



**The Village
of Groton
Police
Department**

**EO 203 – New York State Police Reform and
Reinvention Collaborative**

Issued August 2020 by Governor Cuomo

Adopted by The Village of Groton Board of Trustees, March 15, 2021

Executive Order 203 – New York State Police Reform and Reinvention Collaborative

issued by Governor Cuomo on June 12, 2020

A link to the complete full text of the order as follows;

<https://www.governor.ny.gov/news/no-203-new-york-state-police-reform-and-reinvention-collaborative>

The order is directed at each governmental entity that has an operational police agency. The order directs each of those entities to do a comprehensive review of the current police force policies and procedures, practices and strategies, and develop a plan collaboratively to improve those aforementioned objectives. This plan of reform is for the purpose of addressing any particular needs of its community it serves to ensure the trust, to have complete fairness and address any racial or non-racial biases.

In response to the Governor's Executive Order, a review of the needs of our community and police department was conducted through a phased plan that was constructed in four phases. This involved the community, village officials and the law enforcement officer's that make up the Village of Groton Police Department. Data was collected from surveys that were conducted. The response to the survey was minimal. Also, a public forum was held to further gain insight on how the police department could better the service it provides, and strengthen any and all relationships, at the same time striving to obtain new ones within the community. The small number of responses led us to gauge our strategies on the number of responses received. (1256 surveys were mailed out to every village residence and only 78 were returned for a total of 6.21% of the residences. Also Note that in some surveys not all questions were answered) Thus, coming to the belief that if the people didn't respond to the survey it reflects two things; the law enforcement in the community is handling the issues that are important to them or their lives are so busy that they are not invested in the community from which they live. Nonetheless, a plan was adopted after community members submitted their input. From that a reform plan was adopted. The input was categorized into subjects containing:

- Demographics (community survey & police officer survey)
- Community Oriented Policing / Community Involvement
- Performance ie; Department Roles and Functions
- Procedural Justice
- Safety

The Village of Groton has a geographical area of approximately 1.74 square miles and provides service for approximately 2400 residents. The police department consists of 1 full time officer and 13 part-time officers. On average the call volume is approx. 3500 calls a year. The village is predominately White with a small percentage being Black and/or Hispanic.

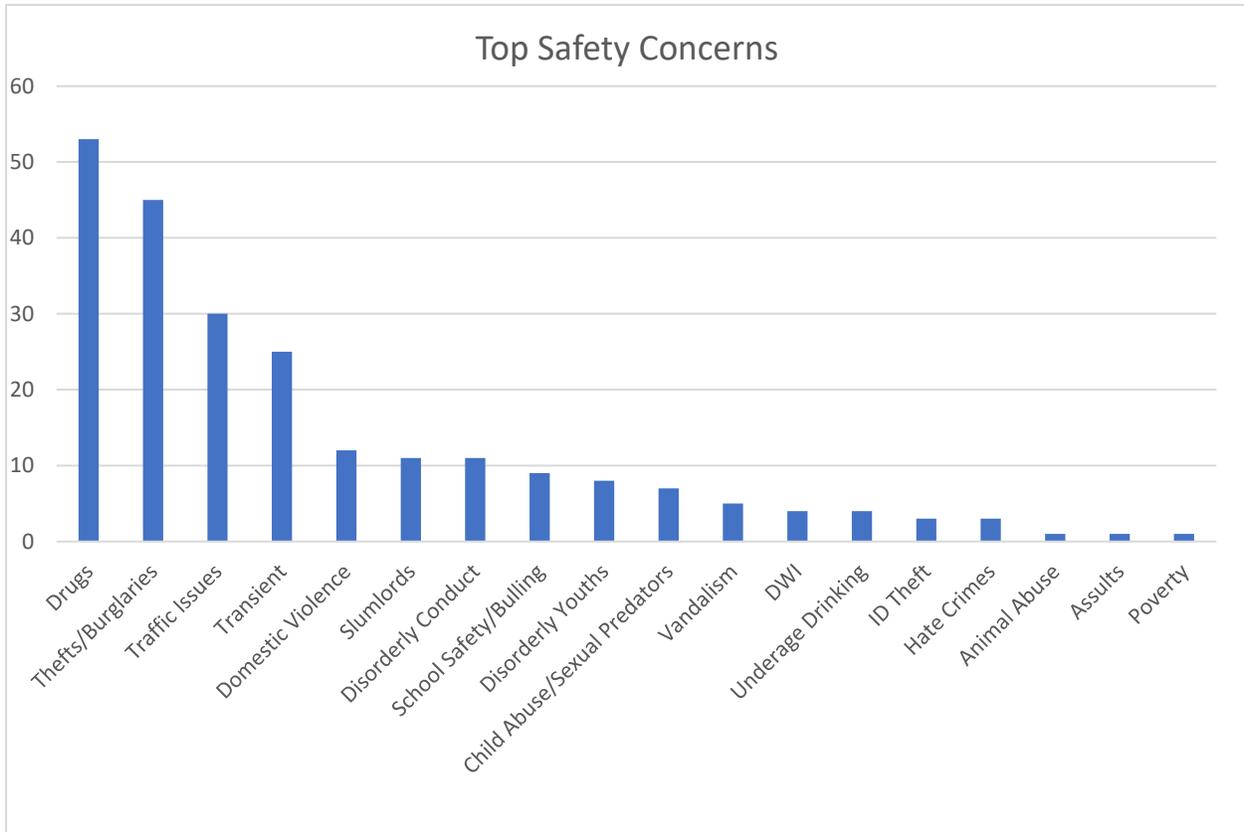
Phase 1 - The first part of the reform process consisted of publishing and disseminating a “Community Survey on Public Safety and Law Enforcement” that was developed by the United States Department of Justice Office of Community Oriented Policing Services (COPS) with the support of ICF International and Law Enforcement Experts. This survey was designed for law enforcement agencies to gather opinions and experiences from its community members. The survey focuses on assessing the five key components that involve the local law enforcement agency, those components are as follows; community involvement, safety, procedural justice, performance, contact and satisfaction. Also, as part of the reform a survey was sent to all police officers that currently work for the Village of Groton. That survey consisted of topics such as Officer Wellness and Training, Job Satisfaction and Morale, Community Interactions and Engagement. Out of the fourteen officers that were given the survey (non-mandatory), eight completed them. For a 53% return rate.

Phase 2 – The second part of the reform process consisted of compiling the collected data from the surveys that were returned from the law enforcement members and the community members and start to develop a plan of reform. This would include each and every category of the five components that were developed from the United States Department of Justice Community Oriented Policing Services as stated above. Demographics of the survey were as follows;

Community Member Survey - Total sent 1256			Total returned 78			
Males	Females	Both M/F	Black	White	Hispanic	Other
30	47	1	1	67	0	0
Age range						
17-29	30-39	40-49	50-59	60-69	70 plus	
2	5	8	13	22	26	

From the input of the small number of surveys received a satisfaction rate of **79.4%** was in Community Involvement or Community Oriented Policing which asked about law enforcement members developing relationships, communicating, easy for community members to provide input, working together to solve local problems and practicing community policing. A satisfaction rate of **76.9%** was in Performance ie; Department Roles and Functions. This topic included law enforcement proactively preventing crime, addressing problems or concerns and the overall satisfaction of interactions between community members and law enforcement officers. A satisfaction rate of **93.5%** was in Procedural Justice. This topic included treating people fairly, showing a concern for community members, being respectful, approachable and if they trusted their law enforcement members.

On the topic of safety **98.6%** of responses felt safe being alone during the day, with **74.3%** of responses felt safe being alone at night. The graph below depicts what the community has chosen as their top safety concerns. As you can see the top three are listed as Drugs, Thefts/Burglaries and traffic issues.



