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- 1.1 Police Department:** The Police Department of the Village of Ossining shall consist of a chief of police and such other supervisors and police officers, as the Village Board shall deem necessary. The duties of the chief of police and members of the department are enforcement of local, state and federal law.

The principal mission of the department is to preserve the rights of citizens and reduce fear in the community through prevention of crime, protection of persons and property, maintenance of order in public places and to anticipate and respond to events that threaten public order and protection of life and property.

It is essential that all members remember that in the execution of their duties they act not for themselves, but for the good of the public. They shall respect and protect the rights of individuals and perform their services with honesty, zeal, courage discretion, fidelity and sound judgment.

Police officers must seek and preserve public confidence by demonstrating impartial service to law and by offering service and trust to all members of the public.

It is the expressed policy of this department that the police officers will use force only when the exercise of persuasion, advice and warning is found to be insufficient in obtaining public cooperation to an extent necessary to secure observance of law or to restore order and to use only the minimum degree of physical force necessary upon any particular occasion for achieving a police objective.

- 1.2 Village Board:** The Police Department of the Village of Ossining, Westchester County, New York, shall be supervised by the Village Board, consisting of the mayor and village trustees acting in the capacity as a Board of Police Commissioners.

- 1.3 Duties and Responsibilities:** The police department and its police force have the power and it is their duty to:

- 1.3.1 Protect life and property
- 1.3.2 Prevent crime
- 1.3.3 Detect and arrest offenders
- 1.3.4 Preserve public peace
- 1.3.5 Enforce all laws and ordinances over which the police department has jurisdiction
- 1.3.6 Execute all criminal processes in accordance with law

- 1.4 Chief of Police:** It shall be the duty of the chief of police to administer the police department of said village, of which department he shall be the chief executive officer, and he shall have full control of the members thereof, subject to direction of the village board.

**1.5 Order of Rank**

Chief of Police  
Captain  
Lieutenant  
Sergeant  
Police Officer

**1.6 Seniority:** Seniority is determined:

First	-by rank
Second	-by continuous service in rank
Third	-by date of appointment to previous rank or ranks
Fourth	-by highest score on civil service list from appointments were made

**1.7 Organizational Chart:** It shall be the duty of the chief of police to see that the police department has an official organizational chart, routinely updated to keep current with any changes and distributed to all members of the department. The chart must reflect the chain of command and lines of authority for communication within the department.

**2.1 General Duties:** Within the boundaries of the village, the chief of police shall be charged with and responsible for the enforcement of all laws, ordinances and regulations, that include the regulation and movement of vehicle and pedestrian traffic in streets, roads, public places, highways and public parks as described in the Vehicle and Traffic Law of the State of New York and Village Ordinances.

**2.2 Specific Duties:**

1. Enforcement of the Ossining Police Department manual. He/she is charged with and responsible for the discipline and efficiency of the members of the force and department.
2. Provide each member with a copy of the Ossining Police Department manual and see that he/she is properly instructed in his/her duties and that he or she performs them in such a manner as to render effective police service; also that he/she is instructed with regard to his/her conduct, on and off duty, so that his/her conduct will not be detrimental to the good order and efficiency of the police department.
3. Assure the accurate preparation, maintenance and forwarding of reports and records.
4. Cause to examine frequently all books and records required to be kept in conformity with the laws of the State of New York and the Village of Ossining Police Department manual and see that entries therein are properly made.
5. Cause inventories to be taken inspect and maintain department building, property and equipment.
6. Account for the property assigned to and issued for the use of members of the department, and is responsible for the proper care, economical use, sufficiency and serviceability thereof and shall cause frequent inspections thereof.
7. Submit the annual budget to the Village Board as directed.
8. He/she shall cause frequent inspections to be made of the building or parts thereof assigned to his department and all parts of the territory within the boundaries of the village at intervals of the day and night and take, or direct to be taken, such action as may be required to render effective police service and to maintain proper discipline.
9. He/she shall frequently test the knowledge of subordinates as to conditions upon their sectors.
10. When on duty will keep in contact with police headquarters and advise the command level officers of how he/she can be contacted. When not available for duty, the chief of police will designate a command level officer as acting chief of police.
11. Carefully investigate or cause to investigate the reported death or serious injury of any member of the department while acting in the discharge of duty.

12. Carry out the following, in addition to all other reports, when a member of the force is injured: he/she shall effect a careful investigation of the circumstances of the injury and shall interview and obtain a signed statement as necessary.
13. He/she shall cause a report of the results of the investigation, indicating whether or not negligence on the part of the injured member contributed to the injury, and the names and addresses of all witnesses.
14. Periodically generate an inspection of the uniforms and equipment of members of the department. He/she shall at all times give particular attention to the uniforms, equipment and general appearance of the members of the force.
15. Carefully observe the police duty performed by probationary police officers and report to the Village Board, at a meeting of the board previous to the expiration of the probationary period, the manner in which such duty was performed.
16. Cause to obtain all police department property and weapon(s) in the possession of a member of the force who resigns, retires, is dismissed or enters active military service and shall obtain all police department property from among the effects of a member who dies.
17. Divide into sectors the territory within the police jurisdiction of the village. A sector shall be designated as indicated:
  - a. Patrol sector includes public thoroughfares within the boundaries of the sector. It does not include the interior of buildings, except as otherwise specified.
  - b. Traffic post includes the portion of the public thoroughfare needed for regulating vehicular traffic.
  - c. Hospital post shall include that portion of the hospital in which a prisoner/prisoners, or victims are confined under police jurisdiction or protection.
  - d. A special post is a temporary post. The purpose, location, boundaries, and time during which it is to be covered must be specified and approved by the chief of police or acting chief of police.
18. Issue written and verbal orders to attain department goals.
19. When a serious crime is committed, or a serious accident occurs under circumstances indicating that the member of the force on post might have prevented it, the chief of police should effect an investigation. If the investigation reveals neglect on the part of the member, he/she shall prefer written charges against the member.
20. Establish duty charts.
21. Evaluate programs.
22. Draft specifications for equipment, uniform and insignia.
23. Develop plans to meet department needs.
24. Control department expenditures.
25. Maintain suitable relations with mass communications media.
26. Cooperate with all law enforcement agencies and officers in matter of mutual interest.
27. Provide leadership and guidance in developing loyalty and dedication to the police profession.
28. Train, direct, supervise and evaluate members in their assigned duties. Recommend remedial or disciplinary action.

29. Correct subordinates in a dignified manner.
30. Insure the security and care of prisoners and sick, injured, or unconscious persons and provide medical care when needed.
31. Deal fairly and equitably with subordinates.
32. Conduct formal parades and roll calls in a professional manner.
33. Conduct himself/herself in a manner that will provide leadership and guidance to the members of his/her department and enhance the public image of police in general.
34. File with the Village Board quarterly uniform crime reports and other reports required by them.

**2.3** The Chief of Police may (at his/her discretion) suspend from duty and report to the Village Board any member or employee for any violation of the rules and regulations or insubordination.

**3.2.1. General Duties:**

The patrol commander, through his command and leadership of the patrol force, has the primary responsibility of safeguarding the community by protecting life and property, preserving peace, preventing crime, enforcing the laws of the United States, State of New York, County of Westchester and the Village of Ossining. Patrol commander, through his patrol unit, will also be responsible for the apprehension of criminals, investigating criminal activities, uniform patrol and community policing of the village, rendering aid and information, as the circumstances require and the recovery of lost or stolen property. The Patrol Commander will also function as commander of the M.I.S. unit. The patrol commander will be responsible for the discipline, punctuality and attendance, appearance, good order and efficiency of members within his assigned jurisdiction. The patrol commander will perform specific duties and function as assigned by the Chief of Police and assume the duties as the Executive Officer when the Chief of Police is not available, unless otherwise indicated by memorandum or order.

**3.2 Specific Duties:**

- 3.2.1 The patrol commander, under the direction of the Chief of Police, will be responsible for the patrol, community policing and records (MIS) bureaus.
- 3.2.2. Deploy personnel assigned to the patrol unit to sectors and posts so as to maximize crime prevention and law enforcement effectiveness. In order to efficiently fulfill this responsibility, periodically review the crime patterns within the village, noting the areas and the class of offenders committing the crimes.
- 3.2.3. Carefully observe the police duty performed by probationary officer(s) (patrol officers, sergeants, and lieutenants), and shall report to the Chief, prior to the expiration of the probationary period, the manner in which such duty was performed.
- 3.2.4. Periodically visit all parts of the village to observe conditions as they relate to the police task and inspect the manner in which the members of the patrol unit are performing their duties.
- 3.2.5. At least once a month the patrol commander will personally inspect uniform and equipment of members of the department at an outgoing roll call and make written record of such inspection. He/she shall at all times give particular attention to the uniforms, equipment and general appearance of the members of the force.
- 3.2.6. Assign, support and supervise the administrative patrol lieutenant(s)
- 3.2.7. Assign tour supervisor(s) to daily inspect members assigned to the patrol unit and to take corrective action of any noncompliance with departmental standards of uniform or equipment.

- 3.2.8. Ensure the patrol unit personnel are well trained in all aspects of operational procedures and policies. Periodically review, with the patrol supervisors, in-service training efforts. Provide for all changes in departmental rules, procedures and policies to be explained first at roll call, then later by the sergeants, so that there can be no justification of ignorance or misunderstanding.
- 3.2.9. Inspect, inventory and maintain department buildings, property and equipment.
- 3.2.10. Recover department equipment from members upon their separation.
- 3.2.11. Cooperate with other bureaus of the department, other village agencies and other police agencies.
- 3.2.12. Investigate sources of trouble or potential trouble in areas of criminal, juvenile or other activity. Make changes in post boundaries, assignments, tour of duty, etc. necessary to rectify such problem areas.
- 3.2.13. Supervise scheduling, vacations, recording and distribution of time owed for all members of the patrol unit and civilian personnel.
- 3.2.14. Investigate instances of on and off duty injury or long-term illness.
- 3.2.15. Coordinate assignments of personnel to outside training activities such as specialized schools, etc.
- 3.2.16. Require accurate preparation, maintenance and forwarding of reports and records by division members.
- 3.2.17. Ensure that the administrative lieutenant(s) review all reports submitted by police officers for accuracy, completeness and conformity with departmental requirements and affirm that the administrative patrol lieutenants review the reports prior to submission to M.I.S. for retention. The administrative patrol lieutenant(s) will carefully examine daily all records to ascertain if they comply to conformity with the rules and regulations and see the entries are properly made. Also the administrative patrol lieutenant(s) will confirm and insure that report(s) note when detectives, outside agency(s) and/or others, render any assistance to members of the Patrol Division.
- 3.2.18. In the event of serious emergency, (extensive fire, explosion, severe weather, plane crash, major crime, etc.) the patrol commander will immediately exercise his/her command function in the disposition of personnel and equipment. He/she should immediately cause the police chief or acting chief to be notified. He/she should relate all facts of the emergency to the chief of police or, in his/her absence, the acting chief, for determining the need to implement the village emergency disaster operating procedures.
- 3.2.19. The patrol commander will assure that he/she is notified on any injury sustained by a member of the department and that proper forms are filed with the Village HRM. The patrol commander will also be contacted of any motor vehicle involving a police unit.
- 3.2.20. Coordinate functions between Patrol and Detective Divisions.

- 3.2.21. Assist the chief in developing fiscal needs as they relate to patrol, M.I.S., community policing, i.e. equipment, budget, manpower levels, etc.
- 3.2.22. Administer and inventory the proper care, maintenance, certifications of all departmental equipment and personnel, including police vehicles, radar and BAC re-certifications, etc.
  
- 3.2.23. Assure that the community-policing program flourishes in the areas, but not limited too, community outreach, liaison with the school system, directed patrol, crime prevention and maintaining the implemented community policing philosophy in the entire department. Be responsible for the training, equipping and employment of the bicycle and motorcycle qualified officers.
- 3.2.24. Will assign sergeants, beside their normal patrol activities, duties to assist the administrative patrol lieutenants. Example may consist of, entry teams, motor vehicle checks and repairs, equipment, motorcycle unit, traffic, etc.
- 3.2.25. Will be responsible for the assignment of all civilian (other than the chief's administrative assistant) personnel in accordance to Civil Service job descriptions.
- 3.2.26. Provide leadership and guidance in developing loyalty and dedication to the police profession.
- 3.2.27. Correct subordinates in a dignified manner and recommend to the Chief remedial or disciplinary action(s).
- 3.2.28. The patrol commander will be assisted by administrative patrol lieutenants and for the betterment of the department, assigns them duties as needed.

The Patrol Commander will be responsible for and delegate the duties as commander of the M.I.S. unit. The Patrol Commander duties will include:

- 3.2.29 Responsibilities for the functional area of the departments records management, communications, public information, permits, crime analysis, OSHA, and jail
- 3.2.30 Maintain and manage duties of warrant control officer. The Patrol Commander will coordinate with the Detective Commander in the execution of warrants within and outside the village
- 3.2.31 Exercise and command over all function of the M.I.S.
- 3.2.32 Will be assisted by an administrative patrol lieutenant and sergeant assigned to M.I.S.
- 3.2.33 Report to the Chief of Police any substandard performance on the part of any member of the division, which threatens the effectiveness of the M.I.S.
- 3.2.34 Identify training needs with the patrol, community policing, detective, and report need to the Chief of Police.
- 3.2.35 Promote harmony and cooperation between the units of this police department for the betterment of the department.

## **ARTICLE IV – DUTIES OF DETECTIVE COMMANDER**

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4.1 **General Duties:** The commanding officer of the Detective Division shall be responsible to the chief and is charged with:

1. Prevention of crime/investigation of criminal cases.
2. Assignment of cases to subordinates.
3. Supervision of all active investigations assigned to the detective bureau, including follow up action and development of planning and tactics.
4. Maintenance of all bureau records, including detective case files, active investigations and all other bureau files.
5. Background investigation of personnel considered for hire by the department.
6. Review of report(s) submitted by detectives.
7. Detection and arrest of criminals.
8. Developing and maintaining a street crime unit
9. Missing persons.
10. Recovery of lost and/or stolen property.
11. Pistol permits.
12. Dissemination of police information.
13. Liaison with other agencies.
14. Proper conduct of extradition proceedings.
15. Evidence receiving and security.
16. Maintain Sex Offender Registry.
17. Criminal and non-criminal fingerprinting.
18. Youth division.
19. Internal Affairs Investigator.
20. Evaluation of detectives.
21. Media resource officer.

4.2 **Specific Duties:**

- 4.2.1 Assign cases to ensure that work is fairly distributed among the members of the division. Take an active interest in current cases and encourage detectives to employ every available legal means to find and convict lawbreakers of any offense they may commit.
- 4.2.2 Cooperate fully with other units within the department and with departments and agencies in other jurisdictions. In addition as permitted by law, be prepared to aid them in the apprehension of suspects or offenders and generally act as liaison officer between this department and all similar bureaus or units in other police departments and law enforcement agencies.
- 4.2.3 Personally visit and supervise the scene of a major or unusual crime where circumstances require it.

- 4.2.4 When necessary and with approval of the Chief of Police assign a detective to duties outside the village.
- 4.2.5 Review all reports submitted by detectives in the division for accuracy, completeness and conformity with departmental requirements. If reports are deficient, see that the detectives submitting such correct them and submit them in proper form.
- 4.2.6 Review and approve all detectives' overtime submission and make recommendations to the Chief of Police where cuts may be made in overtime expenditures.
- 4.2.7 Inform all personnel of any information known by members of the Detective Division, such as: the identity of persons known to be carrying weapons, the existence of stake-outs, etc., which could affect the safety of members of the department in the execution of their duties.
- 4.2.8 The management of the department's Youth Division.
- 4.2.9 Written evaluation of all detectives submitted to the Chief of Police in March. This evaluation will include, but not limited too, training that may be needed in the division and a statement if personnel serving as detectives should continue or return to a uniform status.
- 4.2.10 The management of the department's property and evidence system.
- 4.2.11 In the cooperation of maintaining a link between the department and the media, will coordinate (through the office of Chief of Police) all media (news) releases and interviews.
- 4.2.12 The management of the department's Intelligence Unit.
- 4.2.13 Assist chief in developing fiscal needs as they relate to the detective division, i.e. equipment, budget, etc.
- 4.2.14 Coordinate between Detective Division, Patrol and Community Policing.
- 4.2.15 Maintain up to date New York State Sex Offender Registry records.
- 4.2.16 In cooperation with the Patrol Commander, develop and maintain a street crime unit to address known criminal activities and potential criminal activities. The emphasis of this unit is to address quality of life issues throughout the village.
- 4.2.17 Investigate all internal affairs, civilian complaints and report findings to the Chief of Police in a timely fashion. If deemed necessary by the Chief of Police present finding to the Civilian Police Complaint Review Board. Field inspections shall be conducted periodically and results reported to the Chief of Police.
- 4.2.18 Provide leadership and guidance in developing loyalty and dedication to the police profession.
- 4.2.19 Correct subordinate in a dignified manner and recommend to the chief remedial or disciplinary action(s).

**ARTICLE V - DUTIES OF THE ADMINISTRATIVE**  
**PATROL LIEUTENANTS**

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- 5.1 General Duties:** Under the direction and leadership of the Patrol Commander they will perform their assigned tour of duties and administrative patrol lieutenant(s) will:
- a. Perform specific duties and functions as assigned to them by patrol commander.
  - b. Attend roll call briefing and training.
  - c. At established intervals prescribed by the patrol commander, inspect personnel, vehicles, and equipment of the police department.
  - d. Review reports, situations events, change(s) in law(s), etc. that training or retraining may be required or mandated. By the third Monday\* of each month, submit to the patrol commander a lesson plan for roll call training sessions for the upcoming month. Recommend to the patrol commander all training that may be required that will not meet the time constraints of roll call training. The administrative patrol commander will assure that all officers are trained in the monthly subject(s). They will report (in writing) the results of the training sessions. \*If unable to complete this lesson plan by the date indicated, will submit a written report to the patrol commander the reason for this non-submittal.
  - e. Approve all paperwork and reports to ensure that all reports submitted by police officers are accurate, complete and affirm to the review of these reports prior to submission to M.I.S. for retention. The administrative patrol lieutenant(s) will examine daily all records to ascertain if they comply to conformity with the rules and regulations and reports are noted when detectives, outside agency(s) and/or others render any assistance to members of the patrol division.
  - f. Upon reviewing reports, advise patrol commander any noted patterns in crime, possible remedies to be taken to counter these patterns, officer safety issues and any other information the patrol commander may need for the effectiveness and efficiency of the department.
  - g. Bring to the attention of the patrol commander any dereliction of duty or any repeated failure of an officer(s) to perform in an acceptable manner.
  - h. Bring to the attention of the patrol commander any member who performs in an outstanding manner.
  - i. Be responsible for the efficiency and appearance of the patrol officers.
  - j. On a daily basis review notices, daily blotter, orders, directives and other information pertaining to his/her duties.
  - k. Ensure that department resources are used effectively.
  - l. Ensure that property/evidence is handled in accordance with departmental orders and normal standards prescribed by the courts.
  - m. Supervise the desk functions,
  - n.

**ARTICLE V - DUTIES OF THE ADMINISTRATIVE  
PATROL LIEUTENANTS**

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- Inquire into the circumstances of all arrests and assure that all persons are handled in conformance with departmental orders.
- o. Know and conform to the current bail provisions of the Criminal Procedure Law.
  - p. Work with the patrol commander to supervise the records function(s) and computer scheduling.
  - q. Receive and approve all sick calls.
  - r. Review all sick reports and report in writing to patrol commander any deficiencies or abuse of sick time.
  - s. Review and approve all patrol overtime submission and make recommendations to the patrol commander where cuts may be made in overtime expenditures.
  - t. Receive and forward, through the proper chain of command, all civilian complaints.
  - u. Under the direction of the detective commander investigate civilian complaints.
  - v. Receive, distribute and follow-up all request from the District Attorney's office.
  - w. Receive, distribute and follow-up all paperwork generated from the court system(s). For example, subpoenas, motor vehicle hearing, ABC hearing, Family Court papers, etc.
  - x. Work with the patrol sergeants to supervise the patrol division.
  - y. Inform his/her relief of all necessary police matters.
  - z. Through patrol sergeants, direct activities of subordinate members for the purpose of achieving the objectives of the police department.
  - aa. Be responsible for the maintenance and repair of the police vehicular fleet. This will include all emergency equipment and equipment inside the vehicle.
  - bb. Be responsible for overseeing the departmental computers.
  - cc. Be responsible for overseeing the crime prevention program.
  - dd. Be responsible for the proper dissemination of any changes to any laws effecting this department.
  - ee. Be responsible for continuing the updates and maintaining the accreditation programs and files, assuring that the department files all yearly reports to the state and that this department is re-certified in a timely fashion, (September 2009).
  - ff. Provide leadership and guidance in developing loyalty and dedication to the police profession.
  - gg. Correct subordinates in a dignified manner and recommend to the patrol commander remedial or disciplinary action(s).

Administrative patrol lieutenants will perform their duties in regulation uniform and while outside the building in a marked departmental police unit.

**ARTICLE Vb – DUTIES OF SUPPORT SERVICES UNIT AND  
MANAGEMENT INFORMATION  
SERVICES (M.I.S) COMMANDER**

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Issue date: February 2<sup>nd</sup>, 2005

**5.1 General Duties:** The Support Services Unit and M.I.S. Commander and personnel within it shall perform duties and assume responsibilities in the following functional areas of department operations:

- Records management
- Communications
- Public information
- Permits
- Headquarters maintenance
- Animal control
- Crime analysis
- Certification of Equipment and departmental personnel
- OSHA/Jail
- Civilian employees
- Training supervisor and coordinator
- Warrant control

**5.2 Specific Duties:**

- 5.2.1 Be responsible for and exercise command over all functions within the Support Services and M.I.S.
- 5.2.2 Report to the chief any substandard performance on the part of any member of the division, which threatens the effectiveness of the Support Services Unit and M.I.S.
- 5.2.3 Identify training needs within the Patrol, Community Policing, Detective, Support Service and M.I.S. and report those needs to the chief.
- 5.2.4 Promote harmony and cooperation between the Support Services, M.I.S., the Patrol Services Divisions, Community Policing and the Detective Division.
- 5.2.5 Organize and assign duties of Support Services and M.I.S. personnel for successful execution of the Staff Service Division's functions.
- 5.2.6 Assist chief in developing fiscal needs as they relate to Support Services and M.I.S.
- 5.2.7 Provide leadership and guidance in developing loyalty and dedication to the police profession.
- 5.2.8 Correct subordinates in a dignified manner and recommend to the chief remedial or disciplinary action(s).

- 6.1** **General Duties:** A supervisory member will be responsible for enforcement of all laws and ordinances, department rules and regulations, orders, procedures, discipline, punctuality and attendance, appearance, good order and efficiency of members within his/her assigned jurisdiction.
- 6.2** **Specific Duties:** A supervisory member will:
- 6.2.1 Perform specific duties and functions as assigned by his/her commanding officers.
  - 6.2.2 Obey all lawful orders
  - 6.2.3 Perform assigned tasks
  - 6.2.4 Provide leadership and guidance in developing loyalty and dedication to the police profession. Correct subordinates in a dignified manner and recommend to his/her supervisor remedial or disciplinary action(s) for inefficient, incompetent or unsuitable members.
  - 6.2.5 Train, direct, supervise and evaluate members in their assigned duties.
  - 6.2.6 Communicate orders, information and instructions.
  - 6.2.7 Inform his/her relief of all necessary police matters.
  - 6.2.8 Be present at prescribed roll calls.
  - 6.2.9 At established intervals inspect personnel, vehicles and equipment.
  - 6.2.10 Report to his/her commanding officer absentees and any deficiencies in personnel and equipment.
  - 6.2.11 Insure that recovered property is handled in accordance with department orders.
  - 6.2.12 Insure that evidence is handled in accordance with department orders.
  - 6.2.13 Account for all monies and valuables received, processed and disbursed in conformance with department orders.
  - 6.2.14 Inquire into the circumstances of all arrests to assure that all persons are handled in conformance with department orders.
  - 6.2.15 Know and conform to the current bail provisions of the Criminal Procedure Law, State of New York.
  - 6.2.16 Report promptly matters of police importance to his/her commanding officer.
  - 6.2.17 Insure that all appropriate village departments are informed of emergencies that require their attention.
  - 6.2.18 Direct activities of subordinate members of the force that are applicable to him/her.
  - 6.2.19 Perform those duties of the members of the force that are applicable to him/her.
  - 6.2.20 Maintain a professional bearing and render professional courtesy to ranking officers.

**7.1** **General Duties:** The Community Policing Commander and the Community Policing Unit shall perform duties and assume responsibilities in the following functional areas within the department:

1. Community outreach
2. Uniform liaison with the school system
3. Directed patrol
4. Crime prevention
5. Assisting in the implementation of Community Policing as a department wide philosophy

**7.2** **Specific Duties:**

1. Deploy directed patrol and the Community Policing Unit as indicated by analysis of Crime trends within the Village.
2. Coordinate uniform patrol to assist the school system
3. Be responsible for the training, equipping and employment of the bicycle qualified officers
4. Act as a liaison between members of the public and the department's crime prevention unit
5. Provide training for the entire department in the philosophy of Community Policing
6. Administer community outreach programs (Helmets Program, child seats, Open Eye, etc.)
7. Provide leadership and guidance in developing loyalty and dedication to the police Profession
8. Correct subordinates in a dignified manner and recommend to the Chief remedial or disciplinary action.

- 8.1 General Duties:** A desk officer shall be designated by the tour supervisor. The area of assignment or sector for a desk officer is within the confines of the area designated for the use of department telecommunications equipment and complaint reception function.
- 8.2 Specific Duties:** A desk officer shall:
- 8.2.1 Not leave the post during and assigned tour, except for personal necessity, meal period, official duty within the building or when directed by a superior officer. When required to leave his post the desk officer shall do so only in a manner prescribed by the M.I.S. commander.
  - 8.2.2 Be the primary telecommunication on an assigned tour, responsible for insuring that appropriate and necessary action is taken on all requests received for public safety service.
  - 8.2.3 Not permit anyone in the desk officer sector except a superior officer or other designated member of the department on official police business or as otherwise directed by a superior officer.
  - 8.2.4 Be responsible for recording, in the daily shift report, all requests received during the assigned tour for service resulting in public action.
  - 8.2.5 Inspect or cause to be inspected, all materials and supplies delivered to the desk officer for quantity and quality, and shall note receipt of same and forward receipt to the M.I.S. commander.
  - 8.2.6 Permit no one, other than a member of this department, to interview or visit personally a prisoner in custody without the permission of the chief of police, a division commander, or the tour supervisor. Exceptions to the above are, the district attorney or his/her representative, the designated village police surgeon and/or the prisoner's legal counsel and pretrial representative may visit or interview a prisoner in custody.
  - 8.2.7 Personally inspect persons confined to the detention cells in accordance with prescribed regulations of the New York State Commission of Correction, the New York State Mental Health Department and policy of the Village of Ossining Police Department.
  - 8.2.8 In the absence of a superior officer, have charge of the security of the police headquarters building and shall permit no one, except members of the Ossining Police Department and others on bona fide business, to be inside the secure area of the Ossining Police headquarters building.
  - 8.2.9 Be designated as the primary telecommunications and complaint taker during and assigned tour of duty and is, therefore, primary responsible for the courteous receipt of all complaints and requests for public safety service, as well as their proper entry in Ossining Police Department records as designated by the M.I.S. commander, as well as instituting proper and appropriate public safety service with respect thereto.
  - 8.2.10 Notify the tour supervisor immediately when any crime or serious accident occurs.
  - 8.2.11 Bring to the attention of the M.I.S. commander all matters of importance, unusual circumstances, apparent or actual suicides or attempted suicides of prisoners in custody and act or deed of particular merit performed by members of the department.

- 8.2.12 Record or cause to be recorded, on the official records of the Ossining Police Department, all business affecting the department occurring during an assigned tour, and shall take proper and appropriate action with respect to all said department business.
- 8.2.13 Know and conform to all bail provisions in effect at the time of setting bail as provided by the New York State Penal Law and/or New York State Criminal Procedure Law.
- 8.2.14 Identify themselves by rank and name when answering departmental phone.
- 8.2.15 Conduct themselves in a courteous and professional manner (to the public and members of the department) in all aspects of their assigned desk duties.

- 9.1**     **General Duties:** A member of the department will be responsible at all times for prevention of crime, enforcement of all laws and ordinances, preservation of the public peace, protection of life and property, arrest and prosecution of law violators and professional adherence to department rules and regulations.
- 9.2**     **Specific Duties:** A member of the force will:
- 9.2.1    Know and conform to department rules and regulations, orders and procedures
  - 9.2.2    Perform assigned duties in a professional manner
  - 9.2.3    Obey all lawful orders.
  - 9.2.4    Be in attendance for those hours specifically assigned and will be considered on duty at all times for the purpose of rendering emergency police service.
  - 9.2.5    Participate in formal parades and roll calls in a professional manner.
  - 9.2.6    Maintain a professional bearing and render professional courtesy to superior officers.
  - 9.2.7    Treat superior officers, subordinates and associates with respect. He/she shall be courteous and civil at all times in their relationship with one another. When on duty, and particularly in the presence of other members, employees, or the public, officers will be referred to by rank.
  - 9.2.8    Identify self by name, rank and shield number when so requested.
  - 9.2.9    Have a residence as provided by the laws of the State of New York and of the Village of Ossining.
  - 9.2.10   Report immediately any incapacity or inability to perform department duties in the manner prescribed by the rules and regulations.
  - 9.2.11   Report any change of marital status, address, selective service rating or other matter affecting the administration of the department.
  - 9.2.12   Receive, record and service immediately all complaints and requests for service. Refer and transfer complaints and requests only in accordance with department orders.
  - 9.2.13   Possess a valid State of New York driver's license. If lost, stolen, suspended or revoked, immediately report it to his/her division commander.
  - 9.2.14   Remain on his/her duty assignment and leave only for a police or personal necessity first authorized by a superior officer or desk officer. If required to leave, record the time of departure, the reason, and report this information to the desk officer as soon as possible.
  - 9.2.15   Provide security and care for prisoners and others delivered to his/her custody.
  - 9.2.16   Search all prisoners. Male officers should search male prisoners and female officers or police matrons should search female prisoners.
  - 9.2.17   Help secure medical attention for all sick and injured persons.
  - 9.2.18   When assigned to a motor vehicle:
    - a.   Inspect it for damage and defects
    - b.   Report to a supervisory officer any defects they observe
    - c.   Protect it from possible damage or theft

- 9.2.19 When operating a motor vehicle:
  - a. Use skill, good judgment and care for the safety of persons and property
  - b. Obey all traffic regulations unless on emergency assignment and then conform to existing policy on emergency response and/or vehicle pursuits
  - c. Wear seat belt
- 9.2.20 Submit transfer requests in conformance with department procedures.
- 9.2.21 Give a minimum of one month notice of intention to resign from the department
- 9.2.22 Wear the regulation uniform in the prescribed manner when assigned to uniform duty.
- 9.2.23 Report immediately the loss or damage of any department equipment.
- 9.2.24 Register with the department all personally owned firearms.
- 9.2.25 Notify the fire department when a fire is discovered: assist and cooperate with the fire department.
- 9.2.26 Attend court and court related proceedings promptly when required or ordered.
- 9.2.27 Be properly prepared and answer all questions truthfully and completely, giving testimony in court or any court-related proceedings.
- 9.2.28 Conduct and attitude in court and court-related proceedings should be such as to add to the dignity of the court or proceeding and to the credibility of the department and the member.
- 9.2.29 Report the reason for any absence or tardiness to court or court-related proceeding to their immediate supervisor.
- 9.2.30 Appear in court or court-related procedures in the regulation uniform, unless otherwise assigned, i.e.: civilian dress, appear in suitable business attire.
- 9.2.31 When subpoenaed or requested to testify in behalf of the defense in any criminal prosecution, or in behalf of the plaintiff or defendant in a civil matter in which the Village, County, or State is a party thereto, report immediately the receipt of such subpoena or request to his/her immediate supervisor before appearing at any hearing or before entering into any discussion of the matter with anyone other than the legal representative of the Village, County of State.
- 9.2.32 Report to his/her immediate supervisor any information of a police nature, including offenses involving himself or others, and offenses with which he has been charged, except minor traffic offenses.
- 9.2.33 Give evidence before the Grand Jury, court or other governmental administrative bodies when requested.
- 9.2.34 Investigate any person suspected of operating a motor vehicle while in an intoxicated condition and direct the administration of a chemical test to said person in accordance with the procedure prescribed by the department.
- 9.2.35 Obey the laws and ordinances, which he/she is obligated to enforce.
- 9.2.36 Conduct themselves (at all times whether on or off duty) in a professional manner that will not lead to embarrassment to the Village of Ossining, the Village of Ossining Police Department, members of the Village of Ossining Police Department or the police profession in general.

- 10.1 **General Duties:** Patrol officers shall be under the direction and command of, and shall be responsible to, the Patrol Division commander. Patrol Officers shall be responsible for the diligent and conscientious performance of the duties imposed upon them by law, by the rules and regulations of the department, and the lawful orders of their superior officers.
- 10.2 **Specific Duties:** Patrol officers shall:
- 10.2.1 Unless otherwise directed by a superior officer or desk officer, proactively patrol their assigned (sector) areas, giving particular attention to those locations most vulnerable to the commission of crime.
  - 10.2.2 Thoroughly acquaint themselves with their assigned area of patrol and do all in their power to prevent any breach of the peace or violation of law.
  - 10.2.3 Continually check the security of the business locations in assigned sectors especially after closing hours.
  - 10.2.4 Continually inspect their patrol areas carefully noting any condition requiring police attention. Notify headquarters of the condition and take whatever action necessary to correct the situation, filing a report of the nature and action taken.
  - 10.2.5 Frequent occurrence of crime on any sector may indicate lack of ability or attention to duty by the officer assigned and shall be the subject of review and possible disciplinary action.
  - 10.2.6 Make a report of received complaints and all matters of police interest relating to their sector (or post) and give proper attention to those matters.
  - 10.2.7 Keep a record of occurrences or information received which may be of interest to any branch of the department or other agency, or upon which they may be required to report and promptly forward the same to their immediate supervisor.
  - 10.2.8 Give particular attention to premises where liquor, vice, drugs, gambling laws or other unlawful activity may be violated and do all in their power to prevent such activity. They shall promptly report their observations and action taken to their immediate superior. Forward any intelligence to the Detective Division Commander.
  - 10.2.9 Carefully observe conditions which could lead to the development of crime or criminal opportunities, take such preventive action as the condition may indicate and report their observations, actions, or recommendations to their immediate supervisor.
  - 10.2.10 Give particular attention to roadways of community concern, heavy traffic, signaled intersections, pedestrian crossings, school bus pickup or drop off areas, parking violations and traffic control signs. The responsibility of the patrol officers in the enforcement of traffic and parking violations is as great as in the enforcement of other laws. Members failing to take appropriate action upon view of a traffic violation are subject to the disciplinary action as for any other neglect of duty.

**11.1 General Duties:** A member of the department assigned as detective by the Chief of Police shall be under the immediate supervision of the Detective Division commander and shall be subject to all the rules and regulations of the Village of Ossining Police Department.

**11.2 Specific Duties:** Detectives shall:

- 11.2.1 Be responsible for prevention of crime and investigation of criminal cases in the village, detention and arrest of criminal offenders, locating missing persons, recovering lost and stolen property, proper cooperation with other authorities, and the proper conduct of fugitive requisition proceedings.
- 11.2.2 Seek out all conditions related to fostering crime, including gambling, vice and drugs.
- 11.2.3 Acquire a thorough knowledge of the Penal Law, the Criminal Procedure Law, court decisions related to search and seizure and the elements that constitute criminal acts in violation of various sections so that he/she may be able to present cases in court in an efficient and intelligent manner.
- 11.2.4 Familiarize themselves with the criminal element(s), acquire a knowledge of their practices, haunts and associations, and learn the various methods adopted by criminals in the commission of crime(s).
- 11.2.5 Cooperate with all members of the department in the prevention and detection of crime, arrest of criminals, and enforcement of all laws of the Village of Ossining and the State of New York.
- 11.2.6 Report promptly to their immediate supervisor, in writing, such information as he or she may obtain or possess relative to suspicious persons or places, or any occurrence or circumstances bearing on any crime that may have been connected or that may lead to the arrest of a criminal. A detective intentionally withholding such information or failing to properly report it will be deemed guilty of gross neglect of duty.
- 11.2.7 Follow up each case assigned to him/her until there is a final disposition of such case. Detectives shall advise complaints in person or via telephone communications of the status of a case he/she is investigating.
- 11.2.8 At such times as prescribed report for Departmental briefings, unless impractical due to other matters and have hours of duty as assigned by the Detective Division commander. Be in contact with the desk officer by pager or phone.
- 11.2.9 Detectives will follow up all cases assigned to them in a timely fashion to the extent of the standards established by the Detective Division commander.
- 11.2.10 Not communicate any department business or investigative information of a Confidential nature to any person who does not have “a need to know.”
- 11.2.11 Not leave the village to conduct any investigation or perform any act in the line of duty without the authorization of the Detective Division Commander or, in his absence, the patrol supervisor in charge of the tour.
- 11.2.12 Keep up to date investigative notes on all matters assigned to them for investigation, including criminal complaints, warrants, etc.

- 11.2.13 Be subject to orders of a superior officer in the department at all times.
- 11.2.14 Dress in civilian clothes as authorized by Detective Division commander.  
Detectives shall keep themselves neat, clean and their general appearance shall be businesslike and presentable at all times.
- 11.2.15 Not be relieved from taking prompt and proper actions when any violation of the Law comes to their attention, whether on or off duty.
- 11.2.16 Be careful in their investigations not to endanger the reputation of any person who might be the subject of the investigation, or unnecessarily reveal the name of an informer.
- 11.2.17 Be subject to any other duties assigned by the chief, or detective division commander.
- 11.2.18 Be responsible for such duties that are classified as identification, i.e. fingerprinting, photo printing, latent fingerprints, measurements, identification of deceased persons, etc., which will be specified by the detective commander. All members of the department should make themselves aware of the procedures, responsibilities and the changes that occur periodically.

**12.1 General Duties:** The Youth Detective shall help plan and put into operation programs Designed for prevention of juvenile delinquency.

**12.2 Specific Duties:** The Youth Detective shall:

- 12.2.1 Oversee the inspection of places frequented by juveniles.
- 12.2.2 Investigate or cause to be investigated all cases of juveniles accused of violations, and all neglected and abused children coming to the attention of the department and take appropriate action in each of these cases.
- 12.2.3 Maintain a confidential file of juvenile arrests or contacts in his/her office.
- 12.2.4 Refer, when necessary, any case to Family Court, Westchester County Probation Department or any other agency as required by the New York State Family Court
- 12.2.5 Cooperate with other members of the department and other agencies in the prevention of juvenile delinquency.
- 12.2.6 Communicate with the Detective Division Commander any unusual juvenile crime patterns or cases which need special attention. Recommend any cases he feels might be helpful in developing the Juvenile Delinquency Crime Reduction Plan.
- 12.2.7 Cooperate with the Community Policing Unit in conducting educational programs to aid, assist, and prevent crimes by juveniles, and safety awareness for juveniles.
- 12.2.8 Youth Detective will be responsible for the implementation of the department's DARE program.

**13.1 General Duties:** Command is exercised by virtue of office or special assignment of officers who are eligible by law to exercise command. When officers of equal rank are present and in the performance of the same operation, the senior ranking officer shall be in command except per 13.1.1 and 13.1.2, unless otherwise directed.

13.1.1 When there is more than one (1) sergeant at the scene of an incident, the sergeant designated as “Tour Supervisor” shall be in command. Tour supervisor is sergeant with the most time in grade as a sergeant.

13.1.2 When there is more than one (1) lieutenant at the scene of an incident, the lieutenant who has responsibility for the investigation of the incident (per the Department’s call-out procedure) shall be in command.

13.1.3 When a tour lacks a sergeant or lieutenant, under provisions of Article 5711q Sub.15 of the Unconsolidated Laws of New York State, the senior (determine by years as a police officer) officer on the tour will be assigned the duty of desk officer and “shall have the full power and authority of an acting sergeant”.

**13.2 Duties and Responsibilities:**

13.2.1 A member who succeeds to any command or duty stands, in regard to his duties, in the same situation as his predecessor. The member relieved shall turn over to his successor all orders relating to that position in force at the time and all funds and properties pertaining to it. He/she shall receive, upon request, receipts showing the condition of each article so transmitted.

13.2.2 An officer relieving or temporarily filling the position of a superior in an acting capacity shall be vested with all the authority and responsibilities of the superior, but the acting officer shall not interfere with, countermand or modify the orders previously issued by the superior, except in an extreme emergency.

13.2.3 Members acting in the capacity of a higher rank shall be accorded the same obedience and respect as the permanent ranking officer.

13.2.4 Should an order conflict with any previous order issued by any other ranking officer or with any department or provision of the department rules and regulations, the member to whom the order is issued should point out the conflict. Responsibility for countermanding the original order then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed.

13.2.5 Issuance of orders to a subordinate does not relieve a ranking officer from the responsibility of seeing that the orders are obeyed.

13.2.6 Adherence to the chain of command shall not be by-passed except in an emergency.

13.2.7 Ranking officers may exercise command over subordinates not of their regular command whenever, in his/her judgment such action is necessary in order not to

jeopardize the police purpose or the reputation of the department.

- 13.2.8 Ranking officers in command of the various branches of the department shall establish methods, techniques and procedures best suited for accomplishing the functional objectives of their particular bureaus. Such procedures and techniques shall be subject to the approval of the chief and shall not be in conflict with the law or any rule or order of the department.
- 13.2.9 Whenever authority is delegated to a member of the department, he/she shall be held accountable for the proper use of such authority.
- 13.2.10 In order to maintain a proper chain of command, a member will, as a general rule, be required to take direct orders from, and be responsible to, one ranking officer. Ranking officers, however, shall exercise direct command over lower ranks outside their usual command in all situations where the police purpose or the reputation of the department is jeopardized, or if no other provision has been made for personnel temporarily unsupervised. If a ranking officer requires a subordinate, not of his command, to leave a regular assignment the ranking officer so directing will inform the subordinate's supervisor as soon as possible.
- 13.2.11 At every level within this department, personnel must be given the authority to make decisions necessary for the effective execution of their responsibilities.
- 13.2.12 Each department employee will be held fully accountable for the use of, failure to use, delegated authority. Any employee who has any questions concerning his/her delegated authority should bring such questions to the attention of his/her supervisor.
- 13.2.13 Any gross improper use of authority or failure to accept authority will be reported through command channels as rapidly as possible.
- 13.2.14 The patrol unit is a basic element of police services. In the absence of patrol commander, the lieutenant on the scene will take charge until properly relieved. Continuity is the key to relinquishing command to the scene of an emergency. The lieutenant in charge to another only when he is sure they are able to do so and only after briefing his relief.

**Criminal Investigations:**

At the scene of a criminal investigation, the Detective Division Commander will be in command of the scene. He/she will be briefed by the ranking officer at the crime scene before taking charge.

- 14.1 General:** A member of the department found guilty of any of the following acts will be considered in violation of the rules and regulations which govern the police department of the Village; and will be subject to disciplinary action.
- 14.2** Specific conduct which brings discredit upon the department:
- 14.2.1 Failure to perform a duty.
  - 14.2.2 Disobedience of an order.
  - 14.2.3 Insubordination or disrespect toward a superior officer.
  - 14.2.4 Inattention to duty.
  - 14.2.5 Lounging or sleeping on duty.
  - 14.2.6 Being absent from duty without proper authorization.
  - 14.2.7 Leaving duty assignment without being properly relieved or without proper authorization
  - 14.2.8 Incompetence or inefficiency in the performance of duty
  - 14.2.9 Entering any liquor store, tavern or bar in uniform, or any part thereof, except when it is necessary for inspection or for the immediate performance of a police duty.
  - 14.2.10 Drinking alcoholic beverages while on duty. Members in plain clothes may drink alcoholic beverages while on duty, only when necessary to accomplish a police purpose while acting under specific orders of a superior officer.
  - 14.2.11 Drinking alcoholic beverages while in uniform whether on or off duty.
  - 14.2.12 Intoxication on duty
  - 14.2.13 Violation of any constituted law
  - 14.2.14 Disorderly conduct
  - 14.2.15 Immoral conduct
  - 14.2.16 Using coarse, profane, or insolent language to any person in a manner which brings discredit upon the department.
  - 14.2.17 Failure to treat any person civilly and respectfully.
  - 14.2.18 Willful maltreatment of any person.
  - 14.2.19 Knowingly make a false report, written or oral.
  - 14.2.20 Failure to wear the regulation uniform when on duty or on official business (except as otherwise approved by chief of police).
  - 14.2.21 Failure to maintain a neat and clean appearance of self, uniform and equipment.
  - 14.2.22 Conduct themselves at all times (whether on or off duty) in a professional manner that will not lead to embarrassment to the Village of Ossining, the Village of Ossining Police Department, members of the Village of Ossining Police Department or the police profession in general.
  - 14.2.23 Receiving or attempting to receive a fee, gift, present or other thing of value from a person under arrest or from someone else on behalf of the arrested person.

- 14.2.24 Receiving, soliciting or attempting to solicit a bribe in any form.
- 14.2.25 Publicly criticizing the official actions of a department member.
- 14.2.26 Disseminating or releasing any information contained in a department record except in conformance with department orders.
- 14.2.27 Failure to pay a just indebtedness within a reasonable time.
- 14.2.28 Failure to identify self by name, rank and shield number when requested.
- 14.2.29 Failure to seize, record, process and dispose of recovered or prisoner's property in conformance with department orders.
- 14.2.30 Failure to handle or cause to be handled stray or dead animals in conformance with department orders.
- 14.2.31 Failure to notify a superior officer that a member of the department is violating a rule or order of the department.
- 14.2.32 Deliberate violation of orders and regulations pertaining to department management and control.
- 14.2.33 Possessing or transporting, when on duty or in department property, any intoxicating liquor except in accordance with department orders.
- 14.2.34 Defacing or neglecting to protect and preserve department property.
- 14.2.35 Failure to obey department orders concerning other employment, occupations or professions.
- 14.2.36 Engaging directly or indirectly in the forbidden ownership, maintenance or operation of a tavern or retail liquor establishment.
- 14.2.37 Allowing the publication of any photograph of one's self in the regulation uniform which advertises any commodity or commercial enterprise without permission of the chief.
- 14.2.38 Communicating or corresponding with other police agencies or individuals concerning police matters except as provided by department procedures.
- 14.2.39 Failure to keep department vehicle in public view while assigned to general patrol duty except as conditions may necessitate.
- 14.2.40 Permitting any person not on official police business to ride in a department vehicle unless specifically authorized.
- 14.2.41 Riding in or on a non-department vehicle during duty hours except when authorized by a supervisory officer or in regard to official police business.
- 14.2.42 Operating a department vehicle without proper authorization or on other than official department business.
- 14.2.43 Operating a department vehicle out of the Village except in the immediate pursuit of law violators or when on official department business authorized by a department supervisor.
- 14.2.44 Pulling, pushing or towing a vehicle with a department vehicle except as authorized by the chief of police, or in extenuating documented circumstances.
- 14.2.45 Altering department equipment in any way except as authorized by a division commander.
- 14.2.46 Carrying any rifle, shotgun, machine gun, gas gun, or substituting for the regulation service weapon, any weapon or adding a concealed auxiliary handgun not authorized by department policy.
- 14.2.47 Unlawful or unnecessary use or display of weapon.
- 14.2.48 Failure to report the discharge of a weapon.
  - a. Orally and immediately to a supervisory officer.
  - b. In writing to a supervisory officer without unnecessary delay in accordance with department policy.

- 14.2.49 Selling, giving, lending or disposing of a dangerous weapon(s) other than Outlined in the Penal Law of the State of New York and regulations of the Department.
- 14.2.50 Giving an opinion as to fine or penalty to a violator or suspect.
- 14.2.51 Giving an opinion as to bail except by those specifically authorized to recommend bail.
- 14.2.52 Failure to take, record and act upon complaints except as prescribed by department orders.
- 14.2.53 Removing, altering or changing any official department record except as provided for in department orders.
- 14.2.54 Issuing any device which purports to grant special privilege to the holder.
- 14.2.55 Displaying in any manner non-department or departmental posters or pictures in or on any department property or equipment except in conformance with department orders.
- 14.2.56 Obligating the department financially in any manner except as authorized by the chief of police.
- 14.2.57 Recommending to any citizen any bondsman, lawyer, undertaker, physician, hospital, towing, repair or other professional or commercial service.
- 14.2.58 Failure to report any information of police nature in conformance with department orders.
- 14.2.59 Failure to obtain official permission to participate in public discussions of police or department business except as provided in department orders.
- 14.2.60 Interviewing, questioning or interrogating any person in a cell except in the regular operation and administration of the jail.
- 14.2.61 Entering any police lock-up except on official department business.
- 14.2.62 Associating or fraternizing with known criminals or persons of ill repute except in the immediate discharge of official duties or with the authorization of the chief of police.
- 14.2.63 Soliciting or accepting a gift, present, reward as a department member, excluding gifts received from relatives or close friends upon appropriate occasions.
- 14.2.64 Seeking or soliciting contributions of any kind from anyone, by any means, for any purpose, under any circumstances, including collections for charitable purpose by any member, group of members or their agents, while in uniform or identifying themselves as members of the Village of Ossining Police Department, except as specifically authorized by the chief of police and the OPBA Bargaining Agreement.
- 14.2.65 Soliciting any food or beverage or other valuable consideration without cost or at reduced cost at any time because of his official position as a member of the department.
- 14.2.66 Solicit any gift present or gratuity from any subordinate.
- 14.2.67 Failure to submit a written report that he/she is under investigation by other law enforcement agency to his/her immediate supervisor within a reasonable period of time.
- 14.2.68 Participation by department members or urging the participation of other persons in any strike, slowdown, or other concerted action which is in any degree adverse to the maintenance of the public safety or welfare.
- 14.2.69 Affiliation with any organization or body, the constitution or regulations of which would in any way exact prior consideration, and prevent him from

performing his departmental duties. However, membership in any union or other organization in connection with and relating solely to approved secondary employment of members of the department and required membership in military reserve units are specifically exempted from this regulation.

- 14.2.70 No member of the department may seek the unjust influence or intervention of any person outside the department for the purposes of personal preferment, advantage, transfer or advancement.
- 14.2.71 No member of the department shall contact a higher authority without using the proper chain of command.
- 14.2.72 No member of the department, unless authorized by the chief, shall possess keys to any premises not his own or near his sector.
- 14.2.73 No member of the department shall use habit forming drugs, narcotics, or other lawful substance unless properly prescribed by a dentist or physician.
- 14.2.74 No member of the department shall play games of cards or engage in any form of illegal gambling anywhere.
- 14.2.75 A member violating any of the provisions of this article shall be subject to disciplinary action as prescribed by law.

- 15.1 **General Duties:** All members of the police department shall be subject to the rules and regulations. Members of the department are not merely employees but are officers of this state and Village, charges with specific duties in maintaining public order and administering justice. Therefore, every member’s sole responsibility must be to the police department and to the public.
- 15.2 **Specific Duties:**
- 15.2.1 A police officer, regularly performing patrol duty, shall proceed to his/her designated sector or relieving point without unnecessary delay, inspect his/her sector or post immediately, remain constantly alert and observant, note any condition thereon requiring police attention and take appropriate action.
  - 15.2.2 A police officer is charged with the enforcement of all laws and ordinances; also with the proper condition and maintenance of all departmental equipment, traffic control equipment of all types, street lights, public highway, curb and sidewalk conditions within the boundaries of the sector of which he/she is assigned. He or she shall promptly report, through official channels, any condition requiring attention and shall provide safeguards when necessary.
  - 15.2.3 A member of the department, except when on sick/injury report, shall be fit for duty and subject to duty at all times. He/she shall not engage in any other occupation except when suspended from duty without pay; or when, having filed his/her application for retirement, he/she is on continuous vacation or other authorized leave, or when having made application on the prescribed form, he/she has been granted a work permit by the chief of police.
  - 15.2.4 Members of the department shall be held strictly accountable for all information acquired by them, on or off duty, regarding all suspicious persons or places within the village.
  - 15.2.5 Any member of the department who receives information relating to criminal activity shall forward this information to the Detective Division. Detective Division personnel shall access the information, conduct follow up investigation and contact any outside agency for assistance if it is deemed appropriate.
  - 15.2.6 A member of the department shall treat as confidential the official business of the Police Department.
  - 15.2.7 If during the course of any preliminary or follow-up investigation into any criminal activity, probable cause is developed, police officers are encouraged to make arrests and close cases whenever possible.\*
  - 15.2.8 Police officers are responsible for advising suspects of their constitutional rights prior to conducting a custodial interview. Incriminatory statements or materials of evidential value, such as a written waiver of constitutional rights or confession obtained at this time should be properly recorded and handled according to established procedures for the collection and submission of evidence.

15.2.9 Only that force which is necessary will be used in arresting and restraining individuals in custody.

15.2.10 Those persons taken into custody will be searched along with the area within the persons immediate presence for the purpose of:

- a. Protecting an officer from attack
- b. Preventing the person from escaping
- c. Discovering the fruits of a crime

\* Where practical, only police officers who have completed the police academy and are sworn officers shall be allowed to enforce laws and make arrests. Officers sworn but unable to complete the police academy in a timely fashion may be assigned by the Patrol Division Commander or his/her designated supervisor to a police officer who is sworn and has completed academy training. This shall only be done upon the completion of a departmentally designated training program.

**16.1 General Duties:** Civilian members will be responsible for the proper and efficient performance of their assigned duties.

**16.2 Specific Duties:**

16.2.1 Obey all lawful orders of a designated supervisor.

16.2.2 Be bound by the rules and regulations, orders and procedures of the department insofar as they apply.

**16.3 Duties of Police Dispatcher:**

16.3.1 Receive, relay and record public safety alarms, other messages and signals received over a public safety communication system.

16.3.2 Receive complaints from the general public concerning crimes and other public safety emergencies.

16.3.3 Broadcast instructions to police, fire and/or medical emergency units to investigate complaints or incidents, and to relay instructions and respond to questions.

16.3.4 Prepare and maintain a log (daily shift report) using a complex coding system for all requests for public safety assistance, and for which assistance is dispatched or otherwise delivered.

16.3.5 Receive, transmit and otherwise operate various communication devices such as: NYSPIN terminals, telephones, FAX, radio, telephone, etc.

16.3.6 Perform “matron duty” as directed.

16.3.7 Perform clerical, typing and record-keeping duties as required.

**16.4 Duties of Community Service Worker:** Under the general supervision of the chief of police and the support services commander, the community service worker is responsible for issuing parking tickets, enforcing some village ordinance violation, directing vehicular or civilian traffic, police dispatcher and such other duties as may be assigned by the chief of police or support services commander. This is a uniformed, unarmed, para-professional civilian position lacking a police officer’s authority to make arrests. CSW’s are required to exercise independent judgment in performing their duties in conformance with established laws, rules and regulations. On the job training is provided by police personnel and supervision is not normally a function of this position.

**Examples of Duties:**

- a. Patrols assigned areas by foot or motor patrol
- b. Makes observations and reports suspected criminal activities
- c. Investigates and provides services and completes reports on areas covered by ordinance, such as, property damage and hazardous conditions, trash, garbage and refuse complaints, lost and found property, animal complaints, abandoned vehicles
- d. Enforces provisions of parking, general ordinances and issues summonses for violations
- e. Directs and controls pedestrian and vehicular traffic at assigned locations, including school crossing guard and parade detail assignments
- f. Operate emergency communications desk area and fire alarm, ambulance and hot line units. Transmit information received to proper authority. May access police teletype to transmit and receive data related to police duties
- g. Performs clerical and other special duties, as assigned

**16.5 Duties of Parking Enforcement Officer:**

- 16.5.1 Patrols an assigned area during a specified period, for enforcement of all standing traffic laws, ordinances, parking violations and issues summonses for such violations; does related work as required.
- 16.5.2 Under the direct supervision of the chief of police and support services commander, a PEO is responsible for issuing tickets for standing traffic violations and is required to wear a uniform type of clothing as prescribed by the chief of police. PEO's do not perform general police duties except that of directing traffic and female matron duty. PEO's are not members of the uniformed police department. Supervision is not a function of this position.

**16.6 Duties of Animal Control Officer/Parking Enforcement Officer:**

- 16.6.1 Under the general supervision of the chief of police and support services commander, patrols an assigned area in search of unlicensed dogs, stray cats, etc. and impounds them; does related work as required. Perform duties as parking enforcement officer.
- 16.6.2 Supervision is not normally a responsibility of this position.

**Examples of Work:**

- a. Captures and impounds unlicensed and/or stray dogs/cats
- b. Enforced quarantine law
- c. Feeds and cares for dogs, cats and other impounded animals and transports animals to shelter or kennel
- d. Keeps records of animals impounded or destroyed
- e. Examines dog license for validity and may issue warnings or summonses to delinquent owners

**16.7 Duties of School Crossing Guard:**

- 16.7.1 Assist school children in crossing traffic intersections at an assigned post during school hours when children are entering and leaving school. Does related work as required.
- 16.7.2 Under the general supervision of police and supports services commander, the employee is responsible for assisting children in crossing traffic intersections. A school crossing guard requires vigilance in directing and protecting children during those hours when they are entering and leaving school. The position is part time, requiring the guard to serve at an assigned post. A school crossing guard is not a member of the uniformed police department and does not perform general police duties.

- 17.1** Whenever a member of the department wishes to engage in secondary employment, a written request will be submitted to the chief of police requesting permission to engage in this type of employment. It will be the responsibility of the officer requesting secondary employment to update the written request every six months from application date for further review.
- 17.2** The request shall contain the name of the officer, the specific hours and days of the employment, the employer's name and address, and a brief description of the job.
- 17.3** The type of employment shall be carefully considered to ascertain that there is no conflict of interest or that the employee may be engaging in any type of employment which would reflect unfavorably upon the department. The application must, therefore, be approved by the chief of police. If the chief has any reservations on the nature of the employment, the chief may refer the matter to the Board of Police Commissioners of the Village of Ossining.
- 17.4** The chief of police, when examining an application, shall examine the sick time record of the applicant, as secondary employment may impair the ability of the applicant to perform his regular police duties.
- 17.5** The chief of police may cancel, at any time for cause, the permission to engage in secondary employment such as: recall to duty if emergencies or special assignments, etc.
- 17.6** No member of the department is to be allowed to engage in any secondary employment while the member is on sick or injury leave or relates to police duties (i.e. guard or security work).
- 17.7** This written permission shall be for any type of off-duty employment, whether it is for one evening or weekly job and, in any instance, shall not regularly exceed twenty hours per week.
- 17.8** An officer may not be employed in a position that is specifically prohibited by law, i.e.: Alcohol Beverage Control Law, Racing, Wagering and Breeding Law, etc.
- 17.9** Alcohol Beverage Control Law - No member shall have interest, either directly or indirectly, in the manufacture or sale of alcoholic beverages or to offer for sale or recommend to any licensee, any alcoholic beverage.
- 17.10** Alcohol Beverage Control Law – No member shall be employed in any retail licensed establishment where consumption of alcoholic beverages is permitted on premise except when

authorized by the ABC Board and chief of police. NOTE: Employment in a licensed establishment for off-premise consumption (deli, grocery, etc. is not prohibited under this section.

- 17.11** Racing Wagering and Breeding Law – Members of the department shall not hold, directly or indirectly, any proprietary interest, stock, office or employment with any firm, association or corporation which:
- a. Is licensed by the Wagering and Breeding Board to conduct pari-mutual racing.
  - b. Conducts its occupation, trade or business at race tracks at which pari-mutual race meets are conducted.
  - c. Owns or leases to any enfranchised or licensed association or corporation a racetrack at which pari-mutual racing is conducted.
  - d. Participates in the management of any franchised holder or licensee conducting pari-mutual racing.

- 18.1 Discipline within an organization requires compliance to a code of ethics and standards of performance supported by a system of authoritative guidelines, such as: rules, regulations, general orders, and other policies and procedures. Discipline is a necessary element in the maintenance and growth of any person or organization.
- 18.2 Supervisors are responsible for insuring that department members and employees perform their duties in accordance with policies, rules and regulations and authoritative instructions of the department.
- 18.3 Supervisors are required to initiate action(s) in response to the acts of commission or omission of personnel who are either assigned to their command, come to their attention, or under their supervision (for however brief a period).
- 18.4 Supervisors are required to initiate corrective measures to fulfill their responsibility of assuring compliance with department rules, regulations and general orders. In all cases, the supervisor is required to instruct the subordinate on how to correct noted inadequacies and document same. (NOTE: Nothing established herein should preclude the supervisor from regularly instructing officers on their performance.)
- 18.5 Supervisor's remedial instruction in all instances that are or may be construed to be violations of department directives which result in counseling or instruction, should be noted in the supervisors' training notebook.
- 18.6 First line supervisors can recommend to their division commanders that department disciplinary charges are initiated against a subordinate.
- 18.7 It will be the division commander's responsibility to officially recommend the initiation of disciplinary action against a member of his/her division to the chief of police.
- 18.8 Acts of alleged misconduct or incompetence resulting in departmental charges against a member shall be heard in accordance with applicable law(s).
- 18.9 A supervisor of the rank of sergeant or above may impose an emergency suspension from duty against a subordinate when it appears that such action is in the best interest of the department. The supervisor who places a subordinate on emergency suspension shall notify that officer's division commander as soon as possible after the suspension.
- 18.10 All personnel complaints will be investigated per department policy set forth in General Order #2.05, entitled Personnel Complaints.

- 18.11 After completion of the investigation of a personnel complaint filed against an officer, charges shall not be recommended unless there is reason to believe that an offense has been committed and that the facts, standing uncontroverted, establish the validity of the charge or charges.
- 18.12 Upon suspension the member shall surrender to the suspending officer any badge, identification cards, handcuffs, batons, and all handguns that are possessed under the member's authority as a police officer.
- 18.13 Members under suspension shall not wear their uniform except at arraignment and hearing.
- 18.14 A member of the department found guilty of violating the rules, regulations, or general orders of the department is subject to one or more of the following:
- \*\*\*\*Reprimand, fine, suspension, dismissal from the department.**
- 18.15 Separation of a member by the Village Board is warranted for incompetent, inept or inefficient performance of duty. Repeated disciplinary actions even for minor infractions will be considered prima facie evidence of unsuitability for police service.
- 18.16 Investigative records and disciplinary proceedings, including but not limited to statement of charge, transcript of hearing, notice of decision, letter of termination or resignation, letter of reinstatement, record of appeal procedure, and correspondence shall be maintained for a period of 3 years after final decision rendered, pursuant to Part 185, Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

NOTE: Records covered by this item may be destroyed before this retention period has been reached, if specified either in a union contract or settlement between the employer and employee.

Revised. 7/15/04

\*\*\*\*As specified by law

## **ARTICLE XIX – DEFINITIONS**

PAGE 1 OF 1

19.1 The following definitions govern the use of these terms in the duties and rules of conduct of the department:

**Village Board:** The Police Department of the Village of Ossining, Westchester County, New York, shall be supervised by the Village Board, consisting of the mayor and trustees acting in their capacity as Board of Police Commissioners.

**Department:** The term “police department” or “department” means the department of police of the Village of Ossining, Westchester County, New York, and such terms include the term “police force” and “civilian personnel”.

**Force:** The term “police force” or “force” includes all members of the police department who have taken the oath of office and who possess the police power to arrest.

**Superior Officer:** A person holding a higher supervisory or command position.

**Supervisory Officer:** Any member, other than the chief of police, who is authorized to direct the activities of others.

**Officer:** A member of the police force/department possessing the power of arrest.

**Professional:** Shall mean conduct in accordance with the tenets of the Law Enforcement Code of Ethics, which is part of these rules.

**Member:** Any employee of the department.

**Pronouns:** All pronouns include the masculine and feminine gender unless otherwise specified.

**Regulations Equipment:** Equipment which meets specifications established by a departmental order.

**On Duty:** Hours specifically assigned to a member or any time involved when serving during a police emergency, even though a member was not specifically assigned.

**Off Duty:** All hours other than those shown as being specifically assigned to a person on duty.

**Laws and Ordinances:** Those laws and ordinances, both state and local, of which enforcement is the responsibility of the department.

Issue date: 1/1/2009

**PURPOSE:** Sexual Harassment in the work place is illegal. All employees are forbidden from engaging in such activity. The Village of Ossining is committed to providing a work place free from all forms of sexual harassment or intimidation.

The sexual harassment of any employee of the village by any other employee is demeaning to both the victim of the harassment and to the Village. It can result in high turnover, absenteeism, low moral, and an uncomfortable work environment. Some forms of sexual harassment, including certain kinds of unwelcome physical contact, may also be criminal offenses. The Village will not tolerate the sexual harassment of any of its employees, and will take immediate, positive steps to stop it when it occurs.

**POLICY:**

1. This policy applies to all officials and employees of the Village of Ossining, including but not limited to, full and part time employees, elected officials, permanent, temporary, provisional and probationary employees, employees covered or exempted from personnel rules or regulations and contractual agreements, and employees working under contract for the Village.
2. This sexual harassment policy includes inappropriate forms of behavior which are defined under DEFINITION OF SEXUAL HARASSMENT.
3. Officials, Department Heads and Supervisory Personnel are responsible for ensuring a work environment free from unsolicited, unwelcome and intimidating sexual overtures. Supervisors must take immediate and appropriate corrective action when instances of sexual harassment come to their attention to assure compliance with this policy.
4. Any employee who is found to have committed an act of sexual harassment may be subject to disciplinary action up to and including termination. Additionally, retaliation against any employee who has filed a sex discrimination or sexual harassment complaint is illegal and may result in disciplinary action. Intimidation, coercion, threats, reprisal or discrimination against any employee for complaining about harassment, as described in this policy is prohibited.
5. All employees will be held responsible and accountable for avoiding or eliminating the prohibited conduct. Employees are encouraged to report violations of this policy in accordance with procedures set forth below under PROCEDURES.

**DEFINITION OF SEXUAL HARASSMENT:**

1. Sexual advances that are unwelcome, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:
  - A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
  - B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions including, but not limited to, promotions, transfer, salary increments, or termination affecting such individual.
  - C. Such conduct for the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
2. Sexual harassment may take different forms. Specific forms of behavior that the Village of Ossining considers sexual harassment include, but are not limited to, the following:
  - A. **VERBAL:** Abusive language related to an employee's sex, sexual orientation or perceived sexual orientation; including sexual innuendoes, slurs, suggestive, derogatory, or insulting comments or sounds, whistling, jokes of a sexual nature, sexual propositions, threats and sexually oriented "kidding" or "teasing". Sexually oriented comments about an employee's body that are unwelcome and/or unreasonably interfere with an employee's work performance or creates an intimidating, hostile, or offensive working environment including but not limited to, general conversation of any body part, i.e.: breast, buttocks or genitals.
  - B. **NON-VERBAL:** Abusive written language, showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering, or obscene gestures in the work place such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.
  - C. **PHYSICAL:** Physical contact which is not welcome, including touching, petting, pinching, coerced sexual intercourse, assault or persistent brushing up against a person's body.
  - D. Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women.

**PROCEDURES:** It is our policy to encourage employees who feel they have been subject to sexual harassment to bring this to the immediate attention of management. If you have been the target of such activity, please follow the procedure listed below.

All complaints will be taken seriously and will be thoroughly investigated. Complaints will be treated as confidential matters and only those persons necessary for the investigation will be involved in the process. Any employee making a complaint will be advised of the outcome of the investigation.

1. Any employee who believes that he or she has been the victim of sexual harassment should report the harassment to the Personnel Officer as soon as possible after the occurrence. If for any reason an employee is uncomfortable reporting the harassment to the Village Personnel Office, they may report it directly to the Office of the Village Manager. If the Village Manager and/or Village Personnel Officer is involved, report is made to the Mayor and/or Board of Trustees which then would perform all the ensuing functions that would otherwise be performed by the Village Manager and Village Personnel Officer.
2. If an employee believes he/she has been sexually harassed, or has witnessed sexual harassment, and would like to obtain further information regarding the Village's policy, he or she may discuss the matter with the Personnel Officer.
3. Employees who have witnessed such activity or are aware of such activity should report it to the Personnel Officer. If for any reason an employee feels uncomfortable reporting to any of these individuals, he or she may report to the office of the Village Manager.
4. After a report has been received, the Personnel Officer or Village Manager will immediately cause a thorough and impartial investigation to be conducted. A confidential report of the complaint and investigation will be made to the Village Board.
5. All complaints will be handled in a timely and confidential manner. Information concerning the complaint will be held in confidence and disclosed only to the extent necessary for investigation.
6. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incidents occurred. The investigation will include confronting the alleged harasser with the charge and asking him or her to respond. The Village's ability to pursue its investigation and to take action against the harasser may be dependent upon the full cooperation of the employees reporting the harassment.

7. Employees who believe they have been unjustly charged with sexual harassment will be afforded every opportunity to offer and present information in their defense. Such information will be confidential and disclosed only to the extent necessary for investigation.
8. Any employee who participates in this procedure may do so without fear of retaliation. Retaliation against any employee, who has filed a sex discrimination or sexual harassment complaint or has provided information regarding such complaints, is prohibited and will not be tolerated by the Village. Any employee found to have retaliated will be subject to disciplinary action which may include termination.
9. The victim of the alleged harassment will be advised of the outcome of the investigation. If an employee is not satisfied with the outcome of the investigation or with the actions taken as a result of the investigation can go to the Village Board who will review the matter and make the final determination.

**DISCIPLINARY ACTIONS:**

Conduct which is found to violate this policy will be regarded as a serious breach of village policy and will result in immediate disciplinary action up to and including dismissal from employment.

Examples of possible disciplinary actions include, but are not limited to, termination, written warning, suspension, probation, demotion or a combination of these actions.

The safety and security of our employees is of vital importance. Acts or threats of physical violence, including intimidation, harassment and/or coercion, which involve or affect the employees of the Village, or which occur on Village property, will not be tolerated.

The prohibition against threats and acts of violence applies to all persons involved in the operation of the Village, including, but not limited to Village personnel, contract and temporary workers and anyone else on Village property properly associated with the business of operating the Village. Violations of this policy, by any individual, will result in disciplinary and/or legal action as appropriate.

**Workplace Violence Defined**

Workplace violence is any intentional conduct which is sufficiently severe, offensive or intimidating to cause an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends and/or property such that employment conditions are altered or a hostile, abusive or intimidating work environment is created. Examples of workplace violence include but are not limited to, the following:

- Threats or acts of violence occurring on Village business property, regardless of the relationship between the village and the parties involved in the incident.
- Threats or acts of violence occurring off Village business property involving someone who is acting in the capacity of a representative of the Village.
- Threats or acts of violence occurring off Village business property involving an employee of the of the Village as a victim if the Village determines that the incident may lead to an incident of violence on the Village business property.
- Threats or acts of violence resulting in the conviction of an employee or agent of the Village, or an individual performing services for the Village on a contract or temporary basis, under any criminal code provisions relating to violence or threats of violence which adversely affect the business interests of the Village.

Specific examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to the following:

- Threatening physical or aggressive conduct directed toward another individual.
- Threatening an individual or his/her family, friends, associates or property with physical harm.
- The intentional destruction or threat of destruction of Village property or another's property.
- Harassing or threatening phone calls.
- Surveillance.
- Stalking.
- Veiled threats of physical harm or intimidation.
- Advocating illegal use of firearms, bombs, or weapons.
- Threats or attempts to commit suicide.

Workplace violence does not refer to occasional comments of a socially acceptable nature. Such comments may include references to legitimate sporting activities, popular entertainment or current events. Rather, it refers to behavior that is personally offensive, threatening or intimidating.

### **The Village's Complaint Procedure**

If you witness or are made aware of any threats or acts of workplace violence, report the incident to the Village Manager or the Assistant to the Village Manager. Any person who engages in a threat or violent action on Village business property may be removed from the premises as quickly as safety permits and may be required, at the Village's discretion, to remain away from the property where the Village conducts business, at least pending the outcome of an investigation into the incident.

When threats are made or acts of violence are committed by a Village employee, a judgment will be made by the Village as to what actions are appropriate, including possible medical evaluation and/or disciplinary action.

Once a threat has been substantiated, it is the Village's policy to put the threatening employee on notice that he/she will be held accountable for his/her actions then follow through with the implementation of response.

Under this policy, decisions may be made to prevent a threat from becoming carried out, a violent act from occurring or a life-threatening situation from developing. No existing Village policy or procedure should be interpreted in a way that prevents the above from occurring.

The Village will make the sole determination of whether, and to what extent, threats or acts of violence will be acted upon by the Village. In making this determination, the Village may undertake a case-by-case analysis in order to ascertain whether there is a reasonable basis to believe that violation of this policy has occurred. No provision of this policy shall alter the at-will nature of employment at the Village.

### **Telephone Threats**

While thoughts of workplace violence are not common in any practice, the most typical scenario when they do occur is a threat made by telephone. If you receive such a threat, please do the following:

- If the threat has been left on voice-mail, do not erase it. Report the incident to the Village Manager and/or the Assistant to the Village Manager, who will arrange to have a copy made of the message.
- If you are on the phone with a person who has made a threat:
  - a. Try to stay calm.
  - b. Take detailed notes:
    - (1) what was said
    - (2) tone and nature of voice (distinguish accents, unusual phrasing, ect).
    - (3) do not argue with the caller or make threats back to the caller.
    - (4) Attempt to obtain some information – what is the person upset about, why the person is calling, where the person is calling from, the identity of the person, the phone number at which he/she can be reached.
    - (5) Report the call to the Village Manager and or the Assistant to the Village Manager as soon as possible.

**ARTICLE XXII – EQUAL EMPLOYMENT OPPORTUNITY AND ANTI-HARASSMENT POLICIES**

Issue date: June 1st 2006

Revised date: January 2, 2009

Purpose: It is the policy of the village of Ossining to provide equal employment opportunity to all qualified individuals without regard to race, color, sex, religion, national origin, sexual orientation, age, disability, pregnancy, marital status, veteran status, or any other legally-protected classification. Our equal employment opportunity philosophy applies in all personnel actions including recruiting, hiring, training, transfer, promotion, job benefits, pay, performance evaluation discipline, and dismissal. Employees who believe that they are being discriminated against should immediately contact the Personnel Officer, Village Manager, mayor and/or Board of Trustees without fear of retaliation of any kind. Discrimination based upon the above categories, or retaliation against an individual who complains of such discrimination, will not be tolerated, and will result in disciplinary action, up to and including termination of employment.

The Village of Ossining is committed to providing a work environment free from all forms of harassment or intimidation. The harassment of any employee of the Village by any other employee is demeaning to both the victim of the harassment and to the Village. It can result in turnover, absenteeism, low morale, and an uncomfortable work environment. The Village will take immediate remedial steps to stop harassment if it should occur.

Policy:

1. This policy applies to all officials and employees of the village of Ossining, including, but not limited to, full and part time employees, elected officials, permanent, temporary, provisional and probationary employees covered or exempted from personnel rules or regulations and contractual agreements, and employees working under contract for the village.
2. All officials and employees of the village will be held responsible and accountable for avoiding and/or eliminating prohibited conduct. Employees and supervisors must report violations of this policy in accordance with procedures set forth below under PROCEDURES to enable the Village to take immediate and appropriate corrective action.
3. Any employee who is found to have committed an act of harassment, or an act of retaliation of any kind against an employee who has filed a discrimination or harassment complaint (including, but not limited to, intimidation, coercion, threats, reprisal or discrimination), will be subject to disciplinary action up to and including termination of employment.

## ARTICLE XXII – EQUAL EMPLOYMENT OPPORTUNITY AND ANTI-HARASSMENT

Definition of Harassment: Harassment is defined as conduct of a sexual nature or related to race, color, sex, religion, national origin, sexual orientation, age, disability, pregnancy, marital status, veteran status, or any other legally protected classification, for which submission is made a term and condition of employment or the basis for employment decisions, which has the purpose or effect of unreasonably interfering with an individual's work performance, or which otherwise creates an intimidating, hostile or offensive work environment. Harassment refers to behavior that is not welcome, is personally offensive, fails to respect the rights of others, lowers morale, interferes with work performance, or is reasonably perceived as offensive by the recipient.

Harassment may take different forms. Conduct that may be acceptable in social settings may not be appropriate at work. In addition, sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, Conduct directed by women toward men, and conduct directed by women toward women. Specific forms of inappropriate behavior include, but are not limited to, the following:

- A. Verbal: Abusive, demeaning or other unwelcome remarks with sexual content or content based on an individual's race, color, sex, religion, national origin, sexual orientation, age, disability, pregnancy, marital status, veteran status, or any other legally-protected classification. Such conduct may specifically include: comments about an employee's body, sexual prowess or sexual deficiency, epithets or slurs, suggestive sounds, whistling, inappropriate jokes, unwelcome sexual propositions, threats, "kidding", "teasing", or requests for sexual favors, where the requests are linked explicitly or implicitly to threats or promises regarding employment with the Village, promotional opportunities, salary level, bonuses, work assignments, transfers, evaluations, or any other term or condition of employment.
- B. Non Verbal: Display of objects, pictures, leering, gestures, written language or computer or voicemail transmissions of a sexual, abusive or otherwise degrading nature relating to race, color, sex, religion, national origin, sexual orientation, age,
- C. disability, pregnancy, marital status, veteran status, or any other legally-protected classification.
- D. Physical: Unwelcome physical contact, including inappropriate touching, petting, pinching, kissing, persistent brushing up against another's body, any offensive or abusive physical contact, and sexual or other assault.

Procedures:

1. Employees who believe that they have been the victim of harassment, or those who have witnessed or are otherwise aware of harassment, shall immediately inform any supervisor or member of the command staff of the Department. If for any reason the employee is uncomfortable reporting the incident to a supervisor or a member of the command staff of the Department then he/she may report the incident to the Personnel Officer. If for any reason an employee is uncomfortable reporting the harassment to the Personnel Officer, they may report it directly to the Office of the Village Manager. If the Village Manager and/or Personnel Officer is involved, employees should report the matter to the Mayor and/or board of Trustees, which then would perform all the ensuing functions that would otherwise be performed by the Village Manager and Personnel Officer. The Village's ability to pursue its investigation and/or take action against a harasser may be dependent upon the full cooperation of the employee reporting the harassment.
2. After a report has been received, the Personnel Officer or village Manager will immediately cause a thorough and impartial investigation to be conducted. A confidential report of the complaint and investigation will be made to the Village Board.

**ARTICLE XXII – EQUAL EMPLOYMENT OPPORTUNITY AND ANTI-HARASSMENT POLICIES**

3. All complaints will be handled in a timely and confidential manner. Information concerning the complaint, as well as information disclosed during the investigation, will be held in confidence and disclosed only to those who have a “need to know.”
4. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incidents occurred.
5. Employees charged with harassment will be afforded every opportunity to offer and present information in their defense.
6. Any employee who participates in this procedure may do so without fear of retaliation. Retaliation against any employee who has filed a discrimination or harassment complaint or has provided information regarding such complaints, is prohibited and will not be tolerated by the Village. Any employee found to have retaliated in any way will be subject to disciplinary action up to and including termination of employment.
7. The victim of the alleged harassment will be advised of the outcome of the investigation.

If an employee is not satisfied with the outcome of the investigation or with the actions taken as a result of the investigation, he/she can go to the Village Board who will review the matter and make a final determination.

Disciplinary Actions: Conduct which is found to violate this policy will be regarded as a serious breach of village policy and will result in immediate disciplinary action up to and including termination of employment.

Examples of possible disciplinary actions include, but are not limited to, termination, written warning, suspension, probation, demotion or a combination of these actions.

Adopted from Village of Ossining Policy

**WRITTEN ORDERS AND MEMORANDUM**

Revision Date: 06/18/2019

**Purpose:** To identify issuing authority and to establish a format and definitions for written orders and memorandums and to provide for proper preparation, indexing and distribution so that all personnel are kept informed of new revised policy and procedures.

THIS ORDER CONSISTS OF THE FOLLOWING SECTIONS:

DEFINITIONS  
ISSUING AUTHORITY  
PREPARATION OF WRITTEN ORDERS  
REVIEW OF WRITTEN ORDERS AND MEMORANDUMS  
DISTRIBUTION OF WRITTEN ORDERS AND MEMORANDUMS  
INDEXING AND GENERAL FORMAT  
EFFECTIVE DATE  
CANCELLATIONS

**Definitions:**

1. General Orders are issued to announce adoption or revision of policy and to direct new procedures. The following are proper subjects of General Orders:
  - a. Institution of permanent procedures, rules, policies and manuals related thereto. Examples: Department Sick Leave Policy, Department Vehicle Pursuit Policy.
  - b. Permanent changes in organizations.
  - c. Permanent personnel policies and procedures including recruiting, hiring, training and promotion policies but not including changes of status, such as: transfers, promotion of individuals, etc.
  - d. Relationships with other agencies and citizens.
2. Special Orders - Issued to announce policies or specify procedures concerning a specific circumstance or event, policy or procedure which is of a temporary or self-canceling nature or involving only specific subject matter special orders:
  - a. Specific instructions to accomplish a particular objective. Once accomplished there will be no need for continuing instructions.

**EXAMPLE:**

1. Renumbering or assignment of police vehicles.
2. Changes in court appearance dates.
- b. Temporary procedures designed to cover a special occurrence or event which is of a temporary or short-termed nature.

## GENERAL ORDER #2.00

### EXAMPLE:

1. Specific instruction for the use and deployment of manpower to a particular event such as a parade, street fair, or other such public gathering; including the assignment of individual duties and/or responsibilities.
2. Instruction to check a certain street or premise or other location and to record same on the daily activity report.
3. Authorization to change from winter to summer uniform and vice-versa. (NOTE: Permanent uniform specifications will be detailed in a general order)
4. Directives to a specific division or unit which does not influence the operation of others and for which no organizational change is needed:

EXAMPLE: Direction as to maintenance of department issued equipment, i.e.: charging of portable radios, cleaning of weapons, cameras etc.

3. Personnel Orders - Announce the following:
  - a. The appointment of new personnel.
  - b. The assignment or transfer of members from one division or the unit to another.
  - c. The promotion or demotion of personnel.
  - d. Suspension, dismissal and restoration to duty.
  - e. Termination by resignation or retirement.

### Memorandums: May be issued for the following purposes:

- a. To disseminate information or instructions which do not warrant a formal order.
- b. To direct the actions of subordinates in specific situations or circumstances under a level of command not authorized to issue General or Special Orders. Such direction shall not deviate from or conflict with established policies and procedures as documented by higher authority.
- c. To explain or emphasize portions of previously issued orders.
- d. To inform members of actions or policies of other agencies.

### Issuing Authorities:

#### 1. General Orders: Issued only by the following levels of command:

- a. General orders are issued by the Chief to announce organization wide policies and procedures.
- b. General orders may be issued, when necessary during the absence of the Chief, by the acting chief.
- c. Proposed general orders may be reviewed by staff prior to their implementation at the discretion of the Chief, either by email with individual members of staff or at a staff meeting.

2. Special Orders: May be issued by the chief. Division commanders may issue special orders when they pertain to only members of their department. It is their responsibility to ensure that their orders do not conflict with those of a higher level of command.

3. Personnel orders: Prepared only as directed by the chief, and in his absence, when required, by the acting chief.

### Preparation of Written Orders:

1. Orders issued at any level of command shall not conflict with established policy and procedures as directed by

## **GENERAL ORDER #2.00**

higher authority.

2. All orders and memorandums will be written in concise and accurate manner.
3. Whenever applicable, all orders and memorandums shall carry notations directing attention to other published documents which are related. An order or memorandum which rescinds or supersedes other orders or memorandums or rules, etc., will carry the identifying notations (order number, etc.) necessary to connect them.

### **Review of Written Orders:**

1. Prior to receiving an issuing number, any written order must first be reviewed by the chief and at least one (1) division commander. The review will ensure the following:
  - a. That it conforms to this general order.
  - b. That it does not conflict with any other written order.
  - c. To ensure that the order meets the need of the situation.
2. Written orders will reviewed by the chief and/or his designee at least once every five (5) years.

### **Indexing and Format:**

1. General Orders will be assigned a unique three digit number in the format of #.##, e.g. 2.00
2. All written orders shall conform to the format of this order.

### **Dissemination of Written Orders, Memorandums, and Departmental Manual**

1. The Ossining Police Manual will be available for review on computerized work stations at police headquarters.
2. Department personnel shall be advised of additions, changes, and deletions of departmental orders via department email, with a read receipt utilized to ensure members have received and opened the email.

### **Cancellations:**

1. All general orders, special orders and memorandums which are not self-cancelling shall be reviewed three years after original date of issuance, and at least once every five years thereafter, by the Chief or his/her designee to determine whether or not:
  - a. They should be cancelled.
  - b. They should be incorporated into a manual.
  - c. They should be revised.
  - d. They should be continued in their present form.
2. Cancellation and incorporation into other manuals shall be effected by a special order.

**SICK LEAVE POLICY AND PROCEDURES**

Issue Date: July 13, 2004

Revision Date: January 25, 2010

**Purpose:** To establish uniform procedures for reporting sick and follow-up actions when members become sick or injured.

**Background:** The vital nature of police service and manning requirements of daily operation necessitate that the department maintain accurate methods to anticipate vacancies created by illness or injury and to expedite the member's earliest return to duty.

**Policy:** As outlined below, all illnesses and injuries which impair a member's ability to perform his/her scheduled duties must be immediately reported to the department. Members on sick leave will comply with all follow-up procedures outlined herein, as well as any additional directives specifically given to that member by a superior officer. Employees are required to remain at home or in hospital confinement during sick leave unless the specific nature of the illness or injury does not normally require bed rest.

A member who is on sick leave will **NOT**:

1. Work any outside employment for a period of twenty-four (24) hours from beginning of tour missed.
2. Work overtime with the department for a period of twenty-four (24) hours, after the start of the tour of duty for which he/she was on sick leave. Abuse of sick leave may result in disciplinary action.

Procedure for reporting sick:

**A. A member of the department reporting sick is to:**

1. Telephone headquarters **as soon as possible** or a least TWO HOURS before the start of his/her scheduled tour, unless the disability occurs within this TWO-HOUR period.
2. Notify the department EACH DAY he/she will be out sick.
3. **If incapacitated and unable to personally notify the department, have a responsible person notify the department.**
4. State the nature of affliction, expected date of return to duty, and telephone number where calling from. The member must give a phone number where contact can be made.
5. Inform the department of any appearances in court hearings or other official business scheduled for the day/dates of illness.

6. First notify the department, except in an emergency, of the need to leave home or place of confinement during the scheduled tour.
7. Notify the department upon return to home or place of confinement.

**B. Desk officer receiving a sick report shall:**

1. Make the necessary entry in the daily attendance log and **create a computer entry of the nature of illness or injury.**
2. Immediately notify the tour supervisor, bringing to his attention any necessary information about the next tour of duty.
3. If there is no tour supervisor working and there will be a need for overtime, the desk officer should **canvass** to fill the position and notify the tour supervisor on the following tour.
4. When receiving notification from a member on sick leave that he/she is leaving his/her residence or place of confinement, report same to supervisor **and create a computer entry for the time the officer left and returned.**

**C. Tour Supervisor on duty when sick report is received shall:**

1. Determine whether the absence will require additional manpower to fill the position. If so, arrange to fill the position.
2. Department sick report to be completed by tour supervisor. Officer to be contacted by the end of the tour by the supervisor. The tour supervisor's signature will not only indicate his actions but will also indicate that the sick report is properly completed.
3. Notify the tour supervisor, whose tour will be missing the sick member, of the absence and any arrangements for filling the vacancy.
4. Supervisor may make a contact visit if deemed appropriate, forward the sick leave report to the Patrol Division commander and records. If a Detective Division member, forward sick leave report to the Detective Division commander.
5. If the officer reporting sick or injured is on duty the following procedures will be utilized:
  - a. All on-duty illnesses or injuries will immediately be reported to the desk officer and tour supervisor. The tour supervisor will make or cause an investigation to be made of the on duty illness and/or injury. A department sick report shall be filed and where appropriate a workmen's compensation report will be filed by the officer, or if the officer is unable, the tour supervisor will cause the compensation form to be completed. The supervisor will ensure the officer receives prompt medical attention where required. The compensation form, upon completion, should be filed with the Chief of Police.
  - b. Members reporting sick while on duty may be excused by the tour supervisor who, in turn, will complete the sick/injury report and cause the information to be recorded in the attendance records and ensure the completion of the sick/injury report.
  - c. **If a member is calling in sick with a previous on the job injury, they must obtain medical certification that the day(s) out of work were related to this previous injury. Until medical certification is received the member will be carried sick.**

**Procedure When Returning From Sick Leave:****A. A member returning to duty from sick leave shall:**

1. Check with his/her sergeant/division commander.
2. Where required by Chief of Police, provide physician's note upon return to work.
3. Officers who have obtained a doctor's certificate for an absence must also obtain a certificate in order to return to work.

**Certain Medical Leave Restrictions:**

The illness/injury records of individual officers will be reviewed periodically to determine whether or not to place an officer on the chronic sick list.

1. Prolonged illnesses or injury will not be included for purposes of the chronically sick list except in cases where the Chief has required a medical review by a department designated physician who has determined the officer should be able to perform his/her duties.
2. In cases of prolonged injury or illness (those exceeding two weeks) the officer may be required by the Chief of Police to submit to a medical examination by a physician appointed by the department.
3. Members whose names appear on the chronically ill \*sick list are not permitted to be canvassed for voluntary overtime and shall not be permitted to work such overtime, or to work mutually switched tours for/with other officers. Those officers who have previously applied for and received an off-duty work permit form the Chief of Police will have such off-duty work permit revoked and will not be permitted any outside employment activity. Members may also be compelled to forfeit their ability to select their working tours based on seniority, and they will be assigned a working tour by the Chief of Police.
4. In order to obtain relief from chronic sick designation, a member must apply for such relief in writing to the Chief of Police. The basis for such request must be:
  - a. Six months of consecutive duty without one sick report, or
  - b. Evidence of mitigating circumstances.
5. Members injured on or off-duty may be required by the Chief of Police to report to a police surgeon or other medical doctor for an examination to determine the officer's fitness to perform duty assignments (even if in a limited duty assignment).
6. In all cases, no officer shall be forced, or volunteer, to work more than sixteen (16) hours in any twenty four (24) hour period, or work more than two (2) sixteen (16) hour tours in any four day work period.

**Chronic sick list:**

An officer can be placed on the Chronic Sick List by the Chief of police, or his designee, for the following reasons;

- An officer has a high amount of sick days, over an extended period of time
- An officer exhibits a pattern of sick leave
- An officer violates any of the provisions of this procedure in regards to reporting sick leave or conduct while on sick leave



GENERAL ORDER #2.02

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### **MUTUAL EXCHANGE OF TOURS**

**Purpose:** The intent of this policy is to define department policy when the procedures listed below are followed and the request is for a full tour of duty. Although there is no fixed numerical limit, per the number of mutual exchanges allowed per officer, the control to keep them within a reasonable limit will lie with the members immediate supervisor and the division commanders. However, there will be no more than two (2) days mutually exchanged in any four (4) day tour. Any mutual exchanges which are found to have a negative impact on the efficient operation of the department will be denied.

**Procedure:** Mutual exchange of tours - sworn personnel

It will be the responsibility of the two officers involved in the exchange to ensure their appearance on the days involved. The officer agreeing to work a particular tour for another officer will accept full responsibility for the tour he/she agrees to work.

If an officer has been granted a mutual exchange and calls in sick for the particular tour, that officer will be so charged, not the originally scheduled to work.

No officer will arrange a mutual exchange when he has knowledge of a court appearance or any other appearance which could cause the officer to appear on overtime. Any violation of this will cause the mutual exchange to be cancelled and future requests may be denied.

In no case may an officer request a mutual exchange for the sole purpose of avoiding an assignment or other duties.

A mutual exchange will not be considered approved unless it is approved by the tour supervisor or division commander and posted in the daily log (day book) monthly schedule, or verbally approved by a division commander.

A Tour change slip addressed to the immediate supervisor of both officers should be signed by both officers and submitted to the affected supervisors for their signature and approval. The completed request should, when possible, be done at least two hours prior to the time the mutual exchange will take place.

The tour change slip should state the dates and tours the officers have agreed to exchange.

