Reporting Unit at **1-800-262-3257**.

- Incident Date:** Enter the date the incident occurred.
- Case Number:** Enter the agency case number assigned to the incident
- Hate Crime Incident Classification** Refer to the Hate Crime Penal Law Reference Table (attached) to determine the charges relevant to the incident. Enter the appropriate Penal Law charge(s).
- Bias Motivation** Use the codes located at the bottom of the form and enter the bias motivation being reported.

C. Incident Information

Location of Hate Crime

For each incident, enter a location code that best describes where the bias crime occurred.

Type of Victim

For each incident, identify the type of victim that was targeted. "Structured Group or Organization" (code 73) should be used to identify bias crimes against a group of people defined by their collective similarity where no one individual was targeted.

Victim(s) Demographics

If victim(s) is an "Individual(s)" (code 72), enter all known demographics for each victim on a separate line. If victim is a "Structured Group or Organization" (code 73), do not enter any victim demographics.

Offender(s) Demographics

Enter all known demographics for each offender on a separate line. Leave blank if offender is unknown.

D. HATE CRIME PENAL LAW REFERENCE TABLE

Hate Crime involves a bias motivation to commit or attempt to commit any of the following offenses.

105.00	Conspiracy 6th
105.05 All subs	Conspiracy 5th
105.10 Sub 1, 2	Conspiracy 4th
105.13	Conspiracy 3rd
105.15	Conspiracy 2nd
105.17	Conspiracy 1st

Note: The conspiracy must involve the intent to commit one of the hate crimes listed below.

120.00 All subs	Assault 3rd	135.60 All subs	Coercion 2nd
120.05 All subs	Assault 2nd	135.65 All subs	Coercion 1st
120.10 All subs	Assault 1st	140.10 All subs	Criminal Trespass 3rd
120.12	Agg Assault Person <11	140.15	Criminal Trespass 2nd
120.13	Menacing 1st	140.17 All subs	Criminal Trespass 1st
120.14 All subs	Menacing 2nd	140.20	Burglary 3rd
120.15	Menacing 3rd	140.25 All subs	Burglary 2nd
120.20	Reckless Endanger 2nd	140.30 All subs	Burglary 1st
120.25	Reckless Endanger 1st	145.00 All subs	Criminal Mischief 4th
120.45 All subs	Stalking 4th	145.05 All subs	Criminal Mischief 3rd
120.50 All subs	Stalking 3rd	145.10	Criminal Mischief 2nd
120.55 All subs	Stalking 2nd	145.12	Criminal Mischief 1st
120.60 All subs	Stalking 1st	150.05	Arson 4th
121.12	Strangulation 2nd	150.10	Arson 3rd
121.13	Strangulation 1st	150.15	Arson 2nd
125.15 Sub 1	Manslaughter 2nd	150.20	Arson 1st
125.20 Sub 1,2,4	Manslaughter 1st	155.25	Petit Larceny
125.25 All subs	Murder 2nd	155.30 All subs	Grand Larceny 4th
130.35 Sub 1	Rape 1st	155.35	Grand Larceny 3rd
130.50 Sub 1	Criminal Sexual Act 1st	155.40 All subs	Grand Larceny 2nd
130.65 Sub 1	Sexual Abuse 1st	155.42	Grand Larceny 1st
130.67 Sub 1A	Agg Sexual Abuse 2nd	160.05	Robbery 3rd
130.70 Sub 1A	Agg Sexual Abuse 1st	160.10 All subs	Robbery 2nd
135.05	Unlawful Imprisonment 2nd	160.15 All subs	Robbery 1st
135.10	Unlawful Imprisonment 1st	240.25	Harassment 1st
135.20	Kidnapping 2nd	240.30 Sub 1,2,3,4	Agg Harassment 2nd
135.25 All subs	Kidnapping 1st	240.31 All subs	Agg Harassment 1st

**NEW YORK STATE
DIVISION OF CRIMINAL JUSTICE SERVICES
HATE CRIME INCIDENT REPORT**

Report is to be submitted each month. UCR agencies reporting no hate crimes for a particular month must check the "Nothing To Report" box on page 5 of the Return A. IBR participating agencies must submit this form and check the "Nothing to Report" box when no hate crimes have been reported. Forms should be sent to: **State of New York Division of Criminal Justice Services, Crime Reporting Unit, Alfred E. Smith Office Building - 6th Floor, 80 South Swan Street, Albany, NY 12210, fax 518-485-8039, or email infonysucr@dcjs.ny.gov**

Agency Name _____ Agency ID# _____ Month and Year of Report _____ Nothing to Report (NTR)

Prepared By _____ Title _____ Phone Number _____ Email Address _____

A Incident Date mm/dd/yy	B Agency Case Number	C Hate Crime Incident Classification <small>See: Law Section Reference Table (Include Penal Law Subsection)</small>	D Bias Motivation	E Incident Information										
				Location of Hate Crime	Type of Victim	Victim(s) Demographics				Offender(s) Demographics				
						Age	Gender	Race	Ethnicity	Age	Gender	Race	Ethnicity	

E. Hate Crime/Incident Classification (See Hate Crime Penal Law Reference Table) E. Incident Information

F. Bias Motivation (61) Place of worship (Churches, Synagogues, etc.)		H - Hispanic	Location of Hate Crime	Ethnicity Code
GENDER (01) Anti-male (02) Anti-female (03) Anti-Gender Non-Conforming (53) Anti-Transgender	RELIGION/RELIGIOUS PRACTICE (21) Anti-Jewish (22) Anti-Catholic (23) Anti-Protestant (24) Anti-Islamic (Muslim) (25) Anti-multi-religious groups (26) Anti-Atheism/Agnosticism (27) Anti-religious practice, generally (29) Anti-other religion (58) Anti-Buddhist (59) Anti-Eastern Orthodox (Greek, Russian, etc.) (60) Anti-Hindu (61) Anti-Jehovah's Witness (62) Anti-Mormon (63) Anti-Other Christian (64) Anti-Sikh	ETHNICITY/NATIONAL ORIGIN/ANCESTRY (31) Anti-Hispanic (32) Anti-Arab (34) Anti-other ethnicity/national origin/ancestry (56) Anti-Not Hispanic SEXUAL ORIENTATION (41) Anti-male homosexual (Gay) (42) Anti-female homosexual (Lesbian) (43) Anti-LGBT (mixed group) (44) Anti-heterosexual (45) Anti-bisexual DISABILITY (51) Anti-physical disability (52) Anti-mental disability	(62) Other property owned/operated by target group (e.g., religious, ethnic, etc. institutions or organizations) (63) Public Property (school, street, gov't building, hospital, jail/prison, etc.) (64) Business (65) Residence (66) Other Location Type of Victim (72) Individual(s) (73) Structured Group or Organization (i.e., demonstrators, religious, ethnic or advocacy, etc.)	N - Non-Hispanic Race Code W - White B - Black A - Asian/Pacific Islander (Chinese, Indian, Japanese, Indian, Korean, Vietnamese, Philippine, Samoan, etc.) I - American Indian/Alaskan Native O - Other U - Unknown
AGE (04) 60 years old or more				
RACE/COLOR (11) Anti-White (12) Anti-Black (13) Anti-American Indian/Alaskan Native (14) Anti-Asian (15) Anti-multi-racial groups (55) Anti-Native Hawaiian/Pacific Islander				