PUBLIC COMMENTS -

Although the surveys that were sent out to the public didn't provide space for additional comments. A few members of the community and police officers did write in comments that they felt necessary to provide. Those comments that were provided were as follows;

“Local residents should be notified of who their neighbors are moving next door to them. Renters especially”, “Need more overnight patrols then daytime! We have more Sheriff’s and Troopers during the day. Money wasted.” - Community Member

“24 Hour coverage of the village would help to offset some of the deviant behavior that goes on in the village overnight. (car break-ins, drug interactions, etc.)” - Community Member

“Keep up the great work. Would like to see a bit more police patrolling of the park whenever possible” - Community Member

“Why does GPD have top of the line cars and equipment when so many people in Groton are poor? It is a terrible waste of funds” - Community Member

*“It has become very difficult being caught as the middle man between reform and today’s current situation with “defunding” and reform. The general public does not see the whole picture and at times does not care to understand that our hands are tied. We are limited on what we can do and do not understand that we do not have control over the outcome of cases. We are often times blamed for not getting rid of a problem in its entirety. We are faced with a lot of obstacles and unknowns and at times violent or unstable individuals and it feels like no matter what approach we take as law enforcement officials it’s not good enough”
- Police Officer*

“Why aren’t the cars being ticketed that park on Main St. overnight? They park all the time overnight and all day” - Community Member

“Being “politically correct” for the times. I strive to be a good officer by saying and doing the right things but that doesn’t seem to be enough anymore.” - Police Officer

*“We have many living in this community sent from ??? Walking our streets.”
- Community Member*

“I am impressed with Groton law enforcement in checking on homes when residents are out of town for long periods of time. A+” - Community Member

“Problems seem to happen when there isn’t any police officers on duty. Main Street is not desirable in some areas.” - Community Member

“I feel moral is affected by our current office situation. The conditions of our office space are embarrassing. For a necessary department in this Village, we do not have adequate equipment

and are expected to make due. I feel like we have always been treated as an extra instead of essential and at times it shows. Just like having a clean uniform and looking presentable as a representation of the department and village, I feel that our building should have the same standards.” - Police Officer

“Need to give tickets to people on streets during winter for overnight parking. I understand there is no officers on between 2:00am – 6:00am, Why have the law? - Community Member

Phase 3 – The Police Reform and Reinvention Collaborative Plan consists of specific strategies in mind to get to the end goal – Reform. Thus, reviewing and updating and if needed, revising all policy and procedures/ general orders for the Village of Groton Police Department. By doing this comprehensive review, changes to the Village of Groton Police Department Policies and Procedures / General Orders have been made and new orders drafted and put into effect.

New General Order #1901 Dealing with Social Media was drafted. G.O.#1901 Social Media (New) deals with potential official uses, community outreach and engagement, content procedures, agency employment recruitment, and law enforcement personal use of, on and off duty has been drafted. This is to be more transparent between the public and the law enforcement members that serve them. One other important general order that was drafted during the comprehensive review of the policies and procedures was one that was brought to light in regards to the past year’s national public protests. There wasn’t an issue in our village during this time but nonetheless, a new policy or General Order was drafted. That General Order is G.O.#2407 Planning and Response to Crowd Control Situations. Finally, last but not least was the Policy and Procedure/ General Order dealing with the Use of Force. G.O. #1600 Defensive Action Policy (Critical Standard) This policy /general order coincides with the use of force policy that New York State drafted for a model for all law enforcement departments to use when drafting their own policies in regards to all levels of the use of force. G.O. #1600 Defensive Action Policy (Critical Standard) was revised from the current one to somewhat mirror the New York State Department of Criminal Justice Services (DCJS) Use of Force model policy.

General Orders listed below which were drafted or revised will be listed as Appendix A and are attached;

GO # 1600 Defensive Action Policy (Critical Standard),

GO # 1901 Social Media (New),

GO # 2407 Planning and Response to Crowd Control Situations

Also, with the ever-changing needs of the community, revisiting the survey every 2 – 5 years with possible improvements to allow for public comments. Thus, continuously using the surveys

as a tool to allow the public to have a voice, to rate the over-all performance of their law enforcement officials whether it be a patrol officer or the administration. This also will make sure that the mission is relevant to the future direction the department and village are going and gives accountability to the public.

Training is very key and an essential part and plays a vital role in keeping law enforcement officers up to date and in the know in the way changes happen. Training keeps officers current with the ever-changing way of society and how it comes about. Such as new programs, new equipment, and new ideas in dealing with De-Escalation, Implicit Bias and Mental Health type incidents. Having the training will help the department progress. This type of training is currently being sought after, whether it be in person or through social media outlets. When the opportunity arises, the training will be conducted. The unfortunate problem of having to have this training or trying to set up the training it sometimes comes at a cost, and this cost could stress the already stressed budget.

Phase 4 - The fourth and final part of the reform plan was holding a public forum and discussing the plan. This consisted of going over the changes that had been made to the police department policies/ general orders and also talking about the new ones that were drafted specifically for police reform. This involved talking about the need for training in the area of De-Escalation, Implicit Bias and Mental Health and having the understanding that it comes with a cost. Other things discussed were the surveys and the responses that were given to the survey. Going over the demographics, performance, safety and procedural justice of the police department. The statistics showed that although there is always room for improvement, and that nothing is perfect the police department and its officers are well liked by their community members. Consistently in all categories over-all, the community are very happy with the job the law enforcement agency and officers are doing. Again, the unfortunate thing was there was very little participation from the public. Those specific questions that were asked, although were very good questions, did not necessarily pertain to police reform. With that being said we the Village of Groton and the Groton Police Department feel that the few changes that have been made and the ones that will be made are changes that are necessary as we continue to partnership with the community of the Village of Groton. (see mission statement)

Groton Police Department Mission Statement:

The mission of the Village of Groton Police Department is to enhance the quality of life in the village of Groton by working in partnership with members of the community to enforce the laws, preserve peace, reduce fear and maintain order through the delivery of professional and compassionate police services to all that we serve.

In conclusion, though there are steps to be taken for police reform to happen those steps do not necessarily happen in an instance. These procedures give a basis of where to start. Even though this process may and probably will take weeks, months or even years to accomplish to

get to complete reform, we have a starting point. With this being said, nonetheless The Village of Groton Police Department will make every effort to continue to strive to make the Village of Groton the place where transparency exists at every level. Thus, getting to the end goal - Police Reform.



GROTON POLICE DEPARTMENT GENERAL ORDER

EFFECTIVE DATE 3/1/2020	SUBJECT Defensive Action Policy		G.O. # 1600
ISSUED BY: Lt. Troy Boice Officer in Charge			# OF PAGES: 6
DATE OF REVIEW: 1/28/20	Rescinds: Previous	Amends: Previous Use of Force Policy	Last updated: 1/28/20

PURPOSE

The purpose of this Order is to establish policies and procedures for the use of defensive actions (physical force) and deadly physical force in general and firearms in particular.

Policy

- A. The Groton Police Department recognizes and respects the value and integrity of each human life. The department also recognizes and accepts the profound responsibility that our lawful authority to defensive actions and deadly physical force carries with it.
- B. All use of defensive actions and deadly physical force will be consistent with applicable legal principles and this Order.
- C. All use of defensive actions or deadly physical force will be to protect the officer or another person or to effectuate a valid and lawful public safety or law enforcement purpose.
- D. This Order applies to all use of defensive actions and deadly physical force by all employees of the Groton Police Department while on duty. It also applies to all off-duty uses of defensive actions physical force and deadly physical force in which the officer is acting pursuant to his or her authority as a police officer or using any department-issued weapon, ammunition, or other equipment.
- E. In using defensive actions or deadly physical force officers should avoid creating an unreasonable risk to bystanders or persons other than the intended subject of the force. However, nothing in this Order should be construed to restrict or limit an officer's legal right to self-defense or to defend another person.
- F. In considering the use of a firearm, Groton police officers must keep in mind that an individual officer alone is responsible for his or her acts and that he or she may be required to justify them in administrative hearings and courts of law.
- G. Anytime a Groton police officer uses defensive actions or physical force beyond cooperative handcuffing for any reason, a *Defensive Action Report* shall be completed (see Designated separate GO).

- H. Anytime a Groton police officer uses any defensive actions or deadly physical force the supervisor shall complete the *Supervisor Inquiry of Officer Defensive Action Report*. (See separate Designated GO)

DEFINITIONS

- A. Physical Injury: means impairment of physical condition or substantial pain. New York Penal Law (NYPL), §10.00-9.
- B. Serious Physical Injury: means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ. NYPL, § 10.00-10.
- C. Deadly Physical Force: means physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury. NYPL, § 10.00-11.
- D. Physical Force: means a level of force less than deadly physical force.
- E. Reasonable Belief: The facts or circumstances the officer knows or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

USE OF DEFENSIVE ACTIONS

Personnel will use only the force necessary to accomplish the lawful objectives set forth below:

1. Self-Defense or Defense of Another Person
 - An officer may use defensive actions when and to the extent he reasonably believes it to be necessary to defend him/herself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force.

2. To Effect an Arrest or Prevent an Escape
 - An officer, in the course of effecting an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he reasonably believes to have committed an offense, may use defensive actions/physical force when and to the extent he reasonably believes it to be necessary to effect the arrest, or to prevent the escape from custody, or to defend him/herself or a third person from what he reasonably believes to be the use or imminent use of physical force.

3. Prevention of Suicide
 - An officer acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical injury upon him/herself may use defensive actions/physical force upon such person only to the extent that he reasonably believes it necessary to prevent such result.

4. Protection of Property and Premises
 - An officer may use defensive actions/physical force, other than deadly physical force, upon another person when and to the extent that he/she reasonably believes it to be necessary to

prevent what he/she reasonably believes to be the commission or attempted commission of a larceny, criminal mischief, or a crime involving damage to premises, or criminal trespass.

USE OF DEFENSIVE ACTIONS & DEADLY PHYSICAL FORCE

- A. As authorized by the provisions of Article 35 of the Penal Law, Groton Police Officers may use defensive actions/physical force to affect a lawful arrest or to lawfully detain a person.