#### **Calculating of mutual exchanges:**

The following method of calculating the number of mutual exchanges (ME) will be used.

1. The number of M.E.'s per person will refresh to zero (0) as of January 1st each year.
2. Each time an officer is involved in an M.E., it will count as one (1) M.E.; Examples follow:
  - a. Officer A is scheduled B-tour on June 10. Officer B is scheduled C-tour on June 10. Both officers agree to switch (M.E.) Their tours on June 10, therefore, officer A will now work a C-tour and Officer B will work a B-tour on June 10. In this example both officers will be considered to have on (1) M.E.
  - b. Officer A is scheduled C-tour on July 10. Officer B is scheduled A-tour on July 10. Both officers agree to M.E. as follows: Officer A will now work both the B-tour and C-tour on June 10 Officer B will owe Officer A a day. In this example both officers will be considered to have made one M.E.
  - c. Officer A is scheduled C-tour on July 10. Officer B is scheduled A-tour on July 10. Both officers agree that Officer B will work be considered to have made one (1) M.E.
  - d. Officer A is scheduled off on August 10. Officer B is scheduled a B-tour on August 10. Both officers agree that office A will work Officer B's B-tour on August 10. Both officers will be considered to have made on (1) M.E.

Police dispatchers and Community Service Workers and civilian personnel:

Dispatchers CSW'S and civilian personnel may mutually exchange full tours with each other, with the understanding that there will be no salary adjustments, increase or decrease, when a person of one job category mutually exchanges with a person of a different job category. The request for mutual exchange will be reviewed and considered for approval based upon department and Staff Division need.

The requesting employees should prepare, in a timely fashion, an exchange of tour slip directed to the Management Information Systems commander or other division commander, or when they are not available, the tour supervisor. The request should detail dates and tours to be exchanged.

Request for mutual exchanges will be evaluated by a division commander, tour supervisor or the Staff Division commander, and kept on file. Mutual exchange requests for full tours only will be considered. In the interest of efficiency and effectiveness, mutual exchange requests which result in either employee working a "double shift" should not be requested, except in cases of extreme emergency

No mutual exchange request is to be considered approved until signed copies of the approved requests are returned to the requesting employees and posted on the Staff Division work schedule by the Staff Division commander or the assistant to the Staff Division commander.



GENERAL ORDER #2.03

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**REGISTRATION OF PERSONALLY OWNED HANDGUNS**

**Purpose:** To establish procedure for members of the department, both sworn and civilian, to register personally owned handguns with the department and the State Police, as required by law. Background - The New York State Penal Law mandates that all sworn members report, in writing, the status of personally owned handguns, under their authority as a police/peace officer, to this department within ten (10) days of the acquisition or disposal of any such weapon. The department, in turn, must report these transactions to the superintendent of the New York State Police. A violation of this section constitutes a Class A Misdemeanor.

In addition, all members of the /department, sworn or civilian, are required to report to the department the acquisition or disposal of personally owned handguns under any other authority, such as, a pistol permit.

**Procedure** - Each sworn member is required to prepare and submit a completed New York State Police Acquisition/Disposal Form currently PPB-1 9/80) for each personal handgun acquired and/or disposed of under the authority granted as a police/peace officer. The form must be submitted to the Detective Division commander on or before the sworn member's next work day following the transaction, or in any case, within five (5) days if the sworn member is on extended leave for any reason.

The form shall be submitted to the Detective Division commander, together with the weapon involved, for inspection. The Detective Division commander will cause the records unit on the weapon(s). The teletype check will be retained by the Detective Division commander.

Any member, sworn or civilian, acquiring or disposing of a handgun under authority other than that of police/peace officer, i.e., pistol permit, shall prepare a written memorandum directed to the Detective Division commander, together with the handgun, for inspection.

The memorandum shall describe:

Person/firm from whom handgun was acquired, or disposed to  
Address of the above-referenced party  
Authority for other party's possession  
Date of Transaction  
Description of Handgun:

Make  
Model  
Caliber  
Serial Number

Type (Revolver/Pistol. etc..)

The memorandum shall be submitted on the member's next work day following the transaction or, in any case, within five (5) days of the transaction if the member is on extended leave for any purpose.

In the event that a member's personal or issued handguns(s) is lost, stolen, or missing under any circumstances, the member will immediately submit a memorandum to the chief of police through the appropriate chain-of-command. If a report of these facts is submitted to any other police agency such shall be noted in the memorandum.

The Detective Division commander shall be responsible for carrying out the necessary notifications concerning all department and personal firearms that are required under statute to be registered with the superintendent of the New York State Police.

Violation of any of the provisions of this procedural order shall be cause for disciplinary action.

A handwritten signature in black ink, appearing to be "K. J. [unclear]", located in the lower right quadrant of the page.

GENERAL ORDER #2.04

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**USE OF COMPENSATORY TIME OFF**

**Purpose:** To Provide guidelines for officers to use when requesting compensatory time off as provided by the contract between the Village of Ossining and Village of Ossining Policemen's Benevolent Association.

**Background:** Officers are entitled to accumulate, and take off, compensatory time earned in lieu of cash for overtime worked. The manner in which time may be earned is governed by the contract in Article, "Compensatory time may only be taken upon prior approval of the Chief of Police". This general order will guide officers in the manner in which they may request, and take compensatory time off.

**Policy:** It is the policy of the department to grant compensatory time off whenever possible so long as the taking of such time off does not interfere with the number of officers needed to provide adequate coverage on any shift.

Compensatory time off will not be approved if such time off will result in the need to fill the position with another officer on an overtime basis. It is the responsibility of each division commander to determine that the level of coverage is adequate for each shift, taking into consideration the time of year and expected workload, and minimum staffing, levels established by the Chief of Police.

Minimum staffing requirements for Patrol Division are as follows:

8 a.m. – 4 p.m.	Tour	4 Officers
4 p.m. – 12 a.m.	Tour	5 Officers
12 a.m. – 8 a.m.	Tour	4 Officers

While on compensatory time leave, officers shall not participate in any athletic event or activity (including practice or actual games) sponsored by, arranged by, or in any way connected or involved with the Ossining Police Department, or the Village of Ossining.

In those cases where a compensatory time off request has been approved and another officer subsequently requests the same day off, i.e.: personal day, vacation day or PBA day, and such request created a need to fill the position on an overtime basis, the officer who requested the compensatory time off may be required to work.

**Procedure:**

1. An officer should submit a request slip to his or her immediate supervisor detailing the day, date and hours he or she is requesting as compensatory time off. When submitting such a slip, officers are responsible to submit it as soon as possible, taking into consideration it will have to travel through the chain of command in order to be approved.
2. The supervisor receiving such slip should attempt to verify the number of compensatory time hours the requesting officer has standing to his or her credit.
3. In those cases where the requesting officer does not have sufficient time standing to his or her credit, the supervisor shall deny the request.
4. In those cases where the officer has sufficient time standing to his or her credit, the supervisor shall evaluate the request to determine if granting the request will result in the need to fill the position with someone on an overtime basis, and, if so, the supervisor will deny the request.
5. In those cases where the supervisor believes the officer has sufficient time standing to his or her credit, and granting the request will NOT result in a need to fill the position on an overtime basis, the supervisor shall approve the request and forward it to the appropriate division commander.
6. The division commander will evaluate the request to determine whether or not it satisfies the requirements of this general order. If it does, the division commander shall approve the request and adjust the department's official schedule and the employee's compensatory time records accordingly. If the request does not satisfy the requirements of this general order, the division commander shall deny the request by noting same on the original memo submitted by the requesting officer, and forward the memo to the officer's immediate supervisor who shall deliver it to the requesting officer.
7. Officers requesting compensatory time off shall verify the approval of their request by checking the Department's official rule for the notation "C.T." in place of their regularly schedule has been changed to reflect C.T. for the appropriate day.

A handwritten signature in black ink, appearing to read "Kim [unclear]", located in the lower right quadrant of the page.

PERSONNEL COMPLAINTS

Revision Date: 05/27/2019

**Purpose:** To establish procedures for processing complaints alleging misconduct or inadequate police service by members of the police department.

**Introduction:** It is essential for the community to have confidence in the police department's administrative procedures designed to supervise the exercise of police power. In order to ensure the integrity and efficiency of the department is maintained, all complaints of misconduct and/or inadequate police service must be thoroughly investigated and, when misconduct or discourtesy is discovered, appropriate disciplinary action taken to correct the condition and ensure the standards of the department are preserved. The police department shall:

- A. Promptly, competently, professionally and impartially investigate and document all complaints relative to the department or its employees, and their response to community needs.
- B. Maintain the confidentiality of internal affairs investigation and records as needed to conduct said investigations
- C. Take appropriate disciplinary action in all cases determining that an investigation substantiates a violation of law, orders, rules, regulations, policies or procedures of the department, whenever they have occurred.
- D. Seek appropriate remedies for false allegations; exonerating officers when charges are not substantiated by the facts.
- E. Establish rules, regulations, policies and procedures in order to direct and control the means by which law enforcement services are delivered in the most efficient and effective manner.

This general order is for internal use only and does not enlarge the officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

**Policy:** The policy of this department is to encourage citizens to bring forth legitimate complaints regarding misconduct and/or inadequate police service. These allegations shall be received courteously and without delay.

It shall be departmental policy for members of the department to cooperate and assist in impartial processing of citizen complaints consistent with established procedures.

Members of the public shall be furnished all information necessary to process such a complaint and shall also be informed of the Police/Community Relations Advisory Council and its function as another avenue of complaint. In no case however, when a matter is referred to the Police/Community Relations Advisory Council, should this abrogate the responsibility of the department to thoroughly investigate every complaint brought to its attention. In such cases, departmental guidelines and procedures will be adhered to by its members. All employees are

obligated to explain the complaint procedures to inquiring citizens.

The department recognizes its personnel are often subject to intense pressures in the discharge of their duties. The employee must remain neutral under circumstances that are likely to generate tension, actions or events frequently resulting in misunderstandings and confusion. It is to the advantage of all employees and citizens to have a procedure for investigating the more serious allegations and underlying circumstances so that complaints can be resolved taking into account the complicated pressures of law enforcement services.

Upon request, any person may be given a copy of instructions explaining how to report a complaint about police department employees, or police department services. A "Complaint Procedures" form is found in the appendix of this order.

Complainants will be notified if the complaint is being handled as an administrative matter (as per civil rights 50-a of the Civil Rights Law) whenever practicable.

**Responsibility for handling complaints:** As a rule, complaints regarding law enforcement personnel or operations will be handled by the chief of police or his designee. Complaints will normally be investigated by an investigator or a lieutenant, at the direction of the chief of police, whose office will maintain a central file of all complaints filed against personnel and shall ensure appropriate case numbers have been assigned. The chief of police may request assistance from another agency to participate in or undertake the investigation. The chief, or his designee, shall maintain a liaison with the District Attorney's Office to aid in these investigations as needed.

**Receipt of complaints:** Complaints, regardless of their nature, can be lodged in person, by mail or phone at any time. They may also be lodged with the Police/Community Relations Advisory Council. Whenever possible, as part of a follow-up investigation, persons making complaints in any of the aforementioned categories will normally be interviewed, and a written, signed complaint prepared. A complaint form is found in the appendix of this order. Anonymous complaints will be followed up to the extent possible.

Any complaints may be lodged in police headquarters with a lieutenant or, in his absence, the duty officer\*. Upon receipt of a complaint against department personnel, the lieutenant or duty officer shall ascertain all the information is received and it shall then be referred to the office of the chief of police.

Every effort will be made to facilitate the convenient, courteous and prompt receipt of citizen complaints. An employee who interferes with, discourages or delays the making of such complaints shall be subject to disciplinary action.

Normally a citizen with a complaint will be referred to the chief of police or a lieutenant. In cases where this is not possible the duty officer will be responsible for handling the complaint. Where appropriate, the chief of police will conduct, or cause to be conducted, an investigation or refer the matter to the Police/Community Relations Advisory Council.

If the complainant is apparently under the influence of an intoxicant or drug, suffering from a mental disorder or displays any other trait or condition bearing on his/her credibility, this information shall be noted on the complaint form. Any visible marks or injuries relative to the allegation shall be noted and photographed.

1. Prisoners or arrestees may also lodge complaints. The lieutenant or duty officer shall handle such complaints and in all cases notify the chief of police. In the event that injuries are alleged or present, photographs will be taken.
2. Department employees receiving a complaint through the mail shall forward it to the chief of police, who will determine investigative responsibility.
3. Complaints received by phone will be courteously and promptly referred to the chief of police, a lieutenant or, if they are unavailable, the duty officer. In the event the duty officer is not immediately available, the employee receiving the complaint shall record the name and telephone number of the complainant and state that the chief of police or his designee shall call back as soon as is practical.
4. Complaints will not normally be accepted more than thirty (30) days after the alleged incident, with the following exceptions:
  - a. When the act complained of is a criminal violation in which case the criminal statute of limitations will prevail.
  - b. When the complaining person can show good cause for not lodging a complaint earlier.

These procedures may also be used when a department employee desires to lodge a complaint against any other employee governed by this order.

**Categories of complaints:**

Category I complaints:

All complaints or allegations lodged against a member of the department, which involves:

1. Unnecessary or excessive force.
2. False arrest.
3. Discrimination.
4. Violation of criminal statutes.

Category II complaints:

All complaints relating to inadequate police service and allegations lodged against members of the department, which are not included in Category I.

**\*Duty Officer**

Shall mean the highest-ranking officer on duty.

Complaints defined:

1. While it is generally obvious when a complainant alleges misconduct on the part of an employee, complaints concerning lack of service or improper procedures are sometimes more difficult to identify.

2. In many instances someone may merely request information or clarification of a policy or procedure. In such cases that person should be given a thorough explanation of the procedures or legal issues involved in the situation initiating the inquiry. Because of the fine line that occasionally exists between complaints and inquiries, should there be any question it should be considered a complaint and forwarded for further action.

**Contents of complaints:** It is essential that complete and accurate information regarding the complaints and allegations be obtained, including: \_

1. Names, addresses (home and business), telephone numbers of the complainant and any additional information indicating where the complainant may be contacted. Complete military addresses shall be obtained from military personnel.
2. Specifics of the allegation shall be obtained, including the date, time and location of the incident.
3. Names, addresses and phone numbers of witnesses.
4. Police personnel involved should be identified, if possible.
5. Supplemental and complaint forms, with proper case numbers, will be used.
6. Computer numbers will be assigned to every complaint received.

**Procedures for accepting anonymous complaints:** Although the department recognizes its responsibility for protecting all its members from false and malicious complaints it should not, as a matter of policy, arbitrarily dismiss anonymous complaints but should attempt to discover the identity of the person giving the information; however, common sense should prevail. The amount of time, manpower and investigative response that is to be expended on such complaints by telephone or mail are as follows:

#### 1. Telephone

a. Members receiving complaints by phone should immediately transfer same to the attention of the lieutenant or, in his absence, the duty officer who will then advise the caller of the department procedure for processing complaints and, in an effort to add credibility to his/her complaint advise it is preferable he/she appear personally to complete a written report of the incident.

b. Should the caller refuse to appear at headquarters for the purpose of a formal complaint and if, in the supervisor's judgment, the nature of the complaint ~~processings~~, it shall be the responsibility of that duty officer to enter all pertinent information and facts necessary for appropriate completion of the report on a complaint form.

c. Computer numbers will be assigned to the complaint.

#### 2. Mail

Any member receiving a complaint by mail shall immediately forward same to the attention of the chief of police.



GENERAL ORDER #2.06

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### **USE OF SAFETY EQUIPMENT**

**Purpose:** The purpose of this general order is to ensure the safety of department members through the use of personal safety equipment provided by the department.

**Background:** The department recognizes that the personal safety of its officers and civilian members is of paramount importance to members and their families, as well as the department. In helping to ensure the safety of its members the department provides safety belts in all of its vehicles, and soft body armor vests to all sworn officers. In addition other safety equipment is supplied for routine duties such as directing traffic.

Evidence supporting the use of vehicle equipped safety belts to save officers lives and reduces injuries resulting from motor vehicle accidents, as well as, helping operators to control vehicles during emergency operations.

Evidence also exists supporting the use of soft body armor in saving officers lives and reducing injuries resulting from gun shot and other injuries.

**Policy:** All members of the department shall wear the safety belt provided as standard equipment in department vehicles when operating or riding in a department owned vehicle, or other vehicle while on department business. Safety belts shall be worn whether riding in the front or back of a vehicle. Members of the department shall not disable or defeat the safety belt system of any department vehicle. All sworn officers of the department shall be issued a softy body armor vest as part of the issue uniform and equipment. Department issued soft body armor vests shall conform to the New York State Division of Criminal Justice Services specifications for vests as set forth in Section 6030.6 of Part 6030 of Title 9 of the New York State Code of Rules and Regulations (NYCRR).

While on duty members shall either wear their vest, or, have it with them at all times stated in the procedures section of this general order.

Whenever an officer is at a traffic situation, i.e. traffic accident, directing traffic, the ANSI approved reflective vests will be worn as the outermost garment. The only exception to this would be wearing the ANSI approved raincoat.

1. Whenever any member of the department operates or rides in a department owned vehicle, or any other vehicle while on department business, whether on or off duty, whether in the front or rear of the vehicle, the member shall wear the safety belt provided in the vehicle.

2. Whenever a sworn officer of the department is on duty and in uniform he or she shall wear the soft body armor vest.
3. Whenever a non-uniformed, sworn officer of the department, i.e. detectives, youth officer or patrol officer on special assignment is on duty, he or she shall have the soft body armor vest provided by the department immediately available to him or her, unless the circumstances of an incident in which such member is involved may be considered hazardous. In such cases the officer shall wear the soft body armor vest provided.
4. Sworn officers of the department whose normal work assignment is inside the secure area of police headquarters shall not be required to wear their soft body armor vest while actually performing such assignment. Such officers include: Chief of Police, lieutenants/division commanders, desk officers, staff division personnel and any other officers while on special assignment to a headquarters detail. Such officers, when leaving the building for incidental assignments or meal relief will wear the vest or have it readily available.

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GENERAL ORDER #2.07

PAGE 1 OF 1

**APPLYING NEW YORK CLEAN INDOOR AIR ACT**

Issue Date: 1/1/96

Revision Date: 6/01/2010

**Purpose:** Several scientific studies including a 1986 report of the United States Surgeon General have cited involuntary exposure to tobacco smoke as the cause of several diseases or health problems in otherwise healthy nonsmokers. New York State's Clean Indoor Air Act protects and promotes public health by reducing involuntary exposure to tobacco smoke in public places.

New York's Clean Indoor Air Act prohibits or limits smoking in most public places, including work sites. The provisions of the act which apply specifically to work sites became effective April 1, 1990 and amended July 24<sup>th</sup>, 2003.

**Policy and Smoking Rules**

In the interest of providing a safe and healthy environment for employees and visitors and, in accordance with Article 13-E of the Public Health Law and Section 534.03 of the Westchester County Code, the following smoking rules have been adopted to take effect April 1, 1990:

SMOKING IS PROHIBITED THROUGHOUT OUR FACILITIES TO INCLUDE, SALLY PORT, MOTOR VEHICLES, ELECTRIC CAR AND MARINE VESSEL.

Smoking is prohibited in any enclosed work area, including department vehicles of all types.

Locations that may be considered for designation as "Smoking Permitted" are: outdoor areas only.

Employee(s) found smoking other than outside will be considered in violation of the Village of Ossining Police Department Rules and Regulations and will be subject to appropriate disciplinary action.

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GENERAL ORDER #2.08

PAGE 1 OF 1

**SECURITY OF WEAPONS**

**Purpose:** To provide department personnel with the proper procedure for securing their issued service (as defined in General Order 3.05) weapon.

**Procedure:** The following procedure should be used to secure the pistol in a gun locker.

1. Secure weapon in a gun locker, lock and remove key.

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**CALL OUT AND NOTIFICATION PROCEDURE FOR DIVISION COMMANDERS**

Revised: 06/22/2023

- I. Purpose: To provide first-line supervisors with a procedures governing the notification of Division Commanders in the event of specified crimes and occurrences.
  
- II. Immediate Notification Procedure
  - A. the Tour Supervisors shall make IMMEDIATE notification to the appropriate Division Commander by telephone when any of the following occur:
    1. Detective Division Commander
      - a. Arson 1<sup>st</sup> degree
      - b. Escape
      - c. Fire related death
      - d. Homicide
      - e. Kidnapping
      - f. Suspicious death
      - g. Any other situation that the Tour Supervisor believes should be immediately reported to the Detective Division Commander
  
    2. Patrol Division Commander
      - a. Discharge of firearms by members of Ossining Police Department, other than to euthanize a sick or injured animal
      - b. Escape
      - c. Events resulting in significant damage to village-owned property including, but not limited to, Ossining Police Department vehicles and equipment
      - d. Fires or other events resulting in the displacement of residents from their home or place of business
      - e. Hostage/barricaded Person
      - f. Local disaster
      - g. Motor vehicles accidents resulting in serious physical injury
      - h. Mutual Aid Request or Deployments
      - i. Serious physical injury to civilians, including but not limited to detainees, resulting from interaction with Ossining Police Department personnel
      - j. Serious physical injury to Ossining Police Department personnel
      - k. Significant public disturbance
      - l. Situations in which an immediate comment is needed by members of the media
      - m. Tour Supervisor is needed and unstaffed
      - n. Any other situation that the Tour Supervisor believes should be immediately reported to the Patrol Division Commander

3. Support Services Division Commander
  - a. Headquarters related emergencies, such as outages related to computers, telephones, power, radios, etc. that seriously effect he ability of the department to function

III. End of Shift Notification Procedure

- A. The Tour Supervisors shall make wriitten notification via End of Shift Report before the end of the tour when any of the following occur:
  1. Aggravated Sexual Abuse
  2. Arson
  3. Assaults
  4. Burglaries
  5. Criminal Mischief
  6. Criminal Sex Act
  7. Escape
  8. Events resulting in damage to village-owned property including, but not limited to, Ossining Police Department vehicles and equipment
  9. Events resulting in injuries to Ossining Police Department personnel
  10. Events where an officer discharged any weapon
  11. Fire or other events resulting in the displacement of individuals
  12. Fire Related Death
  13. Homicide
  14. Hostage situations or barricaded persons
  15. Injury to Ossining Police Department personnel
  16. Interactions involving Ossining Police Department personnel Events resulting in injury to civilians including, but not limited to, detainees
  17. Kidnapping
  18. Local disaster
  19. Missing children
  20. Motor vehicles accidents resulting in physical injury
  21. Mutual Aid request or deployments
  22. Rape
  23. Robbery
  24. Significant power outage
  25. Significant public disturbance
  26. Significant unusual event
  27. Suspicious Death
  28. Any event the Tour Supervisor believes should be reported to the Patrol Division Commander

IV. Alternate Division Commanders

- A. If any division commander is unreachable during a situation requiring immediate Division Commander notification, the Tour Supervisor or their designee shall contact one of the other division commanders by telephone in order to ensure that administrative level notification is complete.

V. Notification of the Chief of Police

- A. The Patrol Commander will inform the Chief of Police by telephone immediately upon becoming aware of the following events:
1. Discharge of firearms by members of Ossining Police Department, other than to euthanize a sick or injured animal
  2. Events resulting in significant damage to village-owned property including, but not limited to, Ossining Police Department vehicles and equipment
  3. Fires or other events resulting in the displacement of residents from their home or place of business
  4. Mutual Aid requests or deployments
  5. Serious physical injury to civilians, including but not limited to detainees, resulting from interaction with Ossining Police Department personnel
  6. Serious physical injury to Ossining Police Department personnel
  7. Situations in which an immediate comment is needed by members of the media

A handwritten signature in black ink, appearing to read "Kim Syts", is located in the lower right quadrant of the page.

**PERSONNEL EVALUATIONS**

Revised: 06/19/2019

**Purpose:** The purpose of this policy is to establish a formal, continuing process of evaluating the performance of members of this department.

**Policy:** Every member of the Department below the rank of Chief of Police will be evaluated annually by his, or her, immediate supervisor. The Chief of Police will provide for the complete training of all members of this Department responsible for rating of subordinates. Probationary members will be evaluated in accordance with the Department's Field Training program.

**Procedure:**

1. Every member of the department who is responsible for the evaluation of subordinate members (hereinafter referred to as "Rater") has a mandate to advise his, or her, subordinates that they are to be evaluated. Raters must advise subordinates of the basis for the evaluation and ensure that subordinates are fully aware of the duties for which they are to be evaluated. Subordinates must have requisite knowledge to perform those duties or be assigned to training for that purpose. Raters must be cognizant of the fact that, while formal evaluation of job performance may only be required annually, the process of performance appraisal is continual and involves every level of supervision.
2. Evaluations will be completed annually, when requested by the chief or his/her designee.
3. Each evaluation will be completed in narrative form and should describe the overall performance of the officer. Raters should consider the officer's attitude, technical proficiency, activity level, attendance record, and uniform appearance. Specific examples should be used whenever possible.
4. The rater will describe a plan of action for the employee to follow during the next reporting period. This plan may be remedial or progressive depending on the individual characteristics of the employee.
5. The rater will conduct a private counseling session as soon as is practicable with each evaluated subordinate. During this counseling session, the rater shall provide a copy of the written evaluation, identify positive behaviors, provide constructive criticism, and implement a plan of action.
6. Upon completion of the counseling sessions, evaluations shall be delivered to the rater's supervisor for review (hereinafter referred to as "Reviewer").
7. Evaluations are an important managerial tool and will be used to evaluate the effectiveness of both the subject and the rater.
8. Evaluation reports may be appealed with written notice to the Chief of Police within thirty days of the counseling session. Appeals must state the specific grounds on which an officer

wishes to challenge an evaluation. The Chief of Police will serve as the final authority of disputed evaluations.

9. Evaluations, including written appeals, will be kept permanently in members' personnel files.

A handwritten signature in black ink, appearing to read "Chief Kevin S. H." with a stylized flourish at the end.

GENERAL ORDER #2.11

PAGE 1 OF 3

**IN SERVICE TRAINING**

Revised 06/18/2019

**Purpose:** In order to insure that training remains a continuous process throughout a member's career, the Ossining Police Department has established this procedure to act as a basis for the department's In-Service Training Program.

**Policy:** The Ossining Police Department currently conducts regular In-Service Training Programs during: January, February, March, April, May, September, October and November. Members are assigned to attend at least 4 sessions, each generally eight hours in length. The training shall include but not be limited to the following:

- A. C.P.R. and First Aid.
- B. Firearms Training
- C. Use of Force/ Defensive Tactics
- D. Law and Department Procedures
- E. Legal Updates

In addition, the In-Service Training Program will also cover such topics as E.V.O.C. (Emergency Vehicle Operators Course), Tactical Response, E.D.P. (Emotionally Disturbed Person), Barricaded Persons Exercises, Stress Management, Sensitivity Training, Bias Crimes, Motor Vehicle Theft, Crime Prevention Techniques, etc.

At the September staff meeting each a year a proposed training calendar for the following year will be discussed and developed. The patrol supervisors, youth officers and division commanders will all participate in the development of the training schedule for the following year. These supervisors, prior to that September staff meeting, will solicit suggestions from the personnel in their command and divisions to assist in the development of meaningful training programs. By the October staff meeting, the training officer and patrol commander will prepare a preliminary training schedule for the following year. That training schedule will be implemented after further discussion at that meeting, with the final approval of the chief of police and will be adjusted annually to meet the needs of the department and the following minimum standards for sworn personnel. Civilian personnel will be assigned to attend those in-service programs identified as being appropriate for their job assignment.

- A. Minimum of sixteen (16) hours of firearms training.
- B. Minimum of eight (8) hours of the Use of Force/Defensive Tactics.
- C. Minimum of eight (8) hours of C.P.R. and First Aid.

**Specialized Training:** In addition to the regular in-service training program applicable to all members of the department, the in-service program, through all department supervisors and implemented by the training officer and patrol commander, will identify and provide specialized or job specific training as needed. This specialized training is directed towards all members of the department, both sworn and civilian personnel.

**Firearms Training:** Firearms training is usually conducted in the spring and fall. All sworn personnel must meet the minimum firearms standards established by the department firearms instructors, who must have their requirements and lesson plans approved by the chief of police. The firearms requirements and lesson plan will be reviewed annually and a copy of the lesson plan will be kept on file in the chief's office.

The qualifying course and minimum acceptable score must be met by each officer at least once every twelve (12) months. Those officers who don't meet the minimum standard requirements will be given every opportunity to re-fire the course or attend additional firearms training programs to meet the qualification requirements. Any officer who cannot meet the minimum qualifying standards will be directed to report to his/her division commander before returning to duty. No member shall be allowed to perform normal police duties who cannot attain the minimum qualifying standards established by the department.

**Instructors and training programs:** In the presentation of those subjects selected for the in-service training program, every effort is to be made to insure that ALL instruction is provided by instructors who have been certified in accordance with Part 6024 or 6025 of New York State Codes, Rules and Regulations. In any event the key areas of minimum instruction required each year (firearms, legal updates, use of force and deadly physical force, and first aid and C.P.R.) must be given by certified instructors.

In ALL programs being presented at in-service training programs, a lesson plan will be prepared and submitted to the training coordinator (officer) for approval before presentation. All lesson plans will be kept in the central training file (chief's office) and maintained for a minimum of seven years.

**Training records:** All attendance records, lesson plans, test and test results, sample class handouts, annual training calendars and schedules, etc. will be maintained by the chief of police. NOTE: An exception to the above will be firearms qualifying score records, which will be maintained by the chief firearms instructor.

The training coordinator (officer), in addition to maintaining the department paper file on training, will have the responsibility to see that all training, in-service and individual, is entered into the department's computer assisted public protection system personnel/ training system.

**Police instructor certification:** Any member of the department who has been designated and trained, as "police instructor" will be responsible to ensure that his/her "police instructor certification" remains valid. This is accomplished by the member being evaluated by a M.P.T.C. evaluator at any time within twelve months (12) of the member's expiration of his/her instructor's certification. Said member shall notify his/her division commander of the needed evaluation during the twelve (12) month period. The division commander will then ensure that the member is evaluated (on department time) prior to the expiration of his/her instructor's certification.

**Specialized technical and job specific certification:** All members with specialized technical and/or job-specific certifications, such as: canine, breathalyzer, intoxylizer, traffic accident investigation, radar operator, etc., will be responsible for notifying their division commander within six (6) months of the expiration of any such certification. The members division commander will ensure that the member is provided the needed training (on department time) to keep his/her certification current, if that certification is still needed, in that members job

assignment.

**Department reference center & video library:** The Ossining Police Department recognizes the importance of a continuous training program. Changing law, policies and techniques requires that officers keep themselves knowledgeable and up to date. The department acknowledges that it has the primary responsibility in seeing that its personnel are provided with training and resources needed to keep their professional skills to the highest possible level. The department also recognizes members of the department have a personal responsibility to keep their knowledge of the law, department procedures, recent court decisions, defensive tactic skills, police tactical, patrol and investigative techniques, current and to the highest professional level possible. To encourage officers in this area, the department established a reference center, which contains various law enforcement related materials, including video tape library (VHS) and carousel slide library, covering a multitude of law enforcement and crime prevention topics. A catalog of this material is maintained by the department. In addition to the above, the department maintains a complete law library provided by the New York State Consolidated Law Service. All members of the department are encouraged to make themselves aware of what material the department has on hand, and encourages members to use these resources. Supervisory personnel may assist members in accessing this material.

GENERAL ORDER #2.12

PAGE 1 OF 1

**LEGISLATIVE RESTRICTIONS: PUBLIC OFFICERS LAW**

**Purpose:** To inform recruit officers remind other officers of legislative restrictions placed on them by the New York State Public Officers Law and General Municipal Law.

**Policy:** OBEDIENCE TO PROVISIONS OF PUBLIC OFFICERS LAW:

Municipal police officers are subject to the provisions of the General Municipal Law, Article 18. This statute deals mainly with conflicts of interest, imposing certain prohibitions on activities by public officers and employees of municipal governments. Sworn members of the department are required to know and obey these statutes. The prescribed prohibited activity include:

1. Acceptance of gifts worth more than \$75.00.
2. Disclosure of confidential information learned in the course of official duties.
3. Providing services relating to matters before an agency of the employing government.

THE SAME LAW ALSO IMPOSES SEVERAL AFFIRMATIVE DUTIES, INCLUDING:

1. Disclosure of any interest in any contact or dealing with the employing government.
2. Disclosure of the fact that a municipal employee has an interest in any real property for which an application for any sort of variance is made.
3. Effective January 1, 1991, annual filing of financial disclosure forms will be required of certain employees.

These statutes also contain and authorize the local municipality to adopt codes of conduct for municipal employees relating to conflict of interest.

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GENERAL ORDER #2.13

PAGE 1 OF 1

**LEGISLATIVE RESTRICTIONS : POLITICAL ACTIVITY**

**Purpose:** The purpose of this general order is to inform recruit officers and remind other officers of legislative restrictions placed on them by the New York State Election Law.

**Policy:** Obedience To Political Activity Laws: Police officers are prohibited from engaging in political actions and activities which violate section 17-110 of the New York State Election Law.

New York State Election Law Section 17-110; Misdemeanors Concerning Members of any Police Force. Any person who, being police commissioner or any officer or member of any police force in this State:

1. Uses, threatens or attempts to use his official power or authority in any manner, directly or indirectly, in aid of or against any political party, organization, association or society, or to control, affect, influence, reward or punish, the political adherence, affiliation, action, expression or opinion of any citizen; or
2. Appoints, promotes, transfers, retires or punishes an officer or member of a police force or asks for aids in promotion, transfer, retirement or punishment of an officer or member of a police force because of party adherence or affiliation of such officer or member, or for or on request, direct or indirect, of any political party, organization, association, or society, or any officer, member of a committee or representative official or otherwise of any political party, organization, association or society; or
3. Solicits, collects, or receives any money for, any political fund, club, association, society or committee, is guilty of a misdemeanor.

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GENERAL ORDER #2.14

PAGE 1 OF 3

**PERSONNEL PROMOTION POLICY AND OFFICER RECRUITMENT**

Issue Date: July 1, 2003

Revision Date: May 30, 2019

**Purpose - Promotion:** to establish a formal process for the evaluation, assessment and performance of police officers eligible for promotion to the rank of sergeant and lieutenant.

**Background:** A police organization, regardless of its character, size or the population served, can rise no higher than the quality and competency of its supervisory officials. In the Village of Ossining Police Department, the sergeant is the first line supervisor and is drawn from the rank and file of the department. The sergeant's rank is the most important supervisory position. The rank of lieutenant is drawn from the rank of sergeants and is an integral part of the management team of this department. The criteria for the promotion to the rank of captain (after NYS Civil Service qualifications) will be the sole discretion of the Chief of Police, who will advise the mayor and the Board of Trustees on his recommendation.

In order for the department to reach its goals and to maximize its performance, it must depend of these two ranks to meet such goals. To properly staff personnel in these critical supervisory positions (besides Civil Service qualifications) candidates for promotion must be evaluated thoroughly and professionally.

**Policy:** All members of the department who qualify and are deemed eligible on a New York State Civil Service list for a promotion to sergeant or lieutenant will be assessed by a panel of evaluators.

**Procedure:**

1. When it is determined there is a need for promotion in the Civil Service rank for sergeant and/or lieutenant, the Chief of Police will procure a current list of eligible candidates who have successfully passed the promotional exam for that position.
2. The Village's Human Resource Department will canvass the list in accordance with NYS Civil Service rules and regulations.
3. Human Resources will then supply the Chief a list with the rankings of qualified individuals.
4. Officers appearing on the qualified list and wishing to be considered to the advancement to a prescribed rank will be required to submit a written resume to the Chief's office.
5. The Chief will convene a panel to interview candidates:
  - a. The panel will consist of three but no more than five members of ranking officers of the department assigned by the Chief.
  - b. The highest ranking officer on this panel will act as the chair person.
  - c. The panel will also consist of one member of the Village of Ossining Board of Trustees and one member of the public with executive experience.

6. Resumes submitted by the candidates will be furnished to members of the panel.
7. Evaluation forms will be issued to sergeants and lieutenants for them to complete. Evaluators will be encouraged to complete a comment section on the form and to list the candidates in their considered promotional order.
8. In accordance to 50-a Civil Rights Law of New York State, personnel records will not be furnished to the panel without the express written consent of the candidate.
9. The candidate will be required to attend the promotional panel and will be interviewed in a fair and non-discriminatory manner on topics appropriate to the rank being considered for promotion. The oral assessment will be designed to test the candidate's ability in various areas determined to be important to effective performance with the position the candidates is testing for. Candidates will appear in random order, determined by the chairperson and will be tested on:
  - a. General knowledge of police work and procedures.
  - b. Knowledge of the responsibilities associated with the rank in question.
  - c. Knowledge of our jurisdiction.
  - d. Familiarity of the Manual for the Ossining Police Department.
  - e. The panel will interview on various topics that include staff development, their goals, specifics of the job and how these goals improve the department.
  - f. The candidate will be evaluated on oral communication and decision making skills which will be evaluated by a simulated "in-basket" exercise and scenario driven format in order to assess technical skills and abilities. The "in-basket" and scenario will consist of a "pick a topic" station. That is, a series of cards placed face down on the table and the candidate selects a card and prepares themselves to formulate and write their answer to the "in-basket." The candidate will also be given time to prepare their oral answer to the scenario chosen. Time limits for preparation and presentation will be predetermined by the board and communicated to the candidate.

**"In-box"** test will be set of administrative questions whose answers will be communicated to the assessor in writing. The questions to be employed will deal with situations such as:

1. Personnel problem – i.e. a subordinate is continually tardy for work and the supervisor wants to know what action(s) the candidate will take or has taken.
2. Personal problem – i.e. the supervisor has heard through the "grapevine" that a subordinate in the candidate's squad has a possible drinking problem, what the candidate has done or what does he/she expects to do if this rumor is true.
3. Situational problem – i.e. the mayor has received complaints of speeders in a certain area of the municipality and the complaint is forwarded to the candidate. What corrective action will the candidate be taking to alleviate the problem?

**The "in-box"** will be used to measure the candidates:

1. Written communication skills – the ability of the candidate to express ideas, concerns and facts. The ability to write what he/she really feels and what they think should be done.
2. Intelligence – the ability to analyze the situation, recognize the key elements of the problem, formulate an answer and to supply in written form, the answer(s).
3. Decisiveness – the ability to make a decision and communicate this decision in written terms.
4. Sensitivity – to perceive the entire problem, both from a supervisor's role and that of a human being.

**Scenario:** The panel will perform a comprehensive job analysis, designing an exercise that closely simulates an aspect of the challenges of the job. The candidate will then orally present their answer to the scenario to the panel. This will measure the candidate's ability to:

1. Define a problem
2. Select pertinent information for the solution of the problem
3. Understand and comprehend the problem and the ability to take immediate action
4. Formulate and select what has to be done and how it is going to be accomplished
5. Rectify the problem

To properly facilitate a promotion panel, the panel itself must be prepared in order to assess what traits and abilities the candidate must exhibit. The panel must design scenarios that are valid, job-related and tasks that are similar to those performed on the job in order to elicit behaviors indicative of the ability areas underlying effective job performance. The panel must then be prepared to analyze the candidate's answers and perceive how the candidate handles the stress levels of the interview process and how the candidate works under stress/duress. The panel must convene prior to meeting with candidates to review questions, scenarios, and establish a rating scale before the panel can be considered valid.

**Conclusion:** The chairperson of the promotional panel will submit to the Chief of Police their recommendation and findings. They will rank the candidates for promotion in order of their preference for promotion. The Chief will review the findings and then will then meet with the Mayor and Board of Trustees to render his/her recommendation for the promotion of a candidate.

**Purpose - reference hiring:** To inform new members of the department and remind other members of the department of the recruitment process.

**Policy for recruitment:** The department is a part of the Westchester County Civil Service system. New police officer(s) are hired from an eligibility list provided by Westchester County Department of Human Resource which is strictly regulated by the county. Any new officer(s) wishing to enter this department either as a recruit, transfer or reinstatement must receive approval from Westchester County Department of Human Resource and meet the eligibility criteria established by same. Job announcements for the Village of Ossining Police Department are made the Westchester County Department of Human Resource. All applicants will submit resumes to the department. After review of these resumes the department, at its discretion, will invite candidate(s) to appear before a panel to review their qualifications to be hired.

**Goals:** The initial background statement indicated that a police organization can rise no higher than the quality and competency of its supervisory personnel. The Village of Ossining Police Department recognizes that the most important asset is its personnel. With this in mind, the Department is striving to promote members of the department best qualified to lead in reaching all goals of the Department. Also the department cannot fulfill supervisory ranks without the proper screening of new candidates to join the Village of Ossining Police Department.

**Training:** All first-line supervisors are required to successfully complete a police supervision course within one year of appointment that meets or exceeds Municipal Police Training Council course requirements.



GENERAL ORDER #2.15

PAGE 1 OF 1

**SUPERVISORS TRAINING NOTEBOOK**

**Purpose:** To provide department first line supervisors with a means of recording positive and negative comments on the performance and conduct of personnel under their supervision. The entries will give the supervisor the means for monitoring the actions of subordinates to see that unacceptable behavior or performance of a minor nature is brought up to department standards. In addition to the counseling that the supervisor can give a member at the time the entry is made, these entries can act as a basis for determining areas that should be addressed by the department's in-service training program. Additionally, positive comments should be an important part of the supervisor's entries, as they provide some needed recognition to those members who have done a good job, which the supervisor wishes to acknowledge.

**Procedure:** Whenever an event, either positive or negative, comes to the attention of the first line supervisor, which he feels warrants entry into the training book, the appropriate entry should be made. In addition to discussing the entry with the officer(s) involved, the supervisor should have the officer(s) sign the training notebook next to the entry to show they were apprised of the entry.

The first line supervisor's division commander will periodically review the first line supervisors training notebook for entries. This review will take place at least once every three (3) months. The division commander will discuss with the first line supervisor those areas, which might be addressed in the department's in-service training program. The division commander will have the responsibility to identify these areas to the training coordinator (officer) and to assist in the preparation of appropriate in-service training programs.

Whenever a first line supervisor makes an entry in his/her training notebook regarding a member assigned to another division that supervisor will make that member's division commander aware of the entry. In addition to having the member sign the training notebook beside the entry, the division commander will also sign or initial the entry to show he/she was made aware of the entry.

Division Commanders, who routinely review the entries of their first line supervisors, should date and sign the first line supervisors training notebook every time they review the book. The division commander's signature will indicate that he/she has reviewed all the entries prior to his/her signature.

All first line supervisors, while on duty, will have their training notebook available and will surrender it to any superior officer upon demand.

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GENERAL ORDER #2.16

Page 1 of 2

**EQUIPMENT AVAILABLE FOR PROCESSING THE SCENE OF AN INCIDENT**

**Purpose:** To identify equipment maintained by the department for use by members assigned to process the scene of an incident for evidence.

**Background:** The department recognizes that detectives and accident investigators assigned to process the scene of an incident for evidence require equipment necessary to accomplish this task. The department maintains the equipment for this purpose. This General Order will identify the equipment as well as storage location.

**Policy:** It is the policy of the department to maintain equipment necessary to process the scene of an incident. The person using a piece of equipment is responsible for maintaining it in good working order during use, and to report to his or her immediate supervisor any defects so that they may be corrected as soon as possible.

**Equipment maintained by the Detective Division:**

- A. For recovery of latent fingerprints:
  - 1. A fingerprint processing kit stocked with the necessary equipment needed to process a crime scene and recover any physical evidence at the crime scene.
- B. Camera Equipment needed to process a crime scene:
  - 1. One 35 mm. Camera and lens, flash unit(s) film and power pack
  - 2. Polaroid camera and film
  - 3. Major crime scene kit which is stored at police headquarters
- C. For packaging evidence
  - 1. Evidence bags – plastic and paper, evidence labels, sealing tape
  - 2. Sterile paint cans for arson case evidence storage
- D. For Traffic Accident Investigation Unit, stored in trunk of Sergeants patrol car (#3)
  - 1. One hundred foot (100') tape measure
  - 2. Roll A Tape measure
  - 3. Chalk
  - 4. Hammer and nails

5. Five hundred yards (500 yds.) of string
6. Field sketch book
7. Vehicle inspection report forms
8. Lighting inspection report forms
9. 35 mm camera with flash attachment stored in Detective Division

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**PROBATIONARY POLICE OFFICERS AND DEPARTMENT ORIENTATION PROGRAM**

Revised 06/18/2019

**Policy:** Each person appointed to the position of police officer shall be considered a probationary police officer and, subject to the duties and rules of conduct, and general orders contained within the "Ossining Police Department Manual." A probationary police officer shall be considered a certified police officer upon completion of the following:

1. The "Basic Course for Police Officers" at the Westchester County Police Academy or other program approved by the N.Y.S. Division of Criminal Justice Services, Bureau for Municipal Police, and the chief of police, which must be completed within (12)months of the date of appointment; and
2. Completion of eighteen (18) months probationary period, or as otherwise stated in the Westchester County Civil Service Rules. Transfers or reinstatements who have already completed the probationary period in another police department are subject to a probationary period of twenty six (26) weeks, or as otherwise stated in the Westchester County Civil Service Rules; and Completion of the Village of Ossining Police Department Police Officer Orientation Program; and
3. Three (3) formal evaluations when the probationary police officer is subject to an eighteen (18)month probationary period and one (1) formal evaluation when the probationary police officer is subject to a probationary period of twenty (26) six weeks. The formal evaluations shall be completed by the probationary police officer's immediate supervisor or another supervisor as designated by the Patrol Division commander.

All sworn officers are not authorized, permitted, or assigned to perform regular law enforcement duties until they have successfully completed a basic course for police officers within one year of appointment date, unless they are accompanied by and under direct supervision of a law enforcement officer who has successfully completed such as course.

The probationary police officer may carry a firearm while on duty ONLY if such officer has satisfactorily completed that portion of an approved Municipal Police Training Council "Basic Course for Police Officers" program dealing with use of deadly physical force and the use of firearms, or, a program that meets or exceeds those requirements, that constitutes the basic course of instruction in the use of deadly physical force and in the use of firearms. The probationary police officer may carry a firearm, whether personally owned or department issued, off duty ONLY if such officer has completed the above training and has complied with General Order # 3.04 regarding carrying weapons while off duty.

**The Village of Ossining Police Department Police Officer Orientation Program:**

The "VILLAGE OF OSSINING POLICE DEPARTMENT POLICE OFFICER ORIENTATION PROGRAM " has been developed as a supplement to the "SUPERVISED FIELD TRAINING FOR PROBATIONARY OFFICER'S MANUAL" distributed to the police officers during their recruit training at the Police Academy. It is intended to be used to familiarize new Ossining Police Department Police Officers, with or without prior police experience, with the policies,

procedures, and expectations of the Ossining Police Department.

The ORIENTATION PROGRAM is designed as a six (6) week program; however, it can be adjusted to meet the needs and prior experience of each new officer. The ORIENTATION PROGRAM should afford the new officer the opportunity to learn by actually performing various tasks, where appropriate, i.e., the officer should prepare an Information for an actual arrest. When this is not possible, the officer should prepare an Information using a prior closed case.

The ORIENTATION PROGRAM will be administered under the direction of the Patrol Division Commander. The new police officer will work in the Patrol Division for four (4) weeks and spend one (1) more week in the Detective Division and one (1) week in the M.I.S Division. The last week of the program can be used to complete any areas not previously covered.

A field Training Officer (FTO) will work with and guide the new police through the ORIENTATION PROGRAM, which is a two-part process. First, the FTO will complete a "FIELD TRAINING PROGRAM DAILY OBSERVATION REPORT," which will be turned in to the Patrol Commander following each day's work. Secondly, the FTO will complete the "FIELD TRAINING PROGRAM ORIENTATION REPORT," which will be turned in to the Patrol Commander at the completion of the new officer's field training. The FIELD TRAINING PROGRAM ORIENTATION REPORT will be placed in the new officer's personnel folder upon completion of the ORIENTATION PROGRAM.

During the time the Probationary Police Officer is working with a FTO, it will be the responsibility of the FTO to initiate a meeting with the Field Training Supervisor and the Probationary Officer on a weekly basis. The purpose of the meeting will be to review the progress of the Probationary Officer with a view toward ensuring that he or she is given the opportunity to complete the Orientation Program, work on each sector, handle a variety of incidents, and be exposed to as much as possible during the time the Probationary Officer is working with the FTO. This will require supervisors and FTO to be as flexible as possible in scheduling and assignments during the time FTO is training a Probationary Officer.

Occupational and Safety Health Administration Regulation 29 CFR Section 1910.1030 requires that new employees be offered the Hepatitis B vaccination within ten (10) days of assignment. The Patrol Division Commander shall provide each Probationary Police Officer with a "Consent/Declination" form and arrange for each officer to receive the Hepatitis B vaccination, if the officer elects to receive it, within ten (10) days of assignment.

If an officer declines the Hepatitis B vaccination, but, later elects to receive it, the officer shall complete a new "Consent/Declination" form. The Patrol Division Commander shall arrange for the officer to receive the vaccination.



GENERAL ORDER #2.18

PAGE 1 OF 2

**GOALS AND OBJECTIVES**

**Purpose:** All organizations must have goals and objectives. It is important that all members of the Department be apprised of Department goals and how those goals will be accomplished. The purpose of this General Order is to provide the mechanism for the establishment of goals and objectives and to allow members of the Department, through their Division Commanders, a voice in the process of setting and meeting these goals and objectives.

**Procedure:** It shall be the policy of this Department that the Division Commanders submit to the Chief of Police their goals for the forthcoming year. These goals shall be submitted no later than January 15th of each year. The Chief will then meet with the Division Commanders to review and officially establish those goals and objectives which the Department wishes to establish. All members of a Division shall be advised of these goals and in many cases assist the Division Commander in the development of these goals.

In June of each calendar year, the Division Commander should submit to the Chief of Police a report on the progress toward these goals.

In January of each year, in addition to the setting of new goals and objectives for the new year (as required above), the Division Commanders will submit a report to the Chief of Police indicating if the goals and objectives were reached that year or in the case of long range goals, what progress has been made. Each Division Commander will provide this written evaluation to the Chief along with supporting documentation to support their conclusion. After all Division Commanders file their reports, the Division Commanders will meet with the Chief of Police to review and evaluate the Division Commanders report. Based upon that review and supporting documentation, a decision will be made (by majority vote) to accept or reject the Division Commanders conclusions. The Chief will prepare, or cause to be prepared, a summary report, to be made available to all personnel to make them aware of the degree to which the department has attained its goals and objectives.

SAMPLE FORMAT FOR ESTABLISHMENT OF GOAL PATROL:

**GOAL "A" FOR 1999**

ENSURE SAFE AND EFFICIENT MOVEMENT OF PEOPLE AND  
MATERIAL OVER PUBLIC HIGHWAYS.

**Objective #1:**

Provide directed patrols for locations by analysis of accident reports and traffic volume to reduce crashes and to facilitate the orderly flow of traffic.

Strategy: Direct Special Patrol Operation personnel to conduct quarterly accident report analysis and traffic flow studies to assist in patrol scheduling, accident locations and causation factors.

**Objective #2:**

Direct enforcement efforts toward those traffic violations that are determined to be causative factors in accidents.

Strategy: Develop patrol scheduling to be able to assign the needed personnel to those locations identified as problem areas, with enforcement of those violations contributing to accident problem.

**Objective #3:**

Provide aggressive enforcement of alcohol and drug abuse laws to enhance traffic safety.

Strategy: Conduct DWI checkpoints and assign directed patrols on the basis of alcohol related arrests and accidents.

**Objective #4:**

Identify and eliminate hazardous highway conditions caused by road defects, unattended vehicles, or other conditions that impact on traffic safety.

Strategy: Have sector officers and special patrol officers identify any potential hazards, and have special patrol officers analyze accident factors and assure that action is taken to reduce or eliminate any identifiable accident contributors.

**Objective #5:**

Have directed patrol officers conduct inspections of commercial vehicles to detect violations of safety and/or hazardous material transportation regulations.

Strategy: Develop a commercial motor vehicle inspection program designating target areas, potential violations, with as little inconvenience as possible highway users.

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GENERAL ORDER #2.19

PAGE 1 OF 1

**SELECTION PROCESS**

**Purpose:** To insure the proper procedure and responsibility of the hiring of new police officers to the Village of Ossining Police Department.

**Policy:** The Chief of Police will designate the Detective Commander to keep necessary records of applicants and to process all necessary paperwork needed to interview, check and select those candidates who best suit the needs of the Department.

The Detective Commander will assign a detective to conduct a background investigation, fingerprint the prospective candidate and submit the fingerprints to DCJS for an arrest record. The detective will conduct a thorough background investigation including a neighborhood canvas, follow-up interviews with references provided by the applicant.

After the package comes back and all necessary paperwork is complete, including the background investigation, a staff meeting will be called, and all lieutenants will interview the candidate collectively. Afterward, the candidate(s) will be discussed, and a determination of the best suited will be made.

Before the final decision is made to offer a candidate a position, contingent upon the successful completion of a medical and agility test, the applicant will be evaluated by a psychological examination and interview to establish a level of emotional stability and psychological fitness compatible with the position of Police Officer. This psychological screening will be conducted on all candidates whether they are being hired from an active civil service list or if they are being hired as a resignation/reinstatement transfer to the department. If a candidate is determined to be unacceptable, the Chief of Police will send the candidate a letter thanking him/her for his/her time and advising the candidate that he/she is not being recommended to the Village Board for appointment.

If a candidate is determined to be acceptable, the candidate will be notified by the Chief of Police that he/she will be recommended to the Village Board for appointment. The Chief of Police will submit a memorandum to the Mayor and members of the Village Board recommending that the candidate be appointed as police officer.

NOTE: THE APPOINTING AUTHORITY FOR THE VILLAGE OF OSSINING POLICE DEPARTMENT IS THE VILLAGE OF OSSINING BOARD OF TRUSTEES.

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GENERAL ORDER #2.20

PAGE 1 OF 4

**CRIME PREVENTION AND COMMUNITY RELATIONS**

**Purpose:** The purpose of this General Order is to define the Department's policy and procedures for Community Relations and Crime Prevention.

**Policy:** The Ossining Police Department recognizes the importance of maintaining an atmosphere of openness with the community we serve. We actively seek to establish a cooperative relationship and keep the community informed on matters of public interest.

The Community Relations function is the responsibility of all members of the Ossining Police Department. All personnel in the Department should project a positive image and become involved in community needs. The conduct of each employee reflects on the agency as a whole, and the burden of achieving the agency's community relations objectives should be shared. Every employee must be aware of the different programs that the agency has so they can inform the community.

Additionally, all members of the Department are crime prevention officers while assisting our community or investigating crimes. They may refer citizens to the Crime Prevention officer of the Department for specific needs.

The M.I.S. Commander is the manager of the department's Community Relations and Crime Prevention components. The M.I.S. Commander will be assisted by certified, trained crime prevention officers. This certification should be obtained either by the National Crime Prevention Institute or the Division of Criminal Justice Services for New York State.

The Commander of Community Policing will assist the M.I.S. Commander in these efforts.

**Relations with the Public:**

1. **Courtesy:** Employees shall be courteous to the public in person, or when on the telephone. Employees shall be tactful in performance of their duties, control their tempers, exercise the utmost patience and discretion, and shall not engage in argumentative discussions, even in the face of extreme provocation. In the performance of their duties, employees shall not use coarse, violent, profane or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, lifestyle or similar circumstances.
2. **Requests for Assistance:** When any person requests the assistance or advice or makes a complaint or report, either by telephone or in person, all pertinent information will be

obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established Department procedures.

**Interpersonal Communications:**

1. To promote understanding and cooperation, there must be interpersonal communication between members of the community and employees at all levels of the department.
2. Each employee must be aware of the law enforcement needs of the community and their particular assigned area of responsibility.
3. Guided by policy, employees must tailor their performance to obtain the objectives of Department.
4. The Department will establish programs that encourage productive dialogue with the public at all levels and to ensure that the unity of police and public is preserved.

**Identification:**

1. All employees shall carry their issued badge and identification card on their person at all times, except when impractical or dangerous to their safety in an investigation.
2. All employees shall furnish their names and exhibit their badge to any person requesting that information when they are on duty or holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

**Request for Department Speakers:**

1. All requests for department personnel to speak at public gatherings, luncheons, service clubs, civic associations, etc. will be referred to the Chief of Police.
2. The Chief will evaluate their request and if appropriate, identify the Department member best suited to respond to the request.
3. An employee receiving a request to speak before any group on a specific topic or activity must first obtain approval from the Chief of Police.

**Individual Dignity:**

1. All persons have a right to dignified treatment under the law, and the protection of this right is a duty, which is binding on all members of this Department.
2. Employees must treat persons with as much respect as that person will allow and be mindful that the people with whom they are dealing are individuals with human emotions and needs.

**Equality of Enforcement:**

1. Consistency in application is a primary and fundamental element of uniform enforcement of the law.
2. The Department services a community comprised of individuals with varied ethnic racial and social composition, some having unique lifestyles or particular crime problems. All people have a right to the protection and security that is afforded by fair and impartial law enforcement.

3. All persons must be able to maintain flexibility in their demeanor and enforcement methods in order to properly respond to the various law enforcement problems. The department must be able to maintain flexibility in deployment and enforcement methods.

**Responsiveness to the Community:**

1. The Department must be responsive to the needs and problems of the community. This regard for the community must be shown plainly at all levels of the Department by an obvious willingness to listen and a genuine concern for the problems of individuals or groups.

**Community Access to Police Information:**

1. It is necessary that there be full public disclosure of policies and openness in matters of public interest.
2. The Department will disseminate accurate and factual accounts of occurrences of public interest, consistent with the safety and protection of victims, witnesses and the constitutional rights of the accused and with consideration of the necessity for maintaining confidentiality of Department records; all being consistent with Federal and State Laws and Departmental Procedures.
3. The Department will strive to make known and accepted its objectives and policies.

**Crime Prevention Unit and Crime Prevention Programs:**

1. It must be emphasized that all members of the Department are considered crime prevention officers while assisting the community or investigating crime. ALL MEMBERS OF THE DEPARTMENT will be responsible for but not limited to identifying community needs for selected crime prevention programs, crime problems and possible solutions and taking appropriate action to implement same upon approval of the Chief of Police.
2. In addition to their regularly assigned duties, some members of the Department are assigned to perform crime prevention duties. Several of these officers have completed the forty-hour Crime Prevention Officers course sponsored by D.C.J.S. or the National Crime Prevention Institute.
3. The Crime Prevention Unit is under the management of the M.I.S. Commander and is a component of the Crime Prevention Bureau.

**Programs:**

**A. Crime Prevention and Property**

1. Home security surveys
2. Business security surveys
3. Home security hardware; lock display kits
4. Security lighting

**B. Crime Prevention and Business**

1. Robbery prevention

2. Shoplifting prevention
3. Internal theft program
4. Fraudulent checks, credit cards, counterfeiting

**C. Crime Prevention and Personal Safety**

1. Rape
2. Crime prevention and senior citizens
3. Crime prevention and children
4. Domestic violence

**D. Crime Prevention and the Community**

1. Neighborhood Watch
2. Substance Abuse prevention: DARE Program
3. Adopt a Grade/Stranger Danger
4. Combat Auto Theft (C.A.T. – co-sponsored with OPBA)

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**CRIME VICTIMS**

Reviewed 04/02/2024

Revision Date: 05/27/2019

**Purpose:** The New York State Crime Victims Board was established to provide care and financial support for victims of physical injury or death as a result of criminal acts. Employees must be aware of the basic provisions of the New York State Victims Assistance Program.

**Eligibility:** The following are eligible for

- awards: A. Victims of Crime.
  
- B. Surviving spouses, parents or children of a victim of a crime who died as a result of such crime.
  
- C. Any other person dependent for his principal support upon a victim of a crime who died as a result of such crime.

NOTE: Eligibility for an award and the monetary amount of an award will be determined by the Crime Victims Compensation Board.

**Filing of a Claim:** A claim may be filed by a person eligible to receive an award, or, if such person is a minor, by his parents or guardian.

Except for unusual circumstances which the Compensation Board must authorize, a claim must be filed by the claimant not later than ninety days after the occurrence of the crime upon which the claim is based, nor later than ninety days after the occurrence of the crime upon which the crime is based, nor later than ninety days after the death of the victim.

Claims must be filed in the office of the Secretary of the Board in person or by mail. The Secretary of the Board will accept all claims submitted by eligible persons meeting the requirements as set forth by rules and regulations of the board.

Westchester Community Opportunity Program Inc. currently has three (3) offices in Westchester County to assist crime victims. The closest office to the Village of Ossining is in White Plains. However, they often make appointments with crime victims to meet them in the area. Victims Assistance Services, White Plains Office, 3 Carhart Avenue, White Plains, New York 10605, (914) 684-6871.

Responsibility of Police Officers- Forms and pamphlets are available near the main desk and in the Youth/Crime Prevention Division for information relating to crime victims assistance.

Members who are assigned to conduct an investigation where the victim may be entitled to assistance from the New York State Crime Victims Board should:

- A. Advise the victim of the availability of Victims Assistance Services.
- B. Direct the Victim to contact the Youth/Crime Prevention Section of the Detective Division to supply the needed information and/or applications for the victim to receive assistance.
- C. Inform the public about Victims Assistance Services.

**Victims of Sex Offense and/or Incest:** whenever practicable the Westchester County Child Advocacy Center shall be utilized to aid in the investigation and prosecution of child abuse cases involving abuse of a child.

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TOUR SUPERVISOR ASSIGNMENT

- I. **Policy** – An officer of the rank of Sergeant shall be assigned as the Tour Supervisor on each full tour of duty. In the absence of a sergeant, and after following the prescribed procedure for Overtime and Staffing, the assignment of Tour Supervisor may be filled by an officer of a rank higher than sergeant.
  
- II. **Procedure**
  - A. The Tour Supervisor shall be notified and respond to all of the following incidents:
    1. Reports of major crimes (i.e. robberies, assaults, incidents involving weapons)
    2. Burglaries
    3. Aided cases of a suspicious nature, i.e. drug overdoses, D.O.A's
    4. Serious personal injury motor vehicle accidents
    5. Accidents or injuries to department personnel or other Village personnel
    6. Complaints against a member of the department
    7. Barricade/hostage situations
    8. Emotionally Disturbed Persons threatening suicide or violence
    9. Incidents/injuries involving prisoners or persons in police custody
    10. Any other incident where a Tour Supervisor is requested by a member of the department
  - B. At the conclusion of each tour, the Tour Supervisor shall complete an End of Shift Report form and deliver it to the designated command staff member or members.



See also:

General Order 2.32 – Overtime and Staffing

GENERAL ORDER #2.23

Page 1 of 2

**CALLS FOR SERVICE**

**Policy:** Members of the Police Department will respond to all calls for service from the public and conduct vigorous and thorough preliminary investigations of all offenses observed or brought to their attention. Members of the Patrol Division will continue follow up investigations of those cases assigned to them.

**Procedure:**

**Patrol personnel will:**

- A. Respond to a reported incident location immediately and be alert for possible suspects or suspect vehicle(s).
- B. Upon arrival, aid and comfort victims and secure the scene when necessary to preserve physical evidence.
- C. Locate and identify witnesses.
- D. When necessary, transmit descriptions to headquarters of suspects and/or vehicles via automated systems.
- E. Obtain and record a complete record of all pertinent information to be entered on the Ossining Police Department's incident, complaint or arrest forms.

**Tour Supervisor will:**

- A. Respond as often as feasible to calls for service patrol personnel have directed to and all cases of burglaries, domestic violence and other serious felonies.
- B. Receive during his/her tour of duty, all reports prepared by patrol division.
- C. Review the submitted reports for completeness and solvability factors and for possible follow-up investigation.
- D. Allow the patrol personnel to continue immediate follow-up of those cases which need to be handled immediately.
- E. Request a Detective to assist the patrol officer if needed.
- F. Review and approve completed reports.
- G. Ensure complete follow-up by the Patrol Division where appropriate, refer to the Detective Division where appropriate.
- H. Before completion of the shift, review all cases to be sure reports and all supplements have been submitted and approved.

**Patrol Division Commander will:**

- A. Receive from Records Division all reports checked for follow-up and other reports not so indicated.
- B. Forward to the appropriate supervisor the copy of the report for follow-up by the patrol officer.
- C. Forward all other reports which he/she feels warrant a further contact with the victim/complainant.
- D. Ensure that where appropriate, proper referrals have been made to the Detective Division or Youth Bureau.

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GENERAL ORDER #2.24

Page 1 of 1

**VILLAGE OWNED PROPERTY**

**Purpose:** To advise all personnel of the policy of the Village of Ossining on the use of Village property, and the expectation of privacy on the use of some Village owned property.

For the mutual convenience of members of the Department, and the Village of Ossining, you may use or be assigned Village of Ossining Police Department equipment, such as: vehicles, telephones, radios, lockers, desks, cabinets, etc. You are hereby advised that the use of these items is for business purposes, and the retention of any personal items is at your own risk. Neither the Village of Ossining and Village of Ossining Police Department or any of its supervisors will be responsible for any losses.

Moreover, any Village of Ossining Police Department equipment is subject to entry, search and inspection by your superiors without further notice. Any privately owned property contained in such equipment (including the contents of closed or sealed items/containers) may also be opened and examined without further notice with or without your permission.

This includes any Village of Ossining Police Department provided equipment that is protected by a personally owned lock that you might later place on the outside. Therefore, you have NO EXPECTATION OF PRIVACY WHEN USING VILLAGE OF OSSINING/AND OR VILLAGE OF OSSINING POLICE DEPARTMENT PROVIDED EQUIPMENT.

**Telephone Usage:** Department telephones are intended for business use, the personal use of Department telephones is limited to our primary calling area:

232	241	242	243	245	248	271	526
528	621	628	666	736	737	739	762
767	788	923	941	944	945	962	

Conversations must be kept to a minimum. Under no circumstances can Department phones be used to make personal calls outside of our primary calling area.

**Other Village Owned Property:** Village owned buildings, equipment, tools, etc. are meant to be used exclusively for Village business; the personal use of this property is prohibited.



GENERAL ORDER #2.25

PAGE 1 OF 2

**COLLEGE INTERNSHIP PROGRAM**

**Purpose:** To establish a program whereby Criminal Justice students (of a Department recognized program from an appropriately accredited College or High School or other Organization) may fulfill the requirements of their internship course with the Village of Ossining Police Department.

**Background:** Pace University offers a complete program for students interested in a career in Criminal Justice. The program is designed to allow students to gain experience in the field by taking a 4 credit course as an intern with an agency in the Criminal Justice field. The Village of Ossining Police Department has made a commitment to allow at least one student intern each college semester- Spring and Fall semesters. This General Order will guide Department members who are assigned to work with the interns and make other Department members aware of the internship program.

**Policy:** It is the policy of this Department to cooperate with Pace University its efforts to provide the best possible education to its Criminal Justice students through an internship course offered by Pace University. The Department will accept at least one student each semester as an intern, providing the student intern with the broadest possible exposure to the Criminal Justice system during the ninety-hour internship program.

**Procedure:**

1. A Division Commander will coordinate the internship program with Pace University.
2. The Division Commander will manage the internship program within the Department by:
  - a. Interviewing the applicants in order to identify the best for internship
  - b. Selecting the best applicants using the following criteria:
    1. Applicant is a senior or junior
    2. Applicant should demonstrate a high level of academic skill.
    3. Applicant demonstrates a level of maturity that would permit him or her to work with a variety of police officers, the courts, the D.A.'s Office, Probation Department and others.
  - c. Managing the internship program in a manner designed to offer each intern a broad based exposure to the work of a law enforcement agency, including:
    1. Coordinating the hours of the internship program
    2. Coordinating with other members of the Department whom an intern would be assigned to work with
    3. Adapting each internship to the needs of the intern, and
    4. Evaluating the progress of each intern to ensure he or she is fulfilling his or

her responsibilities with the Department and that he or she is receiving the utmost the Department can offer.

3. Each intern will receive the following training:
  - a. Performing Police Services in the Community: Forty Five (45) hours of intensive supervision in aspects of the patrol, investigative, communications and records keeping functions of a police department, to include:
    1. Receiving complaints from the public dispatching of patrol officers to investigate.
    2. On-scene initial complaint investigation.
    3. Processing of complaints which are to result in an arrest.
    4. On-scene crime scene processing.
    5. Manner of conducting a follow-up investigation.
    6. Police role as a part of traffic safety.
    7. Traffic accident investigation.
    8. Department procedures, rules and regulations
    9. Processing juveniles, interacting with Family Court and Probation Dept.
    10. Processing evidence, found and recovered property in the Department's crime prevention program.
    11. The police role during a major emergency or disaster.
    12. Role of the Department's Emergency Service Response Team
    13. Substance abuse prevention programs (D.A.R.E.)
    14. Other aspects of the police role as needed to fulfill the students goals.
  - b. Training Program for New and In-Service Police Officers: Interns will become familiar with training requirements for newly appointed officers and receive approximately twenty-four (24) hours of supervision during in-service training programs. Interns will have the opportunity to participate in some of the following training programs:
    1. CPR and first aid
    2. Use of force
    3. Firearms
    4. Mass casualty/disaster drills
    5. K-9
    6. Response to critical incidents such as hostage/barricaded persons, and emotionally disturbed persons
    7. Law updates in areas relating to penal law, criminal procedure law, family court law, vehicle and traffic law, and
    8. Ossining Police Department Orientation Program
  - c. Police Interaction With Outside Agencies: In the course of providing law enforcement services, a police department interacts with approximately twenty-four hours of contact with Criminal Justice agencies, to include:
    1. The courts, local, county and grand jury
    2. Corrections Department
    3. Police Academy



GENERAL ORDER # 2.26

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**REPORT PROCESSING RECORDS MANAGEMENT:**  
**FREEDOM OF INFORMATION**

**Background:** There are (3) basic concerns affecting law enforcement with which the police executive must be kept continuously informed: first, how much of each type activity occurs; second, where these activities occur; and third, when they occur. Armed with this knowledge, the police executive has the best information available to assign the best police resources, in the most strategic areas, at the most opportune time. A disregard for the value of such administrative tools results inevitably in the distribution of resources and the expenditure of public funds largely by conjecture.

The value of documenting all calls for police service, both of a criminal and non-criminal nature, cannot be over emphasized. Police work in any area is important public business, and like any other business should be represented by adequate records of calls for service received and the resulting action taken. It is important for the police administrator to insist that a permanent written record be made of each call for service and this record be initiated at the time the call for service is received. A record keeping process of this nature will provide proper administrative control.

There is a direct relationship between the efficiency of the police department and the quality of its records and records procedure. Complete and accurate information is essential for effective police operations. Reports of crimes and other matters of concern to the police must be classified, indexed, and filed so the information is readily available to field personnel. Analysis of these reports is beneficial to commanding officers.

Every police administrator is called upon to continually make decisions relating to deployment of personnel, distribution and allocation; fiscal expenditures, function procedures and operational plans, in relation to changing social conditions. Much of the information necessary to arrive at sound decisions may be gleaned from administrative reports and records. These reports provide a picture of present conditions and problems faced by the Department. They also provide information concerning the activities and performance of individual employees and organizational units in respect to the attainment of Departmental goals.

The basic requirements of this General Order will provide the Department with the information and techniques to:

1. Be responsive to the needs of field personnel.
2. Act as valid background material for the courts.
3. Provide necessary investigative aids.
4. allow for agency reporting from field personnel, through the Chief of Police, to other governmental levels in the appropriate summary fashion.

The records system of the Ossining Police Department must meet certain basic requirements. Among these are:

1. It must be comprehensive and include records of all police activity.
2. It must be adequately indexed to permit ready reference and a retrieval of information.
3. It must be centralized to provide adequate control and the maximum workability for assigned personnel.
4. It must be as simple as possible, without the loss of comprehension and speed.
5. It must lend itself to summarization and analysis to provide for periodic appraisal of police services, requirements, and effectiveness.

### **Uniform Complaint Forms(Blotter):**

Uniform Complaint Form will be initiated whenever a call for police service is received or other police business is started. In cases where an Incident Report, Arrest Report, Motor Vehicle Accident Report, Supplementary Investigation reports forms are not required, the officers assigned to the call will complete the UCF. When a call for service is received, the desk officer, dispatcher or other police personnel answering the call or request, will complete that portion of the form containing information on the Complainant, Address, and telephone, type of request and the officers and cars dispatched. If no police action is required, but simply a record is made, than the desk officer or other person taking the report will be responsible for completing the form.

**Special Reports:** All personnel may be required, at any time, to submit a "special report" on any of their activities. Special reports may be required by a superior officer. These reports are generally used as part of an investigation, and may be held in a confidential nature.

1. Special Reports should be addressed or directed to the superior officer making the request for such a report.
2. The report shall contain all pertinent data relating to the subject for which the report was requested. (I.e. involving Department vehicles, damage to Department equipment, missed radio calls, instances of behavior of conduct, lost equipment, etc.)
3. **Special reports include Performance reports or any other supplementary report Requested by a superior officer that relates to an incident or investigation including the conduct of any officer or Department member and their conduct.**

### **Incident Report:**

An Incident Report will be completed by all personnel who take police action, whether for criminal or non-criminal activity. The Ossining Police Department's Computer Aided Dispatch System will automatically assign a unique consecutive activity number to each call for service, whether or not a written report is taken. In addition to each call for service assigned activity number, the Desk Officer/Dispatcher shall assign a unique consecutive number to each activity those results in a written report. All activity, with the exception of Traffic Accidents, shall be reported and recorded using the Incident Report Form. The Incident Report shall be used for initial Reports, and follow-ups to the Incident Report, with the exception of Juvenile Reports, which shall be reported and recorded using the Ossining Police Department Juvenile Report and Field Contact Report forms. Traffic accidents shall be recorded on forms provided by and in accordance with the guidelines of the New York State Department of Motor Vehicles.

**Completion of Incident Report:**

1. Case #: Enter the number assigned by the Desk Officer/Dispatcher/CAD System.
2. Class Code: Using the coding system established for the Ossining Police Department for all incidents, enter the appropriate code for the actual type of incident for which action was taken. Note: There is frequently a discrepancy between the reported incident and the actual incident. For example, a report received may be received originally as a Burglary, and the investigation reveals the incident actually to be a Larceny. Code the Incident Report as to the actual incident.
3. Incident: Enter the name of the incident, i.e. Burglary, Larceny, Missing Person, etc
4. Cross-Reference Other Reports: Enter the Case #s of any other report(s) this incident may be related to.
5. Street Address of Occurrence: Enter the actual street name and number of the location of the incident.
6. Sector: Enter the Sector Number, as assigned by the Ossining Police Department, in which the incident occurred.
7. Occurred on or Between: Enter the specific time of occurrence of the incident, or if unknown, the date parameters during which the incident occurred.
8. Name of Location: Enter generic name of the location of the incident, for example, Smith residence, Marine Midland Bank, Ossining Hardware, etc.
9. Involvement Code: Enter the involvement code according to the Ossining Police Department schedule of codes, i.e. A-Arrested, W- Witness, etc. for each person involved with the incident.
10. Name: Enter accurately, the complete name of each person involved in the incident. If the name is not a common name, ask the person to spell their name, and then confirm that you have it written correctly.
11. Race: Enter the race, according to the Ossining Police Department assigned codes, for each person involved in the incident, i.e. B- Black, H- Hispanic, etc.
12. Sex: Enter the sex, according to the Ossining Police Department assigned codes, for each person involved in the incident.
13. Date of Birth: Enter the date of birth accurately, month-day-year, for each person involved in the incident.
14. Residence Address: Enter the complete home address and phone number for each person involved in the incident.
15. Business Name and Address: Enter the complete employer name, address, and phone number for each person involved in the incident.
16. Property Stolen or Recovered: Enter the amount, to the nearest whole dollar value, of the value of the property stolen/recovered, in the appropriate category of the property.
17. Alarms: Check off the action you took after responding to an automatic alarm device.
18. Animal Bite Report: Enter all information requested accurately.
19. Narrative: Enter a synopsis of activity taken. Include statements made by witnesses, etc. Enter all information which will assist in the prompt resolving of the incident, whether criminal or non-criminal. Indicate any pending activity still to be completed. The narrative should be prepared accurately, thoroughly, neatly and legibly.
20. Officer Hazard Flag: Enter here[C.A.D] any perceived hazard which subsequent officers responding to this location should be made aware of. Examples of hazards include dangerous dogs, combative persons, weapons used or known to be on premises, health and safety hazards, etc.

21. Case Status: Enter appropriate classification.
22. Investigating Officer: The officer who prepares the Incident Report should sign, in his/her own handwriting, includes his/her presently assigned badge number, and date the Incident Report. Incident Reports should be given to the Tour Supervisor prior to leaving duty at the end of each tour.
23. Supervisor Approving: The Tour Supervisor reviewing the Incident Report should review for completeness, accuracy to the extent of information available to the supervisor, appropriateness, neatness, and legibility. Upon approval, the Tour Supervisor shall then sign, in his / her own handwriting, include currently assigned Operator number, and date the Incident Report The Incident Report shall then be forwarded to the Records bureau of the M.I.S. Division, for processing.
24. Supplements and Juvenile Bureau Reports: Upon accurate, thorough, neat, and legible completion of Supplements and Juvenile Bureau Reports, the officer completing the report will enter his name /enter his / her own rank, and enter the date of the report. The report will be given to the tour supervisor/ and or his immediate supervisor.
25. Supervisory Approval of Supplemental Reports: The tour supervisor will review supplements received from officers for accuracy, to the extent of information available to the supervisor, thoroughness, neatness, legibility, and appropriateness. Upon approval, the supervisor will mark same on the appropriate form.
26. Follow Up of Incident and Supplement Reports:

Follow-up investigations shall be conducted in accordance with General Order#3.33.

**Completion of Arrest Report:**

**Policy:** The arresting officer shall be responsible to prepare an Ossining Police Department Arrest Report for each person arrested, each time a person is arrested.

**Procedure:**

1. Case Number: Enter the appropriate OPD Case Number (s) related to the arrest.
2. Date: Enter the date of arrest.
3. Identification #: Check to see, using the Department's computer system, in both the Name File and Archive File, if the accused has previously been arrested by the OPD, and if an ID# has previously been assigned, use the same number. If not, issue the next consecutive number.
4. Prisoner's Name: Accurately and legibly enter the accessed last, first, and full middle name.
5. Phone: Accurately and legibly enter the accused's home telephone number, including area code if other than 914.
6. Address: Accurately and legibly enter the accused's home address, including the premise number, street name, jurisdiction, county, state and zip code. Post Office box numbers should only be used in addition to street address.
7. Aliases: Accurately and legibly enter any aliases known to be used by the accused.
8. Color: Accurately and legibly enter the accused's skin color.
9. Sex: Accurately and legibly enter the accused's sex.
10. Age: Accurately and legibly enter the accused's age at the time of arrest.
11. DOB: Accurately and legibly enter the accused's month/day/year of birth, in that

## Order.

12. Height: Accurately and legibly enter the accused's height.
13. Weight: Accurately and legibly enter the accused's weight.
14. Hair: Accurately and legibly enter the accused's hair color. If the accused is bald or wears a hairpiece, so state without identifying the color.
15. Eyes: Accurately and legibly enter the accused's eye color.
16. Glasses: Accurately and legibly enter whether the accused wears glasses or contact lenses, if any.
17. Scars, marks, tattoos: Accurately and legibly enter the location on the accused's person and full description of any significant scars, marks, or tattoos that would aid in identification.
18. Marital Status: Accurately and legibly state the accused's marital status, i.e.: married, divorced, separated, etc.
19. Occupation: Accurately and legibly state the accused's type of employment, Profession, etc. If the accused is a full-time student, so state.
20. Employer: Accurately and legibly enter the name, address, and phone number of the Accused's employer. If the accused is a full time student, state the name, and if outside the Village, the address of the school the accused is attending.
21. Place of Birth: Accurately and legibly enter the accused's city and state of birth, and If foreign born, the country of birth. If foreign born, enter the date and city of entry into the U.S.A.
22. U.S. Citizen: Enter yes or no.
23. Social Security Number: Accurately and legibly enter the accused's social security number.
24. Law-Section-Categories-etc.: Accurately and legibly enter the appropriate sections of law and all subsections. The Records Unit shall be responsible for reviewing all sections to ensure they are properly entered and entering DCJS coding system as provided.
25. Brief Description of Crime: A brief narrative is to be completed by the arresting officer.
26. Address of Crime: Accurately and legibly enter the specific location of the crime.
27. County: Enter the name of the county in which the crime was committed.
28. Date: Accurately and legibly enter the date the crime was committed. If a specific date is unknown, enter the date parameters during which the crime was committed.
29. Time: Accurately and legibly enter the time the crime was committed. If specific time is unknown, enter the time parameters during which the crime was committed.
30. Place of Arrest: Accurately and legibly enter the specific location where the accused was arrested.
31. County: Accurately and legibly enter the county in which the accused was arrested.
32. Date: Accurately and legibly enter the date of the accused's arrest on the specific charge(s).
33. Time: Accurately and legibly enter the time of the accused's arrest on the specific charge(s).
34. Complainant: Accurately and legibly enter the name of the complainant or victim, Including the complainant/victim's complete address.
35. Authority for Arrest: Accurately and legibly enter the circumstances of the arrest, i.e. Warrant, Summary, Investigation, etc.
36. Arraignment Date: Accurately and legibly enter if the accused was arraigned using month, day, year format.

37. Time: Accurately and legibly enter the time the accused was arraigned.
38. Judge: Accurately and legibly enter the name of the arraigning judge.
39. HQ/Court: If other than the municipal building, accurately and legibly enter the location of the arraignment.
40. R.O.R: Enter "Yes" or "No" for release on own recognizance of accused.
41. To Appear: Accurately and legibly enter the date, using month/day/year format when Accused is next scheduled to appear in court, if available.
42. Court: Accurately and legibly enter the name of the court in which the defendant is scheduled to appear.
43. Bail/Bond: Accurately and legibly enter the amount of cash bail and/or bond set to Secure the release of the accused.
44. Date Bailed: If bail is posted at OPD HQ, accurately and legibly enter the date bail was received.
45. County Jail in Lieu of Bail: Enter "yes" or "no" if accused was remanded to the County jail in lieu of bail.
46. Photo Taken: Enter "yes" or "no".
47. Prints taken: Enter "yes" or "no".
48. Arresting Officer: Arresting officer must sign the document in this location.
49. Supervising Officer: The Tour Supervisor, or other ranking officer supervising the arrest, must initial the document in this location.

**Shift Report(Blotter):**

A. A Shift Report will be maintained during the course of business by the Police Desk Officer and the Police Dispatcher assigned to each tour of duty. All requests for police service shall be entered in the Shift Report using the Department's computer system, and the complex unique coding system for each type of activity. All those calls for service resulting in police action, shall result in a computer generated report, to which a unique consecutively assigned number shall be assigned by the Desk Officer and/ or Dispatcher. The requirement for a generated report may be waved only by a tour supervisor, Division Commander, or person of higher rank.

B. A Shift Report shall be ongoing and available for inquiry at any Department computer workstation by those persons authorized to access the computer data base. In addition, a Shift Report shall be printed for each tour of duty. A copy of the Shift Report shall be prepared, by the Dispatcher or records personnel, and placed in the Briefing Book for review by oncoming police personnel. A second copy of the report shall be maintained by the Records Unit to assist in the processing of written reports, as well as for review by the media.

C. The Management Information Services Commander, or his / her designee, shall on a calendar month basis, using the Department's computerized records management system, generate, using the Daily Shift Report as its basis, a Uniform Crime Report, and an Activity by Class Code Report, which shall summarize all the activity of the Department.

The Reports shall be prepared by the tenth day of the following month, reviewed personally by the M.I.S. Commander, copies forwarded to the Chief of Police for his/ her review, and further copies will be forwarded as instructed by the Chief of Police. Such other copies should include the Village Board of Trustee's.

A monthly UCR Report shall be generated, at the direction of M.I.S. Commander, reviewed for

accuracy and forwarded to the New York State Division of Criminal Justice Services in the format required by that agency, by the tenth day of the close of the business of each calendar month. The Department's computerized records management system shall be used for this purpose.

Copies of the UCR and Activity by Class Code Reports shall be retained in the M.I.S. Division Commander's Office.

**Freedom of Information Act Request:**

A. Freedom of Information Law: The New York State Legislature finds that a free society is maintained when government is responsive and responsible to the public, and when the public is aware of governmental actions. The more open a government is with its citizenry, the greater the understanding and participation of the public in government.

As state and local government services increase and public problems become more sophisticated and complex and, therefore, harder to solve, and with resultant increases in revenues and expenditures, it is an encumbrance upon the state and its localities to extend public accountability wherever and whenever feasible.

The people's right to know the process of governmental decision making and to review the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.

The Legislature of the State of New York has, therefore, declared that the public, individually, collectively and represented by a free press, should have access to records of government in accordance with the provisions of this Law.

B. Processing Requests for Documents:

1. The Management Information Services Commander is designated as the Records Access Officer for the Village of Ossining Police Department Records. Division Commanders or other Department members who maintain records who are in doubt as to whether or not to release information or records should contact the Records Access Officer.
2. Request for Information (Reports) forms have been developed and are available in the Record's Unit Office. Requests for documents pursuant to the Freedom of Information Act must be filed at the Ossining Police Department Record's Unit between 8am and 4pm, Monday through Friday, except holidays. Copies of the request forms are available at all times. The requesting party will be notified by the Record's Access Officer, within five (5) business days, of the status of the request.
3. All FOIA requests shall be promptly processed, according to first come - first served, and prioritized in accordance with any other mandated Police Department Duty.
4. Denial of Access to Records: Denial of access to records shall be in writing stating The reason therefore and advising the requestor of the appeal process according to law.
5. Inspection and Copying of Records: A person who has requested access to the Records of this Department shall be given the opportunity, during normal business

hours, to see and inspect such records, except those records specifically prohibited by the Freedom of Information Act.

The requestor may, free of charge, make a hand-written copy of the record he/she inspects.

No record may be removed from the control of the Records Unit without the permission of the M.I.S. Commander, except for official purposes.

No record shall be removed from the Ossining Police Department without the specific approval of the M.I.S. Commander.

Upon request and payment of the established fee, the M.I.S. Commander shall certify as correct a copy prepared by the Records Unit.

When a member of another Criminal Justice Agency obtains copies of criminal records, photographs, and/ or fingerprints, the person receiving the record(s) shall personally sign for and accept responsibility for further dissemination of such record(s).

No telephone requests for records shall be accepted from any person or criminal justice agency. All requests must be in writing, and in those instances of requests by other Criminal Justice agencies, shall be on their agency stationary.

6. Operation and Security of Records Unit: The hours of operation of the Records Unit are 8 a.m. to 4 p.m., Monday thru Friday, except holidays. Those hours are extended based upon available Records Unit personnel. During the hours of operation the Records Unit, only M.I.S. personnel, the Youth Officers, Tour Supervisors, Division Commanders, authorized Detectives and the Chief of Police are permitted access to the Records Unit.

During non-business hours, the only persons authorized in the Records Unit are the Desk Officer, Dispatcher, Chief of Police, Division Commanders, Tour Supervisors, Duty Detective and Youth Officer.

7. General Guideline for accessible records: Should only be released to persons who Have a legal or personal interest in the report, i.e. the party involved, attorney, family, etc. not for "nosy" neighbors.
  - a. Public Record: The Shift Report is the department's official public record. It is maintained in the Records Unit and is available at all times for public inspection. The detailed reports, i.e., Incident Report, are subject to department screening before release.
  - b. Accident Reports: except the names of juveniles or where the Village may become a party to a civil action.
  - c. Incident Reports: except the names of juveniles and sex crime victims, after Department screening, and except where the Village is or may be a party to a civil action.
8. General Guidelines for Non-Accessible Records:

- a. Police Investigations: Open, active investigations.
- b. Personnel Records: Released only by the Chief of Police pursuant to law.
- c. Personnel Information: All inquiries from banks, loan companies, department stores, concerning employment verification, salary, shall be handled by the M.I.S. Commander, or in his absence, other division commander, or the Chief of Police.
- d. Youthful Offender Adjudications: Data or photographs cannot be viewed, copied, used or disseminated other than under the stipulations covered under sections of the New York State Criminal Procedural Law.
- e. Adjudgment in Contemplation of Dismissal Adjudications: Data or photographs cannot be viewed, copied or disseminated other than under stipulations covered under sections of the New York State Criminal Procedural Law.
- f. FBI, State and OPD Criminal History Records: Shall not be made for any reason to any person not a member of this Department, the Ossining Village Justice Court or Westchester County District Attorney's Office.

A handwritten signature in black ink, appearing to read "K. J. [unclear]", located in the lower right quadrant of the page.

**PUBLIC INFORMATION- FREEDOM OF INFORMATION**

**Policy:** The Ossining Police Department takes its responsibility very seriously for disseminating information according to the Freedom of Information Act, as well as its responsibility for protecting the rights of individuals pursuant to the Right to Privacy Act. The Department recognizes the right of the public, and the free press as its representatives, to have access to accurate information concerning incidents and accused persons.

The Management Information Services Division Commander is designated as the Assistant Public Information Officer for the Ossining Police Department. In the absence of the Detective Division Commander, the MIS officer shall assume the assignment of Public Information Officer. Should neither be available, the Tour Supervisor shall be designated the Public Information Officer, until such time as a PIO can be designated by the Chief of Police or his/her representative. The Public Information Officer is the only person(s) authorized to release information to the media, concerning an accused person; at the scene of an incident, from Department files; and concerning ongoing criminal investigations.

In order to meet this responsibility, the following procedures have been adopted by the Ossining Police Department:

- A. Whenever the M.I.S Commander is on duty and in the capacity of Public Information Officer, all Press Releases shall be reviewed and approved by the M.I.S. Commander.
- B. All information released concerning an accused person will consist of a written document in the format approved by the Chief of Police.
- C. Since accuracy of information is essential to the administration of justice and the dissemination of information concerning an accused person, considering the complexity and times conflict between the Freedom of Information Act and Right to Privacy Act, after a thorough review of the facts as known to this agency, only the following persons are authorized to release information concerning an accused person:
  - 1. Chief of Police
  - 2. Captain
  - 3. Detective Division Commander
  - 4. M.I.S. Commander
  - 5. Patrol Commander
  - 6. Patrol Division Lieutenants
- D. Any member assigned to the Management Information Services Division, either as a sworn officer or a civilian, may release information to the news media, either in person or by telephone at a mutually convenient time, concerning power outages, natural disasters, traffic accidents, traffic problems, or other similar public safety concerns, except that the

- names of injured or deceased persons shall not be released until the releasing person has personal knowledge that the injured/deceased person's family has first been notified.
- E. As a courtesy to the news media, the Ossining Police Department will prepare a press release "Press Announcement" device. Press release information will be available for release by a desk officer or tour supervisor in instances where, in the opinion of the Public Information Officer, "information of a "newsworthy value" is or has transpired. As a general rule the information will be updated at least once each business day, and more often where deemed necessary by the Public Information Officer. News media will be authorized to contact the Desk Officer or Tour Supervisor to obtain this information.
- F. The Ossining Police Department recognizes that the news media functions with deadlines. The Criminal Justice system also has deadlines. The entire process is dependent on sufficient personnel to meet the needs of both the prosecution, and the news media. Where there is a conflict, the Criminal Justice prosecution process deadline will take precedence over any news media deadline.
- G. Names of accused persons will be provided, with the following exceptions:
1. **Juveniles- pursuant to restrictions of the New York State Family Act; and**
  2. Persons eligible for Youthful Offender status in the local Criminal Court- as defined by the New York State Criminal Procedure Law.
- H. Names of victims will be provided, with the following exceptions:
1. Victims of sex offenses, of any age or either sex; and
  2. Any victim whose life or safety, either physical or mental, is in danger;
  3. Any victim who is actually or apparently a random target, and unknown to his/her assailant.

These procedures are intended to protect the right to a speedy and public trial by an impartial jury, not to prevent the free press from inquiring into and reporting on the integrity, fairness, efficiency and effectiveness of law enforcement and the administration of justice.

Media Access to Incident/Crime Scenes Bona fide news media representatives may be granted access to the outer perimeter of a scene, except as follows:

- A. Where open access to the area will interfere with a criminal investigation, the highest ranking officer at the scene may establish police lines and restrict entry. Should such restrictions become necessary, the circumstances surrounding the closure should be explained and access should be granted to news media personnel as soon as practical. Preservation of evidence and public safety shall be of paramount importance, and shall take priority over news media deadlines.
- B. Whenever this Department is in control of a private building, private area, or other area generally not open to the public, permission must be obtained not only from the highest ranking officer in charge at the scene, but also from the person having authority and control over such premises.