- B. As authorized by the provisions of Article 35 of the Penal Law, including but not limited to section 35.30, a Groton Police Officer may use deadly physical force in order to protect the officer or another person from what is reasonably believed to be an immediate threat of death or other serious physical injury, or to prevent the escape of a fleeing felon whom the officer has reasonable cause to believe will post a significant threat to human life should the escape occur. Firearms shall not be discharged when it appears that a third party may be injured as a result. A Groton Police Officer shall not draw or exhibit any firearm unless circumstances create reasonable cause to believe that it may be necessary to use the firearm in conformance with this policy. (See GO for Investigation of Use of Deadly Physical Force).

- C. All defensive actions/physical force shall be documented on a *Defensive Action Report* (see designated GO *Defensive Action Report*) and on a New York State Standardized Incident Report. It is important that the justification for the defensive action also be included in the New York State Standardized Incident Report narrative. The initial incident shall be investigated by the on-duty supervisor, documented on a *Supervisor Inquiry of Officer Defensive Action Report* and the proper notifications made. The on-duty supervisor will then forward the *Defensive Action Report*, the *Supervisor Inquiry of Officer Defensive Action Report* and any investigative reports or notes to the Chief of Police/O.I.C. The Chief of Police/O.I.C. will then review the incident with the Training Coordinator and/or the District Attorney's Office. If deemed necessary, another outside law enforcement agency may be utilized. The Chief will determine if the amount of force was necessary, whether department policies were followed, if additional training is needed, etc. Necessary steps shall be determined by the Chief of Police/O.I.C. to resolve the matter.

- D. The officer and supervisor shall immediately evaluate the need for medical attention for the person upon whom the defensive action/ physical force was used and arrange for such treatment. If treatment is needed the officer shall obtain a copy of or complete the appropriate form. All injuries, whether treatment is received or not will be documented on a New York State Standardized Incident Report and photographs taken.

- E. In the case of destroying an injured animal or an animal that represents an immediate threat to human life the incident shall be documented on a Service Report "Animals" and will be reviewed by the on-duty supervisor and forwarded to the Chief /O.I.C for review.

USE OF LESS THAN LETHAL FORCE OPTIONS AND EQUIPMENT

A. Oleoresin Capsicum (O.C.) Spray

1. Officers may use O.C. spray at any force level higher than that of a compliant subject to gain control and compliance from the subject. Once O.C. spray has been deployed and compliance has been gained, the further use of O.C. spray is prohibited. Once a subject is under control, medical personnel shall be summoned as soon as possible to begin decontamination procedures as outlined in the specific guidelines set forth in training for the use of O.C. spray. Officers must complete an initial training program in the use of O.C. Spray, with annual training after the initial training to maintain proficiency in its use. (See also designated GO for Use of Non-Lethal Chemical Agents).

B. Electronic Control Devices (TASER)

1. It is the policy of the Groton Police Department that all sworn patrol officers and supervisors shall carry an ECD, unless directed otherwise by a supervisor. Officers must complete an initial training program, with annual training after the initial training to maintain proficiency in its use. The use of the ECD shall be governed by and be consistent with the department training, the General Orders of the Groton Police Department and the Penal Law of the State of New York. The use of any ECD is considered a use of force and shall require a Defensive Action Report to be completed. (See designated GO for Electronic Control Devices).

C. ASP® Tactical Baton

1. Officers may utilize the ASP tactical baton at level three or higher of the use of force model to gain compliance of an actively resistant subject. These strikes shall be made in accordance with the training specifically received in the use of the ASP baton with the intent of using less than lethal force on an actively resistant or assaultive subject. If a subject is engaged in actions that represent a serious threat of bodily injury or death, the ASP baton may be used for strikes that could potentially be lethal to the subject in order to cease such seriously assaultive or deadly force against a Groton Police Officer. Officers must complete an approved training course in the use of the ASP baton

USE OF FIREARMS

An authorized Groton Police Officer shall adhere to the following restrictions when any firearm is exhibited:

A. Warning Shots

1. Warning shots are not permitted.

B. Moving Vehicles

1. A Groton Police Officer will not discharge a firearm from a moving vehicle.

C. Dry Firing

1. An officer may not dry fire his or her weapon except under the supervision and authorization of a certified firearms instructor or as needed to disassemble the weapon for cleaning or repair.
2. Notwithstanding the restrictions on the use of firearms as set forth in this order, firearms may be drawn for cleaning, proper range training and supervisory inspection

D. Intentional Discharge of Firearm

1. A Groton Police Officer will not intentionally discharge a firearm unless:
 - The officer reasonably believes that circumstances exist which justify the use of deadly physical force under this Order;
 - The officer reasonably believes that circumstances exist justifying the use of a firearm against an injured animal or an animal that represents an immediate threat to human life;
 - The discharge is part of department-authorized training.
2. All intentional discharges of a firearm, with the exception of training, will be reported on a *Defensive Action Report* and the incident shall be handled as instructed in this General Order, with the addition of the, available, most senior firearms instructor assisting in the investigation.
3. In considering the use of a firearm, Groton Police Officers must keep in mind that the individual officer alone is responsible for his or her acts and that he or she may be required to justify them in administrative hearings and courts of law.
4. The firearm used by the Groton Police Officer in the incident will be removed for investigation and storage and will be replaced as soon as practical.

E. Negligent Discharge of Firearm

1. Immediately after the round is fired, the officer must first holster the weapon securely.
2. The officer must then notify the supervisor in-charge immediately, as well as to make certain that no persons have been injured in any way.

Note: Officers will report off-duty negligent discharges of other firearms in accordance with applicable laws.
3. If any person is injured as a result of the negligent discharge the incident will be investigated as a deadly physical force incident in accordance with the procedures set forth in department General Orders.
4. The supervisor in-charge shall notify the Chief of Police/O.I.C. and the most senior firearms instructor available.
5. The Chief of Police/O.I.C. and the available most senior firearms instructor will immediately respond and investigate the circumstances of the incident. If circumstances call for further assistance the Chief/O.I.C. will direct other department personnel to assist in the investigation.
6. A Firearms Incident Review Report shall be completed by the Chief of Police/O.I.C. and Senior Firearms Instructor. Both will sign the form and submit for final review.

7. The Chief of Police/O.I.C. shall make a determination for follow up action ranging from counseling, discipline, additional training, etc. A determination shall be made within a reasonable time.

GENERAL CONSIDERATIONS

A. Notification

1. Each Groton Police Officer shall report immediately in person or by telephone (followed by a report in writing) to the on-duty supervisor or OIC any defensive action incident, beyond cooperative handcuffing, to include voluntary or involuntary discharge of a firearm, except during official firearm training sessions. The report shall include the full circumstances of the incident and all relevant information related to the incident. The on-duty supervisor or OIC will respond immediately to the scene and take charge. The supervisor or OIC shall document the incident and make appropriate notifications to management. Off-duty defensive action shall be reported immediately to the law enforcement agency that has jurisdiction and to the on-duty Groton Police Supervisor.

B. Violation of Regulations

1. Any violation of the regulations contained herein may be cause for administrative and/or disciplinary action.

C. Verbal Warnings

8. If feasible, officers will identify themselves and issue a verbal warning before using physical force or deadly physical force.
9. Verbal warnings need not be issued when the officer reasonably believes that doing so would increase the danger to the officer or another person.

D. Firearms Safety

1. All Groton Police Officers shall adhere to firearms safety and range safety rules as per General Orders concerning firearms and firearms training.



GROTON POLICE DEPARTMENT GENERAL ORDER

EFFECTIVE DATE 3/1/2020	SUBJECT Social Media		G.O. # 1901
ISSUED BY: Lt. Troy Boice Officer in Charge			# OF PAGES: 6
DATE OF REVIEW: 2/17/2020	Rescinds: Previous	Amends: Previous	Last updated: 2011

PURPOSE

The Groton Police Department endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes this department’s position on the utilization and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media, rather social media in general, as advances in technology will occur and new tools will emerge.

POLICY

Social media provides a new and potentially valuable means of assisting the Groton Police Department and its personnel in meeting community outreach, problem-solving, investigation, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The department also recognizes the role that these tools play in the personal lives of some department personnel. The personal use of social media can have bearing on departmental personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.

DEFINITIONS

- A. **Blog:** A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “Web log.”
- B. **Page:** The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.
- C. **Post:** Content an individual shares on a social media site or the act of publishing content on a site.
- D. **Profile:** Information that a user provides about themselves on a social networking site.
- E. **Record:** Any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever, including, but not limited to, reports, statements,

examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes (§86 (4) NYS Public Officers Law).

- F. **Social Media:** A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook,), micro-blogging sites (Twitter, Yik-Yak, Nixle), photo and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and any news sites.
- G. **Social Networks:** On-line platforms where users can create profiles, share information, and socialize with others using a range of technologies.
- H. **Speech:** Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
- I. **Web 2.0:** The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.
- J. **Wiki:** Web page(s) that can be edited collaboratively.

PROCEDURES AND USE

- A. Department Sanctioned Presence – Official Use
 - 1. Determine Strategy
 - Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency’s presence on the website.
 - Where possible, the page(s) should link to the Groton Police official website.
 - Social media content will be designed with the specific target audience in mind.
 - 2. Content Procedures
 - All department social media sites or pages must be approved by the Chief of Police/O.I.C. and will be administered, including regular monitoring.
 - Content originators are responsible for ensuring accuracy of their content.
 - Where possible, social media pages shall clearly indicate that they are maintained by the department and will have department contact information displayed prominently.
 - Social media content shall adhere to applicable laws, regulations and policies, including all information technology and records management policies.
 - Content is subject to public records laws. The NY Records Retention and Disposition Schedule indicates the minimum length of time that public officials must retain their records before they may be disposed of legally. Relevant sections apply to social media content.

- Content may be subject to applicable Freedom of Information Law (FOIL) regulations as required by the NYS Public Officers Law §87.
- Content that is specific to a criminal investigation should be retained in the appropriate case file and is likely discoverable and, as such, should be brought to the prosecutor's attention.
- Content must be managed, stored, and retrieved in compliance with open records laws, e-discovery laws and policies.
- Social media pages should state that opinions expressed by visitors to the page do not reflect the opinions of Groton Police.
- Pages will clearly indicate that posted comments will be monitored and that Groton Police reserves the right to remove obscenities, off-topic comments, and personal attacks.
- Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
- Members are prohibited from revealing information that could damage the agency's reputation or credibility or otherwise be detrimental to the agency's mission.

3. Posting Procedures

- Personnel representing the Groton Police Department will:
 - ❖ Comply with all departmental standards of conduct, conventionally accepted protocols and proper decorum.
 - ❖ Identify themselves as a member of the Groton Police.
 - ❖ Not make comments or statements regarding their opinion of the guilt or innocence of any suspect, arrestee or defendant.
 - ❖ Not post, transmit, or otherwise disseminate confidential information, including photographs or videos of departmental training activities, other departmental activities, or work-related assignments without express permission of the Chief of Police/O.I.C.
 - ❖ Not conduct political activities or private business.
 - ❖ Not use personally owned devices to manage the department's social media is prohibited without the express written permission of the Chief of Police/O.I.C.
 - ❖ Personnel shall observe and abide by all copyright, trademark and service mark restrictions when posting materials to social media

4. Undercover Profiles

- Nothing in this policy will prohibit the use of a fictitious name, identity, business, or organization strictly for official investigative purposes with prior authorization by the Chief of Police/O.I.C. In all such cases, members will assign a case number and file a police report containing all relevant information on the identity used and members responsible for such investigation.

- Undercover profiles should not be accessed from personal computers, laptops, devices or departmental PC, laptops or devices that utilize a department or government IP address (The purpose of this section is an officer safety issue to reduce the risk of suspects identifying the actual identity and location of officers working in an undercover role).

5. Potential Official Uses

- Investigative tool:
 - ❖ Missing persons;
 - ❖ Wanted persons;
 - ❖ Gang participation;
 - ❖ Online crime (cyber-bullying, cyber-stalking, etc.);
 - ❖ Source of photo or video evidence posted by observer or participant;
 - ❖ Criminal intelligence gathering;
 - ❖ Creation or corroboration of an undercover or fictitious identity for official use and when expressly authorized by the Groton Police Department.
- Community Outreach and Engagement:
 - ❖ Crime prevention tips;
 - ❖ Online reporting opportunities;
 - ❖ Data sharing (crime maps, statistics, etc.);
 - ❖ Soliciting crime information and tips;
 - ❖ Customer satisfaction surveys;
 - ❖ Employee recognition;
 - ❖ Monitoring and responding to community concerns with the Department.
- Time sensitive notifications:
 - ❖ Road closures;
 - ❖ Special events;
 - ❖ Weather emergencies;
 - ❖ Missing or endangered persons.
- Agency Employee Recruitment:
 - ❖ Employment opportunities.
 - ❖ Hiring process preparation aids.
 - ❖ Applicant background investigation.
 - ❖ Pre-employment investigations may include internet-based content related to the potential employee. Searches should be conducted by personnel who do not otherwise influence hiring decisions. Any reference to a candidate's protected class status should be filtered from the search results prior to their submission to personnel making hiring decisions.
 - ❖ Those authorized to conduct on-line background searches should be deemed to hold a sensitive position.

- ❖ Searches will be conducted in accordance with applicable laws.
- ❖ Uniform vetting techniques will be applied to all candidates, making every effort to validate internet-based information considered during the hiring process.

6. Personal Use On & Off Duty

- Any use of or access to personal social media done during business hours on Village computing and networking resources shall be consistent with Village policy including personal incidental use.
- Absent State law or binding agreements to the contrary, Groton Police Department personnel shall abide by the following when using social media:
 - ❖ Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair the working relationships of the Groton Police Department in which trust and confidentiality are important, impede the performance of duties, impair discipline and harmony among co-workers, or negatively affect the public perception of the department.
 - ❖ Due to the nature of social media, formal leaders may interact and function in the same social media spaces as their subordinates. It is suggested that the online relationship function in the same manner as the professional relationship.
 - ❖ As public employees, Groton Police Department personnel are cautioned that speech, on or off duty, made pursuant to their official duties – that is, that owes its existence to the employee’s professional duties and responsibilities – is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Police Department. Police Department personnel should assume that their speech and related activity on social media sites would reflect upon their office and this Police Department. Speech and conduct should be representative of Departmental values.
 - ❖ Groton Police personnel are prohibited from creating a fictitious identity under the auspices of conducting duty related activities without the express written authorization of the Chief of Police/O.I.C. Such activities would be governed by the official department use provisions of this policy.
 - ❖ Department personnel shall not post, transmit, or otherwise disseminate any information or imagery, such as arrest photos, accident scene photos, crime scene photos, official or unofficial reports, or information gained in their official capacity to which they have access as a result of their employment without written permission from the Chief of Police/O.I.C..
 - ❖ When using social media, Groton Police personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department’s code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:
 - Speech containing obscene or sexually explicit language, images, acts, statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
 - Speech involving themselves, or other Groton Police personnel, reflecting behavior that might reasonably be considered reckless or irresponsible.

- Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.

❖ Personnel may not divulge information gained by reason of their authority without the express written authorization from the Chief of Police/O.I.C. This includes, but is not limited to:

- Any statements, speeches, appearances or endorsements;
- Publishing materials that could reasonably be considered to represent the views or positions of the Groton Police.

B. Department personnel should be aware that they may be subject to civil litigation for:

1. Publishing or posting false information that harms the reputation of another person, group or organization (defamation);
2. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
3. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
4. Publishing the creative work of another, including trademarks, or certain confidential business information without the permission of the owner.

C. Department personnel should be aware that privacy settings and social media sites are constantly changing, and they should never assume that personal information posted on such sites is protected.

D. Groton Police personnel should expect that the department, at any time and without prior notice, might access any information created, transmitted, downloaded, exchanged or discussed in a public online forum.

E. Reporting Violations: Any employee becoming aware of or having knowledge of a posting or of any website or web page, in violation of the provisions of this policy shall notify their supervisor immediately.



GROTON POLICE DEPARTMENT GENERAL ORDER

EFFECTIVE DATE 1/1/2021	SUBJECT		G.O. # 2407
ISSUED BY: Lt. Troy Boice Officer in Charge	Planning and Response to Crowd Control Situations		# OF PAGES: 15
DATE OF REVIEW: 12/20/2020	Rescinds: Previous	Amends: Previous	Last updated: N/A

I. PURPOSE

The purpose of this order is to set forth policy and procedures regarding crowd management and crowd control.

II. POLICY

The Groton Police Department policy regarding crowd management and crowd control is to apply the appropriate level of direction and control to protect life, property, vital facilities and maintain public peace and order and to uphold constitutional rights of free speech and assembly. It is the policy of the GPD to use minimal reliance on the use of physical force and authority needed to address a crowd management or crowd control issue.

III. DEFINITIONS

- A. **Crowd Management:** is defined as techniques used to manage lawful public assemblies before, during and after the event for the purpose of maintaining their lawful status. This can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.
- B. **Crowd Control:** is defined as techniques used to address unlawful public assemblies, including a display of formidable numbers of police officers, crowd containment, dispersal tactics and arrest procedures.
- C. **First Amendment activities:** include all forms of speech and expressive conduct used to convey ideas and/or information, to express grievances or to otherwise communicate with others, and includes both verbal and non-verbal expression. Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, and distribution of literature, holding of banners or signs, use of puppets to convey a message, street theater, and other artistic forms of expression. These activities implicate the freedom of speech, association, assembly and the right to petition the government, as guaranteed by the United States Constitution (First Amendment) and the New York State Constitution (Art 1 sec 3 and 8).
- D. **Demonstration:** is used generically in this policy to include a wide range of First Amendment activities which require, or which may require, police traffic control, crowd management, crowd control, crowd dispersal or enforcement actions in a crowd situation. Thus, the term “demonstration” as used within this policy includes, but is not limited to, marches, protests, student walk-outs, assemblies and sit-ins.