**Photographs**

- A. Members of the news media, as well as the general public, may take pictures of events which occur in public places. In any location other than a public place, photography shall be allowed at the discretion of the highest- ranking officer in charge at the scene, and with the permission of the owner or person having control over the premises.
- B. Photographs of suspects shall not be released without the authorization of a Division Commander or higher-ranking officer.
- C. Employees of the Ossining Police Department shall not pose any suspect, defendant, victim, or witness for photographing by the news media or general public.
- D. Departmental photographs may be released to the news media only by the Public Information Officer.

**Important Notice- Pre-Trial Publicity New York Fair Trial Free Press Conference**

The Ossining Police Department subscribes to the objectives of the New York Fair Trial Free Press Conference, a voluntary association made up of representatives of the news media, law enforcement agencies, and the legal profession.

Following are the principles and guidelines of the Conference for the guidance of our staff, our professional colleagues, and other interested persons.

**Principles:**

- A. Freedom of the press is guaranteed by the First Amendment of the Constitution of the United States;
- B. The right to a speedy and public trial by an impartial jury is guaranteed in a criminal case by the Sixth Amendment;
- C. The New York State bar, bench, law enforcement agencies and news media, as represented by the organizations that have signed this document, recognize and uphold these guarantees and grant them equal validity;
- D. They also recognize the right of the public in a democratic society to be informed about crime, law enforcement and the administration of justice, and the right, in general, to have trials openly conducted.
- E. While the news media recognize the responsibility of the judge to preserve order in the court and seek the ends of justice by all those means available to him/her, decisions about handling the news rest with the editors, who, in the exercise of news judgments, should remember that:
  - 1. An accused person is presumed innocent until proven guilty.
  - 2. Accused persons and civil litigants are entitled to be judged in a atmosphere free from passion, prejudice, and sensationalism.

3. Readers, listeners, and viewers are potential jurors.
4. No one's reputation should be injured needlessly.

Guidelines in Criminal Cases - The proper administration of justice is the concern of the judiciary, bar, the prosecution, law enforcement personnel, new media, and the public. None should condone injustices on the ground that they are infrequent.

- A. When and after an arrest is made, the following information should be made available for publication:
  1. The accused's name, age, residence, employment, marital status, and similar background information.
  2. The substance or text of the charge, such as complaint, indictment, information, and where appropriate, the identity of the complaint.
  3. The identity of the investigating and arresting agency and length of the investigation.
  4. Circumstances immediately surrounding the arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons, and a description of items seized at the time of arrest.
- B. The release of certain types of information by law enforcement personnel, the bench and bar and publication of this information by the news media may tend to create dangers of prejudice without serving a significant law enforcement or public interest function. Therefore, all concerned should be aware of the dangers of prejudice in making pretrial disclosures of the following, and, therefore, the Ossining Police Department will not release:
  1. Statements as to the character or reputation of an accused person or prospective witness.
  2. Admissions, confessions, witness statements or the contents of a statement or alibi attributable to an accused person.
  3. The performance or results of a test or the refusal of a test by the accused, unless these actions provide the basis for a charge against the accused.
  4. Statement concerning the credibility or anticipated testimony of prospective witnesses.
  5. The possibility of a plea of guilty to the offense charged or to a lesser offense, or other disposition.
  6. Opinions concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used in trial.
- C. Prior criminal charges and convictions are matters of public record and are available to the news media. Record of arrests by the Ossining Police Department will be released upon request. The request for conviction records concerning arrests made by this agency will be referred to the appropriate court of jurisdiction. Requests for arrests and/ or conviction records made by another agency are referred either to the New York State Division of Criminal Justice Services, or the arresting agency. The public disclosure of this information by the news media may be highly prejudicial without any significant addition to the public's need to be informed. The publication of such information should be carefully considered by the news media.

- D. Law enforcement and court personnel should not prevent the photographing of defendants when they are in public places outside the courtroom. They should neither encourage nor discourage pictures or televising, but they should not pose the accused.
- E. Photographs of a suspect may be released by law enforcement personnel, provided a valid law enforcement function is served thereby. It is proper to disclose such information as may be necessary to enlist public assistance in apprehending fugitives from justice. Such disclosure may include photographs as well as records of prior arrests and convictions.
- F. Particular care should be taken not to disseminate prejudicial information, including information adduced in pretrial hearings and closed hearings, when a trial is approaching or is underway and the information is likely to be seen or heard by potential jurors.
- G. Once a trial has begun, the news media may report anything done or said in open court, provided that any statement or matter excluded from evidence is described as having been so excluded. When matter or statements are excluded from evidence outside the presence of the jury, disclosure may be highly prejudicial without any significant addition to the public's needs to be informed. The publication of such information should be carefully considered by the media.
- H. No one should make, publish or broadcast a statement designed to influence, forecast or prejudice the outcome of a trial. Accused persons, however, should have the privilege of issuing denials of allegations made against them.

**Guidelines on Reporting of Juvenile and Youthful Offender Proceedings:**

- A. The term juvenile should be construed to include those persons under the age of sixteen charged with acts relating to a person in need of supervision as such terms are defined by the Family Court Act of New York State. Juveniles also include those persons who are objects of proceedings involving matters of support, neglect, custody, adoption, paternity and family offenses. The term juvenile should not here be construed to include persons less than sixteen years of age charged with violent crimes while they are under the jurisdiction of an adult criminal court, but it should be construed to include those of this group whose cases have been transferred from an adult criminal court to Family Court.
- B. The basic principles of fairness and cooperation between the Family Court and the news media should apply in the handling of juvenile matters, maintaining due regard for the scope and nature of such proceedings and the central purposes of guidance and rehabilitation to which such proceedings are directed.
- C. The disclosure of information by law enforcement agencies in general, and the Ossining Police Department specifically, concerning juvenile matters, shall be governed by the Family Court Act.

- D. The news media are free to publish information concerning or involving juveniles secured from independent sources prior to the institution of juvenile court proceedings, exercising due discretion and good taste and having due regard for the views of the parties or agencies involved. The disclosure of the identity of any juvenile should be made only when permitted by statute and when a clear public purpose would be served by such disclosure. Greater latitude should be permitted where the involvement of the juvenile merely collateral to an adult proceeding.
- E. In reporting juvenile court proceedings the names and identifying data of juvenile respondents should be published only with the concurrence and permission of the and permission of the presiding judge. Records of any such proceedings shall be open to public inspection only with the court's consent and as permitted by statute.
- F. Confidential reports, including probation reports, social and clinical evaluations and reports of other auxiliary services prepared for the court's use shall not be open for public inspection except with the express consent of the court.
- G. Following the disposition of juvenile proceedings, the news media shall be entitled to information thereof, without naming or identifying the juvenile involved. Recitation, however, of the circumstances surrounding the proceeding, identity of law enforcement agency involved and length and nature of the investigation, together with the ultimate charge shall be permitted.
- H. The principles of fairness and cooperation between the courts and the news media should also apply in the case of the arrest of youths who might later be eligible for Youthful Offender treatment.

In any event no record shall be disclosed that would result in the unwarranted invasion of personal privacy, interfere with law enforcement investigations or judicial proceedings, deprive a person of a right to fair trial or impartial adjudication, identify a confidential source or disclose confidential information relative to a criminal investigation; or reveal criminal investigative techniques or procedures, except routine techniques and procedures; or if disclosed would endanger the life and safety of any person.

Also exempt are inter-agency communications or intra-agency communications, except to the extent that such material consists of statistical or factual data, instructions to staff that affect the public, final agency policy or determinations or external audits, including those performed by the comptroller and the federal government, and computer access codes.

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GENERAL ORDER #2.28

PAGE 1 OF 2

**COURT - MANDATED SEALING ORDERS**

**Policy:** The Ossining Police Department shall comply with all court-mandated sealing orders received. Orders issued pursuant to New York State Criminal Procedural Law Sections 160.50 and 160.55 require that ALL records pertaining to an arrest be sealed AND that the fingerprint cards AND photographs be returned to the defendant OR his/her attorney.

The Detective Commander shall be responsible to insure that all court-mandated sealing orders received are processed in accordance with applicable law, and according to the following procedures established for use by the Detective Bureau.

The Detective Commander shall designate a member(s) of the Division to process all sealing orders received, according to the following guidelines.

**Procedure for Seal Order Processing:**

1. Upon receipt of a court order (sealing order) to return fingerprint cards and photographs and to seal our records about an arrest, the Detective Bureau member designated to process seal orders shall:

a. Insure that the seal order is subscribed by the issuing judge and verify that the criminal charge was terminated in favor of the defendant by any of the following means (See C.P.L for a detailed explanation of each of the methods):

1. A court order which dismissed the entire accusatory instrument, **and** no appeals are pending.
2. A verdict of complete acquittal;
3. A trial order of dismissal of the entire accusatory instrument **and** the people have not appealed.
4. An order setting aside a verdict **and** the people have not appealed **and** no new trial has been ordered;
5. An order vacating a judgment **and** the people have not appealed and no new trial has been ordered.
6. An order of discharge has been ordered **and** the people have not appealed
7. The dismissal of ALL charges against a person by a Grand Jury
8. The prosecutor electing not to prosecute such a person **prior** to the filing of an accusatory instrument in the Ossining Village Justice Court.
9. The Ossining Police Department **prior** to the filing of an accusatory

instrument in the Ossining Village Justice Court, but AFTER forwarding a copy of fingerprints to DCJS, elects not to proceed further.

10. In controlled substance cases where the SOLE controlled substance involved was marijuana, the conviction was only for a violation or violations, at least three years have passed since the offense occurred, AND the accusatory instrument alleged a violation of:

PL Article 220 or PL SECTION 240.36, which occurred PRIOR to July 29,1977; or PL Article 221

2. Deliver ALL sealing order that are not valid pursuant to the provisions of CPL 160.50 or 160.55 to the Detective Division Commander who will then confer with the District Attorney's Office and/ or Village Corporation Counsel for further action.
3. If the court-mandated sealing order is valid, then process the sealing order in accordance with the Sealing Order Checklist established by the Detective Division Commander, which may change from time to time according to law.
4. When ALL steps have been completed on the Sealing Order, prepare a cover letter AND send, by registered mail, return receipt requested, the fingerprint card, photos AND negatives to the defendant OR his/her attorney as instructed in the Seal Order. Upon return of the receipt, attach the receipt to the Arrest package retained in the Records Unit and filed numerically by Case Number, which includes the Incident Report, any Supplements, an Arrest Report, etc. Such files should then be directed to be stored in a place separate from other files and kept from all persons or public or private agency.

**OR**

At the direction of the Detective Commander destroy all fingerprints and photographs as provided in CPL 160.50(1) (a); (1) (b) and CPL 160.55 (1) (a).

In the event the postal service is unable to deliver the fingerprint card, photographs, and negatives to the addresses, place the envelope, unopened, in the Arrest Package referred to above. Subsequently delivery will require the defendant or his/her attorney to personally pick up and sign for the envelope at police headquarters. Unless said files have been destroyed in compliance with the Detective Commanders authority under CPL 160.50(1) (a); (1) (b) and CPL 160.55 (1) (a).



**ASSETS AND INVENTORY CONTROL**

**Policy:** The Management Information Services Commander is designated as the person responsible for the management and accountability of all Ossining Police Department owned property and equipment. The M.I.S. Commander shall establish procedures for controlling property, equipment, and other assets owned and used by the Ossining Police Department. All requests to purchase property, inventory, or other assets having a value less than \$2,500.00 shall be directed to an approved by the M.I.S. Commander. All procurements having a total value of more than \$2,500.00 dollars shall be approved by the Chief of Police.

**Procedures:** The Management Information Services Commander, or his/her designee, shall be responsible to prepare a Fixed Asset Sheet for every fixed asset acquired by The Department having a value in excess of \$50.00

The assigned head of every unit within the Department, i.e., Patrol Division, Detective Division, Research and Planning, etc. shall be responsible to conduct an inventory of all fixed assets within his/her command, having a value in excess of \$50.00, at least once each calendar year. The M.I.S. Commander, or his/her designee, shall provide the head of each unit a Fixed Asset listing for items assigned to the unit, and the head of the unit shall be responsible for inventory of Fixed Assets within the unit.

The Department Fixed Asset inventory listing shall be maintained in the M.I.S. Division Records Unit, by the M.I.S. Commander or his/her designee.

Further, the M.I.S. Division Commander shall be responsible for the issuance and distribution of all Ossining Police Department owned property and equipment to be completed at least once each calendar year.

1. Asset Assignment: Furniture, and other fixed assets owned by the Ossining Police Department, has been inventoried and assigned according to division. No asset may be removed from the division without the approval of the Division Commander. This shall include all equipment, such as: desks, typewriters, computers, etc.
2. Asset Replacement: Replacement of Ossining Police Department equipment will be made through the Management Information Services Division Commander on an as needed basis, according to the financial limitations of the Operating Budget. All requisitions for new or replacement equipment must be in written form, directed to the M.I.S. Commander.
3. Uniforms: The M.I.S. Commander, who's is designated the Department Quartermaster, is responsible for the issuance of uniforms and equipment to all personnel. All requests for equipment must be made through the M.I.S. Commander.

4. Supplies: Operating supplies such as: paper, pencils, pens, etc. will be ordered and disbursed by the MIS Commander. A member of the M.I.S. Division, designated by the MIS Commander, shall inspect the desk area and communications section on a weekly basis and re-stock those areas.
5. Requisition Forms: All requisition forms for equipment and supplies shall be made on forms designated by the M.I.S. Commander and approved by the Chief of Police. All requisitions for purchases shall be made in written form tot the M.I.S. Commander for approval.
6. Weapons/Ammo: Department designated weapons will be issued to Police Officers by the M.I.S. Commander, who will keep an accounting of each weapon.

Specialized weapons shall be maintained in an Armory, near the Lieutenants Office, or in Emergency Service Vehicles under the control of the designated head of the Firearms Training Unit.

Except as provided above, no specialized weapon will be issued without the authorization of the Tour Supervisor or person of higher rank, and then, only to those trained in their use in accordance with other Departmental rules and regulations. Department ammunition will be ordered and issued by designated head of the Firearms Training Unit, or his/her designee, after approval by the M.I.S. Commander.

A handwritten signature in black ink, appearing to be 'Chief [unclear]', with a long horizontal stroke extending to the right.

**WARRANT/CRIMINAL SUMMONS CONTROL & OTHER LEGAL PROCESS**

**Purpose:** To establish a policy and procedure for a record system for criminal warrants and other legal process received by the Ossining Police Department which shall be accessible to all members of the Department 24 hours a day.

**Policy:** A record shall be maintained on the Department's Computerized Records Management System, supported by paper copy retained in the Main Desk Area, which shall be kept up-to-date as activity occurs and shall be available to all Department personnel 24 hours a day, for all criminal and civilian process, i.e., Orders of Protection, received by this Agency for service.

**Procedure Warrants and Criminal Summons Received**

1. When this Department receives a Warrant/Criminal summons, either in person, by mail or fax it shall be forwarded immediately to the Records Unit. The Records Unit person processing the Warrant/Criminal Summons shall review the documentation to insure that it is directed to this agency for processing.
2. The Records Unit person processing the Warrant/Criminal summons shall assign the next consecutive Warrant Control Number obtained from the Warrant Control Log Book.
3. An Ossining Police Department Warrant and Summons Identification Data Sheet shall be prepared for every Warrant/Criminal Summons received.
4. When a Warrant/Criminal Summons is received with NO Data Sheet attached; the Records Unit person processing the documentation shall inquire on the Department's Computerized Records Management System for the defendants name to determine the related OPD Case Number. If NO case number exists, assign the next consecutive case number using the Department's Computer Aided Dispatch System, and complete an Incident Report for the Warrant/Criminal Summons.
5. The Records Unit person processing the Warrant/Criminal Summons shall check to see if there is a previously created Warrant Control File Jacket. If there is, use it. If not, create a new one.
6. Make a copy of the Data Control Sheet and Warrant/Criminal Summons and stamp each of them "COPY" and place copies in the Warrant Control file Jacket. If processing a Criminal Summons, also place a blank Arrest Report in the Jacket.
7. The Records Unit person processing the documentation should use the Department's Computerized Records Management System and, selecting the Case Management option, print a copy of the case and enclose the printout in the Warrant Control File Jacket.
8. If the defendant has a prior Ossining Police Department arrest record, print a copy of the defendant's name and involvement from the Department's Computerized Record Management System and place it in the Warrant Control File Jacket.
9. If the defendant has a "Mug Photo" on file at the Ossining Police Department, forward a request for a photograph to the Detective Division ID Unit and place a copy of the

request in the Warrant Control File Jacket wherever possible.

10. Using the Department's Computerized Records Management System, select the Data Entry option for Wants/Warrants, enter the defendant in the system. After entry, inquire of the entry and obtain an Activity Number, which is automatically assigned by the computer system. Enter the Activity Number on the Data Sheet and also note that the Warrant/Criminal Summons was entered in the Department's Computerized Records Management System.
11. Place the ORIGINAL warrant and ORIGINAL data sheet in the Warrant Control Log at the Main Desk Area. If processing a Criminal Summons, DO NOT put the original Criminal Summons or Data Sheet in the Warrant Control Book, since they have specific return dates. The Data Sheet and Original Criminal Summons shall be placed in the Warrant Control File Jacket.
12. The Warrant Control File Jacket shall then be forwarded to the Communications Unit for appropriate eJustice entries.
13. After all appropriate eJustice entries are sent, the Warrant Control File Jacket is to be forwarded to the Department's designated supervisor, who shall assign personnel to process the summons or warrant.
14. The warrant will then be entered into the electronic briefing (e-Briefing) system for daily dissemination to patrol.
15. The officer(s) designated to serve the Warrant/Criminal Summons shall enter in the OPD Data Sheet, by date and time, all attempts to serve the Warrant/Criminal Summons. A blotter entry shall be completed for service on said summons shall be made on the original blotter record. That record number shall be affixed to the Warrant/Summons service sheet. Officers completing attempts to serve or records of service shall refer to the affixed blotter number and complete the entry in that blotter narrative.

**Executed/Recalled Warrants/Criminal Summons:** The following procedures shall be followed to process and execute and/or recall Warrant/Criminal Summonses.

1. The Records Unit person processing documentation indicating a warrant has been executed or recalled shall remove the Original Warrant and the Data Sheet from the Warrant Control Log at the Main Desk, note on the Data Sheet that the Warrant has been executed or recalled, with the date and time, and initial the entry.
2. Cancel the Warrant from the eJustice system and attach the original eJustice entry to the data sheet. If the Warrant has been recalled by the court, indicate on the Warrant Control Log the date and time the Warrant was cancelled in eJustice, and the name of the person canceling the Warrant in eJustice.
3. The Records Unit person processing the Warrant/Criminal Summons shall, using the Department's Computerized Record Management System, select the Date Entry Update Menu from Wants/Warrants Option, and delete the Warrant/Criminal Summons from the system.
4. The Records Unit person processing the documentation shall update the Warrant Control Log Book at the Main Desk Area by completing the date of Execution/Recall, note whether executed or recalled, date and initial.
5. Using the Department's Computerized Records Management System, the Records Unit person shall select the Data Entry/Update Menu from the Incident Reports and update the Narrative.
6. Request return of any copies of Warrant sent to other agencies, if any. Retain copy of any letters sent requesting return of Warrant copies. Place copies in Warrant Control File Jacket.
7. Locate and retrieve Warrant Control File Jacket. Write RECALLED on face of any

RECALLED Warrant/Criminal Summons; initial and date; then make a copy of the RECALLED Warrant/Criminal Summons. If EXECUTED, simply make a copy of both sides of the Warrant/Criminal Summons.

8. Return the completed original Recall letter and Original Warrant/Criminal Summons to appropriate court.
9. Update Warrant Control Log at Main Desk Area by date returned to court, initial and date
10. The Records Unit person processing the documentation should then place copies of the following in the Warrant Control File Jacket: Recall letter (if any), copy of the recalled Warrant/Summons; Original Data Sheet; Original eJustice entry cancel messages; copies of any other letters sent; copy of Arrest Report.
11. Place Warrant Control File Jacket in appropriate file cabinet.
12. When executed, process Warrant/Criminal Summons as a routine arrest using the Department's Computerized Records Management System.

### **Orders of Protection and Other Legal Process**

**Policy:** It is the policy of this Department to accept, record, serve and enforce Orders of Protection, duly issued and properly served upon respondents. This Department, when requested, should make every reasonable effort to serve Orders of Protection on respondents when they either live or work in the Village of Ossining. Also the Ossining Police Department shall maintain a file for all Orders of Protection received when either Petitioner or Respondent lives, works or has other cause to be in the Village of Ossining.

Whenever there are additional documents to and Order of Protection (e.g. Order to Show Cause, Custody Order, Visitation Order, Petition or Summons), the additional document should be accepted and served together with the Order of Protection.

**Desk Officer:** Upon receipt of an Order of Protection, either by mail or in person, the Order shall be reviewed for completeness.

1. Whenever an Order of Protection is received by this Department, it is to be given to the Desk Officer first, who will make an entry in the records management system noting that the Order was received. It shall then be forwarded to the Records Unit for processing. Said order should be processed in a timely fashion.
2. It shall be the responsibility of the Desk Officer to CAREFULLY scrutinize the Order of Protection to determine whether or not the respondent has been served with the Order of Protection. An Order will frequently contain wording inserted by the Court indicating that the respondent "appeared", in which case (according to Family Court), the Order of Protection was served upon the respondent at that time. Also, the petitioner may have already had a disinterested person serve the Order, in which case a completed "Affidavit of Service" needs to be attached to the Order. In either case, no further service is required upon the respondent.

**Desk Officer/Dispatcher:** The Desk Officer or Dispatcher receiving an Order in person, wherein the Department is requested to serve the Order, shall obtain the address of the respondent at the time of receipt and shall write it on the Order next to the respondent's name.

**Definitions:** Three separate files (Active, Pending, Closed) will be maintained at the Main

Desk and in the Records Room for Orders of Protection:

**Active File:** Shall be maintained alphabetically by the respondent's last name and shall contain ONLY those Orders of Protection wherein the respondent has been served, either by the Court, this Department, or a disinterested person.

**Pending File:** Shall be maintained alphabetically by the respondent's last name and shall contain ONLY those Orders of Protection awaiting service by this Department.

**Closed File:** Shall be maintained alphabetically by the respondent's last name and shall contain copies of all Orders of Protection that have been recalled, expired, or suspended by another.

**Desk Officer:** After entering the Order of Protection in Records Management System the Desk Officer shall forward the Order to the Records Unit for processing. Such Order should be processed in a timely fashion.

**Records Unit:**

1. All Records Unit personnel share the responsibility for scrutinizing all Orders of Protection received for processing. The following information must be recorded:
  - A. Date and time received;
  - B. Type of legal process (civil or criminal);
  - C. Nature of document;
  - D. Source of document;
  - E. Name of plaintiff/complainant or name of defendant/ respondent;
  - F. Officer assigned for service;
  - G. Date of assignment;
  - H. Court docket number, and;
  - I. Date service due.
2. Computer entries should be made, including Incident Screen, Name(s) and Narrative.
3. An Order of Protection is complete (that is, to the extent that the respondent has, in fact, been served in some manner), the Order shall then be placed in the Active File.
4. In the event the Department is requested to serve the Order, one copy of the Order shall be prepared, along with one copy of additional documents that may be accompanying the order.
  - A. An Affidavit of Service should be completed, detailing all pertinent information available, relating to the petitioner, the respondent, and the Docket Number. Detail what paperwork is being served, (e.g. petition, summons, temporary order of protection) and make one copy of Affidavit of Service.
  - B. The copy of the Affidavit of Service should be attached to the face of the original Order and any accompanying documents received. This package should then be

placed in the Pending File.

- C. The original Affidavit of Service should be attached to the copy of any additional documents.

- 1 If the respondent resides outside the Village of Ossining, this package shall then be mailed, **Return Receipt Requested and Restricted Delivery.**

NOTE: A copy of the completed "Certified Mail Receipt" and the completed "Domestic Mail Receipt" should be attached to the rear of the original Order which is in the Pending File, noting on it when the package was mailed and by whom.

- 2 If the respondent resides in the Village of Ossining, this package should be

forwarded to the Patrol Division Commander who will assign the Order and any additional accompanying documents, for service upon the respondent, as promptly as practical.

- D. Generally speaking, every effort should be made to process Orders of Protection

during the tour on which they are received.

**Patrol Commander:** Shall assign the Order of Protection for service upon the respondent.

**All Officers:**

1. When service of an Order of Protection is affected on the respondent, the Affidavit of Service will be completed by the serving officer and forwarded to the patrol Division Commander who will, in turn, forward it to the M.I.S. Division Commander.
2. NOTE: IF FOR ANY REASON THE COPY OF THE ORDER OF PROTECTION CANNOT BE SERVED UPON THE RESPONDENT, A **BLOTTER NARRATIVE SHOULD BE MADE** AND THE PATROL COMMANDER SHOULD THEN GIVE SAID COPY OF THE ORDER OF PROTECTION TO THE RECORDS UNIT AND INSTRUCT THEM TO MAIL THIS COPY TO THE RESPONDENT VIA U.S. MAIL, RETURN RECEIPT REQUESTED AND RESTRICTED DELIVERY.

**M.I.S. Commander:** Shall be responsible for insuring that the Affidavit of Service is notarized and forwarded to the Records Unit.

**Records Unit:**

1. Upon receipt of the completed Affidavit of Service, it should be attached to the original Order of Protection (which is in the Pending File), after first detaching the copy of the Affidavit of Service from the original Order. This completed package (Order and Affidavit) should then be placed in the Active File.
2. Upon receipt of the completed Certified Mail stub and the domestic Return Receipt card from the U.S. Postal Office indicating that the respondent did receive delivery of the Order, the Records Unit should attach them to the Order in the Pending File and place the entire package into the Active File.

3. Whenever information is received that the court has recalled an Order of Protection, a copy should be made of the recall letter, the Order and all supporting documentation. The Copy should be placed in the Closed File and the original paperwork returned to the appropriate court.
4. Whenever the Order of Protection has expired because of a time period or has been superseded by another, it should be removed from the Active File and placed in the Closed File. In the case of a superseded Order, a notation should be made on the superseded Order indicating, "Superseded by: Docket Number and Date)" prior to placing the superseded Order in the Closed File and the current or superseding Order in the Active File. (Carefully scrutinize the superseding Order to ascertain whether or not it needs to be served.)

**Responding Officers:** From time to time, a petitioner asking this Department to enforce an Order, which has not yet been served on the respondent by this Department, calls officers to the scene of an incident. (Note: This should not be construed to mean that the respondent has not been served but rather that this Department has no record of service.)

The following options are available to the responding officer:

1. Enforce the Order of Protection if the officer has reasonable cause to believe the respondent is aware of its provisions. In this instance, the petitioner should be required to give a written statement that they have personal knowledge that the respondent was served with the Order.

Enforce the Penal law in order to safeguard the rights of all parties.

If the respondent is still present, serve him/her with the Order of Protection to ensure its enforceability should this Department again be called to the scene.

GENERAL ORDER #2.31

PAGE 1 OF 1

**JURY DUTY NOTICE**

**Purpose:** To establish procedures for members of this department to meet legal obligations of serving on a jury. Pursuant to New York State Law effective 1 January 1996, members of the Police Department no longer receive an automatic exemption from serving on a jury.

**Procedure:** Members are required to forward a copy of the jury notice to the chief at the earliest date, regardless of whether their appearance is scheduled for on-duty or off-duty hours time.

Off duty: When jury duty is required by a member during off-duty hours, he or she will report as directed. When it becomes apparent that the member will be held for jury duty past their reporting time, they must make every effort to notify the tour commander. Members working the 12-8 tour will be relieved of duty, if necessary and with the permission of the patrol commander, in sufficient time (for travel) to report for jury duty at the scheduled hour.

On-duty: After proper notification to the Chief of Police, as indicated above, the member will report directly to jury duty. If a member is released from jury duty for any reason, or if personal appearance is not required, the member is to immediately report to headquarters for duty.

Transportation: Members are responsible for their own transportation to the court of notice.

Uniform: Uniforms are not to be worn when reporting for jury duty. Uniformed members will keep a uniform in their locker or otherwise accessible so as not to prevent their immediate return to duty upon completion of jury duty. This accessibility will not mean traveling home to pick up same, unless they will between the court of jury duty notice and headquarters.

Records: Members on jury duty during assigned tours will be recorded as "off duty, jury duty" until such time as they return to duty.

Compensation: If a member reports for jury duty during his/her on duty time, the Village will be reimbursed such money paid them, by the court, for this day.

A handwritten signature in black ink, appearing to read "Kim [unclear]".

**OVERTIME AND STAFFING**

Date Effective: 02/25/2016

Updated: September 21, 2015

- I. PURPOSE – To establish procedures for members of the department to follow for the purpose of maintaining appropriate staffing levels.
- II. POLICY – The nature of police service and staffing requirements necessitates that a method be devised and consistently applied to ensure sufficient numbers of personnel are assigned and present at all times. Compensation for hours worked beyond contractual obligations will be in accordance with the collective bargaining agreement.
- III. PROCEDURE
  - A. Fulfillment of Minimum Staffing for the Working Tour:
    1. In canvassing for departmental overtime, the assigned officer shall utilize the department telephone system in order to call eligible personnel. Both primary and secondary numbers shall be called and messages left when available.
    2. Overtime to Fill Minimum Staffing of a Working Tour:  
When there is insufficient staffing assigned to the next tour, members will be canvassed by seniority according to the department roster in the following order:
      - a. On-duty Patrol Officers
      - b. Off-duty Patrol Officers
      - c. On-duty Sergeants
      - d. Off-duty Sergeants
      - e. On-duty Lieutenants
      - f. Off-duty Lieutenants
      - g. On-duty Detectives
      - h. Off-duty Detectives
      - i. The Captain

NOTE: The term “on-duty” includes personnel of each particular rank that are working the current tour, those assigned to training in lieu of their regular tour, and those dedicated to special assignments not usually considered as minimum staffing. This term does not include officers working departmental details, PBA details, or partial tours. Those members will be canvassed along with off-duty personnel of their respective rank.

3. The patrol supervisor is to ensure that the officer assigned to complete the canvass has done so appropriately.
4. Overtime assignments will be granted to the officer that first accepts the assignment.

5. If, after a full canvass has been completed, the oncoming tour remains below minimum staffing requirements, the junior-most officer, according to the Department roster, will be compelled to remain on-duty for the next tour.
6. Officers may only work two tours (or the equivalent, thereof) in any twenty-four hour period. Working any combination of hours that cumulatively result in an individual working more than two tours in a twenty-four hour period is prohibited except where it is deemed necessary by the Chief of Police or his designee.
7. Officers who work consecutive tours, commonly referred to as a “double,” on consecutive days are restricted to a single tour of duty on the following (third) day, except where it is deemed necessary by the Chief of Police or his designee.
8. An officer may only accept an overtime assignment, whether voluntary or compelled, if he, or she, is eligible to work the entire period without violating subdivision (6) of this section.
9. If the patrol supervisor is unable to fill a vacancy in the oncoming tour, that supervisor shall report to this information to the on-duty, or on-call, Lieutenant.
10. The patrol supervisor may, at his discretion and in the case of a time sensitive emergency, canvass officers by physical proximity to Police Headquarters.
11. Officers designated as “Modified Duty” may accept assignment if they are capable of performing the duties of the particular assignment.

**B. Fulfillment of Minimum Staffing for a Partial Tour**

1. If the tour supervisor determines that additional staffing is required for a portion of the next tour he, or she, shall canvass the current tour in accordance with the procedure set forth in the section III (A) of this order.
2. If the tour supervisor determines that additional staffing will be required for a portion of the next tour that he, or she, reasonably believes will begin at some point after the start such tour he, or she, shall begin the canvas with off-duty patrol officers, including those who may be working now, but who will be off duty at the time of the detail (e.g. a traffic post beginning in the middle of tour 3).
3. If the tour supervisor determines that additional staffing is needed for a portion of the tour that he reasonably believes will extend into the following tour, members of that following tour will not be eligible to fulfill the overtime position.
4. Officers designated as “Modified Duty” may only accept assignment if they are capable of performing the duties of the particular assignment.

**C. Overtime to Staff Supervision of a Working Tour**

1. In canvassing for departmental supervisory overtime, the canvassing procedure shall be conducted by the tour supervisor utilizing the department telephone system in order to call eligible personnel. Both primary and secondary numbers shall be called and messages left when available.
2. When there is insufficient supervisory staffing assigned to the next tour, members will be canvassed by seniority according to the department roster in the following order:
  - a. On-duty Sergeants
  - b. Off-duty Sergeants
  - c. On-duty Lieutenants

- d. Off-duty Lieutenants
- e. The Captain

D. Electronic Canvassing for Departmental Overtime Detail

1. A departmental overtime detail is one authorized to be paid for by the Village.
2. Where time permits, the canvass shall be commenced by distribution of a departmental email specifying the date, time, and requirements of the particular detail. Eligible personnel may request assignment by return email.
3. Where time is of the essence, or where reasonable notice cannot be given via departmental email, the canvass may be commenced by telephone utilizing the procedure set forth in section III of this order.
4. The canvass will conclude as far in advance of the detail as possible following a reasonable period of time for officers to have notice. At that time, the supervisor assigned to the detail will inform the most-senior officers that volunteered that they are assigned to the detail.
5. At the time that notice is sent, announcing the officers assigned to a particular detail, those officers become responsible for their assigned duties. In the event that an Officer becomes unable to attend a detail he, or she, shall be required to find a replacement. Those officers who requested assignment but were denied shall have priority. If vacancy remains, the canvass will commence in accordance with the procedure set forth in the previous section titled "Fulfillment of Minimum Staffing for the Working Tour."

E. Call-in Procedure for Specialized Skills

When a tour supervisor determines the need for an officer with a specialized skill including, but not limited to, Breath Analysis Operator, Spanish-language translation, and SWAT, the procedure for canvassing will utilize specialty rosters maintained by the Patrol Commander.

F. Matron Duty

1. When a matron is deemed necessary in accordance with G.O 3.20 (Incarcerated Prisoners Ossining Police Department Lock-Up), the tour supervisor shall utilize a female police officer from the working tour when staffing levels permit. If no female officer is available, a female civilian employee working the tour may be assigned. If there is need to call-in a matron, either because there are no females working or a new tour is beginning, the following order shall be used:
  - a. On-duty female Police Officers
  - b. Off-duty female Police Officers
  - c. On-duty female Civilian Employees
  - d. Off-duty female Civilian Employees
2. If the above procedure does not result in a volunteer, the police roster will be re-canvassed in reverse seniority and a female Police Officer will be compelled to work.

G. Detective Call-In:

1. When a detective is not currently working the tour, they are to be called in at the patrol supervisor's discretion for the following:
  - a. Any Felony where there is evidence to be collected or witnesses to be interviewed
  - b. Death investigations where the deceased is not under a doctor's care and appears suspicious
  - c. Accident investigation (see General Order 3.40)
  - d. Any domestic incident where injuries can be documented
2. Absent exigent circumstances, detectives shall not be called in for the following:
  - a. Death investigations where the deceased is under medical or hospice care and/or in a health care facility and suspicious circumstances do not exist
  - b. Any securing of evidence that can either be placed in the evidence locker or safeguarded until a detective is next assigned to duty.

See also:

G.O. 3.20 Incarcerated Prisoners Ossining Lock-up

G.O. 3.40 Accident Investigation

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GENERAL ORDER #2.33

PAGE 1 OF 2

**DISCRETIONARY AND CONTRACTUAL TIME OFF**

Issue date: April 25, 2012

**Purpose:** To codify the procedure for granting of discretionary and contractual time off in accordance with the current collective bargaining agreement.

**Policy:**

**Vacation Time:** At the beginning of every calendar year the Chief of Police's Office will produce a document detailing every officer's available vacation time for the year.

The Patrol Captain, or his designee, will determine, before the yearly schedule is set, the vacation parameters for each position in Patrol to include what supervisors will be administering and granting discretionary time off and from what group or pool the Officer will be selecting based on his/her seniority.

The Patrol schedule for the following year will be determined by the second Friday in November of the current year. Any bidding by seniority for slots in the schedule will be complete by the second Friday in December.

By January 15<sup>th</sup> officers will select their vacations for the year.

- All officers are to bear in mind that any vacation time not selected during this period is subject to manpower needs and that only ten (10) vacation days may be carried into the following year
- Officers will select their vacations based on seniority within their defined group with one selection being granted to each officer before moving on to the next senior officer
- Officers selecting vacation periods must take a minimum of four (4) consecutive days and a maximum of twelve (12) consecutive working days per selection
- Officers will be allowed to cycle through the seniority picks until they have exhausted their possible vacation days adhering to the above minimum and maximum days until they have less than four days remaining, and then they may parse out their vacation picks in smaller blocks

Any possible vacation days not selected in the above process will be considered "floating" and will be subject to the following prohibitions:

- They will not be granted until 30 days prior to the tour requested
- They will be based on current minimum manpower standards
- They will only be granted by those supervisors designated at the beginning of the year
- Vacation days previously selected can be moved utilizing the same parameters applied to the above "floating" vacation days

**Compensatory Time/Personal Time:** Officers will be granted compensatory time and personal days per contractual agreement.

It is the Officer's responsibility to be cognizant of how much compensatory time/personal time he/she has accumulated/remaining.

An officer who is granted compensatory time that he/she has not earned could be subject to the following:

- Cancellation of that approved tour
- A changing of their procedure for getting compensatory time/personal time in the future
- Loss of vacation or holiday

Any personal time in addition to the (5) days per the bargaining agreement can only be granted by the Chief of Police.

In all other aspects compensatory time/personal time will be treated like the above "floating vacation" days.

**In all the above instances, any change made to the schedule in the department's IMPACT system must be accompanied by the Supervisor's name and date in the comments field or the tour change may not be considered valid.**

A handwritten signature in black ink, appearing to read "Kim [unclear]".

**TASER**

Revised: 06/11/2020

- I. **Purpose:** To establish clear guidelines for the use of the Taser weapon system by members of the Ossining Police Department.
- II. **Policy:** It is the policy of Ossining Police Department that officers may use only the level of force that is objectively reasonable and necessary in the performance of their duties. This includes the use of less-lethal options such as the Taser weapon system. Officers shall energize a subject no longer than objectively reasonable to overcome resistance and bring the subject under control. The Taser is regarded by this department as greater force than soft hands techniques, but less force than closed hand strikes on the Use of Force Continuum. It is considered to be a comparable level of force to a chemical agent.
- III. **Definitions:** Taser – Refers to the Axon brand electronic control weapon (ECW) (alternatively referred to as a Conductive Energy Device or CED) currently in use by this department.
- IV. **Training:**
  - A. No member of this department shall be authorized to carry or use the Taser without proper training and certification as provided or confirmed by the Taser training coordinator.
  - B. Members certified in the use of the Taser shall attend an annual refresher course, which will include, but not be limited to, review of course material, updates and practice firing.
  - C. All officers, whether certified in the use of the Taser or not, are to be made aware of the operation of the Taser, its basic functions and how to take a person into custody after the subject has been exposed to the Taser, as well as safety precautions such as not touching the wires, contacts or probes, or placing any part of your body between contact points.
- V. **Procedure:**
  - A. The Taser shall be carried in an approved holster on the side of the body opposite the service handgun.
  - B. The Taser shall be carried with cartridge in place and with the safety in the safe position.
  - C. To ensure the device is functioning properly, the Taser shall be subject to a pre-shift “spark test” consisting of a full, five-second cycle.
  - D. The Taser is not the appropriate level of force when confronting a subject armed with a firearm.

#### E. Authorized Use

1. To protect the officer or others from reasonably perceived immediate threat of physical harm from the person to be exposed to the Taser;
2. To prevent a person from what the officer perceives is an attempt by the subject to harm him or herself;
3. To restrain or subdue an individual who is actively resisting or evading arrest; or
4. To bring an unlawful situation safely and effectively under control.

#### B. Primary Deployment

1. The Taser is most effective at overcoming resistance and gaining subject control when used in the probe mode. Accordingly, this is the preferred method of deployment.
2. Immediately prior to deployment, the officer shall visually and physically confirm that the device selected is the Taser and not a firearm.
3. The Taser shall be aimed at a preferred probe target location, consistent with training and manufacture's recommendations (e.g. large muscle groups which are generally easier targets for aim).
4. Officers shall consider the totality of circumstances, including suspect movement, limited sighting capability, and their ability to accurately deploy the device, to reduce the risk of accidental probe contact to an unintended body part.
5. The Taser shall be discharged for an initial five-second cycle:
  - a. When tactically safe, a verbal warning should be given to an individual prior to activating the Taser. Officers should consider that an announcement of imminent deployment of a Taser may cause the subject to attack officers, flee, inflict self-injury or attempt to injure others and care must be taken to avoid placing others at risk.
  - b. During and immediately after this cycle, the officer shall verbally give resistance control instructions to the subject.
  - c. The officer shall be aware that an energized subject might not be able to respond to commands during or immediately following exposure.
  - d. The officer shall allow a reasonable amount of time to assess the effectiveness of the cycle, and to give the subject the opportunity to comply with the instructions given.

- e. The officer shall evaluate, under the totality of circumstances presented, whether additional cycles appear reasonably likely to be effective in accomplishing the officer's lawful objectives. The evaluation shall include consideration of the enhanced risks to subjects exposed to multiple and/or prolonged Taser cycles.
- f. To reduce the number of cycles and duration of exposure, the subject should be secured while exposed to the Taser cycle, or as soon after as is safe and practical.

### C. Secondary Deployment

1. Secondary deployments include direct contact (commonly referred to as "drive stun").
2. All secondary deployment techniques are subject to the same guidelines and restrictions as initial deployments.
3. The Taser may also be used in close-range, self-defense, and brief distraction situations in the drive-stun mode with the cartridge removed, or expended cartridge in place. When the device is used in the drive-stun mode it is
  - a. Primarily a coercive control tool,  
and
  - b. Less effective than when probes are deployed with adequate probe spread.
4. Officers should avoid using the Taser drive-stun except:
  - a. For a brief application to attempt compliance or distraction,
  - b. To "Break-contact" or distraction tactic when tied up with a subject.
  - c. To create three or four point contact in an attempt to achieve neuro muscular incapacitation
5. A preferred method of close-range secondary deployment with a single shot Taser involves firing the probes at close range with the cartridge on, then applying the device in the drive stun mode, consistent with training, to an area of the body away from the probe location. This potentially creates a greater "probe spread" effect between the probe location and the point where the Taser is placed in contact with the subject's body. When used in this manner the Taser is potentially as effective as a primary cartridge type probe spread deployment, though may be more difficult to maintain continuity during the cycle as holding the device in contact with the subject's body is often difficult.

6. If more than three (3) consecutive cycles are required, officers should reassess the situation and consider transitioning to another applicable force option.

**VI. Prohibited Conduct:**

A. The Taser shall not be used:

1. On individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person;
2. When the officer has a reasonable belief that deployment may cause serious injury or death from situational hazards including falling, drowning, or igniting a potentially explosive or flammable material or substance, except when deadly force would be justified.

B. Officers shall be aware of the general concerns present when a Taser is used on certain groups who are considered elevated risk population. This group includes but is not limited to those who reasonably appear or are known to be elderly, medically infirm, pregnant, users of internal cardiac devices, or who have low body mass, such as small children. Elevated risks also exist with subjects that are running, operating machinery (i.e. automobiles, trucks, motorcycles, ATVs, bicycles), those positioned in a flammable or explosive environment or reasonably perceived by officers to have come in contact with flammable substances.

Additional risks exist when the subject could fall from a significant height or into a pool, river, or other body water wherein a risk of drowning exists.

- C. The Taser shall not be intentionally aimed at a sensitive area, which includes the subject's face, eyes, head, throat, chest area, female breast, groin, genitals, or known pre-existing injury areas, absent reasonable belief by the officer that he or she is facing an immediate risk of serious physical injury or death.
- D. Loose cartridges should not be carried in pockets as static electricity may cause probes to deploy.
- E. The Taser, whether utilizing projectiles or direct contact, should not be aimed or placed at the head, neck, or genital areas.

**VII. Post Deployment:**

- A. The officer using the Taser shall provide medical assistance for the person upon whom the Taser was used.
- B. Emergency medical services should be requested as soon as possible after any Taser exposure.

- C. Probes that remain embedded in the flesh of the person will only be removed at the direction of ambulance personnel (EMT or Paramedic) or by medical personnel at a hospital emergency department.
- D. The probes shall be treated as a biohazard risk.
- E. The officer shall collect the cartridge, wire leads, darts, and secure them as evidence using the following procedure:
  - 1. Secure the probes in the side channels of the cartridge.
  - 2. Place all above items in an evidence bag and voucher as per department rules.

**VIII. Inspection and Maintenance:**

- A. The oncoming tour supervisor shall inspect all Taser units to ensure proper function including battery status, LCD display, and available cartridges.
- B. The tour supervisor shall be responsible for all Taser units during his or her tour of duty. At the completion of his/her tour, the outgoing tour supervisor shall ensure safe transfer of possession of all Taser units to the oncoming tour supervisor.
- C. Any damaged Taser units shall be immediately removed from service. Any such damage shall be immediately reported to the Taser Training Coordinator.
- D. The Training Coordinator shall conduct quarterly inspections of all Taser units.

**IX. Reporting:**

- A. In addition to the following, reporting of any use of force shall comply with the requirements of General Order 3.00 – Use of Force.
- B. The deploying officer shall notify his or her supervisor as soon as practical after using the device.
- C. The operator shall file a Ossining Police Use of Force Report for all discharges of the Taser (this includes all hits, misses & misfires but excluding firing during authorized training exercises).
- D. Data from the Taser, including audio and video recording if the Taser is so equipped, shall be downloaded as soon as practical following use, and the file shall be considered a part of the use of force review.
- E. Points of contact shall be photographed in accordance with General Order 3.00, even where no visible injury may be observed.



**USE OF FORCE**

Revised: 06/11/2020

- I. **Purpose:** To establish the policy and procedure of the Ossining Police Department in the use of physical force, including deadly force.
- II. **Policy:** It is the policy of Ossining Police Department that officers may use only the level of physical force that is objectively reasonable and necessary in the performance of their duties within the limits established by the 4th Amendment of the Constitution, as held in *Graham v. Connor*, by article 35 of the New York State Penal Law, and consistent with the training and policies of the Ossining Police Department. The appropriateness of the force used is determined by the “totality of the circumstances” at the moment of the force is exerted.

Every officer must be trained and understand the Use of Force Continuum. Specifically, that officers have at their disposal an escalating series of actions that may be taken to resolve a situation.

It is important to note that the Use of Force policy of the Ossining Police Department is more restrictive than the limits established by the New York State Penal Law. Officers are not required to utilize each and every level of force in succession order to comply with this order. However, officers are expected to use the minimum amount of force necessary in any given situation. It is the responsibility of all members of the Ossining Police Department to be aware of the requirements as stated herein and to guide their actions based upon the above laws and department policy and training.

- III. **Definitions:**
- A. Force – Any intentional physical strength or energy exerted or brought to bear upon or against a person for the purpose of compulsion, constraint, or restraint.
  - B. Deadly physical force – Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.<sup>1</sup>
  - C. Less lethal force – Any use of force other than that which is considered deadly physical force that involves physical effort to control, restrain, or overcome the resistance of another.
  - D. Physical Injury – Impairment of physical condition or substantial pain.<sup>2</sup>
  - E. 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 as defined in Article 10, section 10 of the New York State Penal Law.<sup>3</sup>

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<sup>1</sup> NY Penal Law §10(11) (McKinney 2013)

<sup>2</sup> NY Penal Law §10(9) (McKinney 2013)

<sup>3</sup> NY Penal Law §10(10) (McKinney 2013)

- F. Objectively reasonable force –The appropriate level of force used by the officer(s) after the officer(s) have evaluated each situation in light of known circumstances, including but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the officer(s) and the community. Based upon the totality of the circumstance known to the officer(s), objectively reasonable force is the amount of force necessary to effect an arrest, overcome resistance, control an individual or situation, defend self or others, or prevent a subject's escape.<sup>4</sup>
- G. Chokehold – A physical maneuver that applies pressure to the throat or neck and thereby restricts an individual's ability to breathe for the purpose of incapacitation. This includes vascular neck restraints.
- H. Warning shot – Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.

#### IV. **Procedure:**

- A. Officers shall only carry such equipment that is issued or approved by the Department and, then, only when trained in the use of such equipment.
- B. Authorized Use of Force<sup>5 6</sup> – Generally, officers may use such physical force which is the minimum amount of force necessary to safely overcome resistance in the performance of their duties given the totality of the circumstances known to them to:
  - 1. In self-defense or the defense of another person
  - 2. To effect a lawful arrest of a person resisting arrest or attempting to flee from custody
  - 3. To prevent a person from injuring him or herself
  - 4. To prevent the commission of a breach of peace or other unlawful act
- C. Whenever feasible and consistent with personal safety of the officer or a third party, a verbal warning should be given prior to using force that is reasonably likely to cause serious physical injury.
- D. Whenever feasible and consistent with personal safety of the officer or that of a third party, officers should give subjects the opportunity to comply with instructions prior to employing a higher degree of physical force.
- E. Whenever feasible and consistent with personal safety of the officer or that of a third party, officers should use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force.
- F. Officers using physical force should continually assess the circumstances and, as appropriate, reevaluate the use of force given the totality of the circumstances as known to them.

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<sup>4</sup> Graham v. Connor, 490 U.S. 386 (1989)

<sup>5</sup> NY Penal Law § 35.30(1) (McKinney 2013)

<sup>6</sup> 8 Graham, 490 U.S. at 396 (1989)

- G. Officers authorized to use agency-approved, less lethal force techniques and issued equipment:
1. To protect the officer or others from immediate physical harm,
  2. To restrain or subdue an individual who is actively resisting or evading arrest, or
  3. To bring an unlawful situation safely and effectively under control
  4. To prevent a person from injuring him or herself
- H. Officers may use deadly physical force to defend the officer or another person from what the officer reasonably believes to be the use, or imminent use of deadly physical force.<sup>7 8</sup>
- I. While the use of force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would be ineffective under the particular circumstances. The application of deadly physical force is the most extreme action an officer may take. Its use is appropriate only where the gravity of the situation reasonably appears to warrant deadly physical force and it does not appear likely that a lesser application of force would lead to safe control.
- J. Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle. Officers may not discharge firearms, rifles or shotguns from a moving vehicle unless deadly physical force is being used against them or other persons present, by means other than a moving vehicle.
- K. Officers may not fire warning shots.
- L. Officers may not discharge a firearm, rifle, or shotgun to summon assistance except in such instances when their safety or that of others is endangered and there is no reasonable alternative.
- M. The use of a chokehold is expressly prohibited unless the officer is authorized to use deadly physical force and no reasonable alternative exists.

V. **Duty to Intercede:**

- A. Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.
- B. An officer who observes another employee use force that exceeds the degree

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

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

**VI. Discharge of Firearm, Shotgun, or Rifle:**

A. An officer may discharge a firearm, shotgun, or rifle only in the following situations

1. Confrontation situations: To defend the officer or another as outlined in Section IV of this order.
2. Dangerous Animals: To kill a dangerous animal or an animal so seriously ill or injured that it should be destroyed to prevent further suffering. All other options should be exhausted, however and before shooting the animal all other department procedures governing same must be adhered to.
3. Firearms Practice: For target practice at an approved range.

**VII. Reporting:**

A. Reporting requirements will be triggered when, in the performance of their duties, an officer uses physical force (other than guiding, escorting or handcuffing/shackling where no injury occurs), including, but not limited to:

1. Force that results in physical injury or serious physical injury,
2. Incidents where a Taser, less-lethal projectile or chemical agent was used, displayed, or discharged,
3. Incidents in which a tactical diversionary device was deployed,
4. Incidents in which an impact weapon was used, displayed, or deployed,
5. Incidents in which a firearm was used, displayed, or deployed,
  - a. Officers, whether on- or off-duty, shall report to the tour supervisor within six hours of the occurrence of the incident, any discharge of a firearm, rifle, or shotgun. Officers shall then complete and submit a written report of the incident within 48 hours of the occurrence of the incident.<sup>9</sup>
  - b. Note: This requirement does not include recreational activities, including but not limited to, hunting or target shooting, unless shots were fired in the direction of a person, whether or not the act was intentional.
6. All incidents involving deadly physical force.

B. Procedure:

1. Notify the Tour Supervisor as soon as is practicable
2. Include the details of such use of physical force in the related department report.
3. As soon as is practicable complete an Ossining Police Use of Force Report, attaching the completed form to the applicable blotter/case report
4. Forward completed Ossining Police Use of Force Report and association documents to the Records Unit.

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<sup>9</sup> NY Executive Law §837-v (McKinney 2013)

- C. If such physical force is used by more than one officer, the assigned officer will relate the details of his or her use of such physical force in the report and each additional officer who used such physical force shall relate the details of same in a supplemental report. All such officers will complete and submit an Ossining Police Use of Force Report.
- D. In the case of the euthanizing of an animal pursuant to department policy, the narrative relating the details of same shall be set forth in a blotter entry.
- E. At the responding Supervisor's discretion, the Supervisor should take, or cause to be taken, photographs of the subject of such physical force.
  - 1. Persons not in custody have the right to refuse to be photographed.
  - 2. A photograph showing lack of injury may be as important as one that shows an injury.
- F. When the discharge of a firearm, rifle or shotgun, by an officer results in the physical injury or death of a person, the responding supervisor shall assign a detective to remove all such weapons from the officer. The supervisor will provide the officer with a replacement duty weapon as soon as possible.
- G. Any incident where officers' actions result in injury or death of another person shall be investigated by the Detective Commander, and his/her findings forwarded to the Chief or his/her designee for final review.
- H. Any incident where an officer discharges a firearm, shotgun, or rifle in a confrontation situation as described in Section VII, the Tour Supervisor shall notify the Patrol Commander and Detective Commander as soon as is practicable.
- I. Any incident where an officer discharges a firearm, shotgun, or rifle in a confrontation situation as described in Section VII, or where an officers' actions result in serious physical injury or death the Tour Supervisor shall preserve the scene until the arrival of the Detective Commander or his designee.
- J. Any incident where officers' actions result in injury or death of another person shall be investigated by the Detective Commander, and his/her findings forwarded to the Chief or his/her designee for final review.
- K. For incidents resulting in Serious Physical Injury or Death, the Detective Commander shall notify the Office of the Westchester County District Attorney to determine whether an outside agency or special prosecutor is required.
- L. The Support Services Division Commander shall be tasked with completing periodic reporting of data related to use of force as may be required by New York State Law.



**IMPACT WEAPONS**

Revised: 06/11/2020

- I. Purpose:** To outline the procedure for the proper use of impact weapons authorized by the Village of Ossining Police Department.
- II. Policy:** It is the policy of Ossining Police Department that officers may use only the level of force that is objectively reasonable and necessary in the performance of their duties. This includes the use of impact weapons. The use of the impact weapon (expandable baton) is regarded by this department as a use of force greater than striking techniques but less than a less-lethal impact device (bean bag round) on the force continuum.
- III. Procedure:** An officer may use an impact weapon to subdue a violently resisting subject, or in self-defense, or the defense of a third party if lesser methods have failed or if circumstances warrant its immediate use. Every time an Impact Weapon is used, displayed, or deployed the officer is required to comply with the reporting requirements of General Order 3.00.
- IV. Considerations and Prohibitions:**
- A. Impact weapons should never be raised above the head to deliver a blow to a subject unless deadly physical force is authorized.
  - B. When the use of an impact weapons is justified, blows should **NOT** be directed to the head unless deadly physical force is authorized.
  - C. Impact to large muscle areas is the most effective way to gain compliance.
  - D. Impact weapons should not be used:
    - 1. in retaliation for non-physical abuse towards an officer
    - 2. As a threat to elicit information from any person
    - 3. On persons secured and properly in custody.
    - 4. To “stop” a person for a field interrogation.
  - E. If an injury occurs due to the use of an impact weapon against a combative or non-compliant individual, medical attention shall be sought as soon as is practicable.

**V. Effective Striking Areas for Impact Weapons:**

A. Green Target Areas: (Minimum level of resultant trauma. Injury tends to be temporary.)

1. Lower abdomen
2. Shin
3. Instep
4. Shoulder blade
5. Inside of wrist
6. Back of hand
7. Shoulder
8. Upper arm
9. Forearm
10. Buttocks
11. Thigh
12. Calf
13. Achilles tendon

B. Yellow Target Areas: (Moderate to serious level of resultant trauma, injury tends to be more long lasting)

1. Collar bone
2. Knee joint
3. Elbow joint
4. Rib cage
5. Upper abdomen

C. Red Target Areas: (Highest level of resultant trauma, injury tends to range from serious to long lasting and may include unconsciousness, serious physical injury or death)

1. Temple
2. Ears
3. Eyes
4. Bridge of nose
5. Upper and lower jaw
6. Throat
7. Solar plexus
8. Back of neck
9. Hollow behind ear
10. Kidney
11. Tail bone
12. Sternum
13. Spine
14. Groin

**VI. Training:** All members of the department who are authorized to utilize Impact Weapons shall be trained in their use by an appropriately certified instructor, and will undergo annual training in their use thereafter.

**VII. Reporting:**

A. In addition to the following, reporting of any use of force shall comply with the requirements of General Order 3.00 - Use of Force.

B. The tour supervisor should be notified as soon as is practicable after the use of an impact weapon.

C. The user shall file a Ossining Police Use of Force Report for all display or use of an impact weapon.

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**CHEMICAL AGENTS**

Revised 06/12/2020

- I. **Purpose:** To establish uniform policy for the use of chemical agents maintained by this Department. Chemical Agents during a disturbance or civil disorder will only be used with the approval of a lieutenant or above who is actually present at the scene where the agent is to be used.
  
- II. **Policy:** A Chemical Agent should only be used in circumstances when it is necessary to overcome violent physical force, or when resistance to arrest is likely to result in injury to the suspect, the officer or another person. Chemical agents are regarded by this department as a use of force greater than soft-hand techniques, but less than striking techniques on the force continuum.
  
- III. **Procedure:**
  - A. Prohibited uses:
    1. Chemical agents shall never be used:
      1. As a threat to make a person comply with an officer's verbal order;
      2. Against any person in retaliation for their verbal abuse of an officer;
      3. To elicit information from any person.
    2. Continuous discharge chemical grenades and military-style smoke grenades are may not be deployed onto rooftops, in crawl spaces, or indoors to do their fire-producing capabilities.
  - B. Approved uses:
    1. Only chemical agents purchased by the Department are authorized for use by members of the department.
    2. Type of chemical agents maintained by the department and approved for use:
      - a. Stream aerosol, OC
      - b. 12 gauge ferret liquid rounds, OC
      - c. 12 gauge ferret liquid rounds, CS
      - d. Flameless expulsion grenade, OC
      - e. Flameless expulsion grenade, CS
      - f. Continuous discharge chemical grenade, OC
      - g. Continuous discharge chemical grenade, CS
      - h. 37mm ferret liquid rounds, OC
      - i. 37 mm ferret liquid rounds, CS
      - j. 37 mm muzzle blast round, OC
      - k. 37 mm muzzle blast round, CS
      - l. Military-style smoke grenade

3. Barricaded person
  - a. When a person to be taken into custody barricades in a confined area including, but not limited to a room, building, or vehicle, a chemical agent may be authorized by the SWAT Commander or his designee, if the use of such chemical agent could possibly prevent injury to the person, officer or another person involved in the incident.
  - b. All nonessential personnel must be evacuated from the scene.
  - c. Where a chemical agent is to be delivered by a shotgun, flameless expulsion grenade, continuous discharge chemical grenade, or 37 mm tactical launcher, that chemical agent should be delivered by an officer trained in its use and approved to do so by a Department Firearms Instructor and/or Chemical Agent Instructor.
  - d. When a chemical agent is deployed all personnel at the scene will utilize departmental issued chemical masks.
  - e. A log of the number of rounds and/or projectiles must be kept and when possible all spent chemical agent munitions will be recovered and vouchered into the Detective Division.
  - f. Properly trained and equipped officers must be present to enter the barricaded area, if necessary.
4. Procedures for crowd dispersal, riot control, or civil disorder:
  - a. All nonessential personnel must be evacuated from the scene.
  - b. Where a chemical agent is to be delivered by a shotgun, flameless expulsion grenade, continuous discharge chemical grenade, or 37 mm tactical launcher, that chemical agent should be delivered by an officer trained in its use and approved to do so by a Department Firearms Instructor/and or Chemical Agent Instructor.
  - c. If chemical agents are to be used to disperse a crowd an avenue must be left for their escape.
  - d. An attempt should be made to photograph the crowd prior to introducing a chemical agent in an attempt to aid with later charges against those engaged in illegal activity.

5. Procedure for general patrol:
  - a. A sworn member working in uniform shall carry the stream aerosol O.C. canister in a holster, secured to his or her duty belt.
  - b. Stream aerosol O.C. canister shall be deployed in a manner consistent with the latest training provided by the department.
  
6. Medical attention, cleanup and decontamination
  - a. Remove any affected subject from the area as soon as practicable.
  - b. Keep the subject calm and restrict activity
  - c. Insure that water is made available as soon as is practicable to persons in custody or those requesting aid to flush affected areas after being exposed.
  - d. Any person affected by a chemical agent shall be informed that medical attention is available. If the person desires medical attention, or otherwise appears in need of same, it is the responsibility of the officer discharging the chemical agent to ensure that medical resources are summoned and respond to the scene for evaluation and treatment if necessary.
  - e. Whenever practicable, officers should retrieve all spent shells, casings, canisters, and grenade bodies from the scene.
  - f. When possible the department will attempt to decontaminate any area exposed to a chemical agent.
  - g. When chemical agents have been deployed inside a confined area, officers should do the following:
    - i. Ventilate the building to remove airborne chemical agents.
    - ii. Open all doors and windows that weather permits.
    - iii. If possible, place one or more ventilation fans to aid in decontamination.

**IV. Reporting:**

A. In addition to the following, reporting of any use of force shall comply with the requirements of General Order 3.00 - Use of Force.

B. The tour supervisor should be notified as soon as is practicable after the use of a chemical agent.

C. The user shall file a Ossining Police Use of Force Report for all display or use of a chemical agent.

**V. Training:** All members of the department who are authorized to utilize a chemical agent shall be trained in its use by an appropriately certified instructor, and will undergo annual training in its use thereafter.

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**AUTHORIZED FIREARMS, AMMUNITION, CERTIFICATION AND TRAINING**

Revised: 04/20/2021

- I. **Purpose:** To establish standards for all firearms, ammunition, certification and training for sworn members.
- II. **Policy:** Sworn officers may carry only such firearms as are authorized by the Department and in such manner as provided for by the Department Manual.
- III. **Procedure:**
  - A. Authorized Firearms/Uniformed Patrol
    1. All officers authorized to carry a firearm shall be armed with a department approved firearm (handgun and/or long gun). The current department issued handgun is a Glock 9mm Model 17. No alteration to the gun, sights or grips can be made without the authorization of the firearms division. No one will carry any other handgun while on regular duty without authorization of the Chief of Police.
    2. Each uniformed member of patrol shall carry a minimum of 52 rounds, consisting of two magazines on their duty belt and one magazine loaded into their handgun. Current department issued ammunition is 124 Grain Federal Hydra-Shock 9mm jacketed hollow point.
    3. Back-up weapons are not authorized for uniformed patrol officer without authorization from the Chief of Police.
    4. Desk duty – Officers assigned to desk duty may carry a weapon of choice provided it is of a caliber of at least .380 and does not exceed .45 caliber. The weapon must be approved by the Firearms Division and all officers must qualify with the weapon yearly.
  - B. Authorized Firearms/Non-Uniformed Personnel – Any officer assigned to an undercover detail may carry a non-standard firearm with the authorization of the Chief of Police. The weapon first must be inspected and tested by the firearms division. Officers assigned to undercover duty may carry a back-up weapon only with the authorization of the Chief of Police.
  - C. Off Duty Weapons
    1. It is not mandated that officers be armed while off-duty.
    2. Officers may carry the weapon of their choosing, provided the weapon has been inspected by an Ossining Police Department firearms instructor.
    3. Officers must qualify with any off duty weapon they carry. Off-duty weapons must also be registered with this department and New York State Police as required by statute.
    4. Any use of a weapon, whether personally owned or Department issued, while off duty, must conform to all departmental rules and regulations pertaining to the use of force.
    5. Ammunition carried off-duty shall be approved by the firearms division.

- D. All weapons, whether personally owned or department issued shall not for any Reason be left unsecured, either on or off-duty.
- E. Members shall report the loss or theft of any weapon immediately to the Chief of Police.
- F. If required by a facility (jail, court, etc.) which has proper gun lockers, officers will secure their weapons prior to entering that facility.

**IV. Firearms Training & Certification:**

- A. All officers must be certified with their department issued weapon, as well as any off-duty weapon to be carried. Mandatory firearms certification will be conducted at least twice annually.
- B. "Certification" shall include training regarding the legal, safe handling and proficient use of firearms.
- C. Officers who fail to meet certification requirements will be re-tested. Officers who fail to achieve certification after re-testing may be re-assigned as subject to the discretion of the Chief of Police.
- D. Departmental issued ammunition will be used during firearms certification. All other testing will be done with the ballistic equivalent to duty ammunition (same caliber, bullet weight, approximate velocity and power factor).
- E. All new officers, including transfers from other departments, must be instructed on this department's firearms procedures by the firearms division and taken to a range and must demonstrate proficiency in the use of firearms, using duty ammunition, to the satisfaction of the firearms division prior to being assigned to regular patrol duty. A written report on satisfactory completion of this training shall be promptly filed with the firearms division and the Chief of Police.
- F. Live fire training shall be done at least twice annually
- G. Training during the year will include such techniques and conditions such as low levels of light, and use of flashlights.
- H. Decision making/judgmental training along with periodic classroom training will be conducted throughout the year by the training staff.
- I. Remedial training will be conducted, as needed, by the training staff



**OPERATION OF DEPARTMENT VEHICLES DURING RESPONSE TO CALLS FOR SERVICE**

**Purpose:** To provide guidelines for the operation of Department vehicles during routine, urgent and emergency response to calls for service.

**Background:** The operation of Department vehicles creates a risk of potential injury to the public and officers operating them; emergency operation of Police Department vehicles creates an even greater potential of such injury. It is, therefore, necessary to provide guidelines for officers to use in responding to routine, urgent and emergency calls for service.

All personnel operating Department vehicles shall exercise due regard for the safety of all persons. No assignment shall be of such importance, and no task shall be expedited with such emphasis, that the principle of safety becomes secondary. There are no tasks in the Department of such importance that they justify the reckless disregard of the safety of innocent persons. Department personnel will be held strictly accountable for the consequences of their reckless disregard for the safety of others.

**DEFINITIONS OF RESPONSE CATEGORIES:**

1. Routine response shall mean operation of a Department vehicle during routine patrol, or, while responding to a call that may not be considered urgent or an emergency. During a routine response officers shall obey the vehicle and traffic laws of New York State, the Code of the Village of Ossining and any other applicable laws, rules, codes or ordinances. A routine response shall be identified as PRIORITY 3.

2. Urgent response shall mean operation of a Department vehicle during a response to a situation in which personal injury or substantial public inconvenience is likely to occur if assistance is withheld or response is unnecessarily delayed. An urgent response shall be identified as PRIORITY 2.

3. Emergency response shall mean operation of a Department vehicle during a response to a situation in which physical safety and well-being of an individual is directly jeopardized; a "life and death" situation. An emergency response shall be identified as PRIORITY 1.

**Policy** - All Department personnel shall at all times operate Department vehicles in a safe manner, having as a primary concern the safety of other motorists, pedestrians and fellow officers. All Department vehicles shall be operated in accordance with the Vehicle and Traffic Laws of New York State, the Code of the Village of Ossining, and any other applicable laws,

rules, codes or ordinances.

New York State Vehicle and Traffic Law exempts the driver of an authorized emergency vehicle from certain provisions of the Vehicle and Traffic Law when involved in emergency operation subject to the conditions stated in Article 23, section 1104, Authorized Emergency Vehicles.

**Procedures:**

- A. Routine response - PRIORITY 3: Officers shall respond to a call for service as soon as practical. Officers shall obey all applicable laws, rules, codes and ordinances during a routine response.
- B. Urgent response - PRIORITY 2: Officers shall respond to a call for service without delay, proceeding directly to the location, while operating the vehicle with due regard for the safety of all persons. Examples include: response to commercial or residential alarms, response to property damage motor vehicle accidents, response to hazardous road conditions and response to reports of a nonviolent person in custody, i.e., shoplifter.

An urgent response will not normally require the use of emergency lights and siren; however, officers are authorized to use their red warning lights and, or, siren on a limited basis, when necessary to expedite their response. Examples include: reports of disorderly persons, nonviolent disputes, and to bypass traffic while responding to a property damage motor vehicle accident when, if the officer did not bypass the traffic, the delay would create a potential for personal injury or substantial public inconvenience.

- C. Emergency response - PRIORITY 1: Officers shall respond to a call for service immediately, proceeding directly to the location as quickly as reasonably possible, while operating the vehicle with due regard for the safety of all persons, utilizing emergency equipment provided, i.e., red warning lights **and** siren. Examples include: response to personal injury accidents, officer in trouble, assaults in progress, violent felony in progress, and any incident where human life may be in jeopardy.
- It shall be the responsibility of the desk Officer/dispatcher/receiving the call for service to evaluate the information provided, along with any other pertinent information, i.e., Computer Aided Dispatch or personal knowledge, and assign a response category to the call. The appropriate category shall be relayed to the unit assigned to respond at the time the unit is dispatched.
- D. The officer assigned the call shall respond according to the response category assigned by the desk officer/dispatcher unless he or she has additional information which might affect the response category. In such cases the responding officer may contact the tour supervisor, relay any additional information, and request authorization to change the response category. The responding officer may change the response category only when a tour supervisor has authorized such change.

During a response to a call for service the responding officer shall always operate Department vehicles in the safest possible manner, taking into conditions and prior activity at the hazard to other vehicles, pedestrians and other responding emergency

service personnel.

- E. In those instances where an officer initiates a response to an incident that he or she observes, or, is reported directly to him or her, the officer shall evaluate the circumstances of the incident and determine the appropriate response category. The officer shall inform the desk officer/dispatcher/office assistant of the circumstances of the call and the appropriate response category. It will be the responsibility of the tour supervisor to evaluate the situation as indicated in #G below.
- F. It shall be the responsibility of the tour supervisor to monitor and evaluate the response categories assigned to calls for service by the desk officer/dispatcher/, or those initiated by officers, with a view toward ensuring the safest possible response to all calls. In evaluating the assigned response category, the tour supervisor shall consider all information known to him or her concerning the call for service, including, nature of the call, time of day, weather conditions and prior activity at the location of the call for service. Upon such evaluation by the tour supervisor, he or she may change the assigned response category to the appropriate one for the call.
- G. The desk officer/dispatcher shall be responsible for monitoring and recording the status of officers on assignment or out of service.
- H. Definitions:
- a. In-service - The employee is available to accept assignments.
  - b. Out-of-Service - The employee is NOT available to accept assignments but is in radio contact with the desk officer/dispatcher.
  - c. Out of Radio Contact - The employee is NOT available for assignments and NOT in radio contact.
  - d. Meal Break - An out-of-service break from accepting routine, non-emergency assignments, the duration of which shall not exceed 30 minutes no more than once each tour.
  - e. Personal Break - An out-of-service break from accepting routine, non-emergency assignments, for the purpose of attending to personal hygiene (i.e.: use of rest room facility) needs.

NOTE:

1. Failure to take a meal break shall not entitle an employee to any additional compensation.
2. Meal breaks/Personal breaks shall not be taken without the approval of the desk officer/dispatcher.
3. All employees equipped with portable radios shall monitor the primary police frequency during meal breaks, personal breaks, or at any other time when on duty and away from a police vehicle equipped with a mobile radio.
4. Patrol personnel shall maintain radio contact with the desk officer/dispatcher at all times while on-duty unless he/she otherwise specifies approval of the tour supervisor.

2. Monitoring officers on assignment or when out-of-service:
  - a. The Ossining Police Department uses a Computer Aided Dispatch System which automatically records the status of each officer's activity when the officer is either dispatched to an assignment or when the officer reports a status change via police radio.
  - b. The Computer Aided Dispatch System (CAD) whenever an officer, on assignment for more than 10 minutes, without reporting back in Service the desk officer/dispatcher, will attempt to contact the officer via police radio and/or telephone. If no response is received from the officer, the desk officer/dispatcher shall notify the tour supervisor immediately, who shall immediately determine the status of the assigned officer and personally check on the assigned officer's safety.
  - c. Whenever an officer has indicated he/she is taking a meal/personal break, a CAD entry shall be made by the desk officer/dispatcher to note the status change. If after thirty (30) minutes the officer has not indicated he/she is in service, the desk officer/dispatcher shall attempt to contact the officer by radio and/or telephone. If no response is received, the desk officer/dispatcher shall immediately notify the tour supervisor who shall immediately determine the status of the officer and personally check on the officer's safety.
  - d. The Computer Aided Dispatcher System automatically stores, for retrieval by management personnel, the status changes of personnel.

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**VEHICLE PURSUIT**

Date Effective: 06/19/2018

Updated: 07/19/2018

**I. Purpose**

To establish procedures regulating motor vehicle pursuits by officers.

**II. Policy**

Since the apprehension of fleeing suspects is secondary in importance to public safety, it is the policy of the Ossining Police Department to avoid engaging in pursuits whenever possible. While there are some urgent circumstances when a pursuit is the proper law enforcement response and the risks involved are justified, pursuits shall be terminated whenever the risk to police officers or the public outweighs the danger to the community if the suspect is not immediately apprehended.

**III. Definition**

- A. Vehicle Pursuit- An active attempt by a police officer to apprehend the occupants of a moving motor vehicle when the operator of the vehicle is resisting apprehension by maintaining or increasing the speed of the vehicle or by ignoring the officer's use of emergency lights and/or sirens while attempting to stop the vehicle.
- B. Primary Unit- The police unit immediately following the suspect vehicle that assumes primary control of the pursuit.
- C. Secondary Unit- Any police unit that becomes involved as a backup to the primary unit and follows the primary unit.

**IV. Procedure**

- A. Officers of this department may stop and detain motor vehicles, their operators and passengers to the extent permitted by law and any applicable Department directive.
- B. An officer may engage in a vehicle pursuit when the operator of a motor vehicle fails to stop his or her motor vehicle as directed and when the officer reasonably believes that the benefit or immediate apprehension of a particular subject outweighs the hazards created by the vehicle pursuit to the pursuing officers, the public, and/or the occupants of the vehicle being pursued.
- C. Officers shall consider the following factors when assessing whether or not to initiate or continue a vehicle pursuit:
  - 1. Nature of offense suspected;
  - 2. Existence of alternative means of apprehension;
  - 3. Potential danger to the public caused by actions of the fleeing violator;

4. Amount of vehicle and/or pedestrian traffic;
  5. Possibility of identifying the operator and/or vehicle at a later date;
  6. Lighting conditions;
  7. Weather conditions;
  8. Road conditions;
  9. Type of police vehicle;
  10. Type of fleeing vehicle;
  11. Vehicles speeds; and
  12. Any other known factor which would enhance an accurate assessment of risk or benefit.
- D. Upon engaging in a pursuit, an officer will immediately activate his or her patrol vehicle's emergency lighting equipment and siren.
- E. While engaged in a vehicle pursuit, Officers will maintain safe and maneuverable control of their vehicles.
- F. Officers shall, as soon as possible after initiating a vehicle pursuit, notify headquarters by radio to report that a pursuit is in progress and provide the following information:
1. Location, speed, and direction of travel;
  2. Color, year, make, model, body style, license plate number, and any other relevant descriptors of the vehicle being pursued; and
  3. The reason for which the pursued vehicle is wanted.
- G. Officers shall provide headquarters with periodic updates as to the location, speed and direction of travel of a vehicle pursuit.
- H. Upon joining a pursuit, secondary units shall:
1. Maintain a safe distance behind the primary unit;
  2. Not pass the primary unit during the course of the pursuit unless specifically requested to do so by the primary unit;
  3. Be prepared to assume the role of the primary unit;
  4. Assume the responsibility for making radio transmissions for the primary unit when the secondary unit is in visual contact with the suspect vehicle; and
  5. Assist the primary unit at the termination of the pursuit.
- I. Officers operating unmarked vehicles, who initiate vehicle pursuits, shall do so consistent with this policy, and will immediately fall back to a support position upon the arrival of a marked unit, which shall then assume the role of the Primary Unit.

## **V. Prohibited Conduct**

- A. Officers shall not engage in a pursuit of a suspect whose identity is known and who can be apprehended at a future time unless failure to apprehend the suspect represents an immediate and significant threat to the community.
- B. Officers shall not engage in a pursuit when a prisoner or other civilian is a passenger in a police vehicle.
- C. Officers shall not ram the suspect vehicle with their vehicle.

- D. Any obstruction intended to prevent the free passage of vehicles on the highway in order to apprehend a suspect in a motor vehicle constitutes a roadblock. Roadblocks shall not be used in pursuit situations.
- E. Unmarked vehicle and police motorcycles should avoid engaging in pursuits unless absolutely necessary to alleviate danger to the public.
- F. Vehicle pursuits of motorcycles for only Vehicle in Traffic Law violations are prohibited. Vehicle pursuits of motorcycles are inherently more dangerous than vehicle pursuits of other types of vehicles, and, therefore, greater discretion shall be exercised in deciding whether to initiate or continue a vehicle pursuit of a motorcycle even in instances of other than Vehicle and Traffic Law violations.

**VI. Termination of Pursuits**

- A. Officers shall terminate pursuits when:
  - 1. A suspect has been identified for later apprehension.
  - 2. The officer can no longer communicate with headquarters by radio.
  - 3. The officer is the primary unit and loses sight of the subject vehicle and is unable to re-establish sight of same in a reasonable amount of time.
  - 4. When the officer believes that the risk of continuing the pursuit outweighs the benefits of doing so.
  - 5. When ordered to terminate a pursuit by supervisor.

**VII. Responsibility of Supervisors**

- A. The tour supervisor at the time of the pursuit shall:
  - 1. Monitor the progress of the pursuit and coordinate the units involved, assigning additional units if necessary;
  - 2. Decide whether to continue or terminate the pursuit; and
  - 3. Respond to the termination point of the pursuit and direct officers at the scene.

**VIII. Pursuits into other Jurisdictions**

- A. Officers shall not continue a pursuit into another jurisdiction unless the approval of a supervisor has been obtained.
- B. When a pursuit into another jurisdiction has been authorized, Headquarters shall notify the appropriate outside agencies that this Department is involved in a pursuit into their jurisdiction.

**IX. Other Agencies Pursuits into Ossining**

- A. When another agency engages in a pursuit that enters Ossining, officers shall not become involved in the pursuit unless specifically authorized to do so by a supervisor. All department policies governing pursuits shall apply to officers involved in another agency's pursuit. When the pursuit leaves the jurisdiction, officers shall discontinue the pursuit unless authorized to leave the jurisdiction by a supervisor.

**X. Reporting**

- A. The officer who initiates the pursuit shall document in a police blotter the reason for initiating the pursuit, reason for termination, and all relevant facts surrounding the incident.
- B. Officers operating secondary units should complete supplemental narratives describing their participation in the pursuit.
- C. The duty lieutenant shall be notified of all pursuits as soon as practical.

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**GUIDELINES FOR THE USE OF AUTHORIZED EMERGENCY EQUIPMENT ON AND IN MARKED PATROL CARS**

**Purpose:** To address those times and circumstances which call for the use of authorized emergency equipment carried on and in marked patrol cars.

**Background:** The use and operation of Department vehicles may create a risk of potential injury to the public, and officers operating them should be aware of their function and the necessity of their use under varying circumstances and hazardous conditions.

All personnel using Department vehicles and equipment should exercise due care and common sense. The equipment is there so that an officer may be able to perform his/her duties with the utmost care and safety.

**Procedures:** Emergency equipment addressed in this order are:

1. Emergency (red/clear) warning lights
2. Siren
3. Hazardous warning lights
4. Spotlight
5. Public address system
6. Alley lights
7. Flares

Emergency lights and siren should be used as prescribed in General Order #3.07 when responding to routine, urgent, and emergency situations.

At scenes of accidents or other situations where it is important that other motorists are aware there is an emergency vehicle stationed, the emergency warning lights should be activated. It is important officers position their patrol cars not facing on-coming traffic. They should assure their trunk hood is not left in the 'up' position, except when retrieving equipment from the trunk, which would diminish the amount of visibility of the roof lights.

Flares should be placed in a manner which will alert motorists approaching from both directions on the roadway of a hazard ahead of them. The flares should be placed to guide traffic in a direction away from the hazardous area.

Spotlights and take-down lights should be used by officers when making traffic stops at night or under circumstances with poor lighting conditions. These lights should be aimed into the subject vehicle so as to illuminate the whole interior. The spotlight can be aimed at the other vehicle's rearview mirror to make it harder to observe the officer as he exits his/her vehicle and approaches the driver.

Public address systems can be used to order a vehicle's operator and/or passenger being stopped to pull over and follow any other instructions the initiating officer may issue.

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**DWI AND DWAI BREATH TEST AND BLOOD TEST PROCEDURES**

Revised 06/13/2019

**Purpose:** To establish uniform guidelines for the conducting of field coordination tests and the use of the Alco-Sensor Breath Screening Test when establishing probable cause to arrest for a violation of section 1192 of the New York State Vehicle and Traffic Law. Additionally, to provide members of the Department with proper procedures for the use of the Breathalyzer or Intoxilyzer.

**Background:** The Ossining Police Department views the operation of a motor vehicle under the influence of alcohol and/or drugs as a serious offense. For the safety of all citizens, members of the Department are encouraged to vigorously enforce the offenses of DWI and DWAI.

**Policy:** It shall be the duty of all members of this Department when, in their observation, they deem or may have cause to believe that the operator of a vehicle is intoxicated and/or under the influence of intoxicating beverages to such an extent that he or she is apparently unable to properly operate a motor vehicle or who has been operating a motor vehicle and has been involved in an accident, to place the operator under arrest and promptly request said operator to submit to a test to determine the percentage of alcohol in the bloodstream in his or her body.

**Procedure:** When an officer believes a vehicle is being operated in a manner or an operator's actions would suggest driving under the influence, he/she should make observations of the operation and the operator and make a vehicle stop as soon and safely as possible.

If a determination is made of possible alcohol influence, the operator should be standardized field sobriety testing to determine the operator's ability to perform routine functions. The officer may request the operator to submit to a field chemical test using a department maintained preliminary breath test unit (PBT).

**Procedures for Preliminary Breath Test (PBT):** All Alco-Sensor field breath tests shall be administered in accordance with section 1194-1-(b) of the Vehicle and Traffic Law of the State of New York. The test may be administered by any police officer who follows the manufacturers guidelines and instructions for its proper use.

Preliminary Breath Test units should be operated in accordance with manufacturers instructions.

**Arrest**

Once an officer has developed probable cause to make a DWI arrest, the operator should be told he/she is under arrest and with what section he has been arrested, if practicable.

The arrested person should be handcuffed and searched in compliance with departmental policy and placed in a caged patrol car. Due to this person being under the influence, additional care should be taken to ensure he/she does not injure himself/herself.

Transportation to headquarters should be made as soon as possible.

The defendant's vehicle should be secured in a manner, whether by impoundment or otherwise, which will not endanger the traveling public and/or lend itself to being stolen or vandalized.

The defendant should be kept under close observation to ensure that nothing is placed in his/her mouth for a period of at least 20 minutes after being placed in custody if breath testing is to be conducted.

The administration of one type of testing (breath, urine, or blood) does not preclude officers from requiring additional specimens. Officer may require all three if they feel it necessary. Refusal to provide any of the three should be treated as a refusal to submit to a chemical test (See "Refusals" below).

Aside from the required 20 minute observation period for breath testing, evidentiary specimens should be collected as soon as possible to ensure accurate results.

**Breath Testing**

Breath testing is chemical testing conducted on a department maintained Breath Test Instrument (i.e DataMaster) to determine a subject's blood alcohol concentration (BAC).

Only officers certified by New York State Commissioner of Health to operate the Breath Test Instrument shall do so. This operation shall be conducted in accordance with their training.

Breath tests on the Breath Test Instrument shall be given no sooner than twenty (20) minutes after the person last drank any alcohol or alcoholic beverages.

In the event the Breath test Instrument is inoperable or unavailable, the defendant may be transported to another police agency (e.g. Briarcliff PD, Croton PD or Westchester County Department of Public Safety) for testing.

In the event a certified operator who is a member of the Ossining Police Department is unavailable, a certified operator from another police agency may respond to Ossining Police Headquarters to operate the Breath Test Instrument located there, or alternatively the defendant may be transported to another police agency (e.g. Briarcliff PD, Croton PD or Westchester County Department of Public Safety) for testing.

**Urine Testing**

If the arresting officer suspects the motorist to be under the influence of drugs either at the time of arrest or after BAC Testing, a urine or blood test is an option for determining the drug content of the defendant's blood.

It is important to remember that when a urine specimen is to be taken, it should be done at the earliest possible time after the arrest because the suspect drug will deteriorate as time passes.

Two urine specimens, collected at least 30 minutes apart, are necessary if a combination of drugs and alcohol is suspected.

In a case in which drug use is suspected, the use of a Drug Recognition Expert (DRE) should be considered a resource to help bolster the investigation.

Urine evidence must be promptly transferred to the custody of the Detective Division for refrigeration.

**Blood Testing**

A specimen of the defendant's blood is a highly valuable piece of evidence and should be sought, either alone or in addition to breath and urine samples, in those DWI cases involving death or serious physical injury.

Blood specimens must be taken by a physician, a registered professional nurse, a registered physician assistant, a certified nurse practitioner, or advanced emergency medical technician as defined in Section 1194, Subdivision 3a, of the Vehicle and Traffic Law.

Instructions for testing are as follows:

- a. Witness the securing of the blood specimen.
- b. Only containers supplied by the Department of Laboratories will be used for such purpose.
- c. The physician, registered nurse, or laboratory technician must NOT use any alcohol or any solution containing alcohol or phenol in preparing the area for the withdrawal of blood.
- e. The officer must then fill out the "Officer's Report" on the test kit and seal the specimen kit with the appropriate seals that are provided for this purpose with the test kit.
- f. Blood evidence must be promptly transferred to the custody of the Detective Division for refrigeration.

**Refusal**

If the defendant refuses to submit to chemical testing, or any portion thereof, he/she should be read the DWI Warning as written on the NYS DMV Report of Refusal to Submit to Chemical Test form. If the defendant persists in refusing to submit, officers should wait 5 minutes before reading the warning again. If the defendant still refuses, the warning should be read a third time after another 5 minute waiting period.

**Compulsory Chemical Test Upon Court Order:**

A police officer may be an applicant and make application for a court order pursuant to section 1194-a of the Vehicle and Traffic Law. The order will be requested when an operator of a motor vehicle has been involved in an accident wherein another person has been killed or seriously injured, and the operator refuses to submit or is incapable to consent.

The application will be made to County Court Judge.

It is imperative the applying officer supplies the justice that there is reasonable cause to believe:

- a. The person to be compelled was the operator of a motor vehicle
- b. In the course of such operation, a person, other than the person to be compelled, was either (a) killed, or (b) suffered serious physical injury (as defined in the penal law, and
- c. Either the person to be compelled operated the vehicle in violation of any subdivision of VTL 1192, or a breath test indicates that alcohol has been consumed, and
- d. The Person to be compelled has been placed under lawful arrest and
- e. The person to be compelled has either refused to submit to a chemical test requested in accordance with the provisions of VTL 1194, or is unable to give his/her consent to such test.

**Procedure - Release of Impaired or Intoxicated Persons**

The Village of Ossining Police Department will make every effort possible to insure that persons in custody who are apparently impaired or intoxicated by drugs, alcohol or any other substance, will only be released after the Officer in Charge deems that the person taking custody is a responsible person or that the arrestee has remained in custody at least eight hours prior to his/her release.

1. Juvenile to be released to parent, guardian, responsible other family member, or in their absence, a State or County Holding Facility, i.e.: Woodfield Cottage.
2. Persons 16 years to 21 years old to a parent, guardian, responsible other family member, or in their absence, another responsible person.
3. Persons 21 years or older to a responsible person.

Websters defines Responsible Person as trustworthy, in charge, having authority, being answerable for one's actions or the actions of others. The officer in charge must evaluate these persons, identify who they are, make a decision whether or not the detainee should be released in said persons custody. An example situation would be that we would obviously not want to release an intoxicated juvenile to an intoxicated parent.

**SEE ALSO:****Procedure for Incarceration of Impaired or Intoxicated Persons:**

General Order #3.20

**Procedural Guidelines for DWI and DWAI/Drug Arrest**

General Order #3.12

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GENERAL ORDER #3.11

PAGE 1 OF 1

**RADIO FREQUENCY INTERFERENCE**  
**Breathalyzer 900 / 900A / Intoxilyzer 4011ASA**

**Purpose:** To provide those members of the Department, who have been assigned the responsibility of conducting Radio Frequency Interference Test on Department maintained Intoxilyzer(s) and/or Breathalyzer(s), with the proper procedures.

**Policy:** It shall be the duty of one or more members of the Ossining Police Department, designated by the Chief of Police, to conduct Radio Frequency Interference Test on the Intoxilyzer and Breathalyzer.

**Procedure:** Instrument(s) are to be maintained by the Ossining Police Department and tests conducted in conformance with procedures set forth by D.C.J.S.:

- A. NO hand-held transmitters are allowed within the room where evidential breath tester(s) is located and under NO circumstances closer than six (6) feet to the instrument.
- B. The evidential tester shall be located at the furthest point from mobile transmissions.
- C. Records will be maintained in the normal course of business within the Ossining Police Department's record, relating to R.F.I. testing instrument.
- D. A copy of the complete testing procedure and results will be returned to the Bureau for Municipal Police/Highway Safety Unit, where a master R.F.I. file has been established.

**Requirements for Further Testing:** Once the radio frequency tests have been completed as outlined, subsequent testing would not be required unless one of the following conditions occur:

- A. A change in the radio operating frequencies of the Department.
- B. A change or relocation of radio equipment, e.g.: increased power output, antenna location change.
- C. Instrument repair:
  - 1. Instruments necessitating electronic type repairs must again be tested for R.F.I., when returned to the Department.
  - 2. A change in the operating location or general position of the instrument.



**PROCEDURAL GUIDELINES FOR D.W.I. AND DWAI/DRUG ARREST**

Revised 06/13/2019

**Purpose:** To establish uniform guidelines for the conducting of field coordination test and the use of the Alco-Sensor Breath Screening Test when establishing probable cause to arrest for a violation of Section 1192 of the New York Vehicle and Traffic Law.

**Policy:** To decrease the motor vehicle accidents, injuries and deaths attributed to alcohol or drug consumption, officers on patrol shall vigorously enforce the laws relating to these offenses. Field coordination test will be used as the primary test to establish reasonable grounds to arrest for DWI or DWAI/Drugs. A department Preliminary Breath Test (PBT) unit is intended to be used as a secondary back-up test when the officer needs additional evidence to establish reasonable grounds to make an arrest for DWI or DWAI/Drugs.

**Procedures:**

A. **Vehicle Operation:** One important element common to DWI and DWAI/Drugs is that a person must "operate a vehicle." The term "operate a vehicle" is much broader than "drive a vehicle" and may generally be construed to mean using mechanisms of the vehicle for the purpose of putting it in motion, even though the sitting in a vehicle with the engine running but the vehicle not being moved.

B. **Reasonable Grounds to Arrest** - Establishing reasonable grounds to arrest for DWI or DWAI/Drugs is the key to a successful prosecution. The defendant's Blood Alcohol Level Concentration (BAC) level is not the sole criterion required to secure a court conviction for DWI or DWAI/Drugs. The grounds upon which you base your arrest and how you determine that the person is intoxicated are additional criteria that you must establish.

NOTE: A reading above .08% BAC on an Alco-Sensor Breath Screening Device by itself is not enough to establish your reasonable grounds for a DWI arrest.