Such events and activities usually attract a crowd of persons, including participants, onlookers, observers, media and other persons who may disagree with the point of view of the activity.

- E. **Crowd event or crowd situation:** This policy covers all crowd events or crowd situations, including sporting events, festivals, concerts, parades, celebratory crowds and demonstrations as defined above.

IV. GENERAL PRINCIPLES

The Groton Police Department's Crowd Management/Crowd Control Policy consists of the following general principles:

A. *PLANNING AND DEPLOYMENT*

1. All persons have the right to march, demonstrate, protest, rally, or perform other activities protected by the First Amendment of the United States Constitution and the New York Constitution. The government may impose reasonable and narrowly tailored restrictions on the time, place, and manner of conducting these activities. However, any limitations or restrictions placed on demonstrations or other First Amendment activities must be justified by the requirements of maintaining public safety, public health, or safe access/ egress from the area, and should restrict no more speech than necessary to further these substantial governmental interests. Officers must not be affected by the content of the opinions being expressed nor by the race, gender, sexual orientation, physical disabilities, appearances, or affiliation of anyone exercising their lawful rights.
2. The Incident Command System shall be used for managing crowds and acts of civil disobedience.
3. Decisions about crowd dispersal, general strategies about crowd containment or crowd redirection, multiple simultaneous arrests, planned individual arrests or planned use of force shall be made at the level of the Incident Commander or higher. If such decisions are made by higher ranking off-site GPD officials, it is required that the Incident Commander first be consulted about the state of affairs in the field and about the potential decision. All such decisions shall be documented in writing with regard to time, the identity of the person making the decision and the precise decision and directions given. Such documentation shall be made at the time of the decision or as soon thereafter as possible. This shall not preclude actions consistent with orders of the Incident Commander taken by individual commanders, supervisors, and officers to defend themselves or others from imminent danger. Radio transmission is adequate transmission.
4. Command staff shall be notified immediately of large or potentially disruptive demonstrations and/or crowd events.
5. The principle of establishing contact and communication with the crowd event or demonstration planners will be followed by the GPD. Stakeholder involvement is critical to the overall success of managing crowd events and/or civil disobedience during demonstrations. If there is knowledge that a demonstration or crowd event may happen or will happen, GPD shall proactively and repeatedly attempt to establish and to maintain communication and cooperation with representatives or leaders of the demonstration or crowd event, without regard to whether a permit has been applied for or issued. Incident Commanders assigned to these incidents shall facilitate the involvement of stakeholders when planning for and responding to demonstrations, crowd events and civil disobedience situations. When communication is established, personnel shall identify representatives or leaders of the event and identify a primary police liaison. The primary police liaison should be requested to be in continuous contact with an assigned police representative, preferably the Incident Commander or someone with continuous access to

the Incident Commander. A group's failure to respond to GPD attempts to establish communication and cooperation prior to a demonstration shall not mitigate GPD's efforts to establish liaison and positive communication with the group as early as possible at the scene of the demonstration or crowd event.

6. GPD recognizes that designated police liaison may change during the course of an event and that leadership of certain groups may not exist. No retaliatory practices or adverse action shall be taken by GPD against a group because it has failed or refused to appoint a police liaison or otherwise establish lines of communication with GPD.
7. Communication with the identified police liaison shall continue even if enforcement actions commence.
8. Spontaneous demonstrations or crowd events, which occur without prior planning and/or without prior notice to the police, present less opportunity for GPD planning and prevention efforts. Nonetheless, the same policies and regulations concerning crowd management, crowd control, crowd dispersal and police responses to violence and disorder apply to a spontaneous demonstration or crowd event situation as to a planned demonstration or crowd event. Incident Commanders shall involve representatives of demonstrators or crowd events when planning and responding to both planned and spontaneous events.
9. Departmental personnel must maintain professional demeanor, and remain neutral in word and deed, despite unlawful or anti-social behavior on the part of crowd members. Unprofessional police behavior can inflame a tense situation and make control efforts more difficult and dangerous. Strong supervision and command are essential to maintaining unified, measured and effective police response. A response incorporating strong leadership and based upon teamwork is crucial to maintaining control and safety. Impulsive or independent actions by officers are to be avoided.
10. Officers should be deployed to the best available vantage points to observe and report crowd actions as staffing permits.
11. Lines of control should be established, especially in events that involve protestors with opposing views. Whenever possible, hostile factions should be separated.
12. Considering the type of crowd involved is an important factor in responding properly to its behavior. Crowds may vary from cooperative or celebratory, to noncompliant and hostile or combative. Organized demonstrations in which some engage in coordinated nonviolent civil disobedience should be distinguished from crowds in which substantial numbers of people are engaged in other types of unlawful acts.

V. POLICING THE CROWD

- A. **Sufficient resources** to make multiple simultaneous arrests should be available at demonstrations where such arrests are a reasonable possibility. However, this must be balanced against the fact that a large and visible police presence may have a chilling effect on the exercise of free speech rights. Where additional resources are needed, they should be deployed, to the greatest extent possible, so they are not readily visible to the crowd. When possible, officers should be at their posts well in advance of arriving participants. Officers will be positioned at a reasonable distance from the crowd to avoid a perception of intimidation.
- B. **In general**, GPD officers shall work together in squads or platoons when policing a demonstration.

- C. **Officers shall wear** a badge, nameplate or other device, on the outside of their uniforms or on their helmet, which bears the name of the officer. The name shall be clearly visible at all times. The letters on jackets and vests shall be clearly legible at a distance sufficient to provide a measure of safety for both officers and demonstrators/observers. Duct tape and marker may be used.
- D. **Crowd control and crowd dispersal**, as well as a show of force in crowd control situations, should be accomplished whenever possible using specialized units (TRU & K9) from other agencies rather than on-duty patrol officers.
- E. **Regardless of whether** a parade permit has been obtained, GPD officers will try to facilitate demonstrations that may temporarily block traffic and/or otherwise use public streets, subject to time, place and manner circumstances, by regulating and/or rerouting traffic as much as practical. For a demonstration without a preplanned route, the Incident Commander shall evaluate the size of the crowd with regard to whether demonstrators should be required to stay on the sidewalk or whether demonstrators should be allowed to be in one or more lanes of traffic. This does not mean that demonstrations must be allowed to deliberately disrupt commuter traffic and bridge approaches. The Incident Commander shall balance the level of disruption to traffic against the GPD policy of facilitating First Amendment activity; the practicality of relegating the crowd to sidewalks or an alternate route; whether the traffic disruption is temporary as in a march; and the traffic disruption that would be entailed in making a mass arrest if demonstrators refuse to leave the street. GPD shall seek to communicate with organizers through their police liaison to resolve the problem if possible. Traffic control may also be essential at varying points in a demonstration, and may help accomplish crowd containment, crowd isolation or crowd dispersal.
- F. **It is essential** to recognize that all members of a crowd of demonstrators are not the same. Even when some members of a crowd engage in violence or destruction of property, there will be other members of the crowd who are not participating in those acts. Once some members of a crowd become violent, situation often turns chaotic and many individuals in the crowd who do not want to participate in the violent or destructive acts may be blocked from leaving the scene by the sheer size of the crowd or because they are afraid, they will move into a position of heightened danger. This does not mean GPD cannot take enforcement action against the crowd as permitted under this policy, but GPD shall seek to minimize the risk that force and arrests may be directed at innocent persons.
- G. **GPD officers shall** avoid negative verbal engagement with members of the crowd. Verbal abuse against officers shall not constitute a reason for an arrest or for any use of force against such individual.
- H. **Officers in non-violent** crowd situations shall not display or brandish weapons before a dispersal order is given or other enforcement action is being implemented. This shall not include shields and helmets.
- I. **GPD officers shall not** be sent into an obviously hostile crowd solely for the purpose of communication. GPD officers shall not penetrate a crowd for an individual arrest unless the targeted individual is involved in serious criminal conduct and the decision to move into the crowd is made by a supervisor.
- J. **The Incident Commander** and supervisors shall make every effort to ensure that the police mission is accomplished as efficiently and unobtrusively as possible, with the highest regard for the human dignity and liberty of all persons, and with minimal reliance on the use of physical force and authority. The use of force shall be restricted to circumstances authorized by law and to the degree reasonably necessary in light of the circumstances confronting members. This does not preclude police officers from taking appropriate action to direct crowd and vehicular movement, enforce ordinances and statutes and employ the physical force necessary to maintain the safety of the crowd, the general public, law enforcement personnel and emergency personnel.