C. **DWI Arrest without a Warrant:** Auto accidents and DWI violations not witnessed by the arresting officer. Section 1193 of the N.Y.S. Vehicle and Traffic Law states: "A police officer may, without a warrant, arrest persons, in case of a violation of section eleven hundred ninety-two, if such violation is coupled with an accident or collision in which such violation is coupled which in fact has been committed, though not in the police officer's presence, when he has reasonable cause to believe that the violation was committed by such person." "Reasonable cause to believe" the person committed the violation can be obtained through the interviewing of witnesses, your observation of the defendant at the scene, statements made by the defendant at the scene and other physical evidence which may be present.

D. Observations: To prepare a well documented case against a person arrested for DWI or DWAI/Drugs, adequate notes are needed. It is possible that a person will refuse to submit to a chemical test. If so, this will create the need for greater reliance upon your observations, investigation and conclusions. The moment you witness a suspected intoxicated driver you should begin to collect pertinent information. Record this information as soon as possible after it is acquired. Be observant.

Observe and note the following:

1. The location where you first observed the vehicle in question.
2. The vehicle's direction of travel.
3. The distance you followed the vehicle.
4. The overall operation of the vehicle, for example: fluctuations in speed, weaving, fast stop or starts, driving without lights, driving too slow, etc.
5. The number of times and locations of each observed incident or violation.
6. The time that you first observed the driver, the condition of his clothing, the type clothing he was wearing. His eyes and his general appearance.

E. Stopping the Vehicle:

1. If possible, prior to stopping the vehicle, radio the desk officer and advise him/her of your location and your direction of travel.
2. Request a DMV check on the vehicle in question to ascertain if the vehicle is stolen, wanted in connection with another crime or if there are outstanding warrants on the vehicle's owner.
3. Think of your safety. If possible, stop the vehicle in a well-lighted and populated area.
4. Since the operator might be asked to perform some psycho-motor / coordination test, try to stop the vehicle in an area that will be safe for you and the operator of the suspect vehicle.
5. Upon stopping the vehicle, immediately notify the desk officer of your location, the plate number of the vehicle and that you are stopping a possible DWI (1192) suspect.
6. If the stop is at night, illuminate the suspect's vehicle with the patrol car's stoplight and take-down lights. Also, exit the patrol car with your flashlight in your weak hand.
7. Approach the vehicle with caution. Be mindful that the operator who has consumed alcohol or used drugs has lost some of his inhibitions and may be belligerent or combative.

F. Interviewing the Operator:

1. Ask the operator for his license and registration; note how long it takes the operator to find his papers.
2. Advise the operator of the traffic violation he committed or any other reason you stopped his vehicle. Listen to his explanation, if any.
3. Engage the operator in a conversation, all the while observing him/her and listening to his/her statements.

4. Be alert for any illness or injury that could have caused him to drive erratically. Certain hidden medical problems, such symptoms that appear to be similar to those of intoxication.
5. Determine if the driver taking prescription medication or has failed to do so.
  
6. To establish the driver's mental condition, ask him questions such as:
  - a. Where are you going?
  - b. Where are you coming from?
  - c. Do you know where you are right now?
  - d. Without looking at your watch, do you know what time of day it is now?

By this time the officer should have made the following observations:

- a. An odor of and alcoholic beverage on the operator's breath.
- b. If the operator's eyes are bloodshot.
- c. If the operator's clothing is disheveled.
- d. If the operator's speech is slurred.

**G. Balance and Coordination:** To judge the operator's balance and coordination, request that he she step from his/her vehicle. This will give you and opportunity to judge his balance and body coordination. You should be alert to the following. As he walks from his vehicle to a safely illuminated area between his vehicle and the patrol car:

1. Is the operator able to stand unassisted?
2. Does the operator sways when he/she stands?
3. Does the operator walk with a limp?
4. Does the operator stagger when he/she walks?

### **Standardized Field Sobriety Testing**

The SFST battery consists of three tests administered and evaluated in a standardized manner by law enforcement officers at roadside to assist them in making an arrest decision. Horizontal gaze nystagmus (HGN) is an involuntary jerking of the eyes that occurs as the eyes move to the side. When a person has consumed alcohol, nystagmus is exaggerated and may occur at lesser angles depending on the degree of impairment. The Walk and Turn and One-Leg Stand tests require a person to listen to and follow instructions while performing simple physical movements. Since these tests are alcohol sensitive, impaired persons have difficulty with these divided attention tasks. During the tests officers observe and record clues which are indicators of impairment.

**Standardized Field Sobriety Test (SFST) Instructions**

Horizontal Gaze Nystagmus (HGN) Instructions

1. I am going to check your eyes. (Please remove your glasses)
2. Keep your head still and follow the stimulus with your eyes only.
3. Do not move your head.
4. Do you understand the instructions?

Walk and Turn Instructions

1. Put your left foot on the line and put your right foot in front of it with your right heel touching your left toe. Keep your hands at your side. (Demonstrate)
2. Do not start until I tell you to.
3. Do you understand the directions?
4. When I tell you to begin, take nine heel to toe steps on the line, turn around keeping one foot on the line, and return nine heel to toe steps. (Demonstrate heel-to-toe; three steps is sufficient)
5. On the ninth step, keep the front foot on the line and turn by taking several small steps with the other foot. (Demonstrate turn)
6. While walking, watch your feet at all times, keep arms at side, count steps out loud. Once you begin, do not stop until test is completed.
7. Do you understand the instructions?
8. You may begin the test.

One-leg Stand Instructions

1. Stand with your heels together and your arms at your side. (Demonstrate)
2. Do not begin until I tell you to.
3. Do you understand?
4. When I tell you, I want you to raise one leg, either leg, approximately six inches off the ground, foot pointed out. Keep both legs straight and keep your eyes on the elevated foot.
5. While holding that position, count out loud; one thousand and one, one thousand and two, one thousand and three, and so forth until told to stop. (Demonstrate raised leg and count)
6. Do you understand the instructions?
7. You may begin the test.

**Standardized Field Sobriety Testing (SFST) Clues**

1. Horizontal Gaze Nystagmus (HGN): Six clues, three for each eye.

Clues:

1. Lack of smooth pursuit
2. Distinct nystagmus and maximum deviation
3. Angle of onset prior to 45 degrees

2. Walk and Turn; (8 total clues, 2 in instruction phase, 6 in walking phase).

Clues:

Instruction phase:

1. Cannot keep balance
2. Starts too soon

Walking Phase:

3. Stops while walking
4. Misses heel to toe
5. Steps off line
6. Uses arms to balance
7. Improper turn
8. Wrong number of steps

3. One leg stand:

Clues:

1. Swaying
2. Uses arms to balance
3. Hopping
4. Puts foot down

**SEE ALSO:**

**Procedure for Incarceration of Impaired or Intoxicated Persons:**

General Order #3.20

**DWI and DWAI Breath Test and Blood Test Procedure**

General Order #3.10



GENERAL ORDER #3.13

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### **ACCIDENT REPORTING AND INVESTIGATIONS**

**Purpose:** To insure that motor vehicle accidents, which occur in the Village of Ossining, are thoroughly investigated and consistently documented.

**Background:** A motor vehicle accident is an incident in which injury and/or property damage is caused, unintentionally. It is imperative that officers investigate to ensure that the accident being investigated is documented, if caused by negligence, recklessness or criminal action.

**Policy:** Members of the Ossining Police Department will complete an accident investigation and report whenever summoned to the scene of a motor vehicle accident in the Village. The report will be completed on an MV-104A form and should be as thorough as possible prior to submission for approval. In certain cases where damage is minor, the drivers may wish to exchange relevant information and not wish to have a police report. In no case should an officer encourage this as a substitute for a police accident investigation and report.

**Procedure:** All members will be familiar with and by the Vehicle and Traffic Law. A patrol officer will respond to every accident he/she is dispatched to and any accidents he/she comes upon, regardless of its type, in a prudent and safe fashion. Once on the scene a thorough investigation will be conducted. This requires a thorough knowledge of the VTL and the Criminal Procedure Law.

Desk officers or communications personnel, upon receipt of an accident complaint that requires a response from a patrol officer, will record:

- A. The location of an accident
- B. Severity (example – are there injuries and is medical help needed)
- C. Number of vehicles involved
- D. Traffic conditions
- E. Need for other emergency equipment

The above information should be forwarded to the sector car involved and any other emergency units needed.

The responding unit(s) should immediately take charge of the scene, be firm, calm and understanding. He/she should care for the injured and limit treatment to first aid. The first officer on the scene should advise headquarters of any other necessary personnel or equipment.

Officers on the scene should control traffic and secure the area by use of properly set flares when appropriate, keeps bystanders at a distance, protect personal property and in serious accidents protect evident.

The investigating officers should interview driver(s) and witness(es) as soon as possible. Replies tend to be spontaneous and factual.

Determine whether witness(es) actually saw the accident. List all names, addresses and telephone numbers.

All facts should be recorded by utilizing the Department of Motor Vehicles Form (MV104 A) to record all motor vehicle accident.

**Fatal Accidents:** **The Patrol Division Commander will be notified whenever there is a fatal accident or a person in the accident is likely to die.** The first officer on the scene should identify drivers, passengers and witnesses as mentioned above. Because of the seriousness of this type of accident, an officer should be alert to record any spontaneous statements.

**A Detective should be called in if there is serious physical injury or death to take voluntary statements given by witnesses or persons involved. The Detective will also initiate an investigation. The Division Commander will ensure that at least one member of the Department's Accident Investigation Unit is notified and responding.** If the circumstances of the accident require the need of a second accident investigator, the Tour Supervisor will evaluate if the circumstances warrant.

The Accident Investigation Unit will do a full-scale accident investigation to include measurements using triangulation, photographs and accident scene diagrams.

The Patrol Supervisor will arrange personal notification of victim's next of kin.

**Accidents involving Ossining police vehicles and other Village of Ossining vehicles:** The Tour Supervisor should immediately respond to the scene. A thorough investigation as to the facts involved will be documented on an MV 104A, as well as in the case of an Ossining police car, a Supplementary Report describing the accident from the officer involved. A Detective shall be called to the scene to photograph the damage to all involved vehicles.

**Witnesses and persons involved will be asked to give statements, which should be taken by the investigating supervisor.**

**Hit and Run Accidents:** Department personnel will conduct a thorough investigation of all hit and run accidents. The investigation should be pursued as far as practical to establish the identity and affect an arrest of the hit and run driver.

Besides the MV 104A, a complaint report, a supplementary report should also be prepared to document all other information not apropos for the MV 104A and the investigation officers investigation.

**Driving While Intoxicated or Impaired Due to Drugs:** Whenever there may be the involvement of alcohol or drugs relative to a traffic accident, the investigating officer will follow the guidelines as outlined in General Orders #3.10, 3.11 and 3.12.

**Accidents involving hazardous materials:** The primary concern of the first officer on the scene should be to take steps to ensure the safety of all persons at or near the scene. Initial responders should remain upwind, and where possible on higher ground, from the suspected hazardous material and utilize the D.O.T. EMERGENCY RESPONSE GUIDE in making a preliminary assessment of the situation.

The driver of the vehicle should be interviewed to determine if the appropriate placards are displayed on the vehicle and what if any substances are on the vehicle.

The fire department will be summoned to provide assistance.

The Tour Supervisor will respond to the scene to take command and insure all procedures are performed.

The Westchester County Hazardous Material Team will be summoned when necessary. Such notification should be made through the Fire Chief on the scene.

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GENERAL ORDER #3.14

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**REPORTING AND HANDLING HAZARDOUS HIGHWAY CONDITIONS**

**Purpose:** To give patrol officers a means in which to correct hazards on highways.

**Background:** Hazardous road conditions can lead to an increase in vehicle accidents with the subsequent loss in lives and property. It is imperative that the patrol officers be aware of hazards on the roadways and adjoining areas and bring it to the attention of the proper authority who will correct the problem.

**Policy:** Because road hazards are conditions that may jeopardize the safe movement of traffic or cause confusion or inconvenience to motorists and pedestrians, members of the Department of all divisions will be responsible to report such hazards to the proper authority and take necessary action to ensure the hazard is corrected.

**Procedures:** Hazards may be grouped into two categories:

1. Hazards requiring immediate notification of the proper agency:
  - a. Essential traffic light in need of repair
  - b. Large holes in road
  - c. Electrical power lines down
  - d. Breaks in water, gas, or other utility mains
  - e. Snow/ice on road
  - f. Fire hazards needing immediate attention
  
2. Hazards requiring notification at beginning of next business day.
  - a. Nonessential traffic light in need of repair
  - b. Small (non-hazardous) holes in road
  - c. Street light in need of repair
  - d. Telephone/video cables down but not creating hazard
  - e. Dead animal in road
  - f. Potential fire hazards not requiring immediate attention
  - g. Excessive growth of weeds, grass, etc.

At any time any of the above hazards exist, the patrol officer shall request the Desk Officer to notify the proper agency. In addition, it will be the responsibility of the patrol officer to report any other unforeseen dangerous or hazardous conditions.

Some hazardous situation may demand immediate notification of local radio stations in order to request immediate public service announcements.

**Desk Officers/Dispatchers:** Upon notification by patrol personnel of a road hazard described above, the Desk Officer/Dispatcher shall, using the telephone emergency listings stored at the Main Desk, notify the appropriate agency as described below:

<u>Incident</u>	<u>Agency</u>
Traffic Light (State Owned)	NYS D.O.T. (Poughkeepsie)
Traffic Light (Village Owned)	Byron Electric Co.
Electric Power Lines Down	Con Edison
Electric Power Lines Down	Con Edison
Debris in Roadway (Village Roads)	Village of Ossining Highway Department
Debris in Roadway (County Roads)	Westchester County D.O.T.
Debris in Roadway (State Roads)	NYS D.O.T.
Water Line	Water Department
Gas Line Break	Con Ed Emergency-White Plains
Snow/Ice (Village Road)	Village of Ossining Highway Department
Snow/Ice (County Road)	Westchester County D.O.T.
Snow/Ice (State Road)	NYS D.O.T.
Fire Hazard-Ossining Fire Dist.	Ossining Fire Department
Excessive Weeds (Village Roads)	Village of Ossining Highway Department
Excessive Weeds (County Roads)	Westchester County D.O.T.
Excessive Weeds (State Roads)	NYS D.O.T.
Telephone Lines Down	Verizon
Cable TV Lines Down	Continental Cablevision
Dead Animals (Village Roads)	Village of Ossining Highway Department
Dead Animals (County Roads)	Westchester County D.O.T.
Dead Animals (State Roads)	NYS D.O.T.
Street Light Outages (All Roads)	Ossining Public Works (Street Light 1)
Public Service Announcements	WVIP WHUD WLNA

All notifications by patrol personnel to the Desk Officer/Dispatcher shall be recorded in the Daily Shift Report, using the department's Computer Aided Dispatch (CAD) module, using the established complex, coding system. A narrative entry shall be made with the Shift Report entry identifying the agency contacted and the action, if any, taken.



**STOPPING MOTORIST FOR TRAFFIC OFFENSES**

Revised 06/04/2019

**Purpose:** To establish a set of guidelines for traffic stops.

**Background:** Stopping motorists is one of the most frequent types of contacts made between law enforcement officers and the public. There are two issues, which are of utmost importance when this occurs:

- A. The first involves safety both for the officer and the motoring public.
- B. The fact that contact is almost always a stressful time for citizens. How the stop is handled will determine the image the citizen will have of the officer and the Department.

**Procedure:**

**Stopping Motorists for Traffic Offenses:**

- A. Stop vehicles when you have probable cause to believe that the driver or other occupants are in violation of law. Be prepared to relate the actual reason why you made the stop. A “routine traffic check” is not a valid reason for stopping a vehicle.
- B. Be CAUTIOUS when you stop any vehicle. DO NOT BECOME COMPLACENT. Most vehicles are stopped because of minor traffic offenses, but the occupants of the vehicle may be dangerous.
- C. Selecting an area for the stop:
  - 1. Select a stopping area that allows maximum visibility of your patrol vehicle and its emergency lighting. Avoid stopping vehicles in hazardous areas, such as curves, hillcrests or intersections.
  - 2. When stopping a vehicle at night, try to select a stopping area that is well lighted.
  - 3. Select an area with as few escape routes as possible.
  - 4. Attempt to select an area where there is sufficient room off the roadway for both your patrol vehicle and the stopped vehicle.
- D. Stopping the motorist: In stopping the violator, the officer should begin with the simplest and safest procedure:
  - 1. Notify dispatch via two-way radio of the stop, location of the stop, license plate and state of registration of the vehicles stopped along with any pertinent information relative to the stop.
  - 2. Stop the vehicle as soon as practical after the traffic offense has been committed.

3. Turn on your emergency lights. Familiarize yourself with your patrol vehicle's switches so you don't have to take your eyes off the road or the violator's vehicle.
4. The siren is generally unnecessary for the traffic stop.
5. Approach the violator in his/her traffic lane, leaving adequate space between your vehicle and his/hers in case of an abrupt stop by the violator.
6. Tap the horn and motion with your hand toward the shoulder or curb. If this fails, use the siren to attract his/her attention.
7. If still unsuccessful and with traffic and road conditions permitting, turn on your left directional signal and drive to the left of the violator with the patrol vehicle bumper even with the left front wheel of the violator's vehicle. Observe the driver for suspicious actions.
8. Attract the violator's attention by sounding the horn or if need be, the siren, and motion them to pull over.
9. Be prepared for an abrupt stop by the violator.
10. Drop back and position your vehicle behind the stopped vehicle. If possible, park both vehicles off the roadway with your vehicle about 3 feet to the left of the violator's vehicle and 12 feet behind it. (When the violator's license plate is just in sight over the top of your hood, you will usually have this distance.)
11. Put transmission into park and set parking brake while observing occupants of violator's car.
12. At night illuminate the stopped vehicle with your headlights and spotlight and auxiliary lighting.

E. Approaching the stopped vehicle:

1. OBSERVE the occupants at all times. They may try to conceal or discard some form of contraband.
2. Place your radio handset on the front seat for easy access.
3. Write down the plate number of the vehicle on a pad and leave it on the front seat.
4. Before exiting your vehicle, check for oncoming traffic.
5. Approach the stopped vehicle with CAUTION.
6. If you are part of a two-officer patrol, the assisting officer takes a position that gives him an unobstructed view of the right side of the suspect's vehicle.
7. Do not walk between the two vehicles.
8. Keep your shooting hand free. At night, keep your flashlight in your non-shooting hand.
9. Visually check the rear seat and floor area of the stopped vehicle for concealed passengers or contraband.
10. Stand to the rear of the driver's door post. This eliminates the danger of being struck by the driver's door should the driver suddenly open it. This also places the driver at the psychological disadvantage and in an awkward position.
11. Visually check the vehicle's ignition for keys – their absence may indicate a stolen vehicle.
12. With your non-shooting hand, accept the driver's license and registration handed to you. **DO NOT REACH INTO A STOPPED VEHICLE.**
13. Do not turn your back on the occupants of the vehicle.

## F. Talking to the violator:

1. Be alert and businesslike (Don't lean on the vehicle).
2. Explain your reason for stopping him/her. Do not argue with the violator.
3. Direct the driver (and passengers) to stay in the vehicle.
4. If the driver or passengers exit the vehicle, direct them to the shoulder of the roadway. Never allow the violator in your patrol vehicle unless he/she has been placed under arrest.

## G. Examining the driver's license:

1. Carefully inspect the entire license.
2. Compare the driver with the physical description that is shown on the license.
3. If it is a N.Y.S. Driver's license, verify that the month of expiration date is the same as the month of the driver's birth date.
4. If you doubt the authenticity of the signed license presented to you, request the driver to sign his name on a piece of paper and compare the signatures.

## H. Examining the vehicle's registration:

1. Compare the descriptive information on the vehicle registration with the vehicle and its vehicle identification number (VIN).
2. Examine the VIN plate to verify that it has not been altered.
3. If it is a N.Y.S. Certificate of Registration, verify that the validation number matches the number on the registration windshield sticker.

## I. Issuing a traffic ticket:

1. If a traffic ticket is to be issued, advise the violator that he/she is being issued a ticket, what the violation is, and to remain in his vehicle.
2. Weather permitting, stand outside of your patrol vehicle while writing the ticket.
3. Periodically observe the vehicle, its driver, and passengers. If, during the ticket issuing, any of the occupants leave the stopped vehicle, cease writing and direct your attention to them to prevent an accident, injury or any other adverse incident.
4. Use good judgment in issuing traffic tickets.
  - a. If there is reason to believe the defendant will not appear in compliance with the ticket, he should be arrested and arraigned immediately or released on bail. (See PRE-ARRAIGNMENT BAIL PROCEDURES)
  - b. If physically arrested, he/she must be advised that he/she is under arrest and should be treated with caution.
  - c. It is advisable to issue a traffic ticket in any case of a vehicle and traffic law violation.

5. When writing a traffic ticket by hand:
  - a. Use a ball point pen and press firmly in insure legibility of all copies.
  - b. Print all information in block letters (except officer's signature on second copy).
  - c. Do not erase mistakes. Draw a single line through the error and print the correct information above, or consistent with departmental procedure, void the ticket and issue a new one.
6. Give the ticket, license and registration to the violator, identifying each item as you hand it to him/her.
7. Explain where and when he/she is to appear in court or, if applicable, explain the mail waiver procedure.
8. Don't leave before the violator's vehicle leaves, and if traffic is heavy; assist the driver back into the flow of traffic.
9. Copies of all summons issued must be forwarded, digitally or physically, by way of the currently approved ticket issuing procedure to the records division in the case of paper tickets, or to the established computerized collection point for processing.

Stopping Motorists Wanted to Serious Crimes:

A. Stopping Procedure:

1. Unless it is absolutely necessary to, do not attempt to immediately stop the vehicle.
2. Take time to formulate a plan of action and request assistance.
3. If possible, follow the vehicle until assistance arrives.
4. Notify the desk officer of the circumstances and inform him/her of your location and direction of travel.
5. When the vehicles have stopped, immediately exit your vehicle. Consider using your patrol vehicle for cover.

B. Controlling the suspects:

1. Quickly identify yourself and clearly give orders one at a time.
2. Order the driver and any front seat passenger(s) to face straight ahead and to place their palms against the front windshield with their fingers spread apart.
3. Order the driver to keep his/her right palm against the windshield and to use his/her left hand to turn off the ignition, to remove the keys and to drop them out the left side window.
4. Order any rear seat passengers in the vehicle to place their hands on top of the front seat with their palms up and fingers spread apart or order them to slowly raise their arms above their shoulders and without turning around, place both palms against the rear window with fingers spread apart.

Do not order suspects to simply put their hands up. When their hands are raised over their heads, you cannot easily see their hands from outside the vehicle. Weapons may be hidden in the roof upholstery or over the sun visor.

C. Removing suspects from the vehicle:

1. If the suspect is alone in the vehicle, remove him/her from the left side of the vehicle.
2. Except when necessary, if there are two or more suspects in the vehicle, do not remove them until you have the assistance of another officer.
3. If you are part of a two-officer patrol, the assisting officer takes a position that gives him an unobstructed view of the right side of the suspect's vehicle.
4. If the suspect's vehicle has four doors, remove those from the rear seat.
5. If there are two or more suspects, remove them all from the right side to minimize potential traffic hazards.
6. To remove a suspect seated in the right front seat:
  - a. Order him/her to extend both arms, palms open through the right side window.
  - b. Order him/her to open the door from the outside and to pull it to a full open position, keeping his/her arms extended through the window.
  - c. Order him/her to place both feet on the ground, to stand up, to slowly raise both hands over his/her head and to face toward the front of the vehicle.
  - d. Order him/her to move to his/her right, away from the vehicle until, if space permits, he/she is approximately 10 to 12 feet (3 m. to 3.5 m. away, then
  - e. Order him/her to kneel down, to clasp his/her hands behind his/her head, to interlace his/her fingers and to cross his/her ankles or order him/her to lie face down and to assume a spread eagle position with palms up and open.
7. If there is a suspect seated in the middle of the front seat, remove him/her from the right side next. Order him/her to keep his/her hands against the windshield and to slide across the same precautionary measures as set out above.
8. Remove the driver next, using the same precautionary measures as set out above.
9. If there is a suspect seated in the right rear seat, move him/her next.
  - a. If the vehicle has two doors, order him/her to push the front seat forward and to extend his/her arms out through the open door, with his/her hands open, palms facing up and fingers spread apart.
  - b. If the vehicle has four doors, order him/her to extend both arms, palms open, through the right rear window and to open the door from the outside, keeping his/her arms extended through the window opening.
10. If there are other suspects seated in the rear seat, order them one by one to slide across the seat to the right, keeping their hands in plain view. Then remove them using the same precautionary measures as set out above.
11. Check the interior of the vehicle for suspects lying on the floor. Until you have had the opportunity to inspect the vehicle's interior, always assume there is someone hiding in the vehicle.
12. When all suspects have been removed from the vehicle and secured, check the area under and around the vehicle in an attempt to locate evidence that may have been intentionally discarded.



**INVESTIGATION OF CHILD ABUSE AND MALTREATMENT CASES**

**Purpose:** To guide department members in the investigation of cases of reported Child Abuse and Maltreatment.

**Background:** There are several reasons why law enforcement officers can and should be involved in the detection, investigation, and prevention of child abuse and maltreatment. Police officers, by the nature of their profession are involved in child abuse investigations and the protection of abused and maltreated children. No other professional organization is available 24 hours a day, 7 days a week, and is able to respond in a moment to such a wide variety of complaints. Officers may come upon a child abuse incident after being dispatched to a seemingly non-related complaint, such as: a missing person, domestic dispute, etc. Many times a citizen, who is aware of a possible child abuse case, will notify the police simply because they are not aware of other agencies, such as: Child Protective Services, whose primary responsibility is the investigation of abuse and maltreatment cases. In addition to the above reasons for police involvement, New York State Law mandates that the police must take certain actions when a child abuse or maltreatment case comes to their attention.

**Definitions:** See Sect. 1012 (e) & 1012 (f) of NYS Family Court Act

- A. An “abused child” is a child less than 18 years of age whose parent or other person legally responsible for his care:
  - 1. Inflicts or allows to be inflicted upon the child serious physical injury, or
  - 2. Creates or allows to be created a substantial risk of physical injury, or
  - 3. commits or allows to be committed against the child a sexual offense as defined in the Penal Law.
  
- B. A “maltreated child” is a child under 18 years of age who has had serious physical injury inflicted upon him/her by other than accidental means. A “maltreated child” is also a child under 18 years of age whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his/her parent or other person legally responsible for his/her care to exercise a minimum degree of care:
  - 1. In supplying the child with adequate food, clothing, shelter, education, medical or surgical care, though financially able to do so or offered financial or other reasonable means to do so, or
  - 2. In providing the child with the proper supervision or guardianship, or
  - 3. By unreasonably inflicting, or allowing to be inflicted, harm or a substantial risk thereof, including the infliction of excessive corporal punishment, or

4. By using a drug or drugs, or
5. By using alcoholic beverages to the extent that he/she loses self-control of his/her actions, or
6. By any other acts of a similarly serious nature requiring the aid of the Family Court.

**Policy:** It is the policy of the Ossining Police Department to actively investigate all reports of suspected child abuse and maltreatment in an effort to protect any victims, ensure medical and psychological assistance is available to victims and arrest, when appropriate, anyone who commits an act of child abuse or maltreatment in an effort to protect any victims, ensure medical and psychological assistance is available to victims, and arrest, when appropriate, anyone who commits an act of child abuse or maltreatment.

It is the responsibility of investigation officers to:

- A. Report known and suspected cases of child abuse or maltreatment to the Child Protective Services.
- B. Investigate suspected cases of child abuse or maltreatment, which are initiated by the officer or reported to the officer by another party.
- C. Provide emergency services necessary to protect the child victim, if the situation requires it.
- D. Arrest the perpetrator if his/her actions were of a serious nature and the facts would support a criminal prosecution.
- E. Duty or on-call Detective shall be contacted if the crime scene needs to be photographed, evidence collected and to conduct follow-up investigation.

**Procedures:** The following sections of the New York State Social Services Law embody the procedures that the Village of Ossining Police Department members will use to follow departmental policy regarding the handling of child abuse and maltreatment cases:

Section 413 of the Social Services Law lists those officials and persons who are required to report suspected cases of child abuse and maltreatment to the Child Protective Services. This list of “mandated reporters” includes police officers, as well as physicians, medical examiners, registered nurses, school officials, district attorneys, and certain other categories of professionals. This section of law further states that mandated reporters are required to report a case to the Child Protective Services when they have **reasonable cause to suspect** that a child coming before them in their capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian, or other person legally responsible for such child comes before them in their official capacity and states, from personal knowledge, facts, conditions, or circumstances, which, if correct, would render the child and abused or maltreated child.

Section 415 of the Social Services Law states that reports of child abuse or maltreatment, made by mandated reporters, are to be made immediately by telephone to the **Statewide Central Registry at 800-635-1522** which is the phone number for mandated reporters only and is the one police officers should use. Additionally, the investigating officer must complete form DSS-2221-A which must be mailed to the local office of the Child Protective Services. The responsibility for mailing the form rests on the O.P.D. Records personnel.

Section 416 of the Social Services Law states that anyone required to report cases of suspected child abuse or maltreatment, including police officers, may take or cause to be taken, at public expense, color photographs of the areas of trauma visible on the child who is the subject of the report and, if medically indicated, cause to be performed a radiological examination on the child. Any photographs or X-Rays taken shall be sent to the local Child Protective Services office at the time the written report is sent or as soon thereafter as possible.

Section 417 of the Social Services Law states that a police officer, as well as a child Protective Services worker, shall take all appropriate measures to protect a child's life and/or health, including, when appropriate, taking or keeping a child in protective custody without the consent of the parent or guardian if such person has reasonable cause to believe that the circumstances or condition of the child are such that continuing in his or her place of residence or in the care and custody of the parent or other person responsible for the child's care presents an imminent danger to the child's life or health.

**Note:** The key words in the above sentence are the words "imminent danger". This phrase, according to the dictionary definition, means "danger which is ready to take place". Therefore, before a police officer removes a child from his or her residence, he or she must determine if a child's life or health is in "imminent danger" if left at his/her residence. In addition to the mandates of Section 417, any Village of Ossining Police Officer who takes a child into protective custody, shall:

- A. Immediately notify the Tour Supervisor.
- B. Transport, or cause to be transported, the child victim to a hospital for an examination and/or treatment.
- C. Immediately notify the Child Protective Services and request a CPS worker meet you at the hospital. In this circumstance, the Child Protective worker can be reached at:  
Daytime: 762-3324  
Nighttime 747-3200 (D.P.S.)
- D. Comply with other provisions of the Family Court Act, the Social Services Law and Department Policy.
- E. Completely investigate the incident, prepare an investigation report, notify the State Registry, prepare a DSS-2221-A form and forward it to the Tour Supervisor along with all investigative reports.

Section 418 of the Social Services Law states that any person or official required to report cases of suspected child abuse or maltreatment, including police officers and Child Protective Service workers, who has reasonable cause to suspect that a child died as the result of child abuse or maltreatment shall report that fact to the appropriate medical examiner or coroner. The medical examiner shall accept the report and conduct an investigation and shall report his or her findings to the Police, District Attorney and the Child Protective Services.

Section 419 of the Social Services Law states that any person or official including a police officer, participating in good faith in making a report, the taking of photographs, or the removal or keeping of a child pursuant to this title shall have immunity from any liability, civil or criminal, that might otherwise result by reason of such actions. For the purpose of any proceeding, civil or criminal, the good faith of any person required to report cases of child abuse or maltreatment shall be presumed, provided such person or official was acting in the discharge of

their duties and within the scope of their employment, and that such liability did not result from the willful misconduct or gross negligence of such person or such official.

Section 420.4(A) (b) of Social Services Law states that reports, photographs, and other information in the possession of the Child Protective Services shall be confidential and shall only be made available to a person authorized to take the child into protective custody (a police officer) when such person has before him/her a child whom he reasonable suspects may be abused or maltreated and such police officer requires the information in the Child Protective Services records to determine whether to place the child in protective custody.

References: NYS Family Court Act  
NYS Social Services Law  
Memo date May 9, 1989 from John Herritage, Deputy Commissioner  
Of DCJS Re: Policy and Training of Child Abuse and Neglect.

A handwritten signature in black ink, appearing to read "Kim Syts", is located in the lower right quadrant of the page.

**RESPONSE TO UNUSUAL INCIDENTS/MAJOR EMERGENCIES/DISASTERS**

**Purpose:** To establish guidelines for responses to emergencies, disasters or major unusual incidents of an extraordinary nature, which require more than routine emergency service personnel, and to facilitate a coordinated appropriate response.

**Background:** Responding to emergencies is a routine function of a municipal police agency. Some emergencies require more than a routine response, often on the part of a number of emergency service and non-emergency service agencies. Still other emergencies may be classified as major emergencies or disasters.

It is critical to an effective response during all non-routine emergencies that there be an organized, thorough and appropriate response to such incidents. Such a response comes about through the implementation of a planned response that takes into account the roles and responsibilities of the various agencies that will respond.

The "Village of Ossining Major Emergency/Disaster Operating Procedures: commonly known as the "Emergency Plan" is the basis for this response for all emergency service agencies in Ossining. The "Emergency Plan" maintained by the Village Manager, supervisor of Ossining's Emergency Plan Program, is stored in three locations for use in a disaster or major emergency. These locations are: The Village Manager's Office, Police Chief's Office and the Ossining Police Department for use in an emergency.

In addition to Ossining's "Emergency Plan" the Village participates in the "Indian Point Emergency Preparedness Plan" for the County of Westchester. This is a dedicated plan intended to coordinate a response of the various jurisdictions that might be affected by an emergency at the Indian Point Nuclear Power Plant in Buchanan.

**Procedure:**

- A. In the event police assistance is needed during an emergency by another participant of the "Westchester County Police Mutual Aid and Assistance Plan", known as the "Mutual Aid Plan", officers of the Ossining Police Department may be assigned as stated in the "Mutual Aid Plan".
- B. In the event the Ossining Police Department requires police assistance during an emergency, assistance may be requested as stated in the "Mutual Aid Plan".
- C. The role of the Ossining Police Department shall be as stated in Procedure #7 of the "Emergency Plan", titled, "Agency Responsibilities".
- D. Police Department personnel not already on duty shall be mobilized as stated in procedure #3 of the "Emergency Plan", titled, "Ossining Police Department Call-Up Procedure For A Major Emergency/Disaster".

**SEE ALSO:**

GO #3.18

POLICE AND PROCEDURAL GUIDELINES FOR INITIAL RESPON TO MAJOR EMERGENCIES/DISASTERS



**POLICY AND PROCEDURAL GUIDELINES FOR  
INITIAL RESPONSE TO MAJOR EMERGENCIES/DISASTERS**

Revised 05/30/2019

**Purpose:** To establish countywide guidelines for initial response to extraordinary emergencies requiring more than routine emergency service personnel action, equipment and other personnel.

**Policy:** Every effort will be made to insure the protection of life and property in emergency incidents requiring more than routine emergency service personnel action. It is essential, therefore, that the first emergency personnel arriving at the scene of such an incident immediately start organizing the emergency response in an efficient and effective manner which will facilitate the follow-up actions which must occur. The procedures outlined below will guide the actions of emergency service personnel initially responding to the site of such an incident.

For events occurring in another jurisdiction, emergency service personnel will initiate and/or assist in this initial organization process. Control of the scene will be promptly relinquished to the first responding emergency service personnel of the impacted jurisdiction.

**Procedure:**

- A. The first emergency service personnel at the scene of a major emergency shall immediately assess the situation and advise Headquarters of the following:
  1. The nature of the emergency.
  2. The location, jurisdiction and best route to the scene.
  3. An estimate of the number and types of injuries.
  4. Immediate need for back-up and special equipment, such as: emergency service vehicles, fire apparatus, ambulance, etc.
  5. The most effective arrangements/locations for establishing perimeters to contain the situation to protect the public and to restrict nonessential traffic.
  6. While awaiting the arrival of additional assistance, the first responder shall:
    - a. Take immediate steps necessary to protect life and property
    - b. Maintain contact with Headquarters
    - c. Maintain control of the scene so that steps outlined below can be taken upon the arrival of a supervisor and/or personnel from the jurisdiction of responsibility.
- B. Command Post location should be selected near the scene with sufficient space for emergency personnel, police, fire and EMS command personnel. It may also be necessary to take the following measures:

1. Designate, if necessary, areas for emergency medical services operations, including:
    - a. A collection station near the scene for triage
    - b. An ambulance loading area
  2. Designate a staging area for emergency equipment at a desirable location near the scene but outside the perimeter.
  3. Designate a press area at a location convenient to the command posts but outside the perimeter.
- C. Perimeter Control: In major emergency situations, it is essential that the free flow of necessary emergency equipment and personnel be maintained. Unnecessary personnel and vehicles must be kept out of the immediate area of operations. Officers assigned to perimeter control shall use, to the extent practical, the following guidelines for admitting people and vehicles to the main operating area:
1. The first fire department and the first two ambulances shall be admitted through the perimeter lines. Those representatives of fire and EMS will set up their respective command posts and subsequently specify what other equipment should be allowed to pass through the perimeter lines.
  2. Other emergency equipment arriving at the perimeter should be directed to the staging area to await orders.
  3. Paramedics and emergency medical technicians should be granted admittance.
  4. Privately owned vehicles will not be permitted beyond the perimeter lines.
  5. Orderly parking on the approach roadways must be maintained.

**INTRODUCTION TO THE VILLAGE OF OSSINING MAJOR EMERGENCY /DISASTER  
OPERATING PROCEDURES (EMERGENCY PLAN)**

**Objectives of Emergency Plan Include:**

- A. To establish clear lines of authority and responsibility.
- B. To identify areas of responsibility for the Village emergency service organizations.
- C. To establish a method of declaring a “Local State of Emergency” in accordance with Local Law, known as the “Ossining Emergency Management Program”.
- D. To provide for prompt notification of essential personnel, as well as government agencies and private organizations that may be called upon for their service during a “Local State of Emergency”.
- E. To provide for effective communications between Ossining’s emergency service managers.
- F. To provide for lines of effective communication between Ossining’s emergency service organizations and outside agencies that may be called upon to provide their services during a “Local State of Emergency”.
- G. To provide for operational guidelines to be used by Ossining’s emergency service organizations during a “Local State of Emergency”.

**Scope Of the Emergency Plan:** The Village of Ossining’s Board of Trustees recognizes that a variety of emergencies can occur within its jurisdictional limits, the great majority of which are responded to by the Village’s emergency service organizations in their normal course of business. Further, some emergencies may require extraordinary response wherein mutual aid is necessary to assist one or more of the emergency service organizations. The Village Board recognizes that an emergency can occur, the scope of which could be termed a “Major Emergency” or “Disaster”. Should such an emergency occur, the Village Manager or his/her designee, when considering whether or not to declare a “Local State of Emergency”, shall give consideration to the following:

- A. The emergency has a Village-wide impact.
- B. The emergency affects a significant portion of the Village population or business community.
- C. The emergency strains or exceeds the resources of the emergency service organizations (NOTE: The Ossining Emergency Preparedness Committee has determined that an emergency involving **twenty (20) or more seriously injured people** will very likely exceed the resources of the Ossining emergency service organizations; however, it is possible that certain conditions might exist, such as adverse weather conditions, or other incidents which could lower this number.
- D. The emergency, regardless of its severity, is one which may be considered a “Disaster” as defined in the New York State Executive Law, Article 2B, Section 20, subdivision 2a.

**Overview of Emergency Plan:** The Emergency Plan is a two-part plan with an index. Part 1 includes an organizational chart, call-up protocols, identification of areas of responsibility for the Chief of Operations (designated by the Village Board as the Ossining Village Manager) and police, fire and ambulance corps. Part 2 includes appendices, such as: FEMA publications CPG 1-6, “Disaster Operations – A Handbook for Local Governments”, which is intended to provide guidelines for response to a variety of emergencies, an Emergency Medical Services model for responding to a MCI/Disaster (NOTE: The Emergency Preparedness Committee has adopted this model for Emergency Directory” which provides information relating to specialized equipment and resources available in Westchester County and, emergency plans for various public and private organizations in Ossining for the purpose of coordinating private/government response operations during an emergency.

**Role of Ossining’s Emergency Service Organizations:** During a response following the declaration of a “Local State of Emergency”, the Village Manager will function as the Chief of Operations. The Chief of Operations will activate the Emergency Operations Center (EOC) located at the Village of Ossining Municipal Building, where he will coordinate the overall response and recovery effort in accordance with guidelines set out in the Emergency Plan, Procedure #5, titled “Incident Commander – Chief of Operations”.

During a “Local State of Emergency: the Village police, fire and ambulance services will perform their normal functions, as well as those assigned to them in the Emergency Plan, Procedure #7 titled “Agency Responsibilities”. Each organization will designate an officer who will be responsible for and direct that organizations response to the emergency. During a “Local State of Emergency”: each organization will establish an on-scene command post with other organizations command posts and the Emergency Operations Center (EOC) for the purpose of coordinating the overall response effort in a manner designed to facilitate public safety and mitigate the effects of the emergency. Should a conflict arise which cannot be resolved by the

officers in charge of directing each organization, the matter will be referred to the Chief of Operations who will resolve the dispute in favor of facilitating public safety and mitigating the effects of the emergency.

Finally, the Emergency Plan recognizes the importance of providing accurate and timely information to the public through the news media. During a “Local State of Emergency” **ALL** information released to the news media will flow through a news media spokesperson as stated in Emergency Plan, Procedure #5, titled “Incident Commander – Chief of Operations”.

**Agency Responsibilities:** This document is intended to be used as a guideline for Ossining’s police, fire and EMS in the implementation of the Emergency Plan; it outlines each agency’s responsibilities for command officers.

A. Police Department:

1. Establish a Command Post for communications/direction/control:
  - a. Alert Westchester County Police and Fire Control of a “Local State of Emergency”.
  - b. Advise EOC of location of police, fire and ambulance command post(s).
  - c. Advise EOC of identity of commanders of police, fire and EMS.
  - d. Advise EOC of circumstances of emergency, i.e.: what has happened, existing and potential hazards.
  - e. Advise EOC on progress/changes in situation as soon as practical.
  - f. Advise EOC of names, DOB, nature of injuries and hospitals victims were taken to.
  - g. Arrange for and coordinate mutual aid.
  - h. Advise/coordinate with Westchester County O.D.E.S.
  - i. Advise/coordinate with special facilities, i.e.: schools, nursing homes, private business.
2. Secure a radio frequency for sole use by incident personnel, and coordinate radio communication with other agencies
3. Coordinate with military personnel in the event Martial Law is declared
4. Secure special equipment for police personnel
5. Maintain security at the scene, including traffic control and crowd control
6. Set up/maintain staging areas for equipment/personnel
7. Set up reception areas for victims/families/evacuees
8. Provide warning to the public
9. Investigate emergency and determine causes if possible
10. Coordinate with the American Red Cross and Salvation Army
11. Coordinate an evacuation if needed
12. Identify/account for police personnel/equipment
13. Document and inform EOC of actions taken

## 14. Conduct De-Escalation Procedures to include the following:

- a) When the emergency is over, the officer in charge of the Command Post will be responsible for securing the command post log and releasing all personnel and equipment from the post.
- b) The Patrol Commander(s) will be responsible for the securing and returning to Headquarters personnel and equipment.
- c) The Patrol Commander(s) should schedule a debriefing session with their personnel as soon as possible after the conclusion of the incident with a final report containing conclusions and recommendations to the Chief of Police regarding the incident.
- d) Post-occurrence duties shall include, but are not limited to, the continuance of security patrols in the effected area, and maintaining traffic control and security checkpoints.

**B. Fire Department**

1. Establish a Command Post for communications/direction/control
  - a. Advise Westchester County Fire Control of Circumstances of emergency
  - b. Arrange for and coordinate mutual response
  - c. Advise the police commander, re: existing/potential hazards and when fire emergency is under control.
2. Control/prevent fire
3. Rescue
4. Secure equipment and supplies for fire personnel
5. Supply fire police to Police Department
6. Assign extra manpower as needed i.e.: stretcher bearers
7. Identify and account for fire personnel/equipment
8. Document actions taken and inform police commander

**C. Ambulance Corps/EMS**

1. Establish a Command Post for communications/direction/control
  - a. Advise Westchester County EMS Control of Circumstances of emergency
  - b. Arrange for and coordinate mutual aid
  - c. Update hospitals
  - d. Advise police commanders of the names, DOB, nature of injuries and hospitals victims are taken to

2. Secure equipment and supplies for EMS personnel.
3. Using the New York State Department of Health EMS MANAGEMENT Model for MCI's:
  - a. Set up triage area: triage, sort, tag and treat victims
  - b. Provide direct transportation to hospitals, maintaining proper records
4. Identify/account for EMS personnel/equipment
5. Document actions taken and inform police commander

### **Call Up Procedure for a Major Emergency/Disaster**

1. Upon receipt of a report of a major emergency/disaster, the desk officer/dispatcher should dispatch on-duty police, fire and ambulance personnel to the scene.
2. Ensure Tour Supervisor is aware of situation details and request authorization to implement the Major Emergency/Disaster Operating Procedures  
If authorization is given, proceed to Step #3.

### **3. By Radio Desk Officer to Say:**

- a. "Ossining Police to Ossining Fire Department a major emergency has occurred at: (Location of Emergency), implement your call-up procedure."
- b. "Ossining Police to OVAC members, a major emergency has occurred at (Location of emergency), implement your call-up procedures."

### **4. Contact the following Police Department personnel:**

By phone contact the personnel listed below and say: "A major emergency has occurred at (Location of emergency), Report to Ossining Police Headquarters immediately."

Captain  
Patrol Lieutenants - Senior to Junior  
Detective Division Commander

If Captain is not reached, the first contact Lieutenant should be advised of this fact, so that this Lieutenant can then contact the Chief of Police.

5. Using the HOT LINE at the main desk, activate the Mutual Aid and Rapid Response Plan, and request assistance as ordered by the Tour Supervisor or ranking officer.
6. By phone, call Westchester County Fire and EMS Control at 592-4222 and say: "This is Ossining Police Officer (name). A major emergency has occurred in Ossining. Implement the Village of Ossining Disaster Response Plan Call-Up Procedure."
7. By phone, call all Ossining Police Officers who are not scheduled for duty to work ANY tour that day and say: "A major emergency has occurred at (location of emergency). Report to Ossining Police Headquarters immediately."
8. Westchester Co. Office of Emergency Management: 231-1856
9. Westchester Co. Department of Public Safety Emergency Management 995-3051



HANDLING AND TRANSPORT OF PRISONERS

Revised: 06/12/2020

- I. **Policy:** It is the duty of all personnel involved in the transportation of prisoners to ensure the safety and security of arrested persons and their property, the safety of the general public, as well as the safety of other Department personnel. Officers will, at all times, employ safe guards to limit escape.
  
- II. **Procedure:**
  - A. General
    1. With only limited exceptions, all prisoners will be transported in secure, cage equipped, marked patrol vehicles.
    2. In no case shall a person less than 18 years of age be transported together with adult prisoners.
    3. It is preferred that two officers be utilized when transporting a prisoner immediately after arrest, from the arrest scene to police headquarters. However, a single officer may conduct the transport when it is not feasible to have a second officer respond for that purpose.
    4. When transporting prisoners to or from the Westchester County Jail the prisoner van shall be used for more than 3 prisoners or when transporting prisoners with different genders at the same time. This can be accomplished by separating the genders between the front and rear secure passenger compartments.
    5. The prisoner van has a maximum secure compartment occupancy rating of (10) ten passengers with (8) eight in the rear secure passenger compartment and (2) two in the forward secure passenger compartment. At no time shall the prisoner van be utilized to transport more than ten (10) prisoners during a single trip.
    6. Depending on the physical size of a prisoner, officers may elect to carry fewer prisoners per trip. With the tour supervisor's approval it is acceptable to either make a second trip or have a third officer follow in a patrol car for the purpose of carrying additional prisoners.
    7. Officers transporting a person of a different gender, will notify the desk officer of their original location, destination, starting and ending mileage. The trip should proceed without delay and by the most direct route to the destination. Any delay will be immediately conveyed to the desk officer. Wherever a female prisoner is transported and it is feasible to do so, a female officer, matron, or at least one other officer should assist.
  - B. Patrol Vehicle Security
    1. Officers will search their vehicles at the beginning and the end of each tour of duty.
    2. Officers will search their vehicles after each transport of a prisoner.
    3. Any weapons, dangerous articles or contraband will be secured and the Tour Supervisor immediately notified.
  - C. Searching of Prisoners – All persons taken into custody will be searched for weapons and contraband prior to being transported. Generally, this search should

be conducted by an officer of the same gender. If the subject is transgender, intersex, or gender non-conforming, the individual shall be offered the option of choosing the gender of the officer who will conduct the search. Officers should take into consideration the reasonableness of any delay created by waiting for another officer. If an officer of the preferred gender is not available, officers will proceed with the search according to department policy. If a request is not or cannot be granted, the reason for doing so should be noted in a department report. This search will include, but is not limited to:

1. A pat- down of body and clothing surfaces, and
2. A search of all clothing pockets, shoes, purse and etc., where a weapon or contraband could be readily accessible or concealed.
3. The tour supervisor will decide if a strip search will be conducted and will be responsible to ensure that the search is properly conducted. A strip search will be utilized only when the arresting officer has reasonable suspicion to believe that the prisoner is concealing weapons or contraband in such a manner that may not be discovered by other search methods (pat down and magnetometer).
  - a. Reasonable suspicion may be based upon, but is not limited to the following:
    - i. The nature of the offense,
    - ii. Circumstances of the arrest,
    - iii. Subject's criminal history, and particularly past violent crimes and narcotics offenses,
    - iv. The subject's appearance and demeanor at the time of arrest
    - v. Discovery of evidence, weapons, narcotics, or contraband at a state prior to the arrest.
    - vi. Detection of suspicious objects beneath the subject's clothing
    - vii. A positive reading from a magnetometer (metal detector) after a thorough search of the clothing.
  - b. Strip searches should only be conducted in the following manner:
    - i. In a room which provides privacy from all but those authorized to conduct the search
    - ii. By the fewest number of personnel necessary and only by those of the same sex.
    - iii. In the event of transgender, intersex, or gender non-conforming situations, the individual shall be offered the option of choosing the gender of the officer that will conduct the search. If this is not immediately possible that person should be securely restrained until an officer can be summoned to headquarters to complete the search.
    - iv. In a professional manner with respect for the person being searched.
  - c. Whenever a strip search is conducted, the reason or circumstances

of the search will be indicated on the strip search form and documented in a police department blotter.

- d. Under no circumstances will any member of the department conduct a body cavity search. As a general rule, a warrant must be obtained before a “body cavity search” is performed.

#### D. Restraints

1. All arrested persons shall be handcuffed, and handcuffs should be double locked.
2. Prisoners shall be handcuffed with both hands behind their back and, when practicable, with palms facing outward.
3. Transported prisoners shall have seat belts on after being put into a patrol car.
4. Only the tour supervisor, for reasons such as a disability or an elderly subject, may authorize an officer to transport without using restraints or a variation to any of the above.
5. When the Department or any particular officer has knowledge a particular prisoner is an escape risk, this information should be conveyed to the Tour Supervisor and transporting officer(s). In these cases further restraining devices including but not limited to ankle shackles and waist belts may be used.
6. Prisoners shall not be transported in the prone position with hands secured by handcuffs and legs held together with restraints and connected, otherwise known as “hogtied.”

#### E. Transporting Injured or Sick Prisoners

1. All officers when dealing with prisoners who have a communicable disease should be familiar with General Order #3.27
2. Officers have a duty to provide attention to the medical and mental health needs of an arrested person and to obtain assistance and treatment of such needs for such person, which are reasonable and provided in good faith under the circumstances.
3. Prisoners who are known to be ill or injured and in need of medical treatment shall be transported to the hospital prior to being transported to police headquarters.
4. The decision to transport by police vehicle or ambulance will depend on the seriousness of the injury or illness.
5. Prisoners taken to the hospital will be handcuffed prior to leaving. For no reason will the prisoner be left alone. If a doctor wants private consultation with the prisoner, the prisoner will remain handcuffed and only in a room that has one exit is to be used. If this is not possible, the officer transporting will be present in the room, regardless of any protest.
6. In the event a prisoner must be admitted to the hospital, all necessary booking information will be ascertained and appearance ticket will be issued. In the event an appearance ticket cannot be issued, the Tour Supervisor will be notified, and he/she will arrange for bedside arraignment by a judge and police presence.

#### F. Escaped Prisoners

1. In the event of a prisoner escaping, the transporting officer(s) will immediately notify the desk officer of the description of the escapee and any other pertinent information which will aid in recapture.
2. After being notified by the desk officer, the Tour Supervisor will assist the Patrol Division Commander in coordinating a thorough search of the area of escape.
3. If the escape occurs in another jurisdiction, the Tour Supervisor will assist the Patrol Division Commander in coordinating a thorough search of the area of escape.
4. If the escape occurs in another jurisdiction, the Tour Supervisor will immediately notify the law enforcement agency of that jurisdiction as soon as possible.
5. The transporting officer(s) involved in the escape will prepare an Incident Report and detail the circumstances of the escape.
6. The Tour Supervisor will conduct an investigation into the circumstances of the escape and ensure that the necessary entries are made into the New York State Integrated Justice Portal.

G. Incarceration Procedures in Local Lockup

1. Once booking is completed, the prisoner will be placed into the Ossining Police Department Cell Block area.
2. No more than one prisoner will be confined in a cell at the same time, except where no practical alternative is available due to the number of prisoners and other attendant circumstances.
3. If there are males and females arrested, female prisoners should be secured in a Separate cell designed for that purpose. At no time will be male and female prisoners be kept in the block together.
4. Prisoners who are transgender or gender-nonconforming should be secured according to General Order 3.xx
5. When a female is going to be placed in the cell area, a matron, or female officer, should be present when placing the female prisoner in the cell. All necessary notations will be made on the prisoner sheets of a female matron and she shall conduct inspections of the female prisoner during incarceration in the local lockup.
6. Members of the opposite gender will not enter a cell without an opposite gender escort except in emergencies, or where circumstances warrant such in the course of their duty.
7. Smoking is prohibited in all Village buildings including the Birdsall-Fagan Police & Court Facility.
8. Except in cases of extreme emergency, a police officer is not to enter a cell block while armed.
9. The conditions of the prisoners will be checked by actual visits, in addition to CCTV Surveillance, at intervals of not more than thirty (30) minutes, unless the physical or mental conditions warrants a more constant supervision.
  - a. These inspections will be done by the arresting officer if he or she is still in the building completing his/her reports. If not, the inspections will be done by the Desk Officer.

- b. All checks will be noted on the Ossining Police Department Prisoner Log sheets kept in the booking area.
  - c. The time and date notations will be made by the officer checking the prisoner, along with the officer's observations of the prisoner's condition and those officers' initials.
  - d. In addition, the Tour Supervisor shall make a check at least once per tour of the prisoners in the lockup during his/her tour of duty. This may be supplemental to or a substitute for one of the 30 minute checks. The Supervisor will so note the check on the Prisoner Log Sheet.
  - e. Each and every visit, including for the purpose of meals, telephone calls, etc., will be noted on the prisoner log sheets and initialed by the officer making such visit.
  - f. The individual cell doors will be checked after a prisoner is placed therein to ensure the locks are secure and unable to be opened by the prisoner. This should be done during each (30) minute inspection of the prisoners.
10. All property will be removed from the prisoner including, but not limited to:
    - a. Currency, jewelry, keys, belts, eye glasses, watches, evidence, shoelaces, Cigarettes & matches
    - b. Items that could be dangerous to life
    - c. Items that could facilitate escape
    - d. Items that could deface or damage property
  11. Property removed will be indicated on the Department's Defendant Property form. This form will indicate the date of the search and by who before the prisoner is placed in the cell.
  12. Paper footwear will be provided in cases where the prisoner's shoes must be taken from them.
  13. Large amounts of cash or valuable jewelry may be secured in a gun locker during the prisoner's stay. The gun locker key will be held by the tour supervisor. In the alternative, high value items may be logged for safekeeping with the detective division, provided that this will not cause unreasonable delay in returning property once a defendant is entitled to their property.
  14. Prisoners will be permitted one (1) completed telephone call to a telephone number within the 48 contiguous states, dialed by an officer or matron, free of charge. A record of all calls, including the name and number called, date, time and relation to the prisoner, will be kept on the Department Booking and Telephone Call Log form.
  15. Meals will be supplied if a prisoner is in the cell area during a meal period. Meals received from the local establishment and put on voucher for payment. Meals will be eaten in the cell. No bottles or cans of soda will be allowed. Liquids should be poured into paper cups.
- H. Transporting Prisoners from Headquarters or Correctional Facilities to Court
1. Prisoners shall not be moved through the public areas of the Police/Court

Facility.

2. Prior to transport, each prisoner will be searched by the transporting officer. This will also be done prior to placing a prisoner back in the lockup or being placed into a police vehicle for return to the a correctional facility.
3. All prisoners transported to or from the Birdsall-Fagan Police & Court Facility by police vehicle will be moved from or to police transport vehicles while the vehicle is backed into the sally port. The overhead door to the sally port will be secured (in the down position) before the prisoner is moved to or from the booking/cell block areas.
4. A prisoner(s) in the Police Department lockup will be taken from the cell block area to the courtroom only through the secured non-public corridor leading from the cell block to the courtroom. The number of officers to be used should be the same ratio as indicated in section (II)(A) of this order.
5. Officers transporting prisoners from a correctional facility for court will notify the Desk Officer upon their return from a correctional facility. The Desk Officer will notify the court clerk that the prisoners are in the lockup.
6. Prisoners will be permitted conferences with their attorneys in the lockup after authorization from the Court and the Tour Supervisor are received to do so. Visits by any other person are not allowed.

#### I. Reporting

1. The desk officer will make a computer dispatch entry entitled "Prisoner Transport" for the transport of prisoners from a correctional facility to headquarters and from headquarters to the a correctional facility. The entry will be made at the time the assigned officers leave headquarters for said transport. The entry is to remain active until the assigned officers return to headquarters.
2. The transporting officer(s) will complete a blotter report titled "Prisoner Transport" to include the following information:
  - a. Whether the transport was a pick-up of from, or return of prisoners of a correctional facility.
  - b. The full name and pedigree of each prisoner transported entered in the name field.
3. The tour supervisor will ensure the Prisoner Transport blotter entry is completed in a timely manner.



**PERSONS IN CUSTODY**

Revised 01/13/2021

I. Purpose:

To ensure the safety and welfare of all persons in the physical custody of the Ossining Police Department, and provide guidelines for their safe handling. For the purposes of this order, custody shall be considered to take place when a person is actually or would reasonably believe they are no longer free to leave the area.

II. Definitions:

- A. Routine Supervision: Visual inspection of the person in custody a minimum of once every thirty (30) minutes
- B. Active Supervision: Visual inspection of the person in custody a minimum of once every fifteen (15) minutes
- C. Constant Supervision: Ongoing and continual face-to-face contact

III. Procedure:

A. General

- 1. All movement of persons in custody between transport vehicles and the cell block area will only be conducted while the transport vehicle is located within the Sally Port with the overhead door in the down position.
- 2. No person shall be placed in the Ossining Police Department cell who is obviously or apparently injured or suffering from a psychiatric emergency to the extent normally requiring medical or psychiatric attention without first being examined and receiving appropriate treatment by a physician.
- 3. Any person in custody declining medical treatment shall be requested to sign an appropriate waiver.
- 4. No person in custody shall be accepted from any outside agency for lodging without the expressed authorization of the Chief of Police.
- 5. No person shall be placed in an Ossining Police Department cell who is incapacitated as the result of intoxication.
- 6. In any case where a person appears to be intoxicated, the tour supervisor should consider whether implementing constant supervision is necessary to ensure that person's safety.

#### B. Juveniles

1. No person who is below the age of 18 shall be placed in an Ossining police cell block or other secure area without the authorization of the New York State Division for Youth.
2. Juveniles designated as ungovernable, truant, etc., shall be held in the Ossining Police Juvenile Office, an area that has been designated by the Administrative Judge of the 9th Judicial District for that purpose.
3. No juvenile should, under any circumstances, be detained together with any adult prisoners, and sight and sound separation should be maintained in instances of any such custody only after it has been approved by the New York State Division for Youth. Under no circumstances should such detention exceed 6 hours.
4. In every case where a juvenile is held in police custody, a parent or guardian shall be notified as soon as possible. If such legally responsible person is unavailable, then the person with whom the juvenile resides should be notified.

#### IV. Specific Responsibilities:

- A. Screening Officer – It is the responsibility of the arresting officer to ensure that:
  1. A thorough search is conducted of all persons in custody as soon as practical upon arrival at the Ossining Police Department Booking Room and prior to their placement in an Ossining Police Department cell.
  2. All property is removed from their person, logged on a Defendant Property Log, and stored securely in the booking room. Special attention should be given to items that may indicate mental health concerns, for example psychiatric medications. Persons in custody should be asked to sign the Defendant Property Log and, if they refuse, this refusal should be documented on said log.
  3. Searches of persons in custody of a gender other than that of the screening officer shall be conducted in accordance with General Order #3.91.
  4. Conduct Suicide Prevention Screenings, and complete the Suicide Prevention Screening Form. If not the arresting officer, the Screening Officer should inquire from the arresting officer about the prisoner's behavior prior to screening to help accurately gauge the risk of self-harm.

5. Notify the Tour Supervisor whenever:
  - a. A person scores in the high risk or immediate referral categories on the Suicide Prevention Screening Form.
  - b. A person displays verbal or behavioral indication that he or she may require medical and/or mental health attention.
  - c. A person appears to be injured to the extent normally requiring medical attention.
  - d. The screening officer, for any reason, believes the person may be suicidal or require medical and/or mental health attention.
  - e. A prisoner has prescribed medication within personal property.

*NOTE:* No medication shall be administered without examination and approval by a physician. In any situation where it appears necessary for a person in custody to ingest medication during the time in which they are in custody, the tour supervisor should consider having the subject transported for medical evaluation.

- B. Tour Supervisor – It shall be the responsibility of the Tour Supervisor to:
  - a. Assure all persons who are to be placed in an Ossining Police Department cell block undergo Suicide Prevention Screening prior to lodging.
  - b. Be present at all bookings, except when exigent circumstances prevent his or her from doing so. When it is not possible for the Tour Supervisor to be present at a booking, he or she shall make an inspection of the person in custody as soon as possible thereafter. He or she shall ensure that all booking procedures and screenings have been performed appropriately.
  - c. Determine if the person in custody warrants an emergency referral and initiate any appropriate referral (e.g. medical or psychiatric attention).
  - d. For all violation, misdemeanor, and “E” felonies other than designated “qualifying offenses” under NYS CPL 510.10, issue an appearance ticket and ensure the person’s release from custody as soon as possible.
  - e. Contact a judge for the purpose of arranging an initial appearance for all qualifying offenses under NYS CPL 510.10 or other offenses for which remand would be appropriate or bail can be set.

- f. In any case where a person in custody appears to be intoxicated or under the influence of an intoxicant and cannot safely be released from custody, consider having the subject transported for medical evaluation.
- g. Assign an officer or matron to conduct constant supervision, when necessary. If workload permits, an on-duty officer/matron should be assigned. If not, an off-duty officer/matron may be utilized until the prisoner can be arraigned and either released or committed and lodged in the Westchester County Jail.
- h. Notify relieving Tour Supervisor of the status of all persons in custody.
- i. Ensure proper retention of screening forms and logs.

C. Desk Officer - It shall be the responsibility of the Desk Officer to:

- a. Record on the Prisoner Log Sheet all supervisory visits, as well as all other activity involving the prisoner, meal provided, phone calls made or received.
- b. Make at least one-half hour checks of prisoners in custody, except in cases where the detainee is of a different gender than the Desk Officer. In such cases, checks will be made in accordance with General Order #3.91.
- c. Notify relieving Desk Officer of the status of all prisoners.
- d. Notify the Tour Supervisor when the verbal or behavioral conduct of a prisoner already lodged in a cell changes to the extent where the prisoner may require medical and/or mental health attention.

D. All Personnel - It shall be the responsibility of any officer removing or returning a prisoner to or from a cell to record the activity on the Prisoner log sheet.

SEE ALSO:



General Order #3.19 - Handling and Transport of Prisoners

General Order #3.91 – Interactions with Transgender and Non-Genderconforming Individuals

**MISSING PERSONS**

Revised 06/18/2019

**Purpose:** To provide guidelines for taking reports of, and investigating missing person complaints.

**Background:** Law enforcement officers are frequently notified that someone is missing from home, work, school or other place where the person is expected to be. Often the reporting person is a family member or close friend of the missing person, thus the situation may be emotional and traumatic for the reporting person and the family of the missing person.

Police officers have an obligation to investigate reports of missing persons in an attempt to locate the person. Sometimes police officers will be obligated to return the missing person to his or her family. It is imperative that police officers thoroughly and conscientiously investigate every report of a missing person, and so in a manner that takes into consideration how the incident is affecting the reporting person and family of the missing person. This General Order will guide officers during their investigation of reports of missing persons.

**Policy:** Whenever any member of the Ossining Police Department is advised by a complainant that a juvenile (someone less than 16 years of age) is missing from the Village of Ossining, a missing person report will be taken and an investigation will immediately be initiated. A missing juvenile will be considered missing until he or she is either located and returned home by the police, returns home of his or her own accord, or is retrieved by his or her parents or legal guardians. A police car should be dispatched to the home address where a thorough search should be conducted (with permission of the parent or other person legally responsible), including such likely places as attics, basements, closets and garages. At the same time the D.O. will dispatch the data obtained to all mobile and foot patrol units.

Whenever a report is received that an adult (age 16 and over) is missing, an initial complaint report will be taken and mobile and foot patrols advised. This person will be considered missing until he or she is either located and his or her location and well-being are verified by a member of the Ossining Police Department or other law enforcement agency, or the complaint is cancelled by the complainant/reporting person. Unlike the juvenile, an adult missing person cannot be compelled to return home. Consequently, unlike the missing juvenile, a missing adult is not required to return home in order for the investigation to be closed.

Changes in the New York State Executive Law are worth noting at this point: Section 838- sub.9 of this law makes it illegal for police departments to require **any** waiting period before accepting and investigating a report of a missing person if the missing person is less than 18 years of age. Therefore, if this Department is advised that a person less than 18 years of age is missing, an investigation will be immediately initiated as per Executive Law and General Order# 3.21 of the Ossining Police Department Policies and Procedures Manual. Section 837-e of

the Executive Law states that all missing children (anyone less than 18 years of age) must be entered into the Statewide Missing Person Registry. This entry is accomplished by the making a missing person entry over the eJustice system, using the proper codes in accordance with Section 837-e.

In a case where an adult is reported missing under circumstances that would lead a reasonable person to believe that the missing person is endangered due to such factors as being physically disabled, mentally disabled, senile, abducted, etc., the investigating officers will use the same procedures as those used when investigating a missing juvenile, due to the urgency of the situation. Conversely, if an adult is reported missing under circumstances which would not seem to indicate the above mentioned factors, a missing persons complaint will be taken and a reasonable and appropriate investigation will be commenced. If during the course of any investigation information is developed which moves the missing person into an endangered, abducted, or any other urgent classification, the investigation will be conducted using the same procedures as those used when investigating a missing juvenile.

Every member of this Department who investigates a missing person complaint will do so to the best of their ability and in a professional manner. The investigating officer should keep in mind that having someone missing is often a traumatic experience for some family members. Therefore, it is very important that the investigating officers make frequent contacts with the family of the missing person to reassure them that "something is being done".

**General Procedures:** Procedures for the initial investigating officer - usually uniformed patrols.

1. In most cases, the police jurisdiction in the investigation of a missing complaint will be clear. That is, the missing person is a Ossining resident, and they were last seen in Ossining. If the Ossining Police Department receives a report of a missing person, and , for whatever reason, it is unclear whether this Department or another jurisdiction should investigate the case, the ultimate decision will be made by the Detective Commander or by the Patrol Commander if the Detective Commander is not available.
2. Extreme care should be taken to insure that the Missing Person Report is filled out accurately and completely, and any required supporting documentation is obtained.
3. The parent, guardian, husband, wife, or other authoritative person must sign the Missing Person Report Form.
4. Any additional information will be put on the Missing Person Report form. Such information may include but not be limited to the following:
  - a. Friends and relatives that the missing person may be staying with.
  - b. Any medication that the missing person may be taking.
  - c. Any physical or emotional illnesses that the missing person may be suffering from.
  - d. Type of vehicle used by the missing person, if applicable.
  - e. Any previous history of being missing or running away.
  - f. Any suicidal tendencies and weapons possessed.
  - g. How much money the missing person may have.
  - h. Obtaining a recent photograph of missing person.
  - i. Any pertinent information.

5. As soon as the Missing Person Report is signed, the investigating officer will immediately transmit to the desk officer or dispatcher sufficient information so that a missing persons entry may be transmitted over the eJustice system.
6. The desk officer or dispatcher, besides making a missing persons entry, will broadcast to all other Ossining Police units a summary of the description and details which were provided by the investigating officer.
7. Investigating officers will follow all leads to some conclusion and will properly document their actions including any additional follow-up investigation.
8. If the missing person is located, the office who receives the information or locates the missing person will put the information on a supplementary report closing the case.

### **Special Categories:**

#### ***Children under 18 or College Students (of any age)***

If the missing person is a child aged 17 years or younger who is believed to have been abducted and in danger of bodily harm (AMBER Alert criteria), the Tour Supervisor may authorize the desk officer to contact NYSP ComSec at (518) 457-6811 so that they may issue an AMBER Alert.

When a missing child under the age of 21 or a college student of any age is deemed to be endangered, but the case does not meet AMBER Alert criteria, the desk officer should contact the NY Missing Persons Clearing House at 1-800-346-3543.

All missing persons under the age of 18 will be referred to the youth officer after initial investigation by patrol.

In cases of children, age 15 years and under, the Desk Officer shall dispatch an officer to the home address where a thorough search should be conducted (with the permission of the parent or guardian), including such likely places as attics, basements, closets and garages. At the same time the Desk Officer will dispatch the data obtained to all police units (foot and motor).

#### ***Vulnerable Adults***

A vulnerable adult is any person at least 18 years old or older with Alzheimer's disease, dementia, autism or other neurocognitive disorder, brain injury or mental disability.

If a Vulnerable Adult is reported missing the desk officer should contact the NY Missing Persons Clearing House at 1-800-346-3543.

The desk officer will make a Missing Person entry in eJustice with the missing person condition of "vulnerable adult."

#### ***Unidentified Persons***

If a unidentified person is located, an 'Unidentified' Entry will be make in eJustice.

The deks officer will contact the NY Missing Persons Clearing House at 1-800-346-3543 to see if the located party matches any missing person reports.

In the event the person is alive, they will be evaluated by EMS personnel.

**Procedures for Detectives:**

1. The Detective Commander shall assign a detective to follow up on the missing person complaint form as soon as possible.
2. An exception to the above procedure is when a missing person is received by the Department between Friday 5pm until Monday 9am. In this case the Tour Supervisor will temporarily assign the duty detective to follow-up on the case until the Detective Commander ultimately assigns the case to a detective on a permanent basis.
3. Another exception is when a missing person report is received on a weekday when the Detective Commander is off duty or otherwise not available. In this case the tour supervisor will temporarily assign the duty detective to follow up on the case until the Detective Commander ultimately assigns the case on a permanent basis.
4. It shall be the duty of the assigned detective, upon the direction of the Detective Commander or supervisor, to have the complainant complete the Missing Person Data Collection guide (DCJS-1508). This packet includes the authorization for release of medical, dental, and optical information on the missing person. This packet must be completed if the missing person has not been returned or located within thirty (30) days. It will be the Detective Commanders discretion as to when, during the 30 day period, the Missing Person Collection Guide is to be completed.
5. The investigating detective will have frequent contact, on a daily basis if possible, with the complainant. This will be helpful, not only in gathering information, but also will show the complainant that the police are truly concerned and are doing their best to assist them.
6. It will be the duty of the assigned detective to disseminate any necessary up-dated information to the patrols, such as: photos of the missing person, possible associates, vehicle descriptions, etc. This information will be put in memo form and disseminated through the normal channels.
7. The assigned detective will follow all leads to some conclusion and will properly document his or her investigative activities.

GENERAL ORDER #3.22

PAGE 1 OF 10

**DEPARTMENTAL DOMESTIC VIOLENCE POLICY**

Issue Date: 1/21/91

Revision Date: 1/28/2008

**Purpose:** To provide a guideline for use by police officers of the Ossining Police Department responding to family offenses and domestic violence. This policy will be followed except under circumstances where the officer can clearly demonstrate that its use was unsuitable.

The policy to be outlined will follow the guidelines handed down by the courts that compel police departments to perform the duty imposed upon them by case law to exercise their discretion and to exercise it in a reasonable, non-arbitrary manner. The courts have found that the police owe a duty of protection to battered spouses, in the same manner they owe it to any citizen injured by another's assault.

The following policy should send a message to assailants that their violent behavior will not be overlooked. It is up to this Department to provide adequate protection to the victims.

**Policy:** Police Officers will respond to every call involving domestic violence and consider domestic violence as criminal conduct, which should be investigated, as would any other crime. Mediation between the parties will not be used as a substitute for appropriate proceedings. Since 1991 the Village of Ossining Police Department has had a pro-arrest domestic violence policy.

In cases of domestic violence, summary arrests will be made in all cases where there is probable cause to do so. The determination of probable cause shall be made in the same way as all other offenses and shall not be unduly influenced by the domestic context in which the conduct occurred. Traditional police response to calls of domestic violence, emphasizing crisis intervention skills and reconciliation of the parties, is inappropriate and not helpful in cases involving serious injury or repeated abuse. It is incumbent on members investigating domestic violence cases to exercise the authority necessary to protect family members from violence.

**Definitions:**

**Domestic Incident:** Means any dispute, violence or report of an offense between individuals within a family or household where police intervention is requested. A domestic incident is not necessarily a violation of law.

**Complainant/Victim:** For purposes of this procedure, victims are described in the following two categories and include persons who:

**Family/Household** (as defined in Family Court Act)

- a. Are legally married to one another

- b. Are related by blood (consanguinity)
- c. Were formerly married to one another
- d. Are related by marriage (affinity)
- e. Have a child in common regardless of whether such persons have been married or have lived together at any time.

**Family/Household** (expanded definition but are not included in Family Court Act)

- f. Are not legally married but are currently living together in a family type relationship, (e.g.; common law marriages)
- g. Are not legally married but formerly lived together in a family type relationship (e.g. Common-law marriages)
- h. Intimate dating partners

Note: Categories f, g, and h do not have Family Court option and must pursue actions in criminal court.

To capsule, family/household includes subdivisions “a” through “e” and “common law marriages; same sex couples (gays) encompass “f” through “h”

**Family Offenses:**

Harassment (PL 240.05) (1 & 2 degree) Violation  
 Assault 2<sup>nd</sup> degree (PL 120.00) Felony  
 Assault 3<sup>rd</sup> degree (PL 120.5) Misdemeanor  
 Disorderly Conduct (PL 240.20) Violation – does not have to be committed in a public Place  
 Attempted Assault (2 & 3 degrees)  
 Reckless Endangerment (PL 120.20 and 120.25) (1 and 2 degree) Misdemeanor and A & D Felony respectively  
 Menacing (PL 120.15) (2 and 3 degree) Misdemeanor

**Aggravated harassment 2<sup>nd</sup> Degree, Stalking 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Degree:** These offenses must be committed between family/household members AS DEFINED IN THE FAMILY COURT ACT. If an offense is **NOT** one of the foregoing and/or the family/household relationship is NOT one defined in the Family Court Act, the offense is **NOT** a Family Offense and **MUST** be processed in Criminal Court. More serious assaults such as Assault 1<sup>st</sup> Degree, Murder in the 2<sup>nd</sup> Degree, Attempted Assault 1<sup>st</sup> and Attempted Murder must be prosecuted in the criminal court.

**Probable Cause:** A combination of facts, viewed through the eyes of a police officer, which would lead a person of reasonable caution to believe that a crime is being or has been committed by a specific person. This is the same standard as used when dealing with any other offense.

**Response to Domestic Violence/Spousal Abuse Calls:**

**Desk Officer/Communications:** A domestic incident will be given the same priority and prompt response as any other call for service. Members assigned to communications duties will, whenever practical, dispatch at least two officers.

Upon receipt of a domestic incident will gather all the normal information and will also make every effort to determine and relay the following information to responding officers:

Whether the suspect is present and if not, the suspect's description and possible whereabouts;

Whether weapons or dangerous instruments are involved or known to be at the location or if any threats exist (i.e. dogs, etc.);

Whether medical assistance is needed at the scene;

Whether the suspect or victim is under the influence of drugs or alcohol;

Whether any orders of protection exist by checking local orders as well as the NYSPIN registry.

- A. At all times at least two officers should be dispatched to domestic violence/spousal calls. All cases will be investigated, regardless of whether an arrest is made. All cases shall be completely documented by the filing of an event, blotter number by the desk officer on duty immediately.
- B. Respond quickly and safely.
- C. Notify dispatcher of arrival. Before entering a home be alert for shouts, gunshots, etc. Beware of what is happening around you.
- D. Maintain the correct attitude.
  1. You are on a call for help.
  2. You are in someone else's home.
  3. Keep any prejudices inside yourself.
  4. Don't get personally involved.
  5. Don't belittle the man about his masculinity or the woman about her femininity.
- E. Handling the call:
  1. Prevent violence by separating the disputants, check for any weapons, and visibly check on well being of occupants in the house.
  2. If a victim is injured or claims to be injured, whether visible or not, administer first aid as appropriate and/or obtain medical treatment.
  3. If an arrest is not going to be made, the officer shall remain at the scene until he is satisfied that the immediate danger of violence has passed and/or exhausted all appropriate options to protect the victim.
  4. If the offender has left the scene prior to arrival of the police, an attempt shall be made to locate and arrest the offender whenever appropriate. Standard investigation and follow-up will be followed, including:
    - a. Search areas offender frequents – bars, stores, place of employment, etc.
    - b. Have victim call police when offender returns, if search produces no results.
    - c. Obtain an arrest warrant or **criminal summons**.

5. In all cases of domestic disputes, violence/spousal abuse where this department has been called to intercede, a Complaint/Incident Report will be filed. Domestic Violence Incident Report Form (as prescribed by DCJS). A copy of this report must be provided to the victim even if incomplete.
6. When completing the case report the reporting officer is required to check "victim's right info given" in the "Person Involved" tab.
7. When a detective is fingerprinting the defendant in Live Scan he/she will insure that the "Domestic" box on the "Booking Tab" is checked.

**Domestic Violence/Spousal Abuse Arrest Guidelines:**

A. In all situations involving domestic violence, it will be up to a supervisor to respond to these types of calls to assist in all decision making:

1. Where the responding officer has probable cause to believe an individual has committed a **felony** against a victim, he will not attempt reconciliation, and an arrest will be made, even if the victim requests otherwise. As soon as possible after the arrest, a deposition will be taken from the complainant. This related to any felony in the Penal Law except Subdivisions 3, 4.9 of 155.30 (relating to Grand Larceny).
2. Where an officer has probable cause to believe that an individual has committed a **misdemeanor** or has committed a **violation** against the victim in the officer's presence, the officer will not attempt reconciliation and should arrest the offender unless the victim requests otherwise. When complainant/victim does NOT want offender arrested and/or indicates reluctance to prosecute, it is within the officer's discretion to effect an arrest if, in his judgment, an arrest is warranted. This determination can be based on the victim's fear of the consequences and the potential danger to the victim if the offender is not arrested.
  - a. If an arrest is made and the victim refuses to give a deposition, the officer can make the arrest and use a **misdemeanor** complaint to prefer charges against the offender.
  - b. In the event the victim refuses to press charges, she/he should sign on the complaint report attesting to this fact. All reasons why an arrest is not made should be documented in the report. (Domestic Violence Incident Report Form as prescribed by DCJS).
  - c. An officer may **not** ask a victim if she/he seeks to have the defendant arrested. For purposes of this order, where a misdemeanor or a violation occurs (in the officers presence) the officer will make the arrest unless specifically requested by the victim not to make an arrest.
  - d. Violation **not** committed in the officer's presence: **DO NOT ARREST**. With cooperation and deposition of victim you may file for criminal summons. You may advise the victim of procedure for civilian arrest and proceed to assist should the victim request, accompanied by the victim's deposition.

NOTE: Although the power of the police to make warrant less arrests in the home of the person arrested is limited (PAYTON V. NEW YORK), there is no limitation where there are exigent circumstances or where a victim has requested police assistance. Thus, in these situations, a defendant can be summarily arrested without a warrant even though he is in his home.

3. Where a police officer has probable cause to believe that the terms of an Order of Protection have been violated, the officer shall not reconcile or mediate the parties and shall arrest the offender. If the violation of the order is in itself one of the family offenses or some other crime, the offender should also be charged with that offense or crime and the victim must again be advised of their family offense right of choice of court.

Be aware that Orders of Protection and Temporary Orders of Protection may be issued by Local Criminal Courts, Supreme or Family Court.

1. Local Criminal Courts can issue Temporary Orders of Protection Sec. 530.13 of the C.P.L. extends this protection to victims of crimes other than family offenses. There must be an accusatory instrument on file for a Local Criminal Court to issue a protective order.
2. Family Court can issue a protective order simply upon the application of either party. The parties must be subject to the jurisdiction of the Family Court as outlined in the Family/Household definition, page 2, and “a” through “e”.

B. There is no requirement that a crime (felony or misdemeanor) occur in the officer’s presence. The victim or other witnesses may found the arrest upon factors other than the officer’s observations, including but not limited to physical injury, property damages, and signs of serious visible disruption and/or statements. The arrest can be made solely on the basis of probable cause.

C. As a clarification when making an arrest in the preceding categories, the officer may **NOT** use any of the following reasons for not making an arrest:

1. The offender lives on the premises with the complainant.
2. That there is NO Order of Protection in effect.
3. That there may be financial consequences caused by the arrest.
4. That the offender and victim are married or had a prior or existing cohabiting relationship.
5. That the victim has made prior calls or is a chronic caller
6. That the offender gives verbal assurances that he or she will not harm the complainant.
7. That the alleged injury is minor or not immediately visible.
8. That the victim may not be a willing participant in subsequent criminal proceedings.
9. That prosecution and conviction may not occur even though there exists probable cause to arrest.

D. **Victims must be told about the following:**

1. Their right to choose the court in which their case will be heard. Or to bring a case to both Criminal and Family Court.
  - a. They should be told that the Criminal Court is for the purpose of prosecution of the offender and may result in a conviction.

- b. Also, Family Court is for attempting to stop violence, end family disruption and provide protection. Counseling is also available.
  - c. Both courts have the authority to issue an Order of Protection, the purpose of which is to stop the violence and provide protection.
2. The victim of family violence may choose to file a criminal complaint, a Family Court Action or both.
    - a. It is of paramount importance that the responding officer makes an entry in the complaint report that the victim was advised of the choice of courts:
      1. You have the right to choose the court in which your case will be heard. You can go to Family Court or Criminal Court or both courts at the same time.
      2. A proceeding in the Criminal Court is for the purpose of prosecution of the offender and can result in a criminal conviction of the offender. You may choose the criminal court regardless of your relationship with the abuser.
      3. A Family Court proceeding is a civil proceeding and is for the purpose of attempting to stop the violence, end the family disruption and obtain protection. Referrals for counseling are available for this purpose. You may choose the Family Court if you are related to, married to, divorced from, or have a child in common with your abuser.
  3. Officer must provide complainant/victim with the “Rights of Victims of Family Offenses” form and have them sign and date the form. English/Spanish in a form Prescribed by D.C.J.S.) Appendix A
  4. Police officers MUST advise the victim of a family offense of the availability of a Shelter or other services within the community and immediately give the victim Written notice of the legal rights and remedies available to a victim of a family offense.

**Arrest Processing for Family Offense Arrests – Order of Protection in Effect:**

- A. Where the victim has elected to proceed in Family Court:
  1. Family Court **NOT** in session
    - a. Bring defendant to police headquarters for processing. No fingerprinting or photos.
    - b. Victim should fill out a supporting deposition.
    - c. After all processing and information along with the supporting deposition is filled, the defendant should be brought before local criminal court.
  2. Family Court **IN** session
    - a. Bring defendant to Family Court and turn over to Court Officers.
    - b. Victims must travel to Family Court and fill out a petition there.
    - c. Depositions or statements to be forwarded to Court.

**Arrest Processing for Family Offense Arrests – NO Order of Protection in Effect:**

A. Where the victim has elected to proceed in Criminal Court:

1. Bring the defendant to headquarters for booking as per departmental policy and procedure.
2. The victim will fill out a supporting deposition and information will be prepared for arraignment.
3. Paperwork is complete; arraign the defendant before the local Criminal Court Judge
4. The victim is not required to be present at arraignment, but his/her attendance should be recommended, especially if an Order of Protection is desired.

B. Where the victim has elected to proceed in Family Court, the victim will fill out a supporting Deposition and information will be prepared for arraignment.

If proceeding in both, the defendant should be arraigned in Criminal Court first, then transport the defendant to Family Court.

**Appearance Tickets/Bail:** Regardless of whether a victim chooses Family or Criminal Court, appearance tickets will **NOT** be utilized. If, in the opinion of the arresting officers, the defendant is a danger to himself/herself or others, bail does not have to be set, and a judge should be contacted. Appearance tickets shall not be utilized whenever a defendant is charged with violating an Order of Protection or when a defendant is charged with a felony family offense. When no appearance ticket is issued, the defendant will be brought before the proper court, i.e.: Family/Criminal.

**Orders of Protection:** Procedures for enforcement of Orders of Protection:

1. An Order of Protection is similar to a warrant of arrest.
2. Officer on the scene shall make an objective evaluation of the facts and circumstances surrounding the incident.
3. A lawful arrest may be made even though the victim is unable to present a copy of the order to the police.
4. If the officer has probable cause to believe that the terms of the protective order were violated, an arrest shall be made. There is no requirement that the prohibited behavior occur in the officer's presence.
5. Whenever an arrest is going to be made for violation of a protective order, a supporting deposition shall be taken from the complainant victim if possible. The deposition should indicate the terms were violated and describe how they were violated.
6. In all cases where an arrest is made for violation of an Order of Protection, it is advisable for the victim to be present at arraignment.
7. In many cases the offensive conduct prohibited by the Order of Protection will be conduct, which is independently unlawful. For example, a person who assaults another in violation of an Order of Protection, which prohibits assault has committed two (2) offenses and shall be charged with both the violation of the Order of Protection and the underlying assault. In such cases the victim must be informed (again) of their choice of Court.

8. An appearance ticket shall not be issued and pre-arraignment bail shall not be set when a defendant is charged with violating an Order of Protection, unless the Order of Protection has a recommendation of bail and the amount of bail to be set.

**Out of State Orders:** Orders of protection issued in another state shall be given full-faith and credit in New York. When an officer is presented with an Order of Protection issued in a state other than New York or by a Tribal Court, the officer shall attempt to determine its validity, similar to assessment of New York order. Unless **clearly invalid**, an out of state order shall be presumed to be valid. Said order shall be enforced in the criminal court of jurisdiction over the acts constituting the offense. If the validity of the out of state order is in question, the officer should arrest for a substantive charge is warranted, rather than for a violation of the order.

**Primary Aggressor:** Effective January 12, 1998, the primary aggressor law became part of the mandatory arrest provisions set forth in the Criminal Procedural Law, Section 140.10 (4) (C). The new statute clarifies that members of the police force attempt to identify the primary physical aggressor by considering four (4) listed criteria:

- a. The comparative extent of injuries
- b. Whether any such person is threatening or has threatened to cause future harm to a family household member.
- c. Whether any such person has a prior, ascertainable history of domestic violence;
- d. Whether any such person acted in self-defense.

The law also states that members should evaluate each complaint separately to determine who is the primary aggressor and shall not base the decision to arrest or not to arrest on the willingness of a person to testify or otherwise participate in a judicial proceeding.

A member shall not be required to make an arrest under this law if the member reasonably believes the person's conduct is justification under Article 35 of the New York State Penal Law.

Furthermore, a member shall not threaten the arrest of any person for the purpose of discouraging requests for police intervention.

**Victims Rights Notice:**

- a. Police must advise the victim of services available to them
- b. Police can accompany victims to their homes to retrieve essential personal effects
- c. Police can transport victims to a safe place or a medical facility
- d. The victim may request a copy of a police report at no cost to them
- e. A family offense can be heard in Family Court, Criminal Court or both Courts at the same time
- f. Victims are entitled to Orders of Protection which would require an abuser to stay away from them and that such orders of protection, in Family Court, can order temporary custody, and
- g. If Family Court is not in session; a Criminal Court can sit and issue a Family Court Order of Protection.

Victims Rights Notices will be offered to a victim/complainant in domestic violence cases that are classified as "family offenses", specifically:

- a. Harassment 1<sup>st</sup> and 2<sup>nd</sup> degree
- b. Disorderly conduct
- c. Assault 2<sup>nd</sup> and 3<sup>rd</sup> degree
- d. Attempted assault 2<sup>nd</sup> and 3<sup>rd</sup> degree
- e. Menacing 2<sup>nd</sup> and 3<sup>rd</sup> degree
- f. Reckless Endangerment 1<sup>st</sup> and 2<sup>nd</sup> degree
- g. Aggravated Harassment 2<sup>nd</sup> degree
- h. Stalking 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> degree

The Victim's Right Notice is restricted to persons who:

- a. Are legally married
- b. Are related by blood
- c. Were formerly married to one another
- d. Are related by marriage
- e. Have a child in common regardless of whether such persons have been married or have lived together at any time.

The Family Protection and Domestic Violence Intervention Act of 1994 establishes the crime of criminal contempt I the first degree as an offense related to family offenses. Criminal contempt in the first degree is not a "family offense" and must be prosecuted in the criminal court. Criminal Contempt in the first degree relates to violations of orders of protection. Members are required to deliver the Victim's Rights Notice by signing the DIR or other notes connected to the case. Refusal to sign should be indicated by the member.

The Victim's Rights Notice must be offered in cases of child abuse, serious assaults or other offenses not specified as family offenses. All cases of child abuse, whether obvious, suspected or alleged, must be investigated and officially reported to Child Protective Services by members of this department.

**Member of Police Service Involved:** The tour supervisor shall respond to the scene of all domestic violence incidents involving police officers, regardless of the involved officer's jurisdiction or rank. If the officer involved in the domestic violence incident is a higher ranking officer than the responding supervisor, an officer of equal or higher rank to the involved officer shall be notified and shall respond to the scene.

The supervisor shall assume command and contact an on-duty supervisor of the department who employs the officer or similar authority.

In cases where probable cause exists, an arrest shall be made in accordance with Article 140 of the Criminal Procedural Law and the foregoing Department Policy/Procedure.

Whenever a police officer is arrested, the tour supervisor shall relieve the accused officer of his/her service weapon regardless of whether the officer is a member of this or any other police agency. Where allowable under federal, state or local ordinances, all other firearms owned or at the disposal of the accused officer shall be removed to ensure the victims safety. If the victim is a police officer, the victim's weapon should be removed from the victim's premises to ensure the victim's safety.

Where an arrest is not made, an evaluation of the circumstances should be conducted to determine whether weapons should be removed from the premises.

Whenever a police officer is involved in domestic violence call results in a non-arrest, the on scene supervisor shall prepare the New York State Domestic Violence Incident Report Form Incident Report, which should include the details explaining all the reasons why an arrest was not made or a warrant was not sought.

The responding supervisor shall notify an on-duty supervisor in the accused officer's jurisdiction verbally and document this notification in the New York State Domestic Violence Incident Report as well as the offense report and blotter entries.

In cases where there is no on duty supervisor working, the patrol commander shall be notified, or should he/she be unavailable, another lieutenant.

**Civilian Arrest:** When a member lacks legal authority to make a warrant less arrest, the victim should be informed of an opportunity to make a civilian arrest. The officer as provided by this policy, however, shall not use such an arrest to substitute for an authorized arrest.

In all arrests, other than civilian arrests, the member shall emphasize to the victim and the alleged offender that the State and not the victim are initiating the criminal action.

**Firearms:** Upon arresting an individual who is licensed to carry, possess, repair or dispose of firearms, the arresting officer should, whenever practical, notify the arraignment court that the alleged offender is so licensed and also advise the court of the licensing authority and county of issuance.

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GENERAL ORDER #3.23

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**Policy and Procedural Guidelines for Handling Mentally Ill or Emotionally Disturbed Persons**

**Purpose:** To safeguard a mentally ill or emotionally disturbed person who does not voluntarily seek medical assistance.

**Policy:** The safety of ALL persons is paramount in a situation involving an emotionally disturbed person. If such person is dangerous to himself or others, necessary force may be used to prevent serious physical injury or death. Physical force will be used only as a last resort to protect the life of a member of the Ossining Police Department or any other person present. If an emotionally disturbed person is not dangerous, the person should be contained until assistance arrives.

In any case when there is time to negotiate, all the time necessary to insure the safety of all individuals concerned will be used.

**Definition of Terms:**

A. **Mental Illness:** Art. 1, Sect. 1.03, sub. 20 Mental Hygiene Law - means an affliction with a mental disease or mental condition which is manifested by a disorder or disturbance in behavior, feeling, thinking, or judgment to such an extent that the person afflicted requires care, treatment and rehabilitation.

B. **Voluntary Admissions:** Art. 9, Sect. 1.03, sub. 20 Mental Hygiene Law - The director of any hospital may receive as a voluntary patient any suitable person in need of care and treatment who voluntarily makes written application therefore. If the person is under sixteen (16) years of age, the person may be received as a voluntary patient only on the application of the director may in his discretion admit such person either as a voluntary patient on his own application or on the application of the person's parent, legal guardian or next of kin.

C. **Emergency Admissions - Powers of Police Officers:** Art. 9, Sect. 9.41 - Mental Hygiene Law: Any peace officer, when acting pursuant to his special duties or police officer who is a member of the State Police or of any authorized police department or force or sheriff's department, may take into custody any person who appears to be mentally ill and is conducting himself in a manner which is likely to result in serious harm to himself or others. "Likelihood to result in serious harm," shall mean:

1. Substantial risk of physical harm to himself as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that he is dangerous to himself, or
2. A substantial risk of physical harm to other persons as manifested by homicidal or other violent behavior by which others are placed in

reasonable fear of serious physical harm. Such officer may direct the removal of such person or remove him to any hospital specified in subdivision (a) of section 9.39 of the Mental Hygiene Law, or, if there be none, the health officer of the city or county of such action.

**D. Emergency Admissions - Powers of Directors of Community Services:** Art. 9, Sect. 9.45 - Mental Hygiene Law - The Director of community Services or his designee shall have the power to direct the removal of any person within his jurisdiction, to a hospital approved by the Commissioner pursuant to subdivision (a) of section 9.39 of this article if the parent, spouse, or child of the person, a licensed physician, health officer, peace officer, or police officer reports to him that such person has a mental illness for which immediate care and treatment in a hospital is appropriate and which is likely to result in serious harm to himself or others, as defined in section 9.39 of pursuant to their special duties or police officers where are members of an authorized police department or force or sheriff's department to assist representatives of such director to take into custody and transport such person.

**Procedure:** The guidelines outlined below to contain a mentally ill or emotionally disturbed person, and to organized the Department's response, should be followed unless specified conditions dictate otherwise.

A. First Officer at the Scene will:

1. Evaluate the situation, including:
  - a. Mental or emotional condition of person
  - b. Whether or not the mentally ill or emotionally disturbed person has used, threatened the use of or is conducting himself in a manner which is likely to result in serious harm to himself or others.
  - c. Determine whether or not an ambulance or other medical assistance is needed.
2. Inform the Tour Supervisor of the situation as soon as practical.
3. Ensure the safety of others in the area.
4. Attempt to isolate and contain the mentally ill or emotionally disturbed person until the arrival of the Tour Supervisor.
5. Ensure the security of any firearms or other dangerous instruments at the scene.

B. Tour Supervisor will:

1. Evaluate the situation, including:
  - a. Mental or emotional condition of person.
  - b. Whether or not the mentally ill or emotionally disturbed person has used, threatened the use of, or is conducting serious physical harm to himself/herself or others.
  - c. Determine whether an ambulance or other medical assistance is needed.
2. Ensure the safety of others in the area.
3. Ensure the security of any firearms or other dangerous instruments at the scene.

4. Attempt to isolate and contain the mentally ill or emotionally disturbed person.
  5. Arrange to have the Department's emergency vehicle brought to the scene if needed.
  6. Arrange for the assistance of any individuals, e.g.: Crisis Intervention, as needed.
  7. Notify the Patrol Division Commander if the mentally ill or emotionally disturbed persons are armed with or is threatening the use of a deadly weapon or dangerous instrument.
  8. Ensure that an adequate number of personnel remain available to respond to other calls for service.
  9. Formulate a plan of action to handle the situation.
  10. Arrange for a Department hostage negotiator to respond if the circumstances require it.
    - a. Refer to "Policy and Procedure - Hostage/Barricaded Subject Situations" and follow its guidelines.
  11. Supervise the use of the Department's non-lethal means of restraint, including: restraining devices and oleoresin capsicum.
    - a. Use of the Department's non-lethal means of restraint should be accomplished in a manner designed to reduce the possibility of injury to the mentally ill or emotionally disturbed person, as well as emergency service personnel and others who may be present.
- C. When the emotionally disturbed person has been restrained, he/she should be transported to either police headquarters if there is to be an arrest or to the Westchester County Medical Center, by ambulance.
1. A police officer may be assigned to either ride in the ambulance or to follow behind the ambulance in order to safeguard all involved.
  2. Upon arrival at the Westchester County Medical Center, the police officer will safeguard all involved until the mentally ill or emotionally disturbed person has been delivered to a member of the hospital staff.
  3. The police officer shall prepare a Incident/Complaint Report with all pertinent information, including the name and title of the member of the hospital staff the mentally ill or emotionally disturbed person was delivered to by the ambulance crew.

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GENERAL ORDER #3.24

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**HOSTAGE/BARRICADED SITUATIONS**

**Purpose:** To define command responsibility and operating procedures for hostage/barricaded subject situations.

**Background:** Supervisory actions must build on the basic process of containment and control initiated by the first officer at the scene. In such emergency situations, effective coordination requires that a single clearly defined command structure exists and that every aspect of the Department's response be carefully controlled and directed through that framework.

**Policy:** At the scene of a hostage/barricaded subject, the highest ranking officer of the Patrol Services Division will have overall authority and responsibility for all police action, until relieved by an officer of higher command. If two or more patrol supervisors are present at the scene, command authority rests with the member assigned as Tour Supervisor, he will be in charge or in cases of where a second line supervisor (lieutenant or above) are present and of equal rank, the senior command officer will take charge except that with the arrival of the Patrol Division Commander, he/she will take charge.

All relief of command will be accomplished as quickly and smoothly as possible. Supervisors will provide their relief with a complete and timely briefing of all aspects of the hostage/barricaded subject situation. The arrival of a higher ranking officer does not automatically require the transfer of command. Upon review, the higher ranking officer may decide to leave the level of execution with the officer already effectively in charge. This decision does not, however, relieve the higher ranking officer of overall responsibility for the scene.

The ultimate objective of the Department in these situations is to safeguard all human life. All strategy decisions at a hostage/barricaded subject scene are to be made by the commanding officer.

The first arriving supervisor must begin the process of establishing an effective on-scene command organization. To minimize the chance of confusion regarding command, supervisory personnel should not respond directly to the inner perimeter. All supervisory personnel should report directly to the designated command post so that specific assignments may be defined. Any personnel without a direct role in the containment or control of the incident should refrain from entering the inner perimeter.

**Procedure:** Basic procedures outlined below to contain the situation and organize the Department's response should be followed unless specific conditions dictate otherwise.

1. First supervisor at the scene will:
  - a. Designate a Command Post (refer to Appendix A for Command Post set-up guidelines)
  - b. Arrange to have the Department's emergency service vehicle brought to the Command Post
  - c. Direct HQ to place the appropriate ambulance service on stand-by.

- d. Ensure that an inner perimeter and an outer perimeter are established and that sufficient personnel are assigned to the inner perimeter to establish an effective buffer for crowds and traffic. The supervisor should ensure that all personnel have taken cover, stay out of the subject's sight, and are not in cross-fire positions.
  - e. Direct all responding members of the force to report to the Command Post for assignments and briefing.
  - f. Direct all personnel to maintain strict firearms discipline.
  - g. Ensure that all civilian personnel have been evacuated from areas of potential danger.
  - h. Direct HQ to notify the appropriate Division Commander.
  - i. Ensure that an adequate number of personnel remain available to respond to other calls for service.
2. Continuing Command and Control: The Department recognizes that the specific circumstances presented in each hostage/barricaded subject situation will vary greatly. Therefore, the commanding officer must be allowed the widest possible latitude in developing and implementing the strategies to ring the situation to a successful conclusion. The steps outlined below should, however, guide the actions of the commanding officer once the initial confrontation situation has been stabilized.
- a. Evaluate the situation and the actions previously taken by the officers and supervisor at the scene. Ensure that a safe and effective containment and confinement have been achieved.
  - b. Determine the adequacy of designated Command Post considering:
    1. Safe access by personnel
    2. Amount of personnel and equipment to be mobilized
    3. Other agencies involved
    4. Availability of space for administrative and clerical work
    5. Adequacy of space for administrative and clerical work
    6. Probable duration of the incident
    7. Parking requirement, and
    8. Convenience to their facilities (e.g. staging area, press information)

If an ideal building cannot be identified, it may be necessary to operate the Command Post out of a Police Department vehicle (120) or, the Westchester County Department of Public Safety Communications Van, CD-3 (Appendix "C")

If it becomes necessary to reposition the Command Post, the desk officer should be notified. Leave information conspicuously posted regarding the new location.

- c. Organize and assign personnel to accomplish necessary command functions. These will include but are not limited to:
  1. Executive Supervision: to oversee records, clerical functions, and the maintenance of an action log at the Command Post.
  2. Communication Supervision: to oversee and direct telephone, radio and messenger services. Communications between the perimeters, negotiators or any special tactical groups should be handled through the Command Post. As a general rule, radio traffic should be kept to a minimum.

3. Intelligence Supervision: (preferably the Detective Division Commander where possible) to interview witnesses and inner perimeter personnel.
4. Press Information Liaison: To maintain on-going contact with the news media. This liaison with the media should take place away from the Command Post, preferably at a Press Information Center.
5. Inner Perimeter Supervision: to oversee police operations at the inner containment perimeter.
6. Outer Perimeter Supervision: to oversee operations at the outer perimeter so as to insure highly restricted access to the area and a controlled response route for emergency vehicles, and
7. Tactical Assault Team Supervision: To organize and supervise specially trained and equipped personnel for any rescues or proactive maneuver ordered by the Commander to apprehend or neutralize the perpetrator.

The scale of each hostage/barricaded subject situation will dictate whether each of the above functions should be assigned to an individual supervisor or whether they can be assigned in combinations. Sufficient personnel should be assigned as needed to assist each supervisor in the accomplishment of his defined role. **All excess Personnel should be immediately cleared from the area and returned to regular duties.**

- d. As soon as practicable, debrief the personnel who established the initial containment and other knowledgeable persons and witnesses to determine:
  1. The identity and characteristics of the subject.
  2. The identity and characteristics of any hostages
  3. The immediate environment of the barricade, and
  4. The nature and atmosphere of the surrounding scene
- e. Determine who will negotiate with the subject and decide who, in addition to the negotiators, may speak to the subject. The negotiation process should be conducted by a trained hostage negotiator. If one is not available within the Department, the Department will seek outside assistance from another Law Enforcement agency. The designated negotiator will serve as principal advisor to the Commander regarding all aspects of negotiation and interaction with the subject. The Westchester County Crisis Intervention Team may be contacted for assistance in this regard.
- f. Establish an action log at the Command Post. This log should document all activity, personnel involved, assignments, equipment control, and notifications. Record, if possible, the operation on either a videocassette recorder or a tape recorder. Personnel records should record the following:
  1. Personnel at the scene by name, rank, shield number
  2. Their commands (i.e., detective, patrol, etc.)
  3. Their time of arrival at scene.
  4. Their assignment and the location of that assignment
  5. Time relieved of assignment and by whose authority
  6. Re-assignment if any

g. Keep the desk officer constantly informed of the on-scene situation.

h. Keep personnel on the inner and outer perimeter informed regarding current information on the location and descriptions of the subject, any hostages, and any involved police personnel in civilian clothing.

Note: The only person who may be in civilian clothes, who should be permitted inside the perimeters is the hostage negotiator. All personnel involved in the containment should make officers aware of his or her presence and what he/she is wearing before he/she enters the perimeter.

i. Acquire, assign and position any specialized equipment or personnel necessary for the effective management and resolution of the situation. Confederation should be given but not limited to the following:

Body Armor	Police Command Post Van (120)
Fire Trucks	Portable Public Address(Bull Horn)
Special Weapons	Binoculars
Night Vision Device	Audio and Visual recorders
Portable Lighting	Utilities (Con Ed )
New York Telephone Co.	Ossining Water Department
Sanitary Facilities	
Helicopter (where available from other Agency)	
Food and Beverages for Police Personnel	
Specialized Personnel- sniper, chemical agents, Westchester County Crisis Intervention, Hostages Negotiators.	

Note: Refer to Appendix "B" LEAN Network of specialized equipment and services.

j. Designate a location for a Press Information Center. All information and releases should be channeled through this center. Reporters or other media representatives must agree to stay inside the media center. All interviews must be cleared through the Public Information Officer at the scene. Live television and radio broadcasts of the scene should be restricted (by distances from inner perimeter).

k. As time permits, establish a planning group ("think tank") to help anticipate problems and to develop strategies or any special actions to be taken in the event negotiations fail.

l. In hostage situations you cannot exclude the possibility that the captor may force a change of locations. Such circumstances may require that:

1. A non-police type vehicle be furnished to the subject with a non-uniformed member who is a trained negotiator as driver with a

weapon concealed in the vehicle.

2. That vehicle should be equipped with a device to monitor conversations within.
3. A "tracking" device be placed on that vehicle to facilitate surveillance.
4. Helicopter cover to follow the vehicle, and
5. Qualified rifle marksman under supervision to be utilized, if necessary, to incapacitate the criminal prior to leaving in the vehicle.

Such mobile hostage situations require a minimum of three chase vehicles with personnel for future containment, negotiation, and command. Coordination will be required with any jurisdictions that are passed through or are the destination of such hostage situation movements. Details of such relocations must be carefully planned in conjunction with the hostage negotiator. Therefore, as soon as a move is mentioned, immediately notify potentially affected jurisdiction. The negotiator should stall the move as long as possible.

- m. Once the subject has been apprehended, secure the crime scene and direct assigned personnel to complete their investigation.
- n. Secure and effect return of all special equipment issued during the course of the incident.
- o. When the Command Post is discontinued, the date, time and authority for the discontinuance shall be entered in the log. The ranking officer in charge at the time shall enter his/ her signature under the last entry. The log shall then be forwarded to the M.I.S. (Records) Division where it will be attached to the case file.

3. Post-Action Critique: The Chief of Police will schedule and conduct an after-action review of the Department's handling of a hostage/barricade subject situation. Conclusions resulting from that review will be incorporated into subsequent training and revisions of policy and procedures.

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**RESPONSIBILITY AT THE SCENE OF INCIDENTS**

Revised 06/20/2019

**Purpose:** To establish responsibility of Department personnel and standardize methods used to process the scene of an incident.

**Background:** Law enforcement personnel frequently respond to scenes of incidents such as crimes, serious motor vehicle accidents, suicides and other incidents which require the scene to be processed in an orderly and through manner that will aid in determining what occurred, who may be responsible for the incident, how the incident occurred and where the incident occurred. The processing offenses must also be carried out in a manner consistent with legal requirements in order to withstand a challenge in court. This General Order has been developed to guide the Department personnel during their response to, and processing of the scene of an incident.

**Policy:** It is the policy of this Department to use all of its resources to bring about a successful conclusion to every investigation. It is the responsibility of all personnel to respond to, investigate and process the scene of a crime, possible crime, fatal or serious motor vehicle accident, possible suicide, or , other serious incidents in a manner consistent with General Order and, crime scene and evidence processing and training received by Department personnel.

Further, it is the responsibility of any member who takes action regarding an incident, or, has information regarding an incident being investigated by this or another law enforcement agency, to document his or her actions taken, or information regarding such incident.

Responsibility for processing the scene of an incident shall be determined as follows:

1. Fatal or serious motor vehicle accidents are the responsibility of the Patrol Division.
2. Crimes, possible crimes, suicides, and other serious incidents are the responsibility of the Detective Division.

**Procedure:**

1. The responsibilities of the Initial Responding Officer include:
  - a. Self protection.
  - b. To render necessary aid
  - c. To conduct a preliminary search of the scene for additional victims and perpetrators.
  - d. To make note of any apparent items of evidence to be brought to the attention of the responding investigators.
  - e. To protect the scene, including the exclusion of all persons who do not have an authorized role in investigating the incident.

- f. To identify all participants, including victims, witnesses and suspects.
  - g. To inform headquarters of circumstances of the incident and request necessary assistance.
  - h. To maintain control over the scene, including the documentation of the names, ranks, titles, and purpose of each person who enters the scene.
  - i. To document his or her own observations and actions in a detailed Incident Report or supplementary Investigation report, where follow-up has occurred.
  - j. To determine if the incident is in the jurisdiction of some other law enforcement agency, and if so, to notify headquarters which agency has jurisdiction.
2. The responsibilities of the Tour Supervisor include:
- a. To supervise the conduct of the response and investigation, including assigning additional officers to respond and notifying and coordinating with responding emergency services, as well as non-emergency services.
  - b. To evaluate the incident to determine if additional assistance is needed.
  - c. To determine if the incident is in the jurisdiction of some other law enforcement agency, and if so, to cause such agency to be notified.
  - d. To ensure the responsibilities of the Initial Responding officer are being carried out
  - e. To determine whether or not a detective will be needed to process the scene for evidence, and if so, to cause the Detective Division Commander, the duty detective, or the on-call detective to be notified of the need for a detective to process the scene.
  - f. When the incident is a fatal or serious motor vehicle accident in which death may result, the tour supervisor is to notify a member of the Department who is a trained accident investigator to respond and process the scene of the incident according to the following:
    - 1. any on-duty accident investigator
    - 2. when no trained accident investigator is on-duty then, the trained accident investigator who can respond first is to be assigned.
  - g. To determine whether or not the incident requires the presence of a division commander, and if so to cause the appropriate division commander to be notified.
  - h. To determine whether or not an incident requires setting up perimeters to secure the scene and protect the public, and if so, to establish an inner perimeter at a safe distance from the scene, and establish an outer perimeter at locations that will permit the safe movement of pedestrians and vehicles around the scene of an incident.
  - i. To determine whether or not a command post will be necessary in order to manage the incident, and if so, to set up a command post in an area that is outside the inner perimeter, but within the outer perimeter.
  - j. To review all documentation submitted by members of the Department for thoroughness, clarity, accuracy, and whether or not the incident requires further investigation.
3. Responsibilities of Detective Personnel generally encompass processing the scene of an incident for evidence, as well as other locations connected to the incident, identifying and interviewing additional witnesses and/or victims, and any other follow-up investigation needed to

close out the investigation by one of the following categories:

Arrest, or  
Exceptional Clearance, or  
Investigation, or  
Inactive.

Detectives assigned to process the scene of an incident shall document their activities on an Investigation Report or Supplemental Investigation Report. When processing the scene of an incident the detectives will generally adhere to the following guidelines:

- a. Approach the scene alert for evidence of a variety of things which may ultimately be connected with the investigation, i.e. : people, vehicles, and objects in the area of the incident.
- b. Secure the scene by identifying and establishing perimeters for the preservation of evidence, and to protect the secure area from disturbance to the original conditions of the scene.
- c. Conduct a Preliminary Survey of the scene to:
  1. Establish administrative and emotional control
  2. Identify and secure the area to be searched
  3. Organize the methods and procedures needed
  4. Develop a general theory of the incident
  5. Identify and protect transient evidence; and
  6. Prepare a narrative description of the incident
- d. Prepare a Narrative Description of the incident, documenting the original condition of the scene as found by law enforcement personnel.
- e. Photograph the scene, including overall, medium and close-up photographs. Photos must document the location of the incident, results of the incident, physical evidence created by the incident and follow-up photography not conducted at the scene of the incident. Each photo shall have a photo number created by the camera, and contain metadata which documents the following:
  1. Date and time of photos
  2. Camera location and direction it was facing
  3. Whether a flash was used
  4. Make of camera used
  5. Lens information

A Video Camera may be used to document the scene of an incident in addition to still photos. When a Video Camera is used the member of the detective division responsible for processing the scene of the incident will decide whether or not a sound recording shall also be made. Whenever a Video Camera is used to document the scene of an incident the detective who videos the scene shall maintain the Video Log. In the event the Video is being done by an officer other than the detective responsible for processing the scene, said Video will be made at the direction of the detective responsible for processing the scene. The detective shall maintain a Video Log which shall include:

1. Date and time video was made
  2. Kind of lighting used
  3. Make of video camera used
  4. Weather conditions at the time the video was made
  5. Whether the Video camera was used in the automatic or manual mode.
- f. A sketch which completely documents the conditions of the scene, depicting true distance relationships of items found at the scene of the incident.
- g. An Evaluation of latent fingerprint evidence and other physical evidence found at the scene. The purpose of this evaluation is to assist in organizing a detailed search for evidence.
- h. Conduct a Detailed Search of the scene of the incident for evidence, collecting, documenting and packaging each piece of evidence in accordance with General Order # 3.50
- i. Conduct a Final Survey of the scene of the incident. The purpose of this Final Survey is to review all circumstances from the beginning of the investigative process to ensure that all elements of the scene have been considered and compared with one central idea - has the investigation of the scene of the incident considered all possibilities of telling the story of the incident.
- j. The member of the detective division who is responsible for the investigation at the scene of the incident shall release the scene to a command or supervisory officer only after verifying that all assignments that pertain to processing the scene have been completed. The detective shall advise the division commander, or other supervisory officer who is responsible for the incident that the processing of the scene has been completed.
4. Responsibilities of Department Accident Investigators assigned to process the scene of a fatal or serious motor vehicle accident generally encompass identifying, preserving and collecting physical evidence found at the scene of the incident, photographing and sketching the scene. Accident Investigators will prepare a Supplementary Investigation Report detailing their actions taken, as well as documenting the results of the investigation. Accident investigators will generally process the scene of an incident in a manner consistent with #3 above, Responsibilities of Detective Division Personnel.
5. Upon being advised by the Detective or Accident Investigator assigned to process the scene of an incident that the processing has been completed, the division commander, or, other supervisory officer who is responsible for the incident shall verify that all assignments have been completed and the scene is safe for normal use. Upon receiving verification the division commander or other supervisory officer responsible for the scene may then Release the Scene, and the following shall be notified:
- a. All police personnel
  - b. Any other emergency service agency involved
  - c. Any non-emergency service involved
  - d. The owner/person responsible for the property
  - e. The general public



GENERAL ORDER #3.26

PAGE 1 OF 3

**POLICY AND PROCEDURAL GUIDELINES FOR HANDLING  
BOMB/EXPLOSIVE RELATED INCIDENTS**

Revision Date:1/21/2009

**Purpose:** To define the operating procedure and command responsibility for bomb threats and/or explosive related incidents and/or the discovery of suspicious package or devices relating to explosives.

**Background:** Police deal with bombs and explosive materials of various kinds in different situations. The existence of explosives in each situation either has a malicious or non-malicious intent. Regardless of the intent, any explosive material is extremely dangerous and should be handled only by an expert. It should be remembered that the use of a radio transmitter or cellular telephone around an explosive device could be a fatal mistake. It must be remembered that anything could be used as a trigger to a bomb: a light switch, telephone, etc. In addition, where the explosive danger is due to some type of flammable or explosive gas, the smallest spark could cause an explosion. Your primary concern as a police officer when investigating this kind of complaint is the safety of all concerned.

**Policy:** At the scene of a bomb threat or possible explosive device complaint, the highest ranking officer of the Patrol Services Division will have the overall authority and responsibility for all police action until relieved by any Ossining Police Department officer of higher rank. The primary objective of the Department in these situations is to safeguard all human life. Of course, the protection of property and identifying those persons responsible and their ultimate arrest and conviction must also be considered.

**Procedures:** The basic guidelines outlined below list the Department's response to such complaints and should be followed unless specific conditions dictate otherwise.

**Desk Officer:** When receiving a report of a bomb threat and/or explosive related incidents and/or the discovery of suspicious packages or devices relating to explosives, he/she should:

1. Obtain as much information as possible
2. Determine if Division Commander (s) should be notified.
3. Insure adequate personnel remain on duty if additional patrol units are assigned to the bomb/explosive investigation.
4. Interview person in charge or cause this person to be interviewed.

**Investigating Officer:** (First Responding Officer)

1. Upon arrival at scene, interview the person in charge of the establishment, gathering all possible information. Inform the person in charge of the establishment that the decision to evacuate or not should be made by the establishments management. Advise the establishment as to their possible options including, but not limited to;

- Sheltering in place with search by employees for out of the ordinary
- Sheltering within a safer or easier to search portion of the facility
- Evacuation
- Evacuation/Dismissal (schools)

The decision as to what option to choose should be based to some degree on the credibility of the threat, a threat's credibility can be weighed by considering some of the following;

- History of threats to establishment
- Specificity of threat
- Political sensitivity of facility i.e. Religious institutions, government buildings etc.
- Sensitivity of facility in regards to Homeland Defense i.e. municipal infrastructure, utility infrastructure, transportation structure, water supply etc.
- Current political climate i.e. current Homeland Defense Threat level, bombings or threats against other similar facilities

2. If an evacuation is to be made, render assistance. Do not use elevators during an evacuation.

3. Recommend that a thorough search be conducted. The final decision to conduct a search is the responsibility of the person in charge of the establishment.

4. If a search team is organized, consider the size of the area to be searched, the available time, and availability of persons to conduct the search.

- a. In the interest of speed and practicality, suggest that the search team be comprised of responsible employees familiar with the area to be searched at the establishment. The size of the search team should be kept to a minimum.
- b. Insure that the search team has mirrors and screwdrivers for use in looking under furnishings and inside enclosed fixtures.
- c. Caution the searcher that they should not touch or move any unusual objects they locate while conducting this search.
- d. Inform the searchers to report the exact location and description of any suspicious packages to the command post.
- e. To prevent injury to bystanders, arrange to keep them outside an appropriate perimeter
- f. If you have a need to communicate with the station, use a land line phone and not the radio to avoid the possible detonation of a bomb.
- g. Consider the use appropriately trained dogs for the search.
- h. Turn off all air conditioning and heating units when searching. This will enable the search team to detect any audible timing device.
- i. If any actual or suspected explosive device is located, secure the scene and request the assistance of the Westchester County Bomb Squad. The appropriate fire department and

ambulance should be contacted and asked to respond. The fire and ambulance equipment and personnel should stand-by in a safe area in case they are needed. Take no further action concerning the device. Await the arrival of the bomb squad. However, you must be cognizant of the possibility that there may be more than one device.

**Written Threats:** Secure all material including the container, i.e.: envelope, box bottle, etc. or the written treat. Handle it with care so the evidentiary value will be preserved.

**Miscellaneous:**

1. Many bomb threats are false reports initiated to create excitement or disruption. The attention drawn by the arrival of emergency vehicles may stimulate repeated bomb threat calls. Therefore, the approach of emergency vehicles should be as unobtrusive as possible.
2. Insure that building maintenance personnel are standing by with master keys to all doors and locks.
3. Open all doors and windows in the building being searched to minimize damage should the explosive device detonate.

**Post Blast Procedures:**

1. Assume that there is a second device in the complex and keep all unnecessary persons outside the perimeter.
2. Check with building management to ascertain if there are any hazardous materials in the building which may have been released.
3. If a command post has not already been established, one should be established outside the 1000 foot perimeter to coordinate activities with all responding agencies.
4. Determine if the blast should be reported to the Joint Terrorism Task Force.
5. Rope off and erect "Crime Scene" signs around the viewing distance of the blast (Crime Scene Perimeter).
6. Do not allow other than essential vehicles/persons inside the roped areas.
7. If possible, restrict all access to the crime scene area by nonessential personnel. If this is not possible, a viewing area may be established through a controlled access corridor.
8. The responsibility for the handling of a Bomb/Explosive related incident in the post blast phase is the responsibility of the Detective Division.

A handwritten signature in black ink, appearing to read "K. J. [unclear]", located at the bottom right of the page.

**COMMUNICABLE DISEASES AND HUMAN BITES**

Revised 06/18/2019

**Purpose:** This General Order has been prepared to guide officers in limiting their exposure to communicable disease and, additionally, to advise them of their rights under OSHA guidelines under 29 CFR Part 1910.1030.

**Background:** Law enforcement officers have real concerns about communicable diseases, primarily Hepatitis B Virus (HBV), HIV (AIDS), and Tuberculosis (TB). Some law enforcement activities involve contact with persons who may be infected with a communicable disease. Common concerns involve searches, assaultive behavior, bites, evidence handling, CPR, and body removal. The following guidelines are based on the most current knowledge available as reported in the June, 1990 publication of the National Institute of Justice, "AIDS and the Law Enforcement Officer" and the January, 1990 publication of the New York State Department of Health, "A Prehospital Care Provider's Guide to AIDS." It should be noted that information as to communicable diseases is continually changing.

**Policy:** The Department is committed to providing the information and equipment needed by its members to fulfill their duties in a way that minimizes their risk during the handling of responses that may involve exposure to communicable diseases. The Department will periodically provide employees with up-to-date safety procedures and communicable disease information that understanding of the nature and potential exposure while increasing their understanding of the nature and potential risks of communicable diseases.

The Department will try to do all that it can to keep this order current with OSHA and New York State Health Department guidelines related to communicable disease. All members of the Department are asked to cooperate in this area by calling the attention of their immediate supervisor to any change in medical knowledge related to communicable diseases.

**Definitions**

1. **Acquired Immune Deficiency Syndrome (AIDS):** A blood-borne and sexually transmitted disease that results from a virus invading the body, damaging the immune system, and thereby allowing other infectious agents to invade the body causing disease and death.
2. **Communicable Disease:** Those infectious illness that are transmitted through contact with the infectious materials of an infected individual.
3. **Hepatitis:** An inflammation of the liver. It can be caused by infectious hepatitis, but Hepatitis B (HIV) presents the greatest risk to workers occupationally exposed to blood and other potentially infectious materials.
4. **HIV Related Illness:** Refers to a variety of conditions caused by infection with the AIDS virus. These conditions range from mild to life-threatening.

5. Infectious Materials: Liquid secretions including blood, semen, vaginal or other secretions that contain fluids, such as: saliva, vomit, urine, or feces.

6. Tuberculosis (TB): A viral respiratory infection spread from person to person through tiny airborne particles.

**Transmission/Symptoms/Treatment:**

1. AIDS/HIV: Spread through infectious materials, primarily blood, semen and vaginal secretions. HIV is transmitted by sexual contact, by needle sharing, and through contaminated blood products. An infected woman can pass the virus to her fetus.

HIV is not transmitted by casual contact, touching, shaking hands eating food prepared by an infected person or from drinking fountains, telephones, toilets or other surfaces.

Occupationally, the virus has been transmitted by sticks from contaminated needles and by mucous membrane or non-skin contact with contaminated blood.

Persons who are infected with AIDS/HIV may have no symptoms, may have an HIV related illness or may have AIDS. Individuals with HIV Related Illness may have enlarged lymph nodes, a fungal infection of the mouth, fatigue, weight loss and other problems associated with the immune system. AIDS is frequently diagnosed when the patient develops symptoms consistent with a depressed immune system.

To date, no vaccine is available to prevent AIDS/HIV infection and no drugs have been developed to "cure" AIDS.

2. HEPATITIS B: Like AIDS/HIV Hepatitis B is transmitted by sexual contact, needle sharing, through contaminated blood contacting skin wounds, other breaks in the skin and mucous membrane, and contact with contaminated blood or blood products. An infected mother can transmit the virus to her fetus.

Hepatitis B, like AIDS/HIV, is not transmitted by casual contact. Occupational risk of Hepatitis B infection directly relates to the extent of a workers contact with infected blood or blood products.

Many people who are infected with Hepatitis B never develop any symptoms. The usual symptoms, however, of acute infections include fatigue, mild fever, muscle and joint aches, nausea, vomiting, abdominal pain, diarrhea and jaundice. Severe infections may be fatal. Chronic carriers of Hepatitis B may develop a chronic hepatitis that may progress to cirrhosis, liver cancer or death.

A Hepatitis B vaccine is available that is safe and effective in the prevention of infection. This vaccine is recommended for persons at risk of infection; this includes health care and emergency service workers.

3. TUBERCULOSIS: TB is spread through tiny airborne particles containing tubercle bacilli. These particles are produced when persons with active TB of the lung or larynx sneeze, cough, speak or sing. A susceptible individual may inhale the bacilli by sharing the same airspace for a prolonged time with a person having active pulmonary TB. The bacilli then travels into the lungs. If they reach the air sacs of the lung and multiply, TB infection begins.

Persons at highest risk of acquiring infection with tubercle bacilli are close contacts: those living in the same household with the infectious case, close friends, or fellow workers who daily breathe the potentially infectious air from a person with undiagnosed or untreated pulmonary TB.

Occupational risk of TB infection is seen to be increased with repeated, prolonged, close contact within a confined airspace with an infectious individual. Most persons with an active healthy immune system who become infected with TB never develop active TB nor become contagious.

The early symptoms of established TB infection may include a cough, weight loss, fever, enlarged lymph nodes and night sweats. Progressive destruction of lung function may lead to fibrosis, breathing difficulty and death.

A Purified Protein Derivative (PPD-Mantoux) skin test can demonstrate past exposure of a previously infected individual. Treatment for TB includes a group of antibiotics specifically effective against the tubercle bacillus.

The hazards associated with TB have increased with the development of Multiple Drug Resistant strains of TB (MDRTB). Many of these strains are resistant to up to six of the standard antibiotics normally used to treat the disease. With the delay of effective drug therapy, patients remain in an infectious state for longer periods of time, thereby increasing the risk of infection to those around them.

### **Procedures:**

#### **General Precautions (Universal Precautions)**

- 1. To minimize potential exposure to communicable diseases, employees should assume that all persons are potential carriers of a communicable disease.**
2. Disposable Gloves should be worn when handling any person's, clothing or equipment with infectious materials on them.
3. Hands should be washed after removing gloves or as soon as possible after contact with infectious materials.
  - a. Gloves should be rinsed before removal and disposed of in a normal fashion.
  - b. Hands should be washed using hot water and soap. In the event water and soap are not available alcohol or antiseptic towelettes may be utilized.
4. Protective eye/face wear and coveralls should be worn whenever splashes, spray, splatter or droplets of blood or other potentially infectious materials may be generated, and eye, nose, or mouth contamination can be reasonably anticipated.
5. Plastic mouthpieces with one-way valves or other authorized barrier resuscitation devices should be used whenever an employee is required to perform rescue breathing or CPR.
6. All sharp instruments, such as: knives, scalpels and needles, should be handled with extraordinary care and should be considered contaminated.
7. Officers should not place their hands into an area where sharp instruments might be hidden. An initial

visual search of the area should be conducted using a flashlight where necessary. A mirror may also be used to assist in a search when necessary.

8. Officers should use great caution in searching the clothing of suspects. Individual discretion, based on the circumstances at hand, should determine if a suspect or prisoner should empty his/her own pockets rather than having the officer remove the contents. The person should then be required to turn the pockets inside-out for inspection.

9. Officers should not place their fingers in or near any person's mouth, unless performing standard victim rescue techniques and while wearing gloves.

10. Employees should not smoke, eat, drink, or apply make-up in or around area that may be contaminated.

### **Special Precautions**

1. Needles should not be recapped, bent, broken, and removed from a disposable syringe or otherwise manipulated by hand.

a. Needles, syringes, razor blades, scalpels, etc.. that have been turned into the Department for disposal should be carefully secured in a puncture-resistant evidence tube, located in the Evidence storage area or other secure container, tagged, and secured within an evidence locker. The Property and Evidence sheet will be clearly marked:

"NO EVIDENTIARY VALUE - TO BE DESTROYED"

b. It is the responsibility of the Property and Evidence officer or his/her designee to:

1. Carefully remove the items and place them into the red BIOHAZARD MATERIALS container maintained by the Property and Evidence Room by the Detectives,

2. Periodically inspect the container and replace as necessary. Full containers are to be transported to Phelps Memorial Hospital Emergency Department for disposal. A new container will be provided at no cost.

2. Needles, syringes, razor blades, scalpels, etc.. that are to be retained for evidence, are to be carefully secured in a puncture-resistant evidence tube or other secure container, tagged and secured within an evidence locker in the Detective Division.

3. All items which contain infectious materials should be properly packaged and clearly marked with a BIOHAZARD sticker, located in Evidence storage area. This marking should be on the outside of the package and be clearly visible to anyone who may handle it.

4. When any of these items are secured within the rear evidence room a red "CAUTION" sign should be placed on the exterior of the evidence room. "Caution" signs are located in the Detective Division.

5. The "CAUTION" sign will be removed by the Property and Evidence Officer (Detective) or his/her designee and returned to Detective Division.

Transport and Custody

1. No officer should refuse to arrest or otherwise provide customary police services to any person who may have a communicable disease. Officers should utilize the provided equipment or devices whenever necessary.
2. Individuals with infectious materials on their person should be transported in separate vehicles from other individuals.
3. During the transfer of custody, Officers should notify support personnel, who come in physical contact with a suspect, of knowledge that body fluids are outwardly present on the suspect and/or that the suspect has stated that he/she has a communicable disease.

**Such notification should include information concerning whether the individual has an HIV infection, a HIV related illness, or AIDS only where the suspect has provided written authorization pursuant to Article 27-F of the Public Health Law.**

Notification of HIV related illness given pursuant to the above-mentioned written authorization should be accompanied by the following statement:

*"This information has been disclosed to you from confidential records which are protected by State law. State law prohibits you from making any further disclosure of this information without the specific written consent of the person to whom it pertains, or disclosure in violation of State law may result in a fine or jail sentence or both."*

A general authorization for the release of medical or other information is NOT sufficient authorization for further disclosure.

An oral disclosure should be accompanied or followed by such a notice within ten days.

4. During the transport or confinement of subject identified as potentially infected with, or, a carrier of TB, the Officer will offer a protective face mask to be worn by the suspect. If this is not possible, the Officer should wear a protective face mask when there is a possibility of repeated, prolonged close contact.
5. During the transport of a confirmed or suspected active TB subject, the rear windows of the vehicle should be kept open, when feasible, and the heating/air conditioning system should be set on a non-recirculating cycle.
6. Officers should notify relevant support personnel, during the transfer of custody, of a suspect's confirmed or suspected active TB status so that proper protective measures may be taken.

**Disinfection**

1. Any unprotected skin surfaces that come into contact with infectious materials should be immediately and thoroughly washed with hot running water and soap.
  - a. Alcohol or antiseptic towelettes may be used where soap and water are unavailable; hands should be washed with soap and running water as soon as

feasible.

- b. Disposable gloves should be rinsed before removal.
- c. Hand lotion should be applied after disinfection to prevent chapping and to seal minor skin cracks or cuts.
- d. Open cuts and /or abrasions should be covered prior to reporting for duty.

2. Officers and employees should remove uniforms or clothing that has been contaminated with infectious materials as soon as practical. Any areas of direct skin contact should be cleansed as stated above. Clothing should be handled carefully and may be laundered in a normal fashion.

3. Disinfection procedures should be initiated whenever infectious materials or an individual with infectious materials on his/her person is transported in a departmental vehicle.

- a. The affected vehicle should be disinfected without unnecessary delay, using hot water and detergent or cleansed with a fresh solution of one part household liquid bleach (5.25% Sodium Hypochlorite) to ten parts water.

- b. In the event the disinfection procedure is beyond the capability of the officer assigned to the vehicle, the officer should complete a memo indication such to his/her immediate supervisor and a vehicle "OUT OF SERVICE" sign should be placed on the vehicle.

4. Non-disposable equipment and surface areas upon which infectious materials have been spilled should be cleaned as follows:

- a. Any infectious materials should be wiped up with a disposable absorbent material.
- b. A freshly prepared solution of one part household bleach to ten parts water should be used to wash the area.
- c. There is no need for special disinfection materials for TB since the airborne droplet spread is the only means of TB transmission.

5. All disposable equipment and used disinfection materials should be placed in a red BIOHAZARD bag, and the supervisor on duty should designate an officer to transport the BIOHAZARD bag to Phelps Memorial Hospital Emergency Department for proper disposal.

**Supplies:**

1. Headquarters

- a. Eyewash Station
- b. Material Safety Data Sheet Booklet
- c. Anti-Bacterial Soap
- d. Personal Protection Equipment (issued to each officer)
- e. Universal Precaution Kit
- f. Bleach
- g. Bio-Hazard Red Bags
- h. Latex Gloves
- i. Sharps Containers
- j. Evidence Labels
- k. First Aid Kits

1. Protective Eyewear (issued to each officer)

2. Vehicles

- a. Universal Precaution Kit
- b. Personal Protection Equipment (issued to each officer)
- c. Protective Eyewear (issued to each officer)
- d. Sharps Containers

**OSHA Standards**

1. The OSHA guidelines entitled "Occupational Exposure to Bloodborne Pathogens: Final Rule 29CFR Part 1910.1030" is maintained on file at headquarters and is available for review by all employees through their Division Commander.

2. The Hepatitis B vaccination should be offered, at no cost, to all employees of the Ossining Police Department.

3. Vaccinations will be performed at a medical facility designated at the discretion of the Department.

4. All employees are hereby directed to read the Hepatitis B vaccination information provided to them.

5. All employees are hereby directed to read, sign and return the Consent/Declination Form to the Management Information Services Division Commander.

a. All new employees should complete the Consent/Declination Form upon their initial hiring, and the vaccination series should be made available to them within ten working days of their initial assignment.

b. If the employee initially declines Hepatitis B vaccination but at a later date decides to accept the vaccination, a new Consent/Declination form will be completed, and the vaccination series will be made available to the employee at that time.

6. Exposure Incident Reporting:

a. All employees with an occupational exposure incident to an infectious material or a suspect with a suspected or confirmed active TB infection, should complete a Exposure Report form detailing the incident, after receiving appropriate medical care as necessary. The Report should be forwarded to the employee's Division Commander.

b. The employee's Division Commander should attempt to identify the source individual and attempt to obtain the written, informed consent for testing of the source individual's blood.

c. The employee should be provided with a confidential medical evaluation, along with counseling and evaluation in the office of the Police Surgeon, or at another medical facility designated at the discretion of the Department.

d. The exposure incident report and medical evaluation records of the employee should be maintained for the duration of employment, plus thirty years.

e. The Village of Ossining Police Department maintains an Exposure Control Plan and a copy is available to any employee requesting one at no charge. The Plan is available by contacting the

7. TB Medical Screening

a. All employees shall be offered the PPD (Mantoux) skin test free of charge at a medical facility designated at the discretion of the Department.

b. Frequency of Testing:

1. All new employees shall be offered the test upon their initial hiring, and it will be made available to them within ten working days of their initial assignment, unless there is a previous positive test and documented completion of adequate preventive therapy.

2. All employees will be tested annually.

3. After a TB exposure incident (where an employee has been occupationally exposed to a potentially infectious TB subject from whom exposure controls have not been taken), if a negative result is obtained, a repeat skin test twelve weeks after exposure will be completed, unless the employee's last skin test was within the previous three months.

c. If TB infection diagnosed, the employee should seek appropriate infection control therapy.

1. When an employee is found to have pulmonary or laryngeal TB, he/she should notify his or her Division Commander. The employee shall be excluded from work until adequate treatment is instituted, his/her cough is resolved, and a physician certifies that the employee is no longer infectious.

2. When an employee is infected with TB at sites other than the lung or larynx, and is otherwise healthy and undergoing preventative therapy, and is otherwise healthy and undergoing preventative therapy, the employee will not be required to be excluded from work.

d. The employee's record of skin test results and medical evaluations/treatment shall be maintained for the employee's duration of employment, plus thirty years.

**TOUR SUPERVISORS' RESPONSIBILITY**

1. Notify the Patrol Division Commander immediately when it is known that the Department has an exposure incident to an infectious material or a suspect with a confirmed or suspected active TB infection.

2. Ensure that department personnel that have been subject to an exposure receive appropriate medical treatment as soon as practicable after said exposure.

3. Ensure that an exposure form is completed and forwarded to the chief's office.

Patrol Service Division Commander's Responsibilities

1. Ensure that any person who has bitten a member of this Department or who is a suspected carrier of a communicable disease in which a member of this Department is exposed, is asked to submit to a blood test.
2. Ensure that the Department's Police Surgeon and/or the Westchester County Department of Health is notified and seek their assistance and recommendations.
3. When a person with a known communicable disease is released from a detention cell or booking room or has been transported in a Department vehicle:
  - a. Ensure the detention cell, booking room, or Department vehicle is thoroughly cleaned immediately following the person's release and prior to confining any arrestee in the same area. Any areas containing infectious materials should be similarly cleaned in conformance with the DISINFECTION section of this General Order.
  - b. Ensure custodial and vehicle maintenance personnel are notified of the condition and proper cleaning procedures, prior to cleaning the area.
  - c. Ensure that any disposable items exposed to infectious materials are properly packaged and disposed of in conformance with the DISINFECTION section of the General Order.
  - d. Ensure that all employee's at risk are given training in H.I.V. and bloodborne pathogens (8 hours) and a yearly refresher course at least (4 hours).
4. Ensure that an adequate supply of disposable gloves, gowns eye wear and protective ventilation devices are maintained in Department vehicles and personal protection kits maintained.

Management Information Services Division Commander Responsibilities

1. Coordinate legal issues relating to medical testing of suspected carriers of a communicable disease and any necessary testing/treatment of members of this Department.
2. Ensure the Deferment custodian and vehicle maintenance personnel have the proper cleaning solution and protective clothing when cleaning the affected areas and ensure they aware of the proper personal hygiene techniques for personal protection.
3. Ensure that cleaning materials used are properly disposed of.
4. Ensure that an adequate supply of disposable gloves, gowns, facial barriers, and protective ventilation devices are maintained at Police Headquarters.
5. Ensure that copies of Exposure Incident Report are maintained by the Department for the duration of an employee's tenure and thirty years thereafter.
6. Act as coordinator and department liaison to the local emergency room department for all requests concerning communicable disease status under the Ryan White Act. Supervisors should contact the M.I.S. commander immediately when making a request for information under the Ryan White Act. Delay could result in an officer not obtaining this information.



GENERAL ORDER #3.28

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### **ABANDONED VEHICLE POLICY**

**Purpose:** To provide guidelines for officers when investigating an abandoned vehicle complaint. The policy outlined will follow the laws as enumerated in the Vehicle and Traffic Law, section 1224 and the Village of Ossining Ordinance Section #250.34 AND 162.16 I. It is the purpose of this policy to remove all vehicles, which are dumped on streets on private/public property, abandoned during snowstorms, flood, fire or other public emergencies on streets, and to arrest those persons responsible for the dumping. It is the intent of this procedure to specifically address those vehicles, which have been abandoned/dumped and are now becoming a hazard due to vandalism, vehicle stripping, etc. Most of these vehicles will be so neglected as to put them into a category of being less than \$750.00 wholesale value. Following these procedures, the vehicle should be picked up by a vehicle dismantler, taken to their establishments and be legally disposed of.

**Policy:** Police Officers will be aware of any vehicles found apparently dumped on any street or highway, public property or private property accessible to the public within the Village of Ossining. A report will be prepared and the last registered owner will be deemed responsible for the removal and any cost to the Village of Ossining for removal and/or storage of such vehicle. The intent of this policy will be to use the time limits of the vehicle and traffic law to determine when a vehicle becomes abandoned, but the Village ordinance governing dumping and its time limits will be used for prosecution purposes for anyone who abandons/dumps a vehicle within the Village of Ossining.

### **Definitions:**

**Abandoned Vehicle:** Section 1224 of the V&T law outlines what constitutes an Abandoned vehicle. Officers should have a copy of the VTL book with them while on Patrol to use whenever they believe they come upon an abandoned vehicle.

**Public Highway:** Includes any highway, road, street, avenue, public place or any other Public way as defined in the VTL.

**Public Area or Private Property:** As per the Village Ordinance, this includes any public area or any private property accessible to the public within the Village of Ossining, (specifically including, but not limited to, all village-owned parking lots, all village parks, all shopping center parking lots, all office building parking lots accessible to the public, all multi-family residence parking lots accessible to the public, all store parking lots accessible to the public and all school parking lots accessible to the public).

**Dumped Vehicles:** Vehicle which is not properly registered and which does not have properly affixed license plates.

**Procedure:** When an officer investigates a report of a vehicle being abandoned, the officer(s) will prepare a computer entry "Abandoned Vehicles" and affix Abandoned Investigation Sticker to windshield and driver side window. For time purposes, a vehicle shall be deemed abandoned/dumped after ninety-six (96) hours from the initial report. The report will be entitled as "Dumping" and include the following information:

- A. How the vehicle came to the attention of the police
- B. The year, make, model, color, VIN and registration number of the vehicle. The investigating officer should make every effort to identify who the last owner might be and include any stickers issued by a parking authority, papers found in the vehicle, etc.
- C. Name, address, telephone number of the last registered owner or other person believed to be the vehicle's owner.
- D. A note of the physical description of the vehicle, i.e. any damage to it, both inside and out.
- E. All information relative to the investigating officers' attempt to have the owner remove the vehicle.

It will be the responsibility of the sergeant assigned to the particular tour the vehicle is found, to follow-up on each of these cases. He/she will also be responsible for making sure officers report on these abandoned/stolen vehicles.

Records personnel will prepare a copy of each report, including copies of supplements, and forward them to the Patrol Division Commander. A binder will be kept with these reports in the Communications/Main Desk area for the sergeants to keep track of the progress on their vehicles located within their assigned sectors.

Once it has become necessary to have a vehicle removed, the sergeant will designate an officer to prepare the necessary paperwork and contact the vehicle dismantler to pickup the abandoned/dumped vehicle.

Before any vehicle is removed from the Village, the designated officer will take two Polaroid photos of the vehicle at its location. The photos should show all portions of the vehicle and any damage there might be.

The designated officer will arrange with the authorized dismantler being used by the Village to pick up abandoned vehicles. If, for any reason, the abandoned vehicle is found in a hazardous or traffic interfering position, the original officer investigating the incident should request the next available tow to remove the vehicle. Its location should be indicated on the Abandoned Vehicle computer entry.

After the ninety-six (96) hour time period, it will be the responsibility of the designated officer to attempt to find the last owner of the vehicle. An arrest will be made. If the owner is not readily available, the officer will file for a warrant charging violation of VTL 1224.

The designated officer above will also assist other persons, i.e.: private landowner who might have an abandoned vehicle on his/her property to legally rid the vehicle(s) from his/her property.



**UNIFORMS, PERSONAL HYGIENE AND APPEARANCE**

**Purpose:** To provide guidelines for proper wearing of the uniform for all uniformed personnel, including those civilian personnel who are required to wear Department issued uniforms. Additionally, this order shall establish guidelines in the area of personal hygiene and personal appearance for all members of the Police Department.

**Background:** The proper wearing of the uniform, personal hygiene, and the overall general appearance of members of the Police Department. Over the years the Department has tried to maintain the highest standards of appearance for all Police personnel and has, for a very long time provided most uniform items to its members and additionally provides a cleaning and repair service for those items. It has now recognized that, for the most part, Department personnel meet Department standards; however, there are several areas where the standards have to be established and clearly defined. It is expected with the establishment of these guidelines and diligent enforcement of this General Order, that overall appearance of personnel will be maintained and all personnel will clearly know what is expected of them in the area of appearance.

**Initial Issue:** The following items were issued to all members of this department, whose responsibility of its members to properly maintain all items issued and to replacement of these items when needed:

- **Pants** Dark navy in color. Types – poly wood, 100% poly, light weight summer 11 oz. And heavy custom-made 17 oz. with appropriate braid (PO 1/8 inches, Sgt. ½ inch. and Lt. 1 inch).
- **Shirts** Police Officer – long sleeved dark blue and short sleeved dark blue. Sergeant – Dark blue long and short sleeved with stripes on both sleeves. Lieutenant – Dark long and short sleeved with appropriate patches. Left sleeve: departmental patch with motorcycle or DARE patch. Right sleeve: American flag and collar brass. Black or navy blue turtle necks (or mock turtle neck) with embroidered OPD in gold.
- **Hats** Blue 8 point hat – summer, winter or all mesh with gold NYS buttons and appropriate hat shield. Winter hat – trooper style (Gortex and vinyl) with hat shield. Motorcycle helmet blue and white with departmental hat shield. Departmental issue baseball hats are authorized for the bicycle unit and special details with the approval of the detail supervisor.
- **Jackets** Dress blouse – NYC style 11 oz. navy. Winter reefer NYC style 19 oz. short waist length NYC style or elbeco all with gold NYS buttons, collar brass and applicable patches(same as shirts). Raid jackets blue windbreaker style with POLICE on rear and front. Raincoat reversible black and orange with cap cover (reflector trim optional).

- **Footwear** The only acceptable shoes are: black leather clarion type, approved black “coaches/referees” sneaker uniform shoes, either low or high cut. Rubber rain/snow boots (heavy duty) rubbers. Motorcycle boots. Special assignment officer’s boots approved by the department.
- **Tie** Black clip on, four n hand or Velcro with department tie clasp
- **Sweaters** 100% wool and blend navy v-neck with all patches and flags and shield holder.
- **Gloves** Winter weather black leather gloves, Kevlar search gloves, white cotton and/or wool.
- **Duty belt** Sam or Sally Brown in black leather or acceptable imitation nylon, black ½ inch pants belt, Holster for duty weapon as certified by firearms section, cuff case with handcuffs, PR 24 with holder, magazine case, OC with holder, keepers and flashlight with holder. Optional: buck knife with holder, portable radio holder, key holder and acceptable items to assist officers on the street (i.e. protective gloves holder). All leather equipment worn will be all basket weave or all plain.
- **Collar brass** 3/8 and ½ inch in both gold and silver (i.e. OPD,MC,DET) (proper placement, see appendix attached)
- **Tie bars** Gold and silver with Ossining – NYS Shield – Police
- **Coveralls** Blue in color with embroidered Ossining Police on back
- **Summons/Ticket Book Holder** Black leather or aluminum
- **Name Plate** First initial of name and full last name. Worn over right pocket of dress blouse or on award holder.
- **Duty Bag** With Ossining Police stenciled on side. Duty bag to contain issued “riot” helmet, search gloves, coveralls, DOT Haz mat book

**Enforcement:** The enforcement of this General Order will be the responsibility of patrol supervisors. When more than one patrol supervisor is on duty, the responsibility rests with the patrol supervisor assigned as the tour supervisor. All uniformed personnel, including civilian uniformed personnel, shall meet the standards set forth in the General Order. Any violations of this order shall be immediately corrected, if possible, (if not as soon as practical). The patrol supervisors’ enforcement of this order will not include any responsibility or authority for members of their same rank or higher. The enforcement of the order for those personnel will be that of the next highest rank. Additionally, the responsibility for the appearance and dress code for the Detective Division personnel will be that of the Detective Division commander. The firearms’ instructor, under the guidance of the Tour Supervisor, will inspect all holsters and magazine holders for safety and upkeep. Any discrepancies will be rectified by the officer(s) immediately.

**Policy** Every member of the Department is expected to present him/herself to the public, clean and neatly attired in the proper uniform of the day. At the start of his/her tour of duty, each member of the Department should take the time to make sure that his/her appearance is up to Department standards.

**Uniform** There are two basic uniforms for the Patrol and Staff Services Divisions personnel (including non-sworn personnel): the SUMMER or short sleeved uniform and the WINTER or long sleeved uniform. With the exception of headquarters’ personnel, who may choose to wear either, all officers on any given tour will be in the same uniform. The decision as to which

uniform is to be worn will be during transitional times of the year where SUMMER/WINTER uniform wearing will be left up to the tour supervisor. At transitional times tours are wearing the same shirt, i.e.: all short sleeved or all long sleeved. But at this time of the year uniform compliance must be maintained, in that if a jacket is worn over a short sleeved shirt, a tie will be worn.

The WINTER uniform consists of an outer coat, a hat, a long sleeved shirt with necktie or turtleneck, trousers, a Garrison belt with duty leather and a pair of black shoes. These items are supplied to each officer along with collar brass, a tie bar, a chest and hat shield of the Department. (NOTE: Parts of this section are not applicable to civilian uniform personnel.)

**Class A Uniform** Patrol officers will wear a necktie and uniform blouse with their dark blue uniform shirt. Sergeants will wear a light blue shirt with necktie and uniform blouse. Lieutenants will wear a white shirt with necktie and uniform blouse.

Specialized assignments within the patrol function including but not limited to: Motorcycle patrol, community policing/bike squad, tactical/bike squad, tactical team will wear a uniform consistent with the policies of the respective units.

**Shield** Will be worn on the outermost garment, whether it be the coat, shirt, sweater or raincoat. NB: the quilted protective vest cover is not considered an outer garment.

**Hat** The hat is to be worn at all times when an officer is out of doors, with the hat shield affixed to the hat in the proper manner. With the exception of those officers riding the motorcycle, the wire rim may not be removed from the hat. It is not required that the hat be worn while in the police vehicle. (NOTE: This is applicable to civilian uniform personnel.)

**Coat** It is up to the discretion of the individual officer, unless otherwise directed, as to when to wear the winter coat or uniform blouse. (NOTE: not applicable to civilian uniform personnel.) Necktie will be worn with uniform blouse (Class A uniform)

**Long Sleeved Shirt** Will be worn with collar brass. The collar brass is to be affixed parallel to the neckline of the collar, three-quarters of an inch in from the outer end of the collar and three-quarters of an inch down from the neckline. The shield is to be worn over the left side of the breast at the designated location when the shirt is the outermost garment. The Department issue turtleneck is always to be worn with the long sleeved shirt. There will be no exceptions to this. Turtle neck shirts or sweaters only as approved. Ties are optional with a long sleeved shirt except when wearing a Class A uniform. The tie should be worn in the prescribed manner at all times when on duty. The issued tie clasp is to be worn and placed on the tie about at the bottom of the shirt pocket flap. (NOTE: Collar brass requirement is not applicable to civilian uniform personnel.)

**Short Sleeved Shirt** The wearing of the short sleeved shirt differs from the long sleeved shirt only in that the necktie/turtle neck is not required. The collar brass will be worn per appendix. When wearing the short sleeved shirt an undershirt may be worn underneath, only if it is a clean, white tee shirt with no emblems, wording, etc. visible through uniform shirt. (NOTE: Collar brass and shield requirement is not applicable to civilian uniform personnel.)

**Shoes** Shoes should be kept highly polished at all times.

**Socks** Only black or navy blue socks are to be worn with the uniform. (Exceptions for medical reasons and must be approved by the Chief of Police.)

**Protective Vest** All officers are issued a protective vest with both inside the shirt carriers and over the shirt carriers. Carriers should be kept clean and serviceable, officers are reminded that the protective vest is a required piece of equipment and is to be worn as directed by General Order #12.

**Duty Belt** An officer is to wear his/her duty belt in that the holster (department issue only) be worn on the officer's strong side and the magazine carrier with spare, loaded magazines be worn **vertically** on the officer's weak side, close to the front of the duty belt, with the rounds of ammunition pointing toward the officer's strong side, and with the snap cover of the magazine carrier facing upward.

**All Uniformed Personnel** All uniformed personnel are reminded that while the Department does pay for cleaning service, it is the individual officer's responsibility to see that when reporting for any given tour they are attired in the proper uniform and that it is neat and clean. Per OPBA contract, replacement and proper upkeep of uniforms is the individual officer's responsibility. Wearing (or the lack of wearing) an unauthorized uniform or equipment will be the grounds for charges. All uniformed and civilian attired personnel are responsible for their own personal hygiene. Personnel should take pride in coming to work dressed neatly, clean and well groomed. All male personnel shall be clean-shaven upon reporting for duty. While mustaches are allowed, beards and goatees are not. Mustaches will be neatly trimmed and are not to extend beyond the contours of the upper lip or extend below the corner of the mouth. All uniformed personnel are required to keep their hair neatly groomed and trimmed when reporting for duty, the hair may not extend over the ears or collar. While female personnel will be extended liberty in this area, female officers required to wear a hat must keep the hair tucked underneath their hats so that it does not extend over the collar. The wearing of earrings by all sworn police personnel is not allowed. There is no visible ornamental body piercing jewelry allowed. The wearing of sunglasses is allowed. The frame must be of a type and design that does not detract from the uniform appearance of the officer. While it is impossible to completely list those sunglasses that are acceptable or not, generally speaking, bright multi-colored plastic frames will not be allowed.

**Detective Clothing** It is important that the appearance of on-duty personnel reflects upon the status and perception of the Department as a professional police agency. It is imperative that each member present him/herself in a way that reinforces the confidence of the public in our ability to effectively and efficiently do our job.

Detective Division personnel will maintain a neat and clean appearance consistent with the dress standards outlined herein. Exceptions to these standards may be authorized by a unit commander only when the specific requirements of an assignment so dictate.

With the above in mind, detectives will be attired in business clothes:

1. For male officers this shall mean a suit or sport jacket and dress slacks, along with dress shirt and tie.
2. For female officers this shall mean a dress suit, blouse and skirt or dress slacks.

3. Dress shoes shall be worn and be properly shined, cleaned and maintained in good order at all times.
4. Outer garments, when weather conditions dictate, will consist of an overcoat or business type raincoat.

The above standards will be effective **ALL YEAR LONG**. During the summer months or periods of hot weather, with approval of the Detective Division commander, short sleeved shirts may be worn and while in police headquarters, jackets may be removed.

When a detective is interviewing a witness, complainant or assisting a member of the public, (fingerprinting excluded), his/her jacket will be put back on and any previously loosened tie placed back in its proper position. On those days when a detective is the call-in detective and is in fact called in for duty, the same business-like attire described above will be worn.

Exceptions as to when a detective may wear other than business attire include:

1. When called out on an emergency while off duty
2. Surveillance assignment, stake-out assignment, special assignments, i.e. alcohol or drug enforcement assignment
3. Other circumstances with prior approval of the Detective Division commander.

Detectives may be allowed some liberty in the length of their hair, but this will only be with the approval of the Detective Division commander and the Chief of Police.

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GENERAL ORDER #3.30

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### **SPECIAL PURPOSE VEHICLES**

**Purpose** - To establish guidelines for the response of the Emergency Services Unit truck to special events, drills, and extraordinary emergencies requiring more than routine emergency personnel or equipment.

**Background** - The Department's Emergency Services Unit truck is an intricate part of any declared emergency and the need or the call out of the Emergency Service Tactical Team.

Situations arise in the scope of police work where specialized equipment is required by police personnel to assist in their handling of special events or extraordinary emergencies. The Emergency Services Unit truck provides a convenient area of storage for specialized equipment compiled by this Department and a means by which that equipment can be transported by a minimum amount of personnel without undue delay.

**Policy** - The ESU truck will be kept in the Department lot and kept with the compartments and interior locked.

At the request of a Tour Supervisor, Division Commander or the Chief of Police, the ESU truck may be assigned to the scene of an Extraordinary Emergency or disaster, or any other emergency deemed suitable by a superior officer.

With prior approval of the Patrol Commander or the Chief of Police, the ESU truck may be detailed to the scene of a drill or special event.

A member of the ESU Team will be designated to drive the truck to the scene, remain with the truck, and record any and all equipment removed from or returned to the truck and to whom the equipment was assigned.

At the completion of that drill or special event, that officer will confirm that all equipment has been returned by making an inventory of the truck. That officer will report any missing equipment to the ESU Supervisor or Division Commander before the truck is directed it return to station.

**Extraordinary Emergencies** - In the event of an extraordinary emergency, a Patrol Supervisor or a Division Commander may direct the ESU truck to the scene.

If a member of ESU Team is on duty and not already assigned to the scene of the emergency, that officer should be detailed to drive the truck to the scene. (see General Order #3.44)

If members of ESU team are called in for the emergency, the team member closest to the station

at the time of the call should be detailed by the desk officer to respond to headquarters and drive the truck to the scene of the emergency.

In the event no ESU team members are available or the delay in a team member's response to Headquarters would create a problem for Department members at the scene the on scene patrol supervisor, ESU supervisor, or Division Commander may designate any member of the Department to drive the truck to the scene. (operation instructions in vehicle cab)

The Patrol Division Commander and both ESU Team Supervisors are in possession of a set of keys for the truck. In the event the Division commander or the supervisors are unavailable, a set of keys stored in the secure box at the desk can be used.

When en route to the scene of the extraordinary emergency, the operator of the truck should use due care as this vehicle was not intended for high-speed use.

The truck should be located in the area designated as the mobile command post where the on board equipment can be best utilized. An officer will be assigned and will remain with the truck and assist with its operation.

He/She will assume responsibility for recording the issuance of equipment and the equipments return and storage after the emergency has been terminated.

He/She will confirm that all equipment has been returned to the truck by making an inventory of the truck, report any missing equipment to the on-scene ESU Supervisor or Division Commander before the truck is directed to return to station, and prepare a report outlining the type of call and in what capacity the truck was used, and file same with the ESU Supervisor.

#### Assistance to Outside Agencies:

When a request for assistance is received involving the ESU Truck, the desk officer will record the following information from the requesting agency.

1. Name of the requesting jurisdiction.
2. Nature of the request.
3. Location where the truck is to be located.
4. What equipment and or manpower is needed

The desk officer will then contact the Patrol Division Commander and advise him of the request and the accompanying information. The Division Commander will then authorize/not authorize the request.

The desk officer will then contact a member of the ESU Team and an ESU Supervisor to respond with the truck to the jurisdiction and location requested.

The team member assigned to the call will, upon the arrival at the scene of the request, remain with the truck and assist with its operation and assume the roll of officer "in charge" as outlined under EXTRAORDINARY EMERGENCY. The ESU Supervisor will over see the operation of the truck and render any assistance requested of him by the outside agency.

Equipment and Maintenance

To maintain a current listing of on-board equipment, routine inventories will be made as described below.

A monthly inventory and equipment inspection will be performed by the assigned ESU team member, and upon termination of any drill, special event, or extraordinary emergency where the truck was used in any capacity. Printed inventory sheet will be kept on board in the radio compartment to facilitate the inventory. These sheets will reflect the type, style, amount, and serial number of the on-board equipment.

As part of the monthly inventory, the assigned ESU team member will inspect and check the operation of all radio or self-motorized equipment on board to insure that they are functioning properly and report any malfunction to the ESU Supervisor or Patrol Division Commander. The ESU team member will then follow up to insure the malfunction has been corrected.

Accurate records will be kept by the Department mechanic and reviewed by the ESU Supervisor outing any maintenance performed on the ESU truck.

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GENERAL ORDER #3.31

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**POLICE DEPARTMENT VEHICLE EQUIPMENT**

Revision Date: March 14<sup>th</sup>,2008

**Purpose:** To indicate which equipment is to be assigned and carried in Department vehicles and available to personnel while on the road.

**Background:** It is important that emergency vehicles and other vehicles used by sworn Police Department personnel be equipped with the necessary tools for them to get the job done.

**Policy:** The Department's patrol vehicle, being an emergency vehicle, will be conspicuously marked. This will not preclude officers from using unmarked vehicles for law enforcement purposes, but any such use must be approved by the Tour Supervisor or officer-in-charge.

**Patrol Vehicles:**

- |                      |                            |                         |
|----------------------|----------------------------|-------------------------|
| 1. Flares            | 5. Rechargeable spot light | 9. Pry Bar              |
| 2. Fire Extinguisher | 6. Blanket in Bag          | 10. Working Radio       |
| 3. Oxygen            | 7. Rescue Rope             | 11. AR-15 rifle         |
| 4. AED               | 8. Lockout tool            | 12. Less lethal shotgun |
|                      |                            | 13. Blood kit           |

The procedure to be followed to ensure AED coverage is maximized:

1. At the beginning of each tour of duty the patrol officer will retrieve from the reports area the AED marked with the corresponding assigned sector.
2. At the conclusion of each tour of duty the patrol officer will return the AED to the reports area for use by the incoming tour.
3. The patrol supervisor will ensure this procedure is followed by visually inspecting the AED's at the beginning and end of each tour of duty.

**Tour Supervisors Vehicle:** ( in addition to the above)

1. Accident Investigation Equipment in case
2. Body Bunker shield
3. Portable bullhorn
4. Rubber gloves
5. Leather Work gloves
6. Vicks Vapor Rub
7. Binoculars
8. Bolt cutters

**Detective Vehicles:**

1. Crime Scene Kit
2. Shotgun
3. Fire extinguisher

**ESU/ Command Center (120)**

A complete inventory of the equipment that is available is maintained in the Patrol Commanders office and, in the ESU truck.

**Stop loss**

With the understanding that patrol officers are best able to provide a high level of efficient public safety service when well equipped. When an officer is assigned to a marked patrol car he shall take an inventory of the equipment contained therein. This inventory is completed on the daily car sheet. In the event a piece of equipment is found missing, damaged, or is located in a patrol car that it is not assigned to, the officer must immediately bring this to the attention of the tour supervisor. If during the tour of duty a piece of equipment is damaged or lost the officer will immediately report this to his/her tour supervisor.

The tour supervisor will make every effort to locate the missing equipment and return it to the appropriate patrol car. In the event a piece of equipment is lost or damaged the tour supervisor will make a blotter report and forward a copy to the M.I.S. commander.

The M.I.S. commander will investigate the loss or damage and replace the equipment.

In the event the loss or damage occurred as a result of negligence the responsible party will be held liable for the cost of equipment replacement.

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**FINGERPRINTING AND PHOTOGRAPHING PERSONS**

**Purpose:** The purpose of this General Order is to guide Department personnel when:

- A. They are going to fingerprint and photograph a person who has been arrested; and
- B. They need to take the fingerprints of a person for investigative purposes.

**Background:** The New York State Criminal Procedure Law describes the circumstances when fingerprints must be taken, and when photographs may be taken, pursuant to an arrest. Further, the Family Court Act provides for the taking of fingerprints and photographs of juveniles arrested for certain crimes. The Department also recognizes the need to take fingerprints of certain individuals as an investigative tool, i.e. to eliminate a family member following a burglary. This General Order will guide Department personnel in their handling of these situations.

**Policy:** It is the policy of the Department to take both fingerprints and photographs in those situations described in Criminal Procedure Law, Article 160, titled, “Fingerprinting and Photographing of Defendant After Arrest – Criminal Identification Records and Statistics”, section 160.10 “Fingerprinting: Duties of police with respect thereto”, as well as Family Court Act, Article 3 titled, “Juvenile Delinquency”, section 306.1: Fingerprinting of Certain Alleged Juvenile Delinquents”. The Department also authorizes taking fingerprints of persons arrested for another law enforcement agency (FOA) and for investigative purposes.

**Procedure:**

- A. Whenever a department member arrests an adult who is charged with a crime identified in CPL Article 160, section 160.10, Subdivision 1. The Detective Division shall take or cause to be taken fingerprints and photographs of the arrested defendant.
- B. Whenever a department member arrests an adult who is charged with any offense the arresting officer may take the arrested persons fingerprints and photograph only as described in CPL Article 160, Section 160.10, Subdivision 2. Fingerprints and photographs shall be taken as follows:
  - 1. One set of fingerprints on a Federal Bureau of Investigation US Department of Justice fingerprint card.
  - 2. One set of fingerprints on a DCJS-2 Initial Court Report of Criminal Cases card and one set on a Village of Ossining Police Department fingerprint card.
  - 3. One full face photo taken from the area of the mid-chest line up, except, if the arrested person wears glasses, then one with and one without the glasses; and
  - 4. One side or profile photo taken from the area of the mid chest up.

- C. Whenever a department member arrests a juvenile who is charged with a crime identified in Family Court Act Article 3, section 306.1, subdivision 1, the department member shall take the fingerprints of the arrested juvenile pursuant to subdivision 2.
- D. Whenever the fingerprints and photographs of an arrested juvenile are taken, they must be forwarded, without delay, to the Division of Criminal Justice Services as stated in subdivisions 3 and 4 or section 301.1.
- E. Fingerprints of an arrested juvenile may only be taken on the appropriate fingerprint card, a DCJS-2 "Juvenile Arrest Information Card." This fingerprint card has a red outline and is stamped "JUVENILE" on its face.
- F. Department members are authorized to take one set of fingerprints and one photograph of a consenting adult on a DCJS-2 "Initial Court Report of Criminal Cases" for investigative purposes i.e., to eliminate a family member following a burglary or to compare a suspect's fingerprints with those found at the crime scene.

Whenever a department member takes a set of fingerprints or a photograph of a suspect for comparison purposes, the department of the suspect, and, if possible, have the suspect sign a permission slip indicating his or her permission to take fingerprints for comparison purposes.

Whenever a Detective takes a set of fingerprints or a photograph for investigative purposes, the Department member shall destroy the fingerprints and photograph.

- G. Whenever a person who has been arrested and charged with a finger-printable offense as stated in CPL Article 160, section 160.10, subdivision 1 and, is not fingerprinted and/or photographed at the time of arrest, i.e., the person is too intoxicated to be processed, or an appearance ticket is issued without the arrested person being taken to the Police Department, the defendant will be fingerprinted and photographed when they are arraigned in court.
- H. When a person has been arrested and charged with a finger-printable offense, the Detective who actually fingerprints the arrested person shall first determine whether or not the arrested person has been arrested before and issued a department "Identification Number".
  - 1. If the arrested person has not been previously issued an "Identification Number", the detective taking the fingerprints shall complete the OPD, "Identification Number Assignment Record", assigning the next consecutive "Identification Number" to the arrested person and, filling in the information required.
  - 2. If the arrested person has been previously issued an "Identification Number", the department member taking the fingerprints shall **NOT** issue a new Identification Number, however, the previously issued "Identification Number" for the arrested person shall be used on all arrest documents.



**CRIMINAL INVESTIGATIONS**

**Purpose:** The purpose of this General Order is to guide Department personnel in their investigation of criminal complaints.

**Background:** A critical function of any law enforcement agency is the investigation of criminal activity. Law enforcement personnel frequently respond to, or learn through various means of the existence of possible criminal conduct. Investigations must be prompt, thorough, consistent and, carried out in a manner compatible with legal requirements in order to withstand a challenge in court, as well as, maintaining public confidence in the law enforcement agency.

**Policy:** It is the policy of the Department to conduct a prompt, thorough and appropriate investigation of all criminal activity reported to the Department, or coming to the attention of department personnel by direct observation or other means. In order to accomplish this the Department is committed to using all of its resources to bring about a successful conclusion to every criminal investigation. Department personnel assigned to investigate a report of a crime shall conduct investigations according to this general order, all applicable laws, rules and regulations governing the rights of victims, witnesses, suspects and defendants, and any other applicable general orders of the Department. Investigating personnel will bear in mind a suspect/defendant's constitutional protections during their investigation. Cooperative investigations between members of the Detective and Patrol Divisions are encouraged.

**Definitions:**

A. Preliminary Investigation - The initial phase of an investigation, beginning with the discovery or report of a crime or other circumstances requiring police action.

The Goal of every preliminary investigation is to arrest and convict the offender. Specific objectives of the preliminary investigation include:

1. Initial detection of a crime, or response to the scene of a reported incident.
2. Gathering evidence needed to determine if a offense was committed, and, if so, its nature and severity.
3. Providing assistance to injured, if any.
4. Identifying victims, witnesses and perpetrators.
5. Providing headquarters with descriptions, method of travel and direction of suspects and other relevant information, i.e., weapons used.
6. Advising headquarters of any additional resources needed at the scene, i.e., ambulance, fire, detective.
7. Identification and setting up of a crime scene perimeter.
8. Securing and protecting the integrity of the crime scene.
9. Interview or interrogate any parties who have information pertinent to the

incident being investigated.

10. Conducting a search of the crime scene to identify evidence.
11. Recovering evidence if the officer at the scene possesses sufficient expertise to do so, Otherwise notifying the Detective Division of the need to collect evidence.
12. Making necessary notifications, i.e., family, Medical Examiner, District Attorney's Office.
13. Arresting the offender.
14. Preparing reports for prosecution.

The preliminary investigation process will end when the patrol officer has exhausted all police action at his or her immediate disposal. Considerations will need to be given to such factors as the officer's knowledge and skills, time needed to complete the preliminary investigation vs. availability of manpower for patrol, and the degree of seriousness of the offense.

B. Follow-up Investigation - The second phase of the investigation, begins with the identification of the need for specialized skills and equipment needed to bring about a successful conclusion. The Goal of the follow-up investigations is to arrest and convict the offender. Specific objectives of the follow-up investigation process include:

1. Reviewing and analyzing all previous reports prepared during the preliminary investigation.
2. Conduct additional interviews and/or interrogation of victims, witnesses or suspects.
3. Search for departmental and other sources of information for possible leads.
4. Collect and analyze, or have analyzed, physical evidence.
5. Identify and arrest suspects.
6. Determine involvement of suspects in other criminal activity
7. Prepare case or assist in the preparation of the case for court.
8. Complete other tasks necessary to bring about a successful conclusion.

C. Case Screening - An evaluation of the available information and evidence for each case being investigated, with a view toward whether or not the case is likely to be solved, thus, whether or not the case is to be assigned to a detective for follow-up investigation, or to the officer who conducted the preliminary investigation for further investigation. The evaluation process shall employ the following solvability factors:

1. Witnesses to the crime.
2. Knowledge of a suspect's name.
3. Knowledge of where a suspect can be located.
4. Identification of a suspect.
5. Description of a suspect.
6. Property with identifiable characteristics, marks, or, numbers that can be traced.
7. Existence of a distinctive M.O.
8. Presence of significant physical evidence.
9. Description of a vehicle used.
10. Belief that a crime may be solved with publicity and/or reasonable additional investigation.
11. An opportunity for only one person to have committed the crime.
12. Seriousness of the crime.

13. Public safety is an issue.
14. Two or more incidents appear to be related.

D. Case Assignment - The process of recording pertinent information relating to a case being assigned to a patrol officer or detective for follow-up and fixing responsibility for the follow-up investigation, to either the patrol officer or detective assigned.

E. Case Status - Classification of a case as any one of the following:

1. Open, case is being actively investigated.
2. Closed by Arrest. All suspects involved in the crime have been arrested.
3. Closed by Exceptional Clearance. Enough evidence exists to arrest and prosecute a known offender, however, an arrest will not be made due to: D.A.'s office will not prosecute, victim withdraws complaint, or any other reason or circumstance resulting in a decision not to arrest the offender.
4. Closed by Investigation. The investigations terminated due to any reason other than Arrest of Exceptional Clearance, i.e., victim does not want the investigation to continue. Included in this category are cases determined by investigation to be unfounded.
5. Inactive. Incident Reports submitted in which there are NO Solvability Factors identified in the report, or investigations previously assigned for follow-up to a patrol officer or detective that have been active for sixty (60) days, after which no Solvability Factors exist.

F. Investigating Officer. The member of the Department, normally a detective or patrol officer, who:

1. Completes an Incident Report that has not been assigned for follow-up; or
2. Is assigned by a supervisor to follow-up an investigation that he or she initiated, or a case that was initiated by another officer, i.e., when multiple cases have been generated by different officers, but, one officer is designated to follow-up the cases as a single investigation.

**Procedure:**

A. Upon receipt of an Incident Report the approving supervisor shall determine if any solvability factors exist, and, if so, the approving supervisor shall indicate the box on the Report. The Supervisor shall also check "Open" under Case Status. When an investigation is closed, i.e.: no further police action is required, at the preliminary investigation stage, the Supervisor shall check "Closed" under Case Status.

If no Solvability Factors exist, the Supervisor shall classify the Incident Report as Inactive. Incident Reports -previously classified as Inactive may be changed to an Open status by a Supervisor if additional information warrants it.

B. The Incident report shall then be forwarded to the Detective Division Commander.

C. Upon receipt of an Incident report checked for follow-up the Detective Division Commander

shall review the report to determine whether or not the follow-up investigation will be assigned to a detective, or forwarded on to the Patrol Division Commander for the initial investigating officer to follow-up. Cases forwarded on to the Patrol Division Commander will be forwarded to the Patrol Supervisor of the initial investigating officer.

D. In those cases being assigned for follow-up to either a detective or patrol officer, the following information shall be entered on the "Ossining Police Department - Case Assignment Record" by the Detective Division Commander for cases being assigned to a detective, or the Patrol Supervisor for cases being assigned to a patrol officer.

1. The consecutive number of the particular case being assigned. On January 1st of each year the first case assigned shall begin with the number one (1) for the detective division and, for each Patrol Supervisor.
2. The case number.
3. The type of case.
4. The complainant's name.
5. Name of the detective or patrol officer assigned.
6. The date the case was assigned.
7. Date or dates supplementary report/s are due.
8. A review date, normally ninety (90) days from the date the case was assigned. On the date the Detective Division Commander or Patrol Supervisor, as appropriate, will review the status of the case to determine if it should be reclassified.
9. The Date a case was Closed or reclassified as Inactive.
10. The initials of the detective or patrol officer Closing the case or, reclassifying it as Inactive.
11. The code indicating the status of the case, i.e.: ARR=Arrest, INV=Investigation, EC=Exceptional Clearance, INA= Inactive

NOTE: The absence of a code in the appropriate box indicating the status of a case means the case is Open and is being actively investigated.

E. It is the responsibility of the detective or patrol officer assigned to follow-up a case to conduct a prompt and thorough investigation, including interviews of victims, witnesses and others having pertinent information about a case, interrogations of suspects, collecting and analyzing, or arranging to have analyzed, physical evidence, checking on a suspects criminal history, keeping the victim's informed about the progress of an investigation, coordinating the investigation with other members of the Department or other agencies, determining the appropriate criminal charge and preparing documents for prosecution.

F. It is the responsibility of the detective or patrol officer investigating a case to conduct the investigation in accordance with all applicable Federal and State legal requirements. Officers shall keep themselves informed of current laws, rules and regulations, and Department General Orders pertaining, but not limited to, Miranda, arrest and search warrants, evidence, juveniles and any other facets of the investigative process.

G. Detectives and patrol officers assigned to follow-up a case shall submit timely and detailed reports of the progress of an investigation. Follow-up reports shall be submitted on a "Supplementary Offense Report" to the officer's supervisor.

H. Detectives and patrol officers shall make every effort to conclude an investigation in a reasonable amount of time, normally within sixty (60) days, of the date the case was assigned.

I. Cases not Closed by Arrest, Exceptional Clearance or Investigation at the end of sixty (60) days shall be reclassified as Inactive by present. If, at the end of sixty (60) days the case is not closed, but solvability factors are present, the investigating officer shall consult with his or her supervisor who shall direct the investigating officer to continue the investigation or reclassify the investigation as Inactive.

J. Cases assigned for a follow-up investigation will normally be assigned as follows:

1. Felonies, aggravated harassments involving personal threat, and sexual offenses, will be assigned to a detective. NOTE: Whenever possible, the member of the Department having received specialized training in sexual offenses will be assigned to work with the assigned Detective.
2. Misdemeanors, to patrol officers. NOTE: A patrol officer possessing superior investigative skills may be assigned cases normally assigned to a detective whenever, in the opinion of the Detective and Patrol Division Commanders, the officers are encouraged to work together to investigate any case in a manner that will promote its being closed. Responsibility for a case remains with the detective or patrol officer assigned the follow-up investigation, as the investigating officer.

K. Whenever the investigating officer requires the assistance of another agency, i.e.: laboratory analysis of blood, urine or suspected drugs, or to locate the subject of a warrant living in another jurisdiction, the investigating officer shall request such assistance through his or her supervisor.

L. The Detective Division Commander shall ensure the qualifications and certifications of any examiner used in the detection of deception, i.e., a polygraph examiner. All requests for a polygraph examination shall be directed to the Detective Division Commander who shall arrange for the examination.

M. Should a formal video interview or interrogation be conducted, separate and distinct from interviews recorded on department body-cameras, the following shall apply:

1. Said interview/interrogation will take place in the Ossining Police Headquarters interview room, unless this is made unfeasible due to hospitalization of a suspect or other exceptional factor.
2. Recordings shall be continuous and uninterrupted during the interview process. Should the need arise for either the subject or the interviewing officer to leave the interview room, the DVR shall continue to operate without interruption.
3. No person shall, in any manner or for any purpose, alter the original "master" electronic recording of a custodial interrogation.
4. In conducting the interview, all existing departmental policies and procedures shall be adhered to. In addition, the interviewer shall abide by all Federal and State Statutes governing custodial interviews.



**USE OF INFORMANTS**

**Purpose** - To guide Department personnel in the use of confidential informants during investigations.

**Background** - The use of informants is important to the satisfactory conclusion of many investigations. Use of informants must be controlled in a manner designed to maximize information provided by them, while at the same time avoiding situations involving their use which would adversely effect police operations.

**Policy** - The Department authorizes members to use information provided by informants for the initiation of criminal investigations, as well as investigative leads for solving active criminal cases handled by the criminal investigative division of the Department. The use of informants is to be strictly controlled so as to ensure use of information in accordance with applicable laws.

The use of an informant under circumstances that would require the identity of the informant to be kept confidential due to any of the following reasons shall be subject to this General Order:

1. The seriousness of the criminal activity involved
2. The sensitive nature of the criminal activity
3. The safety of the informant or another may be in jeopardy if the identity of the informant becomes known
4. Continued use of the informant becomes known, or identity becomes known
5. Any other factor determined by the Detective Division Commander to qualify a person providing information to a member of the Department as a Confidential Informant

**Procedure** -

- A. Any member of the Department who establishes a relationship with a confidential informant shall notify the Detective Division Commander of the following:
  1. Name of the Confidential Informant
  2. Address of the Confidential Informant
  3. D.O.B. of the Confidential Informant
  4. Area of expertise of the Confidential Informant
  5. Any previous information supplied by the Confidential Informant
- B. The Detective Division Commander shall document the above information in the "Confidential Informant Log" maintained in the office of the Police Chief.

- C. If the Confidential Informant is less than eighteen (18) years old, information provided by the Confidential Informant shall not be used to initiate a criminal investigation nor as an investigative lead until approved by the Detective Division Commander.
- D. If the Confidential Informant and Department member are of the opposite sex, the Department member shall notify the Detective Division Commander, who shall notify the Detective employed to safeguard against inappropriate conduct, or, the appearance of inappropriate conduct on the part of the Confidential Informant or Department member.

Appropriate measures include taping conversations between the Confidential Informant and Department member, or, having a second Department member present during conversations between the Confidential Informant and Department member, or the Detective Division Commander could be present during conversations between the confidential Informant and Department member, or, any other measure appropriate to the situation that would maintain the integrity of the contact between the Confidential Informant and Department member.

- E. No files or information relating to Confidential Informants may be released without prior approval of the Police Chief or a court order.
- F. Officers intending to use information received from a Confidential Informant as the basis for a Search Warrant shall evaluate the information provided to determine if it meets the "reasonable cause" requirement for Search Warrants established by the U.S. Supreme Court, Criminal Procedure Law, the N.Y.S. Court of Appeals, and the New York State Criminal Procedure Law.
- G. Whenever a Confidential Informant provides information used to initiate a criminal investigation or to further an investigation, the Department member involved shall document the information provided on a Incident Report or a Supplementary Offense Report; or a Juvenile Bureau Supplementary Report.
  - 1. The Department member shall also notify the Detective Division Commander of the information received from the Confidential Informant.
  - 2. The Detective Division Commander shall evaluate the information provided to determine whether or not the investigative reports are to be kept confidential.
  - 3. Whenever the Detective Division Commander determines information provided by a Confidential Informant is to be kept confidential, he/she shall notify the affected Department members.
  - 4. Any Department member who has been advised that an investigation is to be considered confidential will forward all original investigative reports directly to the Detective Division Commander who will maintain the reports in a secure confidential file
- H. Confidential Informants may be paid for information provided. Payment for information must first be approved by, and the amount of such payment shall be

determined by the Detective Division Commander.

In determining whether or not a Confidential Informant shall be paid for information and the amount of the payment, the Detective Division Commander shall consider the following:

1. Quality of information
2. Quantity of information
3. Risk factors involved
4. Seriousness of the crime involved
5. Impact on the community

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**INVESTIGATIONS INVOLVING JUVENILES**

Revised 02/01/2021

- I. **Purpose:** To guide Department personnel who are conducting investigations, criminal or otherwise, when the investigation involves a Juvenile Delinquent, Juvenile Offender, or an Adolescent Offender
- II. **Background:** The investigation of incidents in which juveniles are involved is a common undertaking for police officers. Such investigations are very similar to investigations in which adults are involved, however, the Family Court Act and sections of the Penal Law treat juveniles differently than adults. Department personnel must understand the applicable laws, rules and procedures to be used when investigating an incident involving a juvenile. This General Order will guide Department personnel during their investigations.
- III. **Policy:** It is the policy of this department to conduct all investigations involving juveniles in a manner consistent with applicable laws, other General Orders of the department and taking into consideration the mental capacity and emotional state of the juvenile.
- IV. **Definition of Terms:**
  - A. Juvenile Delinquent (JD) - A juvenile delinquent is a person over seven and less than 18 years of age who, having committed an act that would constitute a crime (misdemeanor or felony) if committed by an adult is not criminally responsible for such conduct by reason of infancy or is the defendant in an action ordered removed from the criminal court to the Family Court.
  - B. Juvenile Offender (JO) - A youth that is 13 15 years of age who is tried as an adult in criminal court because of the Very serious nature (FELONY) of the crime. The term "Juvenile Offender" is defined in the Penal law, Article 10, subdivision (18).

- C. Adolescent Offender (AO) - Any 16 or 17 year old charged with a felony.
- D. Accessible/Designated Magistrate - Town of Ossining Justices are Accessible/Designated Magistrates.

V. **Procedure:**

- A. Cause For Arrest - A Juvenile or Adolescent Offender may be arrested by members of the Department under the same rules and procedures which govern the arrest of adults. That is, when the arresting officer has reasonable cause to believe that the juvenile has committed a crime (misdemeanor or felony only), the officer may arrest a juvenile whether the crime was committed in his presence or otherwise.
- B. Affecting The Arrest - Juveniles and adolescent offenders who are under arrest may be handled in the same fashion as an adult under arrest; i.e.: handcuffs may be used, necessary force may be used, juveniles and adolescent offenders can be transported in marked police vehicles, etc.
- C. Arrest Procedures for Juveniles and Adolescent Offenders:
  - 1. Arresting officer will verify age of defendant;
  - 2. Offender will be brought into HQ without passing through the secure area of the building and placed in the Youth Detective's Office.
  - 3. Offender will be thoroughly searched and properly secured with the use of handcuffs as an option.
  - 4. Tour Supervisor will be notified and every effort will be made to contact/notify a parent/guardian;
  - 5. When parent/guardian arrives, they are to be read Miranda along with the offender and all parties are to sign Miranda form. If BOTH parties agree, questioning may take place;
  - 6. Necessary paperwork to be completed (Adolescent Offender/ Juvenile Offender Arrest Document Checklist);
  - 7. JD arrests will include same paperwork listed in #6 and a Juvenile Appearance Ticket will be issued. All paperwork will be forwarded to the Juvenile Bureau for processing and notifying Family Court.

D. Misdemeanors: JD and AO's not charged with qualifying offenses shall be released on a juvenile appearance ticket. JD and AO's charged with qualifying offenses will be arraigned by the most accessible magistrate. A 16 or 17 year old may not be housed with adults under these circumstances.

E. VTL Misdemeanors: A 16 or 17 year old charges with a VTL misdemeanor should continue to be processed as an adult since the case will be heard in criminal/local court

F. Traffic Infractions and Violations involving VTL misdemeanors: the process will remain the same for 16 and 17 year olds charged with a traffic infraction or a violation. The case will be heard in adult criminal/local court. Unlike persons 15 years of age or less, 16 and 17 year olds MAY still be charged with violations and traffic infractions.

G. Violent Felonies, Non-Violent Felonies and Arrest on a Warrant: A 16 or 17 year old charged with a felony is an AO and AO's will be arraigned in the youth part of Superior Court, or when court is not in session, they must be brought before a designated magistrate for arraignment.