VI. RESPONSES TO CROWD SITUATIONS

A. SPONTANEOUS EVENT OR INCIDENT

1. The Shift Commander shall respond to the scene of spontaneous events when practical, and take command of the incident as the Incident Commander until relieved by a ranking officer. The Incident Commander shall declare over the police radio that he or she has assumed command of the incident. When practical, a command post shall be established as soon as possible.
2. An immediate assessment of the situation is essential for effective police response. The Incident Commander must ascertain the following information at the earliest possible time:
 - a). The location and type of event
 - b). Are a significant number of the crowd participants behaving unlawfully?
 - c). First Amendment activities will be evaluated by the Incident Commander, to determine lawfulness of the actions by groups and individuals. Specifically, actions and speech protected by the First Amendment include such things as rallies, protests, picketing, marches, parades, and leafleting. Actions or behavior involving trespass, destruction of property, disruption of transportation, unlawful use of amplification devices, assaults and disturbances of the peace are not protected by the First Amendment.
 - d). Are there a limited number of specific individuals engaged in unlawful conduct?
 - e). Is there a likelihood that the unlawful behavior will spread to other crowd participants (mimicking)?
 - f). Immediate threats to the safety of the public and/or police officers
 - g). The structure or vehicle(s) involved
 - h). The size of the involved area
 - i). The number of additional officers and police resources needed as well as requirements for specialized units (Traffic, TRU, Investigations)
 - j). The manner of response (Immediate vs normal)
 - k). Staging Area
 - l). Location for a media staging area
 - m). Ingress and egress routes
 - n). Additional resources needed (Ambulance, fire department, outside agencies, etc.)

B. *PLANNED EVENT INVOLVING POTENTIALLY LARGE CROWDS*

1. Upon notification, the TRU Commander or in his absence the Assistant Commander shall develop a written operations plan. Refer to OPERATIONS ORDER attached. Operation plans for large events requiring the redeployment of personnel from regular assignments shall be approved by the Chief of Police/O.I.C. The Incident Commander of planned events shall be responsible for the overall coordination of the event, as well as crowd control and management.
2. The following factors shall be considered and addressed in developing the operations plan for a large crowd event, including but not limited to:
 - a). What type of event is to occur?
 - b). Identity of the organizers. What is their past record of conduct (peaceful, violent, cooperative, etc.)?
 - c). Will outsiders visibly and/or physically oppose the planned event?
 - d). Will the event involve the use or abuse of alcohol or other substances?
 - e). Where is the event to occur? Consider the size, location, ingress, and egress points.
 - f). What is the optimal site for a command post as well as staging areas?

- g). Have the appropriate permits been issued?
- h). Have other agencies been included in the planning process? (ambulance, fire department, FBI, TCSD, State Police)
- i). Will the EOC be needed? Is Mutual Aid needed?
- j). Will off-duty personnel be involved? Has the Shift Commander of any off-duty personnel been made part of the planning process?
- k). Is it possible and appropriate to coordinate with group organizers and explain the Department's mission, preparation and potential responses? Information considered sensitive or confidential shall not be released to group organizers if it will jeopardize the safety or effectiveness of police personnel.
- l). Have the proper number of personnel been scheduled to safely handle the event? Should a reserve force be available?
- m). Has an enforcement policy been formulated and communicated to affected personnel?

C. The Operations Supervisor shall:

1. Gather and analyze intelligence information about future crowd events, including review of information from both internal and external sources.
2. Coordinate with the Administrative Staff regarding permits and various departmental sections, including specialized units to prepare for a planned special event.
3. Meet in advance with event sponsors and group leaders to exchange information and to present the Department's philosophy and intent. Details of the department plan and preparation shall not be disclosed except when necessary to ensure success of the operation.
4. Coordinate with affected bureaus, divisions, police service areas and special units to prepare and coordinate the development of an operational plan for a given event that details assignments, traffic and crowd flow, communications, tactics and training.
5. Prepare operations plans.
6. Coordinate inspection of protest/event area, prior to event, to locate any pre-positioned equipment staged by demonstrators.
7. Ensure that appropriate equipment and supplies are available.
8. Ensure that a video team is established and required video equipment is available.
9. Establish protocols and procedures for the processing of arrestees and collection of evidence.

D. Contingency planning: Personnel creating an operations plan to address a large crowd/event should anticipate a variety of scenarios and have a plan for a police response for each. Such scenarios and responses should be made part of the final plan and communicated to the affected personnel.

E. When practical, personnel preparing for a large event with the potential for violence shall be retrained, to include physically practicing various aspects of crowd management and crowd control. Topics may include but are not limited to Mobile Field Force (MFF), multiple simultaneous arrest procedures, functioning in a tear gas environment, use of specialty impact munitions, applicable ordinances and statutes, protected speech, etc.

F. Personnel shall be briefed on the operations plan and their particular assignments before deployment. Specific instructions covering topics such as applicable laws, community concerns, appropriate enforcement actions, chain of command, tactics, traffic patterns, etc., shall be clearly presented to personnel. All personnel shall be given a copy of the operations plan.

VII. WEAPONS PROHIBITED/OR LIMITED USE FOR CROWD CONTROL AND CROWD DISPERSAL PURPOSES

- A. **Lethal Force:** The use of lethal force by GPD members is governed by the Department's Use of Force Policy and Article 35. Nothing about a crowd control situation eliminates or changes any of the constraints and criteria governing the use of lethal force in the Department's Use of Force Policy
- B. **Canines:** Canines shall only be used if authorized by the Chief of Police/O.I.C. of the department.
- C. **Vehicles:** GPD vehicles may be used for crowd management during festivals and sporting events for the purpose of patrolling the event and transporting officers to and from their posts.
- D. **Fire Hoses:** Fire hoses shall not be used for crowd control, crowd containment or crowd dispersal.
- E. **Bicycles:** Bicycles may not be used for crowd dispersal, but may be used for purposes of observation, visible deterrence, traffic control, transportation and area control during a crowd event.
- F. **Specialty Impact Munitions (SIMS) Less-Lethal Weapons may not be used for crowd dispersal:**
 - 1. Direct Fired Specialty Impact Less-Lethal Munitions (Bean Bags): Less lethal specialty impact weapons that are designed to be direct fired at a specific target ("Direct Fired SIM") including but not limited to flexible batons ("bean bags"), shall not be used for crowd management, crowd control or crowd dispersal during demonstrations or crowd events.
 - a). Direct Fired SIM shall only be used against a specific individual who is engaging in conduct that poses an immediate threat of loss of life or serious bodily injury to themselves, officers or the general public when other means of arrest are unsafe, or who is engaging in substantial destruction of property which creates an imminent risk to the lives or safety of other persons, and when the individual can be targeted without endangering other crowd members or bystanders.
 - b). Direct Fired SIM may never be used indiscriminately against a crowd or group of persons, even if some members of the crowd or group are violent or disruptive.
 - c). No member shall use Direct Fired SIM without formal training.
 - d). Direct Fired SIM shall not be used against a person who is under restraint.
 - e). The use of Direct Fired SIM must cease when the violent or destructive actions cease. These weapons must not be used for the purpose of apprehension or to otherwise prevent escape unless escape would present a substantial risk of continued imminent threat to loss of life or serious bodily injury.
 - f). Members shall not discharge a Direct Fired SIM at a person's head, neck, throat, or groin unless deadly force would be justified.
 - g). Members shall only deploy Direct Fired SIM during a demonstration or crowd event under the direction of a supervisor.
 - h). When circumstances permit the supervisor on the scene shall make an attempt to accomplish the policing goal without the use of Specialty Impact Munitions as described above, and, if practical, an audible warning shall be given to the subject before deployment of the weapon.

- i). Any person struck by a round shall be transported to a hospital for observation and any necessary treatment, when practical. (ie; a subject is struck with a SIM round and flees the area, GPD is not responsible for chasing said subject down to provide medical attention) Ambulance service, if required and First Aid, when necessary, shall be administered standard SOP.
3. Conducted Electronic Weapons: (“CEW’s) shall not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events; however, may be used in an arrest of a combative subject.
 4. Aerosol Hand Held Chemical agents: Aerosol hand held pressurized containerized chemical agents that emit a stream shall not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events, unless conditions outlined in section 4a (below)are met.
 - a). Aerosol hand held chemical agents may not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in specific acts of serious unlawful conduct or who are actively resisting arrest.
 - b). Members shall use the minimum amount of the chemical agent necessary to overcome the subject’s resistance.
 - c). Officers must be familiar with GPD Policy and specifically the risk factors associated with aerosol chemical agents.
 - d). Aerosol chemical agents shall not be used in a demonstration or crowd situation or other civil disorders without the approval of a supervisor or command officer.
 - e). Persons should be removed as quickly as possible from any area where hand held chemical agents has been used. Members shall monitor the subject and pay particular attention to the subject’s ability to breathe following the application of OC.
 - f). A subject who has been sprayed with hand held chemical agents shall not be left lying on his/her stomach once handcuffed or restrained with any other device.

VIII. PERMISSIBLE CROWD CONTROL AND CROWD DISPERSAL TECHNIQUES

- A. **In the event of a declared unlawful** assembly, it is the general policy of the GPD to use multiple simultaneous arrests to deal with a non-violent demonstration crowd that fails to disperse and voluntarily submits to arrest as a form of political protest, rather than dispersing the demonstrators by using weapons or force beyond that necessary to make the arrests.
- B. **The Incident Commander** shall make the final decision as to what control action, if any, will be taken to address a given crowd situation. Crowd size and available Department resources will also factor into the police response. The following factors will be considered prior to determining what action to take:
 1. Will police action likely improve the situation?
 2. Will targeting specific violent or disruptive individuals for arrest be more effective or appropriate than applying control tactics to the entire crowd?
 3. Are sufficient resources available to effectively manage the incident?