*NOTE: State Law mandates a police officer must issue an appearance ticket when a person is charged with a Misdemeanor and E felonies unless the charge is a Qualifying Offense or to obtain an Order of Protection.*

H. Misdemeanor Charges Accompanied with a Felony: A 16 or 17 year old charged with a misdemeanor and a felony, alleged to have been committed as a part of the same criminal transaction, will be considered an AO and processed as an adult prior to arraignment in the Youth Part.

## **VI. Procedure After Arrest:**

A. All AO/JO and JD arrests requiring arraignment or an Order of Protection during business hours require PRIOR notification to Westchester County DA's Office by calling (914) 995-3339 and faxing/scanning all existing paperwork to: fax (914) 995-3562; or email PleadingsBureau@westchesterda.net. (Rev 11/19)

B. Arraignments during business hours as stated in "A" above should be done at the Youth part of Superior Court in the County Court House, 111 Dr. Martin Luther King, Jr. Blvd in White Plains. (Rev 11/19)

C. Westchester County Probation Juvenile Intake Form is to be completed and submitted with all arrests which are arraigned at the Youth Part of Superior Court.

D. All AO/JO, JD arrests AFTER business hours requiring arraignment or an Order of Protection, can be done before one of the Town of Ossining Justices as a designated Magistrate.

E. Notification to the ADA will be done the next business day by the youth detective or a member of the OPD Detective Division.

*NOTE: In the absence of special circumstances, the preferable method is to issue the Family Court appearance ticket and release the child to a parent or guardian. An appearance ticket can be in all cases of misdemeanor and felony arrests, except for felonies that result in a designation of "Juvenile Defender" and/or "Adolescent Offender."*

**VII. Questioning of Juveniles:** Juvenile/Adolescent Offenders may only be questioned with consent from a Parent/Guardian and the Child after Miranda has been given. Questioning may take place in the child's home, the OPD Youth Detective's office, or any other non-threatening area. The preferable location for the questioning should always be in the Youth Detective's Office. If Miranda is waived over the phone, a recorded line is preferred. Use a Juvenile Miranda form where both parent/guardian and Juvenile sign.

**VIII. Fingerprinting of Juveniles:** Outlined in General Order #3.32

A. Effective November 1, 1996, the New York State Family Court Act (FCA 306.1) specifies that, following the arrest of a child alleged to be a juvenile delinquent, law enforcement agencies must fingerprint:

1. Juveniles 13 to 15 years of age charged with any felony offense (class A, B, C, D) (do not print an attempt at E)
2. Juveniles 11 to 12 years of age charged with a class A or B (do not print an attempt at felony offense)

B. Felonies or Finger Printable VTL Misdemeanors:

1. A 16 or 17 year old charged with a felony or a VTL printable misdemeanor should still be printable pursuant to CPL 160.10(1). Juveniles in need of being Livescanned should only be in the secure area of the building for as long as it requires to complete the Livescan and finger printing, then they should be returned to the proper holding area.
2. No adult suspects or adult prisoners shall be in the Livescan and/or booking area while the Juvenile is there.

C. Court Documentation Relevant to Juvenile Arrest: Refer to the Raise the Age Court Chart to determine the proper court for filing relevant court documents. For Adolescent Offender (AO)/Juvenile Offender (JO) arrests, see Arrest Document Checklist.

D. Detention:

1. When juvenile/adolescent offenders are being detained at the Ossining Police Department awaiting their parents, or, waiting to be transported to Family Court, or, to a detention facility, they are to be kept in the reports area, lobby, or the Youth Detective's Office.
2. Under normal circumstances, Juveniles/Adolescent Offenders are not to be held in any room not mentioned above.
3. Violent juveniles may be properly restrained just as other prisoners, and in very limited instances, placed in cell or lock up, but only if necessary for their safety and well-being.

E. Determination of Age and Identity of Arrested Juvenile: In those cases where an arrested youth states that he or she is a juvenile, is not able to prove his identity or his age, he or she will be treated as a juvenile instead of an adult.

F. Documenting Juvenile Arrest and Non-Arrest Situations:

1. Whenever contact is made between a police officer and a juvenile, and the contact is in an official capacity, the contact must be documented by the officer with a blotter number in the department's Records Management System (RMS).
2. The RMS is intended for in-house use, any copies being released for FOIL shall be appropriately redacted. Therefore, all Juvenile and Parent pedigree information shall be included in our RMS.

G. Juvenile Records:

1. All police records relating to juvenile arrests, juvenile contacts, and the disposition of juvenile cases shall be withheld from public inspection except when ordered by the Family Court.
2. It shall be the Youth Detective's responsibility to accurately maintain, update and store the juvenile records.
3. No information from the juvenile records can be released to any person without the authorization of the youth detective or a Division Commander or above.

**CRIMINAL INVESTIGATIONS RELATING TO VICE OR ORGANIZED CRIME**

**Purpose** - The purpose of this General Order is to guide Department personnel who receive information, or, are assigned to investigate a report of vice activity or organized crime activity.

**Background** - Criminal activity commonly referred to as "vice," i.e.: prostitution, gambling, etc. or, "organized crime," i.e.: prostitution, gambling, loan sharking, narcotics, etc.. can occur in any community. This form of criminal activity is often difficult to detect, investigate and prosecute; therefore, knowledge of an ongoing investigation related to vice or organized crime should be limited to as few people as possible, on a "need to know" basis. Further, investigations into vice or organized crime should be carefully monitored to insure the integrity of the investigations and safety if those involved.

**Policy** - It is the policy of the Department to investigate all known activity believed to be related to vice or organized crime. All such investigations will be coordinated through the Detective Division Commander. The Detective Division Commander will carefully monitor the progress of the investigation with a view toward insuring the safety of anyone involved in the investigation, as well as protecting the integrity of the investigation.

**Procedure** -

A. Upon receipt of information indicting vice or organized criminal activity, the Department member receiving the information will prepare an Incident Report titled according to the appropriate criminal activity, i.e.: prostitution, gambling, etc.

B. The Incident Report should contain a minimum amount of information, i.e.: a statement such as, "Undersigned officer has received information of ----- activity in Ossining." "This investigation is confidential: all original investigative reports are being forwarded to the Detective Division Commander." The investigating officer should include only the following additional information in the Report:

1. The date or dates of occurrence
2. The case number
3. The class code
4. The investigating officer should identify himself or herself as the Reporting Person &
5. The investigating officer should sign and date the Report and, forward it to the Tour Supervisor.

B. The investigating officer should then document the details of the investigation on Supplementary Offense Report and forward it to the Tour Supervisor.

C. The Tour Supervisor should make a copy of the Incident Report and forward the original to records. The copy should be forwarded to the Detective Division Commander along with the original Supplementary Report.

D. Should the circumstances of the investigation require immediate action the Tour Supervisor should notify the Detective Division Commander.

E. Upon receipt of the Incident Report or Supplementary Report the Detective Commander shall review the case and assign the investigation to a detective for a follow-up investigation. All investigative reports prepared during the follow-up shall be forwarded directly to the Detective Division Commander.

F. The copy of the Incident Report and Supplementary report shall be maintained by the Detective Commander in a "Confidential Investigation Folder" in his or her office. Information in the "Confidential Investigation Folder" may only be released to another Division Commander, the Captain, or Chief, except as directed by a court order.

G. The Detective Division Commander shall review all follow-up reports promptly, evaluate the progress of the investigation and direct the activities of the investigation in order to insure:

1. A thorough and appropriate investigation
2. The confidentiality of the investigation
3. The safety of those involved in the investigation and
4. The reputation of the Department, or, any of its members is not damaged as a result of the investigation.

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**PATROL SECTORS AND BOUNDARIES AND MINIMUM ROAD COVERAGE**

Revised 12/22/2021

**Purpose:** To define the geographic boundaries of each patrol sector and to establish Department guidelines for the re-evaluation of patrol sectors and MINIMUM patrol (road) coverage based upon calls for service.

**Patrol Sectors:** The Village of Ossining is currently divided into ( 4 ) village sectors, and the Town of Ossining into ( 2 ) town sectors; each officer is provided with a current map with the sector boundaries.

**Assignment of Personnel:** Each sector will be assigned patrol coverage. When additional personnel are available, their assignment will be made by the Patrol Supervisor in charge of the Tour unless otherwise directed by a superior officer.

**MINIMUM Staffing Requirements for Patrol (road) Personnel:**

The following staffing requirements represent the MINIMUM number of Patrol Road Personnel, assigned to work the tour at all times:

- Tour 1: 3 Officers for village sectors, 1 for town sectors/assignments
- Tour 2: 3 Officers for village sectors, 2 for town sectors/assignments
- Tour 3: 4 Officers for village sectors, 2 for town sectors/assignments

**Department Review:** Every year at the October Staff Meeting, all pertinent information as to **CALLS FOR SERVICE**, by shift, day of week, time of call, type of call, etc. will be reviewed. At that meeting it will be determined if patrol sector boundaries should be adjusted and if the current MINIMUM staffing requirements meet Department needs.

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GENERAL ORDER #3.38

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### **INVESTIGATION OF HUNTING COMPLAINTS**

**Purpose:** To provide Department personnel with guidelines for responding to and investigating hunting complaints.

**Background:** Every year the amount of open and/or undeveloped land available for hunting within the Village of Ossining decreases. It seems that many citizens exhibit a real concern over the thought of people entering the wooded areas of the Village with firearms or longbows for the purpose of hunting. There are no local ordinances that restrict or regulate hunting; all enforcement and investigation of HUNTING COMPLAINTS must be done under the authority of the New York State Penal Law and Environmental conservation Law.

There are several types of common violations that an officer may encounter:

1. Hunting without a license. ECL 11-0705 (1)
2. Person(s) hunting /trespassing on posted land. PL 140.10 or ECL 11-0703 (1b)
3. Person(s) hunting/trespassing on unposted land. PL 140.05 or ECL 11-0703 (1b)
4. Person(s) "discharge a firearm or longbow within five hundred (500) feet from a dwelling house, farm building structure actually occupied factory or church", ECL 11-0931 (4a 2)
5. Person(s) "discharge a firearm or longbow in such a way as will result in the load or arrow thereof passing over a public highway or any part thereof"; ECL 11-931 (4a 1)
6. Person(s) carrying a rifle afield. (Westchester) ECL 11-0931 (5a)

**Policy:** IT IS THE POLICY OF THE OSSINING POLICE DEPARTMENT TO INVESTIGATE ALL HUNTING COMPLAINTS. All citizen complaints and/or inquires as to hunting should have an officer assigned to investigate to determine if there is any violation of the law.

**Procedure:** It is the responsibility of every member of the Department (all sworn members, police dispatchers, and office assistants acting in the capacity of a police dispatcher) to make themselves aware of the provisions of the Environmental Conservation Law as it pertains to HUNTING COMPLAINTS. Additionally, provisions of the New York State Penal Law i.e.: sections such as "prohibited Use of a Weapon" Sec. 265.35; "Reckless Endangerment 1st or 2nd" Sec. 120.20 & 120.25; "Reckless Endangerment of Property", Sec. 145.25: "Trespass or Criminal

Trespass", Sec. 140.05 & 140.10; may also apply.

1. The police officer/police dispatcher receiving the complaint should assign the sector car to investigate the complaint. Additionally, because these types of complaints involve a person who is armed, a back-up unit should be assigned.
2. If possible, the officer should first meet with the complainant in an effort to determine if there is a violation of the law.
3. If the officer(s) investigation requires him/her to go into a wooded area looking for hunters, the officer should first put on his/her traffic safety vest and make sure that his/her portable radio is working.
4. For the safety of the officer(s) assigned to investigate a hunting complaint the desk officer/police dispatcher should periodically check on the officer and be cognizant of the elapsed time.
5. The investigating officer(s) will notify the Patrol Supervisor of the need to enter a wooded area.
6. A New York State Environmental Conservation Officer may be called upon to assist our officer (s) if circumstances warrant.
7. All violations of the Environmental Conservation Law and/or New York State Penal Law will be enforced.

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**REMOVAL / TOWING / IMPOUNDMENT / SEIZURE OF VEHICLES**

**Purpose:** The purpose of this General Order is to establish a procedure which governs the removal, towing, impoundment, and seizure of vehicles, removed or towed at the direction of a member of the Ossining Police Department, or otherwise seized by any agency, public or private, without the knowledge or consent of the registered owner.

**Definitions:** for purposes of this of this General Order, vehicles are classified as follows:

1. Abandoned Vehicles: As defined by the New York State Vehicle and Traffic Law.
2. Emergencies: Vehicles towed at the direction of the Department during emergency situations, such as: fires, snow emergencies, etc.
3. Evidence: Vehicles towed as evidence or having evidentiary value.
4. Accidents: Those vehicles towed because of accident damage.
5. Illegal Vehicle: Those vehicles which are unregistered, uninsured, or lacking required equipment for legal operation.
6. Repossessed Vehicles: Those vehicles which are seized by private agencies as a result of financial obligations.
7. Arrested Operator: Those vehicles, whose operator has been arrested, which can legally be operated on the highways, but can not be left unattended while the operator is taken into custody.

Authorized Dispositions: For purposes of this General Order, following are the authorized dispositions for the above-referenced vehicles:

1. Impounded at the Ossining Police Department impound area.
2. Impounded at the Tow Operator's storage lot or garage.
3. Repossessed and seized by an authorized agency as defined and directed by the New York State Vehicle and Traffic Law.
4. Legally parked and secured for removal by the registered owner. In this instance an officer may release the vehicle to a passenger who is properly licensed and has permission of the owner to take the vehicle, or, if the operator can have the car towed by the tow firm of his/her choice within a reasonable period of time, or, if the vehicle can be parked safely and legally and the owner will agree to be responsible for the security of the vehicle, it may not be necessary for the vehicle to be towed.

All vehicles will be disposed of in the following way:

1. Abandoned vehicles will be towed by the tow firm designated by the Patrol Division Commander to that firm's storage lot or garage.
2. Vehicles towed during emergencies shall be towed to the tow firm's storage lot or garage.
3. Vehicles towed as evidence shall be taken where the office in charge of the investigation

directs (e.g. Police Headquarters impound area, headquarters garage, tow firm storage lot, etc.)

4. Accident vehicles will be taken to the tow firm's place of business, or legally parked and secured for removal by the owner.
5. Illegal vehicles are to be impounded at the tow firm's place of business.
6. Arrested operator vehicles may be legally parked and secured for removal by the owner, or may be impounded at the tow firm operator's place of business if no other reasonable means of disposal can be achieved. Vehicles should not be towed for punitive purposes.
7. Repossessed vehicles shall be towed/driven or otherwise seized by agencies authorized by the New York Vehicle and Traffic Law at their sole expense and liability. Ossining Police Department responsibility, after being advised of a repossession, shall be limited to making appropriate New York State Police Information Network computer entries as required in procedures outlined herein, and notification by mail to the registered owner.

With the exception of ACCIDENT VEHICLES, upon release of an impounded vehicle, the owner or his/her designee must obtain a written release from the Ossining Police Department before obtaining his/her vehicle from the tow firm. The Ossining Police Department will accept payment only for those vehicles towed to the Ossining Police Department headquarters garage or impound area. All other fees will be collected by the tow firm operator.

**Procedures:**

1. Inventory of Seized Vehicles impounded and brought to either a police headquarters impound area or town firm storage area or garage, shall be inventoried by the seizing officer.
  - a. An Incident Report shall be prepared by the seizing officer describing the reason for, as well as, each vehicle seized.
  - b. A computerized Vehicle entry shall be made for every seized vehicle, recording the vehicle's license plate number, year of manufacture, make, model, color, vehicle identification number (VIN), and company towing said vehicle if applicable
  - c. The seizing officer or an officer designated by the Tour Supervisor shall complete a digital (i.e. Tracs or equivalent) impound inventory report documenting the condition and contents of each seized vehicle shall be completed by the seizing officer or, if this is not possible, a written inventory can be attached digitally to the case associated with the impound.
  - d. A separate computerized property entry shall be made by the seizing officer for any contraband or stolen property found in the vehicle during the course of inventory. The contraband/stolen property shall be forwarded to the Detective Division in accordance with G.O. #3.50.
  - e. No vehicle shall be brought to the Police Headquarters area for storage by any officer or detective without the approval of the Tour Supervisor.
  - f. An attempt shall be made to photograph all vehicles that have been seized under these circumstances.
  - g. Seized vehicles marked 'Hold' shall only be released by the Tour Supervisor, Patrol Commander, MIS Commander, or Detective Commander.

2. Abandoned Vehicles - Shall be processed in accordance with procedures outlined in General Order #3.28 - Abandoned Vehicles.
3. Accident/Disabled Vehicles - Shall be handled according to the following guidelines:
  - a. Towing Ossining Police Department Vehicles and Vehicles Held for Evidence - Tow agency will be determined by Chief's Office. Memo will be issued annually.
  - b. Owner's Preference - When a tow truck needs to be dispatched to the scene of an accident or disabled vehicle that requires towing, and the operator indicates a PREFERENCE, that tow firm should be contacted. If the PREFERENCE tow firm cannot respond, the requesting person should be notified to see if they have a second choice.

When an OWNER'S\_PREFERENCE towing firm is contacted, the appropriate information is to be entered on the OWNER'S PREFERENCE sheet in the tow truck dispatching log maintained at the Main Desk.

- c. No Preference (Accidents Only) - When there is a need for a tow truck at the scene of an accident and the owner or operator states that there is NO PREFERENCE for a tow firm, the next firm on the NO PREFERENCE ACCIDENTS ONLY rotation list, as established by the Chief of Police, for the appropriate zone, as established by the Chief of Police after conferring with tow firms on the rotation list, should be called. The required information should be entered on the NO PREFERENCE ACCIDENTS ONLY sheet in the tow truck dispatch log.

On occasion, the tow firm next on call on the NO PREFERENCE ACCIDENTS ONLY rotation list cannot, or will not, respond. In such cases, the next firms on the rotation shall be called, and an appropriate entry made including the reason the tow firm did not respond, on the log sheet in Village Truck dispatch record. In this case, the tow firm that handles the call for the firm not responding, shall get that call, plus the next call as well. The tow firm who does not respond in turn, shall be penalized, but the firm that handles the call shall get their next regular turn, as well as credit for handling the call for the firm not responding.

When two or more NO PREFERENCE tow firms are needed at the scene of an accident, the first firm called (first on the rotation list) has 1st choice of vehicles at the scene; then the second firm gets next choice, and so forth. The first tow truck at a scene may be required by the investigating officer to move vehicles for public safety reasons, but the first tow firm on the rotation list has first choice of vehicles to be towed under these circumstances.

- d. No Preference - Road Service, Impounds, etc. A rotation list shall be established by the Chief of Police, which shall assign, on a monthly basis, the firm to be called, by towing zone, for other than accident incidents.

- e. Emergency of Special Circumstances - It should be noted that the police officer/patrol supervisor at the scene of an incident may under special circumstances request a certain tow firm. That is, under circumstances to protect life and/or property the officer at the scene may request the closest tow.



GENERAL ORDER #3.40

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**ACCIDENT INVESTIGATION UNIT**

Issue Date: 3/21/2007

Revision Date: 1/2/2009

**Purpose:** To establish guidelines for the activation of the Accident Investigation Unit.

**Background:** The Accident Investigation Unit is trained in the investigation of accidents; utilizing their specialized training, they can recreate an accident, including contributing factors, and obtain evidence assisting in the recreation of the accident factors.

**Policy:**

1. The use of an **ON DUTY** Accident Investigator:
  - a. **PROPERTY DAMAGE ACCIDENT** - If the circumstances warrant, a thorough investigating, i.e.: Police Vehicle, Village Vehicle.
  - b. **PERSONAL INJURY ACCIDENT** - If the circumstances warrant, a thorough investigation, i.e.: Police Vehicle, Village Vehicle or a vehicle under contract with the Village (snow plow, paving trucks, etc.).
  - c. **SERIOUS PERSONAL INJURY** - Likely to result in death.
  - d. **FATAL ACCIDENT**
  
2. The use of an **OFF DUTY** Accident Investigator.
  - a. **SERIOUS PERSONAL INJURY** - Likely to result in death. The Tour Supervisor will authorize the call-out of the Accident Investigators and notify the Patrol Commander or his designee.
  - b. **FATAL ACCIDENT** - The Tour Supervisor will authorize the call-out of the Accident Investigators and notify the Patrol Commander or his /her designee.
  - c. Other circumstances in which the Tour Supervisor believes it necessary to have the presence of trained accident investigators. In cases not described by 1 & 2, the tour supervisor ,where practicable, shall notify the Patrol Division or Division Commander before calling an off-duty accident investigator. If that is not possible, one of the Division Commanders will be notified as soon as possible.

3. Operation of the Accident Investigation Unit - The Accident Investigation Unit works as a **TWO** man Unit. If circumstances of the accident require the need of an additional Accident Investigator, the Tour Supervisor will be notified. The Tour Supervisor will authorize the call-out of an additional Accident Investigator.

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GENERAL ORDER #3.41

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## **HOSTAGE NEGOTIATION TEAM**

**Purpose:** To establish guidelines for the activation and operation of the Hostage Negotiation Team.

**Background:** The hostage Negotiation team specializes in nonviolent defusing of potentially dangerous hostage situations, barricaded persons or any situation in which a person or persons have been taken captive and their takers intend to use the threat of physical injury or death to enforce demands or obtain concessions.

### **Policy:**

The Hostage Negotiation Team will be activated by the Patrol Division Commander, or his designee, when any one of the following activities have been confirmed:

1. Barricaded suspect who creates a threat to himself, an officer or citizen population.
2. Hostage Situations, such as:
  - a. The criminal who has his escape route blocked during the commission of a crime.
  - b. The psychotic with a depraved mind.
  - c. The terrorist or fanatic with a political cause.
  - d. Incident involving a prisoner in the custody of the Department.
3. As directed by the Chief, or Division Commander.
4. Since the Hostage Negotiation Team works as a Two-man team, the desk officer will notify TWO of the negotiators, if available. If Department members are not available or a team cannot be formed, outside sources will be utilized (i.e. Westchester County DPS or F.B.I.).

### **Procedure:** Responsibility at the Scene:

1. The Tour Supervisor will arrange to have the Department's Emergency Service Truck brought to the scene of the incident.
2. At the scene of a hostage/barricaded subject, the highest-ranking officer of the Patrol Division will assume the roll of Field Commanding Officer and will have overall authority and responsibility for all police action until relieved by an officer of higher rank. If two or more patrol supervisors are present at the scene, command authority rests with the member assigned as Tour Supervisor.
3. The Field Commander shall ensure that a secure inner perimeter is established around the area where the hostage taker barricaded person is known to be. The Field Commander shall take necessary measures to ensure the safety of citizens and personnel in the immediate area.

Evacuation may be considered where necessary. The Field Commander will establish a Field Command Post outside of the inner perimeter in an easily accessible and safe location where personnel and other resources can report to (for more details see COMMAND POST SET UP PROCEDURES & BARRICADED/HOSTAGE PERSON SITUATIONS).

4. Hostage Negotiators will notify the Field Commander upon their arrival. The Hostage Negotiators will not attempt to make contact with the hostage taker/barricaded person until directed to do so by the Commanding Office at the scene.

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GENERAL ORDER #3.42

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**CANINE UNIT**

**Purpose** - To establish guidelines for the activation and operation of the Canine Unit.

**Background** - The Department's Canine Unit will supplement patrol and investigative functions.

**Policy** - The canine Unit may be utilized for building searches, searches for suspects, searches for weapons, the search for missing persons and search for contraband drugs. THE USE OF CANINES IN CROWD SITUATIONS OR FOR A DETERRENT EFFECT AT DEMONSTRATIONS IS PROHIBITED.

**Procedure** -

1. When the service of a Canine Unit is contemplated, every effort will be made by the Officers on the scene to avoid contamination of the area with human scent by the presence of unnecessary people, including other police officers. All personnel shall insure establishment of a perimeter around the area to be searched.
2. The Tour Supervisor will authorize the use of the on-duty Canine Unit or the call-out for an off-duty Canine Unit.
3. Upon arrival of the Canine Unit at the scene, the investigating officer and/or the Tour Supervisor will brief the Canine Unit. The Canine Officer and/or the Tour supervisor will determine whether the circumstance warrant the use of the canine.
4. Request for use of the Canine Unit outside of the Village Of Ossining.
  - a. ON DUTY - Request for use of the Canine Unit outside of the Village of Ossining will be authorized by the Chief of Police .
  - b. OFF DUTY - Request for calling out on overtime, the Canine Unit for use outside of the Village of Ossining will be authorized by the Chief of Police.
5. **Police Dog Bites** - The Canine handler shall:
  - a. File a report and in the case of a non-accidental bite(s), also a use of force report.
  - b. Notify the Tour Supervisor.
  - c. Take or cause to be taken photos of the injury and, if relevant, photos of the scene.
  - d. Advise the person bitten to receive a tetanus shot or other treatment as may be necessary. Transport the person bitten to a hospital for treatment, if necessary or

- requested. If he/she refuses treatment, photos will be taken and the refusal will be documented on the incident report and signed by the person.
6. Tour Supervisor shall investigate and forward a report to the Patrol Commander regarding the incident.
  7. Patrol Commander shall maintain files of all incidents involving Police Canine dog bites and use of force.
  8. Drug Testing - Since training with a drug detection dog requires the canine officer to be in possession of different controlled substances, the Patrol Division Commander will:
    - a. Randomly check or cause to check/weigh/measure controlled substance used by the canine officer for training.
    - b. Randomly have the canine officer submit to a chemical test for the detection of the use of drugs.
  9. The Canine Officer shall:
    - a. Keep accurate records of ALL call outs and/or uses of the Police Canine.
    - b. Keep accurate and detailed training records for the Canine Unit.

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**GUIDELINES FOR SPECIAL PATROL OPERATIONS**

**Purpose:** To identify the role of the Special Patrol Operations Unit (SPO Unit) in a way that will guide supervisors in the use of SPO Unit officers, to assist other members of the Department to understand how the SPO Unit may assist in their investigations and to document the various duties and responsibilities of the SPO Unit.

**Background:** During the past several years, the Department has maintained an SPO Unit consisting of from two to four patrol officers. Their function has been mainly related to traffic enforcement; however, the SPO Unit has also assisted with special details, such as: enforcement of the Village Code, ABC violations, traffic safety and fatal or possible fatal accident investigations. More recently, the SPO Unit assumed additional responsibilities, i.e.: investigation of abandoned vehicles, dumping investigations and execution of warrants, as well as a more active role in prisoner transports and filling in sectors when a regularly assigned sector patrol officer is absent due the illness, personal day off, training, etc. This General Order will clarify the role of SPO Unit officers in a manner that will facilitate their support role within the Patrol Division.

**Policy:** It is the Policy of the Department to utilize the SPO Unit as a support service to the regular patrol function. The GOALS of the SPO Unit Shall be to assist in the orderly and efficient flow of vehicular and pedestrian traffic and, to provide support services within the Patrol Division. The OBJECTIVES of the SPO Unit are:

1. To provide a Public Safety Officer whose main responsibility will be to represent the Police Department on the Public Safety Committee.
2. To provide support services within the Patrol Division that are either too time consuming to be efficiently handled by a patrol officer assigned to a sector, or, technical in nature, making it impractical to train every patrol officer.
3. To provide administrative assistance to the Patrol Division Commander and Relief Sergeant.

This will be accomplished in three ways:

A. SPO Unit officers will follow-up on investigations initiated by themselves or other patrol officers pertaining to:

1. Abandoned Vehicles
2. Dumping Violations
3. Fatal or serious personal injury motor vehicle accidents likely to result in death

B. SPO Unit officers will fill in for patrol officers who are assigned to a sector but are absent from duty, assist with prisoner transports when needed, and be assigned various administrative responsibilities by the Patrol Division Commander and Relief Sergeant, i.e.: scheduling and maintenance of certain Patrol Division records and, Special Details, i.e., ABC enforcement, Village Code enforcement, burglary or motor vehicle theft patrol

C. A member of the SPO Unit shall function as a member of the Public Safety Committee, working with a member of the Village Board, to identify and resolve issues related to the safe movement of traffic around the Village.

**Procedures:**

A. The SPO Unit, while under the command of the Patrol Division Commander, shall be supervised for administrative purposes by the Sergeant assigned as the "Relief Sergeant," and by the Tour Supervisor during a normal shift.

1. SPO Unit members may be supervised by some other member of the Department, i.e., a member of the Detective Division, while assigned to a special detail, but, only in so far as the carrying out of the duties relating to the special detail.
2. SPO Unit officers will report to, and receive assignment instructions from the Relief Sergeant for purposes of fulfilling the objectives of the SPO Unit.

B. The SPO Unit shall be considered a squad for purposes of vacation selection, seniority and other matters related to administration of the Unit, however, their work schedule shall be determined by the Patrol Division Commander.

C. The working hours for members of the SPO Unit shall normally be 7:00AM to 3:00PM and 3:00PM to 11:00PM. SPO Unit hours may be changed for special details or, by the Patrol Division Commander or Relief Sergeant as needed to fulfill the objectives of the SPO Unit.

D. During the one and one half time frame between 7:00AM to 8:30AM and 3:00PM to 4:30PM, normally considered the "Shift Change," SPO Unit members are to be available to respond to "Emergency" and "Urgent" calls for service during this time frame, such calls for service should be assigned to the off-going or on-coming sector car.

E. SPO Unit members will normally be assigned an unmarked car equipped for traffic enforcement and accident investigation. When more than one SPO Unit member is working the second officer may be assigned to a marked patrol car, or, a second unmarked car if available.

F. Tour Supervisors may assign an SPO Unit officer to a sector for any tour when the SPO Unit officer is needed to meet the Department's minimum manpower requirement for the tour. If one SPO Unit Officer is working he or she shall use the SPO Unit's unmarked car while assigned to the sector. When more than one SPO Unit officer is working the SPO Unit officer assigned to the sector will use the marked patrol car normally assigned to the officer he or she is replacing or a marked car to which the SPO Unit Officer is assigned.

G. During any tour of duty the Tour Supervisor may temporarily reassign an SPO Unit member to handle a routine call for service, or fill in a sector on a short term basis, however, other

resources should be considered first, i.e., assigning a sector car from an adjoining sector to handle a routine call rather than the SPO Unit. Any such reassignment expected to last more than one hour should first be cleared through the Relief Sergeant or Patrol Division Commander. If neither is available the Tour Supervisor may proceed with the reassignment. He should immediately direct a memo to the Patrol Division Commander explaining the circumstances of the reassignment.

H. The member of the SPO Unit shall have traffic enforcement as their main duty and, discharge patrol and administrative duties as assigned by the Patrol Division Commander and the Relief Sergeant. Such duties may include:

1. Dumping violations follow-up investigations
2. Abandoned vehicles follow-up investigations
3. Overweight vehicles enforcement
4. Maintenance of Breath Testing and Radar equipment and records
5. Patrol car speedometer calibrations
6. Inspecting patrol division vehicles monthly for equipment, damage and cleanliness
7. Maintaining records pertaining to patrol division vehicles
8. Other administrative duties as needed.

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**EMERGENCY SERVICE UNIT / TACTICAL TEAM (S.W.A.T.)**

Issue Date: 02/22/2020

**1.00 Purpose:** The Ossining Police Department establishes a guideline for the selection, training, structure, equipment and activation of the Emergency Service Unit (E.S.U.) or SWAT team and to fix responsibility for those incidents where SWAT is activated.

- A. The SWAT Team is an operational entity within the Ossining Police Department comprised of tactical elements, special capabilities, and operators assembled for specific missions.
- B. The Ossining SWAT Team includes a list of positions assigned to the unit that includes one team commander, two – (2) person sniper elements, and ten operators for multiple tactical tasks. There will be 15 or more members of the team including the 4 sniper elements.

**1.05 SWAT Commander / Span of control:** The Ossining Police Department shall have a designated SWAT Commander for the purposes of supervision. The SWAT Commander is responsible for the overall operation of the unit and all the members assigned to the unit, and for establishing the specific duties and responsibilities of the:

- a) Team Leader
- b) Assistant Team Leader
- c) Team members (Tactical Operators)
- d) Long Rifle Marksman (sniper / observers)

Depending on the severity of the incident, the length of the incident, and / or the overall nature of the incident, the SWAT Commander may designate additional Assistant Team Leaders in order to preserve unity of command and to maintain adequate span of control.

The assignment of the Team Leader and Assistant Team Leaders may be made regardless of agency rank (i.e., within the SWAT Team a Sergeant may be a team member or an Assistant Team Leader may be a Patrol Officer).

Orders given by the SWAT Commander or his designee shall proceed as the last order given. Orders shall only be given by the SWAT Commander or his designee (Team leader, Assistant team leaders and or the Tactical Operations Command).

In the Absence of the SWAT Commander (S.C.) the Team Leader (T.L.) shall maintain control of the unit. In the Absence SWAT Commander (S.C.) and the Team Leader (T.L), the Assistant Team Leader (A.T.L.) shall maintain control of the unit. In the Absence of the SWAT Command staff (S.C. T.L. and A.T.L) the senior most member of the SWAT Team shall maintain command of the unit.

Additionally the SWAT Commander or his designee (Team leader, Assistant team leader, or Tactical Operations command (TOC) shall maintain control over multiple elements engaged in a single operation should the situation or incident call for said action.

**1.10 SWAT Operator Selection Process: Team Member Selection**

The Ossining Police Department shall have an established SWAT operator selection process. The decision to accept or reject any eligible candidate will be made by the SWAT team selection committee. The SWAT team selection committee shall be made up the SWAT Commander, the Team Leader(s), and the Assistant Team Leader(s).

The Ossining SWAT team selection process will include, but not be limited to the following:

- 1) The SWAT Commander shall generate a departmental email requesting applications for the Ossining Police SWAT team.
- 2) All potential operators must be active Police Officers of the Ossining Police Department and shall have completed the basic MPTC Police Officer training or equivalent training. All potential operators also must have successfully completed their initial agency probationary period.
- 3) All potential operators will be subject to a firearms proficiency qualification and must obtain a score of 90 percent or better
- 4) All potential operators will be subject to a practical scenario based evaluation.
- 5) All potential operators will be subject to passing a physical agility exam (Cooper agility test) scoring a minimum of the 70<sup>th</sup> percentile.
- 6) All potential operators will then be subject to an oral interview, conducted by the SWAT Team selection committee.

Based upon the above information, The Swat Team selection committee shall then make a determination of acceptable candidates for the Ossining Police SWAT team. The SWAT team selection committee will then make their recommendation(s) to the Ossining Chief of Police, whom shall have the final decision.

**1.12 Administrative Responsibilities:** It will be the responsibility of the SWAT Commander to conduct an annual review of all SWAT related policies and procedures to ensure they are in conformance with MPTC SWAT Team Certification Standards and best practices.

**1.15 Initial Training:** The Ossining Police Department SWAT Team requires that each SWAT operator successfully complete the SWAT operators course approved by the Municipal Police Training Council or the equivalent prior to serving operationally. Additionally each SWAT operator must successfully complete FEMA ICS 200 as well as FEMA ICS 700 National Incident Management System (NIMS) courses.

**1.20 In Service Training:**

The Ossining Police Department requires that each SWAT operator successfully complete an annual SWAT In-Service Course that has been approved by the Municipal Police Training Council. This block of instruction must be submitted to the Division of Criminal Justice Services as a SWAT In-Service course 45 days prior to the start of the training. Additionally SWAT Operators who are injured or otherwise unable to participate in SWAT Operations are not required to attend in-service training during the period they are unable to be deployed to actual SWAT call outs. If an operator is unable to participate for more than six months they must demonstrate firearms proficiency and be otherwise fit for duty prior to participation in any active tactical operations.

**1.25 Specialty Tasks:**

The Ossining Police Department requires that all SWAT Operators or agency members who engage in specialty tasks successfully complete initial and annual training required to perform said specialty task. The Ossining Police Department Sniper / Observer elements as well as the Ossining Police Department Hostage Negotiators and Tactical Medics / Tactical EMTs are required to adhere to the aforementioned standard.

### **1.30 SWAT Commander / Assistant Team Leader / Training:**

The Ossining Police Department requires that the SWAT Commander, Team leader and Assistant Team leaders must have additional leadership and supervision training. This training should consist of an approved Tactical Supervision course or the equivalent. Additionally all persons involved in training must have successfully completed FEMA IS 120 and IS 130 courses.

### **1.35 Record keeping / documentation:**

The SWAT Team Commander shall ensure that the SWAT team training records are maintained and reported in a timely fashion in accordance with the Official Compilation of Codes, Rules, and Regulations of the State of New York and as may be required by any other law rule, or regulation, including without limitation, DCJS SWAT team Standards.

Note: Records shall include lesson plans, course curriculum, class roster with training dates, total hours, names of the course, students name, and the result of the training

All instructors will be compliant with the provisions of the Title 9 NYCRR parts 6023 and 6024 as appropriate.

All Ossining SWAT individual and Ossining SWAT team records shall be maintained in a physical form (paper copy) or by a computer based electronic storage system or both.

### **1.40 Operator Equipment:**

The Ossining Police Department SWAT team requires that each operator be equipped with at least the following:

- A. Utility Uniform that identifies the operator as a law enforcement officer.
- B. Soft body armor
- C. Eye protection
- D. Semi-automatic duty handgun
- E. Extra handgun ammunition and ammunition for the rifle or shotgun if carried.
- F. Prisoner restraints – plastic ties or metallic
- G. Handgun holster, handcuff pouch, handgun magazine pouch and pouches to carry rifle magazines or shotgun shells.
- H. Knife
- I. Air purifying respirator and pouch - 1 extra filter
- J. Individual gunshot wound kit – Minimum shall include: a pouch carrying: Tactical Tourniquet (SOF-T, C.A.T., MAT) tactical trauma bandage or Z or S folded gauze with a compression wrap, occlusive dressing (Asherman, Bolin, Hyfin, or vaso gauze), combat gauze (Quick clot or equivalent) duct or 2 inch tape, trauma shears, nasal airway, 14 gauge 3.25 inch needle and individual emergency medical data card.

- K. Portable radio with ear piece

**1.45 SWAT Team Equipment:**

This agency requires that the Ossining Police Department SWAT team be equipped with at least the following:

- A. Vehicle(s) with the capacity to carry team members and all equipment
- B. Additional ammunition for all weapons platforms utilized by the unit
- C. Noise flash distraction devices
- D. Portable ladder
- E. Transmitting equipment for negotiation – wireless or hardwire
- F. Mechanical breaching

**1.45 SWAT Team Equipment (continued):**

- G. Precision rifle with optical sights
- H. Patrol rifles w/ weapons light, sub machine gun (SMG) w/ weapons light, or a combination of both types
- I. Chemical agents with delivery system(s)
- J. Less lethal weapons with delivery system(s)
- K. Multiple Hand held ballistic shields
- L. Radio capable of interoperability with agencies the team regularly interacts with

**1.50 Ossining S.W.A.T. Team Capabilities and Operations:**

**BASIC ENTRY AND DEPLOYMENT PROCEDURES**

- A. The SWAT Commander, Team leader, Assistant Team leader or his / her designee (not below the rank of Sergeant) will authorize the use of the Ossining Police SWAT team for any deployment.
- B. Whenever possible (barring exigent circumstances) the SWAT Commander or his designee (Team leader, Assistant team leader) will ensure a written Operation Plan will be prepared prior for all Tactical Operations, and when practical will provide a briefing of said Operational Plan.
- C. The Tactical Operational Plan may be part of a larger Operational Plan, in such incidents the SWAT Commander will consult with other Division Commanders to ensure all of the Departments needs are met.
- D. In Emergency situations the Operational Plan may be completed as soon as is practicable.
- E. After a Tactical Operation, all members involved will participate in an official Debriefing of the Incident.
- F. After a Tactical Operation the SWAT Commander will see that an After Action Incident Report is prepared.

**NOISE FLASH DISTRACTION DEVICES**

- A. The SWAT Commander or his designee may authorize the deployment of a Noise Flash Distraction Device.
- B. Consideration will be given to the presence of children and elderly adults before the deployment of any Noise Flash Distraction Device.
- C. SWAT team members will receive annual training on Noise Flash Distraction Devices.

- D. During a Tactical Operation, changes in intelligence, circumstance, conditions and environment may make the use of a Noise Flash Distraction Device appropriate or inappropriate, authorizing any SWAT team member to deploy or not to deploy a Noise Flash Distraction Device.

### **HOSTAGE NEGOTIATIONS TEAM**

- A. The Hostage Negotiations team will fall under the command of the SWAT Commander or his / her designee.
- B. The Ossining Police Department will use certified trained Hostage Negotiators at the discretion of the SWAT Commander, or his designee.
- C. Whenever practicable two (2) Hostage Negotiators will be deployed for incidents deemed necessary.

### **TACTICAL EMERGENCY MEDIC (TEMS)**

- A. The Tactical Emergency Medics will fall under the command of the SWAT Commander.
- B. In the absence of SWAT EMT Operators, a non –SWAT EMT member may be utilized by the Ossining SWAT team at the digression of the SWAT Commander and / or his designee.
- C. Whenever practicable EMS will be on standby at any Tactical Operation.

### **BREACHING**

- A. The breaching strategy will be part of the Operational Plan and discussed in the command briefing.
- B. Hydraulic, mechanical, manual or Explosive breaching equipment may be used to gain access to a building or vehicle as the situation dictates.
- C. Breaching options may consist of one or more of the following options.
  - Mechanical breaching
  - Ram
  - Manual breaching (sledge hammer, halligan tool)
  - Shotgun breaching
  - Explosive breaching

### **SNIPER / OBERVER**

- A. Sniper/ Observer team (s) may be deployed by the SWAT Commander as needed.
- B. Sniper/ Observer team (s) will consist of two trained marksman.
- C. Any member of the Ossining Police Department used as a Sniper / Observer is required to complete a NYS DCJS MPTC approved Sniper course or its equivalent before they are deployed as a Sniper / Observer.
- D. Sniper / Observers will successfully complete at a minimum the approved NYS DCJS MPTC required annual in-service training for snipers.

### **ROBOTIC EQUIPMENT**

- A. The Ossining Police SWAT team may deploy robotic equipment during tactical operations.

- B. The Westchester County Police Bomb Squad will assist the Ossining Police SWAT team as needed for Robotic Operations as outlined in the attached MOU.
- C. The Westchester County Police Bomb Squad and all its capabilities will be available in the event of a threat of energized material or hazardous conditions.

### **SURVEILLANCE**

- A. Whenever possible the Ossining Police SWAT team will have a team member conduct visual surveillance / reconnaissance of a target location prior to tactical operations.
- B. Surveillance may be conducted by robotic equipment, Aviation Unit, Sniper/ Observer teams, Un-maned Aircraft Systems (Drone) or by other means.

### **LESS LETHAL MUNITIONS AND AEROSOL IRRITANTS**

- A. The Ossining Police SWAT team will have less-lethal tactical options available for use as needed.

\*Please refer to General Orders #2.99, #3.02, #3.03 and #3.65 for departmental regulations regarding use of less lethal force

### **NIMS / ICS**

- A. The Ossining Police SWAT team members and supervisors will use NIMS and ICS principles as needed.
- B. The Ossining Police SWAT Commander will operate as part of a unified command in the event of a Multi-Agency Event.
- C. All Ossining Police SWAT team Members will be trained in NIMS/ICS and receive annual training to maintain proficiency.

### **1.55 Bomb Squad and Robotic Assets:**

- A. The Westchester County Police Bomb Squad will assist the Ossining Police SWAT Team as needed for robotic operations as outlined in the attached MOU.
- B. The Westchester County Police Bomb Squad and all its capabilities will be available in the event of a threat of energized material or hazardous conditions.

### **1.60 Deployment Criteria and Responsibilities:**

**Procedure :** Activation of the Ossining Police SWAT team shall be at the discretion of the Patrol Division Commander or their designee in conjunction with the SWAT Commander or designee (Team leader, Assistant Team leader).

It is the responsibility of the Patrol Supervisor to evaluate the circumstances of an incident and request authorization from the Patrol Division Commander or designee to activate the Ossining Police SWAT team.

**A. Guidelines for SWAT Team Activation:** The kinds of situations likely to result in the activation of the Ossining Police SWAT team include (but are not limited to):

- Hostage situations.
- An emotionally disturbed person.
- Terrorist activity.
- Interior or open air searches.
- Barricaded persons.
- Dignitary protection service.
- Search and or Arrest Warrants.
- Any other situation authorized by the Ossining Police Chief or a Division Commander.

**B. Reporting to the Scene / Assignments:** Upon arrival at the scene, SWAT members shall report to the SWAT Commander. In the event that the SWAT Commander is not on scene, initial SWAT operators will report to the Team leader or Assistant Team leader or their designee. In the absence of SWAT Commander or designee (Team leader or Assistant Team leader) SWAT operators shall report to the highest ranking sworn member of this agency on scene for briefing.

The Tour Supervisor or Patrol Division Commander, if on scene, shall inform the SWAT Commander of the circumstances of the incident, and the SWAT Commander and or his designee (Team leader, Assistant Team leader) shall develop a plan to plan to contain and / or bring the situation to the safest possible conclusion.

In the event that the SWAT team operators are actively involved in the incident (eg. inner perimeter etc.) The SWAT operators shall be under the direct supervision of the SWAT Commander or his designee (Team leader, Assistant Team leader(s)). In such situation, (SWAT operators holding a perimeter) SWAT Operators will be relieved by uniformed patrol when available.

The SWAT Commander or his designee will be responsible for the assignment and deployment of any specialized weapons and / or equipment.

At the completion of an incident, the SWAT Commander or designee will advise the Patrol Division Commander, when the scene is rendered secure and safe.

**1.65 Planning / Documentation**

Whenever the Ossining SWAT team is activated it shall be the responsibility of the SWAT Commander, Team leader, Assistant Team leader or his designee, to have a written tactical response plan, including but not limited to, photographs of the location of the incident. Pictures of the suspect(s), nature of the incident (ie. Narcotics, Barricaded subject, emotionally disturbed person etc.), as well as team assignments, equipment to be used and vehicles to be utilized.

The aforementioned Tactical response plan shall be approved by the Ossining Chief of Police or his designee. The Tactical response plan shall be disseminated to the SWAT team members at a briefing conducted prior to deployment.

In the event that the nature, timing or circumstances of the incident make it impossible for a written tactical response plan to be generated (eg. Active shooter etc.), the swat team will be

verbally briefed by the SWAT Commander, and a written tactical report will be generated thereafter.

Following a SWAT team activation, the SWAT Commander and or the Team Leader shall submit a written after action report to the Ossining Chief of Police. The aforementioned after action report shall include, but not limited to, the nature of the incident, actions taken by the Ossining SWAT team, and the results of the incident.

Whenever the Ossining SWAT team is activated, the tactical response to the incident, shall be reviewed during a debriefing session which will occur following the incident.

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GENERAL ORDER #3.45

PAGE 1 OF 3

**PROCEDURAL GUIDELINES FOR HANDLING OF DIPLOMATS**

**Purpose** - To establish procedures for the handling of Diplomats and Consular officials encountered in an incident by members of this Department.

**Background** - Due to the Village of Ossining's being in close proximity to New York City and currently being host to the Mission to the United Nations, there is a good possibility that officers of this Department will come into contact with Diplomats and Foreign Consul. Since Diplomats, their families and employees have different rights than U.S. citizens, there is a need for a procedure in the handling of such persons.

**Policy** - Diplomatic and consular officers should be accorded their respective privileges, rights, and immunities as directed by international law and federal statute. These officials should be treated with the courtesy and respect that befit their distinguished positions, at the same time, it is a well-established principal of international law that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect local laws and regulations.

**Definitions** -

A. **Diplomatic Immunity** - Diplomatic Immunity, a principle of international law, is broadly defined as the freedom from local jurisdiction accorded to duly accredited diplomatic officers, their families, and servants. Diplomatic officers should not be arrested or detained except for the commission of a grave crime. Family members of diplomatic mission are entitled to the same immunities under current U.S. law (22 U.S.C. 252) if they are not nationals of or a permanent resident in the receiving state.

Associated with this personal immunity is the inviolability enjoyed by the premises of the mission of the sending state and the private residences of a diplomatic agent, his property, papers and correspondence.

B. **Diplomatic Officers** - Ambassadors and Ministers are the highest ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselors, counselor. First Secretary, Second Secretary, Third Secretary, and Attache. These officials are located either in Washington, D.C. or in New York City. Diplomatic officers, their families, official staff, and servants, who are not nationals of or a permanent resident in the receiving state, are protected by unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense.

C. **Consular Officers** - Consular officers are Consuls-General, Deputy Consuls- General,

Consuls. and Vice Consuls. They are also official representatives of foreign governments. Consular officers are required to be treated with due respect, and all appropriate steps are to be taken to prevent any attack on their person, freedom, or dignity. They entitled to limited immunities as described below.

1. Immunities - Under prevailing international law and agreement, a foreign career Consular Officer is not liable to arrest or detention pending trial, except in the case of a grave crime (felony offense that would endanger the public safety) and pursuant to a decision by the competent judicial authority. His immunity from criminal jurisdiction is limited to acts performed in the exercise of consular functions and is subject to court determination.
  2. Identification - Career Consular Officers can be identified by credentials issued by the State Department and by other locally issued official identification papers.
    - a. The State Department Credential bears its seal, the name of the officer, his title, and the signatures of State Department officials.
- D. Honorary Consul - Often nationals or permanent residents of the receiving state are appointed and received as Honorary Consular Officers to perform the functions generally performed by career Consular Officers. Such officers do not receive identification cards from the State Department of the type issued to career Consular Officers, though they may exhibit reduced-sized copies of the exequatur or diplomatic note evidencing recognition by the United States Government. These individuals are not immune from arrest or detention; they are also not entitled to personal immunity from the civil and criminal jurisdiction of the receiving state, except as to official acts preformed in the exercise of their consular functions. However, appropriate steps must be provided to accord to. Such officers the protection required by virtue of their official position. In addition, the consular archives and documents of a consular post headed by an honorary consul are inviolable at all times and wherever they may be, provided they are kept separate from other papers and documents of a private or commercial nature relating to the other activities of an honorary consul and persons working with him.
- E. Families of Consular Officers - Family members of Consular Officers do not enjoy the same privileges and immunities with respect to the civil and criminal jurisdiction of the receiving state as do Consular Officers. However, they should be accorded appropriate courtesy and respect.
- F. Consular Premises - Consular premises used exclusively for the work of the consular post cannot be entered without explicit permission of the head of the consular post or his designee or by the head of the diplomatic mission. This permission may be assumed in the case of fire or other disaster requiring prompt protective action.
- G. Consular Archives, Documents, Records and Correspondence - The Consular archives and documents are inviolable at all times and wherever they may be. The official correspondence of the consular posts, which means all correspondence relating to the consular post and its functions, is likewise inviolable.

**Procedure** - Methods of handling selected incidents, violations, or minor offenses by Consular Officers.

A. Moving Traffic Violations - When a Consular Officer is stopped for a moving traffic violation, the officer on the scene, upon being advised by the driver that he is a Consular Officer and ascertaining that he possesses the proper credentials, should exercise discretion based on the nature of the violation and either let him go with a warning of the danger of his actions or proceed with issuance of appropriate citation. Mere issuance of a traffic citation does not constitute arrest or detention in the sense referred to above.

B. Driving While Under the Influence - The primary consideration in this type of incident should be to see that the Consular Officer is not a danger to himself or the public. Based upon a determination of the circumstances, the following options are available:

1. Take him/her to the station or a location where he/she can recover sufficiently to enable him/her to drive safely.
2. Take him/her to a telephone so that he/she can call a relative or a friend to come for him/her.

The official should not be handcuffed, subjected to any sobriety test or mistreated in any way. At best, this is a sensitive situation. The official should be treated with respect and courtesy. It should be impressed upon him/her that the officer's primary responsibility is to care for his/her safety and the safety of others.

C. Offenses Involving Family Members of a Consular Officer - Family members of a Consular Officer CANNOT claim immunity. However, consideration should be given to the special nature of this type of case. A violation should be handled, when possible, through the seeking of a complaint. The individual should be released once positive identification is made and relationship with the Consular Official is verified. If the relative is a juvenile, as in all juvenile cases, the subject should be released to the parent Consular Officer.

D. Reporting of Incidents to the Office of the Governor - In the event that a Consular Officer or member of his family or personal staff should become involved in any actions taken by members of this Department, the Office of the Governor shall be immediately furnished with all pertinent information through the Office of the Chief of Police.

This procedure is to be used in conjunction with all relevant existing departmental policies, procedures, rules and regulations.

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GENERAL ORDER #3.46

PAGE 1 OF 3

**PROCEDURAL GUIDELINES FOR HANDLING OF NONRESIDENT TRAFFIC VIOLATORS**

**Purpose** - To establish procedures for the handling of traffic law violations by nonresidents.

**Background** - Police Officers in the course of their duties will come into contact with traffic violators who are not residents of the State of New York or the United States.

**Policy** -

A. According to section 250 subdivision 2 of New York State Vehicle and Traffic Law:

"A person of the age of sixteen years and upwards who shall be a nonresident of this state, and a resident of a state, territory, federal district or foreign country having laws, with which such person has complied, which require such person, in order to operate a motor vehicle or motorcycle therein, to be licensed, may operate or drive a motor vehicle or motorcycle on the public highways of this state without being so licensed under this chapter provided, however, that the recognition granted under this subdivision shall, with respect to a person under the age of eighteen years, only permit the operation of a motor vehicle or motorcycle in this state in accordance with the same restrictions imposed upon New York residents operating or driving motor vehicles or motorcycles with class DJ MJ licenses under subdivision three of section five hundred one of this chapter. A nonresident entitled to operate a motor vehicle or motorcycle as herein provided who shall become a resident of this state may operate or drive a motor vehicle or motorcycle on the public highways of this state for a period not exceeding thirty days from the date he becomes a resident pending the obtaining of a license to operate such motor vehicle or motorcycle in this state. The exemption granted in this subdivision shall not apply to persons whose privilege of operation a motor vehicle in this state, or whose former license to drive in this state, has been suspended or revoked until such suspension or revocation has been suspended or revoked, until such suspension or revocation has been terminated or privilege of operating a motor vehicle restored."

B. Since The Department of Motor Vehicles does not supply a list of foreign countries whose driver's licenses the State of New York recognizes, the patrol officer will have to assume every foreign country driver's license is valid in the State Of New York.

**Procedure:**

Out of State Drivers License:

1. If the operator produces an out of state drivers license or a license from one of the provinces of Canada, these licenses can be checked through the New York Department of Motor Vehicles.

You should inquire of the operator why he/she is in this area, (works, family or just moved) to obtain a local address in case he/she does not appear in court.

Since some individuals, whose license is suspended in New York, will obtain a license from another state, it is good practice to check out of state operators through the New York State Department of Motor Vehicles.

Not all states have reciprocal agreements with New York, therefore, if the traffic offense is serious enough, you might want to consider taking bail.

2. If the operator is unable to produce a license and states that he/she has a license from another state or a province of Canada, this claim can be checked through the New York State Department of Motor Vehicles.

You should inquire of the operator why he/she is in this area, (works, family or just moved) to obtain a local address in case he/she does not appear in court.

Since some individuals, whose license is suspended in New York, will obtain a license from another state, it is good practice to check out of state operators through New York's Department of Motor Vehicles.

Not all states have reciprocal agreements with New York, therefore, if the traffic offense is serious enough, you might want to consider taking bail.

Foreign Country Drivers' Licenses:

1. If the operator produces a driver's license from a foreign country, it cannot be checked through the New York State Department of Motor Vehicles, F.B.I. or Interpol.

You should inquire of the operator why he/she is in this area, (works, family or just moved) to obtain a local address in case he/she does not appear in court.

You should check this individual through the D.M.V. to see if he/she is wanted or is attempting to conceal his/her true identity from you.

If the license is in a foreign language a check can be made through the U.S. State Department to determine if the document presented is in fact a drivers license.

There are no reciprocal agreements with New York and foreign countries. If the traffic offense is serious enough you might want to consider taking bail.

2. If the operator cannot produce his/her drivers license and states that he/she has a license from

a foreign country, check this individual through D.M.V. to see if the person is wanted or is attempting to conceal his/her true identity from you.

Foreign country licenses or information on foreign country licenses cannot be checked through the New York State Department of Motor Vehicles, F.B.I., or Interpol.

You should inquire of the operator why he/she is in this area, (works, family or just moved) to obtain a local address in case he/she does not appear in court.

There are no reciprocal agreements with New York and foreign countries. If the traffic offense is serious enough you will take bail.

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GENERAL ORDER #3.47

PAGE 1 OF 1

**DISPOSAL OF DEER KILLED BY COLLISION**

**Purpose** - To establish Department procedures and policy which are consistent with EnCon Law Section 11-0915 for the "DISPOSAL OF DEER KILLED BY COLLISION".

**Background** - Recently, the Environmental Conservation Law has been changed regarding the disposal of deer carcasses as a result of being struck by a motor vehicle. Under the recent revisions a police officer may now issue a possession permit for the dead deer.

**Policy** - Environmental Conservation law states that "the owner of a motor vehicle which has been damaged by collision with a deer shall be entitled to possess such deer" under the following conditions:

1. The accident is reported to a police officer of a city, town or village located in the county of such accident within 24 hours thereafter.
2. The officer shall investigate and, if he finds the deer has been killed or so injured as to require it to be killed and the damage has been done as alleged, he shall issue a permit to the owner of the motor vehicle entitling such owner to possess the carcass for consumption. Such permit shall authorize the owner of the motor vehicle to transfer the carcass to a designated person for consumption.
3. Whenever the owner of such damaged motor vehicle declines to possess such deer, the officer may in his discretion, issue a permit to possess the carcass for consumption to any other party requesting such possession. HOWEVER, DEPARTMENT MEMBERS ARE NOT TO TAKE OR ACCEPT THE CARCASS.
4. A quantity of possession permits have been received from the Department of Environmental Conservation and will be maintained by Records Division.
5. It shall be the policy of this Department, when appropriate and consistent with EnCon Law Section 11-0915, to issue the possession tags for the convenience of the public.

**Procedure**

1. The responsibility for issuing the tag will rest with the Tour Supervisor on duty. After completion of the tag, the lower half shall be removed and attached to the accident report from MV-104A documenting the accident.
2. The records unit will attach a copy of the tag to the Department copy of the MV-104A and forward the tag to the appropriate address of the Department of Environmental Conservation Department.



GENERAL ORDER #3.48

PAGE 1 OF 2

**TRAFFIC ENFORCEMENT - SPEED MEASURING DEVICES**

**Purpose** - To provide uniform and proper use of radar (radio detection and ranging) speed measuring instruments by police member.

**Background** - Excessive speed plays a large part in the cause of deaths on our highway. It is necessary to supply and use a valuable tool to combat speeding vehicles on our highways. This Department maintains a number of radar devices to assist its officers in the enforcement of the speeding sections of the New York Vehicle and Traffic Laws, as well as the local laws dealing with speed.

**Policy** - This Department will utilize radar enforcement in a uniform and proper manner under the following circumstances: high or potentially high accident locations when speed is a factor, in areas where speed violations are prevalent, and in response to citizen complaints concerning violations. The Department's operational procedures will cover the procedures, care, upkeep, maintenance and operator training certification.

All radar instruments shall be calibrated as recommended by the manufacturer prior, during, and after use.

**Procedure** - All officers utilizing departmental speed measuring devices.

It will be the responsibility of each individual officer to know when his/her certification is due to lapse and bring it to the attention of his/her immediate supervisor. Those officer's needing to be re-certified will be assigned to one of the periodic re-certification courses by the Patrol Division Commander.

The Patrol Division Commander will assign one officer the responsibility of keeping all records associated with the Department's radar devices. That officer will see to it that all radar device records are properly maintained and kept. These are to include maintenance, testing and calibration of speed measuring devices and records for court testimony.

This same officer will make the necessary arrangements through the Patrol Division Commander to have the devices brought every six months to the Division of Criminal Justice Services, Department of Municipal Police for testing and calibration. The records of these tests are to be kept on file by the officer designated by the Patrol Division Commander.

All of the radar, breathalyzer and intoxilyzer records are secured in the bottom of the Breath Test Cabinet in order to eliminate problems caused by lost or misplaced documents. If these documents are necessary for court, a request should be made to the Patrol prior to court.

It will be the responsibility of radar operators to ensure that the radar devices receive proper care and upkeep while assigned to them.

The radar operator must be thoroughly acquainted with the nomenclature and the operation of the radar he/she is using, i.e.: calibration, testing, effective range, etc.

When actually tracking a vehicle on the road, the operator should:

1. Observe the vehicle traffic at the location
2. Pick out the vehicle in violation
3. Estimate the violator's speed
4. Verify the speed with the radar unit

A complete calibration and testing of the unit should be done before and immediately following each operation at each site the unit is used. A tuning fork test should be administered after every violator is issued a ticket.

For court room purposes, the following elements must be established:

1. Establish time, place, and location of the vehicle that was checked, the identity of the operator, the speed of the vehicle, and radar speed check.
2. Establish his/her qualification and training,
3. Establish radar unit was operated properly.
4. Establish radar unit received proper maintenance and inspection.
5. Establish the identity of the vehicle and make a visual observation of its apparent speed.

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GENERAL ORDER #3.49

PAGE 1 OF 2

### **NOTIFICATIONS TO NEXT OF KIN**

**Purpose** - To insure the prompt notification of next of kin in all cases where the deceased or seriously injured persons are handled by police personnel or for another police agency. To establish departmental guidelines in making such notifications.

**Background** - Frequently, police officers are assigned the task of notifying next of kin that a loved one/family member has been killed or seriously injured. This notification may be a part of an ongoing local case where the next of kin lives within the Village of Ossining or involves information received from another jurisdiction, and the notification must be made to a Ossining resident.

It should not be hard to understand, therefore, why the subject of a death or seriously injured notification is a difficult and emotional task, even for those who have dealt with death in many other circumstances.

**Policy** - The officer assigned to notify the next of kin of a deceased, seriously injured or seriously ill persons should gather as much detail surrounding the subject as time permits. The officer should record, for example, the deceased's full name, age sex, race, address, location of death, nature of death, time of death, location of the body, and any other pertinent details surrounding the death. Verify that the information is correct and learn as much as possible regarding the circumstances of the death.

Enroute to the next of kin's residence, the officer should take time to review these details.

It is very important, for several reasons that the officer be permitted inside the house before actual verification is made. First, a death notification conveys very personal and private information that should not be initially shared by others, nor should the next of kin's need for personal privacy be compromised at this traumatic moment. Secondly, if notification is completed at the door, officers may not be able to gain admission thereafter. In this event, should the next of kin suffer serious medical or psychological problems, the officers would not be able to assist.

#### **Making Notification** -

1. Notification should be made as promptly as possible.
2. Notification must, if at all possible, be made in person, not over the phone.
3. The presence of a minister, relative, close friend, or neighbor should be obtained wherever possible before notification.

4. If notification has to be made to someone alone, the officer should offer to assist the next of kin in contacting a relative or close friend, etc.
5. The officer must be as tactful and diplomatic as possible. Give the information a little at a time. Let the recipient set the pace for the delivery of the information. Express sincere sympathy and desire to assist.
6. The pace of the delivery should be dictated by the actions of the survivor. If permitted, it is best to deliver the message in a gradual but direct manner. The officers should proceed directly with business, speaking in a slow, calm manner, and proceed with the notification until complete.
7. Details regarding the cause of death, particularly in cases of violence, accidents, or murder, should not be discussed at this time. Using such words as decapitated or killed detracts from a competent and compassionate notification and are best left to a physician or medical examiner to discuss with the next of kin at a later time. Being too graphic at this stage can create an emotional overload, which can complicate an already difficult situation.
8. If necessary, assist the next of kin by providing a ride to the hospital.

When requested by another agency to make a notification, the dispatcher or desk officer should obtain whatever pertinent information about the situation that is available in order to assist the relative in receiving the message. Prior to making the notification, the information should be authenticated. The desk officer must obtain the caller's telephone number and call back to ascertain the legitimacy of the request. Officers delivering and who to contact for further assistance. The same procedures as above should be followed as much as possible. A complaint report, titled, "Assist other Agency" shall be prepared.

Should the need arise to contact another agency outside our jurisdiction in order to perform the notification, provide them with all the pertinent details at your disposal. Request that they make the notification in person as quickly as possible and that you receive immediate verification thereafter that this has been accomplished.

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**PROPERTY AND EVIDENCE IN THE CUSTODY  
OF THE VILLAGE OF OSSINING POLICE DEPARTMENT**

Revised 05/27/2019

**Purpose:** To establish a Property and Evidence system within the Village of Ossining Police Department, to provide guidelines to Department personnel in the proper methods of entering and removing evidence or other property from the Property and evidence system, and, for collecting, preserving and marking evidence or other property found at the scene of an incident.

**Background:** Property and evidence coming into the custody of member of the Department must be safeguarded and handled in a uniform and consistent manner so as to preserve its integrity for possible use in court, as well as, to return property and evidence to its owner.

This General Order sets out the procedures to be used by Department members when handling property and evidence.

**Policy:** It is the policy of the Department that all property and evidence found at the scene of an incident, or, in any other manner believed to be material to an incident being investigated by a member of the Department or any other law enforcement agency, or coming into the possession of the Department, be handled in a manner that will protect the chain of custody and preserve the property or evidence as close to its original state when found as possible, and marked so as to be readily identifiable at a later date. The property and Evidence system will be secured in a manner that will ensure its proper recording, storage, classification, retrieval and disposition.

**Procedure:**

1. The Department's existing Property and Evidence system shall continue to function for the purpose of maintaining all property and evidence coming into the possession of members of the Department.
2. It is the responsibility of the Detective Division Commander to manage the Property and Evidence system through the assistance of Detectives under his/her command, acting as property clerks.
3. The Detective Commander and his/her detectives will be assigned by the Chief of Police to maintain the Property and Evidence system in accordance with Department procedures.
4. It is the responsibility of every member of the Department to make themselves aware of the procedures, responsibilities and changes affecting the Property Evidence system as they occur periodically.

GENERAL ORDER #3.50

5. During January of each year and whenever a new Detective Division Commander takes over, the Detective Division Commander shall assign a supervisor other than one assigned to the Detective Division, to perform an audit and an inventory of property and evidence within the protective custody of the Department. These must include a sampling of money, firearms, controlled substances, and high-value items each time they are conducted.

- A. The property and evidence audit shall include an inventory and a review of the property records for each item to ensure compliance with written directives. The minimum amount of property to be sampled during the audit shall be fifty (50) items.
- B. The property and evidence inventory shall consist of an eyes-on inspection of items to ensure accountability. The minimum amount of items to be sampled during the inventory shall be one hundred (100) items.
- C. A single property and evidence audit of all property shall meet the audit and inventory requirements as noted in A and B.

6. A report shall be completed identifying the property that was inventoried and audited.

7. Property and evidence shall be stored in the Temporary Evidence Lockers located adjacent to the jail cell area by officers taking possession of the property or evidence or turned over to a detective.

8. Detectives receiving property and evidence have the Right to Refusal if said items are not submitted in the manner outlined herein. Refused property will be returned directly to the original submitting officer for him/her to make necessary corrections and resubmit the items.

9. The property Detective who removes property and evidence from the Temporary Evidence Lockers shall account for same in the Departments' computer so as to ensure its tracking in the Property and Evidence system.

10. Property to be stored shall be secured in the Property and Evidence room, located in the Departments' Detective Division on the second floor of HQ. Property or evidence too large to be stored in the Property and Evidence room, i.e., motor vehicles, shall be stored in an appropriate location, with a notation of the storage location being made in the computer files and paper system by the Detective receiving the evidence. Weapons, narcotics, money, and high value property will be additionally secured within the Property and Evidence Room, using the appropriate receptacles.

11. Access to the Property and Evidence Room shall be limited to the Detective Division members and the Commanding Officer of the Detective Division.

12. Department members shall collect, package, label and otherwise account for every item of physical evidence gathered in accordance with accepted practices and techniques outlined in his or her training and following rules and procedures of the Department which govern submission of evidence to the Detectives.

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13. Department members, who take possession of property, or collect evidence from the scene of an incident, shall package it in the appropriate container and complete a PROPERTY/EVIDENCE TAG documenting the following information on both:

- a. Describe the item, including make, model and serial number, if any,
- b. Source from whom item was received or taken and a phone number where the person may be reached
- c. Name of member received, recovering or taking item
- d. Date, time and location where item was taken, received or recovered
- e. Incident/Case number and character of incident
- f. Indicate whether or not the item is Evidence, Recovered Property, Found Property or Other
- g. On the Property/Evidence tag each item listed will be given an item number and the quantity of each item will be indicated.

Evidence will be packaged in a manner which prevents the tampering with or contamination of the evidence, as well as the contamination of other evidence by this evidence. This can be accomplished by sealing said evidence in a heat sealed evidence bag, and signing the seals of the bag.

Whenever controlled substances are taken into custody as a result of a "buy," the officer processing the evidence will write on the PROPERTY/EVIDENCE TAG using RED ink the word, "BUY." if there are multiple "buys" from the same defendant, "Buy 1," "BUY 2," etc.

Evidence packages involving controlled substances should not be mixed with different defendants and/or other types of evidence.

14. Any time property or evidence is transferred from one member to another, or, from the Department to another law enforcement agency, prosecutorial or analytical agency, or, to the owner or other person having an interest in the property, the following information shall be made a part of Department records:

- a. The date and time of transfer of the property
- b. The reason for the transfer of the property
- c. The name and location of the laboratory or other agency the property was transferred to
- d. The signature of the person receiving the property

15. Stolen property may be returned to its owner only with the prior approval of a member of the District Attorney's staff, and in accordance with the New York State Penal Law, Article 450, titled Disposal of Stolen Property, when an arrest has been made, or is expected to be made.

16. In those cases where stolen property is recovered by there is no suspect in the crime, the property shall be held by the Department until the investigation has been classified as Inactive. At this point the detectives shall arrange for the return of the property to its owner or other person having an interest in it. Prior to releasing the property, the detectives shall photograph the property if evidence was obtained from the property, i.e., in a case where a fingerprint was recovered from evidence.

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17. Property that is not evidence may be returned to its owner or other person having an interest in it in accordance with the New York State Personal Property Law, Article 7B titled Lost and Found property.

18. Firearms shall be disposed of in accordance with the New York State Penal Law, Article 400, Section 400.05, titled Disposition of weapons and dangerous instruments, appliances and substances. Weapons not covered upon Penal Law Article 400 shall be disposed of only after a review by the Detective Division Commander of the circumstances of the incident that brought the matter to the attention of the police.

It shall be the responsibility of the officer taking possession of a firearm to determine if it is stolen, and if not, then to determine ownership of the firearm. No handgun shall be released without evidence first being submitted by the person attempting to retrieve the handgun that he or she has a valid pistol permit for a weapon in the Department's custody. A photocopy of the permit shall be made by the person releasing any handgun and linked to the blotter/case.

19. Controlled substances shall be disposed of in accordance with the New York State Public Health Law, Article 33.

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PAGE 1 OF 2

**GUIDELINES FOR SETTING UP A COMMAND POST**

**Purpose:** To provide guidelines for Department personnel to use in setting up and operating a Command Post.

**Background:** While most incidents handled by police can be coordinated through the police communication desk, occasionally the complexity, seriousness or sheer number of police officers and other emergency service personnel responding to the scene of an incident make it more practical to set up an on-scene command post. The Department maintains an emergency service truck, equipped with communications and other necessary equipment, which may be used for this purpose.

**Policy:** Anytime a supervisory or command level officer of the Department is responding to or is on the scene of an incident which is complex or serious in nature or involves a large number of emergency service personnel, in which a command post may be helpful for coordination and command purposes, the officer may establish an supervisory patrol car or command officer's car or by having the Department's emergency service truck(120) brought to the scene where it can serve as a mobile command post. Use of the Department's emergency service truck shall be consistent with General Order #3.30, titled, Special; Purpose Vehicles.

**Procedure:**

A. The officer in charge of the police operation at the scene shall notify the desk officer of the location of the command post and the names of anyone at the command post, as well as the agencies they represent.

B. The officer in charge of the police operation shall designate a member of one of the emergency service agencies using the command post, as a recorder.

1. The recorder shall maintain an accurate log of all orders and instructions in the following manner: name of the person issuing the order or instruction, to whom it was issued, and time it was issued.

2. The recorder shall also maintain a list of the names of personnel at the scene, what equipment was issued, and to whom it was issued.

NOTE: This task may be assigned to a member of the Emergency Service Unit if one is present.

C. When setting up the command post, the officer in charge shall consider the following factors in determining the best location:

1. Good radio and mobile phone transmission
2. Accessibility to land telephone lines
3. Proximity to electric power source
4. Adequate area for efficient movement and parking of vehicles and personnel
5. Proximity to the scene of the incident. The command post should be safely positioned outside the inner perimeter but within the outer perimeter.

D. A member of the Department shall be designated as the command post radio dispatcher. If circumstances permit, each emergency service agency at the scene shall have its own radio dispatcher.

E. The officer in charge shall ensure all necessary equipment to operate the command post is available. Equipment may include:

1. Maps
2. Paper and pencils
3. Phone and radios
4. The Ossining Police Department Manual
5. A clock or watch which shall be designated as the official time piece to be used to record the time orders and instructions were given, the time information was received, and the time actions were taken.

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**BIAS CRIME REPORTING SYSTEM**

**Background:** in 1988, the Division of Criminal Justice Services (DCJS), in working with local law enforcement agencies, developed and began a uniform system for reporting incidents of bias crime. The precursor to this statewide program was an extensive field-test involving seven law enforcement agencies (N.Y.P.D., Nassau and Suffolk County Police Departments, Saratoga Springs, Colonie Town Albany City, and the State Police). This Bias Crime Reporting System was officially launched with a two-day training seminar in February, 1989, for key law enforcement agencies. A total of 29 law enforcement agencies and 25 prosecutors' officers participated. The objective of this on-going project is to collect information that will assist law enforcement agencies and policy makers in understanding the scope and nature of bias-related crime. The State's ultimate goal through this program is the improvement of the criminal justice response to bias incidents.

The bias program itself is many faceted. It begins with law enforcement receiving thorough training in the identification, investigation, classification, and reporting of bias-motivated crime. Each agency the begins tracking bias-related incidents and submits a monthly report form to DCJS (through the local crime analysis unit). Data is collected on each incident confirmed to be bias-related upon investigation by the reporting agency. This information includes the type of crime, the circumstances of the incident (whether the crime was motivated by bias against the victim's race, religion, ethnicity or sexual orientation), the offender description, the current status this information into the data base and updates it quarterly. In 1989, 937 incidents were reported by the participating agencies. Thirty-two percent of these were anti-Semitic, 29 percent were anti-black, and 16 percent were anti-white.

As of April 1,1990, 21 percent of law enforcement agencies in the State are actively participating in the reporting system. Effective the issuing date of this General Order, the Ossining Police Department will also participate in the reporting program. Building on the support of the participating agencies, DCJS is expanding its training of the State's remaining law enforcement agencies with future training seminars. It is anticipated that at full operation, this system will aggregate bias crime data from all of the State's nearly 600 law enforcement agencies.

**Policy:** It is the policy of the Ossining Police Department to investigate fully and report bias-motivated offenses/incidents according to the guidelines of the Division of Criminal Justice Services and Westchester County Local Law.

**Purpose:** The purpose of this General Order is to assist members in identifying, and thereby investigating fully, those offenses/incidents which are bias-motivated so they may be brought to a prompt and positive conclusion.

**Procedure:** Guide to identifying and reporting bias incidents.

**Definitions:**

**Hate Crime:** an offense committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

The identification and reporting of incidents motivated by bias require that each officer be equipped with the same basic understanding of the definition of bias crime used by DCJS. The following list of criteria and questions were originally developed by the Baltimore County Police Department and have been revised in light of comments and suggestions of a panel of New York State law enforcement agencies. The list of criteria and questions should be applied by each officer in determining whether or not a reported incident is motivated by bias. This is not all-inclusive; an officer may find that some experience and common sense should be used. In other words, if it looks like an incident is motivated by bias, then it should be reported as that.

**Criteria for Identifying Bias Incidents:**

- A. The motivation of the perpetrator as expressed to the victim or to the reporting officer, i.e. statements to the effect that we don't want people like that around here.
- B. The belief of the victim that the intent is based on bias. Essentially, if the circumstances are ambiguous, such as a broken car window, and the reporting victim indicates to the officer that bias is involved, it should be counted as such.
- C. The nature of the symbols used to deface either public or private property, i.e.: a Swastika, the initials KKK, or a burning cross should be taken as indications of a bias crime incident.
- D. The date and time of occurrence corresponding to a holiday of significance, i.e.: Martin Luther King Day, Chinese New Year, Hanukkah, etc.
- E. Observations at the scene of the incident/act and a common-sense review of the circumstances surrounding the incident, including:
  - groups involved in the incident
  - manner and means of attack
  - recurring pattern of similar incidents in the same area or against the same victim

Some incidents are inevitably unclear, and the experience of the individual police officer and agency will play a vital role in how to identify and document them. The following questions may help to focus both the incident and the surrounding circumstances:

- A. Is the victim the only ethnic/minority group member or one of a few in the neighborhood?
- B. Did the victim recently move to the area?
- C. When multiple incidents have occurred in a short time period, are all the victims of the same racial or ethnic group?

D. Has the victim been involved in recent public activities relating to discrimination or civil rights that were likely to make them targets for harassment (e.g.: NAACP, Anti-Klan, etc.)?

E. Has there been recent news coverage of events of a similar nature?

F. Is there an on-going neighborhood problem that may have spurred the event?

G. Could the act be retribution for some conflict with neighbors, area juveniles, etc.?

H. Was any "hate" literature distributed by or found in the possession of the perpetrator(s)?

I. If an identifiable "hate group" is indicated in the incident:

1. Is the literature printed or handwritten?
2. Was the name used?
3. Is the group known to be active in the area?
4. Was the group indicated in a true sense or as a fear tactic?

J. Are the perpetrators juveniles or adults? If juveniles, do they understand the meaning (to the community at large and to the victim) of the symbols used?

It is important to note that the purpose of the bias crime reporting system is to assist in the identification of serious, continuing, community friction, and not to catalog every ethnic slur, or to mechanically record every crime in which the victim and perpetrator come from different backgrounds.

If, after investigation, an offense/incident is determined to be bias-motivated, the investigating officer shall notify the tour supervisor.

The narrative of the incident shall contain, in addition to all other essential investigative data:

A. Type of Bias

1. Anti-Black
2. Anti-White
3. Anti-Hispanic
4. Anti-Other Race
5. Anti-Semitic
6. Anti-Other Religion
7. Ethnic/National Origin (Anti-Irish, Italian, Arab, German, etc.)
8. Sexual Orientation (Anti-Homosexual)

B. Target Property of Bias

1. Place of Worship
  2. Other property owned by target group
  3. Public Property
  4. Business
  5. Residence
  6. Other
- C. Target person of Bias
1. Clergy/Religious Persons
  2. Other
- D. Race of Persons Involved (Perp and Victim)
1. White
  2. Black
  3. Asian
  4. Pacific Islander
  5. American Indian
  6. Other
  7. Unknown

**Supervisor Responsibilities:**

The tour supervisor will respond to those incidents where officers find grounds to believe a Hate Crime has been committed. He was ensure the all necessary preliminary actions have been taken and will summon the on-duty or on-call detective to the scene as needed.

The tour supervisor will make sure that any charges stemming from the icndient will be properly coded (e.g. PI section 120.00, sub 1 – Assault 3rd 120.00 (01H), when it is a Hate Crime).

As Hate Crimes law is a sentencing enhancement statute, if the specified crime is a misdemeanor or a class C, D, or E felony, the hate crime shall be deemed to be one category higher.

**Management Information Services Division - Records Unit**

It shall be the responsibility of the Records Unit person processing data entry on an Incident Report which has been marked as a Hate Crime to extract the data from the incident report and record the data on the New York State Division of Criminal Justice Services, Hate Crime Incident Report (DCJS-3294). The report shall be forwarded on a calendar month basis to the Westchester County Department of Public Safety, Crime Analysis Unit (or in the event the Crime Analysis Unit no longer accepts the report, to: N.Y.S. DCJS, Bureau of Statistical Services, Executive Park Tower, Stuyvesant Plaza, Albany, NY 12203). A copy of the Hate Crime Incident Report will be forwarded together with the State report. A copy of the State report shall be retained in the Staff Services Division.



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**INVESTIGATIONS INVOLVING  
MEMBERS OF LAW ENFORCEMENT COMMUNITY**

**Purpose:** To make sure that a procedure is in place in which Division Commanders are made aware of investigations involving member of the Law Enforcement Community. The intent of this General Order is to have the Division Commanders review the investigation to insure that a thorough and complete investigation is conducted without any preferential or bias treatment being given to any member of the Law Enforcement Community.

**Background:** Few areas have aroused as much public outrage or concern as the suggestion that members of the Law Enforcement Community protect one another or give special consideration to one another. It is the policy of this Department to treat all investigations, suspects, perpetrators, victims, witnesses, equally, without any special or preferential treatment for any reason.

**Policy:** Whenever any member of the Department investigates any offense in which the SUSPECT, PERPETRATOR, or VICTIM is identified as a member of the Law Enforcement Community (i.e.: Police Officer, Correction Officer, Peace Officer, District Attorneys Office, Federal, State or County Investigator or Enforcement officer, or an immediate family member of any member of the Law Enforcement Community), he/she must make sure that his/her DIVISION COMMANDER is advised as soon as practical of the investigation. Additionally, no investigation in which the SUSPECT OR PERPETRATOR is identified as a member of the Law Enforcement Community may be classified as inactive or closed, except by arrest, without the written approval of a Division Commander.

**Procedure** - Whenever a Tour Supervisor reviews a Incident Report or a Supplementary Investigation Report in which a member of the Law Enforcement Community, or, an immediate family member of a member of the Law Enforcement Community is involved, the Original Incident Report or Supplementary Report shall be forwarded by the Tour Supervisor to the Division Commander of the Department member completing the report.

A handwritten signature in black ink, appearing to read "Kim Syts", is located in the bottom right corner of the page.

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**ASSISTANCE TO OTHER LAW ENFORCEMENT AGENCIES**

**Purpose:** To establish guidelines for response to request for police assistance from other law enforcement agencies.

**Background:** From time to time other law enforcement agencies such as: neighboring police departments, county, state and federal law enforcement agencies, call upon the Ossining Police Department for assistance. Sometimes the assistance needed is within the Village of Ossining, such as when an accident occurs on the State Property(Sing-Sing), while in other cases, the assistance is needed outside the Village of Ossining, such as when a neighboring police agency requires support during a response to an incident.

Within the Village of Ossining several law enforcement agencies have jurisdiction. While the Ossining Police Department has jurisdiction in all of the Village of Ossining, other law enforcement agencies also have jurisdiction in all of Ossining, or in a particular limited jurisdiction within the Village of Ossining. When another law enforcement agencies shall have primary responsibility for response and investigation of incidents within their jurisdiction. The following law enforcement agencies have primary jurisdiction in the following areas:

- A. New York State Police on crimes committed on State Property (Sing-Sing)
- B. Westchester County Department of Public Safety on crimes committed on County property (Social Services Office at 2 Church Street)
- C. New York State Environmental Conservation Police when the incident involves a violation of the Conservation Law, except as stated in General Order 3.38, titled investigation of Hunting Complaints; and
- D. The Bureau of Water Supply Police in the New York City Water Shed Property.

This General Order will guide Department personnel in the manner in which they are to respond to such requests for assistance.

The General Order is structured in three parts. Part "A" deals with requests for assistance within the Village of Ossining, Part "B" deals with requests for assistance outside the Village of Ossining and, Part "C" deals with requests for specialized assistance, i.e.: the Department's Emergency Service Vehicle.

**Policy:** The policy of the Village of Ossining Police Department is to provide assistance to another law enforcement agency whenever possible, taking into consideration the following

factors:

1. Is the situation for which assistance is being requested one that is life threatening; and
2. Will providing assistance result in a reduction in the number of officers available for calls for service within Ossining to a level that may be considered hazardous to the public or Ossining's Police Officers; and
3. Can the Ossining Police Department actually provide the assistance being requested.

When considering a request for assistance, Department members shall base their decisions on the guidelines contained within this General Order, except when another General Order deals with a specific form of assistance, the guidelines contained within such other General Order shall also be taken into consideration. Other General Orders that may be taken into consideration include, but, are not limited to:

1. General Order #3.40, titled, Special Purpose Vehicles
2. General Order #3.40, titled, Accident Investigation Unit
3. General Order #3.41, titled, Hostage Negotiation Team
4. General Order #3.42, titled, Canine Unit
5. General Order #3.44, titled, Emergency Service Unit

Patrol Officers and Detectives are authorized to provide assistance under the following circumstances:

1. The request for assistance has been approved by a Department supervisor; or,
2. The situation in which assistance is need is a matter of life and death, or
3. The situation in which assistance is needed, while not a matter of life and death, may quickly deteriorate into a life and death situation if assistance is not immediately provided; or,
4. The assistance to be provided is of a minor nature, such as: traffic assistance at an accident scene on a street which borders Ossining and some other jurisdiction. While available to respond to a call-for-service within Ossining, if required.

Whenever a Department member provides assistance to another law enforcement agency, other than when the assistance is of a minor nature and for a few minutes, such as traffic assistance at an accident scene, the Department member shall prepare a OPD Incident Report. The Incident Report shall detail the actions taken by the Department member, as well as any knowledge and observations of the incident by the Department member.

**Procedure:**

**Part A: Providing Assistance to Another Law Enforcement Agency within the Village of Ossining**

1. Upon receipt of a request for assistance, the Department member receiving such request shall gather all pertinent information, determine if the situation involves life and death, or, may deteriorate to a life and death situation if assistance is not immediately

provided. If so, the Department member may provide assistance or authorize providing such assistance.

2. If the situation is not one of life and death and is not likely to deteriorate to a life and death situation, the Department member receiving the request shall gather the following information and notify the Tour Supervisor:

- a. Name of the requesting jurisdiction
- b. Name and return phone number of person making the request
- c. Nature of the request
- d. Location where assistance is needed, and
- e. What assistance is being requested.

3. The Department member receiving the request shall than notify the Tour Supervisor of the requested.

4. The Tour Supervisor is authorized to approve such a request when he or she determines that providing such assistance may help to mitigate the effects of the incident or prevent the situation from deteriorating, when without such assistance the requesting law enforcement agency could not provide sufficient resources in time to mitigate the effects of the incident or prevent it from deteriorating.

5. If the request for assistance involves a non-emergency situation, such as investigative assistance, the Tour Supervisor shall contact the appropriate Division Commander, depending on the assistance being requested.

**Part B:** Providing Assistance to Another Law Enforcement Agency outside the Village of Ossining

1. Upon receipt of a request for assistance, the Department member receiving such request shall determine if the situation involves life and death, or, may deteriorate to a life and death situation if assistance is not immediately provided. If so, the Department member shall determine if the Village of Ossining Department can actually provide the assistance being requested, i.e., should some other agency provide the assistance? Can some other agency provide the Department?

2. If, after evaluating all of the information the Department member receiving the request for assistance determines that the Ossining Police Department can provide the assistance being requested and, do so faster than some other agency, the Department member may provide the assistance, or, authorize providing assistance.

3. If, after evaluating all of the information the Department member receiving the request for assistance determines that the Ossining Police Department cannot provide the assistance, or, should not provide the assistance, the Department member shall deny the request and immediately notify his or her supervisor.

4. If the situation not one of life and death situation, the department member receiving the request shall gather the following information and notify the Tour Supervisor:

- a. Name of the requesting jurisdiction;
- b. Name and return phone number of person making the request;
- c. Nature of the request;
- d. Location where assistance is needed; and

e. What assistance is being requested.

5. The Tour Supervisor is authorized to approve such a request; when he or she determines that providing such assistance may help to mitigate the effects of the incident or prevent the situation from deteriorating, when without such assistance, the requesting law enforcement agency, or some other law enforcement agency, could not provide sufficient resources in time to mitigate the effects of the incident or prevent it from deteriorating.

6. If the request for assistance involves an activation of the Westchester County Police Mutual Aid and Assistance Plan, Zone , which includes the person receiving the request shall immediately notify the Tour Supervisor. The Tour Supervisor shall immediately dispatch one patrol officer and on patrol car to the requesting police agency. The Tour Supervisor shall then notify the Chief of Police and the Patrol division Commander of the circumstances of the emergency.

7. If the request for assistance involves a non-emergency situation, such as investigative assistance, the Tour Supervisor shall contact the appropriate Division Commander, depending on the assistance being requested.

**Part C: Providing Assistance to Another Law Enforcement agency Outside the Village of Ossining When the Assistance Being Requested Involves Equipment Only**

1. Upon receiving a request for assistance of equipment owned by the Ossining Police Department, the Department member receiving the request shall gather the following information and notify the appropriate division Commander or Tour Supervisor, if a Division Commander is not on duty:

- a. Name of the requesting agency;
- b. Name and return phone number of person making the request;
- c. Nature of the request;
- d. What equipment is needed; and
- e. How long the equipment will be needed.

2. The Division Commander, or, Tour Supervisor, if a Division Commander is not on duty, shall determine if the equipment is likely to be needed by the Ossining Police Department during the time the requesting agency would have it if the request was to be approved. If it is determined that a conflict would not exist, the request may be approved.

3. The person releasing the equipment shall prepare a receipt detailing the name, serial number, model number and kind of equipment being loaned and, have the receipt signed by the receiving person.

4. The signed receipt shall be forwarded to the Division Commander normally responsible for the piece of equipment being loaned.



GENERAL ORDER #3.55

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**DO NOT RESUSCITATE (DNR) ORDERS**

**Purpose:** The purpose of this General Order is to provide guidelines for Department members to follow when they are called upon to administer first aid to a person who has executed a valid DNR Order.

**Background:** New York State has amended its laws to permit the use of DNR Orders outside of a hospital or nursing home setting. The change in the law, which became effective on January 1, 1992, has a direct effect on police officers, as well as other providers of emergency first aid, who may come into contact with a sick or injured person in the person's home, as well as in other private and public places.

The "State of New York Department of Health Non-Hospital Order Not To Resuscitate (DNR Order)" is the form developed by the N.Y.S. Department of Health for use outside of a hospital or nursing home. The N.Y.S. Department of health is developing a standard bracelet, which may be worn by a person who has executed a valid DNR Order. The bracelet will serve as notice that the person wearing it is the subject of a valid DNR Order.

The amended N.Y.S. law pertaining to DNR Orders provides for immunity from liability for good faith actions concerning DNR Orders.

**Definition:** A DNR Order means an order, issued pursuant to the New York State Public Health Law that directs emergency medical services personnel and hospital emergency service personnel not to attempt CPR in the event a patient suffers cardiac or respiratory arrest.

**Policy:** It is the policy of the Ossining Police Department to honor a valid DNR Order, withholding CPR only, from a person who is the subject of a valid DNR Order. The validity of a DNR Order may be determined by examining the document. In order to be valid a DNR Order should:

- A. Have the name and date of birth of the subject of the DNR Order on it.
- B. Have a physician's signature, the physician's printed name and license number and the date the physician completed the DNR Order on it.

Copies of a DNR Order are acceptable as is ANY document which states it is a DNR Order and includes the information described in "A" and "B".

**Procedure:** Whenever a member of the Department is presented with a valid DNR Order or observes the standard bracelet worn by a person who is the subject of a valid DNR Order, the member shall:

- A. Honor the DNR Order by withholding CPR ONLY from the subject of the DNR Order unless one of the following conditions exists:
  1. You know the DNR Order has been revoked or cancelled, or
  2. A hospital emergency services physician finds that exceptional medical conditions warrant disregarding the DNR Order, or
  3. To avoid a physical confrontation with family members or others on the scene, except emergency workers, who disagree over the order.
- B. Administer all other forms of emergency first aid needed by the person, including, but not limited to: administering oxygen, stopping bleeding and arranging for transportation to a hospital etc.
- C. Immediately notify the Tour Supervisor that you have honored a valid DNR Order by NOT performing CPR, or, disregarded a valid DNR Order based on one of the conditions outlined in "A" above.
- D. If possible, make a copy of the DNR Order.
- E. If it is not possible to copy the DNR Order, then record all information contained in the DNR Order.
- F. Identify and record in your Incident Report, the names, addresses and phone numbers of any persons, such as family and friends of the victim and other emergency workers, who were in the vicinity at the time of the incident.
- G. The Tour Supervisor shall respond to the scene as soon as possible to examine the DNR Order and investigate the circumstances of the incident.

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GENERAL ORDER #3.56

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**AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM**

**Purpose:** To establish an automated external defibrillator program in the Village of Ossining Police Department

**Background:** Sudden cardiac arrest is a leading cause of death in the United States. Sudden cardiac arrest is usually triggered by an electrical malfunction of the heart which shuts down the heart's ability to pump blood to the body, if untreated, death will result in a matter of minutes. While there are several causes of sudden cardiac arrest, the most common is ventricular fibrillation. This is a condition in which the heart no longer pumps rhythmically but merely "quivers". Ventricular fibrillation is usually correctable with early defibrillation. The following "chain of survival" is a guideline designed to improve the survival of sudden cardiac arrest victims:

1. Early notification and dispatch of emergency responders, including advanced life support (ALS)
2. Early CPR to provide circulation and respiration to the victim.
3. Early defibrillation to return the heart to a normal rhythm.
4. Advanced cardiac life support provided by ALS, at the scene and later at the hospital.

**Deployment:** The Village of Ossining Police Department has 4) Survivalink AED units. These units are kept in patrol vehicles as indicated in the dispatch area. The tour supervisor shall endeavor to put an AED unit in every sector and keep one in the tour supervisor's vehicle.

1. At the beginning of the tour, those officers who have AED's in their vehicles shall check the AED's readiness by opening the case and confirming that the "status indicator" displays green.
2. Officers shall ensure that the following are contained in each case:
  - a. An extra set of electrodes
  - b. Latex gloves
  - c. Scissors
  - d. Disposable towel
  - e. Razor
3. The AED's operating temperatures are 32 degrees Fahrenheit to 122 degrees Fahrenheit, therefore, when the temperature might fall outside this range the AED must be kept in the passenger compartment of the patrol vehicle.

**Procedures:** All equipped police officers responding to possible cardiac incidents shall:

1. Respond with an oxygen unit and an AED.
2. Conduct a scene safety survey and primary victim survey. Advise headquarters of your findings; request that this information be relayed to responding EMS units.
3. Should your survey of victim indicate no pulse, perform necessary CPR and attach the AED to the victim to begin the defibrillation process.
4. Follow the prompts provided by the AED.
5. Continue CPR and other lifesaving techniques according to the officer's level of training.
6. Victim care should be turned over to the responding ambulance personnel. Advise the ambulance personnel of all lifesaving techniques that you performed, including AED use.
7. When relieved of victim care responsibilities by ambulance personnel the officer shall:
  - a. Return to headquarters to clean and prepare the AED for reuse by filling out the activity report and an AED report (attached).
  - b. Install a new set of electrode pads to ready the AED for reuse.
  - c. The AED is now ready for reuse, however, it should not be used unless necessary. The date from the previous rescue which is stored in the AED internal memory will be lost if the AED is used prior to downloading the memory to a personal computer. However, the AED unit **will not** be taken out of service pending this downloading of data.
  - d. In the event that the AED must be reused prior to purging the internal memory of previously recorded data, the yellow "resume" indicator will be displayed. Press the "resume" button to clear the internal memory of previous rescue data so that a new rescue may be attempted.

### **Rescue Documentation**

1. The AED will record 20 minutes of rescue data in its internal memory. This information should be retained for medical review, however, if the AED is reused before the original rescue data is downloaded, the original data will be lost.
2. Advise the tour supervisor that rescue data must be downloaded from the AED.
3. The AED officer shall be responsible for reporting to the medical control (Phelps Memorial Hospital).

### **AED Precautions**

1. Do not use the AED on a victim who is less than 12 years of age or weighs less than 90 pounds.
2. Do not use AED's in wet environments, such as swimming pool decks, while exposed to rain, etc. Remove wet clothing from the victim before AED use.
3. Do not use AED's on conducting surfaces, such as a metal floor.
4. Do not touch the victim while analyzing.
5. The AED poses a serious shock hazard to rescuers and bystanders prior to pressing button. To deliver a shock, the rescuer shall:
  - a. Announce in a loud voice "I'm clear, you're clear, everyone is clear" (from the victim).
  - b. Visually check to ensure no one is in contact or close proximity with the victim.

6. The AED is susceptible to radio frequency interference. Do not use portable radios and other radio frequency transmitting devices within six (6) feet of the victim when the AED is in use.
7. Vibration or movement of the victim may cause improper data analysis. The victim must be still when the AED is in use. The AED may not be used in a moving vehicle.
8. To avoid possible explosion or fire hazard do not use the AED in the presence of flammable materials or free flowing oxygen.

### **AED Maintenance and Troubleshooting**

1. The AED is ready for rescue when the “status indicator” displays green. The green status indicator means that the AED has conducted self-tests, which verify that:
  - a. The battery has an adequate charge
  - b. The electrodes are properly connected and
  - c. The integrity of the internal components has been confirmed.
2. When the “status indicator” displays red with a black X the AED may NOT be used for a rescue.
3. When an AED displays red with a black X “status indicator”, open the lid to examine the diagnostic panel for other indicators;
  - a. If the red “service” indicator is lit, maintenance must be performed by the AED manufacturer. Place the AED out of service and document your actions.
  - b. If the red “electrodes” indicator is lit, connect the electrodes or replace with a new pair.
  - c. If the “replace!” battery status indicator is red, the battery is low. Place the AED out of service and document your actions.
  - d. If no other indicators are lit on the diagnostic panel, the battery is completely depleted. Take the AED out of service and document your actions.

### **Audible Maintenance Indicator**

1. When the AED conducts its daily self-test and determines that maintenance is required, an audible maintenance indicator will be heard.
2. The audible maintenance indicator sounds a two-toned beep every thirty seconds when maintenance is required and continues until the lid is opened or all batter power has been depleted.
3. When the audible maintenance indicator sounds, inspect the AED diagnostic panel as directed.

### **AED Documentation and Review**

1. The Chief of Police will designate an officer to oversee the AED program. This officer’s responsibilities will include:
  - a. The purchasing and maintenance of the AED units
  - b. Overseeing of the documentation of AED data
  - c. AED training



**FAIR TREATMENT STANDARDS FOR VICTIMS OF SEX OFFENSES**

Revised 05/27/2019

**Purpose:** Effective April 1, 1992 the State of New York has set forth by law three requirements that must be addressed whenever police personnel come in contact with a victim or alleged victim of a sex crime.

Specifically, this Department must provide the following:

1. A private setting for interviewing victims from which the occupants are not visible and their conversation cannot be overheard.
2. Allow only those persons necessary for the interviewing of the victim, access to the victim, and only with the victim's expressed authorization.
3. Provide the victim with the name, address and telephone number of the nearest rape crisis center in writing.

**Policy:** Whenever a member of the Ossining Police Department makes contact with a victim or alleged victim of a crime defined under article one hundred thirty (130) or section two hundred fifty-five, twenty-five (255.25) of the Penal Law, he/she will immediately notify headquarters and ask for a Supervisor to respond to the location of the incident.

The Supervisor will ensure the crime scene is secured for processing of physical evidence and have an officer either transport or have medical personnel transport the victim to either the Phelps Memorial Hospital or Westchester County Medical Center for treatment of any injuries and an examination to collect evidence. An officer will, if not transporting the victim, follow the ambulance to the hospital and ensure that the examination is made by the proper hospital authorities maintaining the chain of evidence. Evidence collection kits are at the hospitals. The completed kits, along with the victim's clothing, will be returned to the Detective Division. Procedures for property control will be followed as per General Order #3.50.

When a sex offense victim has been brought to the attention of this Department, the Duty Detective will be notified for investigation. If possible, a female Police Officer should be notified and asked to respond if off duty.

The Police Department has designated the two (including Youth) Detective Division offices as a "private setting" for interviewing victims of a crime, falling under the above article and/or section of the Penal Law. These will be the only rooms in which such interviews will be conducted,

unless other arrangements are made by a Division Commander.

Only those persons directly and immediately related to the interviewing of a particular victim:

GENERAL ORDER #  
3.57

the victim, a social worker, rape crisis counselor, psychologist or other professional providing emotional support to the victim (unless the victim objects to the presence of such person and requests the exclusion of such person from the interview) and where appropriate, the parent or parents of the victim, if requested by the victim, shall be present during the interview of the victim.

It will be the responsibility of the officer in charge of the investigation to provide the victim of a crime defined in the above article and or section of the Penal Law with the name, address, and telephone number of the nearest rape crisis center in WRITING.

VAS WESTCHESTER, INC.  
2 Westchester Plaza  
Elmsford, NY 10523

Telephone: (914) 345-3113

Whenever practicable the Westchester County Child Advocacy Center shall be utilized to assist in the investigation and prosecution of cases involving abuse of a child, sexual abuse of a child, or the death of a child.

A handwritten signature in black ink, appearing to be 'Chy B' with a long horizontal stroke extending to the right.

GENERAL ORDER #3.59

Page 1 of 1

**REPORTING OF ANIMAL BITES**

**Policy:** This Department will report all complaints of animal bites received to the Westchester County Health Department.

**Background:** The Westchester County Sanitary Code requires that all animal bites are to be reported to the Westchester County Health Department. The purpose is to control rabies. Rabies has been documented in bat and terrestrial mammals (i.e. raccoons, skunks, foxes and ground hogs) in Westchester and surrounding counties.

**Procedure:**

- A. **Records Unit:** Shall complete and mail a Westchester County Health Department Animal Bite Report form (A-BPHP) upon processing an Ossining Police Department Incident Report which reports an animal bite. Notation shall be added to the Incident Report indicating the date, time, and signature of the person preparing and mailing the County form.
- B. **Patrol Division:** Shall thoroughly investigate all reports of animal bites and prepare an Incident Report. The Incident Report shall include, in addition to all other information deemed appropriate by the Investigating Officer:
  - 1. Animal type (dog, cat, etc.)
  - 2. Animal owner (owned, unowned, other)
  - 3. Victim's name
  - 4. Victim's address
  - 5. Victim's phone number
  - 6. Victim's sex
  - 7. Victim's age
  - 8. Part of body bitten
  - 9. Was skin broken?
  - 10. Bite occurred at?
  - 11. Was bite provoked?
  - 12. Was victim treated? If yes, where?
  - 13. Name, address and phone number of person reporting bite
  - 14. Name, address and phone number of animal owner, if known

In addition, the investigating officer shall immediately telephone the County health Department (647-4700) and report all bites which involve bat or terrestrial animals, or contacts with these types of animals which are suspect, since these types of bites warrant immediate medical and laboratory attention.



GENERAL ORDER #3.61

PAGE 1 OF 3

**WRITTEN HAZARD COMMUNICATION PROGRAM**

**PROCEDURAL GUIDELINES FOR THE HANDLING OF HAZARDOUS MATERIALS  
IN THE WORKPLACE**

**Purpose:** To establish a written hazard communication program to identify hazardous chemicals in the workplace, ensure that appropriate hazard warnings are present, and that all such chemicals are correctly labeled, and to provide information on measures to be taken in the event of an incident/exposure to said chemicals.

**Background:** It is the intention of the Village of Ossining Police Department to comply with New York State Department of labor and Federal OSHA regulations with respect to the handling of hazardous chemicals in the workplace. Accordingly, the Department has established a written hazard communication program to comply with said regulations and to inform employees of the Police Department of the hazards and measures to be taken in the event of a work place exposure to chemicals present in the workplace.

**Policy:** The primary locations of hazardous chemical storage in the Village of Ossining Police Department is the Photo Lab located in the cell block area of Police Headquarters, the arms locker, and the upright lockers in the sally port. Additionally, chemicals associated with operation of the Breathalyzer are located in the booking area and storage area of the cell block. Chemicals considered of a hazardous nature stored in these areas include:

1. Ethyl alcohol is used for the calibration of the Datamaster to ensure the proper breath samples are being delivered and analyzed by this instrument.

Hazardous chemicals associated with the Photo Lab include:

1. Kodak fixer, acetone, iodine crystals and silver nitrite, as well as Krazy Glue. These chemicals are used in the photographic development process and in the collection and processing of evidence in criminal cases.

No one but trained personnel shall operate the Datamaster Instrumentation. That is persons certified by the New York State Department of Health who have attended the basic one-week course and the one day refresher course for those already certified, which should be taken at least once every four years. Those so trained are qualified to operate the instrument and associated chemicals and possess a certification issued by the New York State Department of Health (permit) to do so. No other person should handle such instruments unless it is for the purpose of transportation to the New York State Police for calibration or repair. In such cases the

instruments or associated chemicals should be properly labeled, packaged and sealed in a box for such transport.

**Posted in the Entrance to the cell block and booking area are clearly labeled Material Safety Data Sheets contained in a yellow folder with red labeling. These sheets contain information on those chemicals listed above and the measures to be taken to avoid exposure and measures to be taken in the event of accidental exposure. Posted above the cell block door is a poster sized information sheet that instructs the manner in which the material data safety sheets are to be read.**

Chemicals contained within the photo lab will only be handled by those Detectives and Evidence technicians trained by the New York State Department of Criminal Justice Services. This training includes criminal investigation, photography and fingerprinting through attendance in the courses given by DCJS in the aforementioned subjects. Only those trained and authorized by the Detective Commander to perform those functions may handle the aforementioned chemicals for processing and photographing.

Hazardous chemicals contained in the Detective Division and Photo Lab include:

1. Acetone
2. Iodine
3. Fixer
4. Crazy glue (used in processing criminal evidence)
5. Silver nitrite

The Material Safety Data Sheets contain information about these chemicals, and what to do in the event of exposure to same. They include measures to prevent exposure and what to do after accidental exposure. Located in the cell block area is also an eye wash station for use when either a prisoner or employee is exposed to an irritant or hazardous chemical. Safety goggles have been issued to each member of the Department, and these are to be used whenever the possibility of exposure to chemicals or bodily fluids pose a hazard. Additionally, latex gloves are available to prevent exposure to the hands. Personal Safety Protection Kits distributed by the Department include additional protective coverings for shoes, eyes, hands, and body. The kits should be available to all sworn members of the Department while they are working. For this purpose, carrying bags were issued so that members of the Department would have the personal protection gear with them in the field.

Members responsible for purchasing those chemicals that are hazardous should ensure that all packages, containers, etc. are properly labeled, identifying the chemicals common name of all ingredients determined to be hazardous, with their presence in the mixture. Such containers will be stored in accordance with manufacturers and/or suppliers instructions and handled only by personnel trained in their use. Those responsible should ensure that all containers and packages contain the proper labeling, in English, with all appropriate warnings. Division Commanders are responsible for ensuring that employees responsible for ordering, obtaining and storing such chemicals, do so in accordance with these procedures and any other manufacturers, distributors or retailers instructions.

All individuals handling hazardous chemicals in the course of their employment shall be responsible for reading and understanding the Material Safety Data Sheets posted in the cell block

area as it pertains to chemicals to which they may be exposed. Instructions for reading these sheets are posted over the cell block door and to the right of the door the Material Safety Data sheets themselves are posted. The Material Safety Data sheets are contained in a yellow plastic spiral binder clearly marked in red as Material Safety Data Sheets. The instructions for reading the sheets are printed in Poster Form and clearly labeled "HOW TO USE AND UNDERSTAND MATERIAL SAFETY DATA SHEETS" on a white poster material with a black and yellow striped border on the top and bottom hanging over the cell block entrance door. Periodically, the Division Commander responsible for personnel handling such chemicals will ensure that these employees are familiar with the Material Safety Sheets and how they are to be used when using chemicals which are of a hazardous nature. Division Commanders shall also ensure that each employee understands which chemicals are hazardous and shall be responsible for training new employees and for identifying and training all employees when any other hazardous chemical is introduced into a work area.

Hazardous chemicals contained in the arms locker include:

1. Oleoresin capsicum OC ( $C_{18}H_{27}NO_3$ )
2. CS (Ortho-chlorobenzylidene Malonotrile)
3. Submunitions

Hazardous chemicals contained in the sally port locker include:

1. Oleoresin Capsicum OC
2. CS (Ortho-chlorobenzylidene Malonotrile)
3. Submunitions

Munitions stored in the sally port are placarded as follows:

1. "Explosive 1.4" explosives with no significant blast hazard"
2. "Corrosive 8"
3. "Flammable 4"
4. "Poison"

Division Commanders should review the training and information pertaining to hazardous chemicals handled by their employees **at least once a year or whenever a new hazardous chemical is introduced**. Division Commanders should ensure that all the appropriate Material Safety Data Sheets are in place for any chemical used by a member of their Division and that any new information is available and posted so that all the employees so affected understand the chemical, it's hazards and all appropriate precautions are taken and that each employee understands what to do in the event of accidental exposure.



GENERAL ORDER #3.62

PAGE 1 OF 2

**BICYCLE PATROL UNIT**

**Policy:** To establish a written policy for the Uniform Bicycle Unit

**Background:** The Village of Ossining Police Department, recognizing the national success of police bicycle patrols, has implemented such a patrol to geographically expand and enhance the department's existing commitment to community policing.

**Procedure:** The uniform bicycle unit will, **through high profile/proactive patrol**, assist the ACCESS team's community policing effort. The uniform bicycle patrol will focus on the following:

1. Constant interaction with the public
2. Education of children in bicycle safety
3. Enforcement of local parking laws and/or V&T
4. Addressing of "quality of life" complains

**Deployment:** The tour supervisor will have sole discretion in the assigning of bicycle patrol to all or a portion of the working tour. Manpower permitting, the bicycle(s) will be assigned to the following:

1. Daylight hours: Patrols will concentrate on parks, shopping centers, the aqueduct, school property (after hours), condominium complexes, the waterfront and Main Street shopping/business area.
2. Night hours: When manpower permits, bicycles will be deployed tandem in the downtown area. If assigned alone, bicycles will work closely with the ACCESS detail. Bicycles will also concentrate on parks and those areas that have been identified as having a concentration of "quality of life" complaints.
3. ACCESS assist: Manpower permitting, the tour sergeant may assign a member of the bike unit to fill out a two man ACCESS "team".

Those areas of assignment do not preclude bicycle officers from answering calls for service as well as backing up marked units.

Officers will not ride during inclement weather, for example, continuous heavy rain, snow or icy conditions or a combination of heat and humidity that make strenuous physical activity outdoors dangerous.

To enhance the response of the bicycle units, they will be utilized in prescribed areas of the Village. These areas shall be:

1. Spring and Main shopping/restaurant district
2. Spring, Broad, James, Park School, Nelson Park area
3. Washington and Roosevelt Square area
4. Arcadian/Sparta dock area
5. Railroad station/Engle Park area
6. Veteran's Park

**Supervision:** The mountain bike unit sergeant will be responsible for overseeing the bicycle unit and report directly to the lieutenant in charge of the uniform patrol division. However, on-duty supervisors are not relieved of their obligation to ensure proper supervision of all members of the department assigned within their command.

**Equipment:** All members of the bicycle unit will use department issued bicycles with approved equipment. Officers will be responsible for checking the mechanical integrity of their bicycle before and after every tour and report any problem to the bike supervisor. Officers will check their bicycle packs before every tour and check that the following equipment is carried:

1. Two trauma bandages
2. CPR pocket face mask
3. Rubber gloves
4. Summons books (V&T/Parking/Appearance tickets)
5. Reflective vest
6. Evidence bags and tags
7. Cycle tool

Bicycles will be kept in the designated area prescribed by the Chief of Police. This designated area will also house the unit's tools, floor pump, cleaning supplies and the nitesun lights. Keeping this equipment neat, serviceable and properly stored will be the sole responsibility of the bicycle unit.



**CAMERAS AND RECORDING DEVICES**

**Policy:** To establish a written policy for the use of security cameras, monitors and video voice recording devices.

**Background:** Cameras have been installed throughout the interior and exterior of the police/court facility for security and monitors have been installed in the communication area and to observe any breach of security. Video recorders have been installed in the communication area and a telephone/radio voice recorder maintained in the telephone room. These instruments are for documentation purposes and possibly for evidentiary records. To maintain a level of security, all will adhere to the following.

**Cameras & Monitors:** - Desk officer(s) and dispatcher(s) will view the monitors to determine that all cameras are functioning properly. They will observe monitors for any breach of security M.I.S. officer. (Remember: observation of prisoners in lockup by monitor will not substitute the ½ hour physical check.)

**Video Tape Recorders-** M.I.S. officers will designate personnel to (Monday/Friday) and on weekends and holidays he supervisor of the day tour (8-4) will be responsible for:

1. Prior to 9 AM, rewind previous day tapes and secure in holder designated for that day.
2. Insert new tapes and start recording tapes designated for the day.
3. Visually inspect the recorder to ascertain that units are functioning properly.
4. Upon completion of steps 1 through 3, a miscellaneous blotter entry will be filed in the ALECS system to indicate time tape was changed and by whom.

Tapes have been stored in the cabinet above the recording instruments and marked with a number and "A" or "B". Also spare tapes, with a number, are stored in the cabinet. The number indicates the date of the month and the letter for the tape recorder to be used. If a tape is needed or may be marked with an evidence tag and filed with the detective division. If a tape is secured for evidence, spare tape will then be substituted.

**Telephone and Radio Voice Recorder-** M.I.S. officer will be responsible for the maintenance and proper function of this unit. This officer will change the DVD tape as needed and will secure evidentiary purpose follow procedure previously stated.



**SUSPICIOUS PACKAGES AND MAIL**

Issue Date: 10/19/01

These procedures have been promulgated in response to recent terrorist acts involving the use of the United States mails to deliver possible biological agents (in this case anthrax) to spread fear and terror among the populace. The targets of these terrorist attacks have, for the most part been high profile. These have included prominent politicians and news media outlets. As a result of these attacks and warnings from U.S. health officials, as well as state and local officials and widespread news media coverage, it is expected that citizens will have an increased awareness of suspicious packages and mail. This policy has been generated to address the expected increase in citizens that may be come alarmed by particular pieces of mail. This policy has been generated to address this expected increase after consultation with the Westchester County Department of Emergency Services. These procedures are almost certain to be amended as additional information and resources become available. The threats, as a result of the September 11<sup>th</sup> attack, are extremely fluid and have a changing nature. Therefore these procedures could be amended in the future.

A. Although the vast majority of suspicious packages and mail calls are unfounded, investigating officers should follow all precautionary procedures when conducting their investigations.

1. Never open any suspicious package or letter.
2. If a package or letter is suspected to be a bomb, do not handle it or transmit on your portable radio or cell phone when in close proximity to the item.
3. If you must handle a suspicious letter, always wear protective gloves.

B. Determining whether an **unopened** package or letter is suspicious: Suspicious package or letters “may” meet one or more of the following criteria:

1. Any letter or package that has suspicious or threatening messages written on it
2. Letters or packages with oily stains, discoloration, or crystallization on the package
3. Mail with wires protruding
4. Mail with strange odors
5. Mail that is lopsided, uneven, rigid or bulky
6. Misspelling of the addressee’s name or address or of other common words on the package.
7. Addressed to a title only rather than a person, i.e. “Personnel Manager” etc.
8. May contain restrictive markings such as “Personal” or “Confidential”
9. May not have a return address and cannot be verified with the recipient
10. The return address does not match the city or town on the postal markings

11. Unexpected envelopes from foreign countries
12. Excessive postage
13. No postage or cancelled postage
14. Improper spelling of common names
15. Excessive packing material such as string or tape
16. Postal markings from Trenton New Jersey
17. Have a powdery substance on the outside
18. Are unexpected or unfamiliar to the addressee
19. Addressed to someone no longer in the organization or who no longer lives at that address

Unopened packages, which are suspicious, should **never be opened**.

C. When investigating a complaint about a suspicious package or letter, investigating officers should ascertain the following information:

1. Why the complainant believes the package or letter is suspicious
2. Does he or she recognize the person or company on the return address if there is one
3. Were they expecting a package or letter
4. Can the recipient be considered a target of political, military or other significance

**Note: Often the legitimacy of a package or letter can be determined by securing a telephone number for the return addressee and calling the party to confirm they sent the item. Telephone listings can readily be obtained through the Internet, telephone information and other sources. Obviously if such a search confirms that no such person or company exists, the package or letter must be treated as a bona fide threat.**

D. Persons with suspicious mail or packages should be advised:

1. Do not open the mail piece
2. Isolate the mail piece
3. Evacuate the immediate area
4. Close off the area. (Doors and windows)
5. If already opened, close the package or envelope. Do not clean up, keep away from the spill
6. Do not touch eyes, nose or any other part of your body until you have washed your hands with soap and water
7. If clothing is heavily contaminated, don't brush vigorously
8. If possible, close down the building's heating and air conditioning and ventilation system. (N.B. Police Headquarters ventilation will shut down by activating the fire alarm system. In order to restart the system must be reset.)

Make a list of all people who had actual contact with the contaminated area.

**Police Headquarters will:**

1. Conduct the initial police interview on the telephone. If the interview indicates a need, dispatch an officer to verify the information you should already have obtained on the phone.
2. **Notify 60 Control if the item is believed to contain a biological or hazardous material.**
3. Complete the investigation as thoroughly as possible
4. If an officer is exposed complete Exposure Incident Report
5. Contact appropriate Medical Personnel in emergency Room to ascertain what, if any, treatment or screening is appropriate
6. Contact and await response from County Health, HAZMAT and Emergency Services (through 60 Control)

**E. Responding officer should:**

1. **Not come in direct contact with the alleged contaminated item/area**
2. **Headquarters should advise the complainant/victim to meet the officer well outside the contaminated area for follow-up interview**
3. **Limit access to area**
4. **Record the names, addresses and contact numbers for people that had contact with the contaminated area**
5. **If the officer feels he/she has become contaminated he should contact his headquarters and not return to his police car**
6. **Notify his/her supervisor**
7. **Officers investigating such complaints need to get as many facts as possible to help Westchester County evaluate the level of response required. It is from the responses of the complainant, your investigation and observations that will determine whether or not the package is suspicious. You should use the previous criteria outlined along with your own best judgment and consultation with supervisory personnel.**

F. Disposition of Opened Suspect Package or Letters: Opened packages or letters that are deemed opened and suspicious and it is apparent that the contents may be biological or other hazard will be removed by responding County personnel.

G. Disposition of Unopened Suspect Packages or Letters: County HAZMAT personnel will remove unopened packages and letters that are suspected of containing hazardous or biological agents after investigation, "if" evidence you have provided to them meets the criteria established by the Department of Emergency Services. This will be done by consultation with 60 Control. Their criteria for response will be on a case-by-case consultation. The Department of Emergency Services in consultation with Health, and FBI will evaluate the need for response. If you are advised by 60 Control the County will not respond, be certain to note this in your blotter report. Then follow the procedure below:

The complainant should be advised that after investigation and consultation with Westchester County Emergency Services the mail or package is deemed not at an appropriate threat level that requires a HAZMAT team response.

The complainant should be advised that the mail does not appear to warrant such a response. The complainant may then be advised to dispose of the mail.

If the complainant is uncomfortable with that advice, you may advise them to wear gloves, double or triple bag the item and dispose of it. They may also wash their hands, remove any items of clothing they think may have been contaminated and place them in a bag. Wash each piece separately. Shower with soap and water as soon as possible. If they are still concerned you may advise them to contact their personal physician for follow-up consultation, especially if they experience flu-like symptoms.

Should it become necessary for an officer to remove said item, use latex gloves, mask, protective eye covering and triple bag the item in a zip lock bag of the appropriate size and seal it. These bags, along with your gloves and mask will be placed in a red hazardous materials bag, which should also be sealed. Obtain an evidence number for the item and place it in large characters on the bag. This should be done using a felt tip pen or marker. Transport the properly sealed red bag to the designated storage area placing the bag in the biohazard storage barrel. Secure the storage area.

A quantity of red bags is available in the report area filing cabinets, along with other materials for safe storage of these items. A number of these should be kept in the cars along with your universal precaution kits. Supplies will be replenished when necessary.

A handwritten signature in black ink, appearing to read "Kim J. [unclear]".

**LESS LETHAL IMPACT DEVICES**

Revised 06/12/2020

- I. **Purpose:** To establish guidelines and procedures for the use of less lethal impact devices (bean bag rounds).
- II. **Policy:** It is the policy of Ossining Police Department that officers may use only the level of force that is objectively reasonable and necessary in the performance of their duties. This includes the use of less lethal impact weapons. The department has adopted a less lethal force philosophy to assist with the de-escalation of potentially violent confrontations. The use of the less lethal impact weapon (bean bag round) is regarded by this department as a use of force greater than impact weapons but less than deadly physical force on the force continuum.
- III. **Definitions**
- A. Less Lethal Impact Device – a 2 ¾ inch plastic 12 gauge cartridge containing a Kevlar pouch filled with 40 grams of lead shot.
- IV. **Procedure**
- A. General:
1. Less lethal impact devices are fired from a Remington 870 12 gauge shotgun which will be dedicated to the less lethal rounds and clearly marked with a blaze orange stock.
  2. Training in the use of less lethal projectiles will be consistent with the department's policy on firearms training and conducted by a certified less lethal instructor.
  3. Officers assigned to deploy less lethal shall visually inspect the weapon to ensure that it is properly loaded with less lethal projectiles.
  4. Less lethal is *not* the appropriate level of force when confronting a subject armed with a firearm.
  5. Less lethal is considered deadly force when deployed at an area of the subject likely to cause death or serious physical injury, such as the head or neck area.
  6. The potential for causing death or serious physical injury with less lethal projectiles is a reality. This potential is greatly reduced when impacts to the head and neck are avoided, and when appropriate medical attention is provided, in such cases where the subject is struck in an area that might conceal a closed injury, including areas such as the chest, back, thoracic and abdominal cavities and the groin.
  7. When engaging a target, the officer should evaluate the effectiveness of each round. Compliance and/or incapacitation is the desired goal, and alternate target areas should be considered when rounds are not effective. Alternate target area considerations will be based on the circumstances the officer is encountering.
  8. Subjects who are struck by a less lethal round shall be transported to a medical facility for examination once in custody.

- B. Deployment Areas – Deployment areas are categorized by color and will be consistent with the lists contained in General Order 3.02 – Impact Weapons.
1. Green Target Areas – These areas will be considered when incapacitation is necessary. Impacts to these areas usually are expected to cause a minimal level of resultant trauma.
  2. Yellow Target Areas – These areas will be considered when an escalation of force above the green area is necessary and appropriate acknowledging an increase in the potential for serious physical injury or death.
  3. Red Target Areas – Intentional impacts to these areas will be avoided unless the use of deadly physical force is justified, necessary, and appropriate. Impacts to these areas usually are expected to cause a significant level of resultant trauma which may include unconsciousness, serious physical injury, or death.
- V. **Training** – All members of the department who are authorized to utilize a less lethal impact device shall be trained in its use by an appropriately certified instructor, and will undergo annual training in its use thereafter.
- VI. **Reporting** – Reporting of any use of force shall comply with the requirements of General Order 3.00 – Use of Force.

A handwritten signature in black ink, appearing to be "Chief" followed by a stylized monogram or initials.

## **HANDLING ANTHRAX AND OTHER BIOLOGICAL AGENT THREATS**

**Purpose:** Many facilities in communities around the country have received anthrax threat letters. Most were empty envelopes; some have contained powdery substances. The purpose of these guidelines is to recommend procedures for handling such incidents.

### **DO NOT PANIC**

Anthrax organisms can cause infection in the skin, gastrointestinal system, or the lungs. To do so, the organism must be rubbed into abraded skin, swallowed or inhaled as a fine, aerosolized mist. Disease can be prevented after exposure to the anthrax spores by early treatment with the appropriate antibiotics. **Anthrax is not spread from one person to another person.**

For anthrax to be effective as a covert agent, it must be aerosolized into very small particles. This is difficult to do, and requires a great deal of technical skill and special equipment. If these small particles are inhaled, life-threatening lung infection can occur, but prompt recognition and treatment are effective.

### **Regarding a Suspicious Unopened Letter or Package Marked with Threatening Message Such as “Anthrax”**

1. Do not shake or empty the contents of any suspicious envelope or package.
2. PLACE the envelope or package in a plastic bag or some other type of container to prevent leakage of contents.
3. If you do not have any container, then COVER the envelope or package with anything (e.g. clothing, paper, trash can, etc.) and do not remove this cover.
4. Then LEAVE the room and CLOSE the door, or section off the area to prevent others from entering (i.e. keep others away).
5. WASH your hands with soap and water to prevent spreading any powder to your face.
6. What to do next:
  - a. If you are at HOME, then report the incident to local police.
  - b. If you are at WORK, then report the incident to local police, and notify your building security official or an available supervisor.
7. LIST all people who were in the room or area when this suspicious letter or package was recognized. Give this list to both the local public health authorities and law enforcement officials for follow-up investigations and advice.

**Regarding Envelope with Powder and Powder Spills Out Onto Surface:**

1. DO NOT try to CLEAN UP the powder. COVER the spilled contents immediately with anything (e.g. clothing, paper, trash can, etc.) and do not remove this cover.
2. Then LEAVE the room and CLOSE the door, or section off the area to prevent others from entering (i.e., keep others away).
3. WASH your hands with soap and water to prevent spreading any powder to your face.
4. What to do next:
  - a. If you are at HOME, then report the incident to local police.
  - b. If you are at WORK, then report the incident to local police, and notify your building security official of an available supervisor.
5. REMOVE heavily contaminated clothing as soon as possible and place in a plastic bag, or some other container that can be sealed. This clothing bag should be given to the emergency responders for proper handling.
6. SHOWER with soap and water as soon as possible. **Do not use bleach or other disinfectant on your skin.**
7. If possible, list all people who were in the room or area, especially those who had actual contact with the powder. Give this list to both the local public health authorities so that proper instructions can be given for medical follow-up, and to law enforcement officials for further investigation.

**Question of Room Contamination by Aerosolization:** For example: small device triggered, warning that air handling system is contaminated, or warning that a biological agent released in a public space.

1. Turn off local fans or ventilation units in the area. (HQ ventilation may be shut down with fire alarm)
2. LEAVE area immediately.
3. CLOSE the door, or section off the area to prevent others from entering (keep others away).
4. What to do next:
  - a. If you are at HOME, **dial 911** to report the incident to local police and the local FBI field office.
  - b. If you are at WORK, notify your supervisor of the incident and contact the local FBI field office. Also notify the next available ranking officer above the first line supervisor.
5. SHUT down air handling system in the building, if possible.
6. If possible, list all people who were in the room or area. Give this list to both the local public health authorities so that proper instructions can be given for medical follow-up, and to law enforcement officials for further investigation.

**How to Identify Suspicious Packages and Letters:**

Some characteristics of suspicious packages and letters include the following:

- Excessive postage
- Handwritten or poorly typed addresses

Incorrect titles  
Title, but no name  
Misspellings of common words  
Oily stains, discolorations or odor  
No return address  
Excessive weight  
Lopsided or uneven envelope  
Protruding wires or aluminum foil  
Excessive security material such as masking tape, string, etc.  
Visual distractions  
Ticking sound  
Marked with restrictive endorsements, such as "Personal" or "Confidential"  
Shows a city or state in the postmark that does not match the return address

A handwritten signature in black ink, appearing to be "Chief" followed by a stylized monogram or initials, with a long horizontal line extending to the right.

GENERAL ORDER # 3.67

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**COMPUTER SYSTEM**

Issue Date: April 26, 2004

**Purpose:** To establish guidelines for the use of the police department computer system.

**Background:** The Ossining Police Department maintains a computer system consisting of equipment, a computer network, an e-mail system, and an Internet access system. Authorized employees are permitted to use this system solely for Ossining Police Department business purposes. The unauthorized use of our computer system, and its use for unauthorized purposes, is strictly prohibited.

**Policy:**

1. The computer system, all the data composed, saved, stored, transmitted or received is the property of the Ossining Police Department. Such data is part of the department's official business records, may be accessed or intercepted by the department at any time and in any manner, and is subject to disclosure by the department for law enforcement and judicial purposes. Consequently, employees should always ensure that the information contained in e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful, and should not expect that such data will be private and confidential.

2. Virus Protection

Employees using our computer system are required to take appropriate anti-virus precautions before opening, downloading or copying any file. All files received with e-mail or downloaded from the Internet, before and after opening or decompressed, must be checked for viruses using procedures approved by the department at the time. Those procedures currently include network-wide virus scanning and protection software provided by Symantec Company. If you are in doubt about current procedures check with a supervisor or M.I.S. supervisor.

3. Health and Safety

All employees should use the computer in a manner that promotes a healthy and safe working environment. The following guidelines should be observed:

- a. Keyboards , monitors and mouse pads should be placed in an ergonomically appropriate position. If you are unsure of the proper position for your keyboard, monitor or mouse pad, or if its placement causes you discomfort, you should promptly notify your supervisor.
- b. Always use all safety devices provided to you. If for any reason you do not wish to use them, you should consult your supervisor.

- c. You should promptly alert your supervisor in the event you experience pain, numbness, tingling or other unusual sensations in your hands, wrists or arms while using your computer. These symptoms may indicate you are at risk for carpal tunnel syndrome.
- d. Never allow clothing, paper or other flammable objects to come in contact with the wires and cables of your computer. Doing so may create a fire hazard.
- e. Never place coffee, soda or other liquids where they can spill on your computer. Such a spill, in addition to damaging your computer, can create a risk of electrical shock.

The preceding guidelines are not exhaustive. You should always exercise good judgment and common sense in the use of computers, and should immediately report to your supervisor anything you suspect may cause a health, safety, or security risk.

#### 4. Accommodations to Disabilities

In the event you have a disability, which requires an accommodation in order for you to use our computer system, please notify your supervisor. In accordance with the Ossining Police Department's commitment to equal opportunity employment, a reasonable accommodation will be provided.

#### 5. Prohibited Conduct

Our computer system may not be used for personal purposes. Its use to solicit others for commercial ventures, religious activities, political causes, outside organizations, or other non-departmental matters is prohibited.

The Ossining Police Department strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the department prohibits the use of the computer system in ways that are disruptive, offensive to others, or harmful to morale. For example, the display and transmission of sexually explicit images, messages, and cartoons are not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.

Ossining Police Department purchases and licenses the use of various computer software for business purposes and does not own copyright to this software or its related documentation. Unless authorized by the software developer, the department and its employees do not have the right to reproduce such software for use on more than one computer. Accordingly, employees may only use software on local area networks or on multiple machines according to software license agreement, and the illegal duplication of software and its related documentation is prohibited.

The unauthorized use, installation, copying or distribution of copyrighted, trademarked or patented material on our computer system is prohibited. As a general rule, if an employee did not create material, does not own the right to it, or has not gotten authorization for its use, it should not be put on the computer system. Employees are responsible for ensuring that the person sending any material via our computer system has the appropriate distribution rights.

The following are examples of conduct involving our computer system which are prohibited, but not limited to;

- 1) Sending an anonymous e-mail message.
- 2) Sending, posting a discriminatory, harassing or threatening message or image.

- 3) Sending or posting a message that defames or slanders an individual or the department.
- 4) Sending or posting a message that disparages an individual or the department or its services.
- 5) Sending or posting a message or material that could damage the departments image or reputation
- 6) Sending or posting a chain letter, solicitation or advertisement not related to department purposes or activity.
- 7) Sending or posting confidential material, secrets or proprietary information outside the department.
- 8) Using the system to engage in an illegal activity.
- 9) Using the system for personal gain.
- 10) Using the system for unauthorized transactions that could damage the department or incur costs.
- 11) Stealing, using or disclosing someone else's code or password without authorization.
- 12) Attempting to break into the computer system of another individual or company.
- 13) Copying or downloading software and electronic files without permission.
- 14) Violating copyright laws.
- 15) Failing to observe license agreements.
- 16) Intentionally or carelessly transmitting a virus or introducing it into our system or any other system.
- 17) Participating in the viewing or exchanging of pornography or obscene material.
- 18) Passing off a personal view as representing that of the department.
- 19) Jeopardizing the security of the computer system.
- 20) Failing or refusing to cooperate with a department investigation involving the computer system.
- 21) Should you have a question about any of the above or any other prohibited use contact your supervisor or a M.I.S. supervisor.

#### 6. Monitoring

To insure compliance with this and other policies of the Ossining Police Department, usage of electronic communications system, including the e-mail system, is monitored. The monitoring may occur for example through the interception of e-mail communications, Internet usage or by access to and review of e-mail and other data stored electronically on individual computers on the network. All employees are deemed to consent to such monitoring by continuing in their employment after being notified of this policy.

7. Employees are required to notify their supervisor upon learning of any violation of this policy. Employees who violate the policy, or who fail to report violations of this policy will be subject to disciplinary action, up to and including termination.



GENERAL ORDER #3.68

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## **COMMUNICATIONS PROCEDURES**

Revised 06/11/2019

**Purpose:** The Police Department provides 24 hours telephone service for calls by staffing a fully equipped dispatch center. The Police Department is the primary public safety answering point with the county E-911 system and for calls for service originating in the Town of Ossining. This order will outline the general function of the communications system including the telephone, radio procedures and NYSPIN Computer Operations.

**Policy:** The Dispatch Center for the Police Department will normally operate with a sworn desk officer with the assistance of a civilian dispatcher trained in the operation of the position and as determined by the MIS commander. Additional personnel may be assigned to the dispatch center at the discretion of the shift supervisor.

**Procedure:** Members assigned to the dispatch position will be fully familiar with the desk operations and will be trained in the operation of the telephone system, E-911 System, and department radio communications system.

The dispatch area is the communications center for the department and therefore only authorized personnel should be in the room. Shift supervisors shall insure that this order is followed and that the desk area not be used as a gathering area. Desk Officers and Dispatchers are responsible for monitoring the Telephone, 911 system, Radio, and various alarms from businesses, banks, and residences as well as operation of eJustice and departmental computer system.

**Front Desk:** Dispatchers also must handle the "walk-in" complaints and inquiries. Civilian dispatchers are NOT sworn officers and are not expected nor authorized to handle situations, which require police intervention. Citizens who enter police headquarters to file a complaint or seek police assistance shall be referred to the desk officer or a police officer or detective.

Tobacco products and food substances shall not be used while in the communication center. Dispatchers may eat in the communications area when shift circumstances do not easily allow for lunch or break relief. Under NO circumstances should food or drink be near communications or electronic equipment. Food shall be handled in a inconspicuous, orderly manner with proper cleanup.

**Portable Radios:** All sworn officers and civilian personnel assigned field duties will be issued portable radios. On-duty, uniformed and civilian personnel shall carry issued portable radios in issued leather cases or on belt attachment secured to their person utilizing hand-microphones if desired. Non-uniformed personnel shall carry their radios in a careful manner.

**Care and Maintenance:** Issued department radios assigned to the individual member will remain assigned to that individual regardless of change in assignment, unless reassigned by a superior officer. They shall be charged on a regular basis so as to be operational at all times. Employees shall have these radios available for use at all times.

Radios in need of maintenance will be brought to the attention of the shift supervisor.

**Telephone:** All telephone conversations within the communications center shall be conducted in a business like manner. All personnel shall enunciate clearly and speak in an unhurried manner directly into the mouthpiece at the proper distances.

All incoming telephone calls to the communications center shall be answered promptly.

Personnel engaged in a telephone conversation shall not become argumentative, curt or sarcastic. Conversations that become argumentative shall be referred to the shift supervisor.

Personnel shall not leave callers on hold for long periods of time.

All department telephone lines in the communications center shall be answered in the following manner:

The 941-5700, 941-5701 and 941-5702 designated emergency lines will be answered as follows "Ossining Police Emergency" followed by the member's name and/or radio operator number (badge number).

The 941-4099 and 941-4425 answered "Ossining Police Department" followed by the member's name and/or radio operator number (badge number).

The 911 telephone lines shall be answered in the following manner: "Ossining Police Department 911." Followed by the member's name and/or radio operator number (badge number).

Misdirected calls will be forwarded to the agency for whom the call was originally intended.

**Priority:** When more than one telephone line is ringing, the caller should be asked if their call is an emergency. Emergency calls are given priority. All others are to be handled in the order in which they were received.

Advise the caller that a patrol will respond on their complaint as soon as possible. Don't tell anyone a patrol will "be right there" or "will be there in a minute".

At no time will any caller be told a patrol is not available or that patrols are all busy and time or response is unknown. If call load is backing up notify the shift supervisor so they can provide for necessary personnel to handle the calls.

**Radio Procedures:**

All requests for police service and vehicle dispatching shall be done via the department's two-way radio system.

All personnel shall operate their assigned radio equipment in an impersonal manner.

Always enunciate in a clear resonant voice and speak at a constant rate to assure each word is spoken separate from all others. Speak directly into the mouthpiece at the proper distance.

Whenever necessary for the testing of radio equipment or audio levels, test counts may be requested.

All radio messages shall be acknowledged immediately.

Dispatchers not ready to accept radio traffic shall utilize the term "stand-by".

Routine telephone conversations shall not take precedence over radio messages and acknowledgements.

Information that would jeopardize police services if known by other person shall not be transmitted on the radio.

The term "suspect" or "subject" shall be used at all times when referring to persons under observation.

All field personnel shall acknowledge receipt of calls and messages by appropriate radio code which is "10-4". Car number shall do acknowledgments of broadcasts to all patrols in ascending order.

When attempting to contact patrol units for a call assignment, the dispatcher shall call at 30 second intervals for a period of one minute. After a reasonable time has passed, never in excess of five minutes, when no response or acknowledgement has been received, the shift supervisor shall be notified. If the call is of an emergency nature, another available patrol shall be sent immediately and the shift supervisor notified.

**Status Checks:** When a patrol unit is out on a traffic stop the desk officer or dispatcher shall check the officer(s) status after five minutes and each successive five-minute period to determine officer(s) status and well being.

Desk Officers and Dispatchers may, at their discretion, conduct status checks of field units when it is believed the activity or complaint may be dangerous or become violent in nature. The Dispatch communication should be ie: Car # your status and the appropriate response is Car #, secure, shield #.

Status checks that get no response shall mandate a back-up unit, be immediately dispatched, and the shift supervisor shall be notified.

Department members shall be referred to by car number or radio operator number (badge number). Surname or first names shall not be used.

Radio transmissions between patrols and communications shall be kept at a minimum.

Radio transmissions on the car to car frequency between mobile units shall be kept to a minimum.

Department road patrols shall check out with the dispatcher whenever they leave their assigned patrol vehicle and patrol officers shall advise the communications center when they are back in their vehicle.

On duty uniformed personnel and first line supervisors shall monitor the department's primary operating frequency at all times while on duty.

#### **New York State Police Information Network (NYSPIN)**

Operation of the NYSPIN system shall be done in accordance with the rules and regulations of the NYSPIN operating manual.

All patrol personnel and civilian dispatchers shall maintain their certifications required for operation of the NYSPIN system and are charged with the responsibility of remaining current on the procedures in the NYSPIN Manual that pertain to their certification and responsibilities.

Records shall be kept in accordance with NYSPIN procedures.

Each operator shall be responsible for the sending of teletype messages directed to the operator on their shift. In addition they are responsible for the filing of those messages received over the terminal of their shift. The primary responsibility of receiving messages on the NYSPIN system rests with the police officer assigned to desk duty. The police officer is responsible to notify the shift supervisor of all incoming messages addressed to this agency.

Any messages received that may require the attention of any police patrol shall be dispatched immediately to appropriate personnel.

#### **Radio Transmission Procedures** (Base to Mobile)

The communications center shall be called headquarters.  
Messages shall be acknowledged by stating "10-4".

Registration check information shall be given in this order: Registered owner, owner address, year and make of vehicle, color, and registration expiration.

Driver's license check information shall be given in this order: Name and address of license holder; date of birth; has a valid Class ( ) license expiring on / / , OR has a suspended/revoked Class license, or "no hit".

When a unit calls headquarters and the unit number is not received the communications operator shall respond with "headquarters on unit calling repeat."

**Radio Transmission Procedures** (Mobile to Base)

Mobile units shall use their car number when transmitting from the car.

Foot patrols shall use their assigned car number or radio operator number when transmitting.

Mobile units shall use the phonetic alphabet when transmitting single letter.

EX: ABC-123 is A-Adam, B-Boy, C-Charles, one, two, three.  
7656-OV is seven, six, five, six, O-Ocean, V-Victor.

Mobile units asking for a registration check shall first call dispatch and advise them of the need for a Code 36. Dispatch shall acknowledge and advise when they are ready to take the information. The requesting unit then shall ask in this order: Date; state of registration; and plate number.

EX: car # to headquarters - request for Code 36; headquarters (stand by or go ahead with data) Code 36, on New York commercial, A-Adam, B-Boy, C-Charles - 1 - 2 - 3, received (car #) - stand by.

All messages received by a mobile unit shall be acknowledged by "10-4".

Mobile units asking for a driver's license check shall ask in this order: name (last, first, MI); date of birth; race; and sex. EX: license check, Johnson, Robert W. DOB 5/5/67, white/male.

During any emergency or unusual situation all users of the police frequency should try to maintain radio silence. Only those transmissions absolutely necessary should be made.

A handwritten signature in black ink, appearing to read "Kim J. [unclear]".

GENERAL ORDER # 3.69

**INTRA-DEPARTMENT COMMUNICATIONS**

PAGE 1 OF 1

**Purpose:** To establish efficient channels for communication, coordination and cooperation between all members and divisions within the department.

**Policy:** It is imperative, that when information is developed by the patrol force which may help in a criminal investigation, that this information be forwarded immediately to the Detective Division.

It is imperative that the Detective Division advise uniformed personnel of any information that would assist in the prevention of criminal activity, identification of suspect information, or the development of further information to be used by the Detective Division or which will benefit the effective delivery of police services to the community.

The administration understands that this is accomplished partially by the information supplied in police reports and supplemental police reports and internal memorandum. However informal communications between officers of all branches of the department is recommended and encouraged.

**Methods:****Staff Meetings**

1.
  - A. Staff meetings will be conducted at various times throughout the year as determined by the Chief of Police.
  - B. All supervisory personnel will be invited to attend.
  - C. Agendas of the staff meetings will be formulated and coordinated by the Chief of Police. The content of the staff meeting agenda may include:
    - (1) Supervisory Training.
    - Development of goals and objectives for the upcoming year.
    - (2) Review of Revision Notices to the department manual.
    - (3) Case updates.
    - (4) Discussion on any current issues effecting more than one division of the department.

2. **Automated Email System**

- A. The automated department email system provides the means for daily intra-department communication between all members. This system should be utilized whenever a need for communication affecting coordination and cooperation between divisions arise.
- B. Any directive issued through the department email system by a supervisory member to a subordinate member shall constitute an order.
- C. All members are required to check their individual mailbox using any terminal within Headquarters at the beginning of their tour of duty. Read receipts may be utilized to confirm that an officer has accessed his/her mailbox or that an order has been received.
- D. The mailbox will be used strictly for departmental Communication Only.



**LIMITS OF AUTHORITY: CONSTITUTIONAL SAFEGUARDS**

**Note:** This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

**Index Words:**

probable cause; Constitutional safeguards; line-ups; reasonable suspicion; Miranda rights; plain view; eyewitnesses; search and seizure; limitations; searches; of vehicles; generally; hearsay; authority; limitations; consent to search; of vehicles (inventory); emergency searches; searches; of vehicles (custodial arrests)

**I. Policy:** The U. S. Constitution guarantees every citizen safeguards from government intrusion into their lives. These safeguards have become the cornerstone for the application of criminal justice in America. Consequently, these safeguards have placed limitations on the authority of police to enforce the laws of the nation, state, and the Village of Ossining. The department expects its officers to act with due regard for citizens' civil liberties.

**II. Purpose:** The purpose of this general order is to define the legally mandates authority for the enforcement of laws, to establish procedures for assuring compliance with constitutional requirements during criminal investigations, to set forth guidelines concerning the use of discretion by officers, and to define the authority , guidelines and circumstances when officers should exercise alternatives to arrests and pretrial confinement.

**III. Procedures General:**

A. Law enforcement authority to enforce laws:

1. Section 20.40 and 20.50 of the NYS Criminal Procedure Law gives police officers of villages the authority to enforce the criminal laws of the State and ordinances and regulations of the village in which they are appointed.

2. The village requires that all officers, upon entering their office, take an oath whereby they swear to support the Constitution of the United States and the State of New York.

B. Limitations on law enforcement authority:

Limitations on law enforcement authority are derived from statutes, federal, state, and local judicial interpretation of laws, opinions of the Attorney General and district attorney, departmental policies/rules and regulations, and village administrative decisions.

1. Statutory Limitations:

These limitations include, but are not limited to:

- a. enforcement of laws outside of the village limits.
2. Judicial Limitations: Courts constantly interpret law that place limitations on the authority of law enforcement officers. The more common include: Miranda rights/warnings, rulings on search and seizure, eyewitness identification, lineups.

#### **IV. Miranda Rights:**

A. The Fifth Amendment right against self-incrimination:

The voluminous case law covering Miranda (Miranda v. Arizona, 384 U. S. 436, 1966) warnings has established several guidelines for officers to help decide when warnings must be administered. Miranda applies only to custodial interrogation. Interrogation is defined below. As to what constitutes custody, if a reasonable person in the suspect's position believes that he or she is not free to leave, then Miranda applies. Note that the officer's view of what constitutes custody and that of the suspect is what counts.

In determining whether a suspect is free to leave the police officer's presence, a court will look at the circumstances of the interrogation: if police questioning is conducted in a police car or at a police station, the environment may be construed a coercive one, and the interview custodial. Practically speaking, an arrest or physical restraint of a suspect places him or her in custody, and Miranda warnings must be administered before the officer asks questions about the offense. In short, then, Miranda warnings must be given when:

1. The suspect reasonable believes that he/she is in custody, and
2. The suspect is interrogated.

B. Definitions:

1. An interview, as opposed to an interrogation, may be construed as any conversation with a suspect, witness, victim, or other citizen.
2. An interrogation, according to the Supreme Court, includes the following, per *Rhode Island v. Innis*, 446 U. S. 291 (1980): "...express questioning or its functional equivalent...any words or conduct on the part of police (other than those normally attendant to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response from the suspect."
3. Officers are reminded that an interrogation does not rely solely or exclusively on words: conduct can be the "functional equivalent" of asking questions.

C. Rights Admonition

1. In order to achieve uniformity in administering Miranda warnings, police officers will be issued cards with the Miranda warnings and waiver on them. Officers will advise suspects, verbatim:
  - a. "You have the right to remain silent."
  - b. "Anything you say can and will be used against you in a court of law."
  - c. "You have the right to talk to a lawyer and have him present with you while you are being questioned."
  - d. "If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish to have one."
  - e. "You may cease talking at any time."
2. After the warning, in order to secure a waiver, the officer shall ask and receive affirmative replies to the following questions:
  - a. "Do you understand each of these rights I have explained to you?"
  - b. "Having these rights in mind, do you wish to talk to use now?"
3. After the rights have been read, understood, and the person wishes to waive them, the officer will have the suspect sign the waiver or rights form. Officers must cease questioning whenever the suspect invokes the right to silence.
  - a. After the suspect has been charged, officers may not try to elicit incriminating evidence unless the suspect waives the right to counsel.

- b. If the suspect has been charged and has requested counsel, officers shall not try to obtain a waiver unless the suspect initiates conversation with the officers.
4. Officers will take care when advising juveniles of their rights to ensure that the rights are understood before securing a waiver. Officers should honor a child's request to speak to a parent or guardian before waiving his or her rights. Whenever possible, the child's parents should be present while the child's rights are explained and the waiver obtained.

D. Exemptions/Special Cases

1. Miranda warnings do not apply to the following situations:

- a. brief on-scene questioning;
- b. identification procedures such as fingerprinting, conducting a line-up, sobriety tests;
- c. volunteered, spontaneous statements (Once the officer has heard the suspect express spontaneous incriminating statements, the officer shall then advise the suspect of Miranda rights and obtain a waiver before undertaking additional questions.);
- d. brief investigative detention;
- e. roadside questioning during routine traffic stops;
- f. routine booking questions attendant to arrest;
- g. questioning by private persons.

2. Public safety exception:

When an officer urgently needs information from a suspect because lives are in imminent danger, officers may delay giving Miranda warning until the officers have received information sufficient to dispel the emergency. In *New York v. Quarles*, 104 S. Ct. 2626 (1984), police frisked a felony suspect who was thought to be armed. Finding no weapon and worried about its location because of nearby children and without administering Miranda, the officers asked where the gun was and the suspect replied, giving the location. The presence of the gun constituted a public safety hazard, justifying the question in the absence of Miranda.

3. No firm guidelines exist governing when fresh warnings must be given. In considering whether previously-administered Miranda rights have become legally stale, investigators must consider:

- a. the length of time between first warnings and later interrogation;
- b. whether warnings and later interrogation were given in the same place;
- c. whether warnings and later interrogation were by the same or different officers;
- d. the extent to which the later statement differed from a previous one;
- e. the apparent intellectual and emotional state of the suspect.

**V. Search and Seizure:**

- A. Definition: Police action is termed a search where (1) there is a "prying into hidden places by the police officer" in which (2) the person whose premises or person is being searched has a reasonable expectation of privacy.
- B. The Fourth Amendment guarantees the right for people to be free from unreasonable searches and seizures of their homes, persons, and things. The Supreme Court is constantly interpreting the Fourth Amendment as it applies to police conduct. Illegally seized items of evidence will not be admitted in court and may be cause for a lost criminal case. Additionally, an illegally conducted search invites civil suits under the Civil Rights Act. In order to ensure that Fourth Amendment rights are protected, officers will obtain search warrants upon probable cause in all appropriate criminal cases except the following:
  1. Consent searches
  2. Emergency searches
  3. Plain view
  4. Abandoned property
  5. Inventory searches of vehicles
  6. Incident to arrest
  7. Pat-downs of suspicious persons
- C. Consent
  1. A search warrant is not necessary where a person who has authority or control over the thing or place searched consents to search.
    - a. Generally, such authority extends to a person who shares use, access, or control of property.
    - b. If two people have joint ownership of property, either may give consent.

- c. A landlord, including a hotel or motel manager, cannot consent to a search of a tenant's premises, unless the tenant has been evicted or has abandoned the property.
  - d. A husband or wife, or one member of a cohabiting unmarried couple, may consent to a search of areas in common ownership or use.
  - e. A parent may consent to a search of premises occupied by a dependent child.
  - f. An employee cannot give valid consent to a search of his employer's premises unless he has been left in custody of the premises.
  - g. An employer may generally consent to a search of premises used by employees, except premises used solely by an employee (e.g., a locker).
2. Consent must be voluntarily given. If an officer requests consent from a citizen under circumstances which a reasonable person would consider coercive, then officers must seek a warrant. The officer may have the burden of demonstrating voluntariness (*Schneckloth v. Bustamonte*, 412 U.S. 218, 1973).
3. A person who initially gives consent may withdraw it at any time. Officers shall then secure the premises and seek a warrant.

#### D. Emergency Searches

- 1. A search warrant is not necessary in an emergency. An emergency is sometimes termed "exigent circumstances."
- 2. The Virginia Supreme Court, in *Verez v. Commonwealth*, 337 S.E. 2d 749, 1985, gave ten factors to be considered in evaluating whether an emergency exists:
  - a. The degree of urgency involved and the time required to get a warrant.
  - b. Officer's reasonable belief that contraband is about to be removed or destroyed.
  - c. The possibility of danger to others including officers left to guard the site.
  - d. Information that the possessors of contraband are aware that police are on their trail.

- e. Whether the offense is serious, or involves violence.

- f. Whether officers reasonably believe the suspects are armed.
- g. Whether the officers have probable cause.
- h. Whether the officers have strong reason to believe the suspects are present on the premises.
- i. The likelihood that the suspects will escape.
- j. The suspect's entry onto premises after hot pursuit.

#### E. Plain View

- 1. A plain view seizure is, technically, not a search. To make a plain view seizure of property (contraband, fruits of instrumentalities of the crime), the officer must inadvertently observe the property in a place where he has a legal right to be.
- 2. It must be immediately apparent to the officer that the items he or she observes may be evidence of a crime, contraband, or otherwise subject to seizure.
  - a. The officer may not move items, look inside or underneath or behind them for serial numbers or other identifying marks. If such movement is necessary, officers shall obtain a warrant.

#### F. Abandoned Property

- 1. A search warrant is not required for property that has been abandoned.
- 2. To constitute abandoned property, two conditions must apply:
  - a. Property was voluntarily abandoned.
  - b. Property was discarded outside the area in which someone has a reasonable expectation of privacy.

#### G. Inventory Searches of Vehicles

A lawfully impounded vehicle, or a vehicle removed from the street and placed in police custody may have its contents inventoried for purposes of police management. Any evidence or contraband found during the inventory may be used to formulate probable cause for a subsequent search or arrest. The inventory must be a routine police procedure.

### **VI. Probable Cause and Reasonable Suspicion:**

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#### A. Probable Cause:

Most searches and all arrests are based on the police officer's perception of probable cause. According to the Supreme Court, "Probable cause exists where the facts and circumstances within their [the arresting officer's] knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed.

1. An officer must have probable cause to undertake a search or make an arrest.
2. When an officer has probable cause, he or she may undertake a complete body search, record the suspect's fingerprints, take the suspect's photograph, and jail him. The aim of probable cause is to make a formal charge.

**B. Reasonable Suspicion:**

Reasonable suspicion involves a standard less than probable cause, generally defined by the courts as circumstances or collection of circumstances that would lead a trained, experienced officer to believe that criminal activity may be afoot.

1. An officer must have reasonable suspicion to temporarily detain a citizen.
2. When an officer has reasonable suspicion, he or she may undertake a complete body search, record the suspect's fingerprints, take the suspect's photograph, and jail him. The aim of reasonable suspicion is to make a formal charge.

**C. Elements**

1. Probable cause may be established through investigation and observation, witnesses, confidential informants, or through anonymous sources provided that the information is backed by investigation.
2. Unnamed informants may be used in an affidavit for a search warrant if information is included about why the informant is credible (reliable) and he has information of specific use in the investigation (knowledge).

**VII. Eyewitnesses:**

A. Eyewitness identifications generally do not provide reliable evidence during criminal investigations. Consequently, the Supreme Court has addressed this issue in numerous cases and set forth guidelines to be followed when eyewitness identifications are solicited by officers. Eyewitness identifications may take the following form:

1. On-scene investigation:

One-on-one identifications have been held constitutional so long as the  
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period of time between the offense and the identification is brief. One to three hours would be a reasonable amount of time.

2. Line-ups:

Line-ups should be conducted using a minimum of six persons having similar physical characteristics as the suspect. The accused has the right to have an attorney present during the line-up and the line-up may not take place until that attorney is present. The attorney may not offer any suggestions concerning the conduct of the line-up, but may merely observe. All line-ups must be documented by the police as to date, time, place, name of participants and witnesses and location of suspect/participants.

3. Photo line-ups:

In conducting photo line-ups, the photos must depict persons displaying similar physical characteristics as the suspect. Simply showing and eyewitness a single photo of the suspect has been ruled unconstitutional. As a general rule, a photo lineup containing 6-8 photos would be reasonable. Photographs shown to witnesses will not contain any identifying information. Photo line-ups will be documented as under (2) above.

B. Hearsay

1. Officers must understand the rules by which hearsay can be considered evidence and therefore of use in an investigation.
  - a. According to the New York Supreme Court, hearsay is "evidence not proceeding from the personal knowledge of the witness, but from the mere repetition of what he has heard others say.
2. Hearsay is generally inadmissible in court.
3. Some hearsay is useful as evidence. Exceptions to the Hearsay Rule, and therefore admissible, include:
  - a. A dying declaration, or a statement, oral or written, made by a mortally wounded person who knows that he is about to die and has abandoned hope of recovery.
  - b. Spontaneous declarations, or exclamations of a participant or bystander concerning an incident, made without time for reflection.
  - c. Public records, or reports prepared by public officials under a duty imposed by law or regulation.
  - d. Spontaneous admission, or admission following admonition of Miranda warnings.

A. Preferably, officers shall search vehicles under authority of a warrant whenever there is sufficient time to obtain one.

1. If a vehicle has broken down, or is parked on private property and there is little likelihood that the vehicle will be driven away or that evidence within it will be destroyed, officers shall obtain a warrant to search it.

**B. Custodial Arrests**

Officers may search a vehicle without first obtaining a warrant if:

1. No opportunity exists for securing the warrant, and
2. The search is made pursuant to a full custodial arrest of a person who is inside of or beside a vehicle at the time of arrest, and
3. The search is based upon probable cause (see GO 3.19 for a fuller discussion of searches incident to arrests.)
  - a. A "full custodial arrest" means an arrest where the suspect is taken into custody for the purpose of transporting him to a police facility or jail.
  - b. **LIMITATIONS:** Officers searching vehicles under the above circumstances must limit their search as follows.
    - 1) To the entirety of the person arrested.
    - 2) To the passenger compartment of the auto and the area in the immediate control of the person being arrested from which he could reach for a weapon or for evidence of a crime. The search may include open or closed containers in the passenger compartment.
      - a. The search may not extend to the truck unless probable cause has been established during the search incident to an arrest that contraband, weapons, fruits or instrumentalities of the crime are located there.
    - 3) The search incident to custodial arrests legally can be undertaken to protect the officer, prevent the suspect from escape, and to prevent destruction of evidence.

**C. Probable cause only - apart from custodial arrests, officers may search a vehicle without a warrant if:**

1. Probable cause exists that the vehicles contains evidence of an illegal act, and

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2. The vehicle is moving or capable of being moved quickly so that if the officer does not search immediately, evidence could be destroyed or lost.

3. When officers have probable cause to believe that contraband is concealed somewhere within a vehicle, they may conduct a warrantless search of the entire vehicle, including all containers and packages that may conceal the object of the search. If, however, probable cause is directed at a specific container within the vehicle, and officer may seize the container and must obtain a warrant before searching it.

## **VIII. Limitations on Authority**

### A. Limitations on law enforcement authority by local courts:

Occasionally, the local courts may limit law enforcement authority to enforce state statutes and local ordinances. These limitations include, but are not limited to:

1. The enforcement of certain parking ordinances.
2. The handling of juvenile offenders.
3. The issuance of summonses as opposed to arrests/incarceration.
4. Restrictions relating to the animal control ordinance.

### B. Limitations on police authority by district attorney:

Occasionally, the district attorney may issue opinions to the department which may impose limitations on officers. These areas include, but are not limited to:

1. Prosecution of certain cases.
2. Extradition.
3. Enforcement of certain statutes pending opinions from the attorney general's office.

### C. Limitations on Police Authority by the Chief of Police:

Limitations on police enforcement actions by village board, mayor or the chief of police include, but are not limited to:

1. Village tag violations.
2. Parking violations
3. All police department policy/rules and regulations concerning the use of force. See General Orders 3.00/3.01/3.02/3.03.

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### D. Changes in laws/interpretational limitations:

Periodically, changes take place which may impose new limitations on police authority or remove or alter existing limitations. Normally, annual updates on such

changes are provided to all personnel by the district attorney. In case immediate changes in departmental operations are required, the district attorney's office may provide information orally and confirm it in writing.

**X. Constitutional Requirements: General:**

A. Compliance with constitutional requirements during criminal investigations:

1. All officers when conducting criminal investigations will take all precautions necessary to ensure that all persons involved are afforded their constitutional safeguards. Officers will ensure that:
  - a. All statements of confession are voluntary and non-coercive.
  - b. All persons are advised of their rights in accordance with this general order.
  - c. All arrested persons are taken promptly before a magistrate for formal charging.
  - d. All persons accused or suspected of criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney.
  - e. Prejudicial pre-trial publicity of the accused is avoided so as not to interfere with a defendant's right to a fair and impartial trial. See G.O. 2.27.

B. The use of discretion by officers:

1. Officers, by the nature of their job, are required to exercise discretion in the performance of their duties. The department provides officer with written policy and procedures, departmental orders, directed patrol assignments, and training in order to aid them in making decisions which govern discretion in performing their duties.
2. With the exception of departmental rules and regulations, departmental policy generally gives officers guidelines to consider in exercising their discretion. It is up to the individual officer to consider the relevant facts, the situation, and then, using knowledge, training, and good judgment, make appropriate decisions. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors or alternatives that may be more appropriate.

C. Alternatives to arrest/pre-arraignment confinement:

1. Under certain circumstances, officers are faced with situations where an

arrest and pre-arraignment confinement will not be possible. In this case, officers may elect to exercise certain alternatives such as the issuance of summonses, referral to a social service agency, or simply a warning. Examples may include:

- a. Mentally or emotionally disturbed persons.
  - b. Domestic situations where counseling may be appropriate.
  - c. Juvenile offenders. See GO 3.35 Juvenile Operations.
  - d. Transient persons who need shelter and food.
  - e. Certain misdemeanor cases.
2. Authority to issue appearance tickets in lieu of arrest/confinement:
- a. Section 150.20 of the NYS Criminal Procedure Law authorizes police officers to issue a appearance ticket in lieu of arrest for persons charged with a misdemeanor criminal offense except.
  - b. The use of appearance tickets by officers:

In determining whether a appearance ticket should be used, the officer should:

- 1) Decide whether the offense committed is serious.
  - 2) Make a judgment as to whether the accused poses a danger to the public or himself.
  - 3) Decide, based on circumstances, whether the person may disregard a summons.
3. Informal handling of criminal matters:

Officers often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. When in the judgment of the officer a better solution to the problem will be achieved by use of alternatives to enforcement, he should refer the citizen to a social service agency.

4. Use of warnings as an alternative to arrest:

The use of warnings may sometimes provide a satisfactory solution to a

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problem and may enhance the public perception of the department. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to criminal offenses. In determining if a warning should be issued, the officer should consider:

- a. The seriousness of the offense.
- b. The likelihood that the violator will heed the warning.
- c. The reputation of the violator i.e., known repeat offender, has received previous warning, etc.

5. Limitations on intelligence activity:

- a. Departmental intelligence gathering activities will be limited to that information concerning criminal conduct that presents a threat to the community.
- b. Departmental personnel and equipment will only be used in conjunction with intelligence gathering activities, as defined above, in full compliance with all law, and only with the advance approval of the chief of police.
- c. Intelligence information will be collected, used and processed in full compliance with all laws.
- d. Informants, see GO 3.34.

A handwritten signature in black ink, appearing to read "Kim S. [unclear]". The signature is written in a cursive, flowing style.

GENERAL ORDER # 3.71

**ALARM RESPONSE**

**Purpose:** To establish effective procedures to receive and respond to residential and commercial alarm activations.

**Background:** Alarms have been installed in various locations throughout the Village to protect the life and property of residents and business owners within the Village of Ossining.

**Policy:** It is the policy of this department to respond to all residential and commercial alarm activations within the Village of Ossining.

**Procedure:**

Alarm types:

1. Alarms received by this department include, but are not limited to the following:
  - A. Burglary/Intrusion
  - B. Robbery/Holdup
  - C. Panic
  - D. Fire
  - E. Medical alert

Alarm responses:

2. Officers responding to any type of an alarm shall respond to alarm notifications as outlined in GO 3.07.

In the event of notification that an alarm was set off in error prior to police arrival, dispatched officers will continue to respond in order to verify the reported status and circumstances of the alarm activation.

When responding to an alarm, officers should avoid positioning their vehicles in front of the alarm location.

Burglar/intrusion:

3. Responding officers shall inspect the building for signs of entry, suspect(s) and/or suspect vehicles and advise the desk officer of results.
4. If an entry or unsecured building is found, the responding officers shall maintain a perimeter, notify the desk officer and check the interior with additional personnel.

## Robbery/holdup:

5. Officers responding to a robbery/holdup alarm shall position vehicles so that they are not visible to persons within the building, but allow responding officers to view exits.
6. Once dispatched units have arrived and are on location responding officers shall advise the desk officer to contact the business or residence and request that a representative meet responding officers outside the location. Desk personnel shall obtain and advise the responding officers via radio a description of the person that will comply with this procedure. Once outside the responding officers should direct that person to their location and verify the status and circumstances of the alarm activation.
7. Responding officers will await a visual identifier and will notify the desk officer of the results.
8. If the visual identifier is not made, responding officers will maintain the perimeter, and advise the desk officer that it appears to be a robbery in progress and request additional assistance.
9. Responding officers will not enter the building or residence until certain that the alarm is false or that the perpetrators have left the area.

## Panic alarm:

10. Officers responding to panic alarms should be aware that this type of alarm activation might be generated for medical emergency, robbery, burglary, lifeline call or a malfunction.
11. Officers responding to panic alarms, upon arrival shall make every effort to determine the type of alarm activated and the response needed. If unable to ascertain such information, they shall notify their supervisor and check the location for point of ready entry.
12. Responding officers shall confer with neighbors as to the circumstances of the resident(s) age, health, background, family in area, key-holder or place of business.
13. Advise desk officer to make emergency notifications as listed in alarm file or with an alarm company.
14. If all these attempts fail to give the responding officer(s) a reasonable belief that it is simply a false alarm, he/she should attempt an entry causing as little damage as possible. Although this may seem to cause additional problems, the consequences of handling the call, as a burglar alarm can be fatal to the homeowner trapped inside. Officers should take every reasonable step to preclude this action, but if breaking in is the only alternative, the responding officer's entry in the incident report should indicate this.

## Fire alarms:

15. When an officer is dispatched to respond to a fire alarm the responding officer(s) shall position police vehicle(s) away from the fire scene. Avoid parking in the driveway to allow fire apparatus access to the scene and having patrol vehicle blocked in.
16. Responding officers will give the desk officer a progress report, and perform crowd and traffic control functions.

Alarm recording and reporting:

17. The reporting officer will file an incident/complaint report in the department's automated computer system. Included in the report will be the following information:
  - A. Homeowner
  - B. Location of incident
  - C. Type of alarm
  - D. Persons on scene
  - E. Persons notified
  - F. Responding officers
  - G. Alarm disposition
  - H. Alarm company name and number
  - I. Time of activation
  - J. Time of dispatch
  - K. Time of arrival
  - L. Time of completion

A handwritten signature in black ink, appearing to read "Kim J. [unclear]".

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**GRIEVANCE PROCEDURE AND DISPUTE SETTLEMENT**

Issue Date: June 1, 2004

**Purpose:** The purpose of this directive is to establish grievance procedures within the police department.

**Policy:** To promote a cooperative employer-employee relationship between the department and its members, it is the policy of the department to establish and provide for settlement of disputes through orderly grievance procedures.

**Procedure:** All members who are represented by the Ossining Policeman's Benevolent Association, Inc., shall follow the procedure prescribed by the terms of the collective bargaining agreement.

A handwritten signature in black ink, appearing to be 'Chief [unclear]', located in the lower right quadrant of the page.

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**RECOGNITION OF EMPLOYEES**

Issue Date: June 1, 2004

**Purpose:** The purpose of this directive is to criteria and procedures for recognizing Departmental personnel.

**Policy:** To promote a cooperative employer-employee relationship between the department and its members, and to recognize employees in the performance of their duties, it is the policy of the department to submit recommendations for employee recognition to the Ossining Policeman's Benevolent Association's Awards Committee.

Further supervisory officers of the Department may in addition submit letters of commendation to the Office of the Chief of Police for inclusion in the officer's permanent personnel file.

In addition the Chief of Police may submit an employee of the Department to the Mayor's Office for recognition as an Employee of Distinction.

**Procedure:** Any member of the Department may submit an award application on behalf of another member to the Ossining Policeman's Benevolent Association's Awards Committee on the forms provided by the committee.

A supervisor may submit a Letter of Commendation to the Chief of Police for inclusion in a member's personnel file.

The Chief of Police may submit a member's name to the Mayor's office for consideration in being named Employee of the Distinction.

A handwritten signature in black ink, appearing to read "K. J. [unclear]".

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## **MOTORCYCLE PATROL UNIT**

Issue Date: July 7, 2004

**Policy:** To establish a written policy for the Motorcycle Unit.

**Background:** The Village of Ossining Police Department, recognizing the utility of police motorcycle patrols to further the objectives of the department and to enhance the department's existing commitment to community policing.

**Procedure:** The motorcycle unit will, **through high profile/proactive patrol**, assist the ACCESS team's community policing effort. The motorcycle unit will focus on the following:

1. Constant interaction with the public,
2. Enforcement of local laws, parking laws and the NYS Vehicle and Traffic laws,
3. Addressing "quality of life" complaints.

**Deployment:** The tour supervisor will have sole discretion in the assignment of motorcycle patrols. Manpower permitting, motorcycle personnel will be assigned to the following:

1. Daylight hours: Patrols will concentrate on parks, shopping centers, the aqueduct, school property (after hours), condominium complexes, the waterfront and Main Street shopping/business area.
2. Nighttime hours: Motorcycle patrols will be deployed in the downtown area. Personnel will work closely with the ACCESS detail and will concentrate on parks and those areas that have been identified as having a concentration of "quality of life" complaints or location not normally accessible to normal road patrols.
3. Those areas of assignment do not preclude motorcycle officers from answering calls for service as well as backing up marked units.

Officers will not ride during inclement weather, which includes continuous heavy rain, extreme cold or heat, snow or icy conditions, or other conditions that render operation unsafe.

**Training:** Members of the Motorcycle Unit must have a New York State motorcycle license prior to operating a department motorcycle, and must have successfully completed a law enforcement Basic Police Motorcycle Operators Course prior to operating a department motorcycle other than in authorized departmental training.

To enhance the response of the department, motorcycle units, they will be utilized in prescribed areas of the Village. These areas shall be:

1. Spring and Main shopping/restaurant district
2. Spring, Broad, James, Park school, Nelson Park area
3. Washington and Roosevelt Square area
4. Arcadian/Sparta dock area
5. Railroad station/Engle Park area
6. Veteran's Park

**Supervision:** The motorcycle unit sergeant will be responsible for overseeing the motorcycle unit and report directly to the lieutenant in charge of the uniform patrol division. However, on-duty supervisors are not relieved of their obligation to ensure proper supervision of all members of the department assigned within their command.

**Equipment:** The motorcycle supervisor is responsible for the condition and maintenance of the department's motorcycles. All members of the motorcycle unit will use department issued and approved uniforms and required equipment. Officers will be responsible for checking the mechanical integrity of the motorcycle before and after every tour and report any problem to the unit supervisor.

The motorcycles will be manufacturer's standard police special services motorcycles equipped with a two-way mobile radio, warning lights and electronic siren.

1. Two trauma bandages
2. CPR pocket face mask
3. Rubber gloves
4. Summons books (V&T/Parking/Appearance tickets)
5. Reflective vest

Motorcycles will be stored in the designated area prescribed by the Chief of Police.

A handwritten signature in black ink, appearing to read "K. J. [unclear]", located at the bottom right of the page.

**MOBILE VIDEO RECORDING EQUIPMENT POLICY/PROCEDURE**

Issue Date: March 15, 2007

I. Purpose

The purpose of this policy is to provide the Village of Ossining Police Department with guidelines for the use, management, storage, and retrieval of audio-visual media recorded by the in-car video system.

II Definitions

Recorded media: Refers to audio-visual signals recorded on any storage devices which include digital tape (DV), Analog tape (VHS) portable digital storage devices (CD,DVD, hard drive etc).

In-car Camera System and Mobile Video Recorder (MVR): these are synonymous terms and refer to any system that captures audio and video signals capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

Supervisor: Sworn personnel officially appointed responsibility for a departmental component.

MVR Technician: Personnel trained in the operational use and repair of MVR's. duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures. The role of MVR Technician may be delegated to the supervisor.

Formatting: Electronic cleansing of digital recording media returns the media to its original state and when it is ready for imprinting new images.

III Policy

The use of an MVR system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Officers assigned to the use of these devices shall adhere to the operational objectives and protocols outline herein so as to maximize the effectiveness and utility of the MVR and the integrity of evidence and related video documentation.

IV Procedures

A. Program Objectives

The agency has adopted use of MVR's to accomplish the following objectives:

- 1) To enhance officer safety
- 2) To accurately capture statements and events during the course of an incident to enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation

- 3) To provide an impartial measurement for self-criticism and field evaluation during recruitment and new officer training.
- 4) To capture visual and audio information for use in current and future investigations.

A. General Procedures:

- 1) It shall be the responsibility of this department to ensure that the audio- video recording equipment is properly installed according to manufacturer's recommendations.
  - A. MVR equipment shall automatically activate when emergency equipment (lights) or a wireless transmitter is operating. The system may also be activated manually from the control panel affixed to the interior of the vehicle.
  - B. Placement and operation of system components within the vehicle shall be based on officer safety requirements.
  - C. All officers shall successfully complete this department's approved course of instruction prior to being deployed with MVR systems in operational settings

B. Officers' Responsibilities:

1. Inspection and general maintenance of MVR equipment installed in departmental vehicles shall be the responsibility of the officer assigned to that vehicle.
  - (a) MVR equipment shall be operated in accordance with the manufacturer's recommended guidelines and departmental training and policies.
  - (b) Prior to beginning each shift, the assigned officer shall perform an inspection to ensure that the MVR is performing in accordance with the manufacturer's recommendations covering the following matters.

1. Remote Audio Transmitter functional:
  - adequate power source
  - connected to recording equipment
  - remote activation of system via transmitter

2. Camera Lens:
  - Windshield and camera lens free of debris
3. Recording mechanism capturing both audio and video information:
  - System plays back both audio and video tracks.

2. Malfunctions, damage or theft of in-car camera equipment shall be reported to immediate supervisor prior to placing the vehicle and unit in service.

(a) A subsequent written report shall include information on the suspected cause(s) of equipment failure, as available, and any recommendations for corrective action.

(b) The supervisor shall determine if the unit shall be placed in service. If the vehicle is placed in service without an operating MVR, the emergency communications center (e.g., dispatch) shall be so informed.

C. Mandatory Recording of the following list:

1. Traffic stops ( to include, but not limited to traffic violations, stranded motorist assistance and all crime interdiction stops, DWI/DWAI arrests inclusive)
2. Priority responses
3. All vehicle pursuits
4. All prisoner transports
5. Crimes in progress
6. Any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded.
7. When the MVR is activated, officers shall ensure that the audio portion is also activated so all events are properly documented. Officers are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation.

## D. Operational Protocols:

1. To prevent bleed over and/or noise from other MVRs in System using low band transmitters, only primary officer initiating contact shall activate his or her audio recorder.
2. Officers using 900MHZ digital transmitters that are Individually synchronized to their individual MVR\ shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.
3. Officers shall review the recordings when preparing written Reports of events to help ensure accuracy and consistency of accounts.
4. With the exception of police radios, officers shall ensure that the volume from other electronic devices within the police vehicle does not interfere with MVR recordings.
5. Officers shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor or MVR technician may erase and reissue previously recorded media and may only do so pursuant to the provisions of this policy.
6. To prevent damage, original recordings shall not be viewed in any equipment other than the equipment issued and/or authorized by the MVR technician.
7. MVR recordings shall be marked as containing evidence and Submitted to the evidence/property custodian (detectives) or MVR technician.
8. MVR recordings shall be marked as containing evidence and submitted to the property custodian or MVR technician to held and/ or duplicated for criminal prosecution when they record any of the following:
  - a. Arrests
  - b. Assaults
  - c. Physical or verbal confrontations, vehicle pursuits
  - d. Vehicle searches in which contraband is recovered.
  - e. Driving While Intoxicated/ Under the Influence
  - f. All prisoner transports
9. When the MVR is activated to document an event, it shall not be deactivated until the event has been concluded unless
  - a. The incident or event is of such duration that the MVR may deactivated to conserve recording times.

- b. The officer does not reasonably believe that deactivation will result in the loss of critical documentary information; and
  - c. The intention to stop the tape has been noted by the officer either verbally or in a written notation.
10. The recording media shall be replaced when the recording time remaining is less than 1 (one) hour, for long playing media lasting 6 to 8 hours , or 30 minutes for Hi8 analog or digital media with recording time of 5 hours or less.

E. Supervisors' Responsibilities:

1. Supervisors shall issue unrecorded media and when possible prior to issuance, shall assign and affix an identification number to the exterior of the media. This should include either a patrol vehicle number and / or the Name and Shield Number of the Officer issued the unrecorded media. This then should be recorded on the Video Log maintained by the department for this purpose.
2. The video custody log shall include, but need not be limited To:
  - a. Tracking number of media
  - b. Date issued
  - c. Officer or vehicle issued
  - d. Date submitted
  - e. Officer submitting media
  - f. Hold for evidence indication
  - g. In cases where the media is evidence it will be processed in accordance with the rules and procedures established for the chain of custody.
3. When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer involved used of deadly physical force, accidents), a supervisor shall respond to the scene and ensure that the appropriate MVR technician or crime scene investigator removes the recorded media.

- a. The technician/and or investigator shall then
    - 1) Place the media into evidence and provide copies to authorized investigative personnel; and
    - 2) Ensure that the appropriate notation is made in the chain of custody log.
4. Supervisors shall periodically review the log to ensure that media is surrendered in a timely manner. The supervisor is responsible for determining causes for such problems (e.g., unreported problems with MVR equipment or equipment not being used in accordance with departmental policy).
5. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that authorized personnel make repairs in a timely manner.
6. Supervisors shall conduct periodic reviews of officer media in order to periodically
  - a. assess officer performance
  - b. assure proper functioning of MVR equipment
  - c. determine if MVR equipment is being operated properly; and
  - d. identify recordings that may be appropriate for training.
7. Supervisors shall conduct bi-weekly reviews of personnel who are newly assigned MVR equipment in order to ensure compliance with departmental policy. Supervisors shall thereafter conduct reviews no less than every month.
8. Minor infractions (not criminal in nature) discovered during routine review of recorded materials should be viewed as training opportunities and not as routine disciplinary actions. Should behavior or action become habitual after being formally addressed, the appropriate disciplinary or corrective action shall be taken.
9. Supervisor shall ensure that adequate recording media is on hand and available for issuance.

## F. Technicians' Responsibilities:

1. A designated officer or other employee (MVR Technician) shall be responsible for the ordering, issuance, retrieval, storage, cleansing (formatting) and duplication of all recorded media.
2. The MVR technician shall be responsible for collecting all completed media. Once the media is surrendered, the technician shall
  - a. ensure that is placed in a secured location with authorized control access; and
  - b. make appropriate entries in the Video Log and chain of evidence where necessary.
3. Recorded media may only be formatted/erased:
  - a. pursuant to a court order; or
  - b. in accordance with established retention guidelines.
4. For the purpose of accountability, all media will be assigned an identification number prior to issuance in the field. The MVR technician will maintain a record database of issued media.
5. The M.V.R. technician shall coordinate with field supervisors to ensure that an adequate supply of recorded media is available.
6. The MVR technician shall be responsible for the following:
  - a. Long-term storage of media deemed to be of evidentiary value in accordance with established chain of custody and evidence rules as established by departmental policy.
  - b. The cleansing and re-issuance of all other media deemed to be of no evidentiary value consistent with the department's documentation requirements.

## G. Media Duplication

1. All recording media, recorded images and audio recordings are the property of this department. Dissemination outside of the agency is strictly prohibited without specific written

authorization of the agency's chief executive or his/her designee

2. To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the departmental MVR technician or forensic media staff.
3. When possible and practical, a copy of original media shall be used for viewing by investigators, staff, training personnel, and the courts (unless otherwise directed by the courts) to preserve the original media in pristine condition.
4. At the conclusion of the trial proceedings or as otherwise directed by the prosecutor's office for which the media was required, all copies shall be submitted to the MVR technician for further storage.

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GENERAL ORDER # 3.76

PAGE 1 OF 3

**ABANDONED INFANT PROTECTION ACT**

Issue Date: March 9, 2007

I. Purpose

To prevent infanticide or unsafe newborn abandonment through Safe Haven relinquishments.

II. Background

On July 18, 2000, the Governor signed into law “The Abandoned Infant Protection Act” to protect infants who are abandoned by despondent or desperate parents. Under this law, a mother or father of an infant can avoid criminal prosecution if they deliver the infant, not abused or not more than five days old, to a suitable location, making the infant safe from physical injury and promptly notifying an appropriate person of the infant’s location (Penal Law Section 260.03, 260.10).

The intent of the law is to provide a parent, who has no other alternative, with a safe place to abandon his/her infant. This law will save the life of an infant who might otherwise be left in an unsafe and life threatening situation (i.e. a dumpster, trash can, empty lot, etc.).

III. Policy

It shall be the policy of the Village of Ossining Police Department to take temporary custody, without a court order, of a newborn baby who is, or appears to be, not more than five (5) days old (members are not expected to or required to determine if the infant is less than 5 days old before assuming custody), if the baby is voluntarily left by the child’s parent, who expresses the intent to wholly abandon the newborn and the intent that the baby be safe from physical injury and cared for in an appropriate manner. Any department member who takes custody of a baby under this section shall perform any act necessary to protect the baby’s physical health and safety.

## IV. Procedure

Under Article 260 of the Penal Law, it is an affirmative defense to a charge of abandonment of a child that the parent/defendant left the child, under five days old in a physically healthy condition, with an appropriate person of the child's location. Therefore, if an individual approaches a department member at any location or appears personally at the department facility and informs a member of the service that he/she wishes to relinquish a newborn in the Safe Haven for Newborns Program, a police officer or other member of the department shall do the following:

- A. Confirm the individual's intention to utilize the "Safe Haven for Newborns Program" and reassure the person that there are no legal repercussions of accessing the program, provided the infant is unharmed.
- B. The member shall notify the Desk Officer and a supervisor that he has taken custody of an abandoned infant and request that an ambulance respond.
- C. Ask the individual if he/she desires to VOLUNTARILY supply medical history and if the infant has any medical problems and/or has been seen by a physician since birth.
  1. If the individual provides information, the Voluntary Medical History Form should be used and all information shall be relayed to the ambulance crew, who will assume custody of the infant until the arrival of Child Protective Services personnel.
  2. If the person abandoning the infant refuses to answer questions, no further interaction with them is necessary.

NOTE: The law does not require that the parents abandoning an infant provide any information to those accepting custody to elicit any information from anyone who is abandoning an infant in accordance with the "Abandoned Infant Protection Act."

- D. Immediately after taking custody, the member shall notify Child Protective Services that the member has taken custody of the child, by calling the New York Central Register at 1-800-635-1522. The local child protective services agency shall assume the care and custody of the child immediately upon notice given as provided herein.
- E. When a member takes custody of an abandoned infant, a report of suspected child abuse or maltreatment shall be completed in accordance with procedures established by the New York State Office of Children and Family Services, in a format similar to that on the LDSS-2221 form: **Report of Suspected Child Abuse and Maltreatment.**
- E. Members are not expected or required to determine if the infant is less than five(5) days old before assuming custody.
- F. If the individual expressing a desire to relinquish a baby is the mother who has not yet given birth and is in labor, an ambulance will be requested and she will be removed to a hospital emergency department.
1. The member will provide the mother with a Safe Haven Packet that includes a full medical questionnaire, self addressed stamped envelope and information about the Safe Haven Program.
  2. If the mother to be is expressing an intent to abandon the infant after birth and refuses to answer questions, no further interaction is necessary.

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GENERAL ORDER #3.77

PAGE 1 OF 7

**SEX OFFENDER REGISTRY AND SEX OFFENDER REGISTRATION ACT (SORA)**

Issue Date: December 1<sup>st</sup> 2008

**Purpose:**

To establish procedures for the following:

- \* Registering sex offenders.
- \* Notifying entities with vulnerable populations.
- \* Processing requests from the public for access to sex offender information or for viewing the “Level 3” – Sexually Violent Predator Subdirectory”.

**Background:**

In order for the department to effectively establish guidelines and comply with the requirements of the Sex Offender Registration Act.

**Policy:**

The policy of the Village of Ossining Police Department is to protect the public from the danger of recidivism posed by sex offenders, especially those sexually violent offenders who commit predatory acts characterized by repetitive and compulsive behavior and to comply with Article 6-C of the New York State Correction Law.

**Definitions:**

Entities with Vulnerable Populations:

Any community group, organization, association, or other organized collection of people whose overall make-up of members lends itself as a potential target of a sex offender or sexually violent predator. For example, a day care center would be considered an entity with a population vulnerable to a pedophile.

Sex Offender:

Refer to NYS Correction Law Article 6-C.

Sexually Violent Predator:

Refer to NYS Correction Law Article 6-C.

Level 3 – Sexually Violent Predator Subdirectory:

The Division of Criminal Justice Services (DCJS) maintains a subdirectory of sexually violent predators. The subdirectory includes the name, address, photograph, physical description, age, and summary of the criminal conduct of the sexually violent predator. It also includes the sex offender's crime of conviction, method of operation, type of victim targeted, and a description of any special conditions imposed on the offender. The subdirectory has the sex offender listings categorized by county and zip code. A copy of the subdirectory is sent to this department annually or as updated accordingly.