4. Have clear and secure escape routes been established for both the crowd and the police?
 5. Has communication been established with the crowd (loudspeaker, personal contact, etc.)?
 6. Have contingency plans been considered in the event initial police efforts are ineffective?
- C. Commanders shall constantly reassess** and adjust tactics, as necessary, as the crowd's actions change.
- D. When officers take action** to move or disperse a crowd, steps should be taken to assure that the crowd is not moved into a position or place that could be dangerous to persons in the crowd or bystanders, such as pushing them up against glass windows or cornering the crowd.
- E. When an unlawful assembly may be declared:**
1. The definition of an unlawful assembly has been set forth in Penal Law Section 240.10 and interpreted by court decisions. The terms "violent and tumultuous conduct " as written in Penal Law Section 240.10 have been interpreted as "conduct that is likely to cause public alarm with the purpose of engaging or preparing to engage with four or more other people with intent to develop or advance that purpose. The police may not disperse a demonstration or crowd event before demonstrators have acted illegally or before the demonstrators pose a clear and present danger of imminent violence.
 2. The mere failure to obtain a permit, such as a parade permit or sound permit is **not** a sufficient basis to declare an unlawful assembly. There must be criminal activity (such as blocking sidewalks, streets, routes of travel for vehicle or for pedestrians, or destruction of property), or a clear and present danger of imminent violence.
 3. The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.
 4. The police may not disperse a demonstration or crowd event without first validly declaring it an unlawful assembly under state law.
 5. **Unless** emergency circumstances prevent negotiation, crowd dispersal techniques shall not be initiated until after **attempts** have been made through contacts with the police liaisons and demonstration or crowd event leaders to negotiate a resolution of the situation so that the unlawful activity will cease and the First Amendment activity can continue.
 6. If after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has been determined that it is an unlawful assembly and the required official declaration has been adequately given.
- F. Declaration of unlawful assembly:**
1. When the only violation present is unlawful assembly or Disorderly Conduct as described in New York Penal Law sec 240.20 sub 6(Failure to Disperse) , the crowd should be given an opportunity to disperse rather than face arrest. **Crowd dispersal techniques** shall not be initiated until after there have been repeated announcements to the crowd asking members of the crowd to voluntarily disperse and informing them that if they do not disperse, they will be subject to arrest. These announcements must be made using adequate sound amplification equipment, and in a manner that

will ensure that they are audible over a sufficient area. Announcements can be made from different locations when the demonstration is large and noisy. The dispersal orders should be repeated after commencement of the dispersal operation so that persons not present at the original broadcast will understand that they must leave the area. The announcements shall also specify adequate egress or escape routes. Whenever possible, a minimum of two/escape/egress routes shall be identified and announced. It is the responsibility of the on-scene GPD commanders to ensure that all such announcements are made in such a way that they are clearly audible to the crowd.

2. Unless there is an immediate risk to public safety, or significant property damage is occurring, sufficient time shall be allowed for a crowd to comply with police commands before action is taken.
3. The Incident Commander should ensure that the name of the individual making the dispersal order and the date/time each order was given is recorded via video, report, and radio.
4. Dispersal orders should not be given until officers are in position to support/direct crowd movement.
5. Personnel shall use the following Departmental dispersal order:
"I am (rank/name), a Police Officer for the Village of Groton. I hereby declare this to be an Unlawful Assembly/ Disorderly Conduct, and in the name of the people of the State of New York command all those assembled at (location/ whereabouts) to immediately leave. If you do not do so, you will be subject to arrest or other police action. Section 240.10 of the Penal Law prohibits remaining present at an unlawful assembly. If you remain in the area just described, regardless of your purpose, you will be in violation of Section 240.10. The following routes of dispersal are available (egress routes). You have _____ minutes to leave. If you refuse to move, you will be arrested."

When a command decision is made to employ crowd dispersal techniques, attempts to obtain voluntary compliance through announcements and attempts to obtain cooperation through negotiation shall both be continued. At any point at which a crowd is dispersing, whether as a reaction to police dispersal techniques, through voluntary compliance or as a result of discussion or negotiation with crowd leaders, GPD dispersal techniques shall be suspended and the crowd shall be allowed to disperse voluntarily. This does not preclude a command decision by GPD to reinstate dispersal techniques if crowd compliance ceases.

G. If negotiation and verbal announcements to disperse after a declaration of unlawful assembly do not result in voluntary movement of the crowd, then officers may employ additional crowd dispersal techniques, but only after orders from the Incident Commander or designated supervisory officials. The permissible techniques to disperse or control a non-compliant crowd, include all of the following as described and limited below, and not in any specific order of use:

1. Display of police officers including, police vehicles and foot patrol (presence);
2. Encirclement of the crowd and multiple simultaneous arrests;
3. Police formations which advance towards the crowd to cause movement of the crowd and the use of the baton, shields, wedge, skirmish line, arrest/rescue circle;
4. Non aerosol crowd control chemical agents (grenades).
5. Sound and light diversionary and other distraction devices (NFDD-Noise Flash Distraction Devices) (non-pellet) including those containing optional chemical agents.

- H. All of these crowd dispersal techniques** shall be used consistent with the department policy of using the minimal police intervention needed to address a crowd management or control issue.
- I. Display of police officers (presence)** GPD Step 1 of Use of Force continuum: Once this tactic is selected, officers should be assembled in formation at a location outside the view of the crowd. The formation may be moved as a unit to an area within the crowd's view. This tactic should not be used unless there are sufficient personnel to follow through with dispersal. Do not bluff a crowd. If a display of police officers, police vehicles and foot patrol, combined with a dispersal order, is not effective, more forceful actions may be employed. Generally, officers should be assigned to squads of sufficient size to be effective. At larger events, the crowd can be divided with a commander in charge of each.
- J. Encirclement and arrest:** If the crowd has failed to disperse after the required announcements, officers may encircle the crowd or a portion of the crowd for purposes of making multiple simultaneous arrests. Persons who make it clear (e.g., by sitting down) that they seek to be arrested shall be arrested and not subjected to other dispersal techniques, such as the use of batons or chemical agents. Arrests of non-violent persons shall be accomplished by verbal commands and persuasion, handcuffing, lifting, carrying, the use of dollies and/or stretchers, and/or the use of control holds including the bent-wrist control hold and pressure point tactics. Control holds should only be used when the Supervisor determines that control holds are necessary to accomplish the policing goal after other methods of arrest have failed or are not feasible under the circumstances and the use of control holds would be a lawful use of force. In the event control holds are necessary, precautions should be taken to assure that arrestees are not injured or subjected to unnecessary or excessive pain. A Supervisor's decision to authorize control holds and the reasons for said decision should be documented.
- K. Police Formations and Use of Batons:**
1. After the required announcements, if a crowd refuses to disperse, the police may use squad or platoon formations (skirmish line, wedge, separation, etc.) to move the crowd along.
 2. Batons shall only be used for crowd control, crowd containment or crowd dispersal as specified below.
 - a). Batons may be visibly displayed and held in a ready position during squad or platoon formations. When reasonably necessary for protection of the officers or to disperse individuals in the crowd pursuant to the procedures of this policy, batons may be used in a pushing or defensive motion. Baton jabs should not be used indiscriminately against a crowd or group of persons, but only against individuals who are physically aggressive or actively resisting arrest. Baton jabs should not be used in a crowd control situation against an individual who is physically unable to disperse or move because of the press of the crowd or some other fixed obstacle.
 - b). Batons shall only be used as set forth in Departmental Policies. Officers shall not intentionally strike a person with any baton to the head, neck, throat, kidneys, spine or groin, or jab with force to the left armpit, except when the person's conduct is creating an imminent threat of serious bodily injury or death, to an officer or any other person. Batons shall not be used against a person who is handcuffed.
- L. Non hand-held crowd control chemical agents:**
1. Crowd control chemical agents are those chemical agents designed and intended to move or stop large numbers of individuals in a crowd situation, and which are administered in the form of a

delivery system, which emits the chemical agent diffusely without targeting a specific individual or individuals.

2. Crowd control chemical agents shall **only** be used **if** other techniques, such as encirclement and multiple simultaneous arrest or police formations **have failed** or will not accomplish the policing goal as determined by the Incident Commander.
3. Members shall use the minimum amount of chemical agent necessary to obtain compliance.
4. Indirect delivery or crowd dispersal spray and/or discharge of a chemical agent shall not be used in demonstrations or other crowd events without the approval of a supervisor or command officer.
5. Chemical agents shall not be used for crowd control or dispersal without first giving audible warning of their imminent use, and reasonable additional time to disperse, to the crowd, media and other observers, as well as to GPD and members of any other law enforcement agencies that might be present.
6. If chemical agents are contemplated in crowd situations, GPD shall have medical personnel stage prior to its use and shall make provision for decontamination and medical screening to those persons affected by the chemical agent.

M. Sound, Light and Chemical Diversionary Devices

1. Sound, Light and Chemical Diversionary Devices shall not be used for crowd control or crowd dispersal without the approval of a supervisor or command officer.
2. The use of sound and light diversionary/distraction devices (Flash bang) presents a risk of permanent loss of hearing or serious bodily injury from shrapnel. Said devices shall be deployed to explode at a safe distance from the crowd to minimize the risk of personal injury and while moving the crowd in the direction that will accomplish the policing objective
3. Sound and light distraction/diversion devices shall not be used for crowd control without first giving audible warnings to the crowd and additional reasonable time to disperse.
4. Sound and light diversionary/distraction devices shall only be used if other techniques, such as encirclement and mass arrest or police formations, have failed or will not accomplish the policing goal as determined by the Incident Commander.

IX. ARRESTS

A. Multiple Simultaneous Arrests:

1. When a large-scale event involving possible arrests is to be conducted, GPD planners will estimate the number of potential arrestees and will configure arrest teams capable of managing multiple arrests safely.
2. When arrests are necessary, the Incident Commander shall attempt to ensure that sufficient numbers of police officers are present to effect arrests. This tactic can be effective in dispersing the remaining crowd members wanting to avoid arrest.
3. When mass arrests are contemplated in advance, and it is impracticable for arrestees to be cited at the scene as further discussed below, pre-arrangement of transportation shall be made.

4. The Incident Commander shall make the decisions to engage in selective individual arrests or multiple simultaneous arrests as a crowd control technique, with consideration given to the likelihood that police action will improve the situation relative to taking no action; the seriousness of the offense(s) as opposed to the potential for the arrest to escalate violence or unlawful activity by crowd members; whether individual or mass arrests will be more effective in ending the criminal activity at issue; whether clear and secure escape routes have been established for the crowd and police; whether communication has been established with crowd representatives; what contingency plans are available; and what types of force can be used in effecting the arrests if necessary.
5. **Probable Cause for each individual arrest:** Individuals may not be arrested based on their association with a crowd in which unlawful activity has occurred. There must be probable cause for each individual arrest. This means the officer must have objective facts based on his own knowledge, or information given him by other officers, sufficient to believe that each specific individual being arrested committed the offense. Thus, the only proper basis for a multiple simultaneous arrest of all the individuals encircled at a demonstration is failure to disperse (Pen. Law 240.10), where the dispersal was properly ordered based on the existence of an unlawful assembly and adequate notice and opportunity to disperse has been given. To make arrests for violating Disorderly Conduct, sec 6 (noncompliance with lawful police order), the officer must have probable cause to believe that each individual arrested willfully failed or refused to comply with a lawful order to leave.
6. The Incident Commander shall ensure that evidentiary items are recovered and preserved, when possible, (video, depositions) to corroborate unlawful acts observed by personnel.

B. Civil Disobedience:

1. Some demonstrators commit “civil disobedience” by sitting down or otherwise blocking streets, intersections, sidewalks, entranceways or occupying a targeted office. The proper response to such actions is to verbally advise the demonstrators that they will be subject to arrest if they choose to remain, allow time for some or all the demonstrators to cease the unlawful activity, and then to arrest those who deliberately remain in violation of the law. To the greatest extent practical, demonstrators in civil disobedience situations shall be talked into compliance rather than forcibly moved.
2. Passively resisting arrestees (i.e., arrestees who go limp) shall be arrested by handcuffing, and then either by verbal persuasion, lifting carrying, the use of dollies or stretchers and/or control holds depending on the circumstances and the decision of the Supervisor. Control holds should only be used where the Supervisor determines that control holds are necessary to accomplish the policing goal after other methods of arrest have failed or are not feasible under the circumstances and the use of control holds would be a lawful use of force. In the event control holds are necessary, precautions must be taken to ensure that arrestees are not injured or subjected to unnecessary or excessive pain. **A Supervisor’s decision** to authorize control holds and the reasons for said decision should be documented. Planning for demonstrations where civil disobedience and passive resistance to arrest are a possibility should take into account these different arrest techniques for passive demonstrators.
3. In some cases, demonstrators may lock arms or use locks or lock boxes to slow down the arrest process. Where such demonstrators have been advised that they will be subject to arrest if they choose to remain, and refuse to disperse, a member of the arrest team shall individually advise each demonstrator that he or she is under arrest, prior to the application of any force to remove locking

devices or to move the demonstrators. The officer shall continue to give verbal directions to give the arrestee a chance to comply before force is used to unlock arms or implements used to remove lock boxes.

4. While dealing with passive resistance may frustrate officers, civil disobedience is usually a nonviolent means of making a political statement, and officers shall remain neutral, non-antagonistic and professional at all times in their response.

C. Handcuffs:

1. All persons subject to arrest during a demonstration or crowd event shall be handcuffed in accordance with department policy, orders and training bulletins.
 2. Officers should be cognizant that flex-cuffs may tighten when arrestees' hands swell or move, sometimes simply in response to pain from the cuffs themselves. Each unit involved in detention and/or transportation of arrestees with flex-cuffs should have a Flex-cuff cutter and adequate supplies of extra flex-cuffs readily available. When arrestees complain of pain from overly tight flex cuffs, members shall examine the cuffs to ensure proper fit.
- D.** Juveniles arrested in demonstrations shall be handled consistent with GPD policy on arrest, transportation and detention of juveniles.

X. CITE AND RELEASE PROCEDURE

A. Individuals arrested for minor offenses may be cited and released in compliance with existing Department policy. Where it is impractical to cite arrestees at or near the site of the demonstration because of a substantial risk that this would allow the unlawful activity to continue or because of specific geographic factors, individuals may be held at police stations or jails for the duration of the cite and release process.

B. The only reasons for not releasing a person arrested for a misdemeanor are as follows:

1. The person arrested was so intoxicated that he or she could have been a danger to himself or herself or to others.
2. The person arrested required medical examination or medical care or was otherwise unable to care for his or her own safety. If released to emergency services an appearance ticket shall be issued.
3. The person was arrested under one or more of the circumstances listed in Riot Section (240.06, 240.05, 240.08 or resisting arrest/ obstruction).
4. There were one or more outstanding arrest warrants for the person.
5. The person could not provide satisfactory evidence of personal identification.
6. The prosecution of the offense or offenses for which the person was arrested, or the prosecution of any other offense or offenses, would be jeopardized by immediate release of the person arrested.
7. There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.

XI. DOCUMENTATION

A. Video or Photographic Recording:

1. It is the policy of the Groton Police Department to videotape and photograph in a manner that minimizes interference with people lawfully participating in First Amendment activities. Videotaping and photographing of First Amendment activities shall only take place when authorized by the Incident Commander or other supervisory officer and if can be accomplished safely by GPD personnel.
2. Individuals should not be singled out for photographing or recording simply because they appear to be leaders, organizers, or speakers.
3. Any camcorder operator shall write a supplemental report at the end of his/her duty assignment documenting the camcorder operations.
4. The destruction of any such videos or photographs shall be documented in writing with regard to the date of the destruction and the identity of the person who carried it out.

XII. PUBLIC INFORMATION AND THE MEDIA

- A. The media have a right** to cover demonstrations, including the right to record the event on video, film or in photographs.
- B. GPD members** shall accommodate the media in accordance with Department policy.
- C. The media shall be permitted** to observe and shall be permitted close enough access to observe. Even after a dispersal order has been given, clearly identified media shall be permitted to carry out their professional duties, unless their presence would unduly interfere with the enforcement action.
- D. Self-identified legal observers** and crowd monitors do not have the same legal status as the professional media and are therefore subject to all laws and orders similar to any other person or citizen. Said personnel must comply with all dispersal orders similar to any other person or citizen. A supervisor may allow a person who self-identifies as a Legal Observer or Crowd Monitor to remain in an area after a dispersal order if circumstances permit and the person's presence would not unduly interfere with the enforcement action.
- E. On request**, the Incident Commander or a Supervisor may inform the media, legal observers, crowd monitors, police liaison and/or organizers with information as to the nature of any criminal charges, the location where arrestees are being taken and whether they will be cited out or booked at a custodial facility.
- F. The media**, Legal Observers, crowd monitors, police liaison and/or organizers shall never be targeted for dispersal or enforcement action because of their status.

XIII. REPORTING

- A. The Incident Commander** shall ensure that the Chief/O.I.C. is notified of the incident in a timely manner.
- B. GPD officers involved in** demonstrations or crowd events shall prepare reports as required by Department policy.

XIV. TRAINING

- A. All GPD crowd control** policies and procedures shall be set forth in a Crowd Control Policy. All other GPD orders and training bulletins will be reviewed to ensure consistency with the new Policy.
- B. All officers must receive** training consistent with these new policies and procedures. All training on crowd control shall include substantial coverage of these departmental policies.