Status Risk Level:

The NYS Board of Examiners of sex offenders establishes the degree of the risk of recidivism of a sex offender by examining certain risk factors. The Board of Examiners of sex offenders then identifies an offender as a status risk Level 1, 2, or 3 risk. A status risk Level 1 offender poses a low risk of recidivism. A status risk Level 2 offender poses a moderate risk of recidivism. A status risk Level 3 offender poses a high risk of recidivism. The status risk level is contained on the DCJS sex offender information sheet.

**Procedure:**Community Notification:

1. The Village of Ossining Police Department will participate in community notification of Level 2 and Level 3 offenders. Pursuant to law, there is no community notification of Level 1 offender. The Department may share such information with other law enforcement agencies upon request as follows:
  - A. Upon receipt of request, an incident/complaint report titled "Sex Offender Registry" (short description module will be titled "other agency notification") will be filed. Information related to the Sex Offense Registry is acceptable online at [criminaljustice.state.ny.us](http://criminaljustice.state.ny.us)

or by telephone at 1 800-262-3257.

- B. A copy of the “Current Reported Offender Details” generated by a Subdirectory search will be prepared and forwarded to the requesting agency along with all related documentation. A copy thereof shall then be attached to the incident/complaint report.
2. Notification of Level 2 and Level 3 offenders will be coordinated by the Detective Division Commander.
3. In releasing information on Level 2 and Level 3 offenders to entities with vulnerable populations, the Chief of Police of his/her designee will:
  - A. In the matter of Level 2 and Level 3 offenders, file an incident/complaint report titled “Sex Offender Registry” (short description module will be titled “Community Notification”, forward a cover letter, and attach a photocopy of the DCJS notice with the following information redacted:  
(Attach all copies to incident/complaint report)
    1. Social security number
    2. NYSID number
    3. FBI number
  - B. In the matter of Level 2 offenders, the following information will also be redacted in addition to that in (A, 1, 2, and 3) above:
    1. Offenders exact address (ES) except for city/town/village, state and zip code.
4. The public may be referred to the DCJS 1-900-288-3838 telephone number whereby they can inquire if a named individual is listed in the registry of sex offenders.
5. Community notification is accomplished through Village of Ossining “Web Blast”, postings on the Village website: [www.villageofossining.org](http://www.villageofossining.org), postings on the Police Department website: [www.ossiningpolice.com](http://www.ossiningpolice.com), and by mail to “Entities with Vulnerable Populations”. The Detective Division forwards the information to be posted to the Village MIS officer for “Web Blast” and posting. The Detective Division prepares and mails written notifications to predetermined “Entities with Vulnerable Populations”.

#### Determination of “Entities with Vulnerable Populations”

6. Schools, childcare agencies, home health care agencies, nursing homes, big brothers/big sisters, crime victims, families living within close

proximity of the offender and religious groups may be considered as entities with vulnerable populations.

7. Additional criteria to be used in determining an entity with a vulnerable population shall include consideration of the offense committed by the offender.
8. Upon receipt of a notification by DCJS of a Level 2 or Level 3 sex offender, the Chief of Police or his/her designee will determine who will be targeted for notifications by assessing possible vulnerable entities within the Village of Ossining.

Note: Any entity with vulnerable populations related to the nature of the offense committed by such sex offender. All community notifications should be made in that context.

9. Upon receipt of an inquiry from an entity claiming to be a vulnerable population, an incident/complaint report titled "Sex Offender Registry" (short description module will be titled "Sex Offender Information Request") will be filed. The inquiry will then be reviewed for assessment. The assessment of vulnerable population will be the responsibility of the Chief of Police or his/her designee. (Attach all copies to the incident/complaint report).
10. The Village of Ossining Police Department is not authorized to provide community notification of an offender who works in the jurisdiction of the Village of Ossining. Such application should be made to the jurisdiction where the offender resides.

**Address Change:**

11. The Village of Ossining Police Department will facilitate any change of address by a sex offender who presents him/herself to this department. along with the DCJS – 3231 address change form, an incident/complaint report titled "Sex Offender Registry" (short description module will be titled "Address Change"), will be filed.  
(Attach all copies to the incident/complaint report)
12. A copy of the change of address form and the incident/complaint report will be forwarded to DCJS.

13. DCJS has taken responsibility for providing notice to the law enforcement agency having jurisdiction at the offender's new address.

**Address Verification:**

14. Level 3 offenders are required to personally verify his/her address with the law enforcement agency having jurisdiction where the offender resides every 90 calendar days and must continue for as long as an offender is deemed to be a Level 3 risk.
15. Members will file an incident/complaint report titled "Sex Offender Registry" (short description module will be titled "Address Verification") for each occasion when a Level 3 sex offender verifies his/her address with this department. The offender shall provide a utility bill or other proof of address; the member will note same in the report as well as attaching same or a copy thereof.
16. Within one week after a Level 3 offender reports his/her address, a member will be assigned to conduct an independent physical verification of the offender's address. Verification can be made by any of the following methods:
  - A. Personal visit to the address;
  - B. Interview with persons in vicinity;
  - C. Vehicle registration verification at address;
  - D. Other records and reports of this department; or
  - E. Other information or observations of member.

Any observations of the member shall be noted in the subsequent incident/complaint report.

**Enforcement:**

17. The Village of Ossining will take appropriate enforcement action against:
  - A. Unlawful use of information disseminated under this policy or under the Sex Offender Registration Act;
  - B. Noncompliance with registration requirements under the Sex Offender Registration Act;

- C. Noncompliance with personal address verification of Level 3 offenders every 90 days;
- D. Noncompliance with annual verification of address;  
and
- E. Noncompliance with providing notification of a change of address.

A warrant of arrest may be secured when appropriate.

**Subdirectory of High Risk (Level 3 – Sexually Violent Predator) Offenders:**

- 18. The subdirectory will be maintained within the Detective Division.
- 19. The subdirectory may be reviewed by any person, including the news media. These requests are not covered under Freedom of Information Act and thus, the Freedom of Information request forms shall not be used for this purpose.
- 20. Viewers of the subdirectory cannot be allowed to videotape or photocopy pages in the subdirectory, but viewers may take notes from the subdirectory.
- 21. Member facilitating the review will file an incident/complaint report titled “Sex Offender Registry” (short description module will be titled “Subdirectory Review”) for each occurrence of subdirectory review.

**Notices Sent to the Village of Ossining Police in Error:**

- 22. In the event this department receives a Sex Offender Notification in error, the department will:
  - A. File an incident/complain report titled “Sex Offender Registry” (short description module will be titled “Received in Error”) and forward the notice to the appropriate law enforcement agency having jurisdiction, if known. Notices shall be forwarded using department letterhead.  
(Attach all copies to the incident/complaint report)
  - B. Notify DCJS that the notice was sent in error and that the notice was forwarded to the appropriate law enforcement agency.

**Offender From Other States:**

23. If an offender from another state approaches this department in order to comply with the provisions of the sex offender registration act:
  - A. Members will make an incident/complaint report titled "Sex Offender Registry" (short description module will be titled "Out of State Offender");
  - B. Identify the person making the query; and
  - C. Contact the DCJS Sex Offender Registration Unit (518-457-3175 or facsimile 518-457-6965) for assistance.

**Records and Retention:**

24. All records, inquiries, responses and correspondence will be maintained in the Village of Ossining Police Departments automated and networked computer system ("IMPACT"), incident/complaint reporting titled "Sex Offender Registry" and under the offenders surname.
25. All records pertaining to the sex offender registry will be retained permanently.

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Reviewed 05/23/2019

GENERAL ORDER #3.78

PAGE 1 OF 1

**DNA COLLECTION FOR NYS DNA DATABANK**

Issue Date: September 25<sup>th</sup>, 2008

**Purpose:** To establish guidelines and procedure for the collection of DNA samples from individuals who have been convicted and sentenced on certain designated offenses and are required to provide a DNA sample for inclusion in the state DNA Databank pursuant to NYS Executive Law 995.

**Policy:** It is the policy of the Village of Ossining Police Department to assist in the collection of DNA samples from those offenders required to provide same pursuant to New York State Executive Law 995.

**Procedure:**

The Detective Division is responsible for taking DNA samples pursuant to New York State Executive Law 995.

Generally detectives will be alerted that a DNA sample needs to be secured by a court order, the District Attorney's office or the DNA Owed banner on the New York State Rap sheet.

Detectives securing samples are to follow the instructions outlined in the New York State Databank Specimen Collection Kit, retaining the green submitting agency copy for department records.

DNA collection kits are stored in the Detective Division.

Once the collection kit has been completed and sealed it will be turned over to the District Attorney's Office.

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GENERAL ORDER #3.79

PAGE 1 OF 4

## **CONFRONTATIONS BETWEEN LAW ENFORCEMENT OFFICERS**

Issue Date:1/17/2009

### **PURPOSE:**

To safely resolve confrontations between law enforcement officers, either on-duty or off-duty where the confronted law enforcement officer's identity is not apparent to the challenging law enforcement officer.

### **DEFINITIONS:**

**CHALLENGING OFFICER** – A law enforcement officer who comes upon a scene and observes an unidentified armed person

**CONFRONTED OFFICER** – A law enforcement officer (usually civilian clothed) either on or off duty, who may be armed and taking police action and whose identity and objectives are not immediately apparent to the CHALLENGING OFFICER.

### **BACKGROUND:**

The type and circumstances of encounters between law enforcement officers, whether in uniform or civilian clothes, both on-duty and off-duty, are so varied that the encounters defy all-encompassing guidelines. In such encounters, the actions of the law enforcement officers in the first few seconds are of vital importance. It must be absolutely clear in the minds of all law enforcement officers that in any confrontation, the burden of proving identity rests on the CONFRONTED OFFICER, whether on or off duty. The CHALLENGING OFFICER, however, also has a responsibility to use sound tactics and judgment in approaching the situation.

The policies and procedures set forth below use language, for illustration purposes, which assumes that both the CHALLENGING OFFICER and the CONFRONTED OFFICER are members of this Department. Obviously, that will not necessarily be the case and a Sworn Member of this Department may find him or herself engaged in a confrontation situation with a member of another law enforcement agency. Although the policies and procedures set forth below have not been adopted by every law enforcement agency, they represent a common sense approach to this potentially deadly issue which may be followed by other law enforcement officers regardless of the lack of an official policy. A Sworn Member of this Department who adheres to this policy, whether as the CHALLENGING OFFICER or the CONFRONTED OFFICER, reduces the chance that

the encounter will escalate even if the other law enforcement officer does not act in accordance with a specific policy.

**POLICY:**

When a Sworn Member, whether uniformed or civilian clothed, responds to a scene and challenges an unidentified armed person, who may be an on duty or off duty law enforcement officer or when a Sworn Member not in uniform is similarly challenged, such Sworn Member shall act in accordance with applicable protocols contained herein.

**PROCEDURE:**

CHALLENGING OFFICER

1. Immediately take cover to the rear, not to the side, of the CONFRONTED OFFICER, if possible.

NOTE A challenge from the rear allows more time for the challenging officer to evaluate the subject's reactions and also gives the challenging officer a tactical advantage. A challenge from the side reduces time available to respond. Utilize any cover available (car, garbage can, lamppost, mailbox, etc.). Any object is a form of protection, even though its value might be only as concealment.

2. Identify self in a loud clear voice, stating "*Police! Don't move!*" or words to that effect.

NOTE: Avoid using directives that are contradictory such as, "don't move and raise your hands." This will only confuse the person. Avoid using slang terms such as "Freeze" or "Hold It." Further, if the situation calls for it, the command "don't move" may be replaced by words indicating some other action to be taken, like "get down."

CONFRONTED OFFICER

3. Remain motionless - even if it means a fleeing suspect may escape. Do not turn body, especially if holding a firearm.
4. Inform the CHALLENGING OFFICER that he or she is a police officer and obey all directions from the CHALLENGING OFFICER.

CHALLENGING OFFICER

5. Ask the CONFRONTED OFFICER to state the exact location of his or her identification and to produce the identification slowly, in a controlled manner. Alternatively, the CHALLENGING OFFICER may, at this point, wait for back-up and/or, if circumstances warrant, restrain the CONFRONTED OFFICER with handcuffs and then retrieve his or her identification.

NOTE: Civilian clothed Sworn Members should make it a practice to carry their shields in a pocket opposite their shooting hands. Remember, the IDENTIFICATION CARD is the primary form of identification.

CONFRONTED OFFICER

6. Inform CHALLENGING OFFICER of exact location of your identification before moving.
7. If directed to produce identification, do so slowly, in a controlled manner, without unnecessary movement.

CHALLENGING OFFICER

8. Examine credentials to determine:
  - a. the validity of the document itself and
  - b. that the photo or description (if any) fits individual.

9. Remain alert until you are completely satisfied as to the person's identity.
10. Return credentials, if satisfied with identification.

CONFRONTED OR CHALLENGING OFFICER

11. Request patrol supervisor and supervisory officer of on duty member to respond if there is concern about the manner in which the situation was handled.

RESPONDING SUPERVISOR

12. Have members involved report to Headquarters.
13. Notify patrol commander.
14. Determine duty status of members involved.
15. Confer with commanding officer of confronted member(s) involved, and conduct an investigation.
16. Interview members involved.
17. Inform Sworn Member involved of results of investigation and counsel member on any apparent deficiencies and corrective measures to be taken, if appropriate.

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GENERAL ORDER #3.80

PAGE 1 OF 4

**OSSINING MARINE UNIT**

Issue Date: August 21<sup>st</sup>, 2009

**Purpose:** The Ossining Marine Unit is a multi-agency task force created within the Ossining Community to fulfill a variety of roles in our community's overall emergency response. The primary role of this unit is the protection and preservation of human life. This role will be accomplished by an emergency response to boating accidents, aircraft accidents, swimming incidents, fire emergencies, and terrorist incidents, which may occur on any of our bodies of water. Another responsibility of the Ossining Marine Unit is the enforcement of laws and ordinances and the proactive prevention of accidents, drownings, and criminal activity. Additional responsibilities of the unit include, but are not limited to, the assistance and transportation of divers, recovery of deceased persons, stolen vehicles/vessels, property or other evidence, and rendering assistance to other police, fire, or federal agencies as requested

**Background:** The Police Department will maintain a Standard Operating procedure for the Ossining Marine Unit. The Unit is commanded by a ranking member of the Police Department appointed by the Chief of Police. The unit commander will be assisted by a ranking Fire Department liaison and EMS liaison appointed by their respective agencies.

**Responsibilities of the Marine Unit Commander:** The marine unit commander will be responsible for, but not limited to, the following duties:

- A. establishing and maintaining training criterion and records
- B. maintaining records and logs of the Marine Unit
- C. creating the Marine Unit's budget
- D. Ensuring the unit's vessels are properly maintained
- E. facilitating the active participation of all agencies involved

**Policy:** The Marine Unit may be activated beyond their normal patrol duties in the following circumstances:

- A. The Marine Unit is authorized to deploy to any and all water emergencies with the Ossining fire district which extends from the southern most border of Ossining to the northern most border of Ossining then west from both points to the center of the shipping channel.
- B. The Marine Unit is authorized to respond to any authorized request for assistance in an emergency

**Procedure:** The Ossining Marine Unit must be operated in accordance with the following procedures:

***Dispatch***

- A. The Village of Ossining Police desk will dispatch the Ossining Marine Unit to all related calls for service. The Unit will not deploy unless authorized by the Police desk. Unit members will advise the police desk immediately upon receiving dispatch requests from other agencies.
- B. In the event the Marine Unit is needed for a fire emergency, the Police desk will dispatch Fire Department unit members to respond.
- C. In the event of a non-fire emergency the Police tour supervisor will determine if manpower permits a Police operator and/or crew member respond. If manpower does not permit a Police unit member to respond or if more manpower is needed on board, then the Police tour supervisor will advise the Police Desk to dispatch Fire Department unit members to respond.
- D. Once the senior ranking operator at the dock deems that a sufficient number of personnel have arrived to handle the call for service, the operator will advise the Police desk to issue a “stand down-call is covered” order over the Fire radio.

***Patrol***

- A. The Ossining Marine Unit will be scheduled for law enforcement patrol by the Unit Commander only.
- B. Law enforcement patrol will be accomplished by Police unit members only.

***Training Missions***

- A. On board training missions will be scheduled and planned by The Unit Commander and Fire Department Liaison.
- B. All training missions must be authorized by the Unit Commander.

***Vessel Operation***

- A. Prior to vessel operation, the authorized Marine Unit operators will inspect the assigned vessel to ensure that it is in proper operating condition (e.g. hull inspection, engine inspection, fluid checks, required equipment present, radio and emergency lights and siren operable, and favorable water conditions)
- B. At the start of the Marine Unit tour of duty, the senior vessel operator will notify the United States Coast Guard (USCG) Sector NY (718-354-4120) as well as the Westchester County Fire Control Center (60 control) and New York State Police Hawthorne dispatch center advising them that the Ossining Marine Unit is on duty, provide the patrol vessel number, the waterway patrolled, and the hours of in service operation.

- C. Only authorized operators are permitted to tow, launch, operate and recover Marine Unit Vessels.
- D. No member of the unit will smoke on any marine unit vessel at any time.
- E. It is the sole responsibility of the vessel's commanding operator to make the final decision to launch a mission.
- F. The vessel's commanding operator will make an entry in the log book describing the mission, listing personnel on board, and indicating fuel level once docked.
- G. The Marine Unit will not be operated for any reason other than Police Patrol, Training, and Calls for Service with the expressed permission of the Unit Commander.
- H. All Marine Unit Vessels are to be operated with a minimum of two authorized operators on board.
- I. Marine Unit personnel, including authorized operators, shall be provided with a personal flotation device of an approved construction which shall be worn at all times during all normal and emergency operations.
- J. All authorized operators will transport, operate, secure, and maintain the Marine Unit vessels in the manner prescribed by the department.
- K. All authorized operators are responsible for completing all necessary logs and reports pertaining to the use of the marine unit.
- L. Towing of boats without power is only to be done to remove the boat from the channel, obstructions, or shallows. Once they are brought to a safe location an appropriate commercial towing company will be called.

**Qualifications and Training of Operators:**

- A. In order to be considered for training for the Ossining Marine Unit, an applicant **must** possess the following minimum qualifications.
  - 1. Applicant must be able to swim fifty yards unassisted and without a PFD.
  - 2. Boating background and experience
  - 3. Basic knowledge of motors and/or mechanical background
  - 4. Basic knowledge of the Hudson River, and local bodies of water
- B. All qualified applicants, once assigned to the Marine Unit, must successfully complete the following training programs:
  - 1. Coast Guard boating safety course or proof of completion within five years of date of application.

2. Boat Operators Course (provided by police department).
3. ICS 200
4. Successfully pass Water Safety Instruction(WSI)
5. CPR/First Aid/AED training
6. Response to Drowning
7. Marine Law Enforcement Training provided by NYS Parks(police only)

**Qualifications and Training of Crew**

- A. In order to be considered for training for the Ossining Marine Unit Crew, an applicant ***must*** possess the following minimum qualifications.
  1. Applicant must be able to swim fifty yards unassisted and without a PFD.
  2. Basic knowledge of motors and/or mechanical background
- B. All qualified applicants, once assigned to the Marine Unit, must successfully complete the following training programs within a reasonable period of time as determined by the unit commander:
  1. Coast Guard boating safety course or proof of completion within five years of date of application.
  2. ICS 200
  3. CPR/First Aid/AED training
  4. Response to Drowning
  5. Marine Law Enforcement Training (police only)

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**PROCEDURES IN HANDLING NON-VIOLENT DEMONSTRATIONS**

Issue date: 5/4/2010

**PURPOSE**

To establish guidelines for officers detailed to non-violent demonstrations.

A non-violent demonstration could be described as a group of citizens congregated for the purpose of expressing their point of view in a lawful and peaceful manner. Labor picket lines, civil rights demonstrations and political rallies are a few examples of this type of demonstration.

**POLICY**

It shall be the policy of the Village of Ossining Police Department that excessive force, which includes the use of "Pain Compliance" techniques, is not to be used against any individuals engaged in non-violent demonstrations. Police Officers detailed to non-violent demonstrations are to maintain a professional demeanor and refrain from personal involvement with such demonstrators, except while maintaining order. No independent action is to be taken against groups unless specifically directed by the supervisor in charge.

However, if physical resistance to arrest is encountered, a sufficient but not excessive, amount of physical force necessary to defend your person and to effect the arrest may be utilized and appropriate Penal Law charges will be filed as a result of such resistance.

Further, officers on the scene of a non-violent demonstration shall enforce all applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent demonstration within our jurisdiction.

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GENERAL ORDER #3.82

PAGE 1 OF 2

**PRESCRIPTION DRUG COLLECTION BOX**

Issue Date: March 3, 2012

**Purpose:** The Village of Ossining Police Department recognizes the importance of providing the community with a safe secure location of unwanted prescription medication. This program provides an environmentally safe alternative to disposing of medications in the landfill or sewer systems which may later negatively effect the environment. The Village of Ossining Police Department encourages the residents of Ossining to remove their unneeded medications from their homes, which reduces access to addictive medications for accidental or intentional misuse by children or adults in the home.

**Background:**

**Policy:** It shall be the policy of the Village of Ossining Police Department to comply with all applicable state and federal laws regarding the collection and disposal of prescription medication.

**Operational Guidelines:**

1. The Village of Ossining Police Department will provide a steel mailbox style disposal vault in which citizens may deposit unwanted medications. The collection box shall be clearly marked for this purpose. The disposal vault shall be locked and securely mounted to prohibit removal of the vault or retrieval of medications from within the vault without a key system. Citizens may place their unused medication/drugs into the disposal vault anonymously. Signage shall be posted to assist citizens in the disposal procedures. The entire prescription bottle should be secured by the cap and placed into the disposal vault.
2. Sharps, other bio-hazard items such as syringes, or liquids are prohibited from being placed into the vault.
3. The Detective Lieutenant or his designee will both be responsible for collection of the deposited medications. Collection of the deposited prescription medication will be conducted on a weekly basis or more often if needed.
4. The collection vault will be keyed with a locking mechanism. The Detective Division Lieutenant or designee will control the key box. A log of the disposal will be kept in accordance with the Law.
5. At a predetermined day and time, or as necessary, the Detective Division Lieutenant or designee will schedule a collection. A regular collection vault schedule shall be developed for consistent disposal practice. A log entry will be created in the CAD system to document the drug collection.
6. All policy and procedures shall be followed for submission of abandoned property, as contents of the vault will be considered abandoned.
7. The Detective Division Lieutenant or designee will document each collection on a Property Receipt (sample attached) titled "Drug Collection/Disposal Program", one blotter report number will be generated for each collection effort. The following will be required:

- The Detective Division Lieutenant or designee will package and seal the deposited drugs, document a general description on the property receipt, and place the packaged drugs into evidence pending destruction.
  - The Property Receipt will include the approximate weight of the drugs and should contain an appropriate description of the items; “Miscellaneous medications to be destroyed as abandoned property” will be appropriate as a description.
8. The Detective Division Lieutenant or designee will supervise the vault collection process. The Property and Evidence Officer will destroy the collected medications per department policy or procedure.

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GENERAL ORDER #3.83

**BODY-WORN CAMERAS**

Page 1 of 4

Date Effective: May 22, 2020

Revised: January 1, 2020

**I. Purpose**

The purpose of this policy is to establish guidelines and regulations governing the utilization of body-worn cameras by personnel in the Ossining Police Department. The objective is to outfit as many officers as possible with equipment designed to reliably record law enforcement interactions with the public, in order to enhance the accuracy of police reports, document enforcement actions, facilitate the collection of evidence, and increase transparency.

**II. Policy**

It is the policy of the Ossining Police Department that, at a minimum, every officer assigned to a patrol sector, and the patrol supervisor, shall be equipped with a body-worn camera during each tour of duty. Additionally assigned officers including, but not limited to, foot patrols, vehicle & traffic enforcement, and bicycle officers should be issued body-worn cameras, if available. Body-worn cameras should be issued primarily to uniformed personnel, but may be utilized by non-uniform personnel if necessary.

Officers shall activate body-worn cameras and begin recording when such use is appropriate to the proper performance of his or her official duties and where such recording is consistent with this policy and the law. Members may only use body-worn cameras issued by the Department. All other recording devices are prohibited unless explicitly authorized by the Chief of Police or his designee. This policy does not govern the use of still photography equipment or surreptitious recording devices used in undercover operations.

**III. Procedure:**

**A. Use**

1. Officers beginning a tour of duty will retrieve their department issued body-worn camera from its docking station, shall wear the camera throughout their tour of duty, and return it to said docking station at the end of their tour of duty.
2. Each officer shall wear only their own department issued body-worn camera, or a spare issued by the Tour Supervisor in the case of malfunction, loss, or damage. Officers shall not wear a body-worn camera issued to any other officer. Issued equipment is the responsibility of the individual officer and will be used with reasonable care to ensure it is properly functioning and adequately charged.
3. Officers shall inspect and test the body-worn camera at the beginning of each tour in order to verify it is properly functioning. Equipment malfunctions shall be brought the tour supervisor's attention as soon as possible so that a replacement may be procured.

4. Officers should have their body-worn cameras turned to BUFFERING mode<sup>1</sup> at all times during their tour so that they are able to begin recording without significant delay.
5. Officers shall activate their body-worn camera, and begin recording, at any time when the recorder would clearly aid in the apprehension and/or prosecution of a suspect. This includes, but is not limited to, traffic stops, pursuits, DWI investigations, suspicious persons, suspicious autos, domestic incidents, arrests, and searches.
6. The body-worn camera must remain active until the event has been concluded.
7. Officers may use discretion not to record when doing so would be unsafe, impossible, impractical, or if doing so would infringe on an individual's privacy rights. Similarly, officers may use discretion if recording would inhibit a victim or witness from giving a statement.
8. If an officer mutes the audio of their camera momentarily to speak privately with other officers outside the presence of the public, they must begin recording audio again before continuing interaction with the public.
9. Officers are encouraged, but not required, to inform the public of the presence and use of a body-worn camera.
10. In any area where there is a reasonable expectation of privacy, such as a residence, members of the public may decline to be recorded unless the recording is being made pursuant to a domestic incident, an arrest, or a search of the residence or the individuals.
11. Any time an officers does not activate his or her camera as required, or turns off the camera prior to conclusion of a call, he or she must notify the tour supervisor and articulate the reason in a police report narrative.
12. Officers shall document in a blotter and, when necessary in a case and arrest report, when recordings were made during an incident. Body-worn camera recordings are not a replacement for written reports.
13. At the conclusion of each tour, officers should return their body-worn cameras to the docking station. Officers working consecutive tours should charge their camera as needed to allow their camera to remain operable.

## **B. Restrictions**

1. All images and sounds recorded by the body-worn camera are the exclusive property of the Department. Tampering with, altering, erasing or editing any data captured by Department issued body-worn camera, as well as accessing, duplicating or releasing such files for non-law enforcement purposes is strictly prohibited.
2. Members may not copy, share, or otherwise distribute in any manner body-worn camera recordings without the prior authorization and approval of the Chief of Police.
3. Civilians shall not be permitted to review the recordings at the scene.

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<sup>1</sup> BUFFERING mode is the default mode of operation specific to the Taser® Axon Flex™ model camera, and is activated a few seconds after turning on the controller. The camera will be capturing video but no audio, and will not record to permanent memory while in BUFFERING mode. Buffered video duration is up to 30 seconds (00:00:30).

4. If a member is accused of wrongdoing or involved in an officer-involved shooting or other serious use of force incident, the Department reserves the right to limit or restrict an officer from viewing the video file.
5. Body-worn cameras shall generally not be used to record communication with other police personnel without the permission of the Chief of Police, encounters with undercover officers or confidential informants, when on break or otherwise engaged in personal activities, and in any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

### **C. Supervision**

1. The Support Services Division Commander shall be the administrator of the body-worn camera program and as such will be responsible for maintenance of hardware and supervision of data retention.
2. Patrol Supervisors must ensure all officers equipped with body-worn camera devices utilize them in accordance with policy and procedure defined herein.
3. At least on a monthly basis, the program administrator will randomly review body-worn camera recordings to ensure that the equipment is operating properly, that officers are using the devices in accordance with policy, and to identify any areas in which additional training or guidance is required.

### **D. Storage**

1. Files created utilizing Department issued body-worn cameras will be securely stored in accordance with New York State records retention laws:
  - a. When recording does not relate to a specific investigation, such as a routine traffic stop – 6 months
  - b. Retain as long as case investigation to which the recording relates is retained
    - i. Homicides, suicides, arson (1st, 2nd, 3rd), active warrants, stolen or missing firearms – Permanent
    - ii. Missing persons – Until found
    - iii. Arson 4th and non-fatal accidents – 10 years
    - iv. Other felonies – 25 years
    - v. Misdemeanors – 5 years
    - vi. Domestic Incidents – 4 years
    - vii. Violations – 1 year
    - viii. Juvenile – 1 year after the subject's 18th birthday
2. Beyond the required minimum retention period, records will not be kept longer than necessary for purposes of training or for use in an investigation or prosecution.
3. All images and sounds recorded by the body-worn cameras are the exclusive property of the Department. Recorded events are automatically uploaded to Department storage by returning the body-worn camera to the docking station.

4. Access to body-worn camera files must be specifically authorized by the Chief of Police, or his Designee. Department members may access their own videos utilizing the Taser® Axon® mobile application or by logging in to Evidence.Com™. Non-supervisory personnel are not permitted to view body-worn camera files created by other officers, except when necessary for the furtherance of an investigation or prosecution.
5. Access is to be periodically audited by the program administrator in order to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

A handwritten signature in black ink, appearing to read "Chief Kevin Syta". The signature is written in a cursive, flowing style with a large initial "C" and "K".

**ADMINISTRATION AND MAINTENANCE OF INTRANASAL NALOXONE**

Date Effective: February 5, 2015

Updated: January 16, 2015

**Purpose**

The purpose of this policy is to establish guidelines and regulations governing the utilization of naloxone by trained personnel within the Ossining Police Department. The objective is to treat and reduce injuries and fatalities due to opioid-involved overdoses when law enforcement is the first to arrive at the scene of a suspected overdose.

**Policy**

Department personnel and civilian employees of the Department may possess and administer naloxone so long as they have been trained consistent with New York State Public Health Law §3309 and the regulations in §80.138 of Title 10 of the New York Codes, Rules and Regulations. New York State Public Health Law §3309 provides protection for non-medical individuals from liability when administering naloxone to reverse an opioid overdose.

**Definitions**

1. Opioid: A medication or drug that is derived from the opium poppy or that mimics the effect of an opiate. Opiate drugs are narcotic sedatives that depress activity of the central nervous system; these will reduce pain, induce sleep, and in overdose, will cause people to stop breathing. First responders often encounter opiates in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone (OxyContin® or Percocet®), hydrocodone (Vicodin®).
2. Naloxone: A prescription medication that can be used to reverse the effects of an opiate overdose. Specifically, it displaces opioids from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks, including Narcan®.
3. Overdose Rescue Kit: At a minimum should include the following:
  - a. Two (2) prefilled luer-lock syringes, without needles, each containing 2mg of naloxone in 2ml of solution, and within their manufacturer assigned expiration dates.
  - b. Two (2) mucosal atomizer (MAD) tips, compatible with standard luer-lock syringes.

**Procedures:**

1. Deployment:

- a. The Chief of Police, or his designee, will identify an individual to be the coordinator for the naloxone administration program. Responsibilities will include:
    - i. Maintaining training records for personnel;
    - ii. Assuring the supply, integrity and expiration dates of the Overdose Rescue Kits, and;
    - iii. Assuring the maintenance of the administration records.
  - b. The Department will ensure the officers carrying or having access to the Overdose Rescue Kits are trained in the use of the naloxone.
  - c. Refresher training should occur at a minimum of biennially and consist of familiarity with the assembly of the Overdose Rescue Kit and the effective administration and maintenance of naloxone.
2. Naloxone Use:
- a. Officers will request an ambulance to respond to any scene where the aided is in a potential overdose state.
  - b. Officers should use universal precautions and protections from blood borne pathogens and communicable diseases when administering naloxone.
  - c. Officers will determine need for treatment with naloxone by evaluating the aided: if the aided is unresponsive with decreased or absent respirations they should administer naloxone following the established training guidelines.
  - d. Once the assessment of the aided is complete; which should include, but may not be limited to, determining need for first aid and/or cardio pulmonary resuscitation as indicated, determining unresponsiveness and other indicators of opioid involved overdose, each officer will administer the medication from the Overdose Rescue Kit following the established training guidelines.
  - e. Officers will use proper tactics when administering naloxone; aided individuals who are revived from an opioid overdose may regain consciousness in an agitated and combative state and may exhibit symptoms associated with withdrawal.
  - f. Officers will remain on scene with the aided until EMS personnel arrive and the call for service has been completed.
  - g. Officers will inform EMS personnel that naloxone has been administered.
  - h. Officers will document actions taken in appropriate police reports including, but not limited to, a departmental blotter report and a naloxone administration/restock form.
3. Maintenance/Replacement of Naloxone:
- a. Overdose Rescue Kits will be carried in a manner consistent with proper storage guidelines for temperature and sunlight exposure.
  - b. Used, lost, damaged, or expired Overdose Rescue Kits will be replaced according to agency policy. Officers shall report used, lost, damaged, or expired kits to the agency coordinator.
  - c. Expired naloxone will be:
    - i. Maintained by the Department for use in training; or
    - ii. Properly disposed of according to agency policy.

4. Documentation:
  - a. Following naloxone administration, the officer shall submit a New York State Public Safety Naloxone Quality Improvement Usage Report to the New York State Department of Health.
  - b. Appendix A contains the New York State Public Safety Naloxone Quality Improvement Usage Report.

A handwritten signature in black ink, appearing to read "Kim Syts", is located in the lower right quadrant of the page.

## New York State Public Safety Naloxone Quality Improvement Usage Report

Print Form

Version: 3/10/2015

## Date of Overdose:

 /  / 

## Arrival Time of Responder:

 :   AM  PM

## Arrival Time of EMS:

 :   AM  PM

Agency Case #:

Gender of the Person Who Overdosed:

 Female Male Unknown

Age:

ZIP Code Where Overdose Occurred:

County Where Overdose Occurred:

**Aided Status Prior to Administering Naloxone:** (Check one in each section.)
**Responsiveness:**  Unresponsive  Responsive but Sedated  Alert and Responsive  Other (specify): 
**Breathing:**  Breathing Fast  Breathing Slow  Breathing Normally  Not Breathing

**Pulse:**  Fast Pulse  Slow Pulse  Normal Pulse  No Pulse  Did not Check Pulse
**Aided Overdosed on What Drugs:** (Check all that apply.)
 Heroin  Benzos/Barbiturates  Cocaine/Crack  Buprenorphine/Suboxone  Pain Pills  Unknown Pills

 Unknown Injection  Alcohol  Methadone  Don't Know  Other (specify): 
**Administration of Naloxone** Number of naloxone vials used:  1 vial  2 vials  3 vials  4 vials  > 4 vials

**How long did 1st dose of naloxone take to work:**  < 1 minute  1-3 minutes  4-5 minutes  >5 minutes  Don't Know  Didn't Work

**Aided's response:**  Combative  Responsive & Angry  Responsive & Alert  Responsive but Sedated  Unresponsive but Breathing  No Response

**If 2nd dose given, was it:**  IN (intranasal)  IM (intramuscular)  IV (intravenous)

**How long after 1st dose was 2nd dose administered:**  < 1 minute  1-3 minutes  4-5 minutes  >5 minutes  Don't Know

**Aided's response:**  Combative  Responsive & Angry  Responsive & Alert  Responsive but Sedated  Unresponsive but Breathing  No Response
**Post-naloxone symptoms:** (Check all that apply.)
 None  Dope Sick (e.g. nauseated, muscle aches, runny nose and/or watery eyes)  Respiratory Distress

 Seizure  Vomiting  Other (specify): 
**What Else was Done by the Responder:** (Check all that apply.)
 Yelled  Shook Them  Sternal Rub  Recovery Position  Bag Valve Mask  Mouth to Mask  Mouth to Mouth

 Defibrillator (if checked, indicate status of shock):  Defibrillator - no shock  Defibrillator - shock administered

 Chest Compressions  Oxygen  Other (specify): 
**Was Naloxone Administered by Anyone Else at the Scene:** (Check all that apply.)
 EMS  Bystander  Other (specify): 
**Disposition:** (Check one.)  Transported by EMS  EMS Transport Refused  Other (specify): 
**Did the Person Live:**  Yes  No  Don't Know
Hospital Destination: Transporting Ambulance: Comments: 
**Administering Responder's Information:**

 Agency:   Police  Fire  EMS Badge #: 

 Last Name:  First Name: 

Please send the completed form to the NYS Department of Health using any one of the three following methods:

E-mail: oper@health.ny.gov

Fax: (518) 402-6813

Mail:

 Shu-Yin John Leung  
 OPER, AIDS Institute, NYSDOH  
 Empire State Plaza CR342  
 Albany, New York 12237

GENERAL ORDER #3.85

Page 1 of 1

**MODIFIED DUTY ASSIGNMENT**

Date Effective: 02/25/2016

Updated: 10/1/2013

**PURPOSE**

To establish procedures for assigning officers to modified duty positions.

**POLICY**

Modified duty assignments, when available, are for officers and other eligible personnel who, because of injury, illness, or when it is deemed by the Chief of Police to be in the best interest of the department, are temporarily unable to perform their regular assignments. Use of modified duty assignments can provide employees with an opportunity to remain productive while convalescing. It also provides a work option for employees who may otherwise risk their health and safety or the safety of others by remaining on duty when physically or mentally unfit for their regular assignment. Therefore, it is the policy of the Ossining Police Department that eligible personnel are given a reasonable opportunity to work in a modified duty assignment when available and consistent with this policy.

**PROCEDURE**

1. Officers may be assigned to modified duty by the Chief of Police or his designee when it is in the best interest of the department for any of, but not limited to, the following reasons:
  - a. Line of duty injury
  - b. Off-duty injury
2. The Patrol Division Commander, at the direction of the Chief of Police, will complete a Modified Duty Assignment Sheet for each officer, each time they are assigned to Modified Duty.
3. The Patrol Division Commander will inform all supervisors of the necessary restrictions for each officer assigned to modified duty.
4. The work hours of personnel assigned to modified duty will be at the discretion of the Chief of Police in accordance with the collective bargaining agreement.
5. Officers who have sustained on-duty injuries may be assigned to a modified duty assignment indefinitely, however the Village reserves the right to file for a New York State disability retirement on behalf of such officers.
6. Modified duty assignments are limited to incumbent police officers.
7. Officers assigned to modified duty as a result of an inability to achieve departmental firearms qualification will be prohibited from carrying a firearm either on or off duty.
8. Officers assigned to modified duty positions may not:
  - a. Operate a department vehicle;
  - b. Engage in off-duty employment which is inconsistent with their limitations for on-duty work.



**USE OF SOCIAL MEDIA**

Date Effective: 08/31/2016

**Purpose**

To establish this department's position on the utility and management of social media and to provide guidance on its management, administration, and oversight. This policy is not meant to address on 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 Department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. The Department endorses the use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. The Department also recognizes the role that these tools play in the personal lives of some department personnel. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department. As public employees, 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 department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department. This policy applies to a wide variety of social media platforms including, but not limited to blogs, web pages, and social networking sites.

**Procedure**

1. All Department social media sites, web pages, and related content shall be approved by the Chief of Police or his designee and shall be administered by the Records Division or as otherwise determined.
2. Where possible, Department-sanctioned social media pages shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website. Those pages should link to the Department's official website.
3. 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. Relevant records retention schedules apply to social media content. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.

4. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Department. Pages shall clearly indicate that posted comments will be monitored and that the department 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.
5. Department personnel representing the Department via social media outlets shall identify themselves as a member of the department, conduct themselves at all times as representatives of the department, and accordingly adhere to all department standards of conduct, observing conventionally accepted protocols and proper decorum.
6. Department personnel shall not make any statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission of the Chief of Police or his designee.
7. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Chief of Police or his designee.
8. When using social media, Department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's rules of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:
  - a. Speech containing obscene or sexually explicit language or images, or acts and 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.
  - b. Speech involving themselves or other departmental personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
9. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings.
10. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.
11. Department personnel should be aware that publishing or posting false information; private facts and personal information about another person; using someone else's name, likeness, or personal attributes without permission; or publishing the creative work of another may cause him or her to be subject to civil litigation.
12. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.
13. Reporting violations – Any employee becoming aware of or having knowledge of a posting or any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

A handwritten signature in black ink, appearing to read "Kim [unclear]", located at the bottom right of the page.

**IMMIGRATION STATUS CONCERNS**

Date Effective: 04/28/2017

**Purpose**

To establish procedures to be followed by members of the Department when encountering persons who actually or are suspected to have entered or remain in the United States unlawfully.

**Policy**

Members of this Department shall not engage in enforcement activities solely for the purpose of enforcing federal immigration law nor detain persons based solely upon suspicion that such persons have entered or remain in the United States unlawfully except as provided for herein.

**Procedure**

1. Except as otherwise provided herein, members of this Department shall not stop, question, interrogate, investigate, or arrest an individual based solely on any of the following:
  - a. Actual or suspected immigration or citizenship status; or
  - b. A civil immigration warrant, administrative warrant, or an immigration detainer (collectively, "Immigration Detainers") in the individual's name, including those identified in the National Crime Information Center (NCIC) database.

Note: Immigration Detainers are not criminal warrants issued by a judge and may not provide sufficient basis to detain an individual or to prolong a detention of an individual detained for other reasons.
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2. Members of this Department shall not inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls and approaches them or other Members of this Department seeking assistance, unless necessary to investigate criminal activity by that individual.
3. Individuals may be detained by the Department in response to an Immigration Detainer, for up to forty-eight hours, when:
  - a. The Immigration Detainer is accompanied by a judicial warrant; or
  - b. There is probable cause to believe the individual has illegally re-entered the country after a previous removal or return as defined by 8 U.S.C. §1326; or
  - c. There is probable cause to believe that the individual has or is engaged in terrorist activity.



**CONTINUITY OF OPERATIONS PLAN (COOP)****Purpose**

To establish a comprehensive and effective Continuity of Operations plan (COOP) to ensure that essential operations may be performed during an emergency situation that may disrupt normal operations. This plan establishes policy, guidelines and procedures to ensure the execution of mission-essential functions and to direct the relocation of personnel and resources to an alternate facility capable of supporting operations during an emergency situation.

**Policy**

The Ossining Police Department provides essential operations that must be performed, or quickly resumed in the event of an emergency. Emergency events can quickly disrupt or even destroy essential operations. While the impact of the emergency events cannot be predicted, planning for operations under such conditions can and will mitigate the impact of that emergency on the Ossining Police Department. This plan addresses such essential functions as maintenance of emergency telephone communication lines necessary for the public to reach the Department for emergency calls for service; continuation of police services and law enforcement; response to the scene of any disaster or unusual occurrence; initiation of the Village's Emergency Operation Plan; and timely notification of Department administration and staff, municipal officials, municipal employees, media outlets, and others.

**Procedure**

1. The Chief of Police, or his designee, will have the authority to activate the COOP. In the event that the normal chain of command is interrupted, a supervisor or officer on duty may activate the COOP and assume command under ICS protocols until relieved. Shifts consisting of 8 to 12 hour increments will be utilized during which a department lieutenant and/or sergeant will be assigned to oversee COOP operations, thus re-establishing chain of command protocols.
2. In the event of a COOP activation, the person authorizing the activation will notify the Village Manager of said activation and the nature of the emergency or disruption.
3. The alternate operations location shall be the John Paul Rodrigues Operations Center.
4. Equipment at that facility will provide the Ossining Police Department the ability to maintain communications and continue to provide necessary police services. Equipment at the above location will include:
  - a. Internet Access
  - b. Landline telephones
  - c. Generator Power
  - d. Fax Machine

- e. Portable Radios
- 5. Vital Records and Data
  - a. Vital records and data which have been identified as critical to supporting essential functions have been identified and will be maintained via remote storage and will be available at the above offsite location.
  - b. Personnel records and other information deemed important may be requested by the Ossining Police and made available to the offsite commander. Financial records are maintained by the Village Treasurer and are secured off site.
  - c. Emergency operating records as well as the Ossining Police Department's internal electronic records management system are backed up daily and will be accessible at the offsite location.
- 6. Recovery to Normal Operations
  - a. As soon as possible (attempt to be made within 24 hours) following a COOP plan activation and/or relocation, the Chief of Police will initiate operations to salvage, restore and recover the primary Ossining Police Department Headquarters. A return to normal agency operations will commence when the Police Chief determines that the emergency situation has ended and is likely to reoccur. Once this determination has been made, one or a combination of the following options may be implemented depending on the situation:
    - i. Continue to perform essential functions at the alternate facility
    - ii. Begin an orderly return to the primacy Ossining Police Department Headquarters
    - iii. Begin to establish plans for normal operations at a different primary facility.
- 7. Training and Review
  - a. Copies of this plan will be made available to all personnel for review and training. The COOP plan will be reviewed on an annual basis during in-service training.



Revised 05/27/2019

## **DEATH OR SERIOUS INJURY OF AN EMPLOYEE**

### **Purpose**

Serious injury or the death of a fellow employee evokes strong emotions from other employees. It is important the Department have procedures established to provide for proper notifications, to organize the events that will follow, and also to provide for the proper emotional care of the family. The following policy contains procedures to follow in the unlikely event of an officer death. Parts of this policy may be utilized in the event of a serious injury to an employee.

### **Policy**

The Department has the responsibility to provide liaison assistance to the immediate survivors of a deceased employee. This responsibility includes providing tangible and intangible emotional support for the surviving family during this traumatic period of readjustment. This policy will also establish the proper chain of command and assignment of personnel to assist in departmental responsibilities.

### **Procedure**

1. For the purpose of this policy and associated procedures, it shall include all deaths, natural or in the line of duty, of any employee of this department. Certain areas of this policy also apply to incidents involving the serious illness or injury of an employee. "Survivors" include immediate family members of the deceased employee; spouse, children, parents, siblings, fiancée', fiancé, and/or significant others.
2. Notification
  - a. This procedure should be followed in cases of a critically injured employee or line of duty death.
  - b. Upon confirmation of death, a death notification should be personally made to the immediate survivors shortly after or coincidental with normal command notifications.
  - c. The Chief of Police will personally make close family notifications. If the Chief of Police is not immediately available to make this designation, the responsibility for designating a notification officer remains with the senior ranking officer on duty.
  - d. Notifications shall be made in an appropriate, dignified manner.
  - e. Where possible, notifications should be made inside the home, rather than on a door step.
  - f. The notification officer should be specific, using words such as "died," rather than "gone away." Do not create a false sense of hope.

GENERAL ORDER #3.89

3. Only the chief or his designee shall discuss the death/serious injury with members of the media
4. If the family of an injured/deceased employee wishes to go to the hospital, arrangements should be made to transport them in Department vehicles, whenever possible
5. All officers should remain aware that external monitoring of the police radio frequency may be extensive. Where possible, information regarding the injury/death of an employee should be relayed via telephone.
6. The Chief of Police shall assign a Department liaison to the family in order to coordinate wake and/or funeral arrangements in accordance with the collective bargaining agreement.
7. The Chief of Police shall assign a Department liaison to the family in order to coordinate assisting the family during any court proceeding stemming from the incident.
8. Should it be warranted/required the Chief shall assign a Department liaison to provide ongoing support/services for seriously injured employees and/or their family members
9. Assistance for other affect employees:
  - a. Employees who were on scene or arrived after an employee was critically injured or killed should be relieved as soon as possible.
  - b. Employees who may have been emotionally affected by the serious injury or death of another employee should be referred to the Employee Assistance Program (EAP) for assistance.

A handwritten signature in black ink, appearing to read "K. J. [unclear]", located in the lower right quadrant of the page.

**COLLECTING, SAFEGUARDING, AND DISBURSING CASH**

Issue Date: 05/29/2019

**Purpose:** To outline the procedure for collecting, safeguarding, and disbursing cash. Only specific individuals are authorized to accept or disburse cash on behalf of the department.

**Policy:**

Petty Cash:

The Chief or his/her assistant will receive cash for the purposes of managing a petty cash fund. The chief's office will record cash appropriations and disbursements to and from this fund, and will maintain financial statements of said cash flow.

Investigative Cash:

The Detective Commander shall receive, maintain, and keep secure a cash fund from which he/she may disburse cash utilized in the course police investigations (e.g. "buy money"). He/she will maintain a record of appropriations and disbursements and shall provide such record for inspection by the Chief upon request.

Cash Bail:

The tour supervisor is designated as having the authority to accept cash bail, as per the guidelines of the New York State Criminal Procedure Law.

If accepting cash a Bail Receipt shall be issued to the person posting bail, the original of which shall be given to the person posting the bail. A photocopy of the receipt will be scanned into and digitally attached to the defendant's computerized case record, and then secured with the bail cash into the locked bail box by the supervisor.

Parking Meter Cash:

Sworn or civilian personnel assigned to do so by the MIS Commander may, and when ordered to do so by the MIS Commander, shall collect cash from local local coin-operated parking meters. This cash will then transported to the Ossining Finance Department.

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**INTERACTION WITH TRANSGENDER AND NON-GENDERCONFORMING INDIVIDUALS**

Date Effective: 06/12/2020

- I. **Purpose:** This policy applies to all employees and establishes guidelines for the appropriate treatment of transgender and non-genderconforming individuals who come into contact with the Ossining Police Department. Officers shall consider a person to be transgender or non-genderconforming if the person identifies themselves as transgender or non-genderconforming, if upon reasonable belief that a person may be transgender or non-genderconforming, the officer asks and receives an affirmative response. Officers will use their own discretion and best judgment whether or not to ask a person of their gender identity.
  
- II. **Policy:** The policy of the Ossining Police Department is to treat all individuals with dignity, respect, and professionalism. Officers shall at all times abide by the Ossining Police Department's policy on respectful treatment, as well as the Village of Ossining's policies and guidelines that prevent gender identity discrimination when interacting with transgender or non-genderconforming individuals.
  
- III. **Definitions:**
  - A. **Adopted Name:** Non-birth name that a transgender or gender-nonconforming individual uses in self-reference (this may or may not be in the individual's legal name).
  - B. **Gender Expression:** External appearance of one's gender identity, usually expressed through behavior, clothing, haircut or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.
  - C. **Gender Identity:** One's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.
  - D. **Sex:** An individual's biological or anatomical identity as male, female, or intersex.
  - E. **Transgender:** An umbrella term for people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth.<sup>1</sup>
  - F. **Transgender Man or Female-to-Male (FTM):** A person who transitions from female to male, meaning a person who was assigned female at birth, but identifies and lives as male or as a man. A female-to-male individual should be addressed using masculine pronouns (i.e. he, him, his), regardless of surgical status.
  - G. **Transgender Woman or Male-to-Female (MTF):** A person who transitions from male to female, meaning a person who was assigned male at birth, but identifies and lives as female or as a woman. A male-to-female individual should be

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<sup>1</sup> Note: Transgender is correctly used as an adjective, not a noun. Thus, "transgender people" is appropriate but "transgenders" is often viewed as disrespectful.

addressed using feminine pronouns (i.e. she, her, hers), regardless of surgical status.

- H. Intersex: People who possess or develop physical sex characteristics that do not fit into conventional medical definitions of male or female. This can include chromosomes, genitals, hormones and more. Intersex people have been referred to in the past as “hermaphrodites.” However, “Intersex” is the preferred term.
- I. Gender non-conforming: A person’s physical appearance, characteristics and/or behaviors that do not conform to those typically associated with the person’s sex assigned at birth or traditional societal gender expression. Some transgender people may not identify as male or female.

#### IV. **Procedure:**

- A. Employees will not discriminate when handling calls for service. Employees will, at all times, comply with the Department’s and the Village of Ossining’s non-discrimination policies.
- B. Employees shall address and refer to transgender or gender-nonconforming individuals by their preferred pronouns.
  - 1. “She,” “her,” and “hers” are appropriate pronouns for an individual who is a transgender woman
  - 2. “He,” “him,” and “his” are appropriate pronouns for an individual who is a transgender man
  - 3. “They,” “them,” and “their” are appropriate pronouns for an individual who is gender non-conforming and/or who prefers gender-neutral pronouns.<sup>2</sup>
  - 4. If employees are uncertain about which pronouns are appropriate, employees will respectfully ask the individual which pronouns are preferred.
- C. Employees shall use the adopted name, even if that name is not legally recognized, in all conversations with the transgender individual, or any other person, when referring to the transgender individual.
- D. When completing official documents, the arresting officer will include a transgender or gender-nonconforming individual’s adopted name as the “also known as” (A.K.A. or alias).
- E. When booking a transgender or gender-nonconforming individual, officers will book the individual under the legal name and enter any adopted name as the “also known as” (A.K.A. or alias).
- F. If no identification is available, and the arresting officer cannot determine a transgender individual’s legal name, officers will use the adopted name for either the primary or the “also known as” (A.K.A. or alias).
- G. Transgender or gender-nonconforming status is never by itself a lawful basis for a stop, search, or arrest.
- H. Officers will not conduct any searches to determine an individual’s sex.

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<sup>2</sup> Note: Some individuals may wish to use the pronouns “they/them.” Throughout this document, “they” is used as both a singular and plural pronoun.

- I. Officers will not subject transgender or gender-nonconforming individuals to more invasive pat-down and/or search procedures than non-transgender individuals.
- J. Two (2) officers will be present for searches of transgender or gender-nonconforming individuals.
  - i. Exception: Under emergency circumstances, one officer may perform a search and document the reason for doing so.
- K. Absent exigent circumstances, before performing any level of search of a transgender or gender-nonconforming individual, officers will inform them of the right to express a preference for the gender of the officer who will conduct the search.
- L. Officers will record the following information in the blotter and, where possible, capture on their body worn camera:
  - 1. The advisement of the right to express a preference for the gender of the officer conducting a search;
  - 2. The individual's response;
  - 3. Whether or not the request was granted;
  - 4. Reason for not granting the request, if applicable;
- M. If the transgender or gender-nonconforming individual has a preference, at least one officer of the gender requested will conduct the search, whenever possible.
- N. Officers must take into account the reasonableness of any delay created by waiting for another officer. If an officer of the preferred gender is not available, officers will proceed with the search according to department policy.
- O. If the transgender or gender-nonconforming individual does not specify a preference, at least one officer of the same gender as the transgender individual's gender expression will conduct the search.
  - i. Example: A male officer would search a transgender man who indicates no preference for the search.
- P. When in doubt regarding any search of a transgender or gender-nonconforming individual, officers will call a supervisor to the scene prior to searching.
- Q. Officers will not seize or remove appearance-related items, such as clothing and undergarments, wigs, prosthetics, or make-up if those items would not be confiscated from non-transgender individuals.
  - i. Exception: Appearance-related items may be seized if the items are evidence or a safety hazard.
- R. Transgender or gender-nonconforming individuals should be transported separate from other prisoners.
- S. Transgender or gender-nonconforming individuals who are being lodged in the Ossining Police Department cell block should be placed in an appropriate cell according to their gender identity.
- T. Transgender or gender-nonconforming individuals who are being lodged in the Ossining Police Department cell block should be housed alone. If there are no individual holding cells available, a supervisor will make arrangements for the transgender or gender-nonconforming defendant to have a cell, be transported, or released.

- U. When officers transfer custody to the next tour, transport a transgender or gender-nonconforming individual to the Westchester County Jail or otherwise transfer custody to another law enforcement agency, the officers will verbally advise the receiving agency/officer that the individual is transgender or gender-nonconforming.
- V. The officer will relay any other relevant identification related information, including how the individual prefers to be addressed.

A handwritten signature in black ink, appearing to read "Chief Kevin Syta". The signature is written in a cursive, flowing style.

**USE OF FORCE REVIEW BOARD**

Effective 7/1/2021

Revised: 01/10/2022

- I. **Purpose** – This policy establishes a process for the Ossining Police Department to thoroughly and consistently review the use of force by its employees.
- II. **Policy** – It is the policy of the Ossining Police Department to objectively evaluate every use of force by its members to ensure that their authority is used lawfully, appropriately, and consistent with training and policy.
- III. **Procedure**
  - A. To fairly review all uses of force by members of the Ossining Police Department, the Department shall form and maintain a Use for Force Review Board. This board will function as both an investigative and administrative tool to objectively review the appropriateness and/or reasonableness of all uses of force.
  - B. The process for reporting uses of force shall be in accordance with General Order 3.00 – Use of Force.
  - C. The Use of Force Review board shall be comprised of the following officers, appointed by the Chief of Police:
    1. The Chief of Police or his designee;
    2. An Internal Affairs Officer;
    3. An officer of the rank of Sergeant or higher;
    4. A certified Department instructor for the type of weapon, device, or technique used, to serve as a non-voting subject matter expert.
  - D. Scope of Review
    1. The Use of Force Review Board will be convened when there is a use of force by a member which requires reporting in accordance with General Order 3.00 – Use of Force.
    2. The Use of Force Review Board will also review all vehicle and foot pursuits, irrespective of whether a use of force is reported under General Order 3.00.
    3. The Chief of Police may convene the Use of Force Review Board in any incident where there is information or belief that a review may be necessary to ensure compliance with Department policy.

#### E. Referral

1. In any instance where an employee of this department observes an incident that would be reviewable by the Use of Force Review Board, they are required to bring this to the attention of the Tour Supervisor as soon as possible but, in any case, no later than the end of the current working tour.
2. The Tour Supervisor is responsible to review all reports.
3. An officer designated as Tour Supervisor who becomes aware of a reviewable incident, whether through direct observation, report from a staff member, or review of reports, shall make referral via department email to their Division Commander before the end of the current working tour.
4. A Division Commander who becomes aware of a reviewable incident, whether through direct observation, report from a staff member, review of reports, or a referral by a Tour Supervisor, shall notify the Internal Affairs Officer of the need for review as soon as possible but no later than the next business day.

#### F. Review Process

1. The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.
2. The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear.
3. Note: Employee interviews must be conducted in accordance with established law, department policy, and the collective bargaining agreement.
4. The board does not have the authority to issue discipline but may make recommendations to the Chief of Police in accordance with Department policy.
5. The board shall convene within 7 calendar days of receipt of a Use of Force Report.
6. Presentation:
  - a. When an incident occurs during patrol operations, that incident shall be presented by the lieutenant responsible to supervise that tour of duty.
  - b. When an incident occurs during the operations of the Detective Division, Support Services Division, or a special detail, the incident shall be presented by the lieutenant assigned to supervise that division or special detail.

**IV. Reporting**

- A. The board shall make one of the following recommended findings:
  - 1. The employee's actions were within department policy and procedure.
  - 2. The employee's actions were in violation of department policy and procedure.
- B. A recommended finding requires a majority vote of the board.
- C. The board may also, based on their investigation and findings, recommend additional training for an individual officer or a group of officers.
- D. The highest ranking member assigned to the board shall present in writing the board's finding to the Chief of Police within seven (7) days of reaching a conclusion.

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**DUTY TO INTERVENE****I. Policy**

It is the policy of the Ossining Police Department that all of its employees are required to report serious acts of misconduct. Further, all members of this Department have a duty to intervene when they are present and observe another member of the department engaged in any serious violation of department policy, procedures, rules or laws. This department strictly prohibits retaliatory conduct against, interference with, or harassment of any employee who reports, assists, or seeks to report breaches of department policy, procedures, rules or laws or engages in activities protected by whistleblower statutes.

**II. Definitions**

- a. Affirmative Duty – The personal responsibility and obligation of an employee to report wrongdoing. This establishes an obligation to act, as opposed to the mere responsibility to provide such information upon request.
- b. False Report – A report that is not made in good faith and is based on information that is known or reasonably likely to be inaccurate; intentionally or negligently ignores exculpatory or mitigating information; or is made with the purpose of harassing or wrongly incriminating another employee.
- c. Good Faith Report – A report that provides allegations concerning an employee who is reasonably believed to have committed a serious violation of departmental policy, procedures, rules, or laws.
- d. Intervene – To verbally or physically interact with another member so as to prevent or alter a result or course of events.

**III. Procedure**

- a. Duty to Intervene:
  - i. All members must recognize and act upon the Duty to Intervene to prevent or stop any member from conducting any act that is unethical or that violates law or policy, including, but not limited to:
    1. Excessive force, including any act that intentionally escalates an encounter absent a lawful, necessary purpose;
    2. Stops, searches, and arrests that are unconstitutional or violate department policy,
    3. Retaliation against an individual participating in activity protected by the 1st Amendment;
    4. Theft/fraud/waste;
    5. Inappropriate language;
    6. Sexual misconduct;
    7. Harassment;

8. Falsifying documents; and
  9. Inappropriate behavior.
- ii. Additionally, members have an affirmative duty to intervene when they see actions that would discredit the department, unsafe behavior and/or bad tactics, corner cutting, and signs of a fellow member's stress and/or mental health issues that are affecting their performance.
  - iii. Interventions may be verbal and/or physical depending on the urgency of the situation and the potential level of Misconduct and/or problematic behavior.
- b. Duty to Report Misconduct:
- i. All employees of this department have an affirmative duty to report acts of misconduct. Failure to report shall result in corrective or disciplinary action.
  - ii. Acts of misconduct shall be immediately reported to the reporting employee's immediate supervisor. If the supervisor is suspected of involvement in the misconduct, the report should be made to the next employee in the chain of command.
  - iii. The position of rank or the lack of rank does not preclude an officer from his/her duty to intervene when appropriate.
  - iv. In situations involving highly egregious offenses or illegality that may have serious or broader implications, a complaint may be made directly to the Chief of Police. Examples of such highly egregious offenses or illegality include, but are not limited to, broad-based dishonesty, criminal conduct, conspiracy among employees, excessive use of force, or failure to act in the performance of duty.
  - v. All employees have an affirmative duty to cooperate fully during the investigation of any allegation of employee misconduct whether conducted by this department or another authorized authority.
- c. Required Action:
- i. Employees must take a preventive approach, whenever possible, if observing behavior that suggests that another member is about to engage in unethical or inappropriate behavior:
  - ii. Examine the circumstances surrounding the incident to determine the appropriate form of intervention; and
  - iii. Intervene verbally or physically, depending on the circumstances.
  - iv. Take an active approach to intervene to stop any unethical behavior or misconduct, when such conduct is being committed by another member.

- v. If verbal interventions are not sufficient to stop the act, come between the offending member and the other individual involved when safe and feasible while preserving officer safety (e.g., maintaining tactical advantage over a suspect).
- vi. If the other member is receptive to the intervention, and the unethical conduct is avoided, members may proceed with their duties. If no misconduct occurs, there is no reporting requirement.
- vii. If the other member is not receptive to the intervention and misconduct occurs, members shall immediately contact a supervisor to respond to the scene, and ensure their body-worn camera (BWC) is activated.

**IV. Retaliatory Conduct**

Retaliatory actions against employees who make good faith complaints or reports of misconduct against another employee pursuant to this policy are forbidden. Such retaliatory acts will form the basis for charges of misconduct, resulting in potential disciplinary action. Any complaint of retaliatory conduct shall be submitted to the reporting employee's supervisor. If the supervisor is the subject of, or is involved in the complaint, an employee shall submit the complaint to the next employee in the chain of command.

**V. Supervisory Responsibilities**

- a. Members of the rank of Sergeant or higher are responsible for ensuring that all employees under their supervision fully understand the importance of adherence to departmental policies, procedures, rules and laws, and that they also understand the commitment to ensuring employee compliance.
- b. All supervisors are mandated reporters. Any supervisor made aware of potential or actual acts of misconduct shall, depending on rank, notify the next level of supervisory authority. The information will be directed to the Chief of Police for review.
- c. Supervisory staff shall, when appropriate and in accordance with Article XVIII of the Ossining Police Department Manual, recommend that department disciplinary charges are initiated against a member of service.
- d. Investigation of allegations of misconduct shall be conducted by an Internal Affairs Officer designated by the Chief of Police.
- e. Supervisors shall provide support to those who are directly affected by retaliatory conduct.

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**BIAS FREE POLICING****I. Policy**

It is the policy of the Ossining Police Department that all decisions and actions by members of this Department shall be fair, impartial, and free of bias and unlawful discrimination. This policy applies equally to all law enforcement activities and the provision of all police services.

Bias-based conduct is strictly prohibited. Members' decision and actions must be based up on conduct, not a person's specific characteristics including but not limited to age, race, color, ethnic background, national origin, gender, gender identity, sexual orientation, disability, religion, economic status or political belief system. Members will be subject to discipline up to and including termination for practicing or condoning bias-based policing. Treating a person differently based upon that person's specific characteristics degrades the public's confidence in the Department and is detrimental to effective law enforcement because it fosters distrust in the community and undermines the Department's ability to enforce the law.

**II. Definitions**

- a. **Bias-based policing**: Discrimination in the performance of law enforcement duties or delivery of police services, based on personal prejudices or partiality of agency personnel toward classes of people based on specific characteristics.
- b. **Fair and Bias-free treatment**: Conduct of agency personnel wherein all people are treated in the same manner under the same or similar circumstances irrespective of specified characteristics.
- c. **Police Services**: Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law, but that contribute to the overall well-being of the public. These include, but are not limited to, such tasks as welfare checks; death notifications; public assistance to persons who may be lost, confused, or affected by mental or physical illness; traffic control; medical emergencies; lifesaving services; crime prevention; public information; and community engagement.
- d. **Specified Characteristics**: For the purposes of this policy, real or perceived personal characteristics, to include but not limited to race, ethnic background, national origin, immigration status, gender, gender identity/expression, sexual orientation, religion, socioeconomic status, age, disability, or political affiliation.

**III. Procedure****a. Fair and Impartial Treatment**

- i. Biased policing is prohibited both in enforcement of the law and the delivery of police services.
- ii. Agency personnel shall take equivalent enforcement actions and provide bias-free services to all people in the same or similar circumstances. This does not mean that all people in the same or similar circumstances must be treated identically. Reasonable concessions and accommodations may be, and sometimes should be made, for example when dealing with people with disabilities, injury, or illness.
- iii. Agency personnel may only consider specified characteristics when credible, timely intelligence relevant to the locality links a person or people with a specified characteristic(s) to a particular unlawful incident, or to particular unlawful incidents or criminal patterns.

An example of when it is appropriate to consider an individual's characteristics is when those characteristics are part of a detailed description provided for purposes of locating a missing or wanted person or a suspect in a crime. In any such situation, the use of characteristics should be commensurate with the amount of detail in the description and officers should use adequate discretion in deciding whether sufficient information has been provided to establish reasonable suspicion or probable cause sufficient to justify stopping or detaining a person.

- iv. Restrictions on the use of specified characteristics do not apply to law enforcement activities designed to strengthen the agency's relationship with its diverse communities.

Examples of when it is appropriate to consider an individual's characteristics for activities designed to strengthen the agency's relationship with its diverse community are outreach events with religious or cultural organizations and age based initiatives such as youth events and senior programming.

- v. The use of racially offensive and derogatory language toward the public or another employee is expressly prohibited.

- vi. In an effort to prevent inaccurate perceptions of bias-based policing, each member shall do the following when interacting with members of the public:
  - 1. Be courteous, respectful, and professional;
  - 2. Provide their name, rank, and agency (if necessary), and state the reason for a stop as soon as practical, unless providing this information will compromise the safety of the officer or the general public;
  - 3. Ensure that any detention of a person is no longer than necessary to take appropriate action for known or suspected offenses and that the subject is made aware of the reason for any delay;

**IV. Reporting**

- a. In accordance with General Order 3.93, all agency personnel have an affirmative duty to intervene at the time a biased policing incident occurs.
- b. Agency personnel who witness or who are aware of instances of biased policing shall report the incident to a supervisor.
- c. Supervisors shall:
  - i. Ensure that all agency personnel in their command are familiar with the content of this policy and shall be alert and respond to indications that biased policing is occurring.
  - ii. Respond to violations of this policy with training, counseling, discipline, or other remedial intervention as appropriate to the incident.
  - iii. Ensure that those who report instances of biased policing are not subject to retaliation.
  - iv. Information on biased-policing complaints and any additional relevant information shall be provided to the Chief of Police for administrative review, problem assessment, and development of appropriate officer-level and/or agency-level corrective actions.

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**OFFICER WELLNESS**

Date Effective: 02/25/2022

Reviewed 04/02/2024

**I. Policy**

The Ossining Police strives to ensure the health and well-being of its police/civilian members, and ensure that every employee is in the best possible physical and mental state to perform their duties. Members are encouraged to seek assistance for issues that may be affecting them in their personal, and professional lives.

Police Department employees deal with a myriad of issues, in many cases being thrust into situations that may be the worst day of someone's life on a daily basis. This can take a toll emotionally that may not always be seen, but can cause more damage than physical wounds. This can be manifested in many ways such as:

- Alcohol or drug problem
- Marital or family problems
- Mental illness
- Interpersonal job-related problems
- Situational problems (death of relative or friend, end of a relationship, etc.)
- Learning problems
- Gambling
- Anxieties/phobias (fears)
- Sexual difficulties
- Depression

**II. Procedure**

- A. Members who feel that they need help in any way can reach out to their Supervisor, or directly to the Peer Support Team(PST) which is made up of Officers who volunteer, are sworn to confidence, and are approved for the PST by the Chief of Police.
- B. Conspicuously posted throughout the building, and on the OPD Forms will be the "Are You Okay" posters, reminding officers to seek help if they need it, with a list of resources for officers/civilians that can help them in a time of crisis.
- C. In the event of a critical incident involving members of the department, the Chief of Police/PST will reach out to all members of the department, and remind them of the resources available. The PST will reach out directly to officers involved in aforesaid critical incident to reassure them that there is help available.



**CENTRAL STATE REGISTRY OF POLICE OFFICERS AND PEACE OFFICERS****I. Policy**

The Ossining Police Department will provide to the Division of Criminal Justice Services as required by Law in connection with the maintenance of the Central State Registry of Police Officers and Peace Officers.

Bias-based conduct is strictly prohibited. Members' decision and actions must be based up on conduct, not a person's specific characteristics including but not limited to age, race, color, ethnic background, national origin, gender, gender identity, sexual orientation, disability, religion, economic status or political belief system. Members will be subject to discipline up to and including termination for practicing or condoning bias-based policing. Treating a person differently based upon that person's specific characteristics degrades the public's confidence in the Department and is detrimental to effective law enforcement because it fosters distrust in the community and undermines the Department's ability to enforce the law.

**II. Procedure**

1. The Chief of Police or designee will be responsible for filing a completed Police Officer Registry Form for every new officer.
2. Section 6056.4 of the DCJS Regulations requires that:
  - a. Employers inform police or peace officer employees that disclosure of an employee's social security number is for identification purposes only and is voluntary on the employee's part
  - b. A post-office box number shall not be accepted as an employee's permanent residence or domicile.
3. The Chief of Police or designee will provide data to the Division of Criminal Justice Services immediately when a police officer ceases to serve and is terminated from service under the following circumstances:
  - a. Leave of Absence
  - b. Resignation
  - c. Removal
  - d. Removal for Cause as defined in 9 CRR-NY 6056.2(g)
  - e. Removal during a probationary period as defined in section 9 CRR -NY 6056.2(h)
4. Such information will be submitted on the form labeled Police Registry Update Form.
5. The Chief or Police or designee will ensure that the NYS DCJS Central State Registry of Police Officers contains current information for each officer.



**REPORTING OF LAW ENFORCEMENT MISCONDUCT****I.****Policy**

Members of this department are subject to the reporting requirements of NYS Executive Law 75, section 5:

(a) Every officer or employee in a covered agency shall report promptly to the law enforcement misconduct investigative office any information concerning corruption, fraud, use of excessive force, criminal activity, conflicts of interest or abuse by another officer or employee relating to his or her office or employment, or by a person having business dealings with a covered agency relating to those dealings. The knowing failure of any officer or employee to so report shall be cause for removal from office or employment or other appropriate penalty. Any officer or employee who acts pursuant to this subdivision by reporting to the law enforcement misconduct investigative office shall not be subject to dismissal, discipline or other adverse personnel action.

(b) Upon receiving at least five complaints from five or more individuals relating to at least five separate incidents involving a certain officer or employee within two years, the head of any covered agency shall refer such complaints to the law enforcement misconduct investigative office for review. The law enforcement misconduct investigative office shall investigate such complaints to determine whether the subject officer or employee has engaged in a pattern or practice of misconduct, use of excessive force, or acts of dishonesty. The referral and investigation pursuant to this subdivision shall be in addition to and shall not supersede any civil, criminal, administrative or other action or proceeding relating to such complaints or the subject officer or employee.

**II. Procedure****A. Referral Requirement**

1. The Chief of Police or designee shall maintain a system for monitoring complaints against employees to determine when an employee will be subject to the Referral Requirement per Executive Section 75.
2. The Chief of Police and the employee involved shall be notified when such referral is made.
3. The Chief of Police or designee shall complete a referral provided by The Law Enforcement Misconduct Investigative Office. Forward the referral to the Law Enforcement Misconduct Investigative Office to LEMIO@ag.ny.gov

B. Employee Reporting Requirement

1. Employees shall report promptly to the Law Enforcement Misconduct Investigative Office any information concerning:
  - a. corruption
  - b. fraud
  - c. use of excessive force
  - d. criminal activity
  - e. conflicts of interest or abuse by another officer or employee relating to his or her office or employment, or by a person having business dealings with a covered agency relating to those dealings
2. Employees may report to the Law Enforcement Misconduct Investigative Office through the Law Enforcement Misconduct Investigative Office online portal: <https://ag.ny.gov/bureau/LEMIO> or may report to a supervisor.
3. The knowing failure of any officer or employee to so report shall be cause for removal from office or employment or other appropriate penalty. Any officer or employee who acts pursuant to this subdivision by reporting to the law enforcement misconduct investigative office shall not be subject to dismissal, discipline, or other adverse personnel action.

C. Reporting Remedial Action

If the Law Enforcement Misconduct Investigative Office issues the Department a report regarding the referred matter and recommends a remedial action be taken, the Chief of Police or designee shall within 90 days advise the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, the minority leader of the assembly and the division of criminal justice services of the remedial action taken.

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**DRONE UNIT**

Date Effective: 07/06/2023

- I. Purpose** - To establish guidelines and define the role, responsibility and operational use of the Department's Small Unmanned Aircraft System (sUAS) by and among the various units of the Department.
- II. Policy** – The Department shall maintain an Unmanned Aircraft system program to operate the Department's Unmanned Aerial Vehicles ("UAV") as permitted under Federal Aviation Administration Part 107 Regulations and other applicable Law in furtherance of Department objectives. Overall coordination of the procurement, maintenance and operation of the UAS shall be the responsibility of the Drone Unit Supervisor or other individual designated by the Drone Unit Supervisor and the UAS shall be operated by an Authorized Remote Pilot in Charge ("RPIC," defined below.)

**III. Procedure****Manufacture / Description**

A UAV, commonly known as a drone, is an aircraft without a human pilot aboard which is a component of the Department's Unmanned Aircraft System which include a UAV, a ground-based controller, and a system of communications between the two.

**IV. Objectives of Use**

The UAS may be considered for use to fulfill any Department purpose, including without limitation:

1. Improving law enforcement officers' situational awareness;
2. Assisting with search and rescue operations;
3. Supporting law enforcement officers' tactical deployments;
4. Provide an aerial visual perspective to assist personnel in providing direction for public safety events, traffic incident management, special circumstances, and temporary perimeter security;
5. Aiding crime scene documentation;
6. Enhancing criminal investigations and accident investigations and reconstruction;  
and
7. Documenting geographic and topographical conditions for planning and operational uses.

**DRONE UNIT****V. Authorization For Use –**

- A. No Employee may deploy a non-Department owned UAV while on duty or otherwise in connection with any department business.
- B. The UAS may be deployed at the direction of the Commanding Officer of any division of the Department or other designated Supervisor of a unit provisioned with a UAV in order to fulfill the functions of such unit and consistent with the provisions of this section of the Department Manual
- C. Additionally any of the following may authorize deployment of the UAS for any purpose consistent with the provisions of this section of the Department Manual:
  - 1. Chief of Police or Chief Executive Officer;
  - 2. Patrol Division Commander;
  - 3. Tactical Team Commanding Officer or his/ her designee;
  - 4. Detective Division Commanding Officer;
- D. Supervisors authorizing the deployment of the UAS shall evaluate whether a search warrant is necessary or desirable based upon the nature of the deployment and if so, direct a Sworn Member to procure a search warrant prior to deployment
- E. Requests for UAS services from outside of the Department shall be direct to the Desk Officer who shall contact the Drone Unit Supervisor possessing the UAS assets appropriate to the desired use.
- F. If the request is for an appropriate use of UAS assets and an Authorized RPIC is on duty and available, the Commanding Officer or other designated supervisor may assign them to respond as requested.
- G. If there is no Authorized RPIC on duty when such a request is made, the Drone Unit Supervisor shall obtain authorization from the Chief of Police or his/her designee before calling in Authorized Operators Pilots to respond
- H. Prior to authoring off duty Authorized RPIC or assignment of UAS assets outside of this jurisdiction, the officer receiving the request shall evaluate the request against the following factors:
  - 1. Availability of the requested resource from another law-enforcement agency;
  - 2. Seriousness of the underlying crime;
  - 3. Time elapsed between the underlying event and the request;
  - 4. Potential for imminent serious harm or loss of life to victim or members of the public;
  - 5. Whether the requested resource can be timely provided.

**DRONE UNIT****V. Authorization for Use (continued) –**

- I. The predetermined assignment of UAS resources outside of the Village of Ossining requires the advance approval of the Chief of Police.
- J. The Drone Unit Supervisor or his/her designee shall inform the requesting person or agency whether UAS services will be provided.

**VI. Instructions, Conditions and Limitations of Usage –**

- A. The UAS shall be operated only by and Authorized RPIC aided by an Authorized visual Observer (defined below).
- B. The UAS shall be operated consistent with the terms permitted under part 107 of the Federal Aviation Regulations.
- C. For each UAS deployment a UAV shall be operated within a defined “Incident Perimeter” which shall be a certain pre-determined volume of airspace consistent with the requirements of the mission and the limitations imposed herein or by Part 107 or any applicable Law.
- D. Authorized RPICs, when planning a UAS deployment shall evaluate the proposed Incident Perimeter for conflicting uses and incursion upon Military Training Routes, Special Use Airspace and/or Class D Airspace.
  - NOTE – Use of the FAA’s mobile application, B4YOU FLY to provide data in support of such airspace evaluation is encouraged.
- E. Unless UAV operations will be entirely indoors, Authorized RPICs shall notify the requesting supervisor, as soon as possible after UAS deployment is planned, of the intended deployment and include the following information:
  - 1. name of the Authorized RPIC who will operate the UAS;
  - 2. location altitude and operating areas;
  - 3. time and nature of the activity;
- F. Authorized RPICs shall also notify the requesting supervisor when deployments are completed or cancelled

**DRONE UNIT****VI. Instructions, Conditions and Limitations of Usage (continued) -**

- G. Upon receipt of notice of an intended deployment, the RPIC shall contact FAA Flight Services to cause the issuance of a “Notice to Airmen” as required by Part 107 and the cancelation of same upon notice of completion or cancelation of a deployment.
- H. When an Incident Perimeter shall include with it any airspace designated by the FAA as Class D airspace (generally, that airspace up to 2500 feet in altitude which surrounds an airport with an operational control tower) the Authorized RPIC shall comply with the notice, communications and additional operations and emergency procedures requirements set forth in the “Air Traffic Control Special Provision” section of Part 107.
- I. Authorized RPICs deploying the UAS shall, prior to launching a UAV:
1. Conduct a preflight briefing with the Incident Commander and any applicable personnel to which they shall review mission, goals, methods and procedures; personnel communication procedures; emergency contingency procedures, including but not limited to, UAV malfunction / failure, flight termination, flight diversion and lost link procedures; contents of Part 107; radio frequency to be used; takeoff and landing site, Incident perimeter and flight perimeter.
  2. Re-evaluate the airspace in the Incident Perimeter for conflicting uses incursion upon Military Training Routes, Special Use Airspace, and/or Class D Airspace;
  3. Inspect and test all UAS equipment to be used to verify the proper functioning of all equipment sufficiency of UAV battery charge and Global Positioning System (GPS) strength, and confirm the airworthiness of the UAV; and
  4. Ensure that weather conditions and visibility are satisfactory and only deploy a UAV when the temperature, wind and precipitation are within the parameters set forth in the manufacturer’s specifications and when weather conditions do not prevent UAV operation within line of sight and minimum visibility/ ceiling requirements.
- J. Authorized RPICs operating UAVs shall:
1. Personally manipulate the flight controls of the UAV while maintaining effective communication all the times with the Authorized Visual Observer
  2. Ensure that the Authorized Visual Observer is able to see the UAV at all times.
  3. Ensure coordination with the Authorized Visual Observer to (1) scan the airspace where the UAV is operating for any potential collision hazard and (2) maintain awareness of the position of the UAV traveling through direct visual observation;

**DRONE UNIT****VI. Instructions, Conditions and Limitations of Usage (continued) -**

4. Not operate a UAV at an altitude of greater than 400 feet nor at a speed of greater than 100 MPH;
  5. Discontinue an operation if visibility is less than 3 miles from the control station;
  6. Yield right of way to any other aircraft;
  7. Except when necessary for safeguarding human life, not operate over any human being directly participating in the operation of the UAV or not located under a covered structure in a vehicle providing reasonable protection from a falling UAV;
  8. Not operate a UAV from a moving vehicle watercraft unless operation is over a sparsely populated area and the Authorized RPIC or Authorized Visual Observer are both in the vehicle or watercraft.
- K. Authorized RPICs shall, promptly upon completion of any UAS deployment (including those terminated on account of a system malfunction), document the UAS deployment on the "UAS Mission Log" as provided by the Drone Unit Supervisor which shall include, without limitation the following:
1. Reason for deployment.
  2. Date, time duration, location, (latitude and longitude), altitude and police jurisdiction of the flight;
  3. Name of Supervisor approving flight;
  4. Names of Authorized RPICs and Authorized Visual Observers assigned to the deployment.
  5. Summary of actions taken activities, and outcomes of the deployment;
  6. Brief description of captures images and storage location.
  7. Brief description of any equipment malfunctions, lost link events, and/or deviations from air traffic control instructions of COA requirements; and
  8. Brief description of any damage incurred during deployment.
- L. The Drone Unit Supervisor shall maintain the UAS Mission Log and add data regarding the issuance and cancelation of Notices to Airmen in connection with each UAS deployment.
- M. The Drone Unit Supervisor shall be responsible for all reporting requirements set forth in the COA and shall provide Authorized RPICs a mechanism by which to convey all data necessary for such reporting to the UAS coordinator.

**DRONE UNIT****VI. Instructions, Conditions and Limitations of Usage (continued) -**

- N. Night time operation (conducted during the time between the end of the civil twilight and the beginning of morning civil twilight, as published in the Air Almanac, converted to local time of the UAS) is permitted only when:
1. The Authorized RPIC and Authorized Visual Observer have each received the night time operation set forth in the Part 107; and
  2. The UAV is equipped with the lighting required for night time operation by the COA.
- O. Authorized RPICs shall promptly notify the Drone Unit Supervisor, in writing of any equipment malfunctions or other deficiencies notes in the UAS.
- P. Authorized RPICs shall only deploy and operate one UAV at a time, within the Incident Perimeter unless adequate de-confliction measures are briefed and in place (including, without limitation separating operating/link frequencies, airspace/area separation and/or altitude separation).
- Q. The Drone Unit Supervisor shall ensure that all such equipment is properly cared for and stored securely.

**VII. Qualification and Training of Operators –**

- A. Authorized RPICs are such Employees who:
- Possess current certification, pursuant to Part 107 of the Federal Aviation Regulations, as a remote pilot with a small UAS rating;
  - Have completed manufacturer specific hardware training if applicable; and
  - Have been approved by the Drone Unit Supervisor.
- B. Authorized Visual Observers are such Employees who have been properly briefed by the Authorized RPIC and who is able to fulfill the responsibilities of an Authorized Visual Observer described herein.
- NOTE: A second Authorized RPIC may function as an Authorized Visual Observer in any deployment of the UAS.

**DRONE UNIT****VII. Qualification and Training of Operators (continued) –**

No Authorized RPIC may operate a UAV (other than for training purposes) unless he or she shall have operated the same model UAV in the same day/night profile within ninety days prior to such operation and such prior operations is documented in the UAS Mission Log.

C. If more than ninety days have elapsed since the last such documented operation, the Authorized RPIC shall conduct three training operations, which shall be documented in the UAS Mission Log, prior to conducting any non-training operation of the UAS.

- NOTE: the purpose of the three training operations is to ensure that the RPIC is well familiar the UAS equipment prior to conducting non-training operations. These training operations may be conducted in a single session and may be self-directed by the Authorized RPIC.

D. The Drone Unit Supervisor shall ensure that Authorized RPICs receive periodic in-service training as may be necessary to satisfy the requirements to maintain their Part 107 remote pilot with a small UAS rating certification; identify policy, procedure, and operational changes and updates; and identify “lessons learned” between operational entities.

E. Authorized RPIC training shall be documented in the RPIC Training Log and shall be maintained by the Drone Unit Supervisor.

**VIII. Equipment / Features –**

A. No UAV shall be made part of the UAS which shall weigh 55 pounds or more.

B. UAVs which may be operated at night shall be equipped with anti-collision lighting visible from a distance of 3 miles and otherwise complies with the provisions of the COA relating to nighttime operations.

C. All UAVs shall bear a registration number and such other markings as may be required by Law.

**DRONE UNIT****IX. Maintenance –**

- A. The Drone Unit Supervisor shall ensure that all UAS equipment complies the requirements of Part 107 and any applicable Law.
- B. The Drone Unit Supervisor shall be responsible for ensuring the care and maintenance of the UAS equipment and shall designate one or more members of the Drone Unit to be responsible for periodic maintenance and scheduled preventative maintenance of UAS equipment.
- C. Employees performing inspections and maintenance of any component of the UAS shall record same in such forms as the Drone Unit Supervisor may require for filing with the Division Commander.
- D. Mechanical or other problems relating to the UAS shall be reported to the Drone Unit Supervisor who shall arrange for appropriate remedial action.

**X. Authorized Operators -**

A list of Authorized RPICs shall be maintained by the Drone Unit Supervisor.

**XI. Recorded Data Maintenance and Privacy Concerns –**

- A. The UAS may not be used to collect information except as may be consistent with a use authorized herein.
- B. Digital Multimedia Evidence (“DME”) captured or recorded by the UAS shall be the sole property of the Ossining Police Department. The dissemination of DME shall be governed by the Ossining Police Department Detectives pertaining to the dissemination of the Ossining Police Department records and information, including the rules of conduct.
- C. All digital Media Collected (“DME”) will be maintained by the Ossining Police Department. Ossining Police Department will ensure that all data-sharing agreements or policies, data use policies and record management policies applicable to UAS conform to all applicable laws, regulations and policies.
- D. DME captured or recorded by the UAS shall be stored as provide for in this Department Manual or other Directive.

**DRONE UNIT****XI. Recorded Data Maintenance and Privacy Concerns (continued) –**

- E. DME captured or recorded by the UAS that may contain Personally Identifiable Information (information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual) shall not be retained for more than 180 days unless retention of the information is determined to be necessary to an authorized Department purpose or is required to be retained for a longer period by any other applicable law or regulation.
- F. DME will not be collected, disseminated or retained solely for the purpose of monitoring activities protected by the US Constitution such as the First Amendment's protection of religion, free speech, press, assembly and the redress of grievances (e.g. protests, demonstrations).
- G. Collection, use, dissemination or retention of DME should not be based solely on individual characteristics (e.g., race, ethnicity, national origin, sexual orientation, gender identity, religion, age or gender), which is a violation of the law.
- H. Prior to deployment of a new UAS technology and at least every 3 years, the Drone Unit Supervisor shall examine the Department's existing UAS policies and procedures relating to the collection, use and retention and dissemination of information obtained by UAS, to ensure that privacy, civil rights, and civil liberties are protected and if not to report the same to the Chief of Police through the proper Chain of Command.
- I. To promote transparency about UAS activities, the Drone Unit Supervisor shall while not revealing information that could reasonably be expected to compromise law enforcement or national security:
  - 1. Provide notice to the public whenever practical regarding where the Department's UAS is authorized to operate in the National Airspace System;
  - 2. Keep the public informed about the Department's UAS program as well as changes that would significantly affect privacy, civil rights or civil liberties, and make available to the public, on an annual basis, a general summary of the Department's UAS operations during the previous fiscal year, to include a brief description of types or categories of missions flown and the number of times the department provided assistance to other government entities.

**DRONE UNIT**

**XI. Recorded Data Maintenance and Privacy Concerns (continued) –**

3. Any citizen complaint related to the use of the UAS system shall be handled in accordance with section 2.05 of this manual (Personnel Complaints) of this Department Manuel.

**XII. Annual Review -**

- A. Annually the Drone Unit Supervisor shall ensure that oversight procedures for agency UAS use, including audits or assessments, comply with existing agency, local and federal policies or regulations. Such policies and procedures shall provide meaningful oversight of individuals who have access to sensitive information including any Personal Information collected using UAS.
- B. In the event that any new UAS related services are adopted by this agency, the Drone Unit Supervisor shall establish policies and procedures or confirm that existing policies and procedures are in place to ensure the services comply with agency local and federal policies and regulations.

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**TATTOOS, BODY ART, AND BRANDS**

Effective: 06/22/2023

- I. Purpose: To define those forms of body art prohibited for members of the Ossining Police Department
  
- II. Prohibited Forms of Body Art
  - A. Members of the Ossining Police Department shall be restricted as follows:
    - 1. Tattoos, brands, body piercings, and other body art shall not be visible while a member is in long-sleeve uniform or other business attire, with the exception of a single band tattoo, no more than 3/8 inch in width, on one finger.
    - 2. Tattoos on any portion of the head, neck, or facial area are prohibited and cannot be concealed using cosmetics or any other product.
    - 3. Tattoos, brands, and/or body art that are unprofessional or offensive are prohibited. Examples shall include, but are not limited to:
      - a. Depictions of violence or criminal activity
      - b. Sexually explicit/vulgar art, words, or profane language
      - c. Symbols likely to incite a strong negative reaction in any group, i.e., swastikas, etc.
      - d. Initials, symbolism, or acronyms that represent criminal or historically oppressive organizations or activities, i.e., AB, KKK, SS, street gang names, numbers, and/or symbols.
  
  - B. Ultra-Violet (UV) Tattoos - Any tattoo visible or apparent only with the use of ultra-violet light must still adhere to the requirements set out above.
  
  - C. Brands - Brands and other body art are subject to the same requirements, limitations, and prohibitions applicable to tattoos.
  
  - D. Body Piercing(s) and/or Body Art - Body piercing(s), body modifications, and/or body art shall not be visible while a member is in long-sleeve uniform or other business attire.

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**SAFEGUARDING CHILDREN OF ARRESTED PARENTS OR GUARDIANS**

Effective: 04/23/2024

I. Purpose: To outline the procedure for safeguarding children left unattended or unsupervised as a result of arrest, with the goal of minimizing negative impacts on said children.

II. Placement of Children

A. Children of arrestees who will be unattended or unsupervised as a result of their parent/guardian arrest should be turned over to the custody of:

1. A responsible family member, friend, or neighbor as recommended by the arrestee.
2. A responsible family member, friend, or neighbor as recommended by another of the child's legal guardians or parent with parental rights.
3. Child Protective Services (CPS), should no other responsible adult be available to whom a legal parent or guardian consents to take custody of the child(ren).

B. If the child is not present at the time of arrest, officers must locate the child in question, and make custody arrangements per section A.

III. Considerations at Time of Arrest

A. The following should be considered when making an arrest which will leave a child unattended or unsupervised:

1. If doing so can be accomplished without any loss of tactical advantage or safety, and provided arrestees are calm and compliant, officers should attempt to make arrests of parents/guardians outside the view of their children.
2. Officers should always interact with children in an age-appropriate manner.
3. Child Protective Services (CPS), should no other responsible adult be available to whom a legal parent or guardian consents to take custody of the child(ren).

IV. Considerations Following Arrest

A. The following should be considered following an arrest which will leave a child unattended or unsupervised:

1. If warranted by the facts of the case, officers should make appropriate notifications regarding the arrest to Child Protective Services (CPS)
2. Officers should consider having the Mobile Crisis Responses Team on scene during and following arrest.
3. All developments regarding child custody must be thoroughly documented in the associated blotter/case records.